U. S. Congress.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, FIRST SESSION.

VOLUME XXVIII.

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VOLUME XXVIII, PART III.

CONGRESSIONAL RECORD;

FIFTY-FOURTH CONGRESS, FIRST SESSION.

selves, I appeal to gentlemen—not from any partisan point of view, but as representatives of the whole people of the country—people whose business is to-day demoralized or almost destroyed, who are meeting demands upon them with the greatest difficulty—I appeal to gentlemen not to take any action here which will set this House in the direction of increasing the salaries of officials, the salary in the present case being provided for in the bill at the amount which has been received for at least two years, and in the case of salaries soon to be reached for at least ten or fifteen years. Let us stand for the present, so far as salaries are concerned, where we have stood during at least the past few years. [Applause.]

Mr. CRISP. Mr. Chairman, I am very much surprised to hear the appeal of the gentleman from Maine [Mr. DINGLEY]. It is the first time in my experience with him here during all these years that I have heard him appeal to the House to appropriate a less sum for the salary of a public officer than the law provides for.

Mr. DINGLEY. I will show the gentleman two hundred cases where we have been reporting during the last few years lower salaries than the amounts fixed by law.

Mr. CRISP. It would be entirely as just to appropriate $4,000 to pay the salary of the gentleman from Maine, and to say in the bill that he should accept this sum in full compensation for his services as a member of the House.

The law with reference to the officers now under consideration provides—

> There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this title. Each inspector shall hold his office for four years, unless sooner removed by the President. Each inspector shall receive an annual salary of $3,000 and his necessary traveling expenses.

Mr. DINGLEY. May I ask my friend when that law was passed?

Mr. CRISP. In 1873 and 1875. These inspectors were nominated by the President and confirmed by the Senate. They took the oath of office and entered upon their duties for a term of four years at a salary of $3,000. And now, because for two years a less sum has been appropriated than the amount fixed by law, we are told that we must continue to practice wrong. Why, Mr. Chairman, but for the provision which is put in this bill that an officer must take what is appropriated in full compensation as salary for his services, every one of these officers might refuse to accept the sum appropriated, might go before the Court of Claims and recover judgment for the full legal amount of his salary. But the House seeks to foreclose the officer from doing that by taking advantage of his necessities and saying to him, "You must accept this sum in full compensation, although the law says that you are entitled to a greater sum." I say, sir, that it is an unfair way to treat a public officer.

Mr. DINGLEY. You did not think so in the last Congress.

Mr. CRISP. I did think so. My attention was not called to it. Besides that, you have no evidence that the salary is too high. On the contrary, the chairman of the committee in charge of this very matter—the Committee on Indian Affairs—says it is not. You are left not to the judgment of the Committee on Indian Affairs, but, according to the suggestion of the gentleman from Maine, to the judgment of the Committee on Appropriations, who have no more to do with this bill than any of the other members of the House. The bill is reported by the Indian Committee. It is their duty to look into all of these matters, to make their report to the House after an investigation, and they report that $3,000 is reasonable compensation—the compensation fixed by the statute—and it seems to me that the House will be safe if it follows the judgment of the committee in charge of this particular thing which we are considering; and their judgment gives to these gentlemen performing this duty exactly what the law states they shall receive for their services.

Mr. HEMENWAY. Mr. Chairman, I must confess my surprise at the attitude of the gentleman from Georgia who has just taken his seat. I heard him state the other day, when we were considering the bill making appropriations for the District of Columbia, that he did not believe one-half of the new members of this House knew or understood the question or the amendments that we were voting on when we voted on that bill. I now find him confessing that for ten years past he has been voting for appropriation bills in which the salaries of different officers of the Government had been decreased below the statutory amount, and that this is the very first time that he has ever discovered that fact or had his attention called to it.

Mr. CRISP. I said that my attention was called to it in this particular case, and that I would not vote or vindicate a vote to reduce a salary fixed by law when the service had been rendered.

Mr. HEMENWAY. I am surprised at the attitude of the gentleman from Illinois on this question. I am not surprised at some gentlemen on that side of the House (the Democratic side) who insist that these salaries should be raised, but I am surprised at the attitude of the gentleman from Illinois [Mr. HOPKINS]. To say that we should come here and make a record, and go to the country on it, of increasing nearly two hundred salaries of officials of the different Departments of the Government who have been content with the salaries which they have been receiving under the appropriation bills for twenty years, would be to put us on rather a bad footing before the country, and would not be, in my judgment, a good record for this Congress. I know the gentlemen who have been filling these positions for the last year or two as Indian inspectors have not resigned, although the salary was reduced to $2,500 a year, instead of $3,000, which the statute originally fixed, and that they have accepted the reduction with good grace and performed the duties without complaint.

This bill, by the amendment at the beginning of it, introduced by the gentleman from Missouri [Mr. DOCKERY], provides that the amounts herein provided shall be in full of all salaries for the service rendered, and afterwards, if by this pending amendment we reduced the salary fixed in the bill from $3,000 to $2,500, it makes full compensation for the service, and there is no room for going into court.

As to the law on this subject, it has been repeatedly decided that that is all they can receive under a bill which contains that provision.

Mr. KEM. You have said that these inspectors did not resign?

Mr. HEMENWAY. Yes.

Mr. KEM. If your salary were reduced to $4,000 do you think you would resign?

Mr. HEMENWAY. I certainly would not. [Laughter.]

Mr. KEM. That is what I think.

Mr. HEMENWAY. Now, I do not think the gentleman would resign if his were reduced to $2,500. [Laughter.] But I am simply saying to this side of the House—and they say this is no partisan question, but I do not desire to make a statement that is not exactly true, and I will admit that it is not wholly unpartisan in its character—that I do not want this side of the House to go to the country with a record of raising 200 salaries under the present condition of public affairs; for if the salary in this case is raised, when the legislative bill comes before the House for consideration it will become a precedent to raise all of the salaries there to the amount fixed by statute as far back as twenty-five years ago.

Mr. OWENS. Will the gentleman permit a question?

Mr. HEMENWAY. Yes, sir.

Mr. OWENS. I will ask the gentleman if it is not true that if one of these inspectors had refused to receive the compensation of $2,500 fixed in the last appropriation bill he could have gone into the Court of Claims and recovered the salary fixed by the statute?

Mr. HEMENWAY. I think not. Under the provisions of this bill, by the amendment adopted at the beginning, it provides that this shall be in full of all compensation.

Mr. OWENS. But suppose that he did not accept any part of the compensation, and stood on his rights under the statute, could he not recover in the Court of Claims?

Mr. HEMENWAY. That is a question I understand the courts have not been called upon to determine.

Mr. OWENS. My understanding is that they have, and that an officer who declines to receive any part of the appropriation could sue for the whole of the statutory salary.

Mr. HEMENWAY. I do not know of any such case. Do you know of any officer, let me ask in return, whose salary has been reduced for nearly twenty years who ever refused to take the salary and went into court on the assumption that the gentleman makes?

Mr. OWENS. My acquaintance with officeholders is so limited that I could not answer that.

Mr. HEMENWAY. Possibly some other gentleman can tell us. I do not believe there is one who ever refused to accept the salary fixed in an appropriation bill.

Mr. HOPKINS. Mr. Chairman, I am a little surprised at the partisan speech made by my colleague from Maine [Mr. DINGLEY]. I think the line of argument he indulged in is unworthy of his head and his heart.

This question that is now before this committee does not involve 200 officeholders or any such number. The Committee on Indian Affairs has brought in a bill allowing five inspectors of Indian affairs salaries of $3,000 each as provided by law. The motion made by the gentleman from Missouri [Mr. DOCKERY] is to reduce those salaries $500 apiece. Now, I want to ask my Republican colleagues what argument has been advanced by the gentleman from Maine why the motion of the gentleman from Missouri should prevail? Has he shown that these men do not earn the $3,000 provided by law? Has he shown that the men who are filling these offices are not competent to discharge their duties? Not at all.

We have the word of the chairman of the Committee on Indian Affairs that the Commissioner of Indian Affairs has said that the salaries should be restored in the appropriation bill to the amount provided by law. What is the argument that is presented here by these gentlemen who seek to have this motion prevail? Not

that there is any merit in it, but they hold up the bugbear that in a bill that is soon to come before this House there are nearly 200 officeholders whose salaries were reduced some twenty years ago. I want to appeal to the members of this House if that is an argument that should be addressed to honest, intelligent men, who propose to discharge their duty and to do justice to Government employees. I desire, Mr. Chairman, to say a word further in answer to the gentleman from Maine. He knows as well as I know that there is no comparison between the question now before this committee and the one that will come before it when the other appropriation bill is considered.

Away back in the Forty-fourth Congress, twenty years ago, by a consensus of opinion, not only of the members of the House and the Senate, but the men who were holding the offices, the salaries of these various places were reduced. Men have come and gone since then, and the men who hold these offices that are appropriated for in the bill that is suggested by the gentleman from Maine knew when they accepted the offices that the salaries had been reduced more than twenty years ago, and they accepted those offices with the full knowledge that they were only to get the amount that was appropriated for in the bill that had preceded their appointment.

That is not the condition that exists here. When these Indian inspectors were appointed by the President of the United States they were advised that under the law they were to receive a salary of $3,000 apiece; and I say, as I said before, that while this House has the brute force to reduce that salary, there is no more right, there is no more justice in it, than there is for the chairman of the Committee on Appropriations to attempt to reduce the salaries of the members of this House.

A MEMBER. Or of the President.

Mr. HOPKINS. Now, as I said, if any of the men who opposed this committee had advanced any reason for this there might be some excuse for agreeing with them, but they do not do it, and I trust that the Republican members of this House will rise above partisan considerations and do justice to these men, and pay them the amount of salary fixed by the law and the amount that the Committee on Indian Affairs propose to give them. [Applause.]

Mr. LACEY. Mr. Chairman——

Mr. MCCALL of Tennessee. I wish to ask the gentleman from Illinois a question.

The CHAIRMAN. The gentleman from Illinois yielded the floor, and the gentleman from Iowa [Mr. LACEY] is recognized.

Mr. LACEY. I wish to call the attention of the committee to the original law that has been discussed here. It is in 17 Statutes at Large, chapter 138, and it reads as follows:

An act making appropriations for current and contingent expenses—

And so forth. It is the Indian appropriation bill for that year, and in that bill it provides that there shall be inspectors, and it fixes the salary. It is nothing but an appropriation act.

Mr. SAYERS. It originated in an appropriation act?

Mr. LACEY. Yes.

Mr. SAYERS. Now, will the gentleman be kind enough to read the exact provision?

Mr. LACEY. That was in 1873, and when they came to compile the statutes they simply took the appropriation bill and put it into the statutes, and this sacred thing that we are told we dare not look at now because it is existing law is after all nothing but an old appropriation bill passed by a preceding Congress. So, Mr. Chairman, in 1875 the appropriation bill came up again, and the number of these inspectors was reduced to three, with the salary left the same.

Mr. GROSVENOR. What was the salary?

Mr. LACEY. Three thousand dollars, but it is in an appropriation bill. That is all there is to it. We have the same power here that that Congress had to provide appropriations and also to provide the number of officers to fill those places.

Mr. MCCALL of Tennessee. What was paid the predecessors of these men who now hold these positions?

Mr. LACEY. Three thousand dollars, up to two years ago.

Mr. MCCALL of Tennessee. What was paid to the predecessors of the present officers?

Mr. LACEY. Three thousand dollars. But we must recollect that railroads have gone into that country; that the Indians, instead of being in the far West, are among civilized people. They are where the expenses have been reduced and where the dangers of performing the duties of an Indian inspector have been very greatly diminished. The situation is different, and Congress has simply trimmed down the salary to adapt it to the existing condition of things, and we are only doing in this appropriation precisely what was done in 1873, when the inspectors themselves were first provided for.

Mr. SHERMAN. Mr. Chairman, I shall occupy the committee just a moment and then I shall ask for a vote. The gentleman from Iowa [Mr. LACEY], in referring to the appropriation bill, overlooks the fact that while this provision was originally enacted in an appropriation bill it created an office of inspector which did not before exist.

Mr. LACEY. It afterwards reduced the number to three, and now it is proposed to increase them to five.

Mr. SHERMAN. That does not make any difference. The office was created by a law, and after the act is passed creating the office it then becomes the statute law of the land. Now, Mr. Chairman, while I have very great respect for and confidence in my valued friend from Missouri [Mr. DOCKERY], whom I do not see before me now, the mover of the resolution, and great respect for and admiration of the distinguished gentleman from Maine [Mr. DINGLEY], I likewise have respect for and confidence in the members of the Committee on Indian Affairs of this Congress. And I desire to say, Mr. Chairman, that the committee, in all their action all the way through this and other bills, has not been guided in any instance by partisanship in the slightest degree. They have not asked in the consideration of any question whether it affected a Democrat or a Republican. They simply have looked to the question of what was for the public good, and what they believed was for the good of the Government they have done. [Loud applause.] And even my valued friend from Oklahoma, who has suddenly disappeared——

Mr. FLYNN. I am here.

Mr. SHERMAN (continuing). Voted with the rest of the committee for this appropriation. It was a unanimous report from the Committee on Indian Affairs that the salaries of these inspectors should be restored to $3,000, where the original statute said they should be.

Now, my valued friend from Maine has appealed to the gentlemen of this House to vote for this amendment. Mr. Chairman, I shall appeal to the gentlemen of the House to sustain the Committee on Indian Affairs, who have investigated this matter thoroughly [applause], to stand by the report of the Commissioner of Indian Affairs, who understands what these gentlemen do; who knows the duties they perform; who knows the dangers they have to encounter and the hardships they have to endure in the discharge of the duties of their office. My valued friend from Maine says if there was nothing more than the question of $500 it would not be of so much importance.

Why, sir, there is more than a question of the $500 paid to these inspectors. There is the question of whether we shall do what is right; and to this time this House, Mr. Chairman, in this Congress has not failed to do what it believed was right. This Congress, in the discharge of what is supposed to be its duty, and in compliance with the suggestion made by a President with whom we do not agree politically, stayed here during the entire Christmas holidays, depriving ourselves of the pleasure of being at home with our families at that the greatest of all holidays, for the purpose of doing what we thought was for the best interest of the country. And so we have acted all through this Congress, Mr. Chairman.

Now, I ask this House not to attempt to right one wrong with two wrongs; not to attempt to right one wrong with four hundred wrongs; but where they find the law fixing the salaries of officers who discharge their duties in a satisfactory manner to the Government, as has been the case in this instance, to vote down such an amendment, to stand by the committee that has investigated the affair, and to stand by the Commissioner who recommends this appropriation to the committee. I ask for a vote, Mr. Chairman. [Loud applause, and cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by several members) there were—ayes 59, noes 87.

Mr. CANNON. Tellers, Mr. Chairman. [Cries of "Too late!"] If I can get enough to stand up we will have tellers to count.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 56, noes 93.

So the amendment was rejected.

Mr. SHERMAN. Mr. Chairman——

Mr. CANNON. Mr. Chairman, I desire to offer an amendment to this paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment.

Mr. SHERMAN. I move that the committee rise.

Mr. CANNON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. If the committee should rise without any further amendment being offered to this section or this paragraph, when the committee sits again an amendment would be in order I take it?

The CHAIRMAN. Certainly. There is an amendment now pending to strike out the section, offered by the gentleman from

Oklahoma. The gentleman from New York moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 6249, and had come to no resolution thereon.

JAIL AT ATLANTA, GA.

Mr. LIVINGSTON. Mr. Speaker, I desire to ask unanimous consent that the resolution which I send to the Clerk's desk be passed; and I also ask that the letter accompanying it be read.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a resolution, which will be reported to the House.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives in Congress assembled, That the Attorney-General is hereby authorized to rent a suitable building to be used as a United States jail at Atlanta, Ga., for the confinement of prisoners awaiting trial and those sentenced to confinement in a jail.

Mr. LIVINGSTON. Mr. Speaker, I ask to have the letter of the Attorney-General relating to this subject read.

The letter was read, as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 19, 1896.

SIR: I have looked into the matter of accommodations for United States prisoners in the northern district of Georgia, about which I talked with you and Judge CRISP this morning, and write to say that in my judgment a suitable building in Atlanta should be rented to be used in confining Federal prisoners awaiting trial and under jail sentence in that district. Owing to the crowded and unsuitable condition of the jail now used in Atlanta and the fact that it is extremely inconvenient and expensive to use jails at other points, even if the use of proper ones could be secured, the action I suggest seems to be imperatively required. The judge and the marshal both recommend such action. I call your attention to it in order that the necessary authority may be obtained from Congress.

Respectfully,

JUDSON HARMON,
Attorney-General.

Hon. L. F. LIVINGSTON,
House of Representatives.

Mr. DINGLEY. Mr. Speaker, has this matter been reported by a committee?

Mr. LIVINGSTON. I desire to say, Mr. Speaker——

Mr. DINGLEY. I think it ought to be referred, unless it has been already considered by a committee.

Mr. LIVINGSTON. I do not think the gentleman will insist on that when he hears the reasons. The city of Atlanta has outgrown the jail. [Laughter.]

Mr. LOUDENSLAGER. That is not surprising.

Mr. LIVINGSTON. The accommodations of the jail are not sufficient to take care of the prisoners. There are 100 to 175 prisoners there, and they have been huddled together in a little wooden annex, until recently four of them have died of measles and pneumonia, which has created quite a commotion. It is not possible to put these prisoners in the small county jails in the neighboring country, because those jails are not built securely and they have no appliances for heating or ventilation. It will be seen, therefore, that prompt action on this resolution is very desirable. It carries no appropriation, and it will not involve any appropriation in the future.

Mr. DINGLEY. But it will involve some expense.

Mr. LIVINGSTON. No, sir.

Mr. DINGLEY. Why not?

Mr. LIVINGSTON. There is an amount——

Mr. PEARSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PEARSON. How did this matter come up? Has unanimous consent been given?

The SPEAKER. Unanimous consent has not yet been given.

Mr. PEARSON. Is an objection in order?

The SPEAKER. Objection is in order.

Mr. LIVINGSTON. I hope the gentleman will let me make my statement.

Mr. PEARSON. Certainly; but I desire to say that I shall object to the consideration of this resolution without its being referred to a committee.

Mr. LIVINGSTON. If you send the resolution to a committee it will come back here and take its place on the Calendar, and before it can be considered these prisoners, many of them, will probably be dead of measles or pneumonia, or they will have to be shipped in the meantime to other localities at great expense, for the expense of transporting each prisoner is 10 cents a mile. There is an appropriation now for caring for prisoners, and out of that fund we are paying $22,000 a year to the Atlanta jail to take care of these prisoners, and I am assured by the judge and the marshal that if you allow the Department to rent a prison they can take care of them at a much less rate.

Mr. GROSVENOR. Have they got ready-made prisons down there to rent? [Laughter.]

Mr. LIVINGSTON. We have some buildings there that can be rented for this purpose.

Mr. GROSVENOR. Fit for a prison?

Mr. LIVINGSTON. Yes, sir; a brick building that can be rented at a reasonable price and used for a prison. Now, when I assure the gentleman that there is not a dollar of expense to be incurred, but that there will be really a saving to the Government and a saving of the lives of these poor prisoners, many of whom have not yet been found guilty of any crime, but have only been arrested and held for trial, I am sure he will agree with me that it is not fair or just to keep them in their present quarters under the circumstances.

Mr. PEARSON. Mr. Speaker, I have no desire to cut off the gentleman from Georgia, but this is a very important matter. It may be known to members of the House that this very question of the location of a new prison or penitentiary for those people is now under consideration, and this is an entering wedge to locate it at a particular spot, and, in the exercise of my right, I object.

The SPEAKER. Objection is made.

Mr. LIVINGSTON. I ask that the resolution be referred to the Committee on the Judiciary, and that the letter of the Attorney-General be referred with it.

There was no objection, and it was so ordered.

C. M. BEACH.

Mr. ODELL, from the Committee on Accounts, submitted the following report:

Resolved, That the compensation of C. M. Beach, now on the laborers' roll in the department of the Doorkeeper, be increased from $400 per annum to $720 per annum, he, the said Beach, performing in an efficient and satisfactory manner the duties of a folder in that department, and said increased sum being the minimum customary rate for such services; and that said extra compensation be paid by the Clerk out of the contingent fund of the House.

The resolution was adopted.

On motion of Mr. ODELL, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Before that motion is put, the Chair will present a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 259) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes; and

A bill (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, the following Senate bills were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 146) granting an increase of pension to Samuel C. Towne—to the Committee on Invalid Pensions.

A bill (S. 625) granting a pension to Nellie L. Groshon—to the Committee on Invalid Pensions.

A bill (S. 757) granting an increase of pension to Adelaide Morris—to the Committee on Invalid Pensions.

A bill (S. 178) granting a pension to Betsey J. Webber—to the Committee on Invalid Pensions.

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe—to the Committee on Invalid Pensions.

A bill (S. 807) granting a pension to Charles Williamson—to the Committee on Invalid Pensions.

A bill (S. 638) granting an increase of pension to John Nichols—to the Committee on Invalid Pensions.

A bill (S. 522) for the relief of George Hughes, of Portland, Oreg.—to the Committee on Pensions.

A bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers—to the Committee on Invalid Pensions.

A bill (S. 144) granting an increase of pension to Theophilus C. Ingalls—to the Committee on Invalid Pensions.

A bill (S. 139) granting an increase of pension to Caroline B. Bradford—to the Committee on Invalid Pensions.

A bill (S. 651) granting a pension to Jane L. Buckingham—to the Committee on Invalid Pensions.

A bill (S. 760) granting a pension to Rhoda Chick—to the Committee on Pensions.

A bill (S. 705) granting a pension to Emily B. Muncey—to the Committee on Invalid Pensions.

A bill (S. 246) granting a pension to Nancy Carson Blunt—to the Committee on Invalid Pensions.

A bill (S. 247) granting a pension to Wallace McGrath—to the Committee on Invalid Pensions.

A bill (S. 719) to restore a pension to Harriet M. Knowlton—to the Committee on Invalid Pensions.

A bill (S. 819) granting a pension to Catherine O'Leary—to the Committee on Invalid Pensions.

A bill (S. 826) granting a pension to Caroline Reed—to the Committee on Pensions.

A bill (S. 350) granting an increase of pension to George C. Abbey—to the Committee on Invalid Pensions.

A bill (S. 702) granting a pension to Caroline Stockton Brown—to the Committee on Invalid Pensions.

A bill (S. 724) granting an increase of pension to Helen M. Mallery—to the Committee on Invalid Pensions.

A bill (S. 684) granting a pension to Marion McKibben—to the Committee on Invalid Pensions.

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers—to the Committee on Invalid Pensions.

A bill (S. 568) granting a pension to Mrs. Ann M. Madden—to the Committee on Invalid Pensions.

A bill (S. 646) for the relief of Francis Brown—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HARRIS, indefinitely, on account of important business.

To Mr. HUBBARD, indefinitely, on account of sickness in his family.

To Mr. WILLIS, until Tuesday next, on account of important business.

The motion of Mr. DINGLEY was then agreed to; and the House accordingly (at 5 o'clock and 10 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel B. Herston, administrator of William C. Herston, deceased, against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5975) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company," reported the same without amendment, accompanied by a report (No. 450); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, reported the same without amendment, accompanied by a report (No. 451); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported the same with amendment, accompanied by a report (No. 452); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 2916) to facilitate the collecting of revenue, to provide for the construction and equipment of sampling works for the sampling and assaying of imported silver ores and other ores containing lead, and for other purposes, reported the same with amendment, accompanied by a report (No. 453); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIS, from the Committee on Agriculture, to which was referred the joint resolution of the Senate (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years, reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULL, from the Committee on Military Affairs: The bill (H. R. 2003) for the relief of Mrs. A. C. Wagner. (Report No. 456.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy. (Report No. 457.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5580) granting a pension to Archibald Hunley. (Report No. 458.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5712) granting increase of pension to John W. Hines. (Report No. 459.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 950) granting increase of pension to John Coombs. (Report No. 460.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 138) granting an increase of pension to Mary E. Hazlip. (Report No. 461.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month. (Report No. 462.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 1022) to increase the pension of Byron Cotton. (Report No. 463.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 5996) for the relief of Sophronia S. Stowell. (Report No. 464.)

By Mr. DOWNING, from the Committee on Claims: The bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney. (Report No. 465.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 2687) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased. (Report No. 466.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 3377) for relief of George C. Ellison. (Report No. 467.)

By Mr. DOWNING, from the Committee on Claims:

The bill (S. 82) for the relief of the heirs of James Bridger, deceased. (Report No. 468.)

The bill (H. R. 608) for the relief of E. R. Shipley. (Report No. 469.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 1280) for the relief of A. B. Pedigo. (Report No. 470.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 446) to place the name of Julia H. H. Crosby, widow of Freeman E. Crosby, late lieutenant, United States Navy, on the pension roll at the rate of $50 per month, and her two children each at the rate of $5 per month. (Report No. 471.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas. (Report No. 472.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 4395) for the relief of Miss Juliette Betts. (Report No. 473.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 4598) granting a pension to Mary Cray. (Report No. 474.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. EVANS, from the Committee on Ways and Means, submitted an adverse report (No. 448) on the bill (H. R. 2764) regulating the issuance of licenses for the sale of intoxicants; and the same was laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 6348) authorizing towns and cities in the Territory of Oklahoma to purchase certain reserved lands for cemetery and other public purposes—to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 6349) to grant right of way over the public domain for pipe lines—to the Committee on the Public Lands.

By Mr. DOCKERY: A bill (H. R. 6350) to amend section 843 of the Revised Statutes, and for other purposes—to the Committee on the Judiciary.

By Mr. TOWNE: A bill (H. R. 6351) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 6353) to protect the insignia of the National Society of the Daughters of the American Revolution—to the Committee on the Library.

By Mr. LACEY: A bill (H. R. 6354) for the relief of settlers on railroad indemnity lands—to the Committee on the Public Lands.

By Mr. HITT: A bill (H. R. 6355) relating to claims against the United States for indemnity by subjects or citizens of a foreign State—to the Committee on the Judiciary.

By Mr. LIVINGSTON: A joint resolution (H. Res. 125) authorizing the Attorney-General to rent a suitable building for prisoners at Atlanta, Ga.—to the Committee on the Judiciary.

By Mr. ALLEN of Utah: A memorial of the legislature of the State of Utah, praying that a portion of Arizona lying north of the Colorado River be annexed to the State of Utah—to the Committee on the Territories.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 5285) to refund certain import duties—Committee on Ways and Means discharged, and referred to the Committee on Claims.

The bill (H. R. 5726) for the relief of Edward Rice—Committee on Ways and Means discharged, and referred to the Committee on Claims.

The bill (H. R. 3222) for the relief of Jos. H. Wimpey, of McDonald County, Mo., authorizing him or his legal representatives to select 160 acres of unoccupied and unappropriated land of the United States (not mineral) and subject to homestead entry, and directing the issue of scrip therefor, in legal subdivisions—Committee on Claims discharged, and referred to the Committee on the Public Lands.

The bill (H. R. 6208) for the relief of James C. Slaght—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BRODERICK: A bill (H. R. 6356) for the relief of the heirs of James A. Gregory—to the Committee on War Claims.

Also, a bill (H. R. 6357) granting a pension to Elizabeth C. Schooley—to the Committee on Invalid Pensions.

By Mr. BARHAM: A bill (H. R. 6358) granting a pension to Charles W. Emmell—to the Committee on Pensions.

By Mr. BURRELL: A bill (H. R. 6359) to grant pension to George W. Park—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 6360) for the benefit of John J. Frazier, of Somerset, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 6361) for the relief of Lemuel L. Stockton, of Savage, Clinton County, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 6362) for the relief of Simeon Wilson, of Wallins Creek, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 6363) granting a pension to Nearvey J. Terrell, of Desda, Clinton County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6364) for the relief of James M. Hensley, of Leroy, Owsley County, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 6365) for the relief of W. H. Langdon, High Knob, Clay County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6366) for the relief of L. H. Rosseau, of Somerset, Pulaski County, Ky.—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 6367) for the relief of D. B. Clark, of Wheeling, W. Va.—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 6368) for the relief of Thomas J. Sheppard—to the Committee on Military Affairs.

By Mr. HARDY: A bill (H. R. 6369) granting an increase of pension to Leander Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6370) for the relief of Smith Turner—to the Committee on Military Affairs.

Also, a bill (H. R. 6371) granting a pension to Frederick L. Killion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6372) for the relief of Martin Young—to the Committee on Military Affairs.

Also, a bill (H. R. 6373) granting a pension to Martha E. Allumbaugh—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6374) to pension Mary M. Crow, widow of John Crow, who served in the war of 1812 or in 1815—to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 6375) granting a pension to Lawrence Wagner—to the Committee on Invalid Pensions.

By Mr. KULP: A bill (H. R. 6376) to reimburse Mrs. Henry W. Shuman, widow of the late Henry W. Shuman, of Pennsylvania—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 6377) granting an increase of pension to Anna E. Pennebaker—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 6378) for the relief of Eliza J. Holman—to the Committee on Pensions.

By Mr. PUGH: A bill (H. R. 6379) for the relief of Frank Mott—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 6380) removing the charge of desertion standing against Almon Springsteen, late Company F, One hundred and thirty-seventh Regiment New York Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 6381) granting a pension to Florence E. Bond, widow of John G. Bond, late first lieutenant United States Revenue Marine—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 6382) for the relief of the Pennsylvania Railroad Company—to the Committee on Appropriations.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6383) for the relief of Mary C. Daigre, East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6384) for the relief of Mary C. Daigre, of East Baton Rouge, La.—to the Committee on War Claims.

By Mr. SAUERHERING: A bill (H. R. 6385) to remove the charge of desertion against Carl F. W. Stolle, of Iron Ridge, Wis.—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 6386) for the relief of the heirs at law of Edward N. Oldmixon—to the Committee on Claims.

Also, a bill (H. R. 6387) for the relief of John Dunn—to the Committee on Claims

By Mr. THOMAS: A bill (H. R. 6388) granting a pension to Fanny A. Crapo—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 6389) to remove the charge of desertion from the military record of Joseph Doms—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 6390) to remove the charge of desertion from the military record of Peter C. Lawyer, etc.—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 6391) to restore to the pension roll Levi Goens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6392) to increase the pension of John W. Stark—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 6393) for the relief of Jonas Miller—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 6394) to pension Sarah F. McCune—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: A bill (H. R. 6395) for the relief of the legal representative of William Brandis, deceased, late captain Company D, One hundred and thirty-first New York Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Dr. George M. Ramsey and

other citizens of Washington County, Pa., praying for an amendment to the postal laws so as to secure free mail delivery to all citizens, or to reduce postage rates to one-half to those to whom free delivery is not extended—to the Committee on the Post-Office and Post-Roads.

Also, petition of Theophilus Jones and 86 other citizens of Washington County, Pa.; also, petition of 106 citizens of Allenport, Pa., praying for free navigation of the Monongahela River—to the Committee on Rivers and Harbors.

By Mr. BAKER of New Hampshire: Memorial of the president and professors of the New Hampshire College of Agriculture and the Mechanic Arts, stating reasons why the bill to organize and increase the efficiency of the personnel of the Navy, to provide a naval engineering reserve for time of war, and for other purposes should be enacted into law—to the Committee on Naval Affairs.

Also, memorial of Beelel Union of ex-Prisoners of War, in favor of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Papers relating to the claim of Malinda L. Maddox, of Butts County, Ga.—to the Committee on War Claims.

By Mr. BURRELL: Petition of Archibald Hunley, of Clay City, Ill., asking for a pension—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition containing the names of 225 wholesale merchants and dealers in dairy products in the cities of Atlanta, Athens, Columbus, and Macon, Ga.; Richmond and Norfolk, Va.; Chattanooga, Memphis, and Knoxville, Tenn.; Charleston, S. C.; New Orleans, La.; San Antonio, Tex.; and Louisville, Ky., favoring the enactment of a law regulating and controlling the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. ELLIOTT of South Carolina: Petition of Leroy Springs and others, of Lancaster, S. C.; also, petition of Hon. John McLaughten and others, of Orangeburg, S. C.; also, petition of Hon. Marion Moise and others, of Sumter, S. C.; also, petition of C. M. Hurst and others, of Sumter County, S. C.; also, petition of J. S. Buck and others, of Horry County, S. C., in behalf of placing the Winyah Bay bar improvement under the continuous-contract system—to the Committee on Rivers and Harbors.

By Mr. GIBSON: Petition of citizens of Louisville, Tenn., in favor of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. GRAFF: Petition of veterans of the late war of the rebellion residing in Fulton County, Ill., asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of 501 ex-Union soldiers of the Department of Ohio, Grand Army of the Republic, in favor of a service-pension bill, graded on the amount of service—to the Committee on Invalid Pensions.

By Mr. HAGER: Petition of William R. Whitinall and 19 other citizens of Hastings, Iowa, in favor of House bill No. 3960—to the Committee on Interstate and Foreign Commerce.

By Mr. HARMER: Memorial of the Universal Peace Union against the appropriation of money for coast defenses, the increase of the Army and Navy, and the organization of militia of the United States—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut (by request): Petition of L. J. Korper and others, of South Willington, Conn., in behalf of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of citizens of Findley Lake, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Findley Lake, against the sale of beer and spirituous liquors at certain military posts—to the Committee on Military Affairs.

By Mr. HULING: Petition of citizens of Charleston, W. Va., protesting against the passage of a bill putting a duty on teas—to the Committee on Ways and Means.

By Mr. JONES: Papers relating to the claim of Annie M. Smith, of Accomac County, Va.—to the Committee on War Claims.

By Mr. KULP: Petition of J. C. Foulk and 23 others, of Milton, Pa., in support of House bill No. 2626, for the protection of agricultural staples and American ships in foreign trade—to the Committee on Ways and Means.

By Mr. LACEY: Petition of S. R. Mills and 36 others; also petition of A. T. Foster and 26 others, all of Oklahoma, asking for the passage of the free-home bill—to the Committee on the Public Lands.

By Mr. MAHON: Petition of citizens of Fulton County, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Tennessee: Petition of various churches of Jackson and Paris, Tenn., for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. MILLER of West Virginia: Petition of Bailey Post, No. 4, Grand Army of the Republic, of Huntington, W. Va., in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of Rev. James D. Lytle, on behalf of 150 members of the United Presbyterian Church, Hanover, Ind.; also petition of Rev. W. H. Hoag and 23 other citizens of Patten Mill, Washington County, N. Y., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

Also, resolutions adopted at a large public meeting held in the Unitarian church, East Bridgewater, Mass., urging the Government to put a speedy end to the atrocities being perpetrated on the Armenians—to the Committee on Foreign Affairs.

By Mr. MURPHY of Arizona (by request): Petition of C. P. Huntington, for the improvement of the harbor at Port Los Angeles, Santa Monica, Cal., with plan recommended by William Hood, engineer—to the Committee on Rivers and Harbors.

By Mr. NEILL: Papers relating to the claim of James H. Egner—to the Committee on War Claims.

Also, papers relating to the claim of Milton Sanders—to the Committee on War Claims.

Also, papers relating to the claim of Amanda Moore—to the Committee on War Claims.

By Mr. OTEY: Papers relating to the claim of Noah P. Garst, of Roanoke County, Va.—to the Committee on War Claims.

By Mr. PUGH: Papers to accompany House bill No. 6245, to remove the charge of disloyalty against Isaac Conley—to the Committee on Military Affairs.

By Mr. RAY: Petition of officers of Woman's Christian Temperance Union of Treadwell, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of officers of Woman's Christian Temperance Union of Treadwell, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. REYBURN: Petition of citizens of Philadelphia, in favor of a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. SETTLE: Petition of the Religious Society of Friends of North Carolina—to the Committee on Foreign Affairs.

By Mr. WILLIAM A. STONE: Petition of citizens of Allegheny, Pa.; also, petition of citizens of Fayette County, Pa.; also, petition of citizens of the District of Columbia, favoring the passage of the Stone bill, for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny County, Pa., for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. STROWD of North Carolina: Papers relating to the claim of James Hodges—to the Committee on War Claims.

Also, papers relating to the claim of Nancy Peacock—to the Committee on War Claims.

Also, papers relating to the claim of Arthur Pierce, of Johnson County, N. C.—to the Committee on War Claims.

Also, papers relating to the claim of Handy Barefoot—to the Committee on War Claims.

By Mr. SWANSON: Papers relating to the claim of William Hodges, of Franklin County, Va.—to the Committee on War Claims.

By Mr. WANGER: Petition of Jonathan M. Neiman and 75 other veterans, for the passage of an act granting a pension of $8 per month to every person who served ninety days in the Army or Navy of the United States during the civil war, and was honorably discharged, and a pension of $12 per month to each widow of such—to the Committee on Invalid Pensions.

By Mr. WILSON of South Carolina: Papers relating to the claim of James L. Roane—to the Committee on War Claims.

By Mr. WOOMER: Petition of H. H. Hain and 50 other citizens of Duncannon, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. E. Rauch and 15 others, of Lebanon, Pa., together with Mrs. Sue M. Light, president, and 50 members of the Woman's Christian Temperance Union, in favor of the passage of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Elizabethville, Pa., urging the passage of proposed amendment to the Constitution; also, a protest against the appropriation of funds from the National Treasury for sectarian education among the Indians—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 21, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. The Committee on Military Affairs, to whom were referred the Senate amendments to the bill (H. R. 1443) making appropriation for the Military Academy for the fiscal year ending June 30, 1897, and for other purposes, direct me to report the same back with the recommendation that the House concur in the Senate amendments. These amendments make an increase of only a little over $2,000 in the total amount of the bill as passed by the House. Two items of the Senate amendments make an increase, while in other amendments, of no great importance, there is a cutting down. I move concurrence in the amendments of the Senate.

The amendments of the Senate were read.

Mr. MCMILLIN. No statement accompanying this report has been read. Is there such a statement with the Clerk?

Mr. HULL. This is not a conference report——

Mr. MCMILLIN. I thought it was.

Mr. HULL. It is simply a report of the action of the House Committee on Military Affairs recommending concurrence in the Senate amendments. I have stated verbally that there is an increase upon two items. One of these is for the construction of army service barracks; the other for completing cases, already begun, in the museum. Then there is a decrease in two or three other items, making the net increase by reason of the Senate amendments only a little over $2,000.

Mr. MCMILLIN. And your committee recommends concurrence in the Senate amendments?

Mr. HULL. The committee unanimously makes that recommendation.

The amendments of the Senate were concurred in.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, the following Senate bills were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 1100) granting a pension to Russel N. Reynolds—to the Committee on Invalid Pensions.

A bill (S. 1017) granting a pension to Robert Kiracofe—to the Committee on Invalid Pensions.

A bill (S. 997) granting a pension to Ella D. Cross—to the Committee on Invalid Pensions.

A bill (S. 1505) granting an increase of pension to Rufus H. Paine—to the Committee on Invalid Pensions.

A bill (S. 878) granting a pension to Jared S. Chamberlain—to the Committee on Invalid Pensions.

A bill (S. 1310) granting an increase of pension to Shubael Gould—to the Committee on Invalid Pensions.

A bill (S. 1276) granting a pension to John L. Britton—to the Committee on Invalid Pensions.

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton—to the Committee on Invalid Pensions.

A bill (S. 1105) granting a pension to Mary E. Sessions—to the Committee on Invalid Pensions.

A bill (S. 1149) granting a pension to Sophia J. Chilcott—to the Committee on Invalid Pensions.

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting—to the Committee on Invalid Pensions.

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe—to the Committee on Invalid Pensions.

A bill (S. 1215) granting a pension to Ellen Kingsley—to the Committee on Invalid Pensions.

A bill (S. 1435) granting an increase of pension to Nathan Kimball—to the Committee on Invalid Pensions.

A bill (S. 905) granting a pension to Mary W. Keefe—to the Committee on Invalid Pensions.

A bill (S. 1631) granting a pension to Emeline Filgate—to the Committee on Invalid Pensions.

A bill (S. 1787) granting a pension to Nancy T. Duncklee—to the Committee on Invalid Pensions.

A bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing—to the Committee on Invalid Pensions.

A bill (S. 1343) granting an increase of pension to Enoch G. Adams—to the Committee on Invalid Pensions.

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland—to the Committee on Invalid Pensions.

A bill (S. 1495) granting a pension to Hans Johnson—to the Committee on Invalid Pensions.

A bill (S. 1522) granting a pension to Catherine Smith—to the Committee on Invalid Pensions.

A bill (S. 1493) granting a pension to Mary Clare Kelly—to the Committee on Invalid Pensions.

A bill (S. 1888) granting an increase of pension to William T. Walker—to the Committee on Invalid Pensions.

A bill (S. 893) for the relief of Mrs. Mary B. Hulings—to the Committee on Invalid Pensions.

A bill (S. 996) to increase the pension of Capt. Isaac D. Toll—to the Committee on Pensions.

A bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat—to the Committee on Invalid Pensions.

A bill (S. 1189) granting a pension to Eliza Sandford—to the Committee on Pensions.

A bill (S. 1621) granting a pension to Josephine I. Offley—to the Committee on Invalid Pensions.

A bill (S. 1128) granting a pension to Isabella Morrow—to the Committee on Invalid Pensions.

A bill (S. 1924) granting a pension to Carrie L. Yeaton—to the Committee on Invalid Pensions.

A bill (S. 1044) granting a pension to Mary Newman—to the Committee on Invalid Pensions.

A bill (S. 2008) granting a pension to Fannie Moale Gibbon—to the Committee on Invalid Pensions.

A bill (S. 1784) granting an increase of pension to Josephine Foote Fairfax—to the Committee on Invalid Pensions.

A bill (S. 1945) granting a pension to Joseph Porter—to the Committee on Invalid Pensions.

A bill (S. 2014) granting an increase of pension to Sarah A. Bull—to the Committee on Invalid Pensions.

A bill (S. 823) granting an increase of pension to John B. Meigs—to the Committee on Invalid Pensions.

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet—to the Committee on Invalid Pensions.

A bill (S. 1790) granting a pension to Mrs. Hypolite Huard, of New Orleans, La., widow of Hypolite Huard, deceased—to the Committee on Pensions.

A bill (S. 916) granting an increase of pension to Mrs. Cornelia I. Skiles—to the Committee on Invalid Pensions.

A bill (S. 918) granting an increase of pension to Mrs. Kate Ezekiel—to the Committee on Invalid Pensions.

A bill (S. 1342) granting a pension to Lena D. Smith—to the Committee on Invalid Pensions.

REMISSION OF FINES, PENALTIES, AND FORFEITURES.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That section 5294 of the Revised Statutes of the United States, approved December 15, 1894, be, and the same is hereby, amended so as to read as follows:

"SEC. 5294. The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture; and the Secretary shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper."

Mr. PAYNE. Mr. Chairman, the only change that this bill makes in the present law is to add after the word "penalty" the words "or forfeiture." The original statute includes in the title the words "fines, penalties, and forfeitures," but by a clerical error the word "forfeiture" was omitted in the body of the act. This amendment has been recommended by the Secretary of the Treasury in a letter which has been made a part of the report. The bill has been unanimously passed by the Senate.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

FINAL PROOF IN TIMBER-CULTURE ENTRIES.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill (S. 103) relating to final proof in timber-culture entries.

The bill was read, as follows:

Be it enacted, etc., That hereafter timber-culture claimants shall not be required, in making final proof, to appear at the land office to which proof is to

be presented or before an officer designated by the act of May 26, 1890, within the county in which the land is situated; but such claimant may have his or her personal evidence taken by a United States court commissioner or a clerk of any court of record under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. McMILLIN. Reserving the right to object, I ask that the report be read.

Mr. LACEY. The report is very brief.

The report (by Mr. BARNEY) was read, as follows:

The Committee on the Public Lands has had under consideration the bill (S. 103) entitled "An act relating to final proof in timber-culture entries," and recommend that the same do pass.

The timber-culture law having now been repealed, the law in question has application only to those cases which are now pending and will have no operation as to future public-land entries. It appears that the law as it now exists requires the claimant to appear at the land office, or within the land district within which the land is situated, to have the evidence taken in making his final proof. This often results in great cost and inconvenience to the claimant, as he often resides a long distance from the land. This bill allows this proof to be made before any United States court commissioner, or before the clerk of any court of record, and there seems to be no reason why it should not become a law.

Mr. McMILLIN. Has this bill been submitted to the Commissioner of the Land Office, and has it received his approval?

Mr. GAMBLE. In answer to the interrogatory of the gentleman from Tennessee [Mr. McMILLIN], I will respectfully state that this bill was drawn by the Commissioner of the General Land Office and has received his approval and support. It has been passed in the Senate upon the recommendation of the appropriate committee. Since that time I have conferred with the Commissioner of the General Land Office, and it is his desire, as it is also the desire of those who promoted the passage of the bill in the Senate, that the word "hereafter," in line 3 of the bill, be struck out. At the proper time, if there be no objection to the consideration of the bill, I will move that amendment.

Mr. McMILLIN. Let the amendment which the gentleman proposes to insert be read.

The SPEAKER. Unanimous consent is asked for the passage of the Senate bill, amended by striking out in the third line the word "hereafter."

Mr. McMILLIN. I do not wish to seem captious about these matters, but the other day we had up here a very innocent-looking bill carrying a small appropriation, $40,000. Under an assurance that the bill was exactly similar to one that was entirely satisfactory to the Land Office and the Secretary of the Interior——

Mr. LACEY. You had no such assurance from the committee.

Mr. McMILLIN. Well, I only speak of assurances that went into the RECORD. Now, it turns out, as I find upon consultation with the Secretary of the Interior and the Commissioner of the General Land Office, that it will take half a million dollars to fulfill the requirements of that bill; and so far from being identical with the other bill it increases the expenditures in the manner I have stated. I have therefore thought it proper in this case, as I think it is in all cases involving our public lands, to see that the officer in charge of these questions is consulted before they are acted upon. That seems to have been done in this case. Of course the Commissioner of the Land Office knows more about this matter than I do, and I yield to his judgment.

Mr. LACEY. In answer to the gentleman from Tennessee, I wish merely to say that when the inquiry was made of me the other day whether the bill then under consideration had been submitted to the Commissioner, I informed the House that it had not. So that the reflection made upon persons representing the committee in charge of that bill is simply a mistake on the part of my friend from Tennessee, who is usually so fair.

Mr. McMILLIN. Mr. Speaker, the gentleman from Iowa is in error in supposing that I stated that the committee had done anything of the kind. I did not so state, did not intend to make such a statement, and I do not wish to be so understood.

Mr. GAMBLE. Further, Mr. Speaker, I will say in reply that I have the concurrence of the Committee on Public Lands to move this amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and the amendment was agreed to.

Mr. McMILLIN. I now ask that the bill be read as it has been amended.

The bill was read at length, the third reading being in full, and was passed.

On motion of Mr. GAMBLE, a motion to reconsider the last vote was laid on the table.

LIEUT. G. L. JOHNSON.

Mr. CURTIS of Iowa. Mr. Speaker, I desire unanimous consent for the immediate consideration of the bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to correct the record of Second Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as said lieutenant date from the date of his enlistment in said regiment, and that he have all rights and emoluments due him thereby or by reason thereof.

Mr. TALBERT. Has this bill been considered in the Committee of the Whole?

Mr. BARTLETT of New York. I would like to ask what committee this comes from?

The SPEAKER. The Chair understands that this is reported by the Committee on Military Affairs.

Mr. BARTLETT of New York. I would like to ask the reading of the report, reserving the right to object.

Mr. CURTIS of New York. Mr. Speaker, at the request of my friend from Iowa, I will make a statement, which can be made in somewhat less time than it will take to read the report, which is quite full, and which will, I think, be equally satisfactory to the House. This officer's services were rendered in organizations under my command.

This young man volunteered in April, 1861, and was mustered into the service on the 15th day of May, 1861, as a member of Company G, Sixteenth New York Volunteer Infantry, which company I commanded as captain. After the expiration of the term of service of the Sixteenth Regiment, or some days after the completion of its term of service—for the regiment remained and engaged in battle after its discharge was due—he was commissioned by the governor of New York, on my recommendation, a second lieutenant in the One hundred and forty-second Regiment of New York, then under my command. He came to Morris Island, South Carolina, where the regiment was stationed, and found that there were not sufficient men in the company to which he was to be assigned to allow of his being mustered as second lieutenant. The alternative was left to him to return home or engage in some other employment.

This young man, with a commission in his pocket, and not required to render any military service whatever, enlisted in the regiment and was assigned to a company; afterwards he was promoted to be sergeant and subsequently to be sergeant-major of the regiment. We were short of officers at the time and he performed duty, and efficient duty, as an officer. He commanded a detachment on Johns Island in an engagement in which he lost his right arm. He could not then do duty as an enlisted man nor be mustered as a second lieutenant, although he had held the commission for six months. Therefore, in view of these facts and his gallant record in both regiments in which he served, I asked the governor to commission him a first lieutenant. The commission was issued in due time, but was on board of a vessel at Fortress Monroe which was run into and sunk for something like six weeks under water. When the commission finally reached him he was mustered as a first lieutenant, from which time he served with that rank, and part of the time on my staff, and was honorably discharged from the Army with his regiment.

The officer was a brave man. He rendered efficient services and is entitled to the consideration provided in this bill.

This bill was passed by the House in the Fifty-second and Fifty-third Congresses, and in the Fifty-third it also passed the Senate, but too late to reach the President for his approval.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. CURTIS of New York. Certainly.

Mr. SAYERS. What is the object of the bill?

Mr. CURTIS of New York. To authorize his muster as second lieutenant at the date of his reporting to the regiment with his commission, when he enlisted as a private soldier. It gives him the advantage of rank as second lieutenant from the date of his reporting until his promotion to first lieutenant.

Mr. RICHARDSON. I will ask the gentleman, is not the time covered only about eight or nine months?

Mr. CURTIS of New York. I think about that time.

Mr. RICHARDSON. And he would be entitled to the difference between the compensation of a sergeant-major and a second lieutenant for about eight or nine months—a difference of about $23 a month?

Mr. CURTIS of New York. Yes; about that.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. Mr. Speaker, I am satisfied that the claim is meritorious. I do not object.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

And then, on motion of Mr. SHERMAN, the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 7, strike out, in lines 11 and 12, the following words:
"For pay of five Indian inspectors, at $3,000 per annum each, $15,000."

Mr. GROW. I move to amend the part proposed to be stricken out by striking out the word "three" and inserting the word "two."

Mr. SHERMAN. I raise the point of order that we have already had an amendment to the amendment and have voted it down, and now the vote should be taken on the amendment.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Pennsylvania.

Mr. DINGLEY. I ask the gentleman from New York——

Mr. GROW. Mr. Chairman, am I entitled to the floor?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

Mr. DINGLEY. I ask the gentleman from New York [Mr. SHERMAN] to consent to pass over this paragraph until some information which has been sent for, relating to the expense account of these Indian inspectors, has been received.

Mr. CRISP. I desire at the proper time to make a point of order against the amendment of the gentleman from Pennsylvania.

Mr. SHERMAN. I do not object to passing over the amendment, but as the gentleman from Georgia [Mr. CRISP] makes a point of order, let us dispose of that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. GROW].

The Clerk read as follows:

On page 7, line 11, strike out the word "three" and insert in lieu thereof the word "two."

Mr. CRISP. Mr. Chairman, the point of order which I wish to make is this: I ask the Clerk to read the amendment added to the first section of the bill, which it is necessary to consider in determining the point of order.

The Clerk read as follows:

In line 6, page 1, after the word "Department," insert the words "in full compensation for the service."

Mr. GROW. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Georgia [Mr. CRISP] on the point of order. The gentleman from Pennsylvania [Mr. GROW] will please yield for the purpose of allowing the gentleman from Georgia to state his point of order.

Mr. CRISP. The point of order which I desire to raise is that while it is perfectly competent for the House to appropriate a less amount for one of its officers than the salary fixed by law, yet it is not competent for the House on an appropriation bill to say that such amount shall be accepted in full compensation for services, because to do that would change existing law. I hope the Chair gets the point that I seek to make. In the absence of any provision that the sum appropriated shall be accepted in full compensation for services, it is perfectly competent to appropriate a less amount than the salary fixed by law, but where the bill provides that the amount appropriated shall be accepted in full compensation for services, it is a change of existing law. Now, it is conceded that the salary fixed by law for the five Indian inspectors is $3,000 a year. That was fixed originally in an appropriation bill which created the offices. Afterwards it was carried into the Revised Statutes, and is now sections 2044 and 2045. The Supreme Court has decided, in a case which I have before me, that of Langston against the United States, that it is perfectly competent for an officer of the United States to accept a part of the salary which is appropriated, and yet sue in the Court of Claims to recover the amount not appropriated for, unless the bill appropriating the money changes the existing law so as to prevent such suit.

Mr. CANNON. I want to call the gentleman's attention to the fact that the precise amendment that he refers to, in substance this amendment, was made on the motion of the gentleman from Missouri [Mr. DOCKERY], in the first seven lines of the bill.

Mr. CRISP. Precisely; and that is the reason why the proposed amendment is out of order. If that amendment had not been put in the bill, it would be competent to appropriate a less amount than the salary fixed by law, but where your bill says the amount appropriated shall be accepted in full compensation, notwithstanding the law says the officer is entitled to a larger salary, it is obnoxious to the point of order in that it changes existing law. That is the very point.

If that were not in this bill, clearly this point of order would not lie; but where the bill says the amount appropriated in it shall be in full satisfaction of the salary of an officer, although the law says the officer is entitled to the larger salary, my friend can not contend that that does not change existing law; and if it does change existing law, then it is not competent to put it on an appropriation bill.

Mr. CANNON. I will say to the gentleman that it has been the uniform rule now for years, on an appropriation bill, in cases of that kind, that when we passed that appropriation for the current year it is construed as existing law, so far as the point of order is concerned.

Mr. CRISP. Well, but, Mr. Chairman, the Supreme Court, the highest authority on that question, has decided otherwise.

Mr. CANNON. I am speaking of the great many gentlemen, appointed by the gentleman himself, who made these decisions in Committee of the Whole; and they have been made that way with substantial uniformity for twenty years.

Mr. CRISP. Mr. Chairman, my friend from Illinois is very familiar with the practice as to appropriation bills; and I will venture the assertion that the gentleman will find no case where a salary is fixed by law that it has been held that an appropriation of a less amount in the appropriation bill changes that existing law, unless the bill itself specifically changed the law and fixed the salary at another, or a lower, different rate. Now, the whole doctrine is disposed of in the case of Langston, and it is in these words:

While the case is not free from difficulty, the court is of opinion that according to the settled rules of interpretation a statute fixing the annual salary of a public officer at a named sum, without limitation as to time, should not be deemed abrogated or suspended by a subsequent enactment which merely appropriated a less amount for the service of that officer for particular fiscal years and which contained no words that expressly, or by clear implication, modified or repealed the previous law.

That is the decision of the Supreme Court. Now, I hope my point is clear. If there were no provision in this bill requiring these officers to accept this salary in full satisfaction it would be perfectly competent to appropriate a less sum than the salary, after which the officers could go into the Court of Claims and sue for the difference, as the Supreme Court decided in the Langston case; but where you incorporate a provision which requires the officer to accept it in full compensation you so change the law as to take away from him the right to go into the courts and sue for the difference, and inasmuch as you change the law, it is not competent upon an appropriation bill.

Mr. BRUMM. Will the gentleman from Georgia permit me to ask him a question for information?

Mr. CRISP. Certainly.

Mr. BRUMM. Is the salary fixed on this incumbent by the appropriation bill or is it fixed by law?

Mr. CRISP. It was fixed originally in an appropriation bill when the office was created, and then it was transferred to the Revised Statutes and exists like any other of the Revised Statutes.

Mr. BRUMM. Then a statute law now fixes the salary?

Mr. CRISP. It does now, undoubtedly.

Mr. BRUMM. If the gentleman is through, then, I just want one word. I want to say that if it is a statute you can not repeal it during the incumbency of that officer by statute. You can not in any way reduce the salary of the office while the incumbent is in it, even by act of Congress, much less on an appropriation bill.

Mr. CRISP. His tenure is four years under the law.

Mr. LACEY. We have passed the question on the point of order when we passed on the amendment. The existing law is $2,500 a year. That is the existing law, enacted in 1895. It was existing law for this reason: Under the rules of the last House you could change existing law in an appropriation bill, provided you reduced the number of officers or reduced expenses. So when the appropriation bill of 1895 came in, it reduced the expenses and changed the salary of these men from $3,000 to $2,500. Now, this bill increases the amount to $3,000.

Mr. CRISP. Will the gentleman please read the language of the bill of 1895?

Mr. LACEY. I have read the law. The language is this: It provides an appropriation for so many inspectors at $2,500 a year. Now, the existing law before that was $3,000 a year, but it was cut down to $2,500, and that was done under the rules of the Fifty-third Congress. The rules of this Congress are different. You can neither reduce nor increase, The committee proposes an increase. No point of order was made against that, and consequently the whole question comes up on the amendment that is now before the committee, and if it goes before the committee without the point of order having been made upon it, this House or committee has jurisdiction over it and can fix it at any higher or lower sum than $3,000, because we have passed beyond that question.

It will not do to say that, no point of order being made upon that, leaves before the House the one abstract proposition that this salary shall be $3,000 and no less, and that we can not make it $3,600,

or $2,500, or any other sum. The whole question is now in the control of the committee, because no point of order was made, and the proposition of the Committee on Indian Affairs is to increase the compensation of these inspectors from $2,500 to $3,000.

Mr. CRISP. Mr. Chairman, I want to call the attention of the Chair and the attention of my friend from Iowa to the fact that the act to which he refers, so far as I have been able to ascertain, contains no provision that this salary shall be accepted in full compensation for the services of these officers. In the absence of such provision they can sue in the Court of Claims and recover the $500 difference in each of their salaries.

I do not think my friend from Iowa has caught my point, and I fear that I have been unfortunate in making myself understood. My point is this: Wherever you appropriate for a salary and you appropriate a less amount than the salary as fixed by law the incumbent of the office may sue the Government in the Court of Claims and recover the difference, as was decided in the Langston case, unless the very act which appropriated the less amount stated in terms or by implication that the amount so appropriated was to be accepted in full compensation. Now, as far as I can ascertain by a very hasty examination of the last act, it did not even provide that the $2,500 appropriated was to be accepted in full compensation, but even if it had it would have been simply an appropriation, as stated in the first section of the bill, that "the following sums be, and they are hereby, appropriated for the purpose of paying the current and contingent expenses of the Indian Department for the year ending June 30, 1896." It does not even propose to change the salaries as fixed by existing law. These salaries are fixed in the Revised Statutes.

Mr. LACEY. "The existing law" to which the gentleman refers is only the Indian appropriation bill of 1873.

Mr. CRISP. It is the Revised Statutes of the United States, section 2044.

Mr. LACEY. Well, the code commissioners simply took the appropriation act of 1873 and printed it in that book, but that does not increase its validity.

Mr. CRISP. The gentleman does not seem to realize that these Revised Statutes are law, adopted and made law by an act of Congress.

Mr. DALZELL. Accepted as a whole by an act of Congress.

Mr. CRISP. These officials are appointed by the President and confirmed by the Senate, their salaries are fixed by law, and they have a fixed tenure of office. The pending bill provides that whatever is appropriated for their salaries shall be accepted by them in full compensation for their services, and the gentleman from Pennsylvania [Mr. GROW] proposes to say that $2,000 shall be accepted by them in full compensation for their services, and I make the point of order that to do that would be to change existing law.

Mr. GROW. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROW. I was taken off the floor on my amendment in order to hear the point of order made by the gentleman from Georgia. My point is that the gentleman can not discuss my amendment on the merits before I discuss it myself.

Mr. CRISP. I was merely showing that the gentleman's amendment reduced the salary, that this bill says that these officers must accept the amount here appropriated in full compensation, and therefore that the amendment changes existing law. That is the point.

Mr. GROW. Mr. Chairman, when a standing committee of this House——

Mr. SHERMAN. Mr. Chairman, I raise another point of order. Has this matter been disposed of?

The CHAIRMAN. It has not been disposed of. The Chair is about to hear the gentleman from Pennsylvania on the point of order.

Mr. SHERMAN. I thought the gentleman was being heard on the merits of the amendment.

Mr. GROW. When a standing committee of the House reports in a bill a provision as to which each member of the House can judge just as well as the committee, the committee certainly can not claim that it is a discourtesy to them for the House to vote against them on such a question. When a committee is charged with any matter requiring investigation, I make it a general rule to follow the committee in their recommendations. But every member of the House knows whether salaries ought to be increased or not just as well as the committee. Hence it is not a discourtesy to the committee in such cases should their recommendation for increase be rejected. All salaries are paid under law, and it is a very singular thing that Congress can not change the amount of a salary. The idea can not be maintained that if you put it at a certain amount in one appropriation bill it must stand unchanged unless a separate bill is brought in to make the change.

This salary was first fixed in an appropriation bill, and it can be changed in the same way as it was fixed. The idea that when once a salary is fixed in one appropriation bill it is fixed forever unless a special bill is brought in to change it is a very strange one. If that is the rule, then these gentlemen ought to ask the Appropriations Committee to report in another bill to pay these officers the amount that has been deducted from their salaries for the last two years. Everybody in the employment of the Government is receiving salary under law, and can not receive it otherwise, and it is a very strange contention that there is no way by which you can decrease a salary except by bringing in a special, separate bill, yet that you can increase salaries. The Constitution fixes certain salaries that can not be increased or diminished, leaving all the others to be fixed by the lawmaking power in the first place, and that power can change them afterwards as it sees fit.

Mr. BARRETT. Mr. Chairman, I have been very much surprised at the attitude taken by the distinguished chairman of the Committee on Ways and Means [Mr. DINGLEY] in the effort which he made here yesterday afternoon to keep the salaries of these five inspectors at $2,500 a year and $4 a day for traveling expenses. I do not think he understands the true position of these inspectors. These five men are not the appointees of the Indian Department; they are not selected by the Indian Bureau; they are the personal appointees, the personal political workers, if I may use that term, of the Secretary of the Interior. These men were appointed on the advent of the present Democratic Administration, and of the four who now hold these offices one comes from the State of Virginia, another from North Carolina, another from Georgia. I have no doubt that the distinguished gentleman on the other side [Mr. CRISP], late Speaker of the House of Representatives, who has taken such a keen interest in this matter, is not unmindful of the fact that one of these four inspectors is a distinguished Democratic gentleman residing in the district which the ex-Speaker has the honor to represent. I wish to call attention, Mr. Chairman, to the fact that these four inspectors have been denominated on the floor of this House by one of the leading Democrats of the country the hired spies of the Secretary of the Interior. I trust there is no man on the Republican side who, remembering the lively and sympathetic interest of said Secretary Hoke Smith in the well-being of the old soldiers of the Union, as shown by his administration of the Pension Bureau, would hesitate for a moment to show his appreciation of that officer by contributing $500 a year more for each of these, his personal selections, in order that they may have a larger amount of money on which to retire to private life at the close of the present Administration.

In general, Mr. Chairman, I am opposed to appropriations for private purposes; but when the question involves so charitable an object as enabling these four Democrats to go out of the public service with a larger amount of money than they would be able in the regular way to draw under the present Administration, I must profess myself in favor of the proposition.

I wish to add this one remark: I am beginning to think that some people are mistaken in the reiterated statement that this Government is not able to pay the salaries provided by law. We have the most ample evidence that the Secretary of the Treasury of the United States not only has money enough to pay all the debts and obligations of the Government, but that he had money enough the day before yesterday to present to an humble citizen of the State of New York, entirely contrary to the spirit of the law, the sum of $208,440.

On that day, Mr. Chairman, there being $4,700,000 of the late bond issue not awarded, there was a bid pending before the Secretary of the Treasury from a reputable national bank in the city of Boston from which the Government would have netted $5,188,950; there was pending at the same time a bid made by Mr. J. Pierpont Morgan, which would net the Government $4,980,510. That difference of $208,440 could have been put in the Treasury of the United States under every stipulation and condition of that bond transaction.

While that bid was pending from a reputable national bank which had already been awarded a part of the bonds under this issue—I say that with that bid lying upon his desk the Secretary made the award by which was made the difference of $208,440 against the Government of the United States.

Mr. CRISP. I raise the point of order that the gentleman from Massachusetts is not confining his argument to the question of order.

The CHAIRMAN. The Chair is hardly able to see that the gentleman from Massachusetts is addressing himself now to the point of order. [Laughter.]

Mr. BARRETT. Mr. Chairman, when I rose in my place the gentleman from Pennsylvania [Mr. GROW] had just taken his seat, having been discussing the question of the reduction of these salaries from $3,000 to $2,000 a year, having made no reference to the point of order, as I understood, but having discussed simply the merits of the pending proposition.

The CHAIRMAN. No question of order was raised against the

gentleman from Pennsylvania. But the question of order being now raised against the gentleman from Massachusetts, he must confine himself to the discussion of the point of order.

Mr. BARRETT. I submit, Mr. Chairman, that the point of order should not be decided until this House has a thorough understanding of the facts as to the statement made in this debate hitherto, that this Government is not able and ought not to be called upon to meet this new expenditure. I repeat, there is evidence of the fact that the Secretary of the Treasury believes the Government is able not only to pay all its legal obligations but to present out of hand on the day before yesterday to the so-called "Morgan syndicate" the sum of $208,440 wrested out of the pockets of the taxpayers of this country.

Mr. SHERMAN. I raise the point again on the gentleman that he is not discussing the point of order.

Mr. BARRETT. Now, I give notice that if the chairman of this committee [Mr. SHERMAN] makes any points of order on me there will be some more points raised during the progress of this debate which may not be agreeable to him. [Laughter.]

The CHAIRMAN. The Chair is obliged to decide the question of order, and thinks that the gentleman from Massachusetts is not confining himself to the point of order.

Mr. BARRETT. In regard to that I will say that I will not discuss the point of order further at the present time [laughter], but when the matter has been decided by the Chair I may again ask the attention of the House to a few more remarks concerning the present state of the Treasury of the United States. I wanted to and have called the attention of the committee to the fact that a treasury that can afford to present $208,440 to the "Morgan syndicate" out of hand ought to be able to pay the salaries provided by law.

Mr. SHERMAN. It seems to me, Mr. Chairman, that after the very clear statement of the point of order by the distinguished parliamentarian from Massachusetts [Mr. BARRETT] the Chair must be ready to rule upon it. [Laughter.] I will not say another word in reference to the point of order, but will merely ask that the Chair now rule.

The CHAIRMAN. This question of order is one of importance, and the Chair will hear any gentleman who may desire to be heard in opposition to the point of order raised by the gentleman from Georgia. [A pause.] If not, the Chair is ready to decide.

Mr. GROSVENOR. Mr. Chairman, I had considerable difficulty in hearing the point of order suggested by the gentleman from Georgia [Mr. CRISP], but if I did understand the point raised by him it is this: The original creation of the office of these inspectors was by an appropriation bill passed in 1873. I wanted to be heard upon the relative condition of affairs existing in 1873, as compared with now; but it is not pertinent to the question of order and I shall not go into it at the present time. But as it is customary to give notice, I desire to say that before this debate closes I propose to put myself right on that question of increased salaries to anybody.

If I understood, I repeat, the gentleman from Georgia correctly, these offices having been created in 1873 by a provision in an appropriation bill and the salary fixed at $3,000 each, it changes existing law now to make any reduction of salary below $3,000. If I am right that is the real question to be decided.

Mr. CRISP. I beg pardon; I do not think the gentleman from Ohio apprehended the point.

Mr. GROSVENOR. Possibly not. I have just stated that the difficulty was that it was almost impossible to hear the point distinctly over here.

Mr. CRISP. This is a very important question, and should be decided properly.

Mr. GROSVENOR. Undoubtedly, for it involves 400 points in one single appropriation bill before the House.

Mr. CRISP. It is important in this way: These offices were created by law. The gentleman will find it in sections 2043 and 2044 of the Revised Statutes.

I read section 2043:

There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors not exceeding five in number, to perform the duties required of such inspectors by the provisions of this title. Each inspector shall hold his office for four years unless sooner removed by the President. Each inspector shall receive an annual salary of $3,000.

Now, I concede that it is competent for Congress to appropriate less than $3,000 to the Indian inspectors; but then I contend that if that is done it is competent for the incumbent of the office to sue the United States Government in the Court of Claims and recover the difference between the amount appropriated and the amount fixed by the law. I referred in that connection to the case of Langston against The United States, which covers that specific point.

Mr. GROSVENOR. Will the gentleman give the number of the report in that case?

Mr. CRISP. In the One hundred and eighteenth United States Reports, page 389.

Now, a practice has grown up in the House of providing in the appropriation bills that "the amounts herein appropriated shall be in full compensation for the salaries of the persons appropriated for for the current year," the purpose being to enable Congress on an appropriation bill to reduce salaries and to take from the incumbent the right to sue in the Court of Claims for any portion of the salary not appropriated. That provision when offered as an amendment to the bill is undoubtedly obnoxious to the point of order. That will be conceded by everybody.

That provision, however, was adopted on this bill, the point of order not being made, and the first paragraph of the bill now provides that the amounts herein appropriated shall be accepted by the officers appropriated for "in full compensation for their salaries."

My point, then, is that the gentleman from Pennsylvania [Mr. GROW] offers an amendment to fix the salary for the current year of these inspectors at $2,000. If that should go into the bill the existing law would be changed to that extent, and the right of the incumbent to sue and recover in the Court of Claims would be taken away from him. This law, in other words, would change the existing law to that extent, and the point I make is that inasmuch as you have determined that whatever is appropriated in the bill shall be taken as full payment of the salaries fixed by law, you must appropriate the full amount of the salary unless you change existing law.

So far as the gentleman from Iowa [Mr. LACEY] is concerned, and the point he makes, even conceding it to be good, still my point of order is well taken, because the salary fixed in the last act is $2,500, while the pending proposition of the gentleman from Pennsylvania would put the salary at $2,000.

Mr. LACEY. I would ask the gentleman from Georgia whether we could not leave out the whole appropriation for these salaries, if we saw fit, notwithstanding that we have passed the first provision of the bill to which he referred?

Mr. CRISP. Undoubtedly we could.

Mr. LACEY. That being admitted, why could we not appropriate less than the full amount of the salary?

Mr. CRISP. Because if we made no appropriation these officers could sue the Government before the Court of Claims and recover the full amount of the salary to which they are entitled by law.

Mr. GROSVENOR. Now, Mr. Chairman, I think I have the point. The point of order is, under the contention made by the gentleman from Georgia [Mr. CRISP], that we might and that it would be competent to appropriate a less sum than $3,000 per annum, were it not for a provision put into this bill yesterday, which seems to have been put in with a great deal of art and without, perhaps, any due consideration upon the part of the Committee of the Whole, that whatever amount of money we do appropriate shall be accepted in full satisfaction of the salary fixed for that office; and therefore, says the gentleman from Georgia, if you legislate to appropriate less than $3,000 you have changed existing law. But he has conceded that without the provision in the bill placed there yesterday we might have legally appropriated less than $3,000 a year.

Now, the validity of his argument, the force of his argument, depends upon the effect on the present legislation of the country of the amendment put into this bill yesterday. Is that existing law? There is the whole point. Non constat. We may strike this provision out of this bill when it comes into the House of Representatives, and if it is to have any such construction as the gentleman puts upon it, it must be stricken out of this bill, or there will be criticism along that line of battle when the people of this country see that by a simple provision like that the power of Congress to decrease salaries has been taken away from it, and it is bound by the ancient statutes of the country, passed in times when money was worth a great deal less than it is now, for the purpose of the payment of these salaries. That, then, is not existing law. There is no such law in existence. It is an amendment tentatively in an appropriation bill.

The CHAIRMAN. The Chair would like to suggest to the gentleman from Ohio that the existing law claimed by the gentleman from Georgia to be changed is the section of the Revised Statutes which fixed the salary at $3,000.

Mr. GROSVENOR. But the gentleman from Georgia has just admitted that in the absence of the amendment which I have referred to it is nevertheless competent to appropriate less than the amount.

The CHAIRMAN. But the contention is that the first amendment to this bill, taken in connection with this amendment to appropriate $2,000, would, for the fiscal year ending June 30, 1897, reduce those salaries from $3,000, the existing law, to $2,000 for that year. That is the claim that is made.

Mr. GROSVENOR. That, then, depends on whether or not we pass this bill. That amendment has no more effect upon this amendment or this proposition than has the title of this bill. How can it have? We have not passed it into law. That will be a question to be determined when the House of Representatives and

the Senate pass upon the question whether this bill is to pass at all or not. That has no possible effect up to this time. It is a provision that will have to be acted upon in the House of Representatives, and it may be acted upon either separately or on all the amendments that shall be reported to the House. The gentleman admits that we are not bound by the existing law in the Revised Statutes to appropriate $3,000, and that we may appropriate less than that. Now, how does it change existing law, even upon the ground occupied by the gentleman from Georgia? It makes a new appropriation, not changing the salary, but simply changing the amount of money which Congress sees fit to appropriate.

Mr. TAWNEY. Will the gentleman from Ohio answer just one question?

Mr. GROSVENOR. I will try.

Mr. TAWNEY. Do you not think the amendment adopted is just as binding upon the Committee of the Whole as the existing law?

Mr. GROSVENOR. Not at all. It has no possible effect.

Mr. TAWNEY. On the committee?

Mr. GROSVENOR. Not at all. Not for the purposes of this rule. Is it possible that it can be done clandestinely—because that is the effect of it; nobody was told on yesterday this was to have the effect to prevent Congress from refusing to follow the extravagances of this bill. Nobody was told that an amendment was to be put into the law that was to take the salary that was fixed when the coal miners of my Congressional district were mining coal at 90 cents and a dollar, and put it under the plea of former legislation back to that price, when to-day those same miners are mining coal at 50 cents a ton. Nobody was told that when that provision was put in there a law made twenty-three years ago—when gold was at a premium and when the products of the farms of this country were being sold at double what they are now—was to be a conduit through which an increase of $500 a year upon five Government officers should be tolerated by a Republican Congress. Nobody was told that a salary fixed when horses were worth $125 and cattle worth 6 to 8 cents a pound was to be brought here as an argument to force this committee to go back to that scale of prices when cattle are now worth 3 cents a pound and horses worth $25 apiece. [Applause.]

I am here to say this. This committee may do just as they please. They may go on with this work of raising salaries. We are told that three or four hundred items of appropriation in the legislative, executive, and judicial appropriation bill are all affected in the same way under this question of order; and gentlemen may put in a provision like that and go forward with it; but I say that I stand here for one to make a record that will show to mankind that in this year, in the great depression of business, in a time when everybody is suffering, and appeals are coming to Congress from every direction, that I will not vote to increase salaries at a ratio of 25 per cent, or nearly that amount, in an appropriation bill, and that after an amendment is put into this bill which seeks to bar the action of this committee to set themselves right before the country.

What is the effect, Mr. Chairman, of this proposition? Having said that the amount of money which we have appropriated shall be in full of all salary claimed by every one of these gentlemen, we therefore, on old antediluvian statutes, statutes that were passed in time of inflated currency, statutes passed in times of higher price for labor and higher price for commodities, when, as was well said by the gentleman from Iowa [Mr. LACEY] yesterday, these inspectors were compelled to travel at great expense over the country—we are compelled now to go back and hunt up these statutes and make these exaggerated appropriations, because we are powerless and tied hand and foot by a provision that we put into this bill on yesterday. My point in answer to the gentleman from Georgia is that that is no statute law, ought not to be law, and it never shall become law. It certainly can not become law if this House is intelligent and patriotic enough not to do away with our own power to prevent the increase of salaries. I warn you gentlemen of the House of Representatives, on both sides, that the people of this country have their eye on this particular Congress, and one of the things they are looking to is to see whether we are willing to create new offices and give exaggerated salaries to existing officers.

Mr. TAWNEY. Will the gentleman permit me a question?

Mr. GROSVENOR. And we are warned by the conduct of the people toward the Democratic Congress, which has just been repudiated, that stood upon the reduction of salaries and made their legislative battle on that point. The boast was made in the proclamation of the gentleman from Missouri [Mr. DOCKERY], who published an emphatic and effective appeal to the country at the close of the last session of Congress, pointing out the economy in appropriations, pointing to the reduction of the number of officers, pointing out the reduction in the aggregate of the salaries of the officers; and yet here we come, and, upon the first appropriation bill where it seems to be possible, we are putting up these salaries at the rate of $500 apiece, and we are doing that when we are told by the gentleman from Oklahoma [Mr. FLYNN], representing the district more affected than any other, that these inspectors are not only of no value to the country, but absolutely political agents of a political machine. [Applause.]

Mr. TAWNEY. Would it not be proper, then, to abolish the office? They ought to, rather than take this course.

Mr. GROSVENOR. I want to say to the able gentleman from Minnesota that that question, interpolated here, has no effect. It does not even punctuate the RECORD with an intelligent question. [Laughter.]

Mr. FISCHER. The gentleman says he is opposed to increasing salaries or creating offices. Has not your committee, which does not meet, asked for a clerk?

Mr. GROSVENOR. Is that a new office?

Mr. FISCHER. Your committee, that never meets and never had a clerk, has asked for a clerk.

Mr. GROSVENOR. Did it not have a clerk in the last Congress? My committee has never reported in favor of an addition of 15 men to a force and taken 6 of them for the committee. [Laughter.]

So, Mr. Chairman, the point of order is not well taken. Congress is not compelled to appropriate a sum of money equal to the salary of the officer; and that is this whole question. Suppose, now, that in the case of the President of the United States we should attempt to appropriate $45,000 a year for his salary, would anybody undertake to say that that was obnoxious to the point of order because it changes existing law? The gentleman from Georgia admits that it would not be. The gentleman from Georgia admits that we are not compelled to appropriate the entire amount. That is all I desire to say. This matter is of vital importance to these appropriation bills. The argument puts us into this position: You must either leave open the whole question and allow suits to be brought in the Court of Claims by every officer whose salary is reduced, or you must put yourself in the painful position of not being able to abolish any useless office or reduce any salary, or you are precluded by the rules of the House from cutting down an appropriation of this character.

Mr. DE ARMOND. Mr. Chairman, the proposition before the House is so interesting and so far-reaching that I have thought it sufficient excuse for asking the House to indulge me while I express my views concerning the point of order.

I might say by way of preface that full answer might be found to what has been said by the gentleman from Ohio [Mr. GROSVENOR] as to the dire results that would follow if amendments lessening proposed appropriations can not be entertained in the one fact that this House, by its rules, has deprived itself of the power which the last House and the preceding House had, of admitting amendments upon an appropriation bill to change existing law, when by the proposed change the expenditures carried by the bill would be decreased. Passing that, however, I understand this case to be as follows: Yesterday there was adopted an amendment to the pending bill providing that the appropriations made by the bill for the payment of salaries shall be in full discharge of all claims for those salaries. Now, there is a proposition pending to lessen the amount of the appropriation for the salaries of particular officers, to appropriate less money than the amount fixed by the law, and the point of order is made that this amendment, or any amendment which would make the appropriation less than the amount fixed by the law, would be obnoxious to the rule against changing existing law by an amendment to an appropriation bill. The question is whether or not that point of order is well taken.

In my view, Mr. Chairman, a good point of order could clearly have been made against the amendment that was adopted yesterday. If made, it would unquestionably have been sustained. That amendment adopted yesterday was a proposition to change the existing law. That was the proposition by which this bill as it now stands will change existing law. By the adoption of that amendment, however, neither the committee nor the House bound itself as to what amounts should be appropriated. There was simply introduced into the bill a provision different from existing law. That new provision is that, so far as the appropriations carried by this bill are concerned—not the appropriation suggested by the Committee on Indian Affairs, but whatever appropriations may be carried by this bill as it shall pass—that so far as those appropriations are concerned they shall be in full compensation and discharge of the salaries of the persons therein provided for. That is the proposed change of existing law; because, but for that provision, if an appropriation were made of less than the stipulated amount of any salary the officer entitled to the salary would have an undoubted right to bring suit in the Court of Claims to recover the difference between the amount appropriated and his salary as fixed by law.

Mr. CRISP. The gentleman says that that provision adopted yesterday was a change of existing law?

Mr. DE ARMOND. Yes, sir.

Mr. CRISP. Now, was it a change of existing law unless the amount appropriated is less than the amount fixed by law?

Mr. DE ARMOND. That is just the point that I am coming to. The existing law was, the existing law is, outside of this bill, that when an appropriation is made for the payment of a salary and that appropriation is less than the sum fixed by law, then the person who is entitled to that salary can sue and recover the difference. That is the law independent of the provision incorporated in this bill yesterday. But that provision adopted yesterday would change the existing law as to this bill and as to every item of appropriation that may be made in this bill. As to this bill and the appropriations contained in it, if that provision shall be retained in the bill, the law will be that the appropriations here made shall be in full discharge of the salaries of the officers provided for.

There is where the change of existing law would be made. What would be the meaning of that provision otherwise? To make good the point of order you must incorporate in the provision adopted yesterday something that is not in it and that can not be carried into it, I submit, by fair implication. You would be providing that, as to the officers whose salaries shall be appropriated for in this act, the amounts appropriated shall be received by them in full discharge of their claims, provided such amounts are equal in each particular instance to the amount provided by law. That provision would amount to nothing. It would mean merely that if you appropriated the full amount specified by existing law as the salary, then the man who received that salary must receive it in full discharge of the utmost claim that he ever could have for salary.

Now, I submit that in order to make good the point of order raised by my friend from Georgia [Mr. CRISP], whom I almost always follow upon these questions and find exceedingly good authority—to make that point of order good you would have to tack onto the amendment adopted yesterday a limitation which would destroy it, so that it would be practically no amendment at all. In fact, however, the Committee of the Whole, in adopting that amendment, provided that as to this bill and all the items of appropriation for salaries contained in this bill the previously existing law shall be changed, so that the appropriations made here, whether large or small, whether the full amount of a salary fixed by law, or half of it, or a tenth of it, or a hundredth part of it, shall be in full discharge of the salary. That is the only meaning that amendment can have, the meaning that it does have. The gentleman from Georgia [Mr. CRISP] suggested the inquiry to me: Is not that amendment adopted yesterday all right, making no change of law until you change the amount of the salary? I say no. I say the proposed change of law was made yesterday. Everybody provided for in this bill is now required to accept in full discharge of his claim for salary, if he accepts it at all, the amount appropriated.

Now, how does anybody anticipate what will be appropriated? The effect of the other construction would be that instead of increasing the power of the committee, as was done yesterday by the adoption of that amendment, you would lessen the power of the committee. The effect of such construction would be that if the amount of appropriation recommended in this bill should in any case be less than the amount of salary specified by law, you must necessarily raise it. That would be the inevitable effect. So, Mr. Chairman, we come back to the case as we find it; that yesterday the Committee of the Whole adopted an amendment providing that as to this bill, and as to whatever the House may choose to do as to the appropriations carried by this bill, the existing law shall be changed, because without that change of law the persons for whom appropriations shall be made in this bill, in all cases where a less sum shall be appropriated than the sum fixed by law, could recover the difference by suit against the United States in the Court of Claims, but with this amendment law they can not recover. The power to appropriate a dollar or a thousand dollars for any salary remains precisely the same. It is not changed in any respect by the amendment adopted yesterday.

Now, it is conceded that although a salary of $5,000 might be attached to an office, it would be perfectly competent for Congress to appropriate $5 instead of $5,000; and then the law fixing the salary being unchanged, the officer could sue for and recover all the remainder—$4,995. But as to this particular bill, in view of the action already taken, the law is changed, if the amendment of yesterday become law, and the officer accepting the amount appropriated could not sue and recover a balance.

The amendment now pending before the Committee of the Whole does not propose any change of the law. The right always has existed—it is a necessary inherent right of a legislative body—to appropriate either the whole legal salary or a part of it. The proposition against which the point of order is made is to appropriate not all of what might be appropriated within the legal limits, but a part of it. And it has already been determined—the proposition is not to be determined now, it has already been determined—that as to appropriations thus made the law shall be changed so that the appropriations which we may make shall be in complete discharge of the claim of the person for whom the salary is provided.

I therefore submit that as to this particular matter—and I think the question is an important one; it may reach far and extend to many bills—as to this particular matter the point of order made by the gentleman from Georgia—and I differ with him reluctantly and only on clear conviction—can not be sustained. While there is a proposed change of law, that change has already been accepted, and the point of order now raised does not go to it. The particular thing against which this point of order is directed is not a change of law. Whatever damage there may be from change of law, the proposal to make the change has already been indorsed. The present proposition is simply to do what the Committee of the Whole, and after it the House, has an undoubted right to do; the effect upon some individual may be different by virtue of the change already wrought by the adoption of the amendment of yesterday. The case is different from what it would be if that change had not been made. [Applause.]

The CHAIRMAN. The Chair would like to put a question to the gentleman from Missouri.

Mr. DE ARMOND. Certainly.

The CHAIRMAN. Suppose, when the amendment was offered yesterday to the first page of the bill, it had appeared as a fact that the salaries provided for in the bill were precisely those authorized by existing laws; suppose, under those circumstances, the point had been made that there was a change of existing law, how could that point have been sustained?

Mr. DE ARMOND. Mr. Chairman, it could have been sustained on this ground: Certain appropriations are suggested or proposed in this bill; but neither this Committee of the Whole nor the House has agreed to these appropriations. The Appropriations Committee of the House has recommended certain appropriations, and the question to be determined is whether or not the Committee of the Whole and the House will sanction the appropriation of those sums, or how much in any given case shall be appropriated.

The Committee of the Whole had recommended no appropriations; the House had made no appropriations. The Appropriations Committee of the House had merely recommended certain appropriations. The question whether the Committee of the Whole would recommend any of these appropriations, or in what amounts, was something which no one could anticipate. That was a matter to be determined, because any member of the House would have the right to raise that question and no one could say it would not be raised. First, what the Committee of the Whole would do, and next, what the House would do, with reference to any such proposition could only be determined by the event itself; it could not possibly be known in advance. So that if the point had been made that the bill was so framed that in each case the full amount of the salary attached to each office was appropriated, and no more—if it had been argued that therefore the proposed amendment would not change existing law, the suggestion would not have been good, and the point of order against the provision would still have been valid, because the change proposed yesterday to be made in existing law by the amendment then adopted is not that whatever had been proposed by the Indian Committee shall be accepted as full payment, but that what is appropriated by Congress shall be in full discharge of the officer's claim for salary, whether the appropriation be more or less. To determine whether a proposed amendment would change existing law we must compare the amendment with the law.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. DE ARMOND. Certainly.

Mr. HOPKINS. Suppose that $2,000 should be determined to be the right salary to be allowed these inspectors, and suppose the bill in that form should become a law, and the inspectors should decline to accept that amount as their compensation; does the gentleman believe that they would be debarred from going to the Court of Claims in a suit to recover the amount provided under the statute for their salaries?

Mr. DE ARMOND. That question I have not looked up; I do not undertake to answer it positively.

Mr. HOPKINS. Well, Mr. Chairman, I make the point that this proposition here is an effort to change existing law, and under the rules the point of order would be well taken, regardless of the point made by the gentleman from Georgia. The law now provides a salary of $3,000; and any amendment which might be offered different from that would be obnoxious to the rule which we have adopted.

Mr. DE ARMOND. With all due deference, Mr. Chairman, to the gentleman from Illinois, I think his own contention will destroy his own argument. I understand him to take the position, and in that he may be correct—I may admit for the sake of the argument that he is correct—I understand him to take the position that one of these inspectors, if the amendment proposed shall be held to be in order and shall be adopted, and the appropriation

of $2,000 shall be made for his salary, when under the law he would be entitled to $3,000, if he refuses to take the amount of $2,000, can go to the Court of Claims and recover the whole amount of his salary, while if, under the bill, he accepts the $2,000 it is absolutely a settlement of the entire claim. If that be true, then the gentleman must see that there is no change in the law made by the $2,000 amendment, because if it were otherwise it would be absolutely impossible for him to go into the Court of Claims and recover anything.

I come back, then, to the original proposition with which I set out, that there is no change in the existing law proposed to-day by the pending proposition, but that the change of law was proposed and accepted on yesterday.

Mr. RAY. Let me interrupt the gentleman for an inquiry. Do you claim that the words incorporated in this bill yesterday, providing that the appropriation for salary made by it shall be in full for the salary fixed by law if accepted, is the same as though the bill provided in express words that the salaries of these officers shall be whatever sum Congress sees fit to appropriate?

Mr. DE ARMOND. Well, not quite that, I will state to the gentleman. That is not exactly the contention. But I do claim that the provision is that these appropriations in the pending bill, whatever they may be, shall be the salary for the year to which the bill applies, not that the salary affixed to the office shall be that, but that the appropriation herein made shall be a discharge of all the obligations of the Government to pay the salary for that particular year, probably with the qualification "if accepted."

Mr. RAY. Now, let me interrupt the gentleman further. It seems to me that the gentleman's argument is subject to this criticism: The law says that these officers shall have a salary of $3,000 a year, and of course it is the duty of Congress to appropriate the necessary money to pay that salary. It is the duty of Congress to do it and it ought to do it. We may not do our duty, but if we fail, the officer may sue and recover the balance.

Now, Congress is seeking here at this time to do by indirection something that it is not its purpose to do directly—that is, we seek to change the salary of these officers by taking two steps, one of which has been already taken by the amendment adopted on yesterday and the other one you are now seeking to take. The first step taken was the insertion of the amendment that the acceptance of whatever we appropriate in this bill for the salary of one of these officers shall be in full discharge of the salary and of all claims against the Government for salary for the particular year to which the bill applies.

So far well and good. You can see that it is not quite equivalent to saying that the salary shall be whatever we do appropriate. Now, then, in order to change the law declaring what the salary shall be, in order to consummate what you desire to accomplish and practically change the law to the extent of reducing the salary to $2,500, you must go a step further and appropriate a lesser sum to pay the salary than the law says the officer shall receive. Then comes in the point of order. We have not thus far changed existing law. We have taken only one step toward it. One act in the performance has been played, but we must take the other necessary step before we do change the law. When we appropriate for the payment of the salary only $2,000, or $2,500, we have consummated by our legislation the act of changing the salary for the next fiscal year, and we have then changed existing law. Therefore, having gone half way before, now, when we undertake to appropriate a lesser sum than the law says the officer shall receive, we are consummating the act to change existing law, and it is just as objectionable to proceed by indirection, one step at a time, as though we had embodied the whole thing in one proposition and made the entire change in one single provision. In other words, the mere division of the proposition into two parts does not relieve it from the operation of the point of order.

Yesterday we changed existing law to some extent, but we did not effect the change in existing law we intend to accomplish.

To-day we do seek to consummate the change. We must take the action as a whole, not in parts, for each part is necessary to make up and complete the whole; that is the change of law intended, and that change is the reduction of these salaries from $3,000 per annum to $2,500 per annum.

Any provision in this bill intended to bring that result is a change of existing law.

Mr. DE ARMOND. There is no question that the adoption of the pending amendment, the other amendment to which I have referred having been adopted on yesterday, would have the effect of giving this official $2,000 instead of $3,000 for the particular year for which we are now appropriating. There is no doubt of that. But the question before the committee at this time and before the Chair is this: Is that to be taken as a change of law which is to be effected by what is in the pending proposition, or has the proposed change already been effected, in so far as this committee can effect it? That is the point.

I think my friend from New York misapprehends what I mean on that point, and also, I think, misapprehends the point at issue.

Mr. SWANSON. Will the gentleman allow me to interrupt him just there for a moment?

Mr. DE ARMOND. Certainly.

Mr. SWANSON. I understand you to say that the law has been already changed.

Mr. DE ARMOND. Yes; the amendment to change it was accepted yesterday.

Mr. SWANSON. Now, is it necessary for two things to concur in order that existing law shall be changed—first, the amendment on yesterday that the salaries herein provided for shall be in full, which, as I understand you to say, does not change existing law, unless you go a step further, and that is to appropriate a less amount than is required by the law? Then when both conditions concur, first the statement that the appropriation is in full of the salary for that year, and the second the decreased sum, you do change existing law? In other words, there must be a concurrence of the two propositions in order to change existing law. So yesterday, when that was offered, it was, as suggested by the chairman of the committee, no change of existing law until you had gone one step further and provided for a lesser salary. Now, the first time that you met the second condition was when the offer was made to reduce this salary from $3,000 to $2,000. Then both conditions concurred, which changed existing law, and without that concurrence I do not see that there is any change of existing law.

Mr. DE ARMOND. The difficulty into which my friend from Virginia drops is precisely the same which has overtaken my friend from New York [Mr. RAY]. They confound two questions. The one is the question of changing law, the other question is as to a matter of fact which mixes up with the change of law and produces certain effects.

For instance, a legislative body passes a law defining what grand larceny is and fixing a penalty for the offense. Now, that law is a complete law. A question arises afterwards whether somebody is amenable to the provisions of that law by reason of having done something—whether you have a case to prosecute under that law. That is the question here that these gentlemen make, and they confuse the two things. The law is changed so far as this amendment of yesterday goes, for the present considering this amendment as adopted.

Mr. SWANSON. I want to ask the question, is the law changed——

Mr. DE ARMOND. Just wait until I finish my statement. There is in this bill now, by the amendment adopted, that which, if it ripens into law, will effect a change of the law. Now, the change of law is precisely the same—is a change of law complete and perfect, whether or not there ever arises a case upon which it shall operate. If that is not true, then you do not know whether you have a law until you find out that you have a case which that law will fit! Will anybody take that position? You can not know whether this law has been changed until you find out whether there is something that you can operate your change upon! That will not do. I say the law has been changed by the incorporation of this provision in the bill, assuming that this goes on and becomes a law. There has been incorporated into this bill a provision which, ripened into law, will change existing law. If the appropriations should be such that nobody may ever raise the question, and nobody ever be affected by it, then the law will be a law which has nothing to operate upon—fails to accomplish anything simply for that reason; but it will be law nevertheless.

Mr. WILLIAMS. It is nevertheless a change of law.

Mr. DE ARMOND. It will be law in this bill, law upon the statute book, that nobody can take the salary provided for him in this bill except in full requital for his services.

Mr. OWENS. Will the gentleman allow me to ask him a question?

Mr. DE ARMOND. Yes.

Mr. OWENS. If you go ahead, as this bill provides for doing, and appropriate the full $3,000 of salary to which the officer is entitled under the statute, would not the amendment of yesterday, instead of being a change of law, be merely declaratory of the conditions existing under the present law, and not a change?

Mr. DE ARMOND. No; it would not. Gentlemen are anticipating what is going to be done. That is the trouble about it. Yesterday there was something done. That was done without condition. It was not done upon condition that there should be certain amounts appropriated in this bill. It was done absolutely and at the outset, before reaching these appropriations, and it provided that certain appropriations—not the ones suggested by the Indian Committee, not any particular amount, not any particular item, but the appropriations that we shall make, appropriations that this bill when completed shall carry—that those appropriations shall be—not as the law was heretofore, but as we make it now for the purposes of this bill—in full discharge of the year's compensation to be paid to the persons provided for.

Mr. SWANSON. The error in your argument is that you conclude that that amendment of yesterday necessarily changed ex-

isting law. Now, is not the law existing to-day that a man who has a salary fixed by law is paid in full if you pay him that full salary? That being so, the act of yesterday did not change existing law at all. The error in your argument is that you conclude that the amendment of yesterday necessarily changed the law. We claim it did not change the law until followed by the amendment reducing the salary.

Mr. DE ARMOND. I understand the claim of the gentleman, and I insist that I am not wrong about it. Now, let us get at the state of the law as it was. I hope the chairman will indulge me for a few minutes longer. Several questions have been asked me and I have spoken much longer than I intended to speak. I have not a particle of interest in this matter except to express correct views, if I have them.

Suppose you should read in this bill what was there before the adoption of this amendment, what was law before this proposition to change law. Now, what was it? That the sums appropriated for the payment of salaries, if equal to the sums provided by law for those salaries, shall be in full discharge of them; if not equal to those salaries, that the persons receiving less than the salaries fixed for their offices can go into the Court of Claims and recover the difference. That was the law before this proposed change. Of course that would not be incorporated into the bill, but it is the law and goes with the bill as effectually as if it were written there.

Let me call attention for a moment upon that view of the question to the case of Langston against the United States, which is cited by the gentleman from Georgia [Mr. CRISP] as an authority upon this question. Mr. Langston was a United States minister to one of the West India Republics, I believe. The law fixed the salary at $7,500 per year. Appropriations were made of $5,000 a year for some years, I do not recall just how many. That amount was received and receipted for by the officer. At the expiration of his term, or after three or four years had elapsed, he brought suit against the Government in the Court of Claims for the aggregate difference between the stipulated salary of $7,500 a year and the $5,000 appropriated each year. The Court of Claims decided in his favor. The question was carried to the Supreme Court. The Supreme Court of the United States affirmed that decision. Now, then, that decision fixes the law this way, that where an officer is entitled to a certain salary, because that is the salary fixed for the office which he held, and appropriations are made of less than that sum, no other limitation being thrown in, he can receive partial payment and sue and recover the balance of the salary fixed by law.

That was the law when it was proposed by the amendment incorporated in the bill yesterday to change the law as to the appropriations to be made in this bill. That amendment was incorporated. Then, so far as this bill is concerned, that law is in process of change. There is in this bill that which was put there to change the law as to this bill, and as to all the appropriations borne in it. The question of what the change accepted yesterday will operate upon can not be mixed with the original legal question involved. Now it is suggested by gentlemen that this change does not accomplish anything until you make a change in the amount of the appropriation. A law against grand larceny can not accomplish anything—that is, can not be enforced—until somebody has been guilty of that offense. The law for the collection of debt does not accomplish anything until somebody invokes that law. The law for the limitation of actions accomplishes nothing until somebody invokes that law in a particular case; but it is the law all the same.

Mr. HOPKINS. Will the gentleman allow me a question right there?

Mr. DE ARMOND. Certainly.

Mr. HOPKINS. When you speak of the law of grand larceny and those other things, that is where a person violates a rule that is already established. You admit you coincide with the gentleman from New York that you have only accomplished the first step.

Mr. DE ARMOND. No; my position is that we have already taken all the steps necessary to change the law, except, of course, passing into law this bill as amended.

Mr. HOPKINS. Your position coincided with that of the gentleman from New York, that the change will not have occurred until an appropriation different from existing law has been made.

Mr. DE ARMOND. I beg the gentleman's pardon. The change of the law has been completely accomplished, so far as the Committee of the Whole can accomplish it, by amendment before any reduction of the salary or change in an item of appropriation. The law is clear all the time. In other words, I claim that Congress has sole power to appropriate any sum or refuse to appropriate any sum precisely as it has always had, and that the amendment here pending, to reduce an item of appropriation, does not change the law at all; but that the proposition to change the law was one which passed yesterday without challenge; one upon which no question was raised.

Mr. CANNON. I only want to say a word. I would have interrupted the gentleman from Missouri, but I have always found when I agree with him he can state it so much stronger and better than I can that I hesitate to interrupt him; and I have become willing to hesitate to interrupt the gentleman when I do not agree with him. I will ask the Chair to have the amendment read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 7, line 11, strike out the word "three," and in lieu thereof insert the word "two," so that it will read "for pay of five Indian inspectors at $2,000."

Mr. CANNON. I will ask the Chair if he has the bill before him?

The CHAIRMAN. I have.

Mr. CANNON. I ask the Chair to look at the first section of the bill, and to follow me while I read a line or two of it:

That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose—

These are the words—

of paying the current and contingent expenses of the Indian Department.

Now the amendment that was adopted yesterday.

The Clerk read as follows:

In full compensation of the services.

Mr. CANNON. That is right. Now, then, the gentleman from Missouri has well claimed "in full compensation of the services" covers the whole Indian service in this legislation.

The gentleman from Georgia admits that this whole salary of $3,000 might be stricken out, so as to appropriate nothing; he admits that that might be done either with or without this amendment. Now, it seems to me that if you can strike out the whole of it, you certainly can strike out a part of it. As I understand the object of the rule of the House, it is not to be technically construed so as to defeat the will of the Committee of the Whole, and if the right to withhold appropriations, without reference to this amendment, is conceded, then it can not be said that the adoption of this amendment in the first section defeats that right. Nobody claims that. So, when you come to speak of given cases it seems to me that you test the soundness of the argument of the gentleman from Georgia [Mr. CRISP] as well as of the argument of the gentleman from Missouri [Mr. DE ARMOND].

Mr. COBB of Alabama. Mr. Chairman, it seems to me that this question is in a nutshell. The only inquiry is whether two statutes stand or can stand together, or whether there is such a conflict between them that the one must fall and the other stand. Now, the existing law unquestionably is that these officials shall each receive a salary of $3,000. Unquestionably that is the existing law. It is immaterial whether it was enacted originally in an appropriation bill or was incorporated in the Revised Statutes as a distinct proposition; it is in the statutes of the United States and is the existing law. Therefore each one of these persons is entitled to demand and receive for his services a salary of $3,000 a year. The amendment put upon this bill on yesterday says that each of these officers shall receive, in full compensation for his services, whatsoever this House provides that he shall receive. That is the situation. The law as it exists says emphatically that each of these men shall receive $3,000 a year; while the provision which we adopted on yesterday says that he shall accept as his salary whatever amount the House may appropriate. There is, therefore, a clear and irreconcilable conflict between the two enactments.

Mr. LINNEY. Will the gentleman permit a question?

Mr. COBB of Alabama. Yes, sir.

Mr. LINNEY. Suppose the point of order had not been raised by the gentleman from Georgia [Mr. CRISP], and we had gone on and passed this amendment, it would have been valid, would it not?

Mr. COBB of Alabama. As a matter of course.

Mr. LINNEY. Then, as there was no objection made yesterday to the amendment which was adopted, would not this amendment be the same as though the amendment on yesterday had not been adopted at all, it having been agreed to by unanimous consent?

Mr. COBB of Alabama. It does not make any difference how the amendment was made. It was made, and at the time it was pending a point of order ought to have been made against it, which would undoubtedly have been sustained. I think there can be no question about that. Now, when the gentleman from Georgia [Mr. CRISP] admits that but for that amendment adopted on yesterday the House might appropriate less than the amount fixed in the existing law, he gives up his whole case. If that were not so, then the point of order could be made here and now, because there would be no power in this House to change the existing law unless it has the power to appropriate a less amount than that fixed in the existing law. But inasmuch as that power does unquestionably exist, the conflict, I say, is irreconcilable between the existing law and the amendment passed on yesterday; and inasmuch

as the point of order was not made when that amendment was pending, it is too late to make it now.

Mr. RAY. Will the gentleman permit a question?

Mr. COBB of Alabama. Yes, sir.

Mr. RAY. What is it that this House is undertaking to do? Is it not to so change the law that the salaries of these officers shall be $2,500 a year instead of $3,000 a year, as now fixed by law?

Mr. COBB of Alabama. That is exactly what they are proposing to do.

Mr. RAY. Now, is it not also true that if this House appropriates only $2,500 for each of these salaries, each of these officers can sue the Government in the Court of Claims and recover the other $500?

Mr. COBB of Alabama. He could do that but for the amendment adopted on yesterday, which ought not to have been made.

Mr. RAY. Please do not throw in anything that is outside of the argument. Let us confine ourselves to the proposition. On yesterday we adopted a provision which says that these officers shall receive whatever we do appropriate in full compensation for their services, but that provision does not have the effect thus far to reduce the salaries, does it?

Mr. COBB of Alabama. It does not.

Mr. RAY. Now, the purpose was—and yesterday's action was but one step toward it—the purpose was, by this bill taken as a whole, to reduce these salaries. That is the object and purpose of this legislation, and when you have gotten through with your bill you must take your bill all together as the law on the subject. You can not pick out one phrase, or one sentence, or one section, and say that that is the law and that that fixes the salary of these officers, unless such phrase, sentence, or section is all there is on the subject. Therefore, when on yesterday we injected into this bill one provision which of itself does not change existing law so far as these salaries are concerned—when we injected that provision into the bill we took only one step toward attaining the object. It requires further legislation in this bill in order to consummate that proposed change of law, and that step we propose to take to-day.

We must read this part of the bill in connection with what has been done before, and if to-day we appropriate only $2,500 for these salaries, then that action, in connection with what we did yesterday, taking the whole bill together, changes the existing law. But we have undertaken to put into this bill a provision appropriating a less amount of money than the law says we ought to appropriate, a less amount of money than it is our duty to appropriate for these salaries; and while this Congress has the physical power to appropriate $2,500, or any other sum, in payment of these salaries, it has not any legal right to do it. In doing it we violate the law, and when we appropriate only that sum, $2,500, we subject the Government to a suit in the Court of Claims by each of these officers for the difference between his salary as fixed by law and the amount which we appropriate to pay that salary. Therefore, when to-day we undertake to say that each of these officers shall have only $2,500 a year, we are attempting to put into this bill legislation which, in connection with what we did yesterday, does change existing law, and I think that for this Congress to act upon any such basis, or to adopt any such construction of its rules as would permit such a thing to be done, is an outrage upon the law, the rules, and upon every officer of this Government.

Mr. COBB of Alabama. I might agree with the gentleman on that point. I have not said to the contrary. But this is purely a legal question, nothing more and nothing less. What our policies, respectively, would be in the administration of the law is an entirely different question which is not involved here. The gentleman from New York confounds two questions which are entirely separate and distinct. One is as to the law, pure, statutory, existing law, and the other relates to the powers of the Congress of the United States in making appropriations in the fulfillment of law. These, I say, are entirely distinct questions. The question here is not what Congress may do in appropriating in obedience to law, but what the law itself commands the Congress to do, what power the law gives to the Congress of the United States to legislate upon this question. The existing law is that each of these men shall receive a salary of $3,000 a year. There can be no question about that.

Now, suppose this bill should say that these men shall each receive $2,000 a year salary. Suppose that in the amendment adopted on yesterday, instead of saying that they should accept whatever Congress might appropriate, we had said that hereafter they shall have not more than $2,000 a year each as salary, who is there here who would hesitate to say that that would have changed existing law? In order to test whether your proposed legislation changes existing law, you must look to the effect, the consequences of the legislation proposed to be enacted if it should become law. That is the test, and if the effect of it would be to give Congress power which it does not now possess, then that legislation changes existing law.

Mr. RAY. One other suggestion, Mr. Chairman. The provision which we injected into this bill yesterday is not, thus far, a part of the law of the land. It is not law; it has not even been adopted by the House of Representatives; it has not been passed by the Senate; it has not been approved by the President of the United States. It is not law, and the fact that we consented to it yesterday in Committee of the Whole does not even necessarily indicate that it will be approved when the bill comes into the House. Of course if the Chairman holds that what we did yesterday was an independent act, is to be regarded as law already enacted, and that appropriating money to pay salaries is entirely independent of that action, then the whole argument I make is overthrown. I make my argument on the supposition that this whole bill must be regarded as one general scheme on the subjects to which it relates. I am opposed to changing general law in appropriation bills. If the law fixes a salary Congress ought to appropriate the money to pay it. The business of the Appropriation Committees is to appropriate money and execute the law. We have not changed the law as yet so far as to change the salary, and the question is, Shall we do so? To-day we seek to consummate the change.

Mr. COBB of Alabama. Have I the floor?

The CHAIRMAN. The gentleman from Alabama [Mr. COBB] has the floor.

Mr. RAY. The gentleman consented that I might enlighten him. If he objects, however——

Mr. COBB of Alabama. I yield to the gentleman; let him go on.

Mr. RAY. I want to say right here that the argument of the gentleman from Alabama and that of the gentleman from Missouri [Mr. DE ARMOND] fail when they say that the mischief was done yesterday—when they say that yesterday we changed the existing law, that all our future legislation in connection with this bill is to be upon the theory that what we did yesterday has already passed the House and the Senate and been approved by the President of the United States.

Mr. COBB of Alabama. Now, Mr. Chairman, the gentleman gives up his whole case. The gentleman from Georgia has already admitted that if the amendment offered yesterday is not the law, then no point of order can be made here. Everyone admits that. And if the gentleman is correct in assuming that we are to treat this provision as not being existing law because it has not passed both Houses and been signed by the President, he gives up his whole case—nothing remains.

Mr. RAY. Not at all, because here is a proposition to reduce this salary by refusing to appropriate the money necessary to pay it, and this is but part of a scheme—it is the second step in attempted legislation to reduce a salary. For that reason it is subject to the point of order. Until that scheme is consummated the point of order may be raised and ought to be sustained.

Mr. COBB of Alabama. I have attempted to make this matter plain, and I dislike to repeat, but in order to test the question whether proposed legislation changes or does not change existing law you must look to the effect that the legislation will have upon future acts of Congress; that is the very test of the matter. Under the law as it exists now the Congress of the United States has no right to say that these men shall receive less than $3,000 each; and unless you put upon the bill the amendment introduced and adopted yesterday, we may appropriate less than the sum provided by law, yet that does not reduce the salary, because the officer may recover the amount in the Court of Claims.

Mr. RAY. But let me suggest in this connection that if you do appropriate less than the legal salary, without first changing the law, the officer has a cause of action against the United States, and may recover the difference in the Court of Claims; whereas if we should enact the provision adopted here yesterday into law and then cut down the salary by the appropriation to $2,500, taking the whole thing together as one scheme, as one act, as one law, we have changed the law, and have not only deprived the officer of part of his salary, but have cut off his right of action against the United States for that sum of which we deprive him by refusing to appropriate.

Mr. COBB of Alabama. But, Mr. Chairman, the gentleman's assumption is not well founded. This is not one act; it is not one law. You test this matter just as well by supposing that the proposed legislation in an appropriation bill, instead of being offered as an amendment, came in here as a separate act. Let us so test the question. Suppose we had here an act of Congress saying that hereafter these Indian agents should receive as their salary whatsoever Congress might see proper to appropriate; suppose such an act should pass, would it or would it not repeal this section of the Revised Statutes? Could they both stand together? As a matter of course the last act would repeal the first.

Now you have on an appropriation bill a provision which as effectually repeals existing law as if you had put it in a separate statute; and the test at last is whether, if this act becomes a law, it is in conflict with existing law or whether both can stand together. If not, it repeals existing law; it changes existing law. If both can stand together, then the point can not be made. But it seems to me it is too plain for argument that the one or the

other must give way; and that being the test, then the question raised here comes too late; it ought to have been made yesterday when the amendment was offered.

Mr. SWANSON. I wish to ask the gentleman a question. He says that until it becomes apparent that the existing law is changed the objection does not lie.

Mr. COBB of Alabama. No; I did not say any such thing; I said just the reverse.

Mr. SWANSON. Then does the gentleman say that before it appears that the existing law is changed——

Mr. COBB of Alabama. I said that this amendment of yesterday is a separate, independent, and perfect piece of legislation in itself.

Mr. SWANSON. It does not change the existing law until you put an amendment in the bill varying these appropriations from the amount which the law provides.

Mr. COBB of Alabama. We are discussing this question upon the idea that this amendment has been adopted and become law; we can not argue it sensibly in any other way. Arguing it in that way, I say that when it does becomes law, if it ever does, it will repeal the existing law, and therefore it is obnoxious to the rule.

Mr. WILLIAMS. Mr. Chairman, two things, it seems to me, have been confused in discussing this question, and I wish to ask the attention of the Chair to the distinction involved. Salaries are one thing; the law of salaries is another thing. The question to be inquired into is whether there is proposed here any change in the law of salaries—whether the amendment now pending would bring about or be part and parcel in bringing about a change, not of salaries, but of the law of salaries.

Now, up to the time that the first amendment was offered and accepted on yesterday, the law of salary was so many dollars and so many cents for the officer on the statute books. After its adoption by the House the law of salary became what? Why, it became whatsoever Congress might, in its discretion, thereafter insert in the appropriation bill as a salary for the particular office. The law of salary, therefore, that was so many dollars and so many cents written on the statute books, then became whatsoever Congress saw proper to make the salary.

It follows, therefore, Mr. Chairman, from that that no matter what Congress may fix as any particular compensation or salary hereafter in the bill, the law of salary as to the Indian bill having become changed so that it is this, namely, that the salary shall be that amount that Congress fixes in the bill, therefore whatever sum Congress fixes hereafter as a salary, in view of that amendment, can not be a reduction of salary from the standpoint of the present law of salaries, because the very law that we have provided in this bill is that the salary shall be whatever Congress fixes, and that being true, it can not be held that the amount we may fix in the bill is a reduction of the salary authorized by law.

So the idea as to whether the reduction comes in and changes the law cuts no figure. It cuts a figure, and a large figure, no doubt, as to the salary and to the pocketbook of the man who receives the salary; but it cuts no figure at all as to the question of what has been changed or may be changed with relation to the salary, and such change can not become obnoxious to the rule of order.

Mr. HENRY of Indiana. Mr. Chairman, the only excuse that I shall offer for asking the attention of the Chair and saying anything on the pending question is the importance of the matter itself. On yesterday it was admitted on the floor in this committee that at least two or three hundred officers of the Government had been for ten or fifteen years receiving as salaries under appropriation bills less amounts than the general statutes provided for them.

Now, it is contended that this House can not, in framing an appropriation bill, lessen or reduce the amount which an officer shall receive as salary, or, in other words, that the House can not put the salary below the amount fixed in the general stuatues. It is said we can not do it by reason of the second section of Rule XXI of the present House.

It is also claimed, and undoubtedly it is the law, that in the absence of the amendment offered on yesterday by the gentleman from Missouri [Mr. DOCKERY] and adopted by the committee, that if the House does appropriate a less amount than is fixed by the general statutes, then the officer can still recover the full amount by recourse to the Court of Claims. In other words, if we fix in an appropriation bill an amount as the salary for the fiscal year which is less than that provided in the general statutes, it would simply defer the payment to the official, or defer the time when he should receive the whole amount of the salary fixed by law.

So, Mr. Chairman, I do not agree with the gentleman from Ohio [Mr. GROSVENOR] when he says that the amendment offered on yesterday by the gentleman from Missouri, and adopted by the committee, should not be adopted by the House, but upon the contrary I insist that it should be adopted and become a part of this very law, and for reasons which I propose to show later on. Because if we do not adopt it, then we simply withhold the salary from the officer that much longer, and he has a debt against the United States for the difference between the appropriation here made and the amount fixed in the general law.

Mr. GROSVENOR. I hope the gentleman will not misrepresent my position in that manner. I did not take that ground.

Mr. HENRY of Indiana. Then I am very glad to say that I misunderstood the gentleman. I am glad to find that he is on the other side of the question. I understood him quite differently.

I insist that the amendment offered by the gentleman from Missouri on yesterday is a very proper and necessary one to be adopted in connection with this bill, because if it is not incorporated in the bill it is simply idle in us to undertake to reduce the salary in this or any other appropriation bill. If we are not to reduce the salary in an appropriation bill, then we must go back, in each of the two or three hundred other cases to which reference has been made and which will come before the House in future appropriation bills, to the old laws—the law of 1875, for instance—under which salaries are fixed in some instances at more than twice what we think these officials should receive.

Then we come to the question of order presented here. We must consider in that connection the amendment offered by the gentleman from Missouri [Mr. DOCKERY] and must construe it in one of two ways; we must either construe it as law, or admit that it is not law. If we consider it as law, then it stands before the House in considering the point of order just the same as if it had been enacted in a separate bill. What would that be then? It would be enacted by the Congress of the United States that during the fiscal year for which this appropriation is made there should be paid as a salary of an officer, and be received by him as full compensation for his services, the amount which we see proper to fix in the bill.

That would change existing law, because it would enact on its face that whatever amount the Congress of the United States should appropriate should for that year be his salary. So, then, if we are to consider that as the law, then for the purposes of the objection made by the gentleman from Georgia [Mr. CRISP] it is the law now, and that provision is simply in effect that whatever we appropriate shall be received and accepted as the salary. So, Mr. Chairman, we are not now doing anything to change existing law, but to carry out existing law. The amendment of the gentleman from Missouri [Mr. DOCKERY] said that we should, in the appropriation bill, fix the amount of the salary for the fiscal year, and now we are proceeding, under the amendment offered by the gentleman from Pennsylvania [Mr. GROW], to fix that salary at $2,501 instead of $3,000.

But, Mr. Chairman, if we consider, upon the other hand, that it is not the law, then the gentleman from Georgia [Mr. CRISP] concedes at once that the point of order which he makes is not well taken. Then, in whatever way you consider it, as a part of the law or not as a part of the law, the amendment of the gentleman from Pennsylvania [Mr. GROW] is not out of order.

Mr. Chairman, this is to my mind an important question. We must do either one of two things, if this point of order is sustained. This House does not propose to raise salaries and to appropriate money for salaries higher than they have been for fifteen years past. [Applause.] If we can not reduce these salaries under the present rules of this House, the Committee on Rules should bring in a resolution to change these rules immediately.

But, Mr. Chairman, I take it that this amendment of the gentleman from Pennsylvania [Mr. GROW] is not objectionable under the rule, and I insist also that in every appropriation bill there should be an amendment similar to the one offered by the gentleman from Missouri [Mr. DOCKERY]. What does that mean? I take it that the gentleman from Illinois was right when he asked the question of the gentleman from Missouri whether, if an officer refused to accept the amount appropriated in full, he would be obliged under the law to do it, or whether he could still hold his claim against the Government? I think he was right in the intimation that he would not be compelled to accept the smaller amount, and that therefore we do not change the existing law. We do not change the amount of his salary as fixed by law, but we say to him, "If you serve the Government of the United States for this fiscal year, you shall take $2,500 for your services, if you want any pay at the hands of this Congress, and if you accept that, you accept it in full of your services"; but I take it, Mr. Chairman, that if he refuses to accept it and takes none of it, then he might perhaps have his claim against the Government of the United States for the full amount of the salary.

So, Mr. Chairman, I insist that we are not undertaking to change existing law in any sense of the word; but if it was to be held that it does change existing law, then, Mr. Chairman, we must do one of two things, or else disgrace ourselves before the people of the United States. We must either change the existing laws fixing the salaries as they were fixed twenty years ago, or else we must change the rules of this House so that we can reduce them in an appropriation bill. [Applause.]

Mr. BURTON of Missouri. Mr. Chairman, a few sensible remarks concerning this point of order, if you please. Supposing

we pass no appropriation bill whatever relative to the pay of these officers, what effect would it have upon their standing in a court if they should sue for their salaries? Could it be said that the law had been repealed or had become inoperative by virtue of the fact that Congress had made no appropriation? Certainly not. Now, you propose to appropriate, say, $2,500 or $2,000, and with that you couple a provision that if the officer having done the work shall accept this appropriation it shall be in full payment. Very well. If he does accept it, then he takes by virtue of the contract, and is estopped under the appropriation law. But suppose he refuses to take a single solitary cent, and then sues for the salary provided in the law. Can the Government come in and demur to his petition or set up an answer that that is no longer the law? Certainly not. It seems to me that an appropriation made even with the proviso contemplated can not be said to change the law, because it can not affect the right of the officer, having performed the service, to go into the courts and maintain his action upon the law.

Mr. CRISP. Just a word. There has been some effort made upon the other side in discussing the point of order—an effort which I regret—to exert an influence on the mind of the Chairman by referring to the fact that heretofore there have been reductions of salaries on appropriation bills, and that if the Chair shall sustain the point of order pending the ruling will affect two or three hundred salaries that are to come.

Now, Mr. Chairman, there is no necessity for any difficulty of that sort. There is no objection—I think no serious objection will be found on this side of the House—to a proposition to reduce salaries. That is not the point. The point is that you can not legislate on an appropriation bill. You can not reduce a salary on an appropriation bill, and my friend from Ohio [Mr. GROSVENOR], who referred to the reductions that had been made heretofore, knows very well that under the rules of the House, as they were in Democratic administrations here, there was an express provision of the rule which authorized us to reduce salaries. Certainly gentlemen have not forgotten that. The rules of the Fifty-third, Fifty-second, and prior to that time read:

Nor shall any provision in any appropriation bill, or amendment thereto, changing existing law be in order except such as being germane to the subject-matter of the bill shall retrench expenditures by the reduction of the number and salaries of the officers of the United States.

The reductions that took place on appropriation bills in the Fifty-second and Fifty-third Congresses, to which my good friend from Ohio refers, took place in accordance with the rules that those Houses had adopted for their own government. Now the rules of the Fifty-first Congress, under which we are operating, provide:

Nor shall any provision changing existing law be in order in any general appropriation bill or any amendment thereto.

There is no difficulty, Mr. Chairman, about this majority reducing salaries of officers if they choose to do so by simply bringing in a bill reducing salaries; but under the rules you have adopted it must not be done on a general appropriation bill. That is all. There is no difficulty. Gentlemen need not be frightened by the specter of their own inability to reduce salaries. You have got the power to do it; you have the power to-day under the rules you have adopted. You may have the power to do it in defiance of your rules; but if you will observe your rules, you will not do it on an appropriation bill.

Now, Mr. Chairman, just a word or two upon its merits. It is admitted that the salary is fixed by law. It is admitted that these officers have a title to their office—acquired by the nomination of the President and confirmation of the Senate—and a tenure of four years. This is a proposition to change existing law in this respect, that these officers, if they accept the money in this appropriation bill, then the law is so changed as to deprive them of the right to sue in the Court of Claims for the excesses or difference, which right the highest court in the land has determined that to-day they have. Now, then, gentlemen say that the enactment of yesterday changed the law. How? How, I ask the Chairman, does that change existing law? Reading the bill you reach a proposition appropriating the full amount of the salary due an officer. Does that change existing law? You reach a provision appropriating a less amount. Does not that change existing law? There is nothing in the first amendment indicating change, and nothing pointing out any change, and there is no reason any man should anticipate that the first amendment would affect the salary.

It seems to me, Mr. Chairman, that the conclusion is plain. It is simply another effort on the part of the Appropriations Committee to legislate on appropriation bills, notwithstanding the rules of the House say they shall not do it. It has always been contended by the Republican party, and was the rule when they had control, that an appropriation was simply intended to appropriate money in accordance with existing law. There always has been an effort upon the part of the Appropriations Committee—I do not say it in criticism of them, because we all like to reach out for power—there has always been an effort on the part of that committee, notwithstanding the rule says they should not legislate, to legislate. And when they found that the Supreme Court said that if they appropriated less than the full amount of the salary that the officer could sue for the difference, they have presented an amendment, "If you accept the salary under this law you shall not go to the court and sue us again." So they are seeking to do to-day what the rule says they shall not do, and what I submit, in all fairness and justice, they ought not to do.

Mr. BARRETT. Mr. Chairman, I would like to make a parliamentary inquiry for the purpose of guiding us in what may be done when this bill is reported to the House. Do I understand that under the rules of the House it would be in order if this amendment is thrown out on the point of order, when the bill is reported to the House, to move to recommit this appropriation bill to the Committee on Indian Affairs, with instructions to amend their report to this House so that these salaries should be fixed at $2,500 a year? I agree with the contention made by the gentleman from Georgia that under the present status of the bill it would be a change of existing law. I suggest that to him, that when the bill is reported to the House, supposing the point of order to be sustained, would it be in order to move to recommit the bill to the Committee on Indian Affairs, with instructions to report the bill back with the salaries as proposed by the amendment of the gentleman from Pennsylvania?

Mr. CRISP. It has constantly and always been held here that you can not do by indirection that which you can not do directly. It would be out of order in the House if out of order here.

Mr. BARRETT. I desire to call the attention of the gentleman to a situation which occurred in this House on the 7th day of February, 1893, when, the House being in Committee of the Whole House, having directed the Committee on Appropriations to report on an appropriation bill a matter which under the rules would have been obnoxious and liable to the point of order, the Chairman of the Committee of the Whole House then held that the Committee of the Whole, and therefore the Chairman of the Committee of the Whole, had no right to assume when there was a direction given by the full House, and that therefore the point of order would not hold, and so overruled the point of order. Now, expecting as I do that the point of order raised by the gentleman from Georgia will be sustained, I raise this question at this time, when the House is considering the parliamentary issue, so that we may see if he will agree that when the bill shall have been reported to the House a motion may be then made, and not objected to, that the bill be recommitted to the Committee on Indian Affairs, with instructions to report back this section fixing the salary at the rate of $2,500 per annum or $2,000 per annum.

I am simply trying to ascertain from the gentleman from Georgia [Mr. CRISP] if he will be kind enough to express an opinion, whether or not, in his judgment, such a motion could then properly be made, and whether, when the report shall be made by the committee in accordance with that instruction, the point of order could be raised against it.

Mr. CRISP. I can refer the gentleman to the authority in one moment. It has been uniformly held that it is not competent for the House to do by indirection that which it can not do directly. An amendment that is out of order here would be out of order in the form of an instruction to a committee. In other words, the House can not do indirectly what it can not do directly. I suppose the case to which the gentleman refers was a case where the committee had obtained the consent of the House as to some matter which was, in itself, in violation of the rule. Of course, the House can change its rules.

Mr. BARRETT. Mr. Chairman, this matter has taken such a wide range that I think it is deserving of careful attention and consideration. I find in the RECORD of February 7, 1893, that there was reported from the Committee on Appropriations an item which the Chair held would have been subject to a point of order but for the fact that the House had, by resolution, instructed the Committee on Appropriations to report the item. Now, I ask the gentleman from Georgia whether or not he is willing to say, with his full knowledge of the parliamentary procedure of this House, that when this bill shall have been reported to the House it will be in order to move to recommit the bill with instructions to the committee to report this item at the rate of $2,500 a year in full compensation for all services rendered by these inspectors?

Mr. CRISP. I suppose the case to which the gentleman from Massachusetts refers was one where the Appropriations Committee obtained unanimous consent or obtained an order directing the committee to do a certain thing. That, of course, can be done. Again, the Committee on Rules has on some occasions reported a special rule authorizing the Committee on Appropriations to report some item in a bill which would not have been admissible under the general rule. That has been done several times.

Mr. BARRETT. Am I correct in my assumption that when this bill shall have been reported to the House it will be in order to move to recommit the bill to the Committee on Indian Affairs with instructions to report a provision along the line suggested by the gentleman from Pennsylvania [Mr. GROW], and that it

will not then be in order in the Committee of the Whole to raise the point that such a provision is not in order because it changes existing law?

Mr. CRISP. That is, of course, a question for the Chair. My own opinion is that you can not, by a simple motion to recommit with instructions, authorize the committee to report anything changing existing law.

Mr. BARRETT. Mr. Chairman, I think the point of order made by the gentleman from Georgia at this time is well taken, but I desire to give full notice now, so that the gentleman may prepare himself on the parliamentary points involved, that if this appropriation of $3,000 as it stands in the bill shall be sustained, I will, when the bill is reported to the House, move to recommit it to the Committee on Indian Affairs with instructions to revise this item so as to fix these salaries at $2,500 a year, which shall be in full compensation for all services rendered by these inspectors.

The CHAIRMAN. The Chair is ready to rule on this question. The law fixing these salaries seems to be that embraced in the Revised Statutes, and it fixes them at $3,000 a year. Now, if this bill should pass with the amendment adopted yesterday, inserting the words "in full compensation for services for the fiscal year," and also with the amendment reducing the salary to $2,000, and if these inspectors should go on and serve during the year and accept the $2,000 there would result practically a reduction of the salary from $3,000 to $2,000.

But that is not the whole question presented here. This point of order arises on an amendment proposing to reduce the appropriation for salaries to $2,000 a year. That proposition standing alone is clearly within the power of the Committee of the Whole under the rule. Without further provision it would not reduce the salary, because under decisions which have been cited here the courts have held that under such an appropriation as that the incumbent of the office may accept the $2,000 and afterwards maintain his action in the Court of Claims for the balance of the salary. Hence this simple proposition does not change existing law.

But the Chair is referred to the amendment which was adopted by the Committee of the Whole yesterday inserting the words "in full compensation for services for the fiscal year." That amendment would clearly have been subject to a point of order if one had been taken at the time, unless another proposition, which the Chair will state later, would have relieved it from the point of order. It was an effort to provide that the salaries and payments made in this bill should be received in full compensation in accord and satisfaction of the salaries provided by law. It was a notice to the Committee of the Whole of the propositions embraced in the bill to reduce salaries. Now, I think that under the practice of the Committee of the Whole it has been uniformly held that where an amendment subject to a point of order has been inserted in an appropriation bill, no point of order being made against it, and debate had followed, a proposition to amend that amendment, if germane to the matter in the amendment, would be in order, and a point of order against the amendment in the second degree would not lie. The question is whether the amendment now sought to be inserted, taken in connection with the previous amendment, would not fall under the rule applying in that class of cases. But further than that, if the proposition were the one on which a point of order was raised—the proposition of the gentleman from Oklahoma to strike out this provision—it is conceded that the amendment would not be subject to a point of order, because the House may refuse to appropriate a dollar for these inspectors during the fiscal year for which we are now providing.

Now, an appropriation of a less sum for the salary of these officers than that fixed by law would, if this less sum should be refused by these inspectors, still leave them without any reduction of salary, because if they should go on and serve for the year their salaries, in spite of this provision in the bill, would not be reduced, unless they should accept the $2,000 under the conditions named. If they did not choose thus to accept, they could go into the Court of Claims and collect the $3,000.

As already stated, Congress has a right to refuse to appropriate one dollar of this salary of $3,000. The greater must include the less, and therefore Congress has a right to make a limitation upon this appropriation, to fix conditions; and under the rules of the House this is not a change of existing law and, as just stated, it is not a reduction of the salaries unless these men should decide to accept the $2,000 appropriated by the bill.

So the Chair holds that the point of order is not well taken. The amendment is in order.

Mr. GROW. Mr. Chairman, as I understand, this question is now open to discussion under the five-minute rule. I desire to detain the Committee of the Whole but a moment.

Sir, it would be a strange state of things if the legislative body which appropriates money for the support of the Government were to be controlled in its judgment of how much should be appropriated because of the possibility of lawsuits that might arise.

I desire at the close of my remarks to modify in one particular my amendment. I am in favor of a salary of $2,500 for these agents, just what they have received for two years back and received under the appropriations of an overwhelming Democratic majority in this House. If the action of that Democratic House did injustice to these men and deprived them of their legal rights it is not our business to come in and restore them. If the contention made here is right these officers can bring suits for the difference in their claim of salary; a rule of the House does not overthrow any rights under the law. If they are entitled to $3,000 under the law the rule of the last House under which the amount was reduced can not deprive them of it. I desire to modify my amendment (in view of the fact that an amendment for salary of $2,500 has been voted on) by changing the amount to $2,501.

One word upon the merits of the question. When we appropriate for these services $2,500 a year with $4 a day as allowance for expenses, do we not provide a reasonable salary? Sir, if I were here simply for the amount of salary that a member of Congress draws, I would take the pay of one of these agents in preference to that of a Representative. I repeat, it is not our business to redress the wrongs that a Democratic House may have inflicted on Democratic employees. I am opposed to any increase of salaries at this session of Congress. I do not feel bound by what the committee may report in these matters. I mean no discourtesy to the committee. But I can judge what salary ought to be allowed an employee in a case of this kind as well as any member of the committee.

When a committee has investigated a subject requiring time and attention to ascertain facts, as a member of the House I should feel bound in courtesy and fairness to accept the report of the committee. But do we not know about the merits of this case, which is one only of salary, just as well as any member of the committee? As to the statement that the Commissioner of Indian Affairs wants this salary fixed at a particular figure, we are not here as his agents; this is not a Corps Legislatif, like that under Napoleon, to record the edicts of any of these Commissioners or of the Secretaries of the Departments.

We judge for ourselves in these matters, and we do not care whether the Commissioner or any Secretary is in favor of what we do or not. It is no concern of ours. We act upon our own understanding of each case that comes before us, and do what we believe to be our duty to all the people.

But I desire to say, and that is all I desired to say after calling the attention of the House to the matter, that the salary proposed seems adequate for the service. There are men all over the country to-day working for one-half of the wages they received, as stated by the gentleman from Ohio, at the time this law was passed fixing the compensation of these inspectors. And are we to be controlled in the making of appropriations by the threat of lawsuits growing out of what we do? I vote my judgment on all of these matters, as I doubt not other members do, whether the courts may construe the action to be lawful or unlawful. That is a matter that must be left to the courts in the end anyhow. It would not control my action if a man receiving a salary of $2,000 should come here with a letter from the appointing power saying that it ought to be raised to $3,000.

And I want to say to the members of the committee that it is no want of courtesy to a committee which brings in a report here to find some of its recommendations disregarded by the House.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to limit all debate on this paragraph and all amendments to twenty minutes.

There was no objection.

Mr. PICKLER. I desire to ask the gentleman in charge of this bill a question. It has been asserted that these inspectors get $4 a day and all their expenses. Now, the five special agents specified on page 8, at the bottom of the page, are provided for at the rate of $3 a day. Do not the inspectors get just the same as the agents?

Mr. SHERMAN. Well, I do not understand that they get $4 a day. It is a Department regulation, however, and I understand they receive their actual expenses, not to exceed a certain sum. They do not receive, however, $4 a day, I think.

Mr. PICKLER. They certainly do not get more than $3 a day if their pay is on the same basis as that of the special agents.

Mr. GROW. It is the same thing, whether they get $4 or $3 a day. Their expenses are paid, whatever the amount may be.

Mr. DINGLEY. Mr. Chairman, I called on the Auditor of the Treasury for the Interior Department this morning for the purpose of ascertaining the amount of the traveling and incidental expenses, including hotel bills, of these five inspectors paid from the Treasury. He informed me that they received, in addition to their salary, whatever it may be—$2,500 a year for the last two years—first, all of their transportation expenses, including parlor-car and Pullman-car charges, hacking, etc., and then that they received all their personal expenses at the hotels, not to exceed $5 per day, as provided by the regulations in the Department. He further informed me that these charges for personal expenses covered all the time they are on duty outside of Washington, and that

they were held to be on duty all the time they were absent from home. If an inspector, for example, was appointed from New York, he was held to be on duty when absent from his home in that State, and his expenses went on all the time that he was away from New York, which amounted practically to the whole year.

I inquired as to the amounts which were paid to these gentlemen for expenses during the last fiscal year. I was promised an itemized statement of these, but as yet it has not been received. I learned, however, that the amount advanced the inspectors for these charges was in the neighborhood of $1,400 each, although very likely all of this was not used. That would make the salary, including traveling expenses (if the salary was fixed at $3,000), at least $4,000 a year, or, deducting the amount paid for traveling expense and including only board and lodging, at least $3,500. In other words, in estimating the salary and determining what is an appropriate salary for these officials, we should take into consideration the fact that they are boarded by the Government at good hotels, in addition to their salaries; and in considering the question of salaries you should bear in mind that the salary of $2,500 for an Indian inspector is equivalent to at least $3,000 for any other official who pays his own board and expenses.

I believe that the post-office inspectors have only about $1,600 compensation and expenses. So it will be seen that if we give these officials $2,500 a year, in view of the facts I have stated, we give them a larger salary than any other officials of the Government who are required to be on traveling duty; almost more than any of the officials of the Government except a few of the highest paid in the service.

Now, I am disposed to be very liberal in this matter, and if we make the salaries of these inspectors $2,500, as they have been for two years past, considering the fact that we practically board these men at an expense of at least $500 each, it seems to me that this ought to be satisfactory.

Inasmuch, therefore, as the chairman of this committee said at the beginning of the debate that he had not investigated the matter for himself, but knew only what the Secretary of the Interior and the Commissioner of Indian Affairs have said in regard to the matter, and undoubtedly these general representations were made, and they seemed to be entirely satisfactory to the committee, just as they have often seemed to myself when I have had charge of matters of this kind when on appropriation committees, but subsequently I have ascertained, on a more careful investigation, that there were facts which had not been communicated, that tended materially to change my view of the matter—in view of these considerations, it seems to me that, under all the circumstances, the Committee on Indian Affairs ought to be willing to concede that $2,500 a year, taking into consideration the board and traveling expenses paid these officials, ought to be ample compensation, it being really a much higher salary then we pay the post-office inspectors, and a much higher salary than we pay any other gentlemen who are performing duties of this character for the Government.

We ought to settle down to the conviction that when we have done what the last Congress did in two appropriation bills, and have given these gentlemen $2,500 a year, and provided for their board when on duty, which covers most of the year, we have done all that in reason ought to be asked.

Mr. GROW. I changed that to $2,500.

Mr. DINGLEY. I think when we do what was done by the last Congress, we do substantially everything that ought to be asked for these officials by any gentlemen who may be their friends and who may desire to extend to them all the advantages that may reasonably belong to them.

Mr. GROW. My amendment is now for $2,500.

Mr. CRISP. Mr. Chairman, just a word on the merits of the proposition. It is conceded on all hands that this salary is fixed by law at $3,000. Now, Mr. Chairman, you have heard, and so have all the members who have been here any considerable time, a great many criticisms on that side against individuals on this side—against so-called cheeseparing by cutting off the amounts of salaries. Now, here is a case, and I put it to any fair-minded man, because we ought to look at it as business men, dealing fairly with each other and with public officers—I put it to you now: Here are five men, who were appointed to these offices at a salary fixed by law. They were appointed for a term of four years—appointed by the President and confirmed by the Senate. They entered upon the discharge of their duties at this fixed salary. Of course I admit that you have the right to abolish the office if it is unnecessary, but I am just appealing to you now as fair men. These men went into the discharge of the duties of these positions at $3,000. The Committee on Indian Affairs, and that is the committee whose duty here is to investigate the question, have reported a bill appropriating for the salary as fixed by law. My friend from Pennsylvania [Mr. GROW] talks about everybody knowing about this. I have no idea that the gentleman himself knows what these Indian agents do. I do not know myself.

Mr. BOWERS. They are having an almighty good time, I will tell you.

Mr. CRISP. I want to show you how erroneous it is for the gentleman from Pennsylvania to say we all know as much about these Indian inspectors as the Indian Committee know. He is mistaken. He does not know where they go or anything about it; but the Indian Committee is charged with the duty of ascertaining about these things. That is their business. They are the eyes and the ears of the House in respect to this matter. My friend from Maine [Mr. DINGLEY] went this morning to an Auditor. He did not go to the Commissioner of Indian Affairs.

Mr. DINGLEY. I went to find out how much was audited and paid; and as the Auditor has charge of auditing all accounts of the Interior Department he was the proper officer to call upon.

Mr. CRISP. Yes; the gentleman did not go to the Secretary of the Interior, but he went to an auditor who audits the accounts. He did not go to ascertain the necessity for this work or the character of men necessary to discharge the work, the confidence reposed in them, the ability necessary. He did not do that, but he went to the Auditor to find out, not how much more salary the officers have drawn, because they can not draw any more, but he went to find out what their allowance was. That allowance is what each officer actually paid out, that is all. The officer does not make a dollar out of it. He has to swear to every dollar paid out. It is not like our mileage when we come here. We draw at one rate and pay at another. These men paid out every dollar for which they got a return. Now, what figure does that cut? My friend from New York [Mr. SHERMAN], the chairman of the Committee on Indian Affairs, can tell you better than I can the character of the duties these men have to perform and the responsibility which rests upon them, and it looks a little odd to me to find gentlemen on the other side of the House who have usually been in favor of reasonable salaries for reasonable work putting the House in the attitude now of cutting down this particular salary and giving no reason on earth for it. You might just as well cut down the salary of my friend from Ohio [Mr. GROSVENOR] as a member of Congress.

Mr. DINGLEY. But the figure which we propose is precisely what the last Congress appropriated, over which the gentleman from Georgia presided.

Mr. CRISP. But has the gentleman from Maine arrived at that condition of mind where he is willing to say, if I admit that the last Congress did wrong, that two wrongs make a right?

Mr. DINGLEY. Oh, not at all. I take it that the gentleman from Georgia was perfectly satisfied with the action of the last Congress, and as he had control of that Congress it is reasonable to suppose that he did not disapprove of the action taken two years ago, especially when that action was reaffirmed one year ago.

Mr. CRISP. Gentlemen on that side are doing what they have often done, criticised the cutting of salaries and when they are in power doing the very same thing. But the gentleman from Maine [Mr. DINGLEY] has been here many years, and I question whether he ever knowingly or intentionally voted before in his life to cut a salary below the amount fixed by law.

Mr. DINGLEY. Oh, I have, a great many times; and two years ago, as well as last year, I stood by the committee, which the gentleman from Georgia appointed, in making the salary of Indian inspectors $2,500.

Mr. CRISP. But the gentleman's clarion voice was not heard here appealing to his party to cut salaries. On the contrary, the cut has been here, and the opposition has been there. Now, if the gentleman from New York wants to ask me a question.

Mr. QUIGG. I wanted to know if it occurred to the gentleman from Georgia to make the suggestion which he now makes, when he was Speaker of the House, to the Committee on Indian Affairs of the last House; and if so, I shall not blame the gentleman from Georgia for what the last Congress did.

Mr. CRISP. Mr. Chairman, "when the gentleman from Georgia" was Speaker of the House "the gentleman from Georgia" believed that each committee of the House could manage its own business without any suggestions from the Speaker of the House. [Loud general applause.]

Mr. SHERMAN. How much time is there left?

Mr. CANNON. But the gentleman from Georgia made them, and knew how they would work when he had made them.

The CHAIRMAN. There are five minutes remaining.

Mr. HOPKINS. I desire to have the attention of the committee for a few minutes only upon this proposition. This question was before this committee yesterday, and after a full and fair discussion the motion to reduce the salaries to $2,500 was voted down. Now, the gentleman from Pennsylvania, under inspiration from a source that I will not now name, comes before the committee this morning and proposes to increase that salary $1, so as to force another vote, which is a factional opposition to the Committee on Indian Affairs, in my judgment.

Mr. GROW. Will you allow me to ask you a question?

Mr. HOPKINS. I can not be interrupted now.

Mr. GROW. As a personal explanation. It was on my own inspiration.

Mr. HOPKINS. This must not come out of my time.

Mr. GROW. Then the gentleman ought not to make an imputation.

Mr. HOPKINS. Now, the statute that is before me fixes the salary at $3,000. The gentleman from Maine [Mr. DINGLEY] who sits before me undertakes to convey an impression to this body that they get $1,400 in addition to that, which swells their salary to something like $4,400.

Mr. DINGLEY. No; I did not do anything of the kind.

Mr. HOPKINS. The statute which controls the Department, as well as those in it, says in regard to the expenses the following:

Each inspector shall receive an annual salary of $3,000 and his necessary traveling expenses, which shall not exceed 10 cents per mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

I very much prefer, Mr. Chairman, the report of the Secretary of the Interior, with the sworn statement of these inspectors, as to their actual expenses, by name, than to go to any subordinate officer of the Government to find the amount of money that has been expended by any one of these men. If the gentleman from Maine desired to get his information, as familiar as he is with the statutes, why did he not take the last report of the Secretary of the Interior as to their expenses, instead of going to the Auditor this morning, who made a statement to him and might make a different one to me, or to any other gentleman, if a call should be made upon him this afternoon? Now, what I insist is this, that the language of the statute fixes the amount of the salary, and so long as the Committee on Indian Affairs propose to follow the law after a fair and full examination of the subject, we should not be led astray by a statement that $1,400 in addition are paid to these men. Everybody who knows anything about it knows that not one dollar of this amount, whether $14 or $1,400, goes into the pockets of the inspectors.

Mr. DINGLEY. He is paid board.

Mr. HOPKINS. That is money he actually expends. Now, what is there about these fine hotels? You would suppose from the statement of the gentleman from Maine that these gentlemen were luxuriating in a hotel like the Fifth Avenue Hotel in New York or the Palmer House in Chicago. Not at all. They are men who are sent out upon the outskirts of civilization; men sent into dangerous parts of the country with great responsibilities and a vast territory to cover. They are men who, instead of living in the manner described by my friend from Maine, have to rough it as men do often in the Territories.

I know, Mr. Chairman, from past experience something of these officers.

Mr. LEWIS. Will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HOPKINS. No. I know it requires a high degree of intelligence. I know it requires great judgment and discretion; that it requires ability that $3,000 is a small compensation for. You must remember, gentlemen, that these offices were regarded when they were created as important offices, from the fact that they are made Presidential offices, and the appointees are required to be passed upon, not only by the President, who appoints them, but they are subject to confirmation by the Senate of the United States. As much care is taken in their selection and their confirmation as is usual in the appointment of a Cabinet officer.

Now, I say, from the experience that I have had with these men in years past, that instead of their getting too large salaries, their salaries are meager compared with the ability, the experience, and the intelligence required for the performance of their duties.

Mr. SHERMAN. Mr. Chairman, I yield two minutes of the remaining time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. When these inspectors were first authorized they were supposed to be important officials. It was substantially before the transcontinental railways were constructed. It was substantially before we had the Indians in hand. At that time no land had ever been allotted to a single Indian. But as the years have rolled round there has been an absolute revolution in the Indian service, and I know what these inspectors do. Year after year I have kept track of them, and, measuring my words, I say that, considering the importance of the duties now performed by them, whatever this committee may do, my deliberate judgment is that they are the best-paid officials in the employ of the Government for the service they perform when you pay them $2,500 a year and all expenses. Now, Mr. Chairman, I have no antagonism to the Committee on Indian Affairs. I have great sympathy with my friend from New York [Mr. SHERMAN] in wishing to see committees sustained, because it happens to be my lot, as it has been for many years, to stand with and for committees; but yet, while I have no antagonism to my friend personally, and while I have no antagonism to his committee, my judgment as a member of the House is, without intending to reflect in any way upon the Committee on Indian Affairs, that on the whole $2,500 a year is pay enough for these inspectors, and, again disclaiming any desire to reflect upon the committee reporting this bill, I shall so vote.

Mr. SHERMAN. Just a word in conclusion, Mr. Chairman. I am glad to learn from my distinguished friend from Illinois [Mr. CANNON] that the Pacific railways have been constructed since 1873, the year in which these inspectors were provided for by law. I had an idea that those railways had been constructed prior to that time. [Laughter.]

In reference to the suggestion of my friend from Maine [Mr. DINGLEY] that $5 a day is expended in hotel bills by these inspectors——

Mr. DINGLEY. Not exceeding that.

Mr. SHERMAN. Very well. Let me call the gentleman's attention to the fact that this bill proposes to appropriate but $7,000 for expenses, $1,000 of which is to pay expenses already incurred, so that there will be but $6,000 to pay the expenses of five agents, and if they pay $5 a day for hotel expenses during the year, as my friend says, that will amount to $9,000, or half as much again as this appropriation; so, Mr. Chairman, I believe that what these inspectors really do pay is not $5 a day on an average, or even one-half that sum. Moreover, the gentleman from Maine suggests that the Auditor audits their hotel bills at all times except when they are at home.

Now, the very next section of this bill provides for paying the hotel bills of these inspectors while they are located in the city of Washington under the direction of the Secretary of the Interior, which the Auditor has heretofore refused to allow. One further suggestion, Mr. Chairman. No amount has yet been appropriated to pay the expenses of these inspectors for the coming year, and judging from the opposition to this part of the bill manifested by my distinguished friends from Illinois and from Maine, an attempt will be made to strike out the provision for that purpose, so that there will be no appropriation made for the expenses of these inspectors during the coming year. On the main question I have nothing to add to what I said yesterday, that I believe the committee was right in its decision to recur to the old law and give these inspectors the $3,000 a year which the law provides for, and further, that if the salary is to be changed it ought to be changed, not in the manner proposed here by taking these officers by the throat and saying, "Take $2,500 a year or nothing," but by amending the general statute which fixes these salaries.

The CHAIRMAN. The time for debate on this paragraph has expired. The question is on the amendment of the gentleman from Pennsylvania [Mr. GROW].

The question being taken, there were—ayes 57, noes 78; so the amendment was rejected.

Mr. SKINNER. Mr. Chairman, I move to amend by striking out the last word.

The CHAIRMAN. Debate on this paragraph and amendment was limited to twenty minutes, and the time has expired.

Mr. SHERMAN. All amendments, too, are ended by the adoption of that motion, I believe, and the question now is on the motion to strike out.

Mr. CANNON. Oh, no; you can not cut off amendments in that way.

The CHAIRMAN. Amendments are not cut off, but debate upon the paragraph is ended. The gentleman from North Carolina [Mr. SKINNER] moves to strike out the last word of the paragraph.

Mr. SKINNER. I withdraw that.

The CHAIRMAN. The question now is on the amendment to strike out the whole paragraph.

The question being taken, the Chairman declared that the noes seemed to have it.

A division was demanded.

The committee divided; and there were—ayes 16, noes 89.

Mr. SHERMAN. Mr. Chairman, I suggest that we now return to page 6, to dispose of the question reserved at the suggestion of the gentleman from South Dakota.

Mr. PICKLER. I withdraw that amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be regarded as withdrawn. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses of five Indian inspectors, including telegraphing and incidental expenses of inspection and investigation, including also expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, $7,000: *Provided*, That the accounting officers of the Treasury be, and are hereby, authorized and directed to settle claims of Indian inspectors for traveling and other expenses heretofore incurred while on duty in Washington under orders of the Secretary of the Interior, where such claims have been disallowed or suspended by the said accounting officers: *Provided further*, That the sum expended for this purpose shall not exceed $1,000.

Mr. BOWERS. Mr. Chairman——

Mr. CANNON. I rise to make a point of order. Does the gentleman from California [Mr. BOWERS] desire to make such a point?

Mr. BOWERS. No, sir; I rose to occupy five minutes in debate.

Mr. CANNON. I make the point of order that the portion of this paragraph beginning with the word "*Provided*," in line 18, and

extending to and including the word "dollars" at the close of the paragraph, is a provision not authorized by law—is new legislation, and therefore not in order.

The CHAIRMAN. The Chair would like to hear from the gentleman from New York [Mr. SHERMAN] on this point.

Mr. SHERMAN. I have nothing to say on the point of order. This is, I suppose, new legislation, and out of order if the point is insisted upon.

The CHAIRMAN. The gentleman concedes that there is no existing law authorizing this?

Mr. SHERMAN. I do.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, $1,500: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. MILES. I move to amend by striking out, in lines 5 and 6, the words "five hundred"; so that the clause will read:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, $1,000.

The amendment of Mr. MILES was read by the Clerk.

Mr. MILES. Mr. Chairman, in this case there is not, as there was in the case of the Indian inspectors, any existing law or statute fixing this salary; and here, it seems to me, is a fine opportunity for this House to practice economy. In the last appropriation bill I find the appropriation for this purpose was $1,000. Here is a proposition for an increase of $500. It seems to me unnecessary, and unless some satisfactory explanation be made I must insist on the amendment.

Mr. SKINNER. Mr. Chairman, my excuse for asking attention at this time is that the present amendment is in line with a bill which I introduced here in the early stages of this Congress. I refer to House bill 4141, which provides for a reduction of all Federal salaries upon a horizontal "Bill-Morrison" basis, a reduction of 33⅓ per cent. In introducing that bill, however, I provided a saving clause that whenever this country shall come to the free coinage of silver at 16 to 1 the old salaries may be reestablished.

My purpose in introducing that bill (although I come from North Carolina) was not for "buncombe," but for practical effect, to meet the deficiency in the Treasury and at the same time to exemplify to the country this just principle that if the growers of wheat, the growers of cotton, the growers of corn—if the laborers in agriculture and in various branches of manufacturing industry—are compelled to accept gold prices for their labor and their products the official classes of the country may take notice that the time may come when they shall be compelled by the sovereign will of the people to accept the same scale of prices for their services.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. SKINNER. Yes, sir.

Mr. PICKLER. The gentleman states that he introduced that bill early in the session?

Mr. SKINNER. I did.

Mr. PICKLER. Has the gentleman been before the committee to which the bill was referred, to advocate his measure?

Mr. SKINNER. There is a member from North Carolina upon that committee——

Mr. PICKLER. Will the gentleman answer my question?

Mr. SKINNER. And I have urged him to secure a report.

Mr. PICKLER. Have you ever been before the committee yourself?

Mr. SKINNER. No, sir; I have not. And I will anticipate the gentleman by saying that I did not introduce the bill either to popularize myself at home or to unpopularize myself on this floor, for I am a high-priced man; I believe in reasonable and even high salaries under proper circumstances. When we have the conditions out of which high prices can properly arise and be paid, this House will find me liberal in all respects; but I can not permit the discussion to proceed along the line of reducing salaries without calling the attention of legislators to this question and serving notice upon them that the day will come when their salaries will also be reduced to correspond with the price of labor and the price of products.

In regard to these special inspectors, I wish to say that when they receive $2,500 as fixed in the last two appropriation bills, together with mileage and their expenses at hotels, they receive a larger salary than any Congressman receives.

And, Mr. Chairman, I have this much further to say, that if the leader of the Republican party will permit the Democrats, in connection with a part of the Republicans, to put them in such a position as this, raising salaries in this respect when prices are reduced all through the country, they are placing themselves in a very unfortunate position, to say nothing of its being bad politics, and they will hear from it in the next campaign.

Mr. GROSVENOR. Let me suggest to the gentleman from North Carolina this inquiry: Is it not true that the large majority that was given for the increase of salary in this bill on the last vote came from the Democratic side of the House? Two to one, I should say.

Mr. SKINNER. Well, I can not say anything as to that.

Mr. McMILLIN. You have more than two to one majority.

Mr. BOWERS. Mr. Chairman, very large latitude has been given to the members in the discussion of points of order to-day, circling around a great deal of discussion on nearly all political points. But, in view of the fact that there has been a general expression of uncertainty as to the point of order raised on yesterday by the gentleman from South Dakota [Mr. PICKLER], for the information of the members of the House—the new members and to refresh the memory of the older members—I desire to state the facts in connection with the point of order, simply because my friend from South Dakota, in the very nature of things, at the very next session of Congress will again attempt this amendment and again claim that it is not existing law.

Briefly, let me say, that on the 27th day of February, 1892, the House passed this amendment, on an appropriation bill——

Mr. PICKLER. On an appropriation bill?

Mr. BOWERS. I said on an appropriation bill—on the Indian appropriation bill.

Mr. PICKLER. That is what I thought.

Mr. BOWERS. I will read the provision:

Provided, That from and after the passage of this act the President shall detail officers of the United States Army to act as Indian agents at all agencies where vacancies from any cause may hereafter occur.

That went to the Senate, and on April 6 it passed the Senate with an amendment providing that whenever the President should be of opinion that the good of the service required him to appoint a civilian, he might do so. There were some twenty-three or twenty-four of these officers named, and not a charge has been made against them. Their offices have been faithfully administered, and the duties thoroughly, faithfully, and well performed.

In the statutes of the Fifty-second Congress, page 120, will be found the statute to which I have referred, the same that I have just read, that after the passage of the act the President should detail army officers for these positions, etc.

Mr. PICKLER. That is simply the language of the appropriation bill.

Mr. BOWERS. It is the statutes of the Fifty-second Congress.

Now, I call the attention of members to this fact, in order to save a little time in the next session, when my friend brings up that matter again, as he has got to do, and as he will do every time he is here, and undertake to say that he did not know it was statute law.

Mr. PICKLER. It will become law at this session, in my opinion.

Mr. BOWERS. Well, I can not say as to that. I am not a prophet. But we will see.

Mr. SHERMAN. Mr. Chairman, just a word in explanation of the provision.

The appropriation for the current fiscal year for traveling and other incidental expenses of Indian schools was $1,000. That appropriation was entirely exhausted before the 1st day of February of this year, so that for the last five months of the fiscal year our superintendent, for whom we appropriated $3,000, is not provided with the means to inspect the schools, and it seemed to the committee absolutely absurd to have an efficient and high-priced superintendent and then fail to furnish him with the means to visit the schools, as he ought to do, and make proper inspection of them. Experience having demonstrated that $1,000 was not sufficient to carry him along for seven months of the last year, we concluded to give him $1,500 and see if it would not carry him over the entire twelve months.

Mr. GROSVENOR. Mr. Chairman, it seems very important that all of the appropriations that involve traveling expenses in the Interior Department should be increased this year. This is, of course, as we all understand, an important year in the United States, and the appointees of the Interior Department ought to have every possible facility to go to every point in the United States where there are matters of interest involved. A Presidential year is always an interesting year to superintendents and inspectors appointed by the Interior Department.

Mr. SHERMAN. I think if my friend from Ohio was acquainted with the present superintendent of schools in the Interior Department he would hardly make that insinuation. It may apply to some others, but certainly not to him.

Mr. GROSVENOR. There is a general increase all along the line for the traveling men in these Departments.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Maryland.

The question was taken; and the amendment was rejected.

The Clerk, resuming the reading of the bill, read as follows:

For pay of one superintendent of irrigation, $3,000.

Mr. BRODERICK. Mr. Chairman, I desire to inquire of the chairman of the committee——

Mr. CANNON. I desire to make a point of order upon that provision.

Mr. BRODERICK. Let that be reserved.

Mr. CANNON. Well, I have no objection, if the gentleman can not make his speech on the next item.

Mr. BRODERICK. I do not care to make a speech. I wish to obtain information.

Mr. CANNON. This paragraph creates a new office, that of commissioner of irrigation, and I do not think we had better do it this year. Therefore I make the point of order.

Mr. BRODERICK. I suppose this is new legislation.

The CHAIRMAN. Does the chairman of the Committee on Indian Affairs desire to be heard on the point of order?

Mr. SHERMAN. Mr. Chairman, this does create an office that does not now exist. If I can say one word with reference to the facts while speaking on the point of order, I will suggest that it seemed to the committee, upon full investigation, that it was very necessary to provide for this officer. A large sum of money is appropriated for irrigation purposes; quite a considerable sum of money is expended from tribal funds in irrigation, and it seemed to us desirable that the money should be expended under the most efficient management possible.

Mr. CANNON. Will the gentleman allow me?

Mr. SHERMAN. I will.

Mr. CANNON. Following the effective and telling arguments of the late Speaker of the House, the gentleman from Georgia [Mr. CRISP], under the rules of this House, I will suggest that it is perfectly competent for the Indian Committee to have a bill referred and reported and to enact this legislation independently.

Mr. PICKLER. Will the gentleman from Illinois support the bill then?

Mr. CANNON. Well, I rather think not; but it is perfectly competent to proceed in that way.

The CHAIRMAN. The Chair is ready to rule. The point of order is sustained.

The Clerk, resuming the reading of the bill, read as follows:

For necessary traveling expenses of one superintendent of irrigation, including telegraphing and incidental expenses of inspection and investigation, $2,000.

Mr. CANNON. I make the point of order on that also, that it is new legislation.

The CHAIRMAN. The point of order is sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employees not otherwise provided for, and for pay of the five special agents, at $2,000 per annum each, $40,000.

Mr. McCALL of Massachusetts. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add at the end of line 4 on page 9 the following:
"For expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $4,000."

Mr. PITNEY. I should like to reserve the point of order until that matter can be explained.

The CHAIRMAN. The point of order will be reserved.

Mr. McCALL of Massachusetts. Mr. Chairman, I want simply to say to the committee that this proposition does not establish any new commission. The "commission of citizens" was established in 1869, upon the recommendation of President Grant, who, as you all know, was no theorist. He had had a great deal of experience in life upon the frontier, and knew precisely what he was talking about. It was at his request that this commission was established, and the commission now exists under authority of law. From 1869 to the present time this commission has received an appropriation for its expenses every year. It has survived every assault brought to bear upon it by the friends of the Indian agents and the Indian contractors, and has saved this Government thousands of dollars, as well as rendered signal benefit to the Indians. The bill which is before the House to-day has no clause in it anywhere making appropriation for the expenses of this commission.

We have heard a great deal within two days about respecting existing law in appropriation bills. If we have a commission that we do not want it seems to me the proper way is to bring in a bill to abolish it, but it never has been the policy of the Republican party to starve out a commission by refusing to make an appropriation to support it.

Mr. Chairman, this commission is made up of some of the most respected citizens of this country. The chairman of the commission is the president of Amherst College. Mr. Darwin R. James, president of the Board of Trade of New York, and once a distinguished member of this House, is a member of this commission. Bishop Whipple, of Minnesota, is also a member of the commission. Mr. Francis E. Leupp, who is one of the most intelligent newspaper correspondents at this capital, is another member of the commission, and these are simply samples of the nine men who make up the board. They give their time without any compensation. They give their services to the Government, and these services have almost revolutionized the condition of Indian affairs.

The commission found when it began its work that under the old existing law such things as partnerships between the agent and trader, or the agent and contractors; receipting for supplies never delivered; overestimating the weight of cattle for the contractor; taking vouchers in blank, to be filled with fraudulent sums; carrying false names upon the rolls; paying employees for whom there was no employment; reporting employees at higher or lower salaries than provided by law; farming out the appointments controlled by the agent; using annuity goods for the agents or employees; trading with the Indians; selling them their own goods; selling annuity goods to the whites, and other forms of fraud were practiced, and largely through the instrumentality of this commission these frauds were stricken down. It oftentimes found that some of these inspectors, these patriots about whose salaries we have heard such tearful and eloquent remarks in this debate, were in partnership with the Indian contractors, and derived a portion of the spoils of the contract.

This commission has not merely done great good in connection with these business matters, but especially in the education of the Indians they have been of the greatest service. When it was established there were no Government schools whatever. There were no means provided for the education of the Indians except by mission schools supported by churches. Largely through its instrumentality education among the Indians has been built up, until last year we had in Government schools 16,584 pupils and in the contract schools 5,880 pupils; so that we have to-day a nearly complete system of education established among the Indians; and it seems to me it is a very inopportune time when it is proposed to abolish, at one stroke, or at least by degrees, the contract schools and make necessary more extended Government schools, to refuse to appropriate this mere pittance to sustain so beneficent a commission. It seems to me that these public-spirited men who have rendered such excellent service should be supported by this House, and instead of being made the target of attack, they should receive the thanks of Congress.

[Here the hammer fell.]

Mr. BARTLETT of New York. Mr. Chairman, as a Democrat I desire to say a few words in favor of the retention of the board of Indian commissioners. Among the changes in existing law noted in the report by the gentleman from New York, chairman of the committee, there was no mention made of the salient change in existing law which is a virtual abolition of this board of eminent and philanthropic gentlemen. I shall endeavor to show the committee why these gentlemen should be retained in office; and I claim that the board should be continued, for two reasons. The first is, the welfare of the Indians, to aid in the protection and care of "these wards of the nation," as they were termed by General Grant when President of the United States; and the second reason is the prevention of fraud and fraudulent practices by contractors through collusion between the contractor and the agent. It is proposed by the Committee on Indian Affairs to abolish this board of ten gentlemen, a board which has existed for the last twenty-seven years. It can not be urged that this board should be wiped out on the ground claimed, that it is under a principle of economy in which the committee framed this bill. I have noted on the margin of the page a few of the changes, all in the way of advancement of salaries.

Mr. SHERMAN. Will my friend allow me to interrupt him? In the next item to that to which the gentleman is referring there is a reduction of $10,000, and the reductions of the bill amount to $130,000.

Mr. BARTLETT of New York. I hope my time will be extended if I am to be interrupted.

Mr. MILES. Will the gentleman allow me one second?

Mr. BARTLETT of New York. Very well.

Mr. MILES. I would like to call the attention of the chairman of the Committee of Indian Affairs to the fact that the reduction to which he has just referred is along the line so much favored on that side of the House, to wit, when it touches the farmer, and that is the only reduction that I have been able to find in this bill. When they propose to employ these practical farmers they cut their salaries down from $70 to $60 per month; and the farmer, as usual, is the target of Republican legislation.

Mr. BOWERS rose.

Mr. BARTLETT of New York. I decline to be interrupted unless my time can be extended.

Mr. BOWERS. Indian farmers!

Mr. BARTLETT of New York. In answer to the gentleman from New York, I desire to state that I note that he has made this

one reduction. I notice that he has reduced the appropriation for stockmen and practical farmers from $70,000 to $60,000. I also note that the pay of interpreters has been increased from $10,000 to $12,000; that the pay of the five Indian inspectors, as the committee is already aware, has been increased from $12,500 to $15,000; that $1,000 is specifically appropriated in payment of rejected claims, on the bottom of page 7; that the appropriation last year of $1,000 for traveling expenses for the superintendent of Indian schools has been increased to $1,500; that the committee have provided for a new office, that of superintendent of irrigation, with a salary of $3,000, and traveling expenses of $2,000; that the appropriation for the repair of buildings has been increased from $25,000 to $30,000; that the appropriation for matrons has been increased from $10,000 to $15,000, and that the expense in the purchase of goods and supplies has been increased from $35,000 to $40,000; and yet they make a kind of showing of economy, and they practically destroy this board of gentlemen who give all their time for nothing, who devote a large portion of their time every year to visiting the Indian schools and to inspecting the supplies, and because they receive the pitiful sum of $4,000—$2,000 of which goes to clerk hire and $2,000 spent on actual expenses, railroad travel—the committee says that they abolish this board on the ground of economy or on the ground that the board is useless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I ask that the gentleman have five minutes more time.

There was no objection, and it was so ordered.

Mr. BARTLETT of New York. This appropriation has been omitted this year for the first time. It is true that attempts have been made in the House in prior years to leave it out, but it has always been reinstated in the Senate. Now, I think we should appear in a great deal better light before the American people if we struck no blow, if we made no raid, upon a board of this character. The gentlemen who have filled positions on this board ever since the time of President Grant have been men of business capacity, men of distinction, men of eminence in their various communities; and at this point let me state the fact that the Secretary of the Interior and the Commissioner of Indian Affairs are both in favor of the retention of the board of Indian commissioners. Let us see who are the gentlemen whom it is proposed to legislate out of office, because the failure to appropriate this small sum of $4,000 for expenses will amount virtually to the abolition of the board of Indian commissioners. The chairman of the board is the president of Amherst College. The secretary, General Whittlesey, the gentleman who receives the salary of $2,000 a year, is an ex-Union officer, and I certainly think that every gentleman on the other side of the House as well as every gentleman on this side ought to be willing to vote for the retention of a board the secretary of which is an ex-Union officer. The third member is Mr. William H. Lyon, of Brooklyn, a merchant well known to a number of the members of this House, a man who started as a poor boy, who devoted himself to mercantile pursuits and accumulated a large fortune, thereby demonstrating his business capacity. Mr. James, another member of the board living in the city of Brooklyn, is a constituent of my colleague, Mr. FISCHER. These gentlemen are both practical merchants and men of large business qualifications.

The next member is Mr. Albert K. Smiley, who is well known for the practical interest he has taken for many years past in the welfare of the Indians. He lives in the State of New York, at Lake Mohonk, and travels in California during a portion of the year visiting the various Indian schools from time to time. Mr. Jacobs is a prominent business man of Ann Arbor, Mich., and Mr. Garrett is a public-spirited citizen of Philadelphia. The bishop of North Dakota, Bishop Walker, and Bishop Whipple, of Minnesota, are also members of the board. These gentlemen are bishops of the Protestant Episcopal Church, but the board itself is, of course, nonsectarian, and Mr. Francis E. Leupp is a distinguished journalist and writer, now living in this city. I have gone through the list, Mr. Chairman, in order to show the committee the character of the gentlemen of whom this board is composed. Suffice it to say that they serve without a dollar of pay; that they give their services, which would be worth perhaps $100 a day each to the welfare of the Indians for nothing. But, Mr. Chairman, the great argument in favor of the retention of this board is that it exercises a supervision over the contractors and prevents that collusion between the agent and the contractor which had subsisted for many years prior to the creation of the commission. For that reason I say to you as practical business men, as men in favor of honest government, as men opposed to abuses and fraudulent practices, this board should be continued by Congress, and no steps should be taken in this House to attack an organization which has existed with manifest benefit, not only to the Indians, but to the whole community, for the last twenty-seven years.

Mr. QUIGG. Mr. Chairman, I desire to suggest to the gentleman from New Jersey [Mr. PITNEY] that the point of order which he has reserved does not lie, because this item was in the last appropriation bill.

Mr. PITNEY. I have not made any point of order yet, Mr. Chairman.

Mr. QUIGG. Mr. Chairman, I hope the committee will see its way clear to accept the amendment that is proposed by the gentleman from Massachusetts [Mr. MCCALL]. I noticed that the chairman of the Committee on Indian Affairs in his opening remarks suggested that the reason why this commission was practically abolished by the bill was that the committee's policy was not to relieve the Secretary of the Interior and the Commissioner of Indian Affairs from their just responsibility; but I want to point out to the gentleman that the responsibility of those officials is not lessened by the existence of this commission, but, on the contrary, is accentuated.

When this commission has performed its work and has called attention, as it has done again and again, to cases of collusion and fraud on the part of Indian agents and Indian contractors, the responsibility of the Secretary of the Interior is much increased, and, in the face of the reports made by this board, he has never dared to fail to support the commission in its recommendations. I want to say also that the existence of this commission, the members of which work without salary and travel all over this country, spending a great deal more of their own money than the $4,000 appropriated to pay their expenses, is worth more to the Indians and worth more to the public service than all the inspectors that the Indian Department has in its service. There can be no real opposition on the part of the Committee on Indian Affairs to the continuance of this commission. Its members, I repeat, work without salary. They do their work efficiently. Their reports are full of useful suggestions which are constantly taken into consideration by the Committee on Indian Affairs and by the House in framing legislation. The excellence of their work has never been in any way impugned, and it does seem to me that the committee ought to accept the amendment of the gentleman from Massachusetts, and ought to fasten the responsibility, as the existence of this commission does, upon the Secretary of the Interior.

Mr. FISCHER. Mr. Chairman, I want to say but one word with reference to this amendment. My colleague from New York [Mr. BARTLETT] has alluded to the fact that Mr. James, one of the members of this commission, is a resident of my district. Let me add that another member—Mr. Lyon—also resides in my district. I was absent from the committee room when this section was taken up, and as I am a member of the Committee on Indian Affairs, I want to say now that had I been present I should have urged the retention in the bill of the provision continuing this commission, knowing so much, as I do, of the work carried on by this organization. I agree with the gentleman from New York [Mr. BARTLETT] that the work done by these commissioners is far more valuable, far more effectual, far more beneficial, than the work of the inspectors. These commissioners are gentlemen who stand high in the community. Some of them are merchants. They are all men of eminence, and they serve without pay. They devote all of their time that is absolutely necessary for the performance of the duties of the office to those duties, and they do it gratuitously.

We treat them very shabbily indeed when we refuse to allow them the money absolutely necessary for the traveling expenses incurred by them in carrying on this work. It would be just as wise to abolish these offices entirely as to deprive the officers of the money necessary for the purpose of paying their expenses. To discontinue this appropriation means practically the abolition of the commission.

The chairman of the committee was unable to give attention to this subject, inasmuch as I returned to the committee room after the committee had passed upon this clause. But it is not new legislation. It has been in former bills. The proposition is simply to reenact old legislation. And I think I can safely say that when the chairman of this committee is heard from there will be no division of opinion on the question.

Mr. DINGLEY. Mr. Chairman, when I was on the floor speaking of the expenses of the Indian inspectors I intimated that the Auditor for the Interior Department had promised me an itemized statement, and in the absence of that itemized statement I gave the facts in a general way as I had understood them from him. I have now that itemized statement and will make it a part of my remarks.

Allow me to state, in a general way, that the expenses of the Indian commissioners amount to about $1,100 a year each; $500 each is the amount which is chargeable to board and lodging. This is that part of the expenses which practically increases their salaries to that extent, as other officials pay their own board and lodging. In justice to those gentlemen I insert in my remarks the itemized statement of the Auditor for the Interior Department to which I referred, which is as follows.

Actual and necessary expenses of Indian inspectors during the fiscal year ended June 30, 1895.

Name.	Period.	Board and lodging.	All other traveling expenses.	Total.
Thomas P. Smith	July 1, 1894, to Jan. 20, 1895	$350.75	$385.33	$736.08
James McLaughlin	Apr. 1 to June 30, 1895	142.00	132.47	274.47
Paul F. Faison	July 1, 1894, to June 30, 1895	449.95	240.80	690.75
John W. Cadman	do	530.95	211.91	742.86
C. C. Duncan	do	517.05	714.20	1,231.25
Province McCormick	do	611.60	494.94	1,106.54
		2,602.30	2,179.65	4,781.95

In addition to the above amount the sum of $673.91 was allowed on claims of railroad and telegraph companies for expenses of transportation and telegraphing incurred by Indian inspectors during the fiscal year ended June 30, 1895.

Mr. BOWERS. Mr. Chairman, I think I can support this amendment proposing to allow $4,000 for the expenses of a commission of gentlemen who are to serve gratuitously in the interest of the Indians. I believe that this is about the most respectable part of the whole Indian outfit.

But, Mr. Chairman, I want to call attention to the next paragraph. Here we are stumbling over this four-thousand-dollar appropriation to pay the expenses of a commission whose members receive no salaries and whose work has unquestionably had a beneficial effect upon the Department. Yet I surmise and believe from what has happened in the past that while the pending amendment encounters opposition, the next paragraph of this bill will be passed. It is a paragraph providing an appropriation of $60,000 to pay political farmers. This appropriation has been made from year to year; it is a stereotyped thing. The proposition is to hire these farmers to teach the Indians how to farm and how to take care of their cattle. But, sir, these Indians, taking them from one end of the country to the other, can teach any of these political farmers whom any party in power may appoint much more about farming than the so-called "farmers" can teach the Indians. I know what I am talking about. I am acquainted with a number of these men; I have been on reservations with them. There are plenty of reservations in my district.

Mr. PITNEY. As the gentleman is referring to the next paragraph, which is not yet formally before the committee, I should like to ask him a question. The paragraph provides that nobody shall be employed as one of these farmers or stockmen unless he possesses certain qualifications.

Mr. BOWERS. Exactly; and I assert that there is not one of these men that has qualifications equal to the ordinary Indian whom they are sent to instruct in farming. I make this statement from numerous instances that have come under my personal knowledge I know that these so-called farmers are simply political farmers.

A MEMBER. We have not reached that paragraph yet.

Mr. BOWERS. But I want to call attention to the fact that here we are haggling over an appropriation of $4,000 to be expended in a manner which appears to be appropriate and beneficial, but we shall immediately go on and appropriate $60,000 for some political farmers whose services are perfectly useless and who are assigned to their positions as rewards for political services.

Mr. GAMBLE. I am unwilling to detain the Committee of the Whole; but it seems a matter of justice that something should be stated in justification of the action of the committee in regard to the provision now under consideration.

Too wide a range has been taken in this discussion, especially by the gentleman from Massachusetts, who claims that this commission has to do with the education of the Indian children. I have taken pains to refer to the statute, and it has reference only to the letting or subletting of contracts. These contracts are made annually for the supplies of the Indian Service; and the committee felt justified in placing the responsibility in these matters upon the Commissioner of Indian Affairs, an officer of this Government, who is responsible to the Administration and who ought to assume this responsibility himself, independent of any outside commission which may be appointed to oversee and superintend his action. There is nothing in the law of 1879 extending the jurisdiction of the commission to the subject of education. This, then, Mr. Chairman, explains the motive that governed the committee in making this report.

Mr. Chairman, I feel like saying a word in reply to the gentleman from New York, who has seen fit to charge this committee with submitting an extravagant report. I state to him that the amount of the appropriation this year is something like $400,000 less than it was a year ago under the distinguished leadership of the eminent gentleman from Indiana, Mr. Holman.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. GAMBLE. Allow me to finish my statement. I say that the appropriation this year is nearly $400,000 less than the amount of the appropriation last year, except for a contingent recommendation of $250,000 in regard to the Oneida Reservation.

I might state, in conclusion, that no one of these commissioners—and I have no criticism to make upon any of them—resides in my district; so that I am not called upon to defend them.

Mr. BARTLETT of New York. Will the gentleman, before he takes his seat, yield for one suggestion?

Mr. GAMBLE. Certainly.

Mr. BARTLETT of New York. I simply desire to say to the gentleman that I did not claim that this bill was extravagant in its appropriations. I said that certain specific items, which I mentioned, had been increased. But I made no charge of the kind the gentleman criticises.

Mr. GAMBLE. I beg pardon then. I understood the statement differently.

All I intended, Mr. Chairman, in connection with the matter, was to give the reasons which governed the action of the committee, and I felt justified as a member of the Committee on Indian Affairs in making the statement I did, to show exactly what our action had been, and am perfectly content now to let this Committee of the Whole House do as it sees fit with reference to the recommendations of the committee. We will be entirely satisfied with their action.

Mr. BENNETT. Mr. Chairman, I dislike very much to disagree with our excellent chairman of the Committee on Indian Affairs and the members of the committee. I trust the committee, however, will see its way clearly to make an appropriation for the continuance of the Indian commission. Two of them are my close personal friends and one was my illustrious predecessor here. They are certainly better qualified for the supervision they exercise than a paid agent of the Department. These gentlemen, who are prominent in the walks of life and who have won fortunes in their business affairs on their own account, are certainly far better qualified to investigate the affairs of the Department in connection with the Indians than a three-dollar-a-day paid agent, and knowing their ability I believe that the very best thing to be done is to continue them in their offices.

I trust, I repeat, that the Committee on Indian Affairs will see its way clear to accept the amendment.

Mr. SHERMAN. Mr. Chairman, in conclusion, before I ask a vote on this proposition, I wish only to say that my colleague [Mr. GAMBLE] from South Dakota has stated the contention so far as the committee is concerned clearly and accurately. He has given the reasons for the action of the committee, as I gave them in presenting the bill in the first instance, when my colleague from New York [Mr. BARTLETT] was not in the House. Hence he did not know that I had explained that provision at the opening of the debate.

He has stated the reasons which impelled the committee to omit the provision from the bill, and in conclusion stated the fact that the Committee on Indian Affairs submitted its position to the full committee of the House, and is ready and willing to take the views of the Committee of the Whole upon this matter as well as upon other matters connected with the bill.

I ask a vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The amendment was adopted.

The Clerk read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $60 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $60,000; and no person shall be employed as such farmer or stockman who has not been at least five years immediately previous to such employment practically engaged in the occupation of farming within the State or Territory where such agency is located, and where practicable competent Indians shall be given the preference.

Mr. FLYNN. I desire to offer an amendment to that paragraph of the bill.

The Clerk read as follows:

Strike out "five," in line 12 of page 9, after the word "least," and insert "two."

Mr. FLYNN. The bill now provides, Mr. Chairman, that nobody shall be eligible to the position named in this paragraph, that is, as a practical farmer in any State or Territory or on any Indian reservation, unless he has resided five years in such State or Territory. In Oklahoma Territory we have been unfortunate in not having men who have resided that long in the Territory who were competent for these places.

The object in putting in five years was to prohibit the sending into the Territory or States of any outsider to act as farmers. This amendment will limit that time to two years, and I think we will accomplish all that was sought to be accomplished in the former legislation by adopting the amendment, because there are men who have been in these Territories or States for two years who are actual settlers who are practical farmers, and who are

competent to fill the positions. I think, therefore, it will cover the exact point we were after in fixing the other proposition at five years. Two years' residence will give an indication of good faith, as well as demonstrate a man's ability, if he resides in the community that long. I hope the amendment will be adopted.

Mr. MILES. I would like to ask the gentleman a question. I notice the concluding phrase is that where practicable competent Indians shall be given preference. In practice are they given the preference?

Mr. FLYNN. No, sir.

Mr. MILES. I only asked for information, not knowing the facts.

Mr. JOHNSON of North Dakota. Mr. Chairman, I do not care to resist the amendment of the gentleman from Oklahoma, for I can see some reason as applied to Oklahoma why it should be adopted, namely, because that Territory has not been settled long enough to make it practicable to obtain farmers to fill these positions after five years' residence.

But I take the floor because I do not wish to have the speech made about ten minutes ago by the gentleman from California to go into the RECORD by itself without explanation. I have no doubt whatever of the accuracy of the picture the gentleman draws, so far as it relates to the Indians of his district or State; but if he were as slightly familiar with the Indians of the plains as I am even with the Digger Indians on the Pacific Coast, he would not undertake to make his general statement applicable to all Indians. There are Indians and Indians. For instance, on the Pacific Coast the Spaniards came there two hundred years ago and occupied the country and in a way civilized these Indians, taught them agriculture, taught them stock raising, and a hundred years ago the Indians of California were pretty good farmers. They may need no instruction now in farming and stock raising.

We have had no hostilities with the Digger Indians of California since the United States possessed that territory, anyhow. The grandfathers of the Indians now in California were pretty well-trained farmers, and what the gentleman said is perhaps true as to them, that they do not need the guidance of these so-called boss farmers to instruct them in agriculture; but that is not the case with the Indians in my district, the most warlike and picturesque Indians now remaining in the United States, namely, the Sioux Indians. Less than twenty years ago they conducted a successful military campaign against the armies of the United States. Within less than twenty years a considerable army of the United States, well equipped, was totally destroyed by these Indians. They have never been civilized or taught agriculture. After the great Custer massacre they were pursued and finally captured, and, as prisoners of war, they were carried down to the reservations where they now are, which reservations amount to little more than military prisons; that is, the Indians are not allowed to leave the reservations without permission. They have been kept on those reservations about sixteen years. They have had very scant opportunities to learn agriculture.

From time immemorial down to less than twenty-five years ago there was no necessity for them to cultivate the soil or to raise stock. The antelope, the elk, and the buffalo were then as abundant on their hunting grounds as steers, sheep, and horses are now on the lands from which we have crowded them. Twenty-five years ago nine-tenths of the territory which I represent was as much an unknown country as the headwaters of the Nile or the Kongo. These Sioux Indians had never come in contact with the whites, until within the last sixteen years, except in warfare. They have never had an opportunity to learn agriculture and stock raising, as there has been no necessity for them to learn anything of the kind when there was an abundance of game for them to live on according to their aboriginal methods of life. But now they have abandoned, as I trust for all time, all hope of ever again successfully going on the warpath. Their young men are willing to learn the methods of civilized life by which our young men similarly situated must earn their living, but they must have teachers. Not having a right to go among the white farmers to work and learn in that way, what other way can they learn unless they are taught. These men who are sent by the Government to teach the Indians in my district I know to be faithful, efficient, and useful men, doing a beneficial and necessary work in instructing these Indians in civilized methods of earning a livelihood.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWERS. Will the gentleman allow me to ask him how many farmers there are in his district?

Mr. JOHNSON of North Dakota. My time has expired.

Mr. STEELE. I move to strike out the last two words.

Mr. SHERMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SHERMAN. I have no special information in reference to this item that would give me better knowledge of the subject than my friend from Oklahoma [Mr. FLYNN], who is also on the committee, and I assume that his amendment is in the interest of the betterment of the service. For that reason I do not oppose the amendment.

Mr. PICKLER. Has there been a reduction in the pay of farmers to $60 a month?

Mr. SHERMAN. There has; but I will say to my friend that that is simply the maximum. The Commissioner informs us that very few farmers receive more than $60 a month. They range from $25 a month upward. We simply decrease the maximum to $60 a month instead of $75. There were not more than three or four who were paid more than $60 anyway.

Mr. PICKLER. While that may be the case generally, the head farmer ought to be allowed $900 a year, or $75 a month. I offer that as an amendment. I know exactly what these men do, and I fear other gentlemen do not.

Mr. BOWERS. How many head farmers are there?

The CHAIRMAN. The Chair will suggest to the gentleman from South Dakota that he allow the pending amendment to be voted on. The question is on the amendment of the gentleman from Oklahoma [Mr. FLYNN].

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I offer an amendment after the word "month" in line 8, page 9, inserting the words "except head farmer, who shall, in the discretion of the Secretary, receive not to exceed $75 per month."

Mr. SHERMAN. I will accept that amendment in that form.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 9, line 8, after the word "month," insert "except head farmer, who shall, in the discretion of the Secretary, receive not to exceed $75 per month."

Mr. STEELE. That should not be "in the discretion of the Secretary." It should be "in the discretion of the Commissioner of Indian Affairs."

Mr. BOWERS. Before a vote is taken on this we want some explanation. I want to know how many head farmers there are in addition to these 90 farmers that are provided for in the bill.

Mr. SHERMAN. There are none in addition. They are included in that number.

Mr. PICKLER. Mr. Chairman, I will give the gentleman an illustration. At the Cheyenne River Agency, in the State of South Dakota, there are 2,500 Indians. What is known as the head farmer is the chief farmer at that agency. That agency extends over a territory 200 miles, probably, in length and 150 miles in breadth. These Indians live on different portions of the reservation on which this head farmer is located. He is always a white man, so far as I have known. He is called the head farmer. He is selected as a practical farmer, and goes about this reservation from place to place, and instructs these Indians in farming. I am told, Mr. Chairman, that he settles a great many little difficulties with the Indians. If they want plows or supplies; if they want a wagon or anything that the Government furnishes them—and the Indian wants everything he can get, and is very different from the white man in that respect [laughter]—these men settle a great many of these matters that the agents can not possibly settle.

Mr. FISCHER. That is the reason you call him a "head" farmer.

Mr. PICKLER. Yes; he is a man of judgment, and is well worth $1,000 a year.

Mr. BOWERS. How many are there of these head farmers?

Mr. PICKLER. About one to every agency.

Mr. BOWERS. About 200 of them.

Mr. SIMPKINS. I see that this section provides:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed.

I would like to ask the gentleman if this illustration he has given would apply to this section?

Mr. PICKLER. I do not know whether it would or not. The head farmer comes in under some other provision.

Mr. SIMPKINS. I would like to ask the gentleman at what compensation the head farmer is now employed?

Mr. PICKLER. At $900 a year, $75 a month.

Mr. TALBERT. I would like to have the amendment read for information.

The amendment was again read.

Mr. SHERMAN. That ought to read "Commissioner of Indian Affairs" instead of "Secretary of the Interior."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on the amendment as modified.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. JOHNSON of North Dakota. Division.

The CHAIRMAN. The amendment is rejected.

Mr. TALBERT. I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment.

Mr. PICKLER. Division.

The CHAIRMAN. Did the gentleman ask for a division?
Mr. PICKLER. I call for a division.
The committee divided; and there were—ayes 11, noes 31.
So the amendment was rejected.
Mr. TALBERT. I offer the following amendment.
The Clerk read as follows:

On page 9, line 7, strike out "sixty" and insert "seventy," and in line 10 strike out "sixty" and insert "seventy."

Mr. TALBERT. Now, Mr. Chairman, my reason for this is to put in the appropriation bill the same sum that was put in the appropriation last year. I notice in looking over this bill that there seems to be a disposition to increase the salaries of every class except that of the farmer. There is an increase given to the judges of the Indian courts, to the Indian commissioners, and the disposition is to increase the salaries of all of them until you reach the salary of the farmer, and then the disposition is, as is always the case, it seems to me, in this House, to decrease the farmer's salary and give him an unfair showing with other classes of citizens. I am opposed to this, Mr. Chairman, and in justice to the farmer I offer this amendment. All other classes of citizens, it seems, must have protection and help at the hands of this Congress. When corporations, or railroads, or any monopoly come in here and ask for anything, it goes through like a hurricane; but when you strike the farmer you must come down upon him and still increase his burden and reduce his salary and his profit. I do not think it is right. Why, Mr. Chairman, you might stop the court, you might stop the lawyer from pleading, you might stop the doctor from giving pills, but when you stop the plows the fire goes out in the furnace and everything else stops, and why is it? It is because the farmer is the foundation stone of all other industries.

Mr. BOWERS. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. BOWERS. You have followed the plow some yourself? You are a farmer, I understand?

Mr. TALBERT. Yes.

Mr. BOWERS. On how many farms do you know of a farmer, a hired hand, who gets $60 a month?

Mr. TALBERT. Why, of course, I say none, but these are overseers or general managers of these farms.

Mr. BOWERS. Does not the gentleman know that where they are regularly hired they do not get more than $20 a month?

Mr. TALBERT. I know, sir, superintendents who get $120 to $200 a month. These are gentlemen who must be experts in the business. They must have information in the matter of farming that does not exist in the brain of a common plowman, much less of an Indian, and might be able to teach the gentleman from California, as he seems to underestimate himself. If he comes along, I think he could learn something from this class of farmers. [Laughter.]

Mr. BOWERS. He might be able to teach me; but I do not think you can teach me anything about practical farming. [Laughter.]

Mr. TALBERT. The gentleman from California is a farmer who works for $5,000 a year. [Laughter.]

Mr. BOWERS. Oh, no.

Mr. TALBERT. I think you [Mr. BOWERS] claim to be something of an agriculturist yourself. I am astonished at the attitude of a gentleman who is himself drawing $5,000 salary here wanting to give somebody else only $60. [Great laughter.] I think I could teach you better manners than that. [Laughter.]

Mr. BOWERS. Many of them are working for $12 and $15 a month. [Laughter.]

Mr. TALBERT. I think if you will give some of these men an opportunity they will cut you out of your job. [Great laughter.] And that is what the gentleman seems to fear.

Mr. BOWERS. You know that a great many of these "farmers" are nothing but political hacks. [Great laughter, and general disorder in the Hall, during which the Chairman vigorously rapped for order.]

The CHAIRMAN. The committee will be in order.

Mr. TALBERT. I thought the Chair was out of order [laughter], as he makes so much fuss with the gavel that we can not hear. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. PICKLER. I desire that the amendment be read again.

The amendment was again reported.

The question was taken; and the Chairman declared that the noes seemed to have it.

Mr. TALBERT. I ask for a division.

The committee divided; and there were—ayes 27, noes 61.

So the amendment was rejected.

Mr. BOWERS. Mr. Chairman, I move to strike out the paragraph beginning with line 5 down to and including line 15.

The question was taken; and the Chairman declared that the noes seemed to have it.

Mr. BOWERS. I ask for a division.

The committee divided; and there were—ayes 7, noes 53.

So the amendment was rejected.

Mr. PICKLER. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out "sixty," in line 7, and insert "sixty-five," and strike out "sixty," in line 10, and insert "sixty-five."

Mr. PICKLER. Mr. Chairman, I do not want to be factious about this paragraph, but I do not think the committee ought to object to this amendment. As to these head farmers—if this section applies to them, and I suppose it does—I think there is a good deal in what the gentleman from South Carolina [Mr. TALBERT] has just said. I do not know why these reductions should come upon the men who are classed as farmers. As I have already stated, at the agency to which I alluded a while ago the farmer gets $75 a month, and I suppose it is just such farmers that this bill reduces to $60 a month. Now, you can not get the right kind of a man for that service for $60 a month.

Mr. BOWERS. Farmers?

Mr. PICKLER. Yes, sir; farmers.

Mr. BOWERS. Will the gentleman please state to the best of his knowledge the going rate of wages for farmers throughout the United States, in his State, and in the West generally—the wages for a good farm hand, who oftentimes knows more than the boss?

Mr. PICKLER. Farming hands in my State, during the plowing season, get from $20 to $25 a month, and during harvest time they are paid $2.50 a day, and sometimes more.

Mr. BOWERS. But take it all the year round, what pay does a farmer get?

Mr. PICKLER. I do not know of any hiring of farmers all the year round.

Mr. BOWERS. Is it not a fact that the average pay in the United States of a competent farm hand will be found not to exceed $20 per month? And if that is so, will the gentleman tell us why when such a man attempts to farm for Indians he should receive $60 or $70 a month?

Mr. PICKLER. I am not denying that you might hire farm hands for $20 a month, but I do say that it would be very poor policy to employ a man to teach Indians farming that you could get for $20 a month.

Mr. BOWERS. But it is provided that the Indians themselves shall be given a preference.

Mr. PICKLER. I am talking about head farmers, the class of men that are required for this purpose, and my position is confirmed and emphasized by the fact that we are now paying them $75 a month.

Mr. BOWERS. That is all wrong.

Mr. PICKLER. Well, why not leave it to the discretion of the Commissioner of Indian Affairs to pay these men sixty-five or seventy dollars a month, as he may deem proper, especially when he has been paying them $75 a month? I do not believe in reducing the wages of Government employees simply because they are farmers.

Mr. RICHARDSON. Mr. Chairman, I want to emphasize the statement of the gentleman from South Dakota [Mr. PICKLER] that the men required for this purpose are not ordinary farm hands. They are men who are employed for the purpose of teaching ignorant Indians how to farm. There is a farmer—or perhaps a farmer with an assistant, as the case may be—at an agency to teach a whole tribe of Indians how to farm, and those men are not ordinary farm laborers.

Mr. JOHNSON of North Dakota. Mr. Chairman, on the question of what would be reasonable pay for one of these head farmers, my friend from Minnesota who sits in front of me [Mr. FLETCHER] was until recently the owner of a farm in my district, and he tells me that for three consecutive years he paid $100 a month for a superintendent for his farm, and I do not think that is extravagant pay for superintendents of farms in North Dakota. And that man was employed to superintend only one farm, whereas these farmers that are employed for teaching the Indians are compelled to superintend farms extending over a region of 150 miles wide by 200 miles long.

Mr. FISCHER. How large was the farm of the gentleman from Minnesota?

Mr. JOHNSON of North Dakota. Fourteen thousand acres, the gentleman tells me.

Mr. RICHARDSON. Mr. Chairman, I was just going to add when I was cut off that I suppose the gentleman from California [Mr. BOWERS] in fixing the wages of farm hands at $12 a month was estimating the value of his own services as a farmer. [Laughter.]

Mr. MONDELL. Mr. Chairman, I trust that the amendment offered by the gentleman from South Dakota [Mr. PICKLER] will

carry. I believe that these "boss farmers" on the Indian reservations in the West, the men who have charge of teaching the Indians to farm, are the most important men upon the reservations. The time of this House has been consumed nearly all day in the discussion of the question whether certain employees of the Indian Bureau shall receive $2,500 or $3,000 per annum.

I believe that the boss farmer on every Indian reservation in this country has it within his power to do more good to the Indian than any one of these Indian agents who have been referred to, or all of them together. On most of the Indian reservations in the West irrigation is practiced. It is necessary that the boss farmer shall not only be a man of judgment and discretion, not only that he shall understand farming, but that he shall understand these children of nature as they are found in the Indian country. Not only must he be qualified to teach them farm labor, but he must understand irrigation and be able to instruct them in the proper methods of irrigating their farms.

We have endeavored in times past to educate the Indian and make him self-supporting. Every man who lives in the West understands that the only way in which the Indian can be made self-supporting is by teaching him to work. Hence it is necessary that the man who is placed in charge of an Indian reservation as an instructor in farming should be qualified in every particular to carry on the business—should be a man the value of whose services entitle him to a good salary; and he should receive a good salary.

In reply to the question suggested by the gentleman from California [Mr. BOWERS] a moment ago—and I presume he desires to interrogate me again, as I see him on his feet—in regard to the wages paid to gentlemen who have charge of farming operations in the West, I will say that I employ to-day a man who looks after some 500 acres, and I pay him $75 a month and his board. I believe that generally throughout the West men who have charge of farming operations on farms of any considerable size receive at least that salary.

Mr. STEELE. What kind of farming does the gentleman carry on upon his farm of 500 acres that justifies him in paying $75 a month to the man in charge? What does he do? Do you raise enough on your farm to pay the superintendent? [Laughter.]

Mr. MONDELL. Well, up to date we have done so. I will say, however, that owing to the financial policy which seems to be in vogue in this country at the present time, and which apparently will continue for some time to come, prices of products are falling to such an extent that I presume we may be compelled to reduce the salaries of our superintendents.

Mr. BOWERS. Is it within the knowledge of the gentleman that the farmers generally employed at Indian agencies possess the qualifications which the gentleman so beautifully explains to be necessary?

Mr. MONDELL. Well, Mr. Chairman, I will say in regard to that——

Mr. BOWERS. Have you any knowledge of the facts?

Mr. MONDELL. I have personal knowledge of only two farmers on Indian reservations. I know those gentlemen personally, and I know that they are absolutely qualified. I know that they can earn $75 a month anywhere, and I know that they are doing more good for the Indians on the Shoshone Reservation in Wyoming, than any and all other men employed on the reservation.

Mr. PICKLER. Allow me to say that the farmer of whom I spoke a few moments ago owns a farm of 320 acres, under cultivation; he owns a large number of horses; his farm is well stocked and has fine improvements. He being a man of such qualifications, when the Government wanted him it was obliged to pay him $75 a month. That is the sort of men we want for Indian farmers.

The question being taken on the amendment of Mr. PICKLER, there were—ayes 48, noes 34.

Mr. SHERMAN. I call for tellers.

Tellers were ordered; and Mr. PICKLER and Mr. SHERMAN were appointed.

The committee again divided; and the tellers reported—ayes 50, noes 45.

So the amendment was agreed to.

[Applause.]

The Clerk read as follows:

For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, $275,000.

Mr. HERMANN. I desire to offer an amendment——

Mr. SHERMAN. I was about to move that the committee now rise; but if this amendment is not likely to cause discussion——

Mr. PITNEY. Before this amendment is read I desire to reserve a point of order.

Mr. HERMANN. I make this proposition, that the amendment be read and remain pending.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Oregon [Mr. HERMANN].

Mr. PITNEY. Is my point of order reserved?

The Clerk read the amendment of Mr. HERMANN, as follows:

Add to the pending paragraph the following:

"*Provided*, That the lands now allotted to or which may be hereafter allotted to any Indians in severalty, under agreements already made, when such Indians, under the provisions of any existing law, have become or shall become entitled to the benefits of and subject to the laws of any State, and when such lands shall be embraced in and as a part of any county or town organization, so as to enjoy full and equal participation in the benefits of such local government, and when the Indians enjoy their equal privileges as citizens, shall be subject to State and local assessment and taxation, the same as any other lands similarly located in such State: *Provided, however*, That nothing herein contained shall authorize the sale or incumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues: *And provided further*, That during the continuance of said trust said taxes so assessed and levied shall be paid from the Treasury of the United States to the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, at such time as said taxes shall become due and payable: *And also provided further*, That said taxes shall only be paid on the receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied, and that said tax is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement and that the lands therein described have been allotted in severalty or belong to Indian citizens of the United States, and that he is satisfied, after sufficient inquiry, that the assessment of the lands for taxation is a fair and reasonable one, and the taxes levied just and equitable, both independently and in proportion to the valuation and taxation of lands in the same county, town, or other municipal corporation: *And provided further*, That no moneys shall be so paid for road or highway taxes which by the laws of the State may be discharged by work, but the Indians owning such lands shall be required to so discharge such taxes: *And provided further*, That the Secretary of the Interior shall be satisfied, and so certify, that the public expenditure of such taxes is fairly made to give the lands of such Indians their just share of benefit.

"SEC. 2. That from and after the passage of this act there shall be paid annually, from any moneys in the Treasury not otherwise appropriated, such sum as shall be necessary to pay said taxes so certified under section 1 of this act."

Mr. SHERMAN. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. PITNEY] stated that he desired to reserve a point of order. Was that upon the paragraph or upon the amendment?

Mr. PITNEY. I wanted to reserve a point of order on the paragraph, the item of $275,000. I was under the impression that it was a new appropriation, but am informed that it is simply a change in the location of the item, so that I have no point of order to make, except upon the amendment.

The CHAIRMAN. The gentleman from New York has made the point of order upon the amendment.

Mr. HERMANN. I think I have an understanding with the chairman of the committee that the point of order is to be reserved and the amendment go over until the next day when the bill is considered.

The CHAIRMAN. The Chair is ready to rule upon the point of order now.

Mr. SHERMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments;

A bill (S. 1904) to regulate marriages in the District of Columbia;

A bill (S. 1780) to provide for the erection of a wall around the jail of the District of Columbia; and

Joint resolution (S. R. 82) directing the Secretary of War to inquire as to the present condition of the Sacramento River, California, and to estimate the cost of such improvements as may be necessary.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV the following bills and resolution of the following titles were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1904) to regulate marriages in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments—to the Committee on Military Affairs.

A bill (S. 1780) to provide for the erection of a wall around the

jail of the District of Columbia—to the Committee on Appropriations.

Joint resolution (S. R. 82) directing the Secretary of War to inquire as to the present condition of the Sacramento River, California, and to estimate the cost of such improvements as may be necessary—to the Committee on Rivers and Harbors.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Monday next.

Mr. PICKLER. That will not interfere with the evening session?

The SPEAKER. No; "when the House adjourns."

Mr. DINGLEY. It does not interfere with it.

The motion of Mr. DINGLEY was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILES, for four days, on account of sickness.

To Mr. BURTON of Ohio, until Tuesday next, on account of important business.

To Mr. BROMWELL, for one week, on account of important business.

To Mr. HULING, for this day, on account of sickness.

To Mr. SPERRY (on motion of Mr. JENKINS), until Tuesday morning, on account of sickness.

To Mr. EDDY (on motion of Mr. KIEFER), until Tuesday morning next.

The SPEAKER. Without objection, the House will now take the usual recess until this evening, and the gentleman from Illinois [Mr. HOPKINS] will please act as Speaker pro tempore.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. HOPKINS as Speaker pro tempore, who directed the Clerk to read the clause of the rule under which the House meets on Friday evenings.

RACHAEL PATTEN.

Mr. PICKLER. Mr. Speaker, the unfinished business coming over from the last Friday session, the bill H. R. 1185, is first in order, and I ask that that bill be laid before the House.

The SPEAKER pro tempore. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

A bill (H. R. 1185) granting a pension to Rachael Patten.

Mr. TALBERT. No motion has yet been made to go into Committee of the Whole.

The SPEAKER pro tempore. No; the House is in session. At the adjournment on the last Friday evening session we were considering the bill H. R. 1185, and the question is upon the engrossment and third reading of the bill.

Mr. McCLELLAN. I ask that the bill be reported to the House.

The title of the bill was again reported.

The question was taken on the engrossment and third reading of the bill, and on a division (demanded Mr. McCLELLAN) there were—ayes 48, noes 4.

Mr. McCLELLAN. No quorum.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. PICKLER. I would like to ask if the gentleman takes the position that none of these pension bills shall pass, or has he only objection to this special bill?

Mr. McCLELLAN. Certainly not; I do not object to the consideration of bills that are proper before the House; but I do object to this particular bill.

I am perfectly willing to allow the bill to be laid aside, and will withdraw the point.

Mr. PICKLER. I ask unanimous consent that the bill be laid aside without losing its status.

Mr. McCLELLAN. I have no objection to that, and withdraw the point of order.

There being no objection, the bill was laid aside without prejudice.

HENRY H. SCHRAWDER.

The next bill reported from the Committee of the Whole was the bill (H. R. 128) for the relief of Henry H. Schrawder.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS HOLADAY.

The next business reported from the Committee of the Whole was the bill (H. R. 2326) granting a pension to Thomas Holaday, the question being on the engrossment and third reading of the bill.

Mr. CROWTHER. Mr. Speaker, I desire to offer an amendment to this bill.

The Clerk read as follows:

Insert in line 8, after the word "month":

"*Provided*, That the pension herein granted shall be paid to Thomas Holaday, and that no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Mr. ERDMAN. Mr. Speaker, if we are going to pursue the policy of passing bills of this character in the House on Friday night sessions, I want to give notice now that I shall demand the presence of a quorum. This is a bill that we objected to before, in the Committee of the Whole, and we intend to object again.

Mr. CROWTHER. Who objected to it?

Mr. ERDMAN. I did.

Mr. CROWTHER. I believe the gentleman is a member of the Committee on Invalid Pensions?

Mr. ERDMAN. I am.

Mr. CROWTHER. And consented to the passage of the bill in committee?

Mr. ERDMAN. No; my recollection is to the contrary.

Mr. CROWTHER. This bill was passed at the last meeting, after consideration, by the members of the Committee of the Whole.

Mr. ERDMAN. And against my protest.

Mr. CROWTHER. And your opinion is therefore set up against a large majority of the members of the House.

Mr. ERDMAN. On that question I am willing to set up my judgment.

Mr. CROWTHER. I ask that the bill be temporarily laid aside without losing its place on the Calendar.

The SPEAKER pro tempore. Does the gentleman desire the amendment to be pending?

Mr. CROWTHER. Yes, sir.

The SPEAKER pro tempore. Unanimous consent is asked that the pending bill, with the proposed amendment, be passed over without prejudice. Is there objection?

There was no objection, and it was so ordered.

PETER B. PALMENTEER.

The next business on the Private Calendar was the bill (H. R. 2797) granting a pension to Peter B. Palmenteer.

The SPEAKER pro tempore. The question is on the engrossment and third reading of this bill.

Mr. McCLELLAN. I ask that this bill be laid aside in the same way that the others have been laid aside. Otherwise I shall be obliged to raise the point of no quorum.

Mr. PICKLER. What is the objection to this bill?

Mr. McCLELLAN. As I understand, it raises the general question of the pensioning of contract surgeons, and I think that should be taken care of by a general bill and not by special legislation.

Mr. POOLE. I would like to ask the gentleman if he would not also prefer to have a general bill pensioning the widows of major-generals and brigadier-generals?

Mr. McCLELLAN. I am in favor of such a bill, if the records of the major-generals and brigadier-generals were distinguished ones.

Mr. POOLE. You are very well aware that we have never passed such a general bill as that, but we have time and again passed special bills for the widows of major-generals and brigadier-generals, and we have time and time again passed bills pensioning contract surgeons. I do not see why we should not do it to-night.

Mr. McCLELLAN. If such legislation is passed I think it should be passed by the whole House.

Mr. PICKLER. This bill is to pension Peter B. Palmenteer, a private in Company D, Seventh Michigan Cavalry.

Mr. McCLELLAN. I supposed it was bill numbered 124. I beg the gentleman's pardon. Let the bill be read.

The SPEAKER pro tempore. Without objection, the Clerk will read the bill for the information of the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter B. Palmenteer, late a private in Company D, Seventh Michigan Cavalry, and to grant him a pension at the rate of $12 per month from and after the passage of this act, the same to be in lieu of any other claim for pension under existing law.

The Committee on Invalid Pensions reported an amendment striking out the words "from and after the passage of this act, the same to be in lieu of any other claim for pension under existing law."

Mr. MEREDITH. Now, Mr. Speaker, let us have the report, so that we can see what it is.

Mr. CURTIS of New York. May I ask that in cases where the reading of the report is called for the gentleman who introduced the bill or the gentleman in charge of it may make a brief statement, to save the reading of the report? The reports are very long, and it would facilitate the passage of bills if we could have brief explanations.

Mr. McCLELLAN. I should like to suggest to my colleague that the gentleman who reported this bill is not here.

Mr. PICKLER. The report is very short.

Mr. McCLELLAN. It will only take a minute to read the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2797) granting a pension to Peter B. Palmenteer, having carefully examined the same, together with the evidence, respectfully submit the following report:

On September 10, 1862, the claimant enlisted in Company D, Seventh Michigan Volunteer Cavalry, and served from that date until December 15, 1865, when mustered out and honorably discharged. On September 24, 1879, a claim was filed by him under the general law, and on June 2, 1885, a pension was granted at the rate of $2 per month, for injury to spine, from December 16, 1865, to February 20, 1884, when the disability ceased. On August 26, 1891, a claim for restoration was rejected on the ground of no pensionable degree of disability.

On November 27, 1891, the claimant filed under the act of June 27, 1890, and the medical examination, which was made in 1892, shows applicant's condition as follows: "Four-eighteenths for injury to right arm; nothing for injury to spine, chest, and abdomen, and old age; two-eighteenths for rheumatism; and is disabled from pensionable and other causes." On July 21, 1893, however, this claim was rejected on the ground of no ratable degree of disability under said act.

It seems that in 1892, when the medical examination was made, the claimant was clearly entitled to at least $6 per month, and since that time his rheumatism and other infirmities have increased to such an extent as to warrant the amount fixed by the bill.

In view of all the facts, your committee respectfully recommend that the bill be amended by striking out, in line 8, all after the word "month," and that as so amended the bill do pass.

Mr. McCLELLAN. Mr. Speaker, I merely want to say in reference to this bill that the committee went over it very carefully. It seems to be a very meritorious case, and I for one trust that the bill will pass.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES A. FOSTER.

The next business on the Private Calendar was the bill (H. R. 4220) granting a pension to Charles A. Foster, late acting assistant surgeon, United States Army.

Mr. McCLELLAN. Mr. Speaker, I shall have to renew my objection to that. It is special legislation, discriminating against a class of contract surgeons.

Mr. PAYNE. Mr. Speaker, that bill came up last Friday night. The gentleman was here and the other gentlemen who are objecting this evening were here, and after the statement made by the gentleman from Pennsylvania [Mr. ERDMAN] I explained that in this case the applicant was a gentleman over 80 years of age, who probably would not live until the House passed a general bill. He had a pension under the act of 1890, under the interpretation of the Pension Department, for four years, and it was cut off a few months ago. Now, it seems to me that the gentleman ought not to raise any question upon this bill, it being one of a class in which he says pensions ought to be granted. I agree with him as to that, but why wait in this case until the old man is dead before you pension him? Why not do it to-night?

Mr. McCLELLAN. My colleague's explanation has been very satisfactory. I feel that this is an exceptional case, and I withdraw my objection.

Mr. PAYNE. I am much obliged to my colleague. There is an amendment pending.

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN E. EVANS.

The bill (H. R. 3432) for the relief of John E. Evans was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JULIA A. HILL.

The next business on the Private Calendar was the bill (S. 141) granting a pension to Julia A. Hill.

The SPEAKER pro tempore. The question is on the third reading of this bill.

Mr. ERDMAN. Mr. Speaker, these bills come so rapidly that I am hardly able to follow them. I should like to have the gentleman in charge of this bill make a statement about it. It is the gentleman from New Hampshire [Mr. SULLOWAY], I think.

Mr. SULLOWAY. Mr. Speaker, the report in this case was read at length at the last Friday evening session. I think the gentleman from Pennsylvania was here. I also have an impression that he was present when the matter was heard in the committee. This lady is the widow of Col. Charles W. Hill, late of the One hundred and twenty-eighth Regiment of Ohio Volunteer Infantry. He was in the service during the entire war; was brevetted as major-general for distinguished service, which commission I hold in my hand. This lady, his widow, is without any means. She cared for him in his illness for several years, until his death. She has lived by teaching from that time until this. She is without health, and the evidence in support of her claim is such that in any court of justice where justice is to be had would prove that he died of a disease contracted in the service. That, gentlemen, is the case in brief.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL M'KENNA.

The next business reported from the Committee of the Whole was the bill (H. R. 3596) removing the charge of desertion from the military record of Michael McKenna.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Now, there are two bills which were passed over—the bill (H. R. 2326) to pension Thomas Holaday, and the bill (H. R. 1185) granting a pension to Rachel Patton. I ask unanimous consent that on these bills the previous question be considered as ordered on the bills to their engrossment, third reading, and passage, and that there be allowed fifteen minutes' debate on each of these bills when they come up for passage in the House. That practice obtained in the last Congress.

Mr. McCLELLAN. Assuming that they shall not come——

The SPEAKER pro tempore. Does that also cover the amendment to one of these bills?

Mr. PICKLER. I ask the previous question on the bill and amendment.

Mr. McCLELLAN. Do I understand that the proposition of the gentleman from South Dakota is to limit debate to fifteen minutes on each side on these bills?

Mr. PICKLER. Yes, sir.

Mr. McCLELLAN. I am afraid I shall have to object to that.

Mr. PICKLER. That was the custom during the last session. How much time does the gentleman desire?

Mr. McCLELLAN. I scarcely think debate ought to be limited on these bills. They affect principles.

Mr. PICKLER. Then I ask unanimous consent that the previous question be considered as ordered on the bills to their engrossment, third reading, and passage.

The SPEAKER pro tempore. The question is——

Mr. PICKLER. What limit of debate does the gentleman desire?

Mr. McCLELLAN. I do not think we should have any limit of debate at all. That will shut off debate altogether, because there has been debate on the bills.

Mr. PICKLER. No.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the previous question be considered as ordered on the engrossment, a third reading, and passage of the bill. Is there objection to the request of the gentleman from South Dakota?

Mr. ERDMAN. I object.

The SPEAKER pro tempore. Objection is made. The gentleman from Illinois.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar under the special rule.

Mr. WOOD. I believe, Mr. Speaker, I was recognized. Am I not recognized?

The SPEAKER pro tempore. The Chair had recognized the gentleman from Illinois, but supposed that he had yielded the floor to the gentleman from South Dakota. If he did not, the Chair will recognize the gentleman.

Mr. PICKLER. I yield.

Mr. WOOD. It is not necessary for the gentleman from South Dakota to yield to me; I already had the floor.

The SPEAKER pro tempore. The Chair had recognized the gentleman.

Mr. WOOD. I wish to say in regard to these two bills that the House understands very well to-night what the situation is, and I think we might as well have this matter out now as at any time. We might as well meet the question on these bills to-night as any other time.

Several MEMBERS. There is no quorum.

Mr. WOOD. Gentlemen around me suggest that there is no quorum here.

Mr. ERDMAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ERDMAN. What are we discussing?

The SPEAKER pro tempore. The Chair has recognized the

gentleman from Illinois, and he is now making known the object for which he has sought recognition.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole House for the purpose of considering business on the Private Calendar under the special rule.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Illinois, without he yields.

Mr. PICKLER. I thought the gentleman was through. There is no motion before the House.

Mr. WOOD. I was about to move that these bills be taken up and disposed of.

Mr. PICKLER. Well, I can not consent to that. I agreed with the gentlemen over yonder that these bills should be laid aside for the present, and I do not like to fail to fulfill my agreement.

Mr. WOOD. By what authority does the gentleman agree with one or two gentlemen over there on the other side that this shall be done?

Mr. PICKLER. It was done by unanimous consent. It is not my movement. It was the unanimous consent of the House.

The SPEAKER pro tempore. The Chair will state to the gentleman from Illinois that these bills were laid aside by unanimous consent without losing their place on the Calendar.

Mr. WOOD. In deference to gentlemen around me, I will not insist upon the passage of these bills; but I wish to state this question of quorum will have to be met some time; and if a quorum is not here, the country would like to know why it is not here. Now I shall not submit the question I was about to raise, and will yield to the gentleman from South Dakota.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills upon the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills upon the Private Calendar. The Clerk will report the first bill.

LEWIS C. SCHILLING.

The first business on the Private Calendar was the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis C. Schilling, late a private in Company A, Fourth Ohio Cavalry Volunteers, and pay him a pension at the rate of $50 per month in lieu of the amount he is now receiving.

Mr. ERDMAN. Let the report be read, Mr. Chairman.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2224) granting a pension to Louis C. Schilling, submit the following report:

Louis C. Schilling is now pensioned at the rate of $17 per month for wound (gunshot) and for rheumatism. His condition is now such as to wholly disable him from manual labor and to require the almost constant attention of another person.

Dr. A. C. Adams, in his affidavit, says that soldier is suffering from the following disabilities, viz:

"Rheumatism, general piles, internal; heart disease, valvular; gunshot wound of right leg.

"Rheumatism affecting joints and muscles, intense pain in back of neck and head, disturbing seriously the function of the brain; pain in arms interfering with their usefulness, requiring assistance in dressing; pain and swelling of lower extremities interfering with locomotion and giving constant suffering, requiring the aid of crutches in order to move about; intense pain in back from neck to hips. Piles, internal, bleeding profusely at times, producing exhaustion and constipation. Heart disease affecting valves, producing dispnœa."

Dr. George Latimer files an affidavit which, among other things, states the following as to soldier's condition:

"Said soldier is subject to often recurring attacks of rheumatism, which confine him to bed and leave him so crippled that he is compelled to walk with a cane and a crutch."

T. Fitzgerald, Albert Wood, John Hohns, and Jacob Adams testify as to soldier's disabilities, and while they vary somewhat in the form of their statements, they all agree as to his total disability and to his almost helpless condition for a considerable portion of the time.

His pensioned disability is gunshot wound, and it is shown that the rheumatism resulted from that, and that his helpless condition is due largely to the rheumatism, so that if the Pension Bureau had found his disabilities to have existed as claimed he would have been entitled to $50 per month, or if they do exist as the committee found they do he would be entitled under the law to that rate.

The soldier served in Company A, Fourth Ohio Volunteer Cavalry.

The committee recommend that the bill pass.

Mr. ERDMAN. Mr. Chairman, I hope the gentleman in charge of this measure will give us some more full and satisfactory explanation of why this soldier should have a large pension. I fail to find any reason in the report, and I should like to have the information spread before the House in some form.

Mr. KERR. Mr. Chairman, the report sets out quite fully the facts of this case, except that it does not set out all the disabilities found to exist by the Pension Office and to be of service origin. One examining board found (and this does not appear in the report) that the claimant was totally disabled and classified him as belonging to the first rating, which would give him $50 a month.

Mr. MILES. How much does this bill propose to give this soldier?

Mr. KERR. Fifty dollars a month.

Mr. MILES. The report does not state.

Mr. KERR. The bill does, and it was read before the reading of the report. Another examining board examined this soldier and found that by reason of his rheumatism or some other trouble affecting his arm he was disabled to such an extent as to require assistance in dressing, and found that from that one disability he was disabled three-fourths, yet the Bureau in fixing his rating fixed his disability at two-eighteenths. As the report sets forth, he is subject to rheumatism, confining him much of the time to his apartment, and he also requires constant assistance in dressing and undressing. Two other witnesses, as set forth in the report, testify that he requires constant attendance. Now, all that is required under the general law to entitle a man to $50 a month is that he shall require occasional, not constant, attendance, and where he requires constant attendance he is entitled to $72 a month. So that if the House relies upon the finding of the committee this soldier is certainly entitled to $50 a month. This is a bill introduced not by me, but by the gentleman from West Virginia [Mr. HULING], but I, as a subcommittee, investigated it and came to the conclusions set out in the report.

A MEMBER. How much pension is this man drawing now?

Mr. KERR. Seventeen dollars a month.

Mr. GRAFF. Is it not true that this man appeared before the committee so that they had an opportunity to observe him?

Mr. KERR. He did, and unless he was simulating his disabilities, and no member of the committee suggested such an idea, he is in such condition as to require the almost constant attendance of somebody. Now, if for even one or two months in the year he required constant attendance, he would be entitled under the law to $50 a month, so that it seems to me to be but simple justice to give him what the committee has recommended.

Mr. ERDMAN. This is a proposition to overrule the Pension Bureau in this case. The House is asked to overrule the Bureau without any evidence. The Pension Bureau had before it all the evidence, and I ask this committee whose judgment is more likely to be correct, that of the Bureau with the evidence before it, or ours without any evidence?

Mr. KERR. Is it not a fact that in every case that comes here the House overrules the Pension Office?

Mr. ERDMAN. No, sir.

Mr. KERR. Is it not a fact that a man can not secure the favorable report of the Committee on Invalid Pensions unless his claim has been rejected in the Pension Office?

Mr. ERDMAN. Yes; but we do not seek to overrule the Department in such cases.

Mr. KERR. But do we not overrule the ruling of the Department by making a different determination?

Mr. ERDMAN. No; I do not look upon the province of the Committee on Invalid Pensions in that light at all. I look upon the relation of that committee and the House to the Bureau in these pension matters as analogous to the relation of equity to law. It is the correction of the law wherein that, by reason of its universality, is deficient. It is a means of doing justice in cases that can not be reached by the general law; and if the gentleman can not give us any better reason than he has stated now, and if he can not satisfy me or some gentleman on this side that this soldier should have a preference over all other soldiers in this respect, I shall require a quorum to pass upon this bill.

Mr. COFFIN. I will ask the gentleman whether it is not the fact that if the Pension Bureau would treat those applying for pensions with a spirit of greater fairness and justice, we should have fewer applications here for pensions? [Applause.]

Mr. ERDMAN. I desire to say to the gentleman that the Pension Bureau as now administered is more liberal than it ever has been in the past. [Derisive laughter on the Republican side.] In order that the gentleman may satisfy himself of this fact, I refer him to the Assistant Secretary of the Interior. I ask the gentleman in charge of this case not to press it at this time, because it may discontinue further business to-night.

Mr. KERR. I will say, like the gentleman from Illinois, that this is a good time to make a fight, if we have to make one, on these bills.

The question being taken on laying the bill aside to be reported with a favorable recommendation, there were—ayes 91, noes 5.

Mr. ERDMAN. No quorum.

The CHAIRMAN (having counted the Committee of the Whole) said: There are 111 members present—a quorum. The ayes have it; and the bill is laid aside to be reported favorably to the House. [Applause.]

SETH PORTER CHURCH.

The next business on the Private Calendar was the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Seth Porter Church, alias Samuel Church, from Battery I, Second United States Artillery, to date August 29, 1848.

Mr. COOPER of Florida. I rise to a parliamentary inquiry. Does this bill need to come before the Committee of the Whole? It does not appropriate anything. It simply corrects a man's record.

The CHAIRMAN. It is probably to remove the charge of desertion.

Mr. COOPER of Florida. Does a bill of that kind need to come before the Committee of the Whole? My understanding is that only bills making an appropriation or disposing of United States property are required to come before the Committee of the Whole.

The CHAIRMAN. A bill of this kind might involve an allowance of pension or back pay.

Mr. COOPER of Florida. Of course if the bill grants any allowance or makes an appropriation it must receive consideration in the Committee of the Whole, but as it is simply to correct the man's record, I do not see the necessity for it.

Mr. HULL. Does not the rule expressly provide that Friday night sessions shall be devoted to bills removing charges of desertion and bills granting private pensions?

The CHAIRMAN. Because a bill is in order at a Friday night session, it is not necessarily to be considered in Committee of the Whole. The only question in the mind of the Chair was whether this was a bill to remove the charge of desertion.

The amendment reported by the committee, adding to the bill the following proviso, was read and agreed to:

Provided, That the passage of this act shall not entitle such soldier to any pay or allowances prior to the date of such discharge.

The bill as amended was laid aside to be reported favorably to the House.

CHARLES W. RINEHARDT.

The next business in order was the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Charles W. Rinehardt, late third-class musician in the United States Marine Corps band, by removing the charge of desertion against him therefrom, and granting him an honorable discharge as of date August 15, 1882.

Mr. PAYNE. I call for the reading of the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Reinhardt, and to grant him an honorable discharge, having considered the same, would respectfully report the same back to the House with the recommendation that it do pass.

This young man enlisted in the Marine band; afterwards all of his family died except his father, who desired the consolation of his only child in his old age, and he went home. Your committee think his leaving the service excusable.

The facts are fully set forth in the reports and affidavits hereto annexed.

[In the matter of House bill No. 4919, House of Representatives, for the relief of Charles W. Reinhardt.]

Charles F. Reinhardt, being duly sworn, on his oath says: That he is aged 63 years, and resides at La Fayette, Ind.; that he is the father of said Charles W. Reinhardt; that said Charles W. Reinhardt is his only child; that his brother and sister and mother died after his enlistment in the Navy, which left me alone, helpless, and heartbroken in my declining years; that I am much in need of his services and his company.

He is a good boy, my only hope; but being handicapped by reason of being a deserter at large, he can be of no service or comfort to me unless the charge of desertion can be removed, and he be permitted to again come home and give me aid and comfort the few short years I have to live; and I hope that you will be charitable to me; that you will restore to me my only living child, one who was my pride, and is now my only hope. His habits are good, and his record in the service was first-class.

I went to considerable expense to educate him in music, and he enlisted without my consent. He was made to believe that he could be honorably discharged at any time he so desired.

CHAS. F. REINHARDT.

Subscribed and sworn to before me this 23d day of December, 1893.

[SEAL.] WILLIAM C. MITCHELL,
Notary Public.

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To the Senate and House of Representatives of the Congress of the United States:

Whereas Charles W. Reinhardt, son of Charles Reinhardt, an old and well-known and highly etseemed citizen of La Fayette, Ind., did, on the 15th day of August, 1882, desert from the Marine Corps at Washington, D. C., and is still a deserter at large; and

Whereas the circumstances under which he enlisted in said Marine Corps on February 9, 1881, and deserted, at the time mentioned, are as follows, viz: He, said Charles W. Reinhardt, lived in La Fayette, Ind., from the time of his birth, in 1859, until 1878, when he left for Leipsic, Germany, to finish his musical education at the conservatory of music in that place. He remained there two years. On his return to the United States he met Mr. Sousa, the then director of the Marine Band, and finally enlisted, as aforesaid.

After enlisting he wrote to his father, Charles Reinhardt, telling him what he had done. His father was much displeased and sharply reprimanded him for enlisting as a third-class musician on so small a salary, i. e., $21 to $24 per month. He replied that there was no opening except in the third class, and that Mr. Sousa assured him that the members of the corps were earning from $60 to $125 per month extra from outside engagements. But shortly after his enlistment this source of income was cut off by an act of Congress prohibiting military bands from taking outside engagements. Being greatly disappointed at the turn things had taken, young Reinhardt became despondent and finally deserted, as stated above, and is now a deserter at large; and

Whereas since said Charles W. Reinhardt deserted from the Marine Corps his mother, brothers, and sisters have all died, leaving his father alone in his old age, except this one remaining son; and

Whereas said Charles W. Reinhardt, except his one act of desertion, has always borne a good reputation and had always been a good and useful citizen:

Therefore, considering the offender's youth, his former irreproachable character, the circumstances under which he entered and left the service, the yearning of his aged and lonely father to have his son with him in his declining years, and believing that to relieve this young man from the consequences of his one thoughtless act could work no harm to the service, we, the undersigned, respectfully pray this Congress for the passage of a special act relieving Charles W. Reinhardt from the charge of desertion.

Ira J. Chase, Governor of Indiana; Claude Matthews, Secretary of State; David P. Vinton, Ex-Judge Circuit Court; James Murdock, Francis Johnson, B. Miln Smith, Postmaster; W. C. L. Taylor, Jno. S. Williams, B. Langdon, Judge of Circuit Court; John F. McHugh, Senator Tippecanoe County and City Attorney of Lafayette; George T. Beardsley, City Treasurer; F. E. D. McGinley, Mayor; William V. Stuart, J. M. Dresser, W. C. Mitchell, Ex-County Clerk; David H. Flynn, County Clerk; J. Frank Byers, County Auditor; John M. La Rue, Ex-Judge Superior Court.

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NAVY DEPARTMENT, *Washington, August 27, 1892.*

SIR: The Department has considered the statement made by you in June last, addressed to the President of the United States, and by his direction referred to this Department, in which you request the pardon of Charles W. Reinhardt, a deserter from the United States Marine Corps.

In reply I have to inform you that it appears, from the record of service of Reinhardt, that he enlisted in the Marine Corps, at Washington, D. C., for five years, and was rated third-class musician, February 9, 1881; that he deserted from the Marine Barracks at that place August 15, 1882, and that he is still a deserter at large.

The Department is empowered to remove the charge of desertion only in cases coming under the provisions of the act of Congress "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, which applies only to deserters from enlistments during the late war, or when such charge is conclusively shown to have been erroneously entered or retained upon the records. It appearing that the charge of desertion was properly entered on the records of the Marine Corps against the name of Reinhardt, the Department has no power to remove said charge, and in view of the facts stated no recommendation for pardon can properly be made in this case. An application might very properly be made to Congress by the friends of Reinhardt for the passage of a special act for his relief from the charge of desertion.

Very respectfully,

F. M. RAMSAY,
Acting Secretary of the Navy.

Mr. LOUIS KIMMEL,
United States Marshal's Office, Washington, D. C.

The CHAIRMAN. The question is on laying the bill aside to be reported favorably to the House.

Mr. MEREDITH. The affidavit just read as a part of the report is the most curious affidavit I have ever seen; but I think this is clearly a case calling for mercy, and in behalf of this old man I shall vote for the bill.

Mr. McCLELLAN. In behalf of my colleague on the committee, the gentleman from Michigan [Mr. BISHOP], who reported this bill and who is absent on business, I wish to say that this is a very meritorious case. The committee considered it very carefully. The beneficiary of the bill was nothing but a boy at the time he deserted; he deserted in time of peace; and really it was nothing but a technical desertion.

There being no objection, the bill was laid aside to be reported favorably to the House.

THEODORE WERNER.

The next business on the Calendar was the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Theodore Werner, late a private in Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and to issue to him an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due to said Werner by virtue of the passage of this act.

Mr. PAYNE. I should like to hear the report read.

Mr. McCLELLAN. I ask for the reading of the report for the information of the Committee of the Whole.

Mr. POOLE. As I understand, this is a report from the Committee on Military Affairs; and the committee, after careful examination, recommends the passage of the bill. If so, what is the use of our having the report read? The Military Committee has no doubt gone over all the facts. Why not accept their report and pass the bill?

Mr. PAYNE. I called for the reading of the report because I desired some information about the case. I wanted to know on what grounds the Military Committee were reporting bills in favor of removing the charge of desertion. In a number of cases that have come under my observation persons wanted the charge of desertion removed when they were in fact deserters, and did not seem to have any excuse. I wanted to see whether this committee requires any excuse in such cases before recommending the bill. I do not expect to interpose further objection; but I wish to know the grounds on which the committee is acting, so that we may determine whether it would be better to have a general bill

removing the charge of desertion from every man who may ask for it.

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] desire to have the report read in his time?

Mr. McCLELLAN. For the information of the Committee of the Whole I ask that the report be read.

Mr. STEELE. I shall object to the passage of this bill.

Mr. HULL. Let the report be read.

Mr. STEELE. I want it understood that there will be some trouble in passing this bill. According to the adjutant this man deserted in the face of the enemy.

Mr. PAYNE. The report was about to be read in my time. When it has been read I will yield to my friend from Indiana [Mr. STEELE].

Mr. PARKER. I think this bill ought to be passed over, retaining its place on the Calendar.

Mr. TAWNEY. I ask unanimous consent that the bill be passed over, retaining its place.

The CHAIRMAN. The report was about to be read in the time of the gentleman from New York.

Mr. PAYNE. I will yield for the request that the bill be passed over.

Mr. PICKLER. Upon whose objection is this done?

The CHAIRMAN. There is no objection, but there is a request for unanimous consent that the bill be passed over without losing its place on the Calendar.

Mr. HULL. The gentleman who reported the bill and who is familiar with the case is not here. He ought to be here when it is considered.

The CHAIRMAN. If there be no objection, the bill will be passed over informally, retaining its place on the Calendar.

There was no objection.

WILLIAMSON DURLEY.

The next business on the Private Calendar was the bill (H. R. 8234) granting a pension to Williamson Durley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Williamson Durley, of Hennepin, Ill., who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension at the rate of $12 per month from the date of the passage of this act.

Mr. ERDMAN. Let us have the report in that case read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3234) granting a pension to Williamson Durley, have considered the same and report as follows:

The claimant, Williamson Durley, swears that in June, 1831, he enlisted in Captain Campbell's company of Illinois Volunteers, in the Black Hawk war, and served therein for a period of about thirty-one days; and further that in 1832 he again enlisted under Capt. George B. Willis, and served for a period of nineteen days. A record of the claimant's service in Captain Campbell's company has not been obtained by your committee, but a certified copy of the rolls of Captain Willis's company is on file, and shows the nineteen days' service alleged by the claimant in that organization.

Mr. Durley is now 87 years old, and unable to do anything toward earning a support. His entire reliability was vouched for by Hon. T. J. Henderson, of Illinois, who introduced a similar bill in the Fifty-third Congress. Your committee in that Congress favorably reported the bill, but it failed of passage because of lack of time to consider it.

The passage of the bill is respectfully recommended, with an amendment striking out the word "twelve" in line 11 and inserting in lieu thereof the word "eight."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with recommendation that it do pass.

GEORGE W. HARBAUGH.

The next business on the Private Calendar was the bill (H. R. 377) for the relief of George W. Harbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove from all the records in his Department the several charges of desertion appearing on the rolls and hospital record of George W. Harbaugh, as a late private in Company G of the Sixth Regiment of Wisconsin Volunteer Infantry, and as a late private in the Sixth Independent Battery, Ohio Light Artillery, and in Battery M, Fourth United States Artillery, and grant to said George W. Harbaugh an honorable discharge of date October 30, 1863, from Company G, Sixth Regiment of Wisconsin Volunteer Infantry, and also grant to said George W. Harbaugh an honorable discharge of date June 24, 1865, from the Sixth Independent Battery, Ohio Light Artillery.

Mr. BURTON of Missouri. Mr. Chairman, the report of the committee accompanying this bill is quite lengthy and very full. Let me say in brief that this bill passed the House in the Fifty-third Congress, and there was a favorable report upon it by the committee in the Senate, but owing to lack of time it did not pass.

The facts are that this man, then really a boy of 15 years of age, belonged to the old Iron Brigade, and the record shows that he did gallant service in all of the battles in which that brigade participated. At the time he was charged with desertion he was in the hospital. The committee went through all the testimony in the case and examined it very fully and made an elaborate report. As I have said the House passed it in the last session and the Senate committee made a favorable report upon it. I hope action will be taken upon it now without the necessity of reading the long report.

Mr. BAKER of New Hampshire. I would like to ask the gentleman a question. The wording of this bill is peculiar. It says shall remove from him the "several charges" of desertion. Were there several charges, or only one?

Mr. BURTON of Missouri. As I remember the facts in the case he first belonged to one regiment, from which he was charged with desertion, but was actually in the hospital. Afterwards he was transferred to another regiment and was charged with desertion from that regiment, but I do not remember the facts. The report of the committee, however, is very full, and if the gentleman insists of course it can be read and will explain all of these points. But the committee acted upon it after a very careful examination of all of the facts and were satisfied that it was a meritorious case.

Mr. FENTON. Mr. Chairman, the gentleman from Missouri has stated that this man was in the hospital at the time the charge of desertion in the first instance was made against him. The other charge was made on the 29th day of August, 1862, and the record shows that he was at the battle of Bull Run on the 29th day of August, 1862, which accounted fully for his presence at that time. The other charge was accounted for, as has been shown, he being present and in the hospital at the time. I made the report in the case and examined all the facts myself.

Mr. STEELE. Any report concerning the military record or history of a man brought into this House for action ought to have with it the official record. This report does not provide that data. It may be all right, but I think that in all of these cases we should have full information covering all the points in the case, so as to know exactly how to act.

Mr. JENKINS. Will the gentleman permit me to interrupt him?

Mr. STEELE. Certainly.

Mr. JENKINS. Allow me to say that the committee had before them the official record and consulted it before bringing in the report.

Mr. STEELE. We ought to have the data on which to act.

Mr. JENKINS. I would like to say to the gentleman from Indiana further and to the committee that I served with Mr. Harbaugh and know him to have been a very gallant soldier. He served through the entire war, except about three months, and the charge of desertion is merely a technical one. The gentleman from Missouri has stated the case accurately, and I can assure the committee that it is merely a meritorious act to pass the bill.

Mr. PICKLER. I know him to be an excellent man.

Mr. JENKINS. Yes; as the gentleman from South Dakota says, he is an excellent man, and he has a large family who, of course, would like to have this charge of desertion removed during his lifetime.

Mr. MEREDITH. Will the gentleman state how many times he was charged with desertion?

Mr. JENKINS. He was charged with desertion twice, but he was accounted for on both occasions. On one occasion when charged with desertion he was laid up in the hospital here suffering from a wound received in trying to keep General Walker of this House from coming to Washington. [Laughter.] And then about the close of the war, after the surrender of General Lee and Johnston, he happened to be away from the command with one of the officers and when he came back the battery had been ordered home and there was no opportunity to remove the charge of desertion.

Mr. STEELE. What period in the service was that?

Mr. JENKINS. That was after the surrender of General Lee. It was simply a charge made in pencil on the back of the muster roll.

Mr. STEELE. There is a general law that covers all cases where men were absent on account of sickness, or were in hospitals, and there is also a general law which covers cases where they were away from their regiments after having served for the period of over three months prior to the 1st of May, 1865.

Mr. JENKINS. Well, I can say to the gentleman that it will do no harm at all to pass this bill, for it is certainly a meritorious case.

Mr. STEELE. The general law ought to cover it.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

DAN S. PLACE.

The next business on the Private Calendar was the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Dan S. Place so as to show him

honorably discharged from the service as first lieutenant, Eighteenth Indiana Volunteers.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Daniel S. Place, first lieutenant, Eighteenth Indiana Volunteers, have carefully considered the same and the papers pertaining thereto and report:

Daniel S. Place was enrolled as a private in Company G, Eighteenth Indiana Volunteers, July 27, 1861, and was promoted to the rank of first lieutenant for meritorious conduct, to date April 23, 1863. He was severely wounded and partially disabled in action at Port Gibson, May 1, 1863. While convalescing was ordered on light duty at New Orleans, where he remained until September, 1864, and was placed on detached duty at Elmira, N. Y., by special orders from the War Department, dated October, 29, 1864.

While serving at Elmira, on duty at Prison Camp, he was charged with "conduct prejudicial to good order and discipline" and "conduct unbecoming an officer and gentleman," the specification being that he did, contrary to orders, carry out and mail letters for prisoners of war confined in the camp.

He was found guilty of the offense charged by a court-martial, but as the letters were shown to be of purely social character and contained nothing of importance, the sentence of the court was out of all proportion to the offense, in that it sentenced him to be cashiered the service and forever prohibited from holding any office of trust or emolument under the United States Government; that his sword be broken by a noncommissioned officer, his straps taken from his shoulders, and his buttons cut from his coat in the presence of the troops of the command.

The latter part of the sentence, requiring his personal degradation in the presence of the troops of the command, was disapproved by Bvt. Brig. Gen. A. S. Devier, commanding the military district of New York.

On March 15, 1865, the case was reopened at the instance of Senator Henry S. Lane, of Indiana, and a lengthy report made and filed by the Acting Judge-Advocate-General of the Army, in which, among other things, he says:

"It is not believed that he should be disfranchised, and as he is represented to be a man of good character and undoubtedly loyal, the interests of the service would justify a removal of all disability in order to enable him to reenter the service if the governor of the State sees proper to commission him."

Upon this report, by direction of the President, the disability to reenter the service was removed.

There remains, therefore, against Lieutenant Place nothing of the original sentence save the dismissal from the Army, which, in view of his established loyalty before and after the offense charged, the trivial character of the offense itself, viewed in the light of the facts submitted to the judge-advocate-general upon the reopening of the case, his brave, efficient, and faithful services as a soldier, his high character and standing as a citizen during the thirty years that have passed since the war, your committee believe ought to be removed. Your committee do not discredit the necessity for the maintenance of military discipline, which it is conceded involves exact obedience to orders, but it believes the highest demands of such discipline have been more than met by the punishment already inflicted.

Your committee therefore report the accompanying bill favorably and recommend that it do pass.

Mr. BAKER of New Hampshire. I make the point of order that this bill is not subject to consideration to-night under the rule.

The CHAIRMAN. This bill is not in order under the rule under which the House meets to-night. The Clerk will report the next bill.

Mr. COOPER of Florida. I do not know just what distinction there is between that bill and other bills.

Mr. STEELE. This is not a case of desertion.

Mr. COOPER of Florida. I know it is not a case of desertion, but since it has come up, I ask unanimous consent that it be laid aside with a favorable recommendation.

Mr. BAKER of New Hampshire. We can not do it under the rule.

Mr. STEELE. The House has no jurisdiction of the bill to-night.

Mr. COOPER of Florida. It would have no jurisdiction if the point is made, but if the point of order is not made it could be laid aside by unanimous consent. Now that it is reached, I should be glad to have it acted upon.

Mr. PAYNE. While I think this is a very meritorious bill, so far as appears from the reading of the report, I do not think we ought to go out of the line of the rule for Friday night sessions, and I doubt if we have the power to consider it, even by unanimous consent.

The CHAIRMAN. It is the purpose of the Chair not to allow any bills to come before the committee except such as are in order under the rule. As soon as the Chair noticed the character of the bill he decided that it was not in order.

Mr. TAWNEY. I desire to ask whether the committee has possession of the bill. If it is not before the committee I do not see how we could entertain the request for unanimous consent.

The CHAIRMAN. The Clerk will report the next bill.

WILSON KALE.

The next business on the Private Calendar was the bill (H. R. 1836) granting an honorable discharge to Wilson Kale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of, and grant an honorable discharge to, Wilson Kale, of Truro, Iowa, late a private of Company G, Sixth Regiment of California Infantry Volunteers: *Provided*, That no pay or emoluments shall be due said soldier by reason of the passage of this act.

Mr. HULL. Mr. Chairman, I want to make a very brief explanation of this case. That bill passed both Houses in the closing hours of the session of the Fifty-third Congress; I think some two or three days before the session closed. It was not signed, but failed in the general ruck of bills that were left on the President's desk at the hour of adjournment.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANCIS E. HOOVER.

The next business on the Private Calendar was the bill (H. R. 1094) granting a pension to Francis E. Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, at the rate of $72 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

The Committee on Invalid Pensions recommended an amendment striking out the words "seventy-two," in line 5, and inserting in lieu thereof the word "fifty."

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1049) granting an increase of pension to Francis E. Hoover, report as follows:

The soldier served one year, nine months, and nine days in Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and was honorably discharged from the service. Nothing appears of record derogatory to his character as a soldier. He was pensioned at the rate of $8 per month for rheumatism from August 25, 1890. This pension was increased to $12 in 1893. The testimony does not show the disease of the soldier to be of service origin. During the past two years this soldier has been bedridden, absolutely unable to assist himself, requiring the constant assistance of an attendant. He can not be moved without suffering the most excruciating pain from head to foot, with no hope of recovery.

On account of the terrible suffering of this soldier and the necessity for constant assistance, taken in connection with his poverty, your committee believe the case is one calling for the special intervention of Congress. If the soldier's disease was of service origin he would undoubtedly be entitled to $72 per month under the law, and his case is so extraordinary your committee believe that he should receive said sum. It therefore reports the bill back to the House with the recommendation that it do pass with the following amendment: Strike out the words "seventy-two," in line 5, and insert in lieu thereof the word "fifty."

Mr. ERDMAN. Mr. Chairman, I hope the gentleman in charge of this bill will be able to give us something better than is set forth in this report.

Mr. ROYSE. Mr. Chairman, I introduced this bill, and I confess the report is not half so strong as the evidence would warrant. The soldier is a resident of the city of Elkhart. I myself visited him personally. I found him stretched upon a bed where he had lain for some two years, with every joint in his body stiffened so much that he could not even get his hands to his mouth. He was poor and destitute. For some months, or ever since he has been confined to his bed in that condition, he has been supported by the Grand Army post and by friends. He is a man of most excellent reputation. Unquestionably the disease from which he is suffering relates back to injuries received in the war.

Mr. ERDMAN. Will my friend permit me, just there, to read one line of the report?

Mr. ROYSE. Yes.

Mr. ERDMAN (reading)—

The testimony does not show the disease of the soldier to be of service origin.

Mr. ROYSE. Well, I think that the committee are mistaken upon that. But nevertheless, whether or not——

Mr. PICKLER. If the gentleman will allow me, it simply has not been proven to the satisfaction of the Pension Office that it originated in the service.

Mr. ERDMAN. The report does not say that.

Mr. ROYSE. I think the committee are perhaps a little bit modest in not making this as strong as they might have made it under the evidence. This soldier was upon the march back from Nashville, and was in the battle of Franklin. On that march he suffered from rupture of the blood vessels of the legs, or varicose veins. That finally resulted in large ulcerations. He suffered from that for a long time, and since his return from the Army he has suffered from these ulcerations. The rupture of these blood vessels was undoubtedly occasioned by that severe march. He had some symptoms of rheumatism in the Army, and after he returned these attacks of rheumatism became more numerous and frequent, and finally resulted in this disease, which all the physicians have testified is a form of rheumatism. It has dislocated many of his joints. The joints of his fingers are all dislocated, thrown out of place, from the effects of this rheumatism. All the joints are anchylosed. It is a form of rheumatism that this man is suffering from now which evidently goes back to the time of his service in the war. [Cries of "Vote!"]

Mr. ERDMAN. The gentleman from Kansas [Mr. KIRKPATRICK], a member of the committee, makes this report, and says that the testimony does not show the disease of the soldier to be of service origin; and he does not attempt anywhere to argue that this soldier is entitled to this pension by reason of disability of service origin; but it is proposed to give, as a mere gratuity, as a charity, this large pension to this soldier because of the terrible suffering of the soldier and the necessity for constant assistance. There are

thousands and thousands of soldiers situated exactly as this soldier is. [Cries of "Oh, no!"]

Mr. HULL. Will not my friend allow me just one question?

Mr. ERDMAN. Yes, sir.

Mr. HULL. If they could prove that this condition was the result of actual service would he not get $50 a month?

Mr. ERDMAN. He would get $72 a month, and ought to have it; and I would vote for it.

Mr. HULL. This compromises at $50.

Mr. ERDMAN. But I do not like these compromises.

Mr. HULL. What I want to get at is that the only reason he comes to Congress is because he can not actually connect this disease with the service. If he could he would not have to come here.

Mr. ERDMAN. There is no attempt to connect the disease with the service.

Mr. KIRKPATRICK. If the gentleman will permit me, I would like to make a statement in reference to this case, either in the form of a question or a statement to him or the committee, just as he desires.

Mr. ERDMAN. Either way.

Mr. KIRKPATRICK. Mr. Chairman, in making the report in this case, of course I had to act entirely on the evidence submitted to me; and while the testimony tends very strongly to show the disease of which this soldier complains was of service origin, yet I am not so sure that it fully establishes that fact. But I reached the conclusion that the extraordinary condition of this soldier was such as to directly appeal to Congress for special aid and assistance. If the disease of which he complains could be traced directly to service origin, there would be no necessity for a special bill, and this man would be entitled to $72 per month under existing law.

Mr. ROYSE. He would not be here if that could be done.

Mr. KIRKPATRICK. The committee in considering the matter concluded that inasmuch as the testimony was not entirely satisfactory upon the point of service origin some difference should be made between that and a case where there was no question about that proposition, and consequently agreed upon $50 a month as a fair sum to be given the pensioner. It seems to me that no man can examine the testimony in this case and for one moment question the right or the privilege or the power of the committee or the duty of Congress to make a suitable provision for this soldier, notwithstanding the testimony may not show that the disease of which he complains is of service origin. He is there upon his back, unable to feed himself, and would absolutely starve to death without the assistance of some one, and his condition certainly appeals strongly to Congress for relief, and I hope this committee will not hesitate for one moment to pass this bill. [Applause, and cries of "Vote!"] I do not believe that it is just to refuse aid under the extraordinary circumstances of this case. Some of those opposing this bill have not hesitated to vote a larger sum to the widows of our generals.

Mr. McCLELLAN. How many bills have we passed to pension the widows of your generals?

Mr. KIRKPATRICK. We have been liberal in that respect, and I believe in a case of this kind Congress ought not to indulge in cheeseparing. Let us relieve as far as possible the wretched condition and sufferings of this soldier; give him $50 a month; he is entitled to it; his condition demands it. [Cries of "Vote!"]

Mr. ELLIS. They gave an increase of salary to the Indian inspectors.

Mr. ERDMAN. Mr. Chairman, there are 20,000 soldiers, veterans, in the exact position and condition of this man.

Mr. KIRKPATRICK. Then we ought to give them all $50 a month.

Mr. ERDMAN. Give them all $50 a month.

Mr. KIRKPATRICK. I will be with you on that subject.

Mr. ERDMAN. But do not take out one favored friend and exclude all the rest. When it comes to this feast of the Treasury let them all participate under a general bill.

Mr. KIRKPATRICK. I will vote for a bill of that kind, and believe I would be doing God's service; but I do not propose to refuse aid to this worthy veteran and allow him to die in poverty and in want waiting for a general bill to reach all such cases. I hope and trust this bill will pass and this old soldier may feel that want and starvation no longer look him in the face. He has enough to bear now, is unable to move, can not feed himself, can not brush a fly from his face, suffers the most excruciating pain when moved by others, and is absolutely without hope except in that land free from pain and trouble.

Mr. ERDMAN. This report proposes to pension this soldier at a very high figure—what is a mere gratuity, a mere charity—upon the express statement that the disease is not owing to service origin. I am opposed to that class of legislation until you enlarge it so as to embrace all such soldiers. I give notice in regard to this bill that I shall want a quorum in the House when it passes. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the committee to strike out "seventy-two" and insert "fifty."

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The committee divided; and there were—ayes 88, noes 1.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The point is made that there is no quorum present.

Mr. PICKLER. Who makes the point that there is no quorum?

Mr. ERDMAN. I make the point.

Mr. PICKLER. I want the RECORD to show.

The CHAIRMAN (after counting). One hundred and four gentlemen are present; the ayes have it, and the amendment is agreed to. The question is now on laying aside the bill as amended with a favorable report.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The committee divided; and there were—ayes 92, noes 4.

Mr. ERDMAN. No quorum.

Mr. CURTIS of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CURTIS of New York. When the Chairman has observed that there were twenty or thirty gentlemen who did not rise and vote, and four have only voted in the negative, is it not competent for the Chair out of that twenty to count three or four to make up the quorum, without a fresh count?

The CHAIRMAN. The point is made that there is no quorum present, and it is very close.

Mr. STRODE of Nebraska. Mr. Chairman, who raised the question of no quorum? You counted the committee only a few minutes ago.

The CHAIRMAN. The Chair does not hear the gentleman from Nebraska.

Mr. FAIRCHILD. The question is, who raised the question of no quorum? We would like to know.

The CHAIRMAN. The point is made by the gentleman from Pennsylvania. [After a count.] One hundred and thirteen gentlemen are present; the ayes have it, and the bill is laid aside with a favorable report. [Loud applause.]

FRANCIS WALSH.

The next business on the Private Calendar was the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.

The bill was read, as follows:

Be it enacted, etc., That the pension heretofore granted to Francis Walsh, of Stockham Nebr., late a member of Company B, Third Regiment Wisconsin Volunteers, under pension certificate numbered 681343, and who is now indigent and bedridden, being paralyzed as a result of a shell wound received in the line of his duty in battle at Antietam, Md., and by reason thereof in need of constant attendance, be, and the same is hereby, increased from $12 to $72 per month; and the Secretary of the Interior be, and he is hereby, authorized and required to carry into effect the provisions of this act.

An amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Walsh, late a member of Company B, Third Regiment Wisconsin Infantry Volunteers, at the rate of $72 per month, in lieu of the pension which he is now receiving."

Mr. ANDREWS. Mr. Chairman, I desire to say a few words in relation to this claim. The soldier was a private. He received his injuries from a piece of an exploded shell, though the report uses the phrase "gunshot wound." The injuries were of an internal character. The soldier could realize them very sensibly, but in the earlier stages of his application for a pension they could not be clearly defined. This fact will explain some of the statements referred to in the report upon which rejections were made in the Pension Office. Later on the Pension Office granted him a pension based upon the claim which he had alleged from the outset, thereby conceding the correctness of his claim as to the injury set forth in his declaration. He maintained uniformly the same claim.

The various medical examinations made show the gradual development and increase of his disability up to the present time, when it amounts to total disability, requiring from one to two persons to take care of him, one person continually. The committee were thoroughly convinced that the injury resulted from the wound as set forth in the report, and that under the general law the soldier was clearly entitled to a pension of $72 a month. The Pension Office, however, rejected the claim; yet the committee believe that the soldier is entitled to that pension, and so recommend.

Mr. McCLELLAN. Mr. Chairman, I ask that the report be read by the Clerk for the information of the committee.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.,

having carefully examined the same, respectfully submit the following report:

The soldier was enrolled as private in Company B, Third Wisconsin Infantry, on June 29, 1861, and was discharged July 20, 1864, having served three years and twenty-two days. The record shows that he was mustered out by reason of expiration of term of service. Nothing derogatory appears against the soldier, his service being in all respects faithful and honorable.

It also appears that he was engaged in the battles of Cedar Mountain, Antietam, Chancellorsville, Beverly Ford, Gettysburg, and many minor engagements. He was wounded in the groin at Antietam on September 27, 1862. On January 15, 1877, he applied for pension on the grounds of "gunshot wound in left hip, causing permanent weakness, pain, and lameness of the same; also, at Nashville, Tenn., in July, 1864, from hardship and exposure, he contracted disease of lungs."

From the commencement the soldier insisted that he was lame and that he suffered from limitation of motion, due to his wound at Antietam. His claim for pension was, however, rejected April 24, 1879, for the reason "no degree of disability for cause alleged entitling to a rating." Several medical examinations were had, with varying results. A careful review of these, however, discloses a general and increasing tendency to confirm, to a greater or less degree, the contentions of the soldier. He was an unusually strong, robust man, and a rugged constitution enabled him to arrest for years the full development of his disabilities. The medical board examining him on December 12, 1888, report well-marked paralysis agitans of left arm and left limb. On November 4, 1890, the medical board at Aurora, Nebr., report the same disability to an increased extent. This board reports him as utterly unable to perform any manual labor, and that he is compelled to have assistance to dress himself. Subsequent examinations by medical boards in 1890, 1892, and 1894 show him to be almost entirely helpless.

On November 9, 1891, the soldier was pensioned on his application of January 15, 1877, at $2 per month under the general law from July 21, 1864, the date of his discharge, and $4 per month from December 12, 1888, ending July 20, 1890, by reason of allowance under act of June 27, 1890, for the disability as stated, "disease of chest and gunshot wound of left hip." This allowance definitely and conclusively fixes service origin of the soldier's disability. The one question thereafter was, Is the soldier entitled to an increase of his pension under the general law?

It is evident, from a consideration of the testimony, that the original lameness and limitation of motion of which the soldier complained increased and developed into paralysis, from which he now suffers. The soldier claimed it, the medical testimony on file supports his contention, and the Pension Bureau, by granting the pension under the general law, concedes it.

The affidavits of Dr. Gooden and Dr. Stanberry, filed in the case, both are to the effect that his disability and paralysis are due to the wound for which he was pensioned. His claim for increase was rejected August 1, 1894, on the alleged ground "that the disability is not due to service origin." The special examination in the case shows soldier to be in a pitiable condition. He can not feed himself; is unable to dress and undress or to attend to his daily and frequent wants; an attendant is constantly necessary.

February 2, 1889, the special examiner who investigated the case, says:

"Took him before board of examining surgeons, who find 'paralysis agitans' (see certificate)."

The certificate referred to shows a rating of eighteen-eighteenths for the disability mentioned. The examiner then goes on to say, after reciting the evidence:

"The above testimony, in connection with record, ought to settle case, which seems to be meritorious."

On October 20, 1890, another special examiner who took up the case, says:

"But in the interests of justice I will say that the longer I live the more I see of the fallibility of the diagnosis, the less I think my judgment, or the judgment of men educated to determine cause and effect, is worth. If cases did not constantly come before me that baffle every evidence of that which is termed 'medical science,' and every reasonable (supposed) conclusion from a law standpoint, I should feel it somewhat of a duty to reject. But I see no loophole from my standpoint. The injuries received, the wounds and injuries of record, the sickness and shock to the nervous system, which by reason of a strong constitution he has been able to put off until age deprived him of the vigor to resist, did, in my opinion, cause his present trouble. I therefore refer this case to admit."

Dr. Gooden, special medical examiner sent by the Bureau of Pensions to make a critical examination of the claimant, says:

"The soldier's affliction is due to gunshot wound in left hip. * * * The soldier is absolutely helpless. He can not sit down or rise without assistance. He is totally disabled. He has to have an assistant for nearly every movement of his body—has to be dressed and undressed and fed."

The same physician, on July 5, 1894, finds "very bad case of general paralysis."

On March 2, 1892, the board of surgeons recommended a third-grade rating—$24.

Under date of August 11, 1893, Dr. D. C. Stanberry, who treated the claimant, swears he is suffering from paralysis, "caused by gunshot wound of left hip; * * * has to be assisted in and out of chair, out of bed, and to dress himself at all times."

The soldier is without means and has no income except the pension of $12 which he is now drawing under the act of 1890. He has depending on him an aged wife, who is scarcely able to take care of herself. The merits of the case and the soldier are not only disclosed by the evidence on file, but are also vouched for by the member from the district in which he resides.

Your committee, therefore, in view of all the facts, respectfully recommend the passage of the bill with the following amendment:

Strike out all after the enacting clause and substitute in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Walsh, of Stockham, Nebr., late a member of Company B, Third Regiment Wisconsin Infantry Volunteers, at the rate of $72 per month, in lieu of the pension which he is now receiving."

Mr. McCLELLAN. Mr. Chairman, I desire to say that this report is exactly the sort of report that we on this side of the House have been contending for. It goes into the merits of the case; it is carefully drawn; it states the evidence, and it raises such a strong presumption in my mind in favor of the claim that I for one will be glad to vote for the bill, and I do not think there will be any opposition to it on this side of the House. [Applause.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JEFFERSON FUESTON.

The next business on the Private Calendar was the bill (H. R. 3689) increasing the pension of Jefferson Fueston.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Jefferson Fueston, late of Company M, Tenth Ohio Volunteer Cavalry, and pay him at the rate of $25 per month, in lieu of the pension he is now receiving.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, having carefully considered the same, respectfully submit the following report:

Jefferson Fueston, the claimant, enlisted in Company M, Tenth Ohio Cavalry, on September 8, 1863, and was honorably discharged July 24, 1865.

On August 28, 1878, he filed a declaration in the Bureau of Pensions, alleging that at Aiken, S. C., February 10, 1865, during a brush with the enemy, his horse was shot and fell upon him, crushing his chest, tearing three of his ribs loose from the sternum on the left side, and otherwise injuring him, by reason of which he was disabled. This claim was rejected June 30, 1879, because of failure to show origin, but was reopened a year or so afterwards.

On June 10, 1882, John R. Berry, lieutenant in the same company, swears that the soldier received the injury as stated. He says he afterwards went to see the doctor in regard to Fueston, and was told that his ribs were broken and that he would not be fit for duty until about the time his term expired.

After a great deal of inquiry, Fueston at length succeeded in ascertaining the addresses of two comrades, and they, both under oath and in reply to the lettres de cachet of the Bureau of Pensions, unqualifiedly assert that the injury was incurred as stated by the claimant, and that they were present at the time and saw the horse and man go down together. These affidavits were executed February 1, 1890, and February 29, 1892.

The soldier says that he was attended by various ambulance surgeons, and that his feelings at the time were such as not to permit of his recollecting their names. From the records there appears to have been no hospital treatment.

The report of the Adjutant-General's Office shows that on or about February 10, 1865, this regiment lost 13 men killed, wounded, and missing at Aiken, S. C.

Two of the soldier's neighbors swear that they saw him shortly after he came out of the Army, and that he was then suffering from a swollen leg and hip, and complained of his breast.

There seems, then, to be ample evidence to show that the soldier was injured in the manner alleged, and it remains only to establish the fact that the claimant's present condition is the result of this injury.

The CHAIRMAN. The question is on the amendment recommended by the committee, striking out "twenty-five" and inserting "twenty-four"; so as to make the pension $24 a month.

Mr. ERDMAN. Mr. Chairman, what I do not like in this report is that it attempts by innuendo to reflect upon the present administration of the Pension Bureau, when, in truth and in fact, this man made application as far back as 1878, and the Bureau from that time down to the present has uniformly rejected his claim. Now, I think that, in view of the discovery of the cathode ray, this man's physical condition can be absolutely demonstrated, and that he should again apply to the Pension Bureau and see whether he can not get his pension allowed there.

Mr. HERMANN. Mr. Chairman, I had the honor of introducing the bill for this poor, disabled, suffering old soldier, and my regret to-night is, and a profound one, too, that the bill does not give him $72 instead of $24 a month, and I believe the House will agree with me in a few minutes that my regret is justified. As to the criticism made in the report upon the Pension Bureau, the evidence, I think, fully justifies the conclusion of the committee. This man, in resisting a charge of the enemy at Aiken, S. C., in 1865, received a very severe injury by his horse falling upon him. The horse was shot and fell upon the soldier, tore two or three ribs from the breast bone, and injured him so severely that the physician who attended him at the time informed his lieutenant that he would not be able to serve for the balance of his enlistment. For fourteen years he has been an invalid, the greater part of that time lying upon his bed, unable to move. He is to-day, and has been for many years, a subject of private and public charity, and the last attending physician certifies to his condition in these words:

These disabilities have long since rendered this man unable to perform any manual labor, and are so increasing that his life will unquestionably be destroyed in a few months.

He resides in my own county, and I am well acquainted with his neighbors. I am also acquainted with the county judge who has charge of the almshouse of the county, and he informs me that he has waited upon this poor man and extended to him the almshouse relief. As to the action of the Pension Bureau in this case, I regret to say that it fully justifies the criticism of the Committee on Invalid Pensions, because, in face of the evidence showing that this man was in this condition, showing how the injury was incurred, showing the testimony of the surgeon who attended him immediately after he received the injury—in the face of all this evidence set forth in the report, the Bureau has declined to grant him a pension. It occurs to me, in view of this man's situation, that this is a most distressing case. In view of his inability to perform any labor, it appears to me that he is entitled rather to $72 a month than to $24 a month.

Mr. TALBERT. May I ask the gentleman one question?

Mr. HERMANN. Certainly.

Mr. TALBERT. The gentleman seems to repeat the intimation that the present management of the Pension Bureau is chargeable with some dereliction of duty in regard to this soldier. I wish to ask whether the soldier has ever applied for a pension under the present management of the office. Did I understand the gentle-

man to say that this man had made application under the present management and been refused?

Mr. HERMANN. I did not particularly refer to the present management. My complaint was in regard to the pension management generally, whoever may have been in charge at the time, because the office ignored the testimony of these two comrades of the soldier, who saw the horse shot on which he was riding, who saw that horse fall upon him——

Mr. TALBERT. I have no doubt that is true.

Mr. HERMANN. It occurred to me that under the circumstances there was evidence enough to indicate the origin of this disability in the service and in the line of duty.

Mr. TALBERT. The gentleman misunderstands me. I have no doubt that every word he has said is true; but the gentleman from Pennsylvania [Mr. ERDMAN] said that his objection to the report was that it reflected upon the present management of the Pension Bureau.

Mr. HERMANN. I will pass that by.

Mr. TALBERT. I understood the gentleman from Oregon [Mr. HERMANN] to say that that criticism was just, and at the same time I understood him to say that this soldier never applied for a pension.

Mr. HERMANN. He has applied and has been rejected. His application was rejected upon the ground that he failed to show the origin of the disability. He waited year in and year out until after the passage of the act of June 27, 1890, then he came in and received the full benefit of that law—$12 a month, which he is now receiving.

Mr. TALBERT. Why was the pension denied under the former administration?

Mr. HERMANN. For the reason that, as the office claimed, the applicant failed to show the origin of the disability in the service. It was on that point that I criticised the Department, whoever may have been in charge of it, because a part of the evidence submitted to the Department was the testimony of two soldiers that they saw this man's horse shot under him, that they saw the horse fall upon him, and saw the man carried away under the care of a surgeon.

Mr. TALBERT. I was only asking for information. I have no doubt the gentleman's statement is true.

Mr. MILES. I wish to ask the gentleman whether it is true that this man now requires the personal attention of an attendant?

Mr. HERMANN. For several years he has been carefully attended by nurses; among others, by his wife, who is partially an invalid, and he has received no other assistance from the Government except the pension of $12 a month under the act of June 27, 1890. Public and private charity has been extended to him by the county, by his neighbors, and by his comrades of the Grand Army of the Republic.

Mr. MILES. He requires a nurse?

Mr. HERMANN. He requires a nurse, and has required one for several years.

Mr. MILES. Now, if the gentleman is through I should like to make a few remarks about this case. I want to say that I shall cordially and cheerfully vote for this bill; but I wish to call the attention of the House in Committee of the Whole and the attention of the Committee on Invalid Pensions to the fact that this is a case precisely parallel with the case in which a while ago we voted $50 a month, while in this case we propose to vote only $24 a month. Let us be consistent and fair and just in these matters. Sir, we did an injustice a while ago to this soldier when we voted $50 a month in the other case; and you gentlemen who were so ready then to cry "Vote!" "Vote!" when we insisted that the amount granted in that case was rank charity—nothing else—you gentlemen ought now to have the manliness, if you think your action in that case was right, to stand up here and move an amendment to this bill granting a pension at the rate of $50 a month, for this case is on all fours with the other as to physical conditions, both soldiers requiring the constant attention of nurses, while in the case now pending there is strong evidence that the injuries are of service origin and in the former case no such evidence. I do not think the action in the other case was right.

Mr. HERMANN. I will ask the gentleman whether he does not think that in this case the applicant, in view of the circumstances I have just stated, is entitled to $50 a month?

Mr. MILES. No, sir; I do not think so.

Mr. HERMANN. In what kind of a case, then, do you think a man should be granted a pension of more than $24 a month?

Mr. MILES. I do not think the allowance should be greater than is sufficient to keep him in a well-equipped hospital.

And I say to you, sir, that either one of these men can be carried to the Johns Hopkins Hospital in Baltimore as a pay patient and supported for $400 per year.

A MEMBER. This is an acquittance from the poorhouse, however.

Mr. MILES. We are paying entirely too high for these acquittances from the poorhouse. We are carrying this business at too high a hand, at too great a rate.

But, sir, I only rose to call the attention of the House to the inconsistency of the Invalid Pensions Committee, of which I am a member. I have protested inside of the committee meetings against the inconsistencies of these pensions, and I exercise my privilege as a member on this floor to protest against them here, and I shall continue to do so until we can adopt some rule or have some fixed system with regard to the matter.

Mr. COFFIN. Will my colleague allow me a question?

Mr. MILES. I repeat that we ought to have some rule to determine these cases; we ought to have some consistency as a matter of fairness and justice to the taxpayers of this country, who are just as much entitled to our consideration as the claimants themselves in these cases.

Mr. CROWTHER. Will the gentleman allow me to ask him a question or submit a suggestion to him? If it were not for the position of gentlemen on the other side of the House all of these soldiers would have just as large pensions in these deserving cases and their widows would have as large pensions as we have provided in the cases of admirals and brigadiers.

Mr. ERDMAN. I deny that proposition. The gentleman should not make any such statement in reference to the position of members on this side.

Mr. MILES. I will answer the admiral question when it comes up, if the gentleman is addressing himself to me. There is no question of admirals and brigadiers here. This is a plain, common-sense, practical question of consistency. Now, let gentlemen show their consistency by their action with reference to this bill and other bills of a kindred nature.

Mr. PICKLER. I move to amend the committee amendment by striking out "twenty-four" and inserting "thirty."

Mr. HERMANN. I ask the committee to insert $40 in this case, at least. If proper, I move that amendment.

The CHAIRMAN. There is an amendment to the amendment pending already, and it would not now be in order.

Mr. PICKLER. This man is certainly rightly entitled to $30 a month. That is the rate of pension when there is total incapacity to earn a living by manual labor.

Now, in order to make it $50 at the Pension Office, an assistant must be required part of the time at least from year to year. As to whether that condition exists in this case or not I do not know, but it is clearly a case where this man is entitled to $30 a month by reason of his incapacity to earn a living by manual labor.

The gentleman from Maryland has made quite a demonstration in reference to the matter; but let me say to him that the reason why the Committee on Invalid Pensions fixed the amount at $24 in the bill was simply because of the fact that the bill only asked for $25 per month, and that not being a pensionable rate we amended it so as to make it $24 a month, which is a pensionable rate. That is the only reason.

I ask a vote on the amendment.

Mr. MEREDITH. Do not cut the boys off. If this case is to be put up to the highest bidder, let them all have a chance.

Mr. PICKLER. Well, the gentleman from Virginia will not take any stock in that auction.

Mr. MILES. I hope the amendment proposed by the gentleman from South Dakota will be adopted, or that such an amendment will be adopted as will make the House at least consistent with itself and before the country.

Mr. KEM. Then make it $50 a month, if you want to do that.

Mr. COFFIN. I would like to offer as a substitute for the pending amendment that the bill be made $50 a month. I suggest that to the gentleman from Maryland who spoke in favor of increasing the amount.

The CHAIRMAN. The question is first on the amendment of the gentleman from South Dakota, substituting $30 for the amount fixed in the bill.

Mr. HERMANN. Mr. Chairman, I am willing to accept that amendment, and will say further to the gentleman from South Dakota that a nurse is constantly in attendance on this man, and I think he is entitled to $50 a month. But I will ask that increase if I am in the next Congress, and if the soldier lives to that time.

The question being taken on the amendment of Mr. PICKLER, it was agreed to.

The question recurred on the substitute offered by Mr. COFFIN.

Mr. MILES. Mr. Chairman, we have no yea-and-nay vote in the committee, but on the question of increasing this pension to $30 a month I want to have it distinctly understood that I favored it and voted for it.

Mr. HERMANN. I acknowledge the assistance of the gentleman from Maryland in that regard.

The question being taken on the substitute proposed by Mr. COFFIN, it was rejected.

The amendment of the committee as amended was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE D. MOWATT.

The next business on the Private Calendar was the bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, having carefully considered all the facts, respectfully submit the following report:

Prior to 1850 the claimant was married to Alfred B. Soule, who served as major of the Twenty-third Regiment Maine Volunteers from September 10, 1862, to July 15, 1863, when he was discharged for disability contracted in the service and in line of duty. On February 7, 1864, the disabilities mentioned resulted in the death of the soldier. He left no property, and was buried by the Masonic order, to which he belonged. His widow, the claimant, was pensioned at $25 per month from the date of his death, and two minor children were pensioned at $2 each.

On June 17, 1869, the claimant married Henry T. Mowatt, who died in 1878. He left no property to the claimant and had no children by her.

Mrs. Mowatt is now between 71 and 72 years of age and is unable to perform manual labor to any extent. She is supported by her daughter (a child of the deceased soldier), who teaches in the public schools, and is obliged to labor night and day in a commercial house during her vacation in order to support her aged and dependent mother.

Your committee, after considering the case carefully, and in view of all the facts, respectfully report the bill back to the House with the recommendation that it do pass.

Mr. TALBERT. Mr. Chairman, I should like to have the gentleman who introduced this bill make some explanation of it. This is a case of a remarried widow.

Mr. SULLOWAY. What explanation would the gentleman like?

Mr. TALBERT. I want some explanation from the gentleman in regard to the circumstances surrounding the case.

Mr. SULLOWAY. Mr. Chairman, I will say that this report states briefly the facts. I have known this good lady since the day when, with three little ones at her feet, she followed the remains of this husband and father, the dead major, to the grave. I have lived within a few doors of her for years. In going to my business I pass their house daily. She is one of the best of mothers, one of the New England Christian mothers, the best that ever God made or the world produced. She gave all the strength and vigor of her womanhood to the rearing of these children made orphans by the death of this man who gave his life to his country. He left her no means. The Masonic order, to which he belonged, buried him.

After some years she remarried a gentleman somewhat older than herself, as I judged from their appearance. He brought nothing to her, lived a few years, and then died. For eighteen years she has been a widow, and for several years unable to earn a living upon which to subsist. So one of the orphans of that dead major, her daughter, toils in the public schools by day, whenever the schools keep, and when there is a holiday and a business house is open she labors there during the day, and every night save Sunday she toils there, and so keeps this poor mother from the poorhouse.

This woman is 72 years of age. The only question is whether you think it is the duty of this dead soldier's child to maintain the mother, made a widow and left destitute by the death of the man who gave his life for his country, or if the country should recognize the duty to restore her to the pension rolls and grant her what God and every honest man knows to be her right. [Applause.]

Mr. MILES. I should like to ask my friend and colleague what pension is proposed in this bill? I did not understand from the reading of it.

Mr. SULLOWAY. She is the widow of a major, and if she gets what belongs to her she will get $25 a month. There is no amount stated in the bill.

Mr. MILES. I supposed that some amount was stated in the bill.

Mr. SULLOWAY. No; it simply puts her on the pension roll as the widow of Major Soule, and as the widow of a major she would get $25 a month.

Mr. TALBERT. Mr. Chairman, I have no doubt that every word the gentleman has so eloquently said is true. I have very great respect for anything that the gentleman may say upon this floor; but that is not the point. This widow has remarried, and thereby relinquished voluntarily her claim to a pension. The question is whether it is right for this House to grant a pension to this widow under these circumstances. No doubt she is a lady who is deserving, poor, and needy; but I submit that we should take a view of the case not based upon sentiment, but based upon principle, based upon justice, based upon that which is right, and based upon the law. Viewing it in that light, we can not and ought not to grant a pension to this widow.

I want to appeal to the sense of justice and right of the members on the other side of this House to consider right here and now, before they go a step further, whether they are willing by their action to show that they have no regard for principle, or whether they are willing to stand by principle and by the law, in practice and in theory. It is useless for me to say again upon this floor that I am no there to make any factious objection to any pension, for I stand ready to vote, and have voted, for all I thought were meritorious. I shall stand here on every Friday night and vote for and advocate pensions for those who I think are justly entitled to them. That has been my record since I have been a member of this House, and it shall continue to be; but, Mr. Chairman, I claim the right as a member of this House—and I shall always exercise it without fear or favor—to enter my protest against any measure which, according to my humble judgment, I think is not right, which I think is not based upon principle, which I think is not based upon justice and the law. Men may think what they please, I expect to exercise that prerogative, regardless of the opinions of anyone.

I am satisfied in my own mind that this measure is wrong in theory, wrong in practice, and wrong in principle, and I believe honorable gentlemen on the other side of the House ought to think so, too. I do not blame them for pensioning old Union soldiers. They ought to do that. But when they stop and reflect soberly about such a measure as this, I believe they will say, "We will stop right here; this is not right, and we will not do it. We will abide by the law in the case and not be governed by sentiment."

With these remarks I shall enter my protest against this bill.

I reserve the balance of my time.

Mr. BRUMM. Mr. Chairman, I will only say a few words in connection with this matter. You will all bear with me that several Friday nights I rose in my place and opposed the principle of pensioning soldiers' widows who had remarried. I then stated that the reason was that I believed that the pensions that the Government paid to soldiers or their widows or orphans were not paid to them as gratuities, but that they had a right to them, and to make demand by virtue of their right. I want to say now to my friends on the left that I do not think this comes clearly under that rule. It is true the widow herself has voluntarily relinquished that right to demand; but there is a soldier's child involved in this, and that child has not relinquished this relationship to that father; and where there is a relationship upon which the right might be demanded, I claim that it is our duty to grant that right.

Mr. MEREDITH. Will my friend allow me to ask him one question?

Mr. BRUMM. Certainly.

Mr. MEREDITH. If this child is entitled to a pension this does not cut the child off.

Mr. BRUMM. Unfortunately, the child can not get a pension under these circumstances, as the mother is living.

Mr. MEREDITH. If the child is pensionable she can.

Mr. BRUMM. Not under these circumstances. There is that relationship existing that places this case outside of the case we argued the other night, and I hope that our friends will not strain a point. They are going a step too far.

Mr. MEREDITH. Just one moment. I want to be fair in this matter. If that soldier left a child, certainly that child can not be cut out of a pension if it is entitled to one.

Mr. BRUMM. I am not speaking of the child being pensionable or the mother or child being pensionable under the law. The reason that we are granting these pensions is because the applicants are not entitled under the law.

Mr. MEREDITH. Then introduce a general bill that will reach the child.

Mr. BRUMM. I do not propose to do that. It reaches the child through the mother.

Mr. MEREDITH. I do not see how.

Mr. BRUMM. All this kind of legislation is simply because there is no general bill touching such children and widows. I say to our friends on my left that they ought not to make factious opposition against granting this pension, and I will stand with them, for my part, every time they have a point that comes under that same ruling and principle that they seem to think so much about.

Mr. MEREDITH. Mr. Chairman, I do not desire to enter into the discussion of a case of this kind. I am satisfied that my friend who has just taken his seat, who has been twitting this side upon the pension question——

Mr. BRUMM. Oh, no.

Mr. MEREDITH. You did not mean it, but did so, and I am satisfied by the position he has taken before this committee——

Mr. BRUMM. You are certainly in error about my twitting that side.

Mr. MEREDITH. In good humor you did. I want to repeat to him what I said just now; and that is if there is a child of this

soldier living, a pensionable child, that is, a child who has not arrived at the age of 16 years——

Mr. LITTLE. The man died in 1864.

Mr. MEREDITH. That settles the question, then. There can be no such pensionable child, and the theory on which this case rests is taken out of it. That disposes of the position the gentleman took, and the theory falls when the man himself died in 1864. Certainly there can be no pensionable child.

Mr. BRUMM. You are assuming that—that the child would not be pensionable under the law; but we are making pension laws every Friday night in special cases.

Mr. MEREDITH. If you want to pension these people who have remarried, I say introduce a general law, because there are hundreds and perhaps thousands who stand in the same category, if that is to be the policy of the Government. I believe it is pretty well understood by the country that the Republican side of the House will vote for any pension bill; and some of them have been pleased to twit this side of the House upon this question. I beg them to remember that although this pension money does not come to that section whence I come, that my side of the House at least has stood here and voted for $140,000,000 of pension money at one time, when a third of it is being paid from that section of our country which practically gets none of its benefits.

I believe that an honest soldier who would become entitled to a pension by reason of service to his country should have a pension; but when we come to pensioning widows who have remarried and who have forgotten their first love and their first husband, I believe that they are taken out of that category; and when they choose between the pension which they are receiving and the husband which they propose to take they are entitled to the choice and must stand by it. I say, Mr. Chairman, that it is unfair and unjust to thousands of ladies who occupy the same position, who have remarried; and if it is to be the policy of this Government to reinstate them on the pension rolls when they become widows again or when they are divorced, it should be done by a general law. A few nights ago we did pass a bill placing a woman who had been divorced from her husband upon the pension rolls, where she was before she married her second husband. If that is to be the policy of the Government let us say so in a general bill, and put all of these ladies upon the same footing. That would be equity, that would be justice, that would be fairness, and that would be according to principle, as my friend from South Carolina [Mr. TALBERT] has so aptly said.

Mr. PICKLER. Will the gentlemen yield to me for a motion?

Mr. MEREDITH. I always yield with pleasure to my friend from South Dakota, and I will yield to him in a moment. I want now to say in conclusion to my friends on the other side that when they claim that this side of the House has been inimical to the soldiers of the Union, they make an assertion which is not borne out by the record of vote after vote which has been taken in this Congress and in preceding Congresses. When this side of the House has always joined with them in voting whatever appropriations were necessary in accordance with the report of the Pension Bureau, it is unjust to us for them to make these charges, and while I think my friends, many of them, do not mean it earnestly, they do create an impression before the committee that this side of the House is hostile to pension legislation. We are not hostile, and I speak not only for myself, but for this side of the House, when I say that we are not hostile to pensioning a soldier who deserves a pension, but to the deserter, to the bummer, to the bounty-jumper, to the extension of this system of special bills, we are hostile. We are opposed to going any further in that direction than we have gone, and, in my judgment, the pending case is one in which a pension should not be granted.

Mr. PICKLER. Mr. Chairman, I move that the committee do now rise, with the recommendation that the bills as amended——

Mr. McCLELLAN. What is the motion?

The CHAIRMAN. The motion is that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. LACEY, from the Committee of the Whole, reported that they had had under consideration business upon the Private Calendar under the special order and had directed him to report with a favorable recommendation certain bills with amendments adopted in Committee of the Whole, and also certain other bills without amendment.

On motion of Mr. PICKLER, the House proceeded to consider the bills reported from the Committee of the Whole.

The first bill considered was the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

The question being taken on the engrossment and third reading of the bill, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

Mr. MILES. Mr. Speaker, if it is not too late, I would like to ask the chairman of the Committee on Invalid Pensions to give us a little explanation. It is impossible for us to carry all these cases in our minds.

The House divided; and there were—ayes 91, noes 6.

Mr. ERDMAN. No quorum.

Mr. PICKLER. Mr. Speaker, I rise to move that the House do now adjourn; and I desire to say to the members of the House that I hope that during the coming week they will talk to their neighbors around them in the House and see if we can not—— [Cries of "Out of order!" on the Democratic side.]

Mr. McCLELLAN. Mr. Speaker, a motion to adjourn is not debatable.

Mr. MILES. Unless the gentleman from South Dakota is going to give this side of the House an opportunity to reply, I object to his continuing.

Mr. PICKLER. I now move—I am compelled to move by the gentleman from Pennsylvania [Mr. ERDMAN], who raises the point of no quorum and keeps pensioners from having their rights in this House—that the House do now adjourn.

Mr. ERDMAN. Mr. Speaker, I rise to a point of order.

The motion to adjourn was agreed to; and the House accordingly (at 10 o'clock and 28 minutes p. m.) adjourned until Monday, February 24, 1896, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a letter from the Auditor of the Interior Department asking for an appropriation for increase of clerical force in his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to additional appropriation for the completion of the Washington City post-office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of an appropriation for continuing the work of gauging the streams and determining the water supply of the United States by the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1191) to ratify an act of the Oklahoma legislature approved February 27, 1895, and for other purposes, reported the same with amendment, accompanied by a report (No. 478); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ODELL, from the Committee on the District of Columbia, to which was referred House bill No. 4958, reported in lieu thereof a bill (H. R. 6407) for the incorporation of the Convention of the Protestant Episcopal Church of the Diocese of Washington, accompanied by a report (No. 480); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 1936) to remove the charge of desertion standing against David Mosten. (Report No. 476.)

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 6408) in lieu of the bill (H. R. 5159) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott. (Report No. 481.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 140) for the relief of John Little and Hobart Williams, of Omaha, Nebr. (Report No. 482.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 5175) granting a pension to Nancy Gentry. (Report No. 483.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry. (Report No. 484.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill [H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga. (Report No. 485.)

By Mr. COLSON, from the Committee on Pensions: The bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka. (Report No. 486.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 713) for the relief of Jacob Taylor. (Report No. 487.)

The bill (H. R. 3524) for the relief of James McGowan from the charge of desertion. (Report No. 488.)

The bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry. (Report No. 489.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 6396) to prevent the adulteration and misbranding of foods and drugs, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: A bill (H. R. 6397) to revise the wages of pressmen's helpers in the Government Printing Office—to the Committee on Printing.

By Mr. BRODERICK: A bill (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871—to the Committee on the Pacific Railroads.

By Mr. PAYNE (by request): A bill (H. R. 6399) to amend the laws relating to American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER of West Virginia: A bill (H. R. 6400) fixing the time for holding the circuit and district courts in the district of West Virginia—to the Committee on the Judiciary.

By Mr. SHUFORD: A bill (H. R. 6401) to amend the national banking act—to the Committee on Banking and Currency.

By Mr. PHILLIPS (by request): A bill (H. R. 6402) for the protection of trade-marks and labels—to the Committee on Patents.

By Mr. SHAFROTH: A bill (H. R. 6403) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska"—to the Committee on the Territories.

By Mr. BELL of Colorado (by request): A bill (H. R. 6404) for the issuance of postal tablets, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD: A bill (H. R. 6405) to authorize the Secretary of the Treasury to grant temporary occupation of certain rooms in the United States building at Jefferson City, Mo., to the courts of Cole County, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of California: A bill (H. R. 6406) providing for the disposal of lands lying within the military reservation near Independence, in Inyo County, Cal.—to the Committee on Military Affairs.

By Mr. FARIS: A bill (H. R. 6439) to entitle all soldiers and sailors who are receiving a pension of more than $35 and less than $50 per month to come under the provisions of an act entitled "An act to establish an intermediate rate of pension between $30 and $72 per month," approved July 14, 1892—to the Committee on Invalid Pensions.

By Mr. TAFT (by request): A bill (H. R. 6440) for the purchase of the statue of Salmon P. Chase, late Chief Justice of the Supreme Court of the United States—to the Committee on the Library.

By Mr. COLSON: A resolution (House Res. No. 177) providing for an investigation of certain charges against the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. COUSINS: Memorial and joint resolution of the general assembly of Iowa, relative to improving the navigation of the Mississippi River—to the Committee on Rivers and Harbors.

Also, joint resolution of the general assembly of Iowa, relative to the Transmississippi Exposition to be held at Omaha, Nebr., in 1898—to the Committee on Ways and Means.

By Mr. LACEY: Joint resolution of the general assembly of Iowa, recommending the repair of the Muscatine Island levee—to the Committee on Rivers and Harbors.

Also, joint resolution of the Iowa general assembly, favoring appropriation for the Transmississippi Exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. HULL: Joint resolution of the general assembly of Iowa, favoring the Transmississippi Exposition at Omaha—to the Committee on Ways and Means.

Also, joint resolution of the general assembly of the State of Iowa, relative to improvements of Mississippi River—to the Committee on Rivers and Harbors.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from consideration of the papers to accompany the bill for the relief of Garrett W. Wilber, and the same were referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ABBOTT: A bill (H. R. 6409) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Sarah C. Newport, and to remove the bar of the statute of limitations therefrom—to the Committee on War Claims.

By Mr. AVERY: A bill (H. R. 6410) granting a pension to Livingston Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6411) granting a pension to David Morse—to the Committee on Invalid Pensions.

By Mr. CHICKERING: A bill (H. R. 6412) for the relief of Maitland Boon and the heirs of Robert Tillson—to the Committee on Claims.

By Mr. COFFIN: A bill (H. R. 6413) granting a pension to Mrs. Ellen H. Jones—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 6414) for the relief of Nathaniel Bush, of Weston, Lewis County, W. Va.—to the Committee on War Claims.

By Mr. FENTON: A bill (H. R. 6415) for the relief of Aaron F. Shriyer, late postmaster at Winchester, Ohio—to the Committee on Claims.

By Mr. HALL: A bill (H. R. 6416) for the relief of Harmon Coffman—to the Committee on Invalid Pensions.

By Mr. HALTERMAN: A bill (H. R. 6417) to complete the military record of Caleb L. Jackson—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 6418) pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunteers—to the Committee on Invalid Pensions.

By Mr. HOWE: A bill (H. R. 6419) granting an increase of pension to Maj. Samuel P. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6420) removing the charge of desertion from the military record of Charles Buchling—to the Committee on Military Affairs.

Br Mr. KENDALL: A bill (H. R. 6421) removing charge of desertion from the record of Jonathan Chaney—to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 6422) granting a pension to John Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6423) to remove charge of desertion against Edward F. Gilkey—to the Committee on Military Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 6424) granting a pension to Mary E. Baker—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 6425) for the relief of Clifton R. Anderson—to the Committee on Claims.

Also, a bill (H. R. 6426) for the relief of the Madison Female Institute, located at Richmond, Ky.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 6427) for the relief of Capt. Charles G. Ayres, Tenth United States Cavalry—to the Committee on Military Affairs.

By Mr. PEARSON: A bill (H. R. 6428) granting an increase of pension to Mrs. Jane L. Fagg—to the Committee on Pensions.

By Mr. PICKLER: A bill (H. R. 6429) for the relief of Samuel J. Coyne—to the Committee on Military Affairs.

By Mr. PITNEY (by request): A bill (H. R. 6430) to carry out the findings of the Court of Claims in the case of David Miller—to the Committee on War Claims.

By Mr. STEWART of Wisconsin: A bill (H. R. 6431) to pay Peter P. Ferguson $1,765 and interest—to the Committee on Claims.

By Mr. CHARLES W. STONE: A bill (H. R. 6432) to remove the charge of desertion standing against the name of Andrew P. Jones—to the Committee on Military Affairs.

By Mr. TYLER: A bill (H. R. 6433) to remove the charge of desertion standing against David Mosten—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 6434) granting a pension to Phebe Clem, widow of David G. Clem, of Company D, Eleventh Indiana

Cavalry Volunteers, and to her children by David G. Clem, to wit: Anna May Clem, Lottie Jane Clem, George Ezary Clem, and Louisa Maud Clem, of Paris, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6435) for the relief of Dr. James Madison—to the Committee on Claims.

By Mr. WOOMER: A bill (H. R. 6436) to remit the penalties incurred by Robert C. Mish and John W. Mish, jr., of Lebanon, Pa., late copartners under the firm of Mish Bros.—to the Committee on Claims.

Also, a bill (H. R. 6437) to remove the charge of desertion against John P. Leitzel—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 6438) to remove the sentence of court-martial from the military record of A. D. J. Heastings, etc.—to the Committee on Military Affairs.

By Mr. BOUTELLE: A bill (H. R. 6441) for the relief of the legal representatives of Edward Allsworth—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT of New York (by request): Memorial of Church E. Gates & Co. and 77 others, requesting that Congress will authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of constructing a canal through the Harlem Kills, New York, 15 feet deep and 300 feet wide, for a sum not exceeding $1,450,000—to the Committee on Rivers and Harbors.

By Mr. BRUMM: Petition of David Pritchard and 14 others, of Pottsville, Pa., in support of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. BURRELL: Petition of the Business Men's League of Elizabethtown, Ill., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. COOK of Wisconsin: Petition containing the names of 125 farmers, cheese makers, and dealers of Calumet County, Wis., favoring the passage of House bill No. 3010, regulating and controlling the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. COLSON: Petition of Rufus K. Dick, of Clinton County, Ky., for pension by act of Congress—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of citizens of Iowa, for the enactment of a more stringent Sunday law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of sundry persons, of New Texas, Pa., in favor of a bill for compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce of Pittsburg, Pa., in favor of the enlargement and purchase of the Chesapeake and Delaware Canal by the United States Government, and that the same be made a free national waterway—to the Committee on Rivers and Harbors.

By Mr. FARIS: Paper to accompany House bill No. 2379, for an increase of pension to John Campbell, Twenty-first Indiana Regiment—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of A. J. Barrett and 200 others, relating to House bill No 4993, on the Mille Lacs Indian Reservation—to the Committee on the Public Lands.

By Mr. FOOTE: Petition of the Woman's Christian Temperance unions of Greenwich, Fort Edward, Moira, Stony Creek, Easton, West Chazy, Cambridge, Schuyler Falls, and county of Washington, all of the State of New York, against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, of Greenwich, Fort Edward, Moira, Stony Creek, Easton, West Chazy, Cambridge, Schuyler Falls, and county of Washington, State of New York, against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Burke, N. Y., Mrs. E. F. Felton, president, favoring a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAINER of Nebraska: Petition of Edward T. Riley and 105 other citizens and ex-Union soldiers, residents of Byron, Thayer County, Nebr., also petition of John S Ferguson, president of the Missouri Association of Union ex-Prisoners of War, on behalf of 350 members of said association, praying for the passage of House bill No. 306, granting a pension to Union soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolutions adopted at a meeting of the Commandery of the Military Order of the Loyal Legion of Wisconsin, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, paper from Charles Clonkey, of Greene, Iowa, urging favorable action upon the free-homes bill—to the Committee on the Public Lands.

By Mr. HILL: Petition of John H. Robinson and others, of Westport, Conn., for the passage of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. HILBORN: Memorial of the Manufacturers and Producers' Association of California, urging Congress to create and appoint a commission to investigate the effects of Japanese competition upon the manufacturing industry of the United States—to the Committee on Ways and Means.

Also, petition from the board of supervisors of Sierra County, Cal., asking for relief for the farming industry—to the Committee on Mines and Mining.

By Mr. HOOKER: Petition of the Woman's Christian Temperance Union of Brokenstraw, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Brokenstraw, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of California: Petition of the California Woman's Christian Temperance Union, for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENDALL: Petition and papers for the relief of Colby T. Parido—to the Committee on Military Affairs.

By Mr. LACEY: Petition of F. P. Whitten and 25 others; also, petition of J. M. Merrill and 15 others, all citizens of Oklahoma, asking for the passage of the free-homes bill—to the Committee on the Public Lands.

Also, papers to accompany House bill No. 3772, evidence in support of bill for correcting muster rolls of Company I, Seventh Iowa Infantry—to the Committee on Military Affairs.

By Mr. LAYTON: Resolutions of the Manufacturers and Producers' Association of California and the Chamber of Commerce of San Francisco, adopted February 7, 1896, urging Congress to appoint a committee to investigate the question of Japanese manufactures, importations, and export trade, and the effect their future development will probably have upon the manufacturing field in the United States—to the Committee on Ways and Means.

By Mr. MORSE: Petition of N. S. Redison, of South Bethlehem, Pa., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NOONAN: Petition of the citizens of Corpus Christi, Tex., for a deep-water channel from Aransas Pass to Corpus Christi Bay—to the Committee on Rivers and Harbors.

By Mr. ODELL: Petitions of the Woman's Christian Temperance Union, of Pine Bush, Pearl River, Rockland, Livingston Manor, Newburg, and Hurleyville, State of New York, against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, of Pine Bush, Pearl River, Rockland, Livingston Manor, Newburg, and Hurleyville, State of New York, against the sale of intoxicating liquors to immigrants—to the Committee on Immigration and Naturalization.

By Mr. OTEY (by request): Resolutions of the Chamber of Commerce, Richmond, Va., advocating the passage of Senate bill No. 563, abolishing compulsory pilotage on coastwise vessels—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Pennsylvania Society of the Sons of the Revolution, appealing to Congress to publish Revolutionary records—to the Committee on Expenditures in the State Department.

By Mr. PHILLIPS: Petition of the Woman's Christian Temperance Union of Slippery Rock, Pa., requesting a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PUGH: Petition of the officers and members of Croxton Post, No. 9, Grand Army of the Republic, Department of Kentucky, urging service-pension legislation and relief to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Resolutions of the Pennsylvania Society of the Sons of the Revolution, favoring the publication of records and papers of the Continental Congress—to the Committee on Expenditures in the State Department.

By Mr. SULLOWAY: Resolution of the Beelel Union ex-Prisoners of War Association, Concord, N. H., in favor of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Petition of Michael K. Campbell and 116 others, favoring the passage of House bill No. 4774—to the Committee on Reform in the Civil Service.

By Mr. TAYLER: Memorial of Lodge No. 245, Order Sons of St. George, Youngstown, Ohio, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Petition of H. A. Schoppenhorst and 333 other citizens and taxpayers of Warren County, Mo.; also, peti-

tion of 164 citizens and taxpayers of St. Charles County, Mo., and 117 citizens and taxpayers of Gasconade County, Mo., praying for the passage of House bill No. 3828, appropriating $4,000,000 to continue the improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. WATSON of Ohio: Memorial of members of the Manufacturers and Producers' Association of California and of the Chamber of Commerce of San Francisco, asking Congress to appoint a committee to investigate the question of Japanese manufactures, importation, and export trade, and the effect their future development will have on the manufacturing field in the United States—to the Committee on Ways and Means.

By Mr. WOOMER: Petition of George H. Luft and 200 citizens of Middletown, Pa.; also, petition of J. G. Zeigler and 25 citizens of Benvenue, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Abraham Bower, Mrs. A. Bower, and 45 other ladies and gentlemen, in favor of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, resolutions of a mass meeting held at Duncannon, Pa., December 25, 1895, in reference to the Armenian outrages—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *February 22, 1896.*

Rev. WALLACE RADCLIFFE, D. D., of the city of Washington, offered the following prayer:

God of our fathers, our Father which art in Heaven, Thou only art the Father of our country. From Thee cometh every good and perfect gift. Thou art Governor among the nations. Who shall not fear Thee, O King of Nations? We bless Thee for our land. Thou hast not made the wilderness our habitation, or the barren land our dwelling. Thou hast given us a pleasant land, a valley of visions, a land of brooks and waters, a land of all manner of fruits wherein we may eat bread without scarceness, whose stones are iron and from whose hills we dig brass.

Thou hast been to us in all our need and peril the pillar of the cloud and fire. Thou hast been mightier than the noise of many waters.

We bless Thee for the men Thou hast raised up and through whom Thou hast declared to us Thy wisdom and guidance, and by whose sacrifice Thou didst establish the nation, and especially for him whose name is in all hearts to-day. We thank Thee for the inheritance of his memory, the wisdom of his works, and the inspiration of his life and example. Make us faithful to the trust they have committed to us.

Continue our institutions of liberty and righteousness. Forgive wherein we have sinned or forgotten the God of the nation. Rebuke iniquity in high places. Give that which is good. Let peace be within our borders and prosperity within our palaces, that Zebulon may rejoice in his going out and Issachar in his tents. Abundantly bless our provision and satisfy our poor with food. Heal all divisions, that living in love and peace the God of peace may be with us.

Bless Grover Cleveland, President of the United States, and all with him that rule, that they may rule in the fear of God. Counsel our counselors and teach our Senators wisdom. Make it appear that Thou standest in the congregation of the mighty and judgest among the judges. Give grace to all the people. Let pure and undefiled religion prevail. Grant that our ways may so please Thee that even our enemies may be at peace with us. Let Thy gospel be our glory, that Thy righteousness may exalt the nation and Thy favor command the life of the Republic to the glory of the grace in Jesus Christ. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. BACON, and by unanimous consent, the further reading was dispensed with.

Mr. PERKINS. I move that the invocation of the acting Chaplain this morning be printed in the CONGRESSIONAL RECORD of to-day's proceedings.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE REVENUE BILL AND SILVER COINAGE.

Mr. CARTER. Mr. President, being advised that the Committee on Public Lands will on Monday morning request the immediate consideration by the Senate of a measure of urgent importance, recently made the subject of a special message by the President, and desiring to facilitate the purpose of that committee, I wish to give notice that I shall on Wednesday morning, instead of Monday morning, submit some observations on the motion to recommit the revenue bill to the Committee on Finance.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Secretary will read the resolution adopted by the Senate on the 11th instant.

The SECRETARY. On February 11, Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on the 22d day of February current, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by the President pro tempore.

The VICE-PRESIDENT. In pursuance of the resolution just read, the Farewell Address of President Washington will now be read by the President pro tempore, the Senator from Maine, Mr. FRYE.

Mr. FRYE advanced to the Secretary's desk, and read the address, as follows:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. The have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the

course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your Representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment some-

times impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

Mr. GRAY. Mr. President, I move that the thanks of the Senate be tendered to the President pro tempore for the admirable reading he has given us of Washington's Farewell Address.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware, that the thanks of the Senate be tendered

to the Senator from Maine, the President pro tempore of the Senate, for the manner in which he has read the Farewell Address of President Washington.

The motion was unanimously agreed to.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. BAKER. Mr. President, before the question is put, I should like to make an inquiry. Will the admirable address which has just been read be printed in the RECORD? If not, I move that it be printed in the RECORD as eminently appropriate to the existing condition.

The VICE-PRESIDENT. Without objection, it is so ordered. The question is on the motion of the Senator from Massachusetts, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, February 24, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, *February 24, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PERSONAL EXPLANATION—PENSION LEGISLATION.

Mr. GALLINGER. Mr. President, for the first time in my service in this body, I desire to rise to a matter of privilege, and call attention to a column article in the New York Sun under date of February 19. It relates to the passage of pension bills in the Senate on the preceding day. I desire to read briefly from this communication, and then to submit a very few observations on the matter.

The article is headed "Pension records broken—All smashed by the Senate pension mill yesterday"; and it goes on to say:

> The Senate to-day devoted the last half of the afternoon to the passage of private pension bills. It can not be said that these bills were really considered, because they were not. In the days when "Uncle Philetus" Sawyer of Wisconsin was chairman of the Pension Committee—

Senator Sawyer never was chairman of the committee—

> the Senate made a record by passing pension bills at the rate of one a minute for several hours at a time. That record has been smashed by the present Senate, however, and Mr. Sawyer sat in the Chamber to-day, a casual visitor, and witnessed his successor, Senator GALLINGER of New Hampshire, passing bills at the rate of two a minute.
>
> When the hopper was in full motion this afternoon and 120 bills an hour were dropping on the Clerk's desk, the Senate was conspicuous for its almost absolute emptiness, while from the galleries a few American citizens looked down in wonderment. Mr. HARRIS of Tennessee, the would-be Czar of the Senate, was in the chair, and Dr. GALLINGER of New Hampshire, the chairman of the committee, sat in a borrowed seat on the front row of the Republican side, just where his predecessor, Mr. Sawyer, used to sit, and, with the clerk of the committee by his side, kept tab as the monotonous tones of Senator HARRIS indicated that the bills were passed. Mr. GALLINGER might have made the record a little more than 120 an hour but for his unfortunate habit of replying to interruptions and answering the questions of such inquisitive Senators as occasionally strayed into the Chamber. Mr. Sawyer never made mistakes of this kind. He never had any explanations to make, but if a Senator interrupted the working of the machine to seek information, Mr. Sawyer would merely look at him over his spectacles and ignore what he had to say.

Now, Mr. President, the allusions to me are of no consequence whatever, but this is a matter that has gone out to the country and has occasioned a good deal of comment, as is indicated by the letters that are coming to the Senate Committee on Pensions.

I wish to call attention to the fact (and it is well enough for the country and the Senate to know it) that 67 bills were passed in two and three-fourths hours instead of 120 bills within a single hour, as this veracious correspondent has it.

It should be remembered, too, that lengthy and very carefully written reports are made in every pension case that is reported from the Committee on Pensions. Those reports are printed, are laid upon the desks of Senators for a considerable time before the bills are called up for consideration, and every Senator has an opportunity to know all the facts connected with every pension case that is called up here for consideration.

The total increase in the 67 bills (I had a very accurate computation made of this matter) that were passed in the Senate the other day over what the beneficiaries are now drawing was $1,006 per month, or $12,072 per annum. It was exactly an expenditure of one fifty-eighth part of a cent for every man, woman, and child in the United States.

One bill that passed that day was in behalf of a widow whose husband, had he taken advantage of the pension law during his lifetime, could have drawn from the Treasury an amount almost equal to the aggregate annual appropriation made in the 67 bills, and there were many other somewhat similar cases in the list. Some of those for whom bills were passed will probably be dead before the bills become laws, and many of them will draw their pensions for less than one year.

It will thus be seen that the New York Sun, with its scare headlines and its misrepresentations, was indulging in rather small business for a great metropolitan newspaper.

But such articles do much mischief. The readers of such newspapers are led to believe that an improvident expenditure of public funds is being made, and the prejudices and passions of the people are aroused, to the detriment of the worthy and brave men who fought and suffered for the Government. It is a wicked and unjustifiable exercise of journalistic privileges, even when practiced by a newspaper which sails under the motto, "If you see it in the Sun it is so." Manifestly either the motto or the correspondent of the paper should be changed.

Mr. President, if a similar expenditure had been made for almost any other purpose under the heavens the newspapers of the country would have remained silent, but when it is made for blind and paralytic and dying soldiers, and the dependent and destitute widows of soldiers, a great hue and cry is raised in certain newspapers as though an offense bordering on a crime had been committed.

Mr. President, I do not expect that anything I can say on this subject will stop the misrepresentations concerning pension legislation, but nevertheless I have felt it to be due to the committee and to the Senate to make this explanation. The Committee on Pensions is a careful, conservative, hard-worked committee, determined to deal fairly with the bills that are referred to them, and there need be no fear that they will recommend for passage any bills not founded on equity and justice.

Mr. HOAR. I should like to ask a question of the Senator from New Hampshire before he sits down. What is the membership of the Committee on Pensions of the Senate?

Mr. GALLINGER. Thirteen.

Mr. HOAR. Does not each one of those bills have the careful examination of the full committee, so that the question whether it comes within any principles of legislation is ascertained in every individual case?

Mr. GALLINGER. Absolutely so, Mr. President, and, so far as I can recall, no such bill has been reported to the Senate that has not had the unanimous assent of the Committee on Pensions.

Mr. HOAR. Then it is true that a body of gentlemen selected by the legislatures of their States for the office of Senator, consisting of 13 persons, of more than twice the ordinary number of the supreme court of a State, has sat on these questions and considered them before they were reported to the Senate. Then do they have likewise a similar examination in the other branch from a like committee?

Mr. GALLINGER. There are two committees on pensions in the other House, one on pensions and one on invalid pensions. Bills relating to wars prior to the war of the rebellion are referred to the Committee on Pensions; bills relating to the war of the rebellion are referred to the Committee on Invalid Pensions, and those committees give careful examination to the bills severally referred to them.

Mr. HOAR. I desire to make one observation. Every Senator will agree to the truth of it. It would be undoubtedly impossible for the Congress of the United States to do one year's public business in ten years unless we were to rely in matters of small expenditure of money like this upon the judgment of our committees.

I make these observations not alone because of the sportive article which has been read, but because some very worthy and estimable gentlemen are constantly attacking the character of our legislation in regard to the matter of pension appropriations. Here is the Pension Committee, in which pension bills have had an investigation as thorough and accurate from 13 Senators before the bills are brought in here as the cases in the supreme courts of the several States or in the courts of appeals of the several circuits get from a much smaller number of judges, and it is not improper to say, I suppose, from judges certainly not standing higher in reputation and capacity for public service than the gentlemen composing this committee.

A very eminent clergyman, a friend of mine, was moved in Massachusetts about a year ago, in the city of Cambridge, where the university teachers are largely members of his congregation, to preach a sermon on the corruption and wickedness and profuseness of the expenditures of this Government for pensions. He is a worthy man who would have no more made a misstatement than he would have cut off his hand; but he showed that the pension list for the year amounted to a certain sum, and then he cited the fact that there had been $25,000,000, I think it was, more expended in that year. "Now, my hearers," he said, "this $25,000,000 out of the public Treasury is what is got by the pension agents and claimants, the men who promote this profuse and extravagant pension legislation." In point of fact, the $25,000,000, if I have the sum right (at any rate, many millions was the sum), represented the arrears which were paid after the application and before the settlement of the cases, which in some cases will be five or six years, and is almost always one or two years, owing to the condition of business in the Pension Bureau. That $25,000,000 paid to these honest claimants, soldiers and widows and children and orphans, as the arrears for the time which has elapsed between their application and the beginning of the pension, this excellent gen-

tleman thought was paid to pension agents and corrupt lobbyists and persons of that class out of the public Treasury.

That is a specimen of the kind of information that is going about through the country in regard to the purity and honesty of our national legislation.

Mr. HAWLEY. Mr. President, I entered the Chamber just as my colleague upon the Committee on Pensions had begun to read the extract from the New York Sun, or from the New York Sun's correspondent. I am a regular subscriber to and reader of that journal, and regard it as a very able and interesting exponent of sound Democratic doctrine; but it is impossible for any journalist to avoid occasional errors on the part of his correspondents.

There is no testimony needed, no backing of my colleague. What he says is the simple and absolute truth. I have the honor to be upon that committee, and I testify that it scans all these cases with exceeding care, that every one of the cases so easily disposed of here was clearly set forth in the committee and the bearing of the evidence considered carefully, with some consideration, it is true, for charity and loving kindness in many of the pitiful cases. I do not see how we could have done any less. I am sure no wise and equitable court could have done any less.

I have thought often that there ought to be some full and complete setting forth of this pension business to correct the errors that the Senator from Massachusetts has referred to. I received a letter not long ago from a very intelligent man, a plain citizen, who sent me a long and well-written letter, and among the causes of complaint that he had against my poor self and the Congress in general was the extravagant expenditure for pensions. And yet that man, if he would sit down fifteen minutes in the Pension Committee room and listen to the cases, would be perfectly satisfied that we had done just about right. He believes, undoubtedly, for so he told me, that a very large proportion of the pensions—do not remember exactly, a quarter or a third, or more—were altogether fraudulent and unnecessary. Many people say that. Some people believe it. And yet what I always challenge them to do is to report to me one case—I beg them to give me one case of obvious fraud in their own neighborhood, of their own knowledge, to prove it to be such by reputable witnesses, and I never have had the challenge accepted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897.

The message also announced that the House had passed the following bills:

A bill (S. 141) granting a pension to Julia A. Hill; and

A bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

The message further announced that the House had passed the bill (S. 103) relating to final proof in timber-culture entries with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson;

A bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4220) granting a pension to Charles A. Foster, late acting assistant surgeon, United States Army; and

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 359) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation in the State of Washington, and for other purposes; and

A bill (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

FIRST NATIONAL BANK OF ORLANDO, FLA.

Mr. CALL. Mr. President, I rise to a question of personal privilege. I find by the CONGRESSIONAL RECORD of the 30th of December, 1895, that in introducing a resolution of inquiry in regard to the First National Bank of Orlando, Fla., I stated, or it is stated in the report in the RECORD, that I was requested to introduce the resolution by "the president and some of the officers of the First National Bank of Orlando, Fla." This was a misprint. I have had no communication with the presidents and directors of national banks. What I said was that the resolution was in relation to the president and directors of the First National Bank of Orlando, Fla.

I make this explanation in order that I may be correctly understood.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the New York Produce Exchange, remonstrating against the passage of Senate bill No. 561, authorizing the establishment of a free port at Fort Pond Bay or elsewhere in the waters of Long Island, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the faculty and students of the University of Washington, of Seattle, in the State of Washington, praying for the establishment of a permanent court of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the enactment of legislation providing for the publication of the records and papers of the Continental Congress, comprising the official documents relating to the Revolutionary period; which were referred to the Committee on the Library.

He also presented a petition of the common council of the city of New York, praying for the enactment of legislation providing for seacoast defenses for the harbor of New York, and also that sufficient provision be made for the protection thereof; which was referred to the Committee on Coast Defenses.

Mr. PEFFER presented the petition of J. W. Wilt and sundry other citizens of Cleo, Okla., praying for the enactment of legislation granting them free homes; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented a memorial of the select and common councils of McKeesport, Pa., remonstrating against the consolidation of the post-office at that city with the Pittsburg post-office; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of N. S. Rulison, of South Bethlehem, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Lebanon, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of the Peace Association of Friends of Philadelphia, Pa., to the President and Congress of the United States, on the attitude of Congress relative to the Monroe doctrine; which was ordered to lie on the table.

He also presented a petition of Barr Grange, No. 1121, Patrons of Husbandry, of Pennsylvania; a petition of Marion Grange, No. 223, Patrons of Husbandry, of Pennsylvania, and a petition of sundry citizens of Pennsylvania, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system; which were referred to the Committee on Finance.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., and a petition of sundry citizens of Anacostia, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions adopted at a meeting of the board of managers of the Pennsylvania Society of Sons of the Revolution, indorsing the efforts that are being made to insure the publication of the records and papers of the Continental Congress; which were referred to the Committee on the Library.

He also presented a petition of the Baptist Young People's Union of the Baptist Association of Salem, Mass., representing 5,000 members, praying that Congress apply the principles of the entire separation of church and state as expressed in the matter of appropriations for the support of charities in the District of Columbia and for the education of the Indians; which was referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the publication committee of the Rhode Island Historical Society, and a petition of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication of the records and papers

of the Continental Congress; which were referred to the Committee on the Library.

Mr. GALLINGER presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon presented sundry petitions of Salem Grange, No. 17, Patrons of Husbandry, of Marion County, Oreg., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Baker City, Oreg., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Portland, Oreg., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition of the common council of Baker City, Oreg., and a petition of the board of trustees of Sodaville, Oreg., praying for the speedy construction of the Nicaragua Canal under the control of the Government; which were referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. FRYE presented the petition of George May Powell, president of the Arbitration Council of Philadelphia, Pa., praying for the immediate organization of a permanent international court of arbitration; which was referred to the Committee on Foreign Relations.

Mr. KYLE presented the petition of C. D. Mosher, of Chicago, Ill., praying for the establishment of a postal coupon savings bank in every post-office in the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the appointment of a commission to investigate the question of Japanese manufactures, importations, etc.; which was referred to the Committee on Finance.

He also presented a memorial of the National Woman's Christian Temperance Union, headquarters at Chicago, Ill., remonstrating against the adoption of military instruction in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. BATE presented a petition of 43 citizens of Chattanooga, Tenn., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. ALLEN. I present a petition of sundry citizens and taxpayers of South Sioux City, Nebr., asking Congress for a special appropriation to protect the Nebraska side of the river front of the Missouri River opposite that city. The petition recites that as a great deal of work and material to protect the river front in the vicinity of and in front of Sioux City, Iowa, on the Iowa side of the Missouri River, is done under the direction of the General Government, it has changed the main channel of that river, and diverted the main channel to the Nebraska side so forcibly as to endanger a large amount of the properfy in South Sioux City, Nebr. The petition also recites that as a result of such change in the channel of the river it is evident that as soon as the ice goes out this spring the powerful current of the river will begin cutting on the Nebraska bank and thus cause a loss of a large amount of valuable property; that during the past year a large amount of property on the Nebraska bank of the river, amounting to many thousands of dollars, has been washed by the channel of the river; that the ground, in many places over 100 feet wide and hundreds of feet long, in South Sioux City, in Nebraska, has been washed away and destroyed by the river and the buildings thereon, in many cases, destroyed. The petitioners ask for immediate action on the part of Congress.

I might suggest in this connection that this petition recites literally the truth. The appropriations for the improvement of the Missouri River in the neighborhood of Sioux City, Iowa, have been used upon the Iowa side. That has forced the channel onto the Nebraska side, which is the lower side of the two, and great inroads have been made upon the Nebraska side, washing away hundreds of feet of valuable property and endangering the buildings, in some instances it being necessary to remove the buildings for safety.

I move that the petition be referred to the Committee on Commerce, and ask the special attention of the committee to it.

The motion was agreed to.

Mr. CULLOM presented a petition, in the form of resolutions adopted by Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system; which was referred to the Committee on Finance.

Mr. CULLOM. I present a number of petitions, each being signed by a large number of citizens of Chicago, reciting the atrocities by the Turks and others in that dominion against the Armenians, of which we have frequently heard, and praying that this honorable body "proceed at once to call a conference of all the European powers interested, and that our representatives to that conference be authorized to pledge the influence and support of this Government to any nation or nations who will undertake to rescue the Armenians from their perilous and almost hopeless situation," etc.

I shall not attempt to read more from the petitions, but I move that they be referred to the Committee on Foreign Relations for consideration in case it shall be deemed necessary to take any further action by this Government.

The motion was agreed to.

Mr. PERKINS presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of $90,000 be made for the building and equipment of a fog-signal vessel, with auxiliary steam power, to be stationed outside the bar of San Francisco; which was referred to the Committee on Commerce.

He also presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of $20,000 be made for the establishment of a fog-signal station on the Northwest Farallones Islands, lying off the entrance to San Francisco Bay; which was referred to the Committee on Commerce.

He also presented a petition of the Committee on Commerce of San Francisco, Cal., praying that an appropriation of $35,000 be made for the laying of a submarine cable from the mainland at San Francisco to the Farallones Islands; which was referred to the Committee on Commerce.

Mr. HANSBROUGH presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to investigate the question of Japanese manufactures, importations, and the export trade; which was referred to the Committee on Finance.

He also presented a petition of the North Dakota Dairy Association, praying for the enactment of legislation providing for the manufacture and sale of "filled cheese" on the same basis as oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of L. McL. Hamilton Post, No. 15, Department of North Dakota, Grand Army of the Republic, of Grafton, N. Dak., praying for the enactment of legislation granting a pension to all honorably-discharged soldiers and sailors; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present the petition and statement of Samuel Moore, of Lawrence County, Mo., together with the affidavits of George W. Jones and John Taylor, and also a letter from the Quartermaster-General, in regard to the compensation for stores taken during the war. I move that the petition and the accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1927) to increase the Metropolitan police force of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 84) to provide for the increase of the water supply of the District of Columbia, and for other purposes.

He also, from the same committee, to whom was referred the bill (S. 2122) to provide for the completion of the Washington Aqueduct tunnel, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1568) to provide for the care and cure of inebriates in the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1449) to provide a home and employment for reputable girls and young women of the District of Columbia who are without means of support and are unable to obtain work, to submit an adverse report thereon.

Mr. CALL. I ask that that bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 1963) to provide an American register for the steam yacht *Ellida*, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 14) to compile and publish the laws relating to street-railway franchises in the District of Columbia, reported it with an amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4785) to incorporate the National University, and also the amendment submitted by Mr. CANNON on the 20th instant, intended to be proposed to that bill, asked to be discharged from their further consideration and that they be referred to the Select Committee to Establish the University of the United States; which was agreed to.

Mr. HAWLEY, from the Committee on Pensions, submitted a report, to accompany the bill (S. 2008) granting a pension to Fanny Moale Gibbon, heretofore reported by him; which was ordered to be printed.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (S. 1836) to provide for licenses to certain officers of seagoing passenger steam vessels, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company, reported it with amendments.

PRINTING OF TREATIES.

Mr. HALE. I report favorably from the Committee on Printing a resolution referred to it on the 17th instant, submitted by the Senator from Alabama [Mr. MORGAN], in relation to the printing of certain treaties, which I ask may be considered at this time.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the treaty of 1850, known as the Clayton-Bulwer treaty, and Articles XX to XXVIII, both inclusive, of the treaty of February 11, 1860, between Great Britain and Nicaragua, and the treaty of 1867 between the United States and Nicaragua, be printed together as a document for the use of the Senate.

LAWS RELATING TO NAVY, MARINE CORPS, ETC.

Mr. HALE. I am instructed by the Committee on Printing to report favorably a resolution submitted by myself on the 20th instant, providing for the printing of the Compilation of Laws Relating to the Navy, Marine Corps, etc., which I ask may be considered at this time.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That under the direction of the Joint Committee on Printing the Compilation of Laws Relating to the Navy, Marine Corps, etc., be brought up from March 3, 1883, to March 3, 1896, and indexed; and when completed the Joint Committee on Printing shall report what number of copies of the same shall be printed and bound, the form of the same, and the proper distribution thereof; the cost of said compilation to be covered by appropriations to be reported by the Committee on Appropriations.

UNITED STATES BUILDING AT JEFFERSON CITY, MO.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2170) to authorize the Secretary of the Treasury to grant temporary occupation of certain rooms in the United States building at Jefferson City, Mo., to the courts of Cole County, Mo., to report it back adversely, with a recommendation that it be indefinitely postponed; and as a substitute to that bill I report a joint resolution, which I ask the Senate to consider at this time. It is a mere formal matter, as will be made known by the reading of it, and can give rise to no debate. The circumstances are such as to require immediate action of the Senate.

The joint resolution (S. R. 85) granting to the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo., was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That full permission be, and the same is hereby, granted to the county of Cole, State of Missouri, to occupy the United States court room and two jury rooms connected therewith in the United States building at Jefferson City, Cole County, Mo., during the months of March, July, and November, 1896, and March, 1897, for the purpose of holding sessions of the circuit court of said Cole County therein, and that during said occupation concurrent jurisdiction, so far as it is necessary, over said building be, and is hereby, ceded to the State of Missouri and to said county of Cole, so that the sessions of said court in said building and rooms may be, during said period, fully legalized: *Provided*, That said rooms shall be kept in good repair at the expense of said county of Cole, and at the end of March, 1897, the use of said rooms shall be relinquished to the United States by said county, the premises to be in as good condition as before their occupancy by said circuit court of Cole County: *Provided further*, That the sessions of said circuit court of Cole County shall in no way interfere with the sessions of the circuit and district courts of the United States: *Provided further*, That the Secretary of the Treasury is authorized in his discretion at any time to terminate this permit and the possession hereby granted of said premises upon thirty days' notice to the judges of the county court of said county.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. Senate bill 2170, relating to the same subject-matter, will be indefinitely postponed, in the absence of objection.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 2226) to amend the laws relating to American seamen; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2227) to amend section 4233 of the Revised Statutes of the United States, providing for distinctive signals and lights for towing steamers; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2228) granting a pension to Noah Pillsbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2229) granting a pension to Henry W. Schroder; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2230) to remove the charge of desertion against John L. Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL of Oregon, introduced a bill (S. 2231) for the relief of D. J. Holmes, of Portland, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 2232) to vacate Sugar Loaf reservoir site in Colorado, and to restore the lands contained in the same to entry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CARTER introduced a bill (S. 2233) to increase the pension of John Gray; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2234) to increase the pension of Odilia Logan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2235) for the relief of the heirs of Asa Chilson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2236) to reorganize the personnel of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2238) granting an increase of pension to Simeon Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 2239) for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2240) granting a pension to Mrs. Laura Barnes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2241) granting a pension to Mary Yates; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2242) for the relief of James M. Foster, of Houston, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 2243) for the relief of Rev. Robert Meacham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON introduced a bill (S. 2244) granting to the Alabama tribe of Indians in the State of Texas 25,000 acres of land; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LINDSAY introduced a bill (S. 2245) for the relief of L. H. Lyne & Co., late of Lynchburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 2246) for the relief of Mrs. William Loring Spencer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. MITCHELL of Oregon. I submit a proposed amendment to the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California that has passed the House of Representatives and is now pending before the Committee on Public Lands. I move that it be printed and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency; which was referred to the Committee on Finance, and ordered to be printed.

STENOGRAPHER TO COMMITTEE ON FOREIGN RELATIONS.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations be authorized to employ a stenographer to report hearings in relation to matters pending before it, to be paid from the contingent fund of the Senate.

LEGAL REPRESENTATIVES OF LIEUTENANT FOULKE.

On motion of Mr. HOAR, it was

Ordered, That the Secretary of State be directed to communicate to the Senate all information in his Department relating to the claim against the Government of the legal representatives of the late Lieutenant Foulke, sometime chargé d'affaires in Korea.

REPORT ON IMMIGRATION.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,000 additional copies of Report No. 290 be printed for the use of the Committee on Immigration.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BURROWS, it was

Ordered, That the papers in the claim of Sarah A. Moore, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Pensions.

Ordered, That the papers in the claim of James G. Barker, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Claims.

Ordered, That the papers in the claim of James K. Bowman, now in the office of the Secretary of the Senate, be withdrawn from the files of that office, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson.

A bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers; and

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 3432) for the relief of John E. Evans; and

A bill (H. R. 4220) granting a pension to Charles A. Foster, late acting assistant surgeon, United States Army.

The bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds was read twice by its title, and referred to the Committee on Indian Affairs.

TIMBER-CULTURE ENTRIES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 103) relating to final proof in timber-culture entries; which was, in line 3, to strike out the word "hereafter."

Mr. DUBOIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

STENOGRAPHER TO COMMITTEE ON FOREIGN RELATIONS.

Mr. GALLINGER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably the resolution submitted by the Senator from Ohio [Mr. SHERMAN], for which I ask immediate consideration.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read as follows:

Resolved, That the Committee on Foreign Relations be authorized to employ a stenographer to report hearings in relation to matters pending before it, to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. VEST. Does that come from the Committee on Contingent Expenses?

The VICE-PRESIDENT. It is reported favorably from the Committee to Audit and Control the Contingent Expenses, having been referred to that committee this morning.

Mr. SHERMAN. I will state to the Senator from Missouri that the committee have called before them the contestants for the building of a cable to China and Japan, and the committee were of the opinion that the examination ought to be made very carefully.

Mr. VEST. I do not desire to be hypercritical, of course, nor to interfere with the business of the Committee on Foreign Relations. I may have misapprehended the purport of the resolution. Does it propose to employ a stenographer permanently?

Mr. SHERMAN. Oh, no. It may be confined to a single case, or for a single week. As a matter of course, the committee will not abuse a privilege of that kind.

Mr. VEST. Let the resolution be again read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution.

Mr. VEST. I have no objection to the resolution.

Mr. CHANDLER. I understand that in all these cases the payment of the stenographer is so much a page. There can be no employment of a salaried stenographer under any such resolution. The employment is to do particular work; the compensation is so much per page, and if the reporting is not done no payment is made. That is the way I understand all resolutions which authorize a committee to employ a stenographer while taking reports of hearings which take place before it.

Mr. VEST. I have not the slightest objection to the resolution. I misapprehended its purport. Some one told me it was for the permanent employment of a stenographer.

Mr. GALLINGER and Mr. SHERMAN. Not at all.

Mr. VEST. In the Committee on Commerce, where we do a great deal of this kind of work, and have hearings almost from week to week, it is our habit to employ a stenographer for the time being, and he is paid by the page.

Mr. GALLINGER. That is what is intended to be done under this resolution, I will say to the Senator.

Mr. VEST. I have not the slightest objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

MATILDA GRESHAM.

Mr. GALLINGER. Mr. President, when the pension bills were under consideration a few days ago, at my request the bill granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, was laid over at the request of the Senators from Indiana. I now ask unanimous consent that that bill be taken up to permit the junior Senator from Indiana [Mr. TURPIE] to submit brief observations on the matter, and if there be no objection, I shall ask that the bill be acted upon at the close of his remarks.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $200 per month.

Mr. TURPIE. I move that the amendment to the bill reported by the Committee on Pensions be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Pensions, which will be stated.

The SECRETARY. In line 7, before the word "hundred," it is proposed to strike out "two" and insert "one"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Inierior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Gresham, widow of Walter Q. Gresham, late a brigadier-general, at the rate of $100 per month.

The amendment was agreed to.

Mr. TURPIE. Mr. President, Walter Q. Gresham, a native of Indiana, was at the beginning of the present Administration tendered the office of Secretary of State, and accepted the same.

This appointment took the country by surprise not greater than that which befell the recipient. He had never been known as a member of the Democratic party, and in respect of political precedents it was regarded as quite singular—as a broad departure from established usage—that he should have been selected for this high place.

The formation of the celebrated coalition ministry of England in 1783, in which Lord North and Mr. Fox, before that time most violent political adversaries, were commissioned as joint secretaries of state, does not afford a parallel. The famous coalition was, as is now well known, the result of careful conference and premeditated combination, elements wholly absent in the case of Gresham.

The taking of the same office by Mr. Clay, under the Presidency of the younger Adams, bore, perhaps, a stronger resemblance

thereto than any other in our own history, yet there are in such a parallel some very sharp discrepancies.

Mr. Clay was a very eminent public character, the idolized leader of one great section of his party. He had been himself a candidate for the Chief Magistracy. He and his friends had not supported at first the candidacy of Mr. Adams, but they had opposed that of General Jackson with as much zeal and earnestness as any of the friends of the newly elected President. After the failure of choice in the electoral college, when the question had come to close quarters in the House of Representatives, the friends of Mr. Clay openly advocated the choice of Mr. Adams, and really brought about his election. Whatever may have been the purpose or action of the followers of Mr. Clay in the beginning of this historic contest, in the end he became a principal supporter of the President thus chosen, and it was not in contravention of usage, but in strict accordance therewith, that he should receive the place of premier in the Cabinet.

Mr. Clay, in the meridian of his career as a civilian and diplomatist, had, in both Houses of Congress, during the Administration of Adams, a primacy almost as great as in the Cabinet of which he became a member. His friends in the Senate and the House distinctly approved of his acceptance of the position of Secretary of State—proudly bore with him the obloquy which accompanied it, treated with disdain the aspersions incident to his action, and prepared to give to his policy in the conduct of foreign affairs the same unfaltering support which they had so often before granted to their chief.

No such welcome, no such troop of friends greeted Gresham when he entered upon the discharge of the duties of his high office. He had, indeed, with marked credit, formerly held important positions in official life; he had been Postmaster-General; he had for a time been Secretary of the Treasury in the Administration of Arthur, but this was while he stood in the alignment, very near the front of the alignment, of the Republican party.

He now reentered public life a stranger to those of his old political household, and his introduction to those of the new, though evidenced by the manifest sign of Executive favor, lacked much of amity or intimacy therein.

His original position was one of threatened isolation, yet not long; the man himself was never isolated. His bonhommie, his modesty, his genuine truth and honesty of character, his uniform courtesy, his swift and accurate apprehension of the subjects and policies within the province of his Department, dominated the difficulties which surrounded him, and rapidly established between himself and his colleagues in the Administration and the members of the National Legislature those intimate and direct relations so necessary to the successful administration of the functions entrusted to his charge. Only superior abilities, with the wisest tact and discretion, could have availed to overcome these initial embarrassments of his latest public service.

At the very threshold of his term he was confronted with the serious complications arising from the then recent revolution in Hawaii. These were followed by a series of tentative negotiations concerning the tripartite protectorate instituted by a former Government over the Islands of Samoa, while about the same time a new treaty was concluded under his auspices with the Emperor of China, almost tantamount to a renewal of diplomatic relations with that Government.

The international regulations between Great Britain and the United States concerning the seal fisheries of Alaska received his constant and careful consideration.

The war between China and Japan, now so happily ended, wherein both belligerents requested that the protection of the citizens of either residing in the country of the other should be placed under the care and jurisdiction of the consular authorities of the United States, required the framing and execution of new rules and regulations, the justice and the equity of which established his reputation as a statesman and diplomatist in those distant regions, added to the prestige of our country, and led at last to the truce, the suspension of armed conflict, and to the restoration of peace between those nations.

His negotiations with Great Britain on the subject of the occupancy of certain places on the Mosquito Coast resulted in an ultimate settlement—very quiet, even now not much known—by which that power conceded that its claims to exercise sovereignty in any part of the territory were not well founded and no longer to be enforced.

Several of these negotiations were conducted simultaneously and required the utmost versatility of address and management. The mass of correspondence passing under his supervison and prepared by his direction, the large number of rapid and sudden messages of communication with our diplomatic and consular representatives in those remote quarters of the world where these affairs were being dealt with, disclosed the fact that no term of the office of Secretary of State has been more deeply marked than this, with the labor and responsibility incident thereto, since the close of the civil war.

Gresham was, at the time of his appointment as Secretary of State, judge of the circuit court of the United States, holding its principal sessions in the metropolis of the Northwest, the city of Chicago. He had been also for many years judge of the circuit and district courts in the State of Indiana. It is by his long and distinguished service in these positions that he is best known to the people of that section of the country.

Very acceptable to the profession by reason of his complaisance, patience, and diligence, well versed in the Federal practice, thoroughly imbued with the fundamental principles of the common law, fully acquainted with the statutory modifications thereof by acts of Congress, still the prominent, distinctive trait of his judicial character was the love of justice for its own sake. All other things were subordinate to this controlling passion. Substitutes were set aside, all subterfuges were scorned that this love of justice might have its way. In his court there was not the least respect of persons. The poor, the humble, the unknown, were heard, heeded, never denied, often comforted.

The partisan, in personal or professional guise, had no standing there—was dismissed without day. As he cleared away from his own heart and mind all considerations of political differences in the discharge of his judicial functions, so he did not tolerate them in others.

He suffered not the laborer to be defrauded of his hire. Bondholders and mortgagees might gain their priority in decree, but the just claims of the workman were never forgotten—always privileged and preferred. No matter what might be the condition of business upon his docket, charity and mercy had, for every day of the term, their places on the calendar. Such were the arts and such the qualities that clothed the ermine he wore with dazzling splendor in the eyes of that vast constituency among whom he administered the laws of his country.

He received his first judicial appointment, without solicitation, from President Grant, under whom he had served as a soldier during the war for the Union. He had been very severely wounded in battle; he had never recovered from the effects of this; death was the only cure.

The labors of the Federal bench, mainly sedentary in their character, accorded somewhat with his physical disability, with the severe recurring attacks of his infirmity, and many of his friends thought that the performance of the duties of the new office which he had assumed, very laborious and exacting, had shortened his life.

It is certain that even before his mortal illness premonitory symptoms of failing physical power, had betimes shown themselves. But the cheerful words and manner of the Secretary, the almost smiling, playful unconcern with which he spoke of his malady, deceived his friends as to its dangerous extent, even in the last days of his survival.

Much worn by the work and manifold anxieties of his great office, enfeebled more and more by the wasting exhaustion of the wound unhealed, he met without fear the last enemy, whom he had, in the shock of arms, often met before. Like a stricken sentinel, still keeping his post, calmly awaiting the approach of the relief guard, he sank into the grave.

In the beautiful language of Holy Writ we are taught that the grave is a place where the wicked cease from troubling and the weary are at rest. Not only the persecuted, the oppressed, the troubled have deliverance there; but the tired, those who have borne the burden and heat of the day—nobly, grandly borne it; needing release and quittance from their labor—these also, the weary, are at rest. All the children of Adam meet there together; none are shut out from that retreat. The rich and the penniless are there, the most eminent, the most obscure, the young and the aged, the small and the great are there, and the servant—even this great servant of the people—is free from his master.

Here, then, we may note the close of life of one who was no mere meddler among mediocrities, but a leader among chiefs, who strode, a youth, from the camp into the court, from the court into the Cabinet, and thence returned, and yet again stepped forward to the first place at the council table of the nation. Divorced, as he was, by the duties of his judicial station from active participation in the political contests of his time, with the keenest appreciation of those proprieties which he never overstepped, he received high honors from both the great parties of the country, as if nature had given him some strange right of primogeniture to survey the diversified fields of fame and action and to make his choice of them.

His promotion and advancement came to pass as of right—without self-seeking or reproach. Saying and doing in such a man had much of excellence, but being, more.

The strength which availed in him was that of being. It was that of the person, of tone, of touch, of presence—that which all men have noticed, which none have known; no, not at any time. That force which, like the X ray, eludes description and defies analysis.

The world allowed this claim of excellence, well pleased, with-

out protest, without demand or notice on his part. It was accepted and honored at sight.

As a soldier he was approved by Grant—one whom the great captain delighted to honor.

As a jurist, the long record of equities enforced, of rights vindicated, of wrongs redressed, unreversed and irreversible, attests his blameless probity and spotless honor.

As a statesman and diplomatist, the history of this age will yet give him high rank. Even the dusky myriads of the nations of the far East have learned to revere his name and memory—have sent only yesterday, across the ocean intervening, after the manner of the Orient, gifts, mementos, to the inmate of that house, now left unto her desolate, in token of their grief and gratitude.

The Senators who have the honor to represent the State of Indiana in this body have deemed it not unfitting that one of them, in behalf of both, and of the people of their great constituencies, should make some mention of a career and character so notable; and we entreat the Senate to favorably consider the pending measure, wherein the beneficiary is the consort, sadly bereaved, of one who had in many spheres of service deserved well of the Republic.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month."

BRIDGE ACROSS LAKE ST. FRANCIS, ARKANSAS.

Mr. BERRY. I ask unanimous consent to call up for present consideration the bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. M. VANDLING.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 281) for the relief of F. M. Vandling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to give credit to F. M. Vandling, postmaster at Scranton, Pa., in the sum of $8,300 for postage stamps stolen from that office on August 3, 1894, through no fault of the said F. M. Vandling.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTERS FOR THE GREAT LAKES.

Mr. MCMILLAN. I ask unanimous consent to call up the bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed and equipped two steam revenue cutters of the first class for service on the Great Lakes at a cost of not exceeding $200,000 for each vessel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. FERGUSON.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps. It has been favorably reported from the Committee on Finance.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to issue duplicates in the name of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps, in lieu of certain United States 4 per cent registered bonds inscribed in the name of H. Webb, trustee, the bonds having been lost or stolen from W. H. Ferguson after assignment in blank and delivery by H. Webb, trustee, to Ferguson.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEGED ASSESSMENTS IN THE POST-OFFICE DEPARTMENT.

Mr. LODGE. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the regular order. The Chair lays before the Senate a resolution submitted by the Senator from Kansas [Mr. PEFFER], coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. PEFFER, instructing the Committee on Post-Offices and Post-Roads to make investigation as to the levying and collection of assessments for political purposes from employees of the Post-Office Department.

Mr. PEFFER. I ask that the resolution may lie upon the table subject to be called up when I may choose to do so.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following act and joint resolution:

An act (S. 1591) to extend the mineral-land laws of the United States to lands embraced in the north half of the Colville Indian Reservation; and

The joint resolution (S. R. 39) making an appropriation to defray the joint expense of locating the boundary line between the Territory of Alaska and the British North American territory.

SALES AND PROCEEDS OF SALES OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Massachusetts [Mr. LODGE], coming over from a previous day, which will be stated.

The SECRETARY. A resolution, by Mr. LODGE, directing the Committee on Finance to investigate and report all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894 to 1896, inclusive.

Mr. PEFFER. I heretofore offered an amendment in the nature of a substitute for the pending resolution. I ask that the amendment may be read.

The VICE-PRESIDENT. The amendment will be read.

Mr. ALLISON. Let the original resolution be read first.

The VICE-PRESIDENT. The resolution of the Senator from Massachusetts will first be read, and then the amendment of the Senator from Kansas will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 19th instant, as follows:

Resolved, That the Committee on Finance be directed to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896, and how the proceeds of such bonds were disposed of, and to what purposes the said proceeds were devoted.

The SECRETARY. Amendment submitted by Mr. PEFFER on the 20th instant. It is proposed to strike out all after the word "*Resolved*" and insert:

That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be—

First. To investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Second. To investigate and report specially what amount of available funds, classified, was in the United States Treasury and on deposit in other places, subject to the order of the Secretary of the Treasury, at the time the bonds were sold or offered for sale; whether there was or was not coin enough on hand to meet all coin obligations of the Government due at the time said bonds were sold or when they were offered for sale; what obligations were due at that time and the amount of each, stated separately; what was the reason for any unusual withdrawal of coin from the Treasury shortly before bonds were sold or offered for sale, if such unusual withdrawals were in fact made, and by what persons or classes of persons and for what purpose or on what account such withdrawals were made; who purchased the bonds, in what amounts, and where, whether in the United States or in foreign countries, and in what proportions, and from what persons or classes of persons the gold was procured with which to pay for the bonds, what the bonds sold for, and what was the market price of our Government bonds at the time, and what effect the bond sales had on the credit and business of the people of the United States.

Third. To investigate and report as to the manner of disposing of said bonds, by what authority, and what contracts, advertisements, or proposals were made by the Secretary of the Treasury in relation thereto; what agreements or contracts, and whether oral or in writing, and whether publicly or privately, were entered into by the Secretary of the Treasury and any other person or persons with respect to the sale and purchase of the bonds, and what profits were made by the purchasers; whether any officer of the Government, or any person or persons for such officer, and on his behalf, and in his personal interest, and with his knowledge or consent, entered into any contract, agreement, or arrangement, directly or indirectly, with any person or persons, partnership, corporation, company, or syndicate, for the purpose of affecting the price offered or to be offered for said bonds or any of them, with the intent and expectation to receive commission or personal reward by reason of such contract, agreement, or arrangement; whether such contract or agreement had any and what effect on the prices offered for the bonds, what the effect was, and who, if any person, profited by it, and to what extent.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. PEFFER].

Mr. LODGE. I move to lay the amendment on the table.

Mr. HILL. Mr. President——

Mr. LODGE. I believe the motion is not debatable, Mr. President.

Mr. HILL. I simply wish to suggest to the Senator from Massachusetts that this is the amendment or substitute——

Mr. LODGE. I ask if the motion is debatable?

The VICE-PRESIDENT. The motion is not debatable.

Mr. PEFFER. I ask for the yeas and nays on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE].

Mr. HILL. I ask unanimous consent to speak merely for a moment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New York?

Mr. LODGE. Certainly not.

Mr. HILL. The amendment offered by the Senator from Kansas is in effect a substitute for the resolution of the Senator from Massachusetts. It was offered the other day, and I spoke briefly upon it; I did not at that time complete my remarks. I understand the Senator from Kansas now desires to press the amendment, which brings up the whole question.

Mr. PEFFER. I do not desire to discuss the amendment at all. I simply wish to have a vote upon it.

Mr. HILL. I desire to discuss it.

Mr. LODGE. I must insist upon my motion.

Mr. HILL. I desire to discuss the matter.

Mr. LODGE. I have moved to lay the amendment on the table.

The VICE-PRESIDENT. The Chair understood the Senator from Massachusetts to withdraw his objection to the request of the Senator from New York.

Mr. LODGE. I understood that the Senator from New York simply desired to make a suggestion. I did not understand that he was going to make a speech. I moved purposely to lay the amendment on the table in order to cut off debate on the amendment.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent to address the Senate upon the pending amendment. Is there objection?

Mr. LODGE. I object.

The VICE-PRESIDENT. There is objection. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE] to lay the amendment on the table.

Mr. HILL. I thought unanimous consent had been given to me to speak, but I will find some way to speak.

Mr. LODGE. The Senator from New York will have ample time to discuss my resolution if the motion to lay on the table is agreed to.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays on the motion of the Senator from Massachusetts.

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. PASCO. I think it would be well for the Chair to state the question that is before the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE], to lay upon the table the amendment submitted by the Senator from Kansas [Mr. PEFFER], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER]. I suggest that a transfer be made so that that Senator will stand paired with the Senator from Connecticut [Mr. PLATT], who is absent and has requested that he be paired. I do not know how either of them would vote. I vote "nay."

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I propose to exchange pairs with the Senator from North Carolina [Mr. PRITCHARD], who is paired with the Senator from Louisiana [Mr. BLANCHARD], and that transfer being made, I vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the junior Senator from Ohio [Mr. BRICE]. I am not aware how he would vote, and I therefore withhold my vote. If the junior Senator from Ohio were present and voting, I should vote "nay."

The roll call was concluded.

Mr. MITCHELL of Oregon. I am paired with the senior Senator from Wisconsin [Mr. VILAS]. If he were here, I should vote "nay."

Mr. HOAR. I am paired with the junior Senator from Alabama [Mr. PUGH]. I do not know how he would vote on this motion. I should vote "yea," but I will withhold my vote. I know that the junior Senator from Alabama is generally favorable to the matter of this investigation.

Mr. GALLINGER. I announce my pair with the senior Senator from Texas [Mr. MILLS]. If he were present, I should vote "nay."

Mr. HANSBROUGH. I desire to pair the Senator from Connecticut [Mr. PLATT] with the Senator from Wyoming [Mr. WARREN].

Mr. MCBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if present. Therefore I withhold my vote. If the Senator from Mississippi were present, I should vote "nay."

The result was announced—yeas 16, nays 34; as follows:

YEAS—16.

Aldrich,	Cullom,	Gray,	Palmer,
Allison,	Frye,	Hawley,	Quay,
Bacon,	Gear,	Lodge,	Sherman,
Chandler,	Gorman,	Morrill,	Wetmore.

NAYS—34.

Allen,	Cannon,	Jones, Nev.	Roach,
Baker,	Carter,	Lindsay,	Shoup,
Bate,	Chilton,	Mantle,	Teller,
Berry,	Cockrell,	Martin,	Turpie,
Brown,	Davis,	Morgan,	Vest,
Burrows,	Gordon,	Pasco,	Walthall,
Butler,	Hansbrough,	Peffer,	White.
Caffery,	Harris,	Perkins,	
Cameron,	Hill,	Pritchard,	

NOT VOTING—39.

Blackburn,	George,	Mitchell, Oreg.	Squire,
Blanchard,	Gibson,	Mitchell, Wis.	Stewart,
Brice,	Hale,	Murphy,	Thurston,
Call,	Hoar,	Nelson,	Tillman,
Clark,	Irby,	Pettigrew,	Vilas,
Daniel,	Jones, Ark.	Platt,	Voorhees,
Dubois,	Kyle,	Proctor,	Warren,
Elkins,	McBride,	Pugh,	Wilson,
Faulkner,	McMillan,	Sewell,	Wolcott.
Gallinger,	Mills,	Smith,	

So the Senate refused to lay Mr. PEFFER'S amendment upon the table.

Mr. BACON. In order that my vote upon the motion to lay upon the table may not be misunderstood, I ask permission of the Senate to state that while I favor an investigation, I prefer the resolution as offered by the junior Senator from Massachusetts [Mr. LODGE]. For that reason I voted to lay the amendment on the table with the intention and for the purpose of voting for the original resolution offered by him.

Mr. HARRIS. I voted against laying the amendment of the Senator from Kansas on the table for the reason that I am not inclined to object to any extent of investigation any Senator desires to have; but I move to amend the amendment of the Senator from Kansas by striking out that part of the amendment which provides for the raising of a select committee and inserting "That the Committee on Finance be directed to investigate." I am opposed to raising a select committee for the purposes indicated. As I stated, I have no objection to any extent of investigation that any Senator may deem necessary or proper or desire to have, but the Finance Committee is a standing committee of the body and the proper committee to conduct such an investigation, in my opinion.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Kansas [Mr. PEFFER].

Mr. HILL. Mr. President, I voted against the motion to lay on the table because I assumed that before this debate should go over the resolution, in substantially the same form, would be offered again by some Senator, and therefore we might as well discuss it at one time as another.

I am opposed to the proposition of the Senator from Kansas, as I stated the other day when it was proposed by him in an independent form. Subsequently the Senator from Massachusetts offered the resolution which is now before the Senate, to which the Senator from Kansas moved his resolution as an amendment. I am free to say, sir, that so far as the resolution of the Senator from Massachusetts is concerned, it is not objectionable in form, that it treats the Secretary of the Treasury courteously, and that in other respects it is unobjectionable if any investigation whatever is to be had.

Mr. President, I do not assume that it is the province of the Senate to investigate any and every subject that may be presented for investigation by a Senator. I think, on the contrary, that we will best discharge our duties by exercising a wise discrimination in regard to these investigations, that we should scrutinize the resolutions as they are presented, that we should ascertain the motives behind them if we can, and the real object to be subserved by pressing them.

It is a strange doctrine, sir, that every act of a Department is to be investigated simply upon the bare suggestion of a Senator. Mr. President, we have a right to call for information. We have a right to direct Departments to respond at length in reference to particular inquiries which may be embraced in resolutions; and the various Departments of the Government very quickly respond. Requests for information are one thing, entirely unobjectionable; requests for investigations, formal investigations, solemn investigations, are an entirely different thing.

Mr. President, you can not change the public opinion in regard to investigations formally ordered by the Senate. There is always an implication in the public mind that there is something to be investigated, something that requires investigation, something demanding it, because something has been done out of the ordinary course of public affairs. I think I can lay down a better rule, which is, that before either a standing committee or a select com-

mittee shall be empowered to conduct a formal investigation of a public transaction there shall be something tangible presented, something definite, something specific, and that we should not rush over one another in our haste to investigate public affairs every time some Senator here suggests an inquiry.

Sir, I am opposed to the proposed investigation not merely because this resolution affects a Democratic Secretary of the Treasury. I would oppose it, sir, if my worst political opponent occupied that high chair. I oppose it because it is based upon nothing tangible. I oppose it because there are things recited in these resolutions which are mere idle rumor. I oppose it because the things to be investigated are mainly merely sensational newspaper gossip; nothing more nor less. I oppose it because the whole investigation seems to be based upon the wails and complaints of disappointed bidders. Therefore, sir, I start out with the proposition that resolutions of investigation should not be hastily passed; that they should not be lightly considered; that we should proceed cautiously and carefully before we delegate such a power, to make reports and to affect by written conclusions presented to this body the conduct of public officials.

As I said at the outset, requests for information are one thing, but in a proceeding to investigate something more is required. I say that the mere passage of a resolution of inquiry implies in the public estimation, if not in fact, the existence of a well-founded suspicion of some wrongdoing. I know it might be said that a suit for divorce by a man against his wife, or a wife against her husband, implies nothing; it is simply brought for the purpose of determining the guilt or the innocence of the party, that is all; it is a mere inquiry to see whether the alleged charges are true or false. Upon the same reasoning it might be said that an indictment for a crime is merely an ex parte proceeding; that it casts no reflection upon a man; that it is simply instituted for the purpose of determining the question whether or not the accused is guilty, that is all.

Mr. President, formal investigation by the Senate of the United States of an alleged official transaction should not be hastily passed, but should be most carefully considered.

The Senator from Kansas who instituted this investigation the other day, the first resolution on the subject, said that he wanted to gratify public curiosity. The ground of inquiry stated by a Senator of this body was to gratify public curiosity. I submit before we proceed to gratify public curiosity let there be presented some specific charges from some responsible source, charges not from Senators who do not themselves assume to have any personal knowledge of the transactions. Let the charges come from some person or persons who do claim to be possessed of some knowledge, or be championed by some one who stands here ready to say that he honestly believes them.

Mr. President, while now speaking on the subject of investigations generally, let me suggest that if this investigation shall be ordered it will be difficult to resist any investigation that may be demanded in the future—an investigation of any kind or character, no matter how trivial, no matter how unsatisfactory the facts may be upon which it is desired. Open up this practice, start out with it upon the broad ground that every time a transaction has taken place by any Department of this Government we must proceed upon the mere ipse dixit of a Senator to institute a formal investigation, and I say you let loose a flood which you can not stop. We set a precedent here which will surely return to plague us. Every investigation then requested by a Senator must be granted, if consistency is hereafter to be observed.

Mr. President, it strikes me that if there is anything in the recent bond sales which requires investigation there should be a resolution presented in a series of "whereases," that we may precisely know what is the charge presented, in order that we may know just what is claimed, in order that the result when reached may be compared with what was anticipated, predicted, and alleged.

In this case, on either resolution, if we proceed at all we must proceed in the dark, in order possibly better to stab in the dark. There is an attempt to insinuate what is hesitated to be boldly asserted. The author of the Peffer resolution, if I may so term it, stated his reasons in his speech and he is presumed to have stated them all. I suggest that he knows as well as anybody knows what he wants. He has introduced a great many resolutions of investigation in the Senate, and he is an adept and an expert in regard thereto. The other day in his speech he said that he was glad I had anticipated him in his resolution by asking that the Secretary furnish to the Senate a list of the bidders, the names and amounts paid, etc., and he recalls the fact that several years ago I stood by him in certain information that he was seeking in the Senate. It was during the panic of 1893. I recall the circumstance well. But, sir, I beg to remind him that that was not a resolution of investigation at all. It neither called for a special nor a regular committee to investigate. It was a resolution calling upon the Secretary of the Treasury for what information he might have in his Department showing whether certain banks in New York, Philadelphia, and Boston were or were not violating the law in the issuing of clearing-house certificates. That was the resolution, and it was a very proper resolution of inquiry. It was a usual and ordinary resolution calling for information from that Department.

Sir, I have nothing to regret in the fact that I did support the Senator from Kansas in asking for that information. Subsequently, if I recollect aright, some two or three months afterwards, after the panic was somewhat over, the resolution was passed and the Secretary of the Treasury reported that he had no information in his possession in regard thereto. So much for that. That is an entirely different proceeding from the one now before the Senate which he has introduced.

Mr. President, let me reiterate what I said the other day. The Senator says, in the first place, he wants to investigate by what authority these bonds were issued. In the few moments given to me the other day I discussed that question. I said distinctly that the authority was given under the act of 1875. What do you want a special committee or a general committee to investigate that legal question again for? As I said then and repeat now, has it not been stated over and over again in official communications, in messages and reports? Yet one of the first points involved in this resolution is to investigate the question as to the authority of the Secretary of the Treasury to issue these bonds.

I know it has been stated here by several of the farmers in the Senate that they doubted the authority. The Senator in front of me [Mr. ALLEN] says that the Treasury Department has no authority. I used to listen with great interest to what that Senator said upon judicial and legal questions, coming here as he did from a distant State, having served in that State in a high judicial capacity. I formerly listened and paid great attention to what he said upon legal questions. I must differ from him now, because the other day, you will recollect, he rose in the Senate and said that he was a farmer; and if that is so I am inclined not to follow his judicial opinions any longer.

Mr. ALLEN. I said I was a democrat.

Mr. HILL. One statement was perhaps about as true as the other. If he is no better farmer than he is a democrat, I pity the crops that are raised out in Nebraska. [Laughter.]

The VICE-PRESIDENT. The Senator from New York will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

WAR IN CUBA.

The Senate resumed the consideration of the following concurrent resolution, reported on the 5th instant by the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States—

The pending question being on the amendment submitted by Mr. CAMERON to substitute for the concurrent resolution the following:

Resolved, That the President is hereby requested to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba.

Mr. MORGAN. Mr. President, on the 29th of January, by order of the Committee on Foreign Relations, I reported from that committee a concurrent resolution on the subject of the recognition of belligerency in Cuba. Afterwards the committee chose to change their ground, with my concurrence (I was pleased with the change), and they reported the resolution which is now before the Senate. That was on the 5th day of February. I now ask unanimous consent that the resolution reported on the 5th day of February shall be substituted for the resolution reported on the 29th of January from the same committee.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Alabama asks unanimous consent that the resolution reported from the Committee on Foreign Relations on February 5 may be substituted for the one reported from that committee on the 29th of January. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. Mr. President, on last Thursday, when I had the honor of occupying the floor upon the resolution which is now before the Senate, several questions of a very grave and important nature were asked me by Senators, which I said at the time I should endeavor to answer before I finally left the floor upon this resolution. Before doing so, however, I shall present in order, and as concisely as I can, a statement of our relations with Spain in connection with Cuba, based upon the utterances of our predecessors in the Senate and of some of the wisest statesmen who have filled the highest places in our Government. I shall be painstaking in this and other presentations of the facts and opinions of the various American statesmen, because the committee have not seen proper to present a formal report in which they have displayed the whole ground of their action upon this very important subject.

Mr. Adams, in April, 1823, while Secretary of State, in a letter to Mr. Nelson writes as follows:

In the war between France and Spain, now commencing, other interests, peculiarly ours, will in all probability be deeply involved. Whatever may be the issue of this war as between those two European powers, it may be taken for granted that the dominion of Spain upon the American continents, North and South, is irrevocably gone. But the islands of Cuba and Puerto Rico still remain nominally, and so far, really, dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands, from their local position, are natural appendages to the North American continent, and one of them (Cuba) almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the Island of Santo Domingo; its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering, in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself.

The same great statesman from the Northeast, on the 28th of April, 1823, writing also to Mr. Nelson, says:

The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. The opinion is so generally entertained, that even the groundless rumors that it was about to be accomplished, which have spread abroad, and are still teeming, may be traced to the deep and almost universal feeling of aversion to it and to the alarm which the mere probability of its occurrence has stimulated. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least, to use all the means within its competency to guard against and forefend it.

On the 11th of June, 1823, Mr. Jefferson, in writing to President Monroe on this same subject, said:

I had supposed [when writing a former letter] an English interest there (in Cuba) quite as strong as that of the United States, and therefore that to avoid war and keep the island open to our own commerce it would be best to join that power in mutually guaranteeing its independence. But if there is no danger of its falling into the possession of England, I must retract an opinion founded on an error of fact. We are surely under no obligation to give her gratis an interest which she has not; and the whole inhabitants being averse to her, and the climate mortal to strangers, its continued military occupation by her would be impracticable. It is better, then, to lie still, in readiness to receive that interesting incorporation when solicited by herself, for certainly her addition to our confederacy is exactly what is wanted to round our power as a nation to the point of its utmost interest.

Mr. Clay takes up the subject in a letter to Mr. King, of October 17, 1825, and says:

Instructions were sent, under direction of the President (Mr. J. Q. Adams), by Mr. Clay, when Secretary of State, to the ministers to the leading European Governments to announce "that the United States, for themselves, desired no change in the political condition of Cuba; that they were satisfied that it should remain, open as it now is, to their commerce, and that they could not with indifference see it passing from Spain to any (other) European power."

In writing to Mr. Brown on the 25th of October, 1825, Mr. Clay said:

You will now add that we could not consent to the occupation of those islands (Cuba and Puerto Rico) by any other European power than Spain under any contingency whatever.

Mr. Webster, Secretary of State, writing to Mr. Campbell, on the 14th day of January, 1843, says:

The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never changed, and has repeatedly been told that the United States never would permit the occupation of that island by British agents or forces upon any pretext whatever; and that in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid her in preserving or recovering it.

On the 15th of July, 1840, Mr. Forsyth, Secretary of State, writing to Mr. Burwell, says:

The United States will resist at every hazard an attempt of any foreign power to wrest Cuba from Spain. "And you are authorized to assure the Spanish Government that in case of any attempt, from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the United States to aid her in preserving or recovering it."

While Secretary of State, Mr. Buchanan wrote to Mr. Saunders, on the 13th of June, 1847, as follows:

The United States will not tolerate any invasions of Cuba by citizens of neutral States.

Mr. Crittenden, of Kentucky, while Acting Secretary of State, in writing to Mr. Sartiges, on the 22d of October, 1851, says:

The geographical position of the Island of Cuba, in the Gulf of Mexico, lying at no great distance from the mouth of the river Mississippi, and in the line of the greatest current of the commerce of the United States, would become, in the hands of any powerful European nation, an object of just jealousy and apprehension to the people of this country. A due regard to their own safety and interest must therefore make it a matter of importance to them who shall possess and hold dominion over that island. The Government of France and those of other European nations were long since officially apprised by this Government that the United States could not see without concern that island transferred by Spain to any other European State.

Mr. Webster again, while Secretary of State, writing to Mr. Ballinger, on the 26th of November, 1851, says:

The colonies of Spain are near to our own shores. Our commerce with them is large and important, and the records of the diplomatic intercourse between the two ccuntries will manifest to Her Catholic Majesty's Government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from Her Majesty's Crown. If there is one among the existing Governments of the civilized world which for a long course of years has diligently sought to maintain amicable relations with Spain it is the Government of the United States. Not only does the correspondence between the two Governments show this, but the same truth is established by the history of the legislation of this country and the general course of the executive government. In this recent invasion Lopez and his fellow-subjects in the United States succeeded in deluding a few hundred men by a long-continued and systematic misrepresentation of the political condition of the island and of the wishes of its inhabitants. And it is not for the purpose of reviewing unpleasant recollections that Her Majesty's Government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violators of the law, these authors of gross violence toward the citizens of this Republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our Navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti.

I now read from the third annual message of President Fillmore in 1852:

The affairs of Cuba formed a prominent topic in my last annual message. They remain in an uneasy condition, and a feeling of alarm and irritation on the part of the Cuban authorities appears to exist. This feeling has interfered with the regular commercial intercourse between the United States and the island, and led to some acts of which we have a right to complain. But the captain-general of Cuba is clothed with no power to treat with foreign Governments, nor is he in any degree under the control of the Spanish minister at Washington. Any communication which he may hold with an agent of a foreign power is informal and a matter of courtesy.

Mr. Marcy, when Secretary of State, writing to Mr. Buchanan, on July 2, 1853, said:

Nothing will be done on our part to disturb its (Cuba's) present connection with Spain, unless the character of that connection should be so changed as to affect our present or prospective security. While the United States would resist at every hazard the transference of Cuba to any European nation, they would exceedingly regret to see Spain resorting to any power for assistance to uphold her rule over it. Such a dependence on foreign aid would in effect invest the auxiliary with the character of a protector and give it a pretext to interfere in our affairs, and also generally in those of the North American continent.

This review of the opinions and statements on these particular topics indicates a very firm and thoroughly understood attitude of the Government of the United States toward Spain in reference to the Island of Cuba. The subject of the acquisition of the Island of Cuba as one of our possessions, we see, was first brought in direct form to the attention of the people of the United States by President Adams, and he then took ground, which was stated as a prophecy, that in fifty years from the time he wrote he expected that Cuba would be in the possession of this country as one of our States or Territories. This subject gained such a hold upon public attention that our ministers at foreign courts in the year 1854, Mr. Buchanan, Mr. Mason, and Mr. Soulé, were instructed by the President of the United States to meet at some place in Europe, and there confer upon the best method of acquiring Cuba as one of our possessions, and their meeting was called the Ostend Conference. They met at Ostend, and in Lawrence's Wheaton the result of their meeting is stated, which I will read:

In the summer of 1854 a conference was held by the ministers of the United States accredited at London, Paris, and Madrid, with a view to consult on the negotiations which it might be advisable to carry on simultaneously at these several courts for the satisfactory adjustment with Spain of the affairs connected with Cuba. The joint dispatch of Messrs. Buchanan, Mason, and Soulé to the Secretary of State, dated Aix-la-Chapelle, October 18, 1854, after remarking that the United States had never acquired a foot of territory, not even after a successful war with Mexico, except by purchase or by the voluntary application of the people, as in the case of Texas, thus proceeds: "Our past history forbids that we should acquire the Island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our self-respect. While pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed. After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure."

President Buchanan, in his second annual message, speaking on the subject of the Island of Cuba, says:

The Island of Cuba, from its geographical position, commands the mouth of the Mississippi and the immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that island under the dominion of a distant foreign power, this trade, of vital importance to these States, is exposed to the danger of being destroyed in time of war, and it has hitherto been subjected to perpetual injury and annoyance in time of peace. Our

relations with Spain, which ought to be of the most friendly character, must always be placed in jeopardy whilst the existing colonial government over the island shall remain in its present condition.

And in his third annual message Mr. Buchanan said:

I need not repeat the arguments which I urged in my last annual message in favor of the acquisition of Cuba by fair purchase. My opinions on that measure remain unchanged. I, therefore, again invite the serious attention of Congress to this important subject. Without a recognition of this policy on their part it will be almost impossible to institute negotiations with any reasonable prospect of success.

General Grant, in his special message of June 13, 1870, to the Congress of the United States, seems to have encountered a development of feeling of hostility and jealousy on the part of Spain on account of our relations to Cuba, and possibly on account of all these utterances of our great and leading men, which gave him very deep concern and caused him to send a special message to the Congress of the United States, from which I will make a liberal extract, for the purpose of showing the progress of opinion and of sentiment in the United States, and in Spain also, upon subjects which seem now to have driven us very wide apart. He said:

In my annual message to Congress, at the beginning of its present session, I referred to the contest which had then for more than a year existed in the Island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that "the contest has at no time assumed the conditions which amount to war, in the sense of international law, or which would show the existence of a de facto political organization of the insurgents sufficient to justify a recognition of belligerency."

During the six months which have passed since the date of that message the condition of the insurgents has not improved; and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy-armed bands of men roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and, although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly, and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

Whatever may be the sympathies of the people or of the Government of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the Government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations, and with such continued outrage upon the plainest principles of humanity.

We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans; each commits the same atrocities and outrages alike the established rules of war.

The properties of many of our citizens have been destroyed or embargoed—

That means confiscated—

the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the Government, an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted, and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare.

That was in the message of June 13, 1870. Even at the end of the brief period which has passed since the delivery of that message by General Grant, one of the most heroic men who ever lived, inured to warfare, and understanding all about its effects and dire results, the people of the United States read this message now again, and reflect upon it, and they wonder how it ever happened that the Government of the United States could stand idly and indifferently by and permit such outrages to go on in the Island of Cuba as those perpetrated there. It was done, Mr. President, in the hope and in the expectation that the Crown of Spain would be enabled to subjugate what was then considered to be a riotous mob, not amounting to a great army in the field, and would by reconciliation bring the people who were natives of this island back to the love of their flag and country, and would cause them to embrace the Monarchy of Spain when it held out to them the gentle hand of promise and made the faithful pledge that in the future their political and personal situation should be better than it had ever been.

I will take occasion here to remark that those pledges were given by the Government of Spain to the people of Cuba, and in consequence of the fact that the Government of the United States at that time turned its back upon the slaughter of more than 600 prisoners by a general who ordered them to be shot down like cattle in a slaughter pen, those people, seeing that the circumstances of their situation were such that they could have no sympathy and comfort from the outside world, turned again to Spain and yielded to her their submission. What has been the result of it? The fruit of it, Mr. President, is now too obvious and distinct to admit of question. The persecutions were renewed because we did not force upon Spain a more humane policy. The promises thus made by Spain to procure the submission of the people of Cuba under the circumstances recited in the message of General Grant have been broken in every possible form, as the Cubans assert, and it has renewed the spirit of revolution, the desire for emancipation, and the love of liberty more potently than it has ever existed heretofore in the Island of Cuba. It may be very well said that our forbearance toward Spain and our omission to do a duty which even then turned our nerves almost into steel with anxiety to perform it have been one more inciting cause of the present lamentable condition of affairs in that island.

This war kept on during President Grant's two terms in office and then during the term of Mr. Hayes in office, and during a part of the term of Mr. Arthur in office, before it could be ended, and it was not until his Administration had proceeded for more than a year, I believe, that Mr. Arthur congratulated the Congress of the United States and the people of the United States on the termination of hostilities in Cuba, under circumstances which promised relief to those people from the oppressions which they had theretofore endured, through the firm, distinct promises of the Government of Spain, all of which Cubans insist have been broken and about which I think there can not be any possible doubt.

The Cubans allege that Spain has broken faith with her own people—that breach of faith which is treason to honor and cruelty added to deliberate deception. Vattel describes civil war and its incidents and results on pages 424 and 425, which I will not now stop to read, and on page 423 of his wonderful book he treats of the obligations of the sovereign to keep faith with the subjects whose submission he has obtained through promises. I refer to these pages for the purpose of getting the attention of Senators to the fundamental law which is laid down by that great writer on the subject of the duty of a government to keep faith with its own citizens when they have once risen in rebellion against that government and at the end of strife or war have yielded their submission to the government upon certain published and agreed conditions. When the submission of the people is obtained by promises of reform, or the conception of new guaranties of liberties to them, there can be no dispute about the justice of their resistance.

If the people of Cuba had been at war with the United States and had surrendered to us, if you please, on a pledge given by treaty that we would grant to them certain rights and privileges, and afterwards we had wickedly and unjustly refused to comply with our promise, that would be a cause of complaint as between two nations which would be classed among that great, almost innumerable, category of causes of complaint which have so frequently brought the nations of the earth into antagonism on battlefields. But in a case of that kind there would be no breach of moral faith toward men of your own blood and your own kindred who had a quarrel, admitted to be righteous and just, to a large extent, because of the reformation which was promised, which quarrel was settled by a submission on the grounds that they would return to all their duties to that Government if the Government would promise to secure them certain rights and privileges which were thereupon agreed to.

Such agreements between the subject and the Crown, between the party who must submit to the superior force of his own Government and the ruling authorities, are attended with a sanction that does not belong to any of the ordinary agreements between nation and nation. They are rested upon the supposition that the monarch has a friendship, a regard, and even a love for his subjects; that he is not their natural enemy; that he is not in office for the purpose of breaking faith with them and robbing them of privileges and rights which he has solemnly granted to them.

But, Mr. President, the history of Cuba from 1717 to the present time is almost a continuous record of complaints, riots, attempted revolutions by the natives on account of alleged oppressions of Spanish rulers and the breach of the promises with which they were compelled to buy their peace from time to time. The measures of repression by which those complaints were stifled and the insurrections were suppressed were extremely cruel and destructive. President Grant has recited some of those things in his message to the Congress of the United States, which I have just read, to which no tongue and no pen could add anything by way of emphasis or to darken the picture.

Twelve men were hanged by Captain-General Guazo in 1723, nearly two centuries ago, and a state of siege was then authorized to be declared throughout the island whenever the captain-general wished it as a precautionary measure. The Island of Cuba from 1723 down to the present time has been left in an attitude

where a captain-general at his will and pleasure at any moment of time can declare a state of siege and the existence of martial law. Now, it is impossible to conceive that any people in the world can be under a more strenuous, disagreeable, and dangerous restraint and threat than that which results from the power of their ruler without consulting anybody else at all, at any moment of time to declare a state of war.

Mr. FRYE. Has the captain-general ever been a Cuban?

Mr. MORGAN. Oh, no. That was never within the contemplation of the Government of Spain so far as I have ever heard.

In 1851 50 men of the Lopez expedition were shot in Havana. These are not referred to by General Grant except in general terms. In 1854 Pinto and his associates to the number of 100 men were shot or deported. Then followed the ten years' war from 1867 to 1878, during the progress of which these enormities occurred to which General Grant refers. Spain had more than 90,000 troops in the field in that war. In 1869 the Spanish troops committed atrocities that shocked the civilized world in the wholesale slaughter of men, women, and children in Havana at the Villa Nueva Theater, at the Louvre, and in the sacking of the house of Aldama.

The number of these cruelties is almost beyond comprehension, and the loss of life is appalling. Spain marched into the war 80,000 troops and brought out 12,000. It is stated on high authority that "according to official reports forwarded from Madrid, by the United States minister, 13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners whom the Spanish minister admitted to have been put to death."

We, Mr. President, have been so blessed with the kindly fruits of liberty in this country, we have had so much of national enjoyment, we have had so much of pleasant occupation in taking care of the affairs of our own great Government and our wonderfully increasing population and our developing wealth and our glorious prestige among the nations of the earth and in illustrating by our conservative and industrious and virtuous example the blessings to mankind of this wonderful form of Government which has been established and conducted here, that it seems we have forgotten the sufferings of those so close to ourselves. Now, can it be possible that a mistake is made by an accurate and able historian when he says to us that the Spanish minister admitted that in that war in addition to 13,600 Cubans who had been killed in battle, 43,500 prisoners had been put to death?

I confess that when I came across that statement in an authentic history to which we give credit, I read it over and over to ascertain whether it could have been possible that such a multitude of humanity had been slaughtered within 90 miles of the coast of the United States during that ten years' war; and I inquired of myself, What has Christianity been doing in the world if in this age, the nineteenth century, it has been possible that such things could be done in an island like Cuba, and that this great and free Republic could stand indifferently by, knowing the facts, and not unsheath its sword and strike the brutal monarch to death who inflicted them?

The cost of that war was all shouldered upon Cuba. It must have been $500,000,000.

The close of such a war was surely a sufficient consideration for the promises made to Gomez and Cisneros and their compatriots, upon faith of which they again submitted their fate into the hands of the Spanish monarchy.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. FRYE. I failed to catch the name of the authority for the wonderful, the horrible statement which the Senator from Alabama has just made in relation to the slaughter of prisoners to the number of over 40,000.

Mr. MORGAN. I am sorry that for the moment I can not recall his name. I will hand it to the Senator.

Mr. FRYE. It is from history?

Mr. MORGAN. Yes; deliberately written, and written by a Spaniard.

Mr. FRYE. Does the Senator credit it?

Mr. MORGAN. For a long time I hesitated to credit it, but I had to credit it or else deny the evidence of a deliberate statement made by a historian in a book of universal acceptance, one of reliable authority.

Mr. GRAY. Will the Senator from Alabama state the name of the historian or the book?

Mr. MORGAN. It is in the American Encyclopedia, under the title of Cuba.

Mr. CALL. If the Senator from Alabama will allow me, I will read a very short extract from a publication by Mr. Clarence King.

Mr. MORGAN. I shall be very glad to have it read.

Mr. CALL. Jesus Rivocoba, one of the officers on duty in the service of Spain in the Island of Cuba, under date of September 4, 1869, writes this letter:

We captured 17, 13 of whom were shot outright. On dying they shouted, "Hurrah for free Cuba!" "Hurrah for independence!" A mulatto said, "Hurrah for Cespedes!" On the following day we killed a Cuban officer and another man. Among the 13 that we shot the first day were found three sons and their father; the father witnessed the execution of his sons without even changing color; and when his turn came he said he died for the independence of his country. On coming back we brought along with us three carts filled with women and children, the families of those we had shot; and they asked us to shoot them, because they would rather die than live among Spaniards.

Pedro Fardon, another officer, who entered perfectly into the spirit of the service, writes on September 22, 1869, as follows:

Not a single Cuban will remain in this island, because we shoot all those we find in the fields, on the farms, and in every hovel.

On the same day the same officer sends the following:

We do not leave a creature alive where we pass, be it man or animal. If we find cows, we kill them; if horses, ditto; if hogs, ditto; men, women, or children, ditto; as to the houses, we burn them. So everyone receives his due—the men in balls, the animals in bayonet thrusts. The island will remain a desert.

Mr. WHITE. I should like to inquire of the Senator from Florida from what he has read? What is the paper he has in his hand?

Mr. CALL. I read from a pamphlet published by Clarence King. The article appeared in The Forum for September, 1895, and purports to contain a literal copy of the letters of those officers themselves.

Mr. MORGAN. The President of the United States at the close of the war to which I have been referring, the war which preceded the one in which the incidents occurred to which the Senator from Florida [Mr. CALL] now alludes, sent to the Senate the papers which relate to the submission of the Cuban insurgents in 1878. I find in that paper, which I have not had the opportunity of examining with care, a statement of the terms and conditions upon which the surrender took place.

Mr. Antonio Mantilla, who, I think, was then the representative at this legation of the Government of Spain, writes as follows to the Secretary of State, Mr. Evarts:

In the decree in question the phrase is to be noted with which its preamble begins: "The war being now near its end" (not a regular war in the sense in which it is defined by international law, but an intestine struggle, civil contest, or armed rebellion, which, in the military parlance of the Spanish language is commonly called war); which phrase shows that said military authorities do not consider the contest to be entirely at an end, although its termination is very near. The first sentence in the second paragraph of the same preamble is also noteworthy, in which it is declared that, had it not been for this contest, "Cuba would long since have enjoyed, according to the constitution of the State, the advantages which must necessarily accrue to her from a possible assimilation to the peninsula," which shows that the prevailing sentiment in Spain is in favor of treating Cuba as Porto Rico has been treated; that is to say, like a Spanish province, although she could not grant to rebellious subjects what they demand with arms in their hands, namely, absolute independence, during a time of trial for the mother country, nor even what she was always ready to grant them voluntarily, and what she has now granted, at a time of greater prosperity for herself, to them, now that they have repented and sued for peace, which is an act of generosity and a guaranty of reconciliation.

A decree of the general in chief of the army of operations in the Island of Cuba was also inserted in the Havana Gazette of the 3d.

This was issued at Puerto Principe on the 10th of March, and will be found in Appendix F. It guarantees the freedom which was offered in article 3, of the capitulation of all slaves who were in the ranks of the insurgents on the 10th day of February, and who have surrendered or who shall surrender before the 31st day of the current month of March.

Articles 5, 6, 7, and 8 of the capitulation have been fulfilled already, or are now in course of fulfillment, toward all who are willing to take advantage of their benefits. Article 4 requires no immediate action, and article 2 has always constituted the distinguishing trait of the Spanish policy in Cuba. Forgetfulness of the past, pardon of political crimes, release of property embargoed for the same cause, mitigation of the effects of these embargoes as regards the innocent members of the families of those whose property has been embargoed, and even the furnishing of means of subsistence to repentant rebels—all this has been frequently offered or granted by the Government and authorities of Spain from the time of the decree of amnesty, issued on the 12th of January, 1869, by the governor, captain-general of the island, Don Domingo Dulce, who was sent by the revolutionary government of 1868 to establish in Cuba the same liberties and franchises that were enjoyed by the peninsula, until the royal decree of October 27, 1877, by which the unimproved public lands, certain forests belonging to the State, and town lands not used, are ordered to be divided among various classes, viz:

1. Licentiates and volunteers, who have been mobilized or who have taken part in a battle.

2. Inhabitants of the towns of the island, who have remained loyal to the government and who have suffered considerable losses of property in consequence of the war.

3. Persons who have voluntarily surrendered to the authorities and forces of the Government.

The reproduction and analysis of all these general acts, and many other private ones, of pardon, clemency, and generosity, would render this note interminable, which had no other object, as remarked at the beginning, than to satisfy the desire of the honorable Secretary of State to become accurately acquainted with the present situation of Cuba, but which the undersigned, in his wish to correct false impressions which have been circulated by the conspirators against Spain in this country, has thought proper to extend sufficiently to indicate succinctly the policy of Spain in Cuba and the causes that have given rise to the recent events. Although the Government of Spain does not recognize the right of any foreign power to interfere in the internal affairs of that country, it values too highly the opinion of the sensible people of the United States and the friendship of its Government for its representative at Washington to neglect an opportunity like the one now offered to present in their true aspect the acts, intentions, and constant policy of Spain in her relations with the Island of Cuba.

He then proceeds:

If it were necessary, or the honorable Secretary of State should desire it, the undersigned would amplify and prove by means of trustworthy documents the assertions which he has just made, and he proposes shortly to show that the only obstacle that can now retard, not absolutely prevent, the complete pacification of Cuba, is the war cry and the false promises of immediate aid which are once more sent from New York by the Cuban conspirators, who urge in public meetings the continuation of the struggle which is now so near its end. And it is a remarkable fact that in this struggle, by a sad fatality for the liberators of Cuba, a fatality which would not escape, and which has not escaped, the observation of the American people and the perspicacity of its enlightened press, foreigners have been its principal leaders—those who have most zealously maintained it, and who have most distinguished themselves in it. Jordan and Reeve, Americans; Maximo Gomez and Modesto Diaz, Dominicans; Roloff, a Pole; Caoba and Maceo, the one an African and the other a semi-African; Prado, the captor of the Moctezuma, a Peruvian; and finally, not to mention any more names, Gonzales, a Mexican, who was deputed by the revolutionary committee of Camaguey to announce the dissolution of the legislative chamber and of the government of the republic to its representatives in the United States.

Even the diplomatic commissioner of Cuba abroad, Echerarria, who less than a month ago proclaimed throughout the length and breadth of this great country, by a circular telegram from the Washington agency of the Associated Press, that the news of the submission of the greater part of the insurgent leaders was false, and that they would accept no terms not based upon the recognition of Cuban independence—even that diplomatic agent, whom the honorable Committee on Foreign Relations of the House of Representatives of the United States, having charge of Cuban affairs, received and listened to with interest in the belief that he was a son of Cuba, is no Cuban at all, but a Venezuelan.

If an insurrection composed of such antagonistic elements as the Latin, African, Mongolian, and Anglo-Saxon races, led on by officers of all known nationalities, could have triumphed, the confusion of tongues at the Tower of Babel, and the memorable catastrophe which took place in the formerly French portion of the island of Santo Domingo, would have been cast into the shade by the spectacle which victorious, free, and Africanized Cuba would have presented to the civilized world.

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ANTONIO MANTILLA.

Now, there is the Spanish side of that statement. The Cuban side of the statement comes later. It comes out now in the declarations which have been read in the newspapers, in declarations which I will place in the RECORD without reading, because it is not necessary to take the time of the Senate in reading them, which show that the terms and conditions which were agreed upon in that submission of the Cubans to the Spanish Government at that time have been flagrantly violated, and that the people of Cuba have received from it not only none of the advantages promised, but the very machinery which was set on foot by that submission and the articles which followed it have been employed by the Spanish Monarchy for the purpose of continuing to rob them more flagrantly than ever.

These articles of submission, so far as I can gather from this paper, seem to have been drawn up at several places and at several times, and after a portion of the people of Cuba through their representatives had signed these articles or assented to them new adhesions to this capitulation were obtained from others. I will hereafter put in the RECORD enough of this paper to show the exact nature, as far as it can be found from this document, of the capitulation that was made, the promises which have been broken, as the Cubans allege.

They and their associates, then and now, assert that Spain has broken these promises in all respects, and has greatly aggravated her persecutions of the people of Cuba since these promises were entered into. That was one of the grounds upon which their present revolution is predicated—a breach of national promise.

It is not ours to decide such controversies, since the action we propose to take on this occasion is not dependent in the least degree on the facts that led to the revolt, but upon its existence and progress to the state of open, public war.

If the United States should be forced into the espousal of the cause of the Republic of Cuba as an ally, the facts are not wanting to justify our people in fighting, if need be, for the principles of our own Government against a despotic monarchy and for the sacred rights of man that are being destroyed and exterminated in sight of our coasts.

But this is not our purpose. We do not intend to interfere in that matter unless we are forced to do so from supreme necessity. The present proposed action of the Congress of the United States has not the slightest bearing one way or the other upon that question. We are for peace, security, and good neighborship with Cuba if we have to fight for it.

No Cuban army has fought as yet for a single leader who was ambitious for place or honors under the Spanish Monarchy, or for the spoils of war, or the liberty of pillage, or even for revenge. Their leaders are patriots and men of great abilities. Gomez is an old man, said to be fatally stricken with consumption. No earthly station could induce him to endure the labor and suffering to which he is subjected. His ambition is only that he may live to see Cuba free, or, dying, that he may bequeath its liberty to the people.

In all these belligerent movements, extending through two centuries, the Cubans have not fought merely for redress of grievances, though these were a just cause of war; they have at all times resisted and resented the despotism of the Spanish Monarchy, and their battle cry has always been "God and liberty."

The freedom of Cuba has been always the undying aspiration of the native people.

One of these struggles is but the renewal of those that preceded it. Either from workings of military power, or under the inducement of false promises, a truce has been, from time to time, on frequent occasions adopted. But when the oppression has been renewed, and strength to resist it has been regained, these people have come forth in that native strength which belongs to a liberty-loving people and have renewed the battle for independence. And now Gomez returns to his command, and Cisneros, who was president at the time that the surrender took place of which I have been reading, comes back to his presidency, and the Cubans fall into the ranks and take up their arms to renew the war of 1867 to 1878.

The civil government then disbanded upon false assurances and the military power and organization that then laid aside its arms are again renewed upon a basis that is good in law throughout all Christendom, that a right surrendered to fraud upheld by force may be justly reasserted whenever the power exists to reclaim it.

In these battles fought in this protracted war of independence the blood of patriots that Cuban soil has drunk has not been shed in vain.

> For freedom's battle, once begun,
> Bequeath'd by bleeding sire to son,
> Though baffled oft, is ever won.

That we have witnessed this struggle for so many years, during which our ears have not been deaf to the appeal for liberty and independence and our hearts have not refused their sympathy to the suffering Cubans, is enough for us to have done in order to prove our faithful adhesion to our national duty.

We can go no further in our forbearance without a stain upon our national honor and without doing injustice to our Government and our people.

If the war in Cuba should end in disaster to the republic they have organized there, even within a week, our duty would be ill performed if we did not declare that this war is and has been a public war for independence, and has been so admitted by Spain in declaring that war exists in four Cuban departments.

This declaration should be made promptly on our part, for it will stand us in hand when we are again forced to call Spain in question for her treatment of our citizens captured during this struggle. It should be made also to warn Spain that she can not impose the Weyler code, following the Valmaseda code, upon our people or their property, and that when the war for independence again breaks out, its character and purposes will not be misunderstood by the United States. The future wars in Cuba will not be mere civil insurrections when it requires 150,000 men and the navy of Spain to hold the people in check.

Our rights and duties in regard to this war in some sense depend upon its purposes and its magnitude, but not upon its ultimate success or failure. The purposes commend this war to our respect at least. Its magnitude is equal to the territorial control of more than half the area of Cuba and more than half the people of the island.

In this war, unlike that of the war of 1867 to 1878, few native troops have fought in the field under the Spanish flag. Some of them have been enlisted as volunteers, quite a number of them probably under duress, but they have put a condition in the enlistment that they were to be home guards; that they were not to enter the field; that they were to guard the plantations and the railway stations and towns, villages, and cities.

The great body of the native people are in sympathy with the republic, though the repression of any such avowal, in act or word, is the relentless purpose of Weyler's cruel code. This code may again smother the fires of liberty, of which Gomez speaks in his letter of November 13, 1895, in which he says:

> We can truthfully say that, even if Spain sends thousands of her children to their death, we have already established the basis of the Cuban Republic, and that Republic will be a fact, no matter how many of us may fall.

There are few Americans who do not accept that result as inevitable, and the Weyler code will serve only to remind him hereafter that no grasp of tyranny can be strong enough to repress the fires of liberty, though it may silence the tongues of its votaries for the time.

The victories won over the Spaniards by the Cubans at Lôs Negros, at Iobito, at Bayamo, where Campos and his staff sought safety in flight, on foot and in the nighttime, at Cascorra, at Sao Del Indio, and in many minor engagements, and the splendid march through Cuba from east to west and from north to south are lessons of skill and evidences of military power, and proofs of valor and endurance that do not presage the ultimate defeat of the Cuban army. Spain has sent to this conflict up to this time 61 vessels of war, all heavily armed, but in the 2,200 miles of Cuban coast there are 200 harbors and sheltered places of landing, and

in all the guns sent there by Cuban agents not one rifle has yet been lost. Spain has sent to Cuba 110,000 men, and has 80,000 volunteers for garrison duty, yet with this enormous force she has not been able to keep Gomez out of hearing of the morning and evening guns that are fired at Habana. Their armies grow while the armies of Spain perish and decrease from losses in the field and hospital.

The organization of the Cuban army was conducted in eastern Cuba, and the first and hardest battles were fought there. Then Gomez and Maceo invaded western Cuba to burn cane fields and to recruit their forces.

A comparison of the statements of our consuls, made from time to time, shows a tremendous rapidity of increase of the forces and war material of their commands.

It is through the reports of the consuls of the United States sent in by the President to Congress that we derive that better statement of facts to which Gomez refers and which will be referred to in a paper that I will presently have read at the desk, in which it is said that doubtless the Government of the United States knows more of the actual facts of the progress and development of the war than the captain-general of Cuba or the Government of Spain. These consuls, situated in Cuba at three of the most important points, all of them being men of intelligence, ability, and faithful public service, have from time to time sent the best information available to them in respect to the condition of the country surrounding them and the progress of the armies in that country.

I therefore read extracts from these reports to the Senate with a view of getting what I conceive to be an authentic statement upon this subject of the magnitude of the war, the character of the war, the progress of the war, the character of the army that conducts the war, and the policy of the men in rule and authority there who manage and control the army. It is from these facts that we are to derive a sound and solid judgment upon which we will feel authorized to act.

I have mentioned already in the speech I made last Thursday the reluctance with which I proceeded to investigate this question, because of the uncertainty of the evidence upon which we had to rely. I was not aware how very certain, how very strong it was, until I took up these consular reports and was able to compare them also with the reports in newspapers and reports from private sources; and I find that we are in possession of an authentic history of the rise and progress of the present revolution.

On the 23d of February, 1895, just a year ago, Mr. Pulaski F. Hyatt, writing to Mr. Uhl, says:

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, February 23, 1895.

SIR: I have the honor to advise you that grave apprehensions are felt of a revolution breaking out here. Rumors are rife, and it is difficult to get at exact facts.

The people are very much frightened, and those of the country are moving to the city in large numbers for safety. The banditti element in the mountains is being augmented by certain parties hostile to the Spanish Government.

Information has come to the consulate that the Government has notified certain Cubans, known to have been prominently in favor of the island's freedom, that if there is trouble they will be held responsible and shot, and a number, said to be 27, of the members of leading families who were spotted have left for parts unknown.

The military governor, Lachambre, has had his home in the country guarded by 250 soldiers, and he gave notice to a number of American engineers and workingmen, living in a house close by, and here for the purpose of constructing railroad bridges, that if they had cause to go to their yard in the night, to carry a lantern as a preventive against being shot.

That is the outbreak of it a year ago; that is the form in which it presented itself to Mr. Hyatt, who was living in the country where the first organization took place and where the feeling of the Cubans was most intense. On the 26th day of the same month he says:

The insurrectional movements that have given rise to the measures of the governor-general seem to be limited to a very small number of persons, as shown by the prompt action of the three political parties above mentioned engrossing the major part of the population, and which really represent the entire planting, industrial, and commercial interests, as well as the professional classes of the island, though it can not be denied that poverty, induced by the cumulative effects of the erroneous economic system long established here, has brought about discontent among the working classes since the principal exportable products of the island, sugar and tobacco, are very depressed in their exchangeable values. This has brought on low and precarious wages, while at the same time imported provisions and clothing are very high and in unfavorable disproportion to the earnings of the workmen.

Those workmen, starving men, got to thinking and feeling, and they bared their shoulders to the burdens of the revolution; really they started it.

Now, writing again on March 1, he says:

On the 27th ultimo the governor-general of the island issued a decree, copy inclosed being extract from official bulletin, declaring this province in a state of war, giving the military authorities control of all matters appertaining to public order, and giving insurgents eight days to present themselves and be exempt from punishment.

Now, I wish to connect that statement with one that I made in the opening of my remarks when I called attention to the fact, which nobody has denied or can deny, that for more than two centuries the captain-general of Cuba has had the power to put any province in that whole island into a state of siege, to declare military law as prevailing, and to declare a state of war as existing. In this province our consul affirms that the governor of this particular province has declared that a state of war exists. What kind of a war is that? An insurrection? An émeute? A mere rebellion? A mob? A sedition? No; he declared that war existed; and he put the laws and powers of war at work there by changing the whole legal situation from one of peace to that of war. I should like to know, after that declaration on his part, followed up, as it has been, by declarations of a like kind by the captain-general in three of the provinces of eastern Cuba, more recently made, how they can hold up their heads and look the world in the face and say to us that we have no right to recognize that a war exists when they proclaim it and enforce it? Our consul says, further on in the same article:

There have been a number of scrimmages with troops in the province, and several on both sides killed and wounded. The insurgent element so far is confined mostly to the negro population, which predominates. The whites and property owners hope that the reforms promised by the Government will be put into effect and that the movement will be suppressed before much property is destroyed and lives lost.

A strong reenforcement of Spanish troops is daily expected.

The last letter was on the 1st of March. Thirty days later, on the 30th of March, he says:

I have the honor to report further on the situation in the province of Santiago as follows: On Monday, March 24, 900 troops were landed from Spain, which, with the 2,437 recruits which landed last week, make a total of 3,337 additional Spanish forces, landed at this port. After arrival these troops were newly uniformed in linen suits and straw hats.

A battle occurred near Manzanillo on Sunday between 300 Government troops and 500 Cubans. The Government claims 50 of the enemy killed, while the Cubans claim a victory.

* * * * * * *

That same evening—

That was on Thursday, the 28th—

(a dark night) about 9 o'clock sharp musketry firing was distinctly heard from this consulate, which lasted 45 minutes, when a heavy rain set in. I afterwards learned that a body of insurgents were waiting in ambush for the outgoing troops and fired on them from behind rocks and trees, causing a loss of 50 killed on the Spanish side, including one captain.

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Men are constantly leaving the large centers of population to join the insurgents, and public opinion is rapidly in their direction.

Then again he writes on April 4:

With starvation facing them on one side; with relations, friends, and companions on the other, fighting for the independence of their country, it will readily be seen how the present uprising may become one that will defy the efforts of Spain to subdue.

It is safe to say that there are at present large bodies of insurgents under arms in the jurisdiction of Santiago de Cuba. Spain must have to meet these twice their number, as the country is an ideal one in which to harass regular troops who are not familiar with the country.

Another important factor to be considered is the ravages that will be made among the Spanish soldiers during the summer months by yellow fever, which will far exceed their losses in action.

To check and end the present uprising it will be necessary for Spain to concentrate all her forces at Santiago de Cuba, Puerto Principe, and to act promptly and decisively, for as each day the rebellion continues lessens her chances for subduing the same, and, as before stated, she must accomplish the subjugation of those in revolt before the present crop is finished, or their accessions will be so great that her dominion over this island will be in great jeopardy, if not lost.

Then, on the 5th of April, he writes again:

On April 2 the insurgents entered the town of Carney, about 6 miles from here, where they captured about 50 guns, some horses, and, it is said, about 2,500 cartridges.

On April 3 the Government forces met the insurgents at Socorro, about 18 miles from here. The insurgents are said to have been defeated with 10 lost and many wounded.

The Spanish Government is now employing Cubans at $30 per month to join the guerrilla forces against the insurgents, and naturally these accessions against the cause of the revolutionists are looked upon with great hatred by the other Cubans.

Private advices from parties capable of speaking are to the effect that the territory between here and Manzanillo and along the Canto River is alive with insurgents. Their cavalry are said to be in a very excellent condition, well armed, and well mounted. Pending the arrival of Martinez Campos, the war seems to be in a quiescent state.

Campos had not yet landed. Then again he writes on the 13th of April:

On Thursday a battle was fought near Bayamo. The number of troops and results are not definitely known. The work of the insurgents seems to be more along the line of gathering arms and ammunition rather than seeking conflict, while the Government troops do not seem desirous of forcing a fight, but rather to guard important points from attacks while they await the arrival of Martinez Campos, who is expected to land at this port on the 16th instant. Preparations are in progress to give him a big reception.

The sugar planters complain that whenever they pay off their hands large numbers leave to join the insurgents, thus crippling work. It is estimated that the population of Santiago has been increased by 15,000 people, mostly old men, women, and children who have left the country, and are quartered on anybody that will keep them. Beggars are very numerous. The death statistics for the first fifteen days of March was 32, and jumped to 62 for the last half of the month, there being 8 deaths from yellow fever, 5 deaths from paludal fever, and 1 from diphtheria. I am informed by a physician that smallpox in a mild form has also appeared.

Now, on the 28th of April he writes:

SIR: I have the honor to report that on Sunday, the 21st instant, a fight took place near Songo, this province, between about 500 Cubans and 800 Spanish troops, which resulted eventually in the Cubans retiring from the

field. A major and chaplain of the Spanish forces were killed. Other losses unknown.

Two thousand and fourteen new Spanish recruits arrived at this port from Spain on the 22d instant, and it is reported that 20,000 more will arrive during the next six weeks.

Rebels burned the town of Ramon de Yaguas on Monday last, killed Captain Miranda of the Spanish forces, took 16,000 rounds of ammunition and a quantity of arms from the fort.

Lieutenant Gallego, on the part of the Spanish troops, surrendered the fort, for which he was court-martialed and ordered to be shot. The sentence was commuted to life imprisonment by cablegram from the Queen.

Then he adds as a postscript:

Lieutenant Gallego was shot at Habana on May 1, after having attempted suicide on the passage from Manzanillo to Habana.

This consul goes on to speak of other battles from time to time. May 11 he says:

Monday night the rebels attacked Cristo, a town 10 miles distant, on the Sabanilla and Maroto Railroad, derailed an engine, and burned two bridges. The road is operated and owned mostly by American citizens. Martinez Campos has recommended Government aid to this road for the purpose of extending the same and furnishing employment to the many men who will soon be thrown out of employment by the shutting down of sugar mills, and it is feared that without work the men will drift into the rebel army. * * * Friends of the insurrection claim that they are as far advanced now at the end of three months as they were at the end of three years in the former rebellion. They claim now to have 10,000 men under arms in the province of Santiago, and to have 4,000 more doing effective work.

That is from the time of this first dispatch, which was February 23, 1895, down to the date of this letter, which is May 11, 1895, a rise in their power from nothing to 14,000 troops in the field. In my observation, few countries have ever been able to recruit an army as rapidly out of their own legitimate resources, arm them and equip them, and put them in the field as these Cuban rebels have done during that period from the 23d day of February down to the 18th day of May—three months! Again, he says on the 18th of May:

On Monday, the 13th, 400 men are said to have left Holquin in a body to take up arms against the Government.

Four hundred leaving one place.

Perhaps the most sanguinary battle that has taken place up to the present time occurred on the 13th and 14th instant, near Guantanamo. The Spanish authorities claim that with 400 men they put to rout the enemy, 3,400 strong, inflicting severe loss on the rebels.

The rebels claim that there were over 2,000 Spaniards engaged in the first day's battle, and that they punished them severely, driving them into the town and inflicting a loss of over 200 in killed and wounded, including among the killed the commander, Colonel Bosch, and several other officers, while their own loss was insignificant; but finding that on the second day the Government forces had been strengthened, they thought it prudent to retire.

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It is reported—

He says in the same letter, in fact it turned out to be true—

That 400 convicts are enlisted in the next shipment of soldiers to arrive at this place from Spain.

These convicts and others from Africa have been pardoned for the worst of crimes committed in Cuba and armed as bands of guerrillas to destroy the people they had formerly assailed with brigandage, robbery, and murder. Yet it is not more surprising that convicted robbers should be turned loose to war against Cuba than that unconvicted and titled robbers should use them for like purposes.

I will omit to read quite a number of these reports, although they all contain very strong corroborative testimony to the continual and steady progress of this revolution. On July 13 Mr. Hyatt says:

I have the honor very respectfully to report in reference to the further uprising in the eastern end of Cuba that Saturday, July 6, a battle of considerable importance occurred near Manzanillo, in which it appears that the Government forces, made up mostly of "guerrillas" (home guards), were, to the number of 100 or more, cut to death with machetes.

Continuous fighting between Manzanillo and this place has been kept up all of the week, with uncertain results.

The case of Dr. Joaquin Castillo, reported in my dispatch of July 6 (No. 149), is a peculiar case, and is, perhaps, worthy of further mention. The Doctor, a man of commanding appearance, is one of a numerous and highly respectable family, born on this island, but who have sought and obtained naturalization in the United States, and by marriage related to Spanish officers of high rank. The Doctor served as surgeon to our *Jeannette* polar expedition.

It appears that some five years ago Gen. Antonio Maceo (who was famous in the previous insurrection) came to Santiago, and was quietly feasted and toasted by a number of prominent people, among them Dr. Castillo. In the hilarity of the occasion they promised Maceo that when he came to Cuba again on business they would be with him. On Maceo's return to the present conflict he notified these gentlemen that he was here, and expected them to remember and keep their promise. Some of them were slow to respond, and the Doctor among the number, because a lucrative practice and the large possessions of his wife made it inconvenient to respond. A second notice is said to have been sent, which contained no threats, but interpreted by those capable of reading between Cuban lines that it would not be well for the Doctor to delay his coming, and he went.

Numerous young men have left lucrative positions and cast their lots with the insurgents.

It is estimated by men of judgment that the revolution is now three times as strong as it was at its height during the previous insurrection.

Any insurgent force that now attempts to enter Santiago will have to jump over, climb through, or cut down a three stranded barbed wire fence which now surrounds the city.

For a fortification, I suppose.

Yellow fever, though still bad among Spanish soldiers, has not seemed quite so virulent during the past week. Deaths for week, 106. Yellow fever, 41; smallpox, 1.

Mr. GRAY. From whom is that?

Mr. MORGAN. That is from our consul at Santiago. I pass over a number of places which I had marked for the purpose of calling attention to them, but it would protract the story too much for me to undertake to give all these incidents as the narrative proceeds. On the 21st of August he writes to Mr. Adee:

SIR: I have the honor to report the situation in Cuba to be deeply interesting.

With perhaps the exception of Santa Cruz, the Government forces hold every important seaport town and a few large towns in the interior, while from Cienfuegos east, which constitutes three-fourths of the island, the insurgents hold the balance of the territory and some territory farther west.

Cuban leaders claim 25,000 men mostly under arms in the province of Santiago and 10,000 farther west. I think the number overstated by at least eight or ten thousand men, but I am inclined to the opinion that there are many more ready to join them when assured that they will be supplied with arms and ammunition.

That arms and ammunition are now coming quite freely to Cuba seems little room for doubt. A paper published here called The Public Opinion has recently declared that if the Government would look more carefully after the large carrying companies and less for filibustering expeditions they would find the source of trouble.

Those who desire to see the island restored to peace are much depressed, as there is at present three times as large a force of insurgents as at any time in the previous insurrection.

Then he gives an account of more battles which occurred in his vicinity. Then, under date of October 10, writing to Mr. Uhl, he says:

SIR: Judging by results that tend to terminate a war, the situation in Cuba, from an American standpoint, might aptly be termed one of "masterly inactivity." But few engagements have occurred up to the present time that should be dignified by a higher title than a skirmish.

Cuban tactics are to fight only when they have the Spaniards at a disadvantage, and at other times small attacking parties will fire from ambush on the Government forces for the purpose of demoralization, or to induce the troops to follow them to a more advantageous place for battle; but the Spaniards seem to understand this, and thus far have declined to accept battle on such terms.

The Cubans assert that they can not afford to make a stand in an open field, or even behind ordinary breastworks, with their present quota of arms and ammunition, as every shot must count; while being themselves acclimated and thoroughly inured to Cuban climate, diet, and modes of living and traveling, they can kill more Spaniards by fatigue, exposure, and disease, and at less sacrifice to themselves, than by hand-to-hand battles, and by such tactics can continue the war indefinitely.

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The Spanish forces can not long remain away from their base of supplies, as their quartermaster, commissary, ordnance, and hospital supplies are all carried on the backs of pack mules. No tents or shelter of any kind are provided for soldiers on the march, nor any ambulance service for the sick and exhausted.

The Red Cross tendered their services to go in there, but they have never heard from the Spanish Government upon the subject.

Up to the present time Spain has put into the field about 80,000 soldiers, probably a little more than one-half of which are now available for active operations. The best informed persons here estimate the active Cuban force at 25,000 or 28,000,

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Spanish agents, Spanish newspapers, as well as American newspapers, have for months openly declared that certain vessels carrying the British flag and conveying iron ore from Cuba to the United States have on their return trips carried articles contraband of war, which they have disposed of through persons connected with the mines and landed at certain points along the coasts.

And thereupon the Government of Spain, through the captain-general, established fortifications at those American iron mines upon the avowed pretense of prohibiting or preventing those men from receiving what they called "contraband of war." They were obliged to receive powder in large quantities for the purpose of conducting their iron works and their regular business; but inasmuch as the captain-general said there was a possibility of such things falling into the hands of the insurrectionists, they forbid their importation, under the doctrine of their being contraband. There is something which needs inquiry. I do not mean the special instance, for perhaps not much loss has occurred on that account, but as to a Government with which we are at peace, and that peace secured by treaty guaranteeing to us wide commercial privileges and providing rules and regulations by which contraband of war in time of war may be excluded from the island, how can that Government, while saying that peace prevails, contend that there is contraband of war when a merchant in the United States ships a keg of powder to his consignee in Cuba?

What right have they in a time of peace to interpose and examine the cargoes of our ships upon principles of war and declare these things contraband? They can not do it except when they make a declaration of war against the ports or places at which these articles are to be landed, establish a blockade, and interpose that declaration as creating the rights which are given by war of inspecting a vessel to see whether its cargo is contraband. But here, while they declare that a state of war exists in four provinces of Cuba, and put out their proclamation to that effect, and in virtue of that fact insist upon the existence there of war—while they are in that condition in regard to their own people, for the purpose of putting down a rebellion that they can not subdue, they hold out to us the relations of peace and amity and friendship, and say, "You must not import into Cuba powder or shot or any munitions of war, because they have become contraband."

That is a position which can not possibly be submitted to by the Government of the United States, and when they insist, as they do insist, that war obtains in their own provinces in Cuba, and so proclaim to the world, and follow it up by seizures of the cargoes of vessels because they are contraband, then of course what we have got to do, and all we can do, is to declare, along with them, that a state of public war exists in that country, and that these things are contraband; but that if our people can get through their blockaders it is all right and no longer illegal to sell them to the recognized belligerents. Spain can not declare that one of our merchants shall have his property, his ship and his cargo, confiscated in time of peace by imposing upon that vessel a hostile characteristic because it has on board articles contraband. Spain must say that she is at war with another power, which is a part of her own provinces, and being at war, she has a right to declare those imports contraband which would assist the enemy in waging war.

Mr. Hyatt proceeds again on the 16th of October to say:

SIR: The Cubans assert that they could quickly double or treble their forces in the field if they could only equip them for service, in which case they would take the aggressive; but as it is they are obliged to husband their resources to the fullest extent to meet the Government forces that are armed with Mauser rifles and well supplied with ammunition, while they, the insurgents, are confined largely to such resources as "by hook or crook" they can obtain from the Spaniards.

On the 11th instant the insurgents captured between Santiago and Manzanillo 17 soldiers with personal arms and 4,000 cartridges, which were being conveyed to a fort 2 leagues from the coast. The Spanish soldiers were set free, but I learn that the lieutenant in command has been court-martialed and will be shot for surrendering.

Then he speaks of the coming in of certain cargoes on board of ships that were landed surreptitiously on the coast.

Then Mr. Casanova writes that the war had included his consulate at Cienfuegos, and speaks of it as follows:

The destruction of sugar estates has been principally directed against buildings of strategic value to the Government troops or that might serve them as shelter; generally buildings of abandoned sugar estates, though occasionally of late the dwellings and labor quarters on "colonias," or cane farms, have been destroyed. Some of these cases are due to political rancor toward the proprietors who have made themselves conspicuously hostile to the insurgents.

As the most important measure proclaimed by the revolutionary government (leaders?) is the prevention of sugar making, with a view to crippling the resources of the Spanish Government, it is likely that more extensive destruction will follow, as threatened by the insurgents, in the approaching crop season unless this Government is able to afford needed protection by garrisoning the plantations with sufficient forces to enable planters to work in safety. As the insurgents up to the present time to so great extent control the surrounding country, the prospect for preventing the consummation of their plans is not very reassuring, and in consequence great despondency prevails in all classes of the community, so largely interested and dependent on the sugar crop. In fact, on this vital question is involved the gravest problem to the life of this district, and the same applies to the rest of the island.

On the 16th of November, Mr. Hyatt, writing from Santiago de Cuba, says:

SIR: I have the honor to very respectfully offer a brief résumé of the situation in Cuba as it appears to one who has watched it carefully from its inception to the present, a period of nearly eight months.

The total strength of the insurgents at present is between thirty-five and forty thousand men, 10,000 of which are not well armed, but are useful in other directions, which number would be quickly increased if arms and ammunition were available.

Their generalship has been neither brilliant nor dashing, and it has indeed been questionable whether they have not allowed important advantages to get away from them for want of well-directed heroism, yet, on the whole, well calculated to conserve their cause.

Their settled purpose is to fight only when they have advantage in position and numbers; but to harass the Government troops, mostly with small detachments, and depend upon their better knowledge of the country and greater powers of endurance to avoid punishment, and by the aid of yellow fever, dysentery, etc., to finally wear out the Government forces.

Discipline is maintained better than might be expected, and desertions are infrequent, owing to the great difficulty in escaping from the island, so the deserter must either go to the enemy or go home and face Cuban scorn.

As a rule the Cuban army is healthy, their powers of endurance are great, and they show not the slightest disposition to give up the fight.

When prisoners are taken, if they can not be induced to change their allegiance, they are disarmed and released.

They have levied and collected heavy assessments on every industry possible, and seem to have plenty of money.

I am unable to say how much success has attended their attempts to establish a local and permanent government. I think, however, it is of a movable nature.

They respect American property and rights much more than those of other nations.

On the part of Spain there is no lack of disposition to supply all the men and means necessary to subdue the rebellion; but the first 30,000 troops sent to the island were largely boys, too young and inexperienced to take proper care of themselves, and many of them have succumbed to exposure and disease. The later arrivals were more mature men and are able-bodied soldiers. They have also several thousand volunteer natives and acclimated Spaniards, making the number placed in the field up to the present time nearly 100,000, 30,000 of which are dead or unavailable, leaving for service about twice as many as the Cubans have, and are better armed and equipped. About one-third of this number are kept on guard duty, a portion of which may be called off in emergencies, so that fifty-five or sixty thousand are available for field service.

Up to the present writing most of the Spanish forces continue to occupy mostly the cities and large towns near the seacoast, or about the mines, railroads, and large plantations. Transportation of troops and supplies is by steamships along the coast.

In the person of her captain and governor-general, Martinez Campos, Spain possesses a soldier and statesman of marked ability, who tempers justice with mercy to a large extent.

With the exception of iron mining, nearly every industry on the island is going rapidly to destruction, and nothing but a sudden termination of the war can prevent the island from becoming a waste that will require many years to repair.

Native-born Americans have but little cause to complain in regard to their treatment by Spanish officials, and even our naturalized Cubans are treated with far more consideration than those of other nationalities. So apparent is this distinction that it has become a subject of complaint on the part of citizens and consuls of other nations, and has been met by the reply that their treaty with the United States differed with that of other nations, and a counter reply has been made that they were entitled to the "most-favored-nation clause."

On the 2d of December Mr. Casanova says:

The prevention of sugar making is the most settled and determined policy of the insurgents. There have been already cases of partial burning of plantations in this consular district, some of them owned by Americans.

In this connection I deem it proper to submit to the Department the following data of the property represented by Americans in the sugar industry in this consular district alone, either residents here or owned by corporate companies in the United States. These plantations are of the most valuable here, yielding an aggregate yearly production of over 600,000 bags, or 86,000 tons of sugar, at an estimated value of over $4,600,000, at present low prices. There are, besides, large American interests invested in cultivation of cane for supplying the sugar factories.

The effect of the present business depression and the impoverishment of the country that is becoming evident, all largely attributable to the crop difficulties, manifests itself in the lessened importation of goods, the shrinkage of consumption already affecting trade very seriously.

Mr. Casanova writes, under date of December 12, an interesting statement, as follows:

The larger part of the effective insurgent forces that heretofore operated in the eastern department of the island have gradually invaded the department of Las Villas and are now operating in this and the neighboring districts. These forces comprise some 16,000 to 20,000 men, both cavalry and infantry, fairly well armed, under command of Maximo Gomez, as general in chief of all the insurgent forces, and Antonio Maceo, his second in command, with other less noted leaders. This army, the largest that has so for in this war been gathered together in a body, has maneuvered to evade any pitched battle with the various large columns of Government troops acting in combination against them. Several partial engagements have taken place, but without any important results.

The evident purpose of the insurgents is to penetrate further into the heart of this section with large forces and carry the war eastward into the richest and most productive districts. At last accounts the main insurgent army above referred to was in the vicinity of Santa Clara, the capital of the department of Las Villas, one detachment being sent to the vicinity of Trinidad, under command of a colored leader, to destroy the few sugar estates that remain there, the largest of which belongs to an American company. Aside from the above-mentioned forces there are the numerous bands in larger or smaller numbers that continue to infest every part of the country, harassing the troops and carrying on the usual guerrilla warfare.

The laying waste of all the country and prohibition to the farmers to market their produce or move cattle is causing great hardship and privation. But chief in gravity, in its fearful import to the community, is the impending failure of the sugar crop. This is being effectually prevented by the insurgents in this district, and no attempts are being made by planters to manufacture sugar. Even this passive acceptance of ruin by the planters does not obtain for them immunity from the destruction of their property. The firing of cane fields is assuming alarming proportions, thousands of acres of valuable cane fields are daily being burned, and, notably, on three of the largest sugar estates in this consular district, owned by Americans, the cane fields have been devastated. The machinery and buildings on sugar estates are of great value, costing from half a million to more than one million dollars. The Government, on application, grants a squad of soldiers to guard those buildings, but not in sufficient force to be entirely effective. Many planters prefer to take the chances of mercy from the insurgents by being ungarrisoned rather than draw on themselves their certain hostility and revenge unless effectively protected.

The recent reinforcements of 25,000 men from Spain will be mostly required for active field service, and not available for the defense of the sugar estates. Thus the existence and future of this valuable industry is threatened with complete annihilation.

I must not detain the Senate by matters which can possibly be omitted from this statement and yet give to the country a fair and just statement of the actual situation in Cuba. Writing on the 7th of January, 1896, Mr. Raymond O. Williams, our consul-general at Havana, says:

With reference to the proclamation of the captain-general of the 2d instant declariug a state of war to exist in the provinces of Havana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2695, of the 4th instant, I have to inform you that the newspapers, now under military censorship, report the burning of the sugar-cane fields throughout a large portion of this province by the insurgents who entered it, as variously estimated by popular rumor, numbering all the way from 4,000 to 12,000 men, on foot and horse.

Besides the burning of the cane fields, the newspapers report cases of damage to railroads by the displacing of rails, the cutting of telegraph and telephone lines, the blowing up of culverts, burning of bridges and stations; also, the pillaging of country stores, the carrying off of horses, saddles, and bridles from farms on their line of march for the mounting of their men, and the slaughter of cattle for food. Among the railroad stations destroyed are those of Ginviean and Guira de Melena, distant from here, respectively, about 28 and 40 miles on the line from Habana to Güines, and that of Gabriel, about 25 miles on the railroad from Habana to Pinar del Rio; the villages also were burned.

The trains on the first-named road only ran yesterday as far as Bejucal; on the Western Road from Habana to Pinar del Rio, only about 30 miles out, and on the Habana Bay and Matanzas no train goes beyond the latter city. All the railroads have handed in their rolling stock as much as possible to prevent its destruction.

Mr. WHITE. From what page does the Senator read?

Mr. MORGAN. Page 52, January 7, 1896.

On the 15th the same officer gives an account of the capture of a village on the Bay of Habana. Then, on the 15th of January, he writes:

In continuation of my dispatch No. 2707, of the 11th instant, reporting the doings of the insurgents in the Provinces of Habana and Pinar del Rio, I have

now to say that, according to the newspapers and private accounts, the only sources of information at the disposal of this office, the insurgents have still continued in their marches and countermarches to leave havoc throughout their train.

They have wrought so much destruction on the Western Railroad, an English company, that the directors have resolved to stop their running. They also burned a large part of the important town of Bejucal, on the Habana and Güines Railroad, because of the resistance made there by the local authorities and volunteers. At the present writing there is no immediate prospect of their being driven out of the two mentioned provinces.

He then gives an order of Maximo Gomez dated January 10, in which he says:

Considering that the operations of the sugar crop have become suspended in the western districts, and it being no longer necessary to burn the cane fields, I therefore issue the following order:

ARTICLE 1. The burning of the sugar-cane fields is hereby absolutely prohibited.

ART. 2. The severest penalties of the military and civil jurisdictions of the revolution will be visited, regardless of rank and station in the army, upon each and all who contravene this order.

ART. 3. The buildings and machinery will be destroyed of all plantations that, despite this humane order, resume work.

ART. 4. All the inhabitants of the Island of Cuba, of whatever nationality, will be respected in their persons and agricultural occupations.

MAXIMO GOMEZ, *General in Chief.*

Mr. President, I have now laid before the Senate only a part of the testimony found in these consular reports which bears upon this question, but nobody can take up these official reports, sent in by our consuls, and, unless they impeach the consuls themselves, deny this consecutive array of facts, which proves absolutely the proposition that this rising of the Cuban people has reached the extent of a great public war, and that the likelihood is very strong that in the end the Cubans will achieve their liberty. I wish to make no prediction about it, because our action does not depend in the slightest degree upon our ability to forecast the result or upon the probability of it; but, at the same time, from the facts which are given by our own consuls to our own Government, it is impossible to believe but that the whole body of the Cuban people, the native population of Cuba, are in thorough sympathy with Cisneros, the President of the Republic, with Gomez and Maceo and their other leaders.

After a little while, in the course of my argument, I shall come to the attitude of President Cisneros, and I shall show, not by reading the constitution, but by bringing it into an appendix which I will hereafter lay before the Senate, that he has formed a government upon excellent principles and after due deliberation, and as well calculated to carry on civil administration in time of war in a country like Cuba, it seems to me, as any constitutional arrangement could do.

A letter from a gentleman whose character for veracity and good sense can be most thoroughly avouched by members of this body, was written from Cuba on the 14th of February, 1896. It incloses a copy of an article written by another gentleman in Cuba, which was published in a New Orleans paper on February 8, 1896. The writer of the letter says that the author of the article is an American citizen "and is probably the best posted man in the island on Cuba and its affairs. This article, which I will have read at the desk, accounts for the military situation in Cuba, and shows how Gomez and Maceo have been able to make their splendid campaign to the west, and how it is impossible to hold Cuba much longer in chains.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

REVIEW OF THE SITUATION IN CUBA.

EDITOR LOUISIANA PLANTER: Recent events here have clearly proven that the estimate of the situation in the Island of Cuba made in my last letter was in nowise exaggerated. The possibilities and probabilities indicated have all been as fully realized as the short time elapsed could permit. Spain has failed in obtaining another loan abroad, and has been obliged to take from one of her own banks the insufficient sum of $10,000,000 to begin the new campaign. Instead of the 50,000 new troops, evidently required to enable planters to harvest the present sugar crop, but 25,000 have been sent. These two facts, whatever may be said to the contrary with the intent of disguising the truth, would seem to indicate the weakening and proximate exhaustion of the resources of the Government, both military and pecuniary.

As I anticipated, the reenforcements arrived too late to enable the sugar factories to begin work in due season, and the detachments of troops protecting their buildings have, as was to be expected, been of no avail to save their cane fields from destruction when attacked. The anticipated inefficency of the raw levees composing the new regiments seems to have been made quite as evident. Not only one line of troops has been broken through, as I suggested might happen, but, judging by the official reports, three in succession hastily formed, and the insurgents have invaded the provinces that have heretofore been comparatively safe, leaving behind them a broad path filled with smoking ruins and burnt cane fields, where local bands are completing more at leisure the hasty work of the invaders. Before this reaches you Gomez will in all likelihood have reached the other end of the island, devastating the district of Pinar del Rio, hitherto wholly exempt from the scourge of civil war and always considered perfectly secure.

Although this raid was announced months ago in the New York papers, Maximo Gomez, who during the last war always advocated this plan, has either completely outgeneraled Martinez Campos, or this general's orders have not, as I believe sometimes happens, been strictly obeyed by his subordinates. He does not seem to realize the radical differences there are between this and the former rebellion. Since the last war the Cubans have learned much—the Spaniards almost nothing.

I suppose that the reenforcements would have been used to form a cordon across the island to prevent the projected raid, gradually advancing and clearing the richest districts of the smaller bands, strengthening the line as it progressed by the detachments which would become unnecessary in the rear, a plan difficult in execution, but decisive if successful. The old system adopted during the last war, which lasted for ten years, has been preferred, and the dry season, so anxiously awaited to begin the sugar crop, upon which the fate of the island depends, after a victorious campaign, has principally served not to ripen the cane fields for the expectant planter, but to prepare them for the firebrand of the incendiary, quite as impatiently lying in wait to burn them. In answer to Martinez Campos's promise to enable the estates to grind early in the season, the rebels have obliged those that had commenced to suspend, and deprived a very large number of all means for future work.

He has evidently been led into two grave mistakes for a commander of his rank, by the exaggerated or false reports, perhaps, of his subordinates, against which he was obliged, some months ago, to issue a general order, which is discreditable to the army and his patriotic desire to economize Spain's limited resources. He has also overrated the efficiency of his own troops and underestimated the capabilities of his adversaries. It is quite likely that the President of the United States is better informed through the consular reports of what is really passing here than the governor-general of Cuba is by those upon whom he is obliged to depend. The vandalic raid of the insurgents was evidently planned with a full appreciation of the defects of the Spanish army, and to all appearances thoroughly carried out by their principal chief, born and brought up in the guerilla warfare of the island of St. Domingo, of which the army officers know little or nothing.

At the start he collected all the best of the insurgent bands and leaders, to the number of from 5,000 to 8,000, a body strong enough to cope with any two divisions of troops he might meet, trusting to rapidity of movement to outmaneuver the Government forces, destroying communication by wire and rail as he progressed to prevent those left in the rear from being brought again to the front. To do this he avoided his usual forest refuges and struck boldly down upon the open country, along the railways, through an almost continuous plain covered with canefields. With no infantry nor impedimenta but ammunition to delay his movements, he advanced night and day at a trot, taking but few hours' rest, and keeping scouring parties in front and upon his flanks, collecting fresh horses to replace those that gave out, together with arms of all kinds for those who might rise to join him. When the supply of horses proved insufficient the men mounted as "voltigeurs," the fresh horses carrying double. It is said, and it is quite probable, that he was accompanied by a full band of musicians of 22 pieces, who deserted in a body some time ago from one of the Spanish volunteer regiments.

He appears to have kept a strong vanguard under one of his best leaders to engage the bodies of troops as he met them (these are seldom of more than 1,200 men, with one field piece), while his main body passed in two columns, and then to retreat rapidly and fall into the rear. His force was estimated by one of the Spanish generals at 12,000 when he reached Matanzas, and is, probably, with those who have joined him, now about 17,000.

Gomez's success is not surprising when, in an army of 120,000 troops, there are here but 13,000 troopers, either because cavalry is considered too expensive, or because no amount of experience in Cuba will convince the Government that Spaniards afoot can not overtake Cubans horseback—one of the old persistent errors. Even the Cuban rural "gensdarmes," or police, are mostly infantry, although the robbers they are expected to pursue are always mounted, and a force of cavalry half as large as that employed would be more efficient for the purpose.

Orders have now been given to remedy this glaring defect by bringing cavalry from Spain and by a general requisition for horses throughout the island to mount infantry, giving in return promises to pay at low prices. Like all Government measures in Cuba, this comes too late for its purpose and will probably be converted into an abuse, as it was during the last war. There are already reports that the troops oblige all the poor country people they meet upon the highway, bringing their produce to the towns, to unload at the wayside and give up their horses to the soldiers. This course will probably, by depriving this class of their means of support, do more to swell the rebel ranks than to serve the Government. The infantry make very poor riders, and the few men who have been mounted heretofore upon horses taken from the insurgents look as though they would topple off at the slightest provocation and are unfit to fight in the saddle against Cubans, who have ridden since they were 6 years old.

Even the dearly bought experience of the last month (among the dearest that Cuba has had to pay) will not teach the Government that America is not Europe. The insurgents have already appropriated nearly all the best animals in the island, and the infantry, officers as well as men, seem to have no knowledge whatever of the care of horses, consequently they soon become unfit for service in their hands. In any case the insurgents can take horses quicker than the army can buy (even without paying for them), and this tardy measure seems likely to add little to the efficiency of the troops in this campaign. With the insurgents riding them to death upon the one hand, and the Spanish infantry killing them by ignorance and neglect upon the other, there is a very strong probability that the island will soon become quite as horseless as it was when unhappy Columbus discovered it, and if the rebels live upon other people's cattle much longer, quite as beefless.

Success in the field for either side seems now to depend upon celerity of movement, to which the army is little adapted, so far as can be judged from what is to be seen in the garrison town where this is written, one that has been in the midst of the war for over a year, and where bodies of troops from 200 to 1,500 are almost daily arriving and departing. The slothfulness with which the detachments are formed to go in search of the enemy is simply unaccountable to an American, and in a measure justifies the supposition of nonsympathizers that they are gaining time for the rebels to get away before they do. The looker-on becomes worn out waiting to see them start, and finally gives it up in despair. The dilatoriness of all the movements, the easy leisure of the officers, the stolid, apathetic indifference with which the men loll upon their rifles in carelessly formed ranks, apparently waiting first for one thing and then for another hour after hour, no one seeming to know why, offer little hope for the conversion of such material into that kind of "light horse infantry" the tactics of the Cubans so eminently demand.

The men, as a rule, are of low stature, a square, thick-set, stooping, short-legged, stiff-jointed race, evidently taken from a class of stolid, illiterate carriers of wood and drawers of water, to whom an adverse fate has denied all those boyhood pastimes which give agility and suppleness of limb. Their wabbling attempts at running and clumsy ascent of the ladders to the small forts which surround the town are often ludicrous in the extreme. The bayonet exercise, so indispensable against the Cuban attack with the sword, seems entirely unknown to these poor victims of misrule, and, contemplating their awkwardness, one is filled with pity imagining what the futility of their defense must be with a lithe and wiry Cuban hanging over them from his saddle, slashing the deadly "machete" with nothing between its sharp edge and their devoted heads but the sultry atmosphere of Cuba and her cheapest straw hats. Ignorant all their lives of the use of arms until recruited, and without target practice, they fire in platoons at the word of command, taking little aim, if any at all, and the amount of ammunition wasted is something beyond belief.

I have myself heard almost continuous discharges of small arms, with 22 shots of a fieldpiece, lasting from noon until after dark, and by a force said to number 700 troops, and the official report claimed only eight or ten of the

enemy killed and as many wounded, ascertained solely by observing at long range the movements in the Cuban ranks. If such wild work is as general as the published accounts of engagements would indicate it will do infinitely more to exhaust the financial resources of the Government than to deplete the ranks of its adversaries. There are more good marksmen among the insurgents, but fewer cartridges to waste, and casualties are on both sides generally few and far between. When any considerable execution is accomplished it is at close quarters with cold steel—the bayonet and "machete."

There are undoubtedly good men among the Spanish officers, who fulfill their duties so far as they know them and the customs of the army permit, but a large proportion have, apart from their uniforms, nothing apparently that would commend them as soldiers, and the general standard seems very far below that of England and the United States. They appear to pay no attention to the health, food, comfort, or cleanliness of their men.

All but the most unavoidable duties seem to be left to the sergeants, and to bring the army to greater efficiency these would need the knowledge and capacity of general officers. If such defects are as common throughout the island, the recent successes point to a long war, and there is as yet no certainty that the crop of sugar will reach even 200,000 tons. The home Government has already called for volunteers, which in Spain shows a scarcity of troops, while as yet there is no evidence of weakening on the part of the insurgents, and if they have by their recent raid succeeded in effecting the rebellion of as large a proportion of the inhabitants of the heretofore undisturbed half of the island, which is much the more populous, very heavy reenforcements will be required, and there is little prospect of peace this year.

The Government allows little or no news about Gomez's movements, but rumor says that he has evaded the line formed across the island where it is but 21 miles, with 40,000 troops, in the hope of intercepting him upon his return. This concentration has left unprotected important districts, and the small bands of insurgents free to continue burning, collecting arms, and raising more men. There is no promise at present that any estate that did not pay subvention to the revolutionist last year will dare grind for a long time. In the solution of all-important political or race questions the unexpected is what generally happens, a change may nevertheless take place either way. It is also reported that Martinez Campos is going home, and the fear among Cubans that his withdrawal will give room for the repetition of the excesses of the last rebellion is having a deleterious effect.

Scant love of exactitude makes all statistics uncertain, and it is impossible to form any exact calculation of the real damage so far done. Maximo Gomez has shown much "method in his madness," and some generosity. Estates have been spared upon promising not to grind, one owner in Havana having been asked and given it by telephone. Others have been respected because the proprietors are more popular or had given money to the "cause." The cane fields of Spaniards have had a very decided preference, including those of a recent member of the present ministry. This is not surprising when it is remembered that many Spaniards are still in favor of summarily shooting all nonsympathizers at sight, and have been deadly enemies of the more civilized policy of Martinez Campos, to whom Cuba and humanity owe so much. Some still living went so far during the last war as to claim that all Cubans of the male gender over 10 years of age should be treated with the same tender mercy. Though not so drastic a remedy as that humorously proposed for the solution of the Irish question—by putting the sister island under water for fifteen minutes—it was fortunately not found admissible in the nineteenth century.

Among the estates of Spaniards there is one remarkable exception, the proprietor being famous for his unscrupulous dealings. Although the neighboring ones were burned, nothing upon his was harmed. This wily owner is supposed to have patriotically put up last year a golden lightning rod, which prevented his plantation from being struck. It is said that one American who had begun his crops was twice ordered to stop, and finally, seeing consequences more clearly under the lurid light of Gomez's firebrands, he accepted the inevitable and obeyed the revolutionary mandate. The insurgents, of course, excuse depredations which are beyond the pale of civilized warfare and at the same time a confession of impotence for better, though less effective, means, upon the ground that Spain with money can get men, and that they are not going to allow Cuba to give her, as she did during the last war, the means for cutting their own throats. The fact that rich Cubans who then gave money for the rebels have during this struggle refused all aid has also influenced feeling against the native planters. And incendiarism, besides depriving the Government of taxes, also obliges further outlay to save the homeless victims from starvation by supplying them with army rations. Meanwhile, the misery it is spreading will probably soon begin to have its effect in strengthening the ranks of the perpetrators.

Where all this will end there is no foretelling. Nevertheless, considering that most of the insurgents and many of the most prominent leaders are of the African race, the state of demoralization to which the country has been brought, the dense ignorance of the lower classes, and the long provocation, we have so far to be thankful that results are no worse, and however much the system of warfare is to be condemned, justice should be done to the rebels by a fair statement, in spite of all the calamities their deeds entail.

So far as I have been able to ascertain, from the commencement women have been respected, and this, under the circumstances and in a country where the passions are strong and so frequently unbridled, says a great deal in favor of the sense of right in the chiefs, and shows a better control of their men than could have been hoped for or expected. The soldiers who have fallen prisoners have been well treated and released after depriving them only of their arms, ammunition, and accouterments. The rebels have respected towns where they were not fired upon after a call to surrender, and pillage has generally been limited to the grocers' or bodegueros' shops, and this exception is due partly to the necessity of supplying their most pressing wants and partly to the fact that men of this class—almost exclusively Spaniards—have generally made themselves so obnoxious to the poor, and even to the troops, by their extortions, that their very names in Cuba have become a byword and term of opprobrium. Estates have been spared where there was no attempt to grind, and one petty leader, at least, has been sentenced to death for extorting $6,000 from a planter.

Not the least beneficent of their good acts is that of hanging by the wayside, whenever caught, the "Plateados" or "silver-plated" insurgents, criminals who, under the garb of patriotism, have committed thefts and murders. That this conflict has not degenerated into a war of pitiless extermination upon both sides is, in truth, due to the sterling common sense and humanity of Martinez Campos and the better instincts of the Cuban chiefs. They have committed none of those indiscriminate butcheries which characterized the other side during the last rebellion, though in some few cases they have killed defenseless men. They appear to have been provoked to it by some act on the part of the unfortunate victims, or these were volunteer officers and killed in reprisal because their own are shot when caught. If reports be true, many defenseless prisoners and unarmed peasants have been put to death secretly and against orders by the troops, and as this is generally believed in the rebel ranks, there is less of such work to lament than could be expected. If the small garrisons of the towns had delivered up their arms, it is to be supposed that no towns would have burned. They probably obeyed orders, whether rightly or wrongly given I leave others to decide. No right-minded person can sympathize with or approve atrocities by either side, but strict justice should be done to both in the opinion of the world, and to this end extenuating circumstances should not be hidden.

Those who are unacquainted with Cuban history may well ask, Who are responsible for all this havoc and bloodshed? There is no room left for doubt or discussion upon this point. Liberal Spaniards themselves admit the truth; centuries of error and misrule and the influence of the old local Spanish party opposing those indispensable reforms which would put an end to the spoliation to which its wealth is due. England by the independence of her best colonies learnt a great lesson which has been often worth to her all its cost. Spain, on the contrary, has been taught nothing by the loss of hers: and Cuba is simply going the way of all the rest. Her inadequate rulers have nothing now to complain of but their own folly—the Cubans in revolt are what they themselves have made them, and innocent and guilty alike are now reaping the well-known fruit of the seed that political turpitude has so long been sowing.

The bane, the blight, the curse, and the scourge of Cuba from the days of her discovery to the present time have been blind, unbridled egotism and insatiable greed. We find the pages of her history soiled by injustice, extortion, and fraud, or crimsoned by man's inhumanity to man in an all-pervading and conscienceless haste to be rich. Many good men have come to her from Spain, contributing to her advancement and welfare, but unfortunately these were but a minority. The rest have been a band of spoilers who have hung their consciences when they had any upon the walls of the Morro upon entering Cuba's principal harbor, forgetting, so far as her interests were concerned, to take them down again when they left. If Spain had always been represented here by a majority of the better elements of her different classes, Cuba would have been one of the most tranquil, prosperous, and happy countries in the world.

Unfortunately for both, much immigration has come from Spain's very dregs. Priests and prelates have come, not to preach charity and practice morality, but to extort fortunes from the gross superstitions of rich and poor, living openly with their concubines, surrounded by their ill-begotten children, and have passed away without leaving a single good work to perpetuate their names. Judges have been sent with their scales, not to weigh out even-handed justice, but gold received for iniquitous decisions, bartering with wealth upon the one hand and selling freedom and immunity to the thief and life to the assassin upon the other. Thousands of avaricious shopkeepers have come to fill their coffers by smuggling, extortion, and robbery of the poor, going back in peace with their ill-gotten gains, or to sheol without them, leaving demoralized descendants, often as illegitimate as the fortunes they made, to squander them. Thousands upon thousands of corrupt officials have come to pervert the laws and customs, returning laden with bribes. A badly paid and illy organized police have encouraged vice to live upon subornation. Every function of government has been perverted by greed for wealth, and not one single element in the whole body politic has been used to elevate the moral standard of the people or to induce respect for law.

With such antecedents it is not surprising that one looks in vain about this island for endowed schools, hospitals, asylums, or other charitable mementoes of the vast fortunes that generation after generation have been made and spent or preserved in miserly egotism; that the rich have felt that they owed nothing to the country which gave them their wealth, and have often shifted the burdens of taxation to the shoulders of the poor; that the poor feel neither respect for nor gratitude to the rich, to whom they owe nothing; that the laborer has been considered unworthy of his hire and too often defrauded of his pittance without redress. Disregard of natural rights has never begotten a sense of justice, nor are extortion and the illicit distribution of wealth the best means for inculcating the sacredness of property rights or to prevent their possession being looked upon by the ignorant masses as being an injustice nearly allied to crime.

Among those who have joined this revolt there are few who had anything to lose but their lives, their liberty, or their good names; and, educated in such a school, it is not to be wondered at that they should think themselves justified by their aims in desolating their own country as though it were that of the enemy in a barbarous age, looking upon their fatal work as the well-merited spoliation of their despoilers. There are naturally in the dregs of this revolution anarchistic tendencies which, if it is unsuccessful, will become more apparent in the future. Meanwhile, with over 200,000 men (including the volunteers), the Government seems utterly unable, for the present, to put any check to this destruction.

Spain's rule is being weighed in its own unbalanced scales, measured with its own false, unequal measures, and found most lamentably wanting. Long-delayed retribution has come at last with red-handed avengers, Spain's own begetting, falling alike upon the just and the unjust and the innocent and the guilty—"Mene, tekel, upharsin," is being written in letters of fire from Cape San Antonio to Point Maisi, upon the black clouds of smoke from Cuba's blazing crops and villages, and the end is not. The fertile plains of the brightest jewel of the Spanish crown are once again being devastated by fire and sword; her rich soil is once again being fructified by human blood, while her verdant hills, silent witnesses of all the long, eventful story of sardonic nepotism, injustice, and misrule, seem to echo back the old war cry of the crusaders, "It is the will of God; it is the will of God."

Mr. MORGAN. If I had had this letter read in the beginning of my remarks I would not have needed to say much else; but it is due to the committee, whose action I am endeavoring to justify, that I should present to the Senate this and other authentic evidence upon which its action is based.

The committee have made no mistake in declaring that—

A condition of public war exists between the Government of Spain and the government proclaimed, and for some time maintained by force of arms, by the people of Cuba.

This Cuban government rests upon the civil power of the people who support it and recognizes, as we do, that the military power is subordinate to the civil power. The government of the Republic of Cuba, through its accredited agent, has sent to our Government a statement of their claims for recognition as belligerents, in which there is no apparent misrepresentation as to existing facts and conditions in Cuba.

I will hereafter lay before the Senate so much of that document as relates to the organization, constitution, and some general laws of the Republic of Cuba.

These papers are carefully prepared and bear witness to a remarkable aptitude and ability in the organization of a new republic, born in the throes and travail of internecine war.

We find, then, the actual existence of an open civil war for independence, waged by a great number of the people of Cuba who sanction it and give to it their support through the powers of

civil government, and support it, also, with large, well-organized, and brave armies in the field, which have already overrun and are in control of more than half the territory of Cuba.

This situation fully justifies the United States in giving recognition to the Cuban Republic as a belligerent power and to the people of Cuba our recognition of their rights under the laws of civilized warfare.

If this resolution is adopted it will impose upon the United States certain duties to which we must give careful consideration.

1. What is the attitude of the United States toward Spain if the belligerent rights of Cuba are recognized?

It is an attitude of peace and friendship, without either the intent to give offense or to challenge or dispute the sovereignty of Spain over the Island of Cuba. Spain did not offend the United States when she recognized the Confederate States as belligerents, nor do we offend Spain by recognizing the Cuban republic or the Cuban people as belligerents in an open public war.

We do not conceal the earnest sympathy of our people with the people of Cuba in their struggle for independence, but until we are compelled we will not raise a hand to assist them.

General Grant in his special message to the Congress of the United States on the subject of recognizing the belligerency of Cuba in the then existing war with Spain, on the 13th of June, 1870, says as follows:

The question of belligerency is one of fact not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war—flags of truce, cartels, exchange of prisoners, etc.—and to justify a recognition of belligerency there must be above all, a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

That was a statement made by General Grant in his message, upon which he predicated a refusal to recognize the belligerent rights of Cuba in the preceding war. The present situation in Cuba has brought those people entirely within the strictest construction of all the doctrines and principles stated in the message of General Grant. I deem it unnecessary to read any further from the great number of authorities, many of them American, in which this same doctrine is stated, oftentimes with greater liberality, in favor of according belligerent rights than it is here stated by General Grant.

If we act in good faith and from proper motives in recognizing the belligerent rights of the Cubans and of the government they set up, Spain has no claim upon us, by treaty or otherwise, that forbids us to give this recognition.

The question on which our rights hinge in this matter is a question of fact which we must decide for ourselves.

I quote from a statement of Mr. Webster, made on the 5th of April, 1842, in a paper which he addressed to Mr. Thompson:

If citizens of the United States, enlisted in the service of an insurgent power whom the United States acknowledges as belligerent, but which is not so acknowledged by the parent State, should be treated when captured by the parent State otherwise than as prisoners of war, and their release, when demanded by the United States, should be refused, "consequences of the most serious character would certainly ensue."

Mr. Cass says on the same subject:

I am not aware that in this country any solemn proceeding, either legislative or executive, has been adopted for the purpose of declaring the status of an insurrectionary movement abroad, and whether it is entitled to the attributes of civil war, unless, indeed, in the formal recognition of a portion of an empire seeking to establish its independence, which, in fact, does not so much admit its existence as it announces its result, at least so far as regards the nation thus proclaiming its decision. But that is the case of the admission of a new member into the family of nations.

Mr. Cass refers to "the case of the admission of a new member into the family of nations," as to which it must be observed that there is a very marked distinction. We have had three recent illustrations of the action of the Government of the United States in the admission of republican forms of government to succeed monarchies, one in France, one in Spain, and one in Brazil, in all of which, having ministers recognized by the Government which had previously existed, when the change took place from monarchy to republicanism, our Government was in haste to recognize the Republics and, in the case of France and of Spain also, authorized the recognition of the new Republics by cablegram.

When, however, a country is divided asunder, some of its provinces or parts falling off from the others and claiming independence, particularly when that country is one of contiguous territory, as in the case of Texas, the recognition must be made by some other power than the President of the United States, because that fact brings a new nation into the family of nations and the political existence of that nation as one of the family of nations must be established in this country by law. Thereafter, when it is thus established and thus recognized by law, the President of the United States, as the Chief Executive and as the constitutional conductor of our diplomatic relations, has the right to recognize the person who may preside in that Government as being entitled to exercise the functions of his office. General Cass draws, inferentially, the distinction between the two cases in the remarks that I have just read.

Mr. Fish, in a letter to Mr. Motley dated the 25th of September, 1869, says:

The President does not deny, on the contrary he maintains, that every sovereign power decides for itself, on its responsibility, the question whether or not it will, at a given time, accord the status of belligerency to the insurgent subjects of another power, as also the larger question of the independence of such subjects and their accession to the family of sovereign states.

Thus we see that the right to recognize a foreign government as being a belligerent power is one that the Government of the United States asserts upon its own responsibility, and, I will add, with reference only to the rights and sympathies of its own people. It does not stop to consider whether or not it has a justification in the eyes of the country within whose limits an insurrection has arisen which has grown into the proportions of public war and a declaration of independence. It does not stop to consider the merits or justice of the case as between the insurgents and the mother country.

It does not stop to weigh with fine nicety of distinction what may be the appropriate moral sentiment of the mother country in refusing to give up the portion of her territory thus claiming independence. What the United States Government does and must do in a case of that kind is to follow the line of the interests and rights of her own people and the duties and obligations she owes to them.

I will admit that in acting in this way she may have very slight justification or no justification, and the motives of her action may be attributed to some jealousy of the mother country, to some ancient pique, or grudge, or revenge. If this was true the Government of the United States could be held morally responsible in the sense of the laws of nations for having interfered without just cause or necessity in the affairs of another country. But when, as we have seen in the statements that I have brought to the attention of the Senate, commencing as far back as 1823, there is a continuous purpose on the part of the Government of the United States to see that no inhuman persecutions shall be visited upon the Cuban people because they felt the aspirations of liberty burning in their hearts, when we have pursued during all of this period of time the most guarded and conservative course toward Spain, when we have placed, as I remarked last Thursday, statutes upon our books of the severest character to prevent our people from availing themselves of the ordinary privileges of the laws of nations in cases like this, nothing can be imputed to us except that we are driven by the power of facts, for which we are not in the slightest degree responsible, to that serious attitude in which we are bound to acknowledge, in deference to the rights and feelings of our own people, that the people of Cuba are lawful belligerents under the laws of nations.

The reasons why the Government of the United States has this peculiar right under these peculiar circumstances are various and numerous. I will undertake to cite a very few of them. First, the nearness of the strife to our own borders. Mr. Fish, Secretary of State, writing to Mr. Motley, 25th of September, 1869, announces this doctrine:

Or actual hostility might have continued to rage in the theater of insurgent war, combat after combat might have been fought for such a period of time, a mass of men may have engaged in actual war until they should have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral. Or the nearness of the seat of hostilities to the neutral may compel the latter to act; it might be his sovereign duty to act, however inconvenient such action should be to the legitimate Government.

President Grant, in his annual message in 1875, says:

The question of according or withholding rights of belligerency must be judged in every case in view of the particular attending facts. * * * This conflict must be one which will be recognized in the sense of international law as war. Belligerency, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

A civil war—

said Judge Grier, giving the opinion of the Supreme Court in the Prize Cases, 2 Black, 667—

is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who originate and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory; have declared their independence; have cast off their allegiance; have organized armies; have commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest a war.

I now read from Woolsey on International Law, App. 111, note 19:

There may be a difficulty in ascertaining when the fact of war begins, and this difficulty is the greater in cases of insurrection or revolt, where many of the antecedents and premonitory tokens of war are wanting, where an insurrection may be of little account and easily suppressed, and where war bursts out full-blown, it may be, at once. Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them."

But this rule breaks down in several places. The probability is a creature

of the mind, something merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

The writer then goes on to cite a number of instances which I will not undertake to detain the Senate by reading.

The time of this recognition is appropriate. I cite again, in support of this doctrine, Woolsey's International Law:

The true time for issuing such a declaration, if it is best to issue it at all, is when a revolt has its organized government prepared by law for war on either element or on both, and when some act, involving the open intention and the fact of war, has been performed by one or both of the parties. Here are two facts, the one political, the other pertaining to the acts of a political body. The fact of war is either a declaration of war or some other implying it, like a proclamation of blockade, or, it may be, actual armed contest.

In the wars that have occurred in Cuba many occasions have presented when our withholding a declaration of belligerency and neutrality has been unjust to our national character, until, indeed, our forbearance has been counted to us by other powers as proof of our weakness as a Government.

Our experiences in Cuba demand that no war shall exist there without our especial supervision as to the treatment of our people who are engaged in it, or are resident there, and if it is necessary for us to treat both parties as belligerents, we must do so in order to assert against them and impose upon each the duties and obligations of civilized warfare and of respect for the rights of our people.

With insurrections occurring in Cuba frequently and almost with a regularity proportioned to the time needed to recover from one war before another is begun and every struggle made disastrous to the property of our people in Cuba and horrible with the sacrifice of lives and other outrages on humanity, we have the right to interpose our recognition that a state of war exists and to maintain an armed neutrality, if need be, through which we shall separate between these warring parties, and hold the Government that is guilty of wrong to our citizens to its responsibility for such conduct.

If we consent to stand by and witness these Spanish methods of dealing with our people until these long struggles are ended, and then to seek the price of their blood through the protracted delays of Spanish diplomacy, the respect we shall thus exhibit for the sensibilities of a cruel monarchy will in the end destroy our self-respect.

I prefer now, in anticipation of what is about to occur, and we know will surely occur, as it has in each of these bloody wars, to act upon the declaration of our rights made in President Jackson's seventh annual message, in 1835, from which I will read.

Unfortunately, many of the nations of this hemisphere are still self-tortured by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continue much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

That was a doctrine which was evoked by the fact of our being near to nations which were constantly afflicted with these spasms of turbulence and revolution. President Jackson, after his usual style, met it with a declaration that is American through and through, and just through and through, and it is upon that ground we stand to-day as firmly as we stand upon any other that affects our honor, or peace, or the safety of our people, when we demand that Spain, in the conduct of its war against Cuba, shall accord to her the attitude of a belligerent, so that if she achieves her independence we can hold her responsible for the wrongs done to our people. When Spain has succeeded in suppressing these revolts against her sovereignty in Cuba, her wars have left to us the legacy of devastated property to great amounts, for which no recompense has been made, and many lives of our people wasted without so much as an expression of regret.

It is asking too much of us, in the name of courtesy or friendship, that we should abstain from applying, in behalf of our people, the laws of civilized warfare, when the existence of public war is notorious and undeniable, because such a declaration may give countenance or encouragement to great bodies of people who are fighting for their liberty.

We have in many cases declared the rights, in favor of our own people, that are stated in the message of President Jackson from which I have quoted.

As to the occasions in the past when cruel barbarities have been perpetrated on our people in utter defiance of our treaty rights, applicable especially to Cuba, I will cite the comments of some of our eminent statesmen.

Speaking generally of the war in Cuba in 1875, Mr. Fish thus states the situation to Mr. Orth, November 15, 1875:

You will further state that the President is of opinion that should the Government to which you are accredited find it consistent with its views to urge upon Spain the importance and necessity of either terminating or abandoning this contest, which now after a continuance of seven years has not advanced toward a prospect of success on either side, but which is characterized by cruelties, by violations of the rules of civilized modern warfare, by pillage, desolation, and wanton incendiarism, threatening the industry, capacity, and production of an extended and fertile country, the friendly expression of such views to Spain might lead that Government to a dispassionate consideration of the hopelessness of the contest, and tend to the earlier restoration of peace and prosperity to Cuba, if not to the preservation of the peace of the world.

President Hayes takes up this subject in his first annual message in 1877, and says:

Another year has passed without bringing to a close the protracted contest between the Spanish Government and the insurrection in the Island of Cuba. While the United States have sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation, of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the Government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention.

That is more than Spain has deigned to do in the present war, so far as I am informed.

Now, as to the administration of justice in Cuba in times when the civil wars were flagrant, I will read a few observations, because it is in that particular matter that our people have perhaps a deeper concern than almost any other. Mr. Fish, writing to Mr. Sickles, November 25, 1870, says:

I inclose a copy of a decree said to have been made by a military tribunal in Cuba, and published in the Diario de la Marina on the 9th of November, current.

This decree purports to condemn to death sundry persons named in it as the central republican junta of Cuba and Puerto Rico, established in New York, and to confiscate their property. It appears affirmatively in the decree that none of the condemned had appeared before the court.

Condemning men to death who were living at that time in New York and had never been before the court.

This revolutionary body, known as the Cuban junta, voluntarily disbanded itself about one month before this decree was made, and announced its intention to discontinue any hostile purpose it might have entertained against Spanish rule in Cuba. During its previous history its acts, so far as conflicting with the laws of the United States and the international duties of this Government, were repressed by the President. This Department has also been officially informed by Mr. Roberts that the state of affairs in Cuba is regarded as a favorable one by the Spanish Government, and that in consequence of that the extraordinary powers previously vested in him had been withdrawn. This Government has therefore seen with surprise and regret the announcement of a policy in Cuba which is apparently uncalled for by any present emergencies, which is not in harmony with the ideas now entertained by the most enlightened nations as to the treatment of political offenses, and which, as it appears to us, will tend to continue the unhappy disturbances which exist in Cuba.

Very numerous controversies—one we have recently settled in the Mora case—have arisen between Spain and the United States growing out of this insurrection, and have led to long diplomatic interchange of notes and a great deal of angry contention and disturbance between these two Governments.

In the present war we have an account from our consuls in Cuba of the arrest of 27 American citizens and the expulsion of others, and of the destruction of much valuable property of our citizens. I need not dwell on these incidents as showing, by object lessons, the renewal of the horrors of former wars for the independence of Cuba.

The present war, since the more humane plans of General Campos have caused his recall to Spain, to give place to Valerian Weyler, has received an impress of cruelty in the decrees he has promulgated as commander in chief and captain general for its further prosecution that is more ferocious than any that any ruler has dared to avow in modern times.

It proclaims a war against the people, against the poor and the helpless, against women and children, and all movable property, trade, food supplies, and every element of personal liberty, whether of speech or action, with a cruel cunning and atrocity that has no parallel in the history of modern civil wars.

This bloody code will as surely be enforced in its terrible and discretionary penalties against our people in Cuba as that any of them are found there suspected of sympathy with the Cuban people. It violates our commercial rights and annuls the treaty stipulations for the trial of our citizens who are accused of crime in Cuba.

Summary conviction and sudden death are imposed upon those who "insult their superiors." If a fancied or affected insult to the haughty pride of the Spanish hidalgo is made by some poor victim, under the goad of imperious persecution, the courts are

dispensed with and the egotistic and lordly tyrant becomes at once the judge and executioner.

If any such wicked decree is made and executed under this Weyler code against any citizen of the United States, Spain had as well understand now as later that 70,000,000 freemen will visit upon her a punishment compared with which the loss of Cuba would be as a pleasing satisfaction.

As a warning of certain redress against this dictation of a ruthless tyrant, and as plain notice to the native Cubans who may be driven into retaliation by its murderous denunciations, the least we can do is to place both parties in the national attitude of belligerents, so that we can hold each of them responsible for their conduct in dealing with citizens of the United States.

The declaration of neutrality when made by us imposes on us the duties of neutrality, and this is all that it does. I will state them very briefly.

The duties imposed upon us are that we are bound to restrain enlistment by belligerents; we must restrain the forming of armed expeditions; we are bound to restrain the fitting out and selling of armed cruisers to the belligerents, or the passage of belligerent troops over our soil; we are bound not to permit our territory to be made the base of belligerent operations, nor to permit belligerent naval operations in our territorial waters, nor to permit the sale of prizes in our ports; we are bound to redress damages done to belligerents by our connivance or neglect.

Now, what are the rights of our people under this declaration of belligerency, which involves, of course, the declaration of neutrality? They may trade with either belligerent and may trade with the colonies of the belligerent which are not even open to trade in times of peace. We may permit free discussion as to foreign sovereigns. We may permit our people to furnish funds or supplies to the belligerents. Our people may furnish them with munitions of war. They may enlist in the service of the belligerents, provided they do not, in contravention of our own statutes, enlist in this country or enlist in bodies formed for the purpose or actually organized into military squads. We are permitted to sell them ships or to buy ships from them. We are permitted to give an asylum to the belligerent ships or troops in our ports or on land.

Mr. President, that exhausts the list of the duties, and obligations, and the rights of persons thus involved in belligerency. It is needless to state more fully what are the rights and duties of neutrals in time of war, because this resolution is not the least indication of hostility to either of the belligerent governments in Cuba, but imposes upon us the duty of preserving a relation of friendship to both.

Whether our statutes restrain our citizens within narrower limits in their intercourse with belligerents than the laws of nations prescribe is not a material inquiry at this time, for our proposed action is based upon our sense of right and duty, and is moved by our sense of justice and our sympathy with those who are harshly treated, and not by any advantages of trade that may come to our people in their intercourse with either of the belligerents.

With peace in Cuba we have very liberal rights of trade with those people.

Spain declares that Cuba is at peace and only a faction of the people there are engaged in sedition or insurrection. But with this declaration of peace she imposes upon our trade in contraband and in supplies to places in rebellion the laws of war.

We are thus forced to declare the existence of open war that our people may enjoy the rights of neutrals in war, at the risk of capture, that are denied to them as the friends of Spain because Cuba is in a state of insurrection.

Thus peace shuts us out from trade with Cuba, and we declare that war exists there, so that we may have as much freedom of trade as a state of war will give us. As it is, our trade is virtually abolished.

Along with open war we have the right to insist that it shall be civilized warfare.

Upon this subject I could read, if I felt disposed to detain the Senate, some statements from the Cuban agents who are here, which, I think, would be highly worthy of attention; and I hope other Senators who may be disposed to engage in this debate will look up that subject, and I will furnish them with the information, if they desire to have it.

But it is a canon of universal acceptance among all Christian nations that in modern times, at least, the laws of civilized modern warfare shall be observed by all belligerents.

The next question, Mr. President, upon which I propose to make some discussion is in answer to the question put to me, I think, by the Senator from Massachusetts [Mr. HOAR], or one of the Senators, as to who may declare the belligerent rights of a foreign people, whether the President or Congress, or both in conjunction. Upon this proposition, which does not really arise upon the resolution reported by the committee, I will take the opportunity of submitting some further considerations to-morrow, as it is entirely disconnected with the question of our right and our duty to recognize the belligerency of Cuba and the manner in which it shall be done, and whether this resolution, now offered in the Senate by the Committee on Foreign Relations, shall be effectual for that purpose is a question entirely aside from our right and duty to recognize the belligerency of Cuba.

I wish to say, then, Mr. President, that not one word that I have uttered on this floor, and not one word, I think, that has been or will be uttered by any other Senator arises from any jealousy of Spain or any disposition to do her any wrong, to subject her to any humiliation or any injustice. We are speaking now only in behalf of our own people, who, innocently on their part, have been drawn into a situation where a decision must be made in their behalf as to the fact whether a war exists in Cuba or does not exist there. I have already cited and read the authorities to prove that any American citizen found in the Island of Cuba has the private right to determine for himself whether war exists there or not, and to regulate his conduct according to his intelligent decision of that proposition.

If while he is in the interior of Cuba he makes a contribution to the Cuban army, whether he does it voluntarily or under a constraint imposed upon him, he has the right, as I have proved by the authorities I have cited, to decide for himself whether the party to which he makes that contribution is engaged in public war and is the representative of a political de facto government controlling in that immediate vicinity. That decision made by him protects him, and there is not a power which belongs to the Government of the United States which will not be exerted to protect that man in making his decision, as much as it would a soldier who might muster under our flag in virtue of a concurrent or joint resolution passed this day in the two Houses of Congress and signed by the President. The fact of belligerency is the thing which determines the right—not the justification of the belligerents, not the purposes of the war; but if a public, open war exists in Cuba to-day our own private citizens may determine it, and must determine it if they are found there, as we see they have been in many cases.

The case of Mr. Atkins, to which the Senator from Massachusetts referred, is a case directly in point. What must Mr. Atkins do? he inquires. Must he pay this tribute of $2 a ton, or whatever it is, which is levied upon him by the Gomez government or the Cisneros government, the civil government and the military government of the Republic of Cuba, or shall he refuse to pay it to them? If he pays it to them voluntarily, Spain holds him accountable, and his property is within her domain and is threatened with embargo. If he does not pay it to the Cuban republicans, his property will be destroyed, or perhaps a forced levy made upon him. That man has the right to decide the question, and if he makes a payment to the Cuban rebels under such conditions and circumstances, and Spain undertakes to embargo or confiscate his property because he is giving aid and comfort to the enemy, the Government of the United States would be bound to step in and say: "Mr. Atkins was compelled to make the decision and had the right to do it; you did not have the power to extend your Government protection over him at the time, and the only protection he could gain was by his intelligent decision as to whether this was in fact a mere mob or riot or insurrection, or whether it was a public war."

So we have got to trace such questions up, in such cases, beginning with our people whose persons and property are upon that island, and we have got to follow them through all of its stages, so as to see that men who have even gone contrary to our own laws and enlisted in the Cuban service, or, if you please, in the Spanish service, are protected by the laws of civilized warfare.

There is no public reason, there is no reason founded in justice, there is nothing which animates the heart of an honest American which furnishes to us, in my judgement, on this serious occasion the slightest justification for refusing to recognize a fact which the whole world is bound to acknowledge. If we make that recognition now, it may have some impression upon this war to carry it in favor of one party or the other. If it does, that is not our intention. What we intend to do is to declare a state of public war as existing there, because that is the fact, because that is the truth. It is our duty to our own people to recognize it, and only to them.

More than that. If we make this recognition now, and if this rebellion be put down, if this insurrection is quelled, the next one which comes, or the next—for come they will, come they must, and we know it—will come under the premonition of a decided policy of the United States of America. When these people in search of their liberties and in demand of their natural rights again flare out into open public war, though it may be done in an hour, though it may not be done in a month or a year, Spain will have notice that she can not consider them and our people who may be there and who may be obedient to the authority of the de facto government in the light of mere criminals and culprits, liable to be shot to death when she captures them with arms in their hands, or without; she must hereafter treat them according

to the fact, and when the fact becomes obvious, and is known the world over and there is none who can honestly dispute it, she must recognize that fact and extend to the belligerents the rights of civilized warfare.

I desire to retain the floor for a few moments to-morrow on the pending resolution.

Mr. DUBOIS. Mr. President——

Mr. WHITE. Will the Senator from Idaho yield to me for the purpose of allowing me to offer a substitute for the pending resolution, simply that it may be printed before to-morrow, and for no other purpose? I do not wish now to offer any remarks about it.

Mr. DUBOIS. I yield for that purpose.

Mr. MORGAN. Let the proposed substitute be read, Mr. President.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

The VICE-PRESIDENT. The amendment will be printed.

ANNULMENT OF LAND PATENTS.

Mr. DUBOIS. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes, to report it favorably with amendments. I desire to make a brief statement regarding it.

Five years ago a bill was passed fixing the time within which the Government could bring suit against railroad companies to annul patents which had been issued fraudulently or erroneously. Unless the bill which I now report be passed by next Monday, all those fraudulent and erroneous patents will be validated. The bill has been amended in some respects by the Committee on Public Lands, and it must go to the House of Representatives, pass there, and be signed by the President by next Monday. The bill is of sufficient importance for the President to have sent a special message to Congress in regard to its subject-matter.

I will say that the Senate Committee on Public Lands, with a full attendance, every member being present save one, who is out of the city, have considered the bill carefully, and have come to a unanimous agreement. This is a unanimous report from the Committee on Public Lands, and I ask unanimous consent, owing to the emergency, that the bill may now be taken up and put on its passage. I think there will be no opposition to it.

Mr. CALL. Temporarily laying aside the pending measure?

Mr. DUBOIS. Of course, temporarily laying aside the pending measure.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on Public Lands was, in section 1, line 7, before the word "years," strike out "ten" and insert "six"; so as to make the section read:

That suits by the United States to vacate and annul any patent to lands heretofore erroneously issued under a railroad or wagon-road grant shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date the of issuance of such patents, and the limitation of section 8 of chapter 561 of the acts of the second session of the Fifty-first Congress and amendments thereto is extended accordingly as to the patents herein referred to. But no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title of such purchaser is hereby confirmed: *Provided*, That no suit shall be brought or maintained, nor shall recovery be had for lands or the value thereof, that were certified or patented in lieu of other lands covered by a grant which were lost or relinquished by the grantee in consequence of the failure of the Government or its officers to withdraw the same from sale or entry.

The amendment was agreed to.

The next amendment was, in section 2, line 19, after the word "States," to insert "against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made"; and in line 22, after the word "party," to strike out "of" and insert "to"; so as to make the section read:

SEC. 2. That if any person claiming to be a bona fide purchaser of any lands erroneously patented or certified shall present his claim to the Secretary of the Interior prior to the institution of a suit to cancel a patent or certification, and if it shall appear that he is a bona fide purchaser, the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the certification was made, for the value of said land, which in no case shall be more than the minimum Government price thereof, and the title of such claimant shall stand confirmed. An adverse decision by the Secretary of the Interior on the bona fides of such claimant shall not be conclusive of his rights, and if such claimant, or one claiming to be a bona fide purchaser, but who has not submitted his claim to the Secretary of the Interior, is made a party to such suit, and if found by the court to be a bona fide purchaser, the court shall decree a confirmation of the title, and shall render a decree in behalf of the United States against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made, for the value of the land, as hereinbefore provided. Any bona fide purchaser of lands patented or certified to a railroad company, and who is not made a party to such suit, and who has not submitted his claim to the Secretary of the Interior, may establish his right as such bona fide purchaser in any United States court having jurisdiction of the subject-matter, or at his option, as prescribed in sections 3 and 4 of chapter 376 of the acts of the second session of the Forty-ninth Congress.

The amendment was agreed to.

Mr. HOAR. I should like to ask the chairman of the committee a question in regard to the last amendment at the foot of page 2. Suppose the land has been conveyed to a bona fide purchaser; then I understand there is to be a judgment for the United States against the party who originally took the defective land grant, and has conveyed it to a bona fide purchaser; but the proposition is that there shall be a decree for the value of the land. Suppose some railroad company conveyed the land for $1.50 an acre at the time, or $2 an acre, or any other small sum, and this grant is held invalid by reason of some technical or other objection; the railroad company conveyed the land for that price, and now there is a city on it, and the land may have gone up twenty times in value; is it the purpose of the bill to hold the original patentee liable in that case for the present value of the land; and if so, is it not establishing a rule that exists nowhere else in regard to the liability of a grantor?

Mr. PASCO. The minimum Government price is the amount fixed in the bill, as the Senator will see by looking at the tenth line of section 2.

Mr. HOAR. In a previous section there is a limitation. That answers the question.

Mr. PEFFER. I have received a number of letters in opposition to the bill, but not having examined its provisions, I did not quite see the force of the objections that were made. It was my impulse when the bill was read to object to its consideration, but after having conferred with a number of the members of the Committee on Public Lands, in whose judgment I have very great confidence, I have concluded not to raise the objection. However, I wish to make this statement in order that the objectors may understand that I have given the matter some consideration before letting the bill come to a vote.

Mr. CALL. I should be glad to hear a statement made by some member of the committee who is familiar with the bill, which is a very important one. If it merely extends the limitation of time within which suits may be brought where lands have been fraudulently, erroneously, and unlawfully conveyed to corporations, I have no objection to it. I shall vote for the bill, as I understand the matter, but reserving the right to move a reconsideration of the vote if I find that the sections are not of that character.

Mr. BERRY. I will state to the Senator from Florida [Mr. CALL] that in 1891 Congress passed an act requiring that all suits brought by the Government to annul patents should be brought within five years. That time will expire on the 3d day of the coming month, March. While the Land Office has done all that it has been possible to do to bring those suits within that time, it has been unable to bring all the suits that the officials believe should be brought, and the President of the United States called the attention of Congress to the matter, recommending that the law be repealed or at least the limit extended.

The other House has passed the pending bill. It sought in it to protect all innocent purchasers, bona fide purchasers, so as not to subject them to suits by the Government. The bill extends for five years the time within which the Government may bring suit to set aside any of the grants to the various railroad corporations of the country where the lands are still under the control or in the possession of the railroad company. That is the object and the purpose of the bill. There are a number of details by which innocent purchasers may apply to the Secretary of the Interior and have their titles confirmed where there is shown to be any question.

Now, I will state frankly that I should have preferred to repeal the act of 1891 out and out, and leave no question whatever. But that is impossible. This is a House bill, and it is this or nothing. If the pending bill is not passed and signed by the President before next Monday the limitation enacted in 1891 will have attached and it will be claimed, at least, whether it is the law or not, that the title, however fraudulent it may be, to the railroads will be confirmed. I think it is absolutely important that the bill should be passed and passed this evening, and so think all the other members of the Committee on Public Lands.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 147) granting a pension to George W. Chase, late private Company B, Twenty-second New York Cavalry;

A bill (H. R. 1605) granting a pension to Anna Kelley;

A bill (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes;

A bill (H. R. 3698) granting an increase of pension to Mrs. Jane Dulany;

A bill (H. R. 4153) to grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes;

A bill (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

A bill (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897; and

A joint resolution (H. Res. 121) calling upon the Secretary of War for certain information in relation to the harbor at Manitowoc, in the State of Wisconsin.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 25, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1896.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. William Alexander Campbell, Ninth Infantry, to be first lieutenant, February 16, 1896, vice Wills, Twenty-second Infantry, deceased.

POSTMASTERS.

Anson E. Chamberlain, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts, in the place of Martin E. Stockbridge, whose commission expired February 9, 1896.

Charles Laurence, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan, in the place of Newton McBain, whose commission expired February 8, 1896.

Edmund C. Burke, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1894.

Sloan E. Wible, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1896.

THIRD ASSISTANT SECRETARY OF STATE.

William Woodward Baldwin, of New York, to be Third Assistant Secretary of State of the United States.

CIVIL SERVICE COMMISSIONERS.

John B. Harlow, of Missouri, to be Civil Service Commissioner.

William G. Rice, of New York, to be Civil Service Commissioner.

POSTMASTERS.

J. M. B. Petrikin, to be postmaster at Greeley, in the county of Weld and State of Colorado.

Irving McArthur, to be postmaster at Lapeer, in the county of Lapeer and State of Michigan.

J. M. Doolen, to be postmaster at Quanah, in the county of Hardeman and State of Texas.

John G. Hoffman, to be postmaster at Elizabethtown, in the county of Lancaster and State of Pennsylvania.

Edwin L. Coates, to be postmaster at Boulder, in the county of Boulder and State of Colorado.

F. P. Kanester, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 24, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

ORDER OF BUSINESS.

Mr. BABCOCK rose.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] claim the day?

Mr. BABCOCK. This being District of Columbia day——

Mr. SHERMAN. Will the gentleman permit me to interrupt him? The Committee on Indian Affairs are anxious to have this day in order to complete, if possible, the consideration of their bill now pending in Committee of the Whole. I therefore ask unanimous consent that District of Columbia day follow immediately after the conclusion of the consideration of the Indian bill, and that we proceed now with the consideration of that bill.

Mr. BABCOCK. That will be agreeable to the committee.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the consideration of matters from the Committee on the District of Columbia which would be presented to-day shall follow the conclusion of the consideration of the Indian appropriation bill. Is there objection?

Mr. DALZELL. I call attention to the fact that an election case has been fixed for to-morrow, by the consent of the House, as I understand.

Mr. SHERMAN. Notice was given; but no order was made, I believe.

Mr. BABCOCK. I do not understand that there has been any order fixing that business for to-morrow.

Mr. RICHARDSON. I suggest that the election case, being privileged, could be called up at any time.

Mr. DALZELL. That is true.

The SPEAKER. As the Chair understands, notice only was given. Is there any objection to the request of the gentleman from New York [Mr. SHERMAN]? The Chair hears none.

REPRINT OF A BILL, ETC.

Mr. LOUD. I ask unanimous consent for a reprint of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with the accompanying report thereon.

There being no objection, it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The CHAIRMAN. The question is on the amendment offered on Friday last by the gentleman from Oregon [Mr. HERMANN], upon which the gentleman from New York [Mr. SHERMAN] reserved a point of order.

The amendment of Mr. HERMANN was as follows:

Add to the pending paragraph the following:

"*Provided*, That the lands now allotted to or which may be hereafter allotted to any Indians in severalty, under agreements already made, when such Indians, under the provisions of any existing law, have become or shall become entitled to the benefits of and subject to the laws of any State, and when such lands shall be embraced in and as a part of any county or town organization, so as to enjoy full and equal participation in the benefits of such local government, and when the Indians enjoy their equal privileges as citizens, shall be subject to State and local assessment and taxation, the same as any other lands similarly located in such State: *Provided, however*, That nothing herein contained shall authorize the sale or incumbrance of any such land on account of such assessment and taxation, or in any manner interfere with the trust in which such lands are held by the United States while such trust continues: *And provided further*, That during the continuance of said trust said taxes so assessed and levied shall be paid from the Treasury of the United States to the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, at such time as said taxes shall become due and payable: *And also provided further*, That said taxes shall only be paid on the receipt of the sworn statement of the county treasurer or other legally authorized officer of the county or municipality to which such taxes are payable, showing that such tax has been legally assessed and levied, and that said tax is then due and payable, accompanied by the certificate of the Secretary of the Interior that said lands are within the State and county described in said statement and that the lands therein described have been allotted in severalty or belong to Indian citizens of the United States, and that he is satisfied, after sufficient inquiry, that the assessment of the lands for taxation is a fair and reasonable one, and the taxes levied just and equitable, both independently and in proportion to the valuation and taxation of lands in the same county, town, or other municipal corporation: *And provided further*, That no moneys shall be so paid for road or highway taxes which by the laws of the State may be discharged by work, but the Indians owning such

lands shall be required to so discharge such taxes: *And provided further*, That the Secretary of the Interior shall be satisfied, and so certify, that the public expenditure of such taxes is fairly made to give the lands of such Indians their just share of benefit.

"SEC. 2. That from and after the passage of this act there shall be paid annually, from any moneys in the Treasury not otherwise appropriated, such sum as shall be necessary to pay said taxes so certified under section 1 of this act."

Mr. SHERMAN. I am willing that the gentleman from Oregon should be heard on the question of order.

Mr. HERMANN. Mr. Chairman, under the provisions of the general allotment act, approved February 8, 1887, a major portion of all the lands in the Indian reservations have now been allotted in severalty among the Indians upon those reservations. In that act it is provided that all Indians accepting the benefits of the act shall be entitled to all rights and privileges of citizenship and shall be subject to all responsibilities as such. Under that act those Indians are entitled to the full benefits of the laws of the land, as much so as white citizens of the country.

It is also provided in that act that the title to the lands shall be held in trust by the United States for the period of twenty-five years after the approval of the selections in the allotment; that at the expiration of such period the lands shall be conveyed in fee by patent to the different Indians who are enjoying these allotments, and that the patents shall convey to the Indians a title discharged from the trust and free from all incumbrances. It is further provided that as to these Indians no State or Territory within which they may be situated shall deny to them the equal protection of the laws of such State or Territory.

The amendment I have offered provides that these lands, being now free from assessment and taxation, which can not be alienated or disposed of by the Indians separately, or by the tribes, or by the United States, shall be subject to assessment and taxation. At the present time, as I have stated, these Indians are entitled to all the rights and privileges of citizens. They have the full protection of the laws. In fact, the law of allotment, as I have stated, prohibits any State from passing any law which shall deny to these Indians the equal protection of the laws. They are therefore enjoying the privileges of citizens. Yet they are not subject to the responsibility of answering to the great law of assessment and taxation. It is proposed in this amendment that in the absence of any provision in the existing law, the United States shall answer to the State or Territory or to the local laws for the taxes which may become due under proper assessments upon these Indian lands. In other words, it is provided that the Government of the United States, standing in the relation of guardian of these Indians, holding their lands in trust for the period of twenty-five years, shall answer to the law in the matter of taxes upon the land in the same manner as if the Indians were paying this taxation to which all other citizens having the same property rights are subject.

It is deemed to be unjust to the State, as well as to the local bodies imposing taxation, that these Indians shall be entitled to the privilege of voting, that the State or the county shall be at the expense of establishing voting precincts, paying the cost of the canvassing boards, establishing justices' courts, compensating the justices, constables, etc., in execution of the law through the courts, and shall be put to the cost of establishing roadways under the laws of the Territory or State, appointing road supervisors, paying them for the duties performed; that schools shall be established, directors provided, that their compensation shall be paid from the Government Treasury out of funds derived from taxation on the property of the other citizens, while the property of the Indians shall escape entirely its just share of taxation although they are accorded all the privileges of the white people; that the criminal law shall be established and maintained throughout the State and all over this vast territory occupied by the Indians, and yet that they shall be exempt from the liabilities imposed on the other citizens while enjoying the complete protection of the law.

Mr. Chairman, it is certainly only just and proper to the taxpayers in those regions where these Indian allotments have been made that the Indians themselves, being the wards of the nation, shall bear their due share of the burdens which are imposed upon the other people of the country. For that reason I hope the gentleman will not insist upon the point of order, but will allow the committee to act upon the amendment.

Mr. GAMBLE. Mr. Chairman, I ask the indulgence of the committee for a few moments in order to address myself to the amendment offered by the gentleman from Oregon [Mr. HERMANN].

The question is one in which the people of my own State are greatly interested, and I do not want the amendment to be considered by the Committee of the Whole House with any prejudice against it for the reason that it has not been acted upon and reported by the Committee on Indian Affairs. A bill was introduced by myself at the opening of this session of Congress, and the amendment offered is a copy of that bill. It was referred to a subcommittee, but the chairman of the subcommittee has necessarily been absent from the city, and we have been unable, therefore, to have the same considered and a report presented from the whole committee.

But, Mr. Chairman, the same bill embodied in this amendment was prepared by the Commissioner of Indian Affairs in 1892 and received the careful consideration of that officer as well as the then Secretary of the Interior. It was drawn by Commissioner Morgan and its passage recommended. It has received a favorable report from three different committees of the Senate, and we feel justified in urging its consideration on the part of the House at this time, though I feel like apologizing, as I have said, in bringing the question up without consideration first having been obtained of the subcommittee and the full Committee on Indian Affairs, with a recommendation for its passage. But for the reason I have stated, it was impossible. Nevertheless, I feel that this question should be considered on its merits. We recognize that it is subject to the objection which has been suggested that it is new legislation and not warranted by the rules. But if gentlemen of this committee are willing at this time to give careful and fair consideration to the merits of the amendment, we will be glad to be heard, and feel sure there will be no difficulty in satisfying the House of the importance and propriety of the legislation proposed. We feel, not only in justice to the Indians themselves but the white settlers among them, that the legislation should be promptly and favorably acted upon by the House.

At the same time I justify the offering of the amendment by the gentleman from Oregon at this time by the course the bill has heretofore taken, in that it has been reported favorably by three successive committees in the Senate, and has been pending for some time in that body on a favorable report from the Committee on Indian Affairs at the present session. I ask that the technical objections, therefore, be withdrawn and the bill considered on its merits; and I would be glad to submit to the Committee of the Whole a communication favorable to the passage of the bill in 1892 by the then Commissioner of Indian Affairs, Mr. Morgan. Although it is true the bill is objected to by the present Secretary of the Interior, yet he gives no reasons why it should not be passed, while on the other hand it meets the approval, and the hearty approval, of the Commissioner of Indian Affairs. I take the liberty of reading an extract from his report upon House bill No. 285, of which this is a copy.

So far as the interests of the Indians are concerned, there can be no possible objection to the enactment of the proposed legislation. On the contrary, I believe it would result in more cordial relations between the Indians and their white neighbors.

The Commissioner in this report goes on to state that whether the burden that is now borne by the people of the State, in consequence of the allotment of these lands and the nonpayment of taxes by the Indians, should be shifted to the people of the United States is a question which seemed to him may be safely left to the discretion of Congress.

But I will not proceed to argue the bill on its merits, and content myself by hoping that the objection will be withdrawn and the amendment receive an honest and fair consideration as a part of this appropriation bill by the committee.

Mr. SHERMAN. Mr. Chairman, I regret exceedingly to insist upon the point of order against my colleague and my friend from Oregon, but it seems to me that a law which is so radical ought not to be passed until it has been fully and fairly considered by the Committee on Indian Affairs. Unfortunately it has not been brought to the attention of the full committee, sitting as such, and therefore with regret I must insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act, reimbursable, $90,000.

Mr. SHERMAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk. It is recommended by the Secretary of the Interior and is in the interest of economy.

The amendment was read, as follows:

Add at the end of line 10, page 14, the following:

"And the duties imposed upon the three commissioners appointed under the provisions of the act of January 14, 1889, shall, from and after the passage of this act, be performed by one commissioner, to be designated by the Secretary of the Interior."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

POTTAWATOMIES OF INDIANA AND MICHIGAN.

For this amount due certain Pottawatomie Indians of Indiana and Michigan, etc.

Mr. SHERMAN. Mr. Chairman, the second word in that paragraph should be "the" instead of "this." I refer to line 8, page 25. I ask the Clerk to make that correction.

The CHAIRMAN. Without objection, the change will be made.
There was no objection.
The Clerk, resuming the reading of the bill, read as follows:

SEMINOLES.

For 5 per cent interest on $250,000, to be paid as annuity, per eighth article of treaty of August 7, 1856, $12,500;
For 5 per cent interest on $250,000, to be paid as annuity (they having joined their brethren west), per eighth article of treaty of August 7, 1856, $12,500.

Mr. FLYNN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.
The amendment was read, as follows:

Insert, in line 15, page 27, after the word "dollars," the following:
"*Provided*, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior."

Mr. SHERMAN. Mr. Chairman, I must reserve a point of order against that, that it changes existing law—the law as it exists in the treaty. Whatever money is paid must be paid only as the treaty provides, and I assume that this changes that, or my friend would not offer it.
Mr. FLYNN. I do not understand that it changes any treaty. In mentioning the Five Civilized Tribes the Seminoles are always included, although their treaties, their land tenure, and everything are different from the other four. The object of this amendment, briefly stated, is this: There are about 2,000 Seminole Indians. The chief is Governor Brown. The treasurer is Jackson Brown, his brother. There are but two stores in the Seminole Nation, both owned by the Browns. This money is paid to Jackson Brown, the treasurer, and the Indians never see a dollar of it, but the Browns issue to the Indians duebills, good for so much in goods at the Browns' stores. The Browns have absolute control not only over the property, but I may say over the lives of those Indians. The Indians must take Browns' duebills for the amount of money that the Government pays them in annuities. I think, in justice to the Indians, in fairness to them, this money should be paid by an officer designated by the Department, which will insure the Indians, instead of the storekeeper, getting all the money.
Mr. SHERMAN. Let me ask my friend, does not the treaty now provide how the money shall be paid?
Mr. FLYNN. No; it does not. The treaty provides that it shall be paid to the Indians. I want to provide how it shall be paid, by an officer of the Department, to insure the Indians obtaining the money, and not the storekeeper obtaining it.
Mr. SHERMAN. If that is all there is of it, I shall raise no point of order against it.
Mr. FLYNN. That is all there is of it.
Mr. LITTLE. I hope the chairman will withdraw the point of order. I think the amendment is in the proper direction.
Mr. SHERMAN. If that is all there is of it, I shall raise no point of order, Mr. Chairman.
The amendment was agreed to.
The Clerk proceeded with the reading of the bill.
Mr. SHERMAN. I ask unanimous consent to return to page 22, where I desire to offer an amendment.
The CHAIRMAN. The gentleman from New York desires unanimous consent to return to page 22 for the purpose of offering an amendment. Is there objection?
There was no objection.
The amendment was read, as follows:

Insert, in line 9, page 22, after the word "Montana," the following:
"*Provided*, That the Secretary of the Interior be authorized to use the unexpended balance of the appropriation for the Northern Cheyennes and Arapahoes for the years 1895 and 1896 for the purchase of cattle for the Tongue River Agency."

Mr. CANNON. Let us have that amendment reported again.
Mr. SHERMAN. The matter has just this minute been called to my attention, that there is an unexpended balance. I regret to say that in the letter from the Department they do not say how much it is, but the Department asks authority to expend this unexpended balance in this way.
Mr. CANNON. Let us have the amendment read again.
Mr. SHERMAN. I can not give a satisfactory statement in regard to the matter, because I am not fully informed about it myself.
The amendment was again read.
Mr. CANNON. Then I will reserve the point of order, just far enough to find out what it is.
Mr. SHERMAN. This treaty provides nothing about furnishing so much money, but provides for furnishing flour, meat, clothing, and so forth, to those Indians; and, of course, in making the appropriation for that the sum is sometimes too much and sometimes too small, as it depends entirely upon the market value of the various articles which must be purchased. It seems that some amount is now on hand of this fund, and the Secretary asks permission, rather than return it to the Treasury, to expend it in this way. How much it is I do not know. I have not the figures before me. I have just this minute got the information.
Mr. CANNON. I will have to make the point of order. The gentleman himself does not fully understand it. I was at a loss to know whether this expenditure was to be made through an appropriation under the treaty, and especially I wanted to know if it was to be in so much money and so much subsistence. Now, then, if the subsistence was bought for less than the amount appropriated, why there is no reason on earth that I can see why the balance should not go into the Treasury. Otherwise, it is a mere gift to the Indians.
Mr. SHERMAN. Nothing but that, at all.
Mr. CANNON. And without law.
Mr. SHERMAN. There is no doubt it is subject to the point of order, if the gentleman insists on it.
Mr. CANNON. I make the point of order against the amendment, then.
Mr. SHERMAN. There is no doubt that it is subject to the point of order, and the point is well taken, if the gentleman insists upon it.
The CHAIRMAN. The point of order is sustained.
Mr. HERMANN. Mr. Chairman, I ask for the consideration of the amendment I send up.

Amend by adding after the word "cents," in line 15, page 36, the following:
"That the Secretary of the Interior is hereby authorized and directed to retain and reserve a part of the interest money coming to the Indians on the Siletz Indian Reservation, in Oregon, not exceeding one-third of said interest for each year, and pay the same to the State and local authorities of the said State in lieu of taxation upon the lands allotted to said Indians, under such rules and regulations as he may prescribe, or as may be prescribed by law, to secure to the Indians the full enjoyment of the protection of the laws of said State and a just share of all benefits derived from said payment in lieu of taxes."

Mr. SHERMAN. Why, Mr. Chairman, I shall have to raise the point of order upon that, but will reserve it long enough to give my friend time to make a statement.
The CHAIRMAN. The gentleman from New York reserves the point of order on the amendment.
Mr. HERMANN. Mr. Chairman, it is not new legislation, nor does it change existing law, nor does it provide for an appropriation. It is merely in aid of existing law. It is for the purpose of making clear by a legislative interpretation the meaning of the law which now prevails as to the enforcement of a treaty entered into between the Siletz Indians and the Government of the United States on October 31, 1892. This treaty provided that one-third of the interest due the Indians upon the deferred payments on the purchase of their lands shall be set apart each year by the Secretary of the Interior and shall be paid to the State and local authorities of the State of Oregon in lieu of taxation upon the lands allotted to said Indians. That is the situation. Now, when the treaty was entered into, the words—

As soon as the lands which have been allotted to the Indians on said Siletz Indian Reservation shall become subject and liable to taxation by the State of Oregon—

Were inserted in the treaty. Then the treaty proceeds:

The Secretary of the Interior may reserve a part of said interest money, etc.

The idea was on the part of the commissioners that when these lands were allotted to the Indians, and certificates of allotments were issued to them by the commissioners and approved by the Secretary of the Interior, that then the lands would become subject to taxation. Now, under that impression these words were inserted in the treaty, and to add further strength to that presumption the treaty proceeds to provide—

That the Secretary of the Interior may reserve a part of said interest money so coming to said Indians, not exceeding one-third thereof for each year.

Now, at the end of twenty-five years after the allotment, when the fee of these lands will pass by patent from the Government of the United States to these Indians, there would be no longer any interest paid to these Indians; all the deferred payments will have been paid to the Indians and there will be no further obligation on the part of the United States for the payment of interest or to pay the same to the local authorities in lieu of taxation upon lands allotted to such Indians. After the expiration of twenty-five years, when the fee would pass from the Government of the United States to the Indians, the lands would then under the general laws become subject to assessment and local taxation; so that the entire treaty shows upon its face the undoubted presumption that it was the intention of the parties who entered into it to provide that one-third of the interest due the Indians should be paid by the Secretary to the State and local authorities in lieu of taxes. But inasmuch as the words somehow or other were inserted in the treaty—

When the lands shall become subject and liable to taxation by the State of Oregon—

They are defined to mean that the lands are not subject to taxation until after the period of twenty-five years. In the meanwhile these Indians are subject to all the responsibilities imposed upon all citizens, because by the general terms of the law they are all made citizens of the United States; they are entitled to vote;

they are entitled to all the usual privileges and immunities which all citizens of the country enjoy alike, and the local authorities respectfully certify to the Secretary of the Interior that they are no longer responsible for the care of those Indians under the law; that they can not extend to them the protection of the law, simply because the Indians themselves do not respond in proper taxation in return for the protection which is given them by the State and local authorities. Therefore, it is to cure that unfortunate condition of affairs that I now ask for the adoption of this amendment.

Mr. SHERMAN. Mr. Chairman, I must insist upon the point of order. It seems to me that there can be no question but that it should be sustained even upon the gentleman's own statement. He admits that what he proposes is a legislative interpretation of a treaty, and he desires by legislation to change the interpretation; which I imagine he can not do in an appropriation bill.

Mr. HERMANN. I suggest to my friend, as I know that he desires to treat this question fairly, that the treaty shows upon its face what the intention of the treaty-making parties was. Obviously it was the intention that one-third of this money should be held back by the Secretary and should be applied by the local authorities for the taxes due upon the land. Is there anything in the treaty which warrants the gentleman in disputing that interpretation?

Mr. SHERMAN. I hold, Mr. Chairman, that it is not our business to legislate in an appropriation bill as to what the provisions of a treaty mean. The treaty must speak for itself and the Secretary must interpret it, and we should not attempt to do so in an appropriation bill.

Mr. HERMANN. In answer to that I should say that the Secretary is in doubt with regard to his duty in the matter, because this particular clause of the treaty admits of two or three interpretations.

Mr. SHERMAN. I do not wish my friend to understand that I doubt the wisdom or propriety of what he suggests or anything of that kind. The point I make is that this is not a proper subject for legislation on an appropriation bill. The matter may be entirely proper, and it may be very desirable that there should be legislation such as he proposes, but it does seem to me that an appropriation bill is not the proper place for such legislation.

Mr. HERMANN. So long as the amendment is not obnoxious to the general rule against changing existing law on an appropriation bill, it occurs to me that it is not subject to the point of order.

Mr. SHERMAN. If it did not change existing law perhaps it would not be; but I think it does change existing law. It attempts to change the interpretation of this treaty.

Mr. HERMANN. I think it is in aid of the existing law, but I submit the matter to the Chair.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and civilization of Sioux of Devils Lake, N. Dak., including pay of employees, and for the purchase of seeds, $10,000.

Mr. JOHNSON of North Dakota. Mr. Chairman, I desire to offer an amendment to this paragraph.

The amendment was read, as follows:

Page 40, strike out "$10,000," in line 11, and insert "$15,000; one-third of which shall be immediately available for the purchase of seed grain in the spring of 1896."

Mr. JOHNSON of North Dakota. In connection with this amendment, Mr. Chairman, I ask to have read by the Clerk a letter from the agent at the Devils Lake Agency, which I send to the desk.

The Clerk read as follows:

DEVILS LAKE AGENCY, *Fort Totten, N. Dak., February 7, 1896.*

Hon. N. M. JOHNSON, *Washington, D. C.*

DEAR SIR: I see by the papers that the Indian bill, as reported by the subcommittee, gives the Devils Lake Sioux Indians $10,000. I am very thankful for this, but I was very much in hopes that it would be made $15,000. If there is any band of Indians in the United States that need a large advance in their appropriation it is the Devils Lake Sioux.

I am very much pleased to report the success of these people during the past season, and which was only made possible by our efforts last winter, which resulted in the increase of their appropriation, a portion of which was made available for the purchase of seed during the spring of 1895, and from which they have raised upward of 65,000 bushels of wheat, 25,000 bushels of oats, and about as much barley.

This, of course, is a great help to them, but with the poor crops of the last few years they are in very poor circumstances still. Many of them who could had contracted debts in the past, thereby taking a good portion of their crops to pay them, and it is now a constant struggle with them to get along, even in a half-starved manner.

The subsistence we had to issue not being half enough for the old people, orphans, and those who have raised no crops, some ten or twelve farmers who had good prospects up to the middle of the season were entirely haled out, not having a vestige of anything left, having neither seed nor bread. These people can do nothing another year unless there is some way by which they can be furnished with seed the coming spring, and they must be assisted until they can raise something upon which to live. The harvesting machinery, plows, and harrows are nearly all worn out. It has taxed the farmers and other employees to the fullest extent the last season to keep them running and enable them to get along at all. Something must be done to alleviate these conditions or the Government can not expect much from them, and it can not be done on the small appropriations of the past.

It is a fact that since I have been in charge of this agency I have constantly been asking for means with which to assist these people, and then only partially to do what is desired of them by the Government, and while the Department has been as liberal as possible with the appropriations at its disposal, yet had it been a half or even a third more each year, the result would have been 100 per cent better. The paltry sum of two or three thousand dollars is too insignificant, when considered with the additional amount of good it would do, if judiciously expended, to be refused by the Committee on Appropriations or to be rejected on its passage.

It is an unwise economy that appropriates so insignificant a sum as to be nonproductive of a fair per cent in return, when but a small sum added would increase it a hundredfold.

It is human nature, where hunger and suffering exist, to make large sacrifices to allay it; much more so is it among the Indians, in spite of all the preventive safeguards that can be thrown around them.

If these people had the proportionate means at their disposal that many other bands of Indians have, or had they sufficient tools and implements to work to reasonable advantage, and sufficient stock that the yearly increase would furnish their meat supply, I would not hesitate to say that appeals for their support would have an end.

The facts I have set forth being so well known to all to whom this shall be addressed, I would earnestly ask and urge each to join hands with the other in the endeavor to have the appropriation for the Devils Lake Sioux raised to $15,000, and that $6,000 be made available in the coming spring, believing it to be for the best interests of the Government as well as for a poor and dependent people.

Very respectfully,

RALPH HALL,
United States Indian Agent.

To the Honorable SECRETARY OF INTERIOR, COMMISSIONER OF INDIAN AFFAIRS, UNITED STATES SENATORS, and MEMBERS OF CONGRESS.

Mr. JOHNSON of North Dakota. I regret very much that I did not receive this letter in time to lay it before the Committee on Indian Affairs while the bill was under preparation, but I have done the best I could. I showed the letter to the chairman and he read it and received it very kindly, and I hope he will not object to this amendment, because he left on my mind the impression that he thought it was all right. I am sure that it is all right, and I believe this committee will take the same view. These Indians have within the last three years taken lands in severalty and have commenced farming, and they are doing very well considering all the circumstances. This is a matter that is easily understood. The amendment simply provides an additional $5,000 for the purchase of seed grain for this coming spring, and I hope the committee will grant it.

Mr. SHERMAN. The gentleman from North Dakota, I think, must have misunderstood the cause of my delight on seeing that letter. [Laughter.] It was probably due to the fact that this additional appropriation was asked for the purchase of seed. I was fearful that the people living at that delightful summer resort called Devil's Lake might be asking for an additional appropriation for fuel, but it seems not. [Laughter.] A year ago, Mr. Chairman, it was suggested that these Indians were in a deplorable condition, and the appropriation of $6,000 which had been made for the fiscal year 1895 was last year doubled, making it $12,000, several thousand dollars of which were made immediately available for the purchase of seed and, as my friend from North Dakota says, was used so successfully by the Indians that they raised over 100,000 bushels of grain.

Now, it does seem to me that we having assisted these Indians last year to an amount unusual in recent years, having furnished them with money to buy seed with which they raised over 100,000 bushels of grain, they ought not, in all fairness, to come back to Congress this year and ask an additional appropriation for this purpose. If the fact exists that they have disposed of their crop and have not any seed left, I shall not object to an amendment if the gentleman from North Dakota desires to offer it, providing that a portion of the $10,000 appropriated in this bill shall be made immediately available for the purchase of seed grain; but while I regret very much to oppose any amendment offered by the gentleman from North Dakota, because it would be a pleasure to be in favor of anything which he suggests, I can not in justice to the committee or to myself consent that this amendment be made increasing the appropriation $5,000. I will, as already suggested, accept an amendment providing that some portion of the $10,000 carried in the bill be made immediately available for this purpose, but I hope that the gentleman's proposition to increase the appropriation $5,000 will not prevail.

The question being taken the amendment was rejected.

Mr. JOHNSON of North Dakota. Now, Mr. Chairman, I desire to offer the amendment suggested by the chairman of the Committee on Indian Affairs.

The amendment was read, as follows:

At the end of line 11, page 40, insert "of which sum $4,000 shall be immediately available."

The amendment was adopted.

The Clerk read as follows:

For support and civilization of Sioux, Medawakanton band, in Minnesota, $5,000.

Mr. KIEFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend, after "dollars," on page 40, line 13, by the following:

"*Provided*, That this sum of $5,000, so appropriated for support and civilization of Sioux, Medawakanton Band, in Minnesota, shall be divided and paid in a manner so that each member shall receive an equal and like amount as every other member, share and share alike per capita, and the amounts shall be paid in money and not in merchandise."

Mr. SHERMAN. I reserve a point of order on this amendment.

Mr. KIEFER. Mr. Chairman, I wish to say that according to my information from that part of Minnesota where these Indians are, the merchandise distributed among them along the Minnesota and Mississippi rivers does not do them any good whatever. Instead of money with which they might meet their necessities, they receive, as I am informed, a few yards of calico, a few pounds of pork, some coffee and sugar, etc., nothing of a tangible character. All that they desire is that they shall receive their quota, share and share alike, in money, not in merchandise. They claim they can buy a great deal more of such articles as they, in their families, most need with their share when paid in money.

Mr. SHERMAN. Mr. Chairman, I believe that this amendment is subject to the point of order that it is new legislation. But apart from that, I doubt the propriety of the amendment. My understanding is that this band of Indians is a small band at any rate, and its members are somewhat scattered. It might not be possible for the Commissioner to carry out the provisions of the amendment. Hence, without regard to the point of order, I think the amendment ought not to prevail. But believing it to be liable to the point of order, that it is new legislation, I insist on that point.

Mr. KIEFER. One word more, Mr. Chairman, if you will allow me. When the officer of the Government passes along the line of the Mississippi and Minnesota rivers, where most of these people reside, distributing this merchandise, it is not in many cases what the Indians want. They claim that if the money were given to them in place of the merchandise they could buy a great deal more than they receive from the Government agents. Many of these Indians follow the occupations of the whites, and when paid in cash can help themselves in a manner not otherwise possible. The man appointed to purchase the merchandise and make the distribution is generally a new man who does not understand properly the wants of the Indians, and therefore a great deal of dissatisfaction is caused.

Mr. SHERMAN. I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Washington: For general incidental expenses of the Indian service in Washington, including traveling expenses of agents at seven agencies, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, $14,000: *Provided*, That on and after the 1st day of December, 1896, next, the act or acts of the legislature of the State of Washington relative to the removal of the restrictions as to the sale of the allotted lands of the Puyallup Indians shall be, so far as the Congress and Government of the United States are concerned, in full force and effect.

Mr. SHERMAN. On behalf of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the pending paragraph the following:

"For continuing the work of the Puyallup Indian commission appointed under the act of March 3, 1893 (26 Stat., 612), until said 1st day of December, 1896, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said commission the sum of $4,000, to be available until expended, and to be reimbursed to the United States out of the proceeds of the sale of the agency tract lands, as provided in said act."

Mr. DOOLITTLE. Mr. Chairman, I wish to say in relation to this particular amendment that, according to the statement of the Secretary of the Interior, about $7,500 will, in his judgment, be required to continue the work of this commission. Three thousand five hundred dollars of this sum has been provided for in the urgent deficiency bill upon the report of the committee of conference on that bill; so that the $4,000 proposed to be appropriated by the amendment will make up the $7,500 required for this purpose. The statement which I made here the other day on this subject covered, I believe, the entire ground.

Mr. KYLE. Mr. Chairman, I observe that the proviso of the pending paragraph proposes to delegate to the State of Washington the power to change or supersede Federal statutes; and it proposes another innovation—that these Indians in the State of Washington shall be subject virtually to the laws of that State. This is an innovation upon the general policy with reference to the management of the Indians in the United States; and I think it improper. I therefore make the point of order upon this proviso on the ground that it is new legislation and not in order on an appropriation bill.

The CHAIRMAN. The point of order comes rather too late.

Mr. DOOLITTLE. Yes, Mr. Chairman; I insist that it comes too late.

Mr. KYLE. I was seeking the recognition of the Chair as soon as the paragraph was read.

The CHAIRMAN. If the gentleman rose for that purpose——

Mr. KYLE. I did, sir. I was on the floor when the chairman of the committee [Mr. SHERMAN] rose to offer his amendment.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard on the point of order?

Mr. SHERMAN. I yield to the gentleman from Washington [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, in relation to the point of order I wish to say this: In the first place, a treaty was, of course, made with these Indians; and afterwards a commission was sent out to treat with them. This resulted in an allotment of the lands. There was, of course, the usual supervision provided for. These Indians were not permitted to sell their lands during a period of twenty years unless with the consent of Congress. By an appropriation act passed during the Fifty-third Congress that time was cut down to ten years, which term, of course, is now running.

The whole subject has been left as the Indian appropriation bill of the Fifty-third Congress left it. Under the provisions of that act the commissioners were appointed; they went out and obtained the consent of the Indians for the sale of these lands—the allotted lands and the agency tract, as provided for in that bill. They have been proceeding, doubtless, up to the present time.

Now, then, the conveyance to the Indians by the United States provides that they shall not have the right to sell the lands without first obtaining the consent of Congress—that is, independently and of their own action. The legislature of the State of Washington, in pursuance of that provision, has passed an act—the first session of the State Legislature—so far as they could removing the restrictions from the sale of the land, but the whole thing depends upon the consent of Congress, and, as I stated, the whole matter remains as it was left by the appropriation bill to which I have referred.

I do not believe, Mr. Chairman, that the point of order is well taken. I do not believe that the existing law is changed under the provision inserted here, and I certainly hope, in the interests of justice to these people, and in the interest of all concerned, that the point of order will not prevail.

The CHAIRMAN. The Chair would inquire of the gentleman from Washington if he has a copy of the act of 1893 to which he refers?

Mr. DOOLITTLE. I have the act and will furnish it to the Chair.

Mr. PENDLETON. Mr. Chairman, I have the act before me, if the Chair desires to look at it.

In reference to the question now pending, I do not propose directly to discuss the point of order, but I do propose, with the consent of the Chair, to some extent to discuss the merits of the proposition as bearing upon the point of order.

Now, it seems that years and years ago the United States made a treaty with the Puyallup Indians and allotted their lands to them in severalty, and provided also that the lands should not be alienated for a period of twenty years. The Fifty-second Congress, by an act approved on March 3, 1893, provided for a commission to go out there and to sell what is known as the agency tract, by the consent of the Indians, which tract is now in the edge of the town of Tacoma, and also to sell such portions of each of the allotted tracts as they might obtain the consent of the Indians to sell. They assessed the agency tract, of 600 acres, at $212,000; and in addition to that the Indians have left 18,000 acres of land, worth probably from fifty to one hundred dollars an acre.

Now, this commission has gone ahead and sold some of the lands and it has valued all of the agency lands. It seems to be rather an expensive experiment and it is thought desirable not to continue the commission longer than the 1st of December of this year or the 1st of January of next year. The law says that no such land shall be alienated for a period of ten years; but the gentleman from Washington comes in with a proposition that they shall be placed under the laws of the State of Washington, which means that they may be permitted to alienate and sell the lands at once or at any time. In other words, that an Indian may sell his land just like a white man.

Well, if the Indians out there are like the Indians in other places, and the white people out there are like white people in other places, the whites will soon have all of the land and the Indians will have neither lands nor money.

In the first place, it seems to me to be subject to the rule of order, inasmuch as it is evidently new legislation. It repeals the clause which forbids the Indians to alienate the lands for ten years and allows it to be done at once, and then it places the Indians under the laws of the State of Washington.

Now, the Congress of the United States can declare an Indian to be a citizen; but neither Congress nor the Supreme Court can make him capable of exercising the rights and duties of citizenship, and if it is done it is contrary to our Indian policy, contrary to our theory in reference to them, and removes the protection of the Federal Government by allowing the Indians to sell their lands as they please, the final result of which, and the rapid result, will be that they will have no lands at all and no money and must be supported by the Government of the United States.

Mr. DOOLITTLE. Mr. Chairman, I am exceedingly surprised at the remarks which have just been made by the gentleman from Texas, and especially by a member of the Committee on Indian

Affairs who voted on this proposition in the committee when it was pending there and by which it was put into this bill.

Mr. PENDLETON. Will the gentleman allow me a moment?

Mr. DOOLITTLE. No; I must decline to be interrupted. I can not conceive of such a change of mind. This matter has been repeatedly considered in the Committee of the Whole and as frequently explained to the members of the House.

Mr. PENDLETON. I only desire to say this——

Mr. DOOLITTLE. I prefer to proceed without interruption.

Mr. PENDLETON. Only to say that I voted against it in committee.

Mr. DOOLITTLE. And I did not expect a member of the committee to take that stand.

Now, the condition of these Indians has been stated over and over again in this House. They are citizens of the State of Washington; they are voters in that State, and are enjoying all the rights and privileges of citizens. It has been stated by the gentleman who just took his seat that if these lands were permitted to be sold the Indians would be deprived of the means of support and become a charge upon the Government of the United States. That statement, Mr. Chairman, is absolutely without foundation, and has no basis in fact. On the contrary, they are well able to care for themselves. They are thrifty citizens of my own State and my own Congressional district, and they are a portion of my constituents, and I am here to represent them on the floor of this House. They are educated and intelligent people, just as are the constituents who have supported my colleague on the committee who has just taken his seat, and are as capable of supporting themselves and transacting their own business in an intelligent manner as are his constituents.

So far as the point of order is concerned, the whole subject, as I stated at the outset, is left wholly under the provisions of the former appropriation bill, because that bill took the subject of that limitation out of the law (which provided for the limitation to which reference has been made) and cut it down to this length of time.

Now, the gentleman says that an unusual thing would be done here and in this instance if these Indians were left to the government of the State of Washington. Why, they enjoy their property rights, the right of liberty and the pursuit of happiness under the Constitution of the United States and that of the State of Washington. Every right they have is guaranteed to them under the laws of that State, and they are protected in the enjoyment of every privilege under the laws of that State. The law provides that these lands may be sold whenever the consent of the Congress of the United States is obtained. Congress has from time to time made these provisions, as I have stated, in appropriation bills.

Now, all I am asking here is that these people shall be treated as they are entitled to be treated in the legislation of this Congress. This matter has been up now three times, and I do not feel the subject has been treated as it should have been with relation to the Puyallups by this House in the former Congress. I came here with confidence this time, now that I have the support of the Committee on Indian Affairs, and without any protest, that the rights of these people would at last meet with just and proper recognition. There are only about 600 of them. Their reservation, as has been stated here, lies up against the limits of the city of Tacoma, and what I desire is that this commission business should at some time in the future be brought to a close. Why, there has been about $40,000 already appropriated for the carrying on of the work of this commission, which is a sum greater than the reservation lands proper would at this time bring if they were put upon sale, and this commission is going on from day to day and from week to week and, as I said before, eating the very heart out of the values of these lands, because the appropriation bill which provided for the appointment of this commission also provided that the pay of these commissioners should be taken out of the proceeds of the sale of the Indian lands proper and the allotted lands.

Mr. Holman in the last Congress stated to his associates here on the floor that that was unjust and wrong, and that these people should not forever go on eating out the substance of these values by the eternal carrying on of this commission. Now, the Secretary of the Interior, as I stated the other day, told me that he believed that between now and the 1st day of next December all the work would be done that the commission could be expected to transact in behalf of the sale of these lands. That is the attitude of the proposition as it is here before the House; and it seems to me, Mr. Chairman, that any gentleman who wants to see right and justice prevail, as between man and man, between this Government and these Indians, should at once and without hesitation withdraw the point of order that he has made. Suppose this matter was at the very door of the gentleman's home, situated the way these people are. I should appeal to him then with confidence for his most cheerful cooperation. It is unjust and wrong that the point of order should be made here, it seems to me, with all due respect to the gentleman who made the point. I do not believe that the point of order has any foundation to stand upon, and it seems to me I have every reason to expect under all the circumstances that the point of order will be overruled by the Chair.

Mr. KYLE and Mr. PENDLETON addressed the Chair.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. PENDLETON. Mr. Chairman, the gentleman from Washington [Mr. DOOLITTLE] will certainly do me the justice to acknowledge that as a member of his committee I voted against that proposition.

Mr. DOOLITTLE. Well, I do not know that. I supposed every member of the committee voted with me. There was no protest in the committee against the action of the committee.

Mr. PENDLETON. I certainly did not vote for it. Now, Mr. Chairman, this commission has been expensive, as the gentleman states. We all agree to that, and we are perfectly willing to terminate the commission and fix a date at which they shall cease to exercise their functions and when there shall be no further expense. But we can do that without placing these Indians and the Indian lands beyond the protection of the Federal Government.

The CHAIRMAN. The Chair thinks that the proviso in the bill clearly changes existing law, and therefore the Chair sustains the point of order.

Mr. DOOLITTLE. I desire to ask unanimous consent to recur to the amendment offered by the chairman of the committee, at a later time during the consideration of the bill.

Mr. SHERMAN. Unanimous consent will be asked to recur to this paragraph at a later period.

Mr. CANNON. I am perfectly willing to do that; but I want, in line 5 of page 43, to move to strike out the word "fourteen" and insert the word "five." I want to see if I understand about it. I will ask the gentleman.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

In line 5, page 43, strike out the word "fourteen" and insert the word "five."

Mr. CANNON. I am under the impression that this is a very valuable tract of land which these Indians have near the city of Tacoma. Am I correct about that?

Mr. DOOLITTLE. Yes.

Mr. CANNON. Now, there are less than 500 of these Indians all told, I believe?

Mr. DOOLITTLE. Something over 600, I suppose.

Mr. CANNON. So there are of them between 500 and 600 men, women, and children?

Mr. DOOLITTLE. This embraces both the Colville and the Puyallup Indians. Those Colvilles are 500 miles away from the others.

Mr. CANNON. Those residing on the Colville Agency are on the other side of the mountains?

Mr. DOOLITTLE. Yes.

Mr. CANNON. How much of this $14,000 is for the Colvilles, and how much is for the Puyallups?

Mr. SHERMAN. Well, I will state about that in a moment.

Mr. HYDE. It is just a lump sum paid together.

Mr. SHERMAN. The Department divides it up in such a manner as it considers wise.

Mr. CANNON. Very well; there are 500 or 600 Puyallups; how many Colvilles?

Mr. HYDE. I think about 3,000.

Mr. CANNON. That is, men, women, and children?

Mr. HYDE. They are 500 miles away, I suppose, on the reservation.

Mr. CANNON. Is it a valuable reservation?

Mr. HYDE. It is rather valuable; a general law has been passed for opening the northern part and the allotment of the lands in severalty and to make provision for those Indians who do not desire to move to the southern part.

Mr. CANNON. Are they well off?

Mr. HYDE. They are wild Indians.

Mr. CANNON. Are they suffering?

Mr. HYDE. They are farming and all that sort of thing.

Mr. CANNON. Then they are not suffering for something to eat and to wear. What I want to get at is this; and I will now go back to the Puyallups: How much is there in that Puyallup Reservation?

Mr. DOOLITTLE. Eighteen thousand acres in the allotted lands and 650 acres on the reservation tract.

Mr. CANNON. Eighteen thousand acres besides 600 acres in the agency tract?

Mr. DOOLITTLE. Yes.

Mr. CANNON. About how much is it worth in value?

Mr. DOOLITTLE. I would not undertake to state.

Mr. CANNON. About $50 an acre?

Mr. DOOLITTLE. A great deal of it would not bring over $25 an acre to-day.

Mr. CANNON. Well, can not you give us the rate as to that portion of it that is platted, which is adjacent to the city? Is it fair to say that it is worth $50 an acre?

Mr. DOOLITTLE. I do not think it would be fair to put that value upon it at the present time.

Mr. CANNON. What I object to is that here are two Indian tribes grouped together—the Colvilles and the Puyallups—500 miles apart and a lump appropriation made, not under any treaty, but a mere gift for the support and civilization of these two tribes of Indians. Now, I listened with great interest to the earnest remarks, and I have no doubt correct statement, of the gentleman from Washington about the Puyallups, namely, first, that allotments have been made to them in severalty; second, that they were citizens, and third, they are intelligent.

Now, I am perfectly willing to put them upon all fours with those we appropriate for that need assistance; but here we have them with 18,000 acres of valuable reservation in the addition to the city of Tacoma, and it does seem to me, as we are not bound under any treaty to give them one cent, and by this means we are taxing the whole people, a portion of whom are in worse condition than these Puyallups, I mean materially, so far as their property is concerned, it ought not to be necessary to give them support.

Mr. SHERMAN. Now, Mr. Chairman, if the gentleman from Illinois will permit me to interrupt him, I have the information right here.

Mr. CANNON. I would be glad to have it read.

Mr. SHERMAN. I find from a note in the Book of Estimates that it goes to several of the tribes in the State of Washington. To the Colvilles, $5,550; Nisqually, $5,500; Neah Bay, $1,000; Yakama, $1,000; S'Kokomish, $1,000; Tulalip, $1,000; and Quinaielt, $1,000, and part to the Puyallups.

Mr. CANNON. Then, if the gentleman is satisfied from the manner in which this appropriation is made that no part of this gift is to those Indians that do not need it, why, of course, my criticism is ended.

Mr. SHERMAN. Yes.

Mr. CANNON. I have elicited the information I desired.

Mr. SHERMAN. I am glad that the gentleman has brought it out, because I desire that the committee should fully understand what it was.

Mr. CANNON. Now, if the gentleman is further satisfied that these Indians, to whom it goes under the policy of caring for the wards of the nation, are fully entitled to relief——

Mr. SHERMAN. I am.

Mr. CANNON. Then I withdraw the point of order.

The Clerk read as follows:

MISCELLANEOUS.

To pay balance due the commission appointed under act approved March 2, 1889, for per diem and expenses, as follows: Alfred M. Wilson, $1,245; Warren G. Sayre, $1,245; David M. Jerome, $1,245, commissioners; and Charles S. King, secretary, $702; in all, $4,437.

Mr. CANNON. Mr. Chairman, I raise the point of order upon that paragraph, from line 16 to line 24, inclusive, on page 43. There is no estimate for it, first, and second, it is a mere claim, I submit.

Mr. SHERMAN. It is more than a claim.

Mr. CANNON. If it is more than a claim, then it has no place upon this bill, because under Rule XI, if I recollect the number right, all matters of deficiency go to another committee. If it is a claim, it has no status. So far as it is not authorized by law it has no status; and if it has any status it is a deficiency, and the deficiency bill, under the rules of the House, ought to carry it. In any event, it seems to be subject to the point of order. I made it in no captious spirit at all, but for the reason, if, as I suspect, it is a claim, it is a bad precedent; and if it were allowed to go on the bill we would be subject to criticism for refusing to put claims generally upon appropriation bills. If you do it in one instance, why, then, you should do it in another. We would be in the position of passing claims on appropriation bills. But from either standpoint, it seems to me, it is subject to the point of order.

Mr. SHERMAN. I will ask my colleague from Arkansas [Mr. LITTLE] to explain this provision, as the amendment was his, and he understands the matter more fully than I do.

Mr. LITTLE. I yield to my colleague [Mr. DINSMORE], who has the papers relating to the matter in his possession.

Mr. DINSMORE. Mr. Chairman, I will say to the committee with reference to this item that it is not a claim, as suggested by the gentleman from Illinois [Mr. CANNON], but is properly a deficiency. The amendment is to provide for the payment of the balance of compensation due to three commissioners appointed under the act of March 2, 1889, for the purpose of purchasing lands from the Indians. That commission was created by law to expire upon an order of dissolution to be made by the Secretary of the Interior whenever, in his judgment, there was no further necessity for the services of the commissioners. The order for dissolution was made, and the dissolution took place in November. The appropriation for the pay of the commissioners expired on the 16th of August prior thereto, but they continued in the service up to November.

Their compensation had been fixed by the Secretary of the Interior at the time the commission was created; they were paid at that rate up to August, and this item for the balance due them is estimated upon the same basis. That is all there is of the item. It is to pay these commissioners the balance of their compensation which has not been provided for by Congress, and it is calculated at the rate at which they were compensated during the period for which they were paid. This commission was organized under a law which provided that not more than two members of the commission should be of one political party, and was constituted with Mr. Jerome, of Indiana, and Governor Sayre, of Michigan, as the two Republicans, and Mr. Wilson, of Arkansas, as the Democrat. I have a letter from the Secretary of the Interior and the Commissioner of Indian Affairs corroborating the statements I have made and giving a history of the matter, and I should be glad to submit the letter to any gentleman who desires to see it. I hope the gentleman from Illinois [Mr. CANNON] will not insist on the point of order, because this is an eminently just item, in accordance with law, and based upon the precedent which has been established as to the compensation of these commissioners by an order of the Secretary of the Interior. I may add that the omission to make provision for this item in the last Congress was due to an oversight, not of the parties themselves, but to the failure of any member of Congress to bring it before the committee.

Mr. CANNON. How does the gentleman explain the fact that there is no estimate for this item?

Mr. STEELE. I can explain that if the gentleman will permit me. The members of the commission found in this matter that "what is everybody's business is nobody's business." They depended upon the treasurer of the commission to prepare an estimate for the amount, but the treasurer thought that the Indian Department would submit an estimate, so it was not done by either, and when application was made for the money with which to pay the commissioners it was found that no estimate had been made and that the fault lay with the treasurer of the commission. Now they come to Congress and make their claim, and the Secretary of the Interior has stated in my presence to the chairman of the Committee on Indian Affairs that it is a just claim and ought to be paid.

Mr. CANNON. If anybody here can state, in the absence of an estimate, that this money is really due to these men under the law for service performed, and that he has knowledge in the premises, I will withdraw my point of order.

Mr. SHERMAN. The Secretary of the Interior so stated to me in the presence of the gentleman from Indiana, Mr. STEELE.

Mr. DINSMORE. I have a letter from the Secretary which gives the date of the appointment of these commissioners and sets forth the facts in the case, and I should be pleased to read it.

Mr. CANNON. Let the gentleman put it in the RECORD.

Mr. DINSMORE. Well, I state that there is no doubt that these gentlemen rendered service under the orders of the Government up to November; that they did not receive compensation beyond the 16th of August preceding, and that this item provides only for the compensation that is due them from August up to the subsequent November, when the commission was dissolved.

Mr. CANNON. And that their services were necessary to close up the business of their commission?

Mr. DINSMORE. Well, I would not like to say of my personal knowledge that their services were necessary; but I say this, that they were appointed under the law, and that on the 16th of August, when their compensation ceased, their services had not ended, but that they went on thereafter in discharge of their duties and made their report to the Interior Department, and that the commission was dissolved in the ensuing November, and at all times during the interim were subject to the orders of the Secretary of the Interior.

Mr. CANNON. Suppose you put that letter of the Secretary in the RECORD.

Mr. DINSMORE. I will insert in the RECORD the letter to Mr. Wilson advising him of his appointment and the letter of the Commissioner of Indian Affairs giving the facts. The Secretary's letter to me merely transmits the letter of Commissioner Browning.

They are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1889.

SIR: The President having appointed you one of the commissioners provided for by the fourteenth section of the Indian appropriation act of March 2, 1889, "to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands," you will please report in person to the Department in order that you may receive the necessary instructions for conducting the negotiations provided for.

It is important that the commission enter upon its duties as early as practicable.

Each of the commissioners will be allowed his railroad fare and transpor-

tation expenses and $5 per diem during the time of actual service in lieu of all other personal expenses and will be allowed a compensation at the rate of $10 per diem during the time of his actual service.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. ALFRED M. WILSON,
Fayetteville, Ark.

Hon. George D. Robinson, of Chicopee, Mass., has been by the President designated chairman.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 31, 1896.

SIR: I am in receipt of a memorandum, without date, from Hon. HUGH A. DINSMORE, inclosing a letter to him from Mr. A. M. Wilson, a member of the late Cherokee commission, so called, and asking for information as follows:

First. As to the order fixing the compensation of the commissioners.
Second. As to when the commission was dissolved.
Third. As to when payment was stopped.
Fourth. As to when the last report from the commission was filed.

In reply I have the honor to state:

First. That there is no record in this office touching any order from the Secretary of the Interior or the President, fixing the compensation of said commission. I am informally advised, however, that the compensation was fixed at $10 per diem, and $5 per diem in lieu of all personal expenses, and, in addition, to railroad transportation, by the Secretary of the Interior, in a letter of March 30, 1889, to Otis Humphries, which is of record in the Indian division of the office of the Secretary of the Interior.

Second. The records of this office show that the commission was dissolved by order of the Secretary of the Interior dated November 7, 1893, as follows:

"Upon your recommendation of the 3d instant, by direction of the President, the commission to negotiate with the Cherokees and other Indians for the cession to the United States of certain lands, as provided in section 14 of the act of Congress approved March 2, 1889, the membership thereof being David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, is hereby dissolved."

By letters of November 15, 1893, this order of dissolution was transmitted by me to the various members of the commission.

Third. It appears from the records of this office that the commissioners were paid to and including the 16th day of August, 1893.

Fourth. It also appears from the records of this office that the last report of the commissioners was dated August 21, 1893.

I have the honor to inclose Mr. DINSMORE'S memorandum, with inclosures, and recommend that the information herein contained as to the order fixing the pay of the commission be verified from the records of the Department, and that Mr. DINSMORE be furnished with a copy thereof, which is inclosed.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The Honorable the SECRETARY OF THE INTERIOR.

Mr. STEELE. I have the letter, and will see that it is inserted in the RECORD.

Mr. STEELE subsequently said: In my remarks upon one of the items of this bill a while ago I stated that I would insert in the RECORD a letter which I had in my desk. In looking for that letter I find it has been misplaced; but I have telephoned to the Secretary of the Interior, whose secretary promises me that a copy of the letter shall be sent to my hotel this evening. If I receive it there I will publish it with my remarks. I make this statement in justice to myself.

DEPARTMENT OF THE INTERIOR,
Washington, September 5, 1891.

SIR: My attention has been called to certain suspensions in the accounts of Mr. C. S. King, disbursing officer of the Cherokee commission, on account of services claimed by said commission and its secretary and disbursing officer while not in the field.

By Department letters of March 30, 1889, addressed to Hon. Alfred M. Wilson of the said commission, and to the other commissioners then in the service, the compensation of the commissioners was fixed as follows:

"Each of the commissioners will be allowed his railroad fare and transportation expenses, and $5 per diem during the time of actual service, in lieu of all other personal expenses, and will be allowed a compensation at the rate of $10 per diem during the time of his actual services."

In view of the statement made to me that the commission, as it now exists, gives its whole time to the duty required by law of it, I am of the opinion that the services of the commissioners and the secretary and disbursing officer of said commission are continuous from the dates of their several appointments and that they are entitled to their compensation and per diem for each and every day while in the service, and I direct the settlement of their accounts upon this basis.

The affidavit required by regulations to cover traveling and incidental expenses of this commission and its secretary and other commissions appointed by the President or the Secretary of the Interior for extraordinary service will not be required; such claims will be allowed upon the certificate on honor as to the correctness of same.

Authority is also granted the disbursing officer of this commission to pay employees on vouchers instead of quarterly pay rolls, these vouchers to be approved by the commissioners and certified to on honor by the disbursing officer as to the correctness of the same.

The commissioners will be allowed to choose the routes of travel as best adapted to the proper conduct of their business, and their traveling expenses should be settled upon their certificate that such expenses are or were for the best interests of the service. Their absence for so much of the time from places where oaths in due form can be administered is deemed sufficient reason for these exceptions.

A copy of this communication has been furnished to the chairman of the Cherokee commission.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

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DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1890.

Mr. CHARLES S. KING, *of Guthrie, Okla.*

DEAR SIR: You are hereby appointed and designated to act and serve as secretary and special disbursing agent of the commission appointed by the President under the fourteenth section of the Indian appropriation act of March 2, 1889, "to negotiate with the Cherokee Indians and with other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands," and as such you will be paid a compensation of $9 while actually employed, which shall include your subsistence expenses, but you will be allowed your railroad fare and other transportation expenses in addition to your compensation.

The CHAIRMAN. Is the point of order withdrawn?

Mr. CANNON. Yes, sir.

Mr. DOOLITTLE. I renew the point of order, Mr. Chairman.

Mr. DINSMORE. I hope my friend will not insist upon the point of order. This amendment is evidently just.

Mr. DOOLITTLE. I withdraw the point.

Mr. BROWN. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert in line 24, page 43, the following:

"That the sum of $8,647, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury or hereafter to come into the Treasury to the credit of the Eastern Band of Cherokee Indians, not otherwise appropriated, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokee Indians who have visited Washington on the business of the band, and to pay the debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band or expenses of delegates until the Commissioner of Indian Affairs and the Secretary of the Interior have approved of the same."

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order on that amendment until I hear something more about it. I have not yet even ascertained who offers it.

Mr. BROWN. I have offered the amendment, Mr. Chairman. The facts in regard to the matter are these: Some time prior to the year 1885 the Eastern band of Cherokee Indians became indebted to certain parties living within the boundary of their tribe for expenses incurred on account of delegates coming to Washington to attend to business of the band and for certain other matters. Now, by the act of March 3, 1885, Congress appropriated out of the money of this band of Indians $4,000 to go toward the discharge of this indebtedness. The money was not to be paid, however, until it had been ascertained by the Secretary of the Interior that these debts were just and bona fide claims against the band. On investigation it was found that these debts, instead of amounting to $4,000, amounted to over $12,000; so a certain pro rata or percentage was paid on each claim against the band. This amendment proposes simply to appropriate out of any money in the Treasury of the United States belonging to this band money enough to discharge the balance of the indebtedness.

I have here a letter of the Commissioner of Indian Affairs, in which the facts as I have given them are stated; and I have also a letter of Mr. Julius L. Holmes, United States Indian agent, making a similar statement of facts, and saying that these debts are honest and bona fide claims against the band and ought to be paid.

Besides, the amendment itself expressly provides that no part of the money shall be paid out until the indebtedness claimed has been passed upon by the Secretary of the Interior and the Commissioner of Indian Affairs. The amendment appropriates no money out of the Treasury belonging to the Government; it simply appropriates out of money now or hereafter in the Treasury belonging to this band and not otherwise appropriated $8,000, to pay this balance of indebtedness when it is ascertained to be just.

Mr. PEARSON. I wish to inquire how and for what these debts were originally incurred?

Mr. BROWN. Most of the indebtedness was, I think, as the act of 1885 says, on account of the expenses of delegates of the Eastern band of Cherokees who visited the city of Washington on business of the band, and also to pay the debts of the band.

Mr. PEARSON. Does the gentleman state that there was an indebtedness of $12,000 on account of certain commissioners or delegates coming from North Carolina to Washington?

Mr. BROWN. I do not know how much of the $12,000 was on account of the expenses of the delegates of that band who visited Washington, but I say that a portion of the indebtedness was on account of such expenses. As to the other part of the indebtedness, I am not prepared to say on what account it was contracted.

Let me repeat, the amendment itself provides that no part of this money shall be paid until the Secretary of the Interior and the Commissioner of Indian Affairs have approved the claim—until those officers have ascertained that the money is due. As a matter of fact, this indebtedness has already been passed on by the Secretary of the Interior; and the Commissioner of Indian Affairs, in his letter to me, says that the indebtedness is just and bona fide and ought to be paid.

Mr. PEARSON. Just one question further: Does the Eastern band of Cherokees recognize this indebtedness and wish this amount to be paid?

Mr. BROWN. In a letter dated July 24, 1885, Mr. Julius L. Holmes, United States Indian agent, says:

All the accounts included in class 1—

That is the indebtedness I have been speaking of—

are just and correct, having been approved by the band in council assembled.

Mr. SHERMAN. I think the amendment is amenable to the point of order, and I insist upon it.

The CHAIRMAN. The point of order is sustained.

The Clerk, resuming the reading of the bill, read down to the following paragraph:

That the Secretary of the Interior be, and he hereby is, authorized and directed to purchase the title of the Ogden Land Company, so called, to the lands within the Allegany and Cattaraugus Indian reservations in the State of New York, at the rate of $5 per acre, for which purpose a sufficient sum be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, payment to be made to said company or its legal representative upon the execution of a proper deed or deeds of conveyance to the United States of all right, title, and interest of said company in and to the lands aforesaid.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the paragraph which the Clerk has now reached, in regard to the Ogden Land Company, be passed over temporarily. It relates to a matter in the district of my colleague [Mr. HOOKER], who has been out of the city, and who, returning, has been delayed on the railroad.

Mr. PITNEY. I wish to make a point of order on this paragraph. If the paragraph be reserved, let it be understood that my point of order is pending.

Mr. SHERMAN. Oh, certainly.

The CHAIRMAN. Unanimous consent is asked that the first paragraph on page 45 of the bill be passed over temporarily with a point of order reserved by the gentleman from New Jersey [Mr. PITNEY]. Is there objection? The Chair hears none.

Mr. SHERMAN. I move to amend by inserting, after line 11, on page 45, the paragraph which I send to the desk.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to reimburse, upon the presentation of proper evidence, out of any unexpended balance of the appropriation for the support of Sioux of different tribes, including Santee Sioux of Nebraska, for the fiscal year ending June 30, 1896, the Rev. E. Ashley, of Cheyenne River Agency, S. Dak., for money expended by him in the employment of counsel to defend seven Indian policemen of said agency charged with the crime of murder: *Provided*, That not more than $700 be used for this purpose.

Mr. SHERMAN. Unless some member desires an explanation of the amendment, I will not occupy time upon it. [Cries of "Vote!" "Vote!"]

The amendment was agreed to.

The Clerk read as follows:

To pay the expense of the preparation of a digest, under the direction of the Commissioner of Indian Affairs, of the decisions of the courts and the Interior Department, and the opinions of the Attorney-General relating to Indian affairs, $3,000.

Mr. PICKLER. I move, pro forma, to amend by striking out the last word. I wish to inquire of the chairman of the committee by whom this digest is to be prepared.

Mr. SHERMAN. It is to be prepared in the Indian Office, under the authority of the Commissioner of Indian Affairs.

Mr. PICKLER. Can he do this work with the force that he has?

Mr. SHERMAN. So he says. It will be done in some shape or other. I do not know exactly how.

Mr. PICKLER. I did not know whether it was intended to employ a special officer upon this work.

Mr. SHERMAN. If I remember correctly the statement made to me, some gentleman now in the Indian Office has been at work upon this compilation outside of office hours for some time; and, if I recollect aright, has expended a considerable sum of money—I think it was stated as $2,000—in the purchase of special books necessary in the compilation of this digest. The work thus far has all been done outside of office hours, and it will be so done hereafter.

Mr. PICKLER. The work will be done under the direction of the Commissioner?

Mr. SHERMAN. Yes, sir.

Mr. PICKLER. I withdraw the pro forma amendment.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $20,000.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to follow at the end of line 25, on this page.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by inserting at the end of line 25, page 45, as follows:
"To reimburse George T. Simpson and Louis Shaw for money expended by them in the survey of the Grand Portage Indian Reservation, in the State of Minnesota, the sum of $900."

Mr. SHERMAN. Mr. Chairman, I desire to reserve the point of order until the gentleman from Minnesota has been heard, if he wishes to be heard, upon the amendment.

Mr. TAWNEY. Mr. Chairman, the amendment which I have just offered appropriates the same amount as is contemplated by the bill which the Committee on Indian Affairs has already considered and reported favorably within the last week.

I ask now that it be made a part of the pending bill at this time, for the reason that the money has been due to these men for some time, having been expended by them, and should be paid, and paid promptly.

If the chairman of the committee desires any further statement in regard to the merits of the claim, I will be glad to make it. I would say that a large part of it has been favorably passed upon by the surveyor-general of our State, also by the Secretary of the Interior, by the Commissioner of the General Land Office, by the Commissioner of Indian Affairs, and by the Second Auditor of the Treasury. It was rejected by the Second Comptroller of the Treasury for the reason that the amount claimed is due under a supplemental contract—that is to say, a contract made subsequent to the original contract for surveying the reservation—and the Second Comptroller held that the heads of the Departments could not, by a subsequent agreement, change the obligation of the Government as specified in the original contract, and for that reason he rejected the claim.

But I would like to read, from a statement in his letter rejecting the claim, these words:

In the consideration of this case this office does not undertake to say, nor is its action to be understood as deciding, that the services rendered by these contractors were not reasonably worth all that is claimed. The question of what is the reasonable value of the services rendered has not been considered.

He then goes on to say that the services were rendered and that it seems to be a proper question for the consideration of the legislative power, for he says:

The remedy does not appear to lie with the accounting officers of the Government.

Now, Mr. Chairman, the amount specified in the original contract was found to be inadequate to pay the amount necessarily expended in making the survey. These contractors were driven out of the reservation on account of the plague of flies and insects, which became so annoying during the time this work was in progress that no man could possibly remain on the reservation, and therefore they were compelled to temporarily abandon the work. They went back in the fall, but owing to the peculiar topographical conditions and other obstacles which neither party to the contract could foresee, it was impossible for them to continue the work on the terms of the original contract, and they were about to abandon the contract entirely when the surveyor-general, acting in behalf of the Government, after a thorough and careful investigation of the facts, found that the work could not be done by anybody for the contract price, and he recommended an increase of the compensation fixed by the contract. The recommendation of the surveyor-general was approved by the Department of the Interior, and the approval was communicated to the contractors, who, on the strength of the promises made to them of an increase of the allowance for the work to be done, went back on the reservation and completed it. Their work was approved by Government officials.

The amendment simply proposes to pay them the amount actually expended in doing this work; they get nothing whatever for their services. I have here the verified statement of the parties showing in detail the amount actually expended, which was presented to the Committee on Indian Affairs, and which was carefully considered by that committee and on which they based the approval of the bill favorably reported.

I hope the gentleman, therefore, will withdraw the point of order, inasmuch as the work has been done, and faithfully done, and also in view of the action of the Committee on Indian Affairs in regard to it.

Mr. SHERMAN. Mr. Chairman, after the gentleman's statement, and in view of the fact which he has last stated, I will not insist upon the point of order.

Mr. CANNON. For just a moment I will renew the point of order. This is a claim, pure and simple.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I should like the gentleman to first state the grounds of his objection.

Mr. CANNON. My objection is this—and I make it with great hesitation—that this is a claim, pure and simple, and that the Committee on Indian Affairs never rightfully had jurisdiction of it. It is like a hundred thousand other claims. It is most ungracious to make points of order on them. There are not sixty minutes of any day but what I have to say, when gentlemen coming to me wanting this, that, and the other thing put into appropriation bills, that claims can not go on general appropriation bills.

Mr. TAWNEY. I will say that this is a claim authorized by the Commissioner of Indian Affairs. It was incurred in making a survey of an Indian reservation, and if the Committee on Indian Affairs is not the proper committee and does not have jurisdiction it is difficult to tell where it should go.

Mr. CANNON. I have no doubt it is a just claim, from what the gentleman says.

Mr. TAWNEY. It has been approved by a committee of this House after the most careful consideration.

Mr. CANNON. There are hundreds and thousands of other just claims. I am only objecting to making a general appropriation bill a claim bill.

Mr. TAWNEY. It is not proposed to make the Indian appropriation bill a claim bill. I hope the gentleman will withdraw his point of order.

Mr. CANNON. Well, Mr. Chairman——

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

Mr. TAWNEY. I thought the gentleman was going to withdraw the point.

Mr. CANNON. Even though it appears to be ungracious, I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

For survey and subdivision of the Colville Indian Reservation in the State of Washington, and of lands to be allotted to the Indians thereon, $10,000, to be immediately available from the proceeds of lands of said reservation when sold.

Mr. SHERMAN. Mr. Chairman, in line 4 of page 46, after the word "available," there is a misprint. The words "and to be reimbursable" should be inserted there.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $5,000.

Mr. ALLEN of Utah. Mr. Chairman, I raise a point of order against this paragraph, that it is new legislation. There is no statute which authorizes the Secretary of the Interior to negotiate with any Indians for the surrender of all or any portion of their lands, and this, if enacted into law, would give him that power.

Mr. SHERMAN. Mr. Chairman, I can not contend that the point of order is not well taken, but I hope the gentleman will not insist upon it. I think the provision is a wise and just one, and for the betterment of the service. I trust the gentleman will not insist upon the point of order. Of course I must admit, if he insists upon it, that the point of order is well taken, but I hope that he will not insist upon it.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. ALLEN of Utah. Mr. Chairman, I shall have to insist upon it.

The CHAIRMAN. The point of order is well taken.

The Clerk, proceeding with the reading of the bill, read as follows:

That the Secretary of the Interior Department be, and he is hereby, authorized and directed to adjust, settle, and pay, upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriations for the support of the Indian school at Genoa, Nebr., for the fiscal years 1894, 1895, and 1896, the claims of all persons, firms, and corporations who furnished goods and supplies for the Indian Industrial School at Genoa, Nebr., during the incumbency of Horace R. Chase, superintendent of said school, which have not already been allowed and adjusted: *Provided*, That the sum so expended shall not exceed the sum of $8,000.

Mr. CANNON. Mr. Chairman, to that paragraph I submit the point of order that it is an appropriation not authorized by law, and is legislation.

Mr. MEIKLEJOHN. Mr. Chairman, the Indian industrial school situated at Genoa, Nebr., is in the county in which I reside. The paragraph just read does not provide for an appropriation of any kind, but provides that any unexpended balance of appropriations in 1894, 1895, or 1896 may be applied in the payment of claims for supplies furnished this institution in 1888, 1889, and 1890. During the incumbency of one Horace R. Chase, superintendent of this institution, these supplies were furnished, and by reason of a misappropriation of funds by the superintendent of this college the claimants have never been paid. The paragraph provides that any unexpended balance of these years, not exceeding in amount $8,000, may be applied to pay claimants who furnished supplies for this Indian school. Mr. Chairman, I ask at this time to have the Clerk read the names and amounts of the claims for supplies furnished to this institution in 1888, 1889, and 1890, and for which the unexpended balance of appropriations already made are asked to be applied in liquidation.

The Clerk read as follows:

Claims for sundry supplies furnished the Indian industrial school, Genoa, Nebr., in 1888, 1889, and 1890, during the incumbency of Horace R. Chase, superintendent, with action thereon by the Auditor of the Interior Department.

Claimant.	Amount.	Amount allowed.	Amount disallowed.
A. Spear & Co	$640.29		$640.29
Thos. Sexton & Co	24.70		24.70
Osborne & Bros	895.10		895.10
John Hughes	66.75		66.75
Geo. M. Baer	19.70		19.70
Chas. Miller	29.00		29.00
Pacific Lumber Co	812.29		812.29
Nelse J. Skoog	400.31		400.31
McFayden & Co	301.12		301.12
A. B. Ramey & Son	101.67		101.67
Fairchild & Co	68.15	$21.00	47.15
J. H. Haber	17.40		17.40
H. E. Adams	8.50	1.75	6.75
H. E. Bragg & Co	199.20		199.20
William Ames	270.27		270.27
Jno. M. Travis	8.75		8.75
A. Nebinger & Co	55.04		55.04
Gideon Wheeler	264.04		264.04
Andrew Netzell	282.06		282.06
L. L. Green	355.87		355.87
O. E. Green	3,240.15		3,240.15
Total			8,037.61

Mr. MEIKLEJOHN. Mr. Chairman, the superintendent of this institution was discharged, arrested, convicted of misappropriation of funds, and thereby his vouchers and evidence for these claimants in the respective Departments were discredited. The paragraph which I ask to have adopted in this bill provides that they may be allowed to file their claims with the Secretary of the Interior, introduce their evidence and proof, and if anything is found due them, that the amount so found due may be paid them from the unexpended balance of the appropriation made for the years 1894, 1895, and 1896 for this institution.

I have before me here a report from the Comptroller and Auditor of the Treasury Department, in which they state, by reason of the conduct of this superintendent and the condition of his accounts, it was impossible for them on the evidence they have before them to audit these accounts. This will allow the claimants to file their claims with the Secretary of the Interior and, upon competent proof, if any amount be found due it shall be paid from the unexpended balance of the appropriation already made for this institution. I think the point of order made by the gentleman from Illinois, under this explanation of the condition of these claimants for supplies furnished this institution, ought not to be insisted upon.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MEIKLEJOHN. May I inquire of the Chair upon what ground the point of order is sustained?

The CHAIRMAN. The point of order is sustained on the general statement. It seems to be a series of claims against the Government, and has no place on an appropriation bill, but goes to the Committee on Claims. It refers to claims dating back as far as 1889, while this is an appropriation bill for the fiscal year ending June, 1897.

Mr. MEIKLEJOHN. Is it understood by the Chair that these claims are still pending in the Treasury Department unadjusted and have been so pending since they were filed in 1888, 1889, and 1890?

The CHAIRMAN. Besides all that, the paragraph provides how the Secretary of the Interior shall adjust and settle the claims. This is a matter of appropriation for the Indian service. So that, on all grounds, the paragraph is out of order.

Mr. MEIKLEJOHN. I hope the gentleman from Illinois, in view of the statement I have made and as this paragraph makes no appropriation, will withdraw his point of order.

Mr. CANNON. I will say to the gentleman that I have already had to insist in several cases, and there are several more to follow.

Mr. MEIKLEJOHN. But does the gentleman from Illinois make the distinction that there is no appropriation involved in this paragraph, and that these claims are now pending in the Treasury Department? I hope the gentleman from Illinois will yield to me on those grounds.

Mr. CANNON. I am exceedingly sorry, but if I do so I will have to abandon making points of order on all claims.

Mr. MEIKLEJOHN. Does the gentleman know that this asks for no appropriation?

Mr. CANNON. I understand it thoroughly.

Mr. MEIKLEJOHN. I ask that this paragraph be passed for the time being with the consent of the chairman of the committee.

Mr. CANNON. What is the use of passing it?

Mr. SHERMAN. I certainly will gladly consent to it.

Mr. MEIKLEJOHN. Will the gentleman from Illinois consent to have it passed over for the present?

Mr. CANNON. If the point of order can be considered as pending, yes. I can see no object in having it passed, however. I will consent, I say, with the point of order pending. If the gentleman desires to have it passed, I have no objection.

Mr. MEIKLEJOHN. That will be satisfactory.

The CHAIRMAN. The Chair has already decided the point of order.

Mr. CANNON. Unanimous consent is asked that the point of order against the paragraph be reserved.

Mr. MEIKLEJOHN. That will be satisfactory.

The CHAIRMAN. Unanimous consent is asked that this paragraph be passed over, the point of order being reserved.

Mr. CANNON. I can see no good that would come from that. I guess we had better proceed with the bill.

The CHAIRMAN. Objection is made.

Mr. MEIKLEJOHN. The gentleman says that he will accede to that request.

The CHAIRMAN. The gentleman now says he can see no good in it.

Mr. CANNON. The only objection is that when it is reached again it might happen that I was not in the House. Now, then, I can not allow that to happen unless I should be dead.

Mr. MEIKLEJOHN. I will state to the gentleman that I will not take up this paragraph in his absence.

Mr. CANNON. What is the object in passing it over?

Mr. MEIKLEJOHN. I am inclined to think if you had more complete information on the matters involved you might be disposed not to insist on the point of order. [Laughter.]

Mr. CANNON. Mr. Chairman, I fully understand the whole of it, and I will have to object.

The CHAIRMAN. The gentleman from Illinois objects, and the point of order is sustained.

Mr. SHERMAN. Mr. Chairman, I now suggest that we return to page 43, which was temporarily passed over by unanimous consent, so that the gentleman from Washington may offer an amendment.

Mr. DOOLITTLE. I offer an amendment, which I desire to have read.

The amendment was read, as follows:

In line 5, page 43, after the word "dollars," insert the following:

"*Provided*, That the consent of Congress of the United States is hereby given and granted to the removal of the restrictions now existing against the sale of the allotted lands of said Puyallup Indians in the State of Washington; and this provision shall take effect on the 1st day of December, 1896. And for continuing the work of the Puyallup Indian commission appointed under the act of March 3, 1893 (26 Statutes at Large, 612), until said 1st day of December, 1896, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and for the purpose of defraying the expenses of said commission, the sum of $4,000 is hereby appropriated to be available until expended, and to be reimbursed to the United States out of the proceeds of the sale of the agency tract lands, as provided in said act."

Mr. DOOLITTLE. I understand, Mr. Chairman, that the point of order is withdrawn.

Mr. SAYERS. I renew the point of order. I am informed that this is not an amendment that ought to go upon this bill.

Mr. DOOLITTLE. On what ground does the gentleman renew the point of order?

Mr. SAYERS. Simply on the ground that I have been informed that this legislation ought not to go upon the bill.

Mr. DOOLITTLE. You were for it in conference, with this same provision.

Mr. SAYERS. On the contrary, I was not.

Mr. DOOLITTLE. It had the same provision.

Mr. SAYERS. But I was not for it in conference.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay George Wright for services as interpreter for the Osage Nation of Indians from January 1, 1863, to September 30, 1865, as provided by section 2070 of the United States Revised Statutes, $550.

Mr. CANNON. Mr. Chairman, I make the point of order that that is a mere claim and has no place on a general appropriation bill.

Mr. SHERMAN. Mr. Chairman, I shall have to express my hope once more that my friend will not insist on the point of order, though I suppose I must concede it is well taken. The facts are that this Mr. Wright did perform these services, the compensation for which is fixed by the Revised Statutes, and he has not received the full compensation due him. There is no question under the sun but that he is entitled to this money. He can recover it in the Court of Claims, and I suppose that my friend from Illinois would not hesitate to put this provision into a deficiency bill. As there is no doubt about the justice of the claim, and inasmuch as it is in connection with the Indian service and the committee have examined the matter and know that the money is due, I trust the gentleman will not insist on the point of order.

Mr. CANNON. I observe that it dates back to 1863 and if I make the point of order on any of these claims I certainly must insist upon it in this case.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Also that the Secretary of the Interior be, and he is hereby, directed to adjust, settle, and pay upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriation for the support of Indian day and industrial schools for the fiscal years 1895 and 1896, H. Phillips, the teacher of Puyallup Indian school, a sum not to exceed $314, on account of the loss of his personal property and effects by fire in the buildings of said Indian school in the month of March, 1895, and while assisting in saving Government property belonging to said school.

Mr. CANNON. I make the point of order on that, Mr. Chairman.

Mr. SHERMAN. Mr. Chairman, this requires no appropriation. The fact is that this gentleman lost his property in a more or less successful attempt to save Government property, and as we can pay him without taking it out of the Treasury of the United States, and as he sustained his loss under these peculiar circumstances, I am sure that the lenient heart of my honored friend from Illinois must yield in this instance. [Laughter.]

Mr. CANNON. If the gentleman will put in a clause providing that no part of this money shall come out of the Treasury of the United States I will withdraw the point of order.

Mr. SHERMAN. Well, I suppose it will come out of the Treasury, but it does not require a specific appropriation out of the general fund.

Mr. CANNON. I must insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property and annuities of the tribe to which the mother belongs, by blood, as any other member of the tribe; and no prior act of Congress shall be so construed as to debar such child of such right: *Provided*, That nothing herein shall conflict with the provisions of existing treaties.

Mr. MCCALL of Massachusetts. Mr. Chairman, I make the point of order on this paragraph that it changes existing law and practically repeals the act of August 9, 1888.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to be heard on the point of order. I send to the Clerk's desk and ask to have read the law which it is claimed this provision changes.

The Clerk read as follows:

Be it enacted, etc., That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories, except the Five Civilized Tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

SEC. 2. That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or interest therein.

SEC. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

Mr. CURTIS of Kansas. If the Chairman noticed that law as it was read he observed that there is not one word in it with reference to the children of an Indian woman who marries a white man, and it is a fact well known that for several years this question was pending before the Department of the Interior, and it was not until within the last two or three years (this act was passed in 1888) that the Secretary held that the child of an Indian woman who had married a white man since 1888 was not entitled to all the rights of a member of the tribe, and to the same rights as the child of an Indian man who had married a white woman.

This amendment, instead of changing existing law, simply places a construction upon this section. At the end of the second section, as the Chairman will notice, it is provided that the mother shall retain all her rights in the tribe—her property and her annuities; and if this be true of her, why is it not true of her children? The fact of her marriage to a white man does not change the status of her children. And will any member of this House claim for one moment that the children of an Indian woman who marries a white man have not the same rights that belong to the children of an Indian man who marries a white woman?

There is another thing that is well known to every man who has had anything to do with the Indian Committee or with Indian affairs. Every time that there has been a treaty negotiated or entered into with the Indians, it has been the half bloods and the quarter bloods that have been appealed to. There is no reason and no justice in claiming that the child of an Indian woman because she happens to have married a white man since 1888 is not entitled to the same portion of land to which she would be entitled had her father been an Indian man and her mother a white woman.

Some gentlemen say, and this objection was urged upon me the other day, "This is taking a step backward." If it is taking a step

backward why has not Congress the courage to take the proper step and say that hereafter no Indian man shall marry a white woman and no Indian woman marry a white man? But instead of taking a step backward this is a step in the right direction. You may go to the Indian Territory, you may go to any Indian reservation that you please, and you will find that the children who are advanced in education and intelligence are the children of white men and Indian women or the children of white women and Indian men. These are the first to put on citizen's clothing; they are the first to attend the schools.

I tell you, Mr. Chairman, there are only two ways to solve this Indian question. We may talk about it in Congress all we please; missionaries may say what they please; but the only way to solve the Indian question is by education and by intermarriages of Indians and whites.

Mr. Chairman, in the law of 1888 there is nothing that deprives the child of an Indian woman who has married a white man of its rights. So I say this amendment, instead of changing existing law, simply construes that section and simply puts the children of an Indian woman in the same condition as the children of an Indian man occupy.

Another thing: It is well known as a principle of law that the condition of the children follows that of the mother. If that principle of the common law be conceded, then the condition of the children of an Indian woman would follow that of their mother, and they would be entitled to all the rights in the tribe that she enjoyed. The very law which it is claimed we are undertaking to change provides that the mother shall not be deprived of any of her rights in the lands or annuities of the tribe. This is all I desire to say on the point of order.

Mr. McCALL of Massachusetts. Mr. Chairman, the argument of the gentleman from Kansas [Mr. CURTIS] is simply an argument in favor of the repeal of the act of August 9, 1888, because the children of white men who marry Indian women are placed on a different basis from the children of Indian men who marry white women. Now, that argument may be good or bad; but the statute of August 9, 1888, in clear terms provides that—

No white man, not otherwise a member of any tribe of Indians, who may hereafter marry an Indian woman, member of any Indian tribe in the United States or any of its Territories, except the Five Civilized Tribes in the Indian Territory, shall by such marriage hereafter acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

And the next section provides that the Indian wife of the white man shall become a citizen of the United States. The white man being a citizen, his wife becomes a citizen and their children are citizens.

Mr. CURTIS of Kansas. Will the gentleman permit me a moment?

Mr. McCALL of Massachusetts. If the gentleman will wait a moment, I will.

Mr. Chairman, the object of that law is to preserve these Indian reservations and Indian lands to the Indians. When an Indian woman marries a white man she surrenders her tribal rights so far as her children are concerned. She herself enjoys during her life all her rights as an Indian woman. My friend from Kansas admitted in his argument, as I understood him, that the Interior Department has put on this law a construction adverse to the construction for which he is contending here.

Mr. CURTIS of Kansas. I wish to ask the gentleman if it is not true that the second section of the statute of 1888 expressly provides that nothing in the act shall interfere with the interests of the wife in the lands or annuities of the tribe?

Mr. McCALL of Massachusetts. Yes; but I think a fair construction of that provision is that it applies to the rights of the wife during her life. The children of such a marriage are citizens of the United States and have no special claim upon the Government for support; they have not the rights that Indians have. They are not in the position of wards of this nation. They are citizens of the Government.

I think there is embodied in that statute a broad public policy; that is, to prevent the maintenance of this race for the purpose of being charges upon the people of the United States. Our people are willing to support Indians; but they draw a line as to who are to be considered Indians.

Now, it seems to me that if the gentleman from Kansas in his construction of the law is correct, then there is no need for this provision in the bill at all. It is not, Mr. Chairman, the function of the appropriation bill to construe the law. That belongs to the courts, and the phraseology of the provision, as embodied in this bill, shows itself that it is obnoxious to the point of order.

Mr. CURTIS of Kansas. I have not a copy of the RECORD at hand, but the Chair will undoubtedly remember that the same question was raised on the Post-Office appropriation bill during its consideration in the Committee of the Whole two years ago. The point of order was then made and overruled, for the simple reason that it construed the section and was not a change of the law.

Now, I submit that if there was anything in the section under consideration that shut out the children, it might be a different case. But there is no such provision in this bill; and, as I said at the opening, this question was pending before the Department of the Interior for several years before they determined whether or not it applied to the children of Indian women at all. Now, if the gentleman from Massachusetts occupies a correct position in his argument, why does he not, on this floor, advocate a proposition to shut out the children of Indian men who have married white women?

Talk of supporting the Indians! Suppose you try to carry that out to its fullest extent, and that the Government should cease its support. What is the first step to do? As long as you compel them to intermarry you will have to keep them and support them. Until you enable white men to marry Indian women, and white women to marry Indian men, and protect and educate the children of such marriages, you will have to support the race. There is no question about that.

Mr. McCALL of Massachusetts. The proposition would not be in order on the present bill. That is the point I made against the pending proposition. It is new legislation, and I am simply making a point on the proposition that it is new legislation and has no place in this bill. It is contrary to the rules of the House. If it was properly before the House, I might or might not support it.

Mr. CURTIS of Kansas. Probably might not.

The CHAIRMAN. The Chair is ready to rule on the question of order raised.

The Chair remembers the case of two years ago to which attention has been called, in reference to the Post-Office bill and the ruling then made.

Mr. CURTIS of Kansas. That was only the fraternal press matter.

The CHAIRMAN. The Chair recollects the occasion; that it had reference to the transmission through the mails of certain published matter. The present occupant of the chair never had any sympathy with that ruling, but, aside from that, this pending proposition, on which the point of order is made, appears clearly to the Chair to be new legislation. It is a positive enactment by law where at best it is only claimed that none now exists, and the Chair, for that reason, sustains the point of order.

The Clerk read as follows:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes, not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,135,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska: *Provided*, That the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1897, to an extent not exceeding 60 per cent of the amount so used for the fiscal year 1895: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Mr. LINTON said:

Mr. CHAIRMAN: I move to strike out the last word, and desire to say in this connection that it will be impossible for me to conclude my remarks within the five minutes allowed by the rule, and I therefore ask an extension of time. I will desire to occupy some fifteen or twenty minutes, but will conclude as soon as possible.

Mr. SHERMAN. I think perhaps time will be saved by agreeing now upon a limit of time for the debate. It will be better to arrive at a conclusion now, so that at the end of the time fixed the vote can be taken on the paragraph and any amendments that may be offered to it.

I suggest that we take forty minutes for debate on this proposition and all amendments, and give the gentleman from Michigan twenty, and I will control the other twenty.

Mr. LINTON. I desire to say that there are several others who wish to speak, and I hardly think forty minutes will be sufficient.

Mr. SHERMAN. Then I ask unanimous consent that the debate be limited to one hour, with the understanding that at the expiration of that time the vote shall be taken on the pending amendment, or amendments that may thereafter be offered, without debate.

Mr. HAINER of Nebraska. Is that an hour on each side?

Mr. SHERMAN. No; one hour altogether.

Mr. HAINER of Nebraska. That, I think, would be hardly sufficient.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAINER of Nebraska. I must object for the time being.

Mr. SHERMAN. How much time does the gentleman from Nebraska want?

Mr. HAINER of Nebraska. I do not know that I want any; but I would suggest that you make it forty-five minutes on each side.

Mr. LINTON. We can fix the time for the vote, say, at half past 4; that would give ample time.

Mr. HAINER of Nebraska. So that time is left for the presentation of amendments I will be content. I think thirty-five minutes on a side will be sufficient, reserving the right to offer an amendment after the debate is closed.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the debate on this paragraph, and all amendments thereto, be concluded in one hour and ten minutes, thirty-five minutes of which shall be allotted to the gentleman from Michigan and the remainder of the time to the gentleman from New York in charge of the bill. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. LINTON] is recognized.

Mr. LINTON. Mr. Chairman, a little less than two years ago from this same place I said that it was time to call a halt in the expenditure of the Nation's money toward any sectarian institution. Since then a great change has taken place in this class of legislation. No longer do you see the schools of St. Boniface, the Holy Family, or St. Ignatius specifically provided for by Congress, and even the so-called charities of the District of Columbia under sectarian control and for which our whole people have been taxed, thereby becoming unwilling contributors to a taxation without representation, have been swept from legislative bills.

This has been brought about by an outraged, indignant public sentiment created by the knowledge that Congress has for years, contrary to public policy, contrary to the principles of good government, and in direct contravention of the Constitution, appropriated vast sums of money that have been devoted to sectarian purposes. Every member upon the floor at this moment is aware of the fact that the pending bill carries in round numbers a quarter of a million dollars, every penny of which will go into the coffers of one church to be used for the education of 4,000 children in schools where creed, and one creed only, is taught. I will not, and never have attacked or abused any religion or creed, and will endeavor to refrain, in my own remarks, from even mentioning the name of any sect, but I believe this whole religious controversy should be forever eliminated from the arena of politics, and the only way to bring it about is to absolutely divorce church and state, as intended by the founders of our Government, and stop here and now pandering to any church influence or demand by ceasing at once making this class of appropriations.

As stated by a well-known Senator during the debate upon this bill last session—

It is a very serious matter. It concerns the rights of the American people so far as the appropriation of their money is concerned. I do not believe the Congress of the United States can long stand upon the ground we occupy to-day. There is already a gathering storm in this country against this matter of appropriating money for sectarian purposes. That storm may break before a great while upon the Congress and the people of the United States.

The storm prophesied by the Senator did break in many places during the last campaign, and men whose faces have been familiar here for many years are now resting quietly by their firesides, wishing they had voted upon this question in accordance with the Constitution of their country, in obedience to the dictates of their own consciences, and according to the desires of almost their entire constituencies. They then might have escaped the storm of indignation and the flood of ballots which overcame them. The storm of 1894, however, was a zephyr and the flood a rivulet compared with what is impending if Congress persists in its mad course of voting hundreds of thousands of dollars to one church in bills which if passed become laws respecting an establishment of religion (directly prohibited by the United States Constitution); but they go further than that, and actually force poor, ignorant children under that establishment of religion and pay the bills for their religious education. But my good friend from New York will say the children will be thrown out of school if we do not provide for them. Not so. I wish to have the Clerk read a United Press dispatch of this date.

The Clerk read as follows:

COLLECTIONS FOR CATHOLIC INDIAN MISSIONS.

PHILADELPHIA, *February 23.*

In all the Roman Catholic churches of this diocese collections were taken up for the mission work among the negroes and Indians in the United States. Similar collections were taken in other dioceses as the result of an appeal recently issued to the bishops and archbishops by the commission composed of Cardinal Gibbons, Archbishop Ryan, of this city, and Archbishop Kain, of St. Louis.

The rich and powerful church which has these children in charge will not discontinue teaching its creed because the Government refuses longer to pay for it any more than the same church would abandon the big university it has established almost within a stone's throw of the Capitol because it can not secure Government aid.

I will introduce here for printing in the RECORD a limited number of letters, remonstrances, and resolutions, which should have great weight with our decisions here to-day, coming from the high sources they do, representing great churches and millions of our people:

NEW YORK, *December 27, 1895.*

HONORABLE AND DEAR SIR: We, the undersigned executive officers of mission boards and representatives of leading branches of the Christian Church in the United States, desire to ask your earnest attention to the matter of appropriations of public money by Congress in aid of Indian schools conducted by religious denominations. The following table, compiled from the reports of the Commissioner of Indian Affairs, sets forth the present status of this question:

Amounts set apart for education of Indians in schools under private control for the fiscal years 1886 to 1896, inclusive.

	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	Total in 11 years.
Roman Catholic	$118,343	$194,635	$221,169	$347,672	$356,957	$363,349	$394,756	$375,845	$389,745	$359,215	$308,471	$3,430,157
Presbyterian	32,995	37,910	36,500	41,825	47,650	44,850	44,310	30,090	36,340	.....	.....	352,470
Congregational	16,121	26,696	26,080	29,310	28,459	27,271	29,146	25,736	10,825	.....	.....	219,644
Martinsburg, Pa	5,400	10,410	7,500	.....	.....	.....	.....	.....	.....	.....	.....	23,310
Alaska training school	.....	4,175	4,175	.....	.....	.....	.....	.....	.....	.....	.....	8,350
Episcopal	.....	1,890	3,690	18,700	24,876	29,910	23,220	4,860	7,020	7,020	2,160	123,346
Friends	1,960	27,845	14,460	23,383	23,383	24,743	24,743	10,020	10,020	10,020	.....	170,577
Mennonite	.....	3,340	2,500	3,125	4,375	4,375	4,375	3,750	3,750	3,750	3,125	36,465
Middletown, Cal	.....	1,523	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,523
Unitarian	.....	1,350	5,400	5,400	5,400	5,400	5,400	5,400	5,400	5,400	.....	44,550
Lutheran, Wittenberg, Wis	.....	.....	1,350	4,050	7,560	9,180	16,200	15,120	15,120	15,120	.....	83,700
Methodist	.....	.....	.....	2,725	9,940	6,700	13,980	.....	.....	.....	600	33,945
Mrs. L. H. Daggett	.....	.....	.....	.....	.....	.....	.....	6,480	.....	.....	.....	6,480
Miss Howard	.....	.....	.....	275	600	1,000	2,000	2,500	3,000	3,000	3,000	15,375
Lincoln Institution	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400	367,400
Hampton Institution	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040	220,440
Woman's National Indian Association	.....	.....	.....	.....	.....	.....	.....	.....	2,040	4,320	.....	6,360
Point Iroquois, Mich	.....	.....	.....	.....	.....	.....	.....	.....	900	600	.....	1,500
Plum Creek, Leslie, S. Dak	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,620	.....	1,620
Total	228,259	363,214	376,264	529,905	562,640	570,218	611,570	533,241	537,600	463,505	370,796	5,147,212

Attention is especially invited to the fact that the Presbyterians, Methodists, Congregationalists, Episcopalians, Friends, Lutherans, and Unitarians have all formally declined to receive further Government aid in carrying on their work among the Indians, and Baptists receive nothing. During the last four years especially the subject has been very widely discussed in the columns of the public press, secular and religious, in the Halls of Congress, and elsewhere, and we believe that the sentiment of the American people is almost solidly united in opposition to this scheme of Government aid in sectarian schools. It is plainly in violation of the spirit of the Constitution; it is contrary to public policy; it is injurious to our politics; it is productive of religious jealousy; it is a misuse of public funds; it is a menace to the integrity of the public-school system, and is detrimental to the cause of Indian education.

We believe that the sentiments already expressed by you are in harmony with the views of the great mass of the American people, and we appeal to you to continue the good work to which you have given so much valuable time.

We believe that if you would send a copy of your speech of June 7, 1894, before Congress, to the pastors in the United States, asking them to preach a sermon or deliver an address on this subject, to circulate petitions to be signed by their parishioners and sent to Congress, and to write personal letters to Representatives and Senators, respectfully praying for the discontinuance of such appropriations, you would find at once such a response as would clearly satisfy Congress as to the unpopularity of such appropriations.

In asking renewed attention to the subject we are encouraged by the action of the last Congress, which ordered the discontinuance of the contract system "as soon as practicable." We believe that it is practicable and desirable that it should be discontinued at once, and that no further appropriations be made for sectarian schools, and that the Indian Office be prohibited by law from setting apart any portion of money for schools under sectarian control.

Wm. C. Roberts, corresponding secretary, Board of Home Missions, Presbyterian Church; T. J. Morgan, corresponding secretary, American Baptist Home Mission Society; A. B. Leonard, corresponding secretary, Missionary Society, Methodist Episcopal Church; C. C. McCabe, corresponding secretary, Missionary Society, Methodist Episcopal Church; C. J. Ryder, corresponding secretary of American Missionary Association, Congregationalist; D. J. McMillan, corresponding secretary, Presbyterian Board of Home Missions

Hon. W. S. LINTON, M. C., *Washington, D. C.*

LOUISVILLE, KY., *January 21, 1896.*

MY DEAR SIR: I inclose copy of preambles and resolutions as below, adopted by the Baptist Pastors' Conference of this city (Louisville). I assure you that these are the sentiments of the 230,000 Baptists in Kentucky, as well as nearly all the 4,000,000 throughout the entire country. I can assure you also that these are the sentiments of five-sixths of the American people. I earnestly hope that this stain upon our Government may be speedily removed.

Very sincerely, yours,

T. T. EATON,
Editor Western Recorder.

Hon. W. S. LINTON, *Washington, D. C.*

—

NEW YORK, *December 30, 1895.*

DEAR SIR: At a large meeting of the conference of Baptist ministers of New York and vicinity the preamble and resolution below was unanimously adopted.

Yours, truly,

T. J. MORGAN,
Corresponding Secretary, American Baptist Home Mission Society.

Hon. W. S. LINTON, M. C., *Washington, D. C.*

—

DEAR SIR: The protest below is offered by the Baptist Ministers' Conference of Atlanta, Ga.:

"That in entering this protest we are guided by a regard for the sacred principle of separation of church and state so prominently characteristic of our constitutional system, and wholly uninfluenced by disproportionate favor shown to any church."

This resolution was unanimously passed at the Baptist Ministers' Conference in Atlanta, Ga., January 6, 1896.

C. N. DONALDSON, *Chairman.*

Hon. W. S. LINTON,
House of Representatives, Washington, D. C.

—

Resolutions below were also adopted by the Baptist Ministers' Conference of Richmond and Manchester, Va.

WM. E. HATCHER, *President.*
J. T. TUCKER, *Secretary.*

January 13, 1896.

Resolutions passed by the Baptist Pastors' Conference, Louisville, Ky., January 20, 1896:

"Whereas the United States Government during the last eleven years has paid out of the public Treasury the sum of $3,430,157 to the Roman Catholics to aid them in carrying on their missionary work among the Indians; and

"Whereas for the year ending June 30, 1896, while less than $6,000 are set aside for other churches, the sum of $308,471 is given to the Roman Catholics; and

Whereas it is the declared policy of the Government to discontinue Indian contract schools as early as practicable; and

Whereas it is entirely feasible to make provision in Government schools for all Indian children now enrolled in contract schools before the beginning of the school year of 1896-97: Therefore

Resolved, That we earnestly urge upon Congress the importance of discontinuing at once the contract school system, and we hereby protest against the appropriation of further sums from the public Treasury in the aid of contract schools. We do this for the following reasons:

First. The appropriation of public money to any church or religious denomination is plainly in violation of the spirit of the Constitution, which prohibits the establishment of any form of religion.

Second. It is contrary to public policy, causing as it does religious jealousies, and injecting into our politics the animus of sectarian controversy.

Third. The giving of so large a sum to one sect while others doing the same kind of work among the Indians receive nothing from the public Treasury is unwarranted favoritism on the part of the United States Government, which is in duty bound to treat all its people alike.

Fourth. It is a serious menace to the integrity of the public-school system, since the same reason urged in behalf of this action of the Government may be urged with equal potency in behalf of the division of the public-school fund of the several States.

Fifth. It is detrimental to the cause of Indian education. It is better for the Indians in preparation for American citizenship to be trained in public schools, where all the influences tend to foster patriotism and to prepare them for a speedy absorption into national life.

H. C. ROBERTS, *President.*
NOLAND, *Secretary.*

—

A PROTEST AND PETITION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, citizens of the United States, earnestly protest against the appropriation by Congress of funds from the National Treasury for sectarian education among the Indians, or for the support of any institution or undertaking not wholly under the control of the National Government.

We respectfully petition the Fifty-fourth Congress to adopt the following joint resolution proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking which is wholly or in part under sectarian or ecclesiastical control."

R. W. ROWLEY,
And tens of thousands of others.

Attention is invited to a table compiled from the reports of the Commissioner of Indian Affairs showing the amount of money paid out of the public Treasury for contract Indian schools during the period of eleven years, 1886–1896, inclusive. From this table it appears—

First. That during that time the total amount paid to Indian contract schools was $5,147,292 and that of this sum $3,430,157 has gone to one denomination.

Second. The amount reached its highest point in 1892, viz, $611,570. Since this time there has been a steady decline, the amount appropriated for the year 1896 being $370,796.

Third. The Methodists, Presbyterians, Congregationalists, Episcopalians, Friends, Unitarians, and Lutherans, who have hitherto participated in this Government subsidy, have withdrawn entirely. The amount of $2,160 charged to the Episcopalians for the year 1896 is not by the authority but against the express wish of the church; the same is true of the $600 charged to the Methodists. The school conducted by Miss Howard is in no sense a church school. while Lincoln and Hampton institutes both claim to be undenominational, so that of the total amount apppropriated for contract schools for 1896, viz, $370,796, the sum of $308,471 is given to one church, while only $3,125 is given to any other religious body.

Fourth. It will thus be seen that as the matter now stands the Government of the United States takes from the public Treasury the sum of $308,000 to aid one religious body in carrying on its missionary work among the Indians, while it gives practically nothing to any other.

It is worthy of noting in this connection that at the last session of Congress a clause was inserted in the Indian bill prohibiting the Secretary of the Interior from making any new contracts, and restricting him to a sum not to exceed 80 per cent of the contracts of the previous years, and directing that—

The Government shall, as early as practicable, make provision for the education of Indian children in Government schools.

It thus appears that the Indian contract school system has, after mature deliberation and much public discussion, been repudiated practically by all the churches except one; second, that the entire policy has been condemned by act of Congress.

I hope that the present Congress will abolish at once the entire system, which is so antagonistic to the spirit of the Constitution, repugnant to the public opinion, and which has been heretofore productive of so much bitterness, and which has in it the possibility of so many evils in the future.

I may be called an extremist upon this question, but I know that I am in the right and that the American people are with me.

On the 15th of June, 1876, the Republican national convention declared:

The public-school system of the United States is the bulwark of the American Republic. With a view to its security and permanence we recommend an amendment to the Constitution of the United States forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control.

Republicans, can you vote for this appropriation after having made this party pledge?

The Democratic national platform at St. Louis, June 28, 1876, declared:

We do here reaffirm our faith in the total separation of church and state for the sake alike of civil and religious freedom—

And referred to—

the public schools, which the Democratic party has cherished from their foundation and resolved to maintain, without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any.

Democrats, will you vote largesses to a creed, after declaring in party convention assembled that you would not do so? I know of the pressure that is being brought to bear upon members, and the lobby that has been at work. I wish to have read at this time an Associated Press dispatch published in papers throughout the country.

The Clerk read as follows:

FIRST OF ITS KIND—PÈRE MARQUETTE'S STATUE TO BE PLACED IN THE CAPITOL.

WASHINGTON, *February 21.*

The unveiling of Père Marquette's statue in Statuary Hall, at the Capitol, which will occur soon, will be the first instance of the placing of a memorial to a churchman in the Capitol. The statue is being put in position. Father Marquette is represented in the garb of the Jesuits, standing with a map in his left hand, the right grasping his robe.

It is expected the unveiling exercises will be attended by Cardinal Satolli, Cardinal Gibbons, and the French and Italian ambassadors, together with a number of high dignitaries of the Catholic Church.

Mr. LINTON. I presume that Father Stephan, who labors so assiduously here for the schools of his church, thinks it a fitting time when at this very moment in Statuary Hall, in the room of the Capitol dearest to our people owing to the associations of great names connected with it, there is being uncovered this marble statue, clothed in the cowl and gown of a Jesuit, with crucifix, rosary, beads, and other paraphernalia of his church, standing

with map in one hand, the other grasping his robe—the whole figure, including pedestal, upon which is engraved scenes of church triumph and the Jesuitical letters, "S. J.," is of an ecclesiastical character alone; in fact so much so that devotees of that society have stopped in front of it, placed as it is in the main corridor of the Capitol, to make the sign of their creed, causing a member of the House, who may participate in this debate, to say that—

The interior has been transformed, and now the only thing necessary to give the Capitol the appearance of a complete cathedral is to change the exterior but slightly by removing the Goddess of Liberty from the Dome and substituting a figure of St. Peter,

And this statue of a zealous priest, who never knew the meaning of the precious word "liberty," and never heard the name or even dreamed of the great State he is supposed to represent, has this day been placed, and we are informed is to remain, next to and towering above the marble form of a statesman, the martyred Lincoln, standing just beneath with troubled face and bowed head, but the stroke of whose pen freed 4,000,000 slaves; and, as we are informed in the extract just read, the unveiling exercises of this, the first and only statue of a churchman in the Capitol, will be attended by that "eminent American," (?) Cardinal Satolli, and other high dignitaries of his church—this, I say, Father Stephan may consider a fitting time for Congress to present the schools of his faith with a quarter of a million dollars, but I do not; neither do I believe this House is in a temper to do it, and I therefore ask the adoption of the amendment I offer, which will prevent such a misappropriation of public moneys.

The Clerk read the amendment offered by Mr. LINTON, as follows:

On page 49, after the word "Alaska," in line 8, insert:
"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools."
And strike out the proviso beginning in line 8, down to and including the words "ninety-five," in line 14, page 49.

The CHAIRMAN. Has the gentleman from Michigan occupied all the time he desires to occupy?

Mr. LINTON. I reserve the remainder of my time.

Mr. SHERMAN. I will yield, Mr. Chairman, to the gentleman from South Dakota [Mr. GAMBLE] such time as he desires.

Mr. GAMBLE. Mr. Chairman, I desire to say at the outset it is not my intention to make a set speech upon the amendment submitted by the gentleman from Michigan [Mr. LINTON]. It occurs to me, however, the Committee on Indian Affairs should have some reasons to present for the report they have made so far as it relates to the subject of Indian education.

In an act passed by the last Congress it was declared that the Secretary of the Interior should make contracts, but only with the then contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1895, and that the Government should as early as practicable make provision for the education of Indian children in Government schools.

In pursuance of that declaration the Committee on Indian Affairs have brought in a report upon this subject in compliance with the declared purpose of Congress as there laid down, and the amount appropriated this year, as proposed in this bill, is only 60 per cent of the amount appropriated for the year 1895. So, Mr. Chairman, we feel that we are carrying out in good faith the policy of last year; and we do not believe it is just to the Indians that they should be cut off from the proposed appropriation which has heretofore been extended for the aid of Indian education. I heartily agree with the gentleman from Michigan [Mr. LINTON] in the principle enunciated by him, to entirely dissever church from state, but there is something more than a theory involved. These institutions of learning have been planted in these remote regions for the education of the Indian. It was done in good faith, and at the invitation and encouragement of the United States. There can be no question, I think, that these schools have contributed most encouragingly to the higher and better education of the Indian population.

Mr. Chairman, I represent a constituency that has mingled in its population in different localities something like 25,000 Indians, placed there not voluntarily by the State of South Dakota, but they have been admitted to citizenship by the Government of the United States without any act upon our part, and are a part and parcel of our people. We are interested, Mr. Chairman, in having the Government contribute to their education, as it properly should, for they are its wards and not ours, that they may be brought into harmony and sympathy with the institutions not only of the State, but of the General Government. We are anxious that this people may be educated and fully civilized, that they may in time be a strength rather than a menace to our Commonwealth. The amendment proposed is to strike down all appropriations for this purpose.

I respectfully submit, Mr. Chairman, that the Committee on Indian Affairs have reported wisely and in compliance with the declared purpose of the law passed in the last session of Congress.

For the fiscal year 1895 a less appropriation was made by $74,000 than for the prior year. By the appropriation bill for the fiscal year 1896 the appropriation was reduced more than $92,000. Later I will ask to have read, as a part of my remarks, a communication I received in response to certain inquiries I made of the Commissioner of Indian Affairs upon the subject under discussion.

I submit in all fairness that the gentleman from Michigan [Mr. LINTON], if he is to insist upon his amendment and no appropriation is to be extended, ought to ask from the General Government a sufficient amount now for the construction and equipment of schools to be under the control of the Government to supply the place of those that have been and now are doing this work under contract. If the contract schools are to be eliminated and stricken down their equivalent should be supplied, and that without unnecessary delay. He should ask for an appropriation by the General Government, so that the education of the Indian may be provided for in the immediate future, and the service not suffer and its elevating and stimulating influence be postponed.

Mr. PEARSON. With the gentleman's permission, I will state that as I understand this amendment it does not cut off any of the appropriation, but simply says it shall be expended without sectarian control. Is that so?

Mr. LINTON. That is the only provision. The appropriation is not reduced in the least.

Mr. SPALDING. It does not reduce the appropriation.

Mr. GAMBLE. The amendment to which the gentleman from Michigan directed his remarks was simply to strike out the last word; but I understand that he concluded his remarks by submitting an amendment.

The amendment, however, will have the effect I have indicated. The Government has not its own schools or school facilities, nor are they otherwise provided in the localities where the service is needed. It is our understanding, the schools can not otherwise be provided at the present time than by the contract schools. I am in hearty sympathy with the gentleman in his proposition to have an absolute separation of church and state. But, interested as we are in the education of the Indian as a part of our citizenship, in the elevation of his manhood, and strengthening his character, we say in all fairness that he ought to come in, if these schools are to be cut off and the opportunities of the Indian lessened, and ask for a reasonable appropriation to supply facilities in lieu of what he proposes to strike down. I hold in my hand a communication from the Commissioner of Indian Affairs, to which I heretofore referred, which states that it will require upward of $1,200,000 to supply school facilities equaling those already provided by the contract schools. I will ask to have it read as a part of my remarks.

The CHAIRMAN. Does the gentleman desire to have it read?

Mr. GAMBLE. Yes.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 15, 1896.

SIR: I have the honor to acknowledge receipt of your letter of February 8, relative to certain school matters. In reply I advise you seriatim as follows:

First. Number of Indian children receiving education in sectarian or contract schools under pay from the Government:

Contracts are made for 4,072 pupils, while the average attendance on these schools is shown by reports of contractors to be 4,998.

Second. How much was paid by the Government to such schools for the above purpose for each of the fiscal years of 1895 and 1896, and how much is proposed to be used for such purpose for the fiscal year 1897:

During fiscal year 1895 contracts were made for this purpose aggregating $463,505, and for 1896, $370,796. A like reduction for 1897 would reduce the amount to about $299,000.

Third. How much money, if any, has been used by the Government since the appropriation for the fiscal year 1895 for the Indian Department in the construction or purchase of school buildings for educational use for the Indians:

An approximate estimate shows the cost of this item to be $216,612, to which should be added about $50,000 more for minor repairs, improvements, water systems, and sewerage.

Fourth. If all contracts by the Government with sectarian or other schools were at this time terminated, what appropriation of money by the Government would be necessary to construct or purchase suitable buildings and sites with equipments to adequately and sufficiently supply the service equal to that before the discontinuance of any of the contract schools under the law of 1895?

As stated above, if the contract-school system were abolished and the Government forced to care for the 4,000 children now being educated therein, it would require at least twenty boarding-school plants, with capacity for 200 pupils each. To construct and equip these plants would cost not less than $60,000 each, or a total of $1,200,000. This estimate is based upon the actual expenses of this office in constructing such schools.

Fifth. How long would it take the Government to construct and equip the school buildings by purchase or otherwise before the same would be ready for use and occupancy without injury to the cause of education of the Indians?

By putting forth special effort it would take from two to three years.
As to the policy of this Bureau and the Department, see reports transmitted to Congress, Executive Document No. 107, Fifty-third Congress.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. R. J. GAMBLE,
House of Representatives.

Mr. GAMBLE. Now, Mr. Chairman, I do not know that I care to add anything to what is contained in the communication I have submitted, except to say that I am in no ways wedded to any particular measure; but being interested as I am in the education of the Indians, especially within the limits of my own State, I do not want to see the cause of Indian education suffer even temporarily, and this is the reason for my objection to the amendment. It can not be otherwise than detrimental to the service, at least until adequate facilities are supplied by the Government to supply the places by these schools. I submit that under the policy already inaugurated by Congress every dollar of appropriation will cease within three years from this time, and it seems to me it is a feasible, it is a practicable, it is a wise provision that the committee has followed out, and it ought to be satisfactory to everyone.

Mr. ANDREWS. Will the gentleman allow me to ask him a question?

Mr. GAMBLE. Certainly.

Mr. ANDREWS. Has any provision been made thus far for the building of houses by the Government to take care of these children?

Mr. GAMBLE. That is a subject to which I was about to address myself. In the letter submitted by the Commissioner it is shown that upward of $200,000 has been used for that purpose during the past year. And I submit, Mr. Chairman, if we are to withdraw support from these schools within three years—and the Commissioner, by his letter, states it will take three years to complete the construction of these buildings—we ought, in justice to the Indians, to appropriate at least one-third of the amount at this time and at once commence the construction of school buildings so as to have them ready to be occupied as the needs of the service require, and avert, if possible, any harm to the cause of education among any of this people.

Mr. ANDREWS. Another question, with the permission of the gentleman. Why not proceed with that business immediately and put this whole question under absolute Government control from the outset?

Mr. GAMBLE. I am willing, as far as I am concerned, to assent to the proposition of the gentleman, but is this Congres willing under present conditions to appropriate $1,200,000 for the purpose? I think, however, we ought at least to appropriate a part of it, because I think the United States is large enough, great enough, and has resources enough, and should be independent enough to educate the Indian, and if possible make him a self-supporting, intelligent citizen, within their own school buildings, without renting the services from sectarian or other contract schools.

Mr. ANDREWS. Just one more question. In the end it means so much money to equip these schools to transact the work now under practical Government control, does it not?

Mr. GAMBLE. Yes, sir; it would require an appropriation of $1,200,000 to provide the facilities with which to do the work that is now being done by contract schools. It will require that amount of appropriation for school buildings.

Mr. KIEFER. Will the gentleman allow me to ask him a question? Suppose the Government should furnish that amount of money, $1,200,000, or whatever the amount may be, would it not take at least another year before these buildings would be finished and the children entered for educational purposes?

Mr. GAMBLE. Yes, sir.

Mr. KIEFER. Consequently the present appropriation asked by the committee must be given.

Mr. GAMBLE. It ought to be given, so as to keep up the education of the Indians until other facilities are supplied by the Government to do the work under its direct charge and entirely independent of the contract system.

Mr. KIEFER. So as to have no break in the course.

Mr. GAMBLE. And if no appropriation is made, then the education of 4,998 Indian children would not be provided for.

Mr. ANDREWS. This appropriation relates to what fiscal year?

Mr. GAMBLE. To the fiscal year ending June, 1897.

Mr. ANDREWS. And it is deemed that between this time and the time when the Government can erect these buildings the educational work would be seriously injured if this system were not continued?

Mr. GAMBLE. That is conceded by the communication I had read. There are many school buildings now in which the work is being done, and it would require some time to construct buildings to take the place of those used for that purpose. With this statement, Mr. Chairman, I will take my seat. It was not my intention to take so much time in stating the position of the committee. We do not want the cause of Indian education to suffer. We think the appropriation asked for by the committee should be made. The Government will do the work as soon as it is in a position with adequate facilities to do it, and in the meantime we desire the appropriation contemplated in the act of 1895 and in pursuance of the policy then declared.

Mr. TAWNEY. If the gentleman will allow me a question, if we continue to pursue the policy under which we are now working how long will it be before the Government will have complete control of the education of these Indians?

Mr. GAMBLE. Three years.

Mr. PEARSON. If I understood the gentleman from South Dakota, the proposition is to cut down this appropriation 20 per cent each year, so that it would take four more years. Why not make some provision now looking to the future control of these schools?

Mr. GAMBLE. You would have my most hearty cooperation in making the appropriation. We all know, even if the policy of 1895 is to be followed, there ought to be an appropriation for the purpose of constructing and equipping school buildings, so that the Government will be in a position to do the work of education itself when these contracts will have terminated.

Mr. SHERMAN. Let me suggest to the gentleman from North Carolina that this provision is being made thoroughly in this bill. There were eighty contract schools, and 20 per cent has been deducted from those, and we are making Government schools. If he will take the trouble to examine the report he will see that half a dozen schools were erected last year.

Mr. PEARSON. I would like to ask the gentleman from New York if it would not be better to make provision for the whole amount for the erection of these buildings as soon as possible, and thus stop this sectarian discussion?

Mr. ANDREWS. I have known it to occur that buildings have been erected in less than six months for the accommodation of 4,000 white children, and why can not we do it in this instance? [Applause.]

Mr. LINTON. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, like the gentleman from South Dakota [Mr. GAMBLE] I have no set speech on this subject, but in view of the great importance of it I deem it my duty to explain my attitude toward the pending bill. I shall vote against this provision in the bill just as I voted against a similar provision in the bill of two years ago, and for the same reason. This provision is unrepublican, as is demonstrated by the extract from the Republican platform of 1876 read by the gentleman from Michigan. It is undemocratic as demonstrated by the extract read from the Democratic platform of that year. It is un-American. Such a proposition has no legitimate place before the House of Representatives. I do not speak to-day as a member of the A. P. A. I am not now nor have I ever been a member of that organization. I speak simply as an American citizen who thinks that upon this particular proposition there is no room whatever for compromise. This proposed 20 per cent reduction is a compromise, or an attempt to compromise, a principle which lies at the very foundation of this Government; a principle that no true American citizen ought ever to consent to see compromised in the slightest degree. The argument in favor of these appropriations which I heard two years ago, and which has been repeated to-day, did not and does not commend itself to my judgment.

It is based on two premises. The first one is that if we withdraw the support of the Government from these sectarian schools they will languish and die. I deny that first premise of the argument of the gentlemen from South Dakota [Mr. GAMBLE]. It is only a mere expression of opinion, not a statement of fact, and I deny that that opinion is well founded. As stated by the gentleman from Michigan [Mr. LINTON] if we withdraw the appropriations proposed in this bill from the church or churches which desire to receive them, those particular churches will support these schools just as the Presbyterians and the Methodists and the Baptists and the other denominations now support their schools. The Baptists have never received but have always refused to receive any appropriations from the Government. The Presbyterians, the Congregationalists, and the Methodists have received such appropriations, but some two years or more ago, of their own volition, they announced to Congress and to the American people that they wanted no more Government appropriations to support their schools. Why does not the other church say the same thing?

Mr. WALSH. What church do you refer to when you say "the other church?"

Mr. COOPER of Wisconsin. The other churches—I do not know how many there are. I understand, however, that there are certain churches that ask for these appropriations. I understand, for instance, that it has not been announced to the American people or to the American Congress that the Catholic Church is

willing to give up this appropriation—and I make no invidious comparison between churches, for I am friendly to all of them.

But I understand that there is one church which clings to this appropriation. Now, I saw by the Census Abstract the other day that there are in the Catholic Church in this country 6,000,000 communicants. This appropriation carries about $250,000 to that church for these schools. If it were $300,000, how much would each one of those 6,000,000 of communicants be called upon to contribute in order to make up that amount? Five cents—5 cents a year, less than half a cent a month! What an imputation upon the loyalty, the zeal, the devotion of the members of this enormously wealthy religious organization to say that to preserve these schools and to propagate among the Indians the faith in which they believe they would not be willing to impose an additional per capita assessment or to make an additional per capita contribution to the amount of half a cent a month, or 5 cents a year! Gentlemen, do you believe anything so improbable as that? No one can believe it. There is another reason why we know that that church would continue to support its schools. We know it by the remarks made by the honorable gentleman from New York [Mr. SHERMAN], the chairman of the Committee on Indian Affairs. In his opening statement, when he brought this bill before the Committee of the Whole, this colloquy occurred. I read from page 2200 of the RECORD:

Mr. PEARSON. Before the gentleman takes his seat I should like to ask him if he can give the committee any information as to how much money would be required to procure, either by lease or purchase, the school buildings that are now used in these contract schools?

Mr. SHERMAN. I will say to my friend from North Carolina that I do not know whether these buildings can be procured at all or not. I presume some of them could not be had. I imagine that to erect school buildings which would take the place of all these contract schools would require perhaps from a million and a half to two millions of dollars.

Mr. PEARSON. The gentleman knows that we have already acquired certain of the schools?

Mr. SHERMAN. Yes.

Mr. PEARSON. And we have acquired them from nearly every denomination except one?

Mr. SHERMAN. Yes.

Mr. PEARSON. Now, has any effort been made looking to the obtaining of the title to such schools, either by lease or otherwise?

Mr. SHERMAN. I think not; but I will say to my friend that I have an idea, obtained from a semiofficial source, that these schools perhaps would not be sold to the United States.

Mr. SHERMAN. "Unofficial" that should be, not "semiofficial."

Mr. COOPER of Wisconsin. It reads "semiofficial." It could not be semiofficially.

Mr. SHERMAN. It should be "unofficial." The statement had no connection whatever with any official.

Mr. COOPER of Wisconsin. Very well. If these schools would not be sold to the United States, then they would be retained by the church which owns them. If retained, they would be retained for what purpose? Evidently for the purposes of Indian schools, and their maintenance would involve, as I have already said, an additional per capita assessment of only 5 cents a year upon the communicants of that church.

But even if the statement be true that the schools would languish and die but for Government aid, that furnishes no argument whatever why we should make this appropriation. We have no right to do good to an Indian child by outraging the plain rights of a white man. The Virginia statute of religious freedom was drawn by Thomas Jefferson, and he was prouder of it than of anything else he ever wrote except the Declaration of Independence. It received the sanction of James Madison and his warm approbation in a letter which he wrote after its enactment.

Here is a clause in that statute of religious freedom:

That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Have you a right to take the money of Catholics or Presbyterians or Methodists to educate Indian children in infidelity or to teach them the Jewish faith? No; nor have you the right to take the money of Jews or infidels or Protestants generally to teach Indian children the Catholic faith, because, in the language of Thomas Jefferson, when you take the money of any man for the purpose of propagating religious opinions which he disbelieves you commit an act which is sinful and tyrannical. [Applause.]

Mr. SHERMAN. Mr. Chairman, I should like to know how much time there is left on each side.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] has nineteen minutes and the gentleman from Michigan [Mr. LINTON] six minutes.

Mr. SHERMAN. I yield five minutes to the gentleman from Minnesota [Mr. EDDY].

Mr. EDDY. Mr. Chairman, I am in entire sympathy with the principle laid down in the discussion of the District appropriation bill a week or two ago, that all governmental appropriations should be disbursed by Government officials. But I take it there is no principle so correct that under certain circumstances and conditions it may not be inapplicable; and I take it there is no rule so exact that under certain conditions it is not "more honored in the breach than the observance," and it seems to me thinking men will conclude this is such an occasion. The great aim and object of all governmental transactions with the Indians has been to elevate, to civilize, and to Christianize them; and the greatest of all influences in such civilization and advancement have been the schools that have been established among the various Indian tribes by the different religious denominations of the United States and the self-sacrificing efforts of noble men and women who have left the abodes of civilization and everything that is dear to the heart of a civilized person and, impelled by an overpowering missionary spirit and no hope of reward except the consciousness of having well performed a self-imposed duty, have devoted their lives to the Indians—who have settled among these children of the forest and the plains and endeavored to elevate and Christianize them.

I am aware that very many of these missionaries are Roman Catholics and that very many of these schools are controlled by Catholics, and I take it that this amendment is aimed chiefly at that church. Now, Mr. Chairman, I am not a Roman Catholic, and have no personal interest in that church; but, Mr. Chairman, my widening experience among men has taught me that no one church is great enough to absorb all the principles proclaimed on Calvary's mount by that wonderful carpenter of Nazareth. And, Mr. Chairman, I declare, without fear of successful contradiction and as a matter of simple justice, that this denomination has done as much as if not more than any other denomination to civilize and Christianize the Indians of North America. My long acquaintance with the Indians and an intimate acquaintance with the Indian character has taught me that a Catholic Indian is very much preferable to a heathen Indian.

I want to call attention to the schools established on the White Earth Reservation. There are two schools there that have been established for many years, one managed by the Episcopalians and one by the Catholics. Within the radius over which the influence of those schools has extended the Indians have made considerable advancement in civilization and enlightenment. They live in houses; they have wagons; they cultivate the land; they are advancing in civilization; while beyond the borders of the influence of those schools the Indians are exactly in the same condition that they were when Christopher Columbus discovered America.

I have not forgotten that when the "ghost-dance" excitement swept over the Western plains, bringing within its influence those Western Indians, a band of wild Indians went to our Chippewa Reservation in Minnesota; they instituted a "ghost dance" and were working those civilized Indians up to the wildest frenzy, so that the whole northern portion of our State trembled in anticipation of an immediate Indian outbreak. In that emergency the only white men who dared to go among those Indians were those missionaries that had charge of those mission schools on the reservation. They did go among those excited Indians, and by their influence, an influence which they had obtained through a lifetime of association with and work among them, persuaded the visiting Indians to return home and persuaded the resident Indians to resume their ordinary vocations, so that the danger was averted.

Nor have I forgotten, Mr. Chairman, the terrible Sioux Indian war which swept over southwestern Minnesota in 1862, the most terrible Indian war in all the history of such warfare in this country. It came like a thunderclap from a clear sky. Our men were away at the front, battling for the Union, leaving their homes, their wives, their children unprotected. In that terrible holocaust of death, which was led on by Little Crow, more than 6,000 men, women, and children lost their lives. Mr. Chairman, I am willing to admit that many so-called educated and Christianized Indians forgot their education and their Christianity, and with bloody hands joined the wild Indians in that awful carnival of death. But at the same time I do not forget John Otherday and four or five other Christianized Indians, who by their warnings and by their efforts, made at the imminent danger of their own lives, saved more than 2,000 innocent persons—men, women, and children—from sharing the awful fate of their fellows. Mr. Chairman, I most strenuously maintain that all the appropriations in favor of sectarian schools and sectarian education are not worth as much as the lives of those people who were saved by those Indians so educated and so Christianized.

[Here the hammer fell.]

Mr. LINTON. I yield one minute to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Chairman, I am opposed to the provisions of the bill and shall favor the amendment; and in taking this position I am true to the principles of a lifetime. Ever since I have been old enough to read the provisions of our Constitution I have believed, as I believe now and hope I shall ever be-

lieve, that church and state in this Government ought to be separated. Therefore I am in favor of this amendment, and hope that it will pass the House by a ringing vote. [Applause.] It is a violation of the spirit if not of the letter of our Constitution to appropriate money from the Treasury of the Government for sectarian purposes. Such a thing ought never to have been done, and it ought to be stopped as soon as possible. I appreciate and respect the spirit that seeks the wild and untamed children of the desert, the mountain, or the forest and lifts them by education into the responsibilities of citizenship, but that is the function of the church; let the churches do this work unaided by the General Government.

Mr. LINTON. I now yield one minute to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, I desire in the minute allotted to me to send forward to the desk an amendment to the amendment offered by the gentleman from Michigan [Mr. LINTON]. I am satisfied that the gentleman from Michigan will accept the amendment, as his idea is the same as that entertained by myself, to provide accommodation for these children as speedily as possible in the schools owned and controlled by the United States Government.

I ask the reading of the amendment.

The Clerk read as follows:

Strike out the word "one," after the word "million," in line 5, of page 49, and insert in lieu thereof the word "three."

Mr. PEARSON. That simply makes the provision read instead of one million one hundred thousand, one million three hundred thousand dollars, and the difference will be sufficient to construct the schools necessary for these Indian children now in the contract schools, and the work can begin at once.

Mr. PICKLER. Will the gentleman allow me to make a suggestion?

Mr. PEARSON. Certainly.

Mr. PICKLER. That section, the gentleman understands, does not cover any authority for building schools. This, as I understand, is only for support.

Mr. PEARSON. Under the amendment proposed by the gentleman from Michigan [Mr. LINTON], the Secretary of the Interior is distinctly charged with that duty. This, the gentleman will understand, is an amendment to that amendment.

[Here the hammer fell.]

Mr. LINTON. I now yield one minute to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Chairman, I am heartily and unqualifiedly in favor of the amendment of the gentleman from Michigan. The House and the country are to be congratulated on the fact that no gentleman has thus far risen in his place on this floor and advocated the principle of appropriating a single dollar for the maintenance of sectarian schools.

The only excuse for this appropriation is found in the contention that if it is not made these children will not be taken care of at all. That is the usual stalking horse which has been invoked in this and preceding Congresses to do service in debates on this subject; the fact still remains that while the Secretary of the Interior has sufficient authority and has full power under existing law to make necessary provisions for these children, practically nothing has been done thus far until this day and year of our Lord 1896 for taking care of these children in Government schools.

During the past year, as shown by the report of the Commissioner of Indian Affairs, only four sectarian schools, for which about $39,000 had previously been appropriated each year, were turned over to the Government. The entire reduction of appropriations for sectarian purposes made for this current year was only about $93,000, and of this $39,000 is accounted for by transfer of certain Protestant schools to the Government, and a reduction of about $50,000 was made in the cases of sectarian schools still receiving subsidies. Of the $370,796 expended in subsidies, $308,471 was paid to one church, while the great Protestant denominations, Presbyterian, Congregational, Baptist, and Methodist, received only $600, the whole of this amount being paid to the Methodists.

Have the schools of these great denominations been closed? Are they doing less of good work than they did when receiving subsidies? Certainly not.

No intelligent person will claim that the work of these great churches or the great cause of education will be ever checked by withholding sectarian appropriations. On the contrary, all experience teaches that private contributions shrink with the prodigality of public aid.

The proposed amendment does not curtail appropriations. It simply gives them wise and proper direction and control. It works no hardship. Gentlemen seem content with a 20 per cent reduction each year, well knowing this 20 per cent will be expended for the same cause by the Government direct, but the proposed plan of making an annual reduction of 20 per cent will, at the end of three years, only do what my friend from Michigan proposes to do here now. The friends of sectarian appropriations offer to turn over each year to the Government 20 per cent of the total. Why not do it all at once? If it is right to reduce it by 20 per cent, why is it wrong to turn it all at once into Government channels?

I hope the amendment will be adopted.

[Here the hammer fell.]

Mr. SHERMAN. Mr. Chairman, I yield five minutes of the time remaining to me to my colleague from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I do not credit the gentleman on the other side who has offered this amendment and some of the gentlemen who have spoken upon it from a highly patriotic standpoint with the motives that they assume to themselves in this debate. The opposition here to the system which has prevailed for some years is confined now to the contract schools, which, according to the information given in this debate, are limited to one sect or to one church. As a member of that church, I suppose from the source and character of the opposition the Roman Catholic Church is intended, and as an American citizen, as devoted to my country and its institutions as any man on the floor of the House [applause], I may say that whether you do or do not appropriate the money for these schools, these children will be taken care of and educated, and they will be taken care of and educated by these very schools. [Applause.] That church and that sect has never undertaken a charge yet that has been abandoned or that did not end in a manner that was worthy of so great an organization and of its glorious mission; and it is too late now—it is too late in the day—to contend that, even if this great country shall withhold the pittance that was heretofore granted, that church will abandon her sacred trust in connection with the care and custody of these helpless children. [Applause.] So you need have no fear on that score.

But, my friends, I want you to pause a little while before you reverse the policy heretofore pursued or endeavor to enforce the principle that you will not enter into a contract with a school or an individual because that school or individual happens to be a representative of the Roman Catholic Church. That is exactly what you are doing. This bill appropriates certain moneys by which the Government is enabled to make certain contracts with certain schools for the care of the Indian children. Why, my friends, in the city of New York, in which I reside, and which I have the honor in part to represent on this floor, if all the Catholic schools there were to turn their children out on the streets the other schools of New York are not roomy enough to educate or accommodate them, and the people of the city of New York would have to appropriate at least $3,000,000 annually to educate the Catholic children.

Something has been said here about the niggardliness of Catholics with respect to these Indian missions. Talk of the niggardliness of Catholics and their parsimony in contributions! Why, my dear sirs, they save in the city of New York, for the taxpayers of that city, at least $3,000,000 each year. And why? Because they take that money out of their own pockets every year, and with it educate their own children in their own schools, built by their own money, and supported entirely by their own contributions.

I am sorry that these questions should take this shape. I am sorry that gentlemen should enter into any discussion of this kind. The first thing a Catholic is taught is to love his country above all things on this earth. There are two precepts which he learns at his mother's knee, which are taught him in the Sunday school, in the church, and whispered in his ear on the deathbed: "Thou shalt love thy God above all things, and thou shalt love thy neighbor as thyself." And every man, black or white, civilized or savage, Christian or infidel, the world over, is the neighbor of a true Catholic. [Applause.]

Mr. LINTON. I yield to the gentleman from California [Mr. MCLACHLAN].

Mr. MCLACHLAN. Mr. Chairman, when the District appropriation bill was before the House the other day for discussion, I was surprised to learn that this Government had been in the habit of making large appropriations to institutions controlled by various sectarian denominations. I voted then to strike from the bill every appropriation to a sectarian institution of any kind, including one to a Protestant denomination of which I have the honor of being a member.

I have the satisfaction now of knowing that I acted then not only according to my own convictions of right, but that I have the approval of my constituents in so doing.

For the same reason that I opposed that bill I am opposed to the provisions of this bill as reported by the Committee on Indian Affairs, appropriating more than a quarter of a million of dollars to the Indian schools under the special management and control of a sectarian denomination, and am in favor of the amendment of the gentleman from Michigan, directing this money to be expended by the Government in its own schools for the education of these Indian children.

To make the appropriation recommended by the committee would, in my judgment, be an unwarrantable disposition of public funds, a gross violation of the Constitution, and diametrically opposed to the principles of our Government.

Personally I make no war upon the religion of any man. On the contrary I join with all good American citizens in strenously contending for the principle that accords to every man, woman, and child the right to worship God according to the dictates of his or her own conscience, but I contend no less earnestly for the principle that in this Government of ours there must ever be a complete separation of church and state.

That this principle has often been violated in the past by appropriations similar to the one now sought to be passed through this Congress is no argument why it should be again violated, though the custom has even become venerable with age.

The pages of history are darkened by the records of the fatal results of just such legislation as that proposed by this bill, and the same pages abound in warnings to all the nations of the earth to sacredly avoid all legislation for the special benefit of any sect or denomination.

Even in these later days the ominous warning comes from the neighboring Dominion of Canada, now threatened with war and disruption because of the formidable effort of the general Government to compel the Province of Manitoba to set aside a portion of the public revenue for the benefit of sectarian schools.

My ancestors centuries ago gave up their lives among the rugged hills of old Scotland, fighting for civil and religious liberty and the absolute separation of church and state, and their descendants have never wavered to this hour in their loyalty to the principle for which they died.

As a descendant of that race, with a right to be heard in this Legislature of the greatest Government ever framed by man, I can not refrain from raising my voice in protest against the un-American legislation proposed by this bill as it comes from the committee and urging you, my countrymen, to support the thoroughly American amendment proposed by the gentleman from Michigan.

[Here the hammer fell.]

Mr. LINTON. How much more time have we remaining?

The CHAIRMAN. The gentleman from Michigan has two minutes remaining.

Mr. LINTON. I yield one minute to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. I use the one minute allotted me simply to withdraw the amendment that I offered, increasing this appropriation, in order to make sure that these schools should not be closed. I withdraw the amendment, because I have listened with a great deal of pleasure to the gentleman from New York [Mr. WALSH], who says that these schools will not be closed, whether the Government appropriates or does not appropriate one cent for their support. In that event I shake hands with him, and am very glad thus to terminate this delicate and disagreeable discussion. [Applause.]

Mr. LINTON. Now, Mr. Chairman, I ask unanimous consent that the time be extended five minutes on each side. The gentleman from New York [Mr. SHERMAN] has already consented to that.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time for this debate be extended ten minutes, five minutes on a side. Is there objection?

There was no objection.

Mr. LINTON. I yield the remaining time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. How much time does the gentleman yield to me?

Mr. LINTON. The remaining time, about six minutes.

Mr. GROSVENOR. Mr. Chairman, I have no feeling about this matter as a partisan or as a sectarian. I do not belong to any church, although my education is that of a Protestant and my practice that of adherence thereto. I have no prejudice against the Catholic Church. I represent a large Catholic population, and one of the very best portions of the population of my Congressional district are members of the Catholic Church. Within the borders of my district is an institution belonging to that church, one of the first of the character west of the Alleghany Mountains. It has sent out some of the very best men that have gone from my section of Ohio. They received their education there. I speak, therefore, from the standpoint of an independent, unprejudiced citizen of my country. I believe the time has come when we can settle this question now and here, and to the entire satisfaction of the people of the country. It is not wise that there should be in this House and upon this appropriation bill an annual contention that more or less drags in that unfortunate subject of discussion, of religious controversy and religious contention. I do not desire that anything shall take place that shall lessen the opportunities of education of the Indian children of the country. I quite agree with the gentleman from Minnesota that there is no element to which we must look more hopefully for the ultimate settlement of the Indian question than to the education of the Indian children of the country. Under all the circumstances the Government is pledged to their support and to their education; but now the amendment offered by the gentleman from Michigan [Mr. LINTON] will not in my opinion lessen the opportunity.

I do not concur in the figures stated by the gentleman from South Dakota [Mr. GAMBLE] that it will be necessary to appropriate $60,000 each to twenty plants for the education of 4,072 children. I do not believe that anything like this number of children will be found in the hands of the General Government for the purposes of education if this amendment is adopted. I quite concur with the gentleman from New York [Mr. WALSH], who has spoken so warmly and so enthusiastically for the church of which he is an honored member. That church never has failed yet to do anything which it undertook to do in this country in a matter of this kind. Other churches might very well copy that church in its pertinacity and determination to achieve the objects of its plans and purposes. So I say there would not be left 4,000 children upon the hands of the Government, for the Catholic Church doubtless would educate as many of them as it could, at least under the circumstances surrounding them. I do not think it will take $60,000 to establish a plant, as it is called, sufficient for the education of 400 children. There are in the town in which I live more than four times that number of children, and the entire construction of schoolhouses in that town has not cost the half of $60,000.

So I think that is an exaggerated statement, and very greatly exaggerated; and I believe that if we adopt the amendment offered by the gentleman from Michigan we shall not seriously for any considerable length of time impair the efficiency of the education of the children, and we shall settle this vexed question. I do not believe that the Protestant churches of this country will be benefited by this agitation. I do not believe that the Catholic churches of this country desire this agitation. I do not believe the Catholic churches of this country would press the matter of this appropriation; certainly they would not do it in the light of the fact that it is a constant matter of agitation and aggravation between various communities of the country. I would like to see this question gotten rid of. It is not a question of politics.

The question of a man's religion, the question of the church to which he belongs, the question of his belief or nonbelief, is not a proper question of American politics; and I am willing to try and do a great deal to settle and get rid of any question that is constantly bringing this sort of discussion into the politics of my country. [Applause.] I believe the occasion is ripe; I believe the opportunity is here, and I believe no harm will be done.

Suppose for the first or second year that the full facilities that are offered by these contract schools of sectarian bodies shall not quite be reached, yet there will be better schools than many of us attended. Better, perhaps, than the one I attended for years and years, the building of which did not cost, outside of the labor done by the neighbors, $25 in money. Therefore I am in favor of this amendment. I believe everything will be accomplished. I do not criticise the committee. They have gone forward on the line that was marked out years ago. They are not to be criticised; but the Committee of the Whole House on the state of the Union have the right to go a little further than we went before and put an end to this whole question.

Mr. SHERMAN. Mr. Chairman, I believe the proposed amendment is subject to the point of order which was reserved, but before asking a ruling on that I wish to say a few words upon the merits of the amendment.

Mr. Chairman, it seems to me that gentlemen have overlooked in the discussion of this question the history of the building up of the contract system. Now, gentlemen of the committee, no single church, no single creed, has been knocking at the door of the Government to obtain contracts for the education of Indian children. They did not come to us originally asking us to make these contracts. The proposition emanated, gentlemen of the committee, from that great soldier and statesman, a former President of the United States, Gen. U. S. Grant. [Loud applause.]

That policy which was entered upon in 1870 has been the policy of the Government from that day until two years ago. Various sects have been encouraged to expend very large sums of money in preparing to educate properly Indian children. It so happens that the Catholic Church has expended more money than any other. They have obtained, in their own way, something like a million and a half of dollars which they have put into plants throughout the States and the Territories to educate these children. They have been encouraged from time to time by the Commissioner and by the Secretary in these expenditures. They have enlarged them. They have put more money into them from year to year; so that it became the established policy of the Government to maintain these schools; and no suggestion was ever made to the contrary until two or three years ago.

Now, Mr. Chairman, it seems to me if it is deemed to be wise on the part of the Government to change this policy, to contract no longer with sectarian or individual schools for the education of Indian children, that policy should not be changed in a minute. These schools should not be stricken down at one fell swoop. We should go at this thing moderately and wisely. The Fifty-third Congress, with that idea in view, I assume, provided for a reduction in the amount to be appropriated for contract schools, and made the further declaration that it was the policy of the Government at the earliest date practicable to do away entirely with contract schools. The Secretary of the Interior was asked to investigate the matter and report how soon these contract schools could be wisely dispensed with, and he has reported that he is satisfied it could be done without detriment to the service in five or six years; and, following that suggestion, your committee has reduced the number that can be contracted for.

Mr. WATSON of Ohio. I will ask the gentleman have you any doubt if this amendment should be carried that these children will be educated?

Mr. SHERMAN. The question is not whether they will be educated or not. It is, Will the United States educate these children; will Congress see that education is provided, or accept a too generous offer by a single denomination. I think that the Government of the United States is too great a Government to accept charity of any church. [Loud applause.] I think we are able to educate the wards of the Government. Now, I want to say, inasmuch as the gentleman has interrupted me there, that I believe the Government should sustain any sect, I do not care what it is, who will reach down and attempt to shed light into the minds of the dusky little wards of the nation. I believe that it should reach out and aid them as far as it can, and having encouraged them year by year for a quarter of a century, it should not in a single moment strike them down, either on account of the children or on account of the church. The Catholic Church has some rights. I am not a Catholic. I am not like my friend from Ohio—a member of no church; I am a member of a Protestant church; but I do say that to me no single creed can point the way to heaven; I do say that any creed is better than no creed, and any one of the different creeds is better than no creed. [Loud applause.] The idea is not, I will say to my friend, to assist any church. We are not trying to assist any church; we are trying to educate these children; but the idea seems to prevail here that this appropriation is for and will be used for the purpose of teaching some particular catechism to the children.

It is not for anything of the kind, let me say. It is to teach them the multiplication table, to teach them how to sew, how to plow, how to plant, and how to reap. That is mainly what this money is to be used for, and they are taught not merely the rudiments, not merely that twice two are four, but the other practical things that are necessary to make them citizens. I think, and the committee after looking the matter over carefully thought, that if these contract schools are to be done away with the wise policy to pursue was that which the former Congress had declared to be the policy of this Government—to eliminate these contract schools gradually and in such a manner as to give us time to provide other means for the education of these Indian children. We can not build schools for 4,000 Indian children in a minute or in a week. Some gentleman suggested a while ago that schools have been built in some localities inside of months. That is undoubtedly so, but we can not build schools for these Indian children scattered all over this vast territory in the same length of time that schools could be built in the district of my friend from Michigan where everything is at hand.

To supersede these contract schools will take time, and if you strike down the existing schools at one fell swoop you will leave 4,000 Indian children without means of education unless, indeed, you accept the charity of a church, and I hope never to live to see the time when this great country will accept the charity of any church, no matter how generously it may be offered. [Applause.] I repeat that unless you make this appropriation these schools will be struck down. Now, gentlemen of the committee, do you want to do that? I do not believe you do. I think we all want to rise in these matters above partisanship and above sects. Let us be men. Let us be fair-minded and manly. Let us do what we believe is right, and when we have done that, go gome to our constituents and tell them what we have done, and I believe that every member here will be sustained in taking that position. Gentlemen need not fear in any particular district—for these considerations do come in occasionally, whether we want them to or not—gentlemen need not fear that in any particular district anybody will be stricken down unless he votes in a particular way on a particular measure.

The fair-minded men in every district are in the majority, and, in my judgment, they will sustain any member of this committee or of this House who, with honesty of purpose, exercising the best judgment the Almighty has given him, votes for such measures as will most surely and most quickly promote the public weal and the public welfare, and the public weal and the public welfare depend in a measure upon educating these natural wards of the Nation and lifting them up from the plane where they now are to a higher plane, where they will be absorbed into the body politic and become good citizens of the Republic. I think that is all I have to say on this subject, Mr. Chairman. I hope that the Committee on Indian Affairs, following out the declared policy of the Government, will be sustained, and that the amendment offered by the gentleman from Michigan [Mr. LINTON] will be voted down. [Loud applause.]

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Michigan.

The amendment offered by Mr. LINTON was again read as above.

[Cries of "Vote!"]

Mr. SHERMAN. What about the point of order, Mr. Chairman?

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. SHERMAN. I think, Mr. Chairman, that the proposed amendment changes existing law.

Mr. HAINER of Nebraska. Mr. Chairman, the point of order comes too late.

Mr. SHERMAN. I reserved the point of order until after the discussion.

The CHAIRMAN. The point of order was reserved; but at any rate the amendment was not in order until after the debate was closed, so the point of order is in time.

Mr. RICHARDSON. I was about to make the point that the amendment could not be offered during the debate.

Mr. SHERMAN. I reserved the point of order, so there can be no question about that. It seems to me that there can be no question, either, that this amendment changes existing law. The existing law is as plain as the nose on anybody's face. In the appropriation bill of last year it was declared what the policy of the Government in this matter was to be. Now, to change from that policy is to change the existing law, and if the amendment of the gentleman from Michigan [Mr. LINTON] is not in violation of that declared policy of the Government I do not know what it means.

Mr. GROSVENOR. Mr. Chairman, the appropriation of last year declared the use that the money there appropriated should be put to. The appropriation bill of this year contains a proviso which changes the provisions of last year by providing that—

The foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

The CHAIRMAN. The amendment authorizes the Secretary to make certain rules and regulations.

Mr. GROSVENOR. That power he has by law. That can not be held to have the slightest effect on the legal character of this amendment. I think the chairman of the Committee on Indian Affairs would probably be wise to permit the vote to be taken upon this amendment rather than upon a proposition to strike out these appropriations entirely.

Mr. SHERMAN. The chairman of the committee must first insist on the point of order being disposed of.

Mr. GROSVENOR. Well, Mr. Chairman, I have said all that is necessary upon the point of order. It can not be claimed that this amendment is new legislation or that it changes existing law on the ground that it confers upon the Secretary of the Interior the power to make rules and regulations for the expenditure of this money.

Mr. SHERMAN. The law as it exists to-day permits the Secretary to make contracts with sectarian schools. The amendment prevents his making such contracts. There can not be any question, it seems to me, upon this point of order. The law before the Chairman of the Committee of the Whole permits the Secretary to make contracts to a limited extent with sectarian schools; the amendment of the gentleman from Michigan proposes to prevent the making of such contracts altogether.

Mr. GROSVENOR. The gentleman from New York [Mr. SHERMAN] can be answered in a single suggestion. Suppose we did not appropriate any money at all now. Would there be any "existing law" to authorize the Secretary of the Interior to make contracts for the next fiscal year? There is the whole question. What is the use of making a proposition which a boy 5 years old knows has not any pertinency or propriety? [Laughter.] That provision in a former appropriation bill which has ceased to operate simply limited or controlled the expenditure of that particular appropriation. The whole thing is completely illustrated by saying that the provision in that law is dead and inoperative unless there is a new appropriation of money.

Mr. SHERMAN. But if there is an appropriation of one cent that law is operative so far as it goes.

Mr. GROSVENOR. No; not at all. That law ceased when that appropriation was expended.

Mr. SHERMAN. Not at all. If that is so, we have no right to make any appropriation at all.

Mr. GROSVENOR. Oh, yes, we have. There is an appropria-

tion, and a good deal of that money is unexpended. The Committee of the Whole has no right to change existing law now upon the hypothesis of the gentleman from New York.

The CHAIRMAN. It appears that the Clerk has not read the whole amendment, which has been somewhat modified since it was first sent to the desk. The amendment will be read as it now stands.

The Clerk read as follows:

On page 49, after the word "Alaska," in line 8, strike out the proviso down to and including "95," in line 14, and insert the following:

"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools."

The CHAIRMAN. The law to which the Chair has been referred, in the appropriation bill for the current year, relates simply by its terms to an appropriation for that year:

The Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, to an extent not exceeding 80 per cent of the amount so used for the year 1895; and the Government shall as early as possible make provision for the education of Indian children in Government schools: *Provided*, That the foregoing shall not apply to the public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Now, the point is made that the amendment is simply a limitation on the appropriation in the pending paragraph. The Chair is somewhat in doubt whether the latter portion of the amendment, providing for the making of rules and regulations, does not go further than simply limiting the appropriation. But construing the whole of the amendment together, the Chair is of opinion that the amendment simply limits the use of the appropriation and is not obnoxious to the point of order. The Chair therefore overrules the point of order. [Applause.] The question is on the adoption of the amendment. [Cries of "Vote!" "Vote!"]

The question being taken, there were—ayes 93, noes 64.

So the amendment was adopted. [Applause.]

The Clerk read as follows:

For the purpose of erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near Rapid City, in the State of South Dakota, which buildings are to be constructed under the direction of the Secretary of the Interior, upon plans and specifications to be approved by him, $25,000; out of which sum the Secretary of the Interior is hereby authorized to purchase not exceeding 160 acres of land near Rapid City, at a cost of not exceeding $3,000, to be immediately available, upon which said buildings shall be built.

Mr. SHERMAN. On behalf of the committee, I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of erecting additional buildings for the Mount Pleasant Indian School, at Mount Pleasant, Mich.; namely, $30,000 for the erection of a girls' dormitory and dining hall, $10,000 for the erection of a schoolhouse: *Provided*, That upon the completion of said buildings, the Secretary of the Interior shall make no further contract for the education of Indian children in sectarian schools in the State of Michigan.

The amendment was agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., at $167 per annum each, $25,050; for pay of superintendent of said school, $1,300, and for general repairs and minor improvements, $1,000; in all, $27,350.

Mr. PEARSON. I move to amend by inserting after the words "one thousand dollars," in line 14, as just read, the words "and for the completion of the new school building, including sewerage and plumbing, $2,000."

With reference to this amendment I wish to say that an appropriation of $3,000 was made by the last Congress for this building. It is now incomplete; there are no sewerage arrangements and no bathing arrangements. These are considered exceedingly important. I trust that the Committee on Indian Affairs will allow this amendment to go through.

The amendment was adopted.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., at $167 per annum each, $50,100; for general repairs and improvements, $2,500; for pay of superintendent of said school, $1,700; in all, $54,300.

Mr. MEIKLEJOHN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the word "dollars," on page 53, in line 21, the following:

"*Provided*, That from the unexpended balance of any appropriation for this school there shall be paid to any person, firm, or corporation who furnished goods and supplies for such school during the incumbency of Horace R. Chase, superintendent, such amount as shall be found due them by the accounting officers as now provided by law."

Mr. CANNON. Mr. Chairman, if I caught the reading of that correctly I shall be compelled to make the point of order upon it; but I will examine it while the gentleman from Nebraska is addressing the committee, and then determine.

Mr. MEIKLEJOHN. Mr. Chairman, the objection raised by the gentleman from Illinois to the paragraph on page 47, which embodies the same matter included in the amendment now offered, has been eliminated by the striking out of the provision that the claim should be passed upon by the Secretary of the Interior, but provides that it shall be passed upon by the accounting officer of the Government as now provided by law.

Section 2 of Rule XXI provides that no appropriation shall be reported in any general appropriation bill for an expenditure not previously authorized by law.

Expenditures made by this school were authorized by law, and the amendment as now presented, in my judgment, is not in contravention of the rule under which the gentleman from Illinois made the point of order on the paragraph appearing on page 47.

The CHAIRMAN. Does the gentleman from Illinois insist upon the point of order?

Mr. CANNON. I do insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school, Pierre, S. Dak., at $167 each per annum, $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $1,000; in all, $27,550.

Mr. PICKLER. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 24, on page 55, after the word "dollars," add: "For the construction and furnishing of bath rooms for said school, $1,000."

The amendment was adopted.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at $167 per annum each, $16,700; for pay of superintendent at said school, $1,200; for general repairs and in improvements, $500; in all, $18,400.

Mr. McCLEARY of Minnesota. Mr. Chairman, I offer the amendment that I send to the desk, to come in this paragraph.

The Clerk read as follows:

Insert in line 5, page 56, after the word "improvements," the word "twenty," and at the end of said line change the word "eighteen" to twenty: so that the clause will read "for general repairs and improvements $2,500; in all $20,400."

Mr. SHERMAN. I would like to have the gentleman make some explanation as to that amendment. What is the object?

Mr. McCLEARY of Minnesota. We need an enlargement of the school plant there.

This, Mr. Chairman, is the only nonreservation school in Minnesota, and gathers children from all parts of the State. It is unable to supply now an abiding place for them, owing to the crowded condition of the buildings.

The superintendent of Indian affairs is in favor of this increase. It is imperatively demanded, and I trust that it will not be objected to. It is only an increase of $2,000 over the amount appropriated by the bill.

I ask a vote upon the amendment.

The amendment was adopted.

Mr. PICKLER. Mr. Chairman, in connection with the amendment that was adopted a few minutes ago in regard to the bathroom at Pierre, S. Dak., I desire to have read in my time, or have leave to print, an article relating to the water supply there. As the committee seems to be in a hurry, I ask leave to print it as a part of my remarks.

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] asks leave to print an article in the RECORD. Is there objection?

Mr. RICHARDSON. I should like to ask how long it is?

Mr. PICKLER. It makes two printed pages of a pamphlet which I hold in my hand.

There was no objection.

The article referred to by Mr. PICKLER is as follows:

Engineer Fassett has presented the following paper by Dr. D. W. Robinson, of Pierre, president of the State board of health, descriptive of the artesian well at the Indian industrial school in that city, and asked that the same be spread upon the minutes of this convention:

WELL AT THE PIERRE INDIAN SCHOOL.

This well is 1,191 feet in depth. Measurement shows a flow of water more than 800 gallons per minute. At the exit from the pipe the temperature is 93° F. The pressure by closed test is about 175 pounds. Gas constantly escapes with the water, which readily ignites at the end of the pipe and on the water as it flows from the ditch several yards from the well. This was found to be methane or natural gas. I quote from Prof. A. M. Wright, a teacher in chemistry and an expert, who spent some weeks in investigations here. He says:

"The water that flowed from the well showed a flow in excess of 800 gallons per minute. The temperature, taken several times at different times

in the day, gave a uniform temperature of 93°. These tests were very satisfactory, and showed a remarkable well. But the further test for gas was the most satisfactory and remarkable. It was well known that gas came from the well in quite considerable quantities, but whether it could be readily separated from the water and thus made of practical use seemed to be questioned. A small gasometer of about 2 cubic feet capacity was made. Water from the well was discharged under the gas holder through a three-quarter inch pipe, when the holder immediately began to fill. Several tests were made, and it was found that the quantity of gas held freely in suspension in the water equaled one-sixth the volume of water, thus showing approximately 25,000 cubic feet of gas daily—a very valuable property in a well in a country where a fair quality of soft coal costs from $8.50 to $9 per ton. I would say that the tests found the gas especially excellent for heating purposes, being rather deficient in carbon for lighting purposes; the candlepower I should not estimate higher than 12 candle. I did not make a chemical analysis of the water, but I can speak in the most satisfactory terms as to the delight one experiences in bathing in the waters of this well. I never had baths more delightful or invigorating."

Professor Wright is president of the Waterville (N. Y.) Gas Light Company, and his conclusions are of special value, especially in so far as they relate to the gas.

In quality the water is known as mineral saline, so called because it contains large quantities of salts of sodium. The water of this well is distinctly of this class. In this, as in all other waters of the same class, sodium chloride (common salt) is largely in excess. Analysis so far made shows this water to be the strongest yet analyzed, with probably two or three exceptions. The most celebrated waters of this class come from the St. Catherine well of Ontario, Canada, and from its counterpart in Europe, the widely known Kreutznack spring in Prussia; in the United States the Hawthorne, Congress, Kissingen, and Saratoga seltzer springs of New York. There are a number of artesian wells more or less celebrated for their medicinal qualities. Among the better known are the Ballston artesian well, Saratoga, N. Y.; Livingston artesian well, Alabama; La Fayette and Lodi artesian wells, of Indiana, and many others. Some of these are utilized for baths and medical use internally. Congress, Saratoga seltzer, Carlsbad, and many others are bottled and sold everywhere by druggists.

In this connection I submit the analysis of Prof. E. T. Eaton, chemist of the Minnesota State Dairy and Food Commission:

Total solids per gallon at 110° F	202.50
Silicae	1.53
Alumnia	Trace.
Sodium carbonate	31.31
Calcium carbonate	5.40
Magnesium carbonate	6.57
Sodium chloride	133.76
Sodium sulphate	4.33
Iron	Trace.

In commenting on the analysis Professor Eaton says: "The solids in solution are more than double the amount in Yellowstone Park Springs, about four times more in quantity than in Vichy, France, and Hot Springs, Colo., and twenty-five times the amount found in the Hot Springs of Arkansas."

Prof. James H. Shepard, of Brookings, also made an analysis, which, although qualitative, seems to correspond with that given by Professor Eaton. Professor Shepard found:

Total solids in tests	3.4888 grains.
Carbonic acid	Small quantity.
Silicae	Medium quantity.
Sulphuric acid	Trace.
Hydrochloric acid	Very large quantity.
Iron	Trace.
Alumnia	Trace.
Calcium	Small quantity.
Magnesium	Small quantity.
Sodium	Very large quantity.

The specimen sent Professor Shepard was carefully confined in a jug immediately after procuring it, which may account for the large amount of volatile matter found. In referring to the examination Professor Shepard said: "When the jug was opened an inflammable gas was given off. As it was burning it gave the flame of menthane, or natural gas, which it probably is. In the work for basis, small quantities of calcium, magnesium, aluminum, and iron were found. The principal base is sodium. The acids appearing in small quantities are carbonic, silicic, and sulphuric. The principal acid is hydrochloric. This water is not identical with other artesian waters that have come to me. This water has a residue of 3.4888 parts per thousand. Most of the other artesian waters have a residue of about 2.4 parts per thousand. I should not be surprised if this water developed medicinal qualities, especially when used as baths, although there is no reason why it may not be used for drinking purposes."

Medicinally, the class of waters to which the water of this well belongs is used internally, and in suitable cases with good results. They are in very general use, and are of special benefit in all catarrhal diseases of the mucous surfaces, especially of the stomach and intestines, and also in congestive disorders of the liver, spleen, abdominal and pelvic organs. When they are thermal or hot, as is the case in the waters of this well, their medicinal value is much increased. There are few, if any, baths more valuable. Elimination is increased both by baths and internal use, hence their curative effect on chronic disorders of the organs of elimination, such as the kidneys and skin. For the same reason they are of marked benefit in rheumatism and other chronic diseases where a more perfect elimination of the effete materials of the body is needed.

With a view to test the qualities of the waters of this well a temporary bath house with three tubs was erected. One of these tubs was at the disposal of those afflicted by disease. Quite a number of cases of different diseases of a chronic character were subjected to treatment, both by baths and of water internally. It was my privilege to have medical supervision of these cases, and although they were comparatively few in number and the facilities insufficient to warrant final conclusion, yet the results were satisfactory beyond my expectation. With proper facilities for bathing and a thorough supervision of its medicinal application, the water of this well will probably rank among the best of its class.

Besides the experiments above referred to, Professor Davis, superintendent of Indian industrial school, had constructed a plunge bath of about 60 feet in diameter. This was done for the purpose of ascertaining the effect upon the afflicted among the pupils in the school. The bath was constructed so that water passed quite rapidly into and out of the bath. It could scarcely be considered a thermal bath, however, as the temperature was materially lowered. Under date of December 14, 1893, Superintendent Davis, in reply to a note of inquiry from me, says: "In reply to your inquiries regarding the healing properties of the artesian well at this school I will say that we have in many instances used it for the various disorders, such as skin diseases, sore eyes, etc., with which Indian children are so generally afflicted, and always with the most gratifying results. After bathing a few days the sores heal and the skin becomes smooth and clear. We are so satisfied of the curative qualities of the water that we prescribe it for all such cases."

For purposes of irrigation the water seems well adapted. During the past season tests were made upon small fields of both oats and corn. Superintendent Davis has this to say in reference to the matter of irrigation: "The well was drilled for the purpose of irrigating the large school garden, for which use the water seems well adapted, as the yield of crops was very largely increased wherever the irrigation was applied."

These are, in so far as I can ascertain, the principal features of interest regarding this remarkable artesian well.

Further tests and observations may modify these conclusions, but I do not think very materially.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may, when practicable, arrange for the manufacture by Indians upon the reservation of shoes, clothing, leather, harness, and wagons.

Mr. MERCER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 59, line 5, after the word "wagons," add "*Provided further*, That all supplies purchased under the provisions hereof may be delivered at New York City, N. Y., Chicago, Ill., and Omaha, Nebr., under the discretion of the Secretary of the Interior."

Mr. SHERMAN. I shall have to raise the point of order on that amendment that it changes existing law.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and completed the reading of the bill.

Mr. SHERMAN. On page 51, line 15, the word "seven" should be changed to "nine." An amendment was made appropriating $2,000 additional.

The CHAIRMAN. Without objection, the amendment indicated by the gentleman will be considered as agreed to.

There was no objection.

Mr. SHERMAN. On the first page of the bill, in line 10, it reads:

For pay of fifty-four agents of Indian affairs.

It should be "fifty-six." Fifty-six are provided for. I ask that the word "four" be changed to "six."

The amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, that completes the bill, except the matter of the Ogden Land Company claim, and as there will be some little discussion on that, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 147) granting a pension to George W. Chase, late private Company B, Twenty-second New York Cavalry;

A bill (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes;

A bill (H. R. 3698) granting an increase of pension to Mrs. Jane Dulany;

A bill (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897;

A bill (H. R. 1605) granting a pension to Anna Kelley;

A bill (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

A bill (H. R. 4153) to grant the Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes; and

A joint resolution (H. Res. 121) calling upon the Secretary of War for certain information in relation to the harbor of Manitowoc, in the State of Wisconsin.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Black Warrior River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs relating to the removal of certain restrictions upon the sale of the allotted lands of the Puyallup Indians in the State of Washington—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the House (House Con. Res. No. 2) to print 5,000 copies of the Second Special Report of the Commissioner of Labor, reported the same without amendment, accompanied by a report (No. 494); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 9) authorizing the Secretary of the Treasury to print documents relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 495); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House No. 22, reported in lieu thereof a joint resolution (H. Res. 126) to provide for a uniform system of numbering public documents, accompanied by a report (No. 496); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service, reported the same without amendment, accompanied by a report (No. 498); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 8) directing the Secretary of the Interior to deliver certain copies of the Revised Statutes in force in the District of Columbia, reported the same without amendment, accompanied by a report (No. 499); which said concurrent resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 3) providing for the printing of 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people, reported the same without amendment, accompanied by a report (No. 500); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House, No. 75, reported in lieu thereof the joint resolution (H. Res. 127) to provide for the printing of a digest of the laws and decisions of the courts relating to war claims, and for other purposes, accompanied by a report (No. 501); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ROBINSON of Pennsylvania, from the Committee on Naval Affairs: The bill (H. R. 1897) for the relief of Julius A. Kaiser. (Report No. 490.)

By Mr. TARSNEY, from the Committee on Military Affairs:

The bill (H. R. 5258) granting an honorable discharge to John B. Besler. (Report No. 491.)

The bill (H. R. 1567) authorizing the President of the United States to place Col. David Stewart Gordon, Sixth United States Cavalry, a brigadier-general, on the retired list of the United States Army. (Report No. 492.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 1030) to execute the finding of the Court of Claims in the matter of the claim of John J. Shipman. (Report No. 493.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 572) for the relief of James Duke. (Report No. 497.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the followings titles were introduced, and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 6442) to take the United States Government out of the banking business, refund the national debt, reform the currency, and to improve our banking system—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 6443) to amend the pension laws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6444) to create a court of pension appeals—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 6445) to amend the tariff act of August 27, 1894, and to protect the silver-mining industry—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: A bill (H. R. 6446) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: A bill (H. R. 6447) to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors—to the Committee on Ways and Means.

By Mr. SHAFROTH: A bill (H. R. 6448) to appropriate $100,000 for sinking artesian wells in the eastern portion of the State of Colorado—to the Committee on Irrigation of Arid Lands.

By Mr. WHEELER: A bill (H. R. 6449) to grant land to the State of Alabama for the use of the North Alabama Agricultural School, at Athens, Ala.—to the Committee on the Public Lands.

By Mr. TAWNEY: A bill (H. R. 6450) to amend an act granting to the Northern Mississippi Railway right of way through certain Indian reservations—to the Committee on Indian Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6451) to quiet title and possession with respect to certain located surveyed but unconfirmed private-land claims in the State of Louisiana—to the Committee on the Public Lands.

By Mr. DAYTON: A bill (H. R. 6452) to establish engineering experiment stations in connection with the colleges established in the several States under act of July 2, 1862, and acts supplementary thereto—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 6498) authorizing the town of New Decatur to construct and maintain a pontoon bridge across the Tennessee River at the town of New Decatur—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: A bill (H. R. 6499) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894," amending the third proviso thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: A bill (H. R. 6500) for the better regulation of freight and passenger rates on railroads in the Indian Territory—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: A resolution (House Res. No. 178) directing the Committee on Ways and Means to investigate the question of Japanese manufactures and importations—to the Committee on Ways and Means.

By Mr. SORG: A memorial of the general assembly of Ohio, concerning the election of United States Senators by a direct vote of the people of each State—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6157) for the relief of Paul Leary—Committee on

Invalid Pensions discharged, and referred to the Committee on Claims.

The bill (H. R. 6182) to remove charge of desertion from record of John Mander—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 5982) granting a pension to Elizabeth Roberts, of Fort Scott, Kans.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 6142) granting a pension to David M. Fuller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 5980) for benefit of James Blackburn—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 6453) for the benefit of Ellen Steevers, of Covington, Ky.—to the Committee on Invalid Pensions.

By Mr. CANNON (by request): A bill (H. R. 6454) for the relief of Mary Bliss, mother of Irvin E. Bliss—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 6455) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6456) for the relief of J. N. Brafford—to the Committee on War Claims.

Also, a bill (H. R. 6457) for the relief of J. L. Brassfield—to the Committee on War Claims.

Also, a bill (H. R. 6458) for the relief of John M. and A. M. Elder—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 6459) granting an increase of pension to George W. Garrison—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 6460) for the relief of James B. Martin—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 6461) for the relief of Freeman W. Peverly—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 6462) for the relief of Richard F. Parker—to the Committee on Military Affairs.

Also, a bill (H. R. 6463) granting a pension to Henry T. Hatfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6464) granting a pension to John S. Dukate, late assistant surgeon, Fifty-third Regiment Indiana Veteran Volunteers—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 6465) granting an increase of pension to Mrs. Olivia Betton—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 6466) to increase the pension of George V. Barnard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6467) granting a pension to George L. Barner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6468) to increase the pension of Andrew R. Ladd—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 6469) granting compensation to Joseph Dawson—to the Committee on Claims.

By Mr. HOPKINS: A bill (H. R. 6470) granting a pension to Winnie M. Crissey—to the Committee on Pensions.

By Mr. LEISENRING: A bill (H. R. 6471) for the renewal of letters patent No. 210964—to the Committee on Patents.

By Mr. LEFEVER: A bill (H. R. 6472) granting a pension to Olive M. Lewis—to the Committee on Invalid Pensions.

By Mr. LEWIS (by request): A bill (H. R. 6473) for the relief of James Clark Smith—to the Committee on Claims.

By Mr. MAHON (by request): A bill (H. R. 6474) for the relief of Recknagel & Co.—to the Committee on Claims.

By Mr. McCREARY of Kentucky (by request): A bill (H. R. 6475) for the relief of William W. Burns—to the Committee on Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 6476) for the relief of Rudolph Staats—to the Committee on Military Affairs.

By Mr. OWENS: A bill (H. R. 6477) for the relief of Dr. D. N. Porter—to the Committee on War Claims.

Also, a bill (H. R. 6478) granting a pension to L. A. Slade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6479) to increase the pension of Alexander Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6480) granting a pension to J. W. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6481) for the relief of Mrs. Emily Oldham—to the Committee on War Claims.

By Mr. PICKLER (by request): A bill (H. R. 6482) for the relief of Joseph B. McCooey—to the Committee on Claims.

Also, a bill (H. R. 6483) granting increase of pension to Thomas D. Walker—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 6484) for the relief of the estate of John H. Peck, late of Burlington, Vt.—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 6485) to remove the charge of desertion against Hiram B. Bell, private Company F, One hundred and ninety-fifth Regiment Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. STAHLE: A bill (H. R. 6486) to correct the military record of William J. Becanan, Company E, One hundred and ninety-fifth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. WARNER: A bill (H. R. 6487) for the relief of Moses M. Longley—to the Committee on Military Affairs.

Also, a bill (H. R. 6488) for the relief of John B. Ford—to the Committee on Military Affairs.

Also, a bill (H. R. 6489) to grant pension to Samuel L. Busick—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 6490) for the relief of Thomas W. White—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 6491) for relief of Mary Oulahan, widow of Richard Oulahan—to the Committee on Military Affairs.

By Mr. MAGUIRE: A bill (H. R. 6492) for the relief of certain enlisted men of the naval force of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 6493) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 6494) granting a pension to Margaret Brennan—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): A bill (H. R. 6495) granting an increase of pension to Robert Selden—to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 6496) for relief of Ben S. Hamilton—to the Committee on War Claims.

By Mr. CONNOLLY: A bill (H. R. 6497) granting a pension to William C. Estill—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Petition of citizens of Humboldt and Trinity counties, Cal.; also petition of Santa Rosa Grange, California, asking protection to agricultural staples by export bounty—to the Committee on Ways and Means.

By Mr. BOWERS: Petition of citizens of San Francisco, Cal., favoring the passage of an export bounty bill—to the Committee on Ways and Means.

Also petition of citizens of Hollister, Cal., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BROWN: Petition of citizens of Chattanooga, Tenn., favoring the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. BRUMM: Four petitions of citizens of Quakake, Pa., protesting against the sectarian appropriations of the Indian appropriation bill, and urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Camp No. 74, Patriotic Order Sons of America; also petition of Camp No. 578, Patriotic Order Sons of America; also petition of Camp No. 264, Patriotic Order Sons of America, in favor of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Papers relating to the claim of Mary Bliss, mother of Irvin E. Bliss, for pension—to the Committee on Invalid Pensions.

By Mr. CHICKERING: Petition of Rev. U. M. Babcock, of Watson, N. Y., against the Sunday-observance bill (H. R. 167)—to the Committee on the District of Columbia.

By Mr. COFFIN: Petition of the South Washington Citizens' Association, relating to the destruction of garbage at the foot of South Capitol street—to the Committee on the District of Columbia.

Also, petition of South Washington Citizens' Association, urging the appropriation of a sufficient sum of money to arch over the James Creek Canal open sewer, located in southwest Washington—to the Committee on the District of Columbia.

Also, protest of the South Washington Citizens' Association, against change of route of a street railway company and urging the construction of the proposed bridge across the Eastern Branch—to the Committee on the District of Columbia.

By Mr. COOK of Wisconsin: Petition and papers of William S. Straight, containing names of 175 citizens of Montello and Marquette counties, Wis., asking for an amendment to section 2 of House bill No. 5381, so that if water is allowed to flow from the Wisconsin River through the Fox River the time for such flow of water shall be limited between November 1 and May 1 of each year; also asking for the removal of Grand River locks from said Fox River, they being unnecessary for navigation and drainage to farm lands above said locks—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Remonstrance of citizens of the township of Fulton, Rock County, Wis., against sectarian appropriations of public funds; and petition for submission of a constitutional amendment forbidding such appropriations—to the Committee on the Judiciary.

By Mr. COX: Petition of various churches of Spring Hill, Tenn., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. COWEN: Petition for the relief of John Biemiller, for certain property seized and consumed by the armies of the United States during the late civil war—to the Committee on War Claims.

By Mr. CRISP: Petition of the American Tribune Soldiers' Colony Company of Fitzgerald, Ga., praying for liberal appropriations for the improvement of the Ocmulgee River, in the State of Georgia—to the Committee on River and Harbors.

By Mr. CRUMP: Protest of William S. Bellows, against the passage of House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the Paint, Oil, and Varnish Club of New York, praying for the passage of a general bankruptcy law—to the Committee on the Judiciary.

Also, petition of Messrs. H. D. Porter & Co., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of New York: Fourteen petitions of the Woman's Christian Temperance Union, of Johnstown, Charlton, Wagman, Ridge, Rensselaer Falls, St. Lawrence County, Gansevoort, Canton, Ogdensburg, Norwood, West Galway, Parishville, Oliversville, Hermon, and Morley, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, fourteen petitions of the Woman's Christian Temperance Union, of Johnstown, Charlton, Wagman, Ridge, Rensselaer Falls, Gansevoort, Canton, Ogdensburg, Norwood, West Galway, Parishville, Oliversville, Hermon, St. Lawrence County, and Morley, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions adopted at a mass meeting held at Flackville, N. Y., January 26, 1896, protesting against the persecutions of Armenians by the Sultan of Turkey—to the Committee on Foreign Affairs.

Also, a remonstrance of 75 residents of Saratoga Springs, against appropriating public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of George W. Garrison, of Pittsburg, Pa., for increase of pension, to accompany House bill No. 6459—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition and papers in support of claim of Freeman W. Peverly for increase of pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of a mass meeting of citizens of Amesville, Ohio, signed by E. A. Smith, moderator, and T. E. Blandon, secretary, praying for action of Congress in behalf of the Armenians—to the Committee on Foreign Affairs.

By Mr. HAINER of Nebraska: Petition of Memorial Post, No. 151, Grand Army of the Republic, of Shickley, Nebr.; also, petition of H. J. Coats and other ex-Union soldiers of Pleasant Hill, Saline County, Nebr., praying for a service pension and also a pension for Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HANLY: Evidence to accompany House bill No. 4190, for the relief of J. D. Armstrong—to the Committee on Claims.

By Mr. HARMER: Petition of Champion Council, No. 8, Daughters of Liberty, of Pennsylvania, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolutions adopted at the sixteenth annual meeting of the National Farmers' Alliance, held in Chicago December 18, 1895, pledging its influence exclusively for the present to secure the passage of the antioption bill by the United States Congress—to the Committee on Agriculture.

By Mr. HOOKER: Petitions of the Woman's Christian Temperance Union, of Gowanda and North Java, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, of Gowanda and North Java, N. Y., against the sale of spirituous liquors to immigrants—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Resolutions of George C. Ginty Post, No. 183, Grand Army of the Republic, of Cadott, Wis., praying Congress to recognize the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. KENDALL: Papers relating to the claim of Miss Mary Sheaver, for a pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of J. H. Wolsey and 20 others; also, petition of John Hillman and 25 others; also, petition of J. O. Sword and 12 others; also, petition of C. C. Leonard and 22 others, all of Oklahoma, asking for the passage of the free-home bill—to the Committee on the Public Lands.

Also, petition of Phil. Kearny Post, Grand Army of the Republic, of Oskaloosa, Iowa, protesting against bills to remove charges of desertion—to the Committee on Military Affairs.

By Mr. LAYTON: Resolutions of the Pennsylvania Society of the Sons of the Revolution, asking Congress to appropriate a sufficient sum of money and adopt the necessary measures to insure the publication and preservation of the records and papers of the Continental Congress, and comprising official documents relating to the Revolutionary period—to the Committee on Printing.

By Mr. LEISENRING: Petition of a number of citizens of Luzerne County, Pa., asking for the passage of a bill to inspect immigrants by United States consuls—to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Paper to accompany House bill No. 6422, in relation to the claim of John Rogers—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6423, relating to the claim of Edward F. Gilkey—to the Committee on Military Affairs.

By Mr. LINTON: Petition of citizens of Watrousville, Mich., for the passage of joint resolution (H. Res. 11), to amend the Constitution of the United States, and prohibiting appropriations to institutions under ecclesiastical control—to the Committee on Appropriations.

By Mr. LIVINGSTON: Paper to accompany a joint resolution providing jail accommodations for Federal prisoners in the northern district of Georgia—to the Committee on the Judiciary.

By Mr. LOUD: Resolution of the San Francisco Chamber of Commerce, relating to the naval training station at San Francisco, Cal.—to the Committee on Naval Affairs.

Also, petition of shipowners of San Francisco, against the passage of House bills Nos. 1227 to 1233, inclusive—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAHON: Petition of Washington Camp, No. 665, Patriotic Order Sons of America, of Quincy, Pa., praying for the passage of the Stone bill, to restrict immigration—to the Committee on Immigration and Naturalization.

By Mr. McCLEARY of Minnesota: Resolutions of the Minneapolis (Minn.) Board of Trade, in relation to the Union Pacific Railroad—to the Committee on the Pacific Railroads.

By Mr. McRAE: Statement of Dr. J. H. Weaver, to accompany House bill No. 6105, for the relief of D. J. Smith—to the Committee on Pensions.

Also, testimony of Dr. W. H. Dickenson, J. W. Hunter, and J. R. Wakeley, to accompany House bill No. 3784, for the relief of Nathan Eldridge—to the Committee on Pensions.

By Mr. MEREDITH: Petition of F. M. Brabham, of Washington, D. C., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLER: Petition and papers to accompany House bill for the relief of Rudolph Staats—to the Committee on Military Affairs.

By Mr. MORSE: Petition of George H. Varce and 6 other citizens of Spring Valley, Minn., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MOODY: Petition of W. C. Cuseck and 47 others, for the establishment of a life-saving station at Salisbury Beach, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of Illinois: Petition of 50 citizens of Du Quoin, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

Also, petition of 100 citizens of Percy, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

By Mr. NOONAN: Petition of ex-Union soldiers residing in the State of Texas, favoring an amendment to the pension law—to the Committee on Invalid Pensions.

By Mr. PERKINS: Preamble and resolutions of the Commercial Association of Sioux City, Iowa, with reference to the Sioux City and Pacific Railroad—to the Committee on Pacific Railroads.

Also, petition of C. E. Smith, of Onawa, Iowa, in behalf of pension legislation in the interest of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. PICKLER: Petition of ex-Union soldiers residing at Paw Paw, Ind. T., and vicinity, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Artha Post, No. 41, Clarendon, Ark., asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. POWERS: Paper to accompany House bill No. 5350, to correct the military record of John Hanlin—to the Committee on Military Affairs.

By Mr. RAY: Petition of the Woman's Christian Temperance Union of West End, Broome County, N. Y., against the sale of spirituous liquors to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of West End, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: Petition of citizens of New London and Lebanon, Conn., in favor of House bill No. 58, for the inspection of immigrants by the United States consuls—to the Committee on Immigration and Naturalization.

Also, petition of Bridgeport (Conn.) Board of Trade, favoring sufficient appropriations to make a permanent harbor of refuge of Great Salt Pond, at Block Island, R. I.—to the Committee on Rivers and Harbors.

Also, petition of soldiers of Colchester, Conn., who were volunteers in the forlorn hope at Port Hudson, for appropriation to give them the medals promised by General Banks—to the Committee on Military Affairs.

By. Mr. SIMPKINS: Petition of executive committee of Cotton Manufacturing Association at Fall River, that the provisions of immediate transportation act of 1880 be extended to the city of Fall River, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. SORG: Papers to accompany House bill for the relief of Hiram B. Bell—to the Committee on Military Affairs.

Also, resolutions adopted by the Montgomery County Farmers Institute, held at Vandalia, Ohio, February 6, 1896, for amendment to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of Alfred Flury Post, No. 558, Grand Army of the Republic, Manchester, York County, Pa., in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, Pa., in favor of the passage of the William A. Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Resolution from Grand Army of the Republic, Post No. 320, located at Hermann, Mo., indorsing House bill No. 1196—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of R. R. Selden, for an increase of pension—to the Committee on Pensions.

By Mr. WANGER: Petition of Graham Post, No. 106, Grand Army of the Republic, and of 71 veterans of Pottstown, Pa., for the passage of a service and a prisoner-of-war pension act—to the Committee on Invalid Pensions.

Also, resolution of the Pennsylvania Society of the Sons of the Revolution, in favor of the publication by the Government of the records of the Revolutionary period—to the Committee on Printing.

By Mr. WHEELER: Petition of A. M. Simmons, of Huntsville, Ala., in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOOMER: Petition of Harrison A. Kulen and 25 other citizens of Duncannon, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of John M. Rauch, postmaster at Manada Hill, Pa., and 75 other citizens, in favor of a bill to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

PUBLIC LAND SUITS.

Mr. DAVIS. I desire to enter a notice of a motion for a reconsideration of the vote by which the Senate yesterday afternoon passed the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes. I wish to examine the bill and the report.

The VICE-PRESIDENT. Notice of the motion will be entered, as indicated by the Senator from Minnesota.

Mr. DAVIS subsequently said: Information received since I gave notice of a motion to reconsider House bill 5474 a few moments ago induces me to withdraw the notice of that motion. I ask consent to do so.

The VICE-PRESIDENT. Without objection, the notice of a motion to reconsider is withdrawn.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of the Universal Peace Union, remonstrating against the appropriation of moneys for coast defenses, for the increase of the Army and Navy, and for the organization of the militia of the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Manufacturers and Producers' Exchange and the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to examine and report upon Japanese manufactures, importations, and the export trade; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the purchase by the Government of the Chesapeake and Delaware Canal; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition, in the form of resolutions adopted at a mass meeting of citizens of Crosswicks, N. J., praying for the enactment of legislation granting protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a petition of Aaron Wilkes Post, No. 23, Grand Army of the Republic, of Trenton, N. J., praying for the enactment of legislation for the restoration of the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Lyon Post, No. 10, Grand Army of the Republic, of Vineland, N. J., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation raising the age of consent in the District of Columbia to 18 years; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation providing for the enforcement of the compulsory educational law; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented resolutions adopted at a regular meeting of the Board of Trade of Minneapolis, Minn., relative to the readjustment of the affairs of the Union Pacific Railway; which were referred to the Committee on Pacific Railroads.

He also presented a petition of the Commercial Club, of Minneapolis, Minn., praying for the establishment of a subtreasury in that city; which was referred to the Committee on Finance.

Mr. BACON presented a petition of sundry citizens of Monroe, Ga., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. HARRIS presented a petition of the Cotton Exchange of Memphis, Tenn., praying for the establishment of a uniform rate of letter postage at 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of sundry citizens of Spring Valley, Minn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. KYLE presented the memorial of Emma A. Crammer, of Aberdeen, S. Dak., and a memorial of the Woman's Christian Temperance Union of Badger, S. Dak., remonstrating against the enactment of legislation to establish a bureau of military education and to promote the adoption of uniform military drill in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. LODGE presented the petition of Samuel Q. Ryan, of Massachusetts, praying that he be awarded a medal by Congress for services rendered in the "forlorn hope" storming column during the late war; which was ordered to lie on the table.

Mr. STEWART presented a petition of the Citizens' Association of South Washington, D. C., praying for the construction of a proposed bridge across the Eastern Branch at the foot of South Capitol street, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Association of South Washington, D. C., praying that an appropriation be made to enable the proper authorities to arch over the James Creek Canal open sewer; which was referred to the Committee on the District of Columbia.

DISPOSITION OF GARBAGE.

Mr. STEWART. I present a memorial of the Citizens' Association of South Washington, D. C., remonstrating against the construction of a garbage factory, crematory, or reduction plant, or other like institution, in the city of Washington or Georgetown or their more densely populated suburbs.

I also present a resolution which the memorialists have sent me, which they desire to have passed, and which seems to be all right. I will now offer the resolution and ask that it be adopted.

The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of a resolution which will be read for information.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia is directed to call upon the Commissioners of the said District for a full report of their action under the act of March 2, 1895, in the matter of the removal of the garbage of the cities of Washington and Georgetown, with transmission of all papers; and the said committee is further directed to investigate the subject of the disposition of the garbage of large cities, with special regard to the health and comfort of the people and the location of garbage crematories or reduction plants, and to report what, if any, legislation is necessary.

Mr. HILL. Will the Senator from Nevada please state the reasons for this investigation?

Mr. STEWART. The petitions set forth at great length the reasons for the investigation. I am aware that the Commissioners have been very much embarrassed over this question. I presume the resolution can do no harm, and probably it may do good, if the committee investigates the matter. Of course, I am not a member of the Committee on the District of Columbia, and the members of that committee will know better about it than I do. If there is any objection to the resolution I shall not press it, of course.

Mr. HARRIS. Let the resolution be printed and go over until to-morrow morning.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 812) to provide for appointment by brevet of active or retired officers of the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1157) granting a pension to Maria L. Carbee;

A bill (S. 1150) granting a pension to Lucinda S. Twombly; and

A bill (S. 1788) granting a pension to William R. Lake.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommitted the bill (S. 1699) for the relief of William Loring Spencer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 177) granting a pension to Sophia D. Clendenin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1148) granting a pension to Celesthia A. Whitney, reported it without amendment, and submitted a report thereon.

He also (for Mr. BRICE), from the same committee, to whom was referred the bill (S. 1036) granting a pension to Rebecca E. Kutz, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2176) granting a pension to Thomas Pollock, reported it with an amendment, and submitted a report thereon.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc., to report it back favorably without amendment, and with it I submit a letter from the Commissioner of Internal Revenue.

Mr. PLATT and Mr. SHERMAN. Let us pass it now.

Mr. ALLISON. If there is no objection, it is a brief measure, unanimously reported from the committee, and I ask for its present consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury is hereby directed to cause the immediate destruction of all income-tax returns and any copies thereof, with all statements and records relative thereto, now in possession of the Treasury Department, by reason of "An act to reduce taxation," etc., in effect August 28, 1894.

Mr. HOAR. I should like to ask the Senator from Iowa what the word "thereto" means as applied to the returns of the income tax and statements and records relative thereto? The point of my question is whether the joint resolution is so drawn as to destroy the record of the fact of the payment of an income tax which may not yet have been refunded to the person who paid it. A great many people paid the income tax in advance.

Mr. ALLISON. I understand the point the Senator makes. If the Secretary will read the letter of the Commissioner of Internal Revenue, he will see——

Mr. CHILTON. I object to the present consideration of the joint resolution.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the joint resolution, and it will be placed on the Calendar.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 1355) for the relief of Andrew J. Whitaker, late special disbursing agent of the Navy Department, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 725) granting a pension to Anna C. Garber, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1934) granting an increase of pension to Henry Slaughter, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 995) granting a pension to Kate A. Pitman, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1523) granting a pension to Benjamin F. Bell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1684) granting a pension to Sam P. Barbee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2218) increasing the pension of Jackson J. Lane, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 994) granting an increase of pension to Andrew B. Keith, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (S. 321) granting a pension to James W. Dunn, reported it with amendments, and submitted a report thereon.

SEACOAST DEFENSES.

Mr. SQUIRE. I am instructed by the Committee on Coast Defenses, to whom was referred the bill (S. 1159) to provide for fortifications and other seacoast defenses, to report it favorably with amendments and submit a report thereon. I ask that the bill and accompanying report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

A bill (S. 1159) to provide for fortifications and other seacoast defenses.

Be it enacted, etc., That for the purpose of providing the fortifications and other defenses recommended by the board appointed by the President under the provisions of an act of Congress entitled "An act making provisions for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, for the ports named in the report of the said board as the ports at which fortifications are most urgently needed, namely, New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore; Portland, Me.; Rhode Island ports in Narragansett Bay, Key West, Charleston, S. C.; Mobile, Savannah, Galveston; Portland, Oreg.; Pensacola, Fla.; Wilmington, N. C.; San Diego, Cal.; Portsmouth, N. H.; defenses of Cumberland Sound at Fort Clinch, defenses of ports of the Kennebec River at Fort Popham; New Bedford, Mass.; defenses of ports on the Penobscot River, Me.; at Fort Knox and east entrance, Long Island Sound (including New London and New Haven), and further for the defense of Puget Sound, and of such other ports as in the judgment of the Chief of Engineers and the Secretary of War may require permanent works of fortifications, there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,000,000, the whole or any part of this appropriation to be immediately available if so ordered by the President: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and works as may be necessary to carry on continuously the systematic construction of fortifications and other seacoast defenses, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $10,000,000 per annum, for seven years, commencing July 1, 1897.

SEC. 2. That said sum shall be expended under the direction of the Secretary of War and under existing laws for the purpose of providing fortifications and other defenses for the ports aforesaid and the armament thereof and the purchase of sites for the said fortifications, substantially in accordance with the recommendations of said board, with such modifications as are made in the more extended study of the individual projects, as approved from time to time by the Secretary of War, until Congress shall otherwise provide, and shall be apportioned among the said ports in accordance with the consolidated estimate of the cost of said defenses in so far as may be most economical and expedient; and the work shall be, as near as may be, commenced at the same time at each of the said ports, and shall proceed as rapidly as said annual appropriations will admit of; excepting at the lake ports, where fortifications shall not be begun until in the judgment of the President work there shall be necessary and expedient: *Provided*, That should any material change in the total estimates for the defenses herein provided for be made necessary, a full and complete statement of such changes and the reasons therefor shall be laid before Congress for its action: *Provided further*, That no part of the money herein appropriated applicable for the defensive works at a port shall be expended for fortifications at that port until the Secretary of War shall have caused the surveys necessary to select a proper site to be made and a detailed project to be prepared for that port, not to exceed in cost the sum apportioned to that port included in the total amount herein appropriated for said fortifications and shall have approved the same.

SEC. 3. That the proportion of the above sums to be expended in each year by the Chief of Engineers of the Army on fortifications and procurement of sites therefor, who is charged by law with the performance of these duties, and the proportion to be expended by the Chief of Ordnance of the Army on the armament of the fortifications, who is charged by law with the performance of this duty, shall be determined by the Secretary of War at the beginning of each fiscal year, and said sums shall be expended in strict conformity with existing laws and regulations.

[Report to accompany S. 1159.]

The Committee on Coast Defenses, to whom was referred the bill (S. 1159) to provide for fortifications and other seacoast defenses, have had the same under consideration, and report the same back, with amendments, with the recommendation that the bill as so amended do pass.

In lines 15 and 16, section 1, strike out the words "New London."

In lines 21 and 22, section 1, strike out the words "New Haven, Conn.," and insert in lieu thereof the words "East Entrance, Long Island Sound (including New London and New Haven)."

In line 27, section 1, strike out the words "eighty-seven" and insert in lieu thereof the word "ten."

Strike out the whole of section 2 and insert in lieu thereof the following:

"*Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic construction of fortifications and other seacoast defenses, or said materials may be purchased and the work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $10,000,000 per annum for seven years, commencing July 1, 1897."

Maj. Gen. Nelson A. Miles, commanding the Army; Gen. W. P. Craighill, Chief of Engineers; Brig. Gen. D. W. Flagler, Chief of Ordnance; Rear-Admiral J. G. Walker, United States Navy, and others have appeared before the committee and made statements in relation to the subject of coast defenses.

Your committee begs leave to report that in accordance with the statement of the General Commanding the Army it has found that the harbors of the principal seacoast cities of the United States, with few exceptions, are entirely without defenses, and that at the harbors where modern defenses have been commenced the work thus far completed is entirely inadequate for the protection of the cities for which they are designed.

The unprotected state of the country in this respect may well cause anxiety and alarm, and the present condition should be remedied without delay.

It has been estimated that in the cities of New York, Brooklyn, and Jersey City alone there is property of the value of $4,000,000,000 which a hostile fleet lying in the upper bay of New York would have within reach of its guns. Not one-tenth of the necessary defenses have yet been provided for that port, although its harbor is at present better defended than any other in the United States.

It is probable that the aggregate value of all destructible property exposed at the 27 principal seaports of the United States (not including the lake ports, which should also be protected) is not less than $10,000,000,000. So far as ascertainable, the cost of public buildings alone at the ports recommended to be fortified has far exceeded the amount required to fortify these ports.

The injury to commerce could not be measured by the injury to property at the ports alone, but would extend to the interior for which they are outlets or avenues of exchange.

Thus the risk to property interests affected is such that a small percentage of its value would supply the means for sufficient defense, and would be as reasonable an expenditure as that for fire insurance and police protection. It is estimated that the last two items cost annually eight-tenths of 1 per cent of the value of the destructible property affected. According to the estimates, the cost of permanent coast defenses would be about the same as that for fire insurance and police protection for one year in the same cities. If the expenditure for coast defenses be extended over a period of ten years, the average will of course be less than one-tenth of 1 per cent per annum. The increase in the value of property during the next ten years will probably be great, thus lessening the percentage from year to year.

If a hostile fleet should succeed in entering a harbor the full cash valuation of all property subject to destruction by the fleet could be demanded as a ransom.

A still greater saving is to be considered in the prevention of war itself in consequence of the moral effect afforded by suitable preparation for resistance.

The contrast between the cost of preparation and the cost of war itself is so manifest that it constitutes one of the principal considerations actuating the committee. The money expended upon the pension list of the United States for a single year is equal to the expenditure required to create a complete system of coast defenses and the necessary additions to our Navy in order to prepare our country for all great war emergencies to which it may be subjected in the pursuit of our destiny as a first-class power and influential nation.

Economic and prudential considerations all favor the construction of coast defenses. The prevention of the sacrifice of human life should also be considered as well as the national humiliation and disgrace that may at any time attend our even temporary discomfiture by reason of lack of the ordinary military precautions that are adopted by other great nations.

It is an anomalous state of affairs that this great nation, encircled by a chain of foreign fortresses near its shores, is without the means of resisting an attack from any one of them.

This defenseless condition weakens our influence in diplomacy, as was well stated by Mr. Tilden as follows:

"This state of things is discreditable to our foresight and to our prudence. The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific, and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may ever be deficient in our means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations."

While we recognize the efficiency of our Navy, it is clearly shown in the statement made to the committee that it would be unsafe to rely exclusively upon that arm of power for means of defense; in fact, the very existence of our Navy would be imperiled in case of war with any great power without the support which would be afforded to the ships by land defenses.

It is admitted that we do not stand higher than sixth in the list of naval powers, and that our present Navy rates at less than 1 to 6 in comparison to that of England. It has been shown to the committee that the efficiency of the Navy will be vastly increased by the establishment of land defenses. In the absence of the latter in time of war every ship will be required to remain near our own coasts for their defense, and thereby the Navy will be largely deprived of the attribute of mobility and the power to make offensive return.

It is clearly shown by a distinguished admiral of the Navy that the expenditure for coast defenses, as compared with that for the Navy, should at present be in the ratio of 1½ to 1, and that the ratio should be increased in favor of coast defenses after the expenditure of $100,000,000 for both purposes.

Torpedoes and submarine mines are also important as a means of harbor defense, but they are comparatively useless unless protected by guns in suitable position on land.

ESTIMATE OF COST.

The committee has investigated the subject of expenditures already made under the plans for defense adopted by the Government, which were based upon the report of the Endicott Board of 1886 and the more recent Puget Sound Board, with the modifications that have been adopted from time to time by the War Department.

The plans and estimates of the Endicott Board (composed of officers of the Army and Navy) called for an expenditure of $97,782,000 for permanent land defenses. Up to the present time the expenditure for this purpose has been about $10,631,000, which would leave $87,151,000 to be appropriated if the original plans were to be carried out and there were no other changes in the conditions affecting the cost.

However, in the year 1892 the present eight-hour law went into effect, and changes in plan of armament have affected the estimates of cost to such an extent that the committee finds, upon the statements of the Chief of Engineers and the Chief of Ordnance, the amount desirable for fortifications and armament to be more than that originally calculated by the Endicott Board for the whole work of land defenses.

The Chief of Engineers estimates that under the most favorable conditions, such as the letting of continuous contracts, the part of the work coming under his charge would cost $60,000,000. He says $1,500,000 in addition is needed for sites, making a total of $61,500,000 for the fortifications.

The Chief of Ordnance estimates the cost of armament, including guns, gun carriages, mortars, mortar carriages, rapid-fire and machine guns, at $43,796,020. This does not include the Bethlehem contract, which is already authorized by law, nor his estimate of the cost of projectiles and other items which may be properly provided for in the ordinary annual appropriations for material and supplies.

The rapid-fire guns and machine guns, of which the cost is estimated at $2,762,000, were not comprised in the plans and estimates of the Endicott Board.

These guns are now considered by the War Department to form a necessary part of the permanent armament to be established for coast defenses therefore they are included in the estimates of the Chief of Ordnance, making the consolidated estimate of both Bureaus $105,296,020 for permanent works and armament.

It is clearly shown in the statement made to the committee that the work for which the expenditure will be required will necessarily extend over a period of probably not less than six years. Therefore the work should be immediately commenced, because it will be impossible to provide an adequate system of coast defenses within a shorter time.

The committee recognizes the desirability of pursuing deliberate and economic methods and the importance of distributing the financial burden over a still greater number of years; therefore it approves of the provision that the expenditure shall be made from year to year during a period of about eight years, as stated in the bill.

During the progress of the work opportunities will be afforded for the introduction of improved and economic methods in its details, thereby lessening the cost without decreasing the efficiency of the defenses.

The Chief of Engineers, who, with the approval of the Secretary of War, prepares the plans for fortifications, states that for the sum of $87,000,000 an efficient defense can be provided. It is understood that, in his opinion, this is a minimum sum to cover the cost of the necessary fortifications and their armament.

It is important that continuous contracts be authorized in order to prosecute the work with the utmost economy. Therefore the committee has decided to recommend the appropriation of $10,000,000, to be immediately available, and that in addition thereto the Secretary of War be authorized to enter into continuous contracts not exceeding $10,000,000 per annum for seven years commencing July 1, 1897, according to the terms of the bill herewith reported.

In addition, the Chief of Engineers estimates that $2,500,000 is required for torpedoes, and the Chief of Ordnance has submitted the following estimates for ammunition, projectiles, and other ordnance supplies, which, in the opinion of the committee, should be provided for by appropriations from time to time as required:

Projectiles for guns	$3,380,131
Projectiles for mortars	4,146,379
Tests, equipment, etc	800,000
Powder for guns	3,042,171
Powder for mortars	1,037,559
Ammunition for rapid-fire guns	774,000
Ammunition for machine guns	11,500
Total	13,191,740

These items do not form a part of the plan for permanent defenses, and provision for similar expenditures was not included in the estimates of the Endicott Board; they are therefore omitted in the bill reported.

EMERGENCY ESTIMATES.

In order to develop the facts in reference to the capacity of the Department of Engineers and the Department of Ordnance to press the work economically, and in addition to ascertain what they can each do under stress, the committee conducted a careful inquiry on both these points.

The Chief of Engineers states that after a few weeks of preparation he can economically expend about $1,000,000 per month on the engineering part of the work until it shall be entirely completed. He also states that "under stress" he can advantageously expend a much larger sum for that purpose.

The following are the tables submitted by him on this point for the years 1896 and 1897, provided the appropriations be immediately made:

Locality.	Stress.		Economically.	
	1896.	1897.	1896.	1897.
New York	$2,458,250	$4,016,750	$652,000	$1,660,000
San Francisco	2,725,000	4,575,000	980,000	1,910,000
Boston	2,400,000	3,650,000	460,000	1,040,000
Lake ports	700,000	1,175,000	200,000	500,000
Hampton Roads	850,000	1,075,000	175,000	600,000
New Orleans	100,000	40,000	50,000	90,000
Philadelphia	600,000	750,000	150,000	400,000
Washington, D. C	450,000	1,040,000	200,000	500,000
Baltimore	700,000	1,310,000	75,000	300,000
Portland, Me	500,000	1,000,000	150,000	500,000
Narragansett Bay	700,000	1,500,000	150,000	500,000
Key West	500,000	700,000	75,000	250,000
Charleston	500,000	1,290,000	75,000	250,000
Mobile	700,000	740,000	100,000	250,000
Savannah	300,000	590,000	100,000	300,000
Portland, Oreg	900,000	940,000	150,000	600,000
Pensacola	450,000	540,000	75,000	200,000
Galveston	600,000	290,000	100,000	300,000
Wilmington, N. C	400,000	390,000	75,000	300,000
San Diego	500,000	320,000	100,000	300,000
Portsmouth, N. H	300,000	120,000	50,000	150,000
Cumberland Sound	200,000	390,000	50,000	150,000
Kennebec River	100,000	70,000	50,000	120,000
New Bedford	300,000	70,000	50,000	150,000
Penobscot River	100,000	70,000	50,000	120,000
East entrance, Long Island Sound	460,000	1,000,000	75,000	200,000
Puget Sound	200,000	900,000	50,000	700,000
Total	18,693,250	28,551,750	4,467,000	12,340,000

If above appropriations were made, in eighteen months provision could be made for—

12-inch guns on lifts	6
12-inch on nondisappearing carriage	12
10-inch on disappearing carriage	94
10-inch on nondisappearing carriage	9
8-inch on disappearing carriage	39
8-inch on nondisappearing carriage	6
12-inch mortars	440
Rapid-fire guns	38
Total	644

The Chief of Ordnance states that he requires the sum of $55,000 in addition to what has already been appropriated in order to run the gun factory at Watervliet at its ordinary capacity, working eight hours per day, during the remainder of the present fiscal year; and that in order to run the gun factory to the fullest extent during this fiscal year, viz, sixteen hours per day, an appropriation of $225,000 would be required in addition to the amount already appropriated.

In his regular estimate for running the gun factory during the next fiscal year he has estimated the sum of $342,938.

He states that his regular estimate is somewhat below what he could use if running regularly eight hours per day, by reason of the pressure that has been brought to bear upon him sometimes by the Secretary of War, and especially by Congress, to reduce his estimate. He now estimates that in order to run the factory eight hours additional, or sixteen hours per working day, an appropriation of $426,762 is required in addition to his first estimate for the next fiscal year for this purpose, making a total of $769,700 required for running the gun factory to the fullest extent during the next fiscal year. He says:

"Additional to the present appropriation for seacoast carriages, I should want $1,186,500; additional for 12-inch mortars, $987,900; additional for 12-inch mortar carriages, $476,000; additional for armor-piercing shot, that is, for all varieties of guns, $443,922; additional for shells for the same guns, $416,700; additional for deck-piercing shells, that is, the mortar shell, $135,938; additional for 12-inch mortar torpedo shells, which is a longer shell, $444,264; for powder for guns and mortars, $732,461."

He sums up the requirements of his Department as follows:

"I have been replying to two questions of the committee, viz: What amount of money in addition to existing appropriations could be expended on coast-defense armament during the remainder of the present fiscal year, and what amount for the same purpose in addition to the estimates now before Congress for the next fiscal year, ending June 30, 1897? As these replies have included much discussion, I think a recapitulation of the amounts that have been given would make the matter clearer to the committee.

"First. In reply to the first question, I have stated that to run the gun factory to its ordinary capacity and not to reduce work during the remainder of this fiscal year would require $55,000.

"Second. Should an emergency require that the work be pressed, then the factory can be run sixteen hours per day, and this would require $225,000 for the remainder of the present fiscal year. If this $225,000 were appropriated, there should go with it, as has been stated, authority to enter into contract for the delivery of forgings, carriages, and projectiles to the amount of $1,800,000. No payments for these last would fall due during the next fiscal year, and as this estimate has been made to meet an emergency, it is understood that the same emergency would require that the work be pressed to the same extent during the whole of the next fiscal year, and estimates to meet payments to fall due under the proposed contracts are included in my estimate for the additional amount that could be expended in the next fiscal year.

"Third. The estimates for coast-defense armament, etc., before Congress for the fiscal year ending June 30, 1897, amount to $4,965,030. If the work is to be pressed, then, as has already been indicated, we should run the gun factory sixteen hours per day. To do this, secure the necessary forgings and complement of carriages to accompany the increased product of the guns, necessary projectiles, powders, etc., would require $7,006,141.

"Fourth. If any emergency should require that the work should be pressed, as has been contemplated in this estimate, this emergency would make it almost imperative that a large amount of field and siege artillery and rapid-fire and machine guns, with their carriages and ammunition, should be procured for arming and equipping armies. It is estimated that the amount of material that should be procured as rapidly as possible would cost $6,238,215.

"Fifth. There is now a special supplemental estimate before Congress for $150,000 for the purchase of rapid-fire guns, carriages, and ammunition. It is of great importance that this last appropriation should be made in any case."

The following is a recapitulation of the estimates of the two Bureaus and the consolidated estimate for the two years stated:

Estimates of Brigadier-General Craighill, Chief of Engineers, for engineering work.

To carry on the work there can be expended economically and profitably (if appropriations be immediately made) before July 1, 1896	$4,670,000
For the fiscal year ending June 30, 1897	12,340,000
For every succeeding fiscal year until defenses are completed	12,000,000
For immediate use in procuring sites	1,000,000
For the same purpose there will be needed later	509,000
For torpedoes and necessary appliances	2,500,000

	Stress.	Economically.
For the engineering work, exclusive of sites and torpedo material, there could be expended in the—		
Fiscal year ending June 30, 1896	$18,693,250	$4,467,000
Fiscal year ending June 30, 1897	28,551,750	12,340,000

Estimates of Brigadier-General Flagler, Chief of Ordnance, for remainder of current fiscal year.

For running gun factory eight hours a day, in addition to present appropriations	$55,000
To press work at gun factory to fullest extent, working sixteen hours a day, two shifts, in addition to present appropriations	225,000
If emergency plan is adopted, Chief of Ordnance should be authorized to make contracts (money need not be immediately appropriated) as follows:	
For forgings	675,000
For carriages	600,000
For projectiles, etc	300,000
Grand total for current fiscal year	1,855,000

For fiscal year ending June 30, 1897.

Estimates before Congress	$4,965,030
Special estimate before Congress for rapid-fire guns and ammunition therefor	150,000
Total estimates before Congress	5,115,030
In case of emergency there would be required, in addition to the above sums:	
For pressing work on seacoast guns, carriages, etc	7,231,141
For pressing work on field and siege guns, rapid-fire and machine guns and their carriages, implements, equipments, ammunition, etc	6,238,215
Total sum that could be used in fiscal year 1896-97	18,584,386

Consolidated estimate for the fiscal years 1896 and 1897.

FOR FISCAL YEAR ENDING JUNE 30, 1896, IN ADDITION TO PRESENT APPROPRIATIONS.

	Stress.	Economically.
Ordnance Department	$1,800,000	$55,000
Engineer Department	18,693,250	4,670,000
Total	20,493,250	5,225,000
Sites		1,000,000
Grand total		6,225,000

FOR FISCAL YEAR ENDING JUNE 30, 1897.

Ordnance Department	$18,584,368	$5,115,030
Engineer Department	28,551,750	12,340,000
Total	47,136,136	17,455,030
Engineer Department:		
Sites		500,000
Torpedo material		2,500,000
Grand total		20,455,030

It is evident that the time required to manufacture the guns will control the period necessary to complete the whole work of defenses.

The Chief of Ordnance states, in answer to questions, as follows:

How long will it take to complete the armament according to the whole plan adopted by the Government for coast defense, working the usual time—eight hours per day?

General FLAGLER. About eight years for 8, 10, and 12 inch guns; thirteen or fourteen years for the 16-inch guns—as a type 16-inch gun has yet to be made and tested—and about nine years for the 12-inch mortars. The carriages for these guns and mortars could be completed within the same period.

How long will it take, working sixteen hours per day, under stress?

General FLAGLER. About five years for the 8, 10, and 12 inch guns, and eight years for the 16-inch guns, with their carriages. If the mortars could also be manufactured on a sixteen-hour labor basis, which is quite probable, they could be completed in from five to six years.

The latter answer defines the time that is absolutely necessary unless the facilities for manufacturing guns be increased.

The Chief of Ordnance also stated that if it were proposed to duplicate the Army Gun Factory, three years would be required for that purpose.

In conclusion, the committee reports that the investigation has shown the vital importance of immediately commencing the work of defense on an adequate scale, of prosecuting it with vigor, and of providing for it by sufficient appropriation of money, in order to avoid great and unnecessary risks to the safety and welfare of the nation.

Mr. PROCTOR. Mr. President, I wish to give notice that on Thursday next, immediately after the routine morning business, I shall, by the leave of the Senate, speak briefly on coast defenses.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 2247) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. HARRIS introduced a bill (S. 2248) for the relief of J. E. Dromgoole, of Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN (by request) introduced a bill (S. 2249) to pay Joel L. Baugh for services rendered to the Old Settler Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2250) to amend section 2 of an act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes"; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 2251) to authorize the construction of a bridge across the Calumet River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2252) for the relief of Bvt. Capt. James D. Vernay; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2253) directing the Secretary of War to investigate the claim of John C. Phillips; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2254) to pension Joseph F. Cison; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2255) granting a pension to Lorenzo Meserth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2256) granting a pension to William H. Hawes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2257) to authorize the Secretary of War to remove the charge of desertion and issue to Isaac N. Babb, Twenty-third Indiana Battery, an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL. I introduce a bill for reference to the Committee on Pensions, and to accompany it I present an application from the claimant and ask that it may also be noted and referred to the Committee on Pensions, to accompany the bill.

The bill (S. 2258) granting a pension to John Vogt was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2259) granting a pension to Catherine Long; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2260) granting a pension to Emily C. Merriman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2261) providing for an international humane and sanitary conference; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 2262) to provide for the further distribution of reports of the Supreme Court and of the circuit courts of appeals; which was read twice by its title.

Mr. HOAR. I desire to state that this bill is simply a combination of several separate bills which have been introduced by other Senators. It is introduced in order to have them all in one. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BAKER introduced a bill (S. 2263) to provide for the settlement of accounts and claims in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2264) granting a pension to Henry H. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2265) for the relief of Martin Mullins; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2266) granting a pension to James A. Southard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2267) granting a pension to Alvah A. Eaton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PASCO (by request) introduced a bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also (by request) introduced a bill (S. 2269) for the relief of the legal representatives of Edwin De Leon, deceased, on account of judicial services performed by him while serving as consul-general in Egypt; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PEFFER introduced a bill (S. 2270) granting a pension to Avery Lamb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2271) extending the provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth regiments of Kansas Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

SAC AND FOX INDIAN SCHOOL IN IOWA.

Mr. GEAR. I submitted a few days ago an amendment intended to be proposed to the Indian appropriation bill, which was referred to the Committee on Indian Affairs. The amendment proposes to appropriate $35,000 for the purpose of establishing an Indian school on the reservation of the Sac and Fox Indians in Iowa. I do not think I asked to have the amendment referred to the Indian Bureau, but I do now ask that it may be referred to the Indian Bureau for report.

Mr. PLATT. Not to the Indian Bureau?

Mr. GEAR. To the Commissioner of Indian Affairs, I should say.

Mr. HOAR. What is the effect of a simple order of the Senate to refer an amendment to the Indian Bureau for report? Do we not make our demand in such a case on the head of the Department—on the Secretary of the Interior—if we desire information?

Mr. GEAR. I am perfectly willing to modify the request.

Mr. HOAR. It is merely a question as to the manner of procedure.

Mr. GEAR. I am glad the Senator has called my attention to it. I ask that the amendment be referred to the Secretary of the Interior for report.

Mr. HOAR. If my friend will pardon me, I do not want to interfere with his affairs, but I suppose the usual custom would be to have an order of the Senate that the Secretary of the Interior be directed to inform the Senate as to any information or facts that are required in regard to a certain subject. I do not think that the Senate ever instituted a practice of simply asking a head of Department for his opinion, but the practice usually is for either an individual Senator or the committee to send to the head of the Department for his opinion. The Judiciary Committee every week send to the Attorney-General certain bills, and sometimes we send bills to the Chief Justice and ask his opinion, which is always given.

Mr. GEAR. I accept the proposition of the Senator from Massachusetts, and suggest that the Committee on Indian Affairs be requested to send the amendment through the proper channel, to the Secretary of the Interior, for the desired information.

The VICE-PRESIDENT. Without objection, it will be so ordered.

APPOINTMENT OF SECOND ACTING ASSISTANT DOORKEEPER.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That James B. Lloyd, a citizen of the State of North Carolina, be, and he is hereby, appointed to the office of second acting assistant doorkeeper of the Senate, at a compensation of $1,500 per annum.

Mr. CHANDLER. I ask the Senator from Nebraska whether he is advised that there is such an office that is now vacant, or does the resolution propose to displace some present employee of the Senate?

Mr. ALLEN. I do not know that there is an office by that name in the Senate. I know there is in fact an office of second acting assistant doorkeeper.

Mr. CHANDLER. I have no objection personally to the gentleman named in the resolution; I should have no objection to seeing him a part of the Senate force; but until I am informed as to the place for which he is designated, and know who is to be displaced, if anyone is to be displaced, I will object to the passage of the resolution. I ask that the resolution may go over until tomorrow.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. SHERMAN. Before the resolution goes over, I should like to say a word in regard to it.

By an arrangement on both sides of the Senate it was agreed and carried out that there should be an assistant doorkeeper and an acting assistant doorkeeper appointed. It has been usual to have persons on either side of the Chamber who are agreeable and acceptable to them, so there have always been two doorkeepers, one practically taking care of the business that falls to his lot on this side of the Chamber, and the other upon the other side. It was agreed by unanimous consent on both sides that these two officers should be appointed in that way, one to represent the Democratic side and the other the Republican side.

Now, as to whether there ought to be a third, a second assistant doorkeeper, it is for the Senate to decide. I do not myself see any special reason for it. I do not believe there is any real occasion for it. It is a new office. Indeed, the first assistant is a new office, and this would be another new office and add the amount of his salary to the expense of the official attendance here. I do not wish to express any opinion about the propriety of the resolution, except that I do not see any necessity for it.

Mr. ALLEN. I am not sufficiently familiar with the nomenclature of these offices to state whether there is an office of this name or not. I know there are four young men who are in charge of the Senate Chamber. I know them by face and I know most of them by name. Exactly what their offices are designated I do not know. I infer, however, that if it is necessary to have one of these gentlemen to look after the secrets of the Republican party and one to look after the secret workings of the Democratic party, the Populist party is becoming of such gigantic proportions in this Chamber that it is necessary for us to have a trusted agent to look after our caucus interests. I make that suggestion to the Senator from Ohio.

Mr. CHANDLER. There is no mistake about the gigantic proportions of the leader of the Populist party in this Chamber. [Laughter.] Still, that party has not of late increased in numbers in this body, and it is devoutly to be hoped that it will not so increase. Indeed, if the Senator from Nebraska should be taken away from this body by reason of his candidacy as the representative of that party for the Presidency, we should endeavor to get along with the reduced number of Populist Senators.

Mr. President, I do not think that the Senator has quite made a case as yet for the appointment of the gentleman named in the resolution. I was not aware until the Senator so stated that the two officers who have already been appointed were to deal with the secrets of the political parties in this Chamber.

Mr. ALLEN. That seemed to be the suggestion of the Senator from Ohio, and I only elaborated it.

Mr. CHANDLER. But I understood the Senator from Nebraska to state that the two men who have been appointed were to be intrusted with political secrets.

Mr. ALLEN. No; I understood the senior Senator from Ohio to say that one was appointed upon the suggestion of the Republican party to look after their interests and the other was appointed on the suggestion of the Democratic party to look after their interests, which I inferred were the secret interests of the caucus.

Mr. SHERMAN. I spoke of their services, but I did not say anything——

Mr. ALLEN. It would be entirely out of place, if the Senator will permit me, I think, to have a Republican or a Democrat to attend to the wants of a Populist caucus. We prefer a Populist.

Mr. CHANDLER. There are no secrets to be guarded by these young men. They were elected simply for the convenience of Senators on the two sides of the body; and now if the Populist Senators are in such a condition that they need the attendance of the gentleman named in the resolution I am willing that in due time it shall be granted to them; but I am not willing to eject anyone now in the employ of the Senate or to create a new office. That is the reason and the only reason why I asked that the resolution might go over.

Mr. ALLEN. Mr. President, I beg to say one word before the resolution passes over in explanation of our situation. I have heard it suggested in the last three weeks that the Populist party was attaining accessions to its ranks in this Chamber very rapidly. I have heard that suggestion made especially on this side of the Chamber and some suggestions from the other side. It is not an uncommon thing for a Senator on this side of the Chamber to stand in his place and announce himself as an adherent of Populist doctrines. It was done by the senior Senator from South Dakota [Mr. PETTIGREW] a few days ago; it has been done by the senior Senator from Maine [Mr. FRYE] from time to time, and by other Senators on the other side of the Chamber.

Mr. President, we expect, we are living in the confident hope that before the close of the present Congress a large portion of the Democrats and Republicans will by stress of circumstances be driven into the Populist camp; and I am always pleased to say to these gentlemen that the doors are wide open to them. We are growing every day. We have now about 1,800,000 votes in the United States. The Democrats and Republicans are at war with one another. The Republican party is not harmonious on the financial question by any means, as I infer from what has transpired in this Chamber from time to time; the Democratic party and its Chief Executive are engaged in a parrot-and-monkey fight between themselves; and we have every reason to believe that the accessions to the Populist party in this Chamber will be very great, and we certainly stand in need of a young man of this kind.

I do not understand that the resolution will displace any person; that it will create any new office or anything of that kind; but it gives to an office which is now being exercised a designation and a habitation.

Mr. PLATT. Mr. President, there is an old saying with regard to a hen which has only one chicken showing great solicitude as the mother of a brood, and therefore the Senator from Nebraska is perhaps excused for his great solicitude on account of the Populist party.

However, I did not rise for the purpose of speaking of that, but to call attention to the fact that we are continually, by one means and another, enlarging and increasing the expenses of the Senate, until the amount which is expended for the salaries of officials of the Senate and the expenses of the Senate is so large as to create a great deal of remark, not to say criticism. I really think that we ought to be very careful about further increasing the expenses of the Senate, and that we should provide new offices only when there is an absolute necessity for the same.

I do not think there is any necessity for this new officer, and therefore I hope that the resolution will be referred to the Committee on Contingent Expenses, as it is necessary that it should go there, and that that may be the last we shall hear of it.

Mr. ALLEN. I hope the Senator from Connecticut will with-

draw his motion. The resolution does not call for an expenditure of money to be appropriated from the contingent fund of the Senate. It must be met by a general appropriation if met at all. The Senator from Connecticut——

Mr. PLATT. Unless the resolution is required by the rule to go to the Committee on Contingent Expenses of course I will make no motion to refer. I supposed that it was so required.

Mr. CHANDLER. The resolution is not before the Senate for consideration. I understand that it goes over until to-morrow.

Mr. ALLEN. I want to make one observation in reply to the Senator from Connecticut, and then I will let it go over.

Mr. CHANDLER. Certainly; but the Senator seemed to think that the motion of the Senator from Connecticut is applicable at this time. It is not applicable, because I have objected to the consideration of the resolution.

Mr. ALLEN. I want to call attention——

Mr. HOAR. Does not the resolution go to the Committee on Contingent Expenses under the general rule, without going over?

The VICE-PRESIDENT. The Senator from Nebraska asked unanimous consent for the present consideration of the resolution, and an objection was interposed by the Senator from New Hampshire.

Mr. HOAR. I do not care anything about this resolution one way or the other, but my parliamentary inquiry is as to the general rule. I suppose that a resolution of this kind can not be considered even by unanimous consent under the law until it has gone to the Committee on Contingent Expenses. My question is, whether a resolution of this kind does not go as of course and at once to that committee.

The VICE-PRESIDENT. The Chair will have the resolution again read, and will then rule upon the point of order suggested by the Senator from Massachusetts.

Mr. HOAR. I do not care anything about what the Senate may do in this particular case. I merely put the general question as a matter of orderly procedure.

The Secretary again read the resolution.

The VICE-PRESIDENT. The Chair holds that, under the objection of the Senator from New Hampshire [Mr. CHANDLER], the resolution goes over under the rule.

Mr. ALLEN. Mr. President, just one word in reply to the Senator from Connecticut [Mr. PLATT]. It has been of almost daily occurrence during this session of Congress that some Senator, either upon the Democratic or Republican side of this Chamber, has presented a resolution for the appointment of John Smith or John Jones as a stenographer to a certain committee, or creating the additional office of messenger. I have yet failed to listen to an objection made to the enlargement of the Senate force in that respect, and I am sorry that the Senator from Connecticut, who is usually so accurate and timely in his objections, has permitted all of those opportunities to escape him, and that now, for the first time, when it is proposed to introduce a young gentleman on this floor who would represent a party neither Democratic nor Republican, a spasm of economy seizes the Senator from Connecticut, and he thinks the force ought not to be enlarged.

Mr. PLATT. Does the Senator understand that we have increased the official force of the Senate this session?

Mr. ALLEN. I understand that resolution after resolution—I can not call the number of them—has been introduced here and passed increasing the Senate force.

Mr. PLATT. I was not aware of it.

Mr. CHANDLER. The Senator is mistaken. All those resolutions have been referred to the Committee on Contingent Expenses, and there they remain.

Mr. ALLEN. I call the Senator's attention to the fact that this resolution does not provide for the expenditure of a dollar out of the Senate contingent fund; therefore it has no business before the Committee on Contingent Expenses.

Mr. PLATT. If the resolution should pass to-day the officer would have to be paid out of the contingent fund until he could be provided for in an appropriation bill.

Mr. ALLEN. The officer would simply be provided for in an appropriation bill like other officers.

Mr. HARRIS. I should like to ask the Senator from Nebraska if he thinks the Senate needs the services of the officer that his resolution suggests; if his organization, which I recognize as a political organization, and, as such, I am ready to extend to it every courtesy and every aid that it may deem necessary—but does the Senate need the officer that the resolution suggests? I do not think it does; and, so believing, I shall never consent, so far as I am concerned, to so vote. I should like him to answer whether or not he thinks the Senate does need the services of such an officer.

Mr. ALLEN. Certainly, Mr. President. ["Regular order!"] Certainly I think we need this officer. The Senate needs it, and I should not have introduced the resolution but for that fact.

THE REVENUE BILL.

Mr. MORRILL. I desire to call the attention of the Senate to the subject of the House tariff bill. It has been obvious for month after month that there has been a deficiency of revenue. Since the present tariff bill was put in operation in every month except three there has been a deficiency.

Mr. COCKRELL. How was it before?

Mr. MORRILL. And at the present time, up to this date, in eight months of the present year, there has been a deficiency caused by insufficient revenue.

Mr. STEWART. Will the Senator allow me to ask him a question in connection with that point?

Mr. MORRILL. After I get through.

Mr. STEWART. It is right in point.

Mr. MORRILL. Up to this moment there has been a deficiency of over $20,000,000, and if it should go on to the same extent for the remainder of the year, it will amount to $30,000,000 for the second year in which this tariff act has been in operation. Certainly it seems time that we should supply something to relieve the distress of the Treasury Department, and do something which the people of the United States would be likely to approve as looking toward a revival of the business interests of the country. I therefore make a motion for the present consideration of House bill 2749.

Mr. STEWART. Before that motion is put, the Senator from Vermont said when he got through he would allow me to ask him a question.

Mr. SHERMAN. The motion is pending.

Mr. STEWART. I insist upon the performance of the promise. I should like to inquire of the Senator what amount of cash balance is now in the Treasury, and how long it will take to draw down the cash balance to reasonable limits at the rate of $30,000,000 of deficits? How many years are we to provide for cash in the Treasury?

Mr. MORRILL. Mr. President, we all understand that there has been one hundred and thirty-odd million dollars which have been used by the Treasury Department for the ordinary expenses of the Government which was provided for an entirely different purpose, but so far as the question proposed by the Senator from Nevada is concerned, if the bill is taken up he will have ample time to discuss it, and so shall we all.

Mr. STEWART. Very well.

Mr. MORRILL. I therefore ask for the present consideration of the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill the title of which will be read.

The SECRETARY. A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. STEWART and Mr. TELLER called for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Does the Senator from Vermont recognize the fact——

Mr. ALDRICH. Debate is not in order.

Mr. HARRIS. That if his motion shall succeed, it will be to take up the bill in the morning hour, and there is no unfinished business in the morning hour?

Mr. ALDRICH. I suggest that debate is not in order, Mr. President.

The VICE-PRESIDENT. The Senator from Tennessee will please suspend. The Senator from Rhode Island makes the point of order that debate is not in order. The motion is not debatable. The Chair understood the Senator from Tennessee to rise to a parliamentary inquiry.

Mr. HARRIS. I was not aware of the fact that the question was raised. The point of order is well taken, and I yield most gracefully. But I simply desire to suggest to the Senator from Vermont that this is within the morning hour.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New York [Mr. MURPHY]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but understanding that he would vote "nay," if present, I vote "nay."

Mr. GEORGE (when his name was called). I am paired generally with the Senator from Oregon [Mr. MCBRIDE]. I do not see him in his seat, and therefore withhold my vote.

Mr. DUBOIS. I suggest to the Senator from Mississippi, if agreeable to him, that the pair of the senior Senator from New Jersey [Mr. SMITH] may be transferred to the Senator from Oregon [Mr. MCBRIDE], which will permit the Senator from Mississippi to vote.

Mr. GEORGE. I will adopt that suggestion, and will announce that my pair with the Senator from Oregon [Mr. MCBRIDE] is transferred to the Senator from New Jersey [Mr. SMITH]. I vote "nay."

Mr. MITCHELL of Oregon. I desire to state that if my colleague [Mr. MCBRIDE] were here, he would vote "yea."

Mr. GORDON (when his name was called). I am paired generally with the junior Senator from Iowa [Mr. GEAR]. I do not see him in his seat, and withhold my vote. If he were here, I should vote "nay."

Mr. HOAR. If the Senator from Georgia will kindly listen, I will state that I am paired with the junior Senator from Alabama [Mr. PUGH], who would vote "nay" if present, and I should vote "yea." I suggest to the Senator from Georgia to transfer his pair to the Senator from Iowa [Mr. GEAR], and we can both vote.

Mr. ALLISON. Allow me to say to the Senator from Massachusetts that my colleague [Mr. GEAR] is absent only temporarily. I think he will be here before the roll call is concluded.

Mr. GORDON. I was just going to reply to the Senator from Massachusetts that I would wait a few moments and see if the Senator from Iowa [Mr. GEAR] came in.

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES], but I transfer that pair to the Senator from Wyoming [Mr. WARREN], leaving him paired with the Senator from Arkansas, and I vote "yea."

Mr. HOAR (when his name was called). I vote "yea," but I announce that I shall withdraw my vote unless a pair is found with the Senator from Alabama [Mr. PUGH] before the conclusion of the roll call.

Mr. BURROWS (when Mr. MCMILLAN'S name was called). My colleague [Mr. MCMILLAN] is detained from the Senate by indisposition. He is paired with the Senator from Kentucky [Mr. BLACKBURN]. My colleague, if present, would vote "yea."

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS], whom I do not see in the Chamber. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. THURSTON'S name was called). My colleague [Mr. THURSTON] stands paired with the junior Senator from South Carolina [Mr. TILLMAN]. My colleague is necessarily detained from his seat to-day. I do not know how he would vote on this question, if present.

Mr. ALDRICH (when Mr. WETMORE'S name was called). My colleague [Mr. WETMORE] is absent from the Chamber at present. I think he is paired with the Senator from Georgia [Mr. BACON]. My colleague, if present, would vote "yea."

Mr. HANSBROUGH. I will take the liberty of pairing the absent Senator from South Dakota [Mr. PETTIGREW] with the Senator from Maryland [Mr. GIBSON].

The roll call was concluded.

Mr. MCBRIDE. I understand that my pair with the Senator from Mississippi [Mr. GEORGE] has been transferred to the Senator from New Jersey [Mr. SMITH].

Mr. GEORGE. I stated that I was paired with the Senator from Oregon [Mr. MCBRIDE], and in his absence his pair with me was transferred to the Senator from New Jersey [Mr. SMITH]. The Senator from Oregon now stands paired with the Senator from New Jersey under that arrangement.

Mr. MCBRIDE. Then I withhold my vote, Mr. President. If at liberty to vote, I should vote "yea."

Mr. GORDON. The Senator from Iowa [Mr. GEAR], with whom I am paired, having appeared and voted, I now vote "nay."

Mr. FRYE (after having voted in the affirmative). I withdraw my vote. I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea," and I presume he would vote "nay."

Mr. BACON (after having voted in the negative). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES], and will allow my vote to stand; otherwise I should withdraw it.

Mr. TURPIE. I desire to state that my colleague [Mr. VOORHEES] is detained from the Senate by serious indisposition.

Mr. SQUIRE. I am paired with the senior Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "yea."

Mr. PRITCHARD. I desire to inquire if the Senator from Nebraska [Mr. THURSTON] has been paired?

The VICE-PRESIDENT. A pair with him has been announced, the Chair is advised.

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

Mr. MITCHELL of Oregon. I have a general pair, as I stated a moment ago, with the senior Senator from Wisconsin [Mr. VILAS], but I transfer that pair to the Senator from Connecticut [Mr. PLATT], who has kindly consented to it, and I vote "yea."

Mr. PLATT (after having voted in the affirmative). I have voted "yea," but the Senator from Oregon being very anxious to vote, I accommodate him by pairing with the Senator from Wisconsin [Mr. VILAS], with whom the Senator from Oregon was paired; and therefore I withdraw my vote.

Mr. PASCO. The Senator from West Virginia [Mr. FAULKNER] is absent and paired with his colleague [Mr. ELKINS]. I notice that his colleague has voted, I presume, inadvertently.

Mr. ELKINS (after having voted in the affirmative). I wish to withdraw my vote, as I am paired with my colleague from West Virginia [Mr. FAULKNER]. If he were here, I suppose he would vote "nay," and I should vote "yea." When I voted I thought he was here; otherwise I should have at the time announced the pair.

Mr. HOAR (after having voted in the affirmative.) I desire to withdraw my vote, as I am paired with the Senator from Alabama [Mr. PUGH].

Mr. SQUIRE. The Senator from Montana [Mr. MANTLE] has authorized me to make a transfer of pairs, so that I will pair him with the Senator from Virginia [Mr. DANIEL], and I will vote "yea."

Mr. HILL. Can the Senator leave the Senator from Virginia unpaired?

Mr. TELLER. The Senator from Montana would vote "nay," if he were here.

The VICE-PRESIDENT. The Senator from Montana has voted.

Mr. MANTLE (after having voted in the negative). To accommodate the Senator from Washington [Mr. SQUIRE] I withdraw my vote and stand paired with the Senator from Virginia [Mr. DANIEL].

Mr. BERRY. I understand the Senator from Montana voted "nay," and the Senator from Virginia would vote "nay," if he were here.

Mr. MANTLE. If that be the case, Mr. President, I must refuse my consent to the transfer of the pair and let my vote stand. I did not understand that.

Mr. SQUIRE. Then I withdraw my vote, Mr. President.

The VICE-PRESIDENT. The vote of the Senator from Washington is withdrawn.

The result was announced—yeas 22, nays 33; as follows:

YEAS—22.

Aldrich,	Clark,	Hawley,	Proctor,
Allison,	Cullom,	Lodge,	Quay,
Baker,	Davis,	Mitchell, Oreg.	Sherman,
Brown,	Gear,	Morrill,	Shoup.
Burrows,	Hale,	Nelson,	
Cameron,	Hansbrough,	Perkins,	

NAYS—33.

Allen,	Chilton,	Kyle,	Stewart,
Bacon,	Cockrell,	Lindsay,	Teller,
Bate,	Dubois,	Mantle,	Turpie,
Berry,	George,	Martin,	Vest,
Butler,	Gordon,	Morgan,	Walthall,
Caffery,	Gray,	Palmer,	White.
Call,	Harris,	Pasco,	
Cannon,	Hill,	Peffer,	
Carter,	Jones, Nev.	Roach,	

NOT VOTING—34.

Blackburn,	Gibson,	Murphy,	Tillman,
Blanchard,	Gorman,	Pettigrew,	Vilas,
Brice,	Hoar,	Platt,	Voorhees,
Chandler,	Irby,	Pritchard,	Warren,
Daniel,	Jones, Ark.	Pugh,	Wetmore,
Elkins,	McBride,	Sewell,	Wilson,
Faulkner,	McMillan,	Smith,	Wolcott.
Frye,	Mills,	Squire,	
Gallinger,	Mitchell, Wis.	Thurston,	

So the motion was not agreed to.

Mr. MORRILL. Mr. President, permit me to say that when on the 13th of this month I made the motion to take up the tariff bill, and it was lost by a vote of 21 to 29, I then thought the bill was hopelessly defeated, but I felt that it was my duty in so important a matter to give an opportunity for any change of mind on the part of the voters. [Laughter.]

Now, it is perfectly obvious that the Republican party is in a minority in this Senate. The bill on the 13th of February was defeated by 5 Populist and 4 silver Republican votes. I do not think there has been any change so far as the vote now discloses since that occasion. I think that the Republicans on the Committee on Finance will be willing to welcome any decent bill to add something to the revenue of the Treasury Department, whether it is in conformity to their views or not as to the principle of tariff, and will be ready to support any such bill which we have an opportunity to support before the session shall close. But so far as this bill is concerned, I wish to say that I do not think that it will become me to ask the Senate for any further consumption of time.

Mr. TELLER. The Senator from Vermont [Mr. MORRILL] states—what everybody has known to be a fact—that there is not a

Republican majority in this Senate, and there is not a Republican majority in this Senate if those who have voted against the motion to take up this measure, made out of time and unseemly, who sit on this side of the Chamber, are in the party, which the Senator seems to think they are not.

I shall not in the morning hour undertake to discuss this bill. There is a motion here made by the Senator from Montana [Mr. CARTER], who, I believe, has as much claim to be called a Republican as the Senator from Vermont, to recommit this bill for defects in the bill, patent and apparent defects, defects which everybody who has read and examined the bill understands.

Mr. President, I charge here (and I shall undertake to make the charge good before this debate is over) that this bill was never introduced in either body nor has it been supported in this body with any reference to its becoming a law. It was not intended that it should become a law. Of that I shall speak at another time. If the Senator from Vermont thinks that he can embarrass us who have stood by the Republican party as long as he has, and as zealously as he has, because we do not agree with him upon every subject, he is entirely mistaken.

Mr. President, I voted against the taking up of this bill, as I shall vote against the bill if my judgment dictates that I should, and I shall remain in the Republican party in spite of the suggestions of the Senator from Vermont [Mr. MORRILL]. It was known when this bill was introduced in the House of Representatives that it could not pass the Senate unless it had Democratic or Populist support. It was said publicly that it was not expected to pass; it was said publicly that it was for the purpose of political gain and political advantage. It is a play, Mr. President, which is degrading to the American Senate and degrading to any member of the party to which I claim to belong who shall take part in it.

Mr. MORRILL. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. MORRILL. I have read no man out of the Republican party; but I allude to the fact that there are 89 Senators in this body, of which the Republican party has 44 only who claim to be Republicans. Of course we are in the minority.

Mr. TELLER. Of course he knew that before. The suggestion is that we who have not voted to take up this bill are not Republicans. For thirty days the great Republican metropolitan press has read out of that party enough members to make it in the minority, if it had heretofore a majority here. Every man who voted for the free-coinage amendment to the bond bill, no matter what was his motive for voting for it, whether he was a free-coinage man and anxious to promote that purpose and that end, or whether he was against the bill, has been read out of the Republican party by the Republican press.

At the proper time I am prepared to show that the great Republican metropolitan press has declared that 18 members of this body are not worthy to be called Republicans, and we have been notified that unless we change our views upon financial questions and submit to the Cleveland Democracy and Morrill Republicanism of this country on the financial question we must go out of the party.

Mr. President, we can get along without the party as well as the party can get along without us. But we deny the right of either the newspapers or members of the Committee on Finance to read us out of the party. We shall stay in the party until we get ready to go out, and we shall discuss these questions that are so important not from a partisan standpoint, but from the standpoint of an American Senator charged with great interests, charged with doing that which the Senate has shown itself incompetent to do, and nobody more incompetent than the men who voted for the gold proposition of this Administration, charged to bring to this country prosperity, which has been denied to it under our legislation now for twenty years, charged to devise some system that shall satisfy the people that we can enter upon that degree of prosperity to which we are entitled by reason of advantages which exist in this country.

I do not want to detain the Senate, and I shall not; but I wish to enter my protest and to say that I am not to be frightened by the sneers of the chairman of the committee nor by the attacks of the press. I shall do what I think it is my duty to do here, regardless of consequences, and it seems to me that it would be in better taste and more in accordance with the dignity of the Senate if we should hear less here and elsewhere about our partisan duty.

Mr. SHERMAN. Mr. President, as a member of the Committee on Finance I disclaim all partisan feeling in respect to the bill which the Senator from Vermont moves to bring before the Senate. That bill does not belong to any party; it is not the representative of any party. The only merit in the bill is that it proposes to furnish $40,000,000 of revenue for the support of the Government, enough to meet the current expenses of the Government. I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone on that ground, or that it has any merit whatever except the fact that it would relieve the Treasury from the deficiency now occurring and accruing and increasing every day. It is a bill prepared for an occasion, not a political one. The gentleman who prepared that bill in the House of Representatives did it in order to secure revenue for the support of the Government. I say now, Mr. President, I shall vote for any tax whatever which may be proposed by anybody, whether Democrat, Populist, or Republican, which shall supply sufficient revenue for the support of the Government.

It is a disgrace to our civilization, it is a disgrace to the country itself that we are now expending $30,000,000 a year more than the receipts of the Government, and that Congress, now in session, with both Houses fully armed with power to furnish the revenue, is idle and refuses to act.

I will vote for a tax on tea, on coffee, on anything, in order to meet this deficiency, and I say that if the present Congress does adjourn in the face of the declarations now made to us, of the official reports sent to us, of the statements made by the President of the United States and the Secretary of the Treasury, that we are now going on day by day like a careless spendthrift to involve the country in debt, selling bonds when it is the duty of Congress at once to supply the revenue——

Mr. PEFFER. The President asserts that we do not need any more revenue.

Mr. SHERMAN. I do not care what the President says.

Mr. PEFFER. I thought so.

Mr. SHERMAN. Every man within the sound of my voice knows that we need more revenue. Here is a statement showing that since the 1st day of last July, and up to the present month of February, 1896, there has already been a deficiency in the current revenues of $20,696,000 and that before the end of the fiscal year at the same ratio the amount of the deficiency will be $30,000,000.

If such a condition should occur in Great Britain or in any other country where they have a parliamentary law, it would dethrone any party in power, and an immediate effort would be made either to increase the income tax or to provide some other form of taxation to meet the current expenses. Yet now and every day and every hour since the passage of the present law, and even before, in view of its passage, we have been running in debt and increasing our debts. There is no occasion for it.

A tax on tea and coffee would be paid cheerfully by the people of the United States. Any tax whatever, the most obnoxious that could be collected, would be supported by the people of the United States rather than to see the funded debt increased. Already $263,000,000 of bonds have been issued during the present Administration. The issuance of the great body of those bonds was made necessary by a deficiency of revenue, and as for the remainder, it was caused by the doubt whether, under this process of financiering, we should be able to maintain the standard of our money in this country.

Sir, I have not one word to say about Populists; I have not one word to say to wound my friend the Senator from Colorado [Mr. TELLER] or anyone else; I do not wish to arraign any individual; but what I do is to appeal to the Senate of the United States. The other House having sent us ever so faulty a bill, let us take it up, and if it is not right let us make it right, and send it back to the House and we will have a ready concurrence. But for us to adjourn with these deficiencies accruing more and more is, as I say, not a manly action to be taken by either of the great parties or by any party that is responsible for it.

Any private citizen who would pursue such a course in his financial affairs, however rich he might be, would soon lose his credit and his reputation for solvency and good sense. There is no poverty in this country, no unwillingness to pay taxes, no reason why taxes should not be levied, and if the taxes proposed by the bill are not right, let us, in the name of heaven, provide others.

My honorable friend the Senator from Vermont [Mr. MORRILL] has done all he could to pass the bill. He has reported it and called it up twice, and now he has had a vote. I shall not analyze that vote, or say anything about why Senators of any party voted this way or that way. It is sufficient for us to know that our duty is not yet performed, and if the Senator from Vermont does not, I will, at the proper time and under proper circumstances, move to take up the bill and then see what the defects are.

Every Senator here appreciates the necessity for increased revenue. Every Senator knows that the hopes and expectations of the President and the Secretary of the Treasury as made in their reports have been erroneous, not from any willful design on their part, but because they did not see the natural tendency of a course of measures which every day left the Government more and more in debt, and every month the necessity——

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HARRIS. Why does not the Senator from Ohio advise the

Treasury Department to coin the $55,000,000 of seigniorage and the balance of the silver that lies in the Treasury idle and utilize it to answer the purposes of the Treasury——

Mr. SHERMAN. That is a question which has been asked before.

Mr. HARRIS (continuing). As they are in duty bound to do under the third section of what is called the Sherman Act?

Mr. SHERMAN. The Senator from Tennessee wishes to divert me to the question of the free coinage of silver. That has been tried and tested, and if ever that question met its final solution it was in the House of Representatives, freshly elected by the people, where, by a majority of almost 2 to 1, the judgment of the House of Representatives, the representatives of the people from equal and exact districts throughout the country, pronounced their denunciation of the most foolish and dangerous policy of departing from the now lawful standards of money in the country.

Sir, it is not enough for the Senator to say to me that the Senate could provide a remedy by providing for the free coinage of silver, when the fact is that 10 States whose 20 Senators voted for the free coinage of silver contain a less population than two-thirds of that of the State of Ohio. The Senate does not represent the people. It represents the States, and rightfully so, and I do not complain about it. But in the House of Representatives the people are represented according to their numbers in every portion of the United States. Let me prophesy to my honorable friend that his remedy will never be so strong in the future as it has been in the past. In my judgment the sober conviction of the people of the United States will settle down in favor of having the best standard that can be found, or that is yet known as the standard of value, with ample paper money always maintained at par with gold, to circulate in all parts of the country freely and without danger of its breaking up.

Mr. President, I have said a great deal more than I intended to say. I will merely add that I shall not consider my duty in the Senate discharged during the present session until some action is taken according to the wishes of the President and the Secretary of the Treasury, not their form of action, but until we give them as the executive department of the Government sufficient money, collected from the people of the United States, to carry on the expenses of the Government. If we go home to our constituents without performing that duty, every man who can be held responsible for that condition will be severely dealt with, as I believe, by the people of the United States.

Mr. STEWART. Mr. President, I can not afford to hold my peace and allow the false pretense that this bill is designed to produce revenue, or that there is any necessity for a bill to produce revenue, to go unheeded. The most oppressive and the most wicked part of the bond sales is the impounding of the people's money in the Treasury Department. Financial journals in this country declare that that is one of the modes of retiring greenbacks, and the favorite mode. There will be in the Treasury when the last loan shall have been paid in nearly $300,000,000 of cash balance. A deficiency of $30,000,000 a year will not draw down the cash balance in the Treasury to where it ought to be in less than four years. It will take four years for the people to get back into circulation the money which has been unlawfully taken from them by these bond sales. It will take four years to reduce this unhealthy surplus in the Treasury, it matters not how it has got there. It is a sham, a pretext. Anyone who seeks to put more money there wants to impound the greenbacks to a greater extent. Additional taxation, when there is about $300,000,000 in the Treasury, when there is a cash balance which at the present rate of deficiency can not be drawn down to a reasonable limit in less than four years, it seems to me, is outrageous, and I hope that Congress will not adjourn until it takes some means of relieving the Treasury of the surplus that has been taken away from the people.

The gold standard and the policy of impounding what little money is left has distressed the country, and when it is said that the country is anxious for more taxation, that the country is rich and abounding in money and anxious for further taxation, I deny it. I deny that in all the history of this country there was ever such general distress as prevails to-day after twenty-five years of peace and abundant harvests. I deny that with the money impounded as it is now, with contracting circulating medium, the resources of this country can be made available. The wealth of the United States is not in its debts.

Mr. ALLEN. Will the Senator from Nevada permit me to interrupt him?

Mr. STEWART. Let me finish this sentence.

Mr. ALLEN. Very well.

Mr. STEWART. But it consists in its productive power. There has not been 33⅓ per cent of that productive power made available for the last three years because of want of money. Falling prices paralyze industry, and here we have a proposition to put $40,000,000 a year more in the Treasury and contract the currency that much more.

Mr. ALLEN. I wish to suggest to my Populist colleague that this is not the time to discuss the general principles of finance. Let us make a proposition to these gentlemen.

Mr. STEWART. Oh, I beg pardon. I say that when the false pretense that the people should be further taxed to pile up money in the Treasury is put forth as a reason for passing this emergency bill, I do not propose to sit still and let it go to the country in that shape. This an emergency bill! This bill that is not for legislation, but for agitation; a bill to keep the tariff question open; a bill to run only two years; a bill to disturb business interests; a bill to set the country quarreling about the tariff for the purpose of burying other issues upon which the prosperity of the human race depends!

I wonder if there is any truth in what we constantly hear? It comes to me in letters every day that there is an arrangement whereby this bill, if it can go to the Executive without amendment, is to be signed by the President. I have received hundreds of letters saying, "Do not amend it; the President is going to sign it as it is." I wonder if the partnership between Cleveland Democracy and gold Republicanism is perfected and satisfactory? Is this a scheme between the gold forces at both ends of the Capitol to get a bill through to retire the greenbacks?

I know there are parties here and at the other end of the Capitol who are in favor of retiring the greenbacks, and it is suggested that we sell two or three hundred million dollars more of bonds and get them all out of the way. I wonder if they have agreed by this means to extract from the people $40,000,000 a year more for the purpose of retiring the greenbacks?

I do not charge that any such arrangement has been made, but the advocates of this bill, the lobby for this bill, have flooded the Western country with letters to the effect that if it should pass without dotting an "i" or crossing a "t" it will become a law, and calling upon them to petition us to give them relief for their wool. There is very little relief in this bill for wool if it should become a law and remain on the statute books permanently. The relief is all for the manufacturers of wool, with 100 per cent advantage against the woolgrowers of the United States in favor of the woolgrowers of silver-standard countries. With that 100 per cent advantage our woolgrowers never will feel any tariff that there is in the bill.

Prices will continue to go down. If there is to be honest tariff legislation, let us equalize exchanges and protect the American farmer, planter, woolgrower, and manufacturer from Asiatic competition. But a bill for agitation is presented here, and then we are appealed to in the name of patriotism to take more money from the people and pile higher and higher this colossal surplus in the Treasury. No matter how the surplus has got there, it is there. We should devise some way to get it out, and not put more there. There is no necessity for the bill. It is not in good faith. It is a sham pretext. It is to get a political advantage. It is to have the tariff issue, so that they can have some pretense between the Republican and the Democratic parties for a contest—a tariff issue of some kind, tariff agitation of some kind, in order to make an issue for the politicians. That is what this bill is, and it will deceive nobody.

At first people in my country were deceived, but the news comes now: "We see the trick. We know that it is to get an advantage; to bury the silver question and put the tariff question at the head. We know that New England will get all the benefit of it, should it become a permanent law. We know we can get no relief unless we can remove the difference of exchange; and we appeal to you now to give the manufactures of the East nothing unless they give us a degree of reciprocity such as they are willing to give foreign countries. For a generation we have given them all they asked for without any reciprocity. All we get for our votes to build up their monopolies is their sneers. That is all the West gets." The people of the West say to the Republican party: "While we have stood by you and have built up your New England monopolies, we have got nothing but sneers, and we are now ridiculed in your press for representing the productive forces of the country."

An emergency tariff bill under the plea of piling up more revenue in the Treasury, but for the real purpose of contracting the currency and making times worse. Ah, do you think you can make times so bad that the people can not resist your oppression? Do you think you have got them to that point? Do you think you can make them so poor that they can not go to the polls? You will be mistaken. The American people will rebel against your tyranny. This is not the first time the two old parties have united and become one. The party of Jefferson and the party of Hamilton, the two parties, the Federal party and the Republican party, united to maintain the money monopoly, the United States bank. They became one party for all practical purposes. The people rose in their might, and Andrew Jackson hurled the unholy alliance out of power. The party of Jackson assumed the name of Democrat, the name of the Republican party being so odious that no

man was willing to carry it. The party of Hamilton, the Federal party, was named the Whig party by Henry Clay because nobody would fight under the banner of the Federal party.

The two parties stayed away from each other and fought each other for a few years, but in the fifties they came together again to maintain chattel slavery. The Whigs and Democrats became one in 1860. They died. The question between slavery and abolition was fought out on the bloody battlefield. Slavery was destroyed when one of the combatants was exhausted. But when the war closed the whole South united with a portion of the North and took unto themselves the name of Democratic party, and asked the country to trust them. The country did not trust them at first, but when the gold party, the Republican party, became intolerable the country turned to the Democratic party.

But the Democratic party never came into power. When they elected a President he happened to be a substitute. They happened to get a Republican, a JOHN SHERMAN Republican, as a substitute. No Democrat got in at all. That brought another marriage of the two old parties. We find the Republicans and the Cleveland Democracy one and the same, singing the same song. Do not doubt it at all. The people have rallied every time. You can not tread them under your feet so that they can not rise. The American people will meet every emergency. They will meet the combined forces of Cleveland Democracy and SHERMAN Republicanism and overthrow them.

A marriage between parties is death. Parties are made to oppose each other, and when they come together the people have no use for them because the people want different parties. The Republican party will share the same fate. The Republicans and the Federalists did in the twenties; the Whigs and Democrats did in the fifties. The Republican party has lived now as long as any party ever did. Forty years is the limit. The old Federal party lived forty years before it was entirely killed. The Democratic and Whig parties lived only about thirty years until they were destroyed, and the Democratic party had to be reorganized. It was practically not in existence during the war. They lived thirty years.

It has been forty years since the Republican party came into existence. It has served its day. It has betrayed its cause. It has become an enemy of the people. It started as a friend of the people. It started in favor of free labor; in favor of free men. It has now become a party of slavery, a party of bonded slavery, a party which if its principles can succeed, according to the desire of the Senator from Vermont [Mr. MORRILL], will relegate the people to the same condition of feudal slavery and serfdom from which mankind emerged by the discovery of gold and silver in Mexico and South America. The same causes produce like effects, and it is to be presumed that the Republican party mean to enslave the people of the United States, because they are using the only means by which slavery can be produced, the only means by which any great nation was ever reduced to serfdom. They are depriving the people of their money and they propose to do it. In this very bill they propose to add to the grievance under the pretext of raising revenue. Under the pretext of raising revenue and increasing taxation they want to take from the people more of the means by which they can pay taxes, reducing them faster than the gold standard will do it if legitimately operated. We tell you that the people will not indorse the union of the Republican and Democratic parties for the purpose of oppression and wrong. They will not do it.

The distress in this country is unparalleled. For Senators to say here that these are good times and that the people are anxious for more taxes is adding insult to injury.

Mr. ALLEN. Mr. President, I regret very much that the Senator from Nevada [Mr. STEWART] should see fit to run the Finance Committee out of the Senate Chamber.

Mr. STEWART. The Finance Committee never could stand the truth. They always leave when I talk.

Mr. ALLEN. There ought to be something more practical.

Mr. STEWART. It is unpleasant for men to hear of their own misdeeds. If they stand here and do not deny it, they are afraid the people will ascertain what they have done and why they did it. The destruction of one-half of the people's money and the contraction of the gold standard, the paralyzation of business, are all the work of the Finance Committee. Do you wonder that they went out of the Senate Chamber?

Mr. ALLEN. Will the Senator give me the floor for a minute? I think I have it.

Mr. STEWART. The Senator can have the floor now all he wants.

Mr. ALLEN. Mr. President, the trouble is that nothing practical will come out of the discussion here. The honorable Senator from Vermont [Mr. MORRILL] and the honorable Senator from Ohio [Mr. SHERMAN] are permitted to run away from the Chamber without any practical result coming from the propositions they make.

The Senator from Vermont has undertaken to cast upon the Populist party the responsibility for a failure to carry his motion this morning. It is responsible, Mr. President, and it is perfectly willing to assume the responsibility and all the consequences that may flow from it. I see present my amiable and distinguished friend the Senator from Rhode Island [Mr. ALDRICH], who always coaches the Senator from Vermont, the chairman of the Committee on Finance, and I wish to ask the Senator from Rhode Island, who has said he is a bimetallist and that his party is a bimetallic party, whether he is willing to take the tariff bill just exactly as it comes from the House of Representatives with a free silver coinage amendment attached to it?

Mr. ALDRICH. Does the Senator from Nebraska wish an answer from me?

Mr. ALLEN. I desire to have an answer from some responsible head of the Republican party, if it has one.

Mr. ALDRICH. I answer, then, frankly, no, with as much emphasis as it is possible for me to use.

Mr. ALLEN. I am glad to hear it, because it stamps the Republican party as the enemy of bimetallism. Your party has been masquerading for three years under false pretenses in this Chamber.

Mr. MORGAN (to Mr. ALLEN). Ask him if he would take the McKinley law with free coinage.

Mr. ALLEN. You would not even——

Mr. ALDRICH. Will the Senator from Nebraska allow me to ask——

Mr. ALLEN. The Senator from Alabama suggests that I ask you if you will take the McKinley bill with free coinage. Will you do that?

Mr. PLATT. No.

Mr. ALLEN. The Senator from Connecticut says "No." Are there any circumstances under which you will take free coinage?

Mr. ALDRICH. No, sir——

Mr. ALLEN. No, sir.

Mr. PLATT. Except by an international agreement.

Mr. ALDRICH. Unless an international agreement on the subject shall be first secured.

Mr. ALLEN. Oh, yes. Now, that discloses exactly what we have always claimed. There are no circumstances under which you are bimetallists.

Mr. PLATT. Oh, Mr. President.

Mr. ALLEN. You have lied upon the question, if I may speak metaphorically, for three years to my certain knowledge. For three years you have stood in this Chamber and have undertaken to make the people of this country believe that you are bimetallists, and now when you are put to the test you will not take silver with this tariff bill and you will not take it with the McKinley bill and you will not take it under any circumstances.

Mr. PLATT. Does the Senator from Nebraska intend to say that the Republican party of this country has ever tried to make the people believe that it was in favor of the free and unlimited coinage of silver at the ratio of 16 to 1——

Mr. ALLEN. That is it exactly.

Mr. PLATT. Wait a moment. By the United States alone? Does the Senator intend to say that the Republican party has ever taken that position?

Mr. ALDRICH. Anywhere?

Mr. PLATT. Anywhere?

Mr. ALLEN. You took it in 1892. I have not got your platform here.

Mr. COCKRELL. I will turn to it.

Mr. PLATT. I will tell the Senator what the platform is. It is that we are in favor of the use of both silver and gold as money——

Mr. TELLER. As standard money.

Mr. PLATT. As standard money, upon such conditions as will keep both at a parity.

Mr. ALLEN. But you never tried that.

Mr. PLATT. That is practically the language of the platform.

Mr. ALLEN. I have here the platform of 1892.

Mr. STEWART. In your platform of 1888 you said the Republican party was in favor of the use of gold and silver as standard money.

Mr. MITCHELL of Oregon. It did not say that. It said, "We demand the use of both gold and silver as standard money."

Mr. ALLEN. I have the platform here.

Mr. STEWART. And it said, "We condemn the Administration of the Democratic party for its efforts to demonetize silver." But you refuse to use silver as standard money.

Mr. ALLEN. Here is what the platform of 1892 says:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

Mr. ALDRICH. We stand on that now.

Mr. TELLER. No, we do not.

Mr. ALLEN. The platform of 1892 proceeds:

The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

Mr. ALDRICH. I suggest to my friend from Nebraska that he has had great difficulty in times past in elucidating the platform of his own party——

Mr. ALLEN. Never in the world.

Mr. ALDRICH. And it seems to me that it would be more becoming in him to allow the platforms of the other parties to be explained by persons who were members of such parties, respectively.

Mr. ALLEN. No; that is altogether wrong. I wanted to bring out in this discussion, and we do bring it out, the fact that the claim of the Republican party as being a bimetallic party was a falsehood.

Mr. PALMER. Mr. President——

Mr. ALLEN. There has never been a time when you have been in favor of bimetallism.

Mr. PLATT. Mr. President——

Mr. PALMER. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. Yes, sir.

Mr. PALMER. Will the Senator himself take the McKinley bill with free silver?

Mr. ALLEN. I have made no offer or agreement to give it to these gentlemen.

Mr. PALMER. I think the most dangerous and alarming symptom is the possibility of some combination between those who demand protection for domestic industry, as they call it——

Mr. ALDRICH. There is not the slightest danger.

Mr. PALMER. And those who own silver bullion. That is the dangerous combination.

Mr. PLATT (to Mr. PALMER). Do not be alarmed on that score.

Mr. STEWART. There is no danger of that. The combination is with the Democracy.

Mr. ALLEN. I simply wanted to say to the Republicans on the other side of this Chamber, you have 44 votes. If you want to take your tariff bill with a free-coinage amendment attached to it, the Populist party stand here pledged to give you 6 votes to carry that joint measure. Now, will you do it?

Mr. PLATT. Mr. President, the trouble with the Senator from Nebraska is that his only definition of bimetallism is the unlimited coinage of silver at the ratio of 16 to 1 by the United States alone. I say that is no honest definition of bimetallism. The only honest definition of bimetallism——

Mr. TELLER. Will the Senator from Connecticut give us a definition of bimetallism?

Mr. PLATT. The only honest definition of bimetallism that has been put forth in this country is the definition put forth in the platform of the Republican party in 1892. What the Senator from Nebraska means is silver monometallism and nothing else. If he supposes that the Republican party——

Mr. ALLEN. Now, Mr. President, let me make a suggestion to the Senator right there.

Mr. PLATT. The Senator will allow me.

Mr. ALLEN. Less than ten minutes ago the financial chief of your party stood in this Chamber and said gold monometallism is what we should have in this country, and not one of you arose to correct him or object to his statement.

Mr. PLATT. Mr. President, I have but a moment before the morning hour will expire. The Republican party is going into the next campaign on the platform of 1892 with reference to silver and gold and our currency. It needs no other platform. Of course I can not speak for that party, but as one member of it I can say that I believe it will go again into the campaign upon the doctrine of protection and the doctrine of bimetallism as laid down in that platform.

Mr. STEWART. I would be very much obliged to the Senator if he would let me ask him one question.

Mr. PLATT. Wait one moment.

Mr. STEWART. Only one question.

Mr. PLATT. And when the silver monometallists of this country propose to antagonize protection with the unlimited coinage of silver the death knell of their delusion and craze has struck.

Mr. STEWART. Now, allow me to ask——

Mr. PLATT. I want to refer to the platform for a moment.

Mr. STEWART. Will you let me ask a question?

Mr. PLATT. No. The platform of 1892 says:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar whether of silver, gold, or paper, shall be at all times equal.

There is where we stand. There is where we propose to stand, Mr. President, and we are not to take any bimetallism which will make one dollar more valuable in its debt-paying and purchasing power than any other dollar.

Mr. STEWART. Now, will the Senator answer a question?

Mr. GEAR. Mr. President——

Mr. PLATT. No; I can not yield.

Mr. STEWART. The Senator is not very polite.

Mr. PLATT. Mr. President, we have five different kinds of dollars in this country. We have the gold dollar, the silver dollar, the greenback dollar, the Treasury-note dollar, and the silver-certificate dollar. Each one of those dollars is just as good as the other in this country——

Mr. STEWART. No, no.

Mr. PLATT. Because we have kept them at a parity. Each one in debt-paying and purchasing power is equal to any other dollar in this country.

Mr. STEWART. Why do you not pay bonds with it, then, and redeem them?

Mr. PLATT. Mr. President, I have spoken of our five different kinds of dollars. Because they have been kept of the same debt-paying and purchasing power, our finances are in a condition where the country is not distressed and destroyed, so far as currency is concerned; but you can take the silver dollar of ours and go down into Mexico, where they have free and unlimited coinage of silver, and you can buy two Mexican dollars with our dollar.

Mr. GALLINGER. And each one with more silver in it.

Mr. PLATT. Each one with more silver in it than our dollar. What the advocates of bimetallism, which is silver monometallism, would drive this country to is just to that condition, in which one dollar would buy twice as much in this country as another dollar.

Now, the Republican party does not believe in that bimetallism, and the Republican party does not propose to take protection when coupled with that bimetallism as a threat that it can not have protection without. I want here to say to those who advocate that kind of bimetallism, which means silver monometallism, and one dollar worth twice as much as another in this country, and who take the stand that protection is to fail in this country unless the Republicans who favor protection accept that kind of bimetallism, that they can not stand against or stem the tide of protection sentiment in this country and in their own communities. It will override all such delusions. The people of this country have fully determined one thing, and that is, that in this year of grace 1896, in the early November of that year, they will make their voice heard for that protection which will fill both the Treasury of the United States and the pockets of the workingmen, and woe be to silver or anything else that proposes to stand in the way of that verdict of the people!

Mr. STEWART. Mr. President, I want to deny emphatically that the Republican party is in favor of the use of silver as money, if their acts form any indication of their intention or as to what they believe. They refuse to pay out silver, but borrow gold. They indorse Cleveland's policy of making that discrimination. They believe in issuing bonds to buy gold for gold gamblers, and will not use silver as money. The silver that we have got in the Treasury is worth no more than so much pig iron, so far as any use is now made of it. The gold foundation you make stands on the little gold that you borrow, and that is the reason why your finances are trembling; that is the reason why you have bankrupted the country. It is because you give the lie to your platform that you would use silver as money. I have been working on that for ten years——

The VICE-PRESIDENT. The Senator from Nevada will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A concurrent resolution relative to the war in Cuba, reported by Mr. MORGAN on the 5th instant from the Committee on Foreign Relations.

Mr. MORGAN. Mr. President——

Mr. STEWART. Will the Senator from Alabama give way to me one minute? I want to state what the platform was in 1888. It said the Republican party is in favor of using both gold and silver as money, and that it condemns the action of the Democratic Administration in its effort to demonetize silver. Again, the party declared in 1892 that it was in favor of the use of both gold and silver as money. But the Republicans will not use it. They have bankrupted the country to borrow gold because they would not use silver, because they would not obey the law, because they would not obey their solemn promises in their platforms. That is what the Republicans have done.

Mr. GALLINGER. They have not borrowed money.

Mr. STEWART. They have passed a bill through the other House to borrow money, and they are in favor of it. They stand by Cleveland, and they will not investigate his bond transactions. They will not do anything about it at all. They think it is a good thing. They stand by and indorse him. Here is the bond bill put through the other House for no other purpose but to indorse the

principle of borrowing gold in time of peace for gold gamblers, because you will not use silver as money, because you will not tell the truth in your platforms that you will obey the law and use silver as money. All this silver is piled up and $1,100,000,000 rests on the little gold you borrow. That is the reason why you have bankrupted the country. Then you talk about protection! You who have created a difference of exchange amounting to 100 per cent of protection to silver-standard countries where our competition comes from. You by your gold standard have produced a wall of protection against this country, and you refuse to tear down that wall, and yet say that you are protectionists.

Is there no good faith in anything you do? It seems not. You are not for protection. We offer you 100 per cent protection and you will not accept it. But you will put us in competition with cheap labor. That is what you like. There is no sham about it at all. The people want real protection, and the first step to it is to equalize exchange and rid us of the 100 per cent advantage which the Asiatic has, by which he has reduced the price of farm products below the cost of production, and by which he will visit dire punishment upon you unless you can pass a prohibitory tariff law, which you can not do unless you recognize the West and the South as a part of this country.

Mr. GALLINGER. Mr. President, with the permission of the Senator from Alabama, I desire merely to state that I was unavoidably absent from the Chamber this morning when the vote was taken on the motion of the Senator from Vermont [Mr. MORRILL] to take up the so-called revenue bill for consideration. I have a standing pair with the senior Senator from Texas [Mr. MILLS], who seems also to have been absent. Had he been here he would have announced that pair. I now desire to say that had I been here and permitted to vote I should have voted in favor of taking up the bill, and undoubtedly the senior Senator from Texas would have voted against taking up the bill.

Mr. HANSBROUGH. Will the Senator from Alabama, who, I understand, desires to speak on the Cuban resolution, yield to me until I ask consent for the consideration of a bill?

Mr. MORGAN. What is the bill the Senator wishes to have considered?

Mr. HANSBROUGH. I ask for the consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

The VICE-PRESIDENT. If there is no objection, the bill will be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HARRIS. I think that bill can wait until it is reached on the Calendar.

The VICE-PRESIDENT. There is objection.

Mr. FRYE. Will the Senator from Alabama yield to me two minutes?

Mr. MORGAN. Certainly.

Mr. FRYE. Mr. President, I have been instructing my constituents, business men, for the last month and a half that there was not the slightest possibility of the House tariff bill becoming a law. I think I have known for a month that it was dead. After the two votes, one of a fortnight ago and the other of to-day, there is not a Senator here who does not know that it is as dead as Julius Cæsar, and that there is no resurrection whatever for it. The business men of this country ought to know it now, and they ought to conduct their business with a view to the fact that it is dead. When the Democratic party of the Senate and the Populistic party of the Senate both announce that they by their votes will not support this tariff bill, that they will not consider it, it is utterly hopeless for any Republican to undertake to obtain its consideration.

I wish to dissent from the proposition made by the distinguished Senator from Ohio [Mr. SHERMAN] that it was his duty and the duty of Republicans to further undertake to obtain consideration for this dead bill.

Mr. ALDRICH. Perhaps the Senator from Maine did not hear the remarks of the chairman of the Committee on Finance, in which he said that he would not further ask for the consideration of the measure.

Mr. FRYE. I did not hear the chairman of the committee make that statement. I am very glad he did so, and I trust that no Republican will undertake to have a vote again on the consideration of the bill. Suppose, as the Senator from Ohio suggested, it should be taken up and could be amended, there is not a Senator here who does not know that more than 600 amendments would be offered to it, and Senators know perfectly well that more than three months' time would be consumed in its consideration, and that the business of the country would be held on the ragged edge for the whole of that period. Business has had blows enough during the last two or three years. Congress should not inflict any more upon it.

I trust, sir, this bill will not be heard from again, and that no Republican Senator, no friend of protection, will ask the Senate to give it any further consideration. Let it be dead, and let the responsibility lie where it belongs.

WAR IN CUBA.

The Senate resumed the consideration of the concurrent resolution reported by Mr. MORGAN on the 5th instant from the Committee on Foreign Relations.

Mr. MORGAN. Mr. President, I had reserved to myself, with the consent of the Senator from Delaware, who will succeed me in this debate, the opportunity to present to the Senate the documents that I spoke of yesterday; and being very desirous to get before the country and the Senate, as far as it is possible to do so, an authentic statement of all the facts that are necessary to be considered in discussing this resolution and in coming to a vote upon it, I will present the civil organization of the Republic of Cuba, of which Mr. Salvador Cisneros Betancourt is the President, and which was adopted at Mangus de Baragua on the 16th of October, 1895. I will not undertake to read this document, but I will ask that it be appended to my remarks as it is printed from page 30 to page 35, both inclusive. [See Appendix A.]

There are a number of other regulations affecting the military and also laws ordained to govern the civil relations of the people of the Republic of Cuba which would be very interesting for examination; and I hope that those who choose to debate this question and those who wish to give it a very thorough consideration will refer to those laws, some of them relating to civil marriage and to other civil institutions, laws for the service of communications and the postal system, laws to regulate the public treasury, and laws of the government council of the nation, all of which are very admirably prepared and embody a most excellent system of government as it is adapted to the situation in Cuba at this time.

My purpose in presenting this paper is to show that there is a civil foundation for that government. Cisneros Betancourt is the President of that Republic. He was the President of the Republic at the time of the surrender in 1878. That fact is stated in the papers sent in by the President of the United States in his message May 14, 1878, which I will also print as an appendix to my remarks, in which will be found two letters written by the then minister of Spain at this capital, Antonio Mantilla, which relate to the terms of the capitulation that were entered into by the Republic of Cuba in 1878. I will read from one of the dispatches announcing the result of that reconciliation. It is from Flores, and was dated at Santa Cruz on the 12th of February, 1878. It is addressed to Director del "Diario de la Marina," Habana, and is as follows:

> The peace of the island is now a fact about to be realized. The President of the Cuban Republic, Maximo Gomez, chamber and government in accord with the force of the Camaguey, are at work to realize peace. Also, in the Villas and Oriental departments. For those two departments commissions of important chiefs have left with that object. Hostilities suspended in all the island.
>
> FLORES.

An examination of these papers shows a distinct recognition of the existence of the Republic of Cuba at the time this capitulation took place, and it shows that Maximo Gomez, who is the commander-in-chief of the armies of the Cuban Republic as it now exists, was busily engaged in an effort, which was applauded by the Spaniards, an honorable effort, to secure peace upon the terms of the capitulation that was entered into at that time between the Spaniards and the Cubans. That capitulation contains various stipulations, some of them added to the original article by after agreement.

In order to get the history of that transaction clearly before the Senate and the people of the United States, I will ask leave to print as an appendix to my remarks each of these letters. I would not encumber the RECORD with these extensive publications but that it is necessary in order to get at an exact statement of the political situation in the Island of Cuba at the time this capitulation took place. I also wish to emphasize the fact that the constitution and plan of organization of Cisneros, who was then President of the Republic, and is now again President of the Republic as it is at present declared, is in substance the same government that is now restored and is in operation, as is set forth in the document which I now present. (See Appendix B.)

These papers show the existence in 1878, and for more than ten years before that time, of a republic in the Island of Cuba, which was recognized as such in the capitulation itself, not in the very language of the capitulation, but in all of the attendant information and facts which were given out to the public by the minister of Spain at this capital in order to justify the conduct of the Spanish Government and also to satisfy this country that permanent peace had ensued.

I mentioned on yesterday that the Cubans who now comprise this Government, including of course the army that is now in existence, insist that their present action is justified entirely, and by subsequent abuses which took place after that capitulation,

which involve violations of the agreement entered into between Spain and Cuba, on various occasions, some of which acts, as charged by the Cubans, are very outrageous, if they be true. Perhaps it is not necessary for me to express an opinion on the question as to whether their allegations are true or not, except as a justification of the course that the committee have taken and that I am now advocating on the floor of the Senate. I do believe in their truth; I have nowhere seen them disputed. They stand forth as facts which have been published to the world now for more than a year without any contradiction that I have ever seen.

The war which has ensued for the purpose of the redress of those grievances and for the reclamation of those rights that were thus betrayed into the hands of the Spanish Crown by a breach of their solemn obligation has progressed to the degree and condition of open, public war, which I undertook yesterday to establish both from the accounts of the Cubans and from the accounts given by our own consuls in their communications sent to this Government.

Martinez Campos is everywhere spoken of in the papers to which I have just referred as a man of broad patriotism, great ability and benevolence; as a man who, when he was fighting the men against whom he was arrayed from 1867 to 1878, always regarded them as if they were brethren in arms opposed to him, and his conciliatory spirit, his desire to reconcile the people of Cuba to further submission to the Spanish Monarchy, is everywhere complimented and referred to with applause as being the cause of the composure which took place at the end of that civil war. When Martinez Campos was recently removed from his command of the army of Spain that occupied the Island of Cuba apprehensions were entertained and expressions on all sides were heard that no one could succeed him who could conduct that war in such a way as to heal up the wounds between the Cubans and the Spanish people, nearly all of whom are descended from the same stock, and when he was recalled to Spain after the failure of his campaign there, and after the resources of Spain had been almost exhausted, there was one general expression of regret by the people of the civilized world that so great and so noble a character had been withdrawn from the arena of war and had been retired into private life.

I do not hesitate, Mr. President, on my part, to express my regret at that occurrence, because while Campos was in the field I still had a hope that the Government of Spain would see that in order to keep her hold upon the affections of the people of Cuba and to command their honest allegiance she would be compelled to accord to them a form of government corresponding to that which is exercised in Canada as a province of the Crown of Great Britain; but the Spanish Government seems to be infatuated with the idea that absolute submission must take place in that island to every demand which is urged against those people, and when anything that is demanded is refused extermination is to be the result.

When General Weyler was sent there as captain-general he assumed to himself the double function of a supreme court judge and captain-general, and announced in the proclamation (which I will print in my remarks) that he assumed at one and the same time the functions of generalissimo and commander-in-chief of the army and the office of supreme judge of that country. Thereupon he issued a manifesto consisting of three proclamations, which I will place in the RECORD, which show, without any possibility of misunderstanding, his determination to sacrifice private life and all the liberties of the people whenever he chose to do so for the purpose of extending, consolidating, and enforcing his decrees and his power. By that judgment he placed every inhabitant of Cuba, without reference to nationality, in a position of absolute subjection to his individual and unrestrained will. Then he goes into various details which affect the people of Cuba, the people who live out in the forests and in the country, to such an extent that life itself would be an intolerable burden when it has to be lived under such circumstances. These are the papers which I desire to put in the RECORD. (See Appendix B.)

A gentleman has sent me this morning a newspaper printed in the city of Washington, The Evening Times, a very respectable paper, containing in its telegraphic columns a statement from Dr. Guiteras, in which he makes reply to a recent statement made by General Weyler in the matter of his execution of this decree. It seems that General Weyler had denied that since he had been in command of the island a single execution had been made. Dr. Guiteras scarcely credited the reports of these executions which came from the island, but yesterday a batch of letters in cipher was received by him, and after translating them he said:

> I have been loath to believe the reports of the killing of prisoners in the field and in the prisons since the arrival of Governor Weyler. These reports have been specially denied by General Weyler himself. I have received to-day letters from Habana that confirm the report. I am now firmly convinced that prisoners are quietly disposed of by some officer in the field, and that some prisoners have been brought to the forts in Habana and Matanzas who have subsequently disappeared without their friends knowing what has become of them.
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> I have in one of these letters the names of three prisoners, but can not give them at this time, as it would disclose the source of my information. I would add that this question has been referred to me especially by friends in Cuba with an appeal that I should exert whatever influence I may have to bring about a termination of this frightful state of affairs. I can do nothing better than appeal to the American press. The section in a letter from Habana which treats of the matter is as follows:
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> "It happens every day that prisoners are brought to this city. Some are sent to jail, and others to the fortifications. These last, if they belong to the lower classes, are made to disappear. A reason assigned is that there is not money enough to keep them. That is, you will understand, frightful. I am absolutely sure of what I am telling you, and you must make an effort to put a stop to it by appealing to the press of America.
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> "I have heard of similar stories for some time, but I could find no responsible person to repeat them to me, and I thought them too horrible to believe, though I know the man we are dealing with, but no doubt is left in my mind. It is known that the procedure is common in the field, but is not so frequently employed in the city."

I have an apprehension, which I can not repress, that if General Weyler remains in the command of the army of Spain in Cuba there will be destruction of life at his will and pleasure, perhaps in such a manner as not to be disclosed to the world for two or three or four years to come; but it seems that it is already apparent, in the case of three prisoners, that they have been killed after being captured.

I do not care, Mr. President, to enter more fully into a recital of these horrible incidents, because this is not in the slightest degree necessary to justify the position of the Government of the United States that war exists in Cuba, open, public civil war, and that it is to the interest and welfare of our own people, regardless of our sympathies for the Cubans, regardless of the effect it may have upon the Spaniards or the Cubans, that we should give a recognition, justified by the fact of the belligerency of those two powers in Cuba, and that is as far as we need to go.

Something has been said in this debate on the subject of the proper method of making this declaration. The resolution before the Senate declares that, in the opinion of Congress, a state of public war exists in Cuba, and that it is the duty of the United States to recognize the belligerency of the hostile parties.

What is the effect of such a declaration of opinion on the part of the Congress of the United States? If the effect should be to cause some contrary attitude to be imputed, as existing between the President and the two Houses of Congress, it would be indeed very unfortunate. If Congress should pass a resolution of this kind and the President of the United States, conceiving that our action was only advisory and was not mandatory, should withhold the declaration or should not predicate any Executive act upon it, it would leave the Government of the United States in a position to be severely criticised by our people and by the other powers of the world.

I do not anticipate any such difficulty between the President and Congress. I have no right to do so, from the message which the President sent us at the beginning of this session of Congress, for he recognized the fact of the existence of open and bloody war in Cuba; and I must suppose—I do suppose and I believe also—that when the President of the United States becomes satisfied that it is to the best interests of the people of the United States that there should be a recognition of that belligerency he will concur in the opinion that is expressed in this resolution, and will exert whatever of authority he has as the Chief Executive of this nation to sanction and enforce that resolution. But if he should decline to do so, then the attitude of Congress would be such that we should be regarded as intermeddling with matters with which we have no constitutional concern, and we should be amenable to such a criticism in the event that I have supposed, because the President of the United States can not refuse to respect the will of Congress when it is expressed in a constitutional method upon any subject.

If it is a matter of legislation to which his veto power applies, and if he shall exercise his veto, he is bound to respect the act; he is bound to consider the measure; he is bound either to return it to the House in which it originated, or else he may let it pass over for ten days, in which case it becomes a law and an effectual expression of the legislative will. But to put ourselves in an attitude in reference to a great question of this kind, where the President is at liberty to act or not to act as he sees proper, and where it is to be imputed to his action that it is to give validity and effect to what we do or to the opinion which we express here, it becomes a very serious matter whether we should pass this resolution in the form in which it is now presented.

The question of the power of the President of the United States in respect of the declaration of belligerency between two foreign powers has never undergone conclusive judicial investigation, nor has the Congress of the United States ever given to this subject a decided expression of their opinion upon it. It may therefore be styled a new question. In the consideration of this question the Constitution of the United States alone can rule. There is no other law to which we can appeal to arrive at a decision as between the Executive and the Congress of the United States upon this matter.

Suppose, for instance, that some one should propose to amend this resolution and strike out the words "in the opinion of Congress," and leave it as a clear, emphatic, unequivocal declaration

on the part of the two Houses that a public war exists in Cuba and that the Government of the United States recognizes the belligerency of those parties in order that the Government and the people may be put in an attitude where the duties of neutrality would attach to us under the international law, then we should have a declaration here which would assume upon the face of it that this concurrent action on the part of the two Houses of Congress would of itself be a recognition of the existence of the public war, the belligerency of the two parties, and our consequent international neutrality.

Mr. FRYE. Will the Senator allow me?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. FRYE. Suppose some one, in addition to the amendment of striking out the words "in the opinion," should add "and Congress hereby recognizes the belligerent rights," etc., what does the Senator have to say as to that?

Mr. MORGAN. That would only make the resolution a little more impressive or a little more emphatic in the definition of the attitude of Congress, because if we should strike out the words "in the opinion of Congress," that would then leave this as the declaration on the part of the two Houses of Congress that a public war does exist in Cuba and that we recognize neutrality.

Mr. FRYE. But suppose the words "it is the duty" were left out of the resolution, what then?

Mr. MORGAN. Perhaps those words ought to be left out to make the declaration as emphatic as the Senator from Maine now suggests.

Mr. PEFFER. While the Senator is on that point, will it not also involve concurrent action on the part of the Executive? Because, as the Senator very properly stated the other day, this question involves the right of seizure and involves certain Executive acts that might amount to watching and guarding and sometimes affirmative action on the part of the Executive. Would not such a declaration as the Senator from Maine suggests to that extent also involve the Executive; and if so, suppose the Executive should differ with Congress?

Mr. MORGAN. Mr. President, the committee of course have endeavored to avoid raising a question of this kind. They have not anticipated that any action of the Executive would make it necessary that they should raise it, or that the question would arise, or that it should be settled by any vote to be taken here. I will repeat that I do not anticipate that a question of that kind will occur; yet it might; and in shaping our resolution here we must be careful that we keep ourselves within the line of our constitutional powers and duties, and also careful that we do not surrender to any other department of this Government a portion of the power that the Constitution lodges in Congress.

Mr. FRYE. That is just what I should like to hear the Senator upon, whether or not, in his judgment, the Congress itself has the power to recognize belligerent rights without any intervention of the President of the United States.

Mr. MORGAN. Mr. President, in section 8 of Article I of the Constitution there is an enumeration of the powers of Congress. Several powers are mentioned, such as to coin money, etc., establish post-offices, promote the progress of science, to define and punish piracies and felonies committed on the high seas, to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

This power to declare war is associated with all those other powers in the same section, which affect and relate only to the civil administration of the Government, to the Government in a state and condition of peace, and for that reason some very able gentlemen have concluded that, being thus associated with this general delegation of powers to Congress, it must take its class with them, and be subject to all of the incidents that belong to the exercise of these general powers in other cases.

I am not prepared to subscribe to that construction of this instrument. I believe that the power to declare war and grant letters of marque and reprisal, and more especially the power to declare war, is a power which, from the very nature of it, when taken in connection with the other provisions of the Constitution relating to war and the conduct of war, stands by itself, and it must be exercised by Congress without the aid, or assistance, or participation of the Executive. It is the nature of the power to be thus exercised that I rely upon as separating it in its incidents and consequences from the other general powers which Congress has conferred upon it under the eighth section of the first article of the Constitution from which I have just been reading. The power to declare war is not a legislative power.

The framers of the Constitution understood perhaps as well as or better than any of us to-day—because they were in the midst of war and the Government which they were founding had just passed through a great struggle with the greatest monarchy then in the world—they understood particularly well what were and should be the functions of the Executive of the United States and the powers of Congress in respect of the declaration of war and the conduct of war, and in respect of making provision for the support of armies and navies, so as to leave it entirely in the hands of the popular branch of Congress to make appropriations for these purposes, or to originate appropriations for these purposes, putting a limit upon the power of the House in making the appropriations that they should be renewed once every two years; thus showing that, in the consideration of the war powers of the Government of the United States, they dissociated these powers from the general mass of powers that are conferred upon the Congress of the United States and placed them in a peculiar light; and it is in that light and in consideration of the purposes that the framers of the Constitution must have had in mind when they organized this splendid system of government that we are to interpret their intentions.

We must consider this question now, and we must not forget the impressions that evidently were foremost in their minds at that time, and by neglect allow the powers of the Congress of the United States to pass into the hands of one of the coordinate departments, in whole or in part, in the extreme case, the terrible case, when this country shall be involved in war.

The war power is to be sacredly guarded, and the people who are held obedient to it and must fight its battles and suffer its devastations should have the exclusive right to declare the existence of a state of war.

The state of war as it affects the citizen, the property of the citizen, his relations to foreign countries, the treaties between this Government and the Government with which we are at war, might be called a total change, a total departure from the state of the country when it is at peace. When the country is at peace the citizen is not required, on any occasion, to give up any of his constitutional rights of protection and of resort to the ordinary tribunals of law for the redress of his wrongs or the enforcement of his rights.

When a state of war supervenes, however, his person, his property, and all that belongs to him are subjected by the laws of nations and the Constitution of the United States to the behests of the Government to answer its purposes, even though in doing so he may surrender his life and all that he has. His duty of submission to the military power of the United States, lawfully exercised in time of war, may be called almost absolute, whereas in time of peace all the guaranties of the Constitution of the United States cluster about him to save him against any arbitrary power or the command of any individual that he shall do this or that or that he omit to do this or that. The condition of war changes almost absolutely and almost completely all the relations of this Government to its own people and to the country with which we are engaged in belligerency, and also, in a collateral way, with the people of the whole world.

So those provisions of the Constitution of the United States that were made for a state of war and adapted to a state of war must be attended with those conditions which make it possible that the Government of the United States shall act as a unit, and shall make it impossible that there should be any division of authority between the executive and the legislative branches of the Government in the recognition which is the declaration of the existence of a state of war.

If there is anything more necessary to the successful conduct of a war than all else, it is the fact that the power of the Government that is engaged in a war is lodged at least in the hands of a single man, or a single tribunal. No possibility of a division of interest, a division of sentiment, a division of will between the high functionaries of a Government can be admitted if the Government that is bound to make this admission is engaged in a war with a foreign country, or even with its own people in insurrection. There must be unity, absolute and perfect unity, in the power that conducts a war, and any division of it that is possible is to that extent a fatal defect in the Government itself.

Now, I will suppose a case. Suppose that a declaration of war by the United States Government is made under a joint resolution, which would go to the President of the United States, and that he, for reasons of public policy or reasons of private interest or affection, should veto the resolution, what would be the situation of this country under those circumstances? The Government would perish in the effort to defend its rights or vindicate its honor; perish upon a division of opinion between the Congress of the United States and the President of the United States. So in regard to making peace; so in regard to every other incident attending the conduct of war, such as the issue of letters of marque and reprisal, etc.

Mr. FRYE. How about raising supplies? Suppose the President should veto a resolution raising supplies?

Mr. MORGAN. He could veto a resolution to raise supplies. I think there is no doubt about that.

Mr. FRYE. And he could defeat——

Mr. MORGAN. But that is not the actual conduct of war. It is a provision for the conduct of war, and he might constrain us

to agree to a peace after we had been at war, or perhaps he might prevent us from getting into a war by the veto of a resolution or bill to raise supplies for the purpose of carrying on the war. But I am not now speaking of that legislative power which might attend the conduct of a war or provision for its support. I am speaking now of those matters which concern the inauguration of war and which relate to the power of the President and the Congress to change the attitude of the Government of the United States and the duties of all the people in it from a state of peace to a state of war. These acts are entirely distinguishable.

Perhaps no argument could be made upon this point which would be entirely consistent with itself in any direction in which you might choose to trace it, unless, indeed, we should admit that the President of the United States, when Congress passes a declaration by a joint resolution, I will say, in proper form, to the effect that the United States is at war with some foreign power, has the right to bring his veto to bear upon it and to deny the fact. While there are no actual decisions conclusive of the point I am now debating, there are various utterances and some official acts on the part of the early Presidents of the United States to which I desire to call attention, and also on the part of some of our wisest constitutional lawyers. I will read several extracts from the opinions of those lawyers and those Presidents which I think support very clearly the proposition that Congress, and Congress alone, has the power to declare war.

But before reading them, Mr. President, I should like to say (and I will cite the authorities in support of that proposition when I come to them) that the power of Congress, as it is expressed in the Constitution, is not to wage war, not to create war; it is the right to recognize its existence. The existence of war in the United States, between this and a foreign country, or the existence of a war in some foreign country, is simply a fact, and when a recognition is made by the Congress of the United States or by the lawful authority of this country of the existence of war, it amounts to a declaration of war. A declaration of war is not a pronunciamento against some other nation as to which Congress demands that war shall be waged, but it is a declaration that a state of war actually exists at the time when the declaration is pronounced. This is not a legislative act.

Mr. FRYE. Actually exists anywhere?

Mr. MORGAN. That a state of war actually exists anywhere at the time the declaration is made; and the declaration is nothing more than a recognition of the fact, a statement of the fact that a state of war acually exists. It places that declaration in legal form. It is not a legislative act, it may be a political act.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. Certainly.

Mr. HOAR. I should like to get instruction from the Senator from Alabama, who is so competent to give it on this question, by asking him a question and perhaps putting an illustration.

In regard to our relations with France shortly after the close of the Revolutionary war, some very principal authorities, including, I believe, my honorable friend from Ohio, maintained as a reason for not paying the French war claims that that was a war, not an act of international oppression of individuals. Suppose a citizen were proceeded against for corresponding with the enemy, giving aid and comfort to France at that time, on the ground that she was an enemy of the United States. Does the Senator claim that a resolution like this, passing both Houses of Congress, the President withholding his signature, would be accepted in court as having any validity or virtue whatever in regard to settling that question?

Mr. MORGAN. The illustration used by the Senator from Massachusetts furnishes me an opportunity to make what I conceive to be a just distinction between the duty and obligations of citizenship and the duties and rights of Congress in dealing with a question of this kind. A citizen must submit himself to the laws of his country as they are declared by the highest legislative authority, and until the laws of his country are changed or altered they impose upon him as a citizen the duties that belong to him in time of war, and he can neither appeal from that declaration as to those duties or those rights nor can he avoid them when the Government of the United States has placed him in that situation by declaring that his country is engaged in war.

When I said a moment ago that the existence of war is a fact, I meant to say that the existence of hostilities which have progressed to that degree where a private person coming in contact with the armies engaged in those hostilities would have the right to decide that a war existed would be what is called a state of war, although it is not the state of war that is made obligatory upon the citizenship of a country. It is a state of hostilities that has become so general and the parties to which have become so organized that the citizen himself when brought in contact with the question could decide for himself that it is an open and public war. But his decision bears upon no person except himself.

Now, it requires the act of a government to put the people at large, the nationality, into a condition of recognizing the existence of war.

Mr. HOAR. Including the President?

Mr. MORGAN. Including the President.

Mr. HOAR. I do not like to interfere with the Senator from Alabama, but perhaps he will not mind my asking him another question. I thought his argument was that the phrase in the Constitution "to declare war," where the power is given to Congress to declare war, has a different meaning, a different scope and effect, from the other similar enumerations of the powers given to Congress, to establish a uniform system of bankruptcy, for instance; that in that particular instance Congress is referred to as the two Houses, without the consent of the President. That is the reason why I put the question.

Mr. MORGAN. That is the position I take, and I believe it is the correct one.

Mr. HOAR. Then, if it be true that under the Constitution the two Houses of Congress, without the consent of the President, have the power to declare war, does it not follow that the two Houses of Congress, without the President, having declared war, a citizen of this country is bound so to treat the citizens of the country which is declared to be an enemy, and is liable to the charge of treason for giving them aid and comfort?

Mr. MORGAN. Wherever a declaration of war is made by any competent authority of the United States, without now touching upon the question as to what is the competent authority, a citizen of the United States is put in the attitude of a citizen of a country which is at war, and he must obey and respect it, because that declaration defines who is the public enemy, and the citizen is bound to give respect to the declaration.

On December 6, 1805, Mr. Jefferson, discussing Spanish depredations on our territory, said:

> Considering that Congress alone is constitutionally invested with the power of changing our conditions from peace to war, I have thought it my duty to await their authority for using force in any degree that could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them, but when necessary to repel an inroad or to rescue a citizen or his property.

This act of Mr. Jefferson in refusing to recognize the existence of war, as a legal status, until Congress had made the declaration is very impressive. It proves his regard for the limitations of the powers of the coordinate departments of our Government.

Mr. Webster, as Secretary of State, writing to Mr. Severance on the 14th of July, 1851, states:

> In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii—

There was a controversy between France and Hawaii—

> as independent States, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any subordinate agent of Government, civil or military.

Those words are very closely measured by that great statesman and jurist, and they state an opinion to which I am bound to yield my acquiescence.

Mr. Cass, following, in 1857, on the subject of the power of Congress, said:

> This proposition, looking to a participation by the United States in the existing hostilities against China, makes it proper to remind your lordship that, under the Constitution of the United States the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken.
>
> Our naval officers have the right—it is their duty, indeed—to employ the forces under their command not only in self-defense, but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done both in China and elsewhere, and will do again when necessary. But military expeditions into the Chinese territory can not be undertaken without the authority of the National Legislature.

In the third annual message of President Buchanan, in 1859, when he was contemplating, doubtless, that war that might take place in the United States and a war that was then flagrant in Nicaragua, said:

> I deem it my duty once more earnestly to recommend to Congress the passage of a law authorizing the President to employ the naval force at his command for the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nicaragua, and Tehuantepec routes against sudden and lawless outbreaks and depredations. I shall not repeat the arguments employed in former messages in support of this measure. Suffice it to say that the lives of many of our people, and the security of vast amounts of treasure passing and repassing over one or more of these routes between the Atlantic and Pacific, may be deeply involved in the action of Congress on this subject.
>
> I would also again recommend to Congress that authority be given to the President to employ the naval force to protect American merchant vessels, their crews and cargoes, against violent and lawless seizure and confiscation in the ports of Mexico and the Spanish American States, when these countries may be in a disturbed and revolutionary condition. The mere knowledge that such an authority had been conferred, as I have already stated, would

of itself, in a great degree, prevent the evil. Neither would this require any additional appropriation for the naval service.

The chief objection urged against the grant of this authority is that Congress, by conferring it, would violate the Constitution—that it would be a transfer of the war-making or, strictly speaking, the war-declaring power to the Executive. If this were well founded it would, of course, be conclusive. A very brief examination, however, will place this objection at rest.

Congress possess the sole and exclusive power under the Constitution "to declare war." They alone can "raise and support armies" and "provide and maintain a navy." But after Congress shall have declared war and provided the force necessary to carry it on the President, as Commander-in-Chief of the Army and Navy, can alone employ this force in making war against the enemy. This is the plain language, and history proves that it was the well-known intention of the framers of the Constitution.

Now I will read an extract from the opinion of Judge Grier in the prize cases, 2 Black, where the court found it necessary to make an emphatic declaration on this subject in order to sustain its jurisdiction of a cause that arose during the Confederate war.

By the Constitution Congress alone has the power to declare a national or foreign war. It can not declare war against a State, or any number of States, by virtue of any clause in the Constitution. The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare a war either against a foreign nation or a domestic State, but by the acts of Congress of February 28, 1795, and March 3, 1807, he is authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrections against the government of a State or of the United States.

It will be observed here that the court makes a distinction between the power of the President of the United States to declare war, to recognize the existence of a state of war and to make it obligatory upon the Government by his declaration, and his power under a statute of the United States, without declaring the existence of a state of war, to do certain things—that is to say, to resist enemies who may be invading the country and to suppress insurrection or rebellion in the States. There the court makes the manifest distinction which established the proposition by our highest judicial tribunal that whenever it becomes necessary that the attitude of the Government of the United States should be changed from peace to war, either wholly or in part, that action by the Constitution is intrusted entirely to Congress and that the President can not assume it to himself.

Mr. GRAY. From what has the Senator been reading?

Mr. MORGAN. From Judge Grier's opinion in the prize cases.

Mr. GRAY. I have read the cases which the Senator has in his hand, and I read the opinion differently, if the Senator draws the conclusion from those cases or from the opinion of the court that Congress without the consent of the President can declare war. All that Judge Grier says in that opinion, as I understand, is what the Constitution says, that it belongs to Congress and not to the Executive to declare war; but when it belongs to Congress it belongs as one of the enumerated powers which he must exert in the way prescribed by the Constitution.

Mr. MORGAN. It goes to the extent of denying to the President the power even to conduct war except in cases where he is empowered to do so by statute. It does not go to the extent of saying that Congress, in making a declaration of war, can act independently of the President. That point was not up. But I think it necessarily follows from the decision in this case that if the President can not declare war he has nothing to do with a declaration of war. If Congress must act, and the President must act conjointly with Congress in a declaration of war, then of course war can not exist until both departments of the Government have determined it—I mean legally exist, for it may exist in hostilities, but not in the form of war legally declared.

But here we find that the President of the United States, by the decision of the Supreme Court, is excluded from the power on his part of making this declaration. Then the question remains, and it is the only question, whether or not the Congress of the United States can make a declaration of war without the concurrence and consent of the President. That brings the question down to a single point upon this adjudication, as I understand it. I will read the balance of what is furnished here as the argument upon which the Supreme Court sustained that proposition:

If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority; and whether the hostile party be a foreign invader or States organized in rebellion it is none the less a war, although the declaration of it be "unilateral." Lord Stowell (1 Dodson, 247) observes: "It is not the less a war on that account, for war may exist without a declaration on either side." It is so laid down by the best writers on the law of nations. A declaration of war by one country only is not a mere challenge to be accepted or refused at pleasure by the other.

The battles of Palo Alto and Resaca de la Palma had been fought before the passage of the act of Congress of May 13, 1846, which recognized "a state of war as existing by the act of the Republic of Mexico." This act not only provided for the future prosecution of the war, but was itself a vindication and ratification of the act of the President in accepting the challenge without a previous formal declaration of war by Congress.

So we went on and provided by statute various cases in which the President might command the Army and the Navy for the suppression of insurrection and rebellion, and also in the case of a foreign invasion that might be made against this country.

But we now have the question down to a single inquiry—admitting that that question is authority to rule our action in any sense—and that is, must the President act conjointly with Congress in a declaration of war in recognizing the fact—in other words, that a state of war exists—and making that state of war and the attitude of war obligatory upon the people of the Government of the United States?

Now, I believe that the power to declare war and the power to conduct all matters in connection with its immediate prosecution was separated from the other powers in the Constitution of the United States, and, as stated by Mr. Webster, placed solely within the control of the two Houses of Congress, either acting in concert or acting contemporaneously without actual concurrence.

The strongest argument that suggests itself to my mind is the fact that the President of the United States, by the Constitution, has two distinct functions. One is political and the other is military, exclusively so. Wherever the President of the United States has to exercise his political functions, those that belong to legislation or to appointments to office, or in the special case of the negotiation of treaties and the exchange of ratifications, he either acts upon the peculiar powers and in the peculiar way assigned to him by the Constitution of the United States or else he acts by a general participation, in the legislative sense, with the two Houses of Congress.

The veto, backed by the sword, is not given to the President in our Constitution.

The President in negotiating a treaty is a diplomat, and yet he is the Chief Executive; he is the representative of this Government in its sovereignty so far as it touches the relations between this Government and foreign countries. When he performs this act of diplomacy and brings a treaty into shape, the two Governments have got into agreement about it through the powers delegated to another body, distinct and separate from all other bodies in the United States, which rises up under the Constitution for the purpose of determining upon the validity of that treaty. That body is required to act almost as a unit. It requires two-thirds of the vote of the Senate of the United States to confirm a treaty.

Mr. DAVIS. Two-thirds of a quorum.

Mr. MORGAN. It requires two-thirds of the Senators forming a quorum of the Senate of the United States to confirm a treaty. That is not a legislative act, and yet it is legislative in its results, because the treaty when thus confirmed and when ratifications have been exchanged becomes, by the express declaration of the Constitution, a part of the supreme law of the land. So, in our constitutional system of Government, various functions are given to different persons who discharge at the same time other functions which are just as separate as if they were exercised by two different persons. If we had had, like the Indians have, a war king and a civil king, questions of war would have been referred entirely to the war king and questions of legislation and national polity entirely to the civil ruler; as they had at one time in Japan when the Shogun was the absolute imperial ruler of the army and navy of Japan and the Mikado was the spiritual and political ruler of the same Empire.

But we made no such division of power into the hands of two men. We divide and separate the power in the hands of one man. We give the military power to the President of the United States to a certain extent, and to the extent that it was not given to him it remains in Congress. To what extent was it given to him? He is the Commander in Chief of the Army and Navy. He is a military officer by the Constitution, holding his commission under that instrument. He is the highest military officer in the United States and every other military officer in the United States is subordinate to his command. But in that function he is just as separate from his other capacity to participate in the legislation of the country as he is when he negotiates a treaty. The functions are quite as different and quite as separate.

Now, I maintain that there was a reason for this, and it was to prevent the possibility of any conflict between the supreme departments of this Government in that most serious matter of declaring the existence of war. If there is any chance for us by a proper construction of this instrument to have the war-making power or the war-declaring power in the hands of a single department of the Government instead of having it oscillating between two, then it is due to the strength and future safety and power of our Government that we should so declare, and we should say that the Congress of the United States is empowered to declare war and the President is forbidden to participate in that declaration, because the war affects him in his office as General in Chief of the Army; that he must take his orders from the Congress of the United States, and must be thereby compelled to recognize that the occasion has arisen in which the functions of his military office come into full play, and he must exercise them.

There is no difficulty in this attitude, because we are not taking from the President anything that is useful in connection with his administration of the affairs of this Government, but if we concede to him the power to declare war, or by the application of his

veto to defeat war, when he holds the commission of Commander in Chief of the Army of the United States, we acknowledge the principle that the military is superior to the civil power; that is all of it. Right there, more than anywhere else in our constitutional system, that maxim obtains, which is as strong as any feature of the written Constitution in this country, that the civil power is superior to the military.

The President of the United States ought not to be permitted, and I am glad to believe that by the Constitution of the United States he is not permitted, in the exercise of his military powers, to place himself as Commander in Chief of the Army and Navy above the civil power of this country. Being such Commander in Chief and having his commission from the Constitution, which therefore is irrevocable on the part of Congress, when the Congress of the United States chooses to declare that the attitude of the Government of the United States toward any foreign country is not war, but peace, or is not peace, but war, the President of the United States ought not to have the power, in connection with this supreme military command, of saying whether or not the condition has arisen. As Commander in Chief, he must obey the civil power, under which he is bound to take the field under the command of Congress and lead its armies. The disassociation of the veto power, if that is what it means, from the control of the President of the United States in reference to war, is to take from him the power, after we have put the sword into his hands, to refuse to exert its authority over belligerent nations that are at war with the United States.

If we are to make an error in this respect, let us make it on the side of maintaining the supremacy of the civil power of this Government over the military power of the President. I admit that this argument would not hold good if the President was not the Commander in Chief of the Army and Navy, but being such, and his commission being irrevocable, Congress not having the power to put him out of office even if he were to sign any joint resolution to that effect, being beyond the reach of any power in this world except his own resignation, and he being the supreme head of the Army of the United States to whom all others are subordinates, let us not make the error of enabling him to use the veto power, which he can use upon any bill that we pass here of a legislative or political sort, to defeat the will of the people of the United States unless two-thirds of each House shall concur in passing the bill over his veto.

The time may never arise when this will become a grave and serious question, but I venture that if Napoleon Bonaparte had found such a power as that in the French constitution, construed as it seems we are likely to construe it, he would not have failed to have seized upon it to carry out his great ambitions, against which I have never made a complaint; they have my full admiration.

Mr. GRAY. Will the Senator from Alabama permit me?

Mr. MORGAN. Certainly.

Mr. GRAY. How do the arguments that support the exclusive power of Congress to declare war independently of the President not apply also to the other power contained in the Constitution giving Congress the power to raise and support armies?

Mr. MORGAN. Even that power is very limited, showing that the framers of the Constitution, when they were considering the war powers of this Government, were very guarded. Bills of that kind to raise and support armies must originate in the House of Representatives, as I understand. That has always been conceded; but there is another restriction (and, as I mentioned a moment ago, that is very important) to show that the framers of the Constitution were putting restraints upon the hands even of the legislative power, by requiring that appropriations for the Army should be renewed once every two years. In every direction that we regard this question we find that the framers of that Constitution were extremely cautious in hedging about the war-making and war-declaring and war-executing power, so that when it fell into the hands, perhaps, of some ambitious man who wanted to perpetuate his rule he would find himself confronted with a power in the Constitution of our country which would defeat his ambitious schemes.

Following that train of thought, which evidently possessed the minds of the framers of this instrument, it seems to me that in making a declaration, if we are going to make a declaration, if we are forced at any time to make a declaration upon this subject, it ought to be in favor of the power of Congress as it is declared in the Constitution and is supported by the great men from whose writings I have had the honor to quote.

This is as far, Mr. President, as I care to go now in the statement of this question or in the argument of it. I have no doubt that it will engage the attention of Senators in this debate; but whether the question is brought up or not it is very apt to be debated, for it has been suggested on all sides and evidently is a subject of very anxious inquiry on the part of the Senate, as it should be. I will therefore leave the further discussion of this branch of the subject until the debate has progressed further and I have heard from some other Senators upon the subject.

APPENDIX A.

MANGOS DE BARAGUA.

The national council, in a meeting held on the 16th of October, 1895, resolved that the publication in book form in an edition of 500 copies of all the laws, rules, decrees, and other orders passed by it be printed after being previously approved by the council and sanctioned by its president.

JOSÉ CLEMENTE VIVANCO,
The Secretary of the Council.

CONSTITUENT ASSEMBLY, REPUBLIC OF CUBA.

I, José Clemente Vivanco, secretary of the national council and chancellor of the Republic of Cuba, certify that the representatives of the different army corps into which the army of liberation is divided, met in constituent assembly on the 13th day of September, 1895, at Jimaguayu, agreed to have a preliminary session where the character of each representative would be accredited by the respective credential of his appointment. There resulted, after the proper examination by the chairman and the secretaries, who were temporarily citizens Salvador Cisneros Betancourt and secretaries José Clemente Vivanco and Orencio Nodarse, the following distribution:

Representatives of the First Army Corps, Citizens Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, Rafael M. Portuondo, and Pedro Aguillera.

For the Second, Citizens Licentiate Rafael Manduley, Enrique Cespedes, Rafael Perez Morales, and Marcos Padilla.

For the Third, Citizens Salvador Cisneros Betancourt, Lopez Recio Loinaz, Enrique Loinaz del Castillo, and Dr. Fermmin Valdes Dominguez.

For the Fourth, Licentiate Severo Pina, Dr. Santiago Garcia Canizares, Raimundo Sanchez Valdivia, and Francisco Lopez Leiba.

For the Fifth, Dr. Pedro Pinan de Villegas, Licentiate José Clemente Vivanco, Francisco Diaz Silveria, and Orencio Nodarse.

They proceeded to the election of officers for the following session and the following appointments were made: Salvador Cisneros Betancourt, president; Rafael Manduley, vice-president; secretaries, Licentiate José Clemente Vivanco, Francisco Lopez Leiba, Licentiate Rafael M. Portuondo, and Orencio Nodarse.

The assembly having been organized as above, and in the presence of the above representatives, they proceeded to hold the sessions to discuss the constitution which is to rule the destinies of the Republic. These sessions took place on September 13, 14, 15, and 16, instant, and all the articles which were to form the said constitutional charta were discussed. Every article of the projected constitution presented to the assembly by the representatives licentiate, Rafael M. Portuondo, Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, and Pedro Aguilera, was well discussed, and, together with amendments, reforms, and additions, were also discussed by the proposers. On deliberation, in conformity with the opinion of the assembly, it was unanimously resolved to refer the said constitution, with the resolutions of the said assembly, to a committee of revision of the text, composed of the secretaries and of the representatives, Dr. Santiago Garcia Canizares and Enrique Loynaz del Castillo, who, after complying with their mission, returned the final draft of the constitution on the 16th. It was then read, and the signature of each and every representative subscribed.

The president and other members of the assembly, with due solemnity, then swore upon their honor to loyally and strictly observe the fundamental code of the Republic of Cuba, which was greeted by the spontaneous and enthusiastic acclamations of all present; in testimony of which are the minutes in the general archive of the government.

In compliance with the resolution passed by this council in a meeting held to-day, and for its publication, I issue the following copy, in the Mangos de Baragua on the 18th of October, 1895.

JOSÉ CLEMENTE VIVANCO,
Secretary of the Council.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic Republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish Monarchy, and its constitution as a free and independent State, with its own Government and supreme authority under the name of the Republic of Cuba and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the Republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ART. II. Every secretary shall have a subsecretary of state, in order to supply any vacancies.

ART. III. The government council shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.

2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused.

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously hearing and considering the reports of the immediate superior officer and of the general in chief, and to designate the appointment of the latter and of the lieutenant-general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever in conformity with this constitution it may be necessary to convene an assembly.

ART. IV. The Government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART. V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART. VI. The office of councilor is incompatible with any other of the Republic, and requires the age of 25 years.

ART. VII. The executive power is vested in the president, and, in case of disability, in the vice-president.

ART. VIII. The resolutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART. IX. The president may enter into treaties with the ratification of the government council.

ART. X. The president shall receive all diplomatic representatives and issue the respective commissions to the public functionaries.

ART. XI. The treaty of peace with Spain, which must necessarily have for its basis the absolute independence of the Island of Cuba, must be ratified by the government council and by an assembly of representatives convened expressly for this purpose.

ART. XII. The vice-president shall substitute the president in the case of a vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in deliberations of resolutions of whatever nature.

ART. XV. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

ART. XVII. All the armed forces of the Republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant-general, who will substitute him in case of vacancy.

ART. XVIII. All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

ART. XIX. All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

ART. XX. The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

ART. XXI. All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid, as well as those which henceforth the government council may contract.

ART. XXII. A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the councilors and shall report to the first assembly convening.

ART. XXIII. The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

ART. XXIV. The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years an assembly of representatives shall be convened which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1895, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Diaz Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Leyva, Enrique Cespedes, Marcos Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Aguilera, Rafael M. Pontuondo, Orencio Nodarse, José Clemente Vivanco, Enrique Loynaz Del Castillo, Severo Pina.

ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the government council, the general-in-chief of the army of liberation, the lieutenant-general, and the diplomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.

Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.

Secretary of war: Carlos Roloff, 18; Lope Recio Loinaz, 1; Rafael Manduley, 1.

Secretary of the treasury; Severa Pina, 19; Rafael Manduley, 1.

Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Dubois, 1.

Secretary of the foreign relations: Rafael Portuondo, 18; Armando Menocal, 1; blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquin Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Oreneio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations: Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:

President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquin Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general-in-chief of the army, lieutenant-general, and diplomatic agent abroad, the following citizens were unanimously elected by the assembly for the respective places: Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Maceo, and Citizen Tomas Estrada Palma, all these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC.

CHAPTER I.—*Territorial Division.*

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions, or States, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the Bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The State of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantanamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district.

Las Villas comprises seven—Sancti-Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jaruco, Guines, Santa Maria del Rosario, Guanabacoa, Habana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each state according to the extent of the coasts and the number of ports, bays, gulfs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.—*Of the government and its administration.*

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the Republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the Republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefecture; will divide these into as many subprefectures as he may consider necessary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART. XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court, consisting of three persons, the most capable in his judgment in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible by the superior government. Nevertheless, if in the immediate territory there be any armed force, the accused shall be sent to it, with the facts, in order that they shall be properly tried.

The prefect will take the statistics of his prefecture, setting down every person who is found therein, noting if he is the head of a family, the number of the same, his age, his nationality and occupation, if he is a farmer, the nature of his farm, and if he has no occupation the prefect will indicate in what he should be employed. He will also keep a book of civil register, in which he will set down the births, deaths, and marriages which may occur.

He will establish in the prefecture all the factories that he can or may consider necessary in order to well provide the army, as it is the primary obligation of all employees of the Republic to do all possible so that the hides shall not be lost, and organizing in the best manner, and as quickly as may be, tanneries, factories of shoes, rope, blankets, and carpenter and blacksmith shops.

He will not permit any individual of his district to be without occupation. He will see that everyone works, having the instruments of labor at hand in proportion to the inhabitants of his territory. He will protect and raise bees, he will take care of abandoned farms, and will extend as far as possible the zones of agriculture.

As soon as the prefect learns that the secretary of the interior or any delegate of this authority is in his district he will place himself under the latter's orders. This he will also do on the arrival of armed forces, presenting himself to their chief in order to facilitate the needed supplies and to serve him in every possible manner. He will have a bugle to warn the inhabitants of the enemy's approach; he will inform the nearest armed force when his territory is invaded. He will collect all horses and other animals suitable for the war and lead them to a secure place, so that when the army may need them or they may be required by the civil authorities to whom they may appertain.

He will provide the forces that may be, or pass through his territory with whatever they may need, which may be within his power, and especially

shall he provide guides and beeves and vegetables which the chief may require to maintain the said forces. He will also deliver the articles manufactured in the shops under his immediate inspection, demanding always the proper receipts therefor.

He will also provide the necessary means for the maintenance of all the families of the territory, especially those of the soldiers of the army of liberation.

Until otherwise decreed he will celebrate civil marriages and other contracts entered into by the residents of his prefecture; he will act in cases of ordinary complaints and in the execution of powers and wills, registering the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART. XX. The subprefect will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public; arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefect will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the Republic, and he will inform the prefect of the farms which are thus abandoned.

ART. XXII. For the organization and better operation of the State's manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities, can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect he will send to the department of the interior the names of the individuals he considers most adapted to open new shops, and on the first day of each month he will send to that department a statement of the objects manufactured in each shop of his district, indicating the place of manufacture, what remains on deposit, what has been delivered, with the names of commanders of forces, civil authorities, or individuals to whom they were delivered.

ART. XXIII. The coast inspectors will have under their immediate orders an inspector, who will be his secretary, who will occupy his place in his absence or sickness, and as many auxiliaries as he may deem convenient. He may demand the aid of the prefects and armed forces whenever he may consider it necessary for the better exercise of his functions. The duties of the inspectors will be to watch the coasts and prevent the landing of the enemy, to be always ready to receive disembarkments and place in safety the expeditions which may come from abroad, to establish all the salt works possible, to capture the Spanish vessels which frequent the coasts on his guard, and to attend with special care to the punctual service of communications between his coast and foreign countries.

ART. XXIV. The coast guards will acknowledge the inspector as their superior, will watch the places designated to them, and will execute the orders given.

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief.

Country and liberty.

OCTOBER 17, 1895.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,
The President.

OCTOBER 18, 1895.

APPENDIX B.

PROCLAMATIONS OF GENERAL WEYLER.

HABANA, *February 16.*

The following is a verbatim copy of translations made of proclamations published to-day:

"Proclamation—Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc., desirous of warning the honest inhabitants of Cuba and those loyal to the Spanish cause, and in conformity to the laws, does order and command:

"ARTICLE 1. All inhabitants of the District of Sancti Spiritus and the Provinces of Puerto Principe and Santiago de Cuba will have to concentrate in places which are the headquarters of a division, a brigade, a column, or a troop, and will have to be provided with documentary proof of identity within eight days of the publication of this proclamation in the municipalities.

"ART. 2. To travel in the country in the radius covered by the columns in operation, it is absolutely indispensable to have a pass from the mayor, military commandants, or chiefs of detachments. Anyone lacking this will be detained and sent to headquarters of divisions or brigades, and thence to Habana, at my disposition, by the first possible means. Even if a pass is exhibited which is suspected to be inauthentic or granted by authority to persons with known sympathy toward the rebellion, or who show favor thereto, rigorous measures will result to those responsible.

"ART. 3. All owners of commercial establishments in the country districts will vacate them, and the chiefs of columns will take such measures as the success of their operations dictates regarding such places which, while useless for the country's wealth, serve the enemy as hiding places in the woods and in the interior.

"ART. 4. All passes hitherto issued hereby become null and void.

"ART. 5. The military authorities will see to the immediate publication of this proclamation.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

MILITARY AND JUDICIAL PROCESSES.

The second proclamation is a follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc.:

"In order to avoid suffering and delay other than that essential in time of war, and the summary proceedings initiated by the forces in operation, I dictate the following proclamation:

"ARTICLE 1. In accordance with the faculties conceded to me by rule 2, article 31, of the military code of justice, I assume, as general-in-chief of the army operating in this island, the judicial attributes of H. E. captain-general.

"ART. 2. In virtue of rule 2 of said article, I delegate from this date these judicial attributes to the commanders-in-chief of the first and second army corps and to the general commanding the third division—that is, in Puerto Principe.

"ART. 3. Prisoners caught in action will be subjected to the most summary trial without any other investigation except that indispensable for the objects of the trial.

"ART. 4. When the inquiry is finished, subject to consultation with the judicial authorities, the proceedings will continue during the course of operations, and in the presence of the judicial authority, with an auditor, the sentence may be carried out. When said authority is not present, the process will be remitted to him and the culpable parties detained at the locality where the division or brigade headquarters is situated.

"ART. 5. The military juridic functionary of whatever rank who accompanies in the operations the judicial authorities, when the latter thus decides, will act as auditor, dispensing with the assessors' assistance at court-martial during operations, in cases where no other member of the juridic body is at hand.

SENTENCE IN CERTAIN CASES.

"ART. 6. When the sentence is pronounced, if the sentence be deprivation of liberty, the culprit will be brought to Habana with the papers in the case, so that the testimony can be issued as to the penalty and the sentence be carried into effect.

"ART. 7. The said authorities will be acquainted with all cases initiated against the accused in war.

"ART. 8. I reserve the right of promoting and sustaining all questions of competence, with other jurisdictions, as also with the military, and to determine inhibitions in all kinds of military processes in the territory of the island.

"ART. 9. I reserve likewise the faculty of assuming an inquiry into all cases when it is deemed convenient.

"ART. 10. No sentence of death shall be effected without the acknowledgment by my authority of the testimony of the judgment, which must be sent to me immediately, except when no means of communication exists or when it is a case of insult to superiors or of military sedition, in which case sentence will be carried out and the information furnished to me afterwards.

"ART. 11. All previous proclamations or orders conflicting with this on the question of the delegation of jurisdiction in this island are hereby rendered null and void.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

The third proclamation is as follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc.:

"I make known that, taking advantage of the temporary insecurity of communication between the district capitals and the rest of the provinces, notices which convey uneasiness and alarm are invented and propagated, and some persons, more daring still, have taken advantage of this to draw the deluded and the ignorant to the rebel ranks. I am determined to have the laws obeyed and to make known by special means the dispositions ruling and frequently applied during such times as the present, through which the island is now passing, and to make clear how far certain points go in adapting them to the exigencies of war and in use of the faculties conceded to me by No. 12, article 7, of the code of military justice, and by the law of public order of April 23, 1870. And I make known, order, and command that the following cases are subject to military law among others specified by the law:

"Clause 1. Those who invent or propagate by any means notices or assertions favorable to the rebellion shall be considered as being guilty of offenses against the integrity of the nation and comprised in article 223, class 6, of the military code, whenever such notices facilitate the enemy's operations.

"Clause 2. Those who destroy or damage railroad lines, telegraph or telephone wires, or apparatus connected therewith, or those who interrupt communications by opening bridges or destroying highways.

"Clause 3. Incendiaries in town or country, or those who cause damage as shown in caption 8, article 13, volume 2, of the penal code ruling in Cuba.

"AID AND COMFORT OF THE ENEMY.

"Clause 4. Those who sell, facilitate, convey, or deliver arms or ammunition to the enemy, or who supply such by any other means, or those who keep such in their power or tolerate or deal in such through the customs and employees of customs, who fail to confiscate such importations, will be held responsible.

"Clause 5. Telegraphists who divulge telegrams referring to the war, or who send them to persons who should not be cognizant of them.

"Clause 6. Those who through the press or otherwise revile the prestige of Spain, her army, the volunteers or firemen, or any other force that cooperates with the army.

"Clause 7. Those who by the same means endeavor to extol the enemy.

"Clause 8. Those who supply the enemy with horses, cattle, or any other war resources.

"Clause 9. Those who act as spies; and to these the utmost rigor of the law will be applied.

"Clause 10. Those who serve as guides, unless surrendering at once and showing the proof of force majeure, and giving the troops evidence at once of loyalty.

"Clause 11. Those who adulterate army food or conspire to alter the prices of provisions.

"Clause 12. Those who by means of explosives commit the offenses referred to in the law of June 10, 1894, made to extend to this island by the royal order of October 17, 1895, seeing that these offenses affect the public peace, and the law of April 23, 1870, grants me power to leave to the civil authorities the proceedings in such cases as are comprised in captions 4 and 5, and treatise 3 of volume 2 of the common penal code, when the culprits are not military or when the importance of the offense renders such action advisable.

"Clause 13. Those who by messenger pigeons, fireworks, or other signals communicate news to the enemy.

"Clause 14. The offenses enumerated, when the law prescribes the death penalty or life imprisonment, will be dealt with most summarily.

"Clause 15. All other proclamations and orders previously issued in conflict with this are annulled by this.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

APPENDIX C.

[Senate Executive Document No. 79, Forty-fifth Congress, second session.]

Message from the President of the United States, communicating in answer to a Senate resolution of April 29, 1878, information respecting the terms and conditions under which the surrender of the Cuban insurgents has been made, and in relation to the future policy of Spain in the government of the Island of Cuba.

May 14, 1878.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 29th ultimo, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *May 14, 1878.*

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DEPARTMENT OF STATE, *Washington, May 14, 1878.*

The Secretary of State, to whom was referred the resolution of the Senate of the 29th ultimo, requesting the President "to communicate to the Senate, if not incompatible with the public interests, such information as the Government has received respecting the terms and conditions under which the surrender of the Cuban insurgents has been made, together with such other information in his possession respecting the future policy of Spain in the government of the Island of Cuba," has the honor to lay before the President the papers specified in the subjoined list, which contain the information called for by the resolution.

WM. M. EVARTS.

To the PRESIDENT.

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LIST OF PAPERS.

Correspondence with the Spanish legation.

No. 1. General Jovellar to Mr. Mantilla. [Telegram.] Habana, February 16, 1878.
No. 2. Mr. Mantilla to Mr. Evarts. Washington, March 23, 1878. (Extracts.)
No. 3. The same to the same. Washington, March 23, 1878.
No. 4. The same to the same. Washington, April 3, 1878. (Extracts.)
No. 5. Mr. Seward to Mr. Mantilla. Washington, April 10, 1878.

Correspondence with the consulate-general at Habana.

No. 6. Mr. Hall to Mr. Seward. (No. 663.) Habana, February 16, 1878.
No. 7. The same to the same. (No. 664.) Habana, February 23, 1878.
No. 8. Mr. Seward to Mr. Hall. Washington, February 26, 1878.
No. 9. Mr. Hall to Mr. Seward. (No. 666.) Habana, March 2, 1878.
No. 10. The same to the same. (No. 667.) Habana, March 2, 1878.
No. 11. The same to the same. (No. 668.) Habana, March 5, 1878.
No. 12. Mr. Seward to Mr. Hall. Washington, March 12, 1878.

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No. 1.

General Jovellar to Mr. Mantilla.—Handed to Mr. Evarts by Mr. Mantilla February 16, 1878.

[Translation.]

HABANA, *February 16.*

(SPANISH) MINISTER, *Washington:*

His excellency has suspended the operations of the campaign in consequence of agreements between the general-in-chief and the central junta of the insurgents, which, it is very probable, will give peace as the final result.

JOVELLAR.

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No. 2.

Mr. Mantilla to Mr. Evarts.

WASHINGTON, *March 23, 1878.* (Received March 23.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note of the honorable the Secretary of State of the United States, of the 21st instant, referring to the pacification of the Island of Cuba.

* * * * * * * *

The undersigned is collecting data and information necessary to answering the aforesaid note, which he will be able to do in a very few days. * * * In a few days the undersigned will have the honor to send a note to the Hon. Mr. Evarts, acquainting him more fully with the situation in Cuba, and answering his of March 21st, and in the meanwhile he avails himself of this occasion to renew him the assurance of his very high consideration.

ANTONIO MANTILLA.

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No. 3.

Mr. Mantilla to Mr. Evarts.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 23, 1878. (Received March 25, 1878.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, in compliance with the desire to be accurately informed as to the present real condition of the Island of Cuba, which was expressed to him by the honorable Secretary of State of the United States, during their conference of Thursday, the 21st instant, takes pleasure in communicating the official information which he has received in relation to the latest phase and speedy termination of the civil contest in that island.

Without investigating the origin of the unjustifiable and useless Cuban insurrection, or enumerating the various causes, both internal and external, which have occasioned its duration for a longer time than it could have lasted under normal circumstances in Spain, or drawing a comparison between the ever conciliatory policy of the Spanish Government and the until lately uncompromising one of the misguided sons of the mother country, which task he thinks he could easily and triumphantly perform to the satisfaction of his countrymen and the enlightenment of foreigners, but which would require more time than he now has at his disposal, the undersigned will confine himself to a brief sketch of the most remarkable circumstances that gave rise to the latest events.

The insurrection having been broken by various causes, both internal and external, with its most active forces reduced by the action of time and the vicissitudes of the struggle to elements which were for the most part foreign, with no connection with each other, and having no direct interest in the future of the island, and having been conquered by the policy of energy in the field of battle, of generosity toward the misguided insurgents, and of clemency toward the vanquished, which was so happily inaugurated by Generals Jovellar and Martinez Campos, the present governor and captain-general of the island, and the general in chief of its army; the insurrection, I say, was in a visible state of decadence when, in October last, several of the most prominent Cuban leaders surrendered unconditionally to the Spanish authorities, and spontaneously undertook the task of bringing over to their pacific plans, the few leaders of Cuban origin who still remained in the ranks of the insurgents.

Having been taken and tried by court-martial, by order of the general-in-chief of the Cuban forces, some of these leaders paid for their patriotic efforts at pacification with their lives; but, almost at the same time, the shadows of a legislative chamber and of a government of the imaginary Republic of Cuba, which never had any form or real life, nor any foothold in any city, village, or hamlet, and which for some time had been wandering through the thickest forests of the most inaccessible portion of the extensive and thinly peopled region of Camaguey, were at last overtaken and surprised by small bodies of Spanish troops, the chamber, in its mountain encampment, and the head of the government while leaving that encampment on a political errand.

The result was the dispersion of the so-called chamber (house) of representatives, the death of its presiding officer, Don Eduardo Machado Gomez, and some of its members; that of the secretary of war, Lieutenant-Colonel La Rua, and the capture of the president of the so-called republic, Don Tomas Estrada, who was not tried by any court, but sent to Spain by the Government. The treatment received by Mr. Estrada from the time of his arrival at the Spanish headquarters, the consideration shown him during his brief stay in the Morro Castle at Habana by the captain-general of the island, and complaints made by him against his political friends and partisans, not only on account of their abandonment of him, but also of the accusations of disloyalty which had been made by them against him, form the subject of the last part of a letter written by him to one of them residing in New York, which was published on the 15th of December in the Cuban newspapers of that city. That portion which is the most interesting of this long letter will be found in Appendix A.

Speaking of the aspect then presented by the insurrection in Cuba, one of its organs in New York, La Independencia, in its number for October 27, 1877, after referring to the latest news received from Cuba as grave and highly important, sought to make it appear less significant, expressing itself thus:

"The news to which we refer is by no means improbable. We know what has happened in Cuba during the past year, and this news does not surprise us, it being in our opinion the finale of a great crisis which has been coming on in the insurgent camp since the Citizen Tomas Estrada Palma became President of our Republic, who, according to the Spanish dispatch which we publish elsewhere, has been taken prisoner by a detachment of Spanish troops near Holguin, together with the secretary and several members of the legislative chamber.

"Suffice it to say that according to all the private information that we have received during the past two months it seems to be indubitable that President Estrada and the chamber had been deposed by the liberating army, and that they had consequently ceased to perform their official functions. * * * The vitality of the Cuban insurrection does not depend and never has depended upon the Government or the chamber; it depends exclusively upon the liberating army. * * * The organization of the liberating army is such that a brigade, a regiment, a battalion, a company, or a party of 25 men can operate independently against the enemy in any department, without requiring any instructions save those of their immediate military officers, because their purpose is but one and that is known by heart, as well by the general as the soldier, by the negro as well as the white man or the Chinese, viz, to make war on the enemy at all times, in all places, and by all means; with the gun, the machete,* and the firebrand. In order to do this, which is the duty of every Cuban soldier, the direction of a government or legislative chamber is not needed; the order of a subaltern officer, serving under the general in chief, is sufficient. Thus it is that the Government and chamber have in reality been a superfluous luxury for the revolution."

What an admirable organization was this of the Cuban army, divided up into parties of 25, the majority of them being negroes and Chinese, according to the organ of the insurgents. What wretched military tactics, according to which the use of the machete and the firebrand was allowable. What consideration and respect appear to have been shown to the executive and legislative branches of the Republic of Cuba by the general-in-chief, who is represented as having deposed those branches and having proclaimed himself dictator. The article in which a full statement of this is made is given entire in Appendix B, that it may be placed on file in the Department of State, since it is too late to submit it to the consideration and examination of those who favor the recognition of the belligerency or independence of Cuba.

This article is full of the passion and exaggeration of the inflammable spirit of the Cuban emigrants who, in the secure asylum of this country, and abusing the generous hospitality of the United States, have for many years been lending aid and comfort to the Cuban insurrection, advocating the extermination of the Spaniards, and upholding the use of the murderous machete and of the torch of the incendiary as the principal means of securing the independence of the island, to which task they are still ardently devoting their efforts, although the contest has been abandoned by those whom these emigrants, without incurring any risk themselves, would have wished to see convert the splendid and rich soil of Cuba into a vast pile of ruins and ashes; but there is a great deal of truth in the description of the character lately presented by the insurrection, and in the description of the insurgent bands, which could no longer be called Cuban, and in the assertion that for such bands and such purposes the chamber and the government were a superfluous luxury.

This being the view taken by the few but still influential Cubans who remained in Camaguey, the center of the insurrectionary movement, and who were fighting for independence, not for the ruin of the island, having more confidence in the well-tried generosity of Spain than in the fatal counsels of the emigrants in this country, in January last they made proposals of peace to the general in chief, seeking to obtain a suspension of hostilities in the territorial zone in which the Cuban chamber and government then were, the former being composed of only six members, the latter having been dissolved by the capture of President Estrada, and the general opinion of the people and of the armed force being expressed in favor of the termination of the struggle, only very few dissenting, the majority cooperating in the work of peace, and all intrusting the powers of the Republic to a revolutionary committee, which was instructed to make proposals of peace to the general-in-chief. By the middle of February a capitulation was reached, the preliminaries of which are not yet known to the undersigned, but whose terms were published in an extra issued by the Habana Gazette, the original of which is transmitted in Appendix C.

The arrangement made with the central committee having been made applicable to all the departments of the island, some of the principal leaders of the insurrection, among them the most prominent of all, Maximo Gomez, put themselves in communication with the other insurgent leaders, with a view of persuading them to put an end to the contest and to capitulate; and the revolutionary committee, which had assumed all the powers of the insurrection, commissioned Brig. Gen. Gabriel Gonzales to inform, verbally, representatives in New York of the dissolved government "of the events that had just taken place in the territory of the Republic."

*For a good definition of this word, see late editions of Webster's Dictionary.

Meanwhile the scattered bands of insurgents in Camaguey having been collected, on the 28th of February, which was the day appointed for the surrender, defiled in Puerto Principe before the general in chief of the Spanish army, amid the most enthusiastic acclamations, and on the day following, March 1, the undersigned received at New York the following telegram from the captain-general of Cuba:

"HABANA, *March 1, 1878.*

"*To the Minister of Spain:*

"Yesterday all the bands in the department of Principe, to the number of about 1,000 men, with an equal number of women and children, surrendered, together with the central committee; also those of Sancti Spiritus and La Trocha, estimated at 800. Other surrenders are expected in a few days. The general in chief leaves Principe for the Oriental department, in order to accelerate matters.

"JOVELLAR."

On the same day that the formerly rebel forces of Camaguey surrendered Brigadier-General Gonzales arrived in New York, having been deputed by the revolutionary committee of that territory (at the head of whom was the ex-president of the legislative chamber, formerly provisional president of the Republic and the author of some of its most severe decrees, especially of the one against Cubans who should listen to proposals of peace not based upon the recognition of the independence of Cuba) to notify the representatives of the dissolved government of the events that had taken place in the territory of the ex-republic, which representatives, notwithstanding the recent public manifestations of some of them against the probability of the reported surrender of the insurgents without a recognition of Cuban independence, yielding to the irresistible force of facts, recognized as no longer doubtful the dissolution of the Cuban chamber and government, and hastened to declare that "they no longer exercised the functions confided to them by said Government."

The document in which this declaration was contained was sent on the evening of the 1st to the newspapers of New York, and was printed in full in the New York Herald of the 2d, and published on the 9th in the Cuban revolutionary organ called La Independencia, in the form shown by the printed slip in Appendix D.

Since that time all the newspapers in the United States have been full of telegraphic news concerning surrenders in Cuba of more or less numerous parties under more or less prominent leaders, concerning hopes of speedy and absolute peace, concerning the feelings of fraternity and forgetfulness of the past now prevailing among those who were yesterday fighting on hostile fields, of which hopes and feelings the consul of the United States at Habana became the organ in a communication of the 5th to the Department of State, an extract from which was published in the Washington papers, and concerning the indignation with which the capitulating Cuban leaders and the sympathizers in Cuba with the cause defended by them regarded the warlike declarations of the uncompromising revolutionists in New York, and the purpose which was publicly expressed by them to organize fresh expeditions to prevent the complete pacification of the island; but the governor, captain-general of Cuba, who acts in everything, especially in matters of so grave a nature as the one in question, with as much sincerity as circumspection, addressed to the undersigned, in that relatively long space of time, the following telegram only:

"HABANA, *March 19, 1878.*

"*To the Minister of Spain at Washington:*

"Yesterday ended the surrender of the insurgent forces of the Villas, whose territory is now entirely free. Those who surrendered were Major-General Roloff, Brigadier-General Maestre, 3 colonels, 55 officers, 404 private soldiers, and about 100 women and children.

"The bands in Bayamo, Manzanillo, and Tiguani had already surrendered on the 8th, with Modesto Diaz, so that the country is completely pacified as far as Holguin.

"JOVELLAR."

As is seen by the foregoing telegram, and as may be verified by consulting a map of Cuba, the pacification of the island is far advanced, but it is not yet complete and definite. Nevertheless, the civil and military authorities of Spain, reciprocating the good faith with which the capitulators of Camaguey fulfilled the terms of their capitulation on the day after they had defiled in Puerto Principe before the general in chief of the army, that is to say, the 1st day of March, in strict fulfillment of article 1 of said capitulation, issued a decree of the same date, which was published in the Habana Gazette of the 3d, and which the honorable Secretary of State will find in Appendix E. By this decree it is provided that the Island of Cuba shall be represented in the Cortes of the Kingdom at their next session; that its government and local administration shall be modeled according to the municipal and provincial laws of the peninsula as they are in force in Puerto Rico, and that the Government of His Majesty shall be requested to introduce in the Island of Cuba, in the manner prescribed in article 89 of the constitution of the Monarchy, the other laws which have been, or which may hereafter be, promulgated in the peninsula. In virtue of article 1 of the aforesaid decree, the undersigned thinks that, according to the census of its population, Cuba will be entitled to at least 20 deputies in the Cortes, in addition to the senators chosen by the people according to the electoral law, and to those whom it already has of its own right or by virtue of royal appointment.

In the decree in question the phrase is to be noted with which its preamble begins: "The war being now near its end" (not a regular war in the sense in which it is defined by international law, but an intestine struggle, civil contest, or armed rebellion, which, in the military parlance of the Spanish language is commonly called war); which phrase shows that said military authorities do not consider the contest to be entirely at an end, although its termination is very near. The first sentence in the second paragraph of the same preamble is also noteworthy, in which it is declared that, had it not been for this contest, "Cuba would long since have enjoyed, according to the constitution of the State, the advantages which must necessarily accrue to her from a possible assimilation to the peninsula," which shows that the prevailing sentiment in Spain is in favor of treating Cuba as Puerto Rico has been treated; that is to say, like a Spanish province, although she could not grant to rebellious subjects what they demand with arms in their hands, namely, absolute independence, during a time of trial for the mother country, nor even what she was always ready to grant them voluntarily, and what she has now granted, at a time of greater prosperity for herself, to them, now that they have repented and sued for peace, which is an act of generosity and a guaranty of reconciliation.

A decree of the general in chief of the army of operations in the Island of Cuba was also inserted in the Habana Gazette of the 3d.

This was issued at Puerto Principe on the 10th of March, and will be found in Appendix F. It guarantees the freedom which was offered in article 3 of the capitulation of all slaves who were in the ranks of the insurgents on the 10th day of February, and who have surrendered or who shall surrender before the 31st day of the current month of March.

Articles 5, 6, 7, and 8 of the capitulation have been fulfilled already, or are now in course of fulfillment, toward all who are willing to take advantage of their benefits. Article 4 requires no immediate action, and article 2 has always constituted the distinguishing trait of the Spanish policy in Cuba. Forgetfulness of the past, pardon of political crimes, release of property embargoed for the same cause, mitigation of the effects of these embargoes as regards the innocent members of the families of those whose property has been embargoed, and even the furnishing of means of subsistence to repentant rebels—all this has been frequently offered or granted by the Government and authorities of Spain from the time of the decree of amnesty, issued on the 12th of January, 1869, by the governor, captain-general of the island, Don Domingo Dulce, who was sent by the revolutionary government of 1868 to establish in Cuba the same liberties and franchises that were enjoyed by the peninsula, until the royal decree of October 27, 1877, by which the unimproved public lands, certain forests belonging to the State, and town lands not used are ordered to be divided among various classes, viz:

First. Licentiates and volunteers, who have been mobilized or who have taken part in a battle.

Second. Inhabitants of the towns of the island who have remained loyal to the Government and who have suffered considerable losses of property in consequence of the war.

Third. Persons who have voluntarily surrendered to the authorities and forces of the Government.

The reproduction and analysis of all these general acts, and many other private ones of pardon, clemency, and generosity, would render this note interminable, which had no other object, as remarked at the beginning, than to satisfy the desire of the honorable Secretary of State to become accurately acquainted with the present situation of Cuba, but which the undersigned, in his wish to correct false impressions which have been circulated by the conspirators against Spain in this country, has thought proper to extend sufficiently to indicate succinctly the policy of Spain in Cuba and the causes that have given rise to the recent events. Although the Government of Spain does not recognize the right of any foreign power to interfere in the internal affairs of that country, it values too highly the opinion of the sensible people of the United States and the friendship of its Government for its representative at Washington to neglect an opportunity like the one now offered to present in their true aspect the acts, intentions, and constant policy of Spain in her relations with the Island of Cuba.

If it were necessary, or the Honorable Secretary of State should desire it, the undersigned would amplify and prove by means of trustworthy documents the assertions which he has just made, and he proposes shortly to show that the only obstacle that can now retard, not absolutely prevent, the complete pacification of Cuba is the war cry and the false promises of immediate aid which are once more sent from New York by the Cuban conspirators, who urge in public meetings the continuation of the struggle which is now so near its end. And it is a remarkable fact that in this struggle, by a sad fatality for the liberators of Cuba, a fatality which would not escape, and which has not escaped, the observation of the American people and the perspicacity of its enlightened press, foreigners have been its principal leaders—those who have most zealously maintained it, and who have most distinguished themselves in it. Jordan and Reeve, Americans; Maximo Gomez and Modesto Diaz, Dominicans; Roloff, a Pole; Caoba and Maceo, the one an African and the other a semi-African; Prado, the captor of the Moctezuma, a Peruvian; and finally, not to mention any more names, Gonzales, a Mexican, who was deputed by the revolutionary committee of Camaguey to announce the dissolution of the legislative chamber and of the Government of the Republic to its representatives in the United States. Even the diplomatic commissioner of Cuba abroad, Echerarria, who less than a month ago proclaimed throughout the length and breadth of this great country, by a circular telegram from the Washington agency of the Associated Press, that the news of the submission of the greater part of the insurgent leaders was false, and that they would accept no terms not based upon the recognition of Cuban independence—even that diplomatic agent, whom the honorable Committee on Foreign Relations of the House of Representatives of the United States, having charge of Cuban affairs, received and listened to with interest in the belief that he was a son of Cuba, is no Cuban at all, but a Venezuelan.

If an insurrection composed of such antagonistic elements as the Latin, African, Mongolian, and Anglo-Saxon races, led on by officers of all known nationalities, could have triumphed, the confusion of tongues at the Tower of Babel, and the memorable catastrophe which took place in the formerly French portion of the island of Santo Domingo, would have been cast into the shade by the spectacle which victorious, free, and Africanized Cuba would have presented to the civilized world.

The undersigned avails himself of this occasion to renew to the Honorable William M. Evarts the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

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No. 4.

Mr. Mantilla to Mr. Evarts.

LEGACION DE ESPAÑA EN WASHINGTON,
Washington, April 3, 1878.

* * * * * * *

On the preceding day the undersigned received a telegram from the governor-general of Cuba to the effect that, after much hesitation, Vicente Garcia has refused to make a capitulation. Besides him, as the governor-general observes, there are remaining in resistance to the Government in Cuba only Maceo, in the neighborhood of Las Tunas, and Mayary. In the department of Las Villas, the central, and in part of the oriental there is the most complete tranquility.

The uniform tendency of the semiofficial telegrams from Habana, published in the journals of New York on the 28th ultimo, is to confirm the news that the local disturbances in the eastern and central portions of the island, which have so persistently and unhappily afflicted Cuba during the past ten years, have subsided and that good order is generally reappearing.

This is substantially the same condition of affairs that was exhibited by the undersigned in his note of March 23 to the Department of State in compliance with the invitation verbally expressed by the Honorable Mr. Evarts on the 21st.

The inconvenience and peril of this imperfect condition of internal administration in the eastern portion of the Island of Cuba would be really unimportant to Spain or to the authorities of that island were it not for the relation which such isolated disorder bears to a busy nest of Cuban, Central American, and South American conspirators in the city of New York. As is well known to the distinguished Secretary of State, the three prominent agents of the so-called Republic of Cuba in that city (MM. Aldama, Echeverria, and Sanguili) abandoned their illegal functions when the officials in Cuba of that (so-called) "Republic" recently threw aside their absurd pretensions to constitute a government, and confessed that no such government existed. The city of New York has been, since 1869, the real fountain and arsenal of the insurrection in Cuba. Its newspapers were there. Its leading generals were there, and are yet there. There was its financial and military base of operations. Resistance to the constituted authority of Spain in Cuba was kept alive in the eastern part of that island from 1869 to 1878 chiefly by representations that the powerful Government of the United States would in the end, and very soon, come to the aid of the revolt, as against Spain. By various devices, bonds of the so-called "Republic of Cuba," payable whenever that island attained her independence of Spain, were sold in the United States (in

violation of public law, because not bought as a bona fide investment of money), and the sums received therefor used in the city of New York to support the revolt in that city, and also to fit out military enterprises from the shores of the United States against Cuba. The large Cuban immigration in Florida and in New York, chiefly occupied in the manufacture of leaf tobacco for various uses, was coerced or deluded for many years into contributing a portion of its slender earnings to keep alive the Cuban revolt until the United States saw fit to come to its rescue, either by belligerent recognition or in some other way. The pressure of what is known as the "hard times" in the United States (and which has been so generally felt all over Europe) has thrown a great many of these frightened or deluded Cubans out of employment altogether, or has made it impossible for them to have any surplus earnings left after paying their necessary expenses. These and other causes left the conspirators in New York without funds with which to manufacture what was called a "public opinion" in the United States, or to send military enterprises to Cuba; and therefore, of necessity, the revolt in the eastern and central portions of the island straightway began to expire.

* * * * * * *

There are in the United States, and particularly in New York, both Cubans and Americans who seek for their own selfish purposes to reconstitute the insurrection in New York and fill the places vacated by Aldama, Echeverria, and Sanguili. There are Cuban journals printed in New York in the Spanish language, which even now persist in proclaiming the necessity of continual resistance in Cuba, of assailing the authority of Spain in that island, and in urging the importance of sending, as soon as possible, military succor to the roving bands of discontented negroes, Chinese, escaped Cuban criminals, and deserters from the army of Spain, who wander about, or in the mountains of the extreme oriental part of the island. Public meetings are held in New York with the same object. These Cuban newspapers and these public meetings organize committees to receive subscriptions of money. They ask the former agents in New York of the so-called Republic of Cuba to surrender to them the funds and other property * * * of the so-called Republic which may be in their possession. They publicly solicit the assistance of certain South American Governments. What very many, and indeed a great part, of these conspirators are doing in New York is in palpable violation of the neutrality laws of the United States; but the undersigned has not thus far deemed it necessary to formally invite the attention of the President of the United States to these acts, because the undersigned has believed that these acts would be harmless in their character.

* * * * * * *

The Department of State may be assured that the undersigned will cause to be transmitted, for the information of the President, the first official news which is received that the Cuban insurrection is at an end in the eastern part of the Island of Cuba and the city of New York.

The Secretary of State must have observed how promptly and liberally Spain offered pardon and immunity to her erring Cuban subjects on the first intimation of a desire or willingness on their part to throw down their rude arms and submit to the authority of their legitimate and friendly King, like all other Spanish subjects. During these many years Spain has held the same attitude of pardon and forgiveness, if her misguided subjects in Cuba, under the control of wicked and selfish leaders in the United States, would cease resistance and obey the laws of Spain, as Puerto Rico obeys them, but their leaders in New York would not permit such surrender, and the unhappy revolt has therefore continued until very recently, with no benefit to anyone.

The President of the United States may be assured that Spain stands ready to-day to promote the most liberal measures of amnesty to all those who in good faith abandon armed resistance to her authority. Certainly the United States almost as much as Spain herself must desire to see the island again pursuing the paths of good order, contentment, prosperity, and happiness. Cuba is an ancient possession of Spain, and Spain will vindicate the rightfulness and beneficence of that possession. Cuba lies at the doors of the United States. Her products imported into the United States pay a proportion of the customs revenue of this powerful Republic of the West, which too few people understand or appreciate. It is to be hoped that, with a revival of good order and industry in that prolific and beautiful island, the commercial relations between her, as a province of Spain represented in the Spanish cortes at Madrid, and the United States may be drawn closer and closer, to the mutual and abiding interest of Americans and Cubans. To promote this peaceful object is a work to which the undersigned is constantly reminded by his sovereign that he must dedicate his best efforts.

The undersigned avails himself of this occasion to renew to the Hon. William M. Evarts the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

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No. 5.

Mr. Seward to Mr. Mantilla.

DEPARTMENT OF STATE, *Washington, April 10, 1878.*

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo, regarding the present political condition of the Island of Cuba, and to observe, at the same time, that the statements made by you will be attentively read and carefully considered.

Accept, sir, a renewed assurance of my distinguished consideration.

F. W. SEWARD, *Acting Secretary.*

Señor Don ANTONIO MANTILLA, *etc., etc., etc.*

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No. 6.

Mr. Hall to Mr. Seward.

No. 663.] UNITED STATES CONSULATE-GENERAL,
Habana, February 16, 1878.

SIR: For a month, at least, previous to the recent festivities which were ordered to take place in the island in honor of the marriage of the King of Spain, it was currently reported that during the festivities peace with the Cuban insurgents would be announced. These reports were not of an official character, and were not generally credited, although it is well known that for a long time Gen. Martinez Campos has been making great efforts to bring about some arrangement with the insurgents whereby they might be induced to lay down their arms.

On the 13th instant there were received from the interior of the island numerous printed supplements, containing what purport to be and are beyond a doubt the bases agreed upon between Gen. Martinez Campos and the so-called "Central Junta of Camaguey" for a treaty of peace, the same having been communicated by Martinez Campos by telegraph to General Figueroa, commanding the Villas department, and by the latter transmitted to the several military commanders of Trinidad, Cienfuegos, Remedios, Sagua, and Colon, in each of which places the terms were published and circulated. It caused some surprise that they were not, as is alleged, communicated to Habana, and here published in the usual official form in the Gaceta, the versions which have since appeared in the Habana papers having been taken from those of the interior.

On the 14th instant, however, the Diario published a telegram from its correspondent at headquarters, as follows:

"Peace in the island is a fact about to be realized. Maximo Gomez, president of the Cuban Republic, the chamber, and government, in accord with the Camagueyan forces, are at work to establish peace," etc.

This telegram, confirming to a certain extent the news of the previous day, set at rest many doubts which had existed as to the authenticity of the statements from the interior. It caused some surprise and many comments that it should contain a recognition of the "Cuban Republic, chambers, and government," hitherto styled bandits, incendiaries, etc.

The terms of the proposed peace are worthy of note. Article 1 provides that the Island of Cuba shall have the same concessions enjoyed by the Island of Puerto Rico. With the exception that the latter sends representatives to the Spanish Cortes, it is generally understood that the two islands have the same form of government and administration.

Article 2 is considered ambiguous, and doubts are expressed in reference to it, whether it might not be construed to prevent the return of those who are absent from the island, but who are not undergoing penalties, as also whether it will embrace the unconditional restoration of embargoed and confiscated property.

Article 3 will beyond doubt prove very unsatisfactory to planters and slave owners.

On the evening of the 14th General Jovellar, accompanied by General Figueroa and other officials, left for Puerto Principe. It is well understood that his departure has reference to pending negotiations with the insurgents.

I further transmit an article from the Diario, of the 14th, which I doubt not will be found of interest.

I have the honor to be, very respectfully, your obedient servant,

HENRY C. HALL.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

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Inclosures.

1. Proposed bases of peace negotiations with the Cuban insurgents.
2. Translation of above.
3. Copy of telegram published in the Diario of February 14, 1878.
4-5. Article and translation from the Diario of the above date.

[Inclosure No. 2 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

MILITARY COMMANDANCY OF COLON.

His excellency the commandant-general of the Villas, by telegram of this date from Trinidad, states the following:

I have this moment received from his excellency the general-in-chief the following telegram:

"ZANJON, *February 10, 1878.*

"I have accorded with the central junta of the Camaguey, which has substituted government and chambers for making peace, the following basis:

"ARTICLE 1. Concession to the Island of Cuba the same political privileges, organic and administrative, enjoyed by the Island of Puerto Rico.

"ART. 2. Oblivion of the past, as regards political offenses committed since the year 1868 up to the present, and the liberty of those under trial or who are fulfilling sentences within or outside of the island. A general pardon to the deserters from the Spanish army, without distinction of nativity; this clause to be extended to all those who have taken any part, directly or indirectly, in the revolutionary movement.

"ART. 3. Freedom to the slaves and Asiatic colonists now in the insurrectionary ranks.

"ART. 4. No person who, in virtue of this capitulation, recognizes and remains within the authority of the Spanish Government shall be compelled to render any service of war, so long as peace is not established in all the territory.

ART. 5. Every person who desires to leave the island shall be at liberty to do so, and he shall be furnished by the Spanish Government with the means therefor, without entering a town, if he should so desire it.

ART. 6. The capitulation of each force shall take place outside the towns, where the arms, implements of war, shall be laid down.

ART. 7. The general-in-chief of the Spanish army, in order to facilitate the means for uniting the other departments (in this convention) shall make free all the means of communication, by sea and land, that he can dispose of.

ART. 8. The agreement made with the central junta shall be considered as general, and without special restrictions, for all the departments of the island which accept these propositions.

I make it known to your excellency, for the information of yourself and of the troops under your command, with the understanding that operations shall be suspended, the troops being restricted to acting upon the defensive and to escorting convoys.

In the event of any of our forces falling in with the enemy they will make known to him these bases without firing upon him.

Your excellency will also order that experienced guides shall go out immediately with these instructions and make them known to the chiefs of the opposing forces, until the commissioners of the central junta for that purpose, who have this jurisdiction, shall arrive.

By order of his excellency the general-in-chief.

The chief of staff.

PRENDERGAST.

Which I have the satisfaction of communicating to your highness for information and order that it may be published by the newspapers of that locality by means of extras or other means which the zeal of your highness may suggest, in order that such an important event may become known to the inhabitants of that jurisdiction, and remitting printed copies also to the chiefs of columns in operations for its greater publicity.

FIGUEROA.

All of which I have the satisfaction to make public for the general information of the loyal inhabitants of this jurisdiction.

COLON, *11th February, 1878.*

JUAN DOMINGO,
Colonel, Military Commandant.

[Inclosure No. 3 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

[From the Diario de la Marina of 14th February, 1877.]

We have just received the following telegram from the correspondent of the press, at headquarters, which says more than we could say in commenting upon it:

"SANTA CRUZ, *February 12.*

"*Director del Diario, de la Marina, Habana:*

"The peace of the island is now a fact about to be realized. The president of the Cuban Republic, Maximo Gomez, chamber and government in accord with the force of the Camaguey, are at work to realize peace. Also, in the Villas and Oriental departments. For those two departments commissions of important chiefs have left with that object. Hostilities suspended in all the island.

"FLORES."

[Inclosure No. 5 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

[From the Diario de la Marina of 14th February, 1878.]

WAR AND PEACE.

The present situation of the island is about to undergo a change. Generals Martinez Campos and Jovellar, who contributed so efficiently to the pacification of the peninsula, in all probability (and which we hope may soon become a palpable reality) will have at last been able to break the hundred heads of the hydra of the war which has caused so much desolation; the one with his indefatigable activity, with his conciliatory character, patience, and constancy, the other with his tact for command, with his determination to reenforce the action of the former in providing him, as far as was humanly possible, with all the resources he needed; with his well-known tolerance, his affability, his sound judgment, he having, by mere force of his skill, been able to quiet excited spirits (for there are wars no less prejudicial than those of battlefields), and in maintaining complete tranquillity among the populations of all the cities.

To the Government of His Majesty, which, having reposed its confidence in these illustrious men, and having permitted them to act without placing any obstacle in their progress, as it would have done if it had pretended, in the great crisis through which they have passed, to direct absolutely the issues, will have had no insignificant part in the great result which we trust before long to see announced officially. At times, in governing but little, more governing is accomplished, for the reason that all the details can not be appreciated from a great distance.

The two purposes which both generals undertook to carry out were to quiet excitement, time having demonstrated that it creates rather than removes difficulties, and in vain can it be expected that the passions can accomplish what exclusively pertains to reason and judgment: the other to subjugate the enemy, not altogether by violence and the shedding of blood, but with benignity combined with energy, with the proper distribution of troops, reestablishing discipline in all its rigor wherein it might be suspected of having relaxed, were difficult, very difficult undertakings, although there are some views which do not cause the same effect when near as when seen at a distance, while the most admirable works of art are not appreciated so much when just created as after a lapse of time and the mind can judge of them dispassionately without the preventions of sympathy or antipathy caused by the envy or emulation of contemporary artists.

This is what our judgment, the result of a long series of observation, tells us, because we have always preferred above all things to be eminently practical.

The glory from these happy results which we definitely look for, as our estimable colleague, the Vos de Cuba, in its well-reasoned article, says, pertains in a great measure to Generals Jovellar and Martinez Campos, for among all the services that can be rendered to a country the greatest of all is that of restoring it to peace; because war is the cause of every calamity which can sadden and afflict a people.

The poet Aristophanes has represented war under the figure of a gigantic monster, armed with a pestle and mortar in which he pulverizes not only cities but their inhabitants. A French author calls war "the sister of death and the law of the robbers," and in all centuries it has been the horror of nations. Nations need peace, because they can live only by labor and industry, and there is no heart so insensible as not to be horrified by its desolations, by the sinister lights of its conflagrations, and its blood and carnage.

Peace is the symbol of order, and without order all is confusion; without peace it is impossible that public interests be developed, nor can any measure for increasing the public wealth be carried out. War absorbs everything; it consumes the very elements that nurture it.

What would be the flourishing condition of Cuba if the immense sums that have been spent in sustaining the strife which for more than nine years has disturbed us, without excluding what it has cost the enemy, however limited his resources, if those sums had been invested in works of public utility and in the development of our industries? What would be the aspect of Habana and of the principal cities of the island?

When wars have for their object the removal of obstacles to the prosperity of a decaying country, or for bettering the condition of the needy classes, if over them weighs the iron arm of indigence, they have an honest pretext; but when that impulse controls, the works which represent the labor of centuries are not destroyed.

Only ambition, the negation of every generous impulse, and the most abominable cruelty would influence the minds of those who would not rejoice before the proximity of peace.

And it is a proof of what we say that Turkey, which has given ostensible proofs of heroism in the war of the Titans she has sustained, prefers the humiliation of defeat to the continuation of a series of disasters which in the end could be no other than the complete destruction of all her territory and the loss of life and of her political existence in the concert of nations.

Welcome, then, peace above all, and with peace the greatest difficulties can be overcome tranquilly.

Those whom Divine Providence has selected as the instruments of His omnipotent will to restore to us that great blessing merit well of the country and the pure and disinterested love of all the good.

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No. 7.

Mr. Hall to Mr. Seward.

No. 664.] UNITED STATES CONSULATE-GENERAL,
Habana, February 23, 1878.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

SIR: With my dispatch No. 663, of the 16th instant, I transmitted a copy and translation of the proposed basis of negotiations for peace between Spain and the Cuban insurgents. I stated therein that these terms had not then been published officially in the Habana papers. On the 19th instant, however, the same were published in a supplement of the Gaceta, and again on the 20th in the paper itself, as per copy and translation herewith. The authenticity of the document being fully established, I thought proper to advise the Department by the cable, as follows:

"HABANA, *February 19, 1878.*

"*Secretary of State, Washington:*

"The bases of negotiation for peace and surrender of insurgent forces are published here to-day officially. There appears no doubt whatever that peace will be realized.

"HALL."

I am further informed by the consul at Santiago de Cuba that Maximo Gomez and the two other insurgent chiefs had arrived at that place on the 16th instant en route for the insurgent camps in that department with the purpose of inducing the forces still in arms to accept the proposed bases. There is but little doubt that they will be successful and that ere long peace will be fully established.

In my dispatch No. 663 I had occasion to refer to the dissatisfaction created among planters and slave owners by the third article of the proposed bases; it was asserted that General Jovellar's departure for Puerto Principe was with special reference to that article; the members of the casino, it was said also, were to have an extraordinary meeting with the view of expressing their opinions, which were understood to be in opposition to the proposed terms, and especially to the third article of the bases. But whatever may have been their original intention, the result of the meeting was the transmission of congratulatory telegrams to Spain and to Gen. Martinez Campos, and a general manifestation of hearty approval of all his efforts in obtaining a termination so satisfactory of existing difficulties.

In connection with the foregoing, I beg to invite your attention to an article under the head of "La Paz," published in the Voz de Cuba of the 19th instant, in which it is claimed that the surrender of the insurgents is the result of their own motion, and not of any proposal emanated from Gen. Martinez Campos. The article referred to makes some comparisons which are also worthy of attention, although quite out of place. I regret that I am not able to furnish a full translation by this mail.

It is also known that, by the steamer leaving to-day for New York, an authorized agent of the central committee of the Cuban Government has taken passage for the purpose of conferring with the Cuban junta in the United States.

I have the honor to be, sir, very respectfully, your obedient servant,
HENRY C. HALL, *Consul-General.*

[Inclosure No. 1 with dispatch No. 664.]

HABANA, *February 23, 1878.*

GACETA EXTRAORDINARIA.

TUESDAY, *February 19, 1878.*

General Government of the Island of Cuba:

For the information and satisfaction of the public there are published the following bases conceded by his excellency the general-in-chief in accord with this Government for the capitulation of the forces of the insurrection still in arms. These bases are a sure guaranty of an immediate peace, as glorious for the illustrious general who has had the direction of the war, for the army, as honorable and generous for the capitulating forces, and necessary, above all, for the country, which by favor of these terms will be able after long years of perturbation to reach the termination of its extraordinary sacrifices and to dedicate anew the whole of its productive forces to the development of its paralyzed prosperity.

BASES.

ARTICLE 1. Concession to the Island of Cuba the same political privileges, organic and administrative, enjoyed by the Island of Puerto Rico.

ART. 2. Oblivion of the past as regards political offenses committed since the year 1868 up to the present, and the liberty of those under trial or who are fulfilling sentences within or outside the island. A general pardon to the deserters from the Spanish army, without distinction of nativity. This clause to be extended to all those who have taken any part, directly or indirectly, in the revolutionary movement.

ART. 3. Freedom to the slaves and Asiatic colonists now in the insurrectionary ranks.

ART. 4. No person who in virtue of this capitulation recognizes and remains within the authority of the Spanish Government shall be compelled to render any service of war, so long as peace is not established in all the territory.

ART. 5. Every person who desires to leave the island shall be at liberty to do so, and he shall be furnished by the Spanish Government with the means therefor, without entering a town, if he should so desire it.

ART. 6. The capitulation of each force shall take place outside the towns, where the arms, implements of war, shall be laid down.

ART. 7. The general-in-chief of the Spanish army, in order to facilitate the means for uniting the other departments (in this convention), shall make free all the means of communication by sea and land that he can dispose of.

ART. 8. The agreement made with the central junta shall be considered as general and without special restrictions for all the departments of the island which accept these propositions.

JOVELLAR.

HABANA, *19th February, 1878.*

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No. 8.

Mr. Seward to Mr. Hall.

No. 440.] DEPARTMENT OF STATE, *Washington, February 26, 1878.*

SIR: I have to inform you of the receipt of your telegram of the 19th instant, of which the following is a copy: "Secretary of State, Washington: The bases of negotiations for peace and surrender of insurgent forces are published to-day officially. There appears no doubt whatever that peace will be realized. Hall."

I am, sir, your obedient servant,
F. W. SEWARD, *Assistant Secretary.*

To HENRY C. HALL, Esq.,
Consul-General of the United States, Habana, Cuba.

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No. 9.

Mr. Hall to Mr. Seward.

No. 666.] UNITED STATES CONSULATE-GENERAL,
Habana, March 2, 1878.

SIR: With reference to my dispatches Nos. 663 and 664, of the 16th and 23d ultimo, I now transmit copies and translations of several official reports of the surrender of portions of the Cuban insurgent forces at Puerto Principe, Sancti Spiritus, La Trocha, and other places in the central department of the island. From these statements it appears that on the 28th ultimo the Cuban insurgent forces of the Camaguey district, or a part of them, surrendered at Puerto Principe to Gen. Martinez Campos; their number is not given in the telegram, but I have been informed by General Jovellar that about 1,000 men, with the central committee or junta (comprising about all that remains to represent the late Cuban Government), passed in review and were disbanded. On the 1st instant, yesterday, other bodies of the insurgents to the number of 800 men surrendered at the Trocha and in Sancti Spiritus. Some of the forces scattered through the Villas department, it is said, are being collected prior to a final surrender and disbandment. It would seem, therefore, that the forces of the Villas and central departments, comprising the half or more of the late insurrectionary district, have accepted the terms of reconciliation, and that in those departments, at least, the insurrection has virtually terminated. There still remain the forces of the oriental department, which have not yet been heard from, but it is not probable that these forces will hold out after the surrender of the main body, and in fact of the very nucleus of the insurrection. I respectfully call your attention to the important decrees published in the Gaceta Oficial of this date, and of which I will forward translations in my next. The first of these decrees declares that the Island of Cuba shall have representation in the Spanish Cortes on the same conditions as those existing in Puerto Rico. It provides also for the establishment of the same provincial and municipal laws now ruling in Spain and in Puerto Rico. The second decree, which is in conformity with article third of the bases of capitulation of the insurgent forces, provides for the freedom of the slaves who

were in the insurrection on the 10th February ultimo and who shall present themselves in any form to the authorities or to the troops of the Government before the 31st instant.

I have, etc., HENRY C. HALL, *Consul-General.*

[Inclosure.—Translation.]

[From the Voz de Cuba of 2d March, 1878.]

INTERESTING NEWS.

Our readers will have seen in the morning edition the telegram dated 28th February, sent us by the correspondent of the press in campaign from Puerto Principe. The late hour in which we received it gave us time only to insert it, and we omitted our comments in order that our subscribers might receive in time the grateful news it contained. When our number was already in press we received from the general Government, for publication, the following telegram, confirming officially all that an active correspondent had sent us:

CAPTAINCY-GENERAL OF THE EVER-FAITHFUL ISLE OF CUBA STAFF.

His excellency the general-in-chief of the army in operations, in a telegram dated Puerto Principe, 3 p. m. to-day, says to his excellency the captain-general the following:

"At 2 p. m. of to-day the surrender of the Cuban forces and arms at this jurisdiction has commenced. Published by order of H. E. for general information. Habana, 28th February, 1878.

"The brigadier chief of staff: PEDRO DE CUENCA."

The capitulation has been carried out on the day announced in the Camaguey and in the Trocha; and peace, in those two vast departments, is a reality. As can be inferred from the telegraphic dispatch of our correspondent, more than a thousand persons, 400 of them armed, have presented themselves in the Camaguey, and in the official dispatch it is said that at their head were the chiefs and deputies. We do not know the number of the forces which have laid down their arms in the camp "Ojo de Agua," but it is to be presumed that the number is, in all, about the same as that of the forces of the Camaguey. The following from the dispatch of our correspondent, "The chiefs who have not surrendered embark for foreign ports to-day," indicate, in our judgment, that there may have been some chief who has not yet accepted the bases and has not wished to remain in the island; whichever way it may be, his departure, which will have taken place at this hour, puts an end to all further interior dissidence. In regard to the Oriental department, it is to be expected that we will soon receive news of the capitulation of the forces therein, as by this time conferences will have taken place between their chief and the commissioners ad hoc to conclude it. The pacification of all the island will soon, therefore, be a consummated reality, as it already is in the Central and the Villas departments. May God grant that, with peace, Cuba may enter upon a new era of prosperity and happiness.

TELEGRAMS RECEIVED AT THE CAPTAINCY-GENERAL.

SANCTI SPIRITUS, *1st March, 1878.*

To-day the forces of Jimenez and Sanchez, numbering 425 men, 71 women, and 30 children, have surrendered their arms at Ojo de Agua, near this place. To-day or to-morrow Lieutenant-Colonel Arias should arrive with the object of surrendering at once, and of which I will report to your excellency. The forces of the Remedios, at the orders of Carrillo, are collecting at Ciego Potrero, and will surrender on the 5th. The forces of José Gomez should surrender to-day at the Trocha, according to the order of Jimenez.

SANTA CLARA, *1st March.*

To the Chief of the Battalion of Leon at Cumanayagua:

More than 400 men, with 6 chiefs, among them Pancho Jimenez and Serafin Sanchez, laid down their arms yesterday afternoon at Ojo de Agua.

HOLGUIN, *1st March.*

Colonel Dominguez returned to-day, having collected those arrived at Guabajanuy, of all which he has reported. He brought 57 men, besides 22 others armed, 22 women, and 35 minors.

No. 10.

Mr. Hall to Mr. Seward.

No. 667.] UNITED STATES CONSULATE-GENERAL,
Habana, March 2, 1878.

SIR: Referring to my No. 666, I have the honor to transmit herewith copies and translations of two important decrees which appear in the Gaceta of to-day.

The first of these decrees provides for the representation of Cuba in the next Cortes of Spain, upon the same conditions which are now applied to the Island of Puerto Rico; it also provides for the extension to Cuba of the municipal and provincial law of the 2d of October, 1877, now in force in Spain and in Puerto Rico.

The second decree or edict, issued by General Martinez Campos, declares that all the slaves, of both sexes, found in the insurrection on the 10th February ultimo, and who shall present themselves to the civil or military authorities of the Government before the 31st day of March, 1878, shall be free and provided with vicinage certificates to that effect.

It provides also for indemnity, in due time, to those owners who have remained loyal to the Government during the insurrection.

I am, sir, very respectfully, your obedient servant,
HENRY C. HALL, *Consul-General.*

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

[Inclosure No. 1 with dispatch No. 667.]

HABANA, *March 2, 1878.*

[From the Gaceta de la Habana of March 2, 1878.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

The war, which for a period of more than nine years has demanded the preferent attention, subordinating to its vital interest every thought and every measure of the Government, being near its termination and peace being happily inaugurated upon conditions of concord in the future, the opportune moment has arrived, at last for carrying out known purposes, which, on account of perturbations, have been postponed, and consequently to introduce into the present organic political and administrative system of the island all those reforms which without prejudice to the unity and prerogatives of the central authority may facilitate, by means of the action of popular corporations disencumbered, within the circle of loyalty, the complete development of municipal and of provincial organization.

A long time ago, but for the war, in consonance with the provisions in the constitution of the State, Cuba would have enjoyed the advantages which, necessarily, assimilation as far as possible with the peninsula would have given her; and, aside from certain reforms of social character, which are by circumstances subject to special laws and to definitive solutions of profound study in everything relating to representation in the Cortes, the island would have been in a situation analogous to Puerto Rico.

The only opposing obstacle being removed, it becomes natural and logical to recognize the administration in the sense referred to, and to invite to the participation of public life, in behalf of the country, all the constitutive elements of the new institutions.

In accord, therefore, with his excellency the general-in-chief, and authorized by the Government of His Majesty the King, I issue the following:

DECREE.

ARTICLE 1. Commencing with the next coming legislature, the Island of Cuba shall have its representation in the Cortes of the Kingdom upon the same terms with Puerto Rico and in accordance with its population.

ART. 2. The provincial and municipal laws of the peninsula of October 2, 1877, published in the Gaceta de Madrid of the 4th of the same month and year, shall also be adopted in its government and administration in the manner now in force in Puerto Rico.

ART. 3. The Government of His Majesty will be solicited to apply to this island in succession, with the modifications it may deem expedient and in virtue of the provisions of article 89 of the constitution of the monarchy, other laws already promulgated or which may be promulgated for the peninsula.

JOAQUIN JOVELLAR.
ARSÉNIO MARTINEZ CAMPOS.

HABANA, *March 1, 1878.*

[Inclosure No. 2 with dispatch No. 667.]

[Translation.]

[From the Gaceta de la Habana, of March 2, 1878.]

ARMY OF OPERATIONS OF THE ISLAND OF CUBA.

The insurgents of the central department and of the commandancy-general of the Trocha having laid down their arms, and in expectation that their example will be followed soon by the others in the island:

The day, therefore, of the long wished for peace being near, and desiring to signalize the happy event by a new proof of the firm purpose which animates the Government of His Majesty to continue in the road of progress long since undertaken, avoiding at the same time possible derangements of social order and of measures adopted in the period of the war:

Having in view the sentiment which inspired the present law of the gradual emancipation of slavery in this Antilla;

Considering, besides, that the majority of those slaves who, for any cause, are to-day in the insurrection, have not figured in the census made in 1870 for classifying their legal status, or otherwise, that may have belonged to owners who, in taking an active or indirect part in the Cuban revolution, declared, in fact or by their own will, the freedom of their slaves; and, on the other hand, taking into consideration their condition, that at that time they had no civil or political responsibility; and finally recognizing the right of those owners who have maintained complete fidelity to the national cause to indemnification by the State, in sacrificing to other expediencies their legitimate property;

Authorized by the Government of His Majesty the King, and in accord with his excellency the governor-general of the island, I issue the following

EDICT:

ARTICLE 1. All slaves of both sexes that may have been found in the insurrection on the 10th day of February shall remain free if they present themselves in any form to the legitimate authorities or troops of the Government before the 31st day of the present month of March.

ART. 2. The legitimate owners of those freedmen who have taken any part or have aided in any way, that can be proven, the insurrection, shall have no right to any indemnification in the premises.

ART. 3. The lawful owners of the said freedmen who are not comprised in the preceding article shall be indemnified in due time in conformity with what is ordered in the law of gradual emancipation.

ART. 4. The local authorities shall issue certificates of vicinage as free citizens to those slaves who present themselves and are found to be comprised in article 1, giving a detailed and direct account to the respective commandancies-general, which will act in concert with the local juntas of freedmen in regard to their new status.

Puerto Principe, 1st March, 1878.

ASENIO MARTINEZ CAMPOS.
JOAQUIN JOVELLAR.

No. 11.

Mr. Hall to Mr. Seward.

No. 668.] UNITED STATES CONSULATE GENERAL,
Habana, March 5, 1878.

SIR: With reference to my dispatches No. 664, of the 23d ultimo, and No. 666, of the 2d instant, relating to the surrender of Cuban insurgents, I beg to transmit herewith an article from the Diario of this date, containing about all of interest that has transpired since forwarding my last-mentioned dispatch. The reports received thus far are very meager; it would seem, however, that up to the present two thousand and upward of the insurgents have laid down their arms. There still remain to be accounted for the several forces in the eastern department and in the department of the Villas, whose numbers are variously estimated at from two to four thousand. There is no doubt, I imagine, that these bodies will soon give in their adhesion, and with it the insurrection of Yara, which has existed over nine years, may be said to have ended. The terms given the insurgents are considered honorable to them as well as to Spain. It is noticeable also that the rancors and animosities which existed between Cubans and Spaniards during the first years of the war have to a great extent disappeared. The time is, therefore, propitious for the voluntary introduction of the long-promised reforms in the government of the island.

I have, etc., HENRY C. HALL, *Consul-General.*

[Inclosure.—Translation.]

[From the Diario de la Marina of March 5, 1878.]

NEW ADHESIONS TO THE CAPITULATION.

We have said that the war is virtually terminated, by reason of the resignation of the authorities from whom emanated the powers of all those who had command of the forces of the revolution, or discharged special commissions in Cuba or abroad; even in the event that the latter might not be convinced of the sterility of their efforts in sustaining the ideas they entertained, they could not do otherwise than to follow the example of the most prominent men of the Cuban forces, although they might not agree to exchange their status for another which carried with it a loss of personal prestige; authority can not exist when it has lost the nucleus which sustains it. We are not surprised, therefore, at the news we have received that Aldama, Echevarria, and others who held official positions in New York had decided to resign when they were informed of what had occurred in Cuba by the emissaries of the central Cuban committee, appointed for the purpose of making peace.

We have given an account to our readers of the surrender of their arms by the Cuban forces in the jurisdiction of Sancti Spiritus, in consonance with what had been done previously by the division of the central department; the same will also be carried out on the 6th by scattered forces in the territories of Sagua, Santa Clara, Cienfuegos, and Colon, which, by order of their

chief, Maestre, are to unite on that day at a point previously fixed upon near Paso Real. The information we have by correspondence from Santo Domingo just received, and which besides confirms other news of the same nature communicated to a person whom we consider well informed. In the said letter it is stated also that at the time the order was given to the subaltern chiefs, in command of squads, to commence the movement of concentration, they were also instructed to suspend hostilities, and that the news of peace becoming circulated in the ranks, there were many who manifested joy at the prospect of soon returning to their families and of rest from fatigues and privations. On the other hand, the commandant-general of those forces, a person of great influence among his subordinates, is animated by the same conciliatory spirit of which the capitulated chiefs have given proofs, so that with these antecedents it can be assured that the mission of the envoys sent by the central Cuban committee to confer with the commanders beyond the Trocha will meet the success that was to be expected.

As we informed our readers at the time, one of the chiefs who most merited this confidence is the renowned Marcos Garcia, who, according to a letter received a few days ago from Santa Clara, has manifested the greatest zeal and interest in behalf of peace, having omitted neither means nor effort in obtaining an interview with Maestre, and it is not to be doubted that he will follow the example of his other companions on the designated day, so near to hand. It is truly providential that the Cuban chiefs who have most distinguished themselves in the war happily terminated should be the ones who, with the greatest enthusiasm, have embraced the idea of peace, and the ones who have most efficiently contributed to the realization of a pacification of the island; for which important service they merit the general approbation of the country. To these adhesions we are able to add another important one which we copy from the Periguero de Holguin of the 28th February, as follows: "We know that Modesto Diaz has accepted the bases of the peace, and is now in Manzanillo, where he has embraced his countryman, the Brigadier Francisco Heredia, chief of the second brigade of the commandancy-general of Bayamo and Manzanillo."

No. 12.

Mr. Seward to Mr. Hall.

No. 448.] DEPARTMENT OF STATE, *Washington, March 12, 1878.*

SIR: I have to acknowledge the receipt of your dispatches Nos. 666 and 667, both bearing date of the 2d instant, and to state that the substance of the two decrees of the Spanish authorities accompanying the latter dispatch, issued on the occasion of the termination of the Cuban insurrection, has been communicated to the press.

I am, sir, your obedient servant, F. W. SEWARD,
Assistant Secretary.

To HENRY C. HALL, Esq.,
Consul-General of the United States, Habana, Cuba.

Mr. GRAY. Mr. President, I do not intend by anything that I may say unduly to prolong the debate upon the resolution that has been reported from the Committee on Foreign Relations. I recognize the importance of the action of that committee, and have no disposition to belittle the questions which have been raised. But, with due respect to the honorable Senator from Alabama [Mr. MORGAN], there are many of the matters treated of by him in his interesting speech for the last two days which, in my opinion, have no relevancy to that resolution and to the propriety of its passage by the Senate.

The President of the United States in his message sent to Congress at the opening of its present session brought the matter of Cuba and its condition and our relations to it and to those conditions prominently before the people of the country and before the Senate of the United States. We could not avoid taking notice of a matter thus brought to our attention, even if there had been less of public notoriety concerning all that affects the people of that interesting island, so closely connected with us geographically, commercially, and socially. The President in his message said:

Cuba is again gravely disturbed. An insurrection, in some respects more active than the last preceding revolt, which continued from 1868 to 1878, now exists in a large part of the eastern interior of the island, menacing even some populations on the coast. Besides deranging the commercial exchanges of the island, of which our country takes the predominant share, this flagrant condition of hostilities, by arousing sentimental sympathy and inciting adventurous support among our people, has entailed earnest effort on the part of this Government to enforce obedience to our neutrality laws and to prevent the territory of the United States from being abused as a vantage ground from which to aid those in arms against Spanish sovereignty.

And further on the President says:

Though neither the warmth of our people's sympathy with the Cuban insurgents, nor our loss and material damage consequent upon the futile endeavors thus far made to restore peace and order, nor any shock our humane sensibilities may have received from the cruelties which appear to especially characterize this sanguinary and fiercely conducted war, have in the least shaken the determination of the Government to honestly fulfill every international obligation, yet it is to be earnestly hoped, on every ground, that the devastation of armed conflict may speedily be stayed and order and quiet restored to the distracted island, bringing in their train the activity and thrift of peaceful pursuits.

Mr. President, that part of the message and that monition from the Chief Executive of the United States is only one and the last in a long train of similar statements made during this century, and especially during the last half of it, by Presidents of the United States to Congress, calling attention to the exceptional condition of the Island of Cuba, the importance of our relations to it, and the disturbed and unhappy state in which the people of that island existed under the rule of His Catholic Majesty the Sovereign of Spain.

The attitude of this Government has been one of long-continued constraint and forbearance toward the Government of Spain and toward the troublesome conditions that have grown out of the policies of that Government in the control of that unfortunate island. Every obligation imposed upon the United States by the law of nations has been scrupulously observed. Every aid that could be given by our strictly maintained attitude of noninterference has been given in order that peace and quiet and order and the reign of law might be restored to that wretched people. I do not regret that that has been the attitude of my country. But, nevertheless, while I commend it. while I take pride in the history of the United States in regard to the observance of neutral obligations, while I rejoice that this country has pursued a path, upon which it started at the beginning, of peace and of amity with all the world, yet, Mr. President, we are not to forget nor can we ignore that the relations of the people of this country, as well as the Government of this country, to the people of Cuba and to their Government are exceptional.

They are exceptional by reason of the proximity of that seagirt island to our own coast. They are exceptional by reason of our large and intimate commercial intercourse, and by reason of the numerous social ties that have sprung up in all these years between a people so situated and our own. We can not close our ears or our eyes, if we would, to what is going on with a neighbor so near as that, nor can we steel our hearts or stifle our sympathies when we hear the sad stories of the sufferings of that people which they have been undergoing for these many, many years under the control of the Government of Spain.

Mr. President, I understand that a government must go somewhat slower than the people would have them go sometimes. I understand that those who have the responsibilities of government must exercise a check upon the outbursts of sympathy or of passion or of interest that will ofttimes excite a whole people, and that the duty of preserving our relations with those countries with whom we are at peace and in relations of amity must at all times be observed. But in regard to this unfortunate island we must not forget that our history is a peculiar one; that our interests are peculiar and exceptional; and even in this high place or in the executive branch we can not ignore those peculiar conditions out of which a large part of this popular sympathy springs.

Indeed, Mr. President, we have but to look back very cursorily over our diplomatic history to find that that sympathy has not been confined in all these years to popular meetings or to the press of the country, but that it has found diplomatic expression, and executive expression, and expression in the Halls of Congress time and time again. We have preserved all the time our neutral obligations. We have not thought it inconsistent with those obligations that we should know what was going on in the domain of this our near neighbor, affecting so intimately the peace, good order, and interests of the citizens of our own country. We have but to recollect that in almost the last message, and I believe it was the last message, that President Grant sent to Congress in 1875 he called attention to the then condition of Cuba in the throes of the revolution that was then devastating that poor island, and he told the Congress of that day—

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island.

Showing how nearly their affairs concern from necessity the people and the Government of the United States.

Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be unhappily disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

Thereby demonstrating what in his view was the peculiar and exceptional relation of this Government and this country to the Island of Cuba and to its condition under the Government of Spain.

Not only so, Mr. President, but we find by reviewing our diplomatic history that it has never been thought inconsistent with the character and genius of American institutions or of American citizenship to express sympathy for those who were struggling to maintain, preserve, or achieve the right of self-government which we so happily by a revolution had won for ourselves. Even the conservative, sedate, self-contained Washington did not find himself constrained from expressing sympathy for a struggling republic, for when addressing a note to the agent of revolutionary France he used this remarkable language:

Born, sir—

Said Washington while he was President—

in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country, my anxious recollections, my sympathetic feelings, and my best wishes are irresistibly excited whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.

That was Washington, Mr. President, and surely no citizen of the United States, where he has just cause to express his sympathy for struggling patriotism anywhere on the face of God's green earth, need refrain from giving expression to that feeling after such an example as that.

Now, there was a very notable episode in our diplomatic history growing out of the struggle of Hungary for freedom more than

forty years ago. The then President of the United States, General Taylor, sent an agent by the name of Mann to Hungary with instructions that he should carefully consider the condition of the conflict then raging; that he should examine all the evidence that bore upon the probability of the success of the patriotic cause, and should, if he considered the time and occasion to be ripe, execute a treaty of amity and peace and commerce with the nation then expected to be born into the family of nations. That struggle unfortunately ended in the overthrow and suppression of the gallant attempt of those sons of Hungary to establish their independence.

But the Austrian Government took umbrage at some expressions that were used in the message of the President, or in the published correspondence of the State Department in regard to that struggle, and gravely remonstrated with the Government of the United States, finding fault in a tone that was taken exception to, and to which reply was made by Mr. Webster when he came in as Secretary of State under Mr. Fillmore. It is a long dispatch to Mr. Hülsemann, and known as the Hülsemann correspondence, Mr. Hülsemann being the minister accredited by the Austrian Emperor to the Government at Washington. Mr. Webster says, in speaking of that revolution:

> They possess—

That is, the Hungarians—

> They possess, in a distinct language, and in other respects, important elements of a separate nationality, which the Anglo-Saxon race in this country did not possess; and if the United States wish success to countries contending for popular constitutions and national independence, it is only because they regard such constitutions and such national independence not as imaginary but as real blessings. They claim no right, however, to take part in the struggles of foreign powers in order to promote these ends. It is only in defense of his own Government, and its principles and character, that the undersigned has now expressed himself on this subject. But when the United States behold the people of foreign countries without any such interference spontaneously moving toward the adoption of institutions like their own, it surely can not be expected of them to remain wholly indifferent spectators.

Mr. President, I read those passages from our diplomatic history for this purpose. The resolution reported from the Committee on Foreign Relations of the Senate does undertake to express sympathy with the struggling patriots in the Island of Cuba. Much more, the resolution submitted as a substitute, Mr. President, by yourself on yesterday [Mr. WHITE in the chair] and now printed and lying upon our desks, gives utterance in emphatic language to that sympathy. That feeling can not be repressed; it can not be and ought not to be stifled, and as I have shown you, sir, from so great an authority as Mr. Webster, when Secretary of State, there is nothing in the expression of such sympathy which is inconsistent with the neutral obligations which the United States undertakes to perform to the letter toward all the powers with whom she is at peace. You can not expect that this island—I was going to say little island, but island of magnificent proportions, right within stone's throw of our Southern borders—inhabited by a people with whom we are so closely connected, should not claim and receive from us the sympathy and interest and that active manifestation of interest to which its sufferings entitle it.

Mr. President, we might as well be ashamed to own our own mothers as to attempt to deny or conceal the origin of our own free institutions. They sprung from revolution; they were achieved by our fathers with arms in their hands, and from that day to this there never has been the suggestion that the flag of freedom had been unfurled anywhere that the hearts of the American people did not go out in sympathy and encouragement to the people struggling to uphold it. Therefore it is becoming in us, and entirely within all the proprieties which should govern a great nation like this, which, I admit, should in its foreign relations and in the conduct of its diplomatic intercourse be moderate, self-respecting, and self-restrained—that we should give expression, dignified and proper expression, to the sympathy of the American people for the struggling patriots who are now upholding the cause of self-government in that fair island on our southern borders.

No one has a right, no nation has a right, to call us to account for such expression. If we recognize the fact of belligerency, it is not a casus belli; it does not mean war. No question of the power of Congress to declare war is involved in the consideration of these resolutions. Spain within three months after the breaking out of our civil war acknowledged the belligerency of the Confederate States. We have never been at war with Spain in all our history, and we have always, as all our diplomatic intercourse shows, entertained toward her none but feelings of national amity and peace, and which I trust will continue.

Mr. MORGAN. And we recognized the belligerency and sovereignty of the South American States.

Mr. GRAY. As the Senator from Alabama says, not only did Spain recognize the belligerency of the Southern States without interfering with the peaceable relations between the two countries, but we recognized in 1822 the independency of all the colonies which were struggling to free themselves from Spanish rule and Spanish control; and yet never was it suggested, so far as I know, at least seriously suggested, in any quarter or on either side of the Atlantic, that that recognition was a casus belli or gave Spain any just cause to hold the United States Government to account therefor.

Mr. Everett, when he was Secretary of State for a little while after Mr. Webster's death, had occasion to refer, as every Secretary of State since in our history, it seems to me, has had occasion to refer, to the troubled condition, the unnatural condition, of that island, its unhappy people, and the burdens of misgovernment under which they were living. Mr. Everett in 1852, in discussing as Secretary of State with our minister to Spain our relations to Cuba, says, among other things:

> Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Puerto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so; no word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should be so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least $12,000,000?

Mr. President, the question asked by Mr. Everett forty years ago is still asked to-day, How long can this unnatural condition last? How long are we to listen to the cries of outraged humanity that every southern breeze wafts across the straits that separate Cuba from Florida? Are we, as I said awhile ago, to close our ears to those cries? Are we to forget our own revolutionary lineage and trample upon our own history by closing our hearts and refusing our sympathies to a people who are resisting a Government far more oppressive than that which drove our fathers to arms?

Mr. President, it can not last forever. You may, as the great Latin poet said in another connection, throw nature out with a pitchfork, but she will reenter and reassert herself when opportunity is given for that self-assertion. You can not stifle human feeling, you can not repress human sympathy.

What, then, is the duty of Congress? What, then, is the duty of the Executive of this country? Bear in mind this history of ours in relation to these islands. With almost every President of the United States, at some time during his incumbency, referring to our peculiar relations to Cuba, and calling the attention of Congress to the necessity of considering the exceptional condition of things existing between us and that island, with a war recently waged for ten years, and then, with an interval of so-called peace, breaking out again, how can we refrain from giving expression to American feelings upon this subject in the Halls of this Congress?

The attitude and position of a country in the family of nations is not unlike that of a well-conducted and law-abiding citizen of a law-governed country. He may for a long time endure that his next-door neighbor should make his habitation miserable and uncomfortable by reason of his disorders and by reason of his lawlessness. For a long time will he continue to endure rather than give expression to that intolerance of wrong conditions, which it is natural he should feel, but such conditions can not go on forever, and if law itself does not apply the remedy, then that law-abiding citizen is entitled to suppress the nuisance which makes his own life unsafe, uncomfortable, and unendurable.

Mr. President, Spain governs this island, 3,000 miles away from her shores. It is a segregated portion of the earth's surface. It has all the geographical and physical features going to support a separate nationality or a separate State. Its territory is bounded by the ocean. It is there separated by this long waste of water from the parent and governing country. It is true that this fact does not of itself give our Government the right to interfere with the lawful title of Spain to her colony, yet it does contribute to increase the difficulty of the situation.

Spain ought to recognize the fact that she can only maintain her rule and possession by so governing that island that its people shall be at peace and reasonably contented with the government which she gives them. It can not be that she can forever maintain, by the rude hand of her soldiery, that control which ought to come from the willing consent of happy and contented subjects. It is an unnatural condition which can not last, and I believe will not last much longer. Unless the governing country of Spain finds it to her advantage, and finds it consistent with her sense of honorable obligation to a colony, to give it such government as shall produce those advantages to which every people on on the face of God's green earth are entitled of right, and that is to pursue their own happiness and their own well-being, governed by equal laws and by a just ruler, Cuba will seek and obtain these blessings free and independent of Spanish control.

I do not propose, so far as I am concerned, to invade any title or right which Spain has to Cuba; I do not propose to question the lawful authority of that Government over her colony; but as the neighbor of those people that she attempts to govern and fails to govern, I have a right to protest that she must either so govern them that peace and ordinary prosperity shall come to that peo-

ple or that she shall cease to govern them at all. [Manifestations of applause in the galleries.]

Mr. President, it will not be forgotten that at several times during the last half century it has been at least more than once proposed that the United States should open negotiations to buy the Island of Cuba from Spain, in order that we, by that sacrifice of money taken from the pockets of our people, might assist peacefully and with the consent of Spain in giving to that unhappy people what they so long have sought in vain, the right to establish a government for themselves and create a free and independent state. Nothing has come of that, and I only cite it now as one of the instances which go to show the peculiar relations which this Government bears to that island. to the constant strain upon the Government and people of the United States, which has been created by conditions which can not be ignored. Say that they were produced by misgovernment or by the character of the people themselves, if you choose. If Spain should assert that they are so turbulent, that they are so wrong-headed that they can not be governed except by force, nevertheless the condition exists and confronts us, and remains to be dealt with, and we can not drive it from our minds or our thoughts. Our pulses will quicken, all that we can do, as we hear of men shot to death because they held up the banner of their country when she was fighting for what we fought for and obtained. Our hearts will throb when we listen to the tales of wrong which are being perpetrated by the authority of a distant and governing people over a colony like this.

Mr. President, it is not becoming to utter a threat in this Chamber, or that Congress or the Executive should be made a party to any threat against Spain or any other country with whom we have relations of amity. But we do have the right to call her attention to a condition of things that concerns us almost as much as it does her, that here, right by our side, contiguous territory, separated by some convulsion of nature which caused that strait or sea to pass between us—that here, right by our side, are these people, who are constantly holding out their hands to us in supplication for an interference that we refuse, begging for succor that we deny, and requesting aid that we can not find it within our conception of duty to give. That produces a strain upon us that Spain must recognize. We are performing our duty toward her; we have sedulously in the past adhered to the letter of the law imposing upon us neutral duties and international obligations; but, sir, it is calling upon us to do too much that we should always, and to the crack of doom, continue to steel our hearts and turn away our faces from those for whom we have undeniable sympathy.

Mr. PLATT. Will the Senator pardon me?

Mr. GRAY. Certainly.

Mr. PLATT. Does the Senator know of another instance in the world where there is so large a colony, or a dependency so populous and so wealthy, that is governed from the home government without any participation of the people of the colony?

Mr. GRAY. Mr. President, I do not know that I know of any such country. I certainly know of no land in the world that is so entitled to be called a land of sorrow as that Island of Cuba. It seems to me as if Providence by some strange dispensation had pointed it out as the object of His wrath; it does seem sometimes as if that little island had been selected as an example of what misgovernment could do for a people.

We are entitled to criticise that Government. We are proposing no governmental interference on our part; we are not proposing to break the spirit or the letter of our international obligations; we have the right now, and it has been exercised in the past by Executives and by Congresses, to say what we think about this abnormal condition of things, which has lasted so long and seems likely to continue so much longer.

Mr. President, this resolution does not accord belligerency. If it did, and we were competent to accord it here in Congress, I should vote for it; but it seeks, as I conceive it, to not——

Mr. FRYE. Will the Senator repeat that last sentence?

Mr. GRAY. If it did, and we were competent to accord it, I should vote for it.

But it seems to me that the committee has carefully guarded its action and the action it proposes the Senate to take by keeping within our constitutional power, by not trespassing upon the power of another department, carefully observing what seems to me to be the proper scope of Congressional activity in this regard.

I do not believe there is a better opportunity than this for us to define and scrupulously differentiate the sphere of authority between the Executive and Congress. Although it is a question not entirely free from difficulty, I can not find anywhere, after somewhat careful consideration, authority for Congress to declare belligerency in any case whatever. The power to declare war, from which I suppose it would be derived, is a Congressional power; but that power can only be exerted in the form of legislation. Some order, resolution, or other proper expression of Congressional will must be passed by both Houses and submitted to the President, as every such order, bill, or resolution must be submitted, so as to have any effect at all.

I make that statement the more guardedly in the presence of my distinguished and honorable friend from Alabama [Mr. MORGAN], who has taken a different view; and a difference of opinion with him upon a subject like that has made me more careful in expressing my own view in regard to it. I do not believe that there is any such distinction anywhere as the honorable Senator argues between the power to declare war and the other powers granted by the Constitution to the Congress of the United States. He has argued that the power to declare war is one which may be exercised by the two Houses of Congress without the consent of and independently of the President of the United States. I can not find any warrant for that interpretation of the war powers of the Constitution. It is found in section 8 of Article I of the Constitution, where the powers of Congress are enumerated.

All the powers Congress possesses, I believe, are enumerated in that section. It has no other powers than those so enumerated. But we find the power to declare war and grant letters of marque and reprisal right along with and in the same connection, the same sentence, separated only by a semicolon, with the power to lay and collect taxes, to define and punish piracies, to raise and support armies, to provide and maintain a navy, etc. None of those powers can be exercised except in the mode which is pointed out by the Constitution itself. You can not support armies without passing an appropriation bill or a bill providing for the enlistment of men and the appropriate division of them into companies, regiments, etc., without the sanction of the President. The bill which is passed to support an army must go to the President; the bill which is passed to lay taxes and to defray the expenses of the military establishment must go to the President. The power to declare war can only be exercised in the same way. If anything more were needed, there is a positive provision of the Constitution in the same article in section 7, preceding the enumeration of the powers of Congress, which reads in this way:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment)—
>
> Thereby making it exhaustive—
>
> shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved, etc.

Mr. President, the inconvenience of it being required that the President should approve a declaration of war is no greater than that he should approve a bill to raise and support an army. The Senator from Alabama has discovered, he thinks, a great inconvenience, which overwhelms his judgment, in the suppositious difference between the President and Congress on a question of declaring war. If he disapprove, he can veto it, and then, like every other order, resolution, or bill, Congress would have to pass it by a two-thirds vote in order that it should become operative. So it would be with a bill to lay and collect taxes; so it would be with a bill to raise and support armies. I think that is a question, though, which is aside from this matter, and it is only because the Senator from Alabama has given his distinguished authority to such an interpretation of the Constitution that I thought it proper for me to allude to it.

The power to declare belligerency is nowhere spoken of in any part of the Constitution or in any statute that I know of, nor am I aware that it has ever been attempted by Congress to accord belligerency to any people who were under arms against their government. Therefore, I am constrained to believe that the Executive of the United States, to whom has been committed so largely our foreign relations, has the sole power to initiate any action binding upon the Government of the United States, declaring or according the status of belligerency to a people who are struggling against their own government. I can not find anything directly upon the subject; but I think it is worth while to call the attention of the Senate to an expression of Mr. Clay in a report made by him from the Senate Committee on Foreign Relations in the Twenty-fourth Congress, in 1836, in regard to Texas. He says in the course of that report:

> The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.
>
> The President of the United States by the Constitution has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power, but in this case he has not yet done it, for reasons which he, without doubt, deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion or by other acts of one or both branches of Congress, as was done in relation to the Republics formed out of Spanish America.

In the recognition of independency in an instance so conspicuous as that of the Republics of South America, which were said to be recognized in 1822, I find that the resolutions introduced and passed in the House of Representatives in regard to their independency were in these words:

> *Resolved*, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.
>
> *Resolved*, That the Committee on Ways and Means be instructed to report a bill appropriating a sum, not exceeding $100,000, to enable the President of the United States to give due effect to such recognition.

That is the recognition which the resolutions, I take it, assumed

that he had made. So that so far as the precedents go, and I do not pretend to have made an exhaustive search for them, they seem to support the view which I took as an original question, of the distribution of powers under the Constitution, that it is by the Executive, with whom our foreign affairs are placed, that the initiative must be taken in any proceeding to recognize the independency of a country struggling for existence, or to accord to it the status of belligerency.

Mr. MORGAN. If the Senator from Delaware will allow me, I will state that I do not disagree at all with the proposition that the President of the United States, as a diplomatic representative of this country, has the right to recognize the independence of a foreign country. But that is a very different matter from recognizing an existing state of belligerency, which imposes upon our own people the duty of neutrality. In the recognition of belligerency we change the attitude of our people as to the belligerent powers from a condition of communication or association in time of peace to that of communication regulated by the laws of nations in time of war.

I dispute the power of the President of the United States, of his own motion and without the assistance of Congress, to recognize belligerency between two foreign Governments, because the President of the United States has no right by his proclamation to change the commercial and other relations between the people of this country and the people of a foreign country. But being the representative of the United States in virtue of its sovereignty as affects foreign countries, he has the right to recognize the independence of a foreign country, because that recognition has no effect upon our own people. It does not change our relation to that country in the slightest degree. It does not compel us to pursue commerce under laws which regulate war instead of laws which regulate peace.

Mr. WHITE. Will the Senator from Delaware [Mr. GRAY] permit me to ask the Senator from Alabama [Mr. MORGAN] a question, if the Senator from Alabama will allow me? Do I understand the Senator from Alabama to deny the power of the President, without the concurrence of Congress, to recognize the belligerency or to issue an effective proclamation of belligerency as to the contending parties?

Mr. MORGAN. I do.

Mr. GRAY. It would seem certainly at first blush that the act of recognition of independency of a nation that had freed itself or endeavored to free itself from the parent country is one of much more importance and more far-reaching in its effect than any mere declaration of belligerency could be. To welcome a new member to the family of nations, to take her by the hand and say, "You are entitled to a seat at the council board of independent powers," is an act, it seems to me, that affects very seriously the relations of the citizens of the United States to that power. It in fact creates new relations; it brings into being a new power, so far as our own citizens are concerned, with whom we have to have relations, whereas theretofore there was only one power to deal with.

But, Mr. President, it seems to me that only a short time ago we settled by a sort of acquiescence, so far as the Senate is concerned, perhaps so far as concerns both Houses of Congress, the question of the right of the Executive to recognize the independency of a new government. When the new Republican Government, so called, of Hawaii, sent its diplomatic messengers to the United States they were received and recognized by the President of the United States upon a recognition that has stood, so far as her relations to this Government and this people are concerned, ever since. It has never been questioned and it has never been, as I can recollect, asserted anywhere that that recognition by President Harrison of the diplomatic agents of the new Government of Hawaii was not binding, so far as it went, upon the Government and upon the people of the United States.

Mr. MORGAN. If the Senator from Delaware will allow me, I again distinctly admit and assert that the President of the United States has the exclusive right to recognize the independence of a foreign country, because that affects our people not at all, but in the case of Hawaii, to which the Senator referred, we already had representatives to that Government and had recognized the independence of that Government many years ago. That recognition was a mere change in regard to the personnel of the Government and the form of it, as in the case of the recognition of Spain as a republic and of France as a republic, which recognitions were communicated by cablegram directly from the President without the interference of Congress at all, and the recognition of Brazil, where we concurred with the President of the United States in the recognition of the independence of that power. The cases are not analogous at all.

Mr. GRAY. It seems to me that the reasoning is entirely analogous. There is nowhere in the Constitution any provision which in so many words gives the power to the President of the United States to recognize the independency of a people who are struggling for freedom. As a result, if it has that power at all——

Mr. MORGAN. Mr. President——

Mr. GRAY. One moment. It results, if it has that power at all, from the committal into his hands, according to the whole scheme of that instrument, of the foreign affairs of the country.

Mr. MORGAN. And the special power given to him in the Constitution to receive ambassadors from foreign countries.

Mr. GRAY. Undoubtedly there is the special power to receive ambassadors. I said there is no express power, in so many words, to recognize the independency of a country, but under the power to receive ministers under the general committal of the foreign affairs of this country into his hands he has, exclusive of Congress, the power to recognize the independency of a nation.

So, Mr. President, there is nothing in the Constitution of the United States in regard to the status of belligerency or the recognition of that status. It is as a doctrine an outgrowth of a general international law of the world, and being that outgrowth, and being a condition which modifies the relation of one country to another, it belongs in this country, under our Constitution, where all matters of a similar and an analogous nature do belong, and that is to the Executive. That, in short, is the argument which convinces me that we have no right to accord the status of belligerency, even if this were a joint resolution.

But at the best the contention of the Senator from Alabama would compel us to recognize these people by a bill, not by concurrent resolution, unless he applies the same reasoning to this that he does to the power to declare war, and says that the two Houses of Congress can declare war and affect the rights and obligations of their respective citizens without the formality to which every other act of Congress, order, or resolution of these bodies is bound to conform.

Mr. MORGAN. I beg pardon. The Senator from Delaware will indulge me for another interruption. I did not in my remarks awhile ago state fully what I think to be the origin of the power on the part of the Congress of the United States to recognize a state of belligerency between two foreign powers. It is a part, as I understand, of the power to declare war. The power to declare war applies to this country and to all other countries, and if that power can be exerted alone by Congress, as I contend it can be and must be, then it includes of course the power to declare that public war exists in another country.

Mr. GRAY. I do not wish to prolong the discussion at this late hour, but so long as the honorable Senator from Alabama has placed his contention for the power to recognize belligerency upon the same ground that he has placed his contention for the power of Congress without the assent of the President to declare war, it seems to me the argument in which I submit that I disposed of the first proposition will dispose of this one.

Clearly if it results from the power to declare war, from what I have already said, that power must be exercised by the Congress in such form that it shall receive the assent of the President of the United States, and must take the only form which an act of Congress, whether a resolution, order, or bill, can take in order to be effective or mean anything, and that is the expression of the will of Congress.

Mr. FRYE. Does the Senator from Delaware contend that the Congress of the United States could not by amendment make this a joint resolution declaring belligerent rights, which joint resolution should be signed by the President, and that that would not recognize belligerency?

Mr. GRAY. I have just said that at the best the only thing that could be contended for under the position taken by the Senator from Alabama [Mr. MORGAN] is that Congress should exercise its power in the mode pointed out by the Senator from Maine. But I am not prepared to assent to his proposition—that the proper way in which belligerency should be declared by this Government is other than it should be declared by the Executive of the United States. Committed to his hands under the Constitution is the power not only to recognize the independency of a nation struggling for independence, but also the power to modify the relations of the Government of the United States and its citizens to another people who are at war by recognizing a state of belligerency in a people who are contending against a parent Government. That is my view, the view to which I am impelled by my reading and reflection in regard to the powers of Congress in a matter of this kind.

If we can declare belligerency by a joint resolution I look in vain in the Constitution for the express warrant, and I have not been able to find or to have pointed out to me where the implied warrant for such power exists. If it is under the power to declare war, as insisted here, or is contained within the power to declare war, then perhaps there might be something to be said for the proposition of the Senator from Maine.

But, Mr. President, what the resolution reported by the Committee on Foreign Relations intends to do is not to accord belligerency to the insurgents in Cuba. It is to express the opinion of the two Houses of Congress by a concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers,

according to each all the rights of belligerents in the ports and territory of the United States.

The concurrent resolution as it came from the committee was not altogether satisfactory to me at the time, although I assented to its being reported. I like better the resolution that was offered by the Senator from California [Mr. WHITE] as a substitute for the concurrent resolution reported from the committee, which, if the Senate will bear with me for a moment, I will read. It is as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

This resolution not only is one to quicken the Executive and to give him the support of the opinion of Congress, but it seems to me it expresses in sufficiently restrained and proper language the feeling of the American people. It expresses it in a way which Spain, though she may not assent to it, though she may not take any pleasure in it, has no right to take umbrage at. She has no right to call the Government of the United States or the people of the United States to account for the expression. Resting there, with the President stimulated to make the inquiry which will be the basis of his action, we may wait until events have so shaped themselves that either order is restored by the might and power of the arms of Spain, her control thoroughly reestablished throughout the length and breadth of the island, or until perchance the God of Battles has given to the insurgents such success and such victory as will insure to them a place among the family of the nations of the world.

Mr. President, it seems to me that we have gone as far in this resolution as our power warrants us in going. It seems to me that we have gone in the direction in which our sympathies and our feelings and our judgments would properly lead us. The President of the United States has means and opportunities to investigate that this Congress and the Senate have not. We can not know except at secondhand what the condition of things is in the Island of Cuba. He can send his agents there. He has means, through the consuls and the ministers of the United States abroad, to find out, as we can not except by inquiry from him, what is the probability of the issue of the contest there.

If we ask him to lay before us the correspondence that he may have to throw light upon the unhappy condition of things, he can withhold a portion of it, if in his opinion the interests of the United States require it. We always ask him "if not incompatible with the public interests" to give us such information. So the Executive is armed by the Constitution with the means of knowing what we can not know except in a very inperfect way and at secondhand. He can send his agent, as General Taylor sent Mr. Mann to Hungary, or as President Monroe, I think it was, sent Mr. Rodney and the other representatives to South America, in order that they might report to him what the condition of those struggling colonies was and what the prospects of a termination of the war in their several countries might be.

Mr. President, I have no doubt that with the passage of such a resolution as I have just read we will have discharged our duty so far as we can now see it, and the President of the United States will have the support of the two Houses of Congress, or at least of the Senate of the United States, in any inquiry he may make, and be stimulated to the performance of that duty, if indeed he needs any stimulus, which the Constitution of the country has devolved upon him.

Mr. SHERMAN. Mr. President, I desire to take the floor for to-morrow. I suppose the Senate does not care to stay here this evening.

Mr. LODGE. Mr. President, I do not desire to detain the Senate at this time except for a moment in order to put into the RECORD a translation of an interview which General Weyler had before he left Spain. On his departure from Cadiz, General Weyler had a conversation with the civic authorities who came to bid him farewell, which appears in El Liberal, of Madrid, of the 29th of January. It is as follows:

"We come to bid you a last good-bye," said the officials. "The last * * * in the present campaign," answered the General. Everybody expressed hopes of a speedy termination of the campaign.

WEYLER'S WORDS.

"It will not be easy," said the General. "to realize what you and all the Spaniards desire. I would be content to finish the war in two years. In the last war, which was of less importance, ten years were necessary. I go now in the worst conditions. After the reenforcements which will be sent in February it will be impossible to send more troops until next winter, unless the reserves are called out. A great deal of money is also needed and the country is already making the last sacrifices. The question requires special study, so that public interests will not be further injured. I am encouraged by the reaction in public opinion and by the attitude of the Cuban families who leave for Tampa at the mere announcement of my going to Cuba. I suppose they must have some motive for leaving. I desire to be in Cuba, because what is upon my shoulders weighs upon me as it would weigh on a religious fanatic. I will not rest until I have satisfactorily accomplished my work, and I do not fear the future. I remember the prophecies made me before I went to Catalonia. Then they told me the anarchists would finish with me. The contrary has happened, for I even gained the love of everybody. This is proven by the farewell they gave me in Barcelona, which moved me as I have never been before. On arriving in Cuba I propose to exterminate the filibusters: first in the provinces of Habana, Pinar del Rio, Matanzas, and Las Villas. Of course it is to be understood that I refer to the large groups that invade them. Afterwards the small parties of bandits will remain, which I will slowly exterminate. At all events, great activity is needed in the present circumstances."

What I wish to call attention to in this interview is that after General Weyler reached Cuba it was given out that he was going to end the war before the rainy season, which begins in May, and yet in his last words before leaving Spain he says that it will take at least two years. So, on the statement of the general in command, we are to have two years more of bloodshed and useless slaughter and destruction in Cuba.

Mr. SHERMAN. And extermination.

Mr. LODGE. The language is that he proposes to exterminate them; and he rejoices in the fact that the mere news of his coming is driving Cuban families to fly to the United States. It is a commentary, Mr. President, on the processes which he means to employ and on the desperate condition of the Spanish cause.

Mr. GRAY. What is the authenticity of that paper?

Mr. LODGE. I took it from a Spanish paper, El Liberal. It was published in El Liberal, of Madrid. I have the Spanish paper at my room from which it has been translated. These are his own words, a statement which he made to the civic authorities of Cadiz on board ship just as he was leaving. It is reported verbatim in El Liberal, and this is a translation from it. It is, I think, important, as showing how long the struggle is likely to continue.

It seems to me, Mr. President, that it is not for us to consider what the views of Spain are in regard to this matter. It is for us to consider what the duties of the United States are, the duties that they owe to themselves, to humanity, and to freedom. I think their first duty is to bring the war in Cuba to an end.

I do not care, personally, to enter into the constitutional discussion which has arisen as to the various powers of the different Departments of the Government or as to the question of a concurrent or a joint resolution. It appears to me that if we are to put a stop to this war, as I believe the people of the United States with hardly an exception desire and demand, our course is simply to pass a joint resolution giving the opinion of Congress as to the recognition of belligerency. The actual recognition by proclamation must come from the President; everybody understands that; but the opinion of Congress embodied in a joint resolution which goes to him for his signature or his veto is such as the seriousness of this question demands. To that I would add the resolution of the Senator from Pennsylvania [Mr. CAMERON] in favor of our Government taking immediate steps to mediate between Spain and her revolutionists with a view to securing the independence of the island or such reforms as will content the people, if there are any that they would accept after the way previous promises have been broken.

That, Mr. President, is doing something effective. I am very happy to vote for resolutions of sympathy; kind words are all very well, but this bloodshed and slaughter and this useless war has been going on now for a year. It is clear that that island is lost to Spain, and, as I said the other day, it seems to me the duty of the United States, looking at its duty to humanity and the responsibility that it owes to that island and to its own people, is to do something that shall amount to something and take a step that will lead to stopping the war. I think the course which I have suggested is a practical measure, something better than mere words, something that is needed and that will receive the cordial approval of the people of the United States.

Mr. STEWART. Mr. President, as I do not intend to make a speech on this subject, I simply want to say now that I fully concur in the sentiments uttered by the Senator from Massachusetts [Mr. LODGE]. I do not believe we are discharging our duty to humanity and to liberty if we stand by and allow the bloody murder which has become chronic in Cuba to be longer continued. I do not believe that in any proper sense Spain has any title to the island. She has lost it by her inability to maintain law and order and good government. If there ever was a case where a great Government was called upon to interfere in behalf of humanity it is this case. A slaughter-house for half a century at our doors, made so by a country wholly incapable of governing Cuba, is something that we ought not to tolerate. The responsibility arising from our situation and for the maintenance of institutions that we love and maintain for ourselves, the propagation of those institutions, the propagation of freedom throughout the world, call upon the United States in language that can not be mistaken to abate this national nuisance, this violation of law and order,

this violation of humanity, this violation of every principle of just government.

I say situated as we are we are called upon to take some effective action. I do not propose to discuss the mode now, but such action should be taken as will put a stop to the terrible sacrifice of life, the terrible mockery of government which is at our borders. We have the power to stop it, and we should do it and do it at once. If we mean to be respected by other nations we will take notice of this matter in a manner that will secure to the people of Cuba local self-government, government that shall give them peace and secure for them prosperity. We can not stand by longer and permit the existing condition to continue without receiving and deserving the reproach of all mankind.

Mr. CALL. Mr. President, I do not desire to detain the Senate more than a moment. I hold in my hand a list of the forces, by regiments and brigades, which have been sent by Spain to Cuba since the commencement of the present war. I desire to have it placed in the RECORD for the information of Senators who may wish to have knowledge on the subject. They amount to 190,472 men. During the existence of the war and within the last two months Gomez and Maceo have traversed the entire extent of the island, even up to the very gates of Habana, and Martinez Campos, the celebrated general of Spain, has retired, acknowledging the impossibility of accomplishing the subjugation of those people.

THE SPANISH ARMY IN CUBA.

According to the report of the secretary of war at Madrid, the reenforcements of soldiers sent to Cuba from the beginning of the insurrection till the retirement of Campos were as follows:

Sailed from March 8 to 12, 7 battalions		8,302
From 1st to 19th of April—		
1 battalion marine infantry	900	
6 battalions regulars	6,352	
		7,252
From April 24 to May 8—		
2 provincial battalions	2,075	
1 battalion marine infantry	900	
1 battalion regulars	856	
		3,831
From May 20 to June 10—		
10 cavalry squadrons	1,600	
1 battalion marines	900	
Sundries	208	
		2,708
From June 18 to July 21—		
10 infantry battalions	8,652	
Sundries	437	
		9,089
From July 31 to September 30—		
20 infantry battalions	19,311	
8 cavalry squadrons	1,280	
1 fix artillery battalion	767	
2 field artillery battalions	381	
1 engineer corps battalion	971	
Sundries	2,083	
		24,793
From October 5 to November 30—		
21 infantry battalions	18,871	
1 battalion marines	835	
Sundries	3,873	
		23,579
To this must be added—		
2 infantry battalions organized in Cuba	2,000	
Sent from Puerto Rico	1,400	
2 battalions organized in Cuba	1,800	
Guerrillas organized in Cuba	5,325	
3 cavalry squadrons organized in Cuba	393	
		10,918
On the way from Spain		8,000
In service in the island on February, 24, 1894		12,000
Total of regular Spanish troops		110,472
Total of volunteer forces in the island, doing mainly garrison duty		80,000
Grand total		190,472

The above forces were commanded by the following superior officers:

Captain-general and commander-in-chief: Martinez Campos.

Lieutenant-generals: Marin, Pando, and Valera.

Generals of division: Arderius, Suarez Valdez, Lachambre, Jimenez Castellanos, Jimenez Moreno, Gonzalez Muñoz, Pin, Mella, Navarro, and Fernandez Lozada.

Generals of brigade: Barraqué, Garcia Navarro, Bazán, Loño, Echague, Luque, Canella, Linares, Oliver, Alonso Gasco, Aidave, Garrich, Godon, Obregon, Norfuma, Del Rey, Toral, Ordoñez, Suero, Serrano, Altamira, Aldecoa, Mena, Inaz, Aizpúmay Cornell.

Total: One commander-in-chief, 3 lieutenant-generals, 10 division generals, and 25 brigadier-generals—39 generals.

The information contained in this pamphlet, published by the Cuban Junta and certified by the correspondent of the New York World, is to the effect that children and women in the most delicate condition, prisoners by the hundred, are daily being slaughtered and murdered in that island, and that the proclamation of Valmaceda, which we know to be authentic, has been revived for the extermination of the people of that island.

SPANISH BRUTALITY.

Two days after the engagement of General Linares and the Cuban Rabi, in Descanso del Muerto, an officer of the column of General Linares took as prisoners four peaceful citizens whom he met near the sugar estate of Hatillo, and then notified the general of their arrest. The general, angered by the defeat he had received in his encounter with Rabi, ordered the men to be shot immediately. Three of them were shot. The other, who is the uncle of a well-known lawyer in the city of Santiago, escaped because he screamed so loud that he attracted the attention of Lieutenant-Colonel Tejeda, who was acquainted with him, and assured the general that the prisoner was a peaceful man.

An 11-year-old boy whom the Spaniards captured on November 19, having been wounded on the road leading to Cartagena, shortly after the engagement with Aniceto Hernandez's band (according to La Discusion of the 14th of that month), was tried at Mantanzas by court-martial on the 12th and sentenced to life imprisonment and perpetual chains.

Gil Gonzales, a rebel leader, who was captured by the Spaniards, was shot on December 4, in Matanzas, having been condemned by court-martial.

Yet, Mr. President, we sit here and talk about resolutions of sympathy and about appealing to Spain, when Spain has declared that under no circumstances will she ever permit the United States to have any influence in her domestic affairs.

Mr. President, I am tired of hearing of resolutions of sympathy. Let us act like men. If it be true that there is no longer a Senate and a Congress of the United States, but that this is an imperial Government with a Chief Magistrate possessing absolute power, I am in favor of this Congress establishing a different construction of the Constitution and reestablishing a Government of the people and of the representatives of the people.

So I shall offer a resolution for the recognition of the independence of the Island of Cuba. I want none of this idle, cowardly state policy, which means nothing and accomplishes nothing, while murder and outrage of every kind are being perpetrated within our very hearing. I desire Senators to understand that I at least shall ask that something practical and positive and becoming the character and power of this people shall be done. [Applause in the galleries.]

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 26, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1896.

PROMOTIONS IN THE NAVY.

Lieut. Commander George A. Bicknell, to be a commander in the Navy, from the 5th of January, 1896, vice Commander Louis Kingsley, deceased.

Lieut. Nathan E. Niles, to be a lieutenant-commander in the Navy, from the 5th of January, 1896 (subject to the examinations required by law), vice Lieut. Commander George A. Bicknell, promoted.

Lieut. (Junior Grade) John A. Dougherty, to be a lieutenant in the Navy, from the 5th of January, 1896, vice Lieut. Nathan E. Niles, promoted.

Ensign Theodore C. Fenton, to be a lieutenant (junior grade) in the Navy, from the 5th of January, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) John A. Dougherty, promoted.

P. A. Engineer Stacy Potts, to be a chief engineer in the Navy, from the 29th of January, 1896, vice Chief Engineer Henry Herwig, retired.

Asst. Engineer Charles H. Hayes, to be a passed assistant engineer in the Navy, from the 29th of January, 1896, vice P. A. Engineer Stacy Potts, promoted.

P. A. Engineer Henry T. Cleaver, to be a chief engineer in the Navy, from the 20th of February, 1896 (subject to the examinations required by law), vice Chief Engineer Robert R. Leitch, retired.

Asst. Engineer Horace W. Jones, to be a passed assistant engineer in the Navy, from the 20th of February, 1896, vice P. A. Engineer Henry T. Cleaver, promoted.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6249.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the section pertaining to the so-called Ogden land claim, being lines 1 to 11 inclusive, on page 45, be stricken out.

The Clerk read as follows:

Strike out lines 1 to 11 inclusive, on page 45.

The CHAIRMAN. Is there objection?

Mr. MCMILLIN. Let us hear it read.

Mr. SHERMAN. This is the so-called Ogden Land Company's claim.

Mr. PITNEY. This is the section on which I reserved the point of order, the proposed appropriation for the extinguishment of the right and title of the Ogden Land Company.

Mr. MCMILLIN. I do not care for the reading, as I know what it is.

Mr. CANNON. I only want to say one word about it. I am perfectly content that it should go out; but I want to say this, that if it ever comes back into the bill it would be required to consider it in Committee of the Whole, whatever its merits or want of merit may be, for two or three hours; and I hope if it comes back in the bill that an opportunity will be given for the consideration and hearing, because there is much to be said on each side of the case.

Mr. SAYERS. Mr. Chairman, just a moment. I would suggest to the gentleman in charge of this bill that should an amendment covering the clause to be stricken out be put upon the bill in the Senate there should be no agreement to such amendment until the House shall have had an opportunity to consider it independently of other amendments. We do not wish the amendment to come back to the House in the form of an agreed report.

Mr. HOPKINS. Mr. Chairman, before any action is taken upon this request of the gentleman from New York, in view of what has been said about the supposed action of the Senate, I would like to hear from the chairman of the committee, because if this is to be simply stricken out this morning to be put back by the Senate, with the consent of the committee, I think we had better have an expression of this committee on the matter now.

Mr. MCMILLIN. We had better fight it out now.

Mr. HOPKINS. Yes, sir; but if it is stricken out in good faith, and the chairman of the Committee on Indian Affairs in the committee of conference that will be appointed proposes to carry out the action of this committee on the amendment, why then I am entirely content, but otherwise I would object to his request.

Mr. CANNON. Just a word. I understand that the gentleman moves to strike it out.

The CHAIRMAN. He asks unanimous consent.

Mr. CANNON. Or asks consent that it go out. Now, then, parliamentarily, if the Senate should put a similar amendment on this bill, and it should come back, I suppose that the point of order that it should first be considered in the Committee of the Whole could be made against it, and it would have to be considered in Committee of the Whole. That is not always fully satisfactory, because sometimes these things happen in the closing days of the session when the House is cramped for time, but that probably will not be the case in this instance.

Mr. MCMILLIN. But I would suggest to the gentleman from Illinois this further difficulty, that the conference report comes as an entirety; and while by agreement we can often do this, there is more difficulty in getting at the consideration of any particular item when it has assumed conference form than any other.

Mr. CANNON. I will say in reply it can not assume conference form until it comes in the shape of a Senate amendment, and comes back to the House, and when it comes back to the House it will be subject to the point of order that it should first be considered in Committee of the Whole.

Mr. HOPKINS. I would like to know from my colleague now what makes him think that the Senate is going to put an amendment on?

Mr. CANNON. I do not know.

Mr. HOPKINS. For forty years we have had these Indian appropriation bills, and they never put it on.

Mr. PITNEY. Mr. Chairman, this is the section on which I made the point of order last night. Before giving consent to its being now struck out I should like to have an understanding with the gentleman in charge of the bill, the gentleman from New York [Mr. SHERMAN], to this effect, that the matter shall not be taken up for consideration if the bill comes back from the Senate with an amendment of this character upon it without notice to the gentleman from Illinois, chairman of the Committee on Appropriations.

Mr. HOPKINS. Why should the chairman of the Committee on Appropriations have notice, rather than other members of the House?

Mr. PITNEY. For the reason that the gentleman has given the subject careful consideration.

Mr. HOPKINS. So have forty other gentlemen.

The CHAIRMAN. The Chair will request gentlemen to take their seats. Business can not proceed until order is obtained.

Mr. PITNEY. Mr. Chairman, I will request the stipulation in a different form if more agreeable to the gentleman from Illinois [Mr. HOPKINS]. My reason for asking for the stipulation is this: My attention was directed to this item and I have made some investigation of it, and when that provision of the bill was reached in Committee of the Whole yesterday, the gentleman from New York [Mr. PAYNE] being in the chair, the gentleman who is in charge of the bill [Mr. SHERMAN] asked unanimous consent that the matter be laid over until a later hour. I, before giving consent, requested the privilege of reserving the point of order upon that provision. That privilege was granted to me. The matter then went over, and it is now taken up for the first time. I desire to have it in such shape that it can not be passed through this House without fair notice to those who desire to oppose this appropriation.

The CHAIRMAN. The proposition before the committee is the request of the gentleman from New York that this matter go out of the bill by unanimous consent. Is there objection to that request? [A pause.] The Chair hears none.

Mr. MCMILLIN. Mr. Chairman, in that connection, before the matter is finally passed upon, I am informed that the gentleman from New York, Judge DANIELS, has a report which was made by the Commissioner of Indian Affairs on this subject and which has also received the approval of the Secretary of the Interior. I do not wish to occupy the time of the committee, but I ask unanimous consent that that report be printed in the RECORD, so that we can have the benefit of it in connection with this subject.

Mr. SHERMAN. I shall object to that. The report will be printed as a House document.

The CHAIRMAN. Objection is made to the request of the gentleman from Tennessee.

Mr. MCMILLIN. If the gentleman is willing for this subject to be considered on its merits I do not see what foundation there is for his objection; but of course I have to yield to his desire in that regard.

Mr. SHERMAN. The report will be printed as a House document.

Mr. MCMILLIN. But if it is in the RECORD it will be accessible at all times.

The CHAIRMAN. The matter has gone out of the bill by unanimous consent.

Mr. SHERMAN. Mr. Chairman, I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, with sundry amendments, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK and Mr. DINGLEY addressed the Chair.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, is entitled to the floor.

Mr. DINGLEY. Mr. Speaker, the gentleman gives way for a few moments that I may call up a bill which is unanimously reported by the Committee on Ways and Means, and which ought to be passed immediately—a bill relating to the fur-seal fisheries.

Mr. BABCOCK. One moment, Mr. Speaker. By unanimous consent of the House yesterday it was agreed that the District of Columbia business should have the right of way after the passage of the Indian appropriation bill——

The SPEAKER. It is for the gentleman from Wisconsin to say.

Mr. BABCOCK. I desire to call up that business for consideration to-day, but I am willing to yield temporarily to the gentleman from Maine in order that he may ask consideration for the bill indicated by him, provided the District Committee does not lose its right to the floor.

Mr. DINGLEY. The gentleman yields, with the understanding that after the consideration of the bill which I desire to call up business from the Committee on the District of Columbia shall be in order. Now, Mr. Speaker, I desire to call up the bill (H. R.

3206) relating to fur-seal fisheries. The bill is unanimously reported by the Committee on Ways and Means.

FUR-SEAL FISHERIES.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to conclude negotiations with the Governments of Great Britain, Russia, and Japan, or any of them, for the appointment of a joint commission, to consist of not more than three members from each nation, to investigate the present condition, habits, and feeding grounds, both on land and sea, of the fur-seal herd in the North Pacific Ocean and in Bering Sea, from the American to the Asiatic shores, and the methods of slaughtering the same, and to consider and report what further regulations, if any, on land and sea are necessary for its preservation.

If such commission shall deem it necessary to visit the shores on the American and Asiatic side of the North Pacific Ocean, Bering Sea, Pribilof Islands, Commander Islands, Kurile Islands, and Robben Island, or any other places on or near the North Pacific Ocean and Bering Sea, the President may detail a ship of the United States to convey any or all of said commissioners, with the ships of either of said other nations.

The members of said commission for the United States shall be appointed by the President. In addition to their necessary expenses, they shall each receive compensation at the rate of not more than $5,000 per annum; a secretary and a stenographer may also be appointed for said members of the United States, at such compensation, in addition to their necessary expenses as may be determined to be reasonable by the President. In addition thereto the United States shall bear its proportion of such general expenses of the commission as the respective Governments may agree upon as necessary. The said commissioners for the United States, and other employees as aforesaid, shall serve until the completion of their report, hereinafter referred to. They may be removed by the President at any time, and he may appoint their successors whenever any vacancy shall occur by death, inability to act, resignation, or other cause. They shall report to the President the results of their investigation.

SEC. 2. That pending the investigation and report of said commission the President of the United States is hereby authorized to conclude and proclaim a modus vivendi with said Governments, or any of them, providing for new regulations or suspending or altering the existing regulations established by the Paris Tribunal, or limiting the catch on the Pribilof, Commander, Kurile, and Robben islands, or any of them, in any manner that may be deemed expedient for the preservation of the fur-seal herd. Said modus vivendi, and the terms of said commissioners, shall expire by limitation, unless previously terminated, on the 1st day of January, 1898.

SEC. 3. That the provisions of the act approved April 6, 1894, providing punishment by fine, imprisonment, and forfeiture of vessels for violation of the articles of award of the Tribunal of Arbitration, are hereby made applicable to all violations of the modus vivendi herein provided for; and it shall be the duty of the President to make known by proclamation the provisions of said modus vivendi.

SEC. 4. That all needful expenses incident to the appointment, investigation, and report of the said commission, as herein provided for, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated.

SEC. 5. That if the modus vivendi authorized by section 2 of this act be not concluded, and regulations under the same, effectual in the judgment of the President for preserving the Alaskan seal herd, be not put into operation for this year's sealing season, then the Secretary of the Treasury, with the approval of the President, is hereby authorized to take and kill each and every fur seal, male and female, as it may be found on the Pribilof Islands; the skins of said seals to be sold by him to the best advantage with regard to time and place of sale as he may elect, and the proceeds thereof covered into the Treasury of the United States: *Provided*, That all needful expenses incident to the thorough performance of this work of killing seals, preserving and transportation of skins, erection of necessary buildings, employment of labor, care of the Sea Island and Pribilof natives, incurred by the Secretary of the Treasury shall be paid by him out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated: *Provided also*, That nothing in the Revised Statutes, sections numbered 1960 and 1961, contained shall prevent the Secretary of the Treasury from exercising the authority herein conferred upon him to take and kill said seals, but otherwise said sections shall remain in full force and operation.

Mr. DINGLEY. Mr. Speaker, I shall ask that this bill be considered in the House instead of in Committee of the Whole, because in the last House it was passed unanimously and is well understood by a large proportion of the members of this House.

There was no objection, and it was so ordered.

Mr. DINGLEY. Now, Mr. Speaker, I ask the Clerk to read the brief report of the committee, which explains the necessity for immediate action. Before the report is read I may say that the necessity arises from the fact that next week the pelagic sealers will begin to sail from the port of Victoria, and it is quite important that some notice be given immediately by action of Congress in this direction.

The report (by Mr. DINGLEY) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," have considered the same, and beg leave to report:

In order to prevent the extermination of fur seals, which will soon take place unless prompt measures can be taken to prevent pelagic sealing, this bill authorizes the President to invite Great Britain, Russia, and Japan, or any of them, to unite with the United States in the appointment of a joint commission to investigate the present condition and habits of the fur-seal herd in the North Pacific Ocean and in Bering Sea, and the method of slaughtering the same, with the result of such slaughter, and report what further regulations, if any, are necessary for its preservation, with a view to their adoption and enforcement by the countries uniting in creating such commission.

Pending this investigation the President is authorized to conclude a modus vivendi with said Governments, or any of them, providing for such new or additional regulations as may be deemed expedient for the preservation of the fur-seal herd, said modus vivendi to terminate January 1, 1898.

If, however, the President finds himself unable to secure the cooperation of Great Britain especially in securing the modus vivendi authorized by this bill, so as to protect and preserve the Alaskan seal herd for this year's sealing season, then the Secretary of the Treasury is authorized to take each and every fur seal on the Pribilof Islands and to sell the skins of said seals as he may elect, and to cover the proceeds into the Treasury.

The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing vessels—mainly Canadian—which follow the seal herd as it moves along our Pacific coast in the spring and enter Bering Sea at the end of the close season in August, when they are free under the ineffectual regulations adopted by the Paris Tribunal to use the spear—more deadly than the shotgun—in killing, outside of the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribilof Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

The rapidity of the decline of the valuable herd which annually resorts to the Pribilof Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears that in 1874 this herd numbered about 4,698,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers, and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

One year ago it was the estimate of experts that if all killing of seals had been stopped then it would take five years to restore it to its former numbers. It is now estimated that if regulations can be secured before the next season opens the herd can be restored in ten years. If, however, the pelagic sealers are permitted to avail themselves of another season's opportunities for slaughter under the ineffectual regulations of the Paris Tribunal, it is believed by experts that the herd will be so nearly exterminated as to make it very difficult to restore it; and that if pelagic sealing continues, within five years not only the Alaskan herd but also the Russian and Japanese herds will be well-nigh extinguished.

When it is borne in mind that our Government received almost $2,000,000 between 1870 and 1890 from the lessees who were given the exclusive privilege of annually killing 100,000 male seals above 1 year of age, and in 1890, under the new lease, $269,673, but in 1891 only $46,749, in 1892 only $23,972, and since 1892 it has received nothing (notwithstanding $550,000 is due) because of a claim of the lessees for a reduction of rental which awaits determination by the courts, it will be seen that the Treasury is being deprived of a very valuable source of revenue by the operations of the pelagic sealers.

Not only this, but the Government expended in 1894 about $450,000 in a vain attempt to prevent the killing of seals in Bering Sea by enforcing the inefficient regulations of the Paris Tribunal.

It will be seen, therefore, that unless Great Britain can be persuaded to unite with this country in so modifying and enlarging the regulations adopted by the Paris Tribunal—for Russia and Japan are ready to join us—the Canadian pelagic sealers will within five years completely exterminate not only the Alaskan but the Russian seal herds, and deprive this country of a valuable source of revenue and the world of a great boon. And inasmuch as all these seal skins go to London to be prepared and dyed, giving employment there to nearly 50,000 persons, even Great Britain herself will be deprived of a valuable source of income for her own people.

It is believed that it is Canada that is standing in the way and holding back Great Britain from cooperating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Bering Sea practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavor to prevent England from uniting with us in efficient measures to save the seal herds to the world.

If, however, we fail in this, as we have failed under present conditions, notwithstanding we have been urging Great Britain for more than a year to unite with us in measures to preserve seal life, then considerations of mercy as well as of economy and justice demand that we should stop the further cruel starvation of thousands of seal pups by taking what seals are left and disposing of their skins and covering into the Treasury the proceeds, which would probably reach $5,000,000.

Your committee therefore unanimously recommend the passage of the accompanying bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

TITLE OF MARGARET SHUGRUE AND OTHERS.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK], chairman of the Committee on the District of Columbia, is recognized to call up business from that committee.

Mr. BABCOCK. I desire to call up the bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to sell, grant, and convey unto Margaret Shugrue, of the District of Columbia, all the right, title, and interest of the United States in and unto all that tract of land in the District of Columbia hereinafter described; to Caroline Lochboehler, of the District of Columbia, all the right, title, and interest of the United States in and unto all that certain other tract of land in said District of Columbia, also hereinafter described; and to John R. Scott, of the District of Columbia, all the right, title, and interest of the United States in and unto all that certain other tract of land in said District of Columbia, also hereinafter described, at prices to be determined by the Secretary of War upon consideration of all the circumstances of the cases, which prices shall be exclusive of the values of the improvements on said tracts of land: *Provided*, That the Secretary of War shall be of the opinion that the said sales will in nowise be detrimental to the Washington Aqueduct: *Provided further*, That the encroachments thereon were not fraudulent, and that the said Margaret Shugrue is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to her; that Caroline Lochboehler is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to her; and that John R. Scott is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to him.

Description of land to be sold to Margaret Shugrue: Beginning at a stone marked "W. A. 126," on the line of the northerly boundary of the United States land, near culvert 24 of the Washington Aqueduct, and running thence on said boundary north 16 degrees and 38 minutes east 128.2 feet to boundary stone 28—K. 11; thence south 52 degrees and 30 minutes west 103.9 feet; thence south 37 degrees and 30 minutes east 75 feet to the place of beginning, containing 3,896 square feet, or about 0.089 of an acre.

Description of land to be sold to Caroline Lochboehler: Beginning at a stone marked "W. A. K. 3," on the southerly side of the United States land, near culvert 26 of the Washington Aqueduct, and running south 40 degrees and 25 minutes east 20.2 feet; thence south 57 degrees and 15 minutes west 145.6 feet;

thence north 63 degrees west 23.1 feet to a stone marked "W. A. K. 2"; thence north 57 degrees and 15 minutes east 154.5 feet to the place of beginning, containing 3,001 square feet, or about 0.069 of an acre.

Description of land to be sold to John R. Scott: Beginning at a point on the easterly boundary line of the United States land pertaining to the Dalecarlia reservoir, 39 feet from a stone at the intersection of the southerly and easterly boundary lines of said land, and running thence along said easterly boundary line north 12 degrees and 42 minutes east 266.75 feet; thence leaving said boundary line and running south 75 degrees and 17 minutes west 82.75 feet; thence south 2 degrees and 35 minutes east 234.24 feet; thence south 64 degrees and 46 minutes east 11.58 feet to the point of beginning, containing one-fourth of an acre, more or less.

The Committee of the Whole House, to which the bill had been referred, was discharged from its further consideration; and the House proceeded to consider it.

Mr. DOCKERY. I wish to ask one or two questions of the gentleman in charge of the bill. As I understand, the bill has been prepared by the War Department.

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. And it has the approval of the District Commissioners?

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. And full and ample safeguards are provided in reference to the appraisement of the land?

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. About how much land is involved?

Mr. BABCOCK. A little less than half an acre, embraced in three different descriptions.

Mr. DOCKERY. What is the probable value of the land in question?

Mr. BABCOCK. The value is not very great. It is out by the aqueduct.

Mr. DOCKERY. And the bill provides that the Secretary of War——

Mr. BABCOCK. That the Secretary of War shall fix the value of the land.

Mr. DOCKERY. These parties, I understand, have been in undisturbed possession of the land for more than twenty years without fraudulent intent?

Mr. BABCOCK. I will say in explanation of the bill that it provides for the conveyance of three small tracts of land on the Washington Aqueduct, adjoining premises that have been occupied by these parties for over twenty years. By a recent survey made by the War Department it is found that their buildings encroach upon the Government land. The Secretary of War has submitted this bill authorizing him to sell to these parties this land encroached upon, amounting in the three descriptions to less than half an acre, and of very small value.

Mr. CANNON. Will the United States have any use for this land?

Mr. BABCOCK. The engineers say not.

Mr. DOCKERY. I should be glad if the gentleman will have the report printed in the RECORD in connection with the bill.

Mr. BABCOCK. I ask that the report of the Committee of the District of Columbia upon this bill be published in the RECORD.

There was no objection.

The report (by Mr. BABCOCK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5159) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue and Caroline Lochboehler, having fully considered the same, report a substitute therefor, with the recommendation that it do pass.

On February 19, 1895, the Secretary of War transmitted to Congress a report from Col. George H. Elliot, Corps of Engineers, in charge of the Washington Aqueduct, inviting attention to certain encroachments by Margaret Shugrue and Caroline Lochboehler upon Government land pertaining to the aqueduct, which letter and report were as follows:

"WAR DEPARTMENT, *Washington, D. C., February 19, 1895.*

"SIR: I have the honor to transmit herewith a report dated the 15th instant, from Col. George H. Elliot, Corps of Engineers, the engineer officer in charge of the Washington Aqueduct, inviting attention to the fact that certain buildings, the property of Margaret Shugrue and Caroline Lochboehler, encroach upon the Government land pertaining to the aqueduct, plats of the encroachment and correspondence bearing on the subject being inclosed with said report, and recommending that in view of the facts recited by him action be taken by Congress permitting the sale of the land involved to the parties named, and to which end he submits the accompanying copy of a bill authorizing such sale.

"I concur with the Chief of Engineers in the views of the engineer officer, and accordingly submit the matter with recommendation for favorable action.

"Very respectfully, DANIEL S. LAMONT,
"*Secretary of War.*

"The SPEAKER OF THE HOUSE OF REPRESENTATIVES."

—

"OFFICE OF THE WASHINGTON AQUEDUCT,
"*Washington, D. C., February 15, 1895.*

"GENERAL: Before my retirement from this office and from active service I desire to invite attention to the encroachments of buildings belonging to Margaret Shugrue and Caroline Lochboehler on the Government lands pertaining to the Washington Aqueduct.

"The encroaching buildings of Margaret Shugrue consist of a small frame dwelling, which is partially, and a cow stable, which is wholly, on Government land. The place is on the Conduit road, about 3 miles from Washington, near culvert 24, and about half way between the upper and lower reservoirs.

"The encroaching building belonging to Caroline Lochboehler is a small brick dwelling house, a portion of which is on Government land. It is on the Conduit road, near culvert 26, about 2¼ miles from Washington, and just above the distributing reservoir.

"These encroachments were developed by a survey that I caused to be made in 1890 of the lands pertaining to the aqueduct between the two reservoirs, the result of which survey I reported to the Department November 5, 1890.

"I inclose appended hereto plats of the encroachments and copies of letters addressed to me, stating the circumstances under which the encroachments were made. They are—

"A letter from the late Michael Shugrue, husband of Margaret, dated September 26, 1890;

"A letter from Margaret Shugrue, dated February 3, 1895; and

"A letter from Mrs. Caroline Lochboehler, dated September 19, 1890.

"From several years' knowledge of these persons, and of the absence of boundary stones on the boundary lines of the aqueduct land pertaining to the Conduit road that existed for many years, I am satisfied that the statements of these letters are essentially correct, and that the encroachments were innocent and not fraudulent or with any evil intent.

"Sales to them of the small tracts described containing the improvements of these persons would not in the slightest degree be detrimental to the Washington Aqueduct, and I recommend that a bill in the form herewith be submitted to Congress at this session with recommendation for favorable action. This bill is substantially in the form of an act authorizing the sale of title of the United States to a tract of land on the Conduit road near Cabin John Bridge to William H. and George Bobinger, approved January 26, 1895.

"An inspection of the plats will show that the land proposed to be sold to Mrs. Shugrue is only the portion of her house lot that is on Government land, and does not include the land covered by her cow stable. She is willing and will be obliged to move the latter to her own farming land in rear of her house.

"Very respectfully, your obedient servant,
"GEORGE H. ELLIOT,
"*Colonel of Engineers.*

"Brig. Gen. THOMAS L. CASEY,
"*Chief of Engineers, U. S. A.*"

Besides the above report, the Secretary of War also transmitted plats showing the encroachments, and the draft of a bill authorizing the sale of the land, and the correspondence was printed in House Executive Document No. 327, Fifty-third Congress. The bill was introduced, but, owing to the lateness of its introduction, no action was taken thereon by the Fifty-third Congress.

On January 11, 1896, the Secretary of War transmitted to Congress a letter containing the past correspondence of an official nature and that of the parties in interest, and included the draft of a bill which your committee substitute for bill H. R. 5159. This bill differs from H. R. 5159 in that it is framed to include the case of John R. Scott, which is precisely similar to those of Margaret Shugrue and Caroline Lochboehler. The situation of the parties may be fully understood by reference to the above-mentioned letter and the plat appended, which are printed as House Document No. 135, Fifty-fourth Congress.

The encroachments in the three cases of Shugrue, Lochboehler, and Scott extend back for twenty years. The officials who have inquired into the matter are satisfied that there has been no fraudulent intent in any of the encroachments, but that they have been occasioned through the absence or misplacement of boundary marks on boundary lines.

The parties are all poor, and your committee believe that favorable action on the accompanying bill should be taken by the House.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

REASSESSMENTS.

Mr. BABCOCK. I call up the bill (H. R. 3281) to authorize assessments for improvements and general taxes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases where general taxes or assessments for local improvements in the District of Columbia may hereafter be quashed, set aside, or declared void by the supreme court of said District, by reason of an imperfect or erroneous description of the lot or parcel of ground against which the same shall have been levied by reason of such tax or assessment not having been authenticated by the proper officer, or of a defective return of service of notice, or for any technical reason other than the right of the public authorities to levy the tax or make the improvement in respect of which the assessment was levied, to reassess the lot or parcel of ground in respect of such general taxes or the improvement mentioned in such defective assessment, with power to collect the same according to existing laws relating to the collection of assessments and taxes: *Provided*, That in cases where such taxes or assessments shall be quashed or declared void by said court, for the reasons hereinbefore stated, the reassessment herein provided for shall be made within ninety days after the judgment or decree of said court quashing or setting aside such taxes or assessments: *And provided further*, That the reassessments herein provided for shall bear interest at the rate of 6 per cent per annum from the date the original tax or assessment should have been paid had it not been quashed or set aside.

The following amendment reported by the committee was read and agreed to:

At the end of the bill strike out the words:

"*And provided further*, That the reassessments herein provided for shall bear interest at the rate of 6 per cent per annum from the date the original tax or assessment should have been paid had it not been quashed or set aside."

Mr. RICHARDSON. Without asking that time be taken in explaining the bill (which I presume members understand), or in reading the report, I ask that the report be printed in the RECORD.

There was no objection.

The report (by Mr. RICHARDSON) is as follows:

The Committee on the District of Columbia have considered the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes, and report same to the House with the recommendation that it do pass, with an amendment, striking out the last provision in the bill, including part of line 24 and all of lines 25, 26, 27, and 28, on page 2. The committee do not think the reassessments provided for in the bill should bear interest.

The necessity for this legislation is set forth in the letter of the District Commissioners to the chairman of the District Committee hereto attached. It is as follows:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, January 3, 1896.*

"DEAR SIR: The Commissioners of the District of Columbia have the honor to submit herewith a draft of a bill to authorize reassessments for local improvements and general taxes in the District of Columbia, and for other purposes, with request that you will cause the same to be introduced into the House.

"The amount of revenue lost to the District for technical grounds through the rulings of the courts and the inability of the District authorities to reassess the charges so invalidated is so great as to threaten serious embarrassment to the municipal interests involved. Unless Congress shall interpose the legislation proposed in this bill or some other enactment to the same effect, the evil will not only continue, but will indefinitely expand. The Commissioners prepared and submitted to a former Congress a draft of a bill to provide for the reassessment of taxes and assessment judicially declared void for such technical errors, but that bill, which was retroactive as well as anticipatory, failed to receive the favorable action of Congress. Whatever hardship or embarrassment the proposed legislation might entail on property owners with regard to taxes and assessments heretofore judicially declared void, because of the bearing reassessment might have upon interests innocently acquired by owners succeeding to the property subsequent to such judgments, the Commissioners can imagine no reasonable objection in justice or equity to the enactment of the bill herewith transmitted, which is designed to provide against future losses, on similar grounds, of assessments and taxes to which the municipality may be justly entitled.

"Very respectfully,

"JOHN W. ROSS,
"*President Board of Commissioners District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
House of Representatives."

Mr. ABBOTT. Mr. Speaker, I did not know that this bill was coming up this morning. I wish to move an amendment to strike out, in line 6 of the first page, the word "hereafter."

The amendment of Mr. ABBOTT was read.

Mr. ABBOTT. Mr. Speaker, I understand upon inquiry into the question that certain assessments made against property in the District of Columbia have been declared by the courts to be void. But in my judgment the fact that such assessments have been declared void does not relieve the property of its liability to reassessment and taxation. This bill provides that hereafter where assessments have been declared void the property may be reassessed, implying that where reassessments have heretofore been made and declared void the property is not to be reassessed. Without some such amendment as that which I offer, it seems to me we shall have in this District a large amount of property upon which, by reason of the decision of the courts, no taxes will be paid, while other property owners who have not resorted to the courts will have to pay taxes.

Now, the decision did not affect the validity of the taxes assessed against the property in any way, but it was simply with reference to the assessment, by reason of the misdescription of the property, and I think it unjust and unfair to those who have not resorted to this course heretofore and have paid their taxes that those who have resorted to the courts because of the informal and irregular assessment should escape the payment of taxes altogether. They should be compelled now to pay a proper tax upon the property. It is not just to the other citizens of the District, and not just to the people of the United States, who have to pay one-half of the taxes of the District, that they should be allowed to escape in this manner.

Mr. RICHARDSON. I regret very much that my colleague on the committee has seen fit to offer the amendment. The committee were unanimous in opinion, as we thought, that the bill ought to apply only to future cases.

Mr. ABBOTT. No; I took the same position in committee.

Mr. RICHARDSON. If the amendment of the gentleman from Texas shall prevail, it will upset land titles—titles that have been acquired where there have been judicial decisions in favor of the parties—and will go back to an indefinite time, and it seems to me that it would be very unwise legislation and work great hardships. The taxpayer has gone to work, filed his petition in court, had the assessment quashed fifteen years ago, perhaps, and since that time the land has changed hands perhaps a number of times, with the decision or judgment of the court as to the assessment and in favor of the innocent purchaser who now holds the title to the property.

It seems to me that it is very unjust to require a present holder of property, who purchased the property with the judgment of the court in his favor—a judgment adjudicating the fact that the assessment was improper—to compel him now to come in and pay two assessments. It would impose a hardship on him and enforce him to pay a tax assessment of probably fifteen or sixteen years ago. He could not go upon the original holder of the property, the party from whom he purchased and upon whom the assessment was originally made, because he has been discharged by the judgment of the court, and the effect of the amendment proposed by the gentleman from Texas would be to reverse the judgment of the court.

The Commissioners say in their letter to the chairman of the committee, in reference to this very question:

Whatever hardship or embarrassment the proposed legislation might entail on property owners with regard to taxes and assessments heretofore judicially declared void, because of the bearing reassessment might have upon interests innocently acquired by owners succeeding to the property subsequent to such judgments, the Commissioners can imagine no reasonable objection in justice or equity to the enactment of the bill herewith transmitted, which is designed to provide against future losses on similar grounds of assessments and taxes to which the municipality may be justly entitled.

So it seems to me to be entirely wrong to adopt the amendment of the gentleman from Texas and strike out the word "hereafter."

Mr. HULICK. I would like to ask the gentleman from Tennessee a question. Is it not true that a portion of the landholders have been assessed and paid the taxes while others resorted to the court and are now clear of the assessment?

Mr. RICHARDSON. There have been a few cases of that kind, I think.

Mr. HULICK. Now, if the Commissioners have not the right to make an assessment on the lands that have been relieved by the judgment of the court, would it not be an injustice to those who have already paid their assessment?

Mr. RICHARDSON. I have said already that there may be a few instances in the last few weeks or months of that kind, but if you strike out the word "hereafter," as proposed by the gentleman from Texas, there is no knowing how far back the operation of this provision will go. It may extend back twenty years.

Mr. HULICK. The inquiry is, have you the data to give the number of those who have paid and those who have been released?

Mr. RICHARDSON. There have been very few cases of that kind, I think; as I understand it is only lately that there has been any quashing; but I have not the data to give the gentleman the full information as to the number of persons affected by this provision.

Mr. ABBOTT. Mr. Speaker, I want to state that when the assessments were made on the property in the District for the years past some of the parties, as suggested by my friend from Ohio, paid their taxes. Because of an informality or irregularity in the assessments some of the citizens of the city resorted to the court, asking the court to set aside the assessment on the property. They did not attack the validity of the law which imposed the tax. No such question was decided by the court that it was unconstitutional or wrong, but because of negligence or carelessness on the part of the officers who assessed the property, there were numerous claims to set aside the informal or improper assessment. As an illustration that has come to my knowledge, there were certain blocks of houses assessed as "one-half of block numbered" so and so, when there were numerous parties owning interest in the block. Therefore that was an illegal assessment, because it did not describe or define the property. Now, they resorted to the court to declare the assessment illegal, not for the purpose of declaring the law itself illegal that authorized the assessment of the taxes, but only the assessment.

My friend from Tennessee complains that the property may have passed into the hands of innocent third parties, and now that the assessment has been set aside by reason of irregularity or informality of the assessment by the judgment of the court, that these parties should not be called upon to pay. Does not he know, as a lawyer, that the parties he speaks of as "innocent purchasers" have had notice of the claim as far as the tax is concerned by the very fact that the judgment of the court was rendered? The judgment of the court that the assessment was improper was a notice to purchasers of the fact that the taxes had not been paid. Why should a large number of persons, therefore, who resorted to this expedient of escaping the paying of the taxes be relieved and their property have no assessment upon it, while others who paid the taxes, who did not resort to the court, should have no corresponding relief extended to them? The very record of the court is notice of the fact that the taxes had not been paid, and therefore the purchasers of the property purchased with due notice of that fact.

The amendment I have offered is simply to correct what would be otherwise a great inequality in the operation of this law.

Mr. TERRY. Mr. Speaker, I support the amendment offered by the gentleman from Texas. The argument as to the hardship that will be imposed upon purchasers amounts to nothing when you consider what the law is upon this subject. Every man who sells property having upon it an impending incumbrance of this kind is liable under his warranty of title to his vendee in case the incumbrance actually exists. Not only that, but, as suggested by the gentleman from Texas [Mr. ABBOTT], the party purchasing this property has no right to claim that he is an innocent purchaser as against these incumbrances. It was a matter known to the records of the court of this District. Every man who purchased any of that property, if he took legal advice, would know that these assessments were liable to be validated, and therefore it was his duty to take a warranty from his grantor or vendor,

and if he failed to do it it was his own negligence. Now, see the attitude that this bill would put it in. Men who went forward like good citizens and paid their taxes have had to bear the burden. The shirkers of taxes go scot free.

Now, I submit further, Mr. Speaker, that it is a common practice in legislation not only to authorize reassessments, but in some cases to expressly validate assessments that have already been made. We are not asked to do that here. There is nothing more common, though, in the law of municipal corporations than to authorize the validation of defective assessments. These men who avoided the payment of these taxes upon technicalities ought not to escape on account of the assessments having been set aside. The bill expressly provides only for those cases where assessments may be set aside for some technical reason other than the right of the public authorities to levy the tax or make the improvement. So it really relates only to technical matters which have defeated the claims of justice, and there is no reason why they should continue to escape the demands of justice. It is not only an imposition upon the taxpayers of this District, but it is an imposition upon every citizen of the United States, for the whole people are called upon to bear a part of the burdens of the government of the District of Columbia. If the amendment of the gentleman from Texas [Mr. ABBOTT] is adopted, it would require another amendment in the proviso to carry out the spirit of it. I think the amendment ought to be adopted. There is no good reason why it should not be. The argument of hardship is a mere bugaboo.

Mr. DOCKERY. Mr. Speaker, I desire to avail myself of this opportunity to ask the gentleman in charge of this bill [Mr. BABCOCK], chairman of the Committee on the District of Columbia, whether it is the purpose of that committee to report, at an early date, some bill which shall provide for regulating and reducing the cost of gas and electric lights and of telephone service in the District of Columbia?

Mr. BABCOCK. Mr. Speaker, I will say in answer to the gentleman from Missouri that the committee have had two hearings on the matter, that they will have another hearing next Thursday, and that it is the intention to frame a measure of some kind, covering the entire subject, which will be presented to the House.

Mr. DOCKERY. At an early date?

Mr. BABCOCK. At an early day; yes.

Mr. BAKER of New Hampshire. Mr. Speaker, the argument of the gentleman from Arkansas [Mr. TERRY] would undoubtedly be valid in most jurisdictions, but unfortunately it does not properly apply in the District of Columbia. In the first place, the deeds of the District of Columbia, which are said to be warranty deeds, are virtually little better than the ordinary quitclaim deeds known in the States, and consequently a grantor in the District of Columbia, if the tax was not assessed at the time the deed passed, but was subsequently assessed upon his property conveyed by that deed, would not be liable for the payment of the tax, but the then owner of the property would have to pay the tax without any recourse to the grantor.

Mr. TERRY. I should like to ask the gentleman from New Hampshire [Mr. BAKER] if there is not a law here providing what time a tax lien will attach in this District?

Mr. BAKER of New Hampshire. The law and the practice here is that the lien attaches to the property so far as it is of record in the office of the District Commissioners, and if there was no tax assessed at the time of the passage of the deed, then if the tax were subsequently assessed, it would run to the property and not against the owner of the property. And more than that, by an act of Congress purchasers of real estate in the District of Columbia are permitted to call upon the collector of taxes—now the assessor of taxes by an amendment of the statute—for a tax-lien certificate; and upon the payment of 50 cents the person making the application gets a certificate from the District authorities showing the unpaid taxes; and if he buys under that certificate the property is exempt from all taxes not included therein, and the Commissioners of the District of Columbia, by authority of Congress, always cancel any taxes which were omitted to be shown by it, and a subsequent assessment would be inoperative under that certificate.

Mr. TERRY. That is certainly a very loose system.

Mr. BAKER of New Hampshire. Whether it be loose or not, it works well in actual practice, and is conclusive in my mind against the amendment offered by the gentleman from Texas [Mr. ABBOTT].

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Texas [Mr. ABBOTT].

Mr. BABCOCK. I hope this amendment will not be adopted. This measure was submitted by the Commissioners in the last Congress, and this word "hereafter" was not in the bill. That fact caused the defeat of the measure. I think if gentlemen fully understood the intention and object of the bill they would not insist upon this amendment.

The Commissioners prepared and submitted to a former Congress a draft of a bill to provide for the reassessment of taxes and assessments judicially declared void for such technical errors, but that bill, which was retroactive as well as anticipatory, failed to receive the favorable action of Congress. They also advise the committee that under the present law——

Mr. TERRY. I will ask the gentleman if that did not include some old railroad assessments and was defeated on that account?

Mr. BABCOCK. I think not.

Mr. TERRY. That is my recollection of it.

Mr. BABCOCK. The Commissioners advise the committee that the District is suffering a loss of about $150,000 a year. This is simply intended to correct imperfect and erroneous descriptions; that it shall not go back ten, fifteen, or twenty years, but simply apply to the future; and I hope, Mr. Speaker, this amendment will not be adopted.

The SPEAKER. The question is on the amendment.

Mr. ABBOTT. Mr. Speaker, the amendment which I offered does not accomplish the real purpose I designed to accomplish by the amendment, and I therefore desire to amend the amendment I offered by having the bill read in this way: In line 6, after the word "Columbia," insert "has been or may hereafter be quashed." I find on examination that striking out the word "hereafter" in line 6 will not accomplish the object which I sought to accomplish when the amendment was offered.

The SPEAKER. The gentleman has the right to modify his amendment.

Mr. ABBOTT. I would like to modify it in that manner.

Mr. RICHARDSON. I would like to have the amendment read from the desk.

The Clerk read as follows:

Insert in line 6, after the word "Columbia," "has been or may hereafter be quashed."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 85) granting to the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 281) for the relief of F. M. Vandling;

A bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes; and

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

The message also announced that the Senate had passed with amendments the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes; in which the concurrence of the House was requested.

STORAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 3462) to regulate the business of storage in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That every person, firm, association, or corporation lawfully engaged in the business of storing (for hire) goods, wares, merchandise, or personal property of any description shall have a preference lien thereon for the agreed charges for storing the same, and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses, such lien to include all legal demands for like storage and expenses against the owner of said property. Said lien for such unpaid charges, upon at least one year's storage and for the aforesaid advances in connection therewith, may be enforced by sale at public auction after thirty days' notice in writing mailed to the last-known address of the person or persons in whose name or names the said property so in default was stored, and said notice shall also be published for three days in a daily newspaper in the District of Columbia.

Said property may be sold either in bulk or in separate pieces, articles, packages, or parcels, as will in the judgment of the lien holder secure the largest obtainable price: *Provided*, That if the person or persons storing said property shall have assigned or transferred the title thereto and have duly recorded said assignment or transfer upon the books of the storage warehouse, the written notice of sale shall also be mailed to said transferee or assignee.

SEC. 2. That whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of court after prepayment of the storage charges and cash advances then due, and unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property otherwise than the lien hereinabove authorized, he, it, or they shall not be made a party to said judicial proceedings.

Mr. CURTIS of Iowa. Mr. Speaker, I desire that the report of the committee be read for information.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill

(H. R. 3462) to regulate the business of storage in the District of Columbia, make the following report:

There are a large number of persons, firms, associations, and corporations in the District of Columbia engaged in the business of storing for hire goods, wares, merchandise, or other personal property. The business is of considerable volume, and the District derives valuable revenue therefrom by way of licenses, direct taxes, etc. Much confusion and inconvenience has, however, resulted from the fact that the parties mutually interested in such business as bailors and bailees have been kept entirely to their common-law relations and remedies. The object of the bill presented by the committee is to regulate this business in a manner just both to the bailor and to the bailee.

Heretofore in cases where storage charges have become in default, or where advances for freight, cartage, labor, insurance, or other necessary expenses have not been repaid, forced sales of the stored property could be made, and often have been made, at very short notice, and even without notice, under conditions necessarily harsh to the owner, who might be sick or temporarily absent from the city. On the other hand, if the warehouseman was liberal and did not resort to forced sale, accumulation of the expenses necessarily ate up the value of the property and left nothing to either party. The bill reported gives advantage to neither party. It recognizes the right of the bailee to be secured and to be paid for his services, and the obligation of the bailor and of the goods to pay him therefor. It provides a method whereby, after ample personal notice to the bailor and of subsequent published notice in a Washington daily newspaper, unpaid advances and storage charges overdue for not less than one year may be enforced against the property. It thus fully protects owners of stored property against snap proceedings, while making the property responsible for the lawful expenses of its custody.

While making the property stored responsible for advances and agreed storage charges, it also guards the warehousemen from being made a party to suits involving the title to the stored property. The bill is recommended by the attorney for the District, is indorsed by the District Commissioners, and is satisfactory to parties in interest. It is likewise in entire harmony with similar legislation in the States of Colorado, Connecticut, Delaware, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Missouri, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

The committee recommend the following amendments:

In section 1, line 16, strike out the word "three" and insert the word "six," thus giving a longer period for publication of notice of sale. And at the end of section 1 add the following:

"And, after deducting all storage charges, advances, and expenses of sale, any balance arising therefrom shall be paid by the bailee to the bailor of such goods, wares, merchandise, or personal property, his assigns or legal representatives."

As so amended the committee recommend the passage of the bill.

The SPEAKER. The question is on agreeing to the amendments of the committee.

Mr. BAKER of New Hampshire. Mr. Speaker——

The SPEAKER. The gentleman from New Hampshire.

Mr. CURTIS of Iowa. Mr. Speaker, this bill——

The SPEAKER. The Chair has recognized the gentleman from New Hampshire.

Mr. BAKER of New Hampshire. I simply rose, Mr. Speaker, to inquire about the question. As I understand, it is on the committee amendments. I yield to the gentleman.

Mr. CURTIS of Iowa. Mr. Speaker, I have only a few words to say in connection with this bill. It was prepared and recommended by the District attorney, considered by the District Commissioners, and by them unanimously recommended for passage. The bill was carefully considered by the Committee on the District of Columbia, on which there are several very good lawyers, and by that committee unanimously recommended for passage with the amendments.

There are in the District of Columbia a large number of firms, persons, and individuals engaged in the business of storage for hire. There is no law now in the District of Columbia regulating that business except the common lien law, under which it can readily be understood that a person's property may be sold on short notice, and thus a rank injustice be done to the property owner or bailor. The object of this bill as presented by the committee is to regulate this business in a manner just both to the bailee or the proprietor of the warehouse, as well as to the owner of the property or the bailor. The lien protects the owners of the property against snap proceedings and at the same time makes the property responsible for the lawful storage charged. The bill is in exact harmony with the laws of a majority of the States. It is considered especially necessary here, by reason of the large number of persons engaged in the business, and from which business the District of Columbia derives considerable revenue in the way of licenses, taxes, etc.

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments recommended by the committee were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BAKER of New Hampshire. I have some amendments I desire to offer.

The SPEAKER. If the gentleman has amendments to offer, they should be offered now.

Mr. BAKER of New Hampshire. Mr. Speaker, I have several amendments which I will offer in course. I send up one now.

The Clerk read as follows:

Strike out in line 4, page 1, after the word "storing," the following words: "(for hire)."

Mr. CURTIS of Iowa. There is no objection to that.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I desire to offer the following amendment.

The Clerk read as follows:

Strike out in line 6, page 1, after the words "have a," the word "preference" and insert the words "first, except for taxes."

Mr. CURTIS of Iowa. I accept the amendment.

The amendment was agreed to.

Mr. BAKER of New Hampshire offered an amendment, which was read as follows:

Insert in line 8, page 1, after the word "expenses," the word "thereon."

Mr. CURTIS of Iowa. There is no objection to that.

The amendment was adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out in lines 8, 9, and 10, page 1, after the word "expenses," the words "such lien to include all legal demands for like storage and expenses against the owner of said property."

Mr. BAKER of New Hampshire. Mr. Speaker, I offer this amendment to strike out the language just read for the reason, in the first place, that it seems to be impossible to understand just what it means, and in the second place, as far as I have been able to discover its intent, that intent is wrong. It not only includes in the lien legal demands against the property, but also claims for "expenses" against the owner of said property. Now, these expenses might be of various kinds with relation to the person and without any relation to the property. As I understand the language of the bill, it seems to me that a party could be held, if the warehouseman were so disposed, for personal expenses not necessarily incurred in connection with the stored goods, and even for a judgment rendered by a justice of the peace in this District for general demands or on a promissory note. My purpose is to make the meaning of the bill absolutely plain and to provide that the lien shall apply only to the goods in the warehouse. If the gentleman in charge of the bill can explain this provision of the bill satisfactorily or will agree to so modify it that the lien shall apply simply and solely to the goods in storage, I shall be happy to acquiesce.

Mr. CURTIS of Iowa. Mr. Speaker, there was some confusion in the minds of some of the members of the committee with reference to this language when the bill was considered. The provision, however, was explained to the satisfaction, I believe, of every member of the committee, and if the gentleman from New Hampshire will give me his attention I will endeavor to explain it as it was explained to the committee. The business of storage in this District seems to take a wider range than in most other cities of the size of Washington. For example, warehousemen here are often required to visit the houses of their customers to take up the carpets and clean them, and then to place them in their warehouses. Again, it often happens that the owner desires to withdraw from storage a portion of the goods.

Now, the object of this provision of the bill is that, in case expenses or charges have accrued upon the goods so withdrawn, the remaining goods left in storage shall be responsible for such charges accrued upon the whole. That is the explanation made to the committee, which seemed to be satisfactory. One other word, Mr. Speaker. This bill has been considered by the Senate committee and recommended for passage with precisely the same provisions that are contained in the House bill. I understand that in the Senate committee also there was at first some confusion as to the scope of the language criticised by the gentleman from New Hampshire, but that on explanation it was accepted as satisfactory. The House committee were unable to see how it would be possible for them to express the intention any more clearly than it is expressed in the language used by the framer of the bill.

Mr. RAY. Is it your purpose by this bill to give a lien on the goods not only for the storage charges, but for any claim that may exist against the owner of the goods for taking up, cleaning, and caring for them before they are put in storage?

Mr. CURTIS of Iowa. The provision was explained to the committee in this way: Very often storehouse keepers are required to send their men or their teams to the house of a customer for goods, and the object of this provision is to include in the lien any legitimate charges that have arisen in connection with the storage. Owing to the manner in which the storage business is conducted in this District there are, occasionally, small charges of this character for the handling of the goods.

Mr. RAY. My question was whether this bill as now drawn purports to give a lien upon the goods stored not only for the storage, but for any claim against the owner of the goods for taking up, cleaning, or caring for the goods before they are put in storage. Is that the purpose of the bill?

Mr. CURTIS of Iowa. Let me read the language of the bill to the gentleman, and I think the object will be clear to him:

Personal property of any description shall have a preference lien thereon for the agreed charges for storing the same and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses thereon.

Mr. BAKER of New Hampshire. Why is that not enough?
Mr. CURTIS of Iowa. We believe that to be enough.
Mr. RAY. Read further.
Mr. CURTIS of Iowa. The gentleman can readily see that in the event of the removal from the warehouse of certain parcels of the goods stored the warehouseman or bailee will have released his claim upon the goods so removed, and certainly he should be entitled to have a lien upon the goods remaining for the total charges upon the goods, including those removed. Now, the bill provides for that in this language: "Such lien to include all legal demands for like storage and expenses against the owner of said property"—that is, expenses for storage. Those are the expenses referred to.
Mr. BABCOCK. The point is that if half the goods have been removed the lien is to stand upon the remaining goods for the charges on the whole.
Mr. RAY. There would be no objection to that, I think, provided the lien is limited to those goods, but let me put a case. Suppose that last year a man stored with me certain goods and did not pay the bill, and I permitted him to take the goods away. This year he comes and stores other goods. Now, would I be entitled under this bill to hold the goods stored this year for the claim of last year's storage.
Mr. BABCOCK. Not at all.
Mr. CURTIS of Iowa. I yield to the gentleman from Tennessee [Mr. RICHARDSON].
Mr. RICHARDSON. We understood that there are cases of this kind. A great many persons residing a part of the year in Washington City leave it in the summer—members of Congress, for illustration. Such persons may go to one of these bailees or warehousemen and say: "Here is my key; I want you to go to my house with your employees, take up my carpets and remove my property and store it until I call for it." Now, the provision in the bill was designed simply to cover cases of that kind, so that outside expenses incurred in that way may be like the storage charges, a lien upon the goods stored. That is all there is in this provision.
Mr. BAKER of New Hampshire. I apprehend the language which will remain after the adoption of my amendment covers all that gentlemen say these other words are intended to cover.
The bill, without the words which I propose to strike out, will provide—

That every person, firm, association, or corporation lawfully engaged in the business of storing goods, wares, merchandise, or personal property of any description shall have a first lien thereon, except for taxes, for the agreed charges for storing the same, and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses.

Gentlemen who oppose this amendment have not named a single item of expense which will not be covered by that language. The words which I propose to strike out are confusing and of doubtful meaning. For instance, it is proposed that the lien shall cover "expenses against the owner of said property," not expenses chargeable upon the property itself, but "expenses against the owner." Now, I do not believe that there is any court in the land that would be able to explain the meaning of that language.
Mr. RICHARDSON. While the language is "expenses against the owner of said property," it is limited to "all legal demands for like storage"; and the sense is the same as if it read, "like expenses against the owner." It refers simply to the handling of that particular property.
Mr. BAKER of New Hampshire. But it does not say so.
Mr. RICHARDSON. It does.
Mr. BAKER of New Hampshire. I am in favor of giving these warehousemen every proper lien, but I do not think these words which my amendment proposes to strike out will make the bill any plainer or will make it a particle stronger in the interest of the warehousemen. If my amendment be adopted, the bill, I submit, will be cleaner and straighter.
Mr. COBB of Alabama. Mr. Speaker, if this amendment be adopted, one result which the committee intended to effect will not be fully accomplished. The warehouseman will have his lien for all ordinary storage expenses and for the labor in putting the articles in storage; but the language which the gentleman from New Hampshire proposes to strike out is necessary in order to cover such cases as those alluded to by my colleague on the committee. Where there is storage of a large amount of property consisting of various articles, and some of those articles are afterwards withdrawn, the warehouseman, without such a provision as the bill contains, would have no lien upon the articles remaining for the storage of the articles withdrawn. This provision is intended as much for the convenience of the storer as for the protection of the warehouseman. A man who has various articles stored in a warehouse may send for one, two, or three articles for his present use. The warehouseman sends them to him upon his order. Now, in such a case there would be a good deal of unnecessary trouble if, upon such a partial withdrawal, the storer should be required to pay a part of the price agreed on for storing the whole. It would be much better to let the section stand as reported.
Mr. BAKER of New Hampshire. The lien is for the agreed charges on the whole.
Mr. COBB of Alabama. Exactly. You agree for the storage of the whole amount of the goods.
Mr. BAKER of New Hampshire. And the whole amount of goods is liable for the storage charges.
Mr. COBB of Alabama. Take the case put by my colleague on the committee. The occupant of a house goes to a warehouseman, gives him the key, and says: "Here, I want you to take everything in my house, put it in proper condition for storage, and store it until I call for it; and I will pay you your charges, whatever they may be." That is done. Then there is a lien fixed upon the whole amount of the goods for the agreed price of the storage. After a month or two, we will suppose, the owner of this property sends to the warehouseman a request to send to him one, two, or more articles which have been stored. In such a case there might arise at the end of the term of storage the question whether there was any lien upon the remaining goods for the amount due for the storage of the goods which had been withdrawn. It was to meet cases of that kind that this language was inserted in the bill; and it certainly ought to remain. It can do no possible harm.
Mr. BAKER of New Hampshire. The bill absolutely says that in such cases the warehouseman shall have a lien upon what is left with him.
Mr. COBB of Alabama. No; it does not. There is at least doubt about that point. I do not think it does. I think it is very gravely doubtful whether a lien would be fixed upon the goods remaining to cover the storage charges upon goods which had been withdrawn. As I have said, it was to meet cases of this kind that this language was inserted. It can do no harm; and it makes plain what would otherwise be at least doubtful.
Mr. BAKER of New Hampshire. My objection is that it is not at all plain now, but the other amendment, striking out the word specified, makes it clear.
Mr. CURTIS of Iowa. I ask a vote on the amendment.
The amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

Strike out in line 11, page 1, after the words "charges," the words "upon at least one year's storage."

The question was taken; and the amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

Insert in line 13, page 2, after the word "auction," the words "at any time when not less than two years' storage are overdue."

Mr. BAKER of New Hampshire. The object is simply to preserve the rights of those who may be beyond the sea, or who may be for that length of time otherwise absent from the District. The inhabitants of the District of Columbia, it is generally believed, do more traveling than the citizens of any part of the country. Many of them are away a considerable share of the year, and it is necessary that their rights shall be preserved more than any other citizens in the country in respect to which the amendment applies.
Now, of course goods that would not bear the price of two years' storage would not be stored, and it goes without saying that this does not destroy any of the rights of the warehousemen while preserving the rights of others.
Mr. COBB of Alabama. The House has just refused to strike out one year, and that is the limit put on by the committee, and therefore it would hardly be willing to insert two years, leaving one in. It would be confusing. Besides, under the language now used, if any man expects to be away longer than that he can make provision for it. I ask a vote.
The amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

In line 20, page 2, strike out the words "lien holder" and insert the word "auctioneer."

Mr. BAKER of New Hampshire. As the bill now stands the lien holder has the whole procedure in his hands. I do not think it is entirely right. Although the safeguard, by substituting the word auctioneer, does not give as much right to the owner of the goods as he ought to have, yet it is the best word I can think of in connection with the matter, and therefore I offer that amendment.
Mr. COBB of Alabama. You do so to the prejudice of the owner of the goods stored. The lien holder is the man responsible, more than the other, and he is the man with whom the storer is dealing, and his rights would be more protected than by an irresponsible auctioneer.
Mr. BAKER of New Hampshire. The auctioneer is always under bond.
The amendment was rejected.
The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. JOHNSON of Indiana. I call up for consideration the contested-election case.

Mr. DINGLEY. If the gentleman will pardon me a moment, I desire to submit a request for unanimous consent.

Mr. JOHNSON of Indiana. Certainly.

Mr. DINGLEY. The gentleman from North Dakota [Mr. JOHNSON], if he had been present this morning, as he intended to be, desired to make a few remarks on the bill for the protection of fur seals, which was passed by the House to-day. I ask unanimous consent that he be allowed to print in the RECORD the remarks which he would have delivered if an opportunity had been offered.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 281) for the relief of F. M. Vandling—to the Committee on Claims.

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month—to the Committee on Invalid Pensions.

A bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps—to the Committee on Claims.

Joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.—to the Committee on the Judiciary.

CONTESTED-ELECTION CASE—VAN HORN VS. TARSNEY.

Mr. JOHNSON of Indiana. Mr. Speaker, I call up for consideration the contested-election case of Robert T. Van Horn *vs.* John C. Tarsney, from the Fifth Congressional district of Missouri, and ask that the resolutions reported by the majority of the committee be read.

The Clerk read as follows:

Resolved, That John C. Tarsney was not elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and is not entitled to a seat in the House.

Resolved, That Robert T. Van Horn was elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and that he be admitted to his seat.

Mr. JOHNSON of Indiana. I move the adoption of the resolutions reported by the committee.

Mr. BAILEY. I ask the Clerk to read the resolutions reported by the minority of the committee.

The Clerk read as follows:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2 for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the fifth, sixth, seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894; to the segregation of the illegal from the legal ballots in such precincts, and to the recount of the legal ballots cast in such precincts for Representative in Congress, and to include also duly certified copies of all poll books of such precincts not now in evidence.

Mr. MAGUIRE. Mr. Speaker, I offer the resolutions accompanying the minority report as a substitute for the resolutions reported from the Committee on Elections.

Mr. TAYLER. I would suggest to the gentleman from California the addition of the words "second" and "twenty-seventh" in the resolution proposed by the minority, in order that the scope of the testimony proposed to be taken may be somewhat widened.

Mr. MAGUIRE. I have no objection to that, and will amend the substitute in accordance with the suggestion of the gentleman from Ohio.

Mr. JOHNSON of Indiana. Mr. Speaker, the discussion of the resolution on the part of the committee will be opened by the gentleman from Nebraska [Mr. STRODE], to whom I now yield time.

Mr. BAILEY. Has the gentleman from Indiana [Mr. JOHNSON] any disposition now to try to fix a limit within which the debate shall be closed?

Mr. JOHNSON of Indiana. I think, Mr. Speaker, it would be a little unwise to undertake to fix a limit at the present time. There are several gentlemen who desire to be heard on this side, and I am informed that there are several gentlemen who desire to be heard on the other side. There may come a time in the debate when it will be advisable to fix a limit. If so, I shall advise with the gentlemen on the other side before making any motion or taking any action upon that subject. I think the debate should be allowed to proceed in the usual manner under the rule.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from California.

The Clerk read as follows:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2 for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the second, fifth, sixth, seventh, twenty-seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894; to the segregation of the illegal from the legal ballots in such precincts, and to the recount of the legal ballots cast in such precincts for Representative in Congress, and to include also duly certified copies of all poll books of such precincts not now in evidence.

The SPEAKER. The gentleman from Nebraska [Mr. STRODE] is recognized.

Mr. STRODE of Nebraska. Mr. Speaker, I think there is nothing involved in this case that requires any special knowledge of the law in order to determine it correctly. The facts, which must finally determine what the decision of this House shall be, seem to the majority of this committee not to be fairly in dispute. There are three reports on file, one from a majority of the committee, one from a single member of the committee, and one signed by three Democratic members of the committee.

In order that the House may fairly understand the case, it becomes necessary that a statement of the provisions of the law of the State of Missouri should be made. Unless you have read the record in this case or the briefs, you probably can not understand why the majority of this committee have decided that this case should not be reopened and further testimony taken.

If the House will indulge me, and I may be somewhat tedious in my presentation, I shall attempt to lay the law and the facts of this case before you so that you may more clearly understand and apply the arguments of other members of this committee who shall follow me.

I think that all the members of this committee, minority and majority, agree upon one fact, and that is that at the election in November, 1894, in the Fifth Congressional district of the State of Missouri, there were outrageous and enormous frauds perpetrated. The minority, and also the single member who has signed a report, propose to open up this case and take further testimony, and try to purge the vote cast in that district of the fraudulent votes. The majority of this committee do not believe that this is feasible under the circumstances and the facts surrounding this case. So that the issue that is presented here for this House to determine is simply this: Shall this case be opened up, and shall the contestee be allowed to take further testimony? That is the only issue that is presented for this House to decide. I think I may safely say that the minority will admit that if the majority are right in their claim that there were such frauds perpetrated in certain precincts in this Congressional district within the city of Kansas City that they should be thrown out and entirely disregarded in making up the returns of this election, then the contestant is clearly entitled to his seat in this House. Of that, it seems to me, there can be no dispute. So that the question to be determined here is, ought this case to be opened up and the contestee allowed to take further testimony?

The law of Missouri in force and effect in 1894, when this election was held, provided that in cities of the first class there should be a recorder of voters; that his office should be open at all times for the registration of legal voters within cities of the first class, and Kansas City was within that class. The recorder of voters in 1894, and for three or four years prior thereto, was a gentleman by the name of Owsley. The majority of this committee are of the opinion that there was a conspiracy to carry on fraudulent elections in Kansas City, not only at the election in 1894, but at prior elections, and that this recorder of voters was one of the chief conspirators in the commission of frauds committed in that city. This register of voters was required, whenever a legal voter presented himself, to enter his name upon the registration list kept in his office, putting upon the registration list his place of residence and a description of the voter—that is to say, a statement whether he was white or colored.

The record in this case is a voluminous one. The testimony taken covers nearly a thousand pages of closely printed matter. I think that any member who will take this testimony and carefully review it can not arrive at any other rational conclusion than that this register of voters was one of the conspirators who helped to perpetrate the frauds that are admitted by all parties to have been perpetrated in 1894.

The law in force at that time required this register of voters to prepare a poll book giving a list of names of all the legal voters in each voting precinct in Kansas City, and to send these poll books to the places where the elections were to be held upon the morning of the election, or prior to that time, so that they might be there at the polls at the time of holding the election. This recorder of voters controlled almost absolutely the machinery of elections in cities of the first class in the State of Missouri. He was given power to appoint all the judges of election, all the clerks of elec-

tion at all the precincts in cities of the first class—that is, the recorder of voters of each city of that class. The law required that he should appoint an equal number from each of the two leading political parties; or, in other words, that there should be an equal number of Democrats and Republicans upon the election boards in each of the voting precincts.

The ballots were prepared by this recorder of voters and sent to the election precinct, if I remember the law correctly. The judges of elections were divided into three classes; two of them were distributing judges—that is, judges who had charge of the ballots and marked upon the ballots their initials and handed them to the voters as they presented themselves to vote. Two of them were receiving judges. When the voter came into the polling place and received his ballot, he went into a booth and there prepared his ballot, brought it back, and gave it to two receiving judges. It was their duty to deposit that ballot in the ballot box. The other two judges were what are known as counting judges.

Two ballot boxes were provided for each voting precinct, and every hour they were required to open the ballot box and count the votes cast up to that time, and as they opened one ballot box the other was substituted and the ballots placed in it during the next hour. Two clerks kept the poll list. When a man presented a ballot they looked upon the poll list and found his number—that is, his registered number. That was marked upon the ballot. Beneath was drawn a line, and under that line was placed his voting number; and the voters were numbered in the order in which they presented themselves at the polls. After the voter had cast his ballot, "Voted" was written opposite his name, and his voting number also. The law required that the ballots should be strung as they were counted during the day, and after the polls were closed they were to be placed in a ballot box, sealed up, and two judges, one of each party, were required to take this ballot box and one of the poll lists that was put in the ballot box and return them to the recorder of voters; also another poll list that was not to be placed in or sealed up in the ballot boxes.

The law required this recorder of voters to carefully care for and preserve these ballot boxes, allowing no one to have access to them, for the period of one year, or until there should be an order of court in a contested-election case which might require them to be opened for examination.

The majority report was prepared by the chairman of the committee, and is full and concise, and I trust that every member of this House may carefully read it before this case shall be finally submitted, for I believe that it is a fair, open, full, and candid statement. I say that the majority of the committee believe that there was a conspiracy to commit fraud at this election, and they believe that Owsley was the leader in that conspiracy.

This conspiracy was formed not for the purpose of this particular election. And here I digress to say this: That so far as this record discloses there is nothing to show that the contestee, Mr. Tarsney, had any part or parcel in this conspiracy; and we only contend that he is the beneficiary of the frauds that were perpetrated at this election. This conspiracy was formed for the benefit of the Democratic party in Kansas City. It is true that in the election of 1894, the election in which this contest is involved, there were a few Republicans embraced. Two or three local Republican candidates, a candidate for justice of the peace, and a candidate for constable in one of the precincts, entered into the conspiracy with these Democrats to perpetrate frauds at the election in 1894. But prior to that time, in 1893, the registration lists had been "stuffed"; in other words, there had been entered upon the registration lists in the Second Ward of Kansas City, in which there were not more than 1,000 legal voters, some 800 or 900 names of persons who never had resided in that precinct and who were not voters of that precinct. The object of entering them there by this register of voters was to perpetrate Democratic frauds; and that this House may understand more fully what some of these frauds consisted of, I will send to the Clerk's desk the record of the testimony taken in this case, and have read as a part of my remarks that portion which is marked on pages 690, 691, and 692. By paying close attention to this testimony, I think the House will be fully convinced how these registration lists were "stuffed," how fraudulent names were entered upon them; and I trust that every member of the House will listen to the reading of this testimony.

Mr. MAGUIRE. What testimony is it that the gentleman is having read?

Mr. STRODE of Nebraska. It is the testimony of Mr. Bradbury, which is found on page 690 of the record. One word more, Mr. Speaker, before that testimony is read. This man Bradbury had charge of a gang of men who were working upon the streets in Kansas City. Another man, by the name of Pierce, I think, had charge of another gang. The men were negroes, and it was these two gangs that went week after week to the registration office and registered themselves under different names, and when the examination speaks of "your gang" it is intended to distinguish Bradbury's gang from Pierce's gang, because both gangs went and registered repeatedly.

Mr. HENDERSON. Was this done in 1893?

Mr. STRODE of Nebraska. This registration was commenced in August, 1893.

Mr. HENDERSON. And did the same registration form the basis for the fall election in 1894?

Mr. STRODE of Nebraska. This same registration list was used in the election of 1894. The particular object of padding the registration lists in August, 1893, was to prepare for the city election which was to occur in the spring of 1894, and the lists having been so padded, they continued it and used it at the Congressional election in November, 1894. I now ask that the Clerk read the testimony, and I hope gentlemen will give it their attention.

The Clerk read as follows:

Q. This was done by you with your gang?
A. Well, both these gangs would go together.
Q. Well, how many were there?
A. Well, he had six or seven and I had about the same number, and all those boys at those sporting houses, we would all go together, say about twenty-five or thirty.
Q. What day of the week?
A. Regular every Saturday.
Q. Regular every week?
A. Yes, sir.
Q. From what time to what time?
A. Well, from about the 25th of August, 1893, up to very near the spring election, almost every week.
Q. Spring of 1894?
A. Yes, sir; spring election.
Q. Well, were they given any particular instructions as to what precinct to register in, whether the fifth, sixth, or seventh?
A. Well, we had a certain number of votes Mr. May wanted in the fifth precinct, and then afterwards he had some put in the seventh precinct. He did not put any in the sixth. Andy Foley had charge of that, because he named the judges and clerks in that precinct. In the seventh precinct and in the fifth precinct I recognize some names there, at 23 East Third, 7 East Third, 9 East Third, and 11 East Third, all those was done during this registration.
Q. Well, who was Foley?
A. Well, Andy Foley was alderman at that time, representing the Second Ward, and you know Mr. May was very cautious, and he knew that some time he and Mr. Foley was going to split, so he would not put any votes in that precinct Andy Foley was supposed to control; that was the sixth precinct. So he put all the votes in the fifth and seventh precincts.
Q. This was all done before the spring election?
A. Yes, sir.
Q. Do you remember who it was conducted the ward registration before the spring election?
A. Before the spring election?
Q. Yes.
A. I do not know his name, but I know there was a gentleman appointed there had charge of the ward registration, and some of this illegal registration was done while he was there. At first he objected to it.
Q. Where was that?
A. At the Metropolitan Hotel.
Q. How long before the election?
A. Not very long.
Q. That was just before the election, when they have the ward registration?
A. Yes, sir; and just before the election I went to see Mr. May and told him this man would not do it, and he went down to see Mr. Owsley, and Mr. Owsley was late coming, and I telephoned Mr. Owsley——
Q. Where did you telephone?
A. I telephoned Fifth and Broadway, I think, and he came down and he saw this man, and after that the men were registered.
Q. Well, what do you know about transfers of names that appear on the books of the spring election being made this fall from one precinct to another in the Second Ward?
A. I remember them saying to me one time that there was too many votes in the fifth precinct.
Q. There had been too many put on?
A. There was about 800 or 900 votes on there; they could not handle all of them, it would be too much of a give away, and they said they was going to strike off some of the names; so one day George A. Pierce saw me; he works in the county surveyor's office; Democratic committeeman he was then and is now; he was canvassing the ward for the recorder of voters——
Q. Do you mean to say he was a Democratic committeeman and also one of Owsley's canvassers?
A. Yes, sir.
Q. Who was Mr. Owsley?
A. Recorder of voters.
Q. He was appointed by Owsley for the purpose of striking off illegal names from the fifth precinct and other precincts in the Second Ward?
A. Yes, sir.
Q. Well, how do you know he was a canvasser?
A. He told me so. He told me he was going to be a canvasser before he was. I met him at Fifth and Broadway—John Moran's saloon. He told me he wanted me to go over to Krueger's drug store——
Q. When was that?
A. I think it was in October, 1894; I think the board of revision was in session, and these canvassers were out finding out about these names. I think it was in October, and he said to me he wanted me to call off about 200 names to him. He had a book similar to yours; he wanted some of those names called off; he wanted some of those illegal names stricken off; so I called off a great many of those names that were registered at the northwest corner of Second and Wyandotte and First and Wyandotte. I called off a great many names for him from 311 West Sixth street, and from other numbers in that precinct I do not remember. I remember those particularly; I thought there was too many at 311, and I thought we had better get those names from the northwest corner of Second and Wyandotte and First and Wyandotte; and so a few days after that I saw Pierce; he said to me that Bristow could not find those names. I said, "What names?"——
Q. For what purpose did he want this list from you?
A. I said, "What names?" and he said, "Those names you called off," speaking to me; and I said, "Bristow didn't need those names if they were to be stricken off," and he explained to me that they were not to be stricken off, but they were to be transferred out of the fifth precinct into the other two precincts; that is, the sixth and seventh precincts in the Second Ward.
Q. Why did they want this done?

A. Because there were too many names registered in that precint, 800 or 900; they had better put them in the other precincts; you see at that time Andy Foley was off the committee; at that time Pierce, being committeeman, would have the naming of the judges and clerks in all three precincts; being committeeman, there would not be any trouble with Andy Foley.
Q. Foley wasn't in the campaign this last fall at all?
A. No, sir; Pierce took his place.

Mr. STRODE of Nebraska. Now, Mr. Speaker, the testimony just read explains how this false registration was made. It shows that certain men who had charge of gangs who worked upon the streets took them every Saturday night, together with gangs of men gathered from dens of prostitution and other disreputable places in Kansas City, and in gangs of from 25 to 30 at a time, took them to the office of the recorder of voters and had their names placed on the registration list, not their own proper names, but any names that occurred to them. These names were placed upon the list and voted at the election in the fall of 1894. Now, I call attention to the fact that the testimony of the witness Bradbury, just read, stands in this record wholly uncontradicted in any particular. It stands uncontroverted by the facts or by the witnesses who have testified in the case. Mr. Owsley and his clerks who helped him to make this false registration were in the city, I think, when this testimony was given, but the contestee did not see fit to call them or any other witnesses to the stand to contradict a single statement made by Mr. Bradbury.

Not only that, but the witness's testimony is borne out by an examination of the records. When you go to these registration lists and examine the dates when these names are entered upon them, you find that they were entered on Saturdays and in large groups, just as this witness has testified, and that in that way the registration lists were stuffed and prepared for the spring election in 1894. This state of facts pertains, so far as Bradbury's testimony shows, to three precincts that are involved in the reports made by the majority and the minority of this committee—the fifth, sixth, and seventh precincts of the Second Ward in Kansas City. There is also another precinct involved. The majority of the committee insist that the evidence in this record standing uncontradicted, or at least unsuccessfully contradicted, shows that in the fifty-second precinct such frauds were committed as that that precinct can not and ought not to be counted in the determination of the result of that election.

Following this election there was great excitement in Kansas City. The citizens realized the fact that there had been enormous frauds committed at the election and they called a public meeting composed of all parties, and the leading men, Democrats, Republicans, and Populists, selected a committee of safety. Within two weeks after the election had been held that committee of safety appointed canvassers, who immediately entered upon a canvass, having with them lists of all the voters in the suspected precincts in Kansas City. Those canvassers went from house to house and made a thorough canvass, and they found that there had been large numbers of men fraudulently entered upon the registration lists not only in the precincts I have mentioned, but in other precincts also.

Mr. HENDERSON. Was that after the spring election or after the fall election?

Mr. STRODE of Nebraska. This was right after the Congressional election in 1894. When the result of the election was published in the daily papers of Kansas City, on the 7th day of November, I think it was, people immediately discovered that enormous frauds had been perpetrated. Then this public meeting was called and canvassers were appointed, who went from house to house, made the most perfect and complete canvass they possibly could make, as the record shows, and they found that in each of these precincts there had been from 250 to 350 or more names of persons who never had been voters in those precincts entered upon the registration lists. They went, as I have said, from house to house and inquired of the tenants and found that in many instances no such persons as those whose names appeared upon the lists had ever lived in that vicinity. In fact, the registration lists showed that many of these names had been registered from places which were vacant lots, railroad yards, and houses that had been standing idle for months prior to the election. Testimony in this case shows, and it is uncontradicted, that this recorder of voters, Mr. Owsley, entered a large number of these names upon the registration lists himself. That is shown by Bradbury's testimony, a portion of which has just been read.

The county Republican central committee were suspicious that frauds had been committed in the spring election of 1893, and so prior to this election in 1894 appointed canvassers to go into the suspected precincts, 45 in number, there being, I believe, 63 in all in Kansas City. These canvassers made a canvass from house to house. They entered the names of all the voters they could find, as is shown by the testimony, in each of these precincts. They then went to the office of the recorder of voters; they checked from his list all the names that had not been entered upon their lists, in alphabetical order, as found. They went back into the precincts and tried to see how many of those that they had failed to find the first time that had been entered upon the registration lists could be found. They found some of them—a few of them. When they had completed this careful recanvassing they found that in those 45 precincts there were 4,500 names fraudulently entered upon the registration list—at least that many names of persons that they could not find.

The Republican county central committee then took their books made up from their canvass and from the registration lists in the office of the recorder of voters. They went to that officer and showed him their books and asked him to strike off or have the board of revision strike off those names; for the law provided that before the election—twenty days, I think, before the election—there should be a board of revision appointed for the purpose of purging these registration lists.

Mr. HENDERSON. Appointed by whom?

Mr. STRODE of Nebraska. Appointed by the recorder of voters. As I have said, this law gave into the hands of this recorder of voters absolute power to perpetrate fraud in the State of Missouri in cities of the first class. He appointed these persons who were to revise the registration lists—presumably one-half from each political party.

This board of revision was then in session. The county Republican central committee went to the recorder of voters and showed him this list and asked him to take it and purge it. They then went to the board of revision and presented it to them, and asked that the board of revision and the recorder of voters should appoint canvassers, one canvasser to go into each precinct with a canvasser to be selected by the Republican county central committee, and if possible purge these registration lists. This was refused. No canvassers were appointed to act with canvassers selected by the Republican county central committee.

But this board of revision undertook to purge this list. Upon that board there had been appointed men pretending to be Republicans. The board found that only 200 out of the 4,500 names to which the Republican county committee had called attention should be stricken from the list. So that the list as made up by the board contained the names of 4,300 persons unaccounted for in those 45 precincts in Kansas City.

I have said that this recorder of voters was empowered to appoint all the officers of the election. He appointed the six judges and the two clerks that were to serve at each of the voting precincts. The Republican county central committee made up a list of reputable, honest, competent Republicans whom they desired to have appointed upon the boards of election in the different precincts of Kansas City. They submitted that list to this recorder of voters. He took it, looked at it, and said, "I can not appoint the men that you have asked me to appoint; there are a great many applications here." Finally, however, he promised that he would publish the list of his appointees, and that when the committee saw it they would be satisfied with it. He did make the appointments, selecting very few indeed of the men who had been recommended by the Republican county central committee for appointment upon the election boards.

When his list was published there was indignation all over Kansas City. Immediately the Republican county central committee went to him and protested against the appointment of the men whom he had named to act as judges and clerks of election. The county central committee then sent out canvassers to see if they could learn where these judges and clerks of election were located. There were numbers of them, large numbers—aye, a large majority of them—who could not be found at all. The fact is, as this record shows, that Mr. Owsley, Street Commissioner May, and others who were in this conspiracy had been colonizing illegal voters in those precincts to act as judges of election. Those that the committee did find that had been appointed as Republicans were found to be disreputable people, men unfit to serve as such officers.

There was, as I have said, indignation all over the city. Immediately a committee called upon the recorder of voters. An agreement was entered into that they should submit a list of those who should be selected as judges and clerks of election to a committee of four—two Democrats and two Republicans. Mr. Owsley agreed to that. The next morning after making this agreement he published a card in the newspapers renouncing his agreement and declining to make the appointments in the manner agreed upon.

This was upon the eve of the election. There was no time to remedy the wrong that it was apparent the recorder of voters intended to commit. And so the judges and clerks thus selected, over the protest of the Republican county central committee, were allowed to act as such at the different precincts.

Mr. RAY. The gentleman will allow me to ask him a question. As I understand from him, Mr. Owsley appointed men as judges and clerks of the election who did not reside in the precincts where they were to act.

Mr. STRODE of Nebraska. Men who had been colonized, who had rented rooms for the sole purpose of acting as such at the election.

Mr. RAY. Then they were not bona fide residents?

Mr. STRODE of Nebraska. No; they were not.

Mr. BAILEY. We should like to hear the colloquy which is going on between the gentleman from New York [Mr. RAY] and the gentleman from Nebraska [Mr. STRODE].

Mr. RAY. I asked the gentleman from Nebraska whether or not Mr. Owsley appointed as judges and clerks of election in certain precincts men who were not bona fide residents of the precincts; and he has replied that Mr. Owsley did so. The question I now ask is this: Does the law of Missouri demand or require that these judges and clerks shall be bona fide residents of the precincts in which they act?

Mr. STRODE of Nebraska. I think the law so requires; in fact, I am positive that it does require that these officers shall be bona fide residents of the precincts in which they act.

Mr. RAY. And also qualified voters.

Mr. STRODE of Nebraska. And qualified voters in the precinct.

Mr. HENDERSON. I would like to ask the gentleman another question, with his permission.

Mr. STRODE of Nebraska. With pleasure.

Mr. HENDERSON. I would like to know whether any of the names recommended by the Republican county central committee as judges of the election, recommended to Mr. Owsley, the recorder of voters, were appointed in the fifth, sixth, and seventh precincts of the Second Ward, or in the fifty-second?

Mr. STRODE of Nebraska. Not one. And only a few were appointed in any of the precincts within the 63 voting precincts of the city. Wherever the appointments were made as recommended by the central committee of the Republican party, it is not shown by the evidence in the record that any frauds were there committed. It was only in those precincts where they had absolute control under the appointments made by this recorder of voters, Mr. Owsley, that frauds were committed. When they canvassed the list of judges and clerks, they found that the men appointed as Republicans were, many of them, in fact Democrats. For instance, in the fifty-second precinct a man by the name of Frenkle had voted as a personal matter for the Republican candidate for mayor at the city election, 1894. He said that he had always been a Democrat; that he had always voted the Democratic ticket on all occasions, except in this one single instance; yet he was appointed by Mr. Owsley as one of the Republican judges of election in the fifty-second precinct.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. STRODE of Nebraska. Certainly.

Mr. COOPER of Wisconsin. The gentleman has stated that some of the election officers were nonresidents of the district in which they acted?

Mr. STRODE of Nebraska. Yes, sir.

Mr. COOPER of Wisconsin. I notice in the brief of the contestant this allegation:

> Not only were they nonresidents, but no information concerning them, their residence, character, or politics could be obtained.

Was that established by the evidence taken before the committee?

Mr. STRODE of Nebraska. Yes, sir; witnesses were called who substantiated that fact. It was shown by the witnesses who were put upon the stand that they had gone out under the direction of the county Republican committee and canvassed the different precincts to find the men who were to serve the next day at the election as the judges and clerks, and they were unable to find out who they were, where they were from, or their politics; and among the few they did find who had been appointed as Republicans, as I have already stated, were some Democrats, and those found who were Republicans were barkeepers and men of a disreputable class, as well as men of doubtful Republican politics.

Mr. HENDERSON. If my friend will allow me a further interruption—I do not wish to consume his time, but I think the House ought to understand the case.

Mr. STRODE of Nebraska. I am glad to yield to interruptions, because I wish the House to understand it fully.

Mr. HENDERSON. You have stated that of the 4,500 fraudulent names on the poll list there were 200 erased by the reexamining board or the board of revision. Can the gentleman state, from the evidence, what method was pursued by that board of revision in striking off the 200 names? Were the citizens' committee of the Republican county central committee or any other persons selected, or any method adopted by which they could trace out the names, or was it done by force of arms, so to speak, without any known method to the citizens? I would like the gentleman to make that point clear.

Mr. STRODE of Nebraska. I am not certain, but I think the testimony shows that the board did it as they saw fit, and that there was no concert of action between the board of review and the county central committee in striking off the 200 names from the list.

Mr. HENDERSON. It was done, then, in sort of a star-chamber proceeding?

Mr. STRODE of Nebraska. Yes, sir. However, the names were published in the paper after they had been stricken off, but the list of names was not published in alphabetical order; there was no systematic arrangement of them, and it was exceedingly difficult, if not impossible, for the Republican county committee, in the short time before the election, to have investigated how or from what precincts they were stricken off.

Mr. JOHNSON of Indiana. If my colleague will allow me, I would like to ask him if it is not true that the testimony shows that, despite the protest of the Republican central committee, the election was held with 4,300 illegal names on the registration list; that this occurred after the attention of the recorder of voters had been called to the matter by the Republican county committee?

Mr. STRODE of Nebraska. That is a fact that I have already stated; that there were 4,300 names on the list which the Republican county committee had shown to be fraudulent; that is to say, most of them. There might have been here and there occasionally a man who was properly on the list. The chairman of the Republican county central committee was upon the witness stand, and was asked in cross-examination by contestee's attorney about certain men who were on the list, and he said that he thought the 4,300 was in the neighborhood of being an accurate statement of the total number; that a few might have been properly registered, but in the main that the list was correct.

Mr. HENDERSON. I understand you, then, that the fraudulent names reported were found upon the poll list after the election as having voted?

Mr. STRODE of Nebraska. Yes, sir. In these precincts, as I have said, the majority of the committee find from the testimony that nearly all on this list of names were marked as having voted.

Mr. HENDERSON. Was there any evidence taken after the election touching the 4,300 fraudulent names to verify the charges of the Republican county central committee made before the election?

Mr. STRODE of Nebraska. I think not, name by name. That is my recollection.

Mr. JOHNSON of Indiana. Is it not true that the committee of safety which canvassed the various wards right after the election reported numerous fraudulent registrations to have been made there?

Mr. STRODE of Nebraska. Yes; but whether they undertook to verify them by the same lists or not, I do not know.

Mr. BAILEY. I do not like to complain, Mr. Speaker, but it is impossible to hear the questions propounded to the gentleman from Nebraska, and we should like to hear them.

Mr. JOHNSON of Indiana. The question I addressed to my colleague was this: Is it not true that a canvass made in certain of these wards by what was known as the nonpartisan committee of safety, within eight or ten or twelve days after the election was held, disclosed a vast number of names in each ward of persons registered and marked on the poll books as having voted, a great number of whom could not be found, and who were registered from vacant lots, tenantless houses, and other impossible places?

Mr. STRODE of Nebraska. That is true. I have already stated that.

Mr. HENDERSON. Did those names correspond with the list of which they had notice before the election?

Mr. JOHNSON of Indiana. Some did and some did not.

Mr. STRODE of Nebraska. I had already stated what the gentleman from Indiana states, but as to whether they were compared and found to be the identical names or not I am not prepared to state.

Mr. RAY. With the permission of the gentleman, I desire to ask him, does the record show positively that any man or men did, in fact, vote twice in the same precinct, or vote in one precinct and then go and vote in another precinct?

Mr. STRODE of Nebraska. There is some evidence tending to prove that fact, that there was repeating in some precincts, but we confine ourselves more particularly to those four precincts.

Now, this law of Missouri also provides that there shall be a challenger allowed at each voting place and a witness to the count. Remember, they counted every hour. The challenger would be there only when the votes were being cast.

The Republican county central committee sent to this recorder of voters a list of names out of which they desired him to select the challengers and witnesses at the respective precincts in Kansas City. Mr. Owsley, the recorder of voters, prior to the election, when that list was submitted to him, decided that they were not entitled to have challengers and witnesses, so they made up a test case and submitted it to three of the circuit judges of Kansas City and acquired from them a judicial opinion, which opinion is printed in the record, in which it was decided, or at least by two of them, that the Republican county central committee were

entitled to select their challengers and witnesses for these respective voting precincts.

Mr. CLARK of Missouri. And each party had that right?

Mr. STRODE of Nebraska. Each party had that right to select their challengers and witnesses. Mr. Owsley, however, having made up his list of election judges and clerks, instructed them, notwithstanding this judicial decision in a case to which he was a party—instructed these election boards that it was within their discretion to allow the challengers and witnesses to be present at the election for the purpose of exercising the duties which they were allowed under the law to exercise.

The county central committee prepared credentials and placed them in the hands of their witnesses and challengers, and sent them to the respective voting places, and in all the polling places where these election boards had been made up for the specific purpose, as we claim, of perpetrating frauds, these challengers and witnesses were ejected, were thrown out and not allowed to act. The excuse given by some of the election boards was that their credentials were not signed by the recorder of voters. These challengers and witnesses went to the office of the recorder of voters to have him sign their credentials. They found the office locked. They remained there and tried to get in. Finally, after some persistence, they secured an opening of the door and found that Mr. Owsley was not there; but some of these challengers and witnesses encountered Mr. Owsley later at a polling place, and presented their credentials and asked him to sign them, but he refused to do so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of Indiana. Does the gentleman from Nebraska desire further time?

Mr. STRODE of Nebraska. I do.

Mr. JOHNSON of Indiana. How much further time does the gentleman desire?

Mr. STRODE of Nebraska. It will take me thirty minutes to present the case as I desire to present it.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for thirty minutes longer.

Mr. BAILEY. I suggest that the gentleman be allowed to conclude his remarks.

Mr. HENDERSON. That is the better way. Let him conclude his remarks.

Mr. JOHNSON of Indiana. Very well; I have no objection to that. I ask unanimous consent that my colleague be permitted to conclude his remarks.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Nebraska [Mr. STRODE] be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. STRODE of Nebraska. As I have said, Mr. Speaker, the challengers or witnesses were ejected from every one of these precincts where these frauds were afterwards shown to have been perpetrated. Had they been allowed to be present and exercise their duties, and to witness what was going on in these different polling places, I doubt not that there would have been different returns from the different voting precincts in Kansas City where it has been proven that great frauds had been perpetrated by the election boards.

Now, I desire to call the attention of this House to some of the frauds that were perpetrated. The majority of this committee say that the returns, the ballot boxes, and everything connected with the election held in the fifty-second precinct and in the fifth, sixth, and seventh precincts were so tainted with fraud that they are unworthy of being considered as evidence in arriving at a conclusion in this case. The resolution reported by the minority is that we open up this case and permit the contestee to take further testimony for the purpose of trying to purge these election returns of fraud. Now, in the fifty-second precinct——

Mr. RAY. In that connection—because it seems to be pertinent, Mr. Speaker, if the gentleman will permit me.

Mr. STRODE of Nebraska. Certainly.

Mr. RAY. I read here in the report made by the gentleman from Ohio [Mr. TAYLER], a member of your committee, in which he suggests the propriety of reopening and having a recount of the ballots; and he suggests that the ballots are still in existence and might be found and actually recounted, and these fraudulent votes thrown out, and so ascertain what the correct result should be. Now, it occurred to me, as I understand the gentleman's remarks and the evidence that I have looked at, that this same Owsley, who was the father of all these frauds that have been conducted, and who seems to have been the schoolmaster in this concern—that he was the same man who has had charge of these ballots ever since the election. I want to know whether or not that is true? Has he been the custodian of those ballots?

Mr. STRODE of Nebraska. I think I have stated that, and if not I intended to do so.

Mr. RAY. I did not hear you state that.

Mr. CROWTHER. I would like to ask the gentleman from Nebraska the question, if in local contests that have taken place it has not been a matter of proof that not only have the ballot boxes been opened and the ballots tampered with, but also that the returns have been changed?

Mr. STRODE of Nebraska. I intended to reach that further on.

Mr. CROWTHER. That is the fact.

Mr. STRODE of Nebraska. That is the fact, as shown by the evidence. The gentleman from New York asks me if the returns were not made to the register of voters. I had stated when the polls closed that the ballots should have been placed in one of the ballot boxes, and also one of the polling lists, and then the ballot box sealed and returned to the office of the recorder of voters; and as I stated—I think I stated it—they should have been safely kept there and no one allowed to open the boxes or examine their contents for the period of one year, unless by order of court in a contested election; and after these elections were held all of these returns were taken to this office of the recorder of voters, and he was the custodian not only of the ballots, but of the poll books and of all the election returns after the election was held.

Mr. RAY. And that is the same man Owsley.

Mr. STRODE of Nebraska. That is this man Owsley that I have been talking about.

Now, as to this fifty-second precinct. To those who are familiar with the election laws of this country it is not necessary for me to state what the law is in reference to election returns which are so tainted with frauds that it is impossible to separate the honest from the dishonest votes. I will admit, as is stated by my colleague from Ohio, a member of this committee [Mr. TAYLER], that it is a serious thing; that it is a most drastic measure to disfranchise an entire precinct; but when you undertake to count a precinct and by the counting of it you are liable to perpetrate great fraud in effect, it is better to disfranchise all the voters of that precinct than be a party to the perpetration of fraud by counting it.

Mr. HENDERSON. Will my friend allow me right there on that proposition? Where would he draw the line? Shall it be 1 fraudulent ballot, 50, or 100——

Mr. STRODE of Nebraska. I can not tell you where the gentleman from Ohio [Mr. TAYLER] would draw the distinction.

Mr. HENDERSON (continuing). That would justify throwing out all the other votes in the district?

Mr. STRODE of Nebraska. I can not tell you where he would draw the line.

Mr. HENDERSON. Where would you draw it?

Mr. STRODE of Nebraska. I would say that there were certain ballots deposited on election day, as I will show you further on, which were the votes of honest voters, but that fraudulent ballots were substituted for those honest ballots, and no man can tell how many honest ballots are in this box to-day, nor how many dishonest ones, and it is utterly impossible for this committee or for any power on earth at this time to discover and determine how many of these ballots are honest and how many are dishonest in the ballot box.

Mr. HENDERSON. What I want to get at is the rule of safety for throwing out a whole precinct. Suppose you and I should vote honest ballots and C and D voted dishonest ones. If you count this out because of dishonest votes, then you and I are disfranchised. I want to get at a rule upon which we can act safely.

Mr. MOODY. The gentleman's own hypothesis is that you can not find out.

Mr. HENDERSON. I have stated a case that is not yet proven.

Mr. STRODE of Nebraska. The only way, in my judgment, under God's heaven to purge the polls in these four precincts would be to go back to Kansas City and call every voter up, and ask him how he voted, showing him the ticket that is found in the ballot box bearing his voting and registration number and asking him if that is his ticket, and that is not what is proposed by the gentleman from Ohio; it is not proposed by the minority of this committee; it is not proposed by the contestee himself. It is the only way it can be done, and it is absolutely impracticable at this late day to do that. It is sixteen or eighteen months since the election was held, and it would be impossible now to find all the voters who cast their votes at that election and to ascertain how they did vote.

Mr. BAILEY. I desire to suggest to the gentleman from Nebraska that the minority of the committee did not make any such proposition as that, because the majority of the committee would not even agree to go back and look at the ballots, and, of course, if they would not agree to look at the ballots they certainly would not agree to summon the voters.

Mr. STRODE of Nebraska. That, I suppose, is a part of the gentleman's argument.

Mr. JOHNSON of Indiana. I will ask my colleague if it is not a fact that the majority of the committee, to whom the gentleman from Texas refers, spent a great deal of time in discussing the

question as to whether there was any method whereby they could safely purge these precincts before they resolved to throw them out?

Mr. STRODE of Nebraska. That was a matter of long and tedious discussion by the members of the committee.

Mr. JOHNSON of Indiana. I will ask him also if various propositions were not made looking to an attempt to purge these precincts, and fully and fairly discussed in the committee, before a conclusion was finally reached?

Mr. STRODE of Nebraska. Several propositions were made and were fully and thoroughly discussed by the members of the committee when it was in session.

Now, Mr. Speaker, as to this fifty-second precinct in Kansas City; there was not a judge nor a clerk appointed that the Republican county central committee had asked to have appointed. One T. J. Canney acted as one of the Republican judges at that precinct. He says that a day or two before the election one Findley, a gambler in Kansas City, sent for him, had him come to his house, and interviewed him. In that interview he says Findley revealed to him that they desired and intended to perpetrate certain frauds at the election; he said that they intended to cast 700 fraudulent votes in the First Ward of Kansas City; 1,500 fraudulent votes in the Second Ward, and I forget how many were to be cast in other places, including the fifty-second precinct.

Findley told Canney that it had been left to him to select the Republican judges at that precinct, and that he wanted him to act in that capacity, promising that if he would consent and would act in concert with the other judges he should have the sum of $50, and after the election he would be appointed to a position in the city government, where he would draw $125 a month. Canney agreed to this, and Findley told him to present himself to Mr. Owsley, who would appoint him as one of the judges of election in the fifty-second precinct and would give him his credentials. Canney did so, and he was appointed and acted as a judge.

After the excitement in Kansas City had reached a high pitch he came to the conclusion that he had better make a clean breast of the whole affair, and he telegraphed to the governor of Missouri that enormous frauds had been perpetrated, and requested him to withhold certificates of election from certain officers in Jackson County, this Congressional district being composed of two counties, Jackson and Lafayette. He went to Jefferson City and interviewed the governor, and the governor withheld the certificates of election and positively refused to issue them. The governor went to Kansas City, if I remember correctly, and made some investigation upon his own account, and so great was the demand that there should be an extra session of the legislature to repeal this vicious election law that the governor granted the request and called an extra session, and the legislature repealed the law.

The governor believed Mr. Canney, and, upon investigation, withheld the certificates of election and positively refused to issue them, a thing which in law he probably had no right to do. Nevertheless, he did positively refuse to issue the certificates to the men who, upon the face of the returns, had been elected as prosecuting attorney and as marshal in that county. Now, this man Canney says that after getting his appointment from Owsley he presented himself early in the morning, about 5 o'clock, certainly before 6.30, at the polling place; that he soon thereafter saw Findley and others there, who it has been shown were active participants in the perpetration of these frauds.

This same gambler that had told Canney that Owsley would appoint him by his request was there, and he dictated how the board should be organized at that precinct. He had there a man by the name of Morrison, alias Moses. The man appears by both names in the record, but I do not know which one is correct, or whether either one is his real name. He was there as the chief manager after the board was organized, but before the board was organized this man Morrison took from his pocket a cake of soap and went to the window and soaped every window in the little wooden building where the election was held, so that no one could see into it from the outside. It was a small building that had previously been used as a kind of warehouse, and it had bins for storing grain.

These bins were open. There was a door and a large glass window in front, and a window and door in the rear of the building. The building was some 20 or 30 feet long, a little wooden structure. Morrison carefully soaped all the windows. Canney says that after the polls had opened he noticed Findley coming and holding secret conversations with this man Morrison in the polling place. He also noticed other ward heelers doing the same thing. Other members of that election board have sworn that Findley and other men came there and held whispered conversations with Morrison. All of which appears in the record.

Canney says that the counting judges took the table and the ballot boxes from which they made the count back into one of these bins and did their counting there. Canney says that he went to dinner at the noon hour, and was gone about forty minutes, and that when he came back he found these counting judges had taken from the ballots that had been counted 115 straight Republican tickets, and had 115 straight Democratic tickets, which they proposed to substitute for the others, with the initials of the judges of election written on them, and with the registration numbers and the voting numbers which had been transferred from the straight Republican votes to the straight Democratic votes; that the Republican votes which had been abstracted from the ballot box were placed in a lunch basket and covered up; that the Democratic votes were strung upon a string and returned with the ballot box as a part of the returns of that election precinct, and that the tally sheets were made to correspond therewith.

Not only that, but later in the day they removed 55 more straight Republican votes from the ballot box and substituted 55 straight Democratic votes and returned them also. Not only that, but about the time the polls were closed they had prepared some twenty-five or thirty more straight Democratic votes which they proposed to substitute, but somebody objected and said they did not believe the box would stand it; and consequently they did not put those 25 Democratic votes in, but removed some twenty-five or thirty Republican votes; and these, with the Democratic votes, were rolled up in a bundle and thrown aside; and after the count was completed and when the board were about leaving the place, this man Morrison put those votes in his overcoat pocket and carried them away.

Now, it is important to remember here the 25 votes that were prepared at that time to be substituted, but which were not. How easy it would have been after the vote had been returned to the recorder of voters for this man who was the chief leader in this conspiracy to commit fraud and have those votes substituted. Canney says that these votes, which were placed in a lunch basket, were afterwards carried away; that a man, whose name I forget, came to the door and called for the lunch basket; that it was handed out to him, and that he took it away.

I know that the minority of this committee and that the contestee will claim upon the floor of this House that there is no evidence to corroborate Canney; that his statements are unworthy of belief because he is wholly uncorroborated. But the testimony of some of these very Democratic judges that were appointed in that election does show that a man did come there and carry away that lunch basket just as Canney testifies. Canney says that when the 55 votes were taken out they were rolled up in a bundle. The Australian ballots were cast there, and if I understand aright, the vote made quite a large sheet of paper. If I am not right the gentleman from Missouri who sits near me can correct me.

Mr. CLARK of Missouri. You are correct, sir.

Mr. STRODE of Nebraska. The vote made a paper half the size of an ordinary newspaper, or nearly that.

Mr. JOY. More than that.

Mr. STRODE of Nebraska. The testimony of Canney is that they rolled them up together and put them in the stove and burned them up.

Mr. BRUMM. Will the gentleman permit a question? I understood him to say that the testimony of this man Canney was not corroborated.

Mr. STRODE of Nebraska. I said the minority of the committee and the contestee will claim that it is not.

Mr. BRUMM. I want to ask the gentleman whether it was contradicted.

Mr. STRODE of Nebraska. Yes, it was contradicted by certain members of the election board; the contestee called some of them, who denied that these things took place. But some of the very witnesses whom they called admitted that this basket was taken away; admitted that they saw paper put in the stove; that they saw the judge of election whom Canney named putting that paper in the stove; they do not pretend to say what the paper was; but they saw him putting a small bundle of paper in the stove, and I believe, though I am not sure that I recollect it correctly, that one of the judges looked around and complained of the heat made by the burning in the stove of those 55 ballots.

Mr. JOHNSON of Indiana. Will my colleague on the committee permit me a moment? Does he not remember that there is ample corroborative testimony and that one of the witnesses swears that he say Morrison stuff the ballot box there?

Mr. STRODE of Nebraska. I have not come to that. If the gentleman from Indiana will bear with me in patience I will reach that point.

Mr. JOHNSON of Indiana. I thought the gentleman from Nebraska was about to pass that point.

Mr. STRODE of Nebraska. No, sir; I have not passed the fifty-second precinct. I am now only showing wherein Canney was corroborated.

Now, another witness came to this polling place. By some accident somebody had removed a particle of the soap from the glass and left a portion of it transparent. This witness looked through that place in the glass and saw this man Morrison grinding votes into the ballot box. They had in Kansas City a kind of device—I

do not know whether it is patented or not—by which they grind the votes into the box with a kind of geared machine, the votes, I believe, being stamped "Kansas City" when they go in. This man looked into the polling place. Not a voter was in there. The judges and clerks of the election stood there and saw this man Morrison grinding those votes into the ballot box. The record shows that. It stands here uncontradicted, Morrison himself, I believe, not taking the witness stand to deny it.

Not only that, but a man named Frenkle, who was appointed as a Republican judge, but who had never voted a Republican ticket, except that at the spring election he had voted for the Republican candidate for mayor, took the witness stand. He says he recollects that the distributing judges kept upon their table a very large pile of tickets marked with their initials; that he went to his dinner; was gone a while, and when he came back he noticed that that pile was greatly diminished in size. Canney tells how this was done. They were substituting 115 votes at that time. I ask whether that is not a corroboration of Mr. Canney, positive and direct? So I say that the frauds of that board in that precinct are such that it would be utterly impossible to tell from the ballots themselves by an examination of them whether they were cast honestly or dishonestly; and there is but one way to treat the returns that are made from that voting precinct, and that is to throw them entirely out because of fraud, unless you could call the voters who voted and ask each one how he voted.

Mr. LACEY. I would like to ask the gentleman, in that connection, a question with reference to the reports. It seems, upon a hasty reading of the several reports accompanying this case, that there has been a contest of some kind growing out of that election, in which these ballots have been reexamined. It seems to be suggested that the witnesses who examined them could testify as to their condition and number. How about that?

Mr. STRODE of Nebraska. So far as I know, there has been no examination of the ballots with reference to the election for Member of Congress. It was not a public canvass, but one made by order of the court, and it was made with reference only to the particular office then in controversy before the court.

Mr. Speaker, in addition to what I have already said, Mr. Canney testifies that they also took certain scratched Republican tickets which were cast in that precinct and had certain names scratched from them; that they took these very ballots and scratched off other names. He did not say whether the name of the candidate for Congress was scratched or not, but that they made other scratches than the ones that had been made by the voters themselves upon the tickets. So I say to you gentlemen that it seems to me the frauds perpetrated at this precinct were so glaring at this election and by this particular election board that no man at this time can tell how the people of that precinct voted. The only way you can possibly arrive at it would be to call every man who voted at the election and ask him how he voted. At this time it is not asked for by the other side, and it could not be done with safety.

Mr. RAY. Will the gentleman allow me just there to ask him if the returns show that more votes were cast at that precinct—that is, that more votes purported to be cast at that precinct—than there were honest, legitimate voters in the precinct?

Mr. STRODE of Nebraska. Well, I do not remember exactly as to that, although I think it is summed up in the report. I am unable to answer as to this particular precinct accurately. In fact, we do not claim so much padded registration in this particular precinct as in the other precincts.

Mr. RAY. Well, did that appear in the other precincts?

Mr. STRODE of Nebraska. Yes, sir.

I will say, however, Mr. Speaker, that in this particular precinct, as I now recall it—the fifty-second precinct—that this board of canvassers found that 90 persons had voted that could not be found in the precinct. They could not find them at all immediately after the election was held.

Mr. HENDERSON. I dislike to interrupt my friend, but hope he will indulge me with another inquiry.

Mr. STRODE of Nebraska. I am very glad to have the gentleman ask me questions.

Mr. HENDERSON. Your very clear presentation of the case is what encourages me to ask further questions with reference to matters of which I am ignorant.

I want to know if there was any sealing of the ballot boxes at the hands of the election officers, as required by law, and before they were turned over to this man Owsley? Was that sealing done the in presence of witnesses or not?

Mr. STRODE of Nebraska. They are required to seal up the returns and return them to the recorder of voters. I do not know whether the evidence shows that they were sealed or not in this particular precinct.

Mr. HENDERSON. Does the law require it to be done in the presence of anybody? Did the evidence show that fact, or was testimony taken upon that point?

Mr. STRODE of Nebraska. I think the judges of election are required to do so by the law. It should be done by the election board; that is my recollection.

Mr. KYLE. That is correct.

Mr. HENDERSON. You do not know how it was done, or the fact that it was done at all?

Mr. STRODE of Nebraska. I think there was no particular inquiry made in regard to that point, because in most instances they would have had to call the men who perpetrated the fraud themselves and who were under indictment for participation in the conspiracy.

Mr. HENDERSON. If they were sealed they might have been sealed after the election, and the ballots changed then?

Mr. STRODE of Nebraska. Yes, sir.

Mr. HENDERSON. Was there evidence on this point beyond what you have already referred to?

Mr. STRODE of Nebraska. I will refer to that later on, after getting through with a review of these different precincts.

Now, with reference to the seventh precinct in the Second Ward: This committee of safety found 270 names registered that could not be located. The vote at this precinct in 1892 for Congressman, when the contestee was a candidate in this precinct, was 243, and of this number Mr. Tarsney, then a candidate, received 53 majority. In the spring of 1894, at the city election, when they voted for mayor, the Democrats had a split in their party, and they nominated two candidates. There were cast in that election, in that precinct, 246 votes, the Republican candidate having a majority of 2 over both the Democratic candidates. At the fall election, the one in controversy here, instead of 246 votes being cast at this precinct, there were 514 votes cast. The contestee received 392 majority over his competitor, the contestant.

Now, I have called your attention to the manner in which this election board in that precinct was constituted. Not a single man whom the Republican county central committee had asked to be appointed was allowed to enter that voting place. Not a challenger or a witness that the Republican county central committee had named was allowed to be within that voting place, but all had been ejected forcibly from it.

One witness, Mr. Corum, says that he went to that polling place about 9 o'clock, that he received from the distributing judges his ballot, that he went into the booth and marked it, came back, and presented it to one of the receiving judges, keeping his eye upon it. He had suspicions of fraud. He watched the ballot and made up his mind he would keep his eye upon it until it went into the ballot box. He noticed that the man who received the ballot was not near the ballot box, but that, sitting off to one side of him, was a man by the ballot box with a ballot in his hand, folded up ready to be cast; that he stayed and kept his eye particularly upon that ballot until the judge who had received it from his hand to put it into the ballot box turned his back to him.

What he did with the ballot this witness does not know, but he looked over to the other man and saw him putting a ballot into the ballot box that he had not received from the judge to whom the witness gave his ballot. He says that he waited a while, and they finally told him, "Your ballot has been cast; get out of here," and ordered him to leave the place, because under the law nobody was allowed to remain except when they were casting their votes excepting the challengers and witnesses and the members of the board of election. They told him to leave, and he did leave without ever having seen his ballot put into this ballot box.

After the election was over Mr. Olson, who, I believe, was chairman of the county central committee, found a ballot under the wooden sidewalk in front of this voting place. They took that ballot, went to the poll book, and found out whose name was opposite the registration number, and the voting number indorsed on the back of the ballot. They found that it was one Peter Green. They showed the ballot to him when he was upon the witness stand, and he said, "That ballot is marked exactly as I marked my ballot." He told how he marked it, giving the particular description of his marks, and he said, "If that is not the ballot that I marked, it is marked exactly as I marked mine."

How did that ballot come under the sidewalk after the election, if it had been honestly cast and kept in that ballot box and counted?

Now, gentlemen, I come to one feature of this case that is admitted by all the members of this committee, and that is that in the fifth, sixth, and seventh precincts in Kansas City—in each of them—there were 200 fraudulent votes cast. The precincts are all numbered irrespective of the wards, but these precincts numbered 5, 6, and 7 are all in the Second Ward. Nobody disputes but that there were 200 fraudulent ballots put into each of these ballot boxes, and when this committee of safety began to investigate one of the first things they discovered was this fact.

I will ask you to turn to the contestant's brief, because that is more convenient to handle than this big fine-print record. On page 27 you will see how this voting was done. Bradbury tells you that he and Pierce, who had charge of the street gangs of colored men, took them on Saturday night, week after week, and registered them at Owsley's office. Bradbury also tells you that

he went to one of the wards at one time when they were registering in the wards—because the law provides that at certain times the registration shall be carried on at the wards—Bradbury says that at one time, when he took his gang to register them, the clerk there objected. Bradbury sent for May, who was the street commissioner and one of the chief conspirators in these election frauds. May said that he would see Owsley about it. Bradbury says that he telephoned for Owsley. Owsley came down there, and he explained to him that his deputy, or clerk, refused to register these men. They were being fraudulently registered, as Bradbury knew, and as this clerk knew. Owsley had a conversation with his clerk, and then the men were registered all right, and from that time on he had no trouble in getting his men registered at this registering place.

This brief shows you on page 27 how these names that had been fraudulently entered upon the registration lists were voted. They had registered from vacant lots, from railroad yards, from empty buildings, and from places occupied by people who came on the witness stand afterwards and swore that no such people had ever been in those places. You will see that in the seventh precinct, or at least in one of the precincts—in the fifth, I believe—after they commenced to vote, it was a very accommodating election board, if these were true voters, and that the voters were the most accommodating class of people that ever attended an election, because they arranged themselves in alphabetical order.

Fifty-nine of them came up in the first place, and No. 1 upon the registration list was John Alexander. John Alexander, Frank Allen, Albert Anderson, Charles Anderson, Leo N. Armeston, George Atchison, Frank Basil, James Beard, Henry E. Bell, John Beverly, Edward Black, Charles Blakey, William Boone, William Bradley, Samuel Brosius, James Brown, James W. Brown, John W. Brown, Samuel Brown, James Buchanan, Robert Burchy, and so on, down until we reach the letter "P," when 59 of them had voted in regular alphabetical order, and every one of them colored men, and so they are marked upon the poll books.

A similar course was pursued in the fifth, sixth, and seventh precincts in the first 200 names presented there to be voted. So I say that, under the evidence in this case, this ballot box is so polluted with fraud that you can not tell anything about how many honest votes are in it or how many dishonest. A man swears that he stood there and saw them substitute another vote for his. Another vote that was intended to be put in the ballot box there was found under the sidewalk, and 200 votes had been stuffed into this ballot box of men who did not present themselves at all at the election; so that it is so tainted with fraud that it is absolutely impossible to know what this election board did, or to separate the honest from the fraudulent votes.

Not only that, but there is testimony in this record showing that, in addition to these 200 names, they took the registration list, and when they found the name of a man who had not voted they put a straight Democratic ballot in the box and marked the word "Voted" opposite his name. When some of them subsequently presented themselves they looked at the registration list and told them they had voted. Even this man Bradbury was treated in that way. He was a colored man, the editor of a Democratic newspaper, employed by or at least under the supervision, I believe, of the Democratic State central committee in that election, and made speeches in the State of Missouri in the interest of the Democratic party. He says he went to vote, and when he got there and asked for a ticket they looked at the registration list and said, "You have voted." He said, "I understood it and went away, knowing that they had voted my name." Just so with others when they presented themselves at these different precincts. So I say that it is utterly impossible to separate the fraudulent from the honest votes in this precinct, and the only way to treat it is to throw it all out and call the voters, and that is not proposed by contestee.

Now, as to the sixth precinct. You remember that in the testimony of Bradbury that has already been read he said there were certain names—nearly 200 of them—transferred from the fifth to the sixth precinct. Now, gentlemen of this House, aye, gentlemen of the minority of this committee, do you believe that Mr. Owsley or his clerks could sit in their office and transfer nearly 200 names—I believe it is 190, or something like that—from the fifth precinct to the sixth precinct without knowing that there was something fraudulent about it? Bradbury tells you they came to him at one time for the names of the men who had registered, as he kept a list of them in a book. He gave them these names and found they were transferred. He swore that he gave the names, I think, of 190—I do not remember the number, but a very large number of them at least—that were transferred from the fifth to the sixth precinct. They had not padded this precinct at the time, when they were making up this registration list, prior to the city election in 1894, because there was a councilman in that precinct that they were afraid of, and so it only affected the fifth and seventh precincts.

Then it appears from the evidence that the canvassers that went out under the committee of safety found 341 men marked as having voted in this sixth precinct who could not be found within two weeks after the election. Persons who had lived long in the community where they were registered knew nothing about many of such men. Others had been dead for months and years. Some of them had removed and been absent from the precinct a long time. Others were marked "voted" who were not present; and you can take the testimony in this case and find men who swore that they were not at the election at all and never did vote. That was true also in the seventh precinct. Seven or eight men, I believe it was, from the seventh precinct, opposite whose names "voted" was placed, stated that they were not at the election. I may be wrong as to the number, but they said they were not at that election and did not vote.

If these election boards were organized for the purpose of perpetrating these frauds in the interest of the Democratic party, the presumption, it seems to me, must be that they cast these votes for Mr. Tarsney. I ask you, gentlemen, if you can separate the honest from the dishonest votes in that ballot box? In this sixth precinct in the fall of 1892, when the contestee was a candidate for Congress, 155 votes were cast. Of this number, Mr. Tarsney had a plurality of 62, I believe. In the spring of 1894, when there were two Democratic candidates for mayor, there were cast 188 votes. One of the Democrats received but a few votes, and the Republican candidate carried the ward by a plurality of 16.

In the fall of 1894, at the election now in controversy, there were cast in that precinct, where two years before there were 155 votes and where in the spring of 1894 there were 188 votes—in that same precinct, at the Congressional election in 1894, there were cast 509 votes, of which Mr. Tarsney received 420 and Mr. Van Horn 84 and the Independent candidate 5; and Mr. Tarsney's plurality over Mr. Van Horn was 336. In this precinct the same kind of alphabetical voting was done to the extent of 200 votes. They also substituted votes, as shown by the record.

Take, now, the fifth precinct. There were cast there at the election of 1892 for Congressman 351 votes—that is the total vote for all candidates. In the spring of 1894 there were cast 371 votes. At the Congressional election six months later there were cast 621 votes, or nearly twice as many as were cast at the spring election. Of these 621 votes Mr. Tarsney received 413, Mr. Van Horn 201, and the Independent candidate 7. It is claimed that in this precinct Mr. Van Horn got a portion of the fraudulent votes, which we do not deny. There were probably 100 or 101 of these alphabetical votes that may have been cast for Mr. Van Horn, but the only evidence we have of that is testimony put in here by the contestee in the form of an affidavit without an opportunity to cross-examine the witnesses.

Mr. MAGUIRE. We want to give you an opportunity, though.

Mr. RAY. I will ask the gentleman if there is any evidence that the population in that precinct had not doubled up during those six months?

Mr. STRODE of Nebraska. There is no evidence showing that there is any increase in population, but, on the contrary, I think the evidence shows, by the testimony of the man who now fills the place of the registrar of voters—he is not the registrar, but one of the commissioners who has charge of the election—his testimony, I think, shows that there was no particular increase of population during this time.

Mr. RAY. No increase in voters, but a doubling up of votes. [Laughter.]

Mr. STRODE of Nebraska. Yes. Now, Mr. Speaker, I find that I can not go further because I am worn out; but let me say, in conclusion, that it seems to me that the condition of things which existed in these four precincts shows beyond all controversy that it would be utterly impossible to separate the honest from the dishonest votes that were cast in those precincts, and that to open up this case, as is asked by my friend from Ohio [Mr. TAYLER], who files a minority report, and by the Democratic members of the committee, would be simply useless. They do not pretend to say that opening up the polls and purging them would show that Mr. Tarsney had a majority of the votes.

Throwing out these four precincts alone shows conclusively that Mr. Van Horn was elected by between 300 and 400 majority over Mr. Tarsney; but these four precincts are not the only ones where fraud was committed. Since the testimony in this case closed the contestant has gone to the poll lists and he finds as to other precincts where Mr. Owsley refused to allow Republican challengers or witnesses and refused to appoint any of the Republicans selected by the Republican central committee for judges or clerks, that there were in some of those precincts, or at least in one of them, 80 votes voted alphabetically——

Mr. MAGUIRE. Does that appear in the evidence before the House?

Mr. STRODE of Nebraska. That appears from the evidence

submitted for the purpose of opening up the case to take further testimony.

Mr. MAGUIRE. In what form?

Mr. STRODE of Nebraska. In the form of the certified records themselves.

Mr. MAGUIRE. In the form of an affidavit, is it not?

Mr. STRODE of Nebraska. No; not in the form of an affidavit; in the form of the certified records themselves, though, of course, there may be some question as to the admissibility of that evidence.

Mr. MAGUIRE. They do not now constitute any part of the evidence in this case except upon an ex parte showing.

Mr. STRODE of Nebraska. Only upon the question of opening up the case again.

Mr. JOHNSON of Indiana. I beg pardon of the gentleman from Nebraska. They are a part of the evidence in this case.

Mr. MAGUIRE. I do not so understand it.

Mr. JOHNSON of Indiana. They were submitted as docu mentary evidence to the committee?

Mr. STRODE of Nebraska. Yes.

Mr. TAYLER. They are not in the case.

Mr. JOHNSON of Indiana. They are in the case.

Mr. PAYNE. They were submitted to the committee in response to the affidavits submitted by the contestee for reopening the case?

Mr. STRODE of Nebraska. That is right.

Mr. JOHNSON of Indiana. I beg the gentleman's pardon, for we do not want to have any misunderstanding. They were all offered as evidence in the case, and claimed as such by the counsel of the contestant who offered them.

Mr. PAYNE. It is sufficient for me that they were admitted for the other purpose.

Mr. JOHNSON of Indiana. I call the attention of the gentleman from California to this fact: There was a question raised whether or not they were proper to be submitted at that time; it was stated that there was a difference in the authorities upon that question, some holding that they ought to have been offered when the evidence was taken and others holding that documentary evidence might be offered at that time.

Mr. MAGUIRE. I am perfectly satisfied to adopt the rule suggested, if you will allow documentary evidence for Tarsney to be introduced in the same way as that for Van Horn. If you are going to admit documentary evidence for Van Horn at this time, why not allow similar evidence to be presented by Tarsney?

Mr. JOHNSON of Indiana. We are not proposing, as the gentleman appears to intimate, one rule for the contestant and another for the contestee. We are not willing to inflict upon Mr. Tarsney any disadvantage which is not also inflicted upon Mr. Van Horn.

Mr. MAGUIRE. I say that Mr. Tarsney desires now to go to the ballots which can be reached. They are documentary evidence. I can not understand why he should not put in his documentary evidence, if Mr. Van Horn is permitted to put in the poll lists.

Mr. JOHNSON of Indiana. There is no analogy at all. This evidence on behalf of Mr. Van Horn was offered as part of the original case. Mr. Tarsney now proposes to go down into the ballot boxes and offer their contents in evidence.

Mr. MAGUIRE. But when did Mr. Van Horn offer these poll books?

Mr. JOHNSON of Indiana. He offered them before the committee.

Mr. MAGUIRE. When we took charge of the case here.

Mr. JOHNSON of Indiana. What is the difference? They are competent evidence whenever introduced.

Mr. MAGUIRE. But Mr. Tarsney wanted to go to the ballot boxes after that, and it was held that it was too late for him to do so.

Mr. JOHNSON of Indiana. There is no analogy at all between the two cases; I think if the gentleman will reflect a moment he will see there is none. One proposition was simply to offer the poll books, which are competent evidence at any time; the other proposition is to go down into the ballot boxes.

Mr. MAGUIRE. I do not care to continue the discussion now; we are occupying too much of the time of the gentleman from Nebraska [Mr. STRODE]. I will answer the gentleman when I come to occupy the floor.

Mr. STRODE of Nebraska. Now, Mr. Speaker, there are other reasons than those I have stated why these ballots, if they were examined, are unworthy of credit. There was a contested election in the month of March following this election; and these ballot boxes were gone into at that time under an order of the court.

A MEMBER. These same ballots?

Mr. STRODE of Nebraska. The very same ballots. At that election candidates ran for the office of marshal in Jackson County and also for prosecuting attorney. The election for those offices was afterwards contested, I believe, and when the contest occurred in March, with reference to the office of marshal, that was the first time that these ballots were ever examined after the election. It was done under an order of court. It was not a public examination, but was made by persons appointed to make it. These ballots were examined. Mr. Owsley, I believe, had been removed from office at that time. I am not sure, but I think he had. He was out of office. Another person or board had been appointed, who took control of these election returns. When these ballot boxes were examined, one from the fifth precinct was found open, unsealed, the ballots unstrung, with perforations in them showing that they had at one time been strung, showing that somebody had tampered with the ballot box after the election. I read from the affidavit of Mr. Sloan, who was the contestant in that contested-election case:

Affiant further states that said Charles S. Owsley was recorder of voters a Kansas City for about four years prior to February 1, 1895, at which date he was succeeded by H. C. Arnold; that said forgeries were first made known to affiant and the public by publication in the morning papers on the day after the votes were officially canvassed, to wit, the 12th of November, 1894; that affiant at once went to the recorder of voters' office for the purpose of inspecting the returns so forged.

Remember, now, that one of the voting lists was to be locked up in the ballot box, and the other to be returned to the recorder of voters and to be open to the inspection of anyone who had a right to examine it.

Affiant further states that said Charles S. Owsley was recorder of voters at Kansas City for about four years prior to February 1, 1895, at which date he was succeeded by H. C. Arnold; that said forgeries were first made known to affiant and the public by publication in the morning papers on the day after the votes were officially canvassed, to wit, on the 12th day of November, 1894. That affiant at once went to the recorder of voters' office for the purpose of inspecting the returns so forged, but that the recorder of voters was absent from his office and continued so absent for several days, and his clerks and deputies refused to allow this affiant to inspect said returns, although the courts of the State of Missouri have frequently decided, and it was admitted by said recorder of voters and his deputies, that said returns were public documents and entitled to be inspected at all reasonable times by any person interested therein. That about the third day after the forgeries were exposed affiant was able to find said recorder of voters and demand an inspection of said forged and altered returns from him personally. That the said recorder of voters also then refused and declined to show the same to the affiant or his attorneys.

Not only that, but further on he says:

That in making such recount it was discovered that affiant's name had been stricken off the Republican ticket and the name of his opponent, Keshlear, written in its place on a number of tickets in five or six different precincts, and that these changes were all apparently made in the same handwriting, and the initials of the judges on these ballots where the changes appeared were apparently in a different handwriting from the initials of the judges on the other ballots, thus showing that these changes must have been made after the ballots were in the hands of the recorder of voters. That some of the changes were made in ballots purported to be cast by personal friends of this affiant, who have since told affiant that the changes were forgeries.

Mr. Speaker, in conclusion, if it will not consume too much of the time of the other members of the committee, I send to the desk and ask to have read, as part of my remarks, the affidavit of Wallace G. Miller, a clerk of election at the sixth precinct. Since that election he has been convicted or plead guilty, I forget which, and is under a penitentiary sentence. Since his conviction he made a confession, which was offered in evidence before the committee in opposition to the reopening of the case to take further testimony. If you will listen to that affidavit and consider the facts in the case as I have narrated them, and as they are found in the record, I have no doubt as to what your just conclusion will be in the case. I ask the Clerk to read.

The Clerk read as follows:

STATE OF MISSOURI, *County of Jackson, ss:*

This affiant, Wallace G. Miller, being duly sworn on his oath, says that he was one of the judges of election at the sixth precinct of the Second Ward in Kansas City, Mo., at the election held November 6, 1894. That on the night before said election affiant was given a package containing about 600 to 800 official ballots by a then Democratic city official of said Kansas City, who was a very active supporter and partisan of the Democratic ticket, including the candidate for Congress, John C. Tarsney. Said city official instructed affiant to give said ballots to John May, who, he said, would know what to do with them. Shortly afterwards, on the same night, John May came to the drug store (Krueger's), where these ballots were delivered to affiant, and said ballots, together with the poll books of the sixth and seventh precincts of said Second Ward, were taken into a back room in said drug store, where about 400 of them were fixed up as straight Democratic tickets, except justice of the peace and constable, John C. Tarsney's name for Congress being upon all of them.

These ballots were all numbered, and then the poll books for these two precincts, the sixth and seventh, were taken up and certain names on them were numbered to correspond with the names on the ballots. We selected colored names in the sixth precinct because they were known to be mostly fictitious, and besides, if a genuine name should be marked, the fraud would not so likely be discovered, as colored men can not usually read or write, and they would not therefore discover that their names had been marked "voted" should they come in to vote. I attended to marking the names and fixing the ballots for the sixth precinct with the help of a man named Lewis, also a judge of the election. He left the country and went to Cuba immediately after the election. Delany and Ambrose Clark fixed the books and the ballots for the seventh precinct. We were the judges who were to put our initials on the back of the ballots. We were all there together in the back room. John May and George J. Pearce, the Democratic committeemen, were there with us superintending the job.

The fifth precinct was also fixed, but I know nothing about that. That was not fixed in the drug store, but Pearce took the necessary ballots and the poll

books for this precinct over to a room above Moran's saloon, and the fifth precinct was fixed up there. I don't know how the ballots for this fifth precinct were marked, as I had nothing to do with that. We also had the lids to the ballot boxes with us and ran the ballots through the patent device in these lids, so as to make them show they had been through the box. The bogus ballots were all kept in Moran's safe the night before the election, and the next morning I got those we had fixed up for the sixth precinct. George Pearce got those for the seventh, and I don't know who got those for the fifth. I got to the polls a few minutes before 6 o'clock, and had these ballots with me, and shortly after the ballots were opened I slipped them into the box at two different times. I remained in the polling place all day, not even going out for meals.

During the entire day we kept fixing straight Democratic tickets except justice and constable and stuffing them in the box. John May came in as often as half a dozen times urging us to do this. He said for us to vote every name on the books, but I told him I was afraid it wouldn't do, so we left a few unvoted. We must have voted something over a hundred during the day, in addition to those fixed up the night before. There were no fraudulent votes for any Republican candidates except justice and constable. Some spoiled tickets were, during the counting, thrown away and straight Democratic tickets (except justice and constable) were put in the box in their place. The constable names was left off in many instances. Brennan was not on as many fraudulent votes as Kreuger. About a week or ten days after the election John May asked me if there were any unused ballots left over in the sixth precinct. I told him then that I thought there was. He told me to get them if I could. I went to the polling place and found some 200 or 300 unused ballots and took them and gave them to May. When I gave them to him he said he might need me in connection with these ballots; that he would let me know. In a few days I saw him again, and he said he did not need me, as my precinct, the sixth, was all right. He did not say what he wanted me to do, but as I am one of the judges who had put my initials on the ballots I inferred he wanted me to put my initials on some of the ballots, for the purpose of further fraud of some kind with the ballots in the recorder's office.

I was also a judge of election in the fifth precinct at the city election in 1894 and at the general election in the fall of 1892. At both these elections there was much fraudulent voting in the fifth precinct. Cooper's vote for mayor was largely fraudulent, and so was Tarsney's vote for Congress in 1892. It was done mostly by repeaters during the day, but we put some in after the polls were closed.

I have been convicted for my part in this business and I make this affidavit freely and voluntarily so as to repair if possible some of the evil I may have done.

Mr. TAYLER. Mr. Speaker, I shall not long abuse the patience of the House by discussing the question that is now presented to it. It is with very great reluctance that I oppose, on the floor of the House, the action of my Republican colleagues on the committee in refusing to take certain testimony calculated to purge of their fraud the election returns from certain precincts in Kansas City. I am not one of those who prefer to be alone rather than with the majority, and the strength of my conviction is made especially manifest to myself by the mere fact that I am willing to stand here and assert it.

Now, I trust that this House has not been led away from the real question in controversy by the very lucid and satisfactory explanation of the facts surrounding the election in Kansas City to which we have just listened. For it will be borne in mind that it is but a narrow question that this House is first called upon to consider. It should be especially borne in mind that the report of this committee, by its specific bounds, limits its conclusions to an examination of the returns from precincts 5, 6, 7, and 52 in the city of Kansas City, and all that has been said relating to the character and scope of the fraud that prevailed in those precincts is, for the purposes of this inquiry, to be considered as relating only to those precincts.

Now, with respect to those returns, the majority of the committee in its wisdom has been compelled to resort to the drastic method of striking out the entire returns from those precincts and declaring that they are to be entirely disregarded. With their conclusion in that respect I find myself unable to agree, for I assert, after a most careful and conscientious consideration of the facts, especially as bearing upon the propriety of excluding these returns, that in my judgment there is nothing that can justify this House, that can justify especially a Republican House of Representatives, in throwing out entire precincts and disfranchising honest voters.

The question as to who shall or who shall not occupy a seat in this body is a very large and important question, but large and important as it is it is dwarfed into relative insignificance by the principle which is here sought to be expressed.

By what I make bold to call an unhappy provision of our Constitution, this House is made the judge of the elections, returns, and qualifications of its own members. This House, which in its very nature is a partisan body, is, under certain circumstances, created a judicial body. It is made a judicial body to pass upon questions which are, in their very essence, party questions. In the Constitution it is made a judge to sit in cases where, of all conceivable cases, it is least fit to sit as judge. This is a circumstance full of meaning and instruction. It means that a course of conduct which a purely judicial body may pursue with perfect propriety may, in a legislative body seeking to act judicially, degenerate into a mere partisan expression of partisan judgment; and this can never do justice or command respect.

This body, legislative as it is, undertaking at this moment to act judicially, owes itself the duty of exhausting every means within its power to present itself to the world as doing justice in a judicial way, and this majority owes to itself the duty of protecting itself, in so far as it may, from the demoralizing influence of its own partisanship.

The principle of law upon whose proper application this committee is divided is that where the returns from any election precinct are so tainted with fraud that a substantially true statement of the honest vote can not be made, then the entire return must be disregarded, even though it disfranchises honest voters. This is a bald statement of the naked principle. It is subject to many qualifications, and ought to be somewhat amplified.

For instance, if it be possible to determine the scope and character of the fraud, if it be possible to measure and appraise the fraud, if it be possible to separate the good from the bad, to determine the honest vote and eliminate the dishonest vote, then the return is said to be purgable; and it is the duty of the body charged with investigating that election to so purge the tainted return.

And it is not necessary that the judging body shall be able to declare to itself "it is absolutely certain that we can purge this return of its fraud." The legislative body owes itself a higher duty than that, which I will advert to in a moment. If it is possible to purge the return, that furnishes the test of the propriety of an endeavor by the body having it in charge to thus make the effort.

Now, while upon this case, as contained within the pages of this printed record, I can not withhold my assent from the judgment of the majority that the contestant is entitled to a seat in this body, yet I did indulge the hope that the conclusion of the committee might be founded upon a fuller development of the very remarkable facts that have come to our attention. It is indeed unfortunate that where the amplest opportunity was presented and is presented to this committee to obtain definite knowledge, yet that it saw fit to waive away the proffer of that knowledge and to decline the service of that knowledge. It is not enough for the committee to say, as it has said, that it can find, here or there, circumstances that seem to be unexplainable. It is enough to inquire whether or not there is an opportunity presented by means of which it can make an honest effort to determine whether or not this return can be purged.

I need only detain the House a moment by any reference to the facts. That fraud, widespread and far reaching, was committed in Kansas City as the fruit and result of a gigantic conspiracy is absolutely unquestioned by anybody who knows anything about this case. The only question, in my judgment, is whether this House will undertake to do a righteous thing in an unrighteous way. The peculiar point of contact, the remarkable circumstance of interest in connection with the case is this—that the scope and extent and character of the fraud are easily defined, necessarily easily defined, because the conspiracy was simple and uncomplicated in its character. I refer now to precincts 5, 6, and 7 with great brevity.

The bottom, the foundation of the whole thing was the padding of the registration lists. Persons entitled to register registered at one central office, and, the time for registration having expired, the recorder of voters or his deputies arranged in alphabetical order all of the registered voters who were entitled to vote in a particular precinct and when the election day came the judge of elections had this precinct registration roll; he had never had any other and never made any other. But when John Smith, for instance, came to vote he was given a ballot that was numbered with the registration number of John Smith and with his voting number. When he voted the number of that vote was placed opposite John Smith's name and the ballot was put into the ballot box.

In the fifth, sixth, and seventh precincts of the Seventh Ward the judges of election, disdaining the old-fashioned method of putting in illegal votes and of having repeaters and illegal voters come to the polls to cast their votes, simply took the ballots themselves and bodily projected them into the ballot box, and, by a similar process, marked "voted" opposite the names of those utterly fictitious voters, as the law required that the word "voted" should be so recorded. Now, this conspiracy was easy of execution under the plan which was adopted, with a corrupt recorder of voters, if you please, under a scheme whereby only complacent Republicans or Democrats masquerading as Republicans should be judges and clerks. With the exclusion of Republican watchers and challengers it was perfectly easy for these judges to carry out that conspiracy which they had organized to put into the ballot box as many illegal votes as they pleased. The whole basis and foundation, however, was the padded registration roll.

It was necessary that the conspiracy by its own limitation should end with the casting and counting of the illegal votes. If there was ever a ballot tampered with afterwards it was as an afterthought. It was not and could not have been a part of the original conspiracy, for the law of Missouri required that these ballots so cast, counted, marked, and identified, and always identifiable, with the poll book and tally sheet should be filed

in a public office in that State, so that if a contest should ever happen the validity and honesty of an election could be determined by ascertaining whether or not there was fraud in tampering with the ballots while they were in the office of the custodian of ballots. So that necessarily the limit of this conspiracy was with the casting and counting of illegal votes corresponding to the fraudulent and fictitious registration.

Now, the proof before the committee showed, as has been stated by my colleague on the committee, that in these precincts the first 200 votes were not cast at all. They were the names of fictitious persons put on the registration list, corruptly voted alphabetically, and corresponding to the ballot numbers. There were perhaps as many as 600 in all in these three precincts whose names appear in alphabetical order on these lists. In addition to this, a thorough examination of the voting list for these three precincts uncovered every other illegal name for which a ballot was voted; so that to-day we have here in this House a record of the names of every illegal and fictitious voter in whose name or for whom a ballot was cast in these precincts in Kansas City in November, 1894. And more than that, we know, unless this contention of my friend that the ballots have been tampered with be true, that now on file in the recorder of voters' office in Kansas City are the votes, each one numbered to correspond with the voting number of those known illegal and fictitious voters, amounting to, say, 900 in these three precincts; and if we have the name of John Smith, who we know had no right to vote, and find that he was No. 251, on the tally list, and we go to the ballot and we find ballot 251 we know that was cast fraudulently by John Smith, and we know for whom that ballot was cast.

Now, the committee was confronted with this condition of things: Practically all the fraud perpetrated in the fifth, sixth, and seventh precincts was expressed, and necessarily expressed, in the way in which I have indicated; expressed by the padded registration list and by votes agreeing with those names in the book, and by counting those ballots honestly, because they had to be preserved and had to be turned in to the recorder of voters. I say that practically all of the frauds that were perpetrated in those three precincts were perpetrated in that way. So that, as I said a moment ago, the committee was confronted with all this evidence and with this question: Ought it to pursue the arbitrary, drastic method of throwing out the entire returns from the fifth, sixth, and seventh precincts? This would have been absolutely unavoidable with an ordinary election law, under which the ballots were not preserved and identified. Or, did not the facts that these ballots were preserved, that substantially all the fraud complained of consisted in voting on the basis of this padded registration roll, and that we knew for whom each ballot was cast and by whom it was cast—did not these facts and circumstances present a case where the committee might, with reasonable accuracy, proceed to purge the returns of their taint and, separating from the honest vote the dishonest vote, record those that had a right to be cast and discard those that were fraudulent?

The committee decided against that. They said that was unwise. Why? Why, because, first, there were some other frauds. Well, there was some other fraud besides that which I have described; but no gentleman on the floor of this House will put himself on record as saying that the fraud perpetrated on election day in Kansas City, exclusive of that which pertained to the padded registration roll and the illegal voters, was sufficient to taint the entire return and compel us to disregard the whole vote. And yet if we can purge one thing, and all that is left is not sufficient to fatally taint the poll, then what is our duty? It is to purge so far as we may, and do as well as we can with respect to that which can not be purged.

The other objection is that these ballots, having passed through corrupt hands, are now fatally tainted. I want to address myself for a moment to that proposition. There is not a line of testimony in the record or out of it, by the oral evidence of witness or by ex parte affidavit here, that can lead any man to believe that the ballots to-day on file in Kansas City differ as regards the Congressional election in any respect whatever from the ballots which were fraudulently created and counted and turned in to the recorder of voters on the night of election. That is to say, the ballots, though speaking lies, speak to-day precisely the same lies they spoke on the night of the election. One reason for that conclusion I have already given, that the nature of the Kansas City election law placed its own limitation upon the scope and character of this conspiracy and of these frauds, and that the conspiracy did not contemplate passing an inch beyond the counting of the illegal votes, because no man intended to preserve and perpetuate the definite and damning proof of his own fraud. But, in the next place, we have here in testimony the confessions of I know not how many conspirators who have unbosomed themselves without stint, without limit; they tell us all that was done in so far as they have knowledge of it, and not one of them intimates, suggests, or raises a suspicion that any fraud of a character necessary to taint these ballots was contemplated or was carried out.

In the next place, I trust that gentlemen on this floor will not confuse the character of manipulation of ballots and tampering with them which is referred to in an affidavit or two here with the kind of manipulation or the kind of tampering with ballots that would be necessary to discredit the ballots that are now in controversy. Remember that in the cases referred to the tally sheets were changed, and the vote as promulgated on the night of the election was different from the vote as promulgated by the recorder of voters and his deputies. More than that, the peculiar, cumbrous, and awkward fraud that was perpetrated at that time, whenever it was, was promptly discovered. Now, it is insisted that, knowing what the vote was that was promulgated on the night of election, so far as the vote for member of Congress was concerned, the ballots must conform to that vote, and that among those ballots in the Second Ward there were over 900 illegal ones cast in the names of persons whose names we know—it is insisted that by some sort of jugglery, by some sort of legerdemain which would have done honor to Hermann himself, they were manipulated and a change was made on the face of those ballots by which an honest Republican Van Horn ballot was turned into a dishonest, fictitious vote for Van Horn, giving the honest voter's vote to Tarsney! I say that that involved such a cumbrous operation, not at all within the line of the original conspiracy, the like of which is not suggested or intimated by any other witness or by anybody who confesses to have taken part in these frauds, that it seems impossible to conceive that anyone has undertaken to carry it out.

Mr. HENDERSON. If these judges and the chief conspirator, Owsley, find themselves under attack by Congress, and I should suppose by grand juries, these men still having the control, would you feel safe, after a year has elapsed, they being under fire and being in control, to risk your rights upon the reopening of that box, even if the necessary fraud was a little cumbersome?

Mr. TAYLER. I am glad the gentleman has made that inquiry. I was about coming to a point that I wanted to make in answer to the suggestion that lies behind the gentleman's inquiry. In the first place, this corrupt recorder of voters went out of office about two months after the election and has not been in control of the ballots since that time.

Mr. HENDERSON. Owsley?

Mr. TAYLER. Yes, Owsley. He has not been in control of the ballots since that time. They have been in honest hands since some time in January, 1895. In the next place, while there was a good deal of talk there about fictitious voters and about the padding of registration lists, the proof of this padding and of this illegal alphabetical voting was unknown certainly until May, 1895, four or five months after Owsley had gone out of office; and therefore there was nothing serious in the atmosphere to suggest to Mr. Owsley—certainly not as to the Congressional matter—that he was likely to be soon in the midst of a storm center that would break upon his devoted head. Whatever thought of change would spring into a man's mind would not have come to it until after the public discovery was announced of the fact that there had certainly been illegal voting there.

Mr. CROWTHER. Was not the "storm center" around Mr. Owsley's office immediately after the promulgation of the vote on the 7th day of November?

Mr. TAYLER. Oh, there never was an hour from the day of the election down to the present hour when the storm center has not been brewing in Kansas City, and rightly so.

Mr. CROWTHER. Was not that the period of the organization of the committee of seventy?

Mr. TAYLER. The gentleman, I fear, has not read this record with care. There never was any excitement in Kansas City on the subject of the Congressional election. It was larger game, from their standpoint, that they were striking for. It was the election of a public prosecutor and of a marshal. They wanted nobody to have charge of the prosecution of criminals who would prosecute criminals.

Mr. JOHNSON of Indiana. One question, with the gentleman's permission. From the investigation he has made of the evidence actually in the record, has he been able to come to any conclusion in whose interest this fraud in the election for Congress was perpetrated? If so, in whose interest does he believe it to have been committed?

Mr. TAYLER. All that I know with any degree of absolute certainty is this: That the only person for whom a special, defined, accentuated effort was made to cast illegal votes for Congress was the contestant, Mr. Van Horn. It is absolutely certain that Mr. Tarsney was the beneficiary of most of the illegal votes that were cast in Kansas City. That is incontestible.

A MEMBER. Do you mean Mr. Tarsney?

Mr. TAYLER. Yes, I mean the contestee. I retract nothing that I have said. I say that the only clearly defined evidence that any candidate for Congress got illegal votes by any special effort is that the contestant got them.

Mr. JOHNSON of Indiana rose.

Mr. TAYLER. Now let me go on. I do not like to be interrupted when I am undertaking to explain a particular point.

Mr. JOHNSON of Indiana. I will not interrupt the gentleman.

Mr. TAYLER. I shall be pleased to yield to the gentleman in a moment. I have been interrupted upon this point and must first answer it. I must take the liberty of declining to answer the gentleman's question just now.

Mr. JOHNSON of Indiana. I shall not interrupt the gentleman against his wish.

Mr. BURTON of Missouri. Will the gentleman answer me a question simply for information, because if he is right in his position I want to know it?

Mr. TAYLER. Certainly I will answer the gentleman.

Mr. BURTON of Missouri. To what testimony does the gentleman now allude?

Mr. TAYLER. I am going to talk about that at this very moment. The contestee, as I said a moment ago, was undoubtedly the beneficiary of practically all the illegal votes cast in Kansas City. We know that, not because he is the contestee or because he knew anything about it. Whether he did or did not, is not a subject that is worth inquiring about at this moment. But we know that the illegal voting was done in the main for the benefit of the Democratic ticket, and Mr. Tarsney, as one of the men on that ticket, received his share, save only in precinct No. 5 of Ward 2, where, out of a total vote of 201, given to the contestant, Mr. Van Horn, 137 were in excess of his party strength. Every other man on the Republican ticket got from 64 votes down. Every other Republican on the ticket received in the fifth precinct of Kansas City 64 votes or less, while Mr. Van Horn had 137 more than 64—that is to say, 201.

Now, Mr. Van Horn was undoubtedly entirely innocent of any knowledge as to how that was done or to be done, if it was prearranged. But the fact remains that he did get those votes in excess of his party strength, and that we have affidavits here to the effect that those votes were actually cast and counted for him. We have, I say, no other explicit, defined, accentuated testimony respecting the contestee of the same character as that relating to the contestant; but nevertheless the proof is just as satisfying that the bulk, and I believe practically all, if not every one, of the illegal votes cast in Kansas City were cast for Mr. Tarsney, save only about 137, which may have been cast for the contestant in the fifth precinct of the Second Ward.

Mr. JOHNSON of Indiana. Now, at this point will the gentleman permit a question? Is it not his belief that if his theory is carried out and these ballots examined they will demonstrate the election of Mr. Van Horn?

Mr. TAYLER. Does the gentleman mean if the ballots are counted?

Mr. JOHNSON of Indiana. I say, is it not the gentleman's theory that if these ballots are examined as contemplated by him they will show the election of Mr. Van Horn?

Mr. TAYLER. I believe that the momentum of the testimony already before the committee will result in the declaration of Mr. Van Horn's election if these ballots are counted. That is precisely my position. If we believe the testimony that is here, it has a certain drift and tendency from which we may infer certain results. But election-contest cases are not to be decided on inference.

Mr. JOHNSON of Indiana. Now, pardon me, one further question.

Mr. TAYLER. I yield to the gentleman.

Mr. JOHNSON of Indiana. It is, then, your belief that the examination of those ballots will reveal the very thing that the committee has reported—the election of Mr. Van Horn?

Mr. TAYLER. That is my hope and expectation.

Mr. JOHNSON of Indiana. Now, there were, were there not, 200 fraudulent alphabetical ballots cast in the seventh precinct of the Second Ward?

Mr. TAYLER. Now, the gentleman will not be permitted by me to take new ground. I will not be put on the defensive. I am offensive at this moment. [Laughter.]

Mr. JOHNSON of Indiana. Well, the gentleman has not given me any offense.

Mr. TAYLER. The gentleman from Indiana has simply called the attention of the House to a matter to which I referred at the beginning of my remarks, and has planted himself upon untenable ground. I will not take issue with him or undertake to discuss some matter which is not raised by the report of the committee.

Mr. JOHNSON of Indiana. Then the gentleman declines to answer the question, as I understand?

Mr. TAYLER. I will answer any question that raises no fresh issue.

Mr. JOHNSON of Indiana. But the fact to which I have called your attention with reference to these 200 alphabetical ballots will throw light upon them as to what is proven in the record. Does the gentleman deny that the election of the contestant——

Mr. TAYLER (interrupting). I hope the gentleman from Indiana will not seek to amplify that part of his argument at this time. He will have his own opportunity.

Mr. JOHNSON of Indiana. But the gentleman has stated what the evidence will show with reference to these ballots——

Mr. TAYLER. No, I simply expressed an opinion.

Mr. JOHNSON of Indiana. And my question now is, whether it has not been proven, and whether he believes it to be true that there were 200 fraudulent alphabetical ballots cast in the seventh precinct of the Second Ward?

Mr. TAYLER. The gentleman from Indiana knows and has always known that I knew that.

Mr. JOHNSON of Indiana. Very well, now——

Mr. TAYLER. Well, I decline to be catechised by the gentleman from Indiana from one end of the alphabet to the other.

Mr. JOHNSON of Indiana. Of course, if the gentleman declines to answer the question, I will not interrupt him.

Mr. TAYLER. The gentleman understands that I have stated from the beginning of my discussion, and I venture to say with unrestful iteration before the House, that 600 alphabetical votes were illegally cast in the Second Ward, and it is not worth while to stand up here now and consume time or to enable the gentleman from Indiana for some ulterior purpose of his own to secure a repetition of the same statement which I have already admitted.

Mr. RAY. I wish the gentleman from Ohio would permit me a question just here.

Mr. TAYLER. Certainly.

Mr. RAY. I understand from the statements made that during the election while the voting was going on the discovery was made that some gentlemen having charge of the polling places deliberately took from the ballot boxes tickets which had been put in and put others in their places, and it was discovered that they were carried away and presumably destroyed. It was stated, I believe, that they substituted Democratic votes for those taken away. Now, if that was done in one place, presumably it may have been in others. How could you determine, then, by taking the boxes and opening and examining the votes, if your proposition should be adopted, how could you determine with any degree of certainty or fairness who was, in point of fact, elected under those circumstances?

Mr. TAYLER. We could not by any such examination of the ballots purge, in my judgment, the fifty-second precinct, in which the character of conduct the gentleman from New York refers to was carried on. We have the testimony of an eyewitness to that; and while I shall not go into that now, but will at a later period in the discussion, I will refer to it briefly for a moment. We have the testimony of the conspirators in the other precincts, and my discussion is based solely on the four precincts on which the committee bases its conclusion, eliminating and expunging all the others in their argument, and the findings which are embodied in the report, and if we had any such conditions in the fifth, sixth, and seventh precincts as were discovered in the fifty-second precinct we could not purge them.

Mr. RAY. Then I understand you to substantially concede that it is impossible to avoid throwing out the entire vote in the fifty-second precinct.

Mr. TAYLER. On the contrary, I would not throw it out, and I will convince the gentleman from New York inside of the next ten minutes that he would not be willing to throw it out.

Mr. RAY. I was going on to assume, if the gentleman will permit me, that the statements of your colleague on the committee were true——

Mr. TAYLER. His statements were true.

Mr. RAY. Then I trust you will explain how you can purge these precincts and get at the exact result.

And then another thing that troubles me, that I would like the gentleman to refer to and clear up as he proceeds. As I understand it, this contest arose soon after the election, and both parties to the contest gave evidence and presented their witnesses and made up their case for the action of Congress. Now, Mr. Tarsney must have known before what he says now is so important for the proper consideration of his case. Why is it that he did not at that time in making up his case ask to have the boxes opened, ask to have the votes examined, and ask to have done then what he asks us to do now? If there is any explanation of the matter I hope the gentleman will furnish it for the information of the House.

Mr. TAYLER. I trust that my friend from New York does not imagine that I, as a member of this committee, and charged with the duty especially devolving upon me to justify myself for differing from my Republican colleagues, would come upon the floor of this House without intending to advert to the very propositions to which he has called my attention, and in due time I will come to them.

I was diverted by the interrogatories from the discussion of another reason, which indicates to me that we have no right to

say, as a body seeking to do justice, that these ballots are absolutely unreliable, because of the fact that I referred to in another connection a moment ago—that in all the mass of testimony we have here before us, with everything that has been said with respect to tampering with ballots, with the same opportunity to tamper with them in one way as another, perhaps, no one has pretended that a Congressional ballot was tampered with or that the kind of tampering which would be essential to effect anything in this Congressional vote was attempted or carried out by anybody, at any time, in any precinct, with respect to any office. There was a change made, as I said awhile ago, in a tally sheet, and a corresponding change made in certain ballots. That was where the promulgated return on the night of election was found to differ from that which was promulgated by the recorder, and by the erasures, apparent on the face of the papers, the fraud was instantly detected and the truth was arrived at.

And so I say here that if we examine these ballots, if there has been any change made in them that will discredit them for the purposes for which we call upon them—I say that that fact will be instantly discerned and we shall be able to say whether or not they are faithful witnesses of the lies to which they were witnesses in the first instance.

Now, I want to refer right here, and with great brevity, to the principle of law that is applicable to a case of this character. For the sake of convenience I take McCrary. The same doctrine is laid down in Paine, as taken from the reports of our courts and of election committees. That is section 303:

The question under what circumstances the entire poll of an election division may be rejected has been much discussed and conflicting views have been expressed by the courts. The power to reject an entire poll is certainly a dangerous power, and though it belongs to whatever tribunal has jurisdiction to pass upon the merits of a contested-election case, it should be exercised only in an extreme case; that is to say, a case where it is impossible to ascertain with reasonable certainty the true vote.

And on the following page:

Indeed, nothing short of the impossibility of ascertaining for whom the majority of votes were given ought to vacate an election.

Now, a brief extract from the well-known case of Washburn *vs.* Voorhies, in the Thirty-ninth Congress, quoted with approval by all writers on this subject:

In adopting this rule—

That is, the rule of striking out an entire return—

the committee do not lose sight, however, of the danger which may attend its application. Wholesome and salutary, not less than necessary, in its proper use, it is extremely liable to abuse. Heated partisanship and blind prejudice, as well as indifferent investigation, may, under its cover, work great injustice. It is not to be adopted if it can be avoided. No investigation should be spared that would reach the truth without a resort to it. But it is not to be forgotten or omitted if the case calls for its application. If the fraud be clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to a contest, and no investigation of the committee enable them to deduce the truth therefrom, then no alternative is left but to reject such a return. To use it under such a state of facts is to use as true what is shown to be false.

Mr. JOHNSON of Indiana. What section is that?

Mr. TAYLER. That is section 438 of the second edition of McCrary. Now, let me advert to the fifty-second precinct for but a moment.

The compulsion of the logic of the majority report has compelled them in the fifty-second precinct to do the gravest injustice, not to the contestee, but to the contestant. Irrevocably wedded to a certain construction of a principle of law, they have been compelled, in order to be consistent, to throw out the entire return from precinct 52. Let me indicate to what kind of principle and what manner of justice the philosophy of that contention seeks to commit this House.

The majority report, and every member of the majority, give credit to the witness Canney, and I make no complaint and have no quarrel with my friends on that score. The whole fabric of their contention respecting the fifty-second precinct is woven round the witness Canney, whom they believe and credit, and he tells the truth, I hope. Note what they do.

We come now to another qualification of this principle, which the majority report contends is an unqualified principle, and that is that you have no right to assert the doctrine that an entire poll must be rejected if tainted with fraud—if apparent wrong is done to the one who was not a beneficiary of the fraud. By what sort of logic or law is it contended that I, who was standing for an election, receiving 100 votes, and my competitor receiving but 50 votes, shall suffer if, by collusion between the corrupt judges, friends of my competitor, the poll is tainted with fraud. It is known that I got certain votes; by what kind of logic do you justify the expulsion of that return? And look at this case here? Suppose that outside of the fifty-second precinct the contestee had an honest and unquestioned majority of 100.

There is the situation as we come down to the fifty-second precinct. In that precinct a credible and corroborated witness testifies that 170 votes cast for Van Horn were changed to and counted for Tarsney. That is a specific fact in the case. The Tarsney majority in the precinct was 180. The honest majority, if we believe these witnesses—and the majority report does—the honest majority in that precinct was at least 160 for Van Horn. Are you going to disregard the returns from the fifty-second precinct? Are you going to throw it out? And in the case which I took as an illustration, are you going to justify the unseating of a man that you know is elected and seat a man that you know is not elected? But that is where the majority of this committee, in order to be consistent, in order to stand by this sacred and revered principle, must plant themselves or be wrong. The principle is not invoked, and was not created to do wrong when you see that you can make visible and apparent the wrong.

Mr. JOHNSON of Indiana. Does the gentleman believe with respect to the fifty-second precinct, Ninth Ward, that it should be counted 160 for Van Horn?

Mr. TAYLER. I was arguing with reference to the position taken——

Mr. JOHNSON of Indiana. Does the gentleman believe that?

Mr. TAYLER. I am here speaking against the inevitable result of the position that the gentleman from Indiana has taken——

Mr. JOHNSON of Indiana. But the question I asked——

Mr. TAYLER. And not to be interrogated about what I might do.

Mr. JOHNSON of Indiana. But certainly the gentleman will——

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Ohio yield?

Mr. TAYLER. I will.

Mr. JOHNSON of Indiana. Now, then, let the House have the benefit of your opinion as to what the action of the committee should be. I understand the gentleman complains that the committee has wrongfully——

Mr. TAYLER. I do not complain about anything.

Mr. JOHNSON of Indiana. Well, will the gentleman be kind enough to tell us, then, what he thinks the committee ought to do, and what the evidence shows in respect to the fifty-second precinct, Ninth Ward, whether it should be thrown out, or whether it should be counted 160 for Van Horn?

Mr. TAYLER. The committee ought to recast its report, is my first reply [applause]——

Mr. JOHNSON of Indiana. The gentleman has not answered my question.

Mr. TAYLER. And my second reply is that if the gentleman believes the testimony of the important witness Canney he ought to say that Mr. Van Horn has 160 majority in the fifty-second precinct of the Ninth Ward.

Mr. JOHNSON of Indiana. I am not asking the gentleman what I should say in connection with the matter. I am asking the gentleman, "what do you say"?

Mr. TAYLER. That is not pertinent to this inquiry.

Mr. JOHNSON of Indiana. Then the gentleman declines to answer my question.

Mr. TAYLER. The gentleman is here in a position where he presents a report on this floor that declares that the committee, in obedience to this proposition of law upon which they plant themselves, are compelled to throw out the fifty-second precinct; and I say that, believing as they do that Canney tells the truth, they have no right to do it. What I might do with it is immaterial to this controversy. My opinion in respect to the general principle of law involved is the only thing this House is caring to hear.

Now, then, to the question which was propounded by my friend from New York. It is said that the contestee was negligent: that the contestee did not take this testimony when he might have taken it, and when he ought to have taken it. Now, I do not want to consume time at this moment in the discussion of a question as to whether or not the contestee was negligent. In the first place, that is discussed in the report of the minority. It will be discussed, I doubt not, by my colleagues on the committee, and I only want to say this in that connection: It was not known until May that these alphabetical fraudulent votes were cast.

It was not definitely known until then that an examination of the ballots would disclose the exact extent of that fraud that was committed in the fifth, sixth, and seventh precincts. But beyond that it was contended that the contestee had no right to examine those ballots. Certain officers or certain contestants, under the law of Missouri, have the right to examine those ballots that are preserved by the recorder of voters, and by a process of exclusion no others have the right. The courts of Missouri have held that these other officers who are not named have no right to examine the ballots. A very able lawyer from the State of Missouri told me to-day that there is no right inherent in any commissioner taking testimony in an election contest—a Congressional election contest—to examine these ballots, and that the courts of Missouri would refuse an examination of them. And surely, if an able lawyer of the State of Missouri would express that as his deliberate opinion, it would be difficult to predicate negligence in the

conduct of the man who had not taken that testimony. That is a violation——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BAILEY. I ask unanimous consent that the gentleman's time may be extended to conclude his remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLER. I will conclude in a moment.

Several MEMBERS. Take your time.

Mr. TAYLER. I will conclude within ten minutes, and shall not hurry myself either.

I want to say this, that gentlemen who contend that a contested-election case is to be determined by the mere question of negligence or diligence on the part of the contestant or contestee, it seems to me, fall very far short of a just apprehension of the nature of the contest and the great duty of this House. But I shall not stop here to discuss how far a proceeding of this kind is purely an adversary one between the contestant on the one hand and the contestee on the other, or how far in a case of this character the right of a great constituency and the integrity of this body are involved.

But I do say this, and I challenge question of its propriety, that good morals and sound law and common justice demand that where, in any case, it is apparent that returns are permeated by fraud, however wide and far-reaching, and the same testimony discloses an easy and safe and reasonably accurate way of purging those returns of that discovered fraud, the House can not shield itself behind some technical rule and refuse to purge those ballots of their fraud. [Applause.] I doubt not that the principle that a poll fatally tainted with fraud must be totally disregarded is to remain a part of our law, but nevertheless it is a dangerous doctrine and but rarely to be invoked. It is at once the temptation, the opportunity, and the refuge of partisanship. Its force and applicability are oftener determined in the forum of prejudice than of right. It gives too full play to mere opinion, and where that begins judicial investigation is likely to end.

A legislative body seeking to act judicially must be sure that it has exhausted every effort within its power to determine whether the time has come when an entire return must be rejected. If you search the records of contest cases in the House of Representatives I doubt if you will find an instance where a proposition to strike out an entire return, if of the substance of the case, was ever decided on any other than party lines. A principle thus fostered and thus abused is not a principle to be invoked except where the exigencies of the case absolutely demand it, and it is the duty of the House to make such effort as it honestly can make to see whether it can not purge the returns. If, having made an honest effort, it finds itself unable to so purge them, it will at least have the satisfaction of having purged its own conscience. [Loud applause.]

Mr. JOHNSON of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. LACEY. I ask the gentleman to withdraw that motion for a moment.

Mr. JOHNSON of Indiana. I withdraw the motion, Mr. Speaker.

Mr. LACEY. There is a bill on the Speaker's table which I should like to have submitted to the House.

SUITS IN LAND-GRANT CASES.

The SPEAKER laid before the House a bill (H. R. 5474) to provide for the extension of time within which suits may be brought to vacate and annul land patents, etc., with amendments of the Senate thereto.

The Clerk proceeded to read the amendments.

Mr. McRAE. Mr. Speaker, how does that bill come before the House at this hour?

The SPEAKER. It was on the Speaker's table. The Chair does not desire to present it if the gentleman from Arkansas objects. The Chair was informed that the Committee on Public Lands had had the matter informally before them, and that the amendments were of slight importance and were to be concurred in.

Mr. McRAE. I do not agree to the amendment of the Senate, Mr. Speaker; I think it ought to be nonconcurred in. I recognize the necessity for disposing of the bill as soon as possible, but I did not suppose it would be called up this afternoon. I am perfectly willing to vote upon it now, but I want to say a word about it first.

Mr. LACEY. Mr. Speaker, I will not press the matter at this time.

The SPEAKER. In the absence of objection, the bill will be withdrawn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897;

A bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas;

A bill (S. 141) granting a pension to Julia A. Hill;

A bill (S. 103) relating to final proof in timber-culture entries; and

A bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

CHANGE OF REFERENCE.

The SPEAKER. Senate bills Nos. 360 and 361 have been improperly referred to the Committee on Claims. As the appropriations provided for are to be paid out of Indian funds the bills ought to go to the Committee on Indian Affairs, and will be so referred.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 4 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3561) providing for the construction of a steam revenue cutter for service on the Atlantic Coast of the United States, with headquarters at the port of New York, reported the same without amendment, accompanied by a report (No. 502); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VAN VOORHIS, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 5635) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 96), providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter Day Saints, reported the same with amendment, accompanied by a report (No. 519); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. No. 179) to censure Thomas F. Bayard, ambassador of the United States to Great Britain, for statements made by him in certain speeches, reported the same without amendment, accompanied by a report (No. 520); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 1035) for the relief of Mrs. Elvira Moore, executrix of J. L. Moore. (Report No. 503.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 5881) for the relief of Bath County, Ky. (Report No. 504.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 2334) for the relief of B. F. Moody & Co. or their legal representatives. (Report No. 505.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn. (Report No. 506.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 2813) granting a pension to Rita Stine, amounting to $20 per month. (Report No. 508.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1171) to pension Hannah Tazell. (Report No. 509.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 137) granting an increase of pension to William W. French. (Report No. 510.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 6132) granting an increase of pension to Thomas M. Scott. (Report No. 511.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pen-

sions: The bill (H. R. 986) for the relief of Hiram P. Pauley. (Report No. 512.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers. (Report No. 513.)

The bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford. (Report No. 514.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3421) to grant a pension to Elizabeth Sadler. (Report No. 515.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 2358) for the relief of Arminda White, widow of Israel White. (Report No. 516.)

By Mr. HARDY, from the Committee on Pensions: The bill (S. 149) granting a pension to Helen M. Jacob. (Report No. 518.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOZLEY (by request): A bill (H. R. 6501) to raise revenue, and for other purposes—to the Committee on Ways and Means.

Also (by request), a bill (H. R. 6502) to authorize the construction of certain railways and canals, and for other purposes—to the Committee on Railways and Canals.

By Mr. PATTERSON: A bill (H. R. 6503) to regulate the importation of gunpowder, nitroglycerin, and other explosive substances—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: A bill (H. R. 6504) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon—to the Committee on the Public Lands.

By Mr. TERRY: A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta—to the Committee on Interstate and Foreign Commerce.

By Mr. GROW: A bill (H. R. 6506) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age—to the Committee on Education.

By Mr. MEREDITH: A bill (H. R. 6507) to increase the salaries of the police-station clerks of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 6508) providing for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER (by request): A bill (H. R. 6509) authorizing the cutting, using, and transporting of down or fallen timber in certain counties of South Dakota—to the Committee on the Public Lands.

By Mr. CURTIS of Kansas: A bill (H. R. 6510) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to L. E. King Post, No. 105, Grand Army of the Republic, of Augusta, Kans., and for other purposes—to the Committee on Naval Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2375) to pension Patrick W. Halloran—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 2377) granting a pension to John E. Kirkham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 1420) granting an increase of pension to Elizabeth W. Sutherland—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Joint resolution (H. Res. 118) to pay heir of David Heaton the remainder of salary of his unexpired term in the Forty-first Congress—Committee on Appropriations discharged, and referred to the Committee on Claims.

The bill (H. R. 5933) for the relief of William Norris—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2243) for relief of Jonathan Morris—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 361) for the relief of Silas P. Keller—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

The bill (H. R. 360) for the relief of Northrup & Chick—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 6511) conferring jurisdiction upon the United States Court of Claims to hear and determine the claim of Mrs. Jane W. Mason, Washington, Pa.—to the Committee on the Judiciary.

By Mr. BAKER of Kansas: A bill (H. R. 6512) for the relief of B. C. Sanders—to the Committee on Indian Affairs.

Also, a bill (H. R. 6513) for the relief of Mary White—to the Committee on Indian Affairs.

By Mr. CLARDY: A bill (H. R. 6514) for the relief of James O. Knox—to the Committee on War Claims.

By Mr. CONNOLLY: A bill (H. R. 6515) for the relief of Hannah Bailey Munson—to the Committee on War Claims.

Also, a bill (H. R. 6516) to pension Hannah Bailey Munson—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 6517) for the relief of Mrs. Ellen O'Rorke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6518) for the relief of Albert H. Geering—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 6519) granting a pension to Herman Dellit—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6520) for the relief of Miss B. Sheaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6521) for the relief of Leah Dietrich—to the Committee on Indian Affairs.

Also, a bill (H. R. 6522) granting an increase of pension to G. J. Counterman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6523) granting an increase of pension to August Cronanberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6524) granting an increase of pension to S. S. Brewerton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) granting an increase of pension to John A. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6526) granting an increase of pension to William J. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6527) granting a pension to Mrs. Thomas Russell—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols—to the Committee on Invalid Pensions.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 6529) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 6530) granting a pension to Mrs. Ann Gorham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6531) granting an increase of pension to John G. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6532) to reimburse Hubert Nyssen—to the Committee on Claims.

By Mr. HENDERSON: A bill (H. R. 6533) for the relief of A. A. Hosmer—to the Committee on the Public Lands.

By Mr. JOHNSON of California: A bill (H. R. 6534) to increase the pension of Mrs. Elizabeth M. Stevenson, widow of Col. J. D. Stevenson, late of California, from $8 to $30 per month—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 6535) granting a pension to Loozila L. Patterson—to the Committee on Invalid Pensions.

By Mr. LEIGHTY (by request): A bill (H. R. 6536) to pension William H. Robeson, alias Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6537) granting pension to Milo Miner—to the Committee on Pensions.

Also, a bill (H. R. 6538) to pension James Collins, of Angola, Ind.—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 6539) granting a pension to Richard C. Enright—to the Committee on Invalid Pensions.

By Mr. MAHANY: A bill (H. R. 6540) to reimburse Mrs. Bernard F. Gentsch, widow of the late postmaster of Buffalo, N. Y., for moneys personally paid by him and for which the Government received services—to the Committee on Claims.

By Mr. MEIKLEJOHN: A bill (H. R. 6541) to provide for the adjustment, settlement, and payment of claims for supplies furnished the Indian industrial school at Genoa, Nebr.—to the Committee on Indian Affairs.

By Mr. MERCER: A bill (H. R. 6542) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.—to the Committee on Invalid Pensions.

By Mr. MURPHY of Illinois: A bill (H. R. 6543) to remove the charge of desertion from the military record of Charles Held—to the Committee on Military Affairs.

By Mr. PICKLER (by request): A bill (H. R. 6544) for the relief of H. B. Matteosian, M. D., late delegate of the United States to the International Sanitary Commission of Constantinople—to the Committee on Claims.

Also, a bill (H. R. 6545) for the relief of James A. Stoddard—to the Committee on Military Affairs.

Also, a bill (H. R. 6546) granting a pension to Samuel Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6547) for the relief of Frederick Mehring—to the Committee on Military Affairs.

Also, a bill (H. R. 6548) for the relief of Levi Carnrike—to the Committee on Military Affairs.

Also, a bill (H. R. 6549) granting a pension to Gideon L. McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6550) for the relief of William H. H. Lee—to the Committee on Military Affairs.

Also, a bill (H. R. 6551) for the relief of William Charger and others—to the Committee on Indian Affairs.

Also, a bill (H. R. 6552) granting increase of pension to Alexander C. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6553) for the relief of Henry A. Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 6554) for the relief of Edward Dwyer—to the Committee on Military Affairs.

Also, a bill (H. R. 6555) for the relief of Albert J. Duane—to the Committee on Naval Affairs.

Also, a bill (H. R. 6556) granting a pension to Jacob Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) for the relief of Daniel Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 6558) for the relief of John Cashner—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6559) for the relief of the legal representatives of Alfred Duplantier, deceased—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 6560) to increase pension of Emily M. Tyler—to the Committee on Invalid Pensions.

By Mr. SIMPKINS (by request): A bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: A bill (H. R. 6562) to increase the pension of Martin A. Stucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6563) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 6564) to pension Rebecca G. Irwin—to the Committee on Invalid Pensions.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 6565) for the relief of John J. Driscoll—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 6566) for the relief of Thomas J. Wear, of Sevier County, Tenn.—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 6567) to increase the pension of Mrs. Elizabeth D. Stevenson, widow of the late J. D. Stevenson, formerly a colonel in the United States Army—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6568) for the relief of J. A. McCreary, late of the United States Army—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication of the records and papers of the Continental Congress—to the Committee on Appropriations.

Also, resolutions of Lodge No. 95, Order Sons of St. George, of Homestead, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the Peace Association of Friends, on the attitude of Congresss relative to the Monroe doctrine—to the Committee on Foreign Affairs.

By Mr. ALLEN of Utah: Petition of W. T. Sherman Post, No. 6, of Provo, Utah, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BARHAM: Petition of citizens of Petaluma, Cal., against appropriating public moneys for sectarian undertakings—to the Committee on Appropriations.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., protesting against the appropriation of public moneys for sectarian purposes and in favor of a constitutional amendment prohibiting such appropriation—to the Committee on Indian Affairs.

By Mr. BELL of Colorado: Resolution of settlers calling for the investigation of matters relating to the Colorado portion of the so-called Maxwell grant—to the Committee on the Public Lands.

By Mr. BREWSTER: Memorial regarding the closing up of Jupiter Inlet, Florida, from the inhabitants of Dade County, Fla.—to the Committee on Rivers and Harbors.

By Mr. BULL: Papers relating to the case of Mary R. Dean, widow of Amos G. Thomas, to accompany House bill No. 922—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Letters from George W. Burchard, president of the Dairymans' Association of the State of Wisconsin, together with memorial adopted by that association at their annual convention at Chippewa Falls, Wis., urging the favorable consideration of House bill No. 3010 and the need of legislation on lines of said bill, to regulate and control the manufacture and sale of the article known to the trade as "filled cheese"—to the Committee on Ways and Means.

By Mr. CRUMP: Resolution of the Chamber of Commerce of San Francisco, asking Congress to appoint a commission to investigate the question of Japanese manufactures, etc.—to the Committee on Ways and Means.

By Mr. CUMMINGS: Papers to accompany House bill No. 6517, relating to the case of Mrs. O'Rorke—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of the Woman's Christian Temperance Union of Crawfordsville, Iowa, for the enactment of a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of Lodge No. 43, Order Sons of St. George, Pittsburg, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOCKERY: Petition of Jonathan Morris and others, of Santa Rosa, Mo., praying for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. ERDMAN: Petition of residents of Guthsville, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, two protests of citizens of Rehrersburg, Pa., against the appropriation of public moneys for sectarian purposes, and petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. FENTON: Petition of J. W. Kates, of Barden, Ohio, and 19 other ex-soldiers of the Union Army, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of more than 2,000 citizens of western New England in favor of an appropriation by Congress for improving the navigation of the Connecticut River between Holyoke and Hartford—to the Committee on Rivers and Harbors.

Also, resolutions passed by the Commercial Club of Boston, in favor of an appropriation for the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. GRAFF: Petition of veterans of the late war residing in Mason County, Ill., favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Manito, Ill., for the passage of the Hainer bill, for the relief of prisoners of war who were Union soldiers—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska: Petition of the twentieth encampment, Department of Nebraska, Grand Army of the Republic; also, petition of Geo. N. Morgan Post, No. 4, Department of Minnesota, praying for the passage of House bill No. 306, granting a pension to Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HANLY: Papers to accompany House bills Nos. 5330 and 5331, for the relief of Frank Green—to the Committee on War Claims.

By Mr. HARMER: Petition of members of Col. John Clark Council, No. 126, Daughters of Liberty, indorsing and recommending the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Papers to accompany House bill granting an increase of pension to John C. Parker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill in the case of Mrs. Ann Gorham—to the Committee on Invalid Pensions.

Also, papers to accompany House bill in the claim of Hubert Hyesen—to the Committee on Claims.

By Mr. HOOKER: Petition of E. Green, mayor, and other citizens of Jamestown, N. Y., against the repeal of section 61 of the act of August 28, 1894, providing for a rebate of taxes paid on alcohol used by manufacturers, etc.—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Black Creek, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Black Creek, N. Y., against the sale of intoxicants to immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of Frank P. Crandon and 18 other citizens of the State of Illinois, asking the passage of resolution reviving the grade of Lieutenant-General—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of Munson Steamship Line and 19

other steamship companies and agencies, of New York, for a depth of 30 feet in Buttermilk Channel and in channel north of Governors Island, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. KIEFER: Resolution of the Minneapolis (Minn.) Board of Trade, in reference to the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. LACEY: Petition of J. W. Satchell and others, of Grinnell, Iowa, asking for the passage of the service-pension bill, and for land warrants for soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LINTON: Resolution adopted by the Chamber of Commerce of Milwaukee, to complete the improvement of the harbor of refuge in Milwaukee Bay—to the Committee on Rivers and Harbors.

Also, two protests of citizens of Belfast, Pa., against the appropriation of public moneys for sectarian purposes, and petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, resolution adopted by the New York Mercantile Exchange, in favor of regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Washington Camp, No. 513, of Saltillo, Pa., and No. 350, of Calvin, Pa., Patriotic Order Sons of America, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCREARY of Kentucky: Petition of members of churches of Nicholasville, Ky., in behalf of a bill for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. MOODY: Petition of W. S. Sawyer and others and of Norman O. Cobb and others, all of Haverhill, Mass., and vicinity, favoring the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. OWENS: Resolutions of a public meeting in the Seventh Congressional district, Kentucky, regarding the atrocities committed by the Turks upon the helpless Armenians—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Pennsylvania: Memorial of citizens of Delaware County, Pa., indorsing Rockdale Council, No. 803, Junior Order United American Mechanics, favoring the recognition of the belligerency of the Cuban insurgents—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Petition of Ezra G. Bill, for pension, to accompany House bill No. 5776—to the Committee on Invalid Pensions.

Also, petition of citizens of Connecticut, in opposition to sundry House bills (H. R. 1227 to 1233, inclusive), known as the Maguire bills, as calculated to injure foreign trade and coastwise shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Connecticut, favoring sundry House bills (H. R. 5288 and others), designed to serve the mutual interest of shipowners and seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCRANTON: Petition of the Keystone Veterinary Medical Association, favoring House bill No. 3012, to give rank to veterinarians in the Army—to the Committee on Military Affairs.

By Mr. SHANNON: Memorial of Charles Mann & Co. and 102 others, requesting that Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of constructing a canal through the Harlem Kills, New York, 15 feet deep and 300 feet wide, for a sum not exceeding $1,450,000—to the Committee on Rivers and Harbors.

By Mr. WATSON of Ohio: Resolutions of the Pennsylvania Society of Sons of the Revolution, asking Congress to purchase and have published the records and papers of the Continental Congress, comprising the official documents dating to the Revolutionary period—to the Committee on Printing.

By Mr. WADSWORTH: Petitions of the Woman's Christian Temperance Union, of Pekin, Stafford, and Geneseo, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, of Pekin, Stafford, and Geneseo, N. Y., against the sale of beer and intoxicating liquors to immigrants—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolution of Washington Camp, No. 53, Patriotic Order Sons of America, of Cold Point, Pa., indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Idaho: Petition of Thomas Turner and other ex-soldiers of the Union Army, asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOOMER: Petition of Joseph P. Remington and faculty of Philadelphia College of Pharmacy, in favor of bills to increase the pay of hospital stewards in the Army—to the Committee on Military Affairs.

Also, petition of Harry H. Parson, councilor of Golden Star Council, No. 6, and 125 members, of Middletown, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Emily Dissinger, president, and 15 members of the Woman's Christian Temperance Union of Cornwall, Pa., in favor of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WRIGHT: Seven petitions of citizens of Washington, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *February 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 7th instant, calling for statistics and information which the records of the Pension Office disclose from the 1st day of July, 1895, to the 1st day of January, 1896, of invalid pensioners pensioned under the general law, etc., and also a statistical statement showing the number of pension certificates issued during the six months ended January 1, 1896, transmitting a letter and accompanying inclosures from the Commissioner of Pensions containing the information desired; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Pensions, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 7th instant, calling for information as to whether the schedule relating to the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion was prepared and the information required taken, etc., transmitting a letter and accompanying inclosures from the Commissioner of Labor in charge of the Eleventh Census, containing the information desired; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Pensions, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Wellington, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting further appropriations for institutions under ecclesiastical control; which was referred to the Committee on Appropriations.

He also presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the reenactment of the law providing for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. CAMERON. I present a petition of the Glass Bottle Blowers' Association of the United States and Canada, with headquarters at No. 119 South Fourth street, Philadelphia, Pa., praying for the reenactment of the law providing for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1. I ask that the petition be read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

OFFICE OF GLASS BOTTLE BLOWERS' ASSOCIATION
OF THE UNITED STATES AND CANADA,
No. 119 SOUTH FOURTH STREET,
Philadelphia, Pa., February 17, 1896.

At the last annual convention of the Glass Bottle Blowers' Association the following resolution was passed by the convention, and the general secretary of the association was ordered to send a copy of the same, under seal, to the President, Vice-President, Secretary of State, and members of both Houses of Congress:

"*Resolved*, That it is the deliberate judgment of the Glass Bottle Blowers' Association of the United States and Canada that Congress should reenact the law of 1837, which provides for the free and unlimited coinage of both silver and gold at the ratio of 16 to 1, thus restoring the American law of coinage as it was until 1873, when silver was demonetized without debate, and without the knowledge of the American people, and that this should be done at once, without waiting for the cooperation of any other nation."

WILLIAM LAUNER,
General Secretary of the Glass Bottle Blowers' Association.

Mr. LODGE presented a petition of the Commercial Club of Boston, Mass., praying that an appropriation be made for the improvement of Boston Harbor; which was referred to the Committee on Commerce.

He also presented a petition of 72 citizens of Haverhill, Mass., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. SEWELL presented a petition of a committee representing the tea trade of the United States, praying for the enactment of legislation levying a specific duty on tea; which was referred to the Committee on Finance.

He also presented petitions of Silver Council, No. 200, Junior Order of United American Mechanics, of Little Silver, N. J.; of Silver Star Council, No. 26, Junior Order of United American Mechanics, of Williamstown, N. J.; of Ashland Council, No. 28, Junior Order of United American Mechanics, of Seabright, N. J.; of Goodwill Council, No. 32, Junior Order of United American Mechanics, of New Brunswick, N. J.; of Hornerstown Council, No. 177, Junior Order of United American Mechanics, of Hornerstown, N. J.; of Nathan Hale Council, No. 89, Junior Order of United American Mechanics, of Trenton, N. J.; of Winfield Scott Council, No. 53, Junior Order of United American Mechanics, of Elizabeth, N. J.; of Enterprise Council, No. 26, Junior Order of United American Mechanics, of Trenton, N. J., and of Orient Council, No. 46, Junior Order of United American Mechanics, of Elizabeth, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. HOAR presented the petition of A. Ritchie and sundry other citizens of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. LINDSAY presented a petition of the Filson Club, of Louisville, Ky., praying that the old custom-house property in that city be granted to them for the use of the club; which was referred to the Committee on Public Buildings and Grounds.

Mr. BERRY presented a petition of the delegates of the Chickasaw Nation of Indians in the Indian Territory, praying that they be allowed to withdraw $100,000 of the trust fund of that nation, to be placed in the subtreasury of the United States at St. Louis, Mo., to their credit; which was referred to the Committee on Indian Affairs.

Mr. QUAY presented a petition of the Commercial and Maritime Associations of Philadelphia, Pa., praying for the improvement of the Schuylkill River; which was referred to the Committee on Commerce.

He also presented sundry memorials of citizens of Belfast, Forkston, and New Columbia, all in the State of Pennsylvania, remonstrating against the appropriation of moneys for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Belfast and a petition of sundry citizens of New Columbia, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that line until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented a petition of Marine Engineers' Beneficial Association, No. 93, of the District of Columbia, praying for the speedy passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of Marine Engineers' Beneficial Association, No. 93, of the District of Columbia, praying for the passage of Senate bill No. 1242, to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service, and thereby also to increase the efficiency of the naval reserve; which was referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present, to accompany the bill (S. 1952) granting a pension to Thomas L. Crowell, a report from the War Department as to his military record and a letter from the Pension Office as to the rejection of his claim. I move that the papers be referred to the Committee on Pensions to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 1632) to permit owners of claims to iron and coal mines on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes, reported it with amendments.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn., reported it without amendment, and submitted a report thereon.

Mr. QUAY. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897, to report it with amendments and submit a report thereon. I desire to give notice that to-morrow, at the completion of the routine business, I shall call the bill up and ask the Senate to place it on its passage.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1936) to increase the pension of Mrs. Eunice Ida Rhoades, reported it without amendment, and submitted a report thereon.

REPORT ON IMMIGRATION.

Mr. HALE, from the Committee on Printing, to whom was referred the following resolution submitted by Mr. LODGE on the 24th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That 2,000 additional copies of Report No. 290 be printed for the use of the Committee on Immigration.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 2273) to authorize the appointment of Maj. Gen. Oliver O. Howard lieutenant-general on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 2274) granting an increase of pension to Mary Chamberlain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2275) for the relief of Sigmund J. Block and Augustus P. Baurman, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2276) to confirm title to lots 13 and 14, in square No. 959, in Washington, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. SHOUP introduced a bill (S. 2277) for the relief of Oscar Sonnenkalb; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 2278) making certain persons eligible to the pension list of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2279) to remove the charge of desertion from the name of Benjamin Wilkes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS (by request) introduced a bill (S. 2280) for the relief of the late Andrew S. Core; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL of Oregon introduced a bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 2282) to amend section 3 of the pension-revision act, approved March 3, 1873, so as to include certain soldiers of the Kansas State Militia; which was read twice by its title, and referred to the Committee on Pensions.

WAR IN CUBA.

Mr. ALLEN. I submit a proposed amendment in the nature of a substitute for the report of the Committee on Foreign Relations with reference to the war in Cuba, which I ask may be read and lie on the table.

The Secretary read as follows:

Amendment intended to be proposed by Mr. ALLEN to the concurrent resolution 19, reported by Mr. MORGAN, from the Committee on Foreign Relations, January 29, 1896, and the substitute therefor, reported by Mr. MORGAN, from the Committee on Foreign Relations, February 5, 1896.

Amend by substituting the following:

"A joint resolution authorizing and requesting the President of the United States to recognize the political independence of the Republic of Cuba, and for other purposes.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and requested to issue a proclamation recognizing the Republic of Cuba as it exists under the constitution and form of government proclaimed at Jimaguaya, under President Cisneros, in the month of May, anno Domini 1895, as a free and independent nation, and according the envoy extraordinary and minister plenipotentiary of said Republic all the rights and privileges accorded to the envoy extraordinary and minister plenipotentiary of the Government of Spain."

The joint resolution (S. R. 87) authorizing and requesting the President of the United States to recognize the political inde-

pendence of the Republic of Cuba, and for other purposes, was read twice by its title, and ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, was referred to the Committee on Indian Affairs.

Mr. PEFFER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE REVENUE BILL AND SILVER COINAGE.

Mr. ALLEN. I ask the unanimous consent of the Senate to make a brief statement, preceding the introduction of a proposed amendment to House bill 2749.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the Senator from Nebraska will proceed.

Mr. ALLEN. Yesterday the chairman of the Finance Committee, the honorable Senator from Vermont [Mr. MORRILL], called up House bill 2749, with the Senate committee amendment, and after a vote on the question of taking it up he announced to the Senate and to the country that that bill was dead, and that there would be no further attempt at legislation upon the lines of tariff at the present session of Congress. The Senator at that time also made a statement to the effect that it was manifest to the country that the Republican party is not in the ascendancy in this Chamber, and that there is some kind of a coalition between the Populist party and the Democratic party which would render it impossible to take up and consider that measure.

The Senator from Ohio [Mr. SHERMAN], following in the wake of his leader, announced in substance the same thing, although he said that at a subsequent time during this Congress he would again ask the Senate to take up the measure.

I have inferred all along from time to time that it was the purpose of the Republican party as represented in this Chamber to treat both the question of the tariff and silver upon terms of equality, and that there was really an honest desire on the part of possibly a majority of Republican Senators to enact a law for the free and unlimited coinage of silver. I regret very much that the chairman of the Committee on Finance left the Chamber yesterday before the discussion was finally finished.

Believing this, Mr. President, I took occasion yesterday to ask the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Connecticut [Mr. PLATT], who are representative Republicans, if there were any circumstances under which they would agree to the free and unlimited coinage of silver at the ratio of 16 to 1, and they both emphatically said there were no circumstances under which they would agree to that. I asked them if they were willing to take this House bill 2749, providing for a temporary increase of the revenues to meet the expenses of the Government with a free-silver amendment—taking the protective features of the bill together with a free-coinage amendment—and they said no. I asked them, at the suggestion of the Senator from Alabama [Mr. MORGAN], if they were willing to take the McKinley bill, which now seems to be the shibboleth of the Republican faith, with a free-coinage amendment attached to it, and they said no.

Mr. President, I do not believe in this House bill 2749, and I want to announce to the Senate and to the country that I do not commit myself to its policy or to the rate of taxation it imposes. But to show the venerable Senator from Vermont, the honorable chairman of the Finance Committee, that he has strength enough to carry this bill through here, I want to say to him if he can unite the Republican party upon this measure with a free-coinage amendment—not a free-coinage substitute, but a free-coinage amendment—by which the tariff therein provided shall become a law and silver shall be coined at the ratio of 16 to 1, the Populist party have votes enough to give you in this Chamber to make both those provisions a law. I want to ask the Senator from Vermont if he is willing to accept a substitute of that kind.

Mr. HOAR. I rise to a question of order. What is the measure pending before the Senate?

The VICE-PRESIDENT. The Senator from Nebraska asked unanimous consent to make a statement, and consent was given.

Mr. HOAR. I thought he was asking the consent of the Senator from Vermont to make a statement.

Mr. ALLEN. No, not at all. I was proceeding in order, if the Senator from Massachusetts will permit me to make a suggestion. The Senator from Ohio yesterday grew righteously indignant because we would not accept this measure and permit it to come up here and go through the Senate roughshod without any deliberation or consideration. The Senator denounced the policy of issuing bonds. He told us that the present Administration has issued $263,000,000 of bonds, which is literally true, and that this measure providing for tariff taxation is the ne plus ultra of all taxing things to fill the empty coffers of the nation with money to discharge the current expenses of the Government.

Mr. President, I want to call the attention of the senior Senator from Ohio to the fact that a year ago he did not believe in the doctrine that he announced yesterday. One year ago the Senator from Ohio introduced in this Chamber a bill which I hold in my hand, Senate bill 2598, to provide for a temporary deficiency of revenue, which provides for the issuance of Government bonds. I think it of so much importance that I ask the Secretary to read it. It is short.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A bill (S. 2598) to provide for a temporary deficiency of revenue.

Be it enacted, etc., That to enable the Secretary of the Treasury to provide for and maintain the redemption of United States notes according to the provisions of the act approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," and also to enable him to pay current deficiencies in the revenue, he is authorized, from time to time, at his discretion, to issue, sell, and dispose of, at not less than par in coin, either of the description of bonds authorized in said act, or coupon or registered bonds of the United States, to an amount sufficient for the objects herein stated, not exceeding the current deficiency of revenue, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable, at the pleasure of the United States, in coin, after five years from their date, with like qualities, privileges, and exemptions provided in said act for the bonds therein authorized. And the Secretary of the Treasury shall use the proceeds thereof for the purposes herein provided for, and none other.

SEC. 2. That in lieu of any of the bonds described in the first section of this act the Secretary of the Treasury is hereby authorized, at his discretion, to issue certificates of indebtedness of the United States, payable to the bearer in coin after five years from date, at the pleasure of the United States, of the denomination of twenty-five, fifty, and one hundred dollars, with annual coupons for interest at the rate of 3 per cent per annum; and to sell and dispose of the same for not less than an equal amount of lawful money of the United States at designated depositories of the United States, and at such post-offices as he may select. And such certificates shall have the like qualities, privileges, and exemptions described in said resumption act for the bonds therein authorized. And the proceeds thereof shall be used for the purposes prescribed in the first section of this act, and for none other.

SEC. 3. That upon any deposit already or hereafter made in the manner required by law of any United States bonds or certificates bearing interest, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

Mr. ALLEN. It was as apparent to the Senator from Ohio on the 17th day of January, 1895, when he introduced this bill, as it was yesterday that a measure increasing the tariff taxation was essential; and yet the Senator from Ohio, instead of introducing such a measure in the Fifty-third Congress, or having it introduced in the House of Representatives, saw fit to increase the bonded indebtedness of the United States, and saw fit to take the interpretation of the Treasury Department that coin is gold, and give the Secretary of the Treasury limitless power for the issuance of Government bonds.

I simply desire to emphasize the fact and make it known to the country, if that be necessary under the circumstances, that the two sovereign remedies the Senator from Ohio has always applied to the wants of the country have been a decreased volume of money of abnormal purchasing power and by taxation taking that money in exorbitant quantities from the people.

The Republican party will not be permitted to escape the fact that they are pledged against the free coinage of silver. They are pledged against the remonetization of silver in any other form than that in which it exists at the present time; that is, it is to be made a subsidiary coin or a token coin, and is to be estimated from the standpoint of coined gold. That was the remark of the senior Senator from Ohio yesterday; and all through this session of Congress and the last session of Congress the Senator from Ohio has spoken of the single gold standard as being the standard of our money in this country and that we must maintain it.

I have been led to introduce this measure for the purpose of emphasizing the fact to the country that the Republican party under no circumstances will be induced to give free coinage to the country. The platform of 1892 was a falsehood. There was no intention, there was no purpose, of restoring to the coinage of the country silver money as it existed before 1873. When the Republican party stated in that platform that it was the policy of the Republican party to treat gold and silver upon terms of equality as standard money there was no truth in the statement, for if there is any purpose upon the part of the Republican party to do that the Populists in this Chamber say to them that we will swallow your measure of taxation, which is nauseating, which is unjust, if you will give the people of the country more sound money with which to pay the increased taxation imposed upon them by this measure.

Now, one word more, Mr. President, and I will introduce this measure and let it go. In 1888 William McKinley, of Ohio, was

chairman of the committee on platform of the National Republican Convention, according to this paper from which I read, the New York Evening Post of February 18, 1896, and the Republican party at that time promulgated and put in its platform this language:

The Republican party is in favor of the use of both gold and silver as money and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

Mr. McKinley at that time made a speech upon this subject, and I will send to the desk and ask the Secretary to read his remarks at that time with reference to President Cleveland as stated here.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

During all of his years at the head of the Government he was dishonoring one of our precious metals, one of our own great products, discrediting silver and enhancing the price of gold. He endeavored even before his inauguration to stop the coinage of silver dollars, and afterwards, and to the end of his Administration, persistently used his power to that end. He was determined to contract the circulating medium and demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce, and therefore dear. He would have increased the value of money and diminished the value of everything else—money the master, everything else the servant.

Mr. ALLEN. I had this extract from Mr. McKinley's speech read for the purpose of showing that the chief apostle of protection in this country condemned Mr. Cleveland in 1888 for the demonetization of silver, and for the purpose of showing that the Republican party outside of Congress claims one thing to the people and in Congress claims and votes another and an entirely distinct thing.

Mr. President, for the purpose of showing the absolute good faith of the Populist Senators, whose votes, added to the 44 Republican votes on the other side of the Chamber, will carry your measure by 5 majority, and not because I approve of the measure or its policy, I offer a substitute, which is your bill word for word, with not a "t" uncrossed nor an "i" undotted; it is literally your bill with the exception of the title changed so as to read "A bill to promote the prosperity and happiness of the people of the United States." I say to you if you are in good faith in favor of free silver, if you plant yourself upon the platform of protection to American industries and the free coinage of silver, we stand here with 6 votes ready to help you pass this measure through the Senate. I now ask that the proposed amendment be read by title, printed, and lie on the table.

The VICE-PRESIDENT. The Secretary will read it by title.

Mr. COCKRELL. Let us hear the full reading.

The VICE-PRESIDENT. It will be read at length.

The Secretary read as follows:

Amendment in the form of a substitute intended to be proposed by Mr. ALLEN to the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Amend by substituting the following——

Mr. COCKRELL. The Secretary need not read the first part. That is the tariff bill?

Mr. ALLEN. Yes.

Mr. COCKRELL. Now read the substitute.

Mr. ALLEN. The last part is simply the free-silver substitute, and it is attached as a part of the bill.

Mr. COCKRELL. Let that be read.

Mr. CHANDLER. I rise to a question of order.

The SECRETARY. It is proposed to add as additional sections——

Mr. CHANDLER. I rise to a question of order. My point is that there is no business before the Senate at this time.

Mr. PLATT. There is a bill before the Senate.

Mr. CHANDLER. Of course if it is proceeding by unanimous consent I do not object.

Mr. VEST. It is a bill.

Mr. COCKRELL. A bill has been introduced regularly and is on its first reading, and it has to be read.

Mr. CHANDLER. And is being debated before its introduction.

The VICE-PRESIDENT. The amendment was submitted by the Senator from Nebraska, with the request that it be read. The Secretary will read.

Mr. CHANDLER. I give notice that after it is read I shall object to further debate.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Nebraska.

The Secretary read the amendment, beginning with section 5, the amendment entire being as follows:

Amendment in the form of a substitute intended to be proposed by Mr. ALLEN to the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Amend by striking out all after the enacting clause and substituting the following:

"That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported wools of classes 1 and 2, as defined in the act hereinafter cited, approved October 1, 1890, and subject to all the conditions and limitations thereof, and on all hair of the camel, goat, alpaca, and other like animals, except as hereinafter provided, and on all noils, shoddy, garnetted waste, top waste, slubbing waste, roving waste, ring waste, yarn waste, and all other wastes composed wholly or in part of wool, and on woolen rags, mungo, and flocks, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled 'An act to reduce the revenue and equalize duties on imports, and for other purposes,' approved October 1, 1890, and subject to all the conditions and limitations of said act; and on all wools and Russian camel's hair of class 3, as defined in said act approved October 1, 1890, and subject to all the conditions and limitations thereof, there shall be levied, collected, and paid the several duties provided by such act approved October 1, 1890. And paragraph 279 of Schedule K, and also paragraph 685 in the free list of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 27, 1894, are hereby suspended until August 1, 1898.

"SEC. 2. That from and after the passage of this act and until August 1, 1898, there shall be levied, collected, and paid on all imported articles made in whole or in part of wool, worsted, or other materials described in section 1 of this act, except as hereinafter provided, 60 per cent of the specific pound or square-yard duty imposed on each of such articles by an act entitled 'An act to reduce the revenue and equalize duties on imports, and for other purposes,' approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty now imposed on each of such articles by an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 27, 1894; and on carpets, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting, made in whole or in part of wool, the specific square-yard duty imposed on each of such articles by said act approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty imposed on such articles by said act, which became a law August 27, 1894.

"SEC. 3. That from and after the passage of this act and until August 1, 1898, there shall be levied, collected, and paid on all imported lumber and other articles designated in paragraphs 674 to 683, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 27, 1894, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled 'An act to reduce the revenue and equalize duties on imports, and for other purposes,' approved October 1, 1890, and subject to all the conditions and limitations of said last-named act; but pulp wood shall be classed as round unmanufactured timber exempt from duty: *Provided*, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, pulp wood, or heading blocks exported to the United States from such country, then the duty upon the lumber and other articles mentioned in said paragraphs 674 to 683, inclusive, when imported from such country, shall be the same as fixed by the law in force prior to October 1, 1890.

"SEC. 4. That on and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all the imported articles mentioned in Schedules A, B, C, D, F, G, H, I, J, L, M, and N of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 27, 1894, a duty equivalent to 15 per cent of the duty imposed on each of said articles by existing law in addition to the duty provided by said act of August 27, 1894: *Provided*, That the additional duties imposed by this section shall not in any case increase the rate of duty on any article beyond the rate imposed thereon by the said act of October 1, 1890, but in such case the duty shall be the same as was imposed by said act: *And provided further*, That where the present rate of duty on any article is higher than was fixed by said last-named act, the rate of duty thereon shall not be further increased by this section, but shall remain as provided by existing law.

"SEC. 5. That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law.

"SEC. 6. That the Secretary of the Treasury shall coin into standard silver dollars, as soon as practicable, according to the provisions of section 1 of this act, from the silver bullion purchased under authority of the act of July 14, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' that portion of said silver bullion which represents the seigniorage or profit to the Government, to wit, the difference between the cost of the silver purchased under said act and its coinage value, and said silver dollars so coined shall be used in the payment of the current expenses of the Government; and for the purpose of making the said seigniorage immediately available for use as money, the Secretary of the Treasury is hereby authorized and directed to issue silver certificates against it, as if it was already coined and in the Treasury.

"SEC. 7. That no national-bank note shall be hereafter issued of a denomination less than $10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of $10 and larger denominations shall be issued in their stead under the direction of the Comptroller of the Currency.

"SEC. 8. That the Secretary of the Treasury shall redeem the United States notes, commonly called 'greenbacks,' and also the Treasury notes issued under the provisions of the act of July 14, 1890, when presented for redemption, in standard silver dollars or in gold coin, using for redemption of said notes either gold or silver coins, or both, not at the option of the holder, but exclusively at the option of the Treasury Department, and said notes, commonly called 'greenbacks,' when so redeemed, shall be reissued as provided by the act of May 31, 1878."

Amend the title so as to read: "A bill to promote the prosperity and happiness of the people of the United States, and for other purposes."

Mr. BAKER. I should like to ask the Senator from Nebraska a question on this matter that he has been discussing. Will the Senator from Nebraska pledge himself and his party to vote for the present tariff bill with a proviso for the free coinage of American silver only?

Mr. ALLEN. Mr. President, that is not the question embraced in this bill at all.

Mr. BAKER. Will the Senator give a direct answer, yes or no?

Mr. ALLEN. I will say to you that I can not pledge my party one way or another. I have not talked with the membership of my party with reference to it.

Mr. BAKER. How as to the Senator himself?

Mr. ALLEN. I can answer as to myself. As far as I am concerned, I will not do it.

Mr. BAKER. You will not?

Mr. ALLEN. No, sir.

Mr. BAKER. That is what I wanted to know.

Mr. ALLEN. That is not free coinage. Will the Senator vote for the bill as it now stands, as I have introduced it, with the free-coinage amendment incorporated in it?

Mr. BAKER. No, sir; because it provides for the free coinage of all the silver of the world at the ratio of 16 to 1, and would put us down as simply silver monometallists.

Mr. ALLEN. No, it puts it on an equality with the gold.

Mr. BAKER. You can not put it on an equality merely by legislation, as I understand it, any more than you could change the unit of measure by legislation and say that a foot shall be 6 inches instead of 12 inches, and therefore you would be 12 feet high.

Mr. ALLEN. That is old, Mr. President; that is old. Gold and silver stood upon terms of equality throughout the history of this country up to 1873, when silver was demonetized at the mints.

Mr. BAKER. They never did stand on an equality. I have the figures right here before me, which show that for one hundred years prior to 1873 they varied in amount as much as an ounce, and an ounce is 8 per cent or more. So that is not equality and not parity.

Mr. ALLEN. The Senator's figures are very much like the figures that the statistician spoke of when he wanted to know, when called upon to make a statement of figures, which side wanted to use it. [Laughter.] The Senator has Republican figures, which show a disparity. I say that these two metals did stand upon an equality throughout the history of this country at the mints of the United States until 1873, when silver was demonetized by the codified coinage act of that year, and that they were upon terms of equality of exchange as a part of the money of this country, without any difference between them.

I shall not, however, stop to go into an argument, for the Senator could not convince me to the contrary if he would talk all day.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

FREIGHT AND PASSENGER RATES IN FLORIDA.

Mr. CALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commissioners be, and they are hereby, directed to send to the Senate the report of J. D. Pirrong, agent of the Commissioners, on freight and passenger rates of the railway companies in the State of Florida; also any other evidence on the subject which the Commissioners may have.

OFFICERS AND EMPLOYEES OF THE SENATE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and hereby is, directed to make due inquiry and to report to the Senate a list of all the officers and employees who were on the roll of the Senate on the 31st day of January, 1896, giving, as to each, the name, State or Territory of lawful residence, time when first entering the service, the duties assigned, the number of hours each day required, and the specific work actually in performance, the names of the persons recommending or procuring the employment, and the annual salary paid; and also to report a statement giving the total annual amount paid such officers and employees, and the opinion of the committee whether or not the present force can be reduced, and, if so, to what extent, without injury to the public service.

EXPENDITURES OF THE SENATE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Civil Service and Retrenchment:

Resolved, That the Committee on Civil Service and Retrenchment be, and hereby is, directed to investigate the expenditures of the Senate for the past year (except those made for salaries and compensation of officers and employees) with the view of determining whether or not there may be a reduction of such expenditures in the future consistently with the proper conduct of the business of the Senate, said committee to report to the Senate as soon as practicable any recommendations which they may find it expedient to make.

POACHING IN YELLOWSTONE NATIONAL PARK.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether or not poaching is carried on to any extent in the Yellowstone National Park; whether animals from said park cross the boundaries thereof into Idaho and Montana and are there slaughtered contrary to existing law; whether the police force guarding said park is sufficient; and to transmit to the Senate all information which he may have in his possession concerning the subject herein inquired about and to make such recommendation for legislation as in his opinion will tend to the preservation of the animals belonging to the Yellowstone Park.

REPORT ON COAST DEFENSES.

Mr. SQUIRE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 8,000 additional copies of Report No. 336 and of the hearings before a subcommittee of the Committee on Coast Defenses be printed for the use of the Committee on Coast Defenses.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes;

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 103) relating to final proof in timber-culture entries;

A bill (S. 141) granting a pension to Julia A. Hill;

A bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes;

A bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas; and

A bill (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897.

THE REVENUE BILL AND SILVER COINAGE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Montana [Mr. CARTER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CARTER February 19, 1896, as follows:

Resolved, That the bill H. R. 2749, reported by the Committee on Finance with an amendment, be recommitted to that committee for further consideration.

Mr. CARTER. Mr. President——

Mr. LINDSAY. Before the Senator from Montana proceeds to speak on the resolution he offered the other day, I desire to offer an amendment to it, which I ask to have read.

Mr. CARTER. I yield for that purpose.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. It is proposed to amend the resolution of the Senator from Montana [Mr. CARTER] by adding thereto these words:

And said Committee on Finance is instructed to report an amendment to the said H. R. bill 2749, in the way of an additional section, in substance as follows:

"SEC. 5. That so much of section 182½ of Schedule E of the act which became a law August 27, 1894, entitled 'An act to reduce taxation and to provide revenue for the Government, and for other purposes,' which provides as follows: 'And upon all sugars above No. 16, Dutch standard in color, and upon all sugars which have been discolored, there shall be levied, collected, and paid a duty of one-eighth of 1 cent per pound, in addition to the said duty of 40 per cent ad valorem,' be, and the same is hereby, repealed, and the collection of said additional duty, from and after the passage of this act, is hereby discontinued."

Mr. CARTER. Mr. President, late in the evening of the 13th instant, without previous understanding and without note of warning, the honorable chairman of the Finance Committee, whose high character and venerable personality I reverence, moved to proceed to the consideration of House bill 2749.

As a substitute for this bill the committee had reported a bill for the free coinage of silver. It was well known that differences of opinion existed on this side of the Chamber, not only as to the propriety of adopting the substitute, but likewise involving the wisdom and expediency of passing the revenue bill as it came from the House. These differences many Republican Senators believed should, if possible, be adjusted so as to secure united and harmonious party action. I shared this hope. Less than two hours before the motion was made to take up the bill I had, in conformity with a suggestion made to me by a distinguished member of the Finance Committee, proceeded to bring about a conference looking to united action on some basis reasonably satisfactory. By necessary implication it was understood that adequate time would be allowed to confer. An informal preliminary conversation regarding methods of procedure was interrupted by the announcement of a roll call on the motion to take the bill up. On that motion I voted no. Could the hand of time be turned back to that

hour, without effacing what has been said and done since then, I would still vote no. For that vote I have ample justification and no apology to present.

In justice to the Senator who suggested a conference and to the worthy chairman who made the motion pending the effort to bring it about, I repel any possible imputation of bad faith. The motion was made in perfect good faith by the chairman, not in pursuance of an understanding, but in the absence of any agreement or understanding of which he had any knowledge. If no conference had been suggested, the vote would have been the same, and I only advert to the circumstances to emphasize the manifest necessity for prudent, deliberate, and careful action in dealing with issues of vital importance on which honest differences of opinion exist within all party lines in this country. Had there been a disposition to strike a fatal blow at tariff legislation for the present, the effective course would have been to vote for consideration and then against the bill. The position taken therefore indicated nothing more than indisposition to proceed with the matter at that time and in that form.

With this simple statement, natural inclination bids me rest. Profoundly impressed by and possessed of deep reverence for the ancient and honorable traditions of the Senate and its experienced and distinguished members, the silence I have maintained during my brief service has been both agreeable and profitable to me. That silence would not now be broken did I not feel constrained to repel printed charges and insinuations of disloyalty to the principles of the party with which I affiliate here and with which I have become, in the mutations of political controversy, prominently identified before the country.

Under our system of government organized parties seem indispensable mediums for the orderly presentation, free discussion, and intelligent disposition of disputed questions of state, in accordance with the supreme will of the majority. The member of a party who becomes the representative of a district or State in the Congress of the nation assumes the clearly implied obligation to discharge his trust in harmony with the announced principles and purposes of his party. To the extent that he antagonizes such principles and purposes he proves recreant to the trust. Under this rule nearly one-half the Republican members of this body have recently been indicted before the bar of public opinion by the leading daily journals of New York and other Eastern cities. Indeed, five members of the Senate, including myself, have been by the same organs pronounced guilty of treason without hearing or trial.

In the presence of these grave charges, so intemperately made and widely spread, I beg the indulgence of the Senate while I briefly review the facts.

Before the convening of Congress it was very generally understood throughout the country that the President would announce in his annual message an existing need for additional revenue to meet a deficiency and to provide against its recurrence. Republicans were generally united in a determination to meet this demand of the Executive by tariff legislation along Republican lines. To the surprise of everyone the President did not make the anticipated demand in his annual message, but in various ways has directly and indirectly announced to Congress that the executive department is not in need of additional revenue to conduct the Government, and it has been steadily maintained by the friends of the Administration, in and out of Congress, that additional revenue is wholly unnecessary. Notwithstanding this declaration, a tariff bill was formulated wholly at variance with all past professions of the Republican party on the tariff question. It is admitted everywhere that the House bill is not and was not intended to be an expression by the party of its views. It has been and is now distinctly asserted that it is not a Republican measure. It is a measure to meet an alleged emergency which the chief executive officer of the nation, chosen by a majority of the people in 1892, stoutly asserts does not exist at all. The party, then, is in the attitude of forcing uncalled-for relief upon a reluctant Democratic Administration.

Aside from this unenviable attitude and the manifest embarrassment that must come to the party in the future in consequence of it, the method employed is seriously objectionable. It builds upon existing law as a foundation. The Wilson tariff bill has been everywhere condemned by Republicans as notoriously inequitable and unjust. It assumed to protect the manufacturers and cast the producers of so-called raw material throughout the country into open competition with cheap labor everywhere. The pending bill now proposes to make this injustice more glaring. The Wilson bill was framed upon a theory favoring ad valorem in preference to specific duties. On high authority it is asserted that ad valorem tariff has been repudiated by the principal commercial nations in their tariff systems; by Austria, Denmark, England, France, Germany, Italy, Norway, Russia, Sweden, and Spain, ten nations which, with tariffs on 3,957 articles, have only ten on the ad valorem basis and the remainder specific. When and where did this obsolete and discarded cloak for fraud and evasion become sacred in Republican eyes? An ad valorem tariff has been condemned so emphatically by the Republican party on all occasions that it stands no better with the party than does the Wilson bill. The pending bill makes a 15 per cent horizontal raise on twelve schedules of the Wilson bill. When and where did the Republican party become committed to the horizontal movement in tariff legislation? The Wilson bill, the ad valorem tariff, and the horizontal scheme have each in turn been emphatically condemned by Republican platforms, orators, and papers, and never commended anywhere by Republican authority. How then, sir, could it become treasonable for a Republican to oppose all three of these elements combined? Well-settled convictions, supported by practically one-half the electors of this country, should not be lightly sacrificed on the altar of supposed expediency.

But, assuming that the Administration requires funds, which it avers it does not, and that in the name of patriotism we must sacrifice ancient and time-honored principles and convictions, let us endeavor while making the sacrifice to be reasonably just. This bill is not understood by the country correctly. I submit that the general belief obtains that it provides a slight duty for wool and lumber, and then increases the existing duties 15 per cent, except as to sugar. Even Senators and Members of the House generally accept this view of the bill. I freely admit such was my general understanding until brought to a critical analysis of its provisions in regard to wool. The better to elucidate the objections I wish to point out, I send a copy of the bill to the Secretary's desk, to be read as a part of my remarks.

The VICE-PRESIDENT. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

A bill to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Be it enacted, etc., That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported wools of classes 1 and 2, as defined in the act hereinafter cited, approved October 1, 1890, and subject to all the conditions and limitations thereof, and on all hair of the camel, goat, alpaca, and other like animals, except as hereinafter provided, and on all noils, shoddy, garnetted waste, top waste, slubbing waste, roving waste, ring waste, yarn waste, and all other wastes composed wholly or in part of wool, and on woolen rags, mungo, and flocks, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said act; and on all wools and Russian camel's hair of class 3, as defined in said act approved October 1, 1890, and subject to all the conditions and limitations thereof, there shall be levied, collected, and paid the several duties provided by such act approved October 1, 1890. And paragraph 279 of Schedule K, and also paragraph 685 in the free list of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, are hereby suspended until August 1, 1898.

SEC. 2. That from and after the passage of this act and until August 1, 1898, there shall be levied, collected, and paid on all imported articles made in whole or in part of wool, worsted, or other materials described in section 1 of this act, except as hereinafter provided, 60 per cent of the specific pound or square-yard duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty now imposed on each of such articles by an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, and on carpets, druggets, bockings, mats, rugs, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting, made in whole or in part of wool, the specific square-yard duty imposed on each of such articles by said act approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty imposed on such articles by said act which became a law August 27, 1894.

SEC. 3. That from and after the passage of this act and until August 1, 1898, there shall be levied, collected, and paid on all imported lumber and other articles designated in paragraphs 674 to 683, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said last-named act; but pulp wood shall be classed as round unmanufactured timber exempt from duty: *Provided*, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, pulp wood, or heading blocks exported to the United States from such country, then the duty upon the lumber and other articles mentioned in said paragraphs 674 to 683, inclusive, when imported from such country, shall be the same as fixed by the law in force prior to October 1, 1890.

SEC. 4. That from and after the passage of this act and until August 1, 1898, there shall be levied, collected, and paid on all the imported articles mentioned in Schedules A, B, C, D, F, G, H, I, J, L, M, and N of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 75 per cent of the duty imposed on each of said articles by existing law in addition to the duty provided by said act of August 27, 1894: *Provided*, That the additional duties imposed by this section shall not in any case increase the rate of duty on any article beyond the rate imposed thereon by the said act of October 1, 1890, but in such case the duty shall be the same as was imposed by said act: *And provided further*, That where the present rate of duty on any article is higher than was fixed by said last-named act, the rate of duty thereon shall not be further increased by this section, but shall remain as provided by existing law.

Mr. CARTER. Mr. President, it will be observed that while the first paragraph allows 60 per cent of the duty imposed on first and second class, and restores the ad valorem duty of from 32 to 50 per cent on third-class wool by the McKinley Act, it expressly retains all the limitations and conditions of that act. Experi-

ence has clearly demonstrated the fact that the conditions and limitations thus expressly retained were so faulty and unjust in practice that the protection intended was reduced about one-half; that where the McKinley Act provided 12 cents per pound on a given grade of wool the conditions and limitations reduced the figure in actual practice to about 6 cents per pound. The defects of the bill and the intricate method of evading the payment of duty under the proviso contained in section 383 of the act of 1890 are so clearly set forth in a few pages of the memorial of the National Wool Growers' Association that I beg leave to print the statement as a part of my remarks.

But the bill and the law as enacted contained *three fatal* and *ruinous defects:*

1. The *first* was the *provision* known as "the skirting clause," the effect of which was, in practice, to *reduce* the *protective benefits* of the prescribed duties by *nearly one-half.*

When the McKinley bill was pending, and as it finally passed, the effect of the "skirting clause" was not *generally* understood by woolgrowers, though in the debates before the Senate Finance Committee it was pointed out. And it is evident that this defect was not *generally* understood, if at all, by Congress. This is, perhaps, not strange, in view of the many and complicated questions involved in the consideration of the tariff bill and the consequent possibility of *overlooking* defects pointed out.

2. A SECOND DEFECT.

But the real *purpose* of the wool tariff provision of the McKinley Act, and the *protective benefits intended thereby to be* given, alike by Mr. McKinley and by those generally who voted for the bill, were in a large measure defeated by another defect—the *ad valorem* duties on class 3 wools.

The original bill as reported provided for *specific* duties; the change to *ad valorem* duties was secured by some carpet manufacturers, as stated. This feature of the law operated ruinously to woolgrowers by increasing immensely the imports of class 3 wools, which to a large extent were used in the manufacture of clothing goods, thus supplanting the use of merino wools and the long wools of the mutton breeds of sheep. This is fully shown in this volume. The ruin of the *ad valorem* duties was immensely aggravated by the unforeseen, unexpected vast imports of China wools—a source of supply of very recent date.

3. There was a third defect in the law not generally understood by woolgrowers—probably not generally, if at all, by members of Congress who voted for the bill—the *failure to make a provision* to meet the light shrinkage in *scouring* of *Australasian* wools, as compared with other merino wools of all or nearly all other countries, including our own.

In addition to the *defects* in the law *itself*, its protective purpose was in a large measure defeated by *conditions arising since* the law was *passed.* Among these there were two chief in importance.

IV. The real purpose of the wool-tariff provisions of the McKinley Act was in large measure defeated by a fourth cause—unforeseen when the law was passed—unexpected—which no human foresight could anticipate—which arose after it was passed.

1. This was the decline in the prices of wools all over the world since that act was passed, caused (1) in part by a vast increase of sheep, and (2) in less degree by the general decline in nearly all values as a result of the gold standard of values.

Another one of the *conditions arising since* the McKinley bill became a law was:

V. Improved methods of manufacture, by which *third-class* or so-called *carpet wools* were, as they now are, used in the manufacture of clothing goods, thus supplanting the use of merino wools and the long wools of the mutton breeds of sheep.

And the *immense increased imports of those third-class wools* exceeding in quantity those of *both other classes combined* at unprecedentedly low prices.

And China opened up a new supply of those, so that in the fiscal year 1895 the enormous quantity of 23,089,418 pounds were imported, at an import price of only 5.15 cents per pound.

And these, by reason of their light shrinkage of less than 40 per cent in scouring, were equal to and displaced 46,800,000 pounds of ordinary unwashed merino.

By reason of the *combined* operation of these causes the McKinley Act failed to accomplish the purpose intended by it. Under it *prices of wools constantly declined*, and the inevitable result would soon have been a failure to secure prosperity to American sheep husbandry. Even in Texas, where the cost of growing wool is as low if not less than any other State, sheep declined in numbers from 4,281,812 in 1890 to 2,859,269 in 1894.

The evil effects of the "skirting" clause are set forth as follows:

THE PROVISIONS OF THE M'KINLEY ACT TO PREVENT FRAUDS.

383. The duty upon wool of the sheep or hair of the camel, goat, alpaca, and other like animals which shall be imported in any other than ordinary condition, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: *Provided, That skirted wools as now imported are hereby excepted. Wools on which a duty is assessed amounting to three times or more than that which would be assessed if said wool was imported unwashed, such duty shall not be doubled on account of its being sorted.* If any bale or package of wool or hair specified in this act imported as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

The words in *italic* are the so-called "*skirting*" clause, which includes the *sorting* of scoured wools.

3. The ruinous effect of *the "skirting" clause, operating also to permit the import of sorted scoured wools, without additional duty on account of the sorting or skirting, practically reduced the wool duty of 11 cents per pound down to a mere nominal amount, and in part defeated the provision for giving treble duty on scoured wools. It should be omitted from a new wool tariff law.*

This fatal "*Provided*," excepting "skirted" wools and scoured "sorted" wools from the prohibitions against frauds, was incorporated at the instance of some of those desiring wools imported in a shape to secure a great advantage over American wools. The skirting, in practice, removed so much of the fleece as to result not only in "skirting," but in "sorting" also.

The effect was, that Australian "skirted" merino of no better quality than, and with a fiber not as good as, our American wools would command in our markets all of 2 cents per pound more than American whole fleeces of the *same shrinkage* in scouring. The skirting had three effects to increase the selling price of Australian merino:

1. The effect of securing the *most valuable* light shrinkage part of the fleece in practical effect not only "*skirted*," but "sorted" also.

2. To save the labor and consequent expense of "sorting"; and

3. To admit sorted scoured wools of all classes without an increase of duty.

This advantage of at least 2 cents per pound had the *practical effect* of reducing the duty of *11 cents per pound* on unwashed wools of *class 1, to 9* cents per pound on Ohio and similar washed wools shrinking 55 per cent in scouring, and the protection would be still less on Territory and other wools shrinking more than 55 per cent. Even this does not show the *entire effect* of the "skirting clause."

The eminent wool *importers* and experts, Mauger & Avery, of New York, N. Y., July 24, 1893, have shown that skirting adds to the selling price of unwashed Australian merino, and *reduces* in practical effect the duty of 11 cents per pound on *such* unwashed wools as compared with "Ohio fine [merino] fleece, shrinking 55 per cent in scouring," down to a duty of 6 cents per pound. And this is made on fine Ohio *washed* merino and other similar wools as compared with Australian *unwashed.*

On this the Bulletin of the National Association of Wool Manufacturers, Boston, September, 1893, remarks:

"It will be seen that by exactly the same standard employed by Mauger & Avery in 1891 the measure of the present difference in the prices of these two wools is equivalent to 6 cents in favor of Ohio fine wool in the washed condition, *or 13½ cents scoured.* The prices of the two wools have drawn surprisingly near together, nearly half the difference which existed in 1891 having disappeared. It may be that there will be a still greater shading of the difference before we see the end of the deplorable conditions which now involve the financial and industrial interests of the United States. But there seems to be no likelihood that it will entirely disappear while the duty remains, as values can not continue to recede in this country without effecting a marked reduction in values elsewhere."

Thus, in practical effect, the law which intended to give 33 cents protection per scoured pound only gave a protection of 13½ cents! A continuance of this practical effect of the law would be palpable evasion of its purpose and a monstrous fraud on our woolgrowers.

In an able address to the National Wool Growers' Association, at Chicago, Ill., October 5, 1893, Hon. John T. Rich, governor of Michigan, discussed this subject, and from his own observation and investigation showed the effect of the skirting clause as stated. (See Senate Miscellaneous Document No. 35, Fifty-third Congress, second session, page 321.)

The same effect of "skirting" is equally applicable to wools of the second and third classes, though perhaps to less extent.

The paragraph 383, above quoted, contains within itself a palpable *felo-de-se*—the skirting clause—the frozen snake which, warmed into life, in practice stung, with more than an adder's deadly poison, the bosom that held it.

4. The light shrinkage of unwashed Australian merino and similar wools defeats the purpose of the McKinley Act. By reason of this they should be made to pay double the duty of unskirted, unwashed fleeces. All duties, in common fairness to all people and nations, and to secure "equal and exact justice," should be laid with a purpose to secure an *equal* amount of revenue from the scoured pounds in all wools of the *same class* imported. This can not be denied.

The McKinley Act of 1890, like the prior acts of 1867 and 1883, prescribed a duty on merino and some other varieties of wools "*unwashed*," and provedid also that the duty if the wools were "washed" shall be twice the amount of the duty to which they would be subjected if imported unwashed.

The *intention* of the law was to give twice as much duty on these *washed* wools as on *unwashed.*

These acts also provided for *treble duties* on "scoured" wools of all classes.

These provisions were made because merino fleeces in the natural condition would *generally* produce an average only of 33⅓ per cent of scoured wools, shrinking 66⅔ per cent in scouring. And the *general* experience was that at a *fixed duty* on *unwashed* merino *double* that rate was a fair equivalent for it on *washed* wools, and *treble* the unwashed rate was the proper equivalent on scoured wools.

Australasian wools are regarded as of the competing grades with Ohio merino and similar wools. Wools differ in their condition, some shrinking in *washing* and *scouring* more than others.

Thus in the Treasury Department Wool Report of 1888, page XXV, it is said:

"*Percentage of scoured wool.*—Unwashed merino wool shrinks from 50 to 80 per cent in scouring. The lightest and choicest Australian medium, unwashed, will yield 50 per cent less of scoured wool, and the heaviest Mestiza bucks' fleeces will yield about 20 per cent of pure scoured wool. Most unwashed wools yield 50 per cent of scoured wool. The light, open, coarse, unwashed wools of the carpet class yield from 50 to 70 per cent of scoured wool. Fine Ohio full-blood merino unwashed wool, exclusive of bucks' fleeces, yields from 35 to 40 per cent of scoured wool. The merino fleeces grown in Texas and on the Western prairies of the United States yield from 20 to 35 per cent of scoured wool. Unmerchantable Ohio fleeces yield from 37 to 40 per cent of scoured wool. British and Canada wools yield from 70 to 85 per cent of scoured wool. Crossbred washed Ohio fleeces yield from 60 to 80 per cent of scoured wool. Crossbred Western American prairie fleeces yield from 30 to 40 per cent of scoured wool. Tub-washed wools and crossbred sheep generally yield from 80 to 90 per cent of scoured wool. Scoured wools, as usually manufactured or as scoured for sale, yield from 85 to 90 per cent of scoured wool in rewashing."

Unwashed Buenos Ayres South American merino often shrinks 63 per cent in scouring, and Montevideo shrinks about 55 per cent. *But Australasian merino, unwashed, imported into the United States, shrinks an average of considerably less than 50 per cent.* The Boston American Wool and Cotton Reporter, of November 14, 1895, in quoting the market price of foreign wool, says:

"Fine Australian wool of good staple is still in demand at good prices. Fine Port Philip, *shrinking 46 to 48 per cent*, is offered at a clean cost of 44 cents, and in the grease at 24 cents. This wool is of good, sound staple."

This is *unwashed* merino, of the best grade of Australasian wool.

Washed Ohio merino will shrink in scouring an average of 55 per cent.

The calculations of Mauger & Avery, as to the amount of protection afforded by the act of 1890, estimated the average shrinkage of Ohio *washed* merino at 55 per cent.

It is evident that Australasian merino *unwashed* will shrink less than Ohio *washed;* but Ohio unwashed merino and the South American merino will shrink about 66 per cent, and our American merino from the States west of the Missouri will shrink, generally, even more than 66 per cent. * * *

In brief, the result is that under the McKinley Act of 1890 (a result not foreseen by Congress or by woolgrowers) Australian merino unwashed and "skirted," shrinking in scouring less than Ohio washed merino, was admitted at 11 cents duty, when the law was intended to give 22 cents on such wools.

In other words, the *nominal duty of 11 cents per pound under the act of 1890 was in effect reduced*, as shown by the table following.

*Table showing the reduction of the protective benefits of different tariff rates by importing wools shrinking in washing and scouring less than the wool tariff law contemplated.**

	Measure of protection on raw wool.	On wool shrinking—								
		20 per cent.	25 per cent.	30 per cent.	50 per cent.	60 per cent.	66 per cent.	70 per cent.	75 per cent.	80 per cent.
Duty on merino wool shrinking 50 per cent:	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
12 cents duty	12	----------	----------	----------	----------	9⅜	8 4/5	7½	6	4½
11 cents duty	11	----------	----------	----------	----------	8⅝	7 3/5	6⅞	5½	4⅛
10 cents duty	10	----------	----------	----------	----------	8	6⅔	6	5	4
8 cents duty	8	----------	----------	----------	----------	6⅜	5 3/5	4½	4	3½
6 cents duty	6	----------	----------	----------	----------	4⅞	4 2/5	3 3/5	3	2⅜
British and Canadian, shrinking 15 per cent:										
12 cents duty	12	11 5/17	10 10/17	9 9/17	----------	----------	1 13/17	----------	----------	----------
Third class, shrinking 30 per cent:										
4 cents duty	4	----------	----------	----------	2⅞	2⅜	1 13/20	1⅕	----------	----------
6 cents duty	6	----------	----------	----------	4⅜	3⅝	2 13/20	2¼	----------	----------
Third class, shrinking 40 per cent:										
4 cents duty	4	----------	----------	----------	3½	2⅞	2 4/5	2	----------	----------
Third class, shrinking 33 per cent:										
6 cents duty	6	----------	----------	----------	4 23/67	3 33/67	3 3/67	2 49/67	----------	1 53/67

* The computation is as follows: Suppose 1 pound of imported wool shrinks to 50 per cent in scouring, and 1 pound of protected wool shrinks to 40 per cent in scouring, then the value of the protected wool is ⅘ of the value of the imported wool. If a duty of 12 cents gives a measure of protection of 12 cents on raw wool, it would give ⅘ of 12 cents, or 9⅗ cents on scoured wool shrinking 60 per cent; ⅔ of 12 cents, or 8 4/5 cents, on scoured wool shrinking 66 per cent; ⅝ of 12 cents, or 7½ cents, on scoured wool shrinking 70 per cent; ¾ of 12 cents, or 6 cents, on scoured wool shrinking 75 per cent; ⅓ of 12 cents, or 4 cents, on scoured wool shrinking 80 per cent; and so on for all the other calculations.

The result is that under the act of 1890 a duty of 11 cents per pound on *unwashed* Australasian "skirted" merino wools of the same quality of American unwashed fleece merino gave to the woolgrowers of the United States a measure of protective benefit, as follows:

On American wools shrinking in scouring, specified per cent.	Protective benefit.	Deduct the added value to Australian wool by skirting.	Deduct the advantage in freights which Australians have over American far West wools.	Net benefit.	Less than no benefit.
	Cents.	Cents.	Cents.	Cents.	Cents.
60	8¼	2	2½	4 3/4	----------
66	7 7/20	2	2½	2 9/20	----------
70	6⅝	2	2½	2 1/8	----------
75	5½	2	2½	1	----------
80	4⅜	2	2½	----------	0 1/8

The freight rates from some parts of the far West, especially California are less than 2½ cents per pound, but the charges for carriage from ranches to railroad stations constitute an item of expense, and these wools are subject to commissions in reaching the manufacturers.

The Chicago American Sheep Breeder, a reliable, able, and valuable journal, after careful inquiry, gave the following in the December number, 1895:

"*Transmississippi rates.*—Current freight rates on wool from points west of the Mississippi River to New York, Philadelphia, and Boston are substantially as follows: From Montana and the Dakotas, $1.50 per 100 pounds; from Wyoming, Idaho, eastern Oregon, and Utah, $1.90 per 100 pounds; from Arizona and New Mexico, $2.50 per 100 pounds; from Colorado, $2 per 100 pounds.

"*Ocean rates on foreign wools.*—From South America to the three principal United States ports above named the cost is about $1.17½ per 100 pounds; from Turkey, 70 cents per 100 pounds; from South Africa, $1.15 per 100 pounds; from Russia, 55 cents per 100 pounds; from China, 65 cents per 100 pounds by sailing vessel and 30 cents by steamship; and from London, England, the great dumping ground of the free wools of the world, the current rate is about 25 cents per 100 pounds."—ED.

Wool can be brought from Australasia to Boston for 1 cent per pound, including freight, commissions, and handling. This statement is from reliable information obtained by Hon. THOMAS B. CATRON, now a Delegate in Congress from New Mexico.

The retained "conditions and limitations" would reduce the proposed tariff to a trifle more than one-fourth of the nominal rate of duty fixed by the McKinley Act. Wherein, I pray, does such a measure protect the American woolgrower?

It is now conceded by those well informed in the wool trade that regardless of the tariff duties which this Congress may impose upon wool the price of American wool for the coming season will not be enhanced. In a circular letter issued on the 15th of this month by Messrs. Justice, Bateman & Co., wool commission merchants of Philadelphia, I find the following significant paragraphs:

In view of the increased supply, as shown in Table B, and the demand caused by the loss of employment to American mills, it is suspected that the advance so earnestly looked for in the event of the passage of the Dingley revenue bill may not fully materialize.

In commercial affairs the future is largely discounted. This was the case at the time of the passage of the McKinley bill. In anticipation of that event the country was flooded with imported wool and woolen goods to such a degree that prices were actually lower after the McKinley bill was passed than they were before. * * *

The recent foreign purchases of wool are not believed to be immediately needed, but have largely been secured in order to forestall the probable action of Congress with regard to the imposition of tariff duties.

I venture to predict that the price of American wool the coming season will be less than it was last year—tariff or no tariff. It is then obvious that it is not a matter of any advantage to the woolgrowers of this country to secure the immediate passage of a law inherently unjust to them, notoriously inadequate as a measure of protection, and yet quite sufficient under certain contingencies that can be clearly foreseen to furnish the basis for an argument against doing justice to them in the future by deprecating tariff agitation. Should it become expedient to the self-satisfied manufacturing elements of the country to settle their business upon the basis of the increased duties proposed by this bill and to resist a further opening of the discussion on the tariff, the woolgrowers would be everywhere met with the suggestion that they have protection under existing law, when in truth and fact every well-informed individual in the country knows that the proposed bill offers no protection at all to sheep husbandry.

Turn to section 2 of the bill and mark well the manner in which the manufacturer of woolens is taken care of. You will find no 15 per cent horizontal increase here. It must be borne in mind that the woolen goods referred to in the first subdivision of the section are subject to ad valorem duties ranging from 25 to 50 per cent and averaging about 40 per cent under existing law. To the existing duty the bill proposes to add 60 per cent of the specific square-yard duty imposed on each of the articles by the McKinley Act. In the second subdivision of the section it will be observed that per centum is wholly omitted and the entire specific square-yard duty imposed by the McKinley Act on carpets and other enumerated articles is added to the ad valorem duty imposed by existing law.

I do not assert that these provisions will increase the duties on manufactured woolens beyond the rates fixed by the act of 1890, but I do assert and call attention to the fact that the proviso in section 4, intended to preclude such result under the operations of that section, does not apply to the section under consideration. Nor do I assert that unreasonable or even adequate protection will be afforded woolen manufactures by the doubling up of duties in the manner provided. I do, however, emphatically maintain that the bill displays manifest partiality for the manufacturer. To this discrimination against the woolgrowers of the country justice commands a solemn protest. This is the time to enter it. Should this bill become a law, who can fairly predict that when seeking to equalize its inequalities the woolgrowers will not be met with the opposition of the manufacturers? May not those well provided for in a patriotic mood deprecate future tariff agitation as detrimental to the business interests of the country? While disclaiming undue suspicion, we must insist that a prudent regard for our welfare requires that justice be done now.

At this juncture we may turn with profit to page 852 of the recently issued autobiography of the eminent Senator from Ohio [Mr. SHERMAN]. Referring to the opposition to an adequate protection for wool in the bill of 1883, the Senator says that much the most dangerous opposition arose from—

The conflict of selfish and local interests, mainly on the part of manufacturers, who regarded all articles which they purchased as raw material, on which they wished the lowest possible rate of duty, or none at all, and their work as the finished product, on which they wished the highest rate of duty. In other words, what they had to buy they called raw material, to be admitted without protection, and what they had to sell they wanted protected.

Knowing that the pending bill bears evidence of the selfish disposition which the Senator ascribes to the manufacturers and fearing that when intrenched behind adequate protection they might feel generously inclined to the discontinuance of tariff agitation, who can doubt the prudence and propriety of insisting that the emergency bill shall be fairly just to begin with? This position is not taken in any spirit of antagonism to the manufacturers. He who underestimates the potent power of self-interest as a factor in controlling the actions of men eliminates a prime element entitled to serious consideration. For the American manufacturers I entertain the most profound respect. To their genius and enterprise the marvelous development of our national life is in no small

measure attributable. Whether the factory is located in Boston or San Francisco is wholly immaterial. In either place it operates under the American flag, and I am for it as against a factory operating under any other flag. I merely insist on the Republican principle that tariff duties shall be free from unjust discriminations and that the whole instead of a part of the Republican platform shall be regarded as binding on Republicans. Any other position is illogical and unjust and can not therefore be maintained.

It will not answer to say that this bill would, if it became a law, expire by limitation in 1898. If in the meantime no law should be enacted to take its place as a revenue-producing agency everyone knows that the same elements now praying for its passage would demand its continuance through the simple means of a resolution or a line added to an appropriation bill.

Let no one be deceived. If the intricate tariff riddle which this bill would construct on our statute books should prove reasonably satisfactory to the manufacturers of the country, it would remain the law of the land for an indefinite period of time.

Entertaining these views, I can not vote for the bill as presented. Amendment in the open Senate would be wanting in that careful consideration for the revenue-producing quality of the measure which is the only possible justification for its existence. The motion to recommit the bill to the Committee on Finance without instructions will leave that honorable body at liberty to prepare and present to the Senate a fair and just bill which every Republican can conscientiously support. The veto message of the President on a true Republican measure would raise an issue; while his veto message on the pending bill would raise a laugh at the expense of the Republican party.

When the party on any pretext departs from its platform and traditions it drifts on the troubled waters of a shoreless sea without compass or rudder.

Should this bill in its present form become a law, it would either utterly fail to bring about the repose in business affairs anticipated or it would bring that repose at the permanent expense of the producers of so-called raw material the country over and with special injustice to the woolgrowers of the nation. The much-desired repose is not worth the price. The adjustment would involve a moral wrong, and it could not therefore be made politically right.

If the provisions of this bill can not be made equitable and just, the Republican party should not be chargeable before the country with inflicting it upon the people.

But gentlemen suggest that an emergency is upon us; that two years' time will be lost unless something is done now. The President insists that no emergency exists such as we contemplate. We do not agree with the President, nor have we the constitutional power to compel him to agree with us. If recent elections conveyed any command to Republicans in Congress, they commanded them to restore Republican principles to the statute books. They were not commanded to compromise or barter away the clear and distinct announcement of party principles set forth in the platform of 1892. In that year a majority of the people selected the present Executive. He is the President of the Republic by the voice of the majority. The element of time was taken into consideration when the ballots were cast. The President is responsible for the executive department of the Government. We can not, save for willful violation of the Constitution and laws, question his right to administer the office intrusted to him by the suffrages of the people according to his personal views of the theories of his party until the expiration of the term for which he was elected.

The Republican party can not be convicted of any responsibility for the Administration. No peril confronts the State. The public credit is in no danger. The Treasury statement of yesterday, taken in conjunction with the very wise estimate of the chairman of the Committee on Finance, shows that if the deficiency of $30,000,000 per annum continues in the future it will require ten years of the operation to exhaust the money now in the Treasury, held there as a surplus. With a deficiency of $30,000,000 per annum, and $300,000,000 on hand to meet the deficiency, or practically so, it will take just ten years to exhaust the surplus. But I understand the endless-chain proposition will be interjected at that point. To that subject appropriate attention will be given in due season.

The country never was so rich and powerful as it is to-day. Around the stock-jobbing and storm centers of trade and speculation, where Mr. Cleveland generally received his most pronounced majorities, we find clamorous unrest as the gathering of bitter but legitimate fruit goes on, and in the midst of confusion the Republican party is called upon to stultify its record and pass up for the veto of an opposition President a tariff bill which would prove a perpetual source of humiliation and annoyance to it.

The great body of the thoughtful everyday people of the country understand the situation perfectly, and if we hold steadily by plain, well-known party principles the voters will arrange to give the country adequate relief in due season. For Republicans in Congress to stampede and rush wildly into the forbidden meshes of horizontal revision and ad valorem duties, spread over the monstrous inequalities of the Wilson tariff bill, seems to me the height of folly.

Save as a source of annoyance to its authors, this bill if enacted would soon be forgotten. The ordinary business stagnation preceding a Presidential election will accentuate the disorder which has prevailed for the past three years. The occasion is inopportune for the Republican party to enter into political partnership with the Administration. Let issues be kept free from complications and the general situation free from confusion. Limit the extent of the revenue measure, if you will, but let every line of it be in harmony with the best Republicanism we have.

I am a firm believer in the policy of protection to American labor and American industries. A large majority of the people of Montana are devoted to this doctrine, and they have consistently supported it, notwithstanding they are purchasers of protected articles generally and only receive a meager direct benefit through the duties on lead and wool. Their adherence to the doctrine rests on broad, patriotic views of enlightened national policy.

The Republicans of Montana likewise, in common with a large number of Republicans the country over, believe in another article of Republican faith, promulgated over and over again by the Republican party and reaffirmed in the national platform of 1892 in the following words:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

Every Republican in this country believed and had a right to believe that the portion of the platform quoted was adopted in good faith. It was not suspected nor can it be fairly suspected that the convention resorted to the Talleyrand scheme of using words to conceal rather than to express thoughts. If that plank in the platform was a mere cunning device, contrived to deceive people into parting with their suffrage under false pretenses, the party then and there forfeited its right to the confidence, respect, and support of every honest citizen of the Republic. I do not believe the convention acted in bad faith. On the contrary, I am persuaded that the principle announced favoring gold and silver as the standard money of the country was the expression of the crystallized opinion of well-nigh a thousand representative citizens, fresh from their homes and town meetings, assembled in national convention to give utterance to the views of a great party on great questions involving the present and future prosperity and well-being of this nation. It is my candid belief, often expressed, that fully 90 per cent of the American people favor bimetallism as opposed to either gold or silver monometallism. The almost inspired framers of our Constitution, of whom it is truly said, "They builded better than they knew," launched this ship of state with bimetallism as the sheet anchor of our monetary system. Their wisdom in that behalf has been sanctioned by the vast weight of authority on monetary science. Without public discussion silver was eliminated from the coinage of the country twenty-odd years ago. From that time to this constant efforts have been made to reestablish free silver coinage. The Republican party has always professed itself favorable to the consummation of this desired purpose. Within the party differences of opinion have existed, not upon the principle involved, but upon the methods which should be employed to bring about the desired result. Certain Republicans of mature judgment, wide research, and unquestionable integrity of purpose have urged the party to undo by law the mischief brought about by law. This element in the party is known as the free-silver element. Recently certain self-constituted censors of party action have been pleased to denominate such Republicans as conspirators against the public weal; others have gone so far as to invite them to relieve the party of their obnoxious presence. They have been advised that their States are not needed in Republican columns. Garrulous statesmen, possessed of more zeal than knowledge, have assumed to deal with party principles by the measure of party necessity.

The advocates of the free and unlimited coinage of silver in the Republican party insist upon the adoption of their views because they believe that the principle for which they contend is inherently and eternally right. Their zeal and enthusiasm in behalf of silver do not detract from their devotion to every elementary principle of the Republican party. Their Republicanism, however, is placed on trial, and I therefore beg leave to briefly review the history of recent events, to the end that this history may shed some light upon true allegiance to Republican principles.

Through unrest born of a surfeit of prosperity and in a spirit of antagonism on the part of the laborer toward his employer, the voters of the country elected a free-trade Democratic Administration in the fall of 1892. As a coming event, casting its shadow before, the prospective Democratic Administration was preceded by a feeling of alarm and serious concern throughout all the channels of trade, business, and industry. A general feeling of appre-

hension pervaded the country when Mr. Cleveland was inaugurated in March, 1893. He was the apostle of tariff reform. Tariff reform involved the wiping out of the protective system. A full realization of this fact appalled the sober second thought of the country. The feeling of alarm became general, business enterprises were curtailed, investments were checked, and to the extent of their ability the people stood still. At this momentous point the spark of genius appeared in one of the most determined men this country has ever known. When the history of our age shall be written, Mr. Cleveland will be accorded the honor of having displayed the most marvelous political tact of any man of his time. Mark the wonderful stage play. Within thirty days after his inauguration the deep, dark cloud which hung over the country because of the presence of his own party in power was attributed to another and wholly inadequate cause. He suggested that the purchase of 4,500,000 ounces of silver each month was bringing the country to the verge of ruin. So adroitly was this proposition presented and so cordially did the friends of the gold standard around the speculative centers cooperate that within a brief time the country was prepared for an extraordinary session of Congress to repeal the Sherman law. It was predicted that the repeal of this law would dispel the universal gloom and bring gladness and joy to every heart. Forgetting the party platform, a coterie of Republicans in and out of Congress chattered like a flock of magpies about the overwhelming evils of silver coinage. Congress assembled. The Republican Senators and Representatives who remembered and felt inclined to faithfully regard the party platform resisted the efforts of the President to wipe the last vestige of silver legislation from the statute books. They cited the fact that the platform of 1892 was the law of the party, and that law read then as it reads now, as follows:

The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money.

The Republicans who resisted the Administration in that effort to effectively wipe silver legislation from the statute books may without fear measure their Republicanism with the Republicanism of the Senators and Representatives who cooperated with the Administration in that proceeding. The Republicans who stood in opposition to the Administration stood on the principles of the Republican party; those who cooperated with the Administration violated a party principle, clearly and distinctly announced. The Sherman Act was repealed, but the depression in business still continued. The operator had drawn the wrong tooth. The attention of the country, however, had been in the meantime diverted from the Administration and its flagrant violations of the civil-service rules and the Wilson bill had been fairly well prepared. The regular session of Congress passed that bill. The Sherman law was no more, and yet disorder, doubt, uncertainty, yea, even despair, pervaded the country. Another exhibition of genius. The President suggested that the greenback was the cause of the trouble, and that in the interest of what he was pleased to call "sound money" the greenback should be retired and an interest-bearing bond substituted for it. Again we hear the Republican magpie chatter. A horde of Presidential aspirants rushed to political suicide yelling "sound money." The press of New York City leads the procession—"sound money" is the war cry, and under the cover of this cry the President protected himself and his Administration from just criticism for the most shady and iniquitous transaction in public finances the world has ever known.

In due time the present Congress assembled and the President does not call for more revenue, pertinaciously insisting that the revenue laws are all right, but called for authority to issue bonds, so as to facilitate the retirement of the greenback and his operations in an increase of the public debt. The sentiment of the country is found to be overwhelmingly against the issuance of bonds in times of peace. There is some doubt about the success of the operation. Mutterings are heard about the previous bond sale, when, lo and behold, there comes another exhibition of genius. A venerable dispute of the age of three score and ten, concerning a strip of swamp land in Venezuela, is rushed upon the country with an amount of stage fittings and settings appropriate to the purpose rather than to the subject, and we are proudly informed that the same hand that authorized the tearing down of the flag at Honolulu will sustain the Government at all hazards, even unto the horrors and terrors of war. By this time certain Republicans of the East have become used to bobbing up and down like a cork on the water at the suggestion of the President, and instantly we see a resolution passed appropriating $100,000 for a commission to advise the Executive on points on which ample facilities for information were at the time at his disposal. Great speeches were made and the country filled with noise. The President understood the string upon which to play; he played the part of an artist. The patriotism of the American people will never be appealed to in vain. They will even rush out on a false alarm, as they did in this case. This is a noble and a generous attribute of our people, who love their flag and all that it means for freedom and good government.

Now that the smoke has disappeared and the noise has subsided, let us see what it all meant. December 17 the flaming, warlike Venezuelan message was given to Congress and the country. A fervid and universal outburst of patriotism followed; intense excitement pervaded the country; loyal citizens and organized companies tendered their services to the Chief Executive. In the midst of this warlike excitement, on the evening of December 20, just three days having been allowed to work Congress and the country up, another message followed, in effect renewing the call for the retirement of the greenbacks and authority to issue bonds. Conservative men were swept off their feet. The last message adroitly referred to the first, and an impressive warning was suggested to the country. Who could think of party principles at such a juncture? We were persuaded that war was upon us. Under pressure of this artificial but exacting and exciting situation the revenue and bond bills were passed by the House. The RECORD shows that three and one-half hours were allowed for the consideration of the revenue measure and about one day to the consideration of the bond bill. To insure speedy relief Republicans dropped their own principles on economic legislation and in lieu thereof accepted three distinctly Democratic heresies on the tariff—horizontal revision, ad valorem duties, and the Wilson bill—as a foundation for a revenue scheme, and they proceeded to its enactment, fondly hoping that the President might condescendingly consent to favor it with his signature or his sufferance. The bill reaches the Senate; a substitute is reported for it. Certain patriotic Republicans, forgetting the platform of 1892 on the tariff question, forgetting all the traditions of their party, seek to have Republicans in this Chamber who are devoted to bimetallism and protection, two elementary principles of Republican faith, put in such position as apparently to be compelled to vote against one of their principles in order to secure the success of the other. Some gentlemen who pretended to understand the situation refused to cooperate. To the candid judgment of honest men I leave the determination of questions relating to the fidelity of Republicans in this Senate to their party principles. The Republicans alleged to have proven recreant to Republican principles resisted the effort of the Administration to strike the last silver-coinage law from the statute books; they resisted the passage of the Wilson bill; they resisted the issuance of bonds in times of peace; they resisted the contraction of the currency by the retirement of the greenbacks, and they now resist an inferential violation of the principles of the Republican party platform by resisting approval of horizontal tariff revision, ad valorem duties, and the Wilson bill. Upon these propositions the accused Senators may safely rely for the favorable judgment of their fellow-citizens.

It is far from my purpose to refer to the action of any Republican or set of Republicans in a spirit of hostility, nor would I have it understood that I entertain any unkind feeling toward the great body of manufacturers, of whom this nation may feel justly proud. For New England, that great beehive of industry, and for its people I have the highest possible regard and admiration. The delegations in Congress from New England reflect credit upon their people and challenge the admiration of all. Admonished by the experience of a century, the people of New England have retained their Senators and Representatives in public life until the delegations from those States have become in the National Councils veritable legislative gladiators. The people of New England are to be congratulated upon the great advantage their wise course of action has secured for them in national legislation. I speak for harmony and not for discord. A body of Senators and Representatives in these Halls, representing well-nigh two-thirds of the American Continent, believe sincerely and earnestly not in part, but in all of the Republican platform. They support as cordially that portion which appeals with special interest to New England as they do the broader principle which applies to the entire nation with equal effect. They hope and believe that through the agency of the Republican party the great principles for which the party platform pronounced may ultimately be crystallized into law. They present their view as to the means to be employed on the silver question to bring about the purpose the party has proclaimed as its own. They are not met with argument or a counter proposition from any source. With one honorable exception, Eastern Republican Senators clearly ignore the party platform on the subject of bimetallism. The Republican advocates of the free coinage of silver here are as solicitous for the national honor and the national credit as are the representatives from any State or section of this Union. You can not make any safeguard too strong to insure the preservation of the integrity of our coinage and currency system as approved by the Republican platform, but no safeguards are requested; no modifications of our free-coinage propositions are suggested; stern opposition to the whole party platform on the coinage question is counseled; brutal assaults are made not only upon the Senators and Representatives, but upon the unoffending people of the States they represent as well. This is thoughtless; this is

dishonest; this is unjust; this is treasonable to the principles and traditions of the Republican party.

The VICE-PRESIDENT. The Senator from Montana will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. SHERMAN. I hope the Senator from Montana will be allowed to proceed.

The VICE-PRESIDENT. Without objection, leave will be granted.

Mr. FRYE. Let the Cuban resolution be temporarily laid aside by unanimous consent.

The VICE-PRESIDENT. That is the order of the Senate.

Mr. CARTER. The Republicans of the East can not maintain this position of total opposition to legislation in behalf of silver without openly, clearly, and distinctly proclaiming that the plank of the party platform relating to silver and gold was in their view a fraud, a delusion, and a snare, and in that position the conscience of the Republican party of the nation will not sustain or justify them. The Eastern Republican opposition to silver legislation is unseemly and unwise. It has become fashionable apparently to abuse silver Republican Senators and silver Republican States, and thoughtless Republicans have injudiciously announced that Western States may take up their "traps" and leave the Republican party—that their votes are not needed. Happily the invitation lacks commanding authority. It is commonly stated that a great mistake was made in according to freeborn American citizens, who blazed the trails and opened the way to civilization, the full privileges of their birthright, although assembled in sufficient numbers within adequate territory, and possessed of all the necessary qualifications for Statehood. Magnificent Commonwealths are referred to as "pocket boroughs," and it is even now suggested that the people of New Mexico, who have been prepared for Statehood for a generation, shall be longer condemned to a condition of political servility and denied their rights as American citizens because their sentiments on the money question do not suit the gentlemen who handle the tape on Wall street. It is important that Republicans should understand that this thoughtless chatter, this malicious and unjustifiable abuse, if not tempered by the better sense of the Republicans who meet in national convention, will inevitably lead to a decree forever forbidding the Republican party from placing another law on the statute books of this nation. To conceal the gravity of the situation will serve no useful purpose. Timely admonition will prove an element of saving grace. The great West is the offspring of the Republican party, and its people believe in all the proclaimed principles of the party. They have endured and are now patiently enduring all the unnatural parental vituperation inflicted by the minions of an alien policy, masquerading under Republican colors. They gravely apprehend that the influence of Clevelandism has largely supplanted Republicanism in the East on a feature of party policy which they hold as sacred as the doctrine of protection.

On protection and bimetallism as the basis of the economic and financial policy of the country the whole West is united. The party which accepts the one and ridicules the other can not expect support from the people of that section of the country. The mysterious phrase "sound money" is well understood to mean the single gold standard. The President was wanting in his usual courage when he selected that phrase instead of more plain and candid words. Courage gave way to caution. He well knew mystery would charm followers, while the naked truth would incite opposition. No single gold standard party can gain supremacy under its proper name in this country. The majority of the people are protectionists, and each day brings a protectionist closer to a full realization of the utter impotency of a protective tariff under a single gold standard of money. The constant appreciation of the dollar more than offsets the intended benefit of the schedules. The manufacturer who pays for labor and material in depreciated silver and sells his product on the gold standard will inevitably command the market. He who pays for labor and materials in gold can not meet the competition. Asiatic instead of European competition menaces our manufacturers to-day.

It is not my purpose, however, to undertake to discuss at this time either the silver or the tariff question. I would, if it were possible, speak in tones that might reach every Republican in this country to call attention to the party platform of 1892. Honestly carried out, it would give us protection and bimetallism; not one, but both. I commend the careful consideration of the platform to those Republicans who deem it their duty to stand by the President, and feel called upon while so doing to employ the language of vituperation in dealing with the Republicans who, in their simple faith, believe in party principles first, last, and all the time. Free trade and the gold standard naturally go together. The position of the President is logical. His free-trade policy would quickly drive manufacturing from this country to Europe and Asia, and our people would become producers of raw material to supply the factories of other lands. Let no Republican be deceived. He who follows the President antagonizes the principles and purposes of the Republican party. Every Republican who joins the President in his demand for the absolute fixing of the single gold standard upon this country, to the permanent exclusion of all hope for bimetallism, makes his contribution to a force destined to disrupt and destroy the party. It is high time that Republicans who claim to be within the party should take their cues from the party platform rather than from the White House. If it shall occur that this senseless crusade against Republicans who believed in good faith in the Minneapolis platform when it declared for bimetallism as well as protection shall be carried to such an extent as may result in the adoption of President Cleveland's scheme by the St. Louis convention, I submit that Republican success will be rendered utterly impossible. If the platform of 1896 announce to the country, in conjunction with the action of Republicans between the two conventions, that the plank on bimetallism adopted at Minneapolis was a delusion, a fraud, and a snare, it would be just as well for the Republican party not to make a nomination at St. Louis at all. I grant that the candidate might possibly be elected, not upon the platform, but as the result of widespread discontent. The same force that placed him in the Presidential chair would in turn destroy his administration; it would be a meaningless triumph; it would be but a personal triumph; it would be a triumph at the expense of time-honored principles, and could not in the nature of things aid in advancing the principles and purposes which we now understand to be the avowed principles and purposes of the Republican organization. A large percentage of the Republican party all over this country believes that protection under the gold standard will not protect. Such a platform as would be the logical outcome of Republican following of President Cleveland's scheme would leave the Republican party in this Chamber with scarcely enough members to second a demand for the yeas and nays. It can not be expected Republicans elected to the Senate under one platform will in the course of their official terms feel justified in accepting an entirely antagonistic platform as a binding rule of action.

In the plain view of these facts, the drift of the Republican party in this Eastern section of the country toward Clevelandism and the gold standard is to me an appalling spectacle. In the name of all the Republican party means to human civilization, let Republicans in and out of Congress take counsel of their own party platform and traditions and cease blind devotion to the false god who deals in mysterious phrases. Upon our own platform of protection and bimetallism honestly and fairly carried into law we may securely rest the present and the future prosperity and greatness of this Republic; under that platform honestly carried out the clearing house of Christendom would be inside of a decade transferred from London to New York; internal activity would be so far stimulated and vitalized that our exports would exceed our imports, giving unto us the power to proclaim a money system of our own, based upon gold and silver as money of final redemption. In conformity with that platform, the departed greatness of our merchant marine would be restored; our Navy would be increased to a strength second to no naval police force in the world; the Nicaragua Canal would be constructed: the trade of Central and South America, China, Japan, and India would be transferred to our shores from the shores of the British Isles; in short, all that the Republican party stands for and means for good government and vigorous administration can be secured under an honest construction and a fair administration in accordance with the principles of the Republican platform of 1892.

The maintenance of the unity and integrity of the Republican party is of overshadowing importance to the country. In the midst of the prevailing chaos of theories on public questions, we owe it to the past and to the future to stand firmly by our proclaimed principles, without evasion, mental reservation, or purpose to deceive. The pending measure, born under the passing excitement of a manufactured war cloud, would do the country no good, but it would do the party great injury by making it share responsibility for the gloom which appeared and will depart with this Administration. One year from the 4th day of March a Republican President may call an extraordinary session of Congress. Guided by wise, consistent, and temperate counsel in the meantime, Republican majorities will assemble in both branches of Congress. To the serious business of the country, prompt and competent attention will be guaranteed. Smoke will issue from the factories again; the laborer will joyously emerge from enforced idleness, tempered in thought by the knowledge sad experience has given; confidence will mark the step of the plowman; the miner will strike the drill with renewed energy; the merchant will stock his gaping shelves anew; hope and determination will cheer and strengthen every citizen; the long floor walk of the anxious banker will cease, and the great Republic, under the beneficent influence of the progressive American policy to which its magnificent energies so warmly respond, will again resume its career of prosperity. [Applause in the galleries.]

Mr. HOAR. I desire, before the Senator from Montana takes his seat, to ask him a question. I did not like to interrupt the

Senator during his very interesting and powerful speech, which I have heard with great pleasure and admiration; but I should like, with his leave, now to ask him one simple question, and I should like to preface that question, if I may be permitted, with a brief statement.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Massachusetts will proceed.

Mr. HOAR. Mr. President, I have always been one of those who in a public life, now lasting nearly twenty-eight years in this and the other House, have voted in accordance with the desires of the representatives of the woolgrowing communities in this country. There has, so far as I remember, never been a discussion of that subject in which I have not given my voice and my vote for the largest protection on wool and on the other interests of those communities that they have themselves desired, and I believe it is true that there has been no instance in which the representatives of the manufacturing States, both in the Senate and in the House of Representatives, have not joined in those votes. I believe that when, as a permanent policy in this country, protection to wool is doomed, protection is doomed. As I had the honor to say when the Wilson bill was pending in the Senate, it is with protection and wool as in Byron's prophecy—

> While stands the Coliseum, Rome shall stand;
> When falls the Coliseum, Rome shall fall.

And he is a purblind manufacturer, whether in New England or elsewhere, who supposes that the American people will consent to continue the protection on his own industry which is denied to the farmer and the woolgrower of the great West. I desire to remind my honorable friend that this protection upon wool has been supported by the votes of New England against the votes of the woolgrowing States themselves. When Ohio halted between two opinions, when California gave her vote for free trade, when Texas sent her representatives here to champion in this and the other House the policy which struck down one of their own most important industries, the manufacturing interests of New England have stood firm and stanch in its support. When the wool schedule was on its passage two years ago I rose in my place here and asked the representatives from the woolgrowing States if they could suggest any one thing which the New England Senators had failed to do which would help to save the tariff on wool, or which they could then do to avert the destruction of that protection. I asked that question of the then Senator from Montana, the predecessor of my honorable friend, and the other representatives of the woolgrowing States, and one after another, the Senator from Montana, the Senator from Colorado, and one or two other Senators, with a candor which became them, rose and replied that there was nothing of which they complained of New England in that particular.

Mr. President, I have no misgivings as to the policy which I have always supported, and which the American people have pursued, of introducing to their place in the Union these new States whenever their population is large enough for a single Representative district. I am opposed utterly, whether they vote with me or against me, to holding these communities in a Territorial condition unnecessarily. I have no misgivings, either, as to the great doctrine of the equality of the States in this body. Let the representatives of those ten new States which have lately come in cast their votes every time honestly and fairly against the policies which the people I represent hold dear; I shall encounter them in fair debate so far as I can; I shall try to persuade them so far as I can; but if I do fail, I am still content, and shall trust to time, to their getting the interests and the opinions which belong to orderly, wealthy States, with a diversity of industry, to bring them around to the proper opinion as I conceive.

But the Senator from Montana charges that the Eastern Republicans, or some of them, have been false to the platform of 1892, adopted at Minneapolis, as he interprets it and understands it. Does that Senator mean to say that the interpretation put upon that platform by Benjamin Harrison, the candidate whom the party there nominated as their standard bearer, was delusive, fraudulent, or misleading?

Mr. CARTER rose.

Mr. HOAR. Mr. President, I will put the Senator another question, if he will wait.

Mr. CARTER. Very well.

Mr. HOAR. The people of this country, as the Senator has well said and truly said, 90 per cent of them, are bimetallists. They believe in the doctrine which he read from that platform, and they believe in the concurrent and continued use of silver as well as gold, not merely as token or subsidiary money, but as the world's standard of value.

The Senator talks about our joining the party of President Cleveland. Whence came the great majority which swept this country in condemnation of President Cleveland in the autumn of the year 1894? Of the six New England States there was one solitary lone star—one Democratic Representative—dividing that New England delegation. I have not authority to speak for that gentleman, but I am very much afraid that if he were put into a corner and cross-examined as to his opinion of President Cleveland it would be one that would give great satisfaction to my honorable friend from Montana.

But, Mr. President, it unfortunately happens that there are two opinions in this country among Republicans and among Democrats on this practical question. One party believes that we can restore silver to an equality with gold at a ratio of 16 to 1 by the sole power of this country, and that the passage of such a measure would restore bimetallism. Another party in this country believes, with equal sincerity, that to do that by this country alone would create silver monometallism and banish gold from the country; that it would give us instead of gold a fluctuating, constantly depreciating standard of value, so that the value of the money to be paid would never be the same as the value of the money in which credit was given; that the value of the money which the workman is to receive would not be the same as it was when his contract for service was entered into, and that the result of that policy would be to bring all business whatever into the class of gambling; that it is impossible for a country to maintain the value of a money in which it can not pay foreign debts and in which foreign exchanges can not be transacted. I am not saying which of those two theories is right; but I am stating the theory that the people of New England entertain. It is the theory that a large majority of the American people entertain; it is the theory that a considerable majority of the Republicans in this Senate entertain; it is the theory which a vast majority of the House of Representatives, fresh from the people with their last commission, entertain.

Now, I wish to ask the honorable Senator from Montana this question, whether we are to understand him as saying that if he fail to convince us, if he fail to convince the majority of the American people, if he fail to convince the majority of his Republican associates that they are wrong and he is right, he proposes to say to them, "You shall not pass any protective tariff unless you surrender your honest convictions, the opinions of the majority, and come over to us"? If a protective tariff bill be hereafter presented, fair and just to the whole country, based on Republican principles, providing for the industries of the Northwest and the new States, with a just tariff on wool, a just tariff on lead, and the other products of those States, and a just tariff on the fruits of California, do you mean to say to us, "You shall not pass that tariff, if we can help it, unless you surrender your honest convictions on what is true bimetallism"? That is the question.

I do not justify the views of the Eastern press of my honorable friend and his companions, but I think that if the Senator reads the papers in his own section of the country he will find that they are not far behindhand. I have myself had the honor of being hanged in effigy in a bimetallist State for advocating in secret session on a treaty what I thought were the true principles of the Constitution of the United States and the Declaration of Independence. I have had my mail packed with abusive and scurrilous articles against me, insignificant and humble as I am on this question and on this floor, whose scurrilous vituperation would have set Dean Swift crazy and made him turn green with envy. [Laughter.] I wonder how posterity will think of the great, useful life of JOHN SHERMAN if they read the account of him in the Western press as the thief, the trickster, the man who defrauded the American people by stealth by getting silver demonetized, and who was so anxious to keep it a secret that he only had the bill printed thirteen times! That chorus comes up from the whole West against the old and honored leaders of the Republican party, the men who carried this country through war and calamity. Well, it is a very trifling matter, after all. Nobody yet was ever hurt by a little talk, a little abuse, a little printer's ink.

But this is the one question about which the serious people of my part of the country are concerned, the question whether we are acting in good faith and on an equality.

Now, I say to you, vote me down on this question of free coinage of silver or any policy that seems to you to be inconsistent with your opinions upon it, and, sorry and mortified and humiliated as I shall be, I shall walk straight up in half an hour afterwards and vote for any measure which the Senator from Idaho or the Senator from Colorado or the Senator from Montana may show me is to the interest of his State; and if out of revenge, out of anger, out of a desire to force my miserable, little notions against the judgment of the majority of my associates, the majority of the representatives of the American people, I did not do it, I should not dare to go back to New England and face my constituents. I should be hurled out of power, if I did that thing, with an indignation and scorn and contempt which would make miserable the rest of my life and the life of all my posterity for generations to come.

Some persons have understood the gentlemen who stand with my honorable friend from Nevada to say something different from

that, and say that, "unless you will surrender and swallow your convictions on this matter of bimetallism and undertake to have the United States do this thing alone, you shall not have, if we can help it, the protective tariff or any other measure which will benefit you more than it benefits us."

I should like the further information whether we are to understand the Senator from Montana as occupying that attitude, or whether, if it shall turn out that he fails to convince the majority of the American people that he is right in this matter of silver, he is going to say, "I shall destroy every interest of the American people that I can strike at."

Mr. CARTER. Mr. President, I esteem it a privilege to respond to the inquiry propounded by the able and distinguished Senator from Massachusetts. Of the liberality of view, of the broad patriotism of which he speaks, of his fidelity to every public interest of serious concern to this nation there does not exist a question anywhere between the two oceans or between Maine and Texas.

Relative to the question first propounded as to whether the Republican platform as interpreted by Benjamin Harrison, the candidate of the party in 1892, meets with approval, I beg leave to say that I regret that that portion of the question was propounded. It was not my purpose in the course of any remarks made here, nor has it been at any time, to undertake to limit or advance the political fortunes of any honorable member of the party aspiring to the high office of President of this Republic. Since, however, that question has been propounded, let me say that while the Republicans who believe that the party platform might be carried to its full fruition by direct act of Congress, were not wholly satisfied with the Administration and the purposes of Mr. Harrison, they did feel, and were led to feel by his constant efforts, that the Administration was honestly and conscientiously seeking to give expression to the consensus of Republican opinion of the country by passing favorable laws and bringing about the adoption of favorable measures looking to the reestablishment of silver.

To review that Administration would be to look to the origin of the Sherman law and the proposition of Secretary Windom thereafter, made in the Fifty-first Congress, to increase the purchases of silver from four and a half million to six million ounces per month.

Again, we would call the attention of the Western people to the fact that the Administration, not very cordially supported by Republicans from other sections of the country, it is true, undertook to bring about, and did bring about, an international conference with a view to securing the adoption of the bimetallic standard by several of the leading commercial nations. The interpretation of the platform by President Harrison, who proved by his action to be conscientiously and honestly disposed to give full and free expression to it and to the administration of the law, coming from that source, was reasonably satisfactory to our people as furnishing a beacon light for hope.

If, upon the other hand, the interpretation of the platform is to be considered in the light of a majority party action on this floor since then, I say we could not accept the interpretation. They seem to assume that the Minneapolis platform commanded them to wipe the last vestige of legislation favorable to silver from the statutes. With that construction of the platform we are at war now and shall continue to be at war.

Mr. GEAR. Would it interrupt the Senator if I should ask him a question?

Mr. CARTER. I am answering a question now.

Mr. GEAR. I wish to ask him only one question. Does the Senator not know that the Minneapolis platform was drawn largely by two distinguished Senators on this floor, one, the Senator from Nevada [Mr. JONES], and the other the distinguished Senator from Colorado [Mr. TELLER], and that those gentlemen then and there professed, and I think they were honest in it, that they were fairly well satisfied with that platform?

Mr. CARTER. Admitted. I am glad that the suggestion is made, but the Senator from Nevada and the Senator from Colorado did not understand, with their limited knowledge of the English language and what it ordinarily means [laughter], that the platform meant the total obliteration of all legislation in favor of silver.

Mr. GEAR. But the Senator from Colorado, if I do not misquote him, thought while that platform was not fully satisfactory to him personally he could carry Colorado for the Republican ticket on it.

Mr. CARTER. That he did on the representation that the Republican party had a reputation for redeeming its pledges and promises, and that it would carry out the party platform in good faith. [Applause in the galleries.]

The people of Colorado can not now conceive it possible that the Republican party deliberately adopted a plank of a platform with a reserved intention then and there to violate it; not at all. It is quite impossible for those people to believe that, and they will not believe it until the fact is demonstrated beyond a question of doubt.

Mr. President, the question is further propounded, if defeated in an honest effort made to secure legislation in conformity with this particular principle of the party platform, shall gentlemen from west of the Missouri River who affiliate with the party now and contemplate doing so in the future absolutely refuse then and there to further cooperate with the party on its pronounced principle of adherence to protection? In reply to that, I say that the Republicans who believe in the platform as construed in our portion of the country will be the very last to desert the ship. If gentlemen elect to accept the gold theories of Mr. Cleveland and walk away from our party, we will gaze upon them in sorrow. [Laughter.]

Mr. HOAR. If the Senator will allow me a word there, I wish to say that, so far as I know, there is not a Republican in either House of Congress from the East, and there is not, so far as I know, in the State of Massachusetts, or in the six New England States, 2 per cent of the entire Republican party who hold the theories of Grover Cleveland, as I understand them. There are no gold monometallists there.

Mr. TELLER. If that statement is correct, it is rather strange that the entire body of Republicans from that section always vote with the President.

Mr. HOAR. I do not understand that the President has ever voted. The only vote we have given was voting against him.

Mr. TELLER. They vote in accordance with his views.

Mr. HOAR. We deny that.

Mr. TELLER rose.

Mr. HOAR. The Senator will pardon me one moment. As I understand the views of President Cleveland, they are in favor of gold monometallism; I do not know whether that be true or not; and I suppose that is what the Senator understands.

Mr. TELLER. That is correct.

Mr. HOAR. He thinks that a double standard of value, that undertaking to have by any assent of anybody or everybody two metals which may fluctuate somewhat in their reference to one another, is an absurdity and an impossibility. The Republicans of the Eastern States deny that proposition. They believe that there can be a double standard of value, just as when the astronomer wishes to get a clock whose pendulum shall be so accurate in its length and in its beat that the most delicate measurements, upon which depend great astronomical calculations, shall not be disturbed by atmospheric influences, he puts rods of three metals which pass through the disk of the pendulum and by which it is suspended so that the fluctuation caused by the atmospheric influences on one will be corrected by the atmospheric influences on another.

That is the doctrine of Alexander Hamilton; it is the doctrine of the Constitution; it is the doctrine of every one of the fathers, without an exception; it is our doctrine, and the American doctrine to-day. There is where we all agree; where the Senator from Colorado and I agree, I suppose, if I understand him, though I do not know that he will consent to agree with me on any subject whatever. [Laughter.] But where we differ is this: We believe that to do that thing by one nation alone is impossible; that you drive out the more valuable metal and you have monometallism not only of the cheaper metal, in which all transactions will sooner or later discharge themselves, but you have a standard of value that is a fluctuating, a disturbing, and a degenerating measure, so that no transaction expressed in money is a record of what it is to be in the future. Whether we are right or wrong, there is where our difference comes in; and the Senator has no more right to turn on me and say I agree with Grover Cleveland, or I am a monometallist, than I have to turn on him and say he is a silver monometallist. I take his statement of his opinions as he utters them, not as I translate them, and I demand of him, if he does me the honor to allude to my opinions at all, that he shall take my statements of opinions as I utter them and translate them. There is where these two parties differ in the Republican party as they do in the Democratic party; and what I want to know is, if any Senator says on either side of that difference, "If you do not come to my views, whether you believe them or not, and vote with me, whether you like it or not, I will not do anything else that is for the interest of the country in regard to which we agree."

Mr. TELLER. Mr. President, I do not intend to enter at length into the discussion at this time. The Senator from Iowa [Mr. GEAR] has referred to the method in which the Republican platform was adopted. The provision in the platform which has been quoted started out with the words:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money.

That clause was drafted by me, and the adoption of that clause was secured in the platform, I think, largely by my efforts, assisted by the Senator from Nevada [Mr. JONES]. I did not favor and

was not responsible for the qualification which was added, because I thought then that it would probably be made the excuse for a violation of the declaration which I had introduced.

I knew, Mr. President, what it meant to say that silver and gold should be used as standard money; I supposed that the committee on platform knew what it meant, and I supposed the nearly one thousand men who voted for and adopted that platform also knew what it meant. There were, if I recollect correctly, about a thousand of the most intelligent men of our party assembled there. It was on this subject, and this alone in the platform, that a controversy arose which lasted all through the night and clear into the morning, and the only disturbing question was what should we say upon the financial subject. I had introduced a provision for free coinage, and I had been met by adverse votes.

I finally proposed this as a declaration of what the party believed in. It met the approval of the committee. I did not myself approve of the limitations or restrictions for the simple reason that I knew they would enable skillful politicians to evade the plain declaration, as they have done since.

Mr. GEAR. May I suggest to my friend the Senator from Colorado that while perhaps not approving it, as he says, nevertheless he voted for it. He voted for it when it was incorporated in the general resolution of which it was a part.

Mr. TELLER. I did not vote for restriction in committee.

Mr. GEAR. But the Senator voted for it in the convention.

Mr. TELLER. I accepted it and voted for it in convention, as a matter of course. That provision is not inconsistent with the other; it is not inconsistent with free coinage; it is not inconsistent with bimetallism—bimetallism as economic writers and economic authorities declare it, not as the Senator from Ohio [Mr. SHERMAN] declares it, which is no bimetallism at all.

Bimetallism means the free access of both metals to the mint on equal terms, and I now here challenge the Senate, I challenge the country to find that prior to 1892 any person had ever suggested that any other definition could be given to bimetallism. Dr. Giffen, the great statistician of England, a gold man, equal in his adherence and devotion to gold even to the Senator from Vermont [Mr. MORRILL] or the Senator from Ohio [Mr. SHERMAN], has declared over and over again that there can be no bimetallism without the coinage of both metals on equal terms; that that is what it means.

Any man who asserts that it means anything else is either ignorant or means to deceive. He either has not studied the question and does not know, or, having studied the question, he does not mean to tell the truth. He who says that bimetallism means maintaining silver as subsidiary coin writes himself down in opposition to the entire thought of the intelligent and educated world on this subject.

Having said that, I do not know that I ought to read what the Senator from Ohio [Mr. SHERMAN] stated at a distinguished gathering in Ohio, but I believe I will do so, after he yesterday announced in unmistakable terms that he and the party to which he belongs and to which I belong are in favor of the gold standard and that that is our platform, which I deny. When the Republican convention met in Ohio to nominate a candidate for governor the distinguished Senator from Ohio was made permanent chairman of the meeting, and I take from the public press of that day the following extract:

When he was brought to the stand Senator SHERMAN began his speech without further introduction, needing none. After he had eulogized the Republican party, waved a flag with only a part of the blood stains washed out, and iterated a demand for the reenactment of the McKinley tariff, he discussed the financial question. He said, among other things—

This is what I wish to call the attention of the Senate to, and I desire to ask the Senator from Massachusetts [Mr. HOAR] whether he believes in this kind of bimetallism, and whether he or anybody supposes that the thousand men gathered at Minneapolis were so ignorant, stupid, or dishonest that they believed in this kind of bimetallism—

"I believe—

This is the Senator from Ohio—

"I believe that the policy of the United States, adopted in 1853, of coining fractional silver coins in limited quantities from silver bullion purchased at market price, and making them a legal tender for small sums, is the only way to preserve the parity of gold and silver coins at a fixed ratio. This is properly called bimetallic money."

Mr. President, I decline to follow the distinguished financier in his definition. I repeat that you can not find any man who has any reputation anywhere in Europe or America aside from the Senator from Ohio who has ever suggested that that is bimetallism. That is not the bimetallism that we meant in 1892. That is not the bimetallism that the Senator from Massachusetts [Mr. HOAR] says that he means and that the people of his section of the country believe in, as I understood him a moment since.

I have not risen now to discuss this question. I propose to be heard on the proposition to recommit the bill to the committee, not that I care anything about whether it goes to the committee or not, but because I propose to be heard on this great question. I would be heard to-day, perhaps, if I were in physical condition to do so, but I have been admonished by my physician that I must not, and I do to-day what I have done perhaps but once before since I have been in the Senate, plead personal indisposition for not going on. But I wish to say a word or two more while I am on my feet.

Mr. FRYE. Will the Senator from Colorado kindly state that the Senator from Ohio [Mr. SHERMAN], to whom he is referring, is not present?

Mr. TELLER. I see he is not. I did not look to see whether he was here or not. I suppose he will not deny the statement. If he says he never made it, I will take it back very quickly.

Mr. PLATT. What paper is it from?

Mr. TELLER. I do not remember the name of the paper. I can find it, however.

Mr. PEFFER. I can say to the Senator from Colorado that it was published in all the papers of the country, and I repeated it in the presence of the Senator from Ohio, and he did not deny it.

Mr. TELLER. I think I have heard the Senator from Ohio say practically the same thing in the Senate.

Mr. SHERMAN entered the Chamber.

Mr. COCKRELL (to Mr. TELLER). The Senator from Ohio is now here. Read the statement again.

Mr. TELLER. As the Senator from Ohio is now present, and as some Senators seem to be anxious to raise a question as to whether he ever made the statement, I will read it again.

I read now, as I stated before, from a newspaper report of a speech made by the senior Senator from Ohio, who was presiding over a Republican State convention in the State of Ohio, some time last fall. He said, among other things:

I believe that the policy of the United States adopted in 1853 of coining fractional silver coins in limited quantities from silver bullion purchased at market price, and making them a legal tender for small sums, is the only way to preserve the parity of gold and silver coins at a fixed ratio. This is properly called bimetallic money.

In the absence of the Senator from Ohio I was challenging the statement that that is bimetallism. I was not challenging his belief that that is a proper thing to do, but I say that it is not bimetallism. It is a bimetallism which simply has the support of the Senator from Ohio and practically nobody else.

Yesterday the Senator from Ohio (I think I will not stop to read the statement unless the Senator disclaims it) practically stated that the Republican party is a gold-standard party. He declared that the craze and the delusion of the free coinage of silver had received its death blow by the action of the House of Representatives, and that hereafter we should go on, as I understood him, on the gold-standard platform. If the Senator did not mean that, I do not know what he meant.

As I said, I am not now going into a discussion of this question. I wish to turn for a moment to the declaration that we made at Minneapolis.

Mr. HOAR. I desire to ask the Senator a question about that matter, and as he is now going back to it, perhaps I had better do so at this time than to interrupt him in the middle of his speech.

Mr. TELLER. Very well.

Mr. HOAR. Do I not correctly understand the Senator to say there was a contest in the committee all night or a great part of the night in regard to this declaration; that he desired to have a declaration in favor of the unlimited coinage of silver in this country, but that the majority of the committee refused to accept it—would not agree to it?

Mr. TELLER. The subcommittee.

Mr. HOAR. The subcommittee. They were acting for the committee. They would not agree to it. Thereafter this clause, which the Senator from Colorado did not vote for as proposed there, was added. The committee did agree to the declaration. Is it not therefore clear that the subcommittee who drafted and reported that utterance did not understand it as meaning that they were in favor of the free coinage of silver by this country alone?

Mr. TELLER. I am bound to be fair about this matter if I can. I think it left every member of the convention who voted for it at liberty to say, "I am in favor of the use of the two metals as standard money in the best way that it can be secured." What I find fault with——

Mr. HOAR. That disposes of the whole argument of my friend the Senator from Montana [Mr. CARTER].

Mr. TELLER. The Senator from Massachusetts had better let me get through. What I find fault about is that when we declared for both metals as standard money, the policy of the Republican party, as foreshadowed in this Chamber by its majority, as shown by the votes that are given here by more than half of this side of the Chamber, has repudiated that provision even upon the liberal construction which I give it. The people in many sections of the country believed that it meant free coinage, because they said if you have bimetallism you are bound to have free coinage; you can not have bimetallism without free coinage. And

that is true. In any event, no matter whether we were to have free coinage at once or not, it meant that silver was to be used as standard money, and if you make it standard money then you make it the equal of gold. It was as far from the gold standard as the East is from the West.

Mr. ALDRICH. Mr. President——

Mr. TELLER. No; I will not yield. It was not to be considered as being in favor of the single gold standard, and it can not be so considered by anybody, not even by the astute Senator from Rhode Island [Mr. ALDRICH], who seeks on every occasion to thrust in his ideas, to the embarrassment, sometimes, of others who are speaking.

Nobody can believe that that great convention meant to say, as the Senator from Ohio says, that free coinage was dead. We were pledged to free coinage sometime under some condition, and if we could not find it under any other I suppose it would have filled the bill if we had found it under an international agreement.

What I arraign the Republican party here for is that it has never taken a step to carry out that platform. The only men who have ever attempted to live up to that platform with respect to the tariff and money are the men who are called silver men. And now we are slandered and traduced and are to be turned out of the party because we believe in maintaining all the provisions of the platform and not merely a part of it.

If my strength will admit it, and I trust it will, some day soon I propose to take up and discuss this question, and therefore I do not care to debate it now at length.

Mr. SHERMAN. Mr. President, I did not have the pleasure of hearing the remarks of the honorable Senator from Colorado [Mr. TELLER], but the quotation which he made from a speech made by me was correctly stated, and therefore I have no objection to make on that ground.

My idea of bimetallism is that both metals shall be adopted and used in this country as far as possible and to the extent that they can be maintained at a parity with each other. In order to bring about that condition, as a matter of course the silver dollars and the silver coins must be maintained at a parity with gold. Under the policy which is now well established, not only in the United States, notwithstanding the remarks of Senators, but in every Christian and civilized country in the European world, silver is used to a greater amount and more extensively than it has ever before been used in our time or perhaps in any time in the world.

We maintain the parity of the two metals by limiting the supply of the cheaper one. We buy the bullion from the people of the United States or in the markets of the world, and we coin it into money upon the old basis of 16 to 1. But in order that we may maintain the silver coins at a parity with gold we limit the amount and only make it an act of the Government which maintains those coins, of less market value, at a parity with gold.

In England now they are circulating more silver coin than ever before, and their shilling, although it is worth only 6d. in the markets of the world, is maintained at par with gold. So with France, a country which uses more silver, perhaps, than any other country in the world. The French maintain their silver at a parity with gold, although silver coins there are even less valuable than our own, because they are upon the basis of 15½ to 1.

Now, we who believe in bimetallism as thus defined by me insist that the Government shall maintain the parity of all these coins. We do not adopt the cheaper standard. Why? Because if that system should ever be adopted among the people of the United States the laborer would be cheated of one-half of his hire. In this country now the laboring man gets more dollars, and dollars equal to gold, than in any other country in the world. If, however, we should adopt the free coinage of silver, then, as a matter of course, the cheaper metal would exclude the gold from circulation; we should have the silver standard, and the workingman who got the same number of dollars under a silver standard would be cheated of half the purchasing power of the money which he received as the result of his labor.

The people of this country are beginning to understand this question. I know that the free coinage of silver is quite a plausible idea, but the effect would merely be to cheat the creditor of one-half of his debt. The United States of America has contracted debts upon the basis of gold to the amount now, under the present Administration, of $750,000,000. Suppose we should have the free coinage of silver, and gold were demonetized practically or excluded from circulation, because none but the cheaper metal will circulate, we would cheat the creditors of the Government out of one-half of their investment.

There is the narrow difference between those of us who believe in what I call bimetallism and those who believe in the free coinage of silver. If you open the doors of your mints to all the silver that may come to us from all parts of the world, now estimated to amount to $3,800,000,000, how long will it be before the silver of other countries will flow in here and pass for more than it is worth and I think revolutionize the whole monetary system of our country? I believe, therefore, that if we maintain the two metals as we ought to do, at full use as money, it must be under such circumstances and conditions that there will be no difference in their value as money.

To-day every man who receives a silver dollar knows that it is worth only 50 cents in gold; he could get for it only 50 cents in gold. As a matter of fact the gold is not used, but the money is used. But where there is a difference of even 1 per cent or 2 per cent in the values of the two moneys, the cheaper alone will circulate. So it was in the times of paper money. The poorest bank paper always circulated the most readily. If a bank was in doubtful credit, every man of sense would get rid of the money of doubtful value and would take that money which was certainly to be more valuable. So, now, if we should adopt the single silver standard—that is what is meant by what is called free coinage of silver—as a matter of course we then stand upon the sole basis of silver coin in all our monetary transactions.

Mr. TELLER rose.

Mr. SHERMAN. Does the Senator from Colorado rise to interrupt me?

Mr. TELLER. No; I thought the Senator was about through.

Mr. SHERMAN. I do not have any unkind feelings, I have never said an unkind word against those who favor the free coinage of silver; but let me make a prophecy: The idea of the free coinage of silver took wildly all over the country. Even in Ohio both parties had more or less committed themselves to that policy, the Republican party first and the Democratic party following suit. Yet now in Ohio, where we have a population of 4,000,000, neither party and no party, and no considerable body even of our people themselves, would consent to the free coinage of silver. That sentiment which has grown by the conviction of the people is extending further and further. It commenced, perhaps, in Ohio and extended west until now every State east of the Missouri River is in favor of bimetallism as we have it; that is, limiting the coinage of the cheaper metal, maintained at a parity with gold.

Now, the difference between us and our friends is that they want free coinage of silver. Why do they want it? Do they want to make the dollar cheaper, or do they want to cheat the creditors on debts which were contracted upon the gold standard? It seems to me that that is a dishonest proposition. Of course, that is not intended by those who advocate it, but the result of it will be dishonest. It would enable people to cheat their creditors; it would cheat the laborer out of the fair results of his labor, and therefore we are opposed to it. I venture to prophesy that this sentiment will go further and further. I know myself that even in the States which are called free-silver States there is a growing doubt as to the soundness of their position. I have had letters from men whom I supposed as a matter of course were in favor of the free coinage of silver, who begin to doubt their position, and I believe the time is not far distant when Colorado, one of the richest and most prosperous States in the Union, and likely to become one of the most populous States, will not be content with the cheaper money, but will demand money of the highest value, gold as the standard, with silver maintained at a parity with gold. That principle is now pervading the South. There the feeling was universal in favor of the free coinage of silver, and yet now in every Southern State the most intelligent and respectable people are beginning to change their ground and are coming out in favor of bimetallism as we understand it, the only kind of bimetallism which can exist when there is a disparity between the two metals in market value.

This is my position now. I stand to it not because I would do anything at all injurious to the silver-producing States, but because I would do that which is best for the people of the whole United States of America.

Sir, look at the example of the other countries that have followed, on account of their poverty, the adoption of silver coinage. Look at Mexico and some of the South American States. Even there the feeling is growing stronger, and in Mexico there is a strong party now existing in favor of the restoration of the old coinage of gold. That is a country that produces both gold and silver, precisely like the State represented by my friend from Colorado. I believe that there is such a feeling as that growing up in Colorado. My honorable friend may dispute that, but I know that many of the leading, intelligent men of that State are beginning to feel that the only true mode will be to maintain the present system, to use silver as far as possible, to consume our home products, if you please, and to coin it into money, and then maintain it by the power of the Government at a parity with gold. We take a printed note, a promise to pay money, and it circulates from hand to hand. The best money we have ever had in the United States is the legal-tender money, the United States notes. Those notes are maintained without trouble, and yet the cost of that money is probably but a mill in a dollar. That note is so maintained; and that is my idea about bimetallism.

I therefore reindorse what I said to the convention at Zanesville during the last year, where a great convention composed of more than a thousand of the best men of the State of Ohio, with

absolute unanimity, declared for that kind of bimetallism. They were in favor of the use of both kinds of money. The Democratic convention, following soon after, adopted substantially the same ground. That was the fixed and settled opinion of that body of men at Zanesville, men as intelligent as any portion of the people of the United States. The same thing has occurred in other States, until now I believe that bimetallism as we have established it by law is not only the fixed rule of action in our own country but that it will even be adopted by all the silver States of South America and by Mexico.

Mr. TELLER. Mr. President, the Senator from Ohio will not divert me into answering his old speech on the silver question that I have heard every time the question has been up for the last twenty years. It has been refuted, contradicted, and its fallacies exposed, but the Senator will always repeat it, I suppose, as long as the question is before the public.

The question here is, what did the Republican platform mean by bimetallism? If it did not mean that we should go to bimetallism to-day it meant at least that we believe in bimetallism and that under any construction which could be put on it we should go there as speedily as we could. The question now is whether we who believe in bimetallism as bimetallism is defined by the economic writers of the age are recreant to Republican principles or whether we can be driven out of our party because we do not agree with this most astonishing, unheard-of, and unusual bimetallic definition of the Senator from Ohio, which it seems that the Republican party is about to accept. That is the question, Mr. President; it is not the question whether we can maintain free coinage or not. If the Senator from Ohio and the Senators who agree with him have got wiser than the convention they had better wait until they go to St. Louis, and change the platform. The question is, did we not declare for bimetallism? Did we not say we are in favor of it? Does not that give us a right to insist upon having bimetallism and still keep within the party?

Mr. SHERMAN. The convention to which the Senator refers always assumed the same kind of bimetallism that I have alluded to.

Mr. TELLER. Oh, Mr. President——

Mr. SHERMAN. They always insisted as a condition that the money coined from silver should be maintained by the Government at a parity with gold. That has been declared over and over again, and it is not necessary even to repeat it now.

Mr. TELLER. That is not a correct statement. That convention never suggested a bimetallism so ridiculous as I have read to the Senate. I believe if that had been suggested in the convention it would have been laughed out of the convention. The Senator can not put the Republican party on that kind of bimetallism. Why did we want to say anything about it if that was the kind of bimetallism? Everybody knew that you could not get along without subsidiary silver money, and that is all that the Senator is now contending for; and he is contending that when you have subsidiary silver money you have got bimetallism. Does he mean to say that Great Britain has got bimetallism, does he mean to say that Germany has got bimetallism because they use subsidiary silver money? Mr. President, he knows better. Everybody knows better. Bimetallism means, as I have stated, the use of the two metals as legal-tender money upon equal terms. Since I made that statement a gentleman handed me a copy of the RECORD, and I quote from a speech made in the House the other day by a gentleman from Minnesota. By the way, I think that if the Senator from Ohio would read that speech he might get some views that would do him good, and some information he does not appear to have. I read now from what Mr. CHARLES A. TOWNE, a member from that State, said:

> Mr. Maurice L. Muhleman, deputy assistant treasurer of the United States at New York, in his recent book, Monetary Systems of the World, page 12, says—

I need not say of course that this man is a gold-standard man. He would not have much to do with the present Administration if he were not. This is what he says about bimetallism:

> By bimetallism, strictly defined, is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power.

Now, Mr. President, what does the English commission say, a commission created in Great Britain to consider this very question, a commission composed of 12 men, 6 of them being gold men and 6 silver men? One of them who was a gold man has since become a silver man, but when they divided they divided into equal parts. Here is their definition of bimetallism, of the entire 12. I repeat, when the convention made that declaration in 1892 there was nowhere to be found within the lids of any book a suggestion by any author that the bimetallism the Senator from Ohio contends for was bimetallism at all. Now, hear what the commission say:

> A bimetallic system of currency, to be completely effective, must, in the view of those who advocate it, include two essential features: (*a*) An open mint ready to coin any quantity of either gold or silver which may be brought to it; (*b*) the right on the part of a debtor to discharge his liabilities, at his option, in either of the two metals at a ratio fixed by law.

Mr. President, I say again that the Republican party did not stultify itself in 1892 by declaring that any country that maintained subsidiary silver was a bimetallic country. It is almost, I may say quite, an insult to the intelligence of any member of that party to suggest that that is a proper definition of that platform. Nobody but the gold-standard men ever pretended to believe it meant that, and they know it does not mean that and did not mean it.

Mr. President, the only way they can force upon that great organization, that great Republican party which has done so much for this country, this foreign system, this English system, this odious system of gold standard, is by deception and fraud and by playing on the American people what in common parlance might be called a bunco game.

Now I will read further. This is from the New York Evening Post, a paper that I understand has never uttered a kind word for silver.

Mr. HAWLEY. Or anybody else.

Mr. TELLER. Or anybody else, the Senator from Connecticut sitting near me says. Certainly not for the silver men. It is suggested to me that it is owned by British capital. I understand that that is the truth as to nearly all the great metropolitan press. The New York Evening Post says:

> There are some people (a diminishing number, however) who hesitate to avow themselves in favor of the single gold standard, although they are opposed to any change from the present system. There are others (also a diminishing number) who think that because a certain limited number of silver dollars are in circulation we have bimetallism or the double standard in this country.

Great heavens, Mr. President, have the 10-cent pieces circulating in this country made us a bimetallic country? That was left for the Senator from Ohio, and while he had made the suggestion before this paper published it, they had not seen it.

> This is a totally false conception, as false as it would be to assume that we have a paper standard because a limited number of greenbacks are afloat. * * * The "gold bugs" have no change of standard in contemplation. They are satisfied with the present posture of affairs, so far as that goes. The "expulsion of everything but gold as real money" took place in 1873, and continues unabated.

Mr. President, that is sound doctrine and sound law. When you make silver subordinate to gold it is no more standard money than a national-bank note. A man must be ignorant of the philosophy of money or unwilling to admit the truth and the logic of his position when he claims that because you use silver with gold and subordinate to gold you have bimetallism. What we contend for is silver as standard money; silver that shall measure values as gold measures values; that the double sum of silver and gold in the world shall determine prices.

Mr. President, we are not crying in the West nor in the East for what the Senator from Ohio chooses to call the best money. What is the best money? The best money, according to the gold-standard definition, is the money that will buy the most of human sweat, of human toil, that will buy the most of human productions; and if you can put down wheat to 10 cents a bushel, the Senator from Ohio will consider that the best kind of money that will buy it at that price; if you can buy the laborer's labor for 10 cents a day, that will be the best money; and that, he says, the people of my State will cry for. When they do, when they are so dishonest, when they are so ignorant, I shall no longer represent them on this floor with the feeling that I represent a great, free, and intelligent people.

Mr. President, the American people believe in bimetallism according to the traditions and according to the writers on political economy for a hundred years. I do not care what the Senator says about the death of silver, he will find that its corpse is a living corpse that will rise up here to haunt him and his gold-standard, dishonest-money advocates to the end of time. Unless the American people plant themselves upon the double standard, that will maintain not only the equity of contracts, but the stability of prices, we can not have prosperity, for it is the only thing that will bring to this country prosperity and progress, that will put an end to the discontent that is rising up in every part of the country, that gives you a Democratic majority one year and a Republican majority the next, and probably a Populist majority the year after. Our safety lies in honest, sound money, made up of the two metals that have been in use from time immemorial. He who says I am dishonest because I advocate this is either dishonest himself or ignorant of the history and the condition of the world; he is ignorant of the fact that silver money has always been the money of mankind, the money that has touched more hands of toil than the gold dollars, the money that has done infinitely more to move the wheels of progress than all the gold that has ever entered into the circulation of the world.

Mr. President, we will not discard silver. It may be that for a time the advocates of the so-called sound money may deceive the people. They can not do it always. They can not do it long. If the Republican party puts itself under the lead of the Senator from Ohio and adopts the gold standard it will be a party of the past,

and the glory and splendor of its achievements will be obliterated and destroyed in the infamy of that transaction.

Mr. STEWART. I do not propose to prolong the debate——

Mr. WHITE. I rise for the purpose of making an inquiry. I understand that the resolution reported by the Committee on Foreign Relations is before the Senate. I do not wish to disturb the Senator from Nevada, but I suggest that if this debate, which is very interesting and very entertaining, and to which we have been listening with a great deal of attention, is to proceed, we had better defer the Cuban matter until 2 o'clock to-morrow.

Mr. STEWART. If the Senator from California had allowed me to proceed I would have been through by this time. [Laughter.]

Mr. CALL. I want to have it distinctly understood that the regular order is temporarily laid aside, by unanimous consent, and it is subject to be called for at any time.

The VICE-PRESIDENT. That is the order.

Mr. STEWART. If I should attempt to refute all the nonsense, falsehood, and absurdity that has been condensed in the debate here on the other side, of course it would take until 2 o'clock to-morrow, but I did not rise for any such purpose. I rose to call attention to the Democratic doctrine as announced by the present Administration. Mr. Carlisle said at the banquet of the Manhattan Club in New York on the 25th of February last:

> In other words, it is proposed that, instead of continuing the monetary system based on a gold standard, where it was placed by Democratic legislation during the Administration of Andrew Jackson, and where it has been practically ever since, it shall be so changed as to conform to the monetary system of China, South America, and the small South American States.

I will now read from Andrew Jackson's law to which the Secretary alluded, entitled "An act further in regard to the establishment of a mint and regulation of coins of the United States," which law was passed on the 18th day of February, 1837, and signed by Andrew Jackson. The portion that I read is as follows:

> That the standard for both gold and silver coins of the United States shall hereafter be such that of one thousand parts by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy of the silver coins shall be of copper, and the alloy of the gold coins shall be of copper and silver, provided that the silver do not exceed one-half of the whole alloy. * * *
> That of the silver coins, the dollar shall be of the weight of 412½ grains. * * *
> That of the gold coin, the weight of the eagle shall be 258 grains. * * *
> NOTE.—Four hundred and twelve and one-half grains of silver equals $1; 258 grains of gold equals $10; 4,125 grains of silver equals $10. This makes the ratio between the two coins the same as now, namely, a fraction less than 16 to 1.

That made the ratio 16 to 1. It further provided—

> That gold and silver bullion brought to the mint for coinage shall be received and coined, by the proper officers, for the benefit of the depositor.

Now, Mr. Carlisle tells his audience in New York that the present laws are the same as those which were passed by the Democratic party in Jackson's time and signed by Jackson; that the single gold standard was the standard of Jackson. I have simply read from the statute, which, it seems to me, raises a question of veracity between the Secretary and the statute, and I think the burden of proof is on the Secretary to prove that the statute is a lie.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

The bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

FREIGHT AND PASSENGER RATES IN FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 25th instant, the report of Mr. J. D. Pirrong, of Wewahitchka, Fla., respecting freight and passenger rates of railway companies in that State; which, with the accompanying report, was referred to the Committee on Interstate Commerce, and ordered to be printed.

WAR IN CUBA.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the 5th instant relative to the war in Cuba.

Mr. WHITE. Mr. President, on the 24th of the present month I offered a substitute for the various resolutions reported to the Senate by the Committee on Foreign Relations with reference to Cuban affairs. I ask that the substitute be read.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read the substitute submitted by Mr. WHITE, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will at as early a date as the facts will warrant recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

Mr. WHITE. Mr. President, I presume that there is no one entitled to a seat in this Chamber who does not sympathize with the struggling patriots in Cuba. I assume that there is no Senator who would not rejoice could he witness the establishment by the people of that island of a government of their own choice. But while holding these views and experiencing these sympathies it is important that we should proceed in an orderly manner and in accordance not only with the customs and usages of this and other enlightened nations, but also in compliance with the provisions of the organic law under which we all claim to act.

The Committee on Foreign Relations has reported a concurrent resolution which it is expected will receive the support of the Senate and House. In the first place, if we are to approach this subject through any resolution designed to be of itself effective as a declaration of belligerency, I am of the opinion that the Constitution requires such resolution to be joint. Within a few days a discussion arose here with reference to a resolution designed to affect the thirteenth section of the last river and harbor act, and it was argued with much force by several Senators of distinguished ability that as that section had relation merely to matters of departmental procedure and did not arise under the Constitution, therefore it was unnecessary that a resolution passed for the purpose of suspending the operation of that provision should be presented to the President or be considered by him. But Senators holding this view stated that whenever Congress seeks to exercise constitutional powers by means of a resolution receiving the assent of both Houses, then the same will not be valid unless submitted after adoption, as in the case of a bill, to the President. Indeed, it is difficult to read section 7 of Article I without reaching that result. Therefore, the concurrent resolutions now under advisement will, if passed and not submitted to the Executive, be of no legal force, and can only amount to an expression of the sentiments and opinions of the Senate and House:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

As stated by the Senator from Alabama [Mr. MORGAN] yesterday, there is no Congressional enactment affecting this subject, and the committee resolution and that which I offered do not arise under procedure prescribed by any statute. If, therefore, the organic limitation of the powers of Congress which I have repeated does not relate, among other things, to a resolution declaring belligerency or proclaiming independence, I can not find any subject of moment to which the restrictive language of that provision can be held applicable. Hence, if we are to make a declaration announcing belligerency, the resolution can have no effect unless it is presented to the President. For reasons which I shall endeavor to suggest, I am doubtful whether such a resolution can have any effect unless actually approved by the Executive. True it is immaterial whether it be styled concurrent or joint, but we proceed here upon the theory that no resolution called concurrent is presented to the President. I regret that I am unable to elaborate upon this interesting topic. I am constrained to deal with the subject as briefly as possible. If it is sought to make a valid declaration of belligerency, the resolution must be passed under the Constitution and should be joint and presented to the President.

But, Mr. President, there is not only a question of policy involved as well as a matter of duty in the form of this declaration; there is likewise an issue as to our authority. I feel confident that the power does not reside in the Houses of Congress, independent of the President, to declare belligerency. The Senator from Ala-

bama [Mr. MORGAN] stated yesterday in discussing this phase of the subject as follows:

I dispute the power of the President of the United States, of his own motion and without the assistance of Congress, to recognize belligerency between two foreign Governments, because the President of the United States has no right by his proclamation to change the commercial and other relations between the people of this country and the people of a foreign country. But being the representative of the United States in virtue of its sovereignty as affects foreign countries, he has the right to recognize the independence of a foreign country, because that recognition has no effect upon our own people. It does not change our relation to that country in the slightest degree. It does not compel us to pursue commerce under laws which regulate war instead of laws which regulate peace.

Then I addressed the following inquiry to the distinguished Senator:

Mr. WHITE. Will the Senator from Delaware [Mr. GRAY] permit me to ask the Senator from Alabama [Mr. MORGAN] a question, if the Senator from Alabama will allow me? Do I understand the Senator from Alabama to deny the power of the President, without the concurrence of Congress, to recognize the belligerency or to issue an effective proclamation of belligerency as to the contending parties?

To this inquiry the Senator from Alabama replied thus:

Mr. MORGAN. I do.

Mr. President, in the same discussion, construing somewhat similar provisions of the Constitution supposed to be more or less related to this topic, the distinguished Senator also said that in his opinion Congress had power to declare war without reference to Presidential action or consultation—that the resolution, or whatever it might be, so declaring need not go to the Executive, and he conceded that the various subdivisions of section 8 of Article I of the Constitution bore the same relation, so far as the wording is concerned, to the first part of that section; but he argued that the eleventh subdivision, granting power to declare war, etc., meant that Congress, without reference to the Executive, might effectively proceed.

The first section of Article I of the Constitution declares:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Thus legislative power is vested in Congress, and yet no one pretends that an ordinary bill must not receive the Presidential signature. I can not conceive of any method of reading section 8 of Article I which will authorize the conclusion that any peculiar rule applies to Executive functions under subdivision 11. The legislative prerogative is not greater, as far as words go, under that subdivision than in the instances disclosed by many other grants contained in that important section. It is conceded that no bill with reference to post-offices and post-roads, providing and maintaining a navy, raising and supporting armies, etc., can be made effectual without the usual Executive signature, or nonaction, or the repassing of the measure over the veto by the constitutional two-thirds vote. To announce any other rule with respect to the power to declare war or concerning any other part of the constitutional delegation of authority would be to disregard without excuse the obvious meaning of language and to ignore all recognized construction.

But, Mr. President, I affirm that the question of the recognition of the existence of a revolutionary government is vested in the Executive. Whether this power is exclusive it is unnecessary to decide, though I shall allude incidentally to this phase. When the Senator from Alabama stated that he denied the power of the Executive, unaided by Congressional action, to recognize belligerency, it seems to me that his statement was unsupported by precedent or reason. I can not find any other authority for it. True, Mr. President, a joint resolution, signed by the President of the United States, recognizing belligerency, would operate, if not by virtue of the action of Congress, certainly so because it was approved by the Executive. I do not find it necessary to contend that Congress can not pass a bill recognizing belligerency over the veto of the Executive. I can find no such instance, however. I trust that no conflict of this nature will ever arise, and until occasion requires I prefer to reserve my opinion as to the legality of such procedure. The very case from which the learned Senator from Alabama read, the Prize Cases, it seems to me, entirely overthrows his contention in this regard. I call attention to the following phraseology, reading from part of the opinion to which the learned Senator did not advert. I quote from 2 Black, page 670:

Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was intrusted. He must determine what degree of force the crisis demands.

It must be observed that the unaided effectiveness of the Executive act was here conceded to be proper exercise of power by the political department of the Government, and Congress in this instance was not regarded as constituting a portion of "the political department."

From the case of Kennett et al. *vs.* Chambers, a decision by Chief Justice Taney, and reported in 14 Howard, pages 50 and 51, I read:

It is not necessary, in the case before us, to decide how far the judicial tribunals of the United States would enforce a contract like this, when two States acknowledged to be independent were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations. And until the period when that deparment recognized it as an independent State the judicial tribunals of the country were bound to consider the old order of things as having continued, and to regard Texas as a part of the Mexican territory.

I understand the Senator from Alabama to claim that while the President of the United States is vested with exclusive jurisdiction to acknowledge the independence of a country, that that officer has not the same jurisdiction as to belligerency.

What is the effect of a declaration of belligerency? Is it anything, when properly made, to which a nation has a right to take exception? Manifestly not. In such an instance we assert neutrality. The President of the United States issues his proclamation declaring that this country will stand hands off; that we will not interfere. It is not a proclamation of war; it is a proclamation of peace; it is not an announcement of interference; it is an announcement of noninterference; it is not opening ourselves to the charge that we are attempting to injure a friendly nation, but it means that we have concluded that there are contending parties whose armed conflict is sufficiently important to be dignified by the term war and that we will remain impartial spectators. But, on the other hand, recognition of the independence of a revolutionary country is often the subject of vigorous protest.

It passes without saying that no nation is rudely dismembered save after vigorous contest and exhaustive effort. The history of our country demonstrates that we have never recognized the independence of a state which has successfully revolted without subjecting ourselves to the criticisms of the mother country. There is much more danger, much more probability of conflict with a foreign power in consequence of the recognition of the independence of a revolted government than when we merely recognize belligerency. No nation can be expected to contemplate with satisfaction the loss of her possessions, and, unlike the able Senator from Alabama, I regard the power to recognize independence, which he concedes to be in the Executive, as much more important than the authority to recognize belligerency, which he denies to the Executive. Said Secretary Seward in a letter to Mr. Adams, our minister to England (1 Messages and Documents, 1861–62, page 79):

To recognize the independence of a new state, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in every case the welfare of two nations, and often the peace of the world.

The precedents showing Executive assertion of the power to recognize belligerency as well as independence are many.

On December 9, 1891, while Mr. Harrison occupied the Executive chair, he sent to this Chamber a message containing the following:

The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a Provisional Government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this Government so soon as it should have established its de facto character, which was done.

He also said (and this is directly in point):

During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout which this Government, when wrenched by civil war, so strenuously insisted upon on the part of European nations.

Here was a manifest assertion of the power to determine whether or not belligerent rights should be accorded, a decision which in that instance was, in my opinion, most unwisely made.

I can not understand the reasoning which leads to the denial of the jurisdiction of the Executive, through the State Department, to declare neutrality, and consequently to affirm at least belligerency. No one should doubt that if the President of the United States had in the Chilean case, or in that now before us, announced that a state of public war existed, and had issued the ordinary proclamation of noninterference, our judicial tribunals would have been compelled to follow the Executive declaration. There are not one or two but numerous decisions referring not only to Executive right to proclaim independence, but also to announce belligerency. Chief Justice Marshall's views in this direction are clearly stated in United States *vs.* Hutchings, 2 Wheeler's Criminal Cases, page 546. The distinction referred to by the Senator from Alabama has not been heretofore urged. The Prize Cases, already cited, contain ample justification for my claim. It was there held by the Supreme Court of the United States that when Mr. Lincoln at the opening of our civil war declared the blockade, he thereby recognized the existence of a condition of public war and the consequent presence of belligerents. The Supreme Court not only held that the President of the United States had power to recognize a belligerent, but they intimated that he did so even though he did not intend that his proclamation should be so construed. It was decided that the Executive announcement of a blockade in effect conceded that the South was at war

with the North. I cite the following from the Prize Cases opinion:

The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed which demanded and authorized a recourse to such measure under the circumstances peculiar to the case.

Whenever there is war there are belligerents. An admission of war is a concession of belligerency. I quote again from the Prize Cases:

The condition of neutrality can not exist unless there be two belligerent parties. In the case of the *Santissima Trinidad*, 7 Wheaton, 337, this court say: "The Government of the United States has recognized the existence of a civil war between Spain and her colonies, and has avowed her determination to remain neutral between the parties. Each party is, therefore, deemed by us a belligerent nation, having, so far as concerns us, the sovereign rights of war."

In the minority report of the Committee on Foreign Relations, and in several addresses here made, I find criticisms of the course of Spain in acknowledging the belligerency of the Southern States. But if Spain were wrong we will not therefore be justified in committing a similar error. But she was not guilty of an impropriety. The fact is, as already shown, that Mr. Lincoln recognized the belligerency of the Confederacy before similar action had been taken by England, France, or Spain. It is universally held, by domestic as well as foreign writers on international law, that we had no rational ground of objection to the conduct of European powers concerning the recognition of the Confederate States. (Glenn's International Law, pages 29, 30; Woolsey's id., sixth edition, section 41; Pomeroy's id. (Woolsey's edition), page 290; Ford *vs.* Surget, 97 U. S., 594, and the Prize Cases, 2 Black, page 670.) An English publicist (Hall's International Law, page 39) fully sustains this position.

So here is a case not only settling the power of the Executive to recognize belligerency, but deciding, as I have said, that he exercised that power without even intending the result legally deducible therefrom.

In the case of the *Ambrose Light*, decided by Judge Brown in New York, and reported in 25 Federal Reporter, it was held that President Cleveland had recognized the belligerency of Colombia because of certain orders officially made by him, though not with that design. The State Department vigorously combated this conclusion, and claimed that there had been no recognition; but everyone admitted the power of the Executive, the sole question being whether the authority had been exercised. I cite this case to show that our courts have held that recognition is not only a subject of a Presidential jurisdiction, but may even be accomplished unintentionally by that departmant.

The *Ambrose Light* decision is lengthy, and I do not propose to do more than to shortly refer to it. I shall do so again in connection with another topic. The subject is discussed by Judge Brown with great fullness, and the conclusion is reached that the power rests in the Executive. Various expressions have been made by different jurists in our own country upon this subject, and it must be admitted that it has not been explicitly decided in so many words that Congress, without the President, can not recognize—though I think such inference reasonably clear—but it is patent that the Executive may recognize without the aid of Congress. The effect of this conclusion I will shortly discuss.

I wish at this point to note several additional adjudications wherein the subject of recognition of belligerency and independence have been mentioned.

In the *Hornet*, 2 Abbott, U. S., 35, a case tried before Judge Brooks in 1870, in the United States district court of North Carolina, the phrase "Executive power" is used.

In United States *vs.* Baker, 5 Blatchford, 56, and United States *vs.* Jones, 137 U. S., 202, we find legislative and executive spoken of; also in United States *vs.* Palmer, 3 Wheaton, 610, and in the *Nueva Anna*, 6 Wheaton, 193. In Gelston *vs.* Hoyt, 3 Wheaton, 324, the power is described as being exercised by the Government.

In the *Ambrose Light*, 25 Federal Reporter, 409; United States *vs.* Itata, 56 id., 505; United States *vs.* Trumbull, 48 id., 99, it is said that the right to recognize belligerency rests in the Executive.

Kennett *vs.* Chambers, 14 Howard, 47, is instructive upon this subject, and contains an allusion to the proceedings of this Government regarding the acknowledgment of the independence of Texas which it is well to note.

Mr. Wharton, in his very able International Law Digest, which is familiar to us all, quotes a number of authorities, and, as showing his own view, on page 551 of volume 1 he heads the section "Such recognition (i. e., belligerency) determinable by Executive."

Passing a step further, permit me to ask, what will be the effect if we attempt to establish the rule that while the Executive has the power to recognize without Congressional concurrence, Congress has similar authority to act without the Executive? To what result must this finally lead us? If the President, without Congressional assistance, has absolute power to declare neutrality, thereby conceding belligerency, which, as I say, I take to be well established, and if Congress has similar absolute power over the same subject-matter, we then have two independent departments of the Government, each vested with the unqualified authority to render the same final judgment. What the consequences might be if the Executive proclaimed belligerency and Congress declared the circumstances to be not such as to warrant the proclamation and sought to annul it, or what might be the consequences if Congress passed a concurrent resolution, as proposed, formally recognizing the belligerency of the Cuban patriots, and the Executive declined to act upon it, holding that the condition of war does not obtain, are serious propositions.

It can not be that the framers of the Constitution contemplated the creation of such clashing authority. If the distinguished Senator from Alabama admits, as he did yesterday, that the power to recognize the independence of a nation is vested exclusively in the Executive, I submit that it follows a fortiori that the power to recognize belligerency is similarly reposed. If the Executive may recognize, as has been the practice from the foundation of the Republic, I incline to believe that he alone has this power. The clothing of each department with the full jurisdiction to decide the same issue is to invite confusion and beget irreconcilable disputation.

Mr. President, it is not now, and I hope never will be, essential to determine this question. I refer to it because I do not care to be a party to the establishment of a precedent to which I can not give my assent. I wish it understood that any resolution for which I may vote touching this controversy is merely the expression of opinion which I do not conceive to have the force of law.

Is there any reason to suppose that the Executive will not act vigorously when the proper time comes? If we have such reason does the proposed concurrent resolution better the situation or remedy the anticipated evil? In the first place, there is at this moment no proposition here which purports upon its face to absolutely recognize belligerency, and I do not think it wise to adopt such a resolution, because I do not wish to wantonly place this body in seeming or actual conflict with the Executive.

There is another ground which appears to me very strong in support of the contention that the recognition power is lodged in the Executive. There is before the Senate a document which was read by the Senator from Alabama, and which I deem quite important. I refer to House Document 224 of the present session. I read a few lines for purposes of illustration:

No. 2699.] CONSULATE-GENERAL OF THE UNITED STATES,
Havana, January 7, 1896.

SIR: With reference to the proclamation of the captain-general of the 2d instant declaring a state of war to exist in the provinces of Havana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2695 of the 4th instant—

At this point I find a note stating that the proclamation mentioned is not printed. From this I conclude that the omitted paper has not been revealed to Congress. No one appears to controvert this supposition. When the House adopted the resolution calling for this correspondence it did so in the following phraseology:

Resolved, That the Secretary of State be directed to communicate to the House of Representatives, if not inconsistent with the public interests, copies of all correspondence relating to affairs in Cuba since February last.

The House passed the usual resolution in the regular form which custom authorizes. Manifestly information has been withheld—no doubt properly. Time out of mind, if I may use that expression with reference to this very modern Government, it has been the custom to withhold information the disclosure of which the Executive deems incompatible with public interest. The document thus legitimately withheld may contain essential and controlling facts upon this subject. That it is important would seem to follow to some extent from the very circumstance that it is retained. Has the Executive the right to thus deny information? Our Chief Magistrates have always done so, pursuant to unchallenged custom and in compliance with recognized usage, evidenced by many hundred resolutions calling upon the Executive for diplomatic information. The President is not directed; he is merely requested, and always with the qualification which I have noted. The Executive right to withhold delicate diplomatic correspondence is incidental to the Presidential office. Can it be that the Constitution has placed upon Congress the burden of deciding and the duty to determine issues concerning belligerent or other relations to foreign powers and has not at the same time compelled the President to give us everything within his knowledge? Can it be that we are to pass upon a part of the case and not upon the whole? Can it be that under the law we are deprived of material evidence and yet are expected to render final and determinative judgment upon an imperfect record—a fraction of the aggregate proof? I say not. The President has before him all information. He reviews a complete history. Plainly, he is in a better condition to judge of the true state of affairs than are we. He has the means to secure all relevant information.

Having in charge the diplomatic relations of the Government, he is, or should be, better advised than the Senate or the House of Representatives or both.

Mr. President, I refer to this controversy not because of its bearing upon this isolated case, but to show that under the govern-

mental scheme pursuant to which we are acting it is improbable that it ever was the intention to place the power to recognize either belligerency or independence in such a condition that a conflict could arise between Congress and the Executive for the settlement of which no adequate remedy is provided.

Mr. MORGAN. Will the Senator from California insist or argue that the President of the United States in his discretion may withhold information from Congress, and then when he withholds the information he can act upon it himself without informing us of it, and conclusively bind this Government either to a declaration of belligerency or any other condition he wishes to impose upon us?

Mr. WHITE. Not so broadly as that, but the President of the United States has the power to withhold information. This the Senator does not deny. From the beginning of this Government the Executive has recognized or refused to recognize belligerency, and his determination has passed unchallenged. No one has heretofore disputed Executive authority to accord belligerency. There is not a case, and I do not think the Senator from Alabama can discover an instance, where the belligerency of a country has been recognized by Congress despite the Executive.

Mr. MORGAN. Or by the Executive without the consent of Congress.

Mr. WHITE. Undoubtedly, yes. The Senator is certainly in error. The cases are uniformly against him. The prize cases and the *Ambrose Light* ought to suffice. In the latter cause it was determined that Mr. Cleveland recognized the belligerency of Colombia by indirection, although the State Department claimed he did not accord such recognition. (13 Albany L. J., page 125.) During the efforts of the South American Republics to gain their freedom the President recognized belligerency and for many years thereafter consistently refused to acknowledge the independence of the revolted territory.

This recognition of belligerency was always executive. Subsequently Congress ratified Presidential liberality, but such action was a mere affirmation of that which was already conclusive. No one ever disputed the adequacy of Presidential action. The ratification by Congress was indirect. So in the case of Texas and Mexico. While President Jackson refused to recognize the independence of Texas for years, still belligerency was recognized openly and clearly by the act of the Executive, and if the Senator from Alabama will peruse the opinion of Attorney-General Butler, reported 3 Opinions of the Attorneys-General, page 120, he will find an announcement which plainly supports my argument.

Mr. MORGAN. Before the Senator from California proceeds, I wish to call his attention to a case decided by the Supreme Court of the United States.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Alabama?

Mr. WHITE. Certainly.

Mr. MORGAN. I call the Senator's attention to a case decided by the Supreme Court of the United States upon the first proposition the Senator has announced, that every concurrent or joint resolution must be sent to the President, that the Constitution on that subject is mandatory, and that a resolution can not become operative as a law unless it is sent to the President of the United States.

Mr. WHITE. Such a resolution as that pending here now, if the Senator will pardon me—a resolution arising under the Constitution and not dependent upon mere statutory or rule regulation?

Mr. MORGAN. Yes. Here is the case of Hollingsworth et al. against Virginia, 3 Dallas, decided by the unanimous opinion of the court. The case arose upon a motion to discontinue a suit pending in a Federal court after the amendment of the Constitution which forbids the States to be sued in a Federal tribunal. The case as stated is as follows:

> The decision of the court in the case of Chisholm, executor, *vs.* Georgia (2 Dall. Rep., 419) produced a proposition in Congress for amending the Constitution of the United States according to the following terms:
>
> "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."
>
> The proposition being now adopted by the constitutional number of States, Lee, Attorney-General, submitted this question to the court: Whether the amendment did or did not supersede all suits depending, as well as prevent the institution of new suits against any one of the United States by citizens of another State?

Messrs. Tilghman and Rawle argued in the negative, and they stated this proposition:

> The amendment has not been proposed in the form prescribed by the Constitution, and therefore it is void. Upon an inspection of the original roll it appears that the amendment was never submitted to the President for his approbation. The Constitution declares that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives," etc.

The court, Chase, Justice, in commenting upon that position, in a note at the bottom of the page—this is the only opinion that is delivered upon that point—says:

> There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution.

I argue from that, of course, that a joint resolution or a concurrent resolution of the two Houses proposing an amendment to the Constitution of the United States embodies about as important a political movement as can be conceived of. If it results in a change of the Constitution of the United States, as it did in this case, nothing can be more important, and yet the concurrent resolution referred to in that case never was submitted to the President of the United States. The original rolls show that it was submitted to him, and yet after the ratification of the amendment it was held by the Supreme Court of the United States that it was not necessary to submit the resolution to the President because it was not ordinary legislation.

Mr. WHITE. I may be wrong about it, but I do not see the slightest relevancy of the case cited by the Senator from Alabama. Article V of the Constitution provides the method of amendment and it states:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention, etc.

There is a special method provided for the adoption of a resolution looking to that end. It is a separate article, devoted to a specific subject. If the construction of the Senator from Alabama is correct, the section of the Constitution upon which I rely means nothing.

Mr. MORGAN. I will say to the Senator from California that that very point was raised in this case.

Mr. WHITE. Of course it was.

Mr. MORGAN. It was raised in this case, but——

Mr. WHITE. And it was decided by the court.

Mr. MORGAN. But the court rested its decision entirely on the ground that it was not ordinary legislation, and that the President did not have anything to do with it.

Mr. WHITE. So I understand. "Ordinary legislation" refers to such Congressional action as is here proposed. All Congressional effort under section 8 is plainly ordinary legislation. There is no difficulty about that, and the present attempt being under the grant of section 8, must be solved without regard to the peculiarities of section 5. I referred a moment ago to the case of Texas. I find, Federal Reporter, page 425, the following from the opinion of Attorney-General Butler:

> Where a civil war breaks out in a foreign nation, and part of such nation erect a distinct and separate government, and the United States, though they do not acknowledge the independence of the new government, do yet recognize the existence of a civil war, our courts have uniformly regarded each party as a belligerent nation in regard to acts done jure belli. * * * The existence of a civil war between the people of Texas and the authorities of the other Mexican States was recognized by the President of the United States at an early day in the month of November last. Official notice of this fact and of the President's intention to preserve the neutrality of the United States was soon after given to the Mexican Government. This recognition has been since repeated by numerous acts of the Executive, several of which had taken place before the capture of the *Pocket*.

There is a positive opinion, entitled to great weight, that the President has the right to announce belligerency without Congressional cooperation. Mr. Wharton, in section 71 of his Digest, says:

> The question of recognition of foreign revolutionary or reactionary governments is one exclusively for the Executive, and can not be determined inter nationally by Congressional action.

Mr. Seward was an able lawyer, a distinguished publicist, and his views merit serious consideration. In a letter written to Mr. Dayton, then our minister to France, he refers to this point and passes upon it with clearness and positiveness. I ask the Secretary to read from Secretary Seward's letter to Minister Dayton.

The Secretary read as follows:

> I send you a copy of a resolution which passed the House of Representatives on the 4th instant by a unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. Mr. Geofroy has lost no time in asking for an explanation of this proceeding. It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely Executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.
>
> You will of course take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which before it can acquire the character of a legislative act must receive first the concurrence of the Senate, and secondly the approval of the President of the United States, or in case of his dissent the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body. While the President received the declaration of the House of Representatives with the profound respect to which it is entitled as an expression upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between

France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., etc., etc., etc.

Mr. WHITE. In an opinion already referred to, the decision of Judge Brown in "The *Ambrose Light*," 25 Federal Reporter, page 443, that jurist says:

The additional facts proved show, however, such a subsequent implied recognition by our Government of the insurgent forces as a government de facto, in a state of war with Colombia, and entitled to belligerent rights, as should prevent the condemnation of the vessel as prize. The communication from the Department of State to the Colombian minister, bearing date the day of the seizure, seems to me to constitute such a recognition by necessary implication. It could not have been based upon any facts, or have reference to any state of facts, not in existence at the time of the seizure; and it should be held, therefore, to arrest and supersede any subsequent condemnation for those acts of war which such a recognition authorizes the insurgents to carry on.

There the court grounded its judgment upon the proposition that the Executive, by making a certain proclamation in reference to the blockading of the Colombian ports, had recognized belligerency. Mr. President, I go further yet and maintain that after the Executive has once recognized belligerency the authorities are that such recognition can not be withdrawn except by agreement. This feature of the subject is discussed by Mr. Hall in his work on International Law, pages 37 and 38.

If we are to follow the decisions of our own courts; if we are to pay any attention to the uniform practice of our State Department; if we are to be guided to any extent by able writers, like Mr. Wharton, who for years was the trusted adviser of our State Department and whose erudition won the commendation of publicists everywhere, we must conclude that in any event recognition of belligerency or independence can not be accomplished without Executive participation. It is not necessary for me to rest my contention upon the proposition that Executive jurisdiction is exclusive, though it does seem to me that such is the law.

The resolution last reported by the Committee on Foreign Relations reads thus:

That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Is it intended that this resolution when adopted shall amount to a proclamation of neutrality and a declaration of belligerency, or is it only advisory? If the latter, it is of no more efficacy than any of the other resolutions submitted. If it is intended to operate directly, then we have the spectacle of the Congress of the United States issuing a proclamation of neutrality without any consultation whatever with the Executive. I venture to assert that there is no precedent and no authority anywhere for such a position. Certainly none has been cited, and the distinguished Senator from Alabama is so conversant with the diplomatic relations of this Government, past and present, that if there had been any such precedent he would have mentioned it. In my opinion we should proceed either by joint resolution, to be submitted to the President, positively declaring belligerency and announcing neutrality, or we should adopt an expression of opinion and sympathy as suggested in the resolution which I have proposed. I prefer the latter course, for the reasons already outlined.

I am not prepared to assume that the Executive has been derelict. I think we can trust Mr. Cleveland and his distinguished Secretary of State to act wisely and patriotically in the matter of our foreign relations. They have manifested no indisposition to maintain the honor and the integrity of this country. The stand so recently taken by the President concerning foreign affairs is approved by the American people. Surely no one can attribute want of firmness or fear to either of these distinguished officers. Can it be that they desire to witness Cuba in the permanent grasp of a cruel master? Can it be that if a proclamation of belligerency is of any value to the contending revolutionists the same is withheld without grave reason? I will discuss in a few moments the legal effect of such a declaration and the position in which it would place the United States and the people of that island.

But as far as the Department of State is a subject of consideration I must say that I am entirely confident that nothing will be done either hastily or illegally and that there will be no undue delay. I repeat that I trust the Congress of the United States will not put itself in antagonism to the Executive upon a question of the recognition of belligerency; certainly not without the entire case being presented. This Government has never been emotional in the matter of the recognition of belligerency.

I referred a moment ago to the case of Chile. Mr. Harrison, in the extract from his message which I read, sent in here in 1891, spoke of the fact that the agents of the insurgent government of Chile had attempted to obtain an audience. He said:

During the pendency of this civil contest frequent indirect appeals were made to this Government to extend belligerent rights to the insurgents and to give audience to their representatives. This was declined, and that policy was pursued throughout which this Government, when wrenched by civil war, so strenously insisted upon on the part of European nations.

He then refers to his unsuccessful prosecution of the *Itata*. What was the condition in Chile at the time that recognition was thus refused? That condition was briefly this: The judicial department of Chile decided that the President had usurped certain authority; the legislative department almost unanimously supported the judiciary; both judicial and legislative officers were driven from their homes at the point of the bayonet—they fled for their lives, and Balmaceda assumed supreme control, even closing the courts. The navy, with inconsiderable exceptions, joined in the demonstration against Balmaceda. The insurgents, as they were styled, took possession of the harbor of Iquique. They held absolutely and exclusively several of the northern states of the Republic and maintained undisputed dominion over those provinces and dominated the whole coast.

The harbor of Valparaiso was blockaded, and Balmaceda was unable to carry on commerce, while his enemies sailed over the ocean at will. And yet under that condition of things Mr. Harrison refused to recognize the belligerency of the insurgents, although they represented at the very outbreak of hostilities the judicial and legislative branches of the Government, and although the courts of this country afterwards decided that their organization really constituted the Government from the beginning.

Now, here was a case where I am free to say I think recognition should have been accorded, because there was manifestly a state of war, and the so-called insurgents maintained civilized rule and conducted in a regular way all governmental functions. At least two diplomatic agents from foreign powers were there, regularly accredited. The courts were in session.

They took prisoners of war, treated them in accordance with modern usage, and maintained in all respects an enlightened establishment. Yet we refused to recognize them, and did, I might add, everything which one nation could do to provoke another. In the midst of our efforts to belittle them the unrecognized insurgents suddenly crushed Balmaceda, and the President then, without the aid of Congress, recognized their independence.

I cite this case not because I think that the President of the United States was justified in withholding a recognition of belligerency, though he did so without protest from anybody here, but because I wish to call the attention of the Senate to the fact that this Government has of late years especially been very loath to engage in any transaction which could antagonize a friendly people.

Mr. President, I do not know, I am not in a position to affirm that I know, that the insurgent Government of Cuba is in a condition absolutely to justify the accordance of belligerent rights.

I think it is probable that such is their status, and I draw that inference mainly from the statement on page 51 of House Document 224 to which I referred. If Spain has proclaimed the existence of war, other nations are, of course, free to recognize the same. If one of the enthusiastic advocates who has here pleaded eloquently the cause of Cuba—for instance, my distinguished friend the Senator from Florida [Mr. CALL]—were appointed minister to the Cuban Republic, where would he go? Where would he meet the diplomatic officers of that Government, which, I am sorry to say, appears to me to be in the saddle? Where is the seat of governmental authority? Where is the place where the judiciary administers its functions? Where does the Executive sit and where are the legislative obligations discharged? I do not know. Who knows? It is true we are told that a constitution has been adopted, and there are reported legislative proceedings printed on our desks; but I am not satisfied that there is any permanently fixed and operating and accessible republican government on the island.

When we have been called upon to recognize belligerency we have usually been brought into direct commercial contact with the people seeking recognition. But our unlucky neighbors have no commerce; they have no navy; they hold no ports. No case of piracy can arise with reference to them, because they have no maritime standing.

These are reasons suggesting themselves to my mind why it is necessary to make a careful and painstaking investigation to discover the actual facts of the case. The authorities read by the Senator from Alabama are well founded where they announce that there must be some settled parity between the contending forces to warrant the recognition of even belligerency. We may think or guess that recognition should be allowed, but we can not know unless we have all the evidence before us. Without a reasonable probability of success, unless there is something like equality in the standing of the parties contending, recognition should not be granted. The mere justice or the injustice of the struggle can not determine the question of recognition or nonrecognition. The rules usually prevailing in such cases are stated in Dana's Wheaton, eighth edition, page 34, note 15; Lawrence's International Law, sections 162, 163, 164; Pomeroy's International Law (Woolsey's edition), section 236. I do not deem it advisable to do more than is indicated in the proposed resolution which I have offered.

I prefer to leave the final determination to the President. I favor this course not only because of the somewhat dubious conditions surrounding the matter, but because I think it is the law, and that to this rule we should steadfastly adhere. At this point I will quote from the message of President Grant, transmitted to Congress after Cuba had long been in revolt. He said:

In my annual message to Congress at the beginning of its present session I referred to the contest which had then for more than a year existed in the Island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that the contest has at no time assumed conditions which amount to war, in the sense of international law, or which would show the existence of a de facto political organization of the insurgents sufficient to justify a recognition of belligerency.

During the six months which have passed since the date of that message the condition of the insurgents has not improved; and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

* * * * * *

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law. The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

This opinion was announced in 1870, but President Grant held the same views when he penned his seventh annual message in 1875. (1 Wharton's International Digest, section 60.)

Newspaper articles have been read here as proof of the commission of horrible crimes. We are in the habit in this Chamber of reading newspapers in evidence as though absolute verity pertained to such publications.

Mr. President, newspapers very often contain truth and sometimes they avoid the truth. There are many individuals in the world who frequently speak truly, and there are other individuals who commonly do not adhere to facts. Newspapers, to some extent, color information given in their columns. Sensations are popular. Who can afford to affirm that all the narrations of atrocity, savage almost beyond conception, which have been given the public with reference to the transactions in Cuba are true? I believe General Weyler to be a cold, relentless, and heartless man. I think the record shows this conclusion to be justified. If he committed the outrages which are charged against him here and elsewhere I am at a loss to account for his existence. He could not long survive such crimes. The vengeance of bereaved sufferers would overtake him. It is my belief that the case is bad enough when the truth is told, but I do not wish here or anywhere, but particularly here, to charge against a Government with which we are at peace, whether that Government be strong or weak, whether its administration of national affairs be such as to challenge our admiration or otherwise, any dark transactions of which we do not have indubitable proof.

The Senate, I understand, is specially charged with certain functions pertaining to our foreign policies. We should approach with caution the examination of accusations made against a friendly power. Haste, excitement, and denunciation have no place in such deliberations.

The actual occurrences of this disturbance are sufficiently sad to meet all the demands of the most sensational. It is inexcusable to assume that sanguinary rumors, wholly unsupported by evidence, are correct and even moderate recitals.

I would personally rejoice to witness the Cuban people free from alien control. I feel that it is not in accordance with the best interests of the United States that any portion of this continent or the adjacent islands should be governed from across the waters. I do not, however, find it requisite to exhibit gory portrayals of alleged Spanish cruelty in order to sustain my position, or to overrule or overturn the undisputed and unvarying policy of a century for the purpose of meeting this particular exigency.

Mr. President, it may be well to inquire what the effect of the recognition, which seems to be desired so greatly by the Cuban patriots, will be upon their cause and likewise upon the United States. In the first place, I affirm that as to the right to trade with the people of this country and to purchase arms, ammunition, supplies, etc., the insurgents are as favorably situated now as they can be after a recognition by us of their belligerency. Secondly, I assert that as far as we are concerned, though this to me is a minor consideration, we will assume in the event of a declaration of belligerency burdens not now upon our shoulders.

When the Senator from Alabama had the floor last Thursday the distinguished Senator from Massachusetts [Mr. HOAR] inquired of him as to the effect upon this country of a recognition by us of the Cubans; and the Senator from Alabama was asked whether it was not a fact that the right of search would be accorded to the naval vessels of Spain in the event of a recognition. Undoubtedly such would be the result. The Senator from Alabama, as I understood him, said yes, but that such search must be made at the peril of those who seized the vessel. The rule upon that subject is very succinctly and fully and conclusively stated in a case called "The *Thompson*," a prize case, reported in 3 Wallace, page 155.

Mr. MORGAN. If the Senator will allow me, I referred in that connection to the treaty of 1795 between Spain and the United States. I hope the Senator from California has examined the treaty.

Mr. WHITE. Yes, sir; I have examined it. I can not find that it affects this question materially, and I will refer to it hereafter. I now read the syllabus in the case of the *Thompson*:

1. Prize courts properly deny damages or costs where there has been "probable cause" for seizure.
2. Probable cause exists where there are circumstances sufficient to warrant suspicion, even though not sufficient to warrant condemnation.

Mr. HOAR. The Senator will allow me to interpose there to say that I had reference in my question not only to the principle of the liability of seizure to be defended or justified by probable cause, but to the liability of search. If Spain has a colony that she is not at war with, but with which she has only some local disturbances, and attaches a United States vessel on the high seas, she has no more right to enter with that vessel than she has to enter the port of New York, even if she can show absolutely that what was on board was destined for her insurgents, unless it came within the 3-mile limit of her shores. But if she is at war, then she may search every American vessel at her discretion on the high seas. There is no question about her right to stop the *New York*, as I understand it, at her discretion. She may stop the *New York* or the *Paris* on the high seas whenever she deems that the vessel is designed to aid the party that might be at war. That is my point.

Mr. WHITE. I appreciate the question addressed to me by the Senator from Massachusetts and am disposed to agree with him.

Mr. MORGAN. I beg leave to say that I differ totally with the Senator.

Mr. WHITE. I do not understand the position of the Senator from Alabama, and I should be glad to hear him state it.

Mr. MORGAN. Vessels approaching the ports, whether blockaded or not, of one of the belligerents are liable to search for the purpose of ascertaining whether they contain contraband of war. That liability, however, is regulated by the treaty of 1795, which prescribes the particular manner in which the search shall be made, and excludes Spain from the right of search, even when the ship is passing along the 3-mile limit, unless she has contraband on board.

Mr. WHITE. Does the Senator mean to state that the treaty excludes Spain from the right of searching any vessel?

Mr. MORGAN. I do not; but conditions are provided by treaty which are not in accordance with international law.

Mr. WHITE. I do not intend to conclude this evening, and as a copy of the treaty is not before me at this moment I will defer a critical examination. At all events, taking the limitation suggested by the Senator from Alabama, the right of search does obtain within a restricted area, at least. There is no doubt about that?

Mr. MORGAN. No.

Mr. WHITE. In the next place, Spain can, in the event of our declaration of neutrality, blockade her ports. There is no dispute as to this. Then any American citizen on the Island of Cuba today who is injured, who loses his property by reason of insurgent raids, may have the basis for such a claim as Mora successfully asserted and collected. But this will not be the rule if after belligerency is declared and neutrality proclaimed the damage is suffered. Whatever may be the effect of the liberal treaty referred to by the Senator from Alabama, I think it will be found that the inconveniences to which our commerce would be subjected in the event of a proclamation of neutrality would be many and great.

I will now make a few observations as to the rights of the Cubans in revolt to purchase contraband material here.

When the late Chilean civil war was in progress the Junta, or anti-Balmacedan party, occupied the same legal position with regard to the United States as do those who claim to represent the Republic of Cuba. They were unrecognized. They had sought recognition without avail. Therefore the situations may be considered parallel. Under such conditions the Junta sent a vessel to San Diego and there were placed upon her, within the jurisdiction of the United States, rifles, ammunition, etc. The vessel sailed with that cargo to Iquique. The munitions of war had been purchased in New York and had been transported across this continent and placed upon a schooner in the harbor of San Francisco and sent thence to Clemente Island, situated within California waters. The United States sent the cruiser *Charleston* to Iquique and took the *Itata* and cargo back to San Diego and libeled her under the provisions of the Revised Statutes upon which this

Government now relies in the matter of the prosecution just established in New York. The parties who purchased the arms were arrested and brought to trial. Here, then, is an analogous case, a case upon all fours with that presented when the Cubans send an ordinary merchant ship to this country to buy war supplies for home consumption. Yet the district court of the United States, and afterwards the circuit court of appeals, decided that the *Itata* and those who manned her were innocent and were not amenable to any of the neutrality laws of the United States, and that the Chilean insurgents had a right to buy and take away the coveted consignment. In that case it was determined that the Government could only prosecute the defendants under the provisions of sections 5283 to 5286 of the Revised Statutes, which refer to neutral duties, unless they could be treated as pirates, a proposition impossible under our departmental rulings. It was intimated, but not decided, that there is no Federal statute under which mere unrecognized factions can be punished. This quære was incidentally made by Judge Ross, who tried the case at nisi prius (United States *vs.* Trumbull, 48 Federal Reporter); and a similar hint was thrown out by Judge Brown in the *Carondolet* (37 Federal Reporter). There are expressions in Gelston *vs.* Hoyt (3 Wheaton, 245) and United States *vs.* Quincy (6 Peters, 445) to the same purport. The case, however, was squarely settled upon the merits, and the effect of the adjudication is that recognition of either belligerency or independence is not essential to justify trade in contraband merchandise.

President Harrison, in the message to which I have already alluded, in commenting upon that decision said:

> A trial in the district court of the United States for the southern district of California has recently resulted in a decision holding, among other things, that, inasmuch as the congressional party had not been recognized as a belligerent, the acts done in its interest could not be a violation of our neutrality laws. From this judgment the United States has appealed, not that the condemnation of the vessel is a matter of importance, but that we may know what the present state of our law is, for if this construction of the statute is correct there is obvious necessity for revision and amendment.

While, as I have remarked, the lower court did not, as stated by Mr. Harrison, base its decision upon that ground, and the message is incorrect to that extent, nevertheless such was the intimation. No action was taken by Congress pursuant to the Presidential request; no legislation was had amending the provisions of the statute cited or making the penal provision applicable specifically to mere insurrectionists. These rights with reference to trade have been long recognized. No one stated the law more plainly than Judge Story in "The *Santissima Trinidad*," 7 Wheaton.

But if it be true that the insurgents in Cuba have the same right to procure arms and supplies under the present condition of affairs as they would if the United States recognized them as belligerents, where is the vast importance attributed to this recognition? What privileges would they thus obtain? Outside of a certain moral advantage the sole theoretical benefit would be a curtailment of the rights of Spain. As it is now, the insurgents have no national status and Spain is not prohibited from coming to our ports and arming her vessels, and she may fit out military expeditions here or take any steps competent to her in normal times. In the event of recognition Spain would be also liable under our neutrality statute. That is one advantage which would accrue to Cuba in consequence of belligerency. But practically what would this amount to? Spain is not engaged in fitting out expeditions in this country. There is no sympathy for her here. She can procure no men to enlist in her cause; she can obtain no aid and comfort in America. She may, like her foes, buy supplies and arms in our markets, but that is her right in any event. Thus it will be seen that but little benefit can follow even effective action for recognition.

What potency accompanies any resolution we may adopt? We all desire to see Cuba liberated, but how can she achieve her independence except through her own efforts? If our Government were not careful in the enforcement of her neutrality laws, perhaps the insurgent cause might advance more rapidly. If these people were more carefully advised there would not, I am persuaded, be serious difficulty in getting much-needed ammunition and other war material, but expeditions can not be fitted out here nor can men enlist for hostile service and arm ships in our waters for warlike enterprise. No one proposes that we shall declare war against Spain, and unless we do so the excited language daily repeated here is not appropriate.

Mr. President, our wishes are for Cuban freedom, but can we accomplish this by mere naked declaration? Senators have condemned Spain and have criticised her policies with severity, but all this is futile. We should appreciate the truth that we can not peaceably, or with due respect for international obligations, go further than sympathetic expression. If the President determines to announce that the Cubans in revolt are entitled to the rights of war they will still be subject to sections 5283–5286 of the Revised Statutes of the United States. This would be true if Cuban independence were recognized by us and must remain true while war lasts. Our declaration of neutrality itself implies that we will vigorously enforce the law as against all parties to the contest. We are in honor bound to do so. It is well to keep these facts before us. All should remember that in no way can we relieve the people of Cuba from the effect of our neutrality laws unless we boldly deny Spain's right and ourselves take charge of the issue and declare war.

Mr. President, I would prefer to conclude to-morrow rather than to go on now.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1896.

CONSULS.

Samuel Comfort, of New York, to be consul of the United States at Bombay, India, to fill a vacancy.

Samuel H. Keedy, of New York, to be consul of the United States at Grenoble, France, to fill a vacancy.

James H. Mulligan, of Kentucky, to be consul of the United States at Cape Town, South Africa, to fill a vacancy.

SURVEYOR-GENERAL OF ARIZONA.

George J. Roskruge, of Tucson, Ariz., to be surveyor-general of Arizona, vice Levi H. Manning, resigned.

POSTMASTERS.

E. Prentiss Bailey, to be postmaster at Utica, in the county of Oneida and State of New York, in the place of James Miller, whose commission expired January 15, 1895.

Mary Kate Cleveland, to be postmaster at Waterville, in the county of Oneida and State of New York, in the place of Frederick H. Coggeshall, whose commission expired December 17, 1895.

Albert Snyder, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania, in the place of Charles H. Ruthrauff, whose commission expired December 23, 1895.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. James Price Canby, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, February 24, 1896, vice Terrell, retired from active service.

Maj. Frank Morrell Coxe, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, February 24, 1896, vice Canby, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1896.

POSTMASTERS.

Julius A. Little, to be postmaster at Wadesboro, in the county of Anson and State of North Carolina.

William B. Dayton, to be postmaster at Port Jefferson, in the county of Suffolk and State of New York.

W. N. Pritchard, to be postmaster at Chapel Hill, in the county of Orange and State of North Carolina.

W. D. Gaster, to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina.

William F. Marshall, to be postmaster at Gastonia, in the county of Gaston and State of North Carolina.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 26, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ANNULMENT OF LAND PATENTS.

The SPEAKER laid before the House a bill (H. R. 5474) to provide for the extension of time within which suits may be brought to vacate and annul land patents, and for other purposes, with amendments of the Senate thereto.

The amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. McRAE. Mr. Speaker, I object to the first amendment, and shall ask a separate vote upon it.

The SPEAKER. The Clerk will report the amendment.

The amendment was read, as follows:

Page 1, line 7, strike out "ten" and insert "six"; so as to make the clause read: "Shall only be brought within six years of the date of issuance of such patent."

Mr. McRAE. Mr. Speaker, this bill as it passed the House contained very unusual provisions. It proceeds upon the theory that it is an extension of section 8 of the act of March 3, 1891, which provides as follows:

That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents.

Now, the first section of this bill as passed by the House—and passed in response to the special message of the President asking for legislation upon this subject—provides not for the extension of the statute which I have read, but it limits that statute to two kinds of patents, to wit, those based on railroad and wagon-road grants. The bill as passed by the House left the five years limitation as it was in the act of 1891, but changed the limitation for future patents "therein referred to," railroads and wagon roads, from six to ten years. Having refused to permit any corrections for fraud or mistake except as to railroad and wagon-road grants, we are now asked to limit the time as to these to only six years. I am perfectly satisfied, from the testimony before the committee during the consideration of this bill, that the grants which ought to be examined and adjusted can not be properly examined within the time fixed by the Senate amendment. Indeed, I doubt whether the work can be done within the time fixed by the bill as it passed the House. Therefore I am opposed to the change from ten to six years.

If this bill becomes a law it introduces into the Department and into the courts an entirely new proposition for consideration in adjusting and dealing with these land grants. By the act of March 3, 1891, Congress was content with a statutory limitation and trusted that act to give to the purchasers all of the rights that were granted them not in conflict with settlers. But here is a proposition to limit the right of investigation to two kinds of grants, and while it pretends to do this, at the same time it in effect proceeds to confirm them, for it provides that "no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title to such purchaser is hereby confirmed." This is done without regard to amount and without restriction as to the time of the purchase, and the good faith is not required to be shown beyond the holder of the land.

Mr. McMILLIN. Do I understand the gentleman from Arkansas to say that the Senate amendment, as now proposed to be concurred in, would not give the relief that was sought by the President and the Land Department and which was the special object of the bill proposed by the House?

Mr. McRAE. I think that would be the effect; at least it would so reduce the time allowed for the examination and adjustment of these grants as to make it practically impossible to do so with the present force allowed the Department.

This bill, I say, Mr. Speaker, would introduce a new subject of inquiry for the Department—that of investigating the claims of all persons who claim to be bona fide purchasers. The lands have been or will be all sold by the railroads, and of course the purchasers will allege their own good faith, and under this bill nothing can be done until these questions are settled. With this additional duty upon the Department of the Interior time becomes important, and I venture to predict that all of the time that is prescribed by the Senate amendment will be taken up in the consideration of the claims of those persons who allege that they are bona fide purchasers from railroad companies, and the errors and frauds of the grants themselves will be practically untouched at the end of six years, thereby defeating the declared object of the bill; and under the mandatory terms of the bill the Department can not prevent it.

And so, Mr. Speaker, we find ourselves with a bill, the alleged object of which is to extend the time of the Department to adjust the grants, while at the same time it contains a declaration that they shall be confirmed by the affirmative action of the Department or by the judgment of the courts, if they elect to go into court; and so, instead of canceling the fraudulent patents, the effect of the bill, if the amendment be adopted, will be to confirm all of the land that may hereafter be, or that has been heretofore, sold to bona fide purchasers. It invites collusion and legalizes fraud of the worst character.

The bill may be a little better than nothing; but I think the principle we surrender in order to get it is worth a great deal more than all the land that will ever be recovered under its loose and dangerous provisions. In short, the bill when stripped of all verbiage helps no one except the purchasers of railroad lands, and it does this in utter disregard of the rights of the Government and of the settlers who claim under the public-land laws. Perfect and complete immunity is given the railroads against suits for fraud and errors in patents for lieu lands by the proviso to the first section of the bill, and this is substantially all they want and all they ask.

Mr. Speaker, I can do nothing except to warn Congress of the danger of any such legislation. My colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD], and myself sought to do this when the bill was pending in the House, and now, as the majority is about making this dangerous and unusual experiment, I appeal to you to give the Department the longest time to investigate. According to the progress made during the last five years in the investigations of these grants it would take sixteen years to make the adjustments, unless the Committee on Appropriations shall see fit to increase the force of the General Land Office. I admit that we can not reach what in my judgment is the fatal defect of the bill by nonconcurring in the Senate amendment, but we can at least make an effort to secure for the Department and for the President, who are charged with the investigation of the grants, the time which the House has already voted to give for that purpose.

For my own part I do not believe that there ought to be any limitation against the Government, but if there is let it be a reasonable one, so that the work may be done correctly. If we pretend to do something, let us not at the same time so construct the bill as to prevent its accomplishment. No; you had better throw off all disguise and say to the railroads, take the grants, sell the lands, get what you can for them, without fear of investigation. That is what you have done indirectly, and you furnish all the machinery for obtaining executive or judicial confirmation if thought necessary. The bill gives authority to the Department not to purge the grants of fraud, but to require it to stamp the seal of confirmation upon all of the lands that are held by bona fide purchasers, notwithstanding they may appear upon the records to be covered with fraud, although claimed by settlers under our land laws. The bill is in the interest of the railroads and not the settlers.

I hope the amendment will be nonconcurred in.

Mr. LACEY. Mr. Speaker, I do not desire to follow my colleague upon the committee——

Mr. BARNEY. I would ask the gentleman from Arkansas is there not great fear, unless we concur in the Senate amendment, that the statute of limitations will expire on the 3d of March next, and that therefore there is urgent necessity for our acting at once in this matter?

Mr. McRAE. I think there is no danger of defeating the bill, because if we nonconcur the bill will go into conference, which can be held to-day or to-morrow, and we can thereby make at least an honest effort to get the time fixed in the House bill.

Mr. LACEY. Mr. Speaker, I do not wish to follow my colleague upon the committee in discussing the merits of the original proposition. Substantially the only thing that is now before the House is this proposition of the Senate to strike out "ten" and insert the word "six." In the existing law, the act of 1891, which has not been repealed, but which is still in full force, it is provided that all suits on patents theretofore issued shall be brought within five years from that time, and that on patents thereafter to be issued the time shall be limited to six years. The House bill changed this time of six years to ten. The amendment of the Senate is to strike out the word "ten" in the House bill and adopt the original law of six years. Six years would then be the time in which the Government can hereafter assail a patent. That, it seems to me, is ample time. The Government officials will be more careful hereafter, with the experience they have had; and with the aid of the published adjudications of the Supreme Court they will be enabled with greater accuracy to adjust these patents, and hereafter the questions are not so likely to arise; but six years certainly will be ample to set aside all patents that may hereafter be assailed after being issued.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. McMILLIN. Do you concede the statement made by the gentleman from Arkansas, that the passage of this bill surrenders the rights of the Government to all except two classes of grants?

Mr. LACEY. It does not surrender anything; it only makes an extension of time.

Mr. McMILLIN. Do you extend that to any except two?

Mr. LACEY. The extension of time as recommended by the President in his message would have limited it to wagon-road grants and railroad grants, but the Senate has also included canal grants, there being also a small grant for that purpose involved. In the message of the President no statement was made as asking specifically for additional time with reference to patents to private individuals, such as desert-land claimants, homesteaders, and preempters, and the whole object of the message seemed to be to get unlimited time in which to assail the land-grant patents to railways and like patents; and this limitation is now extended by this bill five years longer, and the Senate says as to future patents six years, instead of ten years, as the House bill provided, shall be the time.

Mr. McMILLIN. Will the gentleman permit me to ask him one more question?

Mr. LACEY. Certainly.

Mr. McMILLIN. What is the objection to getting a conference on this bill, and trying, if you can, to get some of the relief that the gentleman from Arkansas insists ought to be obtained?

Mr. LACEY. Because I do not want the relief asked by the gentleman from Arkansas.

Mr. McMILLIN. Then you are not in favor of the House bill?

Mr. LACEY. I am opposed to the proposition of the gentleman from Arkansas.

Mr. McMILLIN. Do I understand the gentleman to say that he is not in favor of the House bill as it passed?

Mr. LACEY. I voted for the House bill. My own preference, if I could have had it, would have been to change this so as to make it five instead of ten years, but the committee made it ten years. Yesterday the matter was laid before the committee and it agreed to the Senate amendment, with the exception of my friend and perhaps some others. At any rate, the majority of the committee were in favor of accepting the Senate amendment.

Now, Mr. Speaker, there is no necessity for extending the present limitation of six years to ten years as to future patents. The real contention between the gentleman from Arkansas and myself is this: He favors unlimited repeal of all limitation laws, so as to enable the Government in the future, at its will at any time, to file a bill to attack and to set aside any patent that may be issued of any kind, to a private individual, to a railway, or to a canal; on the other hand, the majority of the committee contend there ought to be a limit as to these things; and where land has been sold to outsiders, to an innocent purchaser, that their rights should be confirmed and that they should be relieved from litigation. That is the ground upon which we are divided. This mere question as to whether there should be ten years or six years in the future is not very important; and this bill must pass now substantially, if at all, because the limitation will expire next Monday, and if we go into a conference the chances are that this bill may be defeated.

Mr. McMILLIN. But the gentleman forgets that a conference report is privileged and can be presented at any time, and even supervenes a motion to adjourn.

Mr. LACEY. Certainly; I understand that.

Mr. McMILLIN. And there is not the danger that the gentleman apprehends from allowing this matter to go over for the present.

Mr. LACEY. If there were anything in the action of the Senate which I thought ought to be changed, I should ask a conference; but I think, on the contrary, if we were going to change the word "six" it ought to be made "five" instead of "ten."

Mr. McMILLIN. But is there not danger of the bill failing by your opposition to the House measure?

Mr. LACEY. Not at all. I am not opposed to the House bill. At the same time I did not regard every feature of that bill as perfect. For instance, the word "canal" has been inserted—a change which I think it well to make, as it appeared before the Senate committee that there was one canal grant which ought to be adjusted.

Mr. NEILL. Do I understand the gentleman to say that he thinks there ought to be a statute of limitations as to fraud in favor of these railroad companies?

Mr. LACEY. Not at all. There is a limitation now of so many years in which to adjust their grants.

Mr. NEILL. Yes, sir.

Mr. LACEY. Suit can be brought within five years. We are proposing to give five years more; and it is important to the gentleman's State and to other States that there should not be clouds cast upon the titles of patented lands, the great bulk of which have been heretofore sold and have passed into the hands of settlers. Even though there may have been actual fraud twenty, thirty, or forty years ago in reference to some of these grants, yet after patents have been issued there should be some limitation as to the time within which the Government should exercise activity and determine what patents, if any, are fraudulent or wrong, in order that suits may be brought, the facts determined, and facilities offered for settling up that country.

Mr. NEILL. Mr. Speaker, will my colleague, chairman of the Committee on Public Lands, yield to a question? I desire to ask the gentleman if he thinks there should be any statute of limitations against the Government for the protection of titles acquired by frauds?

Mr. LACEY. I think it is. I think five years enough. There are only 60,000,000 acres of unadjusted lands; 12,000,000 acres were adjusted last year. At that rate all these controversies can be adjusted inside of five years. But if five years should be found inadequate a further extension of one or two years might be granted by a supplemental act of Congress. But let me state to the gentleman from Arkansas that if we now give ten years the Interior Department will not touch this matter during the next five or six years; whereas if we now give only five years the work will be continued with the present activity. The Department has adjusted more grants of land during the last year (being the final year of the five already granted) than it adjusted within the previous three.

Mr. NEILL. Mr. Speaker, the chairman of the committee [Mr. LACEY] has not convinced me, and I hope he has not convinced other members of the House, of the justness of his position. The railroad companies have had all the advantages in this matter. I know that such has been the fact in my State. Now we are asking something in behalf of the people, for whom the public lands should be held.

The SPEAKER. The gentleman from Iowa [Mr. LACEY], as the Chair understands, asks the previous question.

Mr. LACEY. I withdraw the demand for a moment and yield five minutes to my colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I do not wish to detain the House with any lengthy discussion of this bill. When the bill originally came before the House I opposed its passage in the form in which it now stands. I then gave my reasons why I thought it was better to have no limitation as to the forfeiture of these public lands where the patentees have obtained them by fraud or mistake. But the House saw fit to extend for a certain number of years the time within which forfeiture could be had rather than repeal the statute of limitations entirely. The bill went from this House fixing that limitation at ten years. It now comes back from the Senate with the limitation fixed at six years.

I consider there is every reason why the time should be extended as far as possible if we are going to have any limitation at all. I wish to call the attention of members of the House to the facts that were developed before the Public Lands Committee in the investigation had during the consideration of this bill. We then had before the committee the officers of the Public Land Department. They were examined as to the forfeiture of these public-land grants. It was disclosed in that investigation that there was in the Public Land Department but one set of books that could be inspected in the determination whether or not it was proper to forfeit these public-land grants, and it was developed that only a certain number of men could be employed in the examination of those books, so that necessarily the time for investigation must be extended or these men could not get at the facts and determine what grants had been acquired by fraud or mistake and what grants had been acquired properly.

Furthermore, on the investigation of the facts before the Public Lands Committee the officers of the Public Land Department in testifying before the committee stated that at the rate at which they had progressed in the past, sixteen years more would be required to examine and inquire into these public-land grants. And with the testimony before the committee stating that it would take sixteen years to examine this question and determine whether the Government of the United States was going to be deprived of land that properly belonged to it, we had fixed in our original bill ten years for the forfeiture of grants in the future. Well, now, Mr. Speaker, if these officers, who are limited in their investigation to one set of books, whose numbers are necessarily limited, are held down to the investigation of the past grants, how in reason can they examine into the validity of the grants that are occurring now? You see that the cutting down of this time will absolutely deprive the Department of a full opportunity to investigate the rights of the Government of the United States and determine whether land is being taken away from it that properly belongs to the Government. For that reason I think the House should nonconcur in the Senate amendment, and we should insist on standing on the bill as it left the House and went to the Senate.

Mr. McMILLIN. Mr. Speaker, I would be obliged to the gentleman from Ohio [Mr. LACEY] if he would withhold his demand for the previous question for a moment.

Mr. LACEY. How much time does the gentleman want?

Mr. McMILLIN. Only a few minutes.

Mr. LACEY. I yield three minutes to the gentleman from Tennessee, and will give him more time if he needs it.

Mr. McMILLIN. Mr. Speaker, under the statement that has just been made by the gentleman from Arkansas [Mr. McRAE] and the gentleman from Alabama [Mr. UNDERWOOD], it strikes me there is only one decent way of doing this business, whatever we are going to do, and that is to let this matter go to conference, and let the conference committee report to this House the best they can do. There is no danger that this bill will be lost if there is any strenuous effort to save it. The time does not expire until next Monday. Conference reports take precedence of everything else and are about the only thing that can take precedence, even of a motion to adjourn. Only a few days ago the Committee on Public Lands brought into this House a proposition saying that ten years was short enough time for this limitation. The Commissioner of the Land Office estimated at that time that it would take sixteen years to do the work, and yet to-day we are called upon to surrender, not simply the six years between ten and sixteen, but to surrender four years of the time that the committee itself said we ought to have when they reported this bill. Now, if there have been frauds in connection with the disposition of these lands, they ought not to be covered up. There ought to be no legislation to condone those frauds, but every effort in behalf of the people should be made for the free, fair, and full investigation of the question.

For one I insist that no ill can come from letting this go to conference, and if gentlemen want to rush it through in hot haste, if they are determined to have legislation that shall benefit the peo-

ple who have profited by these frauds, rather than benefit the people who are entitled to these lands, let the country know who is doing it. I do not believe this bill should be rushed through, when the inevitable result will be to curtail the time for the Government to have justice done.

Mr. LACEY. Mr. Speaker, I demand the previous question.

The question was taken; and the Speaker announced that the noes seem to have it.

Mr. LACEY. Division.

The House divided.

Mr. McMILLIN. We withdraw the demand, and will take the vote on the proposition itself.

The SPEAKER. The Chair announced that the noes seemed to have it. The gentleman from Iowa [Mr. LACEY] demanded the division.

The House divided; and there were—ayes 120, noes none.

So the previous question was ordered.

The SPEAKER. The question is on concurring in the first amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. LACEY. Division.

The House divided; and there were—ayes 87, noes 43.

Mr. McRAE. Mr. Speaker, I demand the yeas and nays.

Mr. LACEY. I should be glad to have this amendment reported. I think perhaps there is some misapprehension as to the amendment before the House.

The SPEAKER. The gentleman asks unanimous consent that this amendment be reported again. Is there objection?

There was no objection.

The Clerk read as follows:

Page 1, line 7, strike out "ten" and insert "six."

The SPEAKER. The gentleman from Tennessee demands the yeas and nays.

Mr. McMILLIN. The gentleman from Arkansas [Mr. McRAE] demands the yeas and nays.

The question was taken; and there were—yeas 156, nays 93, not voting 106; as follows:

YEAS—156.

Adams,	Ellis,	Huling,	Pickler,
Apsley,	Evans,	Hull,	Pitney,
Arnold, Pa.	Fairchild,	Hurley,	Powers,
Atwood,	Faris,	Jenkins,	Prince,
Baker, Md.	Fenton,	Johnson, Ind.	Pugh,
Baker, N. H.	Fletcher,	Johnson, N. Dak.	Quigg,
Barham,	Foote,	Joy,	Raney,
Bartholdt,	Gamble,	Kerr,	Ray,
Belknap,	Gardner,	Knox,	Reeves,
Blue,	Gibson,	Kulp,	Royse,
Bowers,	Gillett, Mass.	Lacey,	Russell, Conn.
Broderick,	Graff,	Leighty,	Scranton,
Brosius,	Griffin,	Leonard,	Settle,
Brown,	Griswold,	Linney,	Simpkins,
Brumm,	Grosvenor,	Linton,	Smith, Ill.
Bull,	Grout,	Long,	Spalding,
Burrell,	Grow,	Lorimer,	Sperry,
Burton, Mo.	Hadley,	Loudenslager,	Steele,
Burton, Ohio	Hager,	Low,	Stephenson,
Calderhead,	Halterman,	Mahany,	Stewart, N. J.
Cannon,	Hanly,	Mahon,	Strode, Nebr.
Chickering,	Hardy,	Marsh,	Sulloway,
Clark, Iowa	Hatch,	McCall, Mass.	Tawney,
Clark, Mo.	Heatwole,	McCall, Tenn.	Tayler,
Codding,	Heiner, Pa.	Meiklejohn,	Treloar,
Colson,	Hemenway,	Mercer,	Updegraff,
Cooke, Ill.	Henderson,	Miller, Kans.	Van Voorhis,
Cooper, Wis.	Henry, Conn.	Miller, W. Va.	Wadsworth,
Cousins,	Henry, Ind.	Moody,	Walker, Va.
Crowther,	Hepburn,	Mozley,	Wanger,
Dalzell,	Hermann,	Murphy,	Warner,
Danford,	Hilborn,	Noonan,	Watson, Ohio
Daniels,	Hill,	Odell,	Wellington,
Dayton,	Hitt,	Otjen,	Willis,
Dingley,	Hopkins,	Overstreet,	Wilson, Idaho
Dolliver,	Howe,	Payne,	Wilson, N. Y.
Doolittle,	Howell,	Pearson,	Wood,
Draper,	Huff,	Perkins,	Woomer,
Eddy,	Hulick,	Phillips,	Wright.

NAYS—93.

Anderson,	Downing,	McLaurin,	Stallings,
Bailey,	Elliott, S. C.	McMillin,	Stewart, Wis.
Baker, Kans.	Erdman,	McRae,	Stokes,
Barney,	Harrison,	Meredith,	Strait,
Bartlett, Ga.	Hart,	Meyer,	Strowd, N. C.
Bartlett, N. Y.	Hendrick,	Miles,	Sulzer,
Bell, Colo.	Hutcheson,	Miner, N. Y.	Swanson,
Berry,	Johnson, Cal.	Minor, Wis.	Talbert,
Black, Ga.	Jones,	Money,	Tate,
Boatner,	Kendall,	Neill,	Terry,
Buck,	Kyle,	Ogden,	Tucker,
Clardy,	Latimer,	Otey,	Turner, Ga.
Cobb, Ala.	Lawson,	Owens,	Turner, Va.
Cobb, Mo.	Layton,	Richardson,	Tyler,
Cockrell,	Lester,	Robbins,	Underwood,
Connolly,	Lewis,	Robertson, La.	Walsh,
Cooper, Tex.	Little,	Russell, Ga.	Washington,
Cox,	Livingston,	Sauerhering,	Williams,
Crisp,	Lockhart,	Sayers,	Wilson, S. C.
Crowley,	Maguire,	Shuford,	Woodard,
Cummings,	McClellan,	Skinner,	Yoakum.
De Armond,	McCreary, Ky.	Sorg,	
Dinsmore,	McCulloch,	Sparkman,	
Dockery,	McDearmon,	Spencer,	

NOT VOTING—106.

Abbott,	Cowen,	Kiefer,	Shafroth,
Acheson,	Crump,	Kirkpatrick,	Shannon,
Aitken,	Culberson,	Lefever,	Shaw,
Aldrich,	Curtis, Iowa	Leisenring,	Sherman,
Allen, Miss.	Curtis, Kans.	Loud,	Smith, Mich.
Allen, Utah	Curtis, N. Y.	Maddox,	Snover,
Andrews,	Denny,	McCleary, Minn.	Southard,
Arnold, R. I.	De Witt,	McClure,	Southwick,
Avery,	Dovener,	McCormick,	Stahle,
Babcock,	Ellett, Va.	McEwan,	Stone, C. W.
Bankhead,	Fischer,	McKenney,	Stone, W. A.
Barrett,	Fitzgerald,	McLachlan,	Strong,
Beach,	Foss,	Milliken,	Taft,
Bell, Tex.	Fowler,	Milnes,	Tarsney,
Bennett,	Gillet, N. Y.	Mondell,	Thomas,
Bingham,	Hainer, Nebr.	Morse,	Towne,
Bishop,	Hall,	Moses,	Tracewell,
Black, N. Y.	Harmer,	Newlands,	Tracey,
Boutelle,	Harris,	Northway,	Walker, Mass.
Brewster,	Hartman,	Parker,	Watson, Ind.
Bromwell,	Hicks,	Patterson,	Wheeler,
Catchings,	Hooker,	Pendleton,	White,
Clarke, Ala.	Howard,	Poole,	Wilber,
Coffin,	Hubbard,	Price,	Wilson, Ohio
Cook, Wis.	Hunter,	Reyburn,	Woodman.
Cooper, Fla.	Hyde,	Robinson, Pa.	
Corliss,	Kem,	Rusk,	

So the amendment was concurred in.

Mr. DE WITT. Mr. Speaker, I desire to vote upon this question.

The SPEAKER. Was the gentleman in the Hall of the House, and did he fail to hear his name called?

Mr. DE WITT. I fear I was not in the Hall in time.

The SPEAKER. The Chair can not entertain the gentleman's request.

The following pairs were announced:

Until further notice:

Mr. BROMWELL with Mr. HALL.

Mr. FARIS with Mr. PATTERSON.

Mr. HUBBARD with Mr. SHAW.

Mr. CORLISS with Mr. PRICE.

Mr. TRACEY with Mr. ELLETT of Virginia.

Mr. BLACK of New York with Mr. COWEN.

Mr. CURTIS of Kansas with Mr. MADDOX.

Mr. HARMER with Mr. FITZGERALD.

Mr. POOLE with Mr. CLARKE of Alabama.

Mr. MILLIKEN with Mr. BANKHEAD.

For this day:

Mr. MILNES with Mr. TARSNEY.

Mr. AITKEN with Mr. CULBERSON.

Mr. LEFEVER with Mr. COOPER of Florida.

Mr. CHARLES W. STONE with Mr. WHEELER.

Mr. WILLIAM A. STONE with Mr. WILSON of South Carolina.

Mr. DOVENER with Mr. RUSK.

Mr. MORSE with Mr. MOSES.

Mr. HAINER of Nebraska with Mr. BELL of Texas.

Mr. WHITE with Mr. MCKENNEY.

On this vote:

Mr. ANDREWS with Mr. ALLEN of Mississippi.

Mr. LOUD with Mr. CATCHINGS.

The result of the vote was then announced as above recorded.

The remaining Senate amendments were then concurred in.

On motion of Mr. LACEY, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

CONTESTED-ELECTION CASE—VAN HORN VS. TARSNEY.

Mr. JOHNSON of Indiana. Mr. Speaker, the debate on this contested-election case has been running without limit, as it was the desire of the committee to give gentlemen on each side who had examined the question an opportunity to be heard. There are still several gentlemen who desire to speak on the part of the committee, and on consultation with my colleagues of the minority I find that there are some gentlemen on that side who desire to be heard. It appears impossible, therefore, to get a vote to-day, but a vote will certainly be had to-morrow.

Mr. MAGUIRE. Does the gentleman desire to fix now the time when the vote shall be taken to-morrow?

Mr. JOHNSON of Indiana. I should be glad to do so, but that seems to be impossible, as it depends on certain contingencies now unknown. My opinion is that the vote will be taken about the middle of the afternoon to-morrow, but I can not say positively.

Mr. MAGUIRE. Can the gentleman say that it will not be taken before 3 o'clock?

Mr. JOHNSON of Indiana. Yes; I think that can be said with safety.

Mr. MAGUIRE. Will the gentleman say that the vote will be taken between 3 and 5 o'clock to-morrow?

Mr. JOHNSON of Indiana. I think that arrangement can be made. At all events, the vote will be taken to-morrow without fail.

Mr. MAGUIRE. That is quite satisfactory to this side.

Mr. DALZELL. Mr. Speaker, I should like to know whether

it is absolutely necessary that we should spend all that time on that case. Why can not we finish it to-day?

Mr. JOHNSON of Indiana. Because there are several gentlemen who desire to be heard, and who, I think, can be heard by the House with profit.

Mr. DALZELL. The questions at issue are within a narrow limit, and there is an appropriation bill ready to be taken up.

Mr. JOHNSON of Indiana. They may seem to be within a narrow limit to a man of the capacity and intelligence of the gentleman from Pennsylvania [laughter], but——

The SPEAKER. In the meantime is there any gentleman who desires to be recognized to continue the discussion of the case? [Laughter.]

Mr. JOHNSON of Indiana. Yes, Mr. Speaker, there are several gentlemen who are ready to proceed. Inasmuch as gentlemen on this side have occupied most of the time so far, I think we shall ask the other side to proceed this morning.

Mr. MAGUIRE. Very well; we will occupy an hour on this side.

Mr. TARSNEY. Mr. Speaker, at the general election held in the Fifth Congressional district of Missouri in November, 1894, I was returned as elected by a plurality of 745 votes. Shortly after the election, allegations were made of misconduct on the part of election officials and of fraudulent voting and fraudulent counting of ballots in that election. A contest for the representation of that district was inaugurated, based upon those allegations of misconduct and fraud. That case is before you to-day. But, Mr. Speaker, it is not before this House in the form or manner that contested-election cases are usually presented to this body. The committee of the House charged with the investigation and the making of a report in this case came to the conclusion, and so reported by a majority vote, that in four precincts in that Congressional district there was fraud, there was misconduct of election officials, which, in the judgment of that majority, annulled the election in those precincts. Therefore they reported to this House that no votes cast in any of those four precincts had been taken into consideration in their findings and conclusions; in other words, that they had thrown out of their consideration all the votes cast in those four precincts, whether legal or illegal, and that they report in favor of the seating of the contestant, because on the face of the returns from the remaining precincts of the district he appears to have a plurality of votes. The contestee asserts that the full case is not before the House, that all the facts necessary to be known to members in order that they may discharge their duty conscientiously and justly under the obligations of their oaths of office are not in the record in this case, and in order that they may have the benefit of a knowledge of all the facts essential to a proper and judicial determination of this case there is pending before this House a resolution on the part of the contestee to recommit to the Committee on Elections this case, with instructions that that committee shall, by such means and in such manner as it shall prescribe, proceed to take that essential and necessary testimony now available, so that the House may arrive at a just and proper determination.

It is not my purpose, Mr. Speaker, to enter to any extent into the details of the testimony in this case. It is asserted that there was a conspiracy formed prior to that election with the purpose of changing the result and announcing a false result of the election concerning certain offices candidates for which were to be voted for at that election. It is asserted that, in pursuance of that conspiracy and in carrying it out to a successful consummation, misconduct on the part of the officials charged with the supervision of that election was resorted to, and that many fraudulent votes were counted as having been cast by legally qualified electors which never were cast at all. I stand before this House to-day not to discuss that question, because it is true, and has been asserted by the contestee at all times as earnestly as by the contestant, that there was misconduct and that there was fraud connected with that election. But I am here to say that in the thousand pages of this record there is not even an intimation, there is not an insinuation that any of that misconduct or any of that fraud was procured or caused to be done by me or that it was done by any person in my interest or that it was intended to result in my benefit. I am here candidly and fairly to give to this House all the information which I possess concerning that election, and let the results fall where they will. I want to take this case up, however, as logically as I may; and, briefly speaking of each of these four precincts, bring the House to an understanding of the true condition. The conclusion of the committee is that no vote cast in the fifty-second precinct, Ninth Ward, of Kansas City, should be counted because there was misconduct on the part of the officers and actual violation of the election laws, as they assert, at that precinct. What are the facts connected with that precinct as shown in this record?

One man named T. J. Canney testifies that on the night or afternoon of the day before the election he was sent for to come to the house of one Findley, who is shown in this record to be a common gambler. Canney has undertaken to show us in this record what transpired between him and Findley. I have read his testimony with care. I can not gain from it sufficient information to tell you intelligently what took place there. He says that Findley talked to him of crooked work that was to be done at the polls next day. He tells us about Mr. Findley saying to him that that work was to be "finer than silk" and that no one would "get onto it." But nowhere does he detail or state what that work was to be or what part he was to take in it—what part he was to play in the drama that was being unfolded to him. He was sent for, according to his testimony, to act as one of those who were to do that unlawful work; and yet he fails to say where he was to do it, when he was to do it, how he was to do it. But he does testify with clearness and explicitness that on the next day, at the hour of noon, he went to his dinner; that he was gone forty minutes; that when he went to his dinner there was a pile of ballots prepared by the distributing judges that had upon them, as the law required, the initials of those judges, prepared to hand to the voter as he would come in; that there was a pile of those ballots thus prepared upon the table when he went out to dinner, and when he came back he found that there had been taken out from a ballot box and distributed in piles the unscratched Republican ballots and the scratched ballots of each party; that he saw two of those judges take out 115 of those straight Republican ballots that had been legally cast; that he saw them take 115 ballots that never had been cast and make them straight Democratic ballots, transcribing from the books the numbers of these legally cast Republican ballots and putting those numbers upon the backs of those fictitious or uncast Democratic ballots; that these ballots were placed in the ballot box and counted instead of the 115 legally cast Republican ballots. Again, he tells us (and I am stating this just as broadly and distinctly as he does in his testimony) that about 5 o'clock in the evening the same process was repeated to the extent of 55 more ballots, making in all 170 ballots. According to his testimony, 170 legally cast Republican ballots had substituted for them in the ballot box and in the count 170 Democratic ballots that never had been cast.

Now, Mr. Speaker, here, as before the committee, I state that if that be true—if those were the facts—then the action of the majority of this committee does not conform to right or law or justice. If that testimony of Canney be true and reliable, then there is no warrant of law, there is no equity or justice, in this committee or this House throwing out all the ballots cast in that precinct and disregarding any poll in it. If that testimony is reliable and those were the facts, justice and right would demand that the 170 ballots counted for the contestee and returned for him should be subtracted and 170 ballots should be added to the returned vote of the contestant. That would be justice; that would be fair; that would be right. There was returned for me in that precinct a majority of 160 or 180—I am not certain which. Instead of taking away from me that majority of 160 or 180, as the action of this committee recommends—on the contrary, a fair definition of legal action would require this committee and this House to count those ballots as though actually cast, and give to the contestant in this case the majority to which he would thus be entitled in that precinct.

But, Mr. Speaker, I care not to dwell upon it here now, because it is not essential to the determination of this case, but fairness and justice to myself and to the honest voters of that precinct demand that I should say that the allegation of those facts stands alone upon the testimony of this one man. He tells us in his testimony that this act was performed in a little room (you understand how under the Australian ballot system small booths are used for the purposes of an election)—that in a little room, perhaps not more than 10 or 12 feet square, these acts at noonday and at 5 o'clock in the evening were performed in the presence of six judges and two clerks—were performed by two of those judges in the presence of three bystanders and in the presence of a regular officer of the police force of Kansas City.

Not one of those eight election officials, not one of those three bystanders, nor this officer of the law, corroborates the testimony of this man Canney. It stands by itself alone. Three of those officials, as their testimony in this record shows, declare upon oath that no such thing occurred, and it could not have occurred without their knowing it, because two of them are the very two named by Mr. Canney as having perpetrated that crime. He was an election officer. According to his testimony he was not only a passive observer of this crime against the law, but he was an active participant in it, for he tells us in this record that he himself strung these fraudulently substituted ballots upon the string on which they were strung to be placed in the box. Not one of these persons corroborates him. In this record he is asked whether he protested against this fraud being done. He answered yes; that he protested to one of these judges; that he protested to him two or three times. He protested to none other. He did not protest to the guardian of the law who stood there in his presence. He did not protest to these three bystanders, citizens who were present, nor was the transaction heard of from him until a number of days afterwards. I say that I do not dwell upon this, but it is

only a matter of justice to the House to call its attention to the fact.

The first arrest—and there have been many arrests growing out of the election in that city—the first arrest made, growing out of that election, was made upon the complaint of this man Canney against some of the election officers in that precinct. That was sixteen months ago, or nearly sixteen months ago. They have never been brought to trial yet, not one of them, and it will not be insinuated that the administrators of the criminal law in that city have not been diligent in hunting down the men who prostituted the franchises of the people on that day. They have not been brought to trial, but the case has been set now for the 16th day of the coming month. I call your attention to this fact, that not only is the man Canney wholly uncorroborated by any other person with regard to his testimony, but he is absolutely contradicted by the physical conditions surrounding the transactions or the details of that election, and in addition he is to-day under an indictment for the crime of perjury committed in a matter in no wise connected with the election or election cases, but in another county and in another district is under indictment for perjury committed in a civil suit in which Marshall Field & Co., of Chicago, are one of the parties. So that the testimony of the man Canney alone is all there is of proof of the allegation of improper work done in that precinct.

I would not take your time to go into the minor matters that gentlemen have referred to in connection with this precinct. I could show to you that the insinuation of one physical fact upon which the majority of the committee based its suspicion of the truth of the charges of Canney and assumed, as corroboration of his testimony, to wit: That on the morning of the election, as soon as the judges went into that little house—a house used as a coal or grain house—that when they went in there one of them took a piece of soap and smeared each one of the windows of the room with it. The inference was that it was to conceal from the eyes of watchful persons outside the perpetration of the unlawful acts to be committed therein. But when you take our system of election, its objects and purpose, and consider them, you may—unless you want to construe every act as criminal, instead of presuming it to be innocent—you may find in that act not an insinuation of wrong, but one of absolute honesty to carry out the objects and purposes of the law.

The Australian ballot system has for its prime object and purpose the securing of the absolute secrecy of the ballot. To prevent any man's ballot or the one he has voted being known is the prime object of the system; and with that end in view we have these little places in which the voter may go away from the eyes of his fellow-citizens and prepare his own ballot. Aye, even, we put stalls into the booths into which a man may go and secure himself from the scrutiny of even the officials of elections while he is marking his ballot, so that no man may see or know how he voted. The testimony shows that one side of that little building was composed almost entirely of glass, and had the election officers gone in there in the morning and hung up curtains over the windows or pinned up papers to screen the voters from the scrutiny of those who stood outside, it would not have been presumed to be done with an unlawful purpose. What difference does it make whether they used curtains to secure a laudable and lawful object or smeared the windows over with a substance that, while excluding the gaze of those who ought to be excluded, yet would give to the officials engaged in the election necessary light for the transaction of this official business?

But I will proceed, for I do not wish to exhaust the time of the House. I proceed to the other precincts where there is something substantial when you talk of fraud. When that election was over it was known that something over 1,600 votes had been counted as cast in the three precincts of the Second Ward—the fifth, sixth, and seventh precincts of the city. That was an abnormal return. The usual and customary vote in that ward at previous elections had been a little more than 800, and when fully double the number that usually voted had been cast in that ward and was returned as counted, and when that abnormal vote was shown to have taken place within the ward, it was apparent, almost conclusively, that there had been fraudulent work done in those precincts. Now, I am not here to say that there was not. I am here, as I always have been since that election, asserting that there was fraudulent work done there; that there were crimes committed against the ballots that day, and that the perpetrators of them should be brought to justice and the truth known to all men.

But, Mr. Speaker, this contest was inaugurated but a short time after the election. The testimony had to be taken soon after the election. It was so taken. The contestant produced evidence showing general fraud and general misconduct on the part of the officers, tending to show the conspiracies spoken of by the gentleman from Nebraska [Mr. STRODE] on yesterday—piled up testimony, showing in a general manner that fraud was perpetrated, that there was general misconduct on the part of the officers, but nowhere presenting evidence as to the specific manner in which it was perpetrated or the extent of the perpetration. That case was left, so far as the contestant was concerned, in that shape. It was brought within the rule of the law that where fraud and misconduct of this character are shown, and where the legal can not be segregated from the illegal and the true result ascertained, then and then alone this drastic process of throwing out the legal as well as the illegal has sometimes been justified.

Now, what could the contestee do? The contestee had no more knowledge than had the contestant at that time. It was the duty of the contestant, if he could produce evidence at that time, to have shown the specific manner of the perpetration of these frauds and their extent. It was his duty, if it was within his power, to have put into this record the evidence that would demonstrate to this House how many fraudulent votes were cast or counted and for whom they were cast and counted. That duty was as strong upon the contestant, certainly, as it was upon the contestee. He could not do it, nor could the contestee. Why? Because the knowledge of the manner of the perpetrating of the frauds, the knowledge of the extent of the frauds, the knowledge of who was the beneficiary of the frauds, so far as this Congressional contest was concerned, was locked at that time in the bosoms of the criminals who perpetrated the fraud, and there was no machinery either in his power or mine to extract that hidden knowledge from the bosoms of those criminals. Therefore the record closed in that condition.

At the earliest moment, as soon as evidence began to be ascertainable that would clear up this doubt and uncertainty, as soon as it began to be apparent, then on the very first day that it was possible for the contestee to move, just as soon as the Speaker of this House announced the formation of the committees of the House, just as soon as he had by his order created a Committee on Elections, I came into this House and presented a resolution, supported by affidavits that went at least to a part of the evidence, that would close up a part of this difficulty, and that there might be no allegation of negligence or delay upon my part, asked for its consideration, and that the case might be reopened and the testimony then available and essential to your correct determination of this case be introduced into this record before you would be called upon under your oaths to decide this question of law and fact with the essential facts left out. That was more than two months ago. If that resolution had been promptly acted upon, if it had been favorably reported to this House, it would have enabled the contestee to have had, not what he can get now, but what was essential and material then and is essential and material now, although not going to the extent that the evidence is adducible at this time—he would have been enabled to have produced that testimony, had it in the record, and these gentlemen of the committee could have considered it the very day they considered this half-made-up record.

Now, I do not intend to delay the House in the discussion of legal questions, but I want to call your attention to just one provision of law, and the one which governs in a case presenting the issue that this now presents.

McCrary, in his work entitled American Law of Elections, at page 272, says this:

> To set aside the returns of an election is one thing; to set aside the election itself is another and a very different thing. The return from a given precinct being set aside, the duty still remains to let the election stand and to ascertain from other evidence the true state of the vote. The return is only to be set aside, as we have seen, when it is so tainted with fraud or with the misconduct of the election officers that the truth can not be deduced from it. The election is only to be set aside when it is impossible from any evidence within reach to ascertain the true result, when neither from the returns nor from other proof, nor from all together, can the truth be determined.

It is upon that law we base the determination of the issue presented here. Now comes the question: Can you from other evidence purge these polls, segregate the legal from the illegal, ascertain with reasonable certainty of intent what was the true vote, and for whom that true vote was cast in these precints? I believe I shall be able to demonstrate to you that we can. It could not be done when this record was made up. It has been said upon the floor of this House in this discussion that there has been a question whether the contestee has not been guilty of laches, of negligence in not having procured the testimony that he asserts is now available. I will not discuss that further than to say, as I have already said, that the knowledge of the extent of those frauds was locked in the bosoms of the criminals who perpetrated them, and no power was given to me to draw that knowledge forth.

Are we in a different situation since? I said a little while ago that the officers of the law had been vigilant in seeking evidence, in bringing indictments and seeking conviction of all suspected of complicity in these frauds. Many of these election officials have been indicted, and a number of them have been tried since this record was made up. Some of them have been convicted since this record was made up, and in these trials that have taken place evidence that was then not attainable has been developed, and it is here before you for your consideration if you will but

open the door and let it in that you may peruse it. When this record was made up, as certain of the witnesses concluded their testimony, they were asked to attach certain exhibits to their depositions, to hand them to the notary that he might attach them. Among others was the custodian of the poll books of the election. He was requested to hand to the notary, that that notary might attach to the deposition, copies of the poll books in these precincts. These exhibits thus attached to those depositions were not visible to the contestee or his counsel, or the contestant or his counsel, I think, until they appeared in print. Then, a key having been found, with the use of that key it was made plain and visible to whoever would read that 600 of the ballots cast in that ward, 200 in each precinct, were conclusively fraudulent and would be shown to be fraudulent by the exhibit of these poll books.

They were in alphabetical order. Mr. Speaker, the first man who comes to a precinct to cast his ballot in the morning has the figure 1, or should have it, marked upon the back of his ballot, and against his name upon the poll book together with his number upon the registration list. The second voter is marked 2, and so on in regular numerical order throughout the voting of the day. Now, when you take up these poll books you do not find 1, 2, 3, 4, 5, and 6, and so on, following each other; but when you have gotten the key to the cipher you find that number 1 is here and that his name commences with the letter "A"; when you come to number 2, in another part of the poll book, his name commences with the letter "A." You may come back here, upon the same part of this first page and find 3, and his name commences with the letter "A"; and so on with B, C, D, and the other letters in the alphabet; but you have first to find 1 on one page and then go somewhere else and find 2 and then find 3 before you get the solution of that key, and that key discloses the manner in which it was done.

It is also shown that prior to this election, when no Congressional election was contemplated, but away back in the months of August and September, 1893, planning to perpetrate frauds in a municipal election in the following spring, a large number of fictitious names were placed upon the registration lists. Copies of these names were preserved by these conspirators having them upon their registration lists, and these alphabetical votes nearly all correspond with the fictitious names that were then put upon the registration lists. So it is demonstrated beyond any question that about 200 ballots in each of these precincts were absolutely fraudulent and fictitious. The only thing that is not disclosed concerning them is for whom they were counted as having been cast in the election for Congress; that is, with reference to this 600, or any of them.

Now, in addition to that known testimony, known of all men to that extent, at least, as to these 600, there is other additional testimony. Since this case was argued before this committee, since the report was made by this committee, on the 8th day of the present month, one Wallace G. Miller, whose ex parte affidavit was read from that desk yesterday, has made a confession that that affidavit was ex parte, but on the 22d day of this month, which was last Saturday, this man Wallace G. Miller was a witness in a criminal trial in which the frauds perpetrated at this election was the issue. First, I may say that some time ago he was convicted for participating in these frauds. Though the prosecuting officers had been most efficient, though case after case had been tried, though judges and lawyers sifted hundreds of witnesses, it was not developed—the machinery, the character, or the extent of these frauds—was not developed until since these reports were made in this case.

Now, this man Miller, on the 22d of this month, only last Saturday, was placed upon the witness stand after he had been convicted. He had been convicted and sentenced to two years' imprisonment in the penitentiary. After sentence he made disclosures to the prosecuting officer, and the judge of the criminal court set aside his sentence of imprisonment in the penitentiary, so as to make him a legal and competent witness; and on last Saturday he went before a jury where they are trying the chief, as they denominate him, of this conspiracy, one John May; and this Miller went upon the stand there and testified as to the full details of these matters. I hold in my hand the Kansas City Journal, that bears the name of the contestant, or at least the contestant is known as its chief editor. That paper contains a synopsis of Miller's testimony of that day. He says that he was a judge in the sixth precinct in the Second Ward; that they put into the ballot box—they prepared the night before the election and put into the ballot box on the morning of the election—200 ballots, fraudulent ballots; that they put them in and they numbered them from 1 to 200. He says that during the day they put in some thirty-five or forty more illegal ballots; voted for men whom they knew were absent. He said the balance of the ballots counted and returned were legally cast by legal voters. If we believe him—and certainly he has said enough that we shall hear him, whether we believe him or not—he segregates the illegal from the legal votes in that precinct and enables this House to determine what was legal and what was not.

Again, in this same trial, another man, named Cryder, who was a judge in the seventh precinct, gives the same character of testimony. He gives the same detailed testimony in the trial court. He says the same process was resorted to in that seventh precinct; that they put in 200 ballots before a legal ballot had been cast, and that there in that precinct they put in from thirty to forty others during the day, and that the whole crime was comprised in that and that alone.

Now, let us see if we can segregate. Last night at midnight I received this telegram:

KANSAS CITY, *February 25, 1896.*

Hon. J. C. TARSNEY, *Willard Hotel, Washington, D. C.:*

Tuck and Paddock, fifth precinct judges, Second Ward, turned State's evidence and testified in the May case at Lexington to-day. Evening papers say that both swore that 200 fraudulent votes had been prepared by them the night before in Kruger's drug store, 100 for Van Horn and same number for you, and were put in the box; that 200 more such ballots were prepared and voted during the day while no voters were in the booths; that such votes were divided equally between you and Colonel Van Horn; that May came in and asked how they divided the votes, they replied that they gave one to Van Horn and one to Tarsney. May replied, "That's right, give them half and half"; that 400 such votes were cast in this precinct; that they fixed the 200 the night before, while Miller and three others were stuffing the sixth and seventh precinct boxes the same way. According to the papers' account of the evidence to-day, the fraudulent votes were divided equally. From the evidence and from the marking we feel certain that the fraudulent votes can be easily separated from the true. It appears from the trend of the evidence to-day that the whole history of the Second Ward will be developed within the next few days. Paddock and Tuck are now Kruger's drug clerks. Miller was his law clerk.

YEAGER & STROTHER, *Attorneys.*

Mr. JOHNSON of Indiana. Will the gentleman state who signed that dispatch?

Mr. TARSNEY. Yeager & Strother.

Mr. JOHNSON of Indiana. They are your attorneys?

Mr. TARSNEY. They are my attorneys; but if there is any doubt as to the authenticity of this dispatch, the paper which contains this information will be here in to-morrow's mail before this case is disposed of. Nobody will question the veracity of the gentleman, because Mr. Yeager, while he is my attorney, is and has been for years president of the public school board of Kansas City, elected by the nonpartisan vote of that great city.

Now, I do not put this telegram in as evidence of the facts which it recites. One statement in it I do not believe is correct. I put in this telegram not for the purpose of establishing the facts it alleges, but to show this House that the truth is being developed and made available for the consideration of the House day by day, as that conspiracy, under the power of the courts, is being unwound. I want to do justice to the contestant by saying, as to one of the statements in this telegram, that I do not believe it is absolutely true that there were 400 fraudulent ballots put into that box and equally divided between the candidates for Congress, but the statement is significant of the fact, which must appear and will appear all through this record and everywhere else, that there was no disposition upon the part of the men who committed these crimes to commit them in the interest of the contestee. I was not a factor in the matter. You will ask, who was it done for and in whose interest? I answer you from this record, I answer you from the facts that have been developed. It was done in the interest of some local candidates on both tickets. It was done in the interest of candidates for justice of the peace, for constable, for county marshal, and for prosecuting attorney. That is what the record develops. And it was done by men of both parties. They were nonpartisan in crime. The Congressional district was not considered doubtful. The justice district and the district in which these local officers were candidates was considered doubtful. Therefore this work was done that they might be elected. Party tickets had to be used, and men like myself and the contestant had some of these fraudulent ballots cast for them, not with the intent of benefiting them, but because it was necessary to use our ballots in order to carry out the result aimed at by the conspirators. The office of justice of the peace is of more importance to the men who did that fraudulent work than that of governor of a State or that of Representative in this Chamber. It is more valuable in its salary and in its emoluments. So were any of these other offices. There is not one of them that is not more valuable in salary and emoluments than the position of a Representative here is. Therefore it was for that purpose that this work was done, and it was done by conspirators within the ranks of both parties.

Now, Mr. Speaker, the question is, can you, from the evidence I have shown you to be now available and that is not in the present record—can you arrive approximately at the true result in those precincts? If so, under this law it is your duty to do it. It is your duty to do it, because to do otherwise would be to establish a principle injurious indeed. It would be to establish the principle sought to be established by the report of the majority of this committee, a principle which would open the gates to the destruction of popular suffrage. Let me show you the dangerous extent to which that principle might be practically carried. Say, sir, that your district is composed of 100 precincts. In 97 of those precincts the balance between the two parties is about equal, so

that it can be determined approximately before an election that you and your competitor in those 97 precincts will not differ more than 100 or 200 votes in the result. But in the other 3 precincts there is a legitimate majority for your party of, say, a thousand or more.

[Here the hammer fell.]

On motion of Mr. BAILEY, by unanimous consent, Mr. TARSNEY's time was extended indefinitely.

Mr. TARSNEY. Now, Mr. Speaker, if fraud or misconduct of election officers can be shown in those precincts, and then if the law and the practice be that, fraud or misconduct being shown, you shall throw out all of the ballots cast in those precincts, all that your competitor would have to do would be to have some election officials in those precincts commit some act of misconduct, cast some fradulent ballots, no matter whether for you or for himself, the result would be the same—all that would be required would be that fraud should be shown, whereupon out would go your thousand or more majority in those precincts, and not only would the legal voters of those particular precincts be disfranchised and deprived of their choice of representation in this Chamber, but all the legal voters who cast their ballots for you in the other 97 precincts would likewise be disfranchised and deprived of their right to representation here.

Ah, Mr. Speaker, this is a dangerous principle that you would invoke and establish as a rule to determine who shall represent constituencies in this Chamber. It offers inducement and reward to criminals to perpetrate the crimes that we are here to-day condemning. I anticipate that you will pause, and pause long, before you subscribe to that dangerous principle, when there is no necessity for you to give it countenance, when we say to you, "It is your duty under the law, if you can, to segregate the illegal from the legal votes," and say to you further, "Here is the evidence that is necessary and available for that segregation, to save the rights of honest voters who honestly cast their ballots in those precincts." We say to you now, "Here is the evidence that clears up all this doubt and uncertainty," and when we say that, is the American House of Representatives going to write it in the history of this Government that, with this knowledge before them, they shut the doors and said: "It is not truth we want; we prefer to deal with this question, a question involving the rights of representation of 210,000 of our fellow citizens, we prefer to determine it by the doubts and the presumptions and the uncertainties that crowd the record in this case, a record which is not half made up."

I was a candidate for Congress in this same district in 1888. I was a candidate in that district in 1890. At the election in those three precincts when there was no pretense of fraud, when there was no pretense of misconduct, when there was no suspicion that tainted the election, when there was no cloud cast on the electors of those precincts, on that day of election in 1890 I received a majority of 242 votes in that ward.

I was a candidate for Congress in that district in 1892. Then again, under like circumstances, with nothing to induce a full outpouring of the voters, with nothing to stir up excitement or to call out the voters at that election, I received in that ward a majority of 331 votes. A purging of those ballots to-day will show in those three precincts a larger majority of ballots, cast by honest citizens, honestly cast, than I received upon either of the two occasions I have mentioned. Yet the contestant in this case comes to the walls of that ward, comes to the walls of those three precincts, with a plurality in his favor of less than 200—less than 200 plurality in the district—and facing a majority in that ward never when honestly cast and honestly counted falling short of something more than that plurality of his.

You are determining the right of representation in this Congress of 210,000 of your fellow-citizens. This is not a question of personal right; it is not a question of the right of the contestant or the contestee. This is not private interest that you are litigating. It is the right of constituencies. It rises above the mere personal right of the contestant or the contestee. So far as I am personally concerned, it little matters to me whether I hold a seat in this Congress or not; but it does matter something to me, fellow-Representatives, whether after seven years of at least endeavor for faithful service in this Chamber—whether if I go out of this House to-day, the majority report shall be recorded in the records of this body as the action of this House, when that majority report—although the gentleman from Nebraska [Mr. STRODE], like the gentleman he is, yesterday almost commenced his speech by exonerating me from the suspicion of participation in these frauds—the majority report does not; and it does matter to me if ten years hence or twenty years hence when the lawyers of this body are examining other election cases, and will read that majority report, they should be unable to determine from it whether the contestee in this case was not the criminal instigator, the prime mover, of the band of conspirators whose record is blackly written in that report. [Applause.]

Mr. MILLER of West Virginia. Mr. Speaker, I yield to the gentleman from Missouri [Mr. BURTON] so much of my time as he may desire, reserving the portion which he may not use.

Mr. BURTON of Missouri. Mr. Speaker, a Representative from Missouri, I am and ought to be deeply interested in the correct determination of this contest. I have not awaited the action and report of your committee, but I procured a copy of this record and have examined it with all the care and attention that time and opportunity would permit. I have been aided therein by the briefs of the contestant and the printed argument of the contestee. Colonel Van Horn approached me on the floor of this House and asked me, as a Missourian, who by reason of my more than quarter of a century of practice in her courts and a term of years upon her bench ought to be somewhat familiar with her laws, to speak in his behalf. I said to him, "Colonel Van Horn, I want the record in this case, and I shall not vote to unseat John Tarsney unless after a full and fair examination I am convinced that he ought to go." I talked with my friend Mr. Tarsney, and I asked him for his brief and arguments, and I said to him (speaking familiarly), "John, I shall not vote to turn you out unless after a full, free, and honest examination of this record I shall feel fully justified in so doing."

Mr. Speaker, I do not bring to the consideration of this question any personal feeling for or against either of these parties. My relations with the genial gentleman who now occupies the seat have been far more intimate, far more companionable than have ever been my associations with the gentleman who is contesting the seat. I shall not be influenced by any partisan feeling. No Republican can justify from a political standpoint a single addition to the already overwhelming majority on this side of this Chamber. But above and beyond that, I hope, I believe, I know, Mr. Speaker, that I am one of those who hold that the people of the Fifth Congressional district of Missouri have alone the right to say whether their Representative on this floor shall be a Republican, a Democrat, or a Populist, and when they have declared their wish, neither you nor I have any right to challenge their selection from either personal or party reasons. The record in this case discloses, and the parties admit, that stupendous frauds were perpetrated in the Fifth Congressional district of Missouri at the election in 1894; and right here I say to this House that I for one absolve my friend, the sitting member, from any participation in anything that was done illegally at that election in the Fifth Congressional district.

Mr. Speaker, we are met at the outset with an apparent conflict upon the case between the majority of the committee and the gentleman from Ohio [Mr. TAYLER], to whom I listened with much interest yesterday. I agree with him upon his proposition of law; and I congratulate him upon the clear, concise, and logical argument that he made. Upon the abstract proposition of law, I agree with him; but, Mr. Speaker, the contention between the gentleman from Ohio [Mr. TAYLER] and the majority is merely one of abstraction. The members of this House are not here simply to open a law school to determine abstract questions of law; they are here to apply the principles of law to concrete questions of fact, and I say to my friend that I think I can convince even him that the position on which he bases his argument is a mere matter of abstraction, because, Mr. Speaker, admitting everything that my Democratic friends contend for, admitting that this committee could go out to Kansas City and open those ballot boxes, I stand here to say that such a proceeding could not possibly change the result. Why? I want the House to distinctly understand this question. Outside of the fifth, sixth, and seventh precincts of the Second Ward alleged frauds are charged to have occurred in Elmwood precinct, just without the limits of Kansas City, and in the fifty-second precinct in said city, concerning which the rule invoked by the gentleman from Ohio could not apply.

Certain frauds are charged in the Elmwood precinct. It is alleged that from 142 to 170 votes were polled for Mr. Tarsney at Elmwood by men who were not legal voters in that precinct, because they were not residents thereof. That can not be determined by an investigation of the ballot boxes. The question whether they were residents of that precinct or not is a question of fact which is to be determined by the parol testimony contained in the record in this case. Again, in the fifty-second precinct it is charged that 170 Republican ballots were bodily taken out of the box after they had been cast, and that 170 Democratic ballots were substituted therefor. That issue can not be determined by the application of the rule invoked by the gentleman from Ohio, because you would have to not only open the ballot boxes, but subpœna every person who voted at that precinct, put him on the stand, and take his testimony as to how he did vote. Consequently I say that if the alleged fraud at Elmwood and the alleged fraud in the fifty-second precinct be proved, if you believe the testimony offered by the contestant concerning those precincts, then, granting that the ballot boxes if opened in the fifth, sixth, and seventh precincts will show all that is claimed by the contestee, still Colonel Van Horn will have been elected by a substantial majority.

However, if you do not find that the frauds alleged in the Elmwood precinct and the fifty-second precinct were committed, then the purging of the ballot boxes of the fifth, sixth, and seventh precincts may become essential. Now, I hope the gentlemen on

the floor understand the question at issue—the concrete question involved.

There is another reason, however, outside of the one already presented, why it would do no good to adopt the course proposed by the gentleman from Ohio and the minority of the committee, and that is a legal one; and I admit, Mr. Speaker, that it is only a matter of first impression. The lawyers upon this floor will understand what I mean by that term. I am of opinion that you could not get into those ballot boxes. Why do I say that? Because of our peculiar constitution, and because of the construction the supreme court of the State of Missouri has placed thereon. I call your attention to it now, and I have asked good lawyers on the other side of the House to give their attention to it also, and I would be pleased to hear from them concerning it. There is a constitutional provision which may stand in the way, and to which I desire now to refer. The eighth article of the constitution of the State of Missouri, in its third clause, provides as follows:

All elections by the people shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received and the number recorded by the election officers in the list of voters opposite to the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted unless required to do so as a witness in a judicial proceeding: *Provided*, That in all cases of contested elections the ballots may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

In the very same article another section of the Constitution provides when, where, and how contests shall be had in election cases:

The trial and determination of contested elections of all public officers, whether State, judicial, municipal, or local, except the governor and lieutenant-governor, shall be by the courts of law or by one or more of the judges therein. The general assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto.

In other words, it provides that the ballots shall be only examined in a judicial contest, and the Constitution, as I have shown, provides expressly how, where, and when these judicial contests shall be held.

There is a little history in connection with this subject that I may as well relate at this point. In 1884 there was a contest in the city of St. Louis. There had been some ballot-box stuffing and some repeating, and the records of the Federal court show that 30 of the "heelers" and ballot-box stuffers of the city of St. Louis were convicted by the Federal court for frauds committed at the election.

At the city election the Hon. David R. Francis was elected mayor of the city of St. Louis upon the face of the returns. Mr. Ewing brought a suit in the courts to contest that election, and asked that the ballot boxes be opened. The supreme court dismissed the case, because it found that the legislature had neglected to confer upon any court the jurisdiction to try and determine a case of contest for a municipal office. In other words, it was simply an omission of the legislature to provide a law covering contests of that kind. Thereupon Mr. Ewing sued out a writ of quo warranto, and asked that the court order the ballot boxes to be opened and the ballots counted; and I hold here the decision of our supreme court, which I will not undertake to read, but which says that in a proceeding of that kind the ballots can not be counted, and that the word "contest," as used in the constitution, means a statutory contest.

That is not all. When they indicted the numerous conspirators at Kansas City for frauds perpetrated at the election of 1894, the grand jury sent a subpœna duces tecum to the recorder of voters, commanding him to bring the ballots before the grand jury that they might examine them. That recorder, to whom the subpœna was directed, was a Mr. Arnold, a most honorable, upright, and excellent gentleman. He took that subpœna to his attorney. His attorney advised him that under the constitution and the rulings of the supreme court he could not obey the subpœna except in violation of his oath of office and the provisions of the constitution. Thereupon they put him under arrest. He sued out a writ of habeas corpus, and the supreme court discharged him, holding that under the constitution even a grand jury can not go into the ballot boxes and examine the ballots therein contained.

"But," say some gentlemen to me, "Judge BURTON, do you hold that this House, which, under the Constitution and the law has the right to determine the election, the returns, and the qualifications of its own members, can not go into these boxes? Is not this General Government paramount to the State?" To the latter question I say yes, but Congress never has attempted, and I hope never will attempt, to override the constitution of a State unless the constitution of the State is in violation of the Federal Constitution. I therefore suggest to my Democratic friends, "What method have you of entering these ballot boxes? How can you examine them?" You may have a law. I am not familiar with that branch of the subject.

Mr. BAILEY. Will the gentleman from Missouri yield for a question?

Mr. BURTON of Missouri. Certainly.

Mr. BAILEY. I desire to ask the gentleman if he has considered this question: Whether it is permissible for the constitution of a State to prescribe the manner of the election of Representatives in Congress, the Constitution of the United States saying that the time, manner, and place shall be prescribed by the legislature of the State?

Mr. BURTON of Missouri. I have considered that question, and I answer no. I do not claim that the State has any such right, but I say that in the absence of a Federal law when you go into a State you have to pursue the machinery of the State. That is what I mean. I present it to the constitutional lawyers upon the other side. I do not say that I am right. I said that as a matter of first impression; I think I am right.

Mr. MAGUIRE. Will the gentleman permit a question?

Mr. BURTON of Missouri. Yes.

Mr. MAGUIRE. Suppose that under the constitution of Missouri it had been expressly provided that under no circumstances should Congress be permitted to recount the ballots in a Congressional contest. Do you think that would be good?

Mr. BURTON of Missouri. Certainly not. I do not contend for anything of the kind. I am only saying this, that unless Congress exercised its power and prerogative, and made some enactment under and by virtue of which you can go into the ballot box, where is your power? I submit it to you, gentlemen, as a matter of first impression. I may be wrong, and I do not want to assert anything here that I do not know to be true. I submit it for whatever you may consider it to be worth.

Second, if you go out there and open the ballot boxes, what are you going to find? My friend the gentleman from Ohio [Mr. TAYLER] made this illustration: He said, "You will find in that box the ballot of John Smith. John Smith is one of the men whose names were marked as having voted who did not vote. You have his name on the list; now examine his ballot." Very well, I concede that; but suppose, Mr. Speaker, that after this trouble arose—and there was ample time, knowing what was coming, as those gentlemen did know, not here, but in the courts of the land—they had scratched the name of John Tarsney off that fraudulent ballot purporting to have been voted by John Smith and had written the name of Colonel Van Horn in its place, and then had gone down the list until they came to the name of Frank Jones, who was a legal voter and who voted for Van Horn, and had scratched Van Horn's name off and written Tarsney's name thereon in order to even up, would the opening of the ballot box discover that? No. You would have to go over every vote in that box and subpœna Frank Jones and every other purported voter to show that his vote had been altered.

Mr. BRUMM. I ask whether that could not be done—whether you could not so investigate it?

Mr. BURTON of Missouri. Certainly it might be done, but it would take almost until the day of judgment to do it.

Mr. JOHNSON of Indiana. It would not be necessary to write the name of Mr. Tarsney on the ballot. All that it would be necessary to do would be to take a piece of india rubber and rub off the scratch over the Republican ticket.

Mr. BURTON of Missouri. No, my friend; you are wrong. You do not know the law of the Missouri ballot or you would not make that statement.

The Missouri ballot is the easiest ballot scratched in the world, if you want to commit a fraud of that kind. I will tell you how. We vote what we call a "blanket ballot." It is larger than this page of a newspaper. The name of every candidate is printed upon the ballot. They are put in what the law calls "groups," but what we will call columns. In the first column is the Democratic ticket; in the second is the Republican; in the third is the Populist; in the fourth is the Prohibition; in the fifth is the Socialist, or any other ticket that has been nominated.

One of the judges hands one of these ballots to the voter. He must do his voting on one of these columns. To illustrate, suppose I am a Democrat. I go into the booth, and what is the first thing I do? I scratch off the Socialist ticket, then the Prohibitionist ticket, then the Populist ticket, then the Republican ticket, and then I have nothing but the Democratic ticket left. Now, suppose that, being a Democrat, I want to vote for Colonel Van Horn. I have to go down to John Tarsney's name and scratch his out and write Colonel Van Horn's in, notwithstanding the fact that Van Horn's name is printed in the Republican ticket in the next column. If I simply scratch Tarsney's name off the Democratic ticket and permit Van Horn's name to remain unscratched in the Republican column it does not count. Now, you will see how easy it would be to take the ticket that had been voted by Frank Jones and run a pencil through Van Horn's name and write under it "Tarsney." As you have to write in order to vote a scratched ticket, there is no ground for suspicion because of the writing. Every man who attempts to vote an independent ticket has to scratch out one name and write in the name of another.

Mr. BRUMM. Will the gentleman permit me at this point to

interrupt him for a matter of information? Let me first ask who furnishes these tickets?

Mr. BURTON of Missouri. The clerk of the county in the outside counties, and the recorder of voters in the city of Kansas City.

Mr. BRUMM. Are these tickets furnished with a stub? Is there a stub attached to them by which you can keep a record of what becomes of the tickets?

Mr. BURTON of Missouri. No, sir; they are not so furnished.

Mr. BRUMM. Not with a stub attached?

Mr. BURTON of Missouri. No, sir.

Mr. BRUMM. Then it is not the Australian system.

Mr. BURTON of Missouri. Well, we call it the Australian system; "but a rose by any other name would smell as sweet." [Laughter.]

Mr. BRUMM. And something else that was bad would smell as bad under any other name.

Mr. BURTON of Missouri. Yes; under some other name it would smell as bad.

Mr. BRUMM. But the point I wanted to ascertain was as to whether under your system you facilitate or permit the spurious ballot to be deposited, or, in other words, whether you have anything in the system by which you can keep a record of the ballots furnished to voters. That is the better way to put it.

Mr. BURTON of Missouri. No; not in the way you suggest.

Mr. BRUMM. Do you in any way?

Mr. BURTON of Missouri. Yes. If every judge or clerk of election is honest, and if the custodians into whose hands the ballot boxes have been returned are honest, then they are a check upon themselves.

Mr. BRUMM. But if they are dishonest, then what?

Mr. BURTON of Missouri. If they are dishonest, I regret to say it, they can rob almost any man of his election; I mean if the whole gang who have control are dishonest. Take this very case. After the votes had been counted; after they had gone into the hands of the recorder of voters; after the judges had promulgated the votes, which showed that the Republican candidate for county attorney and the Republican candidate for marshal had been elected by a small majority, somebody in the office of the recorder of voters changed the tally sheets so that the canvassers of returns found and declared that the Democratic candidate for county attorney and the Democratic candidate for marshal in Kansas City had been elected.

Mr. BRUMM. But the point——

Mr. BURTON of Missouri. I will answer your question, but in doing so I will give you a little history. On the refusal of their certificates the county attorney and marshal-elect brought suit in the courts. Upon exhibition of the tally sheets, by holding them up to the light, you could see that they had been altered and changed. Thereupon the Democratic candidate for county attorney went into open court and confessed judgment of ouster.

Mr. BRUMM. But that does not seem to answer the point I want to get at. It seems that in this case, or in a number of cases, it appears a number of fraudulent ballots were ground through by the action of the election board.

Mr. BURTON of Missouri. Yes.

Mr. BRUMM. What I want to get is: Where did they get these ballots; where could they get them if you had the Australian system?

Mr. BURTON of Missouri. Why, under the law of the State of Missouri the county officers furnish the judges, on the morning of the election, with the ballots. There are six judges; two of them are distributing judges, two receiving, and two counting judges. In other words, the clerk of the county court, or in the city of Kansas City the recorder of voters, furnishes the proper number of ballots proportionate to the whole number of voters of the precinct. They are given out by the distributing judges to the voters.

Mr. BRUMM. As he comes to vote?

Mr. BURTON of Missouri. Yes; and the voter goes into a booth by himself and fixes his ticket. The law makes it his duty to bring it back if he mutilates it, and he then surrenders it and takes another and fixes it. That is our law. But you can very readily understand how, if the judges are willing, a man can put one or two or more of those ballots into his pocket and go out.

Mr. BRUMM. But where can you get the alphabetical ballots that you speak of, from 1 to 200, unless possibly they are forged papers; and if so, then would it not be the easiest thing in the world to show their forgery by an examination of the ballots themselves? That is the point I want to get at.

Mr. BURTON of Missouri. Exactly; and when I come to that branch of the case I will explain it, but in the meantime let me say that in the country we do not have any regular registration. In cities of 100,000 or more every voter's name is put on the registration book, the poll book, in alphabetical order. To the left of his name are two columns. The first column shows his registration number. To illustrate: Suppose John Adams is the first man on the list alphabetically, his name will appear at the top of the poll book and immediately to the left will be a column giving his registration number, which may be, for example, 1907. When the voter comes to vote, in the next column to the left is put the number indicating the order in which he has voted; so that by running down the second column you can always tell the order in which the voters have voted. Now, it appears that in each of the three precincts in question 200 men voted in the regular alphabetical order in which their names appeared upon the poll books—which we all concede is an impossibility.

Mr. BRUMM. But still you do not answer my question. Where did they get the ballots from that they voted?

Mr. BURTON of Missouri. Why, nobody voted them. The judges themselves put them into the ballot boxes in the morning.

Mr. BRUMM. But where did the judges get them?

Mr. BURTON of Missouri. I have told you that the recorder of voters gave them to the judges. [Laughter.]

Mr. BRUMM. If the officer gave them to the judges, then they must have been forged ballots.

Mr. BURTON of Missouri. Not necessarily. Here, for instance, on election morning there was handed to the election officers in every precinct in Kansas City a poll book containing every name on the registration list, in alphabetical order.

Mr. BRUMM. Do you mean to say that the judges tore out those tickets and gave them to those voters?

Mr. BURTON of Missouri. No, sir; they did not tear them out of anything. For instance here——

Mr. BRUMM. One moment, if you please. If they did not tear them out, are not the judges charged with the number of ballots that are placed in their hands?

Mr. BURTON of Missouri. Only as I have stated. For instance, if there are 500 voters in a ward they give them 2,000 ballots.

Mr. BRUMM. The number is immaterial. They are charged with what ballots they get?

Mr. BURTON of Missouri. Yes; they are charged, in your mind.

Mr. BRUMM. But are they not charged as a matter of record?

Mr. BURTON of Missouri. I never heard of their being.

Mr. BRUMM. Then you do not know, and therefore you can not answer my question.

Mr. BURTON of Missouri. Yes, I do know.

Mr. BRUMM. Then why do you not answer?

Mr. BURTON of Missouri. Mr. Speaker, I can answer the gentleman's question, but I admit that I can not convince him. [Laughter.]

Mr. BRUMM. Then answer. Whether you convince me or not is immaterial.

Mr. BURTON of Missouri. I will try to answer the gentleman.

Mr. BRUMM. There are others here that want to be convinced.

Mr. BURTON of Missouri. I want to be perfectly fair, and I am here to give the House all the information I can on the subject. Now, it is the duty of the officers to have on hand so many ballots, and they give a certain number to the judges in each precinct on the morning of election. They hand them as many as may be called for, and the balance that are not used are burned up, because they are of no value when the polls are closed.

Mr. BRUMM. Then the officers are not supposed to make a return of the balance of the ballots in their hands?

Mr. BURTON of Missouri. I never heard of their being required to do that.

Mr. BRUMM. Then the whole affair is an absolute nonentity, a fraud. [Laughter.]

Mr. JOHNSON of Indiana. Mr. Speaker, I understand the point which the gentleman from Pennsylvania has in mind and I think I can enlighten the House upon it in due time.

Mr. BRUMM. Mr. Speaker, I can not understand why those officers do not make a return of the ballots that are not used.

Mr. BURTON of Missouri. The ballots that are not used do not cut any figure. It is the ballots that are used that cut the figure. [Laughter.]

Mr. BRUMM. In our State, and in all well-regulated States, they do make a return of the ballots that are not used.

Mr. BURTON of Missouri. Well, then ours is not a well-regulated State. [Laughter.]

Mr. CLARK of Missouri. Before my colleague resumes, allow me to ask a question to explain the matter which has been inquired about by the gentleman from Pennsylvania [Mr. BRUMM]. Is it not true that for every 50 voters at our elections 200 ballots are strung?

Mr. BURTON of Missouri. Yes, sir.

Mr. CLARK of Missouri. And one-half of those are put in the hands of the judges of election—the election board—before the election commences?

Mr. BURTON of Missouri. Yes, sir.

Mr. CLARK of Missouri. And the other half in the hands of a constable to be supplied in case of need?

Mr. BURTON of Missouri. The gentleman correctly states the law.

Mr. CLARK of Missouri. So that there is an abundance of bal-

lots which might be used and which have not to be counted for either party.

Mr. BRUMM. That is an explanation; I am glad it has been made.

Mr. BURTON of Missouri. If I had known that was what my friend from Pennsylvania wanted, I could have given it to him long ago. [Laughter.]

Now, in the first place, as a matter of impression, I doubt whether you can go into the ballot boxes if you go out there; second, I question whether, if you go into the boxes, you will find those ballots in the condition in which they were. My friend says it would take a sleight-of-hand performance to have altered them which would surpass that of Herrmann. Why, my dear sir, some of those fellows up there can, to use a common expression, give Herrmann cards and spades and beat him in that game. [Laughter.]

Now, the third proposition I make is this: Conceding that if you should send the committee out there and they should find every possible vote that Mr. Tarsney or the minority of the committee claim was fraudulent cast or counted for Van Horn, was so cast or counted, still Colonel Van Horn is elected by a substantial majority.

In the first place, the Fifth Congressional district is composed of two counties—Lafayette and Jackson. There is no fraud charged in Lafayette; there is no fraud charged in relation to Jackson County, outside of Kansas City, except in one precinct, Elmwood precinct, which at one time was in Kansas City, but is now outside the city limits.

At this point I want to make a statement (because I do not think my friend Tarsney in his printed argument is exactly fair), and it is upon this idea, that the tide of political revolution which flowed all over the country was seen and felt in the Fifth Congressional district. My friend in his printed argument says, if I remember rightly, that Van Horn received only 162 more votes outside of Kansas City than the Republican candidate for Congress received in the same territory in 1892. Here are the facts, and I have the record before me and the certificate of the secretary of state: In the county of Lafayette Mr. Tarsney received 1,032 less votes than he did in 1892. Colonel Van Horn received 162 more votes than did the Republican candidate for Congress in 1892. In the county of Jackson, outside of Kansas City, Mr. Tarsney received 1,176 less votes, while Colonel Van Horn received 331 more votes. Mr. Tarsney received 2,208 less votes in Lafayette and Jackson counties, outside of Kansas City, in 1894 than he did in 1892, and Colonel Van Horn received therein 493 more than the Republican candidate for Congress did in 1892, making a difference of 2,701. These figures are taken from the returns of the secretary of state published in this record.

Now, I merely introduce this for the purpose of showing to this body that the political revolution which was felt everywhere else was felt up there. And I ask any of you gentlemen to say why it should stop when it reached the barrier of Kansas City, and why the opposite should have proved to be true only when you come into the very wards in which Republican challengers and Republican witnesses were ejected from the polls and into which judges and clerks were colonized from outside precincts.

The first precinct to which I desire to call attention is Elmwood precinct, lying just outside the limits of Kansas City, about four blocks away. I want to call your attention to this point particularly, because it must be determined by parol testimony. There were some suspicious circumstances connected with this precinct before the day of the election. What were they? Under the Missouri law each of the two leading political parties is entitled to three of the judges and two of the clerks at each precinct. That is the law. The usual rule is for the chairmen of the committees of the respective parties to make their selections and hand them in to the appointing power, and these nominees are usually appointed, as they ought to be. Somebody has to look after this, and who should that somebody be unless it is the committee in charge of the political party? I find that my friend from California [Mr. MAGUIRE] in his minority report censures the recorder of voters for not appointing gentlemen whom the Republican committee presented to him for appointment. This precinct, however, was in the county of Jackson, but outside the city.

It was the duty of the county court of Jackson County to appoint the judges and clerks of election for this precinct. What was the first suspicious thing? When the Republican committeeman from Elmwood precinct went to the county court of Jackson County and presented the names of the Republicans whom the committee wished appointed as judges and as clerks the county court refused to appoint them. Why? The evidence shows that they were old residents of that precinct, that they were property holders, that they were upright men. But the county court refused to appoint them. Whom did it appoint? Men whom the Republican committee did not recommend; men that the committee did not indorse and whom they did not want; men whom you and I under this testimony presented here in the report have the right to believe were appointed as Republicans but who were Republicans in name only.

What was the second suspicious circumstance? The polling place was changed from the customary location and placed right adjacent to a disreputable saloon run by a Democratic boss. The Republican committee, so the record shows, went to the county court and complained, saying that the polling place ought to be established in the customary place. The court said the sheriff had charge of the matter. The committee went to the sheriff, but the sheriff refused to make the change. The sheriff was himself a candidate for reelection on the Democratic ticket at that election.

What occurred on the day of the election? In the first place the windows were soaped, just as they were in the fifty-second precinct, and my friend Mr. Tarsney says the object was to protect the voter, who, under our system, has a right to be screened from the observation of those outside—from the gaze of the world—while preparing his ticket. Booths are prepared for that purpose, and the testimony clearly shows that the object in soaping the windows was to shut out from view the misconduct of the judges and clerks.

The law expressly and distinctly allows each political party to have a witness to watch the judges, to examine the count, to see that the judges count off the ballots read, and that the clerks duly make a record of the votes. In this particular precinct the windows were soaped so that nobody could see what took place inside. The second thing they did was to turn out the challenger and the witness on the part of the Republicans, so that there was nobody to challenge the illegal voter and no witness to see that the vote cast was counted.

Third, the testimony discloses the fact that the judges and the clerks in the Elmwood precinct who were appointed as Republican judges and clerks became maudlin drunk during the day and were not in a condition to attend to their duties, had they desired so to do.

Fourth, it appears from the testimony that blocks of men came from the direction of Kansas City—in squads of twelve or fifteen—to this polling place.

They went directly into the disreputable saloon in the neighborhood of the polling place, then they came out and went into the polling booth, and when the Republican challenger attempted to challenge their right to vote there he was ejected and was informed that he must stay away; that he had no business in there. These men, the blocks of voters of whom I speak, went into the booth and it is to be presumed that they voted, and I will give reason for that presumption further on. Then they went off in the direction of Kensington precinct, three-quarters of a mile distant, and did the same thing. It was known that the same proceeding was there gone through with because men followed them from the Elmwood precinct to the Kensington precinct and gave information to the challenger and the officials of the election at Kensington, but the challenger there was not permitted to go into the room and challenge the men who had voted at Elmwood, and when he undertook to challenge them he was arrested and taken down town, as shown by the evidence in this record.

Now, for the purpose of showing a comparison between the votes cast in this precinct in 1892 and 1894, I call your attention briefly to a table that I have prepared. I do not claim that this method is absolutely correct, because some men who voted there in 1892 may have died or moved away, some may have come in since 1892, and it is possible that some of those who voted in 1894 went away since that election was held. But it is tentatively correct; it is at least advisory, and gives some details which are of interest in considering the pending question raised on the vote at that precinct.

In 1892 Mr. Tarsney received in that precinct 202 votes; in 1894 338 votes, or an increase of 136.

In 1894 Mr. Van Horn had 229, and in 1892 the Republican candidate for Congress had 198, a gain of 29 votes for Mr. Van Horn over the election of 1892. The total vote polled was 581 in 1894, and 410 in 1892, a gain of 171. In two years, therefore, in a precinct where the testimony shows that there was no increase of population there was an increase of 171 in the number of the voters. But that is not all. Immediately after the election when the committee on safety, composed of Republicans and Democrats, went into the investigation of the matter of fraudulent votes in Kansas City and vicinity, they polled this precinct; and what did they find? Bear in mind that there were 581 votes polled in this election. The canvassers went from house to house, and after an investigation found but 438 voters in the precinct, 143 less than appeared as voting on the poll books, not to take into consideration men who were there and did not vote at all. But even that is not all. They found that of the 438 voters there were 233 Republicans. How many did Van Horn get? Two hundred and twenty-seven, or 6 less than the Republican voters in that precinct on the day of the election.

How many Democrats? One hundred and sixty-eight, and 30

men who would not say how they voted, whether Democratic or Republican. Add your 30 who refused to say to the 168 who said they were Democrats, and you have, all told, 198 votes, and yet Mr. Tarsney received 338 votes in this precinct. Where did he get them?

Mr. Speaker, still further, on this evidence: These same witnesses——

Mr. RANEY. Are all those facts to which you refer set forth in the evidence, in the record in this case?

Mr. BURTON of Missouri. These facts are all in evidence in this record. I take the figures from the certificate of the secretary of state. I do not give a single figure that is not found in that record. These same witnesses who canvassed this precinct in behalf of the committee of safety found that by going to this disreputable saloon and boarding house—it was a combination—that the proprietor claimed that on election day he had 112 men boarding with him, although the capacity of his house was not sufficient to accommodate exceeding 35 men. He could not give the name of a single one. He did not keep any books and he only claimed to know them by numbers. Out of the whole 112 only six or seven could be found. That is the testimony in the record.

In defense, Mr. Tarsney introduced a witness to prove that some time before this some contractor had been building a sewer in that portion of the city, and that there had been employed at one time as many as 800 men, and my friend argues that some of those men who could not be found there shortly after the election were these particular men who worked on the sewers, and that they were legal voters. Now, I want to call your attention to a few words from the lips of that very witness. On page 938 of this record is the commencement of the testimony of this witness, Mr. Pease, put on in defense by Mr. Tarsney. He was examined and cross-examined, and among other things this is what he said:

Q. Well, how many of them voted there that day?
A. I would say, to be conservative, a hundred.
Q. How long had that Gooseneck sewer been in construction at that time?
A. Why, this was in November—it had been some time; I do not know how long. It seems to me that they had been at work on it nearly all fall and summer.
Q. Well, that sewer is completed, is it not?
A. Yes, sir; I think so.
Q. And all these men that were at work there on that sewer have left that community?
A. Oh, yes; shortly after.
Q. Is it not a fact that the men that were employed on that sewer were a class of men who moved around wherever they could get a job?
A. I should say, mostly dagos.
Q. And since they were discharged they went away?
A. Yes, sir.
Q. None of them had any homes out there, did they?
A. Not to the best of my belief.

The witness swears that not one of them had a home in that precinct, and I say that is not the kind of citizens we have in Missouri; that because a man happened for the time being to be working on a sewer, that does not constitute him a resident or a citizen by any means; and I say when you take into consideration the character of this testimony, that they were dagos, that not one of them had a home, that they were unknown, that no man could tell their names, that the saloon keeper with whom they boarded only knew them by numbers, you have a right to find that they were not legal voters, when the testimony further shows that many of them went right from Elmwood down to Kensington and voted again; at least 170 of them cast their votes, and they were counted for the contestee.

The testimony shows that 171 of the persons returned as having voted in this precinct could not be found therein ten days after this election—nearly 30 per cent.

But, Mr. Speaker, I want to give my friend the credit of everything I can, and I therefore limit it to the minimum, and I say that under this evidence there is not a man in this House, if he was in the jury box as a juror, under the solemnity of an oath, listening to the testimony of these witnesses, who would not find that at least 142 of the ballots cast in Elmwood precinct were illegal ballots, and that they were cast and counted for the contestee. I therefore charge Mr. Tarsney with 142 fraudulent votes in that precinct.

We now come to Kansas City. I want to call the attention of this House in a general way to some general matters of fraud. In the first place, what did the recorder of voters do that was illegal? The testimony shows that a list of 4,300 fraudulent voters was presented to him to strike off from the registration lists. Did he do it? No. It was made his duty to submit that list of names to a board of revision. He refused to do it, and not a single, solitary one of these 4,300 fraudulent names was stricken off. Understand as to these names—some of them were names of dead men, some were the names of those who had moved away. Many of them were fictitious, registered from vacant lots, vacant tenement houses, saloons, houses of ill fame, and other disreputable places. Canvassers had been sent out who ascertained that these 4,300 names should be stricken off the registration list, and yet Mr. Owsley refused to strike off a single name or to submit that list to the board of revision.

What is the next thing he refused to do? When the Republican committee presented its list of judges and clerks to be appointed, Mr. Owsley refused to appoint them, and the minority of the committee in their report censure him for not doing it. Why did he not do it? What earthly motive could he have for not doing it?

But that is not all. He appointed, if I remember right, about sixty judges and clerks who were not named, who were not indorsed, who were not recommended by the Republican committee. The testimony shows that some of them were unknown, that canvassers went to the places where these men were said to be residing and could not find them, and the testimony shows that in several precincts every judge and clerk of the election was imported for the purpose of perpetrating frauds. They were not residents and not qualified to act. For instance, in the fifth, sixth, and seventh precincts of the Second Ward there was not a man who acted as a judge or clerk who lived in those precincts. Not one. In the twenty-seventh, forty-eighth, and fifty-third precincts judges were colonized, did not live there, and had no right there.

Mr. Speaker, under the law of Missouri there is a provision for a challenger at the polls and a witness to the count.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONG. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

There was no objection, and it was so ordered.

Mr. BURTON of Missouri. I thank the House.

I say we have a law giving the right to each political party to have a challenger at the polls and a witness to the count. In Kansas City, when the Republicans made application to Mr. Owsley for the appointment of a challenger and a witness, he refused, and said that "under the peculiar law that prevailed in Kansas City witnesses were not allowed." Well, it raised a great storm, and thereupon Mr. Owsley wrote a letter to the Republican committee (it is published in here) calling attention to the fact that there was a conflict in the law, as he claimed, and that a witness could not be permitted; and he proposed to make up a case and submit it to the three circuit judges of Kansas City, and agreed to abide their decision. The Republican committee accepted his proposition in writing. The case was made up and submitted to the court, and the court decided that Mr. Owsley was wrong, and that in the city of Kansas City, as well as in every other part of Missouri, each one of the two political parties was entitled to a witness of the count. Notwithstanding that fact, the sworn testimony of his own deputy and the testimony of other witnesses show that on the night before the election he not only neglected to inform the judges and clerks of the election that each of the parties had the right to have a witness, but he told them that they, the judges and clerks of the election, were the sole judges of the law, and that they had the right to reject challengers and witnesses, both, if they so desired. Why did he do it?

Now, then, I want to call attention to the number of precincts in which they did eject the witnesses and challengers. In the third, fifth, sixth, seventh, twenty-seventh, and fifty-second precincts they ejected both the challengers and witnesses; in the first, fourth, twenty-second, twenty-sixth, twenty-eighth, forty-eighth, forty-ninth, and fifty-third they ejected the witnesses, and the wards in which the greatest frauds were committed are those in which the challengers and witnesses were both ejected.

Let us take the fifty-second precinct. Mr. Tarsney has gone over the testimony with reference to that. Mr. Canney says that 170 Republican votes that had been legally put in the box were taken out; 115 at one time and 55 at another. The 115 were taken out of the polling place in a lunch basket and the 55 stuck in the stove, and 170 Democratic ballots were substituted for Mr. Tarsney. My friend says that Mr. Canney is not corroborated. He is corroborated. And then my friend argued about the little coal house, or the little granary. The testimony shows that it was a little building in which were three grain bins, and the judges who had the counting got over into one of these bins where they could not be seen by the voters or other parties. The testimony of another man corroborates Canney. This witness saw Hanson down on his knees scratching ballots in the bottom of one of these bins, and when asked what he was doing, Hanson said he was merely marking the rejected ballots.

Mr. Speaker, when we compare the vote in that precinct with the vote of 1892, what is the result? In 1892 we find that Mr. Tarsney received 219 votes. In 1894 he received 363, a gain of 144, notwithstanding the political revolution. The Republican candidate for Congress in 1892 received 246 votes, while Colonel Van Horn received only 183, a loss of 63 votes, in a ward that was openly and notoriously Republican theretofore; and so it is that that fact to this House is advisory and one from which we have the right to say that Mr. Canney's testimony is true. But Mr. Tarsney says that Canney ought not to be believed. Why? Because he is a particeps criminis.

Well, now, I will admit that when we look at his testimony we ought to be governed by the law, that the testimony of an ad-

mitted accomplice should always be received with great caution and that it ought not to be believed unless it is corroborated directly and strongly by other testimony or by physical facts. The physical facts in this case show that they had wiped out a majority in a Republican ward and given a majority to Mr. Tarsney. This Mr. Canney went down to Jefferson City, and upon the strength of his statement the Democratic governor refused to issue commissions to the Democratic county attorney and marshal, and finally the Democratic candidate for county attorney went into open court and confessed a judgment of ouster. But Mr. Tarsney says that that man Canney has since been indicted.

That is true, Mr. Speaker. He has been indicted, but when and where and how? The other side have been reading telegrams, and I am going to read one. My friend Tarsney says that notwithstanding these men were indicted upon Canney's complaint more than sixteen months ago, they have not been tried. Whose fault is it? Go to the records in the courts of Kansas City and Independence and ascertain. Time and time again they made application for a continuance, and finally they swore against the Democratic judge upon the bench and took their cases down to Cass County, and they have been standing there, and the State has been ready to try them upon the testimony of Canney. But that is not all. I want to read this telegram received from Harrisonville, from a man who does not live in the Fifth district, but who is known throughout the length and breadth of that country as one of the best lawyers in the State, a high-minded, pure, and upright American citizen. Here is the telegram:

HARRISONVILLE, MO., *February 7, 1896.*

Hon. CHARLES G. BURTON,
Care House of Representatives, Washington, D. C.:

On January 16, 1896, an indictment was procured in this county against T. J. Canney, who was one of the judges of election in the fifty-second precinct in Kansas City, Mo., in the fall of 1894. This indictment was for perjury alleged to have been committed in September, 1894. Canney is one of the witnesses against Ed. Findley and others, indicted for frauds in the Ninth Ward at the election in 1894, above mentioned, etc., and whose trials are soon to take place. At the time of Canney's arrest several of Findley's intimate friends, having learned in some way that the arrest was to be made before day on Sunday morning, January 26 last, were present, and asked to be allowed to take the warrant and make the arrest, but the sheriff from this county refused the request. When arraigned in court on Monday following, Canney demanded a trial as soon as possible, but the State, not being ready, procured the case to be continued until next May. The circumstances attending the case, the interest the defendants in the election-fraud cases have manifested in having Canney indicted, the long time that had elapsed between the alleged perjury and his indictment for it, and the fact that he has been in Kansas City during all the time, together with the very flimsy and absurd basis for the charge against him, all point strongly to the conclusion generally held by the public here, and which I believe to be correct, that Canney was indicted to weaken his testimony and thereby help the defendants in the trial of the election-fraud cases.

That does not come from any attorney in this case nor from any man who is interested.

Now, gentlemen, I say that, applying the testimony in this case, it is clear that these men absolutely stole out of the box 170 Republican votes that were cast for Colonel Van Horn, and in lieu thereof put in 170 votes for Mr. Tarsney.

The gentlemen of the minority consent to let that vote go. They say you can not purge that. Exceedingly generous! Upon its face it robs Mr. Tarsney of a majority of 180, but as a matter of fact it robs Mr. Van Horn of a majority of 160.

Mr. MAGUIRE. If the gentleman will pardon me for interrupting him, the minority does not object in its report to going into that precinct and doing the best that can be done. What it says is that upon the evidence now before the House it does not appear that that precinct can be purged. Neither side has shown that it can be purged.

Mr. BURTON of Missouri. Well, I say that if you open the ballot boxes, then you must take the name of every man who voted and send out a subpœna for him, and then, if you can find him, you must bring him in and put him upon the witness stand and ask him how he voted. That is the only way you can purge that fifty-second precinct.

Mr. MAGUIRE. That may be so as to the fifty-second precinct, but as to the fifth, sixth, and seventh the case is different. We have already in the record the testimony which shows what names were fraudulently voted.

Mr. BURTON of Missouri. Exactly. I am coming to those. Now, I proceed to the Second Ward, and I am right glad that my friend Tarsney read the telegram from his attorney, Mr. Yeager. I know Mr. Yeager. He is the president of the public school board at Kansas City, and as honest and upright a man as lives in all the State of Missouri, and when he telegraphs here that Miller, upon the witness stand, and that Krider, upon the witness stand, have testified so and so I believe him, and I congratulate myself, because the testimony stated in that telegram verifies the examination that I made of this record two weeks ago.

Now, let us take this fifth precinct, or, rather, I will take the three precincts together. It is admitted by my friends on the other side that 200 votes in each one of those three precincts were put into the boxes before the polls were opened. There are several ways of proving this. Bradbury, a witness, testifies to it. It is corroborated by the poll books themselves. It is admitted by everybody. I want to call attention to a few facts. The total vote cast in the fifth precinct in 1892 was 351.

In 1894, at the spring election in Kansas City, the Democratic party divided into two bodies, putting up two candidates. A political fight of that kind brings the vote all out. So that in Kansas City, in the spring of 1894, there was a very full vote. Now, bear that in mind all the time. At the Congressional election in 1892, 351 votes were polled. At the spring election in 1894, 377 votes were polled; but in 1894, at the Congressional election, 621 votes were polled.

In the sixth precinct there were polled, in 1892, 155 votes; in the city election of 1894, 186; in the Congressional election of 1894, 509. In the seventh precinct there were polled, in 1892, 243 votes; at the spring election of 1894, 246 votes; and at the Congressional election of 1894, 514 votes. Total in the whole ward at the Congressional election of 1892, 749 votes; at the spring election of 1894, 809 votes (the largest vote ever polled in that ward); but in 1894 there were polled in that ward 1,644 votes.

Mr. BRUMM. You mean there were that many returned?

Mr. BURTON of Missouri. Yes, I mean returned; I thank the gentleman for the correction. The increase over the Congressional election of 1892 was 895, and the increase over the spring election of 1894 was 835.

Now, it is admitted that 600 votes were put in the box before the polls were opened. The committee of safety within two weeks sent out into that ward a couple of canvassers who on making a house-to-house canvass found that many men whose names appeared upon the poll book as having voted were registered from vacant lots—some of these were within four blocks of the office of the recorder of voters; some of them even registered on the river, 40 feet out from shore. Those two canvassers reported that within two weeks after the election 1,011 persons returned as having voted in that ward could not be found in either of those precincts. Is not that rather remarkable—1,011 men returned as voting who within two weeks could not be found in those precincts? The argument is made that that is a peculiar ward. Well, it is a peculiar ward. It is such a ward that if some gentlemen should go there they would at once ask that certain places might be pointed out to them in order that they might avoid them. That is the character of the ward. There is no such population there as this return of votes would imply. There can not be. There were about 900 fraudulent votes cast in that ward.

I have been watching the trial of Mr. May; and I read the testimony of Mr. Krider and of Mr. Miller. Both of them, if I remember rightly, testify that in the sixth and seventh precincts 200 fraudulent votes were put in the box and that every one of them was put in for Mr. Tarsney; they do not charge Mr. Van Horn with a single one of them. When it comes to the fifth precinct Mr. Miller says that 101 of the 200 fraudulent votes put in, in the first instance, were for Mr. Van Horn.

It was charged upon this floor this morning that Mr. Yeager had telegraphed that Mr. Miller had testified that in the fifth precinct 400 votes were put in and that they were divided equally between the two candidates. That is a mistake upon its face. Why? Because Mr. Van Horn received only 201 votes all told in that precinct; and if they had given him 200 fraudulent votes, it would have left only 1 legal vote for him in all that precinct.

Mr. Speaker, I have made an analysis for another purpose. Let us take the seventh precinct; I want to show this body that in that precinct Colonel Van Horn could not have received a fraudulent vote. Why? In the Congressional election of 1892 Mr. Tarsney received 148 votes in that precinct; in the city election of 1894 the Democratic candidates for mayor received 119 votes. In 1894 Mr. Tarsney received in that precinct 449 votes. In the election of 1892 the Republican candidate for Congress received 94 votes. In 1894, in the spring election, Mr. Davis, Republican candidate for mayor, received 121; Mr. Van Horn received in this election only 57. Colonel Van Horn's vote was 37 less than that of the Republican candidate for Congress in 1892, and 64 less than Mr. Davis, the Republican candidate for mayor, received in the spring of 1894. The Tarsney vote in 1894 was 301 more than in 1892, and 330 more than the Democratic vote at the city election in the spring of 1894, when they had a full vote. I say, then, it is evident beyond any question that every fraudulent vote put into the ballot box in the seventh precinct was for the contestee.

Take the sixth precinct and what do you find? In 1892 Mr. Tarsney received 108 votes. In the city election of 1894 for the Democratic candidate for mayor 101 votes were cast. In 1894 Mr. Tarsney received 420 votes. In the Congressional election of 1892 the Republican candidate received 46; in the city election of 1894, 85; and Mr. Van Horn received in 1894 but 84 votes, only 39 votes more than the Republican candidate for Congress in 1892 and one less than the Republican candidate for mayor received in 1894. And yet, Mr. Speaker, Mr. Tarsney's vote in 1894 was 312 more than he received in 1892 and 319 more than the Democratic candidate for mayor received in the city election in the spring of

1894. Therefore the fraudulent votes cast in this precinct must have been counted for Mr. Tarsney.

But let us take the fifth precinct. In 1892 Mr. Tarsney received 279 votes, in the city election the Democratic mayor received 309 votes, and in the Congressional election of 1894 Mr. Tarsney received 413 votes. In 1892 the Republican candidate for Congress received 67 votes, in the spring election the Republican candidate for mayor received 66 votes, and in the 1894 election Mr. Van Horn received 201 votes.

I believe that in that fifth precinct, for some reason or other, when they came to put in the first 200 fraudulent votes they divided them equally between the two candidates for Congress. Why do I believe that? Mr. Tarsney ran 134 votes behind his ticket and Mr. Van Horn 137 votes ahead of his. There is no testimony as to why Mr. Tarsney should run behind and Mr. Van Horn ahead of their respective tickets in that precinct. Besides, it is apparent from the telegram that Mr. Tarsney read on the floor to-day that they put 200 fraudulent votes in the box before they opened the polls in the morning, and 40 more during the day, or 240 in all, and divided them equally between the two. Now, I charge Van Horn with the votes received by him at that precinct over and above that received by the Republican straight ticket, and it amounted to 137 votes.

I claim that under the testimony presented in the record it clearly appeared that Mr. Tarsney received a minimum of 142 fraudulent votes in the Elmwood precinct and 170 in the fifty-second precinct, which was stolen from Mr. Van Horn by the judges of election, and that he received the difference betweeen 134 and the entire fraudulent vote polled in the fifth, sixth, and seventh precincts. It is admitted that in these three wards 600 fraudulent votes were polled. But that is not all. I have told you that the polling officers show that 1,011 men could not be found after the election, and in addition the testimony shows that they specifically proved that 146 men whose names appeared as having voted were not there and did not vote. Add this 146 votes to the 600 and we have 746 votes. Tarsney is charged only with a minimum. I do not say that the 1,011 which could not be found were fraudulent, but give him the benefit of every doubt, charge him with the minimum of 746 votes, and take from that 746 votes 137 to which I have already referred as voting for Van Horn, and we have left 609 votes to be charged to him. Then, Mr. Speaker, we charge Mr. Tarsney with 609 fraudulent votes in the Second Ward and charge Mr. Van Horn with 137 fraudulent votes. There is no evidence to show that he got but 101, because that is all the clerks in the Kansas City office say they discovered. But give him the other 36 to make good measure, and let us see what the final result will be.

Mr. Tarsney's total vote as reported by the secretary of state was 16,538. Take the 609 fraudulent votes of the Second Ward, the 170 substituted in the fifty-second precinct, and the 142 in the Elmwood precinct, and we find a total of 921 votes, which we subtract from the total of 16,538, making his actual vote 15,617.

Again, the secretary of state reports the total vote of Mr. Van Horn as 15,793. Take from that the 137 fraudulent votes that these gentlemen think they can prove to be fraudulent if you send some commission out there to look into the ballot box; add to that the 170 votes stolen from him in the fifty-second precinct, and you have a total vote for Van Horn of 15,826 after making all corrections. The difference in favor of Colonel Van Horn over the contestee then is 209 votes.

If we give to Mr. Tarsney everything that is possible for him to get under his claim, and that is all he did claim, it is impossible to conclude otherwise than that Mr. Van Horn was elected by the number as shown—209 majority.

Mr. TAYLER. Will the gentleman yield for a question?

Mr. BURTON of Missouri. Yes.

Mr. TAYLER. In the computation that you make do you not necessarily repudiate the proposition contained in the majority report that you must entirely disregard the returns from the fifty-second precinct.

Mr. JOHNSON of Indiana. I hope the gentleman will not object to being catechized.

Mr. BURTON of Missouri. I shall not object to being catechized, because I stated, Mr. Speaker—probably my friend was not here—that on yesterday I heard one of the most magnificent legal arguments that I ever listened to in my life, and if I had had any doubts before, which I did not, that argument would have convinced me. I do not believe in the proposition of law, as enunciated by the majority of the committee, as an abstract proposition. I believe that under that rule we should be compelled to throw out 340 votes that the testimony clearly shows Colonel Van Horn is entitled to in the fifty-second precinct.

Mr. JOHNSON of Indiana. In other words, the gentleman thinks the committee were too tender of Mr. Tarsney?

Mr. BURTON of Missouri. I do not care how you put it. I do not believe in that principle of law, because it establishes a bad precedent. I also believe in the further principle that the law does not require you to do unnecessary things. Therefore, if by sending out this committee or a subcommittee we should accomplish everything that is claimed, and the evidence contained in this record would still convince us beyond a doubt that Colonel Van Horn is elected, we ought not to resort to that unnecessary thing.

I was going to say when I was interrupted that upon this record everybody admits that Colonel Van Horn was elected; but on a Sunday not long ago there appeared in a Kansas City paper an affidavit from eight clerks in the office of the commissioner of voters, which affidavit I hold in my hand. What is it? In substance, these eight gentlemen testify that in counting the ballots in some contest they discovered that in the fifth precinct, of the 200 ballots that had been voted, or rather been put into the box and charged against the voters alphabetically, 101 of them bore the name of Colonel Van Horn, Mr. Tarsney's name having been erased. Upon the strength of that affidavit Mr. Tarsney went before the committee and asked that the committee take this testimony. Now, I want to show you that I have followed my friend Tarsney's idea all the way through, because here is what he says. I will not read that portion of his argument in which he admits there are 600 fraudulent votes.

Mr. Tarsney, in his printed argument, says:

If the 135 ballots referred to in these affidavits are essential in determining this contest, then you must know for whom they were counted before you decide this cause.

That is all there is in his original application. He claims that there were 135 votes that had been counted against him, when they ought to be counted as fraudulent, against Colonel Van Horn. I concede it. If these 135 votes are essential to the determination of this contest, then I believe with my friend from Ohio [Mr. TAYLER], and against the majority of the committee, that we ought to go out there and purge that vote, if it can be done. But if they are not essential—and I do not see how under this testimony it is possible to believe that they are—then I say it is simply a waste of time. I have endeavored to demonstrate why they are not essential, why it is unnecessary, because I say the testimony ought to satisfy any reasonable, thinking man, beyond not merely a reasonable doubt but beyond any doubt, that in the Elmwood precinct Mr. Tarsney received not less than 142 and as high possibly as 170 fraudulent votes.

We ought to be satisfied by the testimony that 170 legal votes for Colonel Van Horn were abstracted, and that 170 illegal votes were put into the box and counted for Mr. Tarsney, and that, allowing him everything that is substantiated by the evidence produced, and the evidence which he offers to produce, if you will investigate you will find that Colonel Van Horn could only possibly be charged with 135 or 137 votes, and that Mr. Tarsney must, by the irresistible logic of mathematics, be charged with the remainder, and that, adding those together and subtracting them from the general result, Mr. Van Horn, under any and all contingencies, has been elected by a majority of at least 209, and in my humble judgment by a majority, figured from these records, of 480.

Mr. MAGUIRE. In order to reach your conclusion you reject the determination of the majority to throw out the fifty-second precinct?

Mr. BURTON of Missouri. Yes.

Mr. MAGUIRE. You further go beyond the report of the majority of the committee and deal with the Elmwood precinct and show frauds committed there?

Mr. BURTON of Missouri. Yes.

Mr. MAGUIRE. That has not been discussed by the majority?

Mr. BURTON of Missouri. No, sir.

Mr. MAGUIRE. So that if you should uphold the majority resolution, it would be against not only the proof, but also against the facts set forth by the majority.

Mr. JOHNSON of Indiana. I want to call attention to the fact that the majority of the committee distinctly stated in their report that there was ample proof of frauds in other places, and it was simply for lack of time that they did not analyze those.

Mr. BURTON of Missouri. "Sufficient unto the day is the evil thereof." I am not concealing my position. I have stated, and reiterate it, that as to the bald, naked proposition of law I stand with the gentleman from Ohio [Mr. TAYLER]. I also admit and concede the statement made by the gentleman from Indiana [Mr. JOHNSON]. He is right; upon his theory it was absolutely unnecessary to go into the Elmwood precinct or the other precincts.

Mr. MAGUIRE. My suggestion was that if this course of the gentleman was to be taken it would carry with it the necessity that the majority report should be recast.

Mr. BURTON of Missouri. They may take their pleasure about that, but I am only giving what I believe to be the bottom facts, and in arriving at my conclusion I am doing no violence to my conscience or to my judgment.

Mr. JOHNSON of Indiana. Permit me to say that I have no doubt the gentleman from California would like to have the re-

port of the majority recast. He is making his whole fight in this House for that purpose.

Mr. BURTON of Missouri. I have no fight either against the majority or the minority. I am submitting what I believe to be true.

My friend Mr. Tarsney said that he was no party to this conspiracy; and I reiterate it that as a Missourian I absolve him so far as this record shows or my knowledge extends from any part or parcel in the infamous proceedings that have characterized the elections in Kansas City for the last ten years. We have had a gang up there who have robbed the people of the county and of the city; and it has been the effort at every election to maintain in office men who would not prosecute; men who would see to it that indictments were not found. Under ordinary circumstances the Kansas City district was regarded as Democratic; and they did not suppose, I presume, that what they were going to do would have any result upon the Congressional election. The tidal wave struck the country and Mr. Tarsney fell behind. He fell 2,701 votes behind the vote of 1892 in the rural county of Lafayette and in the farming portion of Jackson County. But they went in to perpetuate the gang, and in that attempt perpetrated the frauds which robbed the contestant of his right to a seat in this House.

In conclusion I wish to read an editorial from a Democratic newspaper that supported Mr. Tarsney in the campaign, because, in language better than my own, it clearly expresses the condition of affairs. I say a Democratic paper—it calls itself an independent paper—but it is a paper that sees nothing wrong in the Administration; that finds it impossible to believe that Mr. Cleveland can do any wrong; and by the doctrine of natural selection, if on no other, it has always stood by Mr. Tarsney, and warmly supported and maintained him in the campaign of 1894; and here is what it says:

It is the usual history of contests for seats in Congress that they drag along for a greater part of the term in question, resulting in a tardy decision, with a salary for each claimant. This is not likely to be the case with the Van Horn contest. The House Committee on Elections has decided, by a strict party vote, in favor of unseating Tarsney, and it is expected that this recommendation will be ratified at an early date by the large Republican majority in the Lower House of Congress.

It is to be regretted that the career of Mr. Tarsney in Congress is to be cut short in this way. He is the best Representative that the Fifth district has had in some years. His usefulness in Congress has grown with his experience, and by the law of merit he was entitled to a reelection. Had the Democrats made a clean and honest campaign in 1894 there would have been no doubt about Mr. Tarsney's success. There is a natural Democratic majority in the district, and under normal conditions it would have been recorded in favor of Tarsney. But the gang which has run the Democratic party in Jackson County for some years past has become so offensive to decent people of all parties that its support is a positive injury to any candidate who is so unfortunate as to be the object of its favor. If Mr. Tarsney shall be unseated he will have to thank the political crooks who have clouded his title by their scoundrelism. He is the victim of the pluggers and heelers who set out to steal the election in Jackson County in 1894, and he is now paying a costly penalty for having been in bad company.

The whole business goes to show that no party is benefited in the end by resorting to crooked methods to achieve its purpose and that nowhere is honesty better policy than in the management of political affairs.

And so I believe that the gang of "pluggers and heelers" have so impressed the people of Kansas City that they would have voted down any man whom the Democrats could have nominated in 1894 who was the recipient of the gang's support, I do not care what might have been his ability or his private character. For my friend I regret it. I sincerely hope that if the political revolution shall roll the other way, and Kansas City and the Fifth Congressional district shall return to its normal condition, my distinguished friend will come here with no cloud on his title as a Representative from that district. I thank the House. [Applause.]

Mr. BRUMM. Will the gentleman permit me just one question? I think it is a question that goes to the gist of this whole matter. Do I understand you to say that under the constitution of your State, if this case should be remanded, the Congressional committee could not have access to the ballots?

Mr. BURTON of Missouri. I say as a matter of first impression I so believe.

Mr. BRUMM. And that you have a judicial decision as to that constitutional provision?

Mr. BURTON of Missouri. We have a judicial decision as to the constitutional power——

Mr. BRUMM (continuing). That you can not touch them in a Congressional contest?

Mr. BURTON of Missouri. I do not so say—only as a matter of first impression. I have not examined the authorities as to the power of Congress under the circumstances.

Mr. BRUMM. Then it really has no bearing upon the question of access to those ballots?

Mr. BURTON of Missouri. Except, simply, so long as a legal question is unsettled, you and I as individuals must have our own views with reference to it. That is all. I do not quote it as an authority. That is a matter of my views only that the attorneys on the other side may take and look into. I place and predicate my result upon the fact that, taking the testimony as a whole, even if you do go into the boxes and count the ballots, still it can not change the result.

Mr. BRUMM. But you will not say we can not get possession of the ballots or access to them?

Mr. BURTON of Missouri. I do not say that. I say I doubt whether you can.

Mr. PARKER rose.

The SPEAKER. The Chair would inquire what arrangement, if any, has been made with regard to the division of time?

Mr. JOHNSON of Indiana. The gentlemen on the other side are entitled to the floor, and I suppose they have an understanding as to who shall speak.

Mr. BAILEY. We ask the Chair to recognize the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, I consider an election matter one in which party plays no part. Every member of this House is interested in the mode in which elections are carried on and decided. Any man may have his seat contested by a member of another party. What is done to-day on one side may be done another day on the other side. Here, as in all courts of justice, the mode of administration is of much more importance than the issue in any particular case. In this matter, too, the very issue seems to be as to the mode of doing justice. As I understand this case—and I take the facts from my friends, whom I believe to be dispassionate, both sides being honest in their belief as to the mode in which the House should investigate this question—as I understand this case, these ballots were all numbered and marked, so that if they have been preserved, and if they have not been tampered with since they were counted, the votes which were cast for "padded" names can be recognized and separated from the true votes and the ballots can thus be purged and the tally corrected.

Mr. Speaker, it appears that there was a certificate issued in this case. I do not care how fraudulent that certificate may have been, it bears the presumption of truth until it is successfully attacked. It is attacked. The contestant here says: "I received more lawful votes than the sitting member." The principle of law, a great principle of law, is that he must prove that fact or prove why the fact can not be proved. The first thing to do is to try to prove the fact, to go to the ballot boxes and try to find out the true result. Why? Is it only because such an investigation may prove that the contestee is entitled to his seat? Certainly not. You are told frankly that the probabilities may be the other way. The real reason why you should seek that evidence is because it is the best evidence, and it is our duty to get the best evidence. It is our duty to ourselves as a precedent for other cases.

Has anybody seen tried—as I have seen tried—the effect of attempting to disfranchise a district by throwing out its vote entirely? The very voters who thought there was fraud are the men who will say: "Our honest votes ought to have been counted, but they were not counted;" and those men will vote the next time against those who threw them out. I do not care whether it is against us or against somebody else. It is public misfortune that the question should ever come up as to whether the votes cast in a particular precinct or district must all be thrown out in order to get at the result of an election. It is a still greater misfortune when subsequent elections are influenced by the prejudices arising from such action instead of being determined fairly on the real issues.

But I am told, Mr. Speaker, that in this case we can not go to the ballot boxes. Why? The constitution of the State provides that it may be done in any judicial proceeding. Is not this judicial? Would not an inquiry by the legislature of the State of Missouri be recognized as judicial? Is not an inquiry by the legislature of the United States as judge of the election of its members to be recognized by Missouri as judicial? And if not, is not the paramount power of the Constitution of the United States and of representatives of its people to go and count those ballots to be so recognized? But we are told that the ballot boxes may have been tampered with in the meantime.

Well, Mr. Speaker, we do not deal with possibilities; we deal with facts as we find them. We do not deal with possibilities for a great many reasons. In the first place, it is pretty hard to change ballots that are in a ballot box. We had 8,000 fraudulent votes in a county of my own State and every one of them could be identified, because they were stamped with a machine that had a little smaller type than the regular one. In endeavoring to trace the falsification of books and records every man here has probably had some experience. You always find something about the fraudulent work that looks wrong. Therefore when we are inquiring as to these fraudulent votes, I say go and try whether we can not ascertain the truth by an examination of the ballot boxes.

Now, I want to call attention to one fact set forth in the brief for the contestant, which seems to me conclusive on this point. It is there stated that the recorder, Owsley, was a scamp, and he certainly was. He had those ballot boxes from November until February, when an honest man appointed by Governor Stone took possession of them. The return on the tally sheet, made up on the 11th of November, while Owsley had the ballot boxes still in his possession, was altered, it was said, so that the return handed in was wrong, and was proved to be so, not merely by its appear-

ance but also by going inside of the ballot box, where they found the duplicate of that return, made on the day of election, which showed the true figures and showed that the other paper had been changed.

Now, if Owsley had wanted to alter anything in those ballot boxes, of all things he would have been most likely to have altered the duplicate. If he was going to tamper with anything, certainly he would alter that, but the box when opened in February by the honest man proved to contain the true tally sheet. I think that is pretty conclusive evidence that those ballot boxes, although in bad hands for three months after the election, were not entered until the new recorder came in and took possession of them and until they were opened under the order of the court. And that being so, all that is asked—and I agree here with the minority report of one member of this committee—all that is asked here is that we should go and get the best evidence, if we can. If that evidence should prove that the contestant is elected, will it not be something to have proved that, so that no one can ever object? Will it not be something to have counted the votes of the men who were honestly entitled to vote, instead of offending them by throwing out their votes? If it should prove that either man is elected, will it not be right to have maintained the strong precedent of this House, the strong precedent of every court dealing with elections, that you must go first to the ballots to see if you can count them before you adopt the plan of disfranchising any district?

Mr. Speaker, I try to speak of this matter dispassionately. No man can address so large a House as this with proper interest in the question without seeming in earnest; but I want to say to this House that I believe every party in this case to be honest and that the earnestness shown on every side should make every member of this House exercise his judgment as a judge as to what should be the honest, the square, the righteous, the forceful way of carrying conviction with any decision that may be arrived at by this House. We do not want to know what probably was written on those false ballots, if we can know what actually was there. We do not want to draw conclusions from previous elections by a mere comparison of figures, if we can have the ballots looked at to see how the votes that were falsely returned actually read and were counted. If those fraudulent votes were cast for one or the other party and even if we can not find all the voters—if we find a system, we have corroboration of either theory that is here in contest; and it is much more important that the decision of this House should be without doubt in such a matter than that there should be a little delay for the sake of reaching a right decision.

The SPEAKER. Does the gentleman from Texas [Mr. BAILEY] desire to proceed now?

Mr. JOHNSON of Indiana. Some gentleman of the minority is entitled to the floor.

Mr. BAILEY. The gentleman who has just concluded is a representative of the minority.

Mr. JOHNSON of Indiana. I understand that very distinctly; but the majority have consumed thus far much more than their share of the time. The floor is open now for any gentleman desiring to be heard on the other side. The object is to divide the time equally.

Mr. BAILEY. So far as we are concerned, we are ready.

[None of the committee being ready to proceed, several members urged Mr. POWERS to take the floor.]

Mr. POWERS. Mr. Speaker, inasmuch as none of the trains will take the rest of these passengers, I think I will get aboard. [Laughter.]

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS. Mr. Speaker, this case seems to me to be attended with very great peculiarities. In the first place, it seems to be conceded by the majority in this case that Mr. Tarsney, the sitting member, is entirely guiltless of any fraud that was perpetrated in Kansas City at the last election. But they say that he must lose his seat upon the doctrine of that old case reported away back in some of the earlier books—the case known as In re Poor Old Dog Tray. [Laughter.] He was in bad company and therefore he must be turned out. Well, now, Mr. Speaker, I have always doubted the soundness of the ruling in that old case. It has always seemed to me that poor Tray was a great moral hero, because the bill of exceptions shows that he came out of that fracas without even the smell of smoke upon his own garments. [Laughter.]

The sitting member, then, is absolved from all responsibility for the fraud which was committed. It was committed in the interest of other parties; and he unconsciously has received the benefit of that fraud and is to respond here by losing his seat. I agree that if the fraudulent ballots that were provided and cast in the interest of other parties operated to increase Mr. Tarsney's vote, so that his majority is tinctured with that fraud, that majority must be reduced to the extent of the fraudulent votes that he may have received. But what is the history of that transaction? As I gather it from the discussion on this floor—and I have had no other source of information—it seems that this fraud was concocted by certain parties in Kansas City that belonged to both the political parties; that there were Republican conspirators and Democratic conspirators; that the purpose, end, and scope of that conspiracy was to compass the election of certain local officers in that city. It resulted for the time being in accomplishing the end that they set out for; but after a little investigation the conspiracy was unearthed, the officials who had undertaken to get benefits from it were turned out of office, and the conspirators were turned into the penitentiary—just where they ought to go.

Now, how does that leave the contestee, the sitting member? Apparently, from the report of this committee, these fraudulent votes enter into and make up the majority with which he comes here under his certificate. But he comes in and says that if you will go one step further in this investigation—if after taking all the evidence as to this fraud that you have taken and which he concedes establishes the fraud—if in addition to that you will go one step further in your investigation and resort to the best evidence that the law recognizes in cases of this kind and examine the ballots themselves, you will find that the fraud which was consummated in that district was not extensive enough to reduce his majority so as to deprive him of his seat. He says that he himself throws out all the fraudulent votes that it is contended he received by force of this conspiracy, yet he says that there still remain in the ballot boxes legal votes enough to warrant this House in adjudging that he is lawfully entitled to his seat. The majority of the committee say no. Why? "Because," they say, "we are convinced that if we should make that examination it would still appear that Mr. Van Horn is elected." But is that a sensible reason to urge before the House of Representatives, charged under oath with the settlement of this question upon the basis of law and justice? What would you say of a judge who would refuse to listen to a witness on the ground that whatever the witness might say, he, the judge, had made up his mind and was satisfied that notwithstanding the testimony of the witness the plaintiff should have a judgment?

Why, Mr. Speaker, it is important that we not only decide the case right as judges ourselves, but that we decide it in a way that all parties in the contest will feel that it is decided right. The same rule applies to this case as would apply to any proceeding in a court of justice. Any judge who would deny to a party before him a full opportunity to be heard, even if he had the suspicion that the hearing of the man would not change the opinion he had already formed, would be written down as a tyrant, and in the classic language of this Hall would be written down "a czar." [Laughter.]

Mr. JOHNSON of Indiana. Have you read the testimony in this case, or any part of it?

Mr. POWERS. Yes, sir; I have read a part of it.

Mr. JOHNSON of Indiana. How much?

Mr. POWERS. Enough to satisfy me that you are wild in the way you are proceeding. [Laughter.]

Mr. JOHNSON of Indiana. The gentleman is fortunate in exciting laughter, but unfortunate in not adding any information to the case or answering my inquiry. The question I asked the gentleman was based upon the statement he had just made, and I merely asked him, for information, whether he had read the testimony in the case with care.

Mr. POWERS. I will say in answer to my friend from Indiana, that I have read it far enough, and have heard enough from the gentleman from Indiana himself to have discovered that he has stopped just short of the facts in the case.

Mr. JOHNSON of Indiana. Has the gentleman read the report of the majority of the Committee on Elections?

Mr. POWERS. I have read it, and all the reports.

Mr. JOHNSON of Indiana. I understood the gentleman to make certain statements of fact which would indicate that he had not read the report of the committee.

Mr. POWERS. You asked me if I had read the evidence, and I replied to you that I had read the evidence, or a part of it.

Mr. JOHNSON of Indiana. The gentleman made several statements which clearly showed that he was entirely ignorant of the contents of the report of the committee. He has also shown that he has not the least knowledge of the facts on which the committee based its report, or the testimony before the committee, and I merely addressed him my inquiry to show to the House just where he stood.

Mr. POWERS. Well, my friend inquired if I had read the evidence in the case. I replied that I had read some of it. He now asks me if I have read the report. I reply to him that I have read it, and I say that upon reading that report of the committee and the report of the minority of the committee, and after hearing the debate upon the floor of the House during the pendency of this question, it is perfectly evident the majority of the Committee on Elections stopped just one step short of where they ought to have gone in considering the matter. Even if they are satisfied

that by examining these ballots it will still appear that Col. Van Horn is elected, it is nevertheless their duty, in justice to themselves, in justice to Col. Van Horn, who ought to have the seat, if at all, by a title unclouded in all respects, in justice to the House, and in justice to the people of Kansas City—the voters in this election district—to have taken the step further, that step which the minority of the Committee on Elections have recommended and asked them to take.

Now, my friend, Judge BURTON, from Missouri, to whose able and convincing argument I have listened with a great deal of pleasure, confesses to a doubt as to the power of the House to get at these ballots in the State of Missouri. He says, "I am not willing to say that the House has not the power to procure them," but he says that under a proceeding in the State courts of Missouri it has been held that no power exists to examine the ballots, except in certain specified cases. But it seems to me that the House has the power to examine the ballots. The Constitution of the United States, which he and I both agree is the supreme law of the land, declares that this House has the power to judge of the election, return, and qualifications of its members. He and I both agree that where a grant of power is made in the organic law it is a grant of power which carries with it all further and necessary power that is essential to make it effective.

Now, suppose that a case should arise wherein the seat of a member on this floor depended for its decision on the number of votes in a certain ballot box in the State of Missouri, is it to be supposed for an instant that the recorder of voters in Kansas City could defy the power of the House of Representatives, charged with the duty of judging of the election of its own members—that he may defy their power and refuse an opportunity to inspect the ballots? It seems to me not. It seems to me to be the height of nonsense to say that the House of Representatives, charged with that duty and clothed with the function of judging of the election of one of its members, is impotent to resort to the best possible evidence that it can procure as to the right of the member to his seat.

Mr. BURTON of Missouri. If the gentleman will pardon me, I will ask him what way he would exercise that power in the absence of any law?

Mr. POWERS. I would exercise it by passing a resolution of the House of Representatives instructing the Committee on Elections to summon the recorder of voters of the city of Kansas City, Mo., and directing him to bring with him the ballot boxes in his custody, and present them at the bar of the House or before the Committee of Elections; and if he saw fit to deny the jurisdiction of the House or defy its subpœna, I would have him arrested by the proper officials of the House and brought before the bar of the House to answer for contempt.

Mr. BURTON of Missouri. Then you mean to say that you could, by a resolution of the House, make him take from the place where the laws say they shall be kept the ballot boxes and bring them before the Committee on Elections?

Mr. POWERS. The law which says that they shall be kept in a particular place in the State of Missouri is nothing but a State law. Here is a paramount power, conferred upon the General Government by the organic law, which is bigger and stronger than any State law; and the State law must yield when the two are brought in conflict. I am reminded by a gentleman sitting near me to inquire whether anybody is prepared to say that this custodian of the ballots would deny the right of the House to produce them here on this floor. I ask my friend from Missouri [Mr. BURTON] if there is any doubt as to his consenting to do so?

Mr. BURTON of Missouri. I have the greatest doubt in the world.

Mr. POWERS. You think he would not?

Mr. BURTON of Missouri. I think he would take a subpœna duces tecum to his attorney, and that his attorney would advise him that he had no right to bring those ballot boxes away from Kansas City.

Mr. POWERS. Then I would have the Sergeant-at-Arms bring him, ballot box, attorney, and all, here. [Laughter and applause.]

Mr. BURTON of Missouri. Exactly, and I might agree with you; but the supreme court of the State of Missouri might differ with both of us.

Mr. POWERS. Then I should call on the courts of the United States, and see which of the two would win in the conflict.

Mr. BURTON of Missouri. You would put the State supreme court in soak too, would you?

Mr. POWERS. Yes; I do not subscribe to the idea that the State of Missouri or any other State in this Union can pass a law that will nullify a Federal law or that will ignore or override any provision of the Federal Constitution.

Mr. BURTON of Missouri. I agree with you on that proposition.

Mr. POWERS. I believe, on the other hand, that when the Constitution has empowered the House to judge of the election of its members, it has given it by that very language itself, and upon familiar grounds of construction, the power that is necessary to make the exercise of that granted power effective. So there would be no trouble about that, I apprehend. Now, it is said by my friend from Missouri [Mr. BURTON] that it is easy to mutilate those ballots.

Very likely that is true, but I understood yesterday from the statement of the gentleman from Ohio [Mr. TAYLER], and I have not heard it contradicted to-day, that very soon after this election, and about the time that the contest for this seat on the floor was inaugurated, the custody of those ballots was transferred from this man Owsley into honest hands. Now, if we remember that this conspiracy—agreed on all hands to exist—was inaugurated not for the purpose of counting Mr. Tarsney into a seat on this floor, but for the purpose of electing three or four local officers—when we remember that fact, and the fact that the custody of those ballots was changed at about the time that this idea of contesting Mr. Tarsney's seat was started, there is a strong presumption of fact arising in my mind that there was no occasion to mutilate those ballots in the interest of Mr. Tarsney at that time, and that since then there has been no opportunity to do it. So that, looking at the question in any phase that you please, it seems to me that it is our bounden duty to ourselves to see to it that every possible resort shall be taken to determine the exact right of the parties in this case.

This question is broader than a mere question inter partes. It is of little importance to us whether Colonel Van Horn or Mr. Tarsney shall occupy the seat on this floor, but it is important that this House should establish a precedent that it can safely follow in the future; and when a precedent is established to the effect that we will not look to the ballots themselves, but will take somebody's say so about it, we are establishing a precedent, I want to say to my Republican friends, that will return to plague us hereafter. The law in all cases requires a party to resort to the best possible evidence that can be obtained. Now, a ballot is the best possible evidence of the intention of the voter. Everybody concedes that. If those ballots have been tampered with they will bear on their faces the evidence of the fact, and it will only deepen and blacken this conspiracy. It will possibly connect my friend the sitting member with it, because he will then be shown to be a direct beneficiary of it. If they have been tampered with the ballots will show the fact. If they have not been tampered with it is perfectly easy, as everybody can see, to separate the legal from the illegal votes, and from them to determine rightly who is entitled to this seat.

Now, Mr. Speaker, it seems to me that we should discuss this question without the slightest feeling of partisanship on the part of any of us. As my friend from New Jersey [Mr. PARKER] has said, it is not a question of party advantage. There can be no advantage to us to seat another Republican. It will be no disadvantage to us to keep our genial friend, Mr. Tarsney, in his seat. He will not hurt us any, and on the other hand the other man can do us little good. But we can keep our hands clean. We can keep our record clean, we can make a precedent here that it will shame our Democratic friends hereafter to go back on, if we do it when we have no occasion to be actuated by partisan motive. To my mind, sir, while I have not the slightest conception as to who is entitled to the seat, while I do not care a fig who wins in the fight, I still believe that we can not, as a majority party on this floor, safely decide that we will ignore any evidence that is apparently within our reach to obtain. [Applause.]

Mr. BAILEY. Will the gentleman from Vermont retain the floor while I make a suggestion in his time? My friend from Indiana [Mr. JOHNSON] has taunted the gentleman from Vermont with the fact that he had undertaken to discuss this question without ever having read the record. What I desire to suggest is that, inasmuch as the Committee on Elections was appointed and charged with the duty of digesting the long record in this case and reporting it to the House, if, after the consideration of it by our committee, we have brought it into the House in such condition that gentlemen can not intelligently discuss it without going through that long record, the committee has not performed its duty.

Mr. POWERS. My friend from Texas has made a pretty good point, Mr. Speaker.

Mr. JOHNSON of Indiana. I want to suggest to the gentleman from Texas that when a member undertakes to discuss a question, and clearly shows by his statement that he has not read the evidence at all, then possibly a suggestion that he makes might not be pertinent.

Mr. BAILEY. I disagree with the gentleman from Indiana as to the accuracy of the gentleman from Vermont.

Mr. JOHNSON of Indiana. The gentleman from Texas and I will disagree on a great many things besides matters involved in this case.

Mr. BAILEY. And I am never so well satisfied that I am right as when the gentleman from Indiana disagrees with me.

Mr. JOHNSON of Indiana. I should be very glad to see the

gentleman right on any subject. It would be a departure from his normal condition, if he were.

Mr. KYLE. Mr. Speaker, I concur in the views submitted by the minority of this committee. I believe, sir, that it is the duty of this House to resort to every possible means to ascertain the will of the people in the Fifth Congressional district of the State of Missouri, and I believe that that end could, to a very considerable extent, be attained by a resort to these ballot boxes. Having signed the report of the minority of the committee, which had in view the carrying out of that idea, I had hoped to be able to submit an argument upon that proposition, but owing to my physical condition, Mr. Speaker, I am unable to make a speech upon this question, and simply arose to state that I am in favor of the views entertained by the minority in the report submitted in this case.

Mr. JOHNSON of Indiana. We still have consumed more time than gentlemen on the other side. I would be glad for them to proceed. I want to be quite fair in the division of the time. We expect to consume more time to-morrow.

Mr. MAGUIRE. I think we could well call it even, and let you go on now.

Mr. JOHNSON of Indiana. Very well. I do not want it to be thought that there is any unfairness in the distribution of the time.

Mr. MAGUIRE. We will not complain of any unfairness because of the present situation, and if it is not even we can even it some to-morrow.

Mr. JOHNSON of Indiana. The agreement is perfectly satisfactory to me.

Mr. PRINCE Mr. Speaker, I desire to call the attention of the House for a short time to the views of the majority of the committee in reference to this report. My friend the gentleman from Vermont said that Mr. Owsley, the corrupt official, the recorder of voters in whose hands these ballots were placed, resigned before this contest was entered upon. Let me be brief, Mr. Speaker and gentlemen of the House, while I call your attention to a little of the history in reference to this case. On November 6, 1894, the election was held. Mr. Tarsney was declared elected by a majority of 745 later on, at the time of the meeting of the canvassing board, November 11. On December 10, 1894, Mr. Van Horn served notice of contest upon the contestee. He made in his notice of contest sixty different specifications.

It is well to know the pleadings and to know the history of this case to see whether the majority of the committee has followed along the line of those pleadings. Specification No. 14 states among other things the following:

SPECIFICATION NO. 14.

1. Because, prior to the election, in pursuance of a conspiracy to fraudulently and unlawfully increase your votes at said precinct, certain partisans of yours willfully caused a large number of fictitious names, names of persons who did not reside in said precinct and names of deceased persons, to be placed upon the registration books and lists as legal voters of said precinct, and willfully prevented the purging of such registration lists and books of names illegally and improperly upon them.

2. Because the recorder of voters of said Kansas City, who was a partisan of yours, with full knowledge of the facts last above set forth, willfully appointed persons as judges and clerks of the election in said precinct, and who acted as such, who were not bona fide residents or legal voters thereof, and none of whom were taken from the Republican party, but all were partisans of yours, and not competent to perform the duties of judges and clerks.

3. Because said judges and clerks were not sworn, as required by law.

4. Because said judges and clerks unlawfully and for the purpose of preventing the detection and facilitating the perpetration of fraudulent voting for you, refused to admit to the voting place the duly appointed representatives of the Republican and People's parties as witnesses to the counting of the votes, and also unlawfully refused to admit to such polling places the duly appointed challengers of said political parties, but wrongfully assaulted said witnesses and challengers, and ejected them therefrom, notwithstanding the fact that in a test case decided three days before the election, by the circuit court of said Jackson County, it was adjudicated that said Republican and People's parties were each entitled to have such witnesses to the count and challengers present in all voting places or rooms from the opening of the polls to the completion of the count, and your partisans agreed in writing in advance to abide by such decision.

Section 26 states:

Because said ballots and returns for said precinct were, after being delivered to the office of the said recorder of voters, not safely and securely kept, as required by law, but were at times since then in the possession and control of forgers and criminals who feloniously altered a portion of the returns of said election, and it is now uncertain whether a recount of the ballots now in the ballot box used at said precinct, if any there be, would afford any evidence of the true number or character of ballots delivered by the judges and clerks to said recorder of voters.

This specification was made with reference to precinct No. 5, and like specifications were made with reference to precincts No. 6, No. 7, and No. 52 in that notice of contest.

Now mark you, gentlemen, the declaration made here to-day that the contestee knew nothing of this. The notice was served upon him on December 10. In reply to that notice, on January 2, 1895, he files his answer of contest, denying specifically each and every one of these charges, and he goes to trial. Now, gentlemen, the issue is joined. Fraudulent registration, padded registration lists, willful refusal to purge the registration lists, refusal to appoint Republican election judges, refusal to admit Republican election challengers and witnesses, falsifying the returns, substituting ballots, putting Democratic ballots in the place of Republican ballots; all this is specifically charged in his notice of contest.

Mr. Tarsney knew all this. Did he? On January 2 his answer to the notice is filed in which is specifically denied each and every one of those charges. Now they come to the contest. On January 21, 1894, the first day that evidence was taken upon this question—on the very first day that evidence is taken—it is shown by the canvassers that 402 voters in the first precinct of the Second Ward had no existence in that ward. The name of the man is given, his pretended residence is given, and it is there handed with a copy to the gentlemen on the other side. On January 22, A. B. Olson, chairman of the Republican central committee, takes the stand. What does he say? He says that on the day before the election "I furnished to him (Owsley) the names of the judges and clerks and asked him to appoint them. He refused to do it." "Did he appoint any for you?" "He did not."

Now, let us see what is contained in the record. I now read from page 117:

Q. In the fifth precinct, were any of your recommendations appointed?
A. No, sir.
Q. In the sixth, were any of your recommendations appointed?
A. No, sir; nothing there.
Q. In the seventh precinct?
A. No, sir.
Q. In the twenty-second?
A. No, sir.
Q. Twenty-third?
A. No, sir.
Q. Twenty-fourth?
A. No, sir.
Q. Twenty-fifth?
A. No, sir.
Q. Twenty-sixth?
A. No, sir.
Q. Twenty-seventh?
A. No, sir.
Q. Twenty-eighth?
A. No, sir.
Q. Twenty-ninth?
A. No, sir.
Q. In the fifty-eighth?
A. No, sir.
Q. In the forty-sixth—how about that?
A. That is, you want to know—what is it you want to know?
Q. Whether any of the recommendations you made of judges and clerks were appointed in any of these precincts; that is, whether your recommendations were adopted by the recorder of voters?
A. Well, in that last precinct, the forty-sixth, there was James Anderson and C. W. Clark; that was all.
Q. How about the forty-seventh?
A. No, sir.
Q. The forty-eighth?
A. No, sir; none there.
Q. In the forty-ninth?
A. None.
Q. In the fifty-second?
A. None.

Here is this man, the recorder of voters, the man who appoints the judges, the man who appoints the clerks, the man who refuses to appoint challengers, the man who refuses to let witnesses go in and watch the proceedings in the booths, here is this man, with the ballots according to the Australian system, dealing them out the night before the election, so that his henchmen and his coconspirators can meet in the upstairs or the downstairs, in saloons or in out-of-the-way corners, and mark 200 votes alphabetically before they have a right to put them in the ballot box and put them in the box in the morning before the balloting begins on that day; this is the man who refuses to appoint Republican judges in these wards and precincts which were later on honeycombed with fraud.

Mr. MAGUIRE. Will the gentleman permit a suggestion?

Mr. PRINCE. Yes, sir.

Mr. MAGUIRE. I am not defending the acts of the election officers, but was it not the proper and legal thing for the paraphernalia that was to be used the next morning to be delivered to the election officers the night before?

Mr. PRINCE. I do not know, sir. I do know, however, that within the city, if he had desired to do the right thing, he could easily have seen to it that special messengers from his office could have got those ballots to the proper places in the morning. He could have seen to it in that way, but he did not, and the record stands here that he gave them out the night before, and that 200 of them were marked and put in the sixth precinct, and 200 of them were marked and put in the seventh precinct, and 200 of them were marked and put in the fifth precinct of the Second Ward. But that is not all. The contestee comes to this House now, after the testimony is closed, and presents a telegram in which it is stated that 400 fraudulent votes are confessed to have been put in the ballot box in the fifth precinct, 400 in the sixth, and 400 in the seventh, making 1,200 fraudulent votes in the Second Ward. The number, however, he says, may be overstated. But the record, gentlemen—and we are not going outside of it—the record that is before us, the record that we have read and that we will stand

by, shows that 1,011 fraudulent votes were cast in the Second Ward of Kansas City at that election.

The gentleman from Ohio [Mr. TAYLER] says in his report that probably a thousand fraudulent votes were cast in the Second Ward. Well, that statement differs from ours by only 11, so that at least a thousand fraudulent votes were cast in that ward. Altogether there were 1,624 votes cast in the Second Ward. Mr. Tarsney by his telegram shows 1,200 of them to have been fraudulent. Mr. TAYLER admits in his report that about a thousand of them were fraudulent. The record says 1,011. How do we make up that statement? By men going from house to house and finding in the fifth precinct 402 men registered and pretending to vote who voted, as the gentleman from Missouri [Mr. BURTON] has said, from places covered with water from 10 to 20 feet in depth, who voted from places where there were no houses and unoccupied houses, voted from railroad tracks, and from corners where nobody lived. Four hundred and two men in that precinct cast fraudulent votes, or rather that number of fraudulent votes were cast. And yet my friend from Vermont [Mr. POWERS] wants us to go there and find those 402 men who did not exist and count their ballots and see if they were not honest voters.

Do gentlemen want us to do a foolish and fruitless thing? Can we do it? Here are 402 votes that no man denies were fraudulent. The contestee does not introduce a word of evidence in contradiction of that statement. He had the list, and he did not bring a single one of those men to show that he was a legal voter, or that any of them were voters, because those men had no existence. Four hundred and two in the fifth precinct, 341 in the sixth, and 268 in the seventh, making a thousand votes in all, voted by men who did not exist. Now, taking a thousand from 1,624, the total number of votes cast, you have 624 as the true vote of the Second Ward. But it is said that the returns show, fraudulent, corrupt, and padded as they are, that Mr. Van Horn received of that number 342. That is to say, out of 1,624 votes cast, or purporting to have been cast, Colonel Van Horn received 342. Mr. TAYLER says that the frauds committed were in his interest, and that the fraud was accentuated and punctuated in favor of Van Horn. I defy him or any living man to show a syllable in the record which sustains any such statement. I ask him or anybody else to show a single word to justify it.

Mr. MAGUIRE. Mr. Speaker, I do not see the gentleman from Ohio [Mr. TAYLER] present, but I did not understand his statement exactly as it is quoted. What Mr. TAYLER said was that, so far as the specific evidence went, it appeared that Mr. Van Horn had received a hundred and thirty-odd of these fraudulent votes, and that it did not appear specifically, by the evidence, that anybody else did receive fraudulent votes there.

Mr. PRINCE. I think that is about correct. But I will read from the RECORD. On page 2391 of the CONGRESSIONAL RECORD the gentleman from Ohio [Mr. TAYLER] is reported as saying:

Mr. TAYLER. All that I know with any degree of absolute certainty is this: That the only person for whom a special, defined, accentuated effort was made to cast illegal votes for Congress was the contestant, Mr. Van Horn. It is absolutely certain that Mr. Tarsney was the beneficiary of most of the illegal votes that were cast in Kansas City. That is incontestible.

A little later the gentleman from Missouri [Mr. BURTON] rose and asked this question:

Mr. BURTON of Missouri. Will the gentleman answer me a question simply for information? Because if he is right in his position I want to know it.
Mr. TAYLER. Certainly I will answer the gentleman.
Mr. BURTON of Missouri. To what testimony does the gentleman now allude?

Mr. Speaker, nowhere did the gentleman from Ohio answer that question. Nowhere can he truthfully answer that question in a way to sustain his statement, because I say to you, the gentleman from California [Mr. MAGUIRE], that you will agree with me that nowhere within the limits of this record as it stands is there any evidence that Mr. Van Horn received 101 fraudulent votes.

Mr. MAGUIRE. It is in the affidavit of the eight clerks of the election commissioners. That testimony, of course, according to my view, applies only to the application to reopen the case, but that is undoubtedly what the gentleman from Ohio referred to.

Mr. PRINCE. Very well; when the question was asked him specifically he should have answered it, because he left the impression upon the House that he left upon me, so that I went to my room and sat up late into the night reading page after page of this record to ascertain whether I could truthfully make upon this floor the statement I have just made, that there is nothing whatever in this record to justify the statement of the gentleman from Ohio on that point.

Oh, but, they say now, it is with reference to an affidavit—it is with reference to something that came up later which shows that at a snap shot they found that 101 fraudulent votes were cast in that precinct and that those votes were in favor of Mr. Van Horn—an affidavit, ex parte, not subject to cross-examination, not subject to the sifting process of getting at the truth of the matter, but a one-sided affidavit in the interest of the contestee, filed with a view of opening this case, in which he says 101 fraudulent votes were cast in that way.

What next? Let us give the contestee the benefit of that suggestion. Why cavil upon a question of that kind? This House wants the truth; it wants to get at the right of this matter; it does not want to be misled. Committees are appointed for the purpose of investigating the matters referred to them for the purpose of getting at the right, and, under their oaths as members, reporting the truth to their fellow-members on the floor of the House. Now, let us for the sake of argument grant that 101 fraudulent votes were cast for Mr. Van Horn. Then that reduces his vote in the Second Ward from 342 to 241. The gentleman from Ohio [Mr. TAYLER] says there were 1,000 fraudulent votes. The record shows there were 1,011; Mr. Tarsney in his telegram said there were 1,200. Let us take the lowest number; let us not take the 1,200; let us not take the 1,011; let us take the lowest number named—1,000. Deducting the 101 votes for Mr. Van Horn which they say are fraudulent, there are left 899. Who got those votes? Mr. Van Horn could not have received them, for his vote was only 241; so you can not squeeze them into his vote. Then who did get them? Why, sir, the contestee got them. Deducting those 899 fraudulent votes and you have as the true vote cast for Mr. Tarsney a balance of 383 in that Second Ward. Deducting the vote of Mr. Van Horn, 241, leaving Mr. Tarsney all that he has claimed or wants to claim (except that we do not take these 1,200 fraudulent votes as a basis), and his majority in that ward is 142. It is said that Mr. Van Horn came to the walls of this Second Ward with a majority of 375. The fifty-second precinct was thrown out. Deducting the majority of Mr. Tarsney in the Second Ward, 142, and Mr. Van Horn is elected by 233.

But the gentleman from Ohio [Mr. TAYLER] may say, "Give him the other 160 in the fifty-second precinct." We threw out those; but allowing them to him his majority, not going into the other precincts at all, is 493.

This is purging the votes, if you please; taking them right here in the House as we find them and as the evidence discloses them. We gentlemen of the committee looked at this matter in every conceivable shape; we discussed it in every possible form, turning it this way and that way, seeking to get at the truth. We came to the conclusion that Mr. Van Horn was elected. We came to the conclusion that it would be a useless act on our part to go and seek to purge our minds and consciences, as the gentleman from Ohio [Mr. TAYLER] desires, of some vagary that might be there. Now, where does my friend from Ohio [Mr. TAYLER] stand on this question? What does he say in the statement which he has filed as a member of the minority?

Probably a thousand votes were thus cast in these precincts.

That is his statement. What else does he say?

The action of the committee in refusing to order the taking of further testimony relegates us to the evidence now in the case. This action of the committee furnishes, for the time being, at least, the rule of law for this case. It declares that all the testimony which can be considered is contained within the pages of the printed record. The legal effect of that testimony is, owing to the prevalence of fraud in certain precincts of Kansas City, that the returns from those precincts must be entirely disregarded.

Now mark what follows:

An unbroken line of precedents demand this.

Demands what? "An unbroken line of precedents" demand that the rule laid down by the committee in this case be followed, and that these corrupt, fraudulent returns in these precincts, as well as the ballots in the boxes, be thrown out. The gentleman from Ohio in his sober moments, when he writes this statement, says that—

An unbroken line of precedents demand this.

Have we any law to sustain our position? Let us see. I read from McCrary on Elections, third edition, section 539:

Fraud in the conduct of an election may be committed by one or more of the officers thereof, or by other persons. If committed by persons not officers it may be either with or without the knowledge or connivance of such officers. There is a difference between a fraud committed by officers or with their knowledge and connivance and a fraud committed by other persons in this: The former is ordinarily—

Not specially, not peculiarly so—

The former is ordinarily fatal to the return, while the latter is not fatal, unless it appear that it has changed or rendered doubtful the result.

The fraud of the election officers is fatal. Where the fraud of an individual voter creeps in, that is not fatal. Where a man who has been convicted of crime and has not been restored to citizenship casts his vote, or when a vote is cast by a man who has not been naturalized or by a man who has not lived long enough within the limits of the State to be a legal voter, such votes getting into the box do not vitiate the balance of the vote in the box, because they are the frauds of individuals. But when fraud is committed by the officers the fraud is fatal.

Is there any question about the fraud of these officers? Who dares defend them on the floor of this House? Mr. Tarsney has denounced them; everybody denounces them. Who dares defend them?

If an officer of the election is detected——

Mr. TERRY. Does not the statement of law, which the gentle-

man has just read, relate merely to the return of the officer, and not to the ballot? If an election officer should be guilty of fraud and should falsely certify the result of the election, his return would amount to nothing, of course; but that does not affect the validity of the ballot.

Mr. PRINCE. Would the gentleman have any confidence in a ballot box embracing 1,000 or 1,200 fraudulent votes?

Mr. TERRY. But it does not follow that the election is void because the fraud of the officer vitiates the return.

Mr. PRINCE. Yes; and the fraudulent ballots they put into the boxes corrupt the whole vote.

Mr. TERRY. But I ask the gentleman if the rule he has read does not relate to the returns made by the officers of election, to wit, that Mr. Tarsney received so many votes and Mr. Van Horn so many votes; in other words, that they have committed a fraud in the certificate?

Mr. PRINCE. I will read the entire section, and the gentleman can judge for himself.

Mr. TERRY. I ask the gentleman to read the entire clause. He will see the point I am making.

Mr. PRINCE. I will read it:

If an officer of the election is detected in a willful and deliberate fraud upon the ballot box the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result. The reason of this rule is that an officer who betrays his trust *in one instance* is shown to be capable of the infamy of defrauding the electors, and his certificate is, therefore, good for nothing. If, for example, an election officer having charge of a ballot box prior to or during the canvass is caught in the act of abstracting certain ballots and substituting others——

Mr. JOHNSON of Indiana. That is exactly what was done here.

Mr. PRINCE. Exactly what was done here—

although the number shown to have been abstracted be not sufficient to affect the result, yet no confidence can be placed in the contents of a ballot box which has been in his custody.

[Applause on the Republican side.]

Mr. TERRY. That brings us to this question or to this principle, does it not, that if you can separate the fraudulent from the valid votes, it is your duty to do so?

Mr. PRINCE. I have answered your first inquiry, and will answer the other inquiry in time as I proceed.

Now, Mr. Speaker, I do not desire to conclude my remarks to-night——

Mr. BRUMM. The gentleman had better conclude on this proposition. I do not think the gentleman ought to conclude his argument to-night, but hope he will make clear the point that he is now upon before concluding for the evening.

Mr. PRINCE. It is not my intention to conclude to-night.

Mr. WILLIAMS. I ask unanimous consent that the gentleman have leave to conclude his remarks to-morrow.

The SPEAKER. The gentleman will have the floor, if he has not exhausted his time, when the House meets again.

Mr. PRINCE. I want to finish this point now. I read the remander of this section:

We repeat, therefore, the opinion expressed in a former chapter, that a willful and deliberate fraud on the part of such an officer, being clearly proven, should destroy all confidence in his official acts, irrespective of the question whether the fraud discovered is of itself sufficient to change the result. The party taking anything by an election conducted by such an officer must prove his vote by evidence other than the return.

Now, Mr. Speaker, the gentleman from Vermont [Mr. POWERS] said that the certificate presented on the part of Mr. Tarsney was prima facie evidence of his election, and carried with it an implication that the returns were correct, and that the burden of proof was upon the party who sought to set it aside. That is true; I admit it. The burden is on Mr. Van Horn, in the first instance. But I read again:

The party taking anything by an election conducted by such an officer must prove his vote by evidence other than the returns.

Just see, then, where the burden shifts. The burden was first on Mr. Van Horn to show that there was a conspiracy, to show that fraudulent votes had been put into the box, to show that there had been a substitution of illegal votes where legal votes had been abstracted from the ballot boxes, and that the fraud resulted in the election of his opponent. Does any man deny it? Has any man the hardihood to stand up on this floor and defend the election board in the fifth, sixth, seventh, and fifty-second precincts of the city? Has it not been shown to have been fraudulent in its acts? Has not Mr. TAYLER admitted it? Has not Mr. Tarsney admitted it; has it not been admitted by testimony piled mountain high, and has it not become a stench in the nostrils of the people? Has it not been proven by the testimony presented by Mr. Van Horn? Admitting this, as all men must admit it, the burden then shifted from Mr. Van Horn to Mr. Tarsney, and it shifted upon him to show by other proofs, not by the ballots or by the returns, that he was elected to the seat that he now holds on the floor of this House.

Mr. WILLIAMS. Let me ask the gentleman if that is not exactly what Mr. Tarsney is asking to be allowed to do?

Mr. PRINCE. Yes, sir; exactly.

Mr. LONG. In what way?

Mr. PRINCE. By opening the ballot boxes and counting the very fraudulent ballots, the illegal ballots, on which he claims his right to a seat here.

Now let us see what the minority of the committee set forth in their resolution upon this question:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2, for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the fifth, sixth, seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894.

It will be seen that this "additional evidence" is confined to the ballots themselves. What would they prove? Who would believe them? Is there a man here who would believe them, corrupted and falsified as they have been? If they had asked to go and take evidence other than that shown by these fraudulent ballots; if they had asked to go and reopen the case and examine witnesses, there might have been something in it, and we could have answered at once.

Mr. BRUMM. Are you willing to have the resolution so amended if they should ask to go back and make a further investigation of the election in the way you suggest?

Mr. PRINCE. No, sir.

Mr. BRUMM. Then why do you criticise the resolution?

Mr. PRINCE. I criticise it for the reason that it asks us to do something the result of which would throw no light upon the question or in any manner inform any man on the floor of the House. It asks us to bring into the committee room 1,000 fraudulent votes, pretended to have been voted by some men who had no existence in fact at all.

Mr. BRUMM. That is true; but the legal proposition that you set forth is that the burden has been shifted——

Mr. PRINCE. Yes.

Mr. BRUMM. And in answer to my friend from Mississippi [Mr. WILLIAMS] you say the reason why you criticise this resolution is because its scope is limited?

Mr. PRINCE. Yes.

Mr. BRUMM. Now I ask you, inasmuch as the burden has been shifted under the law that you have cited, if this provision of the resolution is enlarged, will you then be willing that, the burden being shifted, Mr. Tarsney shall have an opportunity to produce the testimony and make the proof?

Mr. WILLIAMS. To take up the burden, in other words.

Mr. BRUMM. Under those circumstances.

Mr. PRINCE. No, sir; for this reason——

Mr. BRUMM. Let us hear it.

Mr. PRINCE. I will endeavor to make it clear, if I can. If I do not, the gentleman may interrogate me. I say no, for this reason, that Mr. Tarsney on January 22 and on January 24 knew each and every one of these voters, whether they had any existence or not. He knew that the fraud was reeking. He knew that the conduct of these judges had been proved to be what Mr. Van Horn alleges it was. The evidence was there before him before he took a word of testimony. Further than that, the evidence shows that this man Owsley did not resign his office of register of voters until the 25th of February, 1895, when practically all the evidence had been taken, and the opportunity had been given him to tamper and change these results in this case as he had in other instances.

Mr. BRUMM. But before you come to that second part, the proposition is, is it not true that under the law of Missouri Mr. Tarsney had no access to the ballots and that he could not get access until he came to Congress?

Mr. PRINCE. I do not know about that.

Mr. BRUMM. You ought to, because that is very important.

Mr. PRINCE. Because it is a mooted question, under the law, whether it is or not. But say he could not get control of the ballots. Let me go as far as you want me to, namely, that he could not get control of them. Will you please tell me what good those ballots would be? The evidence discloses that they were not the true ballots cast, because lawful voters had not cast those ballots. The evidence discloses that 1,011 ballots pretended to have been cast by voters were put into the box without any living man having voted them. Now, what good were those ballots?

Mr. BRUMM. There were some legal voters there, and notwithstanding the illegal ballots, an inspection of the ballots would show one thing or the other, either that they had been tampered with since or that they remained in their original condition; and by going to the legal voters who still live there, if you show that their ballots have been changed, it would be the best evidence to satisfy this House, sitting as a jury, that the fraud was such that

the whole box should be thrown out. That would be the answer to that.

Mr. PRINCE. I see. Now, I will answer that as best I can.

Mr. WILLIAMS. You can find out just what votes were cast on both sides from the ballots there.

Mr. BRUMM. I want to say that in adducing proof there must be a starting point, and that Mr. Tarsney could hardly call upon the individual voters until he could first get access to the ballot box. The proof must be adduced in its order, and the gentleman's proposition, even then, would hardly be tenable, because there must be a certain order in which the examination can be made.

Mr. WILLIAMS. Will my friend from Illinois [Mr. PRINCE] excuse me just a moment? Because it will help the explanation. As I understand, from an examination of the ballots cast in the State of Missouri, comparing them with the registration lists, you can discover just who cast these particular ballots, and therefore you can discover exactly what ballots were cast and by whom they were cast in a given election.

Mr. BRUMM. Not if they were not cast.

Mr. WILLIAMS. No; of course not.

Mr. BRUMM. That is the trouble here. The contention is that they were not cast. But my proposition is this: One of our most eminent judges has said that the rule of law is that where you can separate the wheat from the chaff it must be done.

Mr. WILLIAMS. I understand the gentleman's position perfectly.

Mr. BRUMM. Now, while their contention is that these ballots were not cast——

Mr. WILLIAMS. Some of them.

Mr. BRUMM (continuing). But that there may have been a substitution of the name of Van Horn for Tarsney, my contention is that you can separate the wheat from the chaff by calling upon the legal voters and showing whether or not there had been a substitution in other cases of Tarsney for Van Horn. There will be no trouble at all in getting at the truth in this case.

Mr. WILLIAMS. In other words, eliminating from the question all of these ballots pretended to have been cast, but not really cast by real voters, there remain a great many ballots which were cast by real voters, and that under the laws of the State of Missouri, from an inspection of those ballots and a comparison of them with the registration list, you can discover just exactly who did cast them, and by taking testimony you can discover how they cast them.

Mr. BRUMM. That is it.

Mr. CONNOLLY. What machinery would you use to get their testimony? The State of Missouri has no machinery and this House has no machinery to get the testimony of the voters so as to know how they voted.

Mr. BRUMM. I beg your pardon. There is.

Mr. PRINCE. Out of whose time is this coming, Mr. Speaker?

The SPEAKER. The gentleman from Illinois has the floor.

Mr. PRINCE. Because my time is going on, unless the House wishes to adjourn.

Mr. JOHNSON of Indiana. I suggest that the gentleman go on.

Mr. WILLIAMS. I do not know whether unanimous consent has been granted the gentleman to finish his remarks to-morrow. I ask unanimous consent——

Mr. GROSVENOR. I make the point of order that that is not in order.

Mr. WILLIAM A. STONE. I do not think the gentleman ought to be compelled to finish to-night.

Mr. JOHNSON of Indiana. But suppose the committee think it is wiser?

Mr. PRINCE. I would like to go a little further and speak with reference to this point made by the gentleman from Pennsylvania [Mr. BRUMM].

Mr. JOHNSON of Indiana. Why not extend your remarks further and finish to-night?

Mr. PRINCE. If the House will take a recess until 10 o'clock to-morrow I would be glad to go on then.

Several MEMBERS. No one will be here.

Mr. BRUMM. As I understand, the House is going to vote between 3 and 5 o'clock to-morrow.

Mr. JOHNSON of Indiana. Mr. Speaker, it is the desire of the committee to have a vote to-morrow. There are, however, several gentlemen entitled to be heard who desire to speak, but unless we make more progress it will be impossible for them to be heard.

Mr. PRINCE. I will dispose of this question of the gentleman from Pennsylvania, and then I think I will get through in about ten minutes, but if the House desires to adjourn I will quit.

Mr. JOHNSON of Indiana. From the remark of the gentleman from Pennsylvania I understand him to think that the time is limited. We simply want to take a vote to-morrow if we can.

Mr. PRINCE. With the permission of the House, I will stop at this point and begin afresh in the morning.

Mr. WILLIAMS. I renew my request.

Mr. GROSVENOR. I move that the House do now adjourn.

RESIGNATION FROM COMMITTEE SERVICE.

The SPEAKER. Pending that motion, the Chair desires to submit the following communication:

BALTIMORE, *February 18, 1896.*

SIR: I regret my time is so occupied I can not give the attention I should to the important questions coming up before the Committee on Banking and Currency. I beg, therefore, to be excused from further service on that committee, and hereby tender you my resignation as a member thereof.

Yours, with great respect,

JOHN K. COWEN.

Hon. T. B. REED,
Speaker House of Representatives, Washington.

CHANGE OF REFERENCE.

The SPEAKER. Also the following corrections of reference:

House Document No. 235, a letter from the Acting Secretary of the Treasury, transmitting a letter from the Secretary of War submitting estimates of appropriation for the Army and Navy Hospital at Hot Springs, Ark.—from the Committee on Military Affairs to the Committee on Appropriations.

House Document No. 236, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate for improvements at Columbia Arsenal, Columbia, Tenn.—from the Committee on Military Affairs to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SKINNER, for fifteen days, on account of important business.

To Mr. DRAPER, for ten days, on account of important business.

To Mr. STAHLE, for four days, on account of sickness.

To Mr. MCKENNEY, indefinitely, on account of illness.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY. I reserve all points of order.

The SPEAKER. All points of order are reserved. The gentleman from Ohio [Mr. GROSVENOR] moves that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of examination and survey of Willamette River, Oregon, from Portland to Eugene—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DINSMORE, from the Committee on Foreign Affairs, submitted a minority report (No. 520, part 2) on the resolution of the House (No. 179) to censure Thomas F. Bayard, ambassador of the United States to Great Britain, for statements said to have been made by him in certain speeches; which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 4623) for the relief of the Selma and Meridian Railroad Company. (Report No. 521.)

By Mr. COFFIN, from the Committee on Pensions:

The bill (S. 1189) granting a pension to Eliza Sandford. (Report No. 522.)

The bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia. (Report No. 523.)

The bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland. (Report No. 524.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULING (by request): A bill (H. R. 6569) providing for the extension of the present plan of the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 6570) ceding to the Filson Club

the old custom-house property in Louisville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. HULING (by request): A bill (H. R. 6571) making appropriation for the purpose of grading, graveling, and guttering Rhode Island avenue from Fourth street northeast to Twelfth street northeast—to the Committee on Appropriations.

By Mr. HERMANN: A bill (H. R. 6572) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Claims.

By Mr. STALLINGS: A bill (H. R. 6573) to grant land to the State of Alabama for the use of the State normal school at Troy, Ala.—to the Committee on the Public Lands.

Also, a bill (H. R. 6574) to grant land to the State of Alabama for the use of the State normal school for colored students at Montgomery, Ala.—to the Committee on the Public Lands.

Also, a bill (H. R. 6575) to repeal the act of March 2, 1893, and all amendments thereto—to the Committee on the District of Columbia.

Also, a bill (H. R. 6576) to amend section 3480 of the Revised Statutes, in relation to loyalty—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 6577) to authorize the registration of trade-marks and labels, and to protect the same—to the Committee on Patents.

By Mr. WOODMAN: A bill (H. R. 6578) to provide for the erection of a monument to the memory of the great educational reformer, John Amos Comenius, otherwise known as Komensky—to the Committee on the Library.

By Mr. BULL: A bill (H. R. 6579) authorizing the Secretary of the Navy to grant condemned cannon, cannon balls, etc., to Grand Army posts, and for other purposes—to the Committee on Naval Affairs.

By Mr. MEREDITH: A bill (H. R. 6611) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. McCLURE: A bill (H. R. 6612) to require duties on commodities imported from certain countries to be paid in foreign gold coin—to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 6613) to pension disabled teamsters—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: A memorial of the general assembly of Iowa, asking recognition of the proposed transmississippi exposition at Omaha—to the Committee on Ways and Means.

Also, a memorial of the general assembly of Iowa, favoring an appropriation for the reconstruction of the levee on the Mississippi River at Muscatine—to the Committee on Levees and Improvements of the Mississippi River.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 4560) for the relief of Dr. John B. Read, and the papers accompanying the same—Committee on Military Affairs discharged, and referred to the Committee on Claims.

The bill (H. R. 6200) granting a pension to Nimrod H. Harman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6293) to increase the pension of Peter Rafferty—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6325) for relief of Eliza Dickerhoff, widow of Louis Dickerhoff, deceased—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 4508) to remove charge of desertion from military record of John Robinson—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

The bill (H. R. 6317) for the relief of Margaret Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURTON of Missouri: A bill (H. R. 6580) to carry out the findings of the Court of Claims in the case of Henry L. Mitchell—to the Committee on War Claims.

Also, a bill (H. R. 6581) to carry out the findings of the Court of Claims in the case of Jonathan Buzzard—to the Committee on War Claims.

By Mr. BURRELL: A bill (H. R. 6582) for the relief of William H. Blades—to the Committee on Claims.

By Mr. CODDING: A bill (H. R. 6583) granting an increase of pension to Charles Wells—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 6584) granting a pension to Hannah Debord, of Bee Lick, Pulaski County, Ky.—to the Committee on Invalid Pensions.

By Mr. DE WITT: A bill (H. R. 6585) granting a pension to Horace B. Hollenback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6586) granting a pension to John T. Thrift—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6587) granting a pension to Robert McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6588) granting a pension to Rosanna Sherim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6589) granting a pension to William C. Travis—to the Committee on Invalid Pensions.

By Mr. DOCKERY (by request): A bill (H. R. 6590) granting a pension to William Greer—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 6591) for the relief of John Conley—to the Committee on Military Affairs.

By Mr. HARRIS: A bill (H. R. 6592) to reimburse Edward Loudenslager, late postmaster of Fremont, Ohio, for moneys personally paid by him and for rent due him for post-office equipment for which the Government received services—to the Committee on Claims.

By Mr. JOHNSON of California: A bill (H. R. 6593) to increase the pension of William S. Peters—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 6594) to correct military record of Thomas Cary—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 6595) for the relief of Smith R. Mershon—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 6596) for the relief of George S. Ayre—to the Committee on War Claims.

By Mr. MONEY: A bill (H. R. 6597) for the relief of Joel M. Bryan—to the Committee on Indian Affairs.

By Mr. PEARSON: A bill (H. R. 6598) for the relief of Adolphus Ervin Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 6599) for the relief of D. J. Hunsucker—to the Committee on Claims.

Also, a bill (H. R. 6600) for the relief of James Berry Duckett—to the Committee on Military Affairs.

Also, a bill (H. R. 6601) for the relief of William I. Penland—to the Committee on Military Affairs.

Also, a bill (H. R. 6602) to complete the military record of James A. Sams, and for an honorable discharge—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 6604) granting a pension to Charles S. Kidder—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 6605) granting a pension to William H. Ledford—to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 6606) for the relief of H. J. Thornton, of Scott County, Miss.—to the Committee on War Claims.

By Mr. BAKER of Maryland: A bill (H. R. 6607) for the relief of Helen Larned—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 6609) granting a pension to Hannah M. Cheney, of Springfield, Vt.—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 6610) to remove the charge of desertion from the military record of Jacob Eckert—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the Commercial Club of Boston, Mass., relative to the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. BARTLETT of New York (by request): Petition of A. M. Drew and others, of Stapleton, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

By Mr. BOWERS: Petition of pastors of churches at San Bernardino, Cal., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BROSIUS: Resolution of Manheim Council, No. 154, Order of United American Mechanics, of Pennsylvania, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Missouri: Letter from the Bar Association and Business Men's Club of Chicasha, Ind. T., in relation to House bill No. 5110—to the Committee on the Judiciary.

Also, testimony in support of House bill No. 3846, favoring a pension to John Roof—to the Committee on Invalid Pensions.

Also, papers in support of House bill No. 5849, for the relief of Harmon Conley—to the Committee on War Claims.

By Mr. COBB of Missouri: Petition of citizens of St. Louis, Mo., for the location of the third bridge over the Mississippi River

at St. Louis—to the Committee on Interstate and Foreign Commerce.

By Mr. CODDING: Petitions of citizens of Franklindale, Forkston, Sayre, Monroeton, and county of Susquehanna, Pa., for the passage of the bill restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Forkston, Pa., urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. COOPER of Texas: Petition of D. W. Salliday and 122 citizens of Jefferson County; also petition of A. Broussard and 62 others, of Jefferson County, all of the State of Texas, praying for the imposition of a duty on imported rice—to the Committee on Ways and Means.

By Mr. COWEN: Petition of James C. Bishop and 40 other citizens of Baltimore, Md., praying for the passage of joint resolution No. 11, amending the Constitution of the United States; also a protest against further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Pride of Welcome Council, No. 33, Daughters of Liberty, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Memorial of the Filson Club of Louisville, Ky., asking the cession to it of the old custom-house property in said city for historical purposes—to the Committee on Public Buildings and Grounds.

By Mr. GRISWOLD: Petition of citizens of Linesville, Pa., and vicinity, favoring an amendment to the laws on immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 3872, for an increase of pension to William S. Demott—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of P. B. Swaney, E. F. King, and others, of the State of Illinois, favoring the passage of House bill No. 2626—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Dr. J. H. Richie, John Jobs, and others, of Westmoreland County, Pa., ex-prisoners of war, favoring the passage of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. HULL: Petition of A. G. Sutherland and 21 others; also petition of H. G. Riddall and 24 others; also petition of J. C. Cameron and 10 others, all of the State of Illinois, asking that the grade of Lieutenant-General be revived—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: Petition of Margaret B. Platt, president, and 5 other officers of the Woman's Christian Temperance Union of the District of Columbia, asking that the age of consent be raised from 16 to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition for Sunday-rest law for the District of Columbia, signed by Margaret B. Platt, president, and 5 other officers of the Woman's Christian Temperance Union of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Margaret B. Platt, president, and 5 other officers of the Woman's Christian Temperance Union of the District of Columbia, in favor of the enforcement of compulsory-education law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KULP: Petition of William McCoy, O. P. Knerr, and 116 other members of council No. 138, Daughters of Liberty, of Shamokin, Pa.; also, petition of Leon J. Campbell, Cyrus Hins, and 42 other members of the Patriotic Order of Sons of America, of Shunk, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LEISENRING: Petition of Washington Camp, No. 393, Patriotic Order Sons of America, of Bloomingdale, Pa., asking for the passage of a bill for the inspection of immigrants by United States consuls—to the Committee on Immigration and Naturalization.

By Mr. MAHON: Petition of Washington Camp, No. 515, Patriotic Order Sons of America, of Middleburg, Pa., praying for the passage of the Stone bill to restrict immigration—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Massachusetts: Resolutions of the Commercial Club of Boston, Mass., asking an appropriation for the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. MEIKLEJOHN: Petition of citizens of South Sioux City, Nebr., praying for protection of the Nebraska shore of the Missouri River at that place—to the Committee on Rivers and Harbors.

Also, resolution of the Congregational Club of Crete, Nebr., asking for the protection of American citizens in Turkey—to the Committee on Foreign Affairs.

Also, petition from the Woman's Christian Temperance Union of Lincoln, Nebr., Ella M. Watson, secretary, protesting against military training in public schools—to the Committee on Military Affairs.

By Mr. MONEY: Petition of citizens of Mississippi for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. MOODY: Petition of citizens of Haverhill, Mass., for the relief of Charles Amos, to accompany House bill No. 3701—to the Committee on Naval Affairs.

By Mr. MORSE: Petition of Mathew W. Brown and 49 other citizens of Fort Palmer, Pa.; also petition of S. B. Wengert and 48 others, of Elizabethville, Pa.; also petition of Rev. M. L. Heisler, pastor Lutheran church, and 39 others, of Dauphin, Pa.; also petition of Abram Shriver and 45 others, of Waynesburg, Pa.; also petition of Rev. A. Ketchin and 5 others, of Cincinnati, Ohio, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of business men, manufacturing companies, State officers, and members of the Wisconsin legislature, asking for the improvement of the harbor at South Milwaukee, Wis.—to the Committee on Rivers and Harbors.

By Mr. SIMPKINS: Petition of J. H. French, H. B. Chase & Sons, A. P. & E. G. Eagleston, J. S. Nicholson, C. F. Swift, A. Crocker, Eben Smith, T. C. Day, and 70 others, for the dredging of the channel leading to the wharf in Hyannis, Mass., to a depth of 13 feet—to the Committee on Rivers and Harbors.

Also, petition of Fall River Board of Trade—Joseph A. Bowen, president; Josiah Brown, secretary—for the widening of the draws in bridges over Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

Also, resolutions of the Commercial Club of Boston, Mass.—Jerome Jones, president; Joseph B. Russell, secretary—for the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. SULLOWAY: Petition of Jeremiah Langley and 64 others, praying for an adequate appropriation to dredge out the channel of Oyster River at Durham, N. H.—to the Committee on Rivers and Harbors.

By Mr. TUCKER: Petition of Benjamin Pendleton, for an increase of pension—to the Committee on Pensions.

By Mr. WOOMER: Petition of A. W. Klaiss and 125 other citizens of Steelton, Pa.; also petition of J. R. Johnson and 25 others, of Logania, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *February 27, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FUR SEALS IN BERING SEA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 17th instant calling for copies of the reports made by the agents, officers, or persons acting under the authority of the Secretary of the Treasury in the years 1894 and 1895 in relation to the condition of the fur seals on the Pribilof Islands, etc., stating that the preparation of the copies of such papers will involve great labor and require considerable time, and transmitting the originals, with the request that they be returned to the files of the Department, without mutilation, in case the Senate should order them printed; which, with the accompanying papers, was referred to the Committee on Foreign Relations.

Mr. MORGAN. Several days ago the Senate made an order for the printing of those papers, to anticipate and avoid the difficulty of copying so large a mass of papers; and I ask that they be now sent to the Public Printer.

The VICE-PRESIDENT. It will be so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of C. D. Mosher, of Chicago, Ill., praying for the enactment of legislation establishing United States national postal coupon savings bank depositories in every post-office in America; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty and students of Oberlin College, Oberlin, Ohio, praying for the establishment of a permanent court of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN. I present a telegraphic resolution adopted by the Board of Trade of Kansas City, Mo., praying for the acknowledgment of Cuban independence. As this subject is pending before the Senate, I move that the resolution lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a petition, in the form of resolutions adopted at three several meetings of citizens of Jefferson County, Ohio, praying that the preamble of the Constitution be changed so as to acknowledge Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil

affairs, etc. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. PEFFER. I present the petition of H. G. Gattier and a large number of other citizens of Kansas, making the same prayer as the petition just presented by the Senator from Ohio [Mr. SHERMAN] for an amended form of the preamble of the Constitution of the United States. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PEFFER. I have a petition here to which I call the attention of the Committee on Finance. I see that the chairman of the committee is present. There is a bill pending before that committee proposing to prohibit the collection of special liquor taxes from any persons in any of the States of the Union except from such persons as are authorized by the laws of the several States to engage in the traffic in intoxicating liquors. Besides this petition I have recently received a large number of letters urging the passage of that bill or one of a similar character. I now present the petition of Rev. J. L. Miller and 175 other citizens of Frankfort, Kans., praying for such legislation. I hope that the committee will soon find a favorable opportunity to take up that bill and report it. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition of sundry citizens of Dauphin County, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the joint executive committee on the improvement of the harbor of Philadelphia and the Delaware and Schuylkill rivers, praying that an appropriation be inserted in the river and harbor appropriation bill providing for a further survey of the Schuylkill River; which was referred to the Committee on Commerce.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying for the acknowledgment of Cuban independence; which was ordered to lie on the table.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Lincoln, Nebr., praying the Congress of the United States to use its best efforts to avert a war between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of William Zutz, postmaster at Hoskins, Nebr., praying for the enactment of legislation granting to fourth-class postmasters a just and reasonable compensation for their services; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of St. Paul, Nebr., praying for the enactment of legislation granting a pension to Alice V. Cook, of that city; which was referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin presented a petition of the Wisconsin Dairymen's Association, praying for the passage of House bill No. 4349, providing for a system of State trade-marks for dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wisconsin Dairymen's Association, praying for the passage of House bill No. 3010, imposing a tax upon "filled cheese"; which was referred to the Committee on Finance.

Mr. BATE presented a petition of sundry citizens of Chattanooga, Tenn., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. CALL. I present a resolution, in the nature of a petition of the General Congregational Association of the State of Florida, in convention assembled, deploring the condition of desolation and war existing in the neighboring Island of Cuba, and stating that they view with horror the proclamation of the captain-general probably inaugurating a reign of bloodshed such as should not exist among civilized peoples, and entreating the President of the United States and Congress to use the strongest influence of this Government to prevent undue cruelty in the prosecution of this war. I move that the petition lie on the table.

The motion was agreed to.

Mr. VILAS presented a petition of the Wisconsin State Dairymen's Association, praying for protection from fraudulent and unscrupulous methods in the manufacture of dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Wisconsin State Dairymen's Association, praying for the passage of House bill No. 3010, imposing a tax upon "filled cheese"; which was referred to the Committee on Finance.

Mr. SQUIRE presented sundry petitions of citizens of North Avon, Vashon, and Whatcom County, all in the State of Washington, praying for the adoption of an amendment to the Constitution of the United States, prohibiting further appropriations to institutions under ecclesiastical control; which were referred to the Committee on the Judiciary.

He also presented a petition of the faculty and students of the University of Washington, of Seattle, Wash., praying for the establishment of a permanent court of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of King County, Wash., praying that an appropriation be made for the improvement of the Duwamish, White, and Black rivers, in that State; which was referred to the Committee on Commerce.

Mr. BURROWS presented a memorial of 32 citizens of Standish, Mich., remonstrating against the appropriation of public moneys for sectarian purposes; which was referred to the Committee on the Judiciary.

Mr. WARREN presented the petition of Charles Heidrich and 25 other citizens of Wood, Wyo., praying for the adoption of an amendment to the Constitution of the United States prohibiting further appropriations by Congress to institutions under ecclesiastical control; which was referred to the Committee on Appropriations.

He also presented the petition of H. J. Baker and 16 other citizens of Wood, Wyo., praying for the passage of House bill No. 354, to establish a national university; which was referred to the Select Committee to Establish the University of the United States.

Mr. COCKRELL. I present a resolution adopted at a meeting of the members of the Board of Trade of Kansas City, Mo., respectfully petitioning Congress to acknowledge the independence of the Cuban republic and grant it material aid to stop the wicked and barbarous war that the Spanish Government is waging upon it. I move that the petition lie on the table.

The motion was agreed to.

Mr. GEAR presented a joint resolution of the legislature of the State of Iowa, relative to the transmississippi exposition to be held at Omaha, Nebr., in the year 1898; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 10. Relative to the transmississippi exposition to be held at Omaha, Nebr., in the year 1898.

Whereas delegates representing the twenty-four States and Territories lying west of the Mississippi River at the transmississippi congress of 1895 adopted a resolution providing for the holding of an exposition for the purpose of exhibiting the products, manufactures, arts, and industries of these States and Territories; and

Whereas the said convention voted to hold the said exposition at the city of Omaha, Nebr., in the year 1898; and

Whereas the common interest of the States and Territories constituting this great region as well as of the country at large will be greatly promoted thereby and the interest of the State of Iowa, lying at its gateway, will be especially benefited by such an exposition on her borders: Therefore,

Be it resolved by the general assembly of the State of Iowa, That the holding of the said tranmississippi exposition is hereby heartily approved and that the Senators and Representatives in Congress from Iowa are requested to cooperate with the Senators and Representatives from our sister State, Nebraska, and the other transmississippi States in procuring the passage at this session of Congress of a bill giving national recognition to said exposition, and providing for an appropriation for a national exhibit and the necessary and proper buildings to contain same.

And be it further resolved, That a copy of the foregoing resolution be certified by the secretary of state under the seal of the State and sent to Senators and Representatives in Congress from Iowa.

W. M. McFARLAND,
Secretary of State.

Mr. GEAR presented a joint resolution of the legislature of the State of Iowa, relative to improving the navigation of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 3. Memorial and joint resolution relative to improving the navigation of the Mississippi River.

Whereas the citizens and taxpayers of the Muscatine Island levee district, composed of lands lying adjacent to the Mississippi River, in Muscatine and Louisa counties, Iowa, have maintained for many years a levee at their own expense, which levee is of great benefit to the navigation of the Mississippi River and protection to the lands and agricultural districts thereto adjoining; and

Whereas the said levee is now in need of reconstruction and repairs, and the taxpayers of the said district are unable longer to maintain said levee at their own cost; and

Whereas said levee is a great help in restraining the waters of the Mississippi River in its channel, thereby improving the navigation of said river:

Be it resolved by the general assembly of Iowa, That our Senators and Representatives in Congress are requested to use their active influence to secure and to vote for such appropriations as will insure the reconstruction and repair of the said Muscatine Island levee at the earliest possible date.

Resolved, That the secretary of state be, and is hereby, instructed to forthwith transmit a copy hereof to each of our Senators and Representatives in Congress from Iowa.

W. M. McFARLAND,
Secretary of State.

Mr. GEAR presented the petition of E. J. Gault and sundry other citizens of Iowa, praying that Congress recognize the South-

ern Border Brigade of Iowa and the Enrolled Militia of Missouri, making the same pensionable as United States troops, and that the law of June 27, 1890, be made to apply to them; which was referred to the Committee on Pensions.

Mr. DANIEL presented a petition of the city council of Newport News, Va., praying for the establishment of a free-delivery mail service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of C. C. Kent, George W. Wray, Harris L. Moss, and sundry other citizens of Newport News, Va., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

He also presented the petition of James R. Mansfield, S. D. Devaughn, R. E. Lee Tyler, and sundry other citizens of Alexandria, Va., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 2214) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CAFFERY, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 61) authorizing and requiring the Secretary of War to contract with Charles Stoughton for the improvement of the Harlem Kills, New York City, by a canal to connect the lower Harlem River with Long Island Sound, 3,400 feet in length, 300 feet in width, and 15 feet in depth at mean low water, or by a similar canal 18 feet in depth at mean low water, in strict conformity with the survey and report made thereon in 1881 by Col. John Newton, reported adversely thereon; and the joint resolution was postponed indefinitely.

Mr. CAFFERY. I am also instructed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 58) appropriating $5,000 to open Jupiter Inlet, Florida, to report adversely thereon and move its indefinite postponement. I wish to state in reporting back the joint resolution that the reason which actuated the committee in making the adverse report is that adequate provision was made on the urgent deficiency appropriation bill for opening Jupiter Inlet.

Mr. CALL. The Senator from Louisiana may not have been distinctly heard at the desk. I desire to have it appear in the RECORD in connection with the joint resolution reported adversely from the Committee on Commerce proposing to appropriate $5,000 for Jupiter Inlet, in the State of Florida, that the appropriation, reduced to $500, was made in the urgent deficiency appropriation bill which passed the Senate. I wish this statement to appear in the RECORD in order that the adverse report may not mislead people interested in that improvement.

The VICE-PRESIDENT. The joint resolution will be indefinitely postponed.

Mr. CAFFERY, from the Committee on Commerce, to whom was referred the bill (S. 494) constituting Stamford, Conn., a port of delivery, reported it with an amendment.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 615) for the relief of Andrew Martin, reported it with an amendment, and submitted a report thereon.

Mr. McBRIDE. I am directed by the Committee on Transportation Routes to the Seaboard, to whom was referred the bill (S. 1657) making a further appropriation for the construction and equipment, and providing for the completion thereof by placing the work under contract, of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, in the State of Oregon, to report it favorably without amendment, and submit a report thereon, with the recommendation that it be referred to the Committee on Commerce to be incorporated in the river and harbor appropriation bill.

The VICE-PRESIDENT. The bill will be referred to the Committee on Commerce.

Mr. WALTHALL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 800) to remove the charge of desertion from the military record of William McCormick;

A bill (S. 1851) to establish a military post at or near the city of Grand Forks, in Grand Forks County, in the State of North Dakota; and

A bill (S. 1063) to establish a military post at or near the city of Pierre, Hughes County, in the State of South Dakota.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1929) for the relief of William H. Crook, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2800) granting a pension to Martha Brooks;

A bill (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.;

A bill (H. R. 2340) granting a pension to Caroline Parker; and

A bill (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 1974) for the relief of Mrs. Harriet D. Newson, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, reported it with an amendment, and asked that it lie on the table; which was agreed to.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company," reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 924) to provide for the erection of a bridge across the Detroit River, at Detroit, in the State of Michigan, reported it with amendments.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 1127) granting an increase of pension to Russell R. King, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2094) to relieve James Poundin from the charge of desertion, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 26th instant, intended to be proposed to the Army appropriation bill, reported it favorably with an amendment, and asked that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

CHRISTOPHER SCHMIDT.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1758) for the relief of Christopher Schmidt, to report it without amendment. I give notice that I shall at the earliest opportunity ask for the consideration of the bill. I wish I might do it now. A German citizen was very seriously injured and disabled for life by careless shooting upon the target range at Fort Snelling. The German ambassador took up the case, presented it to the Government, and asked for a liberal allowance—a gross sum of money. The War Department reports a most thorough investigation of the circumstances, and says that the wounding of the poor fellow was due to gross negligence at that post. The committee has reported $40 a month. The original claim suggested by the German ambassador was a gross sum of $10,000. The committee has changed that into a pension. I may state that a new suggestion has been received from that ambassador through the State Department within a week or two. I ask unanimous consent to consider the bill now. A similar bill passed the Senate once in the last Congress.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent for the present consideration of the bill which he reports from the Committee on Military Affairs. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $40 a month for and during the term of his natural life to Christopher Schmidt, of St. Paul, Minn., for injuries received from accidental shot on the rifle range at Fort Snelling, July 14, 1892, in quarterly payments, upon such vouchers as the Secretary of the Treasury may prescribe.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PASCO. I ask whether this man was in the military service or whether he was a private citizen?

Mr. HAWLEY. He was a respectable and peaceful citizen passing by. He was warned to go back and then to go ahead, and they got into confusion about it. The last direction was to go ahead, and he received the shot, which destroyed the sight of one of his eyes and seriously affected his whole system.

Mr. PASCO. It seems to me that it would be much better to allow a gross sum rather than to pension a man who has no military claims upon the Government. I suggest that the bill should be so modified as to give relief in that shape.

Mr. HAWLEY. I hope not. If you treat it as a matter of economy the odds are that you would pay much less if you would give a pension, because he can not live forever. If you pay $10,000 you are giving him as much or more than is proposed here. I think the committee was quite right in granting a pension.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut for the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST DEFENSE INQUIRY.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Washington [Mr. SQUIRE] January 15, 1896, to report it without amendment, and to ask immediate action upon the resolution.

The resolution was read, as follows:

Resolved, That the Committee on Coast Defenses be, and the same is hereby, authorized, in the consideration of bills before said committee to provide for fortifications and other defenses, to sit during the sessions of the Senate, to visit such points as in the opinion of the committee may be necessary, to send for persons and papers, and to employ a stenographer, the expense thereof to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Is there any amendment reported to the resolution?

Mr. JONES of Nevada. There is no amendment.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the resolution.

Mr. COCKRELL. I asked if there was any amendment proposed to the resolution. It comes from the Committee on Contingent Expenses, I understand.

The VICE-PRESIDENT. It does.

Mr. JONES of Nevada. There is no amendment reported by the committee to the resolution.

Mr. COCKRELL. And the Committee on Coast Defenses is to be authorized to travel at the expense of the Government all over the United States wherever it chooses to go?

Mr. JONES of Nevada. I understand from the chairman that the committee do not wish to travel extensively, but it is thought they may desire to go to New York.

Mr. COCKRELL. If the committee does not want to travel, that clause ought to be stricken out.

Mr. SQUIRE. I will say that it is not the present intention of the Committee on Coast Defenses to make any excursion at all; but at the same time it is thought best that provision shall be made so that in case the committee should wish to visit any of the works now under construction by the Government or the completed works they should have authority to do so. There is no intention at the present time to visit any point, but I may state——

Mr. COCKRELL. That is, no intention during the present session of Congress, but the committee is to spend the vacation in that way?

Mr. SQUIRE. No; the resolution does not provide for the vacation at all. It merely provides for the time during the session. If the members of the committee should like to see for themselves the operations of the Government in the construction of the great gun lifts, the disappearing carriages, and the mortar batteries at Sandy Hook it would seem wise and proper that the committee should go there and see with their own eyes those works.

Mr. VEST. Let the resolution be read; I did not understand it.

The Secretary again read the resolution.

Mr. SQUIRE. The members of the committee agree with me that it will not be necessary for the committee to visit any other point than Sandy Hook, New Jersey, and the other harbor defenses at New York, and they have not agreed to do that, but if they wish to do it, and they conceive they may desire to do so, they ask to have that authority given them. I am willing that the resolution shall be amended so as to limit the visit of the committee to Sandy Hook.

Mr. HAWLEY. No; to the defenses of New York City.

Mr. SQUIRE. Very well; the defenses of New York, as an example of the great plan of seacoast defenses. I propose that amendment myself as the author of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution as modified? The Chair hears none, and the question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

REPORT ON COAST DEFENSES.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Washington [Mr. SQUIRE] on the 26th instant, to report it with an amendment; and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That 8,000 additional copies of Report No. 336 and of the hearings before a subcommittee of the Committee on Coast Defenses be printed for the use of the Committee on Coast Defenses.

The amendment of the Committee on Printing was, in line 1, to strike out "eight" and insert "ten"; so as to read: "Ten thousand additional copies."

The amendment was agreed to.

The resolution as amended was agreed to.

BULLETIN ON APICULTURE.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 67) providing for the printing of 15,000 copies of the Bulletin on Apiculture, to report it with an amendment, changing it to a concurrent resolution instead of a joint resolution. I ask for the present consideration of the concurrent resolution.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture, the same to be in paper covers, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the Senate.

The concurrent resolution was agreed to.

The VICE-PRESIDENT. The joint resolution will be postponed indefinitely.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Colorado [Mr. TELLER] on the 5th instant, to report it with an amendment; and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 35,000 extra copies of Senate Document No. 92, third session of Fifty-third Congress, relating to the introduction of reindeer into Alaska, be printed, of which number 5,000 in paper covers shall be for the use of the Senate and 10,000 in paper covers for the use of the House of Representatives and 20,000 in cloth for the use of the Bureau of Education.

The amendment of the Committee on Printing was, in line 8, to strike out the word "cloth" and insert "paper covers"; so as to read: "And 20,000 in paper covers for the use of the Bureau of Education."

Mr. VEST. I should like to know from the Senator from Maine why we ought to have 35,000 copies of this document printed for the purposes of education. It strikes me, with all due respect, that that is absurd. We do not expect to introduce reindeer into this country at large. I take it, from what little I know about the animal, that would neither be practicable nor profitable. It is proposed to print 35,000 copies of this history of a fad, for it is nothing else. I happen to have been to Alaska once. I never propose to go again. I say that this is a mere fad of a gentleman who went up there as a missionary, who has made a specialty of Alaska, and has conceived the idea of introducing reindeer to prevent the natives there from starving. I hope he will succeed. I do not want to see any human being starve; I do not want to throw any obstacle in the way of furnishing them food; but the idea of our going on with this waste of public money is absurd. I had occasion to state the other day that the basement of this Capitol is filled with the old débris of useless reports of every description that are rotting there now and that nearly produce disease in the Capitol. All the adjacent buildings that we have rented here are full of them. We had complaints here to the effect that a floor in the Maltby Building was about to sink under the weight of this useless trash piled up year by year, for which we are throwing away thousands of dollars. I am compelled to remonstrate against this sort of thing. If there were any utility in it, if there were any practical necessity for it, I would be the last Senator to say a word; but 35,000 copies of this fad, for it is nothing else—I should like to ask the Senator from Maine what these extra copies will cost.

Mr. HALE. I will make a little explanation. If the Senator from Missouri had read all the enthusiastic literature that has emanated from the gentleman to whom he refers as having gone to Alaska in one relation and by some process of evolution at last

reports himself to us in another, he would have wondered that 150,000 copies were not ordered or asked of us. It is evidently the belief of that gentleman that many of the subjects before the United States Congress, including finance, currency, and tariffs, and attempted war with almost every nation under the sun, are not of so much importance combined as Alaska. I can only say that the committee, not fully sharing in that feeling, but being requested by Senators who believe that this literature ought to be properly disseminated, have reported a rather moderate resolution. It will cost about $6,000.

I will state to the Senator from Missouri that the committee has cut down one proposition which came from the Alaska agent, that his share of this distribution, being the larger portion of it, should be bound in cloth rather than in paper. We saw no reason why this small book of 200 or 300 pages, or perhaps less, should be put into an expensive form for his benefit, and we have left him with the 20,000 copies in paper, the same moderate—and perhaps he will consider it ignoble—form that we take for ourselves.

Mr. VEST. Is he to distribute the 20,000 copies?

Mr. HALE. He is to distribute 20,000 copies, the Senate 5,000 copies, and the House of Representatives 10,000 copies. I have some sympathy with what the Senator from Missouri says about this Alaska experiment. I have never taken any great stock in it. It has always looked to me as if it was a forced put; but Congress has embarked in it, and has accepted it; it has undertaken the propagation of reindeer there as a food supply for the people, and there is no doubt that a great interest in all parts of the country is felt in the experiment. People of scientific and semiscientific minds have had their attention directed to it, and they want copies of this book. I have myself had a good many requests for it. If the Senator will move to cut down the number to 10,000, leaving only 10,000 copies to be distributed by the Bureau of Education, which of course is this gentleman who is in Alaska, I shall not object to that, but it is not a very bad thing as it is.

Mr. MORGAN. How many copies are given to him by the resolution as it stands?

Mr. VEST. Twenty thousand copies.

Mr. HALE. Thirty-five thousand copies would cost about $6,000, and they are all to be in the same binding. As I have said, the committee cut down the book form to be distributed by the Alaskan agent of the Bureau of Education, leaving them all in paper covers, the cheapest form. I care very little about it myself.

Mr. VEST. I move to strike out the 20,000 copies to be distributed by Mr. Jackson.

Mr. HALE. I would not do that.

Mr. TELLER. I hope the Senator from Missouri will not do that, but that he will allow the Bureau to have some copies at least.

Mr. VEST. I understand that he is to do it.

Mr. TELLER. It is the Bureau.

Mr. HALE. It is to be done by the Bureau of Education.

Mr. VEST. Let the Bureau do it, then. I have no objection to that.

Mr. TELLER. That is the idea. The Bureau of Education will distribute the copies.

Mr. VEST. I understand the Senator from Maine agrees to strike off 10,000 copies.

Mr. HALE. I suggest to the Senator, if he moves anything, that he move to strike out "20,000," in line 7, and make it 10,000, and then strike out "35,000" as the total and make it "25,000." I have no objection to that amendment.

Mr. VEST. Very good.

The VICE-PRESIDENT. The first question is on the amendment of the committee, in line 8, to strike out the word "cloth" and insert "paper covers."

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from Missouri to strike out, in line 7, "20,000 copies" and insert "10,000 copies," and to reduce the total from "35,000 copies" to "25,000 copies."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

CUMBERLAND SOUND IMPROVEMENT.

Mr. PASCO. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida, to report it favorably with an amendment in the form of a substitute. This is an urgent matter, has received the unanimous approval of the committee, and I ask that it may receive immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Commerce was to strike out all after the resolving clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to report what amount, if any, can be profitably expended in the fiscal year ending June 30, 1897, upon the improvement of the harbor of Cumberland Sound, Georgia, in compliance with the requirements of the second section of the river and harbor acts of 1866 and 1867 and of the sundry civil appropriation act of March 3, 1893.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution directing the Secretary of War to furnish certain information with reference to the project for the improvement of the harbor of Cumberland Sound, Georgia."

BILLS INTRODUCED.

Mr. CHANDLER introduced a bill (S. 2283) for the relief of Charles Gallagher, and to refer his claims to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 2285) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McBRIDE introduced a bill (S. 2286) providing for the payment of certain Indian police in Alaska; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. TURPIE introduced a bill (S. 2287) granting an increase of pension to George W. Swango; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2288) to provide for the removal of snow, ice, and dirt from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2290) granting a pension to Hester A. Robinson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2291) granting an increase of pension to Hugh Thompson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2292) for the relief of George A. Gove; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2293) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 2294) to increase the efficiency of the Marine Corps of the United States, and to reestablish its organization; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2295) granting a pension to Mrs. Christina Graham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SQUIRE introduced a bill (S. 2296) to authorize the President of the United States to appoint William D. O'Toole to the military service of the United States, and to place him on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2297) to authorize the President to appoint Jacob E. Noel a lieutenant-commander on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VILAS introduced a bill (S. 2298) to enlarge the Corps of Cadets at the United States Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2299) granting a pension to William Menneke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 2300) granting a pension to Mrs. Marie A. Mueller, of Albany, Oreg.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2301) to establish engineering

experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and acts supplementary thereto; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2302) granting a pension to Mary Twine; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2303) granting a pension to Elizabeth Ray; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2304) granting a pension to Daniel Coonan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2305) providing for the purchase and distribution of certain historical publications therein named; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. HILL (by request) introduced a bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRITCHARD (by request) submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STENOGRAPHER TO COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. PROCTOR submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be authorized to employ a stenographer to report hearings upon matters pending before it, to be paid from the contingent fund of the Senate.

ALLEGED IMPRISONMENT OF AMERICAN CITIZENS BY SPAIN.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate, That the President of the United States be requested to demand of the Government of Spain a statement as to the truth of the charges made in a letter published in the newspapers, purporting to be from Mr. Gomez, late editor of the La Lucha, a newspaper published in Habana, that he had been tortured while confined in a dungeon on the bare ground for two months in Ceuta, the penal colony of Spain, to extort from him evidence against Julius Sanguilly, a naturalized citizen of the United States, and subsequently killing the said Gomez; also to insist on a full report of the evidence and all the proceedings in the alleged civil trial of Julius Sanguilly, in which it is charged that the said Sanguilly was condemned to imprisonment for life at Ceuta on suspicion only and without evidence; also, to demand the release of Charles Michelsen and Lorenzo Betancourt, correspondents of the New York newspapers, who are charged only with entering within the insurgent lines to obtain information; also to demand of Spain that all American citizens who shall be captured by the Spanish forces shall be treated as prisoners of war and be accorded humane treatment; and to inform the Spanish Government that the United States will insist on this demand.

ALLEGED ASSESSMENTS IN THE POST-OFFICE DEPARTMENT.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate——

Mr. QUAY. I gave notice yesterday that at the conclusion of the morning business to-day I would call up the Army appropriation bill.

Mr. PEFFER. Mr. President, there is a resolution now lying on the table, which I asked, when it was placed before the Senate a day or two ago, that I might have the privilege of calling up at a convenient time. I desire now to call it up for the purpose of having it referred to the Committee on Post-Offices and Post-Roads. It is a resolution instructing the committee to make certain investigations. I do not ask that the resolution be adopted, but simply that it may be referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Kansas [Mr. PEFFER], coming over from a previous day, which will be read.

The Secretary read the following resolution, submitted by Mr. PEFFER February 12, 1896:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, instructed to inquire and report whether, during the year 1895, or any portion thereof, any of the employees of the Post-Office Department, while receiving pay from appropriations for that Department, did, with the knowledge, connivance, or direction of any clerk or clerks, or chief or chiefs of division, levy and collect assessments of money on and from other employees of the Department to be used, and which was used, for political purposes in States where election campaigns were in progress at that time; whether any person or persons were employed and borne on the Department rolls as employees and regularly paid as such who, while pretending to be discharging the duties of inspectors in the free-delivery service, were in fact actively engaged in aiding and assisting one of the political parties in said election campaign; whether, during such time, in room 3 of the Interior Department building, or in any other room or rooms in said building or in any other building, any employee of the Department was directing or managing the employment of persons for the purposes aforesaid and receiving and disbursing the moneys so assessed and collected, and whether such manager or director kept an account of such moneys in his own name in any bank of the city of Washington or elsewhere.

The committee will inquire and report, further, whether during the period covered by this resolution any person or persons were employed by any clerk or chief of division in the Post-Office Department and kept on the Department pay rolls and paid out of the Department funds, which payment was not authorized by law or by any lawful rule or regulation of the Department, and for which services no appropriation had been made by Congress.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Post-Offices and Post-Roads, in the absence of objection.

SEACOAST DEFENSES.

Mr. PROCTOR obtained the floor.

Mr. SQUIRE. I wish to ask unanimous consent for the present consideration of the bill (S. 1359) for construction of two steam revenue cutters for service on the Pacific Coast. I will state that the bill will not occupy any time.

The VICE-PRESIDENT. The Chair had recognized the Senator from Vermont [Mr. PROCTOR].

Mr. SQUIRE. I beg pardon. I withdraw the motion, Mr. President.

Mr. QUAY. I gave notice yesterday that at the conclusion of the morning business to-day I should ask the Senate to take up the Army appropriation bill. I now make that request, and if the bill referred to by the Senator from Washington does not provoke any discussion I shall not object to its consideration after the Army bill has been laid before the Senate.

Mr. PROCTOR. I ask the Senator if he will not give way for thirty minutes, so that I may have an opportunity of addressing the Senate, in accordance with the notice I have heretofore given?

Mr. QUAY. I will withdraw the motion until the conclusion of the remarks of the Senator from Vermont.

Mr. PROCTOR. I ask that the bill (S. 1159) to provide for fortifications and other seacoast defenses may be temporarily laid before the Senate, for the purpose of enabling me to make some remarks upon it.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Vermont, on which he is entitled to the floor.

Mr. PROCTOR. Mr. President, the exposed condition of our coast requires no proof and the necessity of defending it should require no argument. It was recently stated by Admiral Walker, at a meeting of the Committee on Coast Defenses:

If they (the English) were at this time to send over such a naval force as they could spare from Europe they would have their own way upon our coast. * * * They would capture or destroy the whole Navy. * * * By putting all our vessels behind Sandy Hook we could make something of a fight for that place, but nothing would prevent them from raiding the whole coast.

The subject has been periodically discussed in Congress. It has been alluded to in Executive messages and the reports of Executive Departments, and has been continuously commented upon by the newspaper world. But as yet these discussions have not been followed by any decisive action.

However, they have not been without their value. They have led to official investigations and official reports, and have accomplished the great result of impressing upon the American people the necessity of some action in this matter. It can safely be said that we have reached the point where the question is not so much whether or not we shall defend our coast as it is how we can best accomplish it. The Army, the Navy, the press, the people, those in authority and those not, voice the sentiment that our coasts sadly need protection and that protection should be provided, but how? Shall it be done by land fortifications alone, by a navy alone, or by a wise combination of the two methods?

It is fully substantiated by reason and authority—

First. That a proper system of land defenses will make our great cities safe from any naval attack.

Second. Such a system can be constructed for a sum many times less than the cost of a navy like the great navies of Europe, and for a sum that may reasonably be expended.

Third. Land fortifications are much more efficient for coast defense than a navy, and when once constructed are durable, cheaply maintained, and easily strengthened.

Fourth. The defense of our cities *cannot* be left to the Navy alone, however large.

Fifth. A navy that would equal the great navies of Europe is unnecessary and its cost makes such a navy impracticable.

Sixth. A navy quickly deteriorates and is expensive to maintain.

Seventh. The construction of land defenses should always precede the building of a navy.

These points I hope to substantiate principally by naval authority

THE PROPOSALS OF THE ENDICOTT BOARD.

In 1885 the Endicott Board, so called, was organized, and consisted of Secretary Endicott as president, two officers of the Engineers and two of the Ordnance Corps, two naval officers, Commander W. T. Sampson and Commander Casper F. Goodrich, men of the highest ability in their profession, and two civilians, Erastus Corning, of New York, and Joseph Morgan, of Pennsylvania, who were experts in iron and steel and were of the highest standing and capacity in business affairs. This board, after eight months' earnest and careful study of the subject, made a unanimous report, which is the most exhaustive, conservative, and reliable that has ever been rendered to our Government with reference to coast defenses, and its conclusions are to-day the standard authority on the subject.

Admiral Walker indorsed the plans of this board before the committee, and in speaking of the bill which contemplates carrying those plans into effect he says:

If in case of war we intend to hold our own and take care of our seacoast cities, they must be fortified, and that as soon as practicable. The measure is an excellent one and meets my approval.

The total cost of a complete system of land defenses, as estimated by this board, would be $97,782,800, which includes the estimate of $4,334,000 for submarine mines and their adjuncts and $3,416,800 for the defenses of the lake ports, but does not include an estimate for the defense of Puget Sound. Striking out the estimate for the lake ports for the reason that we can defend them best by taking Canada, and allowing $6,000,000 for the defenses of Puget Sound, we have the sum of $100,366,000 for a total cost of our proposed land defenses, which would provide for the complete defense of our twenty-eight principal ports.

That board also estimated for floating batteries and torpedo boats, as adjuncts to the land defenses (mainly for the ports of New Orleans and San Francisco), the sum of $28,595,000, of which $9,720,000 was for torpedo boats, $8,150,000 for floating batteries at New Orleans, and $10,725,000 for floating batteries at San Francisco.

The proposals made by this board were, more specifically, as follows:

Armament and mountings of fortifications.

Locality.	Endicott board. Guns. 16-inch.	14-inch.	12-inch.	10-inch.	8-inch.	6-inch.	Mortars. 12-inch.	10-inch.	Total guns.	Total mortars.	Cost.
New York City	18	2	40	20	15	....	144	....	95	144	$22,868,500
San Francisco	10	4	20	71	5	....	128	....	110	128	16,063,150
Boston	8	....	10	15	10	....	132	....	43	132	9,830,250
Lake ports	....	....	2	9	7	4	....	24	22	24	3,416,800
Hampton Roads	4	....	10	20	....	....	16	....	34	16	6,412,000
New Orleans	....	....	20	....	10	....	....	....	30	....	2,840,500
Philadelphia	....	....	10	5	5	....	16	....	20	16	3,478,250
Washington, D. C	....	....	7	6	....	....	....	....	13	....	1,323,500
Baltimore, Md	....	....	5	5	5	....	16	....	15	16	2,184,000
Portland, Me	....	....	20	10	10	....	48	....	40	48	4,945,500
Narragansett Bay	2	....	10	10	....	....	48	....	22	48	$3,893,000
Key West	2	....	10	....	....	....	32	....	12	32	3,046,500
Charleston, S. C	....	....	8	4	....	....	16	....	12	16	1,884,500
Mobile	....	....	12	....	10	....	16	....	22	16	2,738,000
New London	....	....	4	4	....	....	....	....	8	....	1,240,500
Savannah	....	....	3	6	4	....	16	....	13	16	2,243,000
Galveston	....	....	....	....	8	....	16	....	8	16	950,500
Portland, Oreg	....	....	....	12	7	....	32	....	19	32	1,839,000
Pensacola	....	....	2	4	....	....	....	....	6	....	948,000
Wilmington, N. C	....	....	4	5	....	....	....	....	9	....	1,942,000
San Diego, Cal	....	....	....	4	....	....	....	....	4	....	504,000
Portsmouth, N. H	....	....	4	4	....	....	....	....	8	....	965,350
Cumberland Sound, Ga	....	....	2	2	....	....	....	....	4	....	636,000
Kennebec River, Me	....	....	....	3	....	....	....	....	3	....	298,000
New Bedford, Mass	....	....	....	....	3	....	16	....	3	16	522,000
Penobscot River, Me	....	....	....	3	....	....	....	....	3	....	298,000
New Haven	....	....	....	....	3	....	8	....	3	8	472,000
Total	44	6	203	222	102	4	700	24	581	724	97,782,800

Thus giving a total of guns proposed for the above ports of 4 6-inch guns, 102 8-inch guns, 222 10-inch guns, 203 12-inch guns, 6 14-inch guns, 44 16-inch guns, 24 10-inch mortars, and 700 12-inch mortars, being in all 581 guns and 724 mortars. The above estimates of cost include for every port the cost of masonry and earthwork, armor, structural metal, the guns and mortars, carriages, and the submarine mines and their adjuncts. Since the time of rendering this report the engineering authorities have modified the details somewhat, the tendency being to decrease the number of heavy guns and to increase the number of mortars, until now it is proposed to have 36 16-inch guns, 203 12-inch guns, 180 10-inch guns, 98 8-inch guns, 360 quick-fire guns, 1,032 12-inch mortars, and 24 10-inch mortars, being a total of 1,933 guns and mortars.

It has also been determined that New Haven and New London can be defended best by blocking the eastern entrance to Long Island Sound by fortifications; but these changes in the plans of the Endicott board have not substantially changed the cost of the work as estimated by that board. The increase in guns and mortars has been divided principally among Southern and Pacific ports.

The total amount appropriated up to date from and including the 3d day of March, 1883, for the increase of the Navy is $110,371,710.10. In giving the figures in regard to the new Navy I treat as complete all ships authorized or in process of building. It therefore appears that the amount ($110,371,710) spent on the new Navy would have entirely completed in the minutest detail the most perfect system of land defenses that the art of the engineer can devise, including the armament, with a remaining surplus of $10,005,710.

From the last report of the Secretary of War we find that in the same period we have expended only $10,631,000 on coast defense.

According to the report of the Endicott board, which was approved by Commanders Goodrich and Sampson, two naval experts, we ought to expend $28,000,000 on floating defenses and $97,000,000 on land defenses. Instead of keeping up this proportion we have expended $10,000,000 on land defenses and many times that amount on floating defenses.

We have also spent millions in deepening the approaches to our harbors to make them accessible to a hostile fleet, and practically nothing for their defense.

We have neglected the work which should have been done first and which would have been more than completed for the sum spent on the Navy, while the Navy, still far too small to protect itself, is left without the protection of a system of harbor defense which should have preceded its construction.

OUR NEW NAVY.

I shall speak freely of our shortcomings in the matter of defense. Only by understanding our needs will we be aroused to provide for them. None need fear that this will give valuable information to possible enemies. It is to be hoped that the British War Office and Admiralty have not plans in detail of our partially constructed mine and torpedo systems. There is little else in our preparation or nonpreparation for war that they do not understand.

There is no danger of exposing our weak points. They are well known. The need is to realize them ourselves and to apply the remedy.

It becomes necessary to make some comparison between the relative expense and efficiency of the land and the floating defenses but I shall do this in no spirit of unfriendliness to the Navy.

There is not in the world a braver or better trained body of men than the officers of our Navy. In any war, no matter what the odds, they may be counted on to do all that American manhood can do to sustain the honor of the flag under which they fight. The deeds of Farragut passing the forts at New Orleans or lashed to the mast at Mobile, of Foote at Fort Henry and on the Mississippi, of Porter at Fort Fisher, of Worden on the *Monitor*, of Cushing at Albemarle, of Winslow on the *Kearsarge* will be equaled or surpassed whenever duty calls for such daring. In fact, the whole history of our Navy has been such as to stimulate our national pride and lead us to the extreme of liberality in upbuilding it.

But we must not look, Mr. President, for the impossible from any body of men, and it is an injustice to the Navy itself to expect that they can succeed against overwhelming odds. Thus, with all honor and respect for the Navy and in justice to it, I make the following comparisons:

Our Navy, according to the annual report of the Secretary of the Navy in 1893, was rated as standing seventh in the list of the navies of the world. Assuming that the minor powers have made no progress in this respect (which is not the case) and taking into consideration the increase in our own Navy, appropriated for during the past two years, the United States would, perhaps, in respect of naval strength, be at the head of the second-class powers. That is, admitting that we have caught up with or even surpassed little Holland, which is doubtful, we will still be separated by a vast interval from the five great naval powers of the world.

For the sum of $110,371,710 the United States will have, on the completion of vessels now under construction—

8 battle ships;

4 double-turret monitors;
1 barbette coast-defense turret vessel;
1 harbor-defense ram;
2 armored cruisers;
7 protected cruisers;
6 partially protected cruisers;
20 cruisers;
17 gunboats;
1 dynamite gun vessel;
9 torpedo boats;
1 dispatch boat;
1 naval cadet practice vessel.

Upon the foregoing are, or are to be, mounted—

82 8-inch guns;
18 10-inch guns;
12 12-inch guns;
24 13-inch guns;
3 dynamite guns;
187 5-inch and 6-inch rapid-fire guns.

Of the ships thus obtained there is probably not one that naval officers will not admit is overmatched by foreign ships. Admiral Walker stated before the committee that England has ships that outclass ours and that other powers have such ships. The one admitted superiority is the quality of our marine engines and armor, giving speed to the ship and resistance to projectiles. But foreign navies, like those of England and France, on the former of which is expended annually nearly as much money as our entire new navy has cost, will soon have utilized all the ideas which we have developed.

OUR NAVY IN COMPARISON WITH THE BRITISH NAVY.

A brief comparison, taken from the last report of the Secretary of the Navy, will demonstrate how hopelessly behind foreign powers the United States is in naval equipment. This is particularly true as regards Great Britain, our traditional enemy. Great Britain has, or will have when the authorized ships are completed, 60 armored battle ships to our 8, 11 coast-defense vessels to our 20, this deficiency on the part of England being due to her policy of placing her first line of defense at the enemy's coast, according to the Secretary's report; Great Britain has 29 armored cruisers to our 2, she has 74 unarmored protected cruisers to our 13, she has 92 unarmored cruisers to our 20, she has 16 unarmored gun vessels to our 17, she has 34 unarmored torpedo vessels to our 1, and she has 251 torpedo boats to our 9.

The report is still more striking when we reflect that the proposed increase of the British navy in armored battle ships, as shown in said report (that is, an increase of 10), is more than our whole force of such ships; that her proposed increase of armored cruisers (4) is more than our whole force of such cruisers; that her proposed increase of unarmored protected cruisers (22) is more than our whole force of such cruisers, and that her proposed increase of torpedo boats (62) is many times our whole force of torpedo boats.

The British have also increased the force of enlisted men in their navy by over 25 per cent in the last five years, being an increase of 17,850 men, while our whole force contains, in men, officers, and marines, but 13,460. The British navy has nearly 90,000 men, or more than six and a half times as many as our Navy. The above comparisons have contemplated all vessels being built or authorized to be built as part of the respective navies and are taken from the last report of the Secretary of the Navy.

In the Scientific American for December 28, 1895, it is said:

> Summing up totals for battle ships and cruisers combined, we get: United States, 43 ships with a total displacement of 180,825 tons; Great Britain, 208 ships with a total displacement of 1,158,005 tons; which shows Great Britain to possess a superiority in fighting ships of 6.4 to 1.

When this article was called to the attention of Admiral Walker before the committee he said that he considered it a correct statement for practical purposes.

In Brassey's Naval Annual for 1895 it is said:

> It has been accepted by both political parties in the State (England) that a standard of strength for the British navy is an equality, if not superiority, to the navies of any two foreign powers. In the debates on the introduction of the naval defense act and on the motion of Lord George Hamilton for the increase of the navy, in December, 1893, prominent members on both sides of the House of Commons expressed their adherence to this view.

Admiral Walker stated also that he understood the above to be the English policy.

We speak confidently of our commerce destroyers, and I admit that in case of war with Great Britain they would be the most effective part of our Navy, but they are of little or no avail as a means of defending our coast, and here as elsewhere Great Britain far excels us.

The British have the following ships which are in receipt of an annual subsidy and are permitted to fly the blue ensign, indicating that they belong to the royal naval reserve, and which Admiral Walker spoke of as the fastest in the world:

Name.	Owner.	Length.	Breadth.	Maximum draft.	Gross tonnage.	Indicated horse-power.	Ocean speed.
		Feet.	*Feet.*	*Feet.*	*Tons.*		*Knots.*
Etruria	Cunard	501½	57	26	8,120	14,500	19½
Umbria	do	501½	57	26	8,128	14,500	19½
Himalaya	Peninsular & Oriental.	465½	52	22½	6,898	10,000	17
Australia	do	465½	52	22½	6,901	10,000	17
Victoria	do	466	52	22½	6,091	7,000	16
Arcadia	do	466	52	22½	6,188	7,000	16
Majestic	White Star Co.	565	58	24½	9,965	16,000	20
Teutonic	do	565	58	24½	9,984	16,000	20
Empress of India	Can. Pac. R. R. Co.	440	51	24½	5,905	10,000	16
Empress of China	do	440	51	24½	5,905	10,000	16
Empress of Japan	do	440	51	24½	5,905	10,000	16

The following ships are held at the disposition of the admiralty without subsidy:

Name.	Owner.	Length.	Breadth.	Maximum draft.	Gross tonnage.	Indicated horse-power.	Ocean speed.
		Feet.	*Feet.*	*Feet.*	*Tons.*		*Knots.*
Servia	Cunard Co.	515	52	26	7,392	10,000	16½
Gallia	do	430	44½	24	4,809	5,300	15½
Britannic	White Star Co.	455	45	25	5,004	5,200	16
Germanic	do	455	45	25	5,008	5,200	16
Adriatic	do	437	40½	23	3,888	3,600	15
Britannia	P. and O. Co.	466	52	22½	6,061	7,000	16
Oceana	do	466	52	22½	6,188	6,000	16
Peninsular	do	410½	48	.....	5,000	4,972	15
Oriental	do	410½	48	.....	5,000	4,972	15
Valetta	do	420½	45	22½	4,904	5,000	15
Massilia	do	420½	45	22½	4,902	5,000	15
Rome	do	430	44½	22½	5,545	5,500	15
Carthage	do	430	44½	22½	4,879	5,000	15
Ballarat	do	420	43	22½	4,748	4,000	14
Parramatta	do	420	43	22½	4,756	4,500	14

There are also numerous ships on the admiralty list complying with the admiralty conditions as to construction which have no national tie, such as the *Lucania* and *Campania*, the fastest large vessels afloat. They are suitable for receiving an armament, but there is no arrangement with owners, except the promise of preference for occasional State employment.

To contend with these the United States Government has a lien upon the four American line steamers, *Paris*, *New York*, *St. Louis*, and *St. Paul*. These four steamers, by the terms of their contracts, have to be 20-knot steamers. They made that time on their trials, but as a matter of fact they are slower than the faster ones of the English list.

In respect to armament all those of equal tonnage will probably be on equal terms. The principal armament contemplated either in this country or abroad is one of rapid-fire guns up to and including the 6-inch gun. But it must not be forgotten that Congress has declined to allow a single gun to be made for the four reserve cruisers, while England keeps guns for her reserve ships in her various ports all over the world where they will be most quickly available in event of war. These vessels are provided with platforms to receive guns, and they could be put in commission at once at any of these ports.

LAND FORTIFICATIONS IN COMPARISON WITH OUR NAVY.

Such is our Navy, but suppose that a like sum had been expended on land coast defenses, what would the country now have to show for the expenditure?

There is no higher engineering authority on this subject than General Abbott. He says that "the entire coast would be placed in a condition of security even if operated against by the largest naval means which could be brought against it."

Admiral Walker said before the committee that if our harbors were properly fortified no squadron would attempt to take them.

For the sum with which we have procured our Navy we could have rendered our seaports practically safe against the combined assaults of all the navies admittedly superior to our own and could have *occupied the first place in the world as regards our fortified frontier* and still have money enough left to provide a good share of the additional floating batteries and torpedo boats necessary. The plans of the Board would have given us land defenses calculated to withstand all methods of attack, even after the improvements that may reasonably be expected during many years to

come. The proposed works assumed an attack with high explosives and are planned to resist such an attack. The guns were heavier than any mounted on any ship abroad except a few coast-defense vessels (notably the Italian), which no one even suggests can cross the Atlantic ocean, yet even these were matched by those estimated for our defense. Since the date of the estimates for land defenses the guns on shipboard have exhibited a constant tendency to decrease in relative power.

The land defenses would have had in addition to the fortifications—

98 8-inch guns as against the new Navy's 82;
180 10-inch guns as against the Navy's 18;
203 12-inch guns as against the Navy's 12;
6 14-inch guns as against the Navy's 24 13-inch guns;
36 16-inch guns as against the Navy's none;
1032 12-inch mortars as against the Navy's none;
24 10-inch mortars as against the Navy's none;
4 6-inch guns as against the Navy's none;
360 quick-fire guns, 5-inch, as against the Navy's 187;

In other words, the proposed land defenses for the same sum would mount 1,576 guns and mortars of 8-inch caliber and upward as against the new Navy's 136 guns, and would have mounted 360 rapid-fire guns of 5-inch caliber as against the Navy's 187.

These plans if carried out would provide Boston alone with 171 guns and mortars of 8-inch to 16-inch caliber, as against the 136 guns of 8-inch to 13-inch caliber in our whole new Navy.

At New York there would be 269 guns and mortars of from 8-inch to 16-inch caliber, as against the 136 guns of the entire new Navy. At San Francisco there would be 232 guns and mortars of from 8-inch to 16-inch caliber, as against the 136 guns of the Navy. These comparisons between the respective armaments we would have at these important points and the armaments we have obtained in the whole new Navy for the same money show that *the scale is much in favor of any one of the above ports alone as against the combined force of the Navy.*

The following table, showing the relative cost of mounting a land battery and a ship battery of the same power, leaves no room for argument. It shows the cost of mounting such an armament as the one on the battle ship *Indiana* and the cost of mounting a land battery of equal force, showing the cost of the former to be $5,265,858.03, and that of the latter to be $1,553,428. This is more convincing when we consider that according to the statement of Admiral Walker this land battery is more effective than the ship battery in the ratio of 3 to 1, and according to the statement of General Miles in the ratio of 5 to 1:

Land battery.

Guns.	Number.	Cost of guns.	Cost of carriage.	Cost of emplacements and platforms.
12-inch	4	$195,812	$96,000	$200,000
8-inch	12	182,616	144,000	600,000
6-pounder, rapid fire and mounted	20	44,000		80,000
Gatling	10	11,000		
Total	46	433,428	240,000	880,000

Grand total, $1,553,428.

Cost of first-class battle ship (Indiana).

Cost of hull and machinery (from report of Secretary of Navy)	$3,020,000.00
Cost of armor (from House report of Committee on Naval Affairs, Fifty-third Congress)	1,650,473.37
Cost of battery (approximate)	595,384.66
Total	5,265,858.03

Batteries.

Main:
4 13-inch breech-loading rifles.
8 8-inch breech-loading rifles.
4 6 inch breech-loading rifles.
Secondary:
20 6-pounder, rapid fire.
6 1-pounder, rapid fire.
4 Gatlings.

GUNS AFLOAT AND GUNS ASHORE.

Guns mounted on land are much more formidable than those mounted on ships. Admiral Walker said before the committee:

Guns properly placed in batteries are much more effective because they can be fired more accurately, and shots striking near them would probably do but little damage, if any, while one shot striking a ship might do great damage. * * * There is a limit to the elevation of a gun on a vessel.

In response to the question of the chairman, as to whether or not he corroborated the statement of General Miles, that one gun properly placed on shore was equivalent to five on shipboard, Admiral Walker said:

I should put it rather less than that, say one to three.

Thus the above table shows, according to Admiral Walker, that for the same money we procure more than ten times the effective results on land fortifications than on vessels, and, according to General Miles, more than sixteen times the effective results.

For proof of the value and efficacy of coast fortifications to withstand attacks from the sea we need not rely upon theories alone, for there is ample military experience that attests the fact. It is admitted that it is absolutely impracticable to reduce strong land fortifications from the sea. The following are extracts from a series of lectures by General Abbot before the Naval War College, entitled "The defense of the seacoast of the United States."

On May 15, 1862, an earthen battery situated on Drewry's Bluff about 100 feet above James River, and without bomb-proof cover, was attacked by two ironclads, the *Galena* and the *Monitor*, and by three wooden vessels, the *Aroostook*, the *Port Royal*, and the *Naugatuck*. The ironclads anchored at from 600 to 1,000 yards' range, where a double pile obstruction, reinforced by hulks, prevented a nearer approach; the wooden vessels anchored about 1,300 yards below. After fighting for about three and a quarter hours the fleet was repulsed; the *Galena* had expended nearly all her ammunition and had suffered severely, being hulled several times. The *Monitor* and apparently the wooden vessels were not seriously injured; but Lieutenant Commander Jeffers, commanding the *Monitor*, reported: "So long as our vessels kept up a rapid fire they rarely fired in return, but the moment our fire slackened they remanned their guns. It was impossible to reduce such works except by the aid of a land force."

The armament of the *Galena* consisted of 9-inch Dahlgren smooth-bores and Parrott rifles; the *Monitor* carried two 15-inch guns; the armament of the wooden vessels is not stated in the official reports.

When Fort Drewry was captured in 1865, the water-bearing guns consisted of one 7-inch Brooke rifle, with six 10-inch and three 8-inch Rodman smooth-bores. I (Abbot) was personally informed by Major Drewry, who had commanded in the action of May 15, 1862, that at that date he had only three Rodman smoothbores in position, the others having been added subsequently.

* * * * * * *

The next typical pitched battle between guns ashore and guns afloat took place at Fort Sumter on April 7, 1863. The day was calm and all the conditions were favorable to the fleet.

Fort Sumter at that date consisted of an unfinished masonry work having a single tier of casemates, strengthened by such means as the Confederates had found practicable after its occupation. The masonry was largely shell concrete faced with brick; the scarp was 8 feet thick. The site was a small artificial island.

Admiral Dupont reported the range of the monitors as from 550 to 800 yards, that of the *Ironsides* being not less than 1,000 yards; his ordnance officer, Lieut. A. S. Mackenzie, reports the ranges as from 550 to 2,100 yards; the Confederate engineers give them as from 900 to 1,500, averaging 1,200 yards.

The engagement lasted two and one-half hours. As to the result, Admiral Dahlgren reported: "No ship had been exposed to the severest fire of the enemy over forty minutes, and yet in that brief period five of the ironclads were wholly or partially disabled; disabled, too, in that which was most essential to our success—I mean in their armament or power of inflicting injury by their guns. * * * The other ironclads (two out of seven), though struck many times severely, were still able to use their guns, but I am convinced that in all probability in another thirty minutes they, too, would have been likewise disabled."

The official reports of the captains commanding the ironclads indicate that the fleet, exclusive of the *New Ironsides*, received 346 hits. The *New Ironsides* was struck several times, but the exact number appears not to have been reported. The *Keokuk* was sunk where her guns were subsequently secured by the Confederates. One man was killed and at least 22 wounded on shipboard during the action.

Upon the Confederate side, General Beauregard states: "Not more than 34 shots took effect on the walls of Fort Sumter." "Fort Moultrie and other batteries were not touched in a way to be considered." The injuries to Fort Sumter were by no means disabling, and the total casualties on land were 3 men killed by the accidental explosion of an ammunition chest, and 11 men wounded—5 of them by the same accident.

The next conspicuous duel between armored ships and forts was at Fort Fisher, N. C. This fort had a water front and a land front, both consisting of substantial sand batteries. The land front had an oblique fire upon the sea. The work was well provided with traverses and bombproofs, but the former were so conspicuous that they marked the gun positions with great distinctness. The site was a low, sandy point between the ocean and Cape Fear River. The offing afforded unlimited development to the fleet.

Carrying out the plan of a cooperative attack in aid of the land forces, Admiral Porter ordered his monitors to anchor at a range of about 800 yards, and his wooden vessels in three lines at from 1,100 to 1,800 yards. The former were to fire deliberately upon the land front (from within a dead angle where the enemy could reply only at great disadvantage) in order to prepare the way for an assault; the latter were to maintain so terrific a storm of shot and shell over the fort as to prevent the enemy from serving his guns. These tactics were successful, and the Confederates were soon driven to take temporary shelter in their bombproofs.

Immediately after the capture of the fort, January 15, 1865, I (Abbott) personally made an inventory of the armament, with notes as to its condition. The following were the water-bearing guns: On the land front, one 10-inch Rodman, five 8-inch Rodmans, five old 32-pounders, one old 24-pounder, seven 6.4-inch rifles, one 4.2-inch rifle; total, twenty guns. On the water front, nine 10-inch Rodmans, four 8-inch Rodmans, two 8-inch rifles, two 7-inch rifles, five 6.4-inch rifles; total, twenty-two guns. The grand total which could have been used against the fleet was forty-two guns. Of these eight guns and eight carriages (sixteen in all) were disabled on the land front, and one gun on the water front (it had evidently burst in action). This statement includes all injuries by direct impact of shot or by destruction of carriages, or by the piling of sand in front of the guns; they represent the whole damage effected by one of the most tremendous bombardments of modern times directed against an open barbette battery on a low site.

The following was the effective armament of the fleet, as furnished to me by the Bureau of Ordnance, Navy Department. It includes all the pivot guns and half the broadside guns of the vessels in action, excluding the small bronze guns as of no value for such service: Ten 15-inch Dahlgrens, twenty 11-inch Dahlgrens, two 10-inch Dahlgrens, one hundred and thirty-four 9-inch Dahlgrens, eighteen 8-inch Dahlgrens, sixteen 33-pounders, eight 8-inch Parrott rifles, twenty-four 100-pounder Parrott rifles, two 60-pounder Parrotts, two 50-pounder Dahlgrens, twenty-seven 30-pounder Parrotts, twelve 20-pounder Parrotts, making a total of two hundred and seventy-five guns of all calibers used against the land defenses.

This bombardment silenced the fire of the fort and enabled an assault to be delivered without the preliminary operations of a siege, an assistance of the most important character; but that the damage to the works should be as unimportant as it actually was seemed at the time almost incredible to the eyewitnesses.

* * * * * * *

These three examples, concerning which all the essential facts are known, have been selected as typical contests between guns ashore and guns afloat at the beginning of the era of armor and heavy guns on shipboard. They cer-

tainly prove that our ironclad fleet could not contend with any chance of success against an equal or even against a very inferior land armament.

The same was true at that epoch in Europe, as appears from the result of the attack of the Italian fleet upon the island of Lissa, in July, 1866. All though full data respecting this two-day engagement are lacking, enough is known to justify the claim of the Austrians "of having driven back the Italian ironclad ships, incapable of resisting the fire of the forts which command the harbor." Just as a third attack was about to be made, including a landing of troops to storm the works, the arrival of the Austrian fleet terminated the attempt.

The land works consisted of masonry forts and earthen batteries, which appear to have usually had high sites. They were distributed among three harbors, and "the whole of the defense presented a front of nearly 100 guns." The latter were all of an old type, of which the largest were smoothbores throwing solid shot weighing 66 pounds and rifles throwing elongated shot weighing 60 pounds.

The armored fleet consisted of 12 ships, carrying 248 guns. Their armament "contained all the latest improvements which the modern art of war had up to that date invented." There were also 8 unarmored ships, carrying 360 guns, and 16 dispatch boats.

This sort of military experience did not end with the civil war and with the guns and fortifications which may be called antiquated in the light of modern military equipment. Upon the order of the Navy Department Commander Goodrich made an exhaustive report of the British naval and military operations in Egypt in more recent years. He was an eyewitness of the operations at Alexandria in 1882. In his report he says:

In view of the tremendous fire to which Fort Mex was subjected, and the comparatively short range at which all the ships, except the *Temeraire*, engaged it, it is almost impossible to believe the fact that not a single gun here was dismounted or disabled during the action proper. The 10-inch and the 9-inch rifles (plates 38 and 43) were wrecked with gun cotton. The 8-inch gun, seen on the ground in plate 41, was bowled over by the *Penelope* long after the fort had ceased firing, and from a distance stated to be about 300 yards. The successful shot was the thirtieth of this series, and was aimed by the gunnery lieutenant.

Mex was the only fort at Alexandria which could not have resumed the action on the following day, for the party which landed from the *Invincible* completed the work of destruction but just begun by the fleet, ruining the carriages of the two heavy guns by exploding gun cotton inside the brackets and spiking the remaining guns in the lower batteries. Except for this gallant and eminently successful exploit (a land attack, remember), the parapets might have been sufficiently repaired during the night by heavy gangs of natives to enable the garrison to reopen fire. The Egyptians here had lost so severely that only men of a high order of bravery could have been induced to expose themselves to a repetition of the hammering they had endured on July 11. The actual garrison was whipped, and thoroughly whipped, after a most creditable and determined resistance, but it is hardly to be doubted that if it had been of a personnel similar to that on board the attacking fleet, the spiking party would have had difficulty in executing their task, and on July 12 the challenge from the ships would have been promptly accepted.

8. Recent high-powered guns are not adapted to bombarding earthworks. These guns possess a flat trajectory and send their projectiles along the line of greatest resistance of the fortification. The best work done at Alexandria was on the parapet of Fort Oom-el-Kabebe, which was shelled by the *Inflexible* at nearly 4,000 yards. In this case, the shells having a considerable angle of descent, buried themselves well, and in exploding blew out large craters, one of which was 17 feet long by over 5 feet deep. The great distance would forbid the placing of a sufficient number of these hits so close together as to breach the parapet, and the fire of the ships was too slow to keep the crews entirely away from the guns.

If, however, in this sense the best results from these modern weapons are only to be obtained by indefinitely increasing the fighting distance, the value of the high power and flat trajectory is unquestionably negative.

To the unprejudiced observer the most striking characteristics of the bombardment are, without doubt, the excessive apparent and the slight real damage done to the fortifications.

Commander Goodrich sums up his conclusions as follows:

18. HAVING THE ESSENTIAL FACTS OF THE LAST ENGAGEMENT BETWEEN SHIPS AND EARTHWORKS AT HAND, IT IS IMPOSSIBLE NOT TO DRAW ONE BROAD INFERENCE, THAT VESSELS ARE NOT YET AND NEVER WILL BE ABLE TO FIGHT ON EVEN TERMS WITH FORTS.

The responsibility of the attack belongs to the former, while the latter gain the credit of a drawn battle. The former can not continue the action beyond a certain time, limited by the capacity of shell rooms and magazines. The garrisons of the latter may wait quietly under cover until the fire slackens, can then return it with interest, and continue it indefinitely and absolutely at their own leisure.

Commander Goodrich further fortified his position by the following comparison: In order to show the disproportion between the number of guns ashore and those afloat he takes the five different principal forts of the Egyptian line and compares the number of guns on land with those of the English ships which attacked them, with the following results:

Fort Pharos, 4 land guns to 33 ship.
Fort Adda, 5 land guns to 28 or 33 ship.
Ras-el-Tin Lines, 7 land guns to 26 ship.
Light-House Fort, 4 land guns to 26 ship.
Fort Mex, 5 land guns to 14 or 16 ship.

Commander Goodrich also states that in these encounters the English guns were immensely superior to the Egyptian guns. In spite of this disparity he was convinced from what he saw at Alexandria that *no fleet can or ever will be able to cope on equal terms with land forts.*

The recent war between China and Japan bears testimony to the same effect.

The Japanese navy did not capture any of the Chinese forts without the cooperation of the land forces. In the operations preceding the capture of Port Arthur the Japanese fleet limited its operations to the protection of the left flank of the first army, which was advancing upon Port Arthur, and in assuring the safe transport of the second army from Japan to cooperate with the first. On the first day of the operations at Port Arthur (November 20) the fleet did little beyond keeping itself ready for action and watching the harbor, so as to prevent the escape of any Chinese vessels that might be within. On the 21st the Chinese works were captured by the Japanese land forces. During that day two of the Japanese ships attempted to shell the forts at Port Arthur at long range and from extreme elevation. What damage they did does not appear, but probably it was little, as the forts were invisible from the ships. Later in the day, after the Chinese troops had been driven from their works by the Japanese land forces, ten of the Japanese torpedo boats succeeded in entering the harbor and, at short range, did great execution on the Chinese troops with quick-firing machine guns.

The same general condition of things existed at the next and last important action during the war, in the attack upon Wei-hai-wei. This fortress was invested by the land troops on January 29, while the two channels leading to it were blockaded on the following day by the Japanese fleets. During those two days nearly all the forts on the mainland were captured by the Japanese forces with some assistance from the long-range fire of three of the Japanese ships, and by February 22 the town itself was in possession of the army. The Japanese naval operations were almost entirely limited to blockading the channels and capturing the Chinese ships.

General Miles, in emphasizing the value of coast defenses, in a recent interview in the New York Tribune, said:

History has shown that there has been no case where a fleet of war ships has been able to capture a strong fort unaided by troops ashore. The British tried this in the Crimean war, and the Japanese were unable to take Port Arthur without the help of their own soldiers on shore.

NECESSITY OF INCREASED APPROPRIATIONS FOR FORTIFICATIONS.

Some little has been done in the direction of fortifying two or three harbors, but at the present rate of appropriations it will take generations to accomplish the purpose. Of the 171 guns and mortars proposed for the defense of Boston there are only 21 provided for, and of the 232 proposed for San Francisco there are only 17 mounted and 8 others in progress. The present Secretary of War, in his report for 1895, presents the situation with great clearness and ability:

In your annual message transmitted to Congress in December, 1886, attention was directed to the urgent necessity for seacoast defense in these words: "The defenseless condition of our seacoast and lake frontier is perfectly palpable; the examinations made must convince us all that certain of our cities should be fortified and that work on the most important of these fortifications should be commenced at once. The absolute necessity, judged by all standards of prudence and foresight, of our preparation for an effectual resistance against the armored ships and steel guns and mortars of modern construction which may threaten the cities on our coasts is so apparent that I hope effective steps will be taken in that direction immediately."

Since that time the condition of these defenses has been under grave consideration by the people and by this Department. Its inadequacy and impotency have been so evident that the intelligence of the country long since ceased to discuss that humiliating phase of the subject, but has addressed itself to the more practical undertaking of urging more rapid progress in the execution of the plan of defense devised by the Endicott board in 1886, with subsequent slight modifications.

If future appropriations for the manufacture of guns, mortars, and carriages be no larger than the average authorized for the purpose since 1888, it will require twenty-two years more to supply the armament of the eighteen important ports for which complete projects are approved.

If the appropriations for the engineer work are to continue at the rate of the annual appropriations since 1890, it will require seventy years to complete the emplacements and platforms for this armament for the ports referred to.

In the report of the Board of Ordnance and Fortifications in 1895 it is said:

The work of providing a proper armament for our harbors is progressing steadily and on a sound basis, but so slowly that at the rate appropriations have been made during the last ten years it would take at least fifty years to place our seacoast in proper condition of defense. It is of national importance and an imperative necessity that the work of fortifications should be pressed with vigor. The plans for guns, carriages, and emplacements are perfected, and a liberal and constant annual appropriation should be made until our principal ports are properly protected. Such an expenditure will be a wise insurance against the sacrifice of many of our most important cities, which would reasonably occur in ten days' time of actual war in our present condition.

It is also true that if we had provided these modern land fortications there would be available as auxiliary defenses 210 8-inch muzzle-loading converted rifles and 300 15-inch and 210 8-inch smooth-bore guns which at present are of little value.

Appropriations now made for an efficient system of coast defenses are directly equivalent to an appropriation of many millions for the further strengthening of our Navy. For this present Navy of ours would be relieved by these land fortifications from the necessity of dissipating its energies in the vain endeavor to protect our harbors, and would then be able to concentrate its entire force in one or perhaps two powerful fleets. It is thus true that by furnishing these fortifications we also make available an offensive Navy made up of our whole naval force.

The amount of money already expended for our navy would have secured for us a splendid system of land defenses, which would have placed us in the first rank for defensive war, instead

of which we have a Navy that nominally stands seventh, or possibly sixth, but on which an enormous sum must be expended before it can equal the weakest of its acknowledged superiors.

A STRONGER NAVY NOT INDISPENSABLE.

In the building of this new Navy we have accomplished already all that it was originally designed to do when this work was begun. The question now pressing for an answer is, shall the next step be in the direction of a further increase of the naval strength, or in the completion of the land coast defenses? If the latter, we may know to a cent the expenditures to which we commit ourselves and exactly what we will get for our money; if the former, we enter on an expenditure to which there is literally no end.

These facts now bring us face to face with an all-important consideration. In our expenditure of money heretofore we have had a tolerably definite idea as to what we were spending it for. We could not brook the idea that our coast might be plundered by a power like Spain or Chile. We may assume that we have now guarded against any possible humiliation of that sort. But what is the next step that we will take? It ought not to be a step in the dark.

From this time on any expenditure of money which we are prepared to make on naval increase will merely make us stronger than we need be with reference to powers that are weaker than ourselves, while leaving us still hopelessly inferior to the five great naval powers that are now so much stronger than ourselves. Whether we look backward or forward, further expenditure of money in this direction (except for the purpose of maintaining our present relative position) will be money sadly misappropriated unless it be expended with the deliberate purpose of pursuing this course to its logical end and of competing with and excelling the great powers of Europe in naval strength.

Is it our intention to carry our naval development to this conclusion? When the naval policy board of 1890 submitted a project for an American Navy consisting of 126 ships of all classes and 101 120-foot torpedo boats, at an aggregate cost of $349,515,000, it received the approval neither of the Navy Department nor of Congress (Abbott). But even had this policy been adopted, what would such a navy amount to in comparison with the British navy?

It is true that our 126 ships would all be modern vessels, while many of the English ships are not; but experience shows that if we force that country into a competition in this matter she will spend any amount of money necessary to maintain her superiority.

EXPENSE OF MAINTAINING A NAVY.

Again, suppose we had built such a navy. On the estimated deterioration of material, based on foreign experience (4 per cent for armored, protected, and partially protected ships, and guard, receiving, training, and harbor vessels; 5 per cent for small vessels, tugs, and yard craft; 6 per cent for corvettes, sloops, torpedo cruisers, gun vessels, gunboats, and troop ships; and 9 per cent for torpedo boats, steam launches, etc.), it would require an annual expenditure of about $12,000,000 for new material to keep the fleet at its original efficiency. This does not include the current expenses of maintenance—pay, clothing, subsistence, coal, repairs, etc., which in the English navy to-day amounts to over $70,000,000 per year—but is merely the annual addition to be made to the fleet to replace worn-out material.

There is much to be said in regard to the relative cost of maintaining land fortifications and maintaining ships.

Naval Constructor Hichborn, in his report to Secretary Herbert in 1895, says:

> Modern steel ships, with their extreme subdivisions and elaborate systems of ventilation, drainage, and mechanical auxiliaries of every kind, require much greater care, both when in commission and when in ordinary, than was formerly the case with the old wooden ships; neglect is followed by much more serious and far-reaching deterioration.

A clipping taken from a recent issue of a London paper will give some idea of the complexity of a modern battle ship. It is as follows:

> To give some further particulars of one of our magnificent war ships, let us take Her Majesty's ship *Renown*, one of the latest additions to the royal navy. This vessel has, besides her two main engines, other engines for condensing, pumping, reversing, turning, evaporating, distilling, ventilating and compressing, hoisting ashes, hoisting boats, steering, driving dynamos and driving fans for forced draft. Altogether there are no fewer than 60 separate engines. The tubes of various pipes for steam, water, oil, waste, etc., including those in the boilers, would, if placed end to end, stretch over a distance of 22 miles; and to this total would have to be added the further length of about 10 miles if the ship were fitted with Belleville water-tube boilers.

With every increase of speed, with every improvement of gun, projectile, or powder, which results in the increased penetration of armor new ships on our part must be designed and laid down, while to meet such changes land fortifications would only require the strengthening of the earthworks.

Great Britain expends on the average more on her navy every twenty months than the whole cost of our coast defenses would be. No navy ever has been or ever will be completed. The improvements of every few years render worthless material the cost of which would have permanently fortified several seaports. The ships, once built, must be manned and kept in service for a considerable portion of the time to prevent permanent deterioration. To keep a ship of war in service in peace requires just as many men as in war. A fortification can be maintained in peace on the peace footing, on the other hand a large proportion of vessels of war must always be maintained on the war footing, while those which are kept in reserve must be frequently commissioned, that is, put on the war footing, even in time of peace, in order to keep them in serviceable condition.

In a country like ours there is certain to come a time when the people will refuse to vote money for new constructions and will content themselves with maintaining what they already have.

When that time comes, with land defenses we have something to show for our money, and if these defenses are complete all appropriations may cease for many years except a trifling amount for care and preservation. If appropriations for naval constructions cease for a few years, the Navy will sink into insignificance; in other words, the policy of seeking naval supremacy commits our Government, simply for the purpose of keeping good its previous expenditures, to an outlay estimated as once every eight years of the entire amount necessary for the fortification of our seacoast in such a manner as to enable us to defy the navies of the world.

It would be much better to provide the land fortifications at a cost so many times less than the expense of making our Navy anything like equal to that of Great Britain, inasmuch as it is universally admitted that the land fortifications will render our coasts impregnable. It is also a matter at least of congratulation that whatever money may be spent to build and maintain coast fortifications will be spent in the United States, while much of the money that may be appropriated for the support of the Navy will find its way into foreign coffers.

NECESSITY OF ENGLAND'S HAVING A NAVY.

In considering our military resources both on land and sea we naturally contrast them with those of Great Britain. She is our traditional enemy, the only foreign power having any possessions on our continent, and the one power with which our chief conflicts of the past have taken place and with which the most irritating questions are liable to arise in the future.

I have endeavored to show how vastly superior her navy is to ours and that she is prepared to keep it so. This is the settled policy of Great Britain and has been so for many years, and for obvious reasons. The possessions of Great Britain lie in the four quarters of the world, and "a navy is necessary for colonies and colonies are necessary for a navy." The only successful way for Great Britain to defend such possessions is as the present Secretary of the Navy in his last annual report expresses it, "by placing her first line of defense at the enemy's coast." On the other hand, the United States are concentrated in one great tract of territory and are able to reenforce adequate coast defenses from the resources of a great nation without encountering the vicissitudes of protracted sea voyages and of foreign climates. A navy is essentially offensive, and the logical order in which to develop the military resources of a nation is first to provide for the protection of what that nation already possesses and then, if ever, to prepare for aggressive operations.

Mr. Tilden wisely said that, while we may afford to be deficient in means of offense, we can not afford to be defenseless. If we owned the possessions of Great Britain, I would say by all means increase our Navy until it outstripped the navies of the world as being the only practical means of defending those possessions; but can we rely upon any navy we are likely to build to successfully defend our 4,000 miles of seaboard? The present Secretary of the Navy said in his speech before the New York Board of Trade and Transportation, January 23, 1895:

> We do not need a great naval establishment like those of England and France.

Admiral Walker says: "We do not need a navy large enough to take charge of a European navy sent to operate against our coast." It is a self-evident proposition that no nation can rely upon its navy for defense, unless it can bring to any point threatened with attack a stronger force than the enemy can bring against it. Therefore, in the event of war with Great Britain it is not only necessary for us to have a navy that can rival hers, but we must have a navy at each of the score of ports that are subject to attack which will rival any fleet that Great Britain can send against us.

Admiral Walker says:

> Yes; you must have a naval force at every point of attack. * * * If we rely on the Navy alone it must be strong enough to overmatch the navy of any nation or any probable combination of nations.

England herself recognizes the impossibility of relying upon a navy alone as a means of defense, and notwithstanding her immense naval supremacy she is continually strengthening her coast defenses, notably those on this continent at Halifax and Esquimalt. She has already provided strong land fortifications, harbors of refuge for her fleets in case of defeat or storm or need of refitting; while we, with supreme disregard of logical methods, appropriate money to build a navy, which in case of war, if sent out, would

be provocative of attack and without a single port or harbor whither it could flee for safety in case of defeat or want of repair. The gallant fight that surely would take place would in no way prevent the quick humiliation that must as surely follow. The true office of a defensive navy is to cooperate with complete land defenses, and our Navy is now sufficient for that purpose. If our coast defenses were sufficient we would have accomplished our first great duty of defending our country, and it would then be time enough to turn our attention to rivaling foreign powers on the high seas.

NECESSITY OF FORTIFYING OUR HARBORS.

Our desires and our traditions are for the maintenance of peace, and nothing will tend to the maintenance of peace more than an undoubted ability on our part to successfully withstand attacks from the sea. This is our weakest point, for our military resources are such that no hostile force is likely to seek an encounter with us on our own soil.

The question of coast defenses is no local question. The honor of the nation is as dear to an American citizen on the prairies of the West as to one in the rush of Broadway. Nor is the nation's honor only at stake. Any financial misfortune that befalls a seacoast city has its direct effect on the material interests of every inland city and every inland community.

The needs of the country appeal to Congress for action in this direction; the boundless capital represented in property that could be destroyed by bombardment appeals to us; the material interests of the whole nation that would be affected by that destruction appeal to us; the universal editorial sentiment of the country appeals to us; our common sense appeals to us. We can effect the purpose more cheaply now than hereafter. Let us provide suitable fortifications and render our harbors impregnable. We have our solid coasts to build upon. They will sustain any weight of earthworks, the best material for fortification, without the danger of ripping decks and unstable ships. Moreover, whatever works are made will be such that additions can from time to time be made to them to make them equal to withstanding the advances of science. If we do this, we will receive the commendation of the whole country.

The eloquent Senator from Colorado has spoken of the affiliations of blood between the United States and England, and the consideration and affection which should be an outcome of such relations. We, as a nation, have the best of reason to know the strength of such ties. Blood should be thicker than water, but is it? Our nation had its birth amid a flood of kindred blood; the battlefields of 1812 were crimsoned with hostile blood from kindred sources, while our civil war made red the hand of many a man who had lifted it against his brother. All our principal conflicts have taken place despite these ties.

In 1776 and 1812 and 1861 they were not strong enough to prevent the clash of arms. Every war of principle we have had has been with people of our own blood. The greatest war of modern times was on our own soil between those bound together by the strongest ties of race and blood, and sharing common history and traditions and inspired by like hopes and aspirations. In that conflict a generation ago thirty-five of those now occupying seats in this Senate, and among whom the most cordial relations exist, were actively engaged against each other on the fields of battle. The history of the nation has been the history of the race. The first man born into this world shed his brother's blood, and from that day to this it is sadly true that where causes of friction exist, the closer the relations the greater the irritation and the more bitter the quarrels. The experience of the past may be that of the future.

We must often have causes of friction with Great Britain while she has possessions in this hemisphere and a dependency bordering us for 4,000 miles and great fortresses frowning upon our shores, built and maintained with sole reference to war with us. Besides our two wars with her we have been dangerously near war with her once at least in every generation of our national existence. Fortunately we have in Canada a hostage for the good behavior of the mother country, as the first sound of war would be the death knell of British possessions on this continent, for our people would never consent to peace while the British flag floated over a foot of American territory. We may pray for the coming of that new era when—

The war drum throbs no longer, and the battle flags are furled,

but in the meantime let us look to the wisdom that is born of experience and be prepared to defend the great heritage which the Almighty has intrusted to our keeping.

ORDER OF BUSINESS.

Mr. SQUIRE. I ask unanimous consent to call up the bill (S. 1359) providing for the construction of two steam revenue cutters for service on the Pacific coast.

Mr. QUAY. Mr. President——

The PRESIDING OFFICER (Mr. TURPIE in the chair). The Chair will remind the Senator from Washington that the Senator from Pennsylvania [Mr. QUAY] is entitled to the floor upon his motion to proceed to the consideration of the Army appropriation bill.

Mr. QUAY. I moved to take up the Army appropriation bill, and yielded to the Senator from Vermont [Mr. PROCTOR]. I now ask that the question be put to the Senate on taking it up, and it being before the Senate, I will yield to the Senator from Washington.

Mr. SQUIRE. I understand that I was recognized by the Chair. It will take but a short time to dispose of the bill I wish to call up, I will state to the Senator from Pennsylvania. I rose and addressed the Chair before he did.

Mr. QUAY. I do not so understand it.

The PRESIDING OFFICER. The Chair merely recognized the Senator from Washington in order to remind him that the Senator from Pennsylvania [Mr. QUAY] is entitled to the floor on his motion. The Chair did not recognize the Senator from Washington except for that purpose.

Mr. QUAY. I merely wish to have the Army appropriation bill before the Senate. Then I will yield to the proposition of the Senator from Washington if it does not create debate.

Mr. SQUIRE. Very well; I withdraw the motion.

Mr. QUAY. I renew my motion that the Senate proceed to the consideration of the Army appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897.

The motion was agreed to.

Mr. SQUIRE. I ask the Senator from Pennsylvania to yield to me for the consideration of the bill which I have indicated.

Mr. QUAY. I yield with the understanding that the bill creates no extended discussion.

Mr. MORGAN. I ask the Senator from Washington to yield to me until I can make a request of the Senate in regard to the action of this body upon the Cuban resolution.

Mr. SQUIRE. Very well.

Mr. MORGAN. I think there is no doubt that the debate on the Cuban resolution can easily be concluded by 3 o'clock to-morrow. Perhaps there are two or three gentlemen here who desire to say something about it, but not with the intention to speak extensively. I therefore ask unanimous consent that at 3 o'clock to-morrow a vote may be had upon the Cuban resolution and pending amendments.

The PRESIDING OFFICER. The Senator from Alabama asks that by unanimous consent a vote be taken at 3 o'clock to-morrow upon the Cuban resolution and pending amendments.

Mr. HALE. Does that mean on the resolution and the then pending amendments?

Mr. MORGAN. Yes.

Mr. HALE. No further amendments to be offered and no further debate?

Mr. MORGAN. No further amendments and no further debate.

Mr. HALE. On the amendments that are pending at 3 o'clock——

Mr. PLATT. Or that may be offered before that time.

Mr. HALE. Or that may be offered before that time. Had not the Senator from Alabama better put that in, so as to save trouble?

Mr. MORGAN. Or any amendments that may be offered before that time.

Mr. CHANDLER. "Any amendments that may be offered" will not do. There would be but two. This reservation is that all amendments——

Mr. COCKRELL. That have been offered.

Mr. MORGAN. That have been offered.

Mr. LODGE. Or that may be offered.

Mr. HALE. The request, then, is that at 3 o'clock to-morrow a vote be taken on the resolution and all pending amendments and all amendments which before that time have been offered.

Mr. MORGAN. Yes.

Mr. PLATT. That does not reach the matter entirely, because an amendment can not be offered until it is in order.

Mr. LODGE. Well, proposed.

Mr. PLATT. Many amendments are submitted and printed with a notice that they will be offered. All those ought to be included.

Mr. HALE. I suggest that the language be changed so as to include all pending amendments and all amendments of which notice has been given.

Mr. PLATT. That will do.

Mr. HALE. That will surely cover it. Then there will be no such question as we had here some days ago.

Mr. GRAY. Before the unanimous consent is granted, I should like to inquire how much time between now and 3 o'clock to-morrow will probably be given to the discussion of the resolution and the amendments that are proposed. The Senator from Penn-

sylvania [Mr. QUAY] has moved the consideration of an appropriation bill, which has been agreed to, and the Senator from Washington [Mr. SQUIRE] has a matter which, by the consent of the Senator from Pennsylvania, is to be considered in the meantime. So there may not be an hour before 3 o'clock to-morrow which can be devoted to this important resolution from the Committee on Foreign Relations.

Mr. PEFFER. I will state that the Senator from California [Mr. WHITE] has not yet concluded his speech on the Cuban question.

Mr. HALE. I suggest to the Senator from Alabama that instead of making his proposition now, he wait for an hour or so and see whether the Army appropriation bill has not been finished.

Mr. MORGAN. Yes; very good.

Mr. HALE. That bill will not take much time. I understood the Senator from Pennsylvania to yield to the Senator from Washington for his bill upon condition that it gives rise to no debate.

Mr. MORGAN. I withdraw my request.

Mr. HALE. I fancy the appropriation bill will be out of the way in an hour.

The PRESIDING OFFICER. The request of the Senator from Alabama for unanimous consent is withdrawn.

REVENUE CUTTERS FOR SERVICE ON THE PACIFIC COAST.

Mr. SQUIRE. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1359) for the construction of two steam revenue cutters for service on the Pacific Coast.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed two steam revenue cutters of the first class for service on the Pacific Coast, the cost of the construction of each vessel not to exceed the sum of $250,000.

Mr. SQUIRE. I wish to make a brief statement in regard to the present condition of the Revenue-Cutter Service on the Pacific Coast, the number and kind of vessels composing the present fleet, and the situation as regards the requirement of new revenue cutters on that coast, as proposed in the bill.

The figures presented have been carefully revised and are believed to be correct.

The names of revenue vessels on the Pacific Coast, their tonnage, cost, cost of repairs, when built, etc., are as follows:

Name.	Gross tonnage.	When built.	Cost.	Cost of repairs since built.	Material of hull.	Average speed (most favorable conditions).
Cruisers.						*Knots.*
Grant	263	1871	$92,500	$68,487.90	Iron	10
Wolcott	199	1873	75,500	19,810.27	Wooden	8½ to 9
Corwin	213	1876	92,000	80,217.58	do	9
Perry	282	1884	83,000	31,001.41	Iron	9 to 9½
Rush	300	1885	74,400	41,146.76	Wooden	9 to 9½
Bear	703	*1885		123,087.12	do	9

*Transferred from the Navy in 1885.

The *Bear* was built for a steam sealer, many years ago, and was purchased from British owners by this Government for service in the Greely relief expedition, and afterwards transferred to the Revenue-Cutter Service by act of Congress in 1885. She was then fitted out as a revenue cutter and sent to the Pacific, where she has been employed ever since as an Arctic cruiser. The *Bear* is an old wooden vessel of obsolete type as to construction and machinery, and her maximum speed, under favorable conditions, will not exceed 9 knots. There has been expended in repairs upon this vessel during the past ten years more than $123,000 to keep her in fair condition for service. While it is true that this vessel can be made to last several years yet by the expenditure of a considerable sum annually, it would appear, as is the fact, that it is not in line with economy to continue to do this, and that the best interests of the Government would be best subserved by providing a suitable vessel to take her place.

The *Grant* was originally built for service on the New York station. She is a small iron vessel, nearly 25 years old.

The *Corwin* is a small wooden vessel, built on the Pacific Coast, about twenty years ago, at an original cost of $92,000, and has had spent upon her more than $80,000 for repairs, or within a few thousand dollars of her first cost. She is a 9-knot vessel of obsolete type, machinery, and construction, and will necessarily give out soon. Her place ought to be supplied by a new vessel.

The *Wolcott* is a small, slow (about 8 or 9 knots), wooden vessel, built in 1873, nearly twenty-three years ago.

The *Perry* is an iron vessel, built and fitted for service on the Great Lakes, but was sent to the Pacific Coast for service with the Bering Sea fleet.

The *Rush* is a wooden vessel, and is the best vessel of the service now on the west coast. She is small and slow; her maximum speed, under favorable conditions, is not above 9 or 10 knots. She was rebuilt in 1885, and for ordinary employment on a regular station she will answer for some years.

Vessels serving upon the Pacific Coast should be able, seagoing ships. While it is true that the vessels now there have performed valuable and efficient service, it is no less true that they are not in any sense equal to the work expected of them, and are all nearly worn out. These vessels carry a captain and six or seven officers and from thirty-five to forty men each. When they go to sea their bunkers are filled to their full capacity with fuel, besides carrying a large deck load of coal. Added to the fuel, are provisions and stores for a cruise usually of three to four months' duration, so that when they take the sea they are loaded until their decks are fairly awash, and the consequent immersion increases the natural displacement of the vessel, resulting in a reduction of speed, besides rendering the vessels logy in gales of wind and heavy seas, and correspondingly difficult to handle, to say nothing of their being thus rendered unsafe.

It is not too much to say that the splendid work performed by these vessels has been due entirely to the efficiency of their commanders and officers. There is probably no other service, with such utterly deficient means at command, that has performed anything approaching the work or achieved the results shown by the Revenue-Cutter Service.

In short, the vessels now composing the fleet of cutters on the Pacific Coast are, besides being very old, too small and too slow to be efficient. To enter upon the construction of more small vessels would be to supplement an already inefficient class with others of like type. Therefore it is indispensable that any new vessels authorized for this service should be of ample capacity and steam power to enable them to take and keep the sea under all conditions. Even were there no Bering Sea work to do, the conditions and requirements would not be changed.

The Revenue-Cutter Service is frequently called upon to cruise at sea in quest of vessels of the merchant marine reported lost or in distress, and in such service cover thousands of miles in the search. Several notable instances of this kind are mentioned in the last annual report of the Secretary of the Treasury in the cases of the American ships *Ivanhoe*, *Montserrat*, and *Keweenaw*.

Vessels cruising on the west coast anywhere north of San Francisco must of necessity be at all times prepared to cope with gales of wind and to keep the sea. Harbors are widely separated by distance, and there is therefore no refuge for storm-driven craft, and such must battle with sea and wind and find their way through as best they may. Obviously only well-equipped and stanch vessels may hope to do this successfully.

The last Congress authorized the Secretary of the Treasury to enter into contract for the construction of a revenue cutter of the first class for service on the Pacific Coast. Accordingly plans and specifications were drawn, and upon these proposals were invited for the construction of a vessel deemed suitable for the service. But one proposal was received, and that was in the sum of $290,000, or $90,000 in excess of the authorization by Congress. Many firms declined to bid at all.

The pending bill provides for the construction of two revenue cutters of the first class, to cost $250,000 each. The sum asked for would at first glance appear large, but will not be considered so in the light of what has just been said.

The plans and specifications upon which it is proposed to construct these vessels have been laid before the Committee on Commerce. Briefly these provide for a vessel of the following general dimensions:

Length over all, 219 feet.

Length between perpendiculars, 200 feet.

Breadth of beam, 33 feet 4 inches.

Draft, 14 feet.

Displacement, about 1,000 tons.

The specifications require that this vessel shall be of the "composite type," that is, of steel and wood; the "topsides" (from the water line up) to be of steel, the keel and frame to be of steel, and the bottom (from the water line down) to be of wood, sheathed with copper; to be provided with single direct-acting triple-expansion engines of 2,000 indicated horsepower, which would develop a maximum speed of 16 to 17 knots per hour, and an ordinary cruising speed of 10 knots, and have a cruising radius of 3,000 miles; the vessel to be fitted with torpedo room and port, and so constructed as to be capable of carrying an effective battery of 6-pounder rapid-fire guns. The composite feature was adopted for several reasons.

1. A vessel designed for the service required has to encounter the ice packs and floes of the Bering Sea and Siberian coast, and is always in danger of being icebound—a condition which an all-iron or all-steel ship could not endure.

2. Much of the cruising in which these vessels would be engaged would be over uncharted seas, and a wooden bottom could encounter possible rocks and shoals with comparative safety, whereas a steel or iron bottom under such conditions would be readily punctured and disaster would follow.

3. As a matter of economy, owing to the rapid accumulation of barnacles and other marine growth upon the bottoms of iron and steel vessels in salt water, they should be docked, cleaned, and painted at least three times a year, which, in a ship of this class, would involve an expense of from $1,000 to $1,200 per year.

On the other hand, the coppered wooden bottom of the composite type would go from three to five years without this attention and expense.

The cost of material entering into the construction of steel and iron ships has advanced about 35 per cent within the past six months, and it is not possible, therefore, that such vessels can now be built for much, if any, less than the sum stated.

The plans contemplate that in event of hostilities vessels built after them could be employed as dispatch boats in cooperation with the Navy, or they could become, upon short notice, as effective commerce destroyers as any unarmored ships constructed for that purpose. Thus, while providing for an effective and efficient class of vessels for the Revenue-Cutter Service for times of peace, Congress would be adding materially to the strength and efficiency of that service as an adjunct to the naval establishment, while it would at the same time accentuate the value of the Revenue-Cutter Service as an arm of the national defense to be utilized in the future, as it has been in the past, in all our wars.

It is evident to those acquainted with the facts that these vessels should be provided for the revenue service. I have no doubt that the Senators from California and Oregon will support my statements. The bill should be passed without delay.

The bill has been approved by the Department; its passage is urged by the Department, and it has been unanimously approved by the Committee on Commerce.

Mr. MITCHELL of Oregon. The bill ought to be passed at once.

Mr. CHANDLER. I notice that the bill does not provide any method for constructing the proposed revenue cutters. Is it the intention of the Senator who advocates the bill to have no restrictions or limitations whatever put upon the Secretary of the Treasury, and to allow him to make private contracts without competition, or is there some general law which requires that there shall be competition?

Mr. SQUIRE. I will state for the information of the Senator from New Hampshire that there is a law under which bids are advertised for, received, and passed upon in due course by the Department.

Mr. MITCHELL of Oregon. That is the invariable custom.

Mr. CHANDLER. It may be the custom—I think it is—but it should be the law.

Mr. MITCHELL of Oregon. It is the law.

Mr. SQUIRE. I will state that it is the law. I know it to be such. I have been in conference with the officials of the Department repeatedly on the subject of the bids for the revenue cutters already authorized, particularly the last one for the Pacific Coast.

Mr. LODGE. I should like to ask whether there is any provision in the bill as to the speed or as to the armament of the vessels?

Mr. SQUIRE. There are no such provisions in the bill, but it will be the endeavor of the Department to procure the best order of construction now obtainable in the United States for the purpose. I have just presented to the Senate the principal details proposed by the Department as to the character and construction of these vessels. The maximum speed is to be about 17 knots. It is the intention to have these vessels built on the Pacific Coast, if suitable bids can be obtained, I personally know that such bids can be obtained from shipbuilders on that coast, and I am confident the vessels will be well built and that the plans are good. The specifications will require that the bottoms of these vessels be built of Washington fir. There is no better wood for shipbuilding in the world, either for hulls or for inside finishing, than is found in the Pacific Northwest. It is even being sent by carload at great expense from Puget Sound and Gray's Harbor to Boston, to Philadelphia, and Newport News.

Mr. WHITE. If the Senator from Massachusetts will permit me, I will state that the bill is in the precise form of the measure which passed the Senate a few days ago with reference to such vessels for service upon the Great Lakes, and the Committee on Commerce was satisfied from the report of the Treasury Department that the particulars referred to by the Senator would be regarded.

Mr. SQUIRE. The only difference is as to the kind of service to be performed, it being more severe on the Pacific Ocean than on the Great Lakes, requiring the stanchest kind of vessels; and it costs more to build and place the vessels there where the duties are to be performed.

I may add that at the instance of the Department I have taken much interest in this subject and in the examination of plans and specifications. At the request of Assistant Secretary Hamlin last spring I corresponded with Capt. C. L. Hooper, who ably commanded the Bering Sea squadron last summer, relative to the character of vessel most desirable for this service, and I have conferred frequently with Captain Shoemaker, the efficient chief of the division of the Revenue-Marine Service, and other experienced officers of that corps, who have been giving close attention to the needs of the service. Truth compels me to state that this branch of the public service richly deserves the favorable attention of Congress to its requirements.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWPORT NEWS, VA.

Mr. DANIEL. By the courtesy of the Senator from Pennsylvania, I beg to ask the Senate to consider Senate bill 268. I will state that it is a bill for the erection of a public building for the use of the custom-house and the post-office at Newport News, Va., which has at four separate sessions of Congress passed the Senate unanimously.

Mr. QUAY. I will yield to the Senator from Virginia with the understanding that I shall make no more concessions of that character, and that the bill he proposes to call up will provoke no discussion.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to call up the bill referred to by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 268) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va. It proposes to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States custom-house, post-office, and other Government offices in the city of Newport News, Va., the cost of the site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897, which had been reported from the Committee on Appropriations with amendments.

Mr. QUAY. I ask that the formal reading of the bill be dispensed with, and that the committee amendments be disposed of in their order as they are reached in the reading of the bill.

The PRESIDING OFFICER. It will be so ordered, unless objection be made. The Chair hears none, and the committee amendments will be considered in their order as reached. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 6, after the word "dollars," to strike out:

Provided, That hereafter no pay shall be retained.

So as to make the clause read:

For pay proper of enlisted men of all grades, $4,265,000.

The amendment was agreed to.

The next amendment was, on page 2, line 16, after the word "recruiting," to strike out "headquarters and"; so as to make the clause read:

For clerks and messengers at the headquarters of the Army and at the several department headquarters; at the recruiting rendezvous; at the Military Academy at West Point; at the Artillery School at Fort Monroe, Va.; at the Infantry and Cavalry School at Fort Leavenworth, Kans., and at the Cavalry and Light Artillery School at Fort Riley, Kans., not exceeding 90 clerks, at $1,000 each; 25 clerks, at $1,100 each; 10 clerks, at $1,200 each, and 45 messengers, at $720 each, $161,900.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 7, on page 5.

The PRESIDING OFFICER. The reading of the bill will be suspended. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution, reported by Mr. MORGAN, from the Committee on Foreign Relations, relative to the war in Cuba.

Mr. QUAY. I ask that the unfinished business be temporarily laid aside in order that the pending appropriation bill may be proceeded with.

The PRESIDING OFFICER. That order will be made, if there be no objection. The Chair hears none, and it is so ordered.

The reading of the bill was resumed at line 8 on page 5.

The next amendment of the Committee on Appropriations was, on page 8, after line 2, to insert:

For additional pay to officer in charge of public buildings and grounds in Washington, D. C., $1,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 12, to insert:

Provided, That no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section 1290 of the Revised Statutes.

So as to make the clause read:

For allowance for travel, retained and detained pay, clothing not drawn, and for interest on deposits, payable to enlisted men on discharge, $700,000: *Provided*, That no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section 1290 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, on page 10, line 5, before the word "thousand," to strike out "three" and insert "four"; so as to make the clause read:

Making, in all, for pay and general expenses of the Army, $13,104,512.73.

The amendment was agreed to.

The next amendment was, on page 12, line 13, before the word "dollars," to strike out "five thousand" and insert "seven thousand five hundred"; so as to make the clause read:

Maintenance and support of the Apache prisoners of war at Fort Sill, Okla., and for the purpose of the erection of buildings, purchase of stock, necessary farming tools, seeds, household utensils, and other necessary articles and expenses absolutely needed for their support and civilization, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War, $7,500.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "hospital," to strike out "general"; so as to make the clause read:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provisions is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, and the supply of the Army and Navy Hospital at Hot Springs, Ark.; advertising and other miscellaneous expenses of the Medical Department, the amount to be expended for pay of civilian employees not to exceed $40,000, $140,000; experimental cooking, $500; in all, $140,500.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the word "Disabled," to strike out "National Homes" and insert "the National Home for," and, in the same line, after the word "Soldiers," to insert "and its several branches"; so as to make the clause read:

For manufacture of metallic ammunition for small arms and ammunition for reloading cartridges, and tools for the same, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several branches, and marksmen's medals and insignia for all arms of the service, $225,000.

The amendment was agreed to.

The next amendment was, on page 24, line 4, before the word "ordnance," to strike out "new," and in line 5, before the word "on," to insert "stores"; so as to make the clause read:

For overhauling, cleaning, and preserving ordnance stores on hand at the arsenals, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, line 10, before the word "Disabled," to strike out "National Homes" and insert "the National Home for," and in the same line, after the word "Soldiers," to insert "and its several Branches"; so as to make the clause read:

For firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at the National Home for Disabled Volunteer Soldiers and its several Branches, including material for cartridges, bags, etc., $20,000.

The amendment was agreed to.

The next amendment was, on page 25, line 17, after the word "departments," to insert "and in inspection districts"; so as to make the clause read:

For contingent expenses at the headquarters of the several military departments and in inspection districts, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, and police utensils, $3,000, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HAWLEY. I reported favorably this morning from the Committee on Military Affairs a slight amendment to the pending bill, which I now beg leave to offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 13, after the word "dollars," it is proposed to insert:

Provided, That there shall be no appointments of hospital stewards until the number of hospital stewards shall be reduced below 100, and thereafter the number of such officers shall not exceed 100.

Mr. HAWLEY. A very brief word of explanation, Mr. President. The number of hospital stewards has been gradually reduced, owing to the condensation of the Army into large posts, which is now going on. The present number of hospital stewards is 112. If the limit shall remain as it is now by law, there will be a continual pressure to appoint superfluous hospital stewards. I will add that this amendment meets the approval of the Surgeon-General.

Mr. QUAY. The amendment is indorsed by the Committee on Military Affairs, as I understand.

Mr. HAWLEY. I understood from the Senator from Missouri [Mr. COCKRELL] that the amendment was not objectionable in the eye of the Committee on Appropriations.

Mr. QUAY. I understand it is indorsed by the Military Committee.

Mr. HAWLEY. It was reported by me from that committee this morning.

Mr. QUAY. Then there is no objection to it.

Mr. COCKRELL. The amendment is recommended by the Military Committee, and, as the Senator knows, is indorsed by the Surgeon-General. It really restricts the expenditure of money.

Mr. QUAY. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. PEFFER. I ask the unanimous consent of the Senate to proceed to the consideration of Order of Business 332.

Mr. WHITE. If the Senator from Kansas will permit an inquiry, what particular measure does he desire to have taken up? I address the Senator from Kansas because I am entitled to the floor on the unfinished business.

Mr. PEFFER. I will state to the Senator that I think the matter can be disposed of as rapidly as the Secretary can do the reading. It is a resolution to investigate bond sales. It is now subject to an amendment proposed by the Senator from Tennessee [Mr. HARRIS]. I have no objection to agreeing to the amendment; I am satisfied the Senate will have none and that the resolution can go through without any trouble.

Mr. HALE. I suggest to the Senator that, instead of moving to take up the resolution, which will displace the regular order of business, he ask unanimous consent to take it up so as not to displace that.

Mr. PEFFER. I have done so.

Mr. SHERMAN. I think it is due to the Senator from California [Mr. WHITE], who is now entitled to the floor to resume the speech begun by him last evening, that his speech should not be broken up. I hope, therefore, the Senator from California will be allowed to complete his remarks according to the usual courtesy of the Senate.

Mr. PEFFER. I will say further that when I made the request I did not know the Senator from California was expecting to address the Senate at this time. I withdraw the request for the present, Mr. President.

The PRESIDING OFFICER. The request of the Senator from Kansas is withdrawn.

WAR IN CUBA.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the 5th instant relative to the war in Cuba.

The PRESIDING OFFICER. The Senator from California [Mr. WHITE] is entitled to the floor.

Mr. MORGAN. The Senator from California yields to me for a moment. I desire to renew the proposition I made this morning, that to-morrow at 3 o'clock—or I am willing to say half past 3 or 4 o'clock, whichever is most convenient to Senators——

Mr. VEST. Say 4 o'clock.

Mr. MORGAN. That the Senate proceed to vote upon the Cuban resolution, with all the amendments pending and all of which notice has been given.

Mr. HALE. Without further debate?

Mr. MORGAN. Yes; without further debate.

The PRESIDING OFFICER. Unanimous consent is asked by the Senator from Alabama that to-morrow at 4 o'clock the vote be taken on the Cuban resolution and all the amendments pending and all the amendments of which notice has been given, without further debate. Is there objection?

Mr. GRAY. Mr. President, I wish to make no objection on my own account, but since the Senator from Alabama made the request a while ago I have been speaking to one or two Senators, among them the Senator from New York [Mr. HILL], who said he might wish to say something in regard to the resolution; and there may be others. The only question in my mind is whether time enough will be afforded by the hour fixed to give the opportunity, which of course we want to give, to those Senators who desire to speak.

Mr. HALE. There are three good hours of to-day left.
Mr. GRAY. Has the Army appropriation bill been disposed of?
Mr. HALE. Yes.
Mr. GRAY. I did not know that.
Mr. HILL entered the Chamber.
Mr. GRAY. The Senator from New York can now speak for himself, as I see him in the Chamber.
Mr. HILL. Since I spoke to the Senator from Delaware [Mr. GRAY] on the subject I find that I am liable to be called out of the city to-night, and I shall not ask for the resolution to go over on my account.
Mr. GRAY. I have no other objection to the agreement suggested by the Senator from Alabama.
Mr. HILL. I am content with whatever the Senator in charge of the resolution desires. I shall not ask a postponement.
Mr. HALE. Let me suggest to the Senator from Alabama that there may not be as much debate as he anticipates, and that he modify his proposition and say "an hour not later than 4 o'clock."
Mr. MORGAN. I prefer that the time for the vote should be fixed at 4 o'clock, because Senators want to be here to record their votes on the resolution. Other business can intervene, if there be sufficient time.
Mr. HILL. Let it be understood that the voting shall begin upon all the amendments that are then pending or that may be offered.
Mr. MORGAN. And all of which notice has been given.
Mr. GRAY. All offered up to 4 o'clock.
Mr. HILL. All those that shall be offered up to 4 o'clock.
Mr. SHERMAN. I wish to say that some time to-morrow I desire to make a few remarks in regard to the pending resolution, and, as a member of the Committee on Foreign Relations, I should prefer to close the debate. Therefore I give notice that I shall probably occupy half an hour to-morrow.
Mr. MORGAN. It is entirely proper that the chairman of the Committee on Foreign Relations should close the debate.
The PRESIDING OFFICER. Is there objection to the unanimous consent asked?
Mr. LINDSAY. I suggest whether it would not be satisfactory to have a unanimous agreement to vote to-morrow, without fixing the exact time.
Mr. MORGAN. "To-morrow," legislatively speaking, might mean three or four days.
Mr. LINDSAY. I think there is no disposition to protract the debate nor to prevent a vote.
Mr. MORGAN. None at all.
Mr. LINDSAY. But it may be that some Senator who wants to be heard will be cut off by having the hour absolutely fixed at which the vote shall be taken.
Mr. MORGAN. It is improbable that such a thing will occur. I merely want the hour of 4 o'clock definitely fixed because Senators may be otherwise engaged, and a good many Senators have expressed a desire to record themselves on this resolution; but if anything of the kind indicated by the Senator from Kentucky should occur, while I am in charge of the resolution no Senator will be deprived of an opportunity to speak.
Mr. LINDSAY. That is all I desire.
Mr. BATE. As there are several amendments, I suggest to the Senator from Alabama that there should be some arrangement for their discussion under the five-minute rule.
Mr. MORGAN. No; I do not think it is necessary in this case.
Mr. FRYE. That is all right. Let us vote at 4 o'clock to-morrow.
The PRESIDING OFFICER. Is there any objection to the consent rule, as requested, that the Senate vote on the Cuban resolution and all amendments pending and those of which notice has been given to-morrow at 4 o'clock? The Chair hears none, and it is so ordered.
Mr. WHITE. Mr. President, when the Senate adjourned yesterday I was endeavoring to state the respective legal rights of the parties combatant in Cuba, as I understood them, and the effect of recognition. In the course of the afternoon the Senator from Alabama [Mr. MORGAN] called my attention to the treaty entered into by this Government with Spain in 1795 and to its effect upon the commercial relations of the two countries. Since that time I have examined that convention with some care, and find in it three articles of much importance, viz, the fifteenth, the sixteenth, and the seventeenth. They are lengthy, and I shall not read them throughout.
Article 15 provides that it shall be lawful for the subjects and citizens of both countries to trade with belligerents, and with those who are enemies of both, without any opposition or disturbance except in matters contraband.
Article 16 enumerates the merchandise, etc., which shall be considered the subject of legitimate trade.
Article 17, which I take to be the particular article alluded to by the Senator from Alabama, provides as follows:

To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

The article then continues and provides the essentials to be contained in such passports, and it is provided that:

It is likewise agreed that such ships being laden are to be provided not only with passports as above mentioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form. And if anyone shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so. Without which requisites they may be sent to one of the ports of the other contracting party and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Were this stipulation possible of enforcement it would amount to this: That if a vessel of the contracting parties possesses the passport provided for no further search or inquiry can be made, because the passport is made conclusive. However, I find upon investigation that the United States Supreme Court rendered a decision to the effect that this article is wholly nugatory, for the reason that the passports mentioned are referred to in the article as though the form for the same were annexed to or set forth in the treaty, but, in consequence of carelessness no doubt, the required form is not annexed.
The Supreme Court decision to which I allude, and which I shall not read, as it is lengthy, was written by Mr. Justice Story. It is entitled "The *Amiable Isabella*," 6 Wheaton, page 1. I read from the syllabus, which seems to be fully authorized by the opinion:

The seventeenth article of the Spanish treaty of 1795, so far as it purports to give any effect to passports, is imperfect and inoperative in consequence of the omission to annex the form of passport to the treaty.
Quære.—Whether, if the form had been annexed and the passport were obtained by fraud and upon false suggestions, it would have the conclusive effect attributed to it by the treaty?
Quære.—Whether sailing under enemy's convoy be a substantive cause of condemnation?
By the Spanish treaty of 1795 free ships make free goods; but the form of the passport by which the freedom of the ship was to have been conclusively established, never having been duly annexed to the treaty, the proprietary interest of the ship is to be proved according to the ordinary rules of the prize court, and if thus shown to be Spanish, will protect the cargo on board, to whomsoever the latter may belong.

Therefore, while it was no doubt within the contemplation of those who agreed to this treaty that a passport should be conclusive, and no further search be permitted, it seems that the liberal purpose entertained failed of accomplishment by reason of the clerical omission referred to. This is not of any grave importance, and I merely allude to it as a matter connected with the history of the treaty.
Mr. FRYE. Mr. President——
Mr. WHITE. I yield to the Senator from Maine.
Mr. FRYE. I desire to ask the Senator where passports for ships are provided for? Does the Senator know?
Mr. WHITE. In article 17 of this treaty.
Mr. FRYE. Is there any provision of our statutes, to which the Senator can refer, which provides for passports for ships?
Mr. WHITE. There may be, but if so I have not the provision in mind.
Mr. FRYE. The treaty in referring to passports makes no reference whatever as to whether it is a passport provided by general law, or whether it is a special passport.
Mr. WHITE. Yes; it says: "Which passport shall be made out and granted according to the form annexed to this treaty." Judge Story says that the Supreme Court can not make a treaty, and that as there is no form annexed to the treaty, and that as the treaty called for a certain form and no other, and as such form does not exist, the whole article must be held inoperative. If the Senator will read the argument by counsel and then the opinion by Judge Story, he will find an exhaustive and interesting discussion. I do not care to read it at this time.
Mr. FRYE. I simply asked the question for information, because the Committee on Commerce have reported a bill for the repeal of the section which provided in certain cases for passports for ships, and my own impression was that it was not the passport to which that treaty referred; and I wished to know whether it was or not.
Mr. WHITE. There is a note in the official edition of the treaty showing the peculiar situation of the case. It is as follows:

The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State. See "The *Amiable Isabella*" (6 Wheaton's Reports, 1). It is remarkable, however, that to the Spanish version of the treaty, in volume 2, page 429, of "Coleccion de los Tratados de Paz," etc., published at Madrid in 1800, "de orden del Rey, en la imprenta real," there are annexed two forms in Spanish for passports; one for ships navigating European seas, the other for those navigating the American seas.

Mr. President, I stated during my argument yesterday that certain rights in reference to the purchase of arms were possessed by these insurgents in common with the rest of mankind, and that there was no law, and is none, and never has been, which prohibits a manufacturing company in the United States from selling arms to anyone who may come to purchase the same, and I referred to the several decisions, conclusive, as it seems to me, upon this proposition. I will add one or two more expressions of jurists on the subject.

During the Mexican war, the Maximilian difficulty, Mr. Speed, our Attorney-General, in an opinion to be found in 11 Opinions of the Attorneys-General, page 451, says:

I have the honor to acknowledge the receipt of your note of the 23d of March, together with a copy of a letter from Mr. Romero, the minister of the Mexican Republic. Mr. Romero says that he has been informed that agents of the "usurper Maximilian" have purchased in New York 5,000 muskets, and that they are to be shipped to Vera Cruz, not "as private property, but for account of the said usurper." Mr. Romero asks that the shipment be not allowed. You ask my opinion, whether there is any law or regulation now in force prohibiting the exportation of arms for the account of any person, whatever be his political designation, real or assumed, or of any Government.

This question is fully answered in my opinion delivered to you on the 23d day of last December—

Referring to an opinion to be found on page 408 of the same book which is also relevant here.

The opinion of the 23d of December was given upon a complaint of Mr. Romero that General McDowell, commanding the military department of California, had prohibited the exportation of arms or munitions of war by the frontier into Mexico. That opinion is to the effect that General McDowell's order was unlawful.

I can perceive no difference in principle between that case and this. So far as neutrals are concerned, belligerent parties are equals.

I know of no law—

He continues—and here is the pertinent proposition—

or regulation which forbids any person or government, whether the political designation be real or assumed, from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser, etc.

Mr. President, if an ordinary merchant vessel were to visit the city of New York, sent there by the insurgents and manned by a regular crew, a cargo of war supplies might be purchased and taken away, as was done in the case of Chile, without any infraction of any law of the United States. Such is the conclusion of the United States circuit court of appeals in the *Itata* case (56 Federal Reporter) already mentioned, and is the legitimate result of the other authorities which I have cited.

This principle has been referred to by many international law writers. I will furnish some references:

Vattel, Law of Nations, edition 1883, page 338; 2 Ferguson's Manual of International Law, sections 229, 230, and 263; Hall on International Law, third edition, pages 80, 612, 613; Wheaton's International Law, third edition (Boyd), pages 583, 595, and 653; 1 Opinions Attorneys-General (Lee), 61; id. (Rush), 190; 7 id. (Cushing), 122; 11 id. (Speed), 408, 451; 2 Wharton's Criminal Law, section 1903; 3 Wharton's International Law Digest, section 391, and numerous precedents there given; Twiss's Law of Nations, 296, cited 11 American and English Encyclopedia of Law, 478; Kluber Droit des Gens., section 288, cited 11 American and English Encyclopedia of Law, page 478; The *Santissima Trinidad*, 7 Wheaton, 283; The *Florida* (a Cuban insurgency case), 4 Ben., 452; View of Secretary Evarts, 3 Wharton's International Law, 515; Pickering, Secretary of State, 1 American State Papers, page 649; Hamilton, Secretary of Treasury, 1 American State Papers, page 141; The *Carondolet*, 37 Federal Reporter, 800; 1 Kent's Commentaries, 142; The *Bermuda*, 3 Wallace, 551.

I mention these cases simply for the purpose of showing that while it will be pleasant for those of us who sympathize with the Cuban cause to learn that the President of the United States has found that the evidence justifies according belligerency to the Cubans, still that such proceeding upon the part of the Executive can not be followed by any direct substantial advantage in a legal sense. There may, as I have observed, be resulting encouragement, but there will also be greater determination on the other side of the issue.

I think that I have already said what must be plain to all, that while the right of trade exists within the limits defined, still the insurgent vessel or the ship containing contraband is subject to capture and confiscation by the enemy.

I know it has been said—and my remarks upon this branch of the subject would not be satisfactory even to myself if I did not allude to it—that the United States may treat unrecognized insurrectionists, such as these insurgents, as pirates, and there is at least one Federal decision so holding; but the important proposition is whether this Government would so treat revolutionists. Mr. Cleveland has made a record for himself on that subject, and I think the State Department has settled the matter conclusively. After the decision to which I have alluded, wherein it was held that an unrecognized insurgent might be treated as a pirate, Mr. Wharton wrote a very learned and very elaborate and extremely satisfactory article, which was published in 33 Albany Law Journal, commencing on page 125, and from which elaborate quotations are made in his Digest, denying the correctness of the court's view. He cites a message of President Cleveland sent to Congress on December 8, 1885, with reference to the Colombian difficulty. The President said:

Pending these occurrences a question of much importance was presented by decrees of the Colombian Government, proclaiming the closure of certain ports then in the hands of insurgents, and declaring vessels held by the revolutionists to be piratical and liable to capture by any power. To neither of these propositions could the United States assent. An effective closure of ports not in the possession of the Government, but held by hostile partisans, could not be recognized; neither could the vessels of insurgents against the legitimate sovereignty be deemed hostes humani generis within the precepts of international law, whatever might be the definition and penalty of their acts under the municipal law of the State against whose authority they were an revolt. The denial by this Government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents.

It is also shown by Mr. Wharton that Mr. Bayard, during the same Administration, on April 9, 1885, wrote a very clear and strong letter addressed to Mr. Ricardo Becerra, who was the Colombian representative in this city, in which he announced the same doctrine. Not alone did that Administration so hold, but in 1883 Mr. Frelinghuysen prepared a communication, which can also be found in Mr. Wharton's article, in which he reached a similar result. His words are as follows:

The expedient of declaring a revolted national vessel to be a "pirate" has often been resorted to among the Spanish-American countries in times of civil tumult, and on late occasions in France. At the time of the Murcian rising in 1873, the insurgents at Cartagena seized the Spanish ironclads in harbor and cruised with them along the coast, committing hostilities. The Spanish Government proclaimed the vessels pirates and invited their capture by any nation. A German naval commander, then in the Mediterranean, did, in fact, capture one of the revolted ships and claimed it as a German prize, but his act was disavowed. The rule is simply that a "pirate" is the natural enemy of all men, to be repressed by any and wherever found, while a revolted vessel is the enemy only of the power against which it acts. While it may be outlawed, so far as the outlawing State is concerned, no foreign State is bound to respect or execute such outlawry to the extent of treating the vessel as a public enemy of mankind. Treason is not piracy, and the attitude of foreign Governments toward the offender may be negative merely so far as demanded by a proper observance of the principle of neutrality.

Mr. Wharton was deeply interested in the subject. He obtained the opinions of Calvo and other eminent publicists, all of which are fully noted in the publication just mentioned.

So, even if the Cubans were possessed of vessels and had any status upon the ocean, there would be no danger that they would be treated by this Government as pirates, and hence their legal condition is no worse now, as far as the laws of the United States are concerned, than it would be if their belligerency was recognized. All the neutrality laws would then be enforceable, and our Government would no doubt act accordingly.

Mr. President, there are some resolutions before this body with reference to the independence of Cuba. I desire to say at this point that it is a subject of regret that Cuba is not really independent. But that she is not independent is to me palpable. We have before us resolutions affirming belligerency, and now I learn we are also asked to resolve that Cuba is independent. These propositions do not seem to be very harmonious. The latter certainly can not in any event be properly adopted. It is settled, I think, by all authorities upon the subject that the independence of no people can be recognized by this or any other civilized nation until the disturbances, the real, vital disturbances, are practically closed, not entirely, it is true, but the case of the parent country must be desperate before an acknowledgment of independence is allowable. Under prevailing conditions a recognition of the independence of Cuba would be contrary not only to the precedents, but certainly would be in defiance of fact.

Mr. President, during the war of the rebellion we engaged in a very extensive diplomatic correspondence with France, Spain, and England; and anyone who will peruse the communications which passed between Mr. Adams and Earl Russell, and contrast the doctrines there laid down with some that I have heard announced here, will come to the conclusion that we are receding from our former position. While we undoubtedly did take an extreme stand then, we have never adopted any plan or theory which will permit the recognition of the independence of the Cuban people in their present situation.

The Senator from Alabama has very properly observed—and his remark was a conclusive answer to these resolutions—that the power to recognize the independence of a State is vested wholly in the Executive. That being the case, we will not, I hope, be so inconsistent as to adopt any resolution declaring that Cuba is independent. Our efforts should be confined now to expressions of sympathy and opinion, and these should be tendered in the hope that a friendly and satisfactory conclusion will be negotiated looking to Cuba's freedom. Independence is the final consummation desired. But that condition does not now obtain, and if it shall be otherwise the Executive alone can officially proclaim it.

Mr. VEST. Will the Senator from California allow me to ask him a question?

Mr. WHITE. Yes, sir.

Mr. VEST. Without in the slighest degree controverting the Senator's statement in regard to what has been the practice of the

United States in recognizing a people struggling for independence, is it not a question exclusively with every nation to pass upon the fact whether a rebellion, as it is termed, is in a desperate condition; in other words, whether the mother country, Spain in this case, is able to suppress that insurrection, as they term it? Would we not be alone responsible to ourselves if we stated that we believed the President of the United States ought to recognize the independence of Cuba? Is there any tribunal, except the conscience of the American people, to which an appeal can be made in that case? And if I am correct—and I think I am—in that statement, then I should like to know from the Senator from California—for that is the practical question—whether he believes that Spain can suppress that insurrection and whether he does not believe that the cause of Spain to-day with a view to that end is desperate?

Mr. WHITE. I find no difficulty in answering the question of the Senator form Missouri. Of course we are responsible only to ourselves. Undoubtedly so. That must necessarily be the case. We are not responsible to Spain. We are answerable only to our consciences. Our adhesion to the precepts laid down by publicists in this matter and our compliance with our own oft-repeated precepts must be voluntary. We so act because we think it to be right. A rule of conduct with reference to international concerns laid down by anybody, by any nation outside of our own, is not literally binding upon us, but I imagine we do not set ourselves up here as absolutely independent of all principle. We are bound only because we are civilized to an observance of those regulations and practices which enlightenment has dictated. We can not, I think, repudiate the views of the great masters of jurisprudence who have always commanded the respect of the law-abiding.

Our obedience to these righteous requirements can not be enforced by legal writs; moral coercion will suffice.

The Senator from Missouri asks me whether I do not think that the cause of Spain is desperate. Mr. President, I do not know. I sincerely hope that the people of Cuba will be successful in establishing a government of their own choice, but I do not know whether they will or not. The information which I have upon the subject is of a character not satisfactory to my mind. The Senator may believe the situation as to Spain to be desperate, but when we find Spanish power surrounding this island, when we find her in possession, apparently secure, of the centers of population, when we find that not a single port, not a single avenue of trade is in the control of the insurgents, that they have not a ship upon the ocean, that they have no commercial or international representation, I am far from believing that a point has been reached to justify a recognition of independence.

Mr. VEST. If my friend will permit me, it seems to me manifestly unjust in the determination of that which is the vital question in this whole controversy, and all the balance is leather and prunella, to ignore the one fact to which he does not allude, and that is that these same people, the Cubans, without having a ship upon the ocean, without being in possession of a single important port, successfully resisted the Spanish power for ten long years, and then only laid down their arms upon certain conditions—one of which was the abolition of slavery in the island—which were immediately violated by the Spanish Government.

Now, if they could for ten years maintain themselves by force of arms against the Spanish dynasty without ships, without munitions of war except those that they manufactured themselves, why can they not now maintain the same sort of struggle until Spain is forced to admit, as she did before, that it is impossible to put down the insurrection? All those things must be considered together, and I submit to my friend the Senator from California that if we content ourselves with simply an expression of sympathy we had better drop this question, for it will be a miserable farce from end to end.

Mr. WHITE. The Senator from Missouri will recognize the fact that I have endeavored to show that the various resolutions which it is proposed to adopt will not have any substantial effect upon this struggle. I agree with him about that matter.

Mr. VEST. Does the Senator from California propose to state that if we now, by the act of both Houses of Congress, request the President of the United States to recognize the independence of Cuba——

Mr. WHITE. I am not speaking of that resolution.

Mr. VEST. That is the resolution, and all the balance amount to nothing.

Mr. WHITE. The resolutions reported by the Committee on Foreign Relations are the matters to which I was addressing myself when I stated that the resolutions proposed to be adopted would not, in my opinion, have any substantial effect upon this struggle.

Mr. VEST. I agree with the Senator about that point.

Mr. WHITE. I attempted to illustrate it by showing the status of those people under a mere recognition of belligerency and their status as insurgents. Of course if we recognize their independence, and also that a war exists, which we would have to do, we would be compelled to maintain neutrality, and I do not know that they would derive a great deal of benefit from that. I have shown, I think, that Cuban rights as to trade would not then be materially different. Their independence might be acknowledged, and yet, if there is war, our neutrality laws would be in effect and would be of course enforced.

But, Mr. President, I have asserted, and I have no doubt the members of the Committee on Foreign Relations must have reached the same conclusion in view of the resolutions reported by that committee—the determination must have been made—that there is no precedent or policy justifying a recognition of independence at this time.

The Senator from Missouri reasons thus: He says that the Cubans maintained a war for ten years, which the Spaniards were unable to put down; that now, that they have carried on a struggle for one year or two years, they must be independent. I deny the conclusion. The premises do not warrant it at all. It is a matter concerning which no man can speak definitely without more information than the meager facts before us. To assert here by a resolution that the Cuban people have accomplished their independence when we know they have not accomplished it, when we know they are endeavoring to accomplish it, when we know they are making every effort to attain to that condition, when we know that it is an unrealized hope, would be to write ourselves down as anything but reasonable men.

Certainly a declaration of that kind would not have any satisfactory effect. It would be an announcement here in the form of a resolution of that which we should know is untrue. Some believe that Cubans are in a position to finally win. Personally I would rejoice to see them victorious, but to solemnly proclaim that they have already won is to do violence to the notorious fact that there is a bloody and fierce conflict in progress day by day in Cuba, maintained by the revolutionists against great odds.

Whatever substantial I can do within the limits of propriety and without violating rules established by this Republic, as well as by intelligent peoples everywhere I am ready to perform, but I do not propose to vote for a resolution which expresses that which is untrue merely because my sympathies and feelings are aroused. It is idle to read any authorities in answer to a proposition such as that stated by the Senator from Missouri, who seems to desire to establish a precedent in this case against all others. If everyone has been in error, it is, of course, well to make the departure. I have already attracted attention to the language of Mr. Seward in his letter to Mr. Adams, wherein he pointed out the weighty responsibility assumed in the recognition of the independence of a new state. The subject was fully considered by President Jackson in the case of Texas:

> Undoubtedly when Texas had achieved her independence no previous treaty could bind this country to regard it as a part of the Mexican territory. But it belonged to the Government, and not to individual citizens, to decide when that event had taken place. And that decision, according to the laws of nations, depended upon the question whether she had or had not a civil government in successful operation, capable of performing the duties and fulfilling the obligations of an independent power. It depended upon the state of the fact, and not upon the right which was in contest between the parties. And the President, in his message to the Senate of December 22, 1836, in relation to the conflict between Mexico and Texas, which was still pending, says: "All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decision from every unworthy imputation."—*Senate Journal of 1836*, page 54.
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> "The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such a state has forcibly separated itself from another of which it formed an integral part, and which still claims dominion over it."
>
> And after speaking of the policy which our Government had always adopted on such occasions, and the duty of maintaining the established character of the United States for fair and impartial dealing, he proceeds to express his opinion against the acknowledgment of the independence of Texas at that time in the following words:
>
> "It is true, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the Chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion the independence of Texas may be considered as suspended and, were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis would scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions."

The right of the President to determine this subject was never denied, notwithstanding the anxiety of our people to acknowledge Texan independence.

Mr. Dana says (Dana's Wheaton, page 45, note) that the attempt to invade Texas was abandoned by Mexico before the United States acknowledged her independence. Similar policy was pursued regarding the South American Republics. The United States acted first, but not for many years "after long recognized bellig-

erency and the practically unobstructed exercise by them of sovereign powers. Spain, separated by an ocean, had abandoned actual efforts for their reduction and only clung to a nominal right." (Dana's Wheaton, page 43, note.)

Mr. Adams wrote to Mr. Monroe in 1816 (1 Wharton's Digest, section 70):

> There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate. * * * But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.

We there acted in accordance with the fact. We recognized a condition of things which was patent to the world, plain, unmistakable; but not until we were sure of our position.

Now, there may be a mode by which we may actually accomplish the freedom of Cuba. If the Senator from Alabama [Mr. MORGAN] is correct that the announcement of belligerency means a declaration of war, that, perhaps, will settle the affair. We shall then possibly have enough on our hands. We have not been warlike in any new case during the last few days, but the future is promising enough. Why not wait until we complete the disbursement of the $87,000,000 recommended to be devoted to coast defenses?

I shall be guided in what I do and how I vote by my conception of duty, experiencing at the same time none but the kindest sentiments toward Cuba; but I will not be a party to the new departure favored by the Senator from Missouri [Mr. VEST], when in my judgment such conduct would be wholly unprovoked and unwarranted.

A concurrent resolution, by whomsoever offered or whatever it may contain, is nothing more than an expression of sympathy. As stated by the Senator from Missouri, it will not, and as I have attempted to show by its own force it can not, directly accomplish anything for Cuba. Nor would a recognition of independence be of material value. However, I am opposed to taking that step for the ample reasons which I have stated.

Congress has not hesitated upon other occasions to express an opinion as to Executive action, and may do so here. The sentiments thus uttered will be carefully and respectfully considered.

I have no doubt that the Administration is solicitous for Cuban independence. I believe that when the circumstances warrant it decisive action will be taken. But the emphatic sympathy of Congress may hasten not only Executive action, but may, if properly done, have important indirect effect. But a declaration that there is independence would be considered everywhere as emotional and unfounded.

I prefer the resolution which I have suggested to any pending before the Senate. Some one has stated that in that resolution the Monroe doctrine is sought to be restricted. I think it is extended rather than curtailed. The words to which reference has been thus made are the following:

> While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government.

The phraseology criticised is that with reference to the noninterference of the United States. Mr. Monroe's doctrine was: "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere." The proposition favored by me is that we shall not interfere unless our vital interests so demand. Hence my suggestion rather broadens the Monroe doctrine as announced by its author.

A Senator who has pressed with much force the pending independence resolution said that we might as well abandon the Monroe doctrine if we do not recognize Cuba; but if that doctrine has any application to Cuba at all it would seem that under it we must keep our hands off, because, as I have already said, Mr. Monroe's words are, "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere." To this declaration we have very lately given our unqualified support.

In conclusion I reiterate that I shall support the resolution proposed by myself, or something similar, as a sincere expression of justified regard and hope. I shall not vote for a recognition of the independence of Cuba, first, because I do not believe that it is our function, without Executive participation, to recognize either the belligerency or independence of any nation; secondly, because I do not think that independence has been achieved within the rules mentioned or at all, and I am unwilling to declare that a certain condition exists when I know to the contrary.

Mr. VEST. Mr. President, I have not the slightest idea of detaining the Senate by any elaborate argument or remarks upon this question. I had not expected to speak at all. I can not, however, resist stating that if the Senator from California [Mr. WHITE] is correct as to his legal propositions, and I think he is so far as concerns the rights of belligerents or the effect of the recognition of belligerent rights, our action here will amount to nothing. If he is correct in regard to what should be done as to recognizing the independence of a country at war with another and attempting to assert its independence, then until the whole result has been achieved by that country itself we are powerless in the premises. That, sir, it seems to me, is a most astonishing proposition. We must wait, according to the Senator from California, until all vestige of Spanish power has been swept by force of arms from the Island of Cuba before we can, without violating international law, recognize the independence of that struggling people.

Mr. President, if that be the doctrine of international law where would be the Government of the United States to-day and the people in the United States? Instead of assembling here as Senators from sovereign States under the Constitution of a free country, this would be another dominion parliament like that of Canada, and the United States of America would simply be an appanage of the British Throne. If France had acted upon the doctrine announced by the Senator from California and waited until our fathers had achieved their own independence, the result would have been far different and we to-day would be English subjects instead of free citizens of a free country.

France recognized the independence of the United States and then went farther than any other country has ever gone in behalf of another, except for purposes of self-interest. She sent her armies and her fleets here, and placed upon the people of the United States a debt of undying gratitude. When I heard the Senator from Maine [Mr. FRYE], our President pro tempore, read the wonderful Farewell Address of the Father of his Country last Saturday I was struck with the argument which Washington felt himself called upon to make in defense of his proclamation of neutrality in 1793.

In all the life of that most remarkable man, the greatest in all respects the world has ever produced, there is no episode more startling or interesting than the history of his issuing that proclamation in 1793 which declared that the people of the United States would remain neutral in the struggle between France and the combined armies of Europe. France with a disinterestedness which, I say, has put a debt of undying gratitude upon us and our children, had sent her armies and fleets to help us in a struggle with the throne of England. When the continental armies combined against France and when the soldiers of France had marched across the Continent fighting the world in arms, with their flags upon which was emblazoned "Death to tyrants and liberty to all," Washington refused to give one dollar or to send one man to assist our former allies, although England headed the combination against republican France.

Washington was right, and his greatness was never so demonstrated as when he stood against popular clamor in the United States and declared that we could never with safety depart from the great doctrine of absolute neutrality in the affairs and wars of Europe.

It is a singular fact, sir, that while to-day we almost deify Washington, while he is now and will always, so long as a single colony of Americans can be found, be "First in war, first in peace, and first in the hearts of his countrymen," at the time when he issued that proclamation with the assistance of Jefferson, a mob gathered around his private residence, then the Executive Mansion, and personal violence was absolutely threatened to the President of the United States and the savior of the Republic. That he stood against that clamor is a tribute to his memory greater than can be paid by the most fervid eloquence.

Mr. President, I do not agree with the views of the Senator from California as to the recognition of the independence of a foreign country or a foreign people struggling for their rights to self-government. If the doctrine be correct that all vestige of military power on the part of the mother country or the country that seeks to put down the insurrection must be swept away before we can act, then our action is simply *brutum fulmen* and amounts to nothing. The people themselves have already struck the blow that made them free, and we can only accept results and say that the fiat of the god of battles has been put upon their endeavor to assert the right to govern themselves. If we as the great Republic of the world mean to stand by these people who are imitating us and endeavoring to make a government for themselves like that of this country, we must help them in their hour of need, and if we do not go so far as to do it by arms, which is not advocated by anybody in this Chamber or out of it, we can at least do so by stating to the world that we believe the attempt of the monarchy of Spain to suppress this insurrection, as they term it, this endeavor

to form a republic upon the Island of Cuba, is absolutely hopeless and desperate, as I believe under God it is to-day. There will never come the hour when Spain can reassert her dominion over the Island of Cuba. It is impossible that she should do so, and I speak from the great teachings of history and experience.

Sir, the course of Spain upon this continent is marked with blood. There was a time when the Spanish dominion extended almost from the southern limits of the United States to the farthest and southernmost point in South America. No American can ever forget those burning pages of Prescott that describe the conquest of Mexico and the conquest of Peru, when the Spaniards, with the lust for gold and the lust for blood, marked their terrible pathway across the countries lying south of us. Of all those vast dominions won by blood, won through torture and fire, there remains to this toothless old wolf the single Island of Cuba. And Spain to-day, like the old Giant in that wonderful picture of Bunyan, almost helpless, sits at the door of the dark cave of despotism and grins with impotent rage at the procession of splendid Republics that march on in the progress toward civilization and liberty.

Mr. President, that wolf can never retain this single cub. Never can Spain hold the Island of Cuba within sight of the Republic of the United States, but five hours away from us, after she has lost all the South American provinces, after she has been unable to hold one foot of soil in all the wide area of the southern half of this continent.

Mr. President, this is no new question, because it has been at our doors as Cuba is geographically at our doors to-day. It has been before us in the years that are past. My friend from Texas handed me some months ago a singular paper taken from one of the letters of Mr. Jefferson. It sounds to-day almost like prophecy, and I will ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Napoleon will certainly give his consent without difficulty to our receiving the Floridas, and with some difficulty possibly Cuba.

* * * * * * *

That he would give us the Floridas to withhold intercourse with the residue of those colonies can not be doubted. But that is no price; because they are ours in the first moment of the first war; and until a war they are of no particular necessity to us. But, although with difficulty, he will consent to our receiving Cuba into our Union, to prevent our aid to Mexico and the other provinces. That would be a price, and I would immediately erect a column on the southernmost limit of Cuba, and inscribe on it a ne plus ultra as to us in that direction. We should then have only to include the north in our confederacy, which would be of course in the first war, and we should have such an empire for liberty as she has never surveyed since the creation; and I am persuaded no constitution was ever before so well calculated as ours for extensive empire and self-government. As the *Mentor* went away before this change, and will leave France probably while it is still a secret in that hemisphere, I presume the expediency of pursuing her with a swift-sailing dispatch was considered. It will be objected to our receiving Cuba, that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it. (Volume V, page 445. Letter to the President, April 27, 1809.)

Mr. GRAY. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. GRAY. I ask whether he does not gather from that extract from Mr. Jefferson's letter that his desire was that Cuba should be acquired by the United States, as Florida was afterwards acquired, by purchase or by friendly negotiation?

Mr. VEST. There is no doubt of that.

Mr. GRAY. Then, what other mode is there of acquiring Cuba or of creating an independency by the United States except by going to war ourselves with Spain in order to insure that status of independency which can not now be recognized as a matter of fact?

Mr. VEST. The question of the Senator from Delaware assumes what I do not believe to be true, and that is, that the Cubans can not achieve their independence for themselves.

Mr. GRAY. I have not assumed that.

Mr. VEST. The Senator puts to me the question, how can we obtain Cuba except by force of arms, going there ourselves and assisting the Cubans?

Mr. GRAY. I was asking about the Senator's interpretation of Mr. Jefferson's letter.

Mr. VEST. I have no doubt Mr. Jefferson meant we should obtain——

Mr. GRAY. I believe Cuba can achieve her own independence, but whether she has done so or not is a matter of fact.

Mr. VEST. The question, I repeat, and I can not make it too emphatic from my standpoint, is not whether Cuba has achieved her independence. The question is, can Spain conquer Cuba? Can Spain continue to hold it as a province? I deny it. I say that the ten long years of successful resistance by the Cubans when they finally entered into a treaty virtually with the mother country which was not kept shows that Cuba to-day has the power and will maintain successful resistance.

Mr. President, this thing a year ago was an émeute, as the French call it. A mere handful of men called brigands upon the Eastern coast commenced it and they were hung, butchered as pirates, and denounced as *hostes humani generis*. What to-day do we find on that island? Every Cuban is a patriot. They have given up home, they have given up their families, they have given up all except the hope of liberty. Do you tell me that such a people can be conquered? The Spaniards may exterminate them, but they will never, never make them again unwilling subjects to the Spanish throne.

Mr. LINDSAY. I should like to ask the Senator from Missouri, with his consent, what proportion, if any, of the people of Cuba are in sympathy with Spain in her attempt to suppress this revolution.

Mr. VEST. None from my information, and I have read from the Spanish press, for the Cubans have no press. From the Spanish press, under the espionage of the Spanish authorities, it can be proven that every Cuban is in sympathy with the patriotic endeavor to achieve independence and self-government upon that island. No instance can be found in which a people combined and confederated and unanimous as they are, a million and a half of people, have ever been subjugated except by extermination. Why, sir, what American boy does not recollect that burning oration of Henry Clay, the great orator of the West, when he spoke for Greece in 1824 and when he predicted that so long as Thermopylæ and Marathon were there no Greek would lay down his arms before the Turkish power?

We are told now that these are negroes, mulattoes, Indians who are fighting for independence. So much the more cause why we should sympathize with them and say God help them in their dire extremity. Liberty lives with the poor and oppressed, not with the wealthy and powerful. It throbs in the breast of the caged bird, and has gone with martyrs to the stake and kissed their burning lips as the spirit winged its flight to God. Liberty can not be extinguished when a people are unanimous in defense of the rights which God has given them. If these people, ignorant and poor, struggling against this despotism, have imitated us, why should we content ourselves with the poor expression of sympathy with their cause?

Mr. President, it is a mere farce for us to do anything else than declare before the world that we believe the cause of the Spaniard is hopeless in the Island of Cuba. Each Senator must answer that for himself. I deny and I repudiate the doctrine that all vestige of Spanish power shall be eliminated from Cuba before we can recognize the independence of that people.

Mr. President, reverting again to that wonderful letter of Jefferson, it has been said in criticism that in 1809, when Mr. Jefferson wrote it, he was simply writing in the interest of extending the slave power by annexing Cuba to the South. My answer is that never in one hour or minute of his life did Mr. Jefferson want to extend the area of slavery. Of all the men in this country who opposed slavery, Thomas Jefferson was the foremost. When he was 23 years old and went, a beardless boy, into the house of burgesses in Virginia as a delegate from his native county of Albemarle, his first measure was a bill for the gradual removal of slavery from the soil of Virginia, and although a slaveholder all his life by inheritance, the last act of his trembling and dying hand was to emancipate his slaves and cause their removal to the Northwest Territory, which he had made free soil for all time to come.

Mr. Jefferson, it will be seen in that letter, wanted Cuba annexed peaceably by purchase as the Floridas were purchased from Spain. He did not seek to conquer the country and wrest it away from the Spanish power. But it will be observed that nowhere does he cherish the idea that this country can hold any colony, any province, any mere appanage to its sovereign power. Every particle of our territory must be either a Territory or a State, a sovereign State, because our Constitution contemplates no other relation between the people and the National Government than as citizens of Territories, incipient States, and of States themselves.

I admit—but it is not necessary to discuss it here—that the ultimate and logical result of independence in Cuba would be that it would become a part of the United States. While I resisted on the Hawaiian question the project which was brought here to annex Hawaii to the United States, I did it upon the ground that it would necessitate an immense naval force, which Mr. Jefferson, in that letter, says is to be avoided and deprecated, and he laid down as the criterion for the acquisition of territory outside of our compact area whether it would require a naval force to maintain and keep it as an integral portion of the Union. He states, and I believe it to be true, that no navy would be necessary to hold Cuba as a State, or part of a State, within the American confederacy. If that be so, it is simply a question as to the fitness of the population of that island to become citizens of the United States and take upon themselves the responsibility of citizenship. That, however, is an ulterior question.

We, Mr. President, are confronted now with one overwhelming, overruling, absolute, and determinate question in this debate: Shall we, the great exemplar of republican institutions throughout the world, declare that in our opinion the people of Cuba are able to maintain their independence and have achieved it? Are

we to wait until that island is desolated by fire and sword? Are we, a Christian and God-fearing people, to stand silent and dumb while the Spanish governor, called a general, declares that he intends to pen up the people of Cuba and butcher them into subjection to the Spanish throne? Sir, if we do it, God will curse us. If we do this thing and stand here until a desert has been made of that splendid island, you may be certain that the time will come when there will be retribution upon us as a people, because we have not been true to the task assigned us by Providence, because we have not cherished the legacy of self-government as bequeathed to us by our fathers. [Applause in the galleries.]

Mr. GRAY. Mr. President, if the independence of Cuba could be achieved by eloquence it has been achieved this afternoon by the burning words that have fallen from the lips of the Senator from Missouri [Mr. VEST]. No one could have heard him without sympathizing with the feelings with which his heart was throbbing and without giving response, favorable response, to every aspiration that he has uttered for the liberty of that unhappy island.

But, Mr. President, I fail to see the point of his criticism of the position taken by the Senator from California [Mr. WHITE]. The issue between them is whether it is competent for the Congress of the United States to recognize the independence of a people struggling against a parent country. Certainly, it seems to me, the Senator from California has shown by overwhelming argument and by the citation of abundant precedents that that recognition is an Executive function, belonging not to the two Houses of Congress, but belonging where by the scheme of our Constitution it has been placed, in the responsible hands of the President and his advisers.

Mr. VEST. Will my friend permit me? I neglected, and I apologize for it, to state what I believed in regard to the powers of Congress and of the Chief Executive. I agree with the Senator from Delaware. I am not able to agree with the Senator from Alabama [Mr. MORGAN] that the two Houses of Congress can either declare war or give belligerent rights by their own action. The Constitution says that—

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

And I think that absolutely precludes us from taking final and determinate action in the premises. Let me ask the Senator from Delaware what prevents us as representatives of the people of the United States from passing a resolution, concurrent or joint, asking the President to recognize the independence of Cuba?

Mr. GRAY. Nothing, Mr. President.

Mr. VEST. That is all I ask, and that is all I want.

Mr. GRAY. I will come to that point in a moment, in the very few words with which I shall occupy the attention of the Senate. The question now raised by the Senator from Missouri is whether we shall pass some such resolution as that proposed by the Committee on Foreign Relations, or the substitute for that offered by the Senator from California, or whether we shall recognize or attempt to advise the recognition of an independency without regard to the facts upon which that independency can be determined. Recognition of the independence of a people is the recognition of a fact. Is that people independent or no? I said day before yesterday, and I say again, that the Congress of the United States is disabled to a large degree from ascertaining that fact, while the Executive is armed with all the facilities and all the means by which accurate information may be gained and upon which that determination can be made. To use a favorite phrase of the Senator from Missouri, it would be "leather and prunella" for us to declare as a fact that which does not exist as a fact. It would be futile for us to declare that Cuba is independent when we all know that she is struggling to make that a fact, and that she has not yet been successful in that endeavor.

Mr. VEST. Will the Senator from Delaware permit me to ask him whether the cause of the American colonies was not more desperate than that of Cuba to-day, when France recognized our independence?

Mr. GRAY. I think so.

Mr. VEST. France then did it.

Mr. GRAY. Mr. President, when France recognized our independence she sent over her armies and her fleet and declared war against the power that was seeking to retain us in vassalage. So that brings us just to the question which I wish to put to the Senator from Missouri, whether his contention is, whereas there can be no recognition of a fact which does not exist, that we are to create the fact by declaring war against Spain.

Mr. VEST. The Senator from Delaware is at fault in regard to his facts as to contemporaneous events. France first recognized the independence of the colonies, but not for some time afterwards did she send us assistance in the way of men and fleets. But, more than that, let me ask the Senator what does he say of the recognition of the independence of the colonies by Holland and Belgium? They did not send armies here; they did not send fleets here, but yet they materially assisted the people of the United States by saying to the world, "We believe that the cause of England is hopeless and that the colonies to-day are virtually free." Let me say to the Senator from Delaware, if he will permit me one word more, that in war, as in political struggles, expression of belief in the success of a cause oftentimes brings about that success.

Mr. GRAY. That is true, Mr. President; but we are not at war with Spain.

Mr. VEST. Spain is at war with Cuba.

Mr. GRAY. And if we were at war with Spain for a cause so great and holy as the independence of a people struggling with the unanimity of that people for independence, then the expression of that belief would be one that ought to be made, and which would go far to give courage to those who were engaged in that war. But what I want to do is to confine the Senator from Missouri to the issue between himself and the Senator from California or between himself and the Committee on Foreign Relations, who reported the resolution. If we are to recognize a fact irrespective of the evidence in support of that fact, then we must seek to create and to insure what we wish shall actually be accomplished, and that can only be done by the exercise of the war-making power of the Government of the United States.

Now, Mr. President, the Government of the United States in its past history has always been conservative, prudent, and careful of its neutral obligations. So warlike a President as Andrew Jackson, when speaking in his message to Congress in regard to the struggle in Texas, a territory contiguous to our own, where the struggle for freedom was being carried on largely by American citizens, creating on that account a relation of intimate concern to the people of the United States as exceptional in its character as that which exists between us and the Island of Cuba, used the following language in speaking of the duty of the Government:

> The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties.

Further on, and coming down to the particular matter which he had in hand, he says:

> In the contest between Spain and the revolted colonies we stood aloof and waited not only until the ability of the new states to protect themselves was fully established but until the danger of their being again subjugated had entirely passed away. Then, and not until then, were they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began or carried on the contest with the parent country united under one form of government.

Mr. HARRIS. From what does the Senator read?

Mr. GRAY. I am reading from the message of President Jackson to the Congress of the United States December 21, 1836. He proceeds:

> We acknowledged the separate independence of New Granada, of Venezeula, and of Ecuador only after their independent existence was not longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united.

Now, Mr. President, if we are to regard the traditions of our national policy and the precedents which great Chief Executives of this country have, with the approval of the American people, made for us in this matter, we can not attempt to recognize as a fact that which does not rest upon indubitable evidence.

The only alternative is to seek, as I said before, to create the fact. If it is not already un fait accompli, then we can make it so, I admit, by declaring war against Spain, and with arms in our hands taking possession of the Island of Cuba and holding it for its own people. But that is not the question before the Senate. There is no resolution so far introduced, either from the committee or by anyone upon this floor, looking to an act so extreme as that. The resolution reported from the committee is an expression of opinion in regard to belligerency. The amendment offered by the Senator from California is an expression of sympathy and of hope that the struggles for independence by the people of Cuba may be crowned with success.

Mr. VEST. The Senator from Florida [Mr. CALL] has submitted a resolution.

Mr. GRAY. I overlooked that, and I have it not before me at this time. At all events, those are the resolutions and those are the questions which have been debated here for the last three or four days by the Senator from Alabama and the Senator from California and myself.

Mr. ALLEN. I should like to ask the Senator from Deleware a question. What is there to prohibit this Government, by proper act of Congress, whether it be in form of a joint or concurrent resolution, from declaring the acknowledgment of the existence of the Cuban Republic, and would not that be a recognition of the independency of that Republic, although as a matter of fact it may not have yet succeeded in repelling the power that assails it? In other words, I understand the Senator to take the position that the rebels there, so to speak, must have established their inde-

pendence as a matter of fact before we are at liberty to recognize the independence of their Government.

Mr. GRAY. Mr. President, the recognition of a matter of fact implies that a fact exists, of course, and that fact must exist upon evidence that is convincing to the judgment of those who are asked to make that recognition. That recognition, as admitted by the Senator from Missouri, in the partition of powers that our Constitution makes between the departments of Government, rests with the Executive. I am asking the Senator from Missouri whether he means that we are to declare war in order to make sure that fact exists; that is all.

Mr. ALLEN. But what I want to impress upon the mind of the Senator from Delaware is the thought that there is nothing in international law which prohibits us from recognizing the existence of the Cuban Republic as a legal sovereignty, notwithstanding it may not have established its complete independence of the Spanish Throne, and when we pass a resolution here recognizing that fact we have within the sense of international law recognized the independence of that Republic, although there may be battles to be fought afterwards.

Mr. GRAY. It seems to me, with all due deference to the better judgment of the Senator from Nebraska, that the debate of the last few days has been entirely lost upon him, because the very matters that have been mooted here and discussed so ably by the Senator from Alabama [Mr. MORGAN] and the Senator from California [Mr. WHITE] have been in what department of the Government power under the Constitution exists to make a recognition of that kind.

Mr. ALLEN. Of course——

Mr. GRAY. One moment. It has been, I think and submit, conclusively shown that the Executive, under that provision of the Constitution which enables him to receive ministers of foreign States, has the sole power to recognize the existence of the Republic of Cuba or a state of independency of the Government for which the patriots in arms there now are struggling.

Mr. ALLEN. If the Senator from Delaware will permit me, that argument was not lost upon me at all. I simply do not believe it; that is all. [Laughter.]

Mr. GRAY. I hope we shall hear from the Senator. I do not want to argue the case with him now, because it has been argued for three or four days; but I merely rose to call the attention of the Senate to the alternative presented to us by the Senator from Missouri [Mr. VEST]. I can not add anything to what has been said by the Senator from California.

Mr. ALLEN. I simply want to put myself in a proper light; that is all. I listened to the argument of the Senator from Alabama and the Senator from California upon this subject. I believe the power to recognize the independence of Cuba comes within the power to declare war and conclude peace, which by our Constitution is committed to Congress.

Mr. GRAY. Mr. President, the Senate would have reason to find fault with me if I attempted to rehearse the arguments which antagonize the proposition of the Senator from Nebraska, and it has been admitted by the Senator from Alabama, it has been contended most ably by the Senator from California, and admitted by the Senator from Missouri that the power under the Constitution to recognize independency rests with the Executive alone. So that I shall not attempt to pursue that argument further.

I want to call the attention of the Senate to what the resolution offered as an amendment by the Senator from California actually proposes. It is as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

That is as far as the Congress of the United States has ever gone in regard to the struggles of a people for an independent government—further than they went in the case of the revolted colonies of South America, further than they went in the case of Mexico, further than they have gone with Hungary or Greece, with whom the Government and the people of the United States so cordially and heartily sympathized during the pendency of their struggles.

Mr. GEORGE. I will ask the Senator in what case have we ever gone so far?

Mr. GRAY. I say none that I know of.

Now, sir, the proposition is here that we shall take this step and express our opinion and sympathy in language stronger than we have ever adopted before under like circumstances, and leave to the future its own development, and the only alternative for this course, as I have attempted to point out to the Senate and the Senator from Missouri, is that we should declare war in order that we should make certain the success of those who are now struggling for self-government in that unhappy island.

Mr. LINDSAY obtained the floor.

Mr. VEST. If the Senator from Kentucky will permit me, I will yield the floor to him in a second.

Mr. LINDSAY. I yield to the Senator.

Mr. VEST. The Senator from Delaware, I will not say has taken care, but I will say respectfully has failed to answer my question whether Holland and Belgium had not recognized the independence of the then colonies, now the United States, without sending fleets or arms here to assist. His proposition, as I understand it now, is that if, while there is a vestige of Spanish power in Cuba, we recognize the independence of the Cuban people we must make that declaration good by force of arms. I deny it.

The Senator from Mississippi [Mr. GEORGE] asks me, or asks the Senate, where we have ever gone so far as the declaration contained in the resolution offered by the Senator from California. We went as far in the case of every one of the Spanish colonies now Republics; we went as far, or Mr. Clay at least attempted to make this country go as far, in the case of Greece; and we expressed our sympathy for Hungary, as we have always expressed it.

But when the Senator from Delaware takes the resolution offered by the Senator from California and tells us that it is enough, I reply to it with the unanswerable argument of the Senator from California himself, that that declaration of belligerent rights amounts to nothing. He has spoken to us this evening ably and as a lawyer, and has proved to my satisfaction that the granting of belligerent rights does not give one iota of additional right to the people of Cuba. He has read here the opinion of the Attorney-General, Mr. Speed, that, without any recognition of belligerent rights, the Cubans had the right to come here and buy arms, put them on merchant vessels, and run the chance of their being apprehended and taken from those vessels on the ocean. What is this except an expression of sympathy, if the Senator from California is right in his legal argument this afternoon? It costs us nothing to say that we hope that the people of Cuba will succeed. I do not propose to go to war with Spain, and I apprehend no war; but I want to say what I believe to be the truth—that the cause of Spain in Cuba is absolutely hopeless.

The Senator from California himself declared that the test was whether the cause of the mother country, as he expressed it, was desperate, not whether hostilities had absolutely ceased, not whether the attempted oppressor had been driven from the soil of the province or the state, but whether that cause was desperate. I believe as honestly as I believe I am a Senator of the United States that the Spanish cause to-day in Cuba is absolutely hopeless, and I am willing to put myself on record by my vote in that direction.

Mr. FRYE. I want to ask the Senator one question before he sits down.

Mr. VEST. Certainly.

Mr. FRYE. Touching the declaration that the recognition of belligerent rights is of no advantage, does not the Senator admit that, if we recognize belligerent rights, the United States would then immediately be relieved from doing police duty for Spain; that the United States would not have been compelled to have seized that vessel the other day with arms for Cuba?

Mr. VEST. No, Mr. President, I do not understand the law to be that. All that was elaborately discussed, and as no other man, in my opinion, who has ever lived could have discussed it, by Thomas Jefferson in his correspondence with Genet and the British minister when the neutrality proclamation of 1793 was issued. The Senator from Maine will remember, as will other Senators, doubtless, that the point at issue then between the United States and Genet, the minister plenipotentiary from the French Republic to this country, was whether Genet could purchase ships and fit out armed expeditions and privateers against English commerce from American ports. He attempted to send out a privateer from New York, and Mr. Jefferson stopped him. Then ensued that wonderful diplomatic correspondence which, so long as the English language is read, will remain without an equal—the correspondence between Jefferson and Genet—which resulted at last in Genet's recall by the French Republic and in his leaving our country.

I do not understand the law to be as my friend from Maine states it. Even if belligerent rights were accorded, Cuba would have no right to fit out armed vessels in the United States. The Cubans could come here and buy arms and buy supplies, which are contrabands of war, but they would run the chance of having them taken away from them outside of the 3-mile limit on the ocean.

Mr. FRYE. But would they run the chance of having them taken away by United States ships of war?

Mr. VEST. No; of course not. I do not understand now that

we are going on the ocean and hunting vessels belonging to the Cubans.

Mr. FRYE. That is exactly what was done the day before yesterday.

Mr. VEST. As I understand that case, a vessel was fitted out as a Cuban armed vessel, with munitions and men, and undertook to sail in broad daylight from the port of New York.

Mr. GRAY. As she had a right to do.

Mr. VEST. I do not propose to take that issue, but that is not the contention which is made in international law.

Mr. LODGE. Do I understand the Senator from Missouri to say that we did not send ships out to hunt the seas?

Mr. VEST. I do not understand that.

Mr. LODGE. We sent out two cruisers, the *Raleigh* and the *Montgomery*, to hunt the *Hawkins*. Both were sent out to intercept that vessel while she was on the high seas.

Mr. VEST. Does the Senator think that was proper?

Mr. LODGE. No; I do not.

Mr. VEST. Neither do I. My construction of that law is that after a vessel has passed the 3-mile limit, and if this vessel the other day had got outside the 3-mile limit, outside of the jurisdiction of the United States upon the high seas, it was then a question whether Spain could have apprehended her or not. We had nothing further to do with it. That I understand to be the real doctrine as to belligerent rights. They can come here, as the Senator from California proved this afternoon, and buy anywhere in market overt munitions of war or anything contraband, but whether they can get them out of this country or not and whether the Spaniards would seize them upon the high seas is another question.

Mr. GRAY. Let me interrupt the Senator right there. As I understand the difference that would be made by a declaration of belligerency on the part of the United States, it is this: I do not agree with the opinion expressed by the Senator from California, or expressed by some authorities from which he read, that the position of the patriots of Cuba, the revolutionists in Cuba, is any better under the present condition of things than it would be with the status of belligerency accorded to them. I believe that, as things now are, there is a general duty resting upon the United States as a neutral nation toward the Kingdom of Spain, with whom she is at peace, to repress every attempt commenced upon the soil of the United States to interfere with the internal peace and condition of things within the dominion of Spain, but that if belligerency is accorded and the neutrality of the United States declared, then we rest upon the obligation created by our municipal law, sometimes called the neutrality laws.

By these laws any military expedition fitted out within the United States to make war upon the dominions of a government or a sovereign with whom we are at peace is denounced and made an offense against the United States; but only such an expedition, to wit, a military expedition, organized as such. Those laws, I contend—and it has been so judicially determined—do not interfere and were not intended to interfere with the ordinary commercial transactions which the citizens of the United States may engage in, whether in the shipment of arms or the shipment of condensed milk to the Island of Cuba, and that a citizen of the United States has as much right in the open daylight to consign a cargo of arms on board of a vessel destined for Cuba as he has to load upon that vessel a cargo of plowshares. Of course, in all such cases he would take the risk of capture by Spain.

Mr. VEST. I think so.

Mr. GRAY. And that any number of men who undertake, or who wish, from any cause whatever, to go to Cuba, though they avow when they embark on the vessel and sail from our shores that they intend to take part in the revolution there existing, have a right, so far as our municipal or neutrality laws are concerned, to do so. They exercise their freedom as citizens of this country, and anything that they do in carrying out that intent is not obnoxious to our so-called neutrality laws. It has been determined within the last six months by more than two courts of the United States that nothing but the fitting out of a military expedition in the United States or the sending of armed ships against the territory or dominion of the Sovereign of Spain comes within the denunciation of those neutrality laws.

This is right, and it would be intolerable to a free people if it were otherwise.

Mr. FRYE. That is as I understand it.

Mr. WHITE. Will the Senator from Kentucky, who, I understand, has the floor, allow me a moment?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Kentucky [Mr. LINDSAY] is entitled to the floor. Does he yield to the Senator from California?

Mr. LINDSAY. I do.

Mr. WHITE. In addition to what has been said by the Senator from Delaware [Mr. GRAY], I desire to call the attention of the Senator from Maine [Mr. FRYE] to sections 5281 to 5291, inclusive, if my memory is correct, of the Revised Statutes, called the neutrality laws, which of course apply, as every one concedes, to the recognition of belligerency. It is a question whether they have any application to insurgents, but if they have not there is no law to punish them. It was that fact to which President Harrison adverted in his message of 1891 when he suggested an amendment to the neutrality laws to accord with that which is called the admiralty and shipping law of Great Britain.

I desire to make a correction of what I suppose to be an inadvertent statement of the Senator from Missouri [Mr. VEST] when he first took the floor; perhaps he has corrected himself. He stated that my position was that there should not be a single Spanish soldier or the least vestige of Spanish force upon the Island of Cuba before independence is recognized. What I did say, as the Senator correctly stated in his last remarks, was that the cause should be utterly desperate. I quoted in that regard from a letter from Mr. Adams, the Secretary of State, to Mr. Monroe, October 24, 1816. I will merely read five or six lines of it.

> There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate.

The concluding sentence is as follows:

> But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.

Therefore I say that the fact and the right must be combined. As stated by the Senator from Missouri, that fact must be solved by whoever has the disposition of the matter, and he states that he believes that Cuba has virtually accomplished her independence. I do not, I regret to say, and therefore do not care to be bound by that statement.

I desire to say with reference to the other subject referred to by the Senator from Delaware and the Senator from Maine, that the decision of the circuit court of appeals of the ninth circuit in the case of The United States *vs.* The Steamship Itata, reported in 56 Federal Reporter, contains a full discussion of this entire subject, and settles the law with reference to the right of parties, whether insurgents or belligerents, to come to this country, buy arms in open market, and take them home with them, if they can escape the enemy on the high seas.

Mr. LINDSAY. Mr. President——

Mr. SHERMAN. Will the Senator from Kentucky yield to me?

Mr. LINDSAY. I yield to the Senator.

Mr. SHERMAN. I think we have spent two hours very profitably on this subject this afternoon, and as the matter is to be disposed of at 4 o'clock to-morrow and there will be then two hours for debate which will give the Senator from Kentucky and others an opportunity to speak, I move that the Senate adjourn, unless some Senator desires to speak this evening.

Mr. LODGE. I merely desire to have the resolutions read which I send to the desk, so that they may be printed in the RECORD and that we may have them under consideration.

I will say that they are resolutions reported by the House Committee on Foreign Relations on this topic and I should like to have them in a form that all the members of the Senate can see them to-morrow.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read as follows:

Resolved, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two people, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our people, by intervention if necessary.

Resolved, That Congress pledges its support to the President in carrying out the foregoing resolutions.

Mr. LODGE. I ask that the resolutions may be printed in the form of an amendment to the pending resolution, in case anyone should desire to offer them.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 28, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—VAN HORN VS. TARSNEY.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] is recognized.

Mr. PRINCE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty minutes left.

Mr. PRINCE. Mr. Speaker, the majority of the committee insist that owing to the fraudulent transactions proven and admitted in the Second Ward and in the fifty-second precinct of the Ninth Ward the votes and returns there should be cast out entirely. In support of that position a section of law from McCrary on Elections was read on yesterday. I desire to read a further section in support of the position of the majority. I read from McCrary on Elections, third edition, section 548:

> In Littlefield *vs.* Green, Bright's Election Cases, 493, it appeared that in a precinct containing only about 450 voters there was actually cast, counted, and returned, 2,820 ballots. It also appeared that a large number of names on the poll list were recorded in alphabetical order. It was a clear case of fraud, and the only question considered was whether there was any proof upon which the poll could be purged and the legal votes separated from the illegal. The court refused to allow any of the votes cast at the precinct in question to be counted, on the ground that there was no sufficient proof of any legal vote whatever. It was shown that there were over 400 persons in the precinct who were entitled to vote, but there was no proof outside of the return that any of these voted, or as to how they voted. The court properly rejected the return as utterly unreliable and unworthy of credit. The return was therefore not admissible in evidence for any purpose, and it was the duty of respondent—
>
> The contestee in this case—
>
> to have shown the legal vote by other evidence. There was no proof upon which the court could purge the return and separate the good votes from the bad, and therefore the whole poll was necessarily thrown out.

This authority is in support of our contention. It holds that where an alphabetical list of names has been voted and that fact is shown by the returns and by the evidence, as in the case at bar here in the House, that poll and that return must be thrown out. In this case that evidence has been adduced in behalf of the contestant; that evidence is admitted by the contestee; that evidence is admitted by the report of the minority. No man will stand upon the floor of this House and say that that is not the evidence in the record, and it is by the record that this case must be adjudged one way or another, as it is upon the record that the report presented to this House by the committee is based. This being the state of facts, the vote of that ward and of that precinct must be thrown out.

But it is insisted by the gentlemen of the minority, and it is insisted by other gentlemen on this floor, that legal voters ought not to be disfranchised; that it is contrary to the spirit and genius of our institutions that legal voters should be disfranchised. That is true. There is no question about it. But when the vote at a given precinct has been shown to be corrupt, when the return has been shown to be corrupt, only one thing can be done under the law, and that is to throw out the return and throw out the poll. It follows that all these votes in this precinct must go out. But gentlemen say that is disfranchising somebody. But, Mr. Speaker, is there a bit of evidence within the confines of this record which shows that there were legal voters in that precinct? The contestee had ample opportunity to prove that fact if it exists. Did he? Was there a bit of evidence adduced by the contestee which showed that there was a legal voter in that precinct? If so, why did not the contestee call that legal voter before the tribunal which took the testimony, ask him as to his being a legal voter, and whether he voted at that election and how he voted? That was the proper thing to do. The law is, as I have read it, that—

> The return was therefore not admissible in evidence for any purpose, and it was the duty of respondent to have shown the legal vote by other evidence.

The evidence closed on the part of the contestee on March 25, 1895. It is all in the record. The fraud is there, and it is admitted by contestee; he has admitted it on the floor of this House. But in answer to that the contestee says this:

> I did not have an opportunity to see the poll book because it was not attached as an exhibit to this deposition until in May, at the time of the closing of the taking of my evidence.

The contestee further asserts that by the law of Missouri he could not get at the ballots, and that therefore the best evidence was denied to him. That is his position. Let us meet it manfully. If he is right, let us say so, and if he is wrong let the House know it.

Now, the record in this case discloses the fact that immediately following the election a committee of citizens was appointed by the people of Kansas City irrespective of party, a committee consisting of two Republicans, one Democrat and one Populist; that that committee, appointed by a nonpartisan meeting of citizens and aided by a fund raised by those same citizens for the purpose of pursuing and investigating this illegal voting—a committee appointed long before this contest originated and, as I have said, by a nonpartisan body of citizens—the record shows that that committee at once went to the recorder of voters, got the poll books which the contestee says were denied to him until May, 1895, and used them in that investigation.

The record discloses the fact that within eight days after the election these committeemen got the certified poll book which the contestee says he could not get, went from house to house making a critical examination, and found over 1,102 fraudulent votes in the Second Ward alone. The contestee says he knew nothing of it. The record shows that other men knew of it within three or four days after the election. The record further shows that he knew it, because the evidence discloses the fact that there was a certified copy presented to the notary on March 25, and it was made a part of this record. So that portion of the gentleman's excuse falls to the ground, because it is not based upon the evidence; and, gentlemen, you must try this case on the evidence, not upon anything outside.

Now, as to the next contention he says: "By the law of Missouri I was not permitted to see the ballots, and therefore the best evidence was denied me." What good are those ballots, gentlemen? They are fraudulent; they are corrupt. No man as a lawyer in this House could for a moment recognize such fraudulent ballots and give any credence to them whatever. The evidence which the gentleman says is the best evidence is no evidence at all. It would be worthless to any committee or any member of this House when searched or probed to the bottom.

Now, how do we know that that which the gentleman says is the best evidence was denied him? Is there any evidence of it in this record? On March 25 the record closes so far as the contestant is concerned. On May 10—forty-five days after the evidence had closed on the part of the contestant—the contestee proceeded to take evidence. There is not a word in the record which shows that the contestee in this case ever sought to get at the ballots. He never made application; he never went to the contestant and said: "Let us agree to investigate these ballots." Nowhere did he ever make effort to do it. But he waits forty-five days before he does anything, and then he takes evidence upon other points and does not touch the very vital question in this report and this discussion.

Mr. MAGUIRE. Let me ask the gentleman, did it not appear by the statement of Mr. Small, one of Mr. Van Horn's attorneys, before our committee, that when the snap tally was taken, he, as Mr. Van Horn's attorney, went to the clerk, made affidavit, and gave warning that the parties were liable to indictment for having examined the ballots and made known how the vote for Congress was cast in the fifth precinct?

Mr. PRINCE. That may be; but it is no justification of the contestee's action or of his inaction in this case.

Mr. MAGUIRE. Does the gentleman claim that in spite of that Mr. Tarsney should have made an effort to get at the ballots?

Mr. PRINCE. I do say that Mr. Tarsney, the contestee in this case, should have made application to the proper parties through the proper channels; and if what he sought had been denied him, then he could stand up before this House and say: "Within the time prescribed by the law I tried to do what I could. I knocked at the door and asked for the ballots, and I was refused; and now, as I tried within my time to do this thing, I ask this Congress to stretch out its long arm, which it has power to stretch over every inch of American soil, and to go into the ballot boxes, as it has the right to do under its broad power as judge of the elections, returns, and qualifications of its own members."

Mr. MAGUIRE. Now, will the gentleman, after a full investigation of this matter, tell us what was the proper source to which Mr. Tarsney should have applied in order to get at those ballots and put them in evidence?

Mr. PRINCE. There were various ways that he could have applied.

Mr. MAGUIRE. Will the gentleman name them?

Mr. PRINCE. He could have subpœnaed before the committee this man Owsley, who had the vote, and asked him to recount the ballots so far as the Congressional question was concerned. That could have been done when they were taking evidence before a United States officer in the person of the notary.

Mr. MAGUIRE. Is it the gentleman's opinion as a lawyer that Mr. Owsley could or would have done that?

Mr. PRINCE. I say that if Mr. Owsley had refused to do it, then the contestee would have had some standing in this House, because he would have been able to say: "I have exhausted all the means within my power, and my efforts have been fruitless."

Mr. MAGUIRE. But if Mr. Owsley could not do legally what the gentleman suggests he might have been called on to do, will the gentleman insist that Mr. Tarsney should have performed an idle act in demanding that Mr. Owsley do it? Is it the gentleman's opinion as a lawyer that Mr. Owsley could lawfully have submitted those ballots to any commissioner or other officer that Mr. Tarsney might have selected?

Mr. PRINCE. I believe—it is only my opinion; it has never been tested in this case—that if Mr. Owsley had been subpœnaed before that officer, that if Mr. Tarsney had gone before the officer clothed with authority to conduct the investigation, and had subpœnaed before him this officer of the election, that officer would have disclosed the ballots so far as the result of the election was concerned.

Mr. MAGUIRE. Is it your opinion as a lawyer that he could have done it under the laws of Missouri?

Mr. PRINCE. I think he could have done it in a case of this kind. But admitting, if you please, for the sake of the argument, that he could not have done it under the law and that he refused to do it—I will go as far as the gentleman can ask—I will take the very position that he does—that the officer could not do it, that the law would not permit him to do it, if that satisfies the gentleman. What follows? Then in that event he would have done all that he could have done in support of his own case. But he would have done more. He would have endeavored to secure what you claim to be the very best evidence, but which we claim to be fraudulent and corrupt, and he would then be relegated, if he failed to secure that evidence, to the next best evidence, which is the voter himself. The ballots were fraudulent, and he did not try to get them. He did not call the voter to purge the poll, and did not exercise in his own behalf that diligence he should have exercised in the protection of what he claims to be his own rights in the matter.

Gentlemen say that this Committee on Elections wanted to disfranchise the voters in Missouri. It is not so. We are following the law, and the law says that it is the duty of the respondent to show the legal vote cast for him by other testimony. Then contestee in this case is the only one who is disfranchising the voters in the Second Ward, if anyone may be said to be engaged in that operation.

Mr. HYDE. Will the gentleman allow me to interrupt him for a question?

Mr. PRINCE. Certainly.

Mr. HYDE. What does the record show with reference to the question as to whether any honest ballots were cast in this ward or not?

Mr. PRINCE. It does not show that there was an honest ballot cast; there is not a bit of evidence introduced either pro or con that has any bearing upon that fact.

Mr. HYDE. Does the record show whether they were or not?

Mr. PRINCE. It simply shows this, that there were 1,624 cast in a ward that never before in any election, State or national, or even in the municipal elections, had voted over 800, and that the largest vote of 800 was in the city election, where you and I know that men go all around the streets with a fine-tooth comb and bring up people from all quarters for the purpose of electing the mayor. When that process is gone through with, when the fine-tooth comb is run through the voting precincts, only 800 have been found, and yet in a contest in which the voters did not, as you know and as I know, take so much interest as they do in local matters, we have a total vote of 1,624.

Mr. McCALL of Tennessee. Will the gentleman allow me to ask him a question?

Mr. PRINCE. Certainly.

Mr. McCALL of Tennessee. Your contention is, as I understand it, that the contestee has been guilty of negligence——

Mr. PRINCE. I do so contend.

Mr. McCALL of Tennessee. And has not exhausted his remedy?

Mr. PRINCE. I do so contend, and I desire to read the following extract from an authority on the subject which I think will be a sufficient answer to the inquiry.

Mr. McCALL of Tennessee. It is an important question.

Mr. PRINCE. Undoubtedly, and I propose to answer it fully. I read now from Paine on the Laws of Elections, section 1009:

Under that provision of the Constitution which makes the House of Representatives the judge of the elections, returns, and qualifications of its members, the House may adjudicate the question of right to a seat in either of the four following cases: (1) In the case of a contest between a contestant and a returned member of the House, instituted in accordance with the provisions of Title II, chapter 8, of the Revised Statutes; (2) in the case of a protest by an elector of the district concerned; (3) in the case of a protest by any other person, and (4) on the motion of a member of the House. The proceedings in the first of these cases is, by Revised Statutes, made a proceeding inter partes—a suit or action in which the contestant is plaintiff and the returned Representative is defendant. The management of this suit or action is by law placed in the hands of the parties. They are not only permitted, but required, to frame and serve the pleadings which give form to the controversy. They are permitted and required to serve upon each other notices under which the depositions are taken. They may stipulate to take depositions without notice. In taking the depositions they may appear in person or by agent or attorney. In a word, notwithstanding the controversy involves interest of a public nature, its form and fate are subjected, by the law, to the control of these parties. Their acts, omissions, diligence, laches, waivers, admissions, and stipulations may, under the law, always prove decisive of the contest. As between these parties, therefore, the contest provided for in the Revised Statutes is in the strictest sense a suit, an action, a litigated case. The allegations made in the pleadings filed by either party are binding on such party, because they are his own allegations made in a suit to which he is a party. The proofs taken according to law in the case are legally admissible as between the contestant and contestee, because taken in a suit to which they are parties, subjected to the right of examination and cross-examination. The stipulations of either party are binding upon him because he has made them. His laches conclude him, because incurred by him. In all these particulars the relations of the parties to the contest are analogous to those of parties to a suit at law or in equity.

Does that satisfy the gentleman with reference to this proceeding?

McCrary, section 417:

The House of Representatives of the United States will not grant to a sitting member whose seat is contested an extension of time in which to take testimony unless it appear that he has not by the use of great diligence been able to procure his testimony within the time allowed by the law. The reason for this rule is thus stated in the report of the Committee on Elections in the case of Giddings *vs.* Clark in the Forty-second Congress:

"It must be borne in mind that the party now asking an extension is a sitting member. He is now, and has been during a large part of the term, exercising the functions and receiving the emoluments of the office in question. In a litigation of this character the thing in controversy grows daily less, and does not, as in most ordinary lawsuits, remain intact to be recovered by the successful party in the end. In this particular case the extension asked for would be very nearly equivalent to a final decision of the case in favor of the sitting member upon the merits. We are now near the close of the second session of the Congress. If the parties are to be sent back to Texas to take further testimony, of course no further action can be taken until the opening of the third and last session, which is of but ninety days' duration, and would be necessarily far spent before a final decision could be reached. It does not follow from these considerations that a sitting member can in no case be allowed an extension after the time allowed by law for taking testimony expires; but your committee think it does follow that no such extension should ever be granted to a sitting member, unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat, or that by reason of the fault or misconduct of the contestant he has been unable to prepare his case."

I am reminded that my time is up. I ask this House to sustain the majority report of the committee because it is based upon the evidence in the case and is in accord with the law thereto.

I ask the House to sustain the majority report of the committee because in so doing it will put its seal of condemnation upon the alien and revolutionary methods employed at the election November 6, 1894, in Kansas City, Mo.

[Here the hammer fell.]

Mr. BAILEY. Does the gentleman from Indiana desire to reach any agreement as to the time at which a vote shall be taken?

Mr. JOHNSON of Indiana. No arrangement has been made, but I was expecting to make one at the conclusion of the gentleman's remarks. I am now concluding an arrangement which I hope to be able to report to the House in the course of a few moments. I understand gentlemen on the other side are willing to take an hour and a half as their time. I was about concluding an arrangement as to the time to be used on this side when the hammer fell.

Mr. BAILEY. Mr. Speaker, it remains for two of the minority of the committee to address the House, but appreciating the fact that it is desired and that it is desirable to reach a vote on this question this afternoon, and recognizing the fact that neither one of us could make a satisfactory argument within less than an hour and a half, I have concluded to say to my colleague [Mr. MAGUIRE] that I prefer that he should occupy the entire time which may be allotted to the minority of the committee. I myself, of course, feel an interest in the question and in the decision of it, but I am perfectly sure that my colleague, Judge MAGUIRE, can better present the question by occupying all the time than both of us could each occupying half of the time.

The SPEAKER. The Chair will recognize the gentleman from California——

Mr. JOHNSON of Indiana. Very well, then; with that understanding the gentleman from Kansas [Mr. LONG] will take the floor for three-quarters of an hour.

Mr. MAGUIRE. Can we reach an agreement now as to the time for voting?

Mr. JOHNSON of Indiana. With the understanding that gentlemen upon the other side will occupy an hour and a half, we can announce positively the time at which a vote shall be taken.

The SPEAKER. What time does the gentleman suggest?

Mr. JOHNSON of Indiana. I think I may announce that the vote will be taken promptly at 5 o'clock.

Mr. BAILEY. I would suggest, Mr. Speaker, that that would give gentlemen on the other side three hours, against only an hour and a half for our side; and while making no point on that fact, yet it is a fact that gentlemen on the other side have already occupied more time than we have.

Mr. JOHNSON of Indiana. But the gentleman will bear me out that on yesterday I was insisting that gentlemen on the other

side should go in when there was fighting all along the line, but they declined to do so.

Mr. BAILEY. We think it was splendidly fought all along the line by the gentlemen who addressed the House.

Mr. JOHNSON of Indiana. The gentleman ought not to complain, then.

Mr. BAILEY. We do not complain. We are entirely willing that whatever may have been the inequality of the time heretofore occupied, that shall be passed. And as to the division to-day, I will suggest——

Mr. JOHNSON of Indiana. Then say half past 4. Will that be satisfactory?

Mr. BAILEY. At 4 o'clock?

Mr. JOHNSON of Indiana. At half past 4.

Mr. BAILEY. I suggest to the gentleman from Indiana that he agree to take two hours and a half for himself and the other gentlemen on that side who desire to address the House, and agree that Judge MAGUIRE shall be entitled to two hours.

Mr. MAGUIRE. I will only take an hour and a half. I think we ought to be able to vote at half past 4. I understand that the gentleman from Kansas [Mr. LONG], a member of the committee, and the gentleman from Indiana [Mr. JOHNSON] of the committee, on the other side, desire to speak. Of course we do not desire to limit you as to how you shall appropriate your time. So we get an hour and a half the other side may have two hours and divide the time as they please. I think that ought to be enough.

Mr. BAILEY. I agree to that.

Mr. MAGUIRE. We will take an hour and a half, and we ought to be able to take a vote in four hours.

Mr. JOHNSON of Indiana. I think the gentleman ought to be satisfied with the hour and a half that they ask, and we are willing to take the vote at half past 4.

Mr. BAILEY. That is satisfactory.

Mr. MAGUIRE. That is satisfactory.

Mr. JOHNSON of Indiana. We will be able to arrange as to the division of time on this side.

Mr. MAGUIRE. That is a matter for yourselves.

Mr. JOHNSON of Indiana. Mr. Speaker, I am able to announce that debate will close and that a vote will be taken promptly at half past 4 o'clock.

The SPEAKER. The Chair desires the attention of the gentleman from Indiana. Under this arrangement, to whom is the floor to be yielded now?

Mr. JOHNSON of Indiana. The floor will be taken by the gentleman from Kansas [Mr. LONG], on behalf of the committee.

Mr. LONG. Mr. Speaker, I am one of the majority of the committee that presented this report. I wish the indulgence of the House to explain and give the reasons why we reported as we did, why we present a resolution asking for the seating of Colonel Van Horn, and why we oppose the resolution of the minority to take additional testimony. With the exception of a few words from the gentleman from Illinois [Mr. PRINCE], who has just taken his seat, nothing has been said in regard to the question of the diligence of the contestee in this case. Remember that the testimony of the contestee and the contestant was closed when the record was presented to the committee. The contestee tried to show that he was elected. He took his evidence. He admits now that it fails to prove his election. He took it within the time allowed by law; and the question is, Shall the House give him additional time?

The committee has not followed any rule in this case different from the rule that has obtained in this House for years. If it is wrong, this House can adopt another. But we took the rule as we found it laid down, not by Republican Houses alone, but by Democratic Houses also, and the rule that has obtained in this body since 1811, when the case of Taliaferro *vs.* Hungerford was decided. The House declined to open up that case, notwithstanding the committee had reported a resolution in favor of opening it. I want to call your attention to the rule as announced in the Forty-second Congress, in the case of Giddings *vs.* Clark. The report was made by Judge McCrary, who has written a book on elections which is authority everywhere in the United States.

> It does not follow from these considerations that the sitting member can in no case be allowed an extension after the time allowed by law for taking testimony expires, but your committee think it does follow that no such extension should ever be granted to a sitting member unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat.

That is the rule laid down in the Forty-second Congress. Has it been followed since? I read from the case of Thobe *vs.* Carlisle, in the Fiftieth Congress, a case in a Democratic House. It ought to be good authority on the other side of this Chamber:

> In the opinion of your committee the laches of the contestant and his counsel has been such as to preclude him from asking further indulgence of the House.

Again—

> The case should not be reopened unless it appear to the House that on a new hearing the contestant would probably be able to procure evidence which would entitle him to his seat.

Who presented that report? The gentleman from Georgia, an ex-Speaker of this House, the present leader of the minority. He ought to be good authority in this House, because he follows the rule that has been observed for years on the authority approved by Judge McCrary in the Forty-second Congress. [Applause.] Before you censure your committee for refusing to open up this case, change the rule. Understand, however, that if you adopt this minority report you change the rule of this House, that has been followed by all parties for almost a century. What is it? That the sitting member, the one desiring to open up the case, must show that by great diligence he could not have obtained the testimony. What was the testimony he desired? The ballots in these four precincts. Did he apply to the custodian of the ballots? No. Did he take his evidence and try to secure a recount? No. Did he apply to any court and ask for an order compelling the custodian to produce the ballots? No. Not only that, but there is not a syllable of evidence in the whole record, taken by the contestee, as to the Second Ward; not a particle; not a line.

He comes into this House and says, "I did not know of this fraud." Right here in this record is a list of the voters. If you will look at it you will see that 600 of them voted in alphabetical order. The record contains the names of over a thousand fictitious voters in this ward. That evidence was taken in January and February, 1895, but the contestee did not take a particle of evidence to refute it. Gentlemen say that he could not have obtained this evidence if he had wanted to. I differ from them on that proposition. This House, under the Constitution, is the judge of the elections, returns, and qualifications of its own members. Under that constitutional authority Congress has enacted a law providing how contests shall be carried on and the number of days each party shall be allowed for taking testimony; and I want to call attention to the provision of that law relative to the power of the officer taking the testimony (Revised Statutes):

> SEC. 123. The officer shall have power to require the production of papers, and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section 116. All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

Do you mean to tell me that under that section of the Revised Statutes the officer taking the testimony could not have subpœnaed Owsley, could not have brought him before him and compelled the production of these ballots? If he could not have taken the ballots from the possession of the officer having charge of them, he could have taken copies of them. The evidence could have been taken and the contestee could have done all that within the time allowed by law. It is no new thing for officers to compel the production of ballots in election cases under the statute I have just read. The older members here have doubtless personal knowledge in regard to this. So, Mr. Speaker, I say that the laches of the contestee utterly precludes him now from being permitted to reopen this case. If you adopt the rule for which he contends, you reverse the policy of the House of Representatives for years. Not only do you do that, but you reverse the rule that has been adopted not only by this election committee but by the other two election committees of this House, for they also have been following the rule laid down by the House, and if you open this case you must open up other cases. One of these election committees, I am informed, declined to open up a case although the applicant was a member of the party that controls this House.

Mr. MCRAE. Does the gentleman think it extraordinary that the same rule should be applied to gentlemen who are not members of the controlling party that is applied to those belonging to the majority?

Mr. LONG. I think they should be treated all alike, and that is what we have done in this case. We have not adopted a rule for a man who belongs to the minority different from that which we apply to a member of the majority. We have proceeded according to the law and according to the rule laid down in this House for years.

Now, what else is necessary? Says Mr. CRISP in this report to which I have referred:

> It is necessary for the person desiring to open the case to show that he would probably be able to procure evidence which would entitle him to his seat.

That is necessary. The gentleman from Ohio [Mr. TAYLER] says that in his opinion an investigation of this matter would show that Mr. Van Horn was elected. When the gentleman made that admission on the floor of this House he "gave away" his case. His position only amounted to this, that he believed that Van Horn was elected, but he made an earnest appeal to this House to permit the man who was not elected to continue here a few months longer.

But further, the evidence must be material. Recollect, gentlemen, that the minority do not seek to call the voters. They do

not want to get behind or beyond the fraud. They want to get into it, that is all. They want to go to these ballot boxes, but not to the voters who cast the ballots. Look at their minority resolution and you will see that it does not ask for the calling of the voters. Why? On that proposition the gentleman from Ohio [Mr. TAYLER] said that we could not go so far as that; that the contestee was precluded from calling the voters, because he had had an opportunity to do that when he took his testimony. So they do not present that kind of a resolution. They are willing to go just as far as the gentleman from Ohio [Mr. TAYLER] is willing to go and no further. But, is the evidence of these ballots material? What is the law on that point?

Mr. COOPER of Wisconsin. May I ask the gentleman a question?

Mr. LONG. Certainly.

Mr. COOPER of Wisconsin. I did not hear the speech of the gentleman from Ohio [Mr. TAYLER] from the beginning to the end. Do I understand you to say that he admitted without any qualification whatever that in the event of a recount of these ballots the result would not be changed so far as the election is concerned?

Mr. LONG. I understood that to be the gentleman's admission—that is, he stated that as his opinion.

Mr. HOPKINS. Now, I suppose the gentleman from Wisconsin wants to know what we are still debating this case for? [Laughter.]

Mr. COOPER of Wisconsin. Yes, as suggested by the gentleman from Illinois, I should like to know why, in view of that admission on the part of the minority, it is necessary to discuss this case further?

Mr. LONG. Well, it is a question of law that this House is now discussing, an abstract question of constitutional law. [Laughter.] The gentleman from Ohio was not present in the Constitutional Convention to see that the Constitution did not provide for the House of Representatives being the judge of the election, return, and qualifications of its own members, and consequently it contains that provision, although he thinks it wrong; but he holds certain opinions on abstract propositions of law that he wants this House to indorse. [Laughter.]

Now, to return to the ballots. Under what circumstances can you count the ballots? The law on that point is plain. Paine on Elections lays it down. I read from section 776:

When the return and certificate of election are invalid, and are set aside, the election will not be avoided, if the true result can be ascertained, independently of the defective record and return; and, to ascertain the result, the ballots cast for Representative, if properly preserved, will be recounted.

Before courts or legislative bodies can give weight to the results of recounts of ballots there must be absolute proof that the ballot boxes containing such ballots have been safely kept, and that the ballots are the identical ballots cast at the election; and when these facts are established, beyond all reasonable doubt, full force and effect will be given to the developments of the recount.

Under this rule can we examine these ballots? I believe there are a thousand ballots conceded to be fraudulent by the gentleman from Ohio [Mr. TAYLER], but how many the minority concede I do not know, for their report is somewhat indefinite on that point, and I hope the gentleman from California who follows me [Mr. MAGUIRE] will give us definite information as to the number of ballots that they concede to be fraudulent in the Second Ward.

Mr. MAGUIRE. The minority admit, upon the competent evidence in the record, that there were 600 fraudulent ballots put in the boxes in the Second Ward. We do not recognize as competent evidence of fraudulent voting the testimony of canvassers who simply testify that they went around and asked questions of other people who were not sworn, and got certain answers on which they based their calculation that there were 400 other fraudulent ballots there.

Mr. LONG. Does the gentleman seek to secure other evidence as to who are fraudulent voters, outside of the ballots?

Mr. MAGUIRE. We propose to accept the competent proof on that subject that is in the record; but we do not accept the unsworn evidence of people who told the canvassers throughout the city that the alleged voters did not reside at the places from which they were registered.

Mr. LONG. The gentleman from Ohio [Mr. TAYLER] admits that there are probably a thousand in the ward. How many do you say?

Mr. MAGUIRE. We have not come to that.

Mr. LONG. It is absolutely necessary under the theory on which the minority want to open up this case that they decide, before they take this evidence, as to the number of illegal or fraudulent ballots in that ward—not only as to the number but as to the names of the fraudulent voters—because they do not want to take any more evidence on that proposition. If it were conceded that there were exactly a thousand or just 800 illegal ballots and that the remainder were the ballots of legal voters, I believe the proposition of the minority might receive some consideration. In other words, if 800 illegal voters came up to the polls in those three precincts which comprise the Second Ward and imposed on the judges and secured the admission of their ballots, and if the rest of the ballots were legal, then, if you found the names of those fraudulent voters, you could take their ballots from the box and count the remainder. The presumption would be that the officers of the election did their duty, that they followed the law, that they were honest, and that therefore the remainder of the ballots were legal. But when you show that fraud was committed by the election officers themselves, you then destroy the integrity of all their official acts and you can not presume that they acted honestly in any particular. That is the law. It is not that the fraud only goes so far as you may prove it; it goes to all their acts. In support of this position I want to call attention to the very clear and pertinent language used in the report in the case of Clayton *vs.* Breckinridge in the Fifty-first Congress, a report made by the gentleman from Iowa [Mr. LACEY]:

If the returns have been falsified by the election officers, it is a well-settled rule of law that they cease to have any prima facie effect, and each party can only be credited with such votes at the box in question as he may show by other evidence. This rule is one of long standing, and one of which contestee, as an old member of Congress, must have had notice. It works no hardship upon contestee which does not fall as heavily on the contestant. The contestant is required in the first instance to show the fraud in the return, and then must follow that up by proving his vote; or, in some instances, the proof of the fraud is connected with the proof of his vote.

Further along in the report the committee say:

Courts can not take the fraudulent statements of the election officers and analyze them, and select the true from the false. The whole stream is sullied by the impurity, and all that can be done is to reject the returns altogether and seek other sources of evidence.

That is the law; not only the law as adopted in this House for years and years, but the law as administered in the courts throughout the land. Suppose you go to those ballot boxes and take out a thousand of them—as the gentleman from Ohio would like to do—the thousand that represent nobody, that are fictitious ballots, not representing the act of any voter. Now, let us see about the 624 ballots that represent voters, men who voted there. Suppose you take the ballot that was found under the sidewalk. I call attention to page 476 of this record, where you will find the evidence of Mr. Olson, chairman of the Republican committee. He found a ballot under the sidewalk on the Saturday night following the election, in front of the polling place of the seventh precinct. It had the judges' initials on the back, and the voting number of the ballot was 372 and the registration number 21558.

Now, on the next page of the record you will find that Peter Green, a voter, a man living in the precinct and a qualified voter, says (the ballot being exhibited to him and he having looked at it), "That is my ballot; or I voted one just like it." When you turn over to the list of voters you find that Peter Green voted at that election and that his number was 372. Now, I ask the gentleman, what is there to be done about ballot No. 372? [Applause.] Are you going to count it? Here is the evidence of the man who voted it. The ballot was found under the sidewalk—not in the ballot box. But there is a ballot in there that represents it. There was a substitution.

Now, turn to page 577 of this record and look at the evidence about the ballot of William A. Clevenger. You will find that he is a voter; that he was registered; that he went to the polls at fifteen minutes past 5 o'clock in the evening; that he received a ballot; that they did not ask him his name; that he did not know the judges; that they did not ask him whether he was registered, but that they gave him a ballot; that he prepared it and handed it back to them, and that they did not ask any questions. He went away. They said he voted. Turning to the list of voters you find that he is recorded as having voted, and you will find that the number of his vote was 348. He cast it at fifteen minutes past 5 o'clock in the evening. There were 621 votes returned from that precinct. In other words, after he cast that ballot at fifteen minutes past 5 o'clock in the evening 273 voters must have cast their ballots. And the polls closed at 7 o'clock.

Are you going to count his ballot? What action would you take in reference to it if you did open the box? When you come to ballot No. 348 what would you do with it?

Turn to the testimony of Corum, found on page 668 of the record. He testified that he went in and was given a ballot, prepared it, and went up and handed it to a man to put into the box; but the man did not put it into the box, but another man took a ticket and put it into the box in its stead. You turn to the record and find the number of his ballot. Are you going to count that ballot? I ask the gentleman from Ohio or any other gentleman who seeks to open up the case in this way and wants to go into the ballot boxes alone, What are you going to do with such ballots as these? You will not find the identical ballots that were cast by the legal voters, because they were changed.

There is testimony of over a dozen men who declared that they were legal voters, but did not go to the polls at all, and yet their names are here. They appear upon the poll books as having voted and were duly returned by the judges. Are you going to count their ballots? Then my friend from Missouri [Mr. BURTON]

showed how easy it would be to make changes in the office of the recorder of voters. Take one of the fraudulent alphabetical ballots put in for Tarsney—a straight Democratic ticket—mark off the name of Tarsney and write in the name of Van Horn on that fraudulent ballot. Then take a straight Republican ballot that was cast by some voter; scratch off the name of Van Horn and write in the name of Tarsney. The result would be precisely the same. You will have the same number of votes for each candidate in the total tabulation. But when you come to a recount and do not go further than the ballots themselves, then you throw out the fraudulent alphabetical ballot with Van Horn's name on it and count the legal ballot with Tarsney's name on it—and you could not do otherwise if you simply take the evidence of the ballots themselves. Is there any probability that such changes were made? I wish to call your attention to some evidence on that point. I have not time to go into the matter in detail, but will refer the House simply to the fact that there is evidence that changes were made in the office of the recorder of voters as to other candidates. Sloane testifies that changes were made. Now, take Miller's affidavit in this case and see what he says. This is on the question that the ballots have been safely kept and are in the same condition as when they were cast at the election. He says:

About a week or ten days after the election—

And I ask you to note the time—I hope the gentleman from Ohio will do so—

About a week or ten days after the election John May asked me if there were any unused ballots left over in the sixth precinct. I told him then that I thought there was. He told me to get them if I could. I went to the polling place and found some 200 or 300 unused ballots and took them and gave them to May. When I gave them to him he said he might need me in connection with these ballots; that he would let me know. In a few days I saw him again, and he said he did not need me, as my precinct, the sixth, was all right. He did not say what he wanted me to do, but as I am one of the judges who had put my initials on the ballots, I inferred he wanted me to put my initials on some of the ballots for the purpose of further fraud of some kind with the ballots in the recorder's office.

Now, my friend from Ohio, in the face of this evidence, wishes to open the boxes and take these ballots as evidence and go no further.

The reason why the majority of the Committee on Elections declined to reopen the case and look at the ballots, as proposed by the minority, is because they do not believe the evidence would be worthy of consideration or that the ballots have been properly preserved. There is also evidence that about the 5th of March, 1895, when the ballot box in the fifth precinct of the Second Ward was opened on a recount for a county office, that the ballot box was open and not sealed, as required by law, and the tickets in it were unstrung. Do you want us to take this kind of proof to establish the right of a member to a seat on this floor? Why, Mr. Speaker, it is the most preposterous proposition that was ever presented to the House of Representatives. I am sure if the House wants additional testimony on this question it will never direct us to go into these ballot boxes and no further.

This committee has been criticised upon this floor by a gentleman of age, experience, and reputed knowledge of the law [Mr. POWERS] because they do not go far enough. He said that they went right up to where the evidence was and did not go a step further. I do not see the gentleman in his seat this morning. The members of the committee are not of the age that he is. They have not had the experience in the law. The majority of them come from the West. They have been practicing law in their own way, but they have been reading the books and the record of this case. [Applause.] I ask the members of this House, in the face of this showing, on the evidence as to the kind of ballots that are in those boxes, whether you are going to censure us for not taking the step?

This committee has been criticised on this floor because they have done an injustice to Col. Van Horn in the fifty-second precinct. It is said that we have not given him votes enough. I want to tell you why we excluded the fifty-second precinct and did not subtract 170 votes from Tarsney and add 170 votes to Van Horn. Van Horn in his brief asked us to do that very thing. He asked us to make that addition and subtraction. The committee believed in treating both these gentlemen alike, and that the same rule of law should be applied to both.

The fraudulent acts were committed by the judges. If there was not any question as to the remainder of the ballots, we might have made the addition and subtraction, possibly, without doing any harm. But there was a question as to the rest of the ballots. I call your attention to Canney's testimony, on page 77. This was after they had abstracted 115 Republican ballots and put in 115 Democratic ballots, and after they had abstracted 55 additional Republican ballots and put in 55 additional Democratic ballots, making 170 in all. He was asked this question:

Q. Now, you may state whether any other ballots were substituted or abstracted that day that you know anything about.

A. Why, after the 55 were all fixed up and credited down the list, after being marked and numbered with the registration and voting numbers, they concluded that they would stop there and let everything go straight after that but Moses and Hansen after that got back there in some way and fixed up 25 more in the same way. These 25 ballots Moses wanted put in when we were opening the last box and Mullins spoke up and said, "The books won't stand it," and so these 25 ballots with—oh, it must have been 25 or 30 at least in the last box we opened—these 25 bogus ballots and the ballots that were in the box at the close of the poll were all put together and twisted up, and Martin took and threw them behind the last grain bin, and then Moses or Morrison said, "You * * * fool, what are you doing?" and he went back there and got these ballots and put them in his overcoat pocket that way, and I did not see them any more during the day, or what was left of the afternoon, rather.

You see they did not complete the count of the ballots. Twenty-five or thirty ballots were rolled up and taken away by them without completing the count.

Canney also says:

All that were left from the work in the afternoon were there, and Moses had some little slips in his hands and Bergman would get up and leave his place at the receiving table, and Morrison would set down there in Bergman's seat and copy the registration number off the books, and then during the day he did that occasionally and in that way got in a good many ballots.

This was outside of the 170 ballots. This is the reason, gentlemen, why we did not take 170 from Tarsney and add 170 to Van Horn, because the evidence showed that that was not the extent of the fraud. So, as a member of the majority of the committee that presented this report, which has been criticised by members on this side of the House, I say that under the evidence I believe we were justified in taking this position.

In the light of this evidence do you say that we should make this addition and subtraction? You might if you lived in the blue ethereal air of constitutional law in which the gentleman from Ohio [Mr. TAYLER] alone exists, but ordinary, common, everyday lawyers like PRINCE, STRODE, JOHNSON, and myself, did not feel like taking such a course. [Applause.]

Mr. TAYLER. Will the gentleman allow an interruption?

Mr. LONG. Certainly.

Mr. TAYLER. Suppose there was no fraud outside of the fifty-second precinct, and you found the condition of facts you have described there existing, the contestee having a majority of 100 outside of this fifty-second precinct. What would you have done?

Mr. LONG. We would have thrown it out.

Mr. TAYLER. And elect the contestee, who was not legally elected?

Mr. LONG. We would have thrown it out, and if Van Horn wanted any votes from that precinct he would have had to prove his vote by other evidence, just as Mr. Tarsney will have to do it in the Second Ward if this House follows the law. [Applause.]

Mr. Van Horn is not entitled to any benefit or support in this House because he belongs to the party that is in the majority, but I say to the members of the majority, do not treat him unfairly because he happens to belong to your party. We do not need his vote here to pass a party measure. If we did, it would not be a good reason for seating him; but because we do not need his vote is not a good reason for keeping him out. [Applause.] The people of the Fifth Congressional district of Missouri are entitled to be represented upon this floor by the gentleman whom they elected at the polls, and it is our duty to seat him just as soon as we have examined the evidence and find that he is elected, and let us not postpone this case for two or three months for the purpose of discussing a legal proposition with the gentleman from Ohio [Mr. TAYLER].

One word more and I am through. The gentleman from Indiana [Mr. JOHNSON] will call your attention to the fact that if you admit Mr. Tarsney's claim and give him all that he asks it still shows that he is defeated. In other words, he utterly fails to show that if he procures this evidence it will establish the fact that he is entitled to the seat, which is a necessary requirement for reopening the case under the rule approved by the Fiftieth Congress in the report made by the gentleman from Georgia [Mr. CRISP].

This case is of great interest to the people of the Missouri Valley. It is presented to a House that is supposed to be in favor of honest and fair elections. It is presented to a House the majority party of which has a record in favor of fair and honest elections. They believe that this House will do justice. I believe it. Indorse your committee by adopting the resolution presented by the majority and declare that the people of the Fifth Congressional district of Missouri are entitled to be represented on this floor by their choice at the polls. [Loud applause.]

CUBA.

Mr. HITT. Mr. Speaker, if the gentleman will assent to my interrupting the proceedings for a moment, I would like to make a report from the Committee on Foreign Affairs, and to have the consent of the House that this report, with four resolutions in regard to Cuba, shall be printed in the RECORD.

Mr. SULZER. Is there any objection to having the report read?

Mr. HITT. Not at all, if the gentleman desires it.

Mr. SULZER. I would like to have the report read.

The SPEAKER pro tempore [Mr. HOPKINS]. Does the gentleman embody that as a part of his request—that the report be read?

Mr. HITT. That is desired by the gentleman from New York, and I assent to it.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from Illinois that the report shall be presented and read at the present time. Is there objection?

Mr. JOHNSON of Indiana. How long will it take to read it? How long is it?

Mr. HITT. One page.

Mr. JOHNSON of Indiana. We have no objection whatever.

The Clerk read as follows:

Mr. HITT, from the Committee on Foreign Affairs, submitted the following report:

"The Committee on Foreign Affairs, to which was referred House resolutions Nos. 34, 47, 89, and 157, having fully considered the same and the numerous petitions relating to the same subject, report the following concurrent resolutions as a substitute for the several said resolutions, and recommend their adoption.

"*Resolved by the House of Representatives (the Senate concurring)*, That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now raging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of the opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention if necessary."

The reading of the report was greeted with applause.

Mr. RICHARDSON. I would like to ask the gentleman from Illinois when he purposes to call up his resolution.

Mr. HITT. There is another resolution.

Mr. McCREARY of Kentucky. Mr. Speaker, there is a fourth resolution, which I ask shall be read.

The Clerk read as follows:

"*Resolved*, That Congress pledges its support to the President in carrying out the foregoing resolutions."

[Applause.]

Mr. SULZER. Mr. Speaker, I ask unanimous consent that these resolutions be made the special order for next Tuesday morning immediately after the reading of the Journal. It is a very important matter, and in my judgment the people of this country expect their representatives to take some action upon it as speedily as possible.

Mr. MEREDITH. I ask unanimous consent to pass the resolutions right now. [Applause.]

Mr. HITT. Mr. Speaker——

Mr. JOHNSON of Indiana. I do not desire to take the gentleman from Illinois off the floor; but time is running.

Mr. MEREDITH. It would not take two minutes.

Mr. McCALL of Massachusetts. I object.

The SPEAKER pro tempore. Objection is made.

Mr. RICHARDSON. I hope the gentleman will tell the House when he purposes to call up the resolution.

Mr. HITT. If the gentleman from Indiana will permit me to answer the inquiry, I will state I am instructed by the committee to obtain the earliest possible consideration in the House that the business and rules of the House will permit. [Applause.]

Mr. CANNON. Regular order.

CONTESTED-ELECTION CASE—VAN HORN VS. TARSNEY.

Mr. MAGUIRE. Mr. Speaker, the questions involved in this case, as it is now presented to the House, are few and simple, and they have been pretty thoroughly discussed. I will not attempt to deal in detail with the case, as if it had not already been thoroughly argued, but, presenting such arguments as seem to me not yet to have received full consideration, will endeavor to be very brief in dealing with questions that have been sufficiently argued. Indeed, so far as the case of Mr. Tarsney is concerned, nothing can be added to the splendid argument made by the gentleman from Ohio [Mr. TAYLER], who, speaking as a representative of the majority party on the Committee on Elections, made a showing that it seems to me ought to cause that party to hesitate long before unseating the contestee, without at least endeavoring to get at the truth of the case by the means pointed out by that gentleman. That, however, is a matter for them, and the argument of the gentleman from Ohio directed to them especially must receive their consideration for what they may think it is worth.

I am pleased to note throughout this discussion the absence of partisanship such as commonly characterizes election contests. A desire on the part of the representatives of the majority party here to deal judicially with this question has been manifested, at least by those who have spoken, and it is gratifying. That is the true rule which ought to be applied to all contests. Election contests have been too often treated here, by both parties, as if a contest threw the election of Representative into the House, and left the members of the House free to elect whichever claimant they might regard as the best representative of the Congressional district in question. I am pleased to see the disposition on the part of the gentlemen of the majority party to repudiate that rule and to treat this contest as a judicial question. We are here not to select the man who represents our views, or who, in our opinion, would best represent the district. We are here merely to decide who was elected to the office by the legal voters.

Now, what are the issues in this case? They are made up by the several reports from the Committee on Elections. These reports show that it is impossible to ascertain from the record how the legal vote of the Fifth Congressional district of Missouri was cast. The majority of the committee, in order to support their conclusions, find it necessary to reject entirely from consideration the votes of a very large number of the citizens of that district who voted for Representative in Congress at the election held in 1894. The conclusion that Mr. Van Horn was elected and that Mr. Tarsney was not elected is reached only by entirely rejecting from consideration all of the votes legally cast by qualified electors in the fifth, sixth, seventh, and fifty-second precincts of Kansas City. There is a showing in the record, which we do not contest, which we have not from the beginning contested, and which Mr. Tarsney himself has never contested, that in the Second Ward, embracing the fifth, sixth, and seventh precincts, at least 600 ballots were put into the ballot boxes fraudulently. They were put into the ballot boxes with apparent regularity and in manner conforming to the laws of Missouri. Upon every one of those fraudulent ballots the number identifying it with the voter or with the registered name upon which it was voted appears.

Each of such fraudulent ballots can now be found identified and segregated from the legal ballots. The question before the House, as it seems to me, with reference to the fifth, sixth, and seventh precincts are these (I will speak of the fifty-second precinct later because a different line and a different character of evidence applies to that precinct): The frauds committed in the fifth, sixth, and seventh precincts are clearly shown to have been committed in pursuance of a conspiracy which embraced those three precincts especially, and which had no relation to other precincts. Speaking first, then, of the fifth, sixth, and seventh precincts, the question is, can the polls be purged of the fraudulent ballots that were thus put into the ballot boxes, not by voters, but by election officers fraudulently depositing them? In addition to the 600 ballots thus fraudulently put into the boxes, in pursuance of the conspiracy, it appears that in at least two of these precincts, during the day of election, certain additional ballots were fraudulently put into the boxes as the votes of absent electors. There is evidence which I think fairly shows that in these three precincts about 100 additional ballots were thus put into the boxes fraudulently during the day. And here, perhaps, I may as well deal with the question as to the other 300 alleged illegal voters whose ballots appear in the boxes.

It is claimed on the other side that over 1,000 fraudulent ballots appear from the evidence to have been deposited in those three boxes. I reject the evidence tending to show that 300, or about 300, of those ballots were fraudulent. It is not legal or competent evidence to establish the fact. I concede 100 in addition to the admitted 600. I think there were a little less than 100; approximately, however, that number is correct. I did not attempt to go through the evidence in absolute detail to determine exactly by what evidence the testimony of the canvassers to whom reference has been made in this debate was corroborated. I reject the testimony of the canvassers as to all facts not within their own knowledge, except where their testimony is corroborated by witnesses having actual knowledge of the facts. Let me explain what I conceive to be the fatal weakness in the canvassers' testimony.

After the election in question a committee of Republicans and Democrats got together to investigate the frauds alleged to have been perpetrated, and to take means to put a stop to such frauds in the future. They appointed canvassers to go about the city of Kansas City, to ascertain as well as they could who, among the registered voters whose names were checked or numbered as having voted, were in fact legal residents of the wards and precincts in which they appeared to have voted. These canvassers did go about the city on that errand.

So far as appears, they performed their duties faithfully enough. There is nothing in the record but their own testimony to show what they did. They testified that after making the examination which they were ordered to make they were unable to find upward of 1,000 of the registered voters upon whose names ballots were put into the box. They furnished lists of those who could not be found. Those lists are in the record. The weakness and insufficiency of that evidence is this—that, without impeaching the integrity of any of those witnesses or challenging the truth of any of their statements, every report that they made may have been inaccurate, because they relied, not upon their own knowl-

edge as to whether or not these people resided at the places from which they were registered, but in testifying they relied upon what they learned from others who were not called or sworn. The weakness of the testimony of the canvassers lies in the fact that it rests upon the unsworn statements of those whom they interrogated about the alleged voters in question and their residence or nonresidence at the places specified.

So that I say to the gentleman from Kansas that not exceeding 700 votes at the outside in the Second Ward can be considered as being shown by the evidence here—the competent evidence—to have been fraudulent.

Mr. PRINCE. Will the gentleman allow me a question?

Mr. MAGUIRE. I will.

Mr. PRINCE. Will the gentleman please state how he makes up the 700 ballots that he says were illegal?

Mr. MAGUIRE. Six hundred of them were the ballots voted alphabetically; 100 were ballots deposited upon other names fraudulently, according to the testimony of the canvassers, corroborated by other evidence—neighborhood evidence—showing that the alleged voters were not residents of the places from which they were registered.

Mr. PRINCE. That is the way you make it up?

Mr. MAGUIRE. Yes, sir.

Mr. PRINCE. Was there any evidence introduced on the part of the contestee to contradict the returns those officers made?

Mr. MAGUIRE. No; and I apprehend there was no need of the introduction of evidence on the part of the contestee to overcome any showing of the contestant that is not made by legal and competent evidence. The facts to which the canvassers testified—the only facts to which they could testify—were that, according to the information which they had received from other people, these alleged voters did not reside at the places from which they were registered. As to those conversations, their evidence was of their own knowledge; but they did not and could not testify of their own knowledge as to the fact of residence or nonresidence.

Concede, then, that in the Second Ward 700 illegal ballots were put into the ballot boxes in this way. We have the names upon which all of these illegal ballots were deposited. It clearly appears from the evidence that whenever a ballot was put into a box it was numbered in accordance with the law of Missouri; that the poll list was resorted to; that the corresponding number, the number of the ballot, was entered upon the poll list opposite the name of the voter, as was also his registration number.

Can we then purge the polls of the Second Ward of the fraudulent ballots thus ascertained to be contained in them? I answer yes. We can do it if we can get at the ballots as evidence, and if it appears that the ballots are in the same condition that they were in when cast on election day. Can we get at the ballots, if the application of Mr. Tarsney to reopen the case for the purpose of taking evidence be granted, or if, as limited by our resolution, the case be reopened for the taking of this specific evidence? Clearly we can. The evidence is documentary evidence, tending to show who was elected to the position of Representative in Congress from the Fifth Congressional district of Missouri.

The Constitution of the United States makes the House of Representatives the judge of the election, return, and qualification of its members. That constitutional provision is the supreme law of the land, State constitutions to the contrary notwithstanding. The ballots, if they have been kept in legal custody and free from the danger of having been tampered with after they were cast, are the very best evidence of the election of Representative in Congress from the district in question. They are the best evidence, because they contain the written expression of the will and voice of each of the electors who cast them. I do not conceive it possible at this time for the House of Representatives to doubt that it has the power under the constitutional provision making it the judge of the election, return, and qualification of its own members to search this country over, if necessary, and to compel the production of all evidence, oral and documentary, that may aid it in reaching a correct decision as to who was and who was not elected to Congress in case of a contest.

It would be an extraordinary thing if, with the documentary evidence existing in the possession and custody of citizens of the United States, within the reach of the processes of our courts, within the reach of the arm of this House itself, that evidence should yet be denied us in the determination of the question which the House is bound to determine, and to determine upon the best evidence obtainable. It is legally impossible that this House of Representatives can be unable to procure this evidence because of a prohibitory provision in a State constitution passed, of course, long after the adoption of the provision of the Federal Constitution to which I have referred. I do not believe that any further argument upon that branch of the case can be necessary. We can get at the ballots. If we can get at the ballots, can the legal ballots be segregated from the illegal ballots? Under the laws of Missouri they can, as I have already shown. We have ascertained by evidence in the record that there are a certain number of illegal ballots in the boxes. We have ascertained the numbers which these ballots bear and by which they can be identified. The moment you open a ballot box you can, by comparing the ballots with the poll lists, ascertain to a certainty by whom or in whose name each ballot was cast.

Mr. BARHAM. If the gentleman will permit me there——

Mr. MAGUIRE. Certainly.

Mr. BARHAM. If we could agree on the number of votes that are admitted to be fraudulent it would be so. But you say that there are 700 fraudulent votes and the committee says 1,011. Now, how can we ascertain about the three hundred and odd votes that constitute the difference between the two estimates? If we agree upon the number there would be no difficulty, I admit, but, not being able to agree upon the number, how can you say which number shall be regarded as fraudulent ballots and which shall be regarded as legal ones?

Mr. MAGUIRE. The ballots upon which we do not agree are identified just as perfectly as are those upon which we do agree. That is to say, they claim that the evidence of the canvassers, who did not testify of their own knowledge, ought to be accepted as sufficient evidence that all these names were fraudulently registered and fraudulently voted. Now, if it be decided by the House that this hearsay evidence is sufficient, why then, of course, these 300 additional ballots can be identified and segregated just as well as those upon which we have agreed.

Mr. BARHAM. Now, as to this secondary evidence——

Mr. MAGUIRE. It is not secondary evidence, but hearsay evidence.

Mr. BARHAM. Well, as to this evidence, whatever it is. Do you not think it was enough evidence, or sufficient evidence, to put Mr. Tarsney on the side of showing that the votes so returned were legal? Why could not he call the men who voted to show that the committee had improperly reported 300 voters who were not in existence?

Mr. MAGUIRE. That is the theory on which Mr. Van Horn and his attorneys evidently proceeded, but, in my judgment, it can not be the correct rule. Manifestly, the statement of a man that another man told him a thing is no evidence at all of the fact.

Mr. BARHAM. But why not call the other man?

Mr. MAGUIRE. These two men made sweeping statements that numbers of persons—I do not say that that is their exact testimony, but with reference to their method of investigation it is substantially their testimony—that three hundred and odd men who were registered and marked as "voted" could not be found at the places from which they were registered. Such testimony—necessarily hearsay and not even relating to the day of election, but to a later day—could not justify, much less require, contestee to subpœna 300 witnesses to deny it. The testimony was absolutely worthless, and an answer to it was unnecessary.

Mr. BARHAM. Is it not perfectly good evidence, if it is received?

Mr. MAGUIRE. I think it is absolutely worthless, whether objected to or not.

Mr. LONG. I would like to ask the gentleman from California a question. Have I permission?

Mr. MAGUIRE. Yes, sir.

Mr. LONG. I presume you indorse the proposition that it is necessary to show that the ballots in the boxes are the identical ballots which were cast by the voters at the election in question?

Mr. MAGUIRE. Yes, sir.

Mr. LONG. I am speaking now of the 624 ballots.

Mr. MAGUIRE. Yes; I say that it is necessary to show by such testimony as is ordinarily required for that purpose that they are the same ballots that were originally cast. The evidence so required is that since they have been cast they have been in legal custody, and that there has been no reasonable opportunity for tampering with them. That evidence raises the presumption, of course, that they are the same ballots.

Mr. LONG. Now, when the officers themselves are detected committing a fraud, or it is admitted, as in this case, what is the presumption as to the remainder of the ballots, on which there is no evidence?

Mr. MAGUIRE. The presumption, where the officers of election are detected in the commission of a fraud, is against all of their acts.

Mr. LONG. What is the presumption as to the legality of the ballots on which there is no evidence?

Mr. MAGUIRE. The presumption as to the legality of the other ballots, as to which there is no evidence, in my opinion, is not affected. The other ballots, being cast by the legal voters, should be counted. They are not official acts of the fraud-tainted officers. If the proof of any act of fraud on the part of election officers would necessarily destroy the value of the ballots in their keeping as evidence, then whenever election officers are shown to have made false returns, not only the returns but the ballots would be destroyed as evidence. That can not be the law.

Mr. LONG. What would the gentleman do with the ballot of

Peter Green—I do not mean the ballot found under the sidewalk, but the one in the box?

Mr. MAGUIRE. I would refuse to count it upon the evidence before us.

Mr. LONG. What would you do with the ballot of Clevenger?

Mr. MAGUIRE. I would also refuse to count it.

Mr. LONG. What would the gentleman do with the ballot of Corum?

Mr. MAGUIRE. I do not remember the testimony concerning that ballot.

Mr. LONG. Why, the judge kept his ballot and another judge put another ballot in the box.

Mr. MAGUIRE. That occupies the same position, and I would refuse to count it.

Mr. LONG. Then your proposition is, so far as the fraud is proven, you would exclude such ballots, and presume that the other ballots, which had been in the custody of the judges of the election that committed the fraud, are legal? [Laughter.]

Mr. MAGUIRE. Yes, sir. I would exclude the illegal ballots and count those legally cast.

Mr. LONG. Very well; I only wanted to understand the gentleman's position.

Mr. MAGUIRE. Fraud is never presumed; except that where fraud is shown in a part of any particular act it is presumed to taint the whole act, and where officers are shown to have acted fraudulently in any particular transaction all of their official acts with respect to that transaction are presumed to be tainted with the same fraud. In such case all of their official certificates and returns are discredited and must be disregarded; but it does not follow that the ballots legally cast by legally qualified voters must on that account be disregarded. The ballots are the acts of the voters, not the acts of the officers, and those voters are not to be disfranchised because of the frauds of the officers unless there is sufficient reason to believe that the ballots were tampered with after they were cast. In the fifty-second precinct, for example, there is evidence tending to show that the election officers tampered with the ballots after they were put into the box. In such case all the ballots are tainted.

Mr. BURTON of Missouri. Will the gentleman from California permit me one question?

Mr. MAGUIRE. Yes; my only objection to interruption is that my time will be taken up with questions and answers instead of being devoted to the argument that I desired to make.

Mr. BURTON of Missouri. The law provides that at the end of one year these ballots shall be burned?

Mr. MAGUIRE. Yes.

Mr. BURTON of Missouri. Is there anything in the record to show that that law has not been complied with?

Mr. MAGUIRE. I think there is.

Mr. BURTON of Missouri. Will you please tell me the page of the record which shows that?

Mr. MAGUIRE. That evidence is not in the record, because the testimony in the record was taken long before the expiration of the year; but there is evidence in the affidavits filed on Mr. Tarsney's application to reopen the case, that the ballots are still being preserved for State contests, some of which, I believe, are yet to come off.

Mr. BURTON of Missouri. Is it not true that all of the State contests have been determined?

Mr. MAGUIRE. That is not my understanding.

Mr. BURTON of Missouri. I think the gentleman has been misinformed.

Mr. MAGUIRE. Besides, it appears that the ballots are being preserved for the purposes of criminal prosecutions that are pending in the State courts of Missouri.

Now, as to the ballots mentioned by the gentleman from Kansas [Mr. LONG], exactly the same rule prevails as to the other ballots. They can be identified, and they can be segregated and rejected from consideration. The evidence in this case shows a certain number of specific ballots that are fraudulent and ought not to be counted. In so far as there is no contradictory evidence, the legal evidence in support of that position should be accepted, but the hearsay evidence, as I have said, should be disregarded. The ballots in the boxes purporting to have been cast by registered voters should not be rejected upon mere hearsay to the effect that they did not live at the places from which they were registered. The case of contestant was susceptible in this respect of better evidence, and it should have been produced. The contestant was bound to present at least some legal evidence in support of his contention before the contestee was called upon to make any answer to it at all. The burden of proving that fraudulent ballots were cast was upon the contestant; the burden of purging the polls of such fraudulent ballots upon the contestee.

Now, upon either theory as to what evidence is legally sufficient we can readily ascertain the number of fraudulent ballots cast, and, as I have shown, it is easy under the laws of Missouri to segregate those ballots from the legal ballots.

Assuming, then, that the polls can be purged, should Mr. Tarsney be permitted to produce evidence for that purpose at this time? That depends upon two other questions. First, has he unreasonably neglected to obtain the evidence which he now seeks to have this House either secure for him or give him an opportunity to secure? If he has been unreasonably negligent in that matter, then this House has an undoubted discretion to refuse his application. Indeed, he should not be allowed to go back now and take testimony or evidence of any kind which he might have taken within the time allowed by law, but which he failed to take because of his negligence. Again, if it should appear to the satisfaction of the House that the evidence which Mr. Tarsney now seeks to take could not possibly change the result, I apprehend that the House might properly refuse to allow him to take it.

I will briefly address myself to these questions.

Could Mr. Tarsney have procured the evidence which he now seeks to produce within the time fixed by law for the taking of testimony in this contest on his part?

After an examination of the whole matter the gentlemen of the minority have concluded he could not do it. I think it has sufficiently appeared in the course of the argument here that no member of the majority of the committee can say, as a matter of law, that he could have obtained that evidence by any effort possible on his part without appealing directly to this House to aid him by the exercise of its constitutional power—not by delegating such power generally to any officer authorized to administer oaths whom he might select to take depositions, but by directly exercising its power through a duly constituted and appointed commissioner or representative of the House itself.

Mr. LONG. Will the gentleman yield for a question?

Mr. MAGUIRE. Yes.

Mr. LONG. What has the gentleman to say of the doctrine laid down in the case of Greevy *vs.* Scull, in the Fifty-second Congress, as to the power of an officer under the statute taking the evidence to compel the production of the ballots, the report having been made by Mr. O'Ferrall?

Mr. MAGUIRE. If the gentleman will read the doctrine as laid down in that case I shall be pleased to state to him what is my offhand opinion about it. I have not examined that case. At any rate, I do not now remember it.

Mr. LONG (reading):

> In the opinion of the committee the contestant would have found ample authority for the production of the ballots in sections 122 and 123 of the Revised Statutes of the United States. In section 123 full power is given the officer engaged in taking depositions in a contested election case in the House of Representatives "to require the production of papers," and if "any person refuse or neglect to produce and deliver up any paper or papers in his possession pertaining to the election," he is made liable to heavy penalties.
>
> The ballots were papers pertaining to the election; they were numbered so that each one of them could be identified as the ballot cast by the particular voter whose vote was in controversy; they were the best evidence; they were mute witnesses, yet told their own story, and were unimpeachable; they could not be bribed nor corrupted. In most instances, according to the testimony, they had been safely preserved and no corrupt fingers had handled them.

I call the attention of the gentleman to that case.

Mr. MAGUIRE. From what State did that contest come?

Mr. LONG. From the State of Pennsylvania, and the House was a Democratic House. [Applause on the Republican side.]

Mr. MAGUIRE. If this contest came from the State of Pennsylvania, with the laws of which he dealt, I might be inclined to agree with Governor O'Ferrall. If his report were upon an election contest arising in the State of Missouri, under the laws of that State, which we are considering, I would give a great deal of weight to his decision because of my respect for his opinion as a lawyer. But I do not regard this as a question of Federal law exclusively. The statutes of the States can not be ignored, and the statutes of Missouri are peculiar in that respect. I think there is no other State in the Union in which it would be impossible for even the highest trial courts in the State to procure the ballots as evidence upon the indictment of an election officer for fraud in conducting the election in which those ballots were cast. State laws can not override the Federal Constitution nor laws passed pursuant to its grants of power, but varying State laws may make different procedure necessary in different States.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question?

Mr. MAGUIRE. Yes, sir.

Mr. JOHNSON of Indiana. Do not the Constitution and laws of the United States extend to Missouri?

Mr. MAGUIRE. Yes.

Mr. JOHNSON of Indiana. I thought so. Do the Constitution and laws of the State of Missouri contain anything which would preclude an officer performing a duty under a law enacted pursuant to the Constitution of the United States?

Mr. MAGUIRE. I think not, if the officer be directly clothed with Federal authority. I said that yesterday, and I have not changed my mind about it. The gentleman from Missouri [Mr. BURTON] seemed at first to have taken a different position, but I

must have misunderstood him. Of course this House must have the power, regardless of any State law to the contrary, to examine ballots cast at a Congressional election so long as they remain in existence. Upon that question I think we are all agreed. The question is not as to the constitutional right and power of Congress in the matter. We admit it. We invoke it.

The question is: Did Mr. Tarsney have a right, in spite of the constitution of Missouri, to appoint a commissioner of his own choosing to open the ballot boxes and recount the ballots, without invoking the direct action of Congress? We say he could not, and that any effort on his part to that end must have been futile. That power over State elections is vested in Congress and can not be delegated to candidates for Congress.

We hold that Congress must exercise that power directly and must designate an agent of the House itself for that purpose, in order to get at the ballots contrary to a State law. If Governor O'Ferrall's decision is contrary to that view, then I disagree with Governor O'Ferrall.

Mr. LONG. Then the gentleman disagrees with the report of the committee in the Fifty-second Congress?

Mr. MAGUIRE. As applied to a case arising under the laws of the State of Missouri, I do.

Mr. LONG. This statute, the gentleman must understand, that Mr. O'Ferrall was speaking of in this report is a United States statute.

Mr. MAGUIRE. I understand that perfectly, and if there were no law in Missouri——

Mr. LONG. I will ask the gentleman whether, when an officer is designated to take testimony under a statute of the United States, he is not an officer of the United States for that purpose?

Mr. MAGUIRE. He is an officer, of course, but not necessarily a representative of this House for the purpose of going into the ballot boxes of a State in any way contrary to the constitution and laws of such State. Why, it would be thoroughly and utterly absurd. If the position for which you contend be maintained, then no State in this Union could make an effective law to guard the secrecy or the purity of its ballots, because any man receiving 5 votes in an election for Representative in Congress, becoming a candidate perhaps for the sole purpose of qualifying himself to open and examine under color of Federal law the ballots cast at a State election, may give notice of a contest, and then have the ballot boxes opened and the ballots examined by any commissioner whom he may select for that purpose. That is a dangerous and, it seems to me, an untenable doctrine.

Mr. LONG. The position of the majority of the committee is simply this, that no State in its constitution or by a statute can make a law that will prohibit the Congress of the United States under the power given it by the Constitution and laws enacted to carry it into effect, from obtaining testimony in a given case. That is our position.

Mr. MAGUIRE. I agree to that, and it is upon that theory that we are asking that these ballots be examined. Your contention, if put into practical operation, would be destructive of the laws and constitution of a State intended to guard the secrecy and purity of its ballots. Conceding the power of Congress in the matter, we say that it must be exercised with the greatest possible regard for the otherwise absolute power and right of the State to guard the secrecy and purity of its elections and the integrity of the ballots after election.

By the method which we propose to adopt in this case all the secrecy, all the sacredness, all the purity which the laws of Missouri cast about the ballot boxes of that State are preserved inviolate, and yet the superior authority, the supreme law of the United States, is maintained as paramount. All the power that Congress needs in the matter of procuring evidence of all kinds to aid it in executing its constitutional functions is likewise preserved.

If this House shall adopt the theory advocated by the majority of the committee—and we have that theory now plainly presented—it means this: That, notwithstanding the State may fully recognize the principle which we lay down as controlling in the matter of taking this additional evidence which Mr. Tarsney now seeks, notwithstanding the State may fully recognize the right of this House to send its authorized agent or commissioner at any time into its territory to examine the ballots, nevertheless the State constitution and laws prohibiting the indiscriminate examination of ballots and the indiscriminate opening of ballot boxes shall be of no avail; because if the theory of the majority of this committee be sustained that Mr. Tarsney could have secured the evidence that he now seeks to obtain by merely having a commissioner or any person authorized to take depositions in a contested election case, selected by him alone, to go into the State ballot boxes in spite of the laws and the constitution of the State, and in spite of any law or constitutional provision which the State might make, then the sacredness of the ballots cast in State elections is destroyed. We say that that is a wholly untenable doctrine, and that the rejection of it, as the minority of the committee does reject it, is not at all inconsistent with the paramount authority of the supreme law of the land, which Mr. Tarsney now invokes, and of which we contend he should have the benefit. The ballots, so far as the evidence shows and so far as the ex parte showing goes on this application for leave to reopen the case and take further evidence, are still in the hands of their legal custodian in the State of Missouri, and are, if our theory of the power of the House in this matter is correct, now accessible to the House and can be counted.

Are those ballots in the same condition in which they were when cast on election day? There is nothing in the record to show that they are not. There is evidence before this House now, on this application, showing that several contests for other offices involving the recounting of these very ballots in the State courts of Missouri have been instituted, and some of them at least carried to completion. There is evidence that these very ballots were counted by order of the State courts, upon a judicial decision by courts of competent jurisdiction as to the legal custody and safekeeping of the ballots.

This, I think, is sufficient prima facie evidence that the ballots are now in the same condition as when cast.

Mr. LONG. What does the gentleman mean by the ballots being in the same condition as when cast?

Mr. MAGUIRE. The same ballots unchanged, not tampered with.

Mr. LONG. Do you mean the condition in which they were when prepared by the voter, or the condition they were in when they were put into the box on that day by this corrupt board?

Mr. MAGUIRE. The condition they were in when they were put into the box. You have shown what ballots were fraudulently put into the box, and I say they should be thrown out and the others should be counted.

Mr. LONG. One other question. I will ask the gentleman whether there is not evidence showing that on the vote for other officers there were changes made on these identical ballots in the office of the recorder of voters?

Mr. MAGUIRE. There is an ex parte affidavit of Mr. Van Horn to the effect that such a change did appear, but the answer to that is that the ballots were recounted by the State court after hearing the showing as to the alleged changing of those ballots, and that recount involved an adjudication by the State court that the ballots were in a condition to be recounted when the court ordered the recount to proceed.

Mr. LONG. I know the gentleman does not wish to misrepresent the evidence, so I will ask him whether there is not an affidavit of Mr. Sloan, in addition to the statement of Mr. Van Horn, showing that there were changes made upon those ballots in the office of the recorder of voters?

Mr. MAGUIRE. I think not. There is no evidence that there actually were changes made. There is an affidavit such as you mention, to the effect that there was a difference of 7 votes between the returns and the ballots, as appeared by the ballots when opened. Probably a showing was made to the court to that effect for the purpose of impeaching the ballot box, but the evidence is that the ballots were recounted under the order of the court, after it had heard all of the evidence concerning their having been changed. The probability is that the returns were changed, and not the ballots.

Mr. LONG. Now, will the gentleman refer the House to the evidence in the record or in the affidavits showing that the court counted those ballots that had been changed?

Mr. MAGUIRE. Yes, sir; the affidavits of the eight clerks of the election commissioners. They testify that in the progress of the recount of the ballots in the fifth precinct of the Second Ward they counted the Van Horn and Tarsney votes as the recount proceeded in that precinct.

Mr. LONG. The gentleman does not understand me. Is there any evidence in this record or in the affidavits showing that the Missouri court counted these changed ballots in that contest?

Mr. MAGUIRE. I do not know, and I do not care about that.

Mr. LONG. But that is the proposition.

Mr. MAGUIRE. It is enough that the court found the ballots in the boxes of the fifth precinct in a condition to be counted and did count them, and that these eight men swear to the recount and swear that, in the progress of the recount made under the order of the court, they inspected each of the ballots and ascertained how they were marked for Representative in Congress.

Mr. LONG. One other question, if the gentleman will permit. I do not want to consume his time unnecessarily. Is there evidence in the record or in the affidavits that the recount as made by these designated officials was confirmed by the court?

Mr. MAGUIRE. The evidence is that the recount was made——

Mr. LONG. By those designated officials?

Mr. MAGUIRE. By the officers authorized under the laws of Missouri to conduct recounts when ordered by the courts of Missouri in judicial proceedings.

Mr. LONG. Is there any evidence showing what the court decided on that recount?

Mr. MAGUIRE. I do not know that there is. My experience

in the matter of recounts generally—and I think Missouri is not an exception—is that the court determines before the recount of the ballots whether they are in a condition to be recounted. Perhaps the gentleman from Missouri [Mr. BURTON] can answer whether Missouri is an exception to that rule. It is enough for my present purpose that the ballots have been judicially held to be in condition to be recounted. I take it, then, that there is a complete showing now before this House that the ballots, in spite of the impeaching evidence to which gentlemen refer, were, after a judicial investigation of their condition for the purpose of a recount, recounted and were so recounted as legal ballots.

Is it material for us to have the evidence which Mr. Tarsney now seeks to have the House procure in this matter? I think it clearly is. Gentlemen of the majority of the committee, when closely pressed in this debate, have told the House that, even if it should not appear upon the showing made in their report that Mr. Tarsney ought to be unseated, and even if the additional evidence should turn out to be as favorable to him as he claims it to be, still gentlemen of the majority of the committee claim that, outside of the evidence discussed in their report, there is other evidence as to votes cast elsewhere in the district which would justify the adoption of their resolutions. The claim is that if all the votes to which Mr. Tarsney seeks to establish his right by this additional evidence were credited to him he would still be defeated. I am disposed, as was the gentleman from Ohio [Mr. TAYLER]—and I think his position perfectly legitimate—not to discuss at random evidence relating to other precincts and other places concerning which the committee did not deem it necessary or proper to advise the House in the majority report. The issues are made up on such showing as the majority of the committee has chosen to make to the House in its report and upon the counter showing made by gentlemen of the minority, who in submitting their views have discussed the case as made by the majority.

Gentlemen on the other side were inclined to criticise the gentleman from Vermont [Mr. POWERS] yesterday for discussing this case without a sufficient knowledge of it. It was suggested that he did not understand the case because he had not read the evidence. Upon what theory is that criticism made? Should not a member of this House get a sufficient knowledge of a case of this kind by carefully reading the reports coming from the committee, as Judge POWERS had done? The very purpose of referring the case to the committee was to get a complete statement of it in condensed form, so that all members could get a thorough understanding of the case, for all purposes, without reading the voluminous record. Yet we are told that members who have simply relied upon the reports do not understand the case. If that be so, the committee itself should ask to have the case recommitted.

The case upon which this House will act is the case presented in the report of the committee, as the result of its investigation of the record. Of what avail is it to appoint a committee to examine the record and digest it and give the result of its investigation to the House if, after it has reported, and after the report has been carefully read and examined, the right of a gentleman of unquestionable legal ability and great experience to discuss the case upon the report before the House must be challenged on the ground that he is not familiar with the facts of the case? If he is not familiar with the facts of the case, then the case has not been fully or properly presented to the House by the committee, and the House is not in a position to act intelligently on the case. Indeed, the gentlemen of the majority go outside of their report for the facts, and the gentleman from Missouri [Mr. BURTON], who supports their conclusion, repudiates their law.

The case must be treated as contained in the pages of their report, or the case is not in a condition to be presented and considered here. How absurd the whole proceeding would be if we should discard the reports and go into the case at large upon this voluminous record, referring members of the House to the record and asking them to unseat a member upon propositions that are not contained in the report.

I therefore prefer to discuss the case as it has finally been made by the digested statement of facts and law in the report. By that method of procedure every gentleman on the floor who has read the reports will be fully qualified to discuss the case and to vote upon it. Otherwise he must be in no better position to vote upon the case than he is to discuss it.

Mr. BRUMM. Will the gentleman permit me a question?

Mr. MAGUIRE. Yes, sir.

Mr. BRUMM. I find that the minority of the committee have proposed a resolution to send this case back for the taking of further evidence. The resolution which they propose seems to contemplate that there shall be an examination of the ballots only, and that by such examination the illegal ballots shall be separated from the legal ones. Now, what I want to know is this: Suppose that upon an examination of the ballots there is not such evidence as will enable the committee to segregate the illegal votes from the legal, will this resolution empower Mr. Tarsney to go further and examine the voters for the purpose of getting at the true state of the vote?

Mr. MAGUIRE. No. The gentleman from Illinois and possibly the gentleman from Kansas stated correctly the reason for that limitation. It was that the gentleman from Ohio [Mr. TAYLER], who agreed with us as to the principles upon which this case should be decided and the method to be pursued, was yet unwilling to open the case generally for the taking of testimony of voters in those precincts. For that reason, while we were very willing to take the testimony suggested by the gentleman from Pennsylvania [Mr. BRUMM], we have in our resolution restricted the taking of testimony within the limits fixed.

Mr. PRINCE. That is, restricted the investigation to an examination of the ballots themselves.

Mr. BRUMM. Now, let me ask this further question: Suppose there should prove to be a great many illegal ballots; suppose it should appear that names have been changed, so that votes which should have been counted for Mr. Van Horn have been counted for Mr. Tarsney, or vice versa; suppose it should turn out that the recount should reverse the count as returned, does the gentleman mean to say that the committee would be so limited that they could not inquire further, although they might discover this state of facts?

Mr. MAGUIRE. The gentleman states it correctly. Mr. Tarsney's effort to secure additional evidence would then fail at that point. The moment it appeared that the ballots could not for any reason be counted the leave granted him to take additional evidence under our resolution would be of no avail. He would not be permitted to go to the voters and ascertain how they voted. As the gentleman from Ohio [Mr. TAYLER] said, if it should appear upon an examination of the ballots, or upon an examination concerning their custody since the election, that they are not in a condition to be recounted, then the House, being unable to purge the polls, would merely have purged its own conscience. That, at least, we think it should do. It should make an effort to get at the best evidence in the case and, failing that, act upon the incomplete record before it. We would be glad to go a step further, and take the testimony of the voters themselves, but, for the reasons that I have given, we abandoned the idea of asking the House for that privilege.

Mr. BRUMM. Undoubtedly that ought to be done; and if so, why not do it?

Mr. MAGUIRE. Because it was urged that Mr. Tarsney ought not to be permitted to take such testimony now, on the ground that he could have taken it at the beginning, within his time as allowed by law.

Mr. BRUMM. But why not now provide, to the extent to which it may be necessary to establish how the legal voters did vote, that this door should be opened to the contestee? Of course I refer only to those precincts in which this alleged fraud was committed.

Mr. MAGUIRE. As I have said, we have no objection to the addition of such an amendment as that, if the gentleman thinks proper to present it. But we have endeavored to get all who are in favor of opening up the case on any ground or in any way to agree upon some proposition, and act in harmony in supporting it. To carry out that purpose we compromised upon the resolutions presented by me.

Mr. BRUMM. I hope it will be presented in both shapes and that the House will have an opportunity of determining between them.

Mr. MAGUIRE. I could not present it in both shapes myself, but for my part I would be glad to have such a proposition presented and voted upon and adopted, if it will not endanger our proposition to reopen the case at all.

Mr. TAYLER. If the gentleman from California will yield to me for a moment, I think I may be able to satisfy the gentleman from Pennsylvania.

The contestee desired to take such testimony as the gentleman from Pennsylvania indicates ought to be taken. But I took the view as to that character of testimony that the contestee had a sufficient opportunity to answer the charge that certain persons, whose names were presented as having no right to vote, had illegally voted. He was advised of that when he had an opportunity to take the testimony of the individual voters. That, however, I contended, under the peculiar ballot law in the State of Missouri, was not the best testimony attainable, but that the ballots themselves were. Therefore the minority of the committee, while desiring to spread the inquiry over a larger area than I was willing to admit, necessarily went with me as far as I would go, and the result was that the resolution was limited to an examination of the ballots themselves, so as to obtain the proof of the ballots themselves for whom the alleged illegal voters cast their votes.

Now, then, if the examination of the ballots should disclose any infirmity or depravity arising out of actions subsequent to the count, then their validity as a basis of a recount would be destroyed, but the House would have done all it could do; we could not go any further, but must pursue and adopt the doctrine with regard to the returns that they are so fatally tainted with fraud that the efforts to purge them can not be successful and that they must be entirely disregarded.

Mr. BRUMM. Now, that is the very turning point of the whole controversy. On that point I wish to ask the gentleman a question. Let us suppose, on an examination of the ballot boxes and the poll lists, it should turn out—for the purpose of illustration, we will say—that there was a unanimous vote for Mr. Tarsney? In that case would you contend that Mr. Tarsney should have the benefit of that vote?

Mr. TAYLER. In that case the entire precinct would be shown to be so fatally tainted with fraud that it would have to be totally disregarded and entirely thrown out. Then comes the moment when the principle of law I have just recited is justly invoked and given expression to.

Mr. JOHNSON of Indiana. If the gentleman from California will permit me a moment, I desire to ask the gentleman from Ohio a question to see if I understand the point that he is now making?

Mr. MAGUIRE. I yield to the gentleman with pleasure.

Mr. JOHNSON of Indiana. The gentleman from Ohio says that in the examination of the ballots if it should disclose the fact that they were all cast for Mr. Tarsney, the condition of affairs would then have arisen to justify the throwing out of the entire precinct.

Mr. TAYLER. I understood the question of the gentleman from Pennsylvania to be substantially this: That you found the ballots in the fifth, sixth, and seventh precincts had Mr. Tarsney's name on them exclusively; then their apparent condition being different from that indicated by the promulgated returns on the night of the election, and afterwards by the officers of the election, and that being the case, it would follow of necessity that the ballots had been tampered with after they were cast, and they would necessarily be totally disregarded in making up the count.

Mr. JOHNSON of Indiana. The gentleman does not apprehend the question I asked him. Do I understand him to say that if it appears on an inspection of these ballots that they were cast for Mr. Tarsney, then the condition of affairs would arise that would justify throwing them out?

Mr. TAYLER. An examination of all the ballots, yes, if they were all cast for Mr. Tarsney. Of course there then would be a difference between the condition of those ballots as evidenced by the returns, by the official count, and by the report made by the canvassing officers, and the condition in which we now find them, which would of necessity invalidate them.

Mr. JOHNSON of Indiana. The gentleman does not apprehend my question; but never mind.

Mr. MAGUIRE. I may say this, that to reach the purpose suggested by the gentleman from Pennsylvania [Mr. BRUMM], by adopting the resolution presented here about two months ago by Mr. Tarsney, all of the testimony suggested by the gentleman could and should be taken under that resolution. Mr. Tarsney's original application was for leave to take testimony which would include all that the gentleman from Pennsylvania suggests. If the House desires to go further than the minority of the committee have expressed the purpose of going, why, then, adopt Mr. Tarsney's original resolution and let the evidence be taken. Let the ballots be examined first, and, if not satisfactory, take the testimony of the voters.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I desire to ask the gentleman from California a question.

Mr. MAGUIRE. In just a moment I will yield.

The SPEAKER. The gentleman declines to yield.

Mr. MAGUIRE. I will yield in a moment. If it should appear, either upon an examination of the ballots or upon testimony taken to ascertain whether or not the ballots have always been in legal custody and whether or not there has been any reasonable opportunity to tamper with them, that there is a reasonable probability that they were tampered with, they would be rejected and the contestee would be driven to the other form of evidence, namely, the testimony of the voters themselves. Under Mr. Tarsney's resolution as originally offered by him to this House and referred to the committee, that testimony could, and doubtless would, be taken.

Mr. BRUMM. That would throw the burden of proof on Mr. Tarsney, of course.

Mr. MAGUIRE. The burden of proof is on Mr. Tarsney now.

Mr. BRUMM. Well, I say even under that arrangement it would be.

Mr. MAGUIRE. It would not change the burden of proof.

Mr. BRUMM. I think that ought to be done.

Mr. COOPER of Wisconsin. I desire to ask the gentleman from California a question. In the RECORD, page 2392, appears this colloquy:

> Mr. JOHNSON of Indiana. It is, then, your belief that the examination of those ballots will reveal the very thing that the committee has reported—the election of Mr. Van Horn?
> Mr. TAYLER. That is my hope and expectation.

Mr. MAGUIRE. Yes.

Mr. COOPER of Wisconsin. Now, let me ask the gentleman from California this: If a man expects a thing to be proved to be true he believes it will be proved to be true?

Mr. MAGUIRE. Yes; practically. But belief is the expression of a settled conviction, while expectation is not.

Mr. COOPER of Wisconsin. In other words, on his statement, if the ballots be counted, the result will be that Mr. Van Horn will be seated?

Mr. MAGUIRE. It may be. That is, at most, a mere expression of belief—of Mr. TAYLER'S hope as a Republican and his belief as a man that his fellow-partisan will ultimately triumph.

Mr. COOPER of Wisconsin. Now, let me state an analogous case, and see if I state it correctly. Suppose that the counsel for a client in court should go in with an affidavit and ask for a new trial upon the ground of newly discovered evidence, and the court should read the affidavit and he should look at the counsel and say, "But this will not change the result?" and the counsel should say, "No; I do not think it will change the result." "But do you ask me to grant a new trial for the purpose of the admission of evidence that you yourself say will not affect the result at all?" The court would say, "Your motion is denied."

Mr. MAGUIRE. The case is not analogous. This is not an application for a new trial. This is an application for an opportunity to take evidence in support of Mr. Tarsney's position on an original trial. The trial is now in progress before the House on the depositions taken, and he asks leave to take other evidence which he could not get within the time allowed him for presenting the evidence on his own behalf, and which he can not get now without invoking the power of this House.

Now, let me suggest an analogous case. A man has recently been arrested in California, charged with the crime of murder. I believe him to be guilty. I believe upon a fair trial he will be convicted. Now, would you suggest, because I entertain that belief, or because any other man does, that he ought not to have a trial, but that he should be hanged on our belief, and the expense and delay of a trial avoided? Certainly not. Mr. Tarsney's case is on trial now. There is a showing of probability that the result would or might be changed by the additional evidence that Mr. Tarsney desires to present. The probability that the evidence might change the result is sufficient to justify his application and the recommendation of the minority.

Now, what does it matter that Mr. TAYLER, as a Republican, hopes it will turn out finally that the evidence will be favorable to his fellow-partisan? Mr. TAYLER'S "expectation" is no more potent, from a judicial standpoint, than his expressed hope. It would be impossible, even for him, to determine how far his expectation is based upon his hope.

Mr. LONG. Will the gentleman permit me to ask him a question?

Mr. MAGUIRE. Yes, sir.

Mr. LONG. The gentleman from Ohio [Mr. TAYLER] in his report says there are probably a thousand fraudulent votes in the Second Ward?

Mr. MAGUIRE. Yes.

Mr. LONG. Mr. Van Horn had 342 votes returned in that ward?

Mr. MAGUIRE. Yes.

Mr. LONG. You state in your report that there is a reasonable probability that you will be able to show that less than 550 fraudulent votes were cast for Mr. Tarsney. Will you explain how that probability will arise?

Mr. MAGUIRE. I will. The statement, so far as 550 votes is concerned, is hypothetical. It is assumed in our report that Mr. Tarsney will lose 180 votes by the throwing out of the fifty-second precinct. That would reduce his plurality from 745, as returned, to 565; then if he should lose less than 550 votes in the fifth, sixth, and seventh precincts, he would still be elected by 15 or more plurality, and he would be entitled to his seat.

The suggestion of 550 votes was arbitrary, and the statement in which the suggestion occurs is hypothetical. If Mr. Tarsney's contention turns out right he will not lose 550 votes; he will not lose more than 450 votes in the fifth, sixth, and seventh precincts of the Second Ward. He would still have quite a large plurality to his credit. Indeed, he could afford to lose 650 votes in the fifth, sixth, and seventh precincts, since it appears conclusively that Mr. Van Horn loses at least 100 votes in the fifth precinct, thus increasing Mr. Tarsney's apparent plurality to 845. Upon no reasonable theory deduced from the evidence in this case can Mr. Tarsney be said to lose 650 votes in those precincts. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. BOUTELLE). The gentleman from California has four minutes of his time remaining.

Mr. MAGUIRE. Well, I can not conclude my argument, but I will try to close in that time. It is admitted on all sides that in this matter of frauds Mr. Tarsney was an absolutely innocent party; that so far as he is concerned his garments are unsullied by any taint of fraud, and that whatever advantage may have come to him from the frauds that were committed was due to the fact

that his name was printed in the column on the ballot which was used by the conspirators (Republican and Democratic) for marking. It appears that there were fewer Republican candidates for office to be benefited by the frauds contemplated than there were Democratic candidates, and for that reason they took the Democratic column on the ballot as the basis of marking, and marked in the names of the Republican candidates who were parties to the conspiracy and on whose behalf in part the fraudulent ballots were deposited.

Mr. Tarsney is entirely innocent in the matter. There is not a scintilla of evidence in the record showing that he knew of them, nor is there any evidence to show that he had any knowledge of the conspiracy or of the frauds growing out of it until long after the election, and then only as other citizens knew it. There is no evidence that anybody connected with the conspiracy or with its execution, had any interest in the Congressional election. Mr. Tarsney, in his affidavit, states that in September last he was informed by leading Republicans of Kansas City that the conspiracy involved the deposit of fraudulent ballots for candidates for local offices, Democrats and Republicans, and that in order to obtain the assent of some of the conspirators, who were friends of Mr. Van Horn, but without the suggestion that Mr. Van Horn was a party to it, insisted that as to the Congressional election the fraudulent ballots should be equally divided.

The evidence is that upon examination of the ballots in one precinct it appears that that plan, whether it was an agreement or not, was actually carried out to the letter, and that Van Horn's name appears upon 101 of the fraudulent ballots in that precinct. Now, I say, under Mr. Tarsney's claim that the ballots not only were not fraudulently deposited for his benefit, but that the frauds were committed not with reference to the Congressional contest and that Mr. Van Horn got a large share of the fraudulent ballots, he could not in any event lose more than 450 votes in the Second Ward. His majority is returned as 745 votes, and Van Horn loses at least 100 votes in the fifth precinct, thus increasing it to 845.

Now, as to the fifty-second precinct. How does that stand? I can not go into a discussion of the evidence, new and old, concerning Elmwood and other precincts; but I admit that there is some showing in the new poll books that have been offered for some purpose, claimed by us to be merely as evidence upon this application to open the case, and by the chairman of the committee to be evidence for all purposes, that there was suspicious alphabetical voting to the number of perhaps 50 to 70 ballots altogether, in two other precincts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAGUIRE. I should like to finish this statement.

Mr. BURTON of Missouri. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

Mr. MAGUIRE. No; I do not desire that. I want to keep the agreement made with the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. I ask that the gentleman have a few more minutes to conclude his remarks.

There was no objection.

Mr. MAGUIRE. As to the fifty-second precinct, which I conceive to be the only other precinct under consideration at this time, as it is the only other precinct whose alleged frauds are discussed by the majority in their report, I decline, as Mr. TAYLER declined, to go outside of their report to scour the rest of the district.

We concede that upon the evidence now before the House that precinct must be thrown out and that there is no evidence that it can be purged. By throwing out the precinct Mr. Tarsney loses 180 votes, but there is no help for it. In making this admission I desire to say that I do not believe the testimony of Mr. Canney, who swears that 115 Republican ballots were taken out of the box and burned and 115 Democratic ballots substituted for them. His statement to that effect is inherently improbable. But I have no time to discuss that phase of the matter. We concede that the vote of the precinct must be thrown out and disregarded.

Mr. Tarsney then loses 180 votes in the fifty-second precinct and 450 in the Second Ward; but he will still have a clear plurality of 215 votes, entitling him to the seat, so far as the frauds discussed in the reports are concerned, and this margin of 215 more than covers the outside frauds discussed by gentlemen on the floor, but not in their report. If the fifth, sixth, and seventh precincts are thrown out, of course Mr. Tarsney is not elected, and we concede that upon the evidence now before the House they can not be counted; but they should not be thrown out. They should be purged and recounted. If this be done, the recount will show that Mr. Tarsney was legally elected a Representative in Congress from the Fifth Congressional district of Missouri. [Applause on the Democratic side.]

Mr. JOHNSON of Indiana. Mr. Speaker, I have no time to devote to useless exordium. I go at once to the heart of this controversy. My first proposition is that at the Congressional election held in the Fifth Congressional district of the State of Missouri on the 6th day of November, 1894, there was a gross and widely diffused fraudulent registration of voters made in Kansas City by Democratic officials and politicians in the interest of the Democratic party. The testimony of the witness Bradbury establishes this fact beyond the shadow of a doubt. This witness was a Democratic orator and the publisher of a Democratic newspaper in the campaign which terminated with this election. He swears that he was the boss of a gang of colored men employed upon the streets of Kansas City under the supervision of John May; that there were other gangs employed there under the charge of persons who were Democrats; that, commencing in August, 1893, and ending with the election for mayor in the city in the spring of 1894, by the direction of May and with the knowledge and consent of one Owsley, the Democratic recorder of voters, who was by law the official who had charge of registration, he and the other bosses frequently took gangs of these colored men to the office of the recorder of voters and there had them fraudulently registered under divers names. It appears that a large portion of this fraudulent registration was made in the fifth, sixth, and seventh precincts of the Second Ward of the city, but that it was by no means confined to these precincts, but extended, together with other fraudulent registrations, to many other precincts.

The proof of this wrongful registration does not rest simply upon the statement of this witness, who, by the way, is not contradicted by anything that appears in the record, but is strongly corroborated by the registration books in the office of the recorder of voters. The existence of this registration is also shown by the testimony of the canvassers of the committee of public safety of Kansas City. After the result of this election became known there was a widespread feeling of indignation among the people of the city, irrespective of party, on account of the outrages which had been committed at the polls. A nonpartisan meeting of citizens was called, and, having assembled, it appointed a committee of public safety, composed of Republicans, Democrats, and Populists, whose duty it was to investigate the election frauds and to drag the guilty perpetrators to judgment. In each one of a large number of precincts in which fraud was suspected a couple of intelligent, well-equipped canvassers were sent by this committee, within ten days after the election, bearing in their hands exact copies of the poll books that had been used at the election in that precinct, showing who had voted and who were registered in the precinct. Their mission was to find how many of the persons who were registered and had voted in the precinct actually resided there. These persons made a careful house-to-house canvass of the precinct, making careful and conscientious inquiry in it, after which they made their report.

The gentleman from California [Mr. MAGUIRE] insists that these reports can not be credited, because he says they are simply hearsay; but the fact is that these canvassers reported, not simply the information they had obtained by inquiry, but also, in innumerable instances, they reported that names of men who were recorded on the poll book as having voted and been registered were registered from vacant lots and from houses which had stood tenantless for months, and they reported further that great numbers of these names were registered from little houses into which it would have been absolutely impossible to compress one-tenth of the number of persons there registered. These reports show that in the fifth, sixth, and seventh precincts of the Second Ward and in the fifty-second precinct of the Ninth Ward alone there were 1,101 men recorded as registered and voting who could not be found by these canvassers in their rounds. Not only this, sir, but citizens were called from all over the city, citizens who lived in the houses from which these false registrations were made, and these citizens, being put upon oath, testified that dozens upon dozens of the persons so registering from their houses had never resided there at any time.

Mr. MAGUIRE. How many cases of that kind are there?

Mr. JOHNSON of Indiana. Well, sir, I have a tabulated statement here which shows that over and above the alphabetical ballots, which amounted to 600 in these three precincts of the Second Ward, there were 146 such cases testified to in these precincts alone, and this statement is made up after only a partial examination of the evidence on this point. The evidence will show a great many more such cases, I have no doubt.

Now, Mr. Speaker, this false registration was proven, as I have said, beyond the shadow of a doubt. The contestee did not dare to deny it. It was done at the instance of this man Owsley, the Democratic recorder of voters. It was done at the instance of this man John May, who is attempted to be palmed off here as a Republican. The testimony shows that May, while he once held office at the hands of the Republican party and sometimes figured in the primaries as a Republican, was at heart a Democrat; that he had held the office of superintendent of streets under a Democratic administration; that he never went into the Republican primaries except for the purpose of controlling them in the interest of the Democratic party; that, like the Hessian soldier, he in-

variably fought for pay, and that he was mainly working and laboring for Mr. Tarsney and the Democratic ticket on the day of the election in question.

The Republicans of Kansas City found out before the election that this false registration had been made, and the Republican committee thereupon sent into each one of a number of suspected precincts two intelligent and qualified men, who took with them books, visited every building in the entire precinct, and obtained the names of all the persons entitled to vote therein and recorded them in their books. They then took these books to the office of the Democratic recorder of voters, compared them with the registration list of voters in the precinct there kept, and discovered an enormous disproportion; they then put down on their books the names of the additional persons registered as voters in the recorder's office and went back again and made a second careful canvass of the suspected wards, struck off the names of the very few additional voters which they discovered there, and then put these books, as amended and completed, into the hands of the chairman of the Republican committee. These books, when so completed, showed, Mr. Speaker, that there were 4,500 false and fraudulently registered voters in those precincts.

The chairman of the Republican committee then waited upon Mr. Owsley, who, by virtue of his office, was ex officio president of the board of revision, whose duty it was under the laws of that State to purge false registrations, called his attention to this careful canvass that had been made, pointed out to him the fact that there were 4,500 falsely registered names in these precincts, as shown by the books, and begged him to use his influence with the board of revision, then just convened, to have it appoint canvassers who would go back to those precincts and go over them with the canvassers of the Republican committee and verify said books, and thereby find out who were illegally registered, to the end that the board of review might, as they were bound to do under the law of Missouri, strike the illegally registered names from the registry list before the election. But, sir, Owsley put him off on one pretext or another; he virtually refused to use his influence in the way suggested, and, as a consequence of his conduct, the election which was held on the 6th day of November, 1894, was conducted with 4,300 of these 4,500 illegally registered voters upon the registration lists of these precincts. And this was done, now remember, over the protest of the Republican party, made through its proper officers.

Now, the Republicans of the city, seeing that they could not obtain a purged registration list, knowing that they had to go into the election under these circumstances of discouragement, next turned their attention to obtaining intelligent, honest, and capable Republicans to represent their party upon the various boards of election. The law of Missouri, Mr. Speaker, provides that the recorder of voters shall, a certain number of days before the election, appoint six judges of election to preside at each poll; that he shall select them from opposite political parties—from the two parties polling the highest vote at the last preceding election. That would have required Owsley as an honest official to appoint three Democratic judges and three Republican judges. And under the law he was also obliged to appoint one Republican and one Democratic clerk at each poll. To the end that there might be no impairment of their rights in the matter, the Republican committee selected from each one of the sixty-odd precincts in the city the names of a number of intelligent men, men of integrity, men of property, who were Republicans and wrote them down upon paper. They then waited respectfully upon this Democratic official, handed him the list of names, and asked him if he would not select the Republican judges from it. He answered that it would be impossible for him to do this, but that when he made the appointment of Republican judges he was confident that they would be satisfactory to the Republicans of Kansas City. In the course of a few days, as required by law, he published the list of judges appointed by him, both Republicans and Democrats. The very moment that list was published every man of intelligence saw that this man was attempting for fraudulent purposes to violate the law.

Why, sir, it appears that these Democratic judges were "plug uglies," ward heelers, keepers and habitues of saloons; that they were men without intelligence, competency, or character—men in no wise representative of the intelligent and respectable Democratic element of the city. So far as the alleged Republican judges and clerks were concerned, a diligent search of the precincts in which they were appointed failed in many instances to disclose that any such persons lived there. It showed that many of them were nonresidents of the precincts; it showed that others of them had moved in there recently pursuant to a conspiracy long before concocted, and had made a mere pretense of residence by sleeping in vacant rooms for one night, in order that they might go on the boards of election to represent the Republican party. It showed, too, that they were men of no intelligence. Many of them were positive Democrats; others of them were men whose party fealty had long been mistrusted by the Republicans; and, as with respect to the Democratic judges, they were found to be the keepers of saloons, barroom loafers, ward heelers, and disreputable scoundrels who had no standing whatever among respectable people in the city.

Now, the effect of this disclosure, Mr. Speaker, was to startle the entire city. Men rose in solemn protest against the appointments; the press denounced them unsparingly. An indignation meeting was called, that the citizens might express their disapproval of the conduct of Owsley in the premises. Finding that this was about to be done, he entered into a solemn agreement, which was reduced to writing, with the members of the Republican committee, that in consideration that the meeting should be called off he would submit the question as to who should be appointed Republican judges and clerks of election to four men, who were named. Two of these men were intelligent, respectable Republicans of the city, known to the voters thereof; and two of them were intelligent and respectable Democrats, men of character and standing in the community. When this agreement was entered into, the Republican committee prepared its objections to these alleged Republicans who had been appointed by Mr. Owsley. They prepared also a list of names of intelligent Republicans, men of character, some of whom lived in each precinct in the city. They waited upon the gentlemen named as arbitrators and were about to hand in their objections and their lists to them. But, sir, on the morning following the making of the agreement Mr. Owsley went back upon it. He published a card in the papers repudiating it. And so these arbitrators who had been selected felt that they had no authority to act; and two of them having left the city, this effort on the part of the Republicans in Kansas City to secure their rights under the law to an honest representation upon the election boards fell to the ground, and, over the solemn protest not only of the Republican organization but of every honest citizen of Kansas City, whatever his political affiliations, this election for Congress in the fall of 1894 was held by these characterless vagabonds who had been in the first instance selected by the recorder for fraudulent purposes. In not a solitary instance did he appoint in any precinct for judge or clerk of election a Republican whose appointment had been requested by the Republican organization. He appointed the very men who had been selected in the first place. He put them on these boards, of course, with guilty knowledge and for a fraudulent purpose. And the record discloses (no man on this floor dare deny it) that these judges and clerks actually perpetrated at the election the very frauds and outrages which it was apprehended by the Republicans that they would commit if they got the opportunity.

Now, Mr. Speaker, having attempted in vain to procure the purging of a fraudulent registration list, having been compelled to go into this election with the knowledge that there were hundreds of fraudulent names upon the list, having been denied honest Republican representation on the election boards, the Republican party, as a last resort, turned for safety to that provision of the law which entitled them to representation at each precinct by a challenger and a witness to the count.

Mr. MAGUIRE. Will the gentleman pardon me for an interruption just at this point?

Mr. JOHNSON of Indiana. Certainly; with pleasure.

Mr. MAGUIRE. I know the gentleman desires to have the facts——

Mr. JOHNSON of Indiana. Now, if the gentleman will ask his question and not waste any time eulogizing my motives, I will be obliged to him.

Mr. MAGUIRE. I know you are a man of directness.

Mr. JOHNSON of Indiana. I am.

Mr. MAGUIRE. Is it not true that a resolution complimentary of this man Owsley for his aid in purging the registration list was adopted in October just before the election by the board for promptness in furnishing all desired information and for his assistance and support in the endeavor of this board to make the revision as correct and complete as possible?

Mr. JOHNSON of Indiana. It is true that there was a board of revision, of which this man was ex officio president; it is true that he appointed this board and put on there a brother of the man Kreuger, a scoundrel who debauched the suffrage at one of the precincts at the election and endeavored to defeat the honest vote of the people of Missouri; it is true that he declined to purge the registration lists of 4,300 fraudulent names illegally upon it when he was called upon to do so; it is true that he did constitute a board, composed in part, at least, of such men as I have described, whom he was able to induce to pass resolutions eulogizing him for the acts that he had done [applause on the Republican side], and there is no more conclusive evidence in the record of this man's trickery, scoundrelism, and villainy than his ability to commit such crimes and then have it indorsed in this manner by men who were either his dupes or his confederates. [Applause on the Republican side.]

Now let me ask the gentleman from California a question. Do you deny that an enormous fraudulent registration was made throughout the city of Kansas City prior to this election?

Mr. MAGUIRE. I do not.

Mr. JOHNSON of Indiana. Do you deny that the man Owsley was a scoundrel?

Mr. MAGUIRE. Well, I—I——

[Laughter and applause on the Republican side.]

Mr. JOHNSON of Indiana. Well, I—what? [Laughter.]

Mr. MAGUIRE. I think I ought to have the benefit of the cause of the merriment on the other side.

Mr. JOHNSON of Indiana. The gentleman has already the benefit of the floor by my courtesy, and is holding it in time that belongs to me. I hope he will answer me immediately, as I have very much to say and a very limited time in which to say it.

Mr. MAGUIRE. Upon the question of scoundrelism—what I mean is that no man in his position had the right to refuse to appoint the watchers and challengers suggested by the Republican party——

Mr. JOHNSON of Indiana. I hope the gentleman will not consume my time, but answer the plain question. Was he a scoundrel?

Mr. MAGUIRE (continuing). And in so far he did an act——

Mr. JOHNSON of Indiana. The gentleman must answer or yield the floor. Was he a scoundrel?

Mr. MAGUIRE. I do not know whether he was or not.

Mr. JOHNSON of Indiana. Well, I do know, and I will tell you why I know. [Laughter and applause on the Republican side.] Let us speak frankly and candidly to each other. The issue here presented is a great one; it involves the right of a Representative to a seat on this floor, and the right of a constituency in a great Congressional district to cast its ballots and have them fairly counted and honestly returned, and he who in any section of this Union, whether North or South, East or West, attempts, either by open violence or by secret fraud, to impair the right of suffrage, or to nullify the will of the people as expressed at the ballot box to representation on this floor by the man of their choice, is a scoundrel in the sight of God and man. [Applause on the Republican side.]

Now, why do I say that Owsley is a scoundrel? Is this the mere language of vituperation, or is it a truthful characterization of him? He is a scoundrel, first, because, as the testimony shows, he made many of these fraudulent registrations with his own hand, in his office; second, because, as the testimony shows, when some of the colored men in these gangs grew timid and refused longer to go and fraudulently register, Owsley was seen, and he assured them that it was all right, and thereupon they did register; third, because when he sent one of his deputies into one of the precincts, just before the election, to make local registrations, as the law required, and the man refused to engage in listing false registrations, Owsley was seen, and subsequently the man quieted his conscience and went on with the disreputable work. Why was he a scoundrel? Because there were registered right there, as the evidence shows, in his office, by the hundreds, men from vacant lots that were within a square, almost, of the office where the registration was made; men from tenantless houses which he passed every day as he went to and from his home. Why was he a scoundrel? Because he purposely and knowingly appointed dishonest men upon election boards, against the protest of the best sentiment in Kansas City, regardless of party, to commit the villainies which you are compelled to admit they did commit. This is why I have characterized this man as I have. His rascality further appears, sir, in another matter that I am now going to detail.

After the Republicans had failed in their efforts to secure a purged registration list, after they had failed to get honest representation on the election boards, they turned to the law which allowed them to have a challenger and a witness of the count at each precinct. The law upon this point was as plain as the sun in heaven on a cloudless day. The law under which the election was held consisted, first, of the recorder of voters act. It provided that a challenger should be selected by each political party—not by the recorder of voters, mind you, but by each political party—to be present at each precinct. Under the law the duty of the challenger was this: He was entitled to be present at the polls and make challenge of the men who came there to vote, if he thought they were not entitled to cast their ballots. He had no right to witness the count of the vote. He could not, in the very nature of things, give his attention to challenging voters and at the same time act as a witness to the count, which count, under the law of Missouri, is carried on while the vote is being polled. In addition to this, part of the count is necessarily conducted after the polls are closed at night, and the challenger had no right to remain there after that time to witness that part of it.

Now this law, that is, the recorder of voters act, as I say, gave to each political party a challenger at each precinct, and then went on to provide that the election should be conducted under its provisions, and also under the provisions of the general election law of the State of Missouri, so far as it was not in conflict with the provisions of the recorder of voters act. Now, the general election law of the State thus referred to contained a provision that each political party should have a witness to the count at each precinct, a man to stand there and witness the counting of the votes. How could he witness the count if he had to challenge the voters? Besides, he had no right to challenge voters. He was entitled to stay in the room with the election board after the polls were closed and until the votes were all counted and properly returned. Any man that had a grain of sense, any tyro in the law, would have known at a glance that this provision of the law allowing witnesses to the count was applicable to this election in Kansas City, for the reason that there was no conflict between it and the recorder of voters act. Owsley, however, in the interest of fraud, raised the contention that the provision of the general election law was inapplicable, and that there was no authority of law to appoint a witness to the count for the various polling places in the city; but the force of public opinion compelled him to make a test case upon the question and to bring it before the circuit court of that county. This court was composed of three judges, each one of whom was a Democrat. I imagine that Mr. Owsley thought that because of their political bias they would prostitute the judicial ermine to his dirty purposes and hold with him in his pretended and ridiculous view of the law; but when the case was submitted to them, two of them, in clear and direct opinions, held point blank that he was wrong, and that each party was entitled to appoint a witness. As to the challenger, of course the right of each party to appoint him goes without saying. The express provision of the recorder of voters act, as I have declared, clearly authorized that.

Now, after this decision of the Democratic court, two of the judges concurring and the other one dissenting in an opinion which was so weak and apologetic as to render it absolutely contemptible, judgment was entered upon the finding, and notification of it was given by publication in the newspapers of the city at least three days before the election, and it was known and applauded by men of all political parties. Notwithstanding all this, however, Owsley called these Democratic election officers together before the election was held and instructed them that under the law it was for them to determine whether or not they would admit both the challengers and the witnesses to the polls.

On the morning of election day, sir, the Republican challengers and witnesses, equipped with certificates of their appointment signed by the chairman and secretary of the Republican committee, went to all the precincts in the various wards in the city and there presented their credentials to the election boards and asked admission to the voting places, but thereupon the election officers, the pretended Republicans joining in every instance, refused to receive or admit them, and, in many instances, actually heaped upon them personal indignities and menaced them with violence. These challengers and witnesses, having been told by the election officers at some of the precincts that they would be admitted if they could bring appointments from the recorder of voters, repaired to his office, Mr. Speaker, and there rapped in vain at his door for admission. At first they got no response, but, on finding that men were in there, they made such a demonstration that they finally succeeded in getting word through the closed door that Owsley was not in. Some of them then hunted him up on the street. They knew they had a right to appear at the precincts independent of his appointment, but they were willing to "stoop to conquer;" they were even willing to go down to the low depths in which he dwelt long enough to appeal to him for a recognition of their rights. On meeting him they stated that they had taken the certificate of the Republican committee to the polls but had been ejected, and had been told that his appointment would insure their admission, and asked him if he would not appoint them so that they could go in to enjoy their prerogative. He turned away from them, sir, saying that it was a matter that he had nothing to do with.

And so this election for Congress in the Fifth Congressional district of the great State of Missouri was held under a fraudulent registration list upon which there were at least 4,300 illegal names, put there and retained there over the protest of the Republican party; so this election was held with Democratic judges alone on the election boards; so this election was held without Republican challengers and Republican witnesses to the count. The only men, Mr. Speaker, who could have prevented these outrages were driven like sheep from the polls, and yet the Representatives who have made the minority report on the other side of this Chamber, supported by the opinion of the distinguished gentleman from Ohio [Mr. TAYLER], who has abandoned his Republican colleagues to go over to his Democratic colleagues when they are wrong—and therein lies his wrong—tell us that notwithstanding this stupendous fraud we must be very careful to deal tenderly with Mr. Tarsney and that it is the proper thing to credit the acts of these disreputable officers and an easy task to segregate the honest ballots from the whole number of ballots which are proven to have been fraudulently manipulated by their dishonorable hands.

I now propose, Mr. Speaker, to address myself to three inquiries which are necessarily connected in the argument that I have

mapped out in my mind. First, was fraud actually committed at the polls by the officers of election? Second, in whose interests was this fraud committed? Third, what was the extent of this fraud, as shown in the evidence? I affirm without reservation, sir, and shall undertake to demonstrate it, first, that fraud was committed, unblushing and outrageous fraud; second, that this fraud was committed for John C. Tarsney; third, that the evidence now in the record shows that the fraud was extensive enough to and actually did defeat Mr. Van Horn, and that he is now clearly entitled to his seat.

The question, then, is, was fraud committed? Take, if you please, the fifty-second precinct of the Ninth Ward. What was the evidence as to this precinct? Mr. Canney, who was appointed as a Republican judge, testifies that one Edward Findley, a notorious gambler and policy man, a Democrat in politics [laughter], sent for him the night but one before the election and revealed to him a scheme concocted by Owsley and other Democratic politicians whereby they were going to carry the election by fraud for Tarsney and the Democratic ticket, and informed him that he had procured Owsley to appoint him a judge of election in the precinct, and promised him compensation if he would act. The man swears that he did act. He swears that when they went into the polling room on the morning of the election Findley and other Democratic heelers organized the board, and that during the entire day these men came frequently into the room and consulted there, although the law positively forbade their presence there. The very first thing they did was to take soap from their pockets and soap the windows, so as to destroy their transparency, not to protect the secrecy of the ballot, as some gentlemen have undertaken to say in this debate, for it is shown that where the ballots were prepared the voter could not possibly have been seen had the windows been undisturbed, but for the sole purpose of hiding the scoundrelism and villainy which they were about to perpetrate. [Applause.]

This witness further testifies that he went out at noon for dinner, and that when he came back he found that these election officers had abstracted 115 straight Republican ballots that had been voted, but not counted, from the ballot box, and that they went ahead and prepared the same number of straight Democratic ballots by writing thereon the initials of the judges and by copying off the number of the votes and the number of the registrations from the backs of the Republican ballots, and that when they had done this they put all of these Republican ballots in a basket and sent them out of the polling place, and then strung, counted, and subsequently returned these Democratic ballots for the Democratic candidates. That thereafter during the day 55 more Republican ballots were taken out, and after the same process of preparing, substituting, counting, and returning Democratic tickets in their place had been gone through with, the 55 Republican ballots were burned in the stove. He testified, too, that he saw these officers take a lot of Republican tickets that had been voted and cross off the names of certain Republican candidates for local offices thereon and write the names of the local Democratic candidates in their place and then string, count, and return the ballots according to this marking. Not only this, but he saw Morrison, a saloon keeper, one of the judges, go repeatedly to the poll books at various times during the day and copy off registration numbers onto straight Democratic ballots and hand them to another judge, who had them counted and strung whenever occasion presented itself. The same witness testified that toward the close of the polls in the evening they had prepared 25 or 30 other straight Democratic tickets, which they intended to count and return, taking out 25 or 30 ballots that had been lawfully cast and which were then in the ballot box, but that somebody suggested that the box would not stand it, and that thereupon they desisted, but took these 25 or 30 ballots that had been lawfully voted out of the box and twisted them into a bundle and threw them away.

Now, this man is corroborated from the beginning to the end of his testimony. Some gentlemen on the other side affirm that three of the Democratic judges denied these facts. What those judges said was that they did not know whether these things occurred or not; that they did not see them. That is what they said. These same gentlemen are now under indictment, and are about to be prosecuted for their crimes. One of the judges at this poll was appointed as a Republican judge, yet he swore that, although well advanced in years, he had never voted anything but the Democratic ticket in his life until at the spring election, when he had voted for the Republican candidate for mayor. [Laughter.] He swore that when he went away to dinner he left a large number of ballots with his initials on the back, and that when he returned he found that they had disappeared and that it excited his wonderment. It was during his absence, Canney swore, that these straight Democratic tickets were prepared and voted. He swore that he saw something like paper put into the stove by one of the judges. He did not know what it was, but that it made the place very hot. These were the Republican ballots which Canney says were burned. Not only this, but he swore that he was tremendously surprised at the very great majority shown by the returns for the local Democratic candidates at the precinct; that he was thunderstruck at the magnitude of the vote cast in favor of the Democratic ticket generally, for the reason that before the election he had talked with a good many old Democrats, who had told him that they were disgusted with the action of the Democratic party in Congress and discouraged by the hard times and that they were going to vote the Republican ticket, and that a great many of these men were ex-Confederate soldiers. This judge swears, too, that he saw one of the election officers down on his hands and knees in a feed bin in the room working with a lot of ballots. This is a judge whom Canney swears actually manipulated the ballots. An impartial witness, Mr. Speaker, looking through the glass late in the evening, at a place where the soap had rubbed off, saw one of these Democratic judges put ballots into the ballot box and run them in with the crank, by means of which the ballots were forced into the box. This he saw done repeatedly and at times when no voter had just voted or was engaged in the act of voting.

Mr. MAGUIRE. May I interrupt the gentleman by a question?

Mr. JOHNSON of Indiana. Certainly.

Mr. MAGUIRE. Is not that method of putting ballots into the box and marking them by a machine in the lid of the box the regular method at elections in Missouri?

Mr. JOHNSON of Indiana. Yes, sir.

Mr. MAGUIRE. Now, how do you account for Canney's testimony, assuming it to be true, showing that the Democratic ballots were "strung" without being put through that process?

Mr. JOHNSON of Indiana. My dear sir, how do you account for the villainy of a great many dishonest transactions that you see in life? Canney is corroborated from the beginning to the end of his testimony. The evidence shows that many of the ballot boxes were broken and did not mark the ballots when voted.

Mr. MAGUIRE. But did he not enter into that conspiracy?

Mr. JOHNSON of Indiana. Certainly he did. Is it a new proposition to you, sir, as a lawyer, that a man may be tried and convicted and sent to the penitentiary upon the unsupported testimony of an accomplice?

Mr. MAGUIRE. But is he not a scoundrel?

Mr. JOHNSON of Indiana. Certainly he is; but he is sustained on this point and throughout by all the testimony in this case and by all the facts and circumstances. He is a scoundrel, testifying against himself. Do you deny the perpetration of fraud in this precinct?

Mr. MAGUIRE. I do deny Canney's testimony.

Mr. JOHNSON of Indiana. Do you deny the perpetration of fraud in that precinct?

Mr. MAGUIRE. I deny that there is any reasonableness in the statement that 115 ballots were strung and put in in that way.

Mr. JOHNSON of Indiana. Do you deny the perpetration of fraud in this precinct?

Mr. MAGUIRE. Oh, there were frauds there.

Mr. JOHNSON of Indiana. There were frauds! Now tell this House in whose interest they were perpetrated.

Mr. MAGUIRE. Not in the interest of Mr. Tarsney.

Mr. JOHNSON of Indiana. Then tell this House whether the Democratic recorder of voters procured a fraudulent registration there in order to defeat the Democratic party. Did he appoint all the election officers from Democrats, and did he deny to the Republicans representation upon the board, in order that frauds might be perpetrated in the interest of the Republican party? Were the Republican witnesses to the count and the Republican challengers excluded from the precinct in order that frauds might be perpetrated against the Democrats? Why, the idea is preposterous.

Mr. MAGUIRE. Do you mean to say that there were not regular nominees of the Republican convention who got those fraudulent votes?

Mr. JOHNSON of Indiana. Yes, sir; I do. I mean to say, too, that the testimony of Canney, and the corroborating testimony, and the corroborating facts and circumstances that I have been mentioning, show beyond the shadow of a doubt that a vast number of illegal votes were returned at this precinct, and that they were every one of them returned for John C. Tarsney, and in my opinion it requires a great degree—I will not say of effrontery, but of assurance—for any man who has read the testimony in this case and who is familiar with the facts to rise in his place and state anything to the contrary. Mr. Speaker, what was the return made by the judges from this poll? Three hundred and sixty-three votes for Tarsney and 183 votes for Van Horn, a majority of 180 votes for Tarsney in a precinct which had gone Republican at a previous election, as the testimony shows. It is worthy of remark, Mr. Speaker, that it is shown by the report of the board of canvassers of the committee of public safety, made within a very few days after the election, that there were 20 fraudulently registered votes at this precinct.

Can any man doubt that the fraudulent votes at this poll were Democratic votes? Does not the organization of the election board show it? Does not the exclusion of the challengers and witnesses

show it? Does not the testimony of Canney show it? Does not the corroborative evidence of Frenkle, the judge, to whose testimony I have referred, show it? Does not the testimony of the man who looked through the window and saw the frauds committed show it? Does not the fact that there was a much larger vote than usual, a vote vastly in excess of the usual vote at this precinct, show it? How can any man stand before this House and contend to the contrary?

But what is the answer that is made by the gentleman from Ohio [Mr TAYLER] to all of this? I sought to "catechise" him, as he put it, while he was making his speech on yesterday, but he would not permit me to do so. He was making a speech that flowed along as smoothly and musically as a little brook, yet when he was brought face to face with a searching inquiry his speech became like unto a roaring cataract, and he objected to being "catechised." What was the explanation that the gentleman from Ohio made to this point? Why, that the committee had dealt too tenderly with Mr. Tarsney; that they ought to have taken Canney's testimony as true and counted the precinct 160 for Van Horn, instead of simply throwing it out from the count, as they did.

What fault have Mr. Tarnsey's friends on this floor to find with the committee which has thus treated him too tenderly; which has thus construed everything at this precinct against his opponent? We have sinned against ourselves. We have been too liberal in the exercise of charity. How our consciences smite us when we reflect upon the enormity of our offense! If the gentleman from Ohio insists upon it, I will yield to him in his contention and count this fifty-second precinct 160 for Van Horn. I am willing that this precinct shall be settled on the figures which he has presented to the House.

This plurality of 160 votes for Van Horn, however, is obtained solely by regarding the 170 Democratic tickets substituted for as many Republican tickets. But this man Canney also testified that the officers at this precinct went ahead during the whole day and fraudulently voted at intervals other and additional Democratic ballots, and that they threw away some 25 or 30 legal ballots at night. So, considering this circumstance, Van Horn's plurality at this poll would be much greater than 160 votes. Fancy, too, the gentleman from Ohio going down to Kansas City as a member of a subcommittee of Committee on Elections No. 2 to purge this precinct in the interest of the honest voters, and finding those 25 or 30 legal ballots that the officers threw away at that precinct on that night. [Laughter.] What kind of ballots were they, pray? Were they Democratic or Republican? There is nothing in the record to show, and the ballots are gone. How, then, would the gentleman purge them?

Now go to the other precincts. Here are three others—the fifth, sixth, and seventh precincts of the Second Ward. What is the proof of fraud here? Why, sir, it is shown that in this ward some of the greatest registration frauds were committed. There were in the ward, according to the report of the canvassers who made a canvass right after the election, 1,011 falsely registered votes. Here is the record: Fifth precinct, 400; sixth precinct, 341; seventh precinct, 270. There was in these three precincts and in this fifty-second precinct of the Ninth Ward to which I have referred a grand total of 1,101 falsely registered voters, all of whom had voted at the election.

Now, let us look a little further. We find that we do not have to depend for proof of fraud simply upon the facts that there was great illegality in registration in this ward, that the election boards were wrongfully constructed, for the purpose of committing frauds, that the Republican challengers and witnesses were driven from the polls; here is an additional circumstance, one fraught with extraordinary significance; this ward polled 1,600 votes at this election—twice as many votes as it had polled at the preceding spring election—twice as many votes as it had polled at the preceding election for Congress in November, 1892, when Mr. Tarsney was a candidate.

Let us take the vote by precincts, that we may realize the enormous excess of votes returned in 1894 over those returned in 1892. In 1892 the total vote returned was as follows: Fifth precinct, 351; sixth precinct, 155; seventh precinct, 243. Now look, if you please, at the vote returned in 1894: Fifth precinct, 621; sixth precinct, 509; seventh precinct, 514. And yet, Mr. Speaker, a number of witnesses who were about the polls in these precincts during the entire day of the election in contest tell us that the attendance of the voters was very light, and that there was a great and unusual apathy there displayed by the people. How, then, can any reasonable mind reject the idea that this extraordinarily heavy vote returned in 1894 was the work of the corrupt officers of election? But here is another demonstration: There were found on the poll books of the ward over 600 names which were voted alphabetically, and all of which were marked on the books as the names of colored voters by the election officers. Is it possible that this could have occurred naturally? Why, sir, such a contention is preposterous! The contestee himself is finally compelled to admit that these votes were fraudulent. The minority concede it in their report. Even the gentleman from Ohio affirms it to be the case. But these alphabetical votes were not the only illegal votes cast and returned from this ward. They fall nearly 400 short of the total illegally registered vote cast here, as shown by the report of the canvassers, made right after the election was held. The record, too, is replete with evidence demonstrating that other and additional illegal votes were cast and returned.

Remember now, sir, that I am not simply contending that fraud was perpetrated, but that I am also insisting that it was committed in the interest of John C. Tarsney, and that its extent can be determined from the record as now made up with sufficient certainty to show that a plurality of legal votes at the election were cast for Colonel Van Horn. Did any of these 200 alphabetical votes cast and counted in the seventh precinct go to Mr. Van Horn? Were they equally divided between him and Mr. Tarsney? Why, sir, in this precinct Mr. Tarsney received 449 votes and Mr. Van Horn only 57, according to the returns. How, then, could Van Horn have received half of these 200 alphabetical ballots, as some gentlemen have had the temerity to contend he did? If he did not receive a single legal vote in the precinct he only received 57 in all out of the 200 fraudulent alphabetical votes which are admitted to have been cast.

So in the sixth precinct of the Second Ward it is admitted that Mr. Tarsney was returned 420 votes and Mr Van Horn only 84. Certainly there was not an equal division of the 200 fraudulent alphabetical votes between the two candidates here, because Mr. Van Horn falls short 16 votes on his half; and in making this calculation you must assume that he did not get a single legal vote in the ward, although the testimony shows that there were legal votes cast for him there.

Ah, Mr. Speaker, the thing is very plain. Every vote of the few votes returned for Van Horn in the sixth and seventh precincts were honestly cast for him. These alphabetical votes were, every one of them, cast, counted, and returned for John C. Tarsney and went to make up in part the enormous and fraudulent pluralities returned for him in these polling places.

Let us examine now the fifth precinct of this Second Ward, where 413 votes were returned for Mr. Tarsney and 201 for Mr. Van Horn, giving Mr. Tarsney 212 majority. Who received the 200 alphabetical and the other illegal votes which were cast and returned in this precinct? Right here I want to digress a while from the line of my argument to advert to some matters concerning which gentlemen upon the other side have spoken upon this floor. They have asserted, and have attempted to prove it (though they have nothing to show for it except the ex parte affidavit on which they seek to have this case reopened and new evidence taken), that fraud was committed for Mr. Van Horn as well as for Mr. Tarsney in this fifth precinct. In support of this contention they cite the fact that Mr. Van Horn ran ahead of his ticket about 130 votes, and Mr. Tarsney ran behind his ticket about the same number. Sir, this fact does not warrant any inference that fraud was practiced here for Van Horn. The election board here, as elsewhere, was constituted for Democratic frauds. There were none but Democratic officers on the board. The Republican challengers and witnesses were excluded from the poll. The precinct polled nearly twice as many votes as it had polled on any previous occasion. The mere fact that Mr. Van Horn ran ahead and that Mr. Tarsney ran behind their respective tickets does not prove that fraud was committed in the interest of Mr. Van Horn. It simply shows that not quite so much fraud was committed against him as was committed against the other candidates on the Republican ticket.

This, sir, is the solution of this whole matter.

I utterly repudiate and deny, too, the statements which have been made that Republicans were parties to the fraud practiced in this Second Ward; that there was a division of iniquity there; that both parties were responsible for the outrages there committed; and I am unwilling that John C. Tarsney shall pose before this House with an air of injured innocence as a man whose skirts are absolutely clean and whose party, if it committed any fraud at all, was careful to do it in such a way as not to affect the result of the election for Congressman, or to make him the beneficiary. This is not true in point of fact; and not being true, I do not hesitate to antagonize and denounce it.

What are the facts with respect to this matter? The facts are that there lived in this fifth precinct a man named Kreugar, who, as the testimony shows, posed as a Republican, but who often voted the Democratic ticket. There lived in the Second Ward also a man of precisely the same general character named Brennan.

These men were respectively the Republican candidates for justice of the peace and constable in this Second Ward. They had gotten the nomination by fraud and by overriding the primaries by Democratic aid. John May, whose political status I have already commented upon, and another pretended Republican, named Moran, gave Kruger and Brennan their support, and so did every Democratic conspirator at this election. This evidence, sir, from beginning to end, shows that all of the frauds that were

perpetrated were designed for the benefit of the entire Democratic ticket, Mr. Tarsney included, with the exception of the pretended candidates of the Republican party for justice of the peace and constable. These men were, in the frauds practiced, run right up with the Democratic ticket, and there is not a single man in the whole community of Kansas City who honestly claims that John May, or any other man who committed the frauds, lifted his hand in behalf of the gentleman who is contesting for a seat here, and who now sits near me, and is listening to my argument in this case. There was no fraud whatever practiced in his behalf. This statement is clearly established by the evidence. I repudiate all allegations to the contrary absolutely and entirely. John May for Van Horn! Frauds practiced for the Republicans! Why, the affidavit of Wallace Miller, which was read in the hearing of the House the other day, during the remarks of my friend from Nebraska [Mr. STRODE], shows beyond any question what was the aim of this disreputable conspiracy and how it was carried out; shows that May superintended the preparation of the 400 alphabetical ballots which were manipulated the night before the election in the back room of Kruger's drug store, and that every single one of the ballots so prepared were straight Democratic ballots with Tarsney's name on them for Congress, except that they were scratched for Kruger for justice of the peace and Brennan for constable. It shows, too, that in all 300 alphabetical tickets with Tarsney's name on them were voted at the sixth precinct, where Miller was one of the judges, and that May came to the precinct on election day and urged the stuffing of the ballot box for Tarsney, for the reason, as he then and there stated, that this gentleman was running behind in the country. Once more, sir, the witness Bradbury swears that Jeffrey, a judge of the fifth precinct, told him after the election, in explaining why so large a vote was returned from that precinct, that May called and urged the casting and counting of additional ballots for Tarsney, and assigned as the necessity for such work that Tarsney was not running up to the expectation of his friends outside of Kansas City.

And yet gentlemen have the assurance to stand up on this floor, presuming that the members of this House have not read the testimony in this case, and assert that the fraud perpetrated was a copartnership affair entered into by both political parties in which Mr. Tarsney had no part and so cunningly devised that he was not even the beneficiary of it. Mr. Speaker, I have known in my experience as prosecuting attorney during two terms I had the honor of filling that office in my native county of hardened criminals being arraigned for crime in cases where their guilt was so plain that their counsel did not have the heart to make arguments in their behalf and where the jury returned verdicts of guilty without even leaving their box, and yet, when subsequently called upon by an impartial judge to state why judgment should not be passed upon them, these malefactors actually arose and in all seriousness protested to the court that they were innocent. [Laughter.]

But, sir, I saw on yesterday Herod out-Heroded. I saw the capstone put on the monument of effrontery. I saw, and I hope to God I may never see it again, a man whose very garments were reeking with the corruption of this election, arise upon the floor of this Chamber, and, holding in his hands muniments of title which were all discolored and dishonored by fraud, not only assert his own innocence, but also actually complain, with the air of a man who had been greatly wronged, that the report of the committee did not exonerate him from guilt. Aye, I saw him even turn upon his honest accusers and attempt to cover them with suspicion and to attach odium to the title of his honorable competitor.

Now, Mr. Speaker, a little further. This is a time for plain, frank speaking. Having arrived at my conclusions in the case by a careful, patient, and judicial examination of the law and the evidence, I have now all the zeal of the advocate, a zeal born of the conviction that my conclusion is a righteous one, and I therefore do not hesitate to speak with the utmost emphasis upon the grave and momentous question involved. The gentleman from Missouri [Mr. Tarsney] insists that he had no personal participation in these frauds, that he is not the beneficiary of them, and that he ought therefore to be whitewashed by the committee. What right has he to make such a statement as this? What equity is there in such a demand for exculpation? Bradbury's testimony shows, as will appear by the record, that he was a judge of election at one of the precincts in the Second Ward when Mr. Tarsney ran for Congress in 1892, and he swears that fraud was then committed at that precinct in the interest of Tarsney. Wallace G. Miller, whose solemn affidavit I have already called your attention to, which was read during the course of the remarks of my friend from Nebraska [Mr. STRODE], states that he was a judge of election at another precinct in this ward in 1892, and that gross frauds were then perpetrated at that precinct in Mr. Tarsney's interest, both by stuffing the ballot box and by illegal votes cast for him by repeaters.

It has thus been shown that frauds were perpetrated for John C. Tarsney at a previous election at which he was a candidate. Something more than this—here at the election in contest was a thoroughly organized and wide spread scheme to commit fraud at the polls in the interest of Mr. Tarsney and the entire Democratic ticket. It was organized long before the election. It was participated in by a great number of persons, nearly every one of whom was of his political household. It was carried on at a time when he was living in the very vicinage. I do not say that he knew all the particulars of the scheme, just how it was to operate or just how many fraudulent votes were to be cast and returned in his behalf; but I do say that it requires the utmost confidence in his veracity and his integrity to believe that he did not have an inkling of it in advance and that he did not permit it to proceed without interruption. One thing, however, I do know and can safely assert, and that is that he is the undoubted beneficiary of all this fraud, and that he stands here as the apologist and defender of Owsley, who was the principal conspirator in the whole infamous transaction.

Mr. Speaker, I remember an instance, early in the session of this Congress, where a distinguished Democratic gentleman, a resident of the great city of Chicago, who had been returned elected to the House, came upon this floor and said to the members of this body: "I have discovered that I was elected by fraud. I will not accept my seat." The House, acting on his honorable declaration and applauding this manly sentiment, seated his competitor. I point the gentleman from Missouri [Mr. Tarsney] to-day to the conduct of this high-minded gentleman as a proud example which is in every way worthy of his emulation. [Applause.]

When the gentleman stands here and insists, as he has in his speech to-day and as he did also in the speech that he delivered before the committee, a copy of which has been laid on the desk of every member—when he stands here and insists that there were only 600 fraudulent ballots cast at the election, they being the 600 alphabetical ballots cast in the Second Ward, he does this right in the face of these vast fraudulent registrations, right in the face of the corrupt organization of these election boards, right in the face of the challengers and witnesses who were driven from the polls, right in the face of the testimony of Canney and its strong corroboration, right in the face of the report of the canvassers of the committee of public safety, right in the face of innumerable instances of men shown to have fraudulently registered and voted over and above the 600 alphabetical ballots, and right in the face of much other evidence which lack of time will prevent me from referring to, but which is strong and convincing.

Now, the gentleman has read a dispatch here in the presence of the House to-day, a dispatch which announced that yesterday on the trial of John May, who was this afternoon convicted by the jury for his participation in these crimes and sentenced to two years in the penitentiary, as appears from a telegram just received [applause], that some startling revelations affecting this contest had been made. This dispatch, it seems, came from the counsel of the gentleman, from his paid lawyers in this contest, who stood by him in the taking of testimony in the case. The dispatch was intended to stampede a House composed of men of intelligence, with well-balanced minds, men who are most of them lawyers, and who at least lay some claim to statesmanship. It came here just at a time which the senders probably supposed would be opportune. What is the dispatch? A falsehood on its face. It states that the testimony of certain election judges, given yesterday as witnesses on May's trial, showed that at one of the precincts—I believe it was the fifth precinct in the Second Ward—the total number of fraudulent alphabetical ballots voted was 400, and that they were equally divided between Tarsney and Van Horn, each of these gentlemen having had cast and returned for him from this precinct 200 such ballots.

Mr. Speaker, I hold in my hand the return from this precinct as it appears in the evidence, and it shows that Mr. Van Horn got in all only 201 votes in the precinct. So, if the statements in this telegram contained are true, that he got 200 alphabetical fraudulent votes, he must only have received 1 legal vote at this precinct. I therefore now take the opportunity of congratulating Colonel Van Horn on his popularity with the legal and bona fide voters of this precinct. [Laughter.]

Now, I want to ask this House, both sides of it, whether it is going to break into a stampede on account of such transparent falsehood as is thus wired into this Chamber. Why, I imagine that even the distinguished gentleman from Vermont [Mr. POWERS], who the other day made a speech on this contest without having previously gone to the trouble to examine either into the law or the facts of the case, and who, therefore, saw very clearly that the committee was greatly in error—I doubt very much whether even he would want to base any action on such testimony as this. This, notwithstanding he wants to turn down this committee, which has painstakingly and conscientiously followed page after page of the voluminous testimony, investigated the law carefully, and tried hard to reach a just conclusion. I am wondering, too, sir, when this vote comes to be taken, if we shall see in this Chamber the manifestation of a very singular mental

phenomenon. I wonder if it will turn out that every member on the other side of the House will take precisely the same view of this case, and vote in exactly the same way, and if, when you come to this side of the House, you will find there is quite a diversity of opinion, and that there will be a lack of unanimity in the vote. If this takes place, I should like some gentleman to tell me how it is to be accounted for. I will not be able to account for it myself except upon one hypothesis. I shall watch with some little curiosity the calling of this roll to see just how many gentlemen on the Republican side are caught by the kind of chaff which has been scattered here by the friends of the sitting member.

Mr. Speaker, I think I have said enough to demonstrate that all the fraud that was committed at this election was in the interest of John C. Tarsney. Now I also assert that the election of Mr. Van Horn is established by the evidence already in the record, and that hence there is no possible reason for taking new testimony to purge the vote.

The committee could from the record have so reported, but inasmuch as they could not purge the entire vote of certain precincts, and throwing the whole of these precints out produced the same result, and was clearly warranted by law, they preferred to adopt the latter instead of the former method.

Now, for the evidence that the record establishes the election of Van Horn. As I have said, sir, the testimony shows that there was 180 plurality returned for Mr. Tarsney at the fifty-second precinct of the Ninth Ward. If I were to count the vote in this precinct, as the gentleman from Ohio [Mr. TAYLER] wants me to count it, for Mr. Van Horn, there would be no question about my proposition, but I am content to simply follow the action of the committee and throw the entire poll out, and this takes 180 votes off from the returned majority for Mr. Tarsney. Then I proceed to the seventh precinct of the Second Ward, where these alphabetical ballots were cast. It is admitted that there were 200 of these ballots in this precinct, in which precinct Mr. Van Horn only got 57 votes. I believe that those 57 votes were all legal votes, and that all the alphabetical ballots were cast and returned for Mr. Tarsney. They helped to make up his enormous vote of 449 at this precinct. I strike these 200 alphabetical ballots off of Mr. Tarsney's plurality. I go next to the sixth precinct of the Second Ward, where there were only 84 votes returned for Mr. Van Horn, and where it is admitted that there were 200 alphabetical votes cast and returned. I strike these also off from Mr. Tarsney's majority, for Mr. Van Horn did not get one of them. They are all included in the tremendous vote of 420 returned for his opponent in this precinct. I go then to the fifth precinct of the Second Ward, where, as already stated, there were only 201 votes returned for Van Horn, and I strike off from Tarsney's plurality the 200 alphabetical votes found here, which, I insist, the evidence clearly shows were all cast and returned for him by the officers of election.

Mr. Speaker, the result of all this is that I have stricken off 780 votes from Mr. Tarsney, and inasmuch as he is only returned elected by a plurality of 745 votes it necessarily follows that Van Horn is elected by 35 plurality. Now, add to this, sir, only one-half of the difference between the 600 alphabetical votes and the total number of the persons marked registered and voted on the poll book of the Second Ward and the fifty-second precinct of the Ninth Ward, but who were fraudulently registered, as shown by the reports of the canvassers of the board of public safety, and Van Horn's plurality is increased 250, making his total plurality 285.

This addition is of course made, sir, upon the theory that all of the fraud at the election was committed in the interest of Tarsney; but who doubts this to be true?

But, Mr. Speaker, I am not yet through with this demonstration. It is not denied that the alphabetical voters in each of these three precincts of the Second Ward were consecutively numbered from 1 to 200 on the poll books and ballots. Now, I hold in my hand a list of persons whose voting and ballot numbers are all higher than 200 who were marked as registered and voting on the poll books of these three precincts in the Second Ward, and who are clearly proven in the evidence, outside of the report of the canvassers of the board of public safety, to have been either fraudulently registered or else fraudulently voted in these precincts. This is only a partial list, but it aggregates 146 names. If these names are duplicated in the report of the canvassers, this only shows the reliability of their report and the accuracy of the figuring I have done upon it as my basis.

Why, the gentlemen argue as though the committee had exhausted their resources in this matter; as though its report embraced a complete statement of all the fraud which the record discloses to have been practiced in behalf of Tarsney. Not at all. They simply analyzed the vote of four of the fraud-ridden precincts and then stopped short, for the reason that Van Horn's election clearly appeared. Why should they have taken the time and trouble to proceed further? Mr. Speaker, I say here, on my honor as a man and a Representative, that if we had given an examination to the other precincts and analyzed them I am satisfied that Mr. Van Horn would have appeared elected, not by the mere plurality of 375 given in the report, but by a plurality of not less than 1,200 to 1,800 votes.

Now, let me call your attention to a matter which will demonstrate this to be the fact. In the Second precinct of the first Ward there were 27 alphabetical votes found to be cast and returned. Tarsney got 151 votes, Van Horn 49, a plurality for Tarsney of 102 votes. In this precinct there were fraudulent registrations, wrongfully constituted election boards, and excluded challengers and witnesses to the count. Do you not believe that Tarsney got every one of these alphabetical votes? Are you not sufficiently satisfied as to this fact without requiring the committee to go into the ballot box at this precinct to establish it? Again, in the twenty-seventh precinct of the Sixth Ward, where they ejected the challenger and the witness to the count, and where all the judges and clerks constituting the election board were Democrats, there were 42 alphabetical votes cast and returned. Here the vote was returned—Tarsney 259, Van Horn only 78; plurality for Tarsney, 181. Can any human being contend that these fraudulent ballots, registered by Democrats, and voted, counted, and returned by Democratic election officers, who had excluded Republican challenger and witness from their polling room, were so voted, counted, and returned for Mr. Van Horn? If this was not done, for whom were they counted and returned? For John C. Tarsney.

But, Mr. Speaker, I have still something in reserve. I am now going to read to you the record of three precincts as they appear in the evidence. Mark you, these are additional precincts to those which have been analyzed by the committee. In each one of them there was a fraudulent registration, in each one of them the election officers were all Democrats, in each one of them there was no Republican challenger or witness to the count. Now, listen to the reading: Twenty-eighth precinct, Sixth Ward; fraudulent registration, 116 votes; 141 votes returned for Tarsney, 62 for Van Horn; plurality for Tarsney, 79. Forty-ninth precinct, Ninth Ward; fraudulent registration, 118 votes; 255 votes returned for Tarsney, 137 for Van Horn; plurality for Tarsney, 118. Fifty-third precinct, Ninth Ward; fraudulent registration, 179 votes; 274 votes returned for Tarsney, 219 for Van Horn; plurality for Tarsney, 55. And so I might go on through this record indefinitely and show you the wide and extended character of these frauds. Do you ask your committee, who have devoted themselves earnestly and intelligently to the analysis of certain of these precincts, to go into an examination of the balance of them, when there is already proof of fraudulent votes to the extent I have stated, and when the result of a further examination will evidently only serve to increase the plurality of the contestant?

I had intended, Mr. Speaker, to devote some time to showing that Mr. Tarsney is not entitled to open up the case and take new testimony, for the reason that he has been guilty of negligence. But I find that I am unable to do so, and inasmuch as this point has already been very ably discussed by the distinguished gentleman from Kansas [Mr. LONG] I shall pass it by. I wish, however, to make a single observation. There has never been an instance since Congress convened under the present Constitution in which the House has opened up a contest for the taking of new testimony in behalf of a sitting member who was guilty of negligence in failing to take his testimony at the proper time. And as to purging the vote, no case can be found where the House has gone outside of the record as made up to purge it at the instance of a member who has been guilty of laches, or where there has not existed a very strong probability that the voluntary taking of testimony by the House could readily enable the legal to be segregated from the illegal vote.

Mr. Tarsney, sir, has "sinned away his day of grace." When the testimony for Van Horn closed, he and his lawyers knew very well what it contained. They knew all these facts that I have called attention to had been established. They knew that the testimony showed the election officers to have practiced the most unblushing frauds, including the casting, counting, and returning of these alphabetical ballots. They knew as a proposition of law that on account of this fraud the returns of these officers were tainted and were not admissible to prove the result of the election. They, therefore, knew that the vote of the precincts would have to be thrown out unless it was otherwise shown what the true vote was and for whom these alphabetical ballots were cast. Why then did Mr. Tarsney not inspect these ballots and prove for whom they were cast when he came to take his testimony in the case?

What answer is made to this? It is said that there is a law of the State of Missouri forbidding the inspection of ballots in contests for a seat in Congress, and that Tarsney could therefore not take testimony concerning them. There is nothing of the kind. The law of the State of Missouri simply provides for an inspection of the ballots in local contests; but it does not go further and prohibit an inspection in contests for a seat in this House. You do not have to override the constitution and the laws of the State of Missouri to get an inspection of these ballots. Indeed, you act

in conformity with the law and the constitution when you obtain such inspection. The Constitution of the United States creates a Congress; it declares that each House shall be the judge of the election, qualifications, and return of its own members; and it provides that the Constitution and the laws made in pursuance thereof shall be the supreme law of the land, and shall be binding on the judges of the States, anything in the constitution or in the laws of the State to the contrary notwithstanding.

In pursuance of the Constitution of the United States and of its right to purge itself of unlawful membership, Congress passed a statute providing for the institution of contests, for the serving of a notice, the serving of an answer, for the taking of testimony before certain designated officers, and for the sealing and return of that testimony and its opening by the Clerk of the House. What more is needed? No local law is necessary to put this statute of the United States into force. The very moment an officer is selected by the parties in a contest to take testimony he becomes an officer of the United States, and it is expressly provided by the statute that he shall have an inspection of ballots. It is not necessary that Congress shall be in session and make an order for inspection in order that it may be obtained and if in this case the contestant and the officer taking testimony had made application for an inspection of the ballots, and it had been denied, he could have gone into a local court, and on proper showing it would have enforced the inspection, because the court would have recognized the supremacy of the Constitution of the United States and of the laws made in pursuance thereof in such matters. In this way John C. Tarsney could have secured an inspection of the ballots in question and could have gotten his evidence into the record.

Why, sir, this method is not a novel one; it has been resorted to on two occasions during the present session of Congress. In the case of Mitchell *vs.* Walsh, now pending before your committee, the notary public before whom the testimony had been taken refused to certify up the testimony, and Mr. Mitchell went into the local courts of New York for a writ of mandate compelling him to do so. Mr. Walsh raised the question of jurisdiction, but the court decided in favor of Mitchell and mandated the officer, and, in compliance with the mandate, he sent up the evidence, and it is now before your committee. All of these proceedings, Mr. Speaker, occurred before Congress assembled. So, in the case of Coleman *vs.* Buck, decided the other day by the committee in favor of the sitting member, the contestant appeared before the committee and asked that an order for the production of certain poll books in the parish of Jefferson, in the State of Louisiana, be entered. The order was made by the committee. Thereupon the contestant went down there and asked for the poll books, and the legal custodian of them refused to produce them. The contestant then went into the courts and prayed for a writ of mandate in the premises, and the courts of the Democratic State of Louisiana issued that mandate and compelled the production of those books, and the committee inspected them during the argument of the case.

The fact is, Mr. Speaker, that John C. Tarsney did not want to go into these ballots at that time. He has been guilty of gross and inexcusable negligence, and he can not come in here now and ask that this case shall be reopened and this committee shall take additional testimony, which can only serve "to make assurance doubly sure," or "to do a righteous thing in a righteous way," to borrow the language employed by the gentleman from Ohio [Mr. TAYLER] when that gentleman was upon the floor the other day and practically admitted that the whole evidence demonstrated that all the fraudulent votes had been cast and returned for Mr. Tarsney, though he had to part from his Democratic brethren in order to make this admission. When he went further and said that he believed that if his plan of inspecting the ballots was carried out it would demonstrate the correctness of the very thing claimed by the majority of the committee, to wit, the election of Mr. Van Horn, he gave his entire case away. And when he went still further and said that the committee had erred by dealing too tenderly with Mr. Tarsney in not counting the fifty-second precinct for Van Horn he simply made it impossible for anyone to accept his view of this case without parting company with reason and good sense. The gentleman is a good Republican and a good lawyer. I will not say that he founded his report and his speech upon mere pique, but I will say that he founded it on a mere pride of opinion which is utterly unsustained by the evidence and the facts in this case.

Now, I hurry on, Mr. Speaker, to discuss another phase of this case. It is proposed by the gentleman to purge the vote by inspecting and offering in evidence the ballots themselves. I insist that this can not be lawfully done. It is a well-established legal proposition that when ballots have passed through the corrupt hands of dishonest election officers they are incompetent evidence. I shall not stop here to split hairs upon the proposition to consider whether such ballots are incompetent or merely incredible, because, for the purposes of my argument, and for the purposes of the action of this House, the result is the same whether they are the one or the other. I recognize the difference theoretically, of course, between competency and credibility. A man may be a characterless vagabond; it may be shown that he has every inducement to commit perjury; it may be shown that he has been actually bribed to commit that detestable crime; it may be shown that his statements are utterly at variance with all the direct and all the circumstantial evidence in the case, and yet, if he desires to do it, he has a right to go upon the witness stand and tell his miserable story. He is a competent witness, but is he a credible one? Would you believe his story when it is told? I say, therefore, that I do not care whether the law goes to the extent of saying that these ballots are incompetent or merely holds that when received they are incredible.

Do you believe, gentlemen of the House, that the officers who handled these ballots were honest men? If they committed fraud in one way, what assurance is there that they did not commit it in another? Fraud is multifarious. If it possesses any one quality in a marked degree, that quality is versatility. It is in its very nature ingenious. It baffles inquiry and avoids detection. These disreputable election officers are proven to have committed a variety of frauds. Some of them have been discovered. Do you know that you have discovered them all? Who can draw an arbitrary line and declare that they proceeded with their villainy just so far and no farther?

Mr. Speaker, everything that they touched was polluted. And to require this committee to go down into a ballot box which they handled and undertake to distinguish between the right and the wrong which they committed is to require them to perform a task which it is not within the power of any man within the hearing of my voice to accomplish.

But I pass on to the discussion of the proposition upon which the gentlemen of the minority base all the clamor which they have raised about the purging of the vote. I am surprised to see some confusion of thought with reference to this matter on the part of certain gentlemen on this side of the Chamber whom I have generally esteemed to be very accurate thinkers. What is this proposition of the minority and of our friend from Ohio with respect to the purging of these ballots? Now, I come to the real point at issue here; all else has been prefatory. What I have said heretofore has been simply in the nature of an approach to the stumbling block over which gentlemen who usually walk erect seem to have fallen. Their proposition is this: That the whole of the fraud practiced at this election was committed pursuant to a simple and single plan, which consisted in falsely registering voters before the election and then in the election officers voting these falsely registered voters, alphabetically and otherwise, and in their voting legal voters who were lawfully registered, but who did not actually vote; that the officers of election wrote down upon the poll books voting numbers opposite to the names both of the actual voters and of those fraudulently voted, and copied the proper and corresponding voting numbers upon the ballots before they were deposited in the ballot box; that they then counted and returned these ballots precisely as they appeared after thus going into the box, or counted and returned them "honestly," if I may be permitted to use such an expression with reference to any act performed by the vagabonds who conducted this election. [Laughter.]

Now, the gentlemen insist that, with the poll books and these ballots before them, they can easily pick out the ballot voted by each person whose name appears as a voter upon the poll books, and by inspecting it ascertain for whom it was cast, and that then, by referring to the evidence, they can find out whether the person who cast the ballot was a legal or a fraudulent voter, and that in this way the legal can be "segregated" from the fraudulent ballots and the entire vote purged.

Mr. Speaker, I deny the major premise. Why, sir, in listening to the gentleman from Ohio you have but to concede his major and his minor premise, and his conclusion flows from them as irresistibly as the waters of Niagara. But the trouble with the argument of the gentleman from Ohio is that his major premise is wrong, and hence he necessarily errs in his conclusion. This plan pointed out was one of the ways in which frauds were committed at this election; it was indeed the main way; but it was not the sole and exclusive way. The gentleman from Ohio [Mr. TAYLER] practically admits this, for in the somewhat remarkable view which he has submitted to the House in writing in this case he says:

> Substantially all of the fraud shown to have existed in the fifth, sixth, and seventh precincts of Kansas City was expressed in the padding of the registration roll and poll book. Probably a thousand illegal votes were cast in these precincts. But each of these ballots, so fraudulently cast, represented a name on the poll book; each had its voting number and its corresponding name.
>
> When the count was completed, and the ballots and poll books were turned over to their proper custodian—the recorder of voters—the fraud was completely perpetrated and its perpetrators had exhausted their fraud.
>
> It is true that there is evidence of other fraud in these precincts, but it is trivial and could not for a moment, standing alone, be deemed of sufficient gravity to call for a rejection of the entire return.

And on this subject of purging the vote, mark with what timidity and caution the gentleman expresses himself; like a blind man he feels his way, not exactly certain whether he is on the right track:

It is clear to me—

That is, if his peculiar idea is adopted—if you will follow the will-o'-the-wisp which he has pursued away from the beaten highway, you will become involved in the morasses just as he has become involved—

It is clear to me that these precincts, in which it is shown that frauds were perpetrated, can be substantially purged of their fraud and a conclusion be reached, fairly satisfactory, as to the honest vote of the several precincts. We can thus, with reasonable definiteness—

And so he goes on as though in his own mind he had a mental reservation always present.

Now, where is my evidence that those who committed the frauds at this election adopted other methods than the methods which the gentleman says they adopted? Why, sir, let us go watch those officers of election taking the 170 Republican ballots out of the box and substituting 170 Democratic ballots in their place at the precinct in regard to which Canney testifies. This was not done in pursuance of these exclusive methods. This was a departure from the plan. Go and observe this man Morrison, grinding ballots into the box at the same precinct, as he is shown to have done by the testimony of an impartial witness. Go find the voter who testifies that he was the seventh man who voted at this poll and that he found himself registered on the poll list as number 300. Does this look as if these gentlemen had been keeping the poll list exactly right—with mathematical correctness?

Now, leave this precinct and go to the fifth, sixth, and seventh precincts. In the fifth precinct we find this state of facts: A witness has solemnly sworn—and no man has dared to contradict him—that he went into this precinct (this is where some of these alphabetical ballots were returned); that he handed his Republican ballot to the judge; that the judge looked at the poll book and said, "Yes, sir; you are all right." The man suspected him. He knew what kind of gentlemen were in charge of the poll, and he had a curiosity to see what would become of his ballot. The judge did not put the ballot into the ballot box, so the man stood and waited. The election officer said to him, "All right; you may go." But the man was a little pertinacious; he still stood there waiting to see whether they would deposit his ballot in the box. Then they said to him again, "You may go, sir." Still he lingered. The judge then put the ballot into the top of the ballot box, but failed to turn the crank so that it would be passed into the interior to its place with the other ballots. The man still stood there with his eye upon the ballot, and the judge then peremptorily dismissed him. So he finally went out, but he does not know to this day whether the ballot got into the box or not. Let it be remembered, sir, in connection with this incident, that the law of Missouri required that this ballot should be instantly deposited in the box in the presence of the voter. The species of fraud here doubtless committed, Mr. Speaker, is certainly of a different character from the species which gentlemen claim was exclusively employed at this election.

Now go into the sixth precinct for a moment. Here a witness swears solemnly—his affidavit was read in the hearing of the House the other day—that there were 100 extra alphabetical ballots put into the box on election day in addition to those prepared the night before. He says that all day the judges took the spoiled ballots and voted solid Democratic ballots in their places. What are the spoiled ballots. They are what are otherwise known as rejected ballots—ballots which can not be used and are thrown out. In this case the judges did not simply throw out the ballots, but substituted straight Democratic ballots in their places.

Now, we will go to the seventh precinct and examine the evidence of John L. Corum. His testimony appears in the record. He is a respectable man and a credible witness. He states that he prepared and handed to the election officer a straight Republican ballot; that he saw the officer to whom he gave the ballot hold it in his hand, and at the same time he distinctly saw another judge put a different ballot in the box in its stead. This kind of fraud is not included in this "exclusive plan" which you are going to purge. How are you going to correct a matter of this kind? I ask you to remember that I am simply giving fragments of the testimony upon this branch of the subject. It is utterly impossible, within any reasonable time, for me to go into it in detail and point out the numerous varieties of frauds practiced by these officers of election. I am simply giving an instance here and there to prove the falsity of the gentlemen's basic proposition.

Now, Mr. Olsen, the chairman of the Republican committee, was approached two or three days after the election by a man who gave him to understand that some Republican ballots could be found by an investigation under a board sidewalk near this seventh precinct. He went down there, got a crowbar, and pried up a part of the pavement, and the first thing he discovered was a Republican ballot. It was a ballot that had apparently been voted; it had on it the initials of the judges, the number of the registration, and the poll number as well, and was folded just as tickets are which have been through the ballot box. On examining the poll book of this precinct it was found that the voting and registration numbers on this ballot were those of Peter Green, a voter at the election.

Mr. Green was called as a witness, and remembered distinctly having voted the ballot. Mr. Speaker, this Republican ballot never was counted or returned by the election officers at this precinct. It was unquestionably taken out of the ballot box by them. What, then, was substituted and counted in its place? Evidently a Democratic ballot. But, oh; our friends say this incident does not destroy our theory. You have proof in the record in this case that this Republican ballot was abstracted and the Democratic ballot substituted. When you have proof of this kind of course we will not attempt to count such a ballot. Ah, but, Mr. Speaker, how about the other instances, the enormous numbers of other ballots that have evidently been treated in precisely the same way, and in reference to which evidence has not been taken? Who knows how many of these ballots went through that same process? If these officers of election would perpetrate such a fraud in the case of Peter Green, would they not be very likely to perpetrate it in numerous other instances? What would you do in a case of this kind? I give the gentleman from Ohio [Mr. TAYLER] five minutes in which to answer this question.

Mr. TAYLER. Mr. Speaker, the question propounded by the gentleman from Indiana is entirely characteristic of his way of arguing propositions. I can not expect to escape any more than any other gentleman on the floor of the House his mode of speaking.

When I answer an inquiry the gentleman sees fit to propound to me on the floor of the House, I will not permit the gentleman's mental operations to put a limit upon my mental operations, and when he puts a concrete and important question—important in this case to me—and tells me plainly that he gives me five minutes in which I shall answer it, I repudiate the invitation and decline it. [Applause.]

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman has succeeded in invoking applause from the other side of the House, but not a single particle of applause in his own political household.

Mr. JOHNSON of California. Will the gentleman allow me——

Mr. JOHNSON of Indiana (continuing). I stand for the rights of individuals——

Mr. MILES. Let me ask the gentleman a question.

Mr. JOHNSON of Indiana (continuing). I am not criticising the gentleman from Ohio simply because he sees fit to go with the other side. He has a right to do as he sees proper in that matter. But I am attacking the proposition he lays down.

Mr. DOVENER. Mr. Speaker, I would like to say to the gentleman——

Mr. JOHNSON of Indiana. Mr. Speaker, I decline to be interrupted.

The SPEAKER. The gentleman from Indiana is entitled to the floor and declines all interruption.

Mr. JOHNSON of Indiana. But when the gentleman from Ohio says that in the five minutes allotted to him——

Mr. MILES. Will the gentleman yield?

Mr. JOHNSON of Indiana. I can not yield to the gentleman, and decline to be interrupted further.

Mr. Speaker, when the gentleman from Ohio is given five minutes' time in which to answer my question and does not even attempt to do so, I apprehend it is because he sees the weakness of his cause. Sir, I wish to get before this House the folly of the proposition here presented, that we shall go outside of the record as now made up, and attempt the impossible task of getting down on our knees in this labyrinth of fraud and separating the little which is lawful from the great mass which is corrupt. I gave the gentleman time in which to answer my inquiry. I did this for a purpose. He is a lawyer, a person trained in habits of thought. He has read carefully the 1,000 pages of testimony in this case and the briefs of the counsel. He has listened to the oral argument and has given to the questions of law and of fact involved much thought and reflection. Finally, he has reported his views to the House in writing, and made a speech in support of these views on this floor. In this speech, in response to my questions, he virtually gave his contention away, and now, after all this preparation, he finds himself unable to answer the simple interrogatory which I have put to him. This shows the inherent weakness of his cause. I have no desire to be offensive to the gentleman; I am contending for what I believe to be the truth. He is at liberty to interrogate me at any time. I challenge contradiction, for I feel that I am in the right.

Let me put an inquiry to you gentlemen, you who are going to vote for the substitute resolution—let me put it to you and ask you in the time that intervenes between now and the taking of the vote to answer it if you can, even to your own satisfaction. Suppose a man by the name of John Jones to have lived in pre-

cinct 5 of Ward No. 2; that he was a legally qualified and registered voter in that precinct; that he went to the polls on election day and received a ticket from the election officers and stepped into the booth to prepare it for voting. It was a wide piece of paper, having printed on it, side by side, first the Republican, next the Democratic, next the Populist, and next the Prohibition ticket. He drew a straight line with his lead pencil through all of these except the Republican. This made of it a Republican ballot. He then walked up to the judge of election and handed it to him that it might be put into the ballot box. They put his voting number down right on the poll book and copied it correctly, together with his registration number, upon the back of the ballot.

Now, suppose that, as with the ballot of this man Corum, the election officers did not put it into the box, but instead put in a Democratic ticket, and John Jones did not happen to see through the legerdemain whereby they made the change. Or suppose that they put his ticket into the box, but when they came to count it they did as they did in the fifty-second precinct of the Ninth Ward, threw it out and counted, tallied, and returned a straight Democratic ticket in its place. Or suppose they just took a piece of india rubber and rubbed out the mark over the Democratic ticket and drew a lead pencil mark over the Republican ticket, thus converting it into a Democratic ballot. Now, suppose my friend from Ohio [Mr. TAYLER] goes down to Kansas City with his friends of the minority to purge this precinct by an inspection of the ballots. They open the ballot box to purge it in the interest of free and fair elections, with Mr. Tarsney retaining his seat in the House in the meantime, as he has already retained it for half the term, drawing a salary that rightfully belonged to that man [pointing to Mr. Van Horn]. They come to the name of this man John Jones. They take the poll book and get his voting number, and they find this number correctly written on the ballot. Will they not find it to be a Democratic ballot? Will they not have to so count it? There is nothing to show that the fraudulent change was made. All appears to be regular upon the face of the poll book and the ballot. John Jones did not see any tampering with his ticket. They do not propose to take verbal testimony down there and call him and interrogate him as to how he actually voted. They simply want to get into the ballot box and inspect the ballots.

Now, I ask you, gentlemen, how can you tell whether these rascally judges left that ballot as the voter handed it in or whether they altered it in any one of the various ways that I have suggested?

Who ventures to draw an arbitrary line and say that these officers went just so far in their villainy and then stopped and did not go a step beyond? Who dares to say they may not have committed one form of fraud as well as the other—that they did not do so? Who does not see at a glance that there is but one path of safety to pursue in this matter, and that is to take the record as it is already made up, as it is left by the negligence of Mr. Tarsney, and reach your conclusion on the ample demonstration of his defeat therein contained, or, if you prefer, by invoking the well-established principle of law that where there is no competent evidence offered to purge a fraudulent poll then you must of necessity throw it out? There is nothing wrong about throwing out a poll that is tinctured with fraud. You are not to do it, of course, when there is any evidence in the record by which it may be purged; but there is an unbroken line of decisions, many of them made by the House, that where there is no such evidence at hand the doctrine of rejection should be applied promptly and without hesitation, and that to do so is not simply the law of necessity but the law of justice and of right. It rests not simply in reason but also in authority.

Now, Mr. Speaker, it is not necessary that I should consume any more of my time in the discussion of this case. I have simply this to say to the House in conclusion:

The question before you for consideration to-day is not whether Mr. Tarsney is a pleasant and sociable gentleman. It is not a question whether you have agreeable friendships with him which you dislike to see disrupted; whether you hate to see him humiliated, whether he is a Union soldier or a Confederate soldier or whether he was ever a soldier at all; whether he is a Protestant or a Catholic; whether he is a Republican or a Democrat; but the sole question for every man in this Chamber to consider on his oath is, Who is lawfully entitled, under the law and the evidence, to occupy the seat in contest? I hope and believe this House will make this the sole criterion by which this controversy is to be determined.

Your committee has certainly attempted to do its duty during the present session. It has considered innumerable matters of law and fact, which were preliminary to the merits of the various contested election cases before it, and has disposed of them all. It has reported in the McClellan case, confirming that gentleman in his seat. It has reported in the contested election case of Campbell against Miner, in favor of the contestee. It has already decided in favor of Mr. Buck, the Democratic sitting member, as against Mr. Coleman, the contestant, because, under the law and facts, whatever may have been its misgivings as to the extent of the fraud undoubtedly practiced at the election, it felt that it could not honestly reach any other conclusion. It has considered the pending case, and brought it into your presence. It has advanced far in the determination of the case of Mr. Boatner.

The voluminous testimony in the case I am now discussing has been taken up and read with painstaking attention, the briefs examined, the arguments carefully heard, the questions of law laboriously examined, and the whole case conscientiously considered. The committee has burned its midnight oil unstintingly in the matter. There has all along been a disposition to be fair to Mr. Tarsney. I, myself, after I had voted for the proposition to report back unfavorably his resolution to open this case, realizing that he had been guilty of negligence, but, nevertheless, desiring, if practicable, to heed the voice of the honest voters, if they could be ascertained, went to two or three of my colleagues on the committee and suggested the reconsideration of our action to report against him that we might read the testimony and briefs and hear the argument on the case and thus be better able to come to a correct conclusion in the matter. The gentleman from Texas [Mr. BAILEY] not being home when I called upon him, I addressed him a letter in which I acquainted him with my desire. This reconsideration, sir, was thereafter moved and carried, and further action on the resolution postponed until the testimony and briefs could be read and the argument heard. Mr. Speaker, the additional light thus gained not only confirmed the original opinion as to the negligence of Mr. Tarsney, but also satisfied us thoroughly that he had been defeated and that the opening up of the case for further testimony would be a serious mistake—a thing both unnecessary and unjust.

The question, sir, now is whether, after having authorized the committee to investigate this case, the House will adopt the report which is made to it after this careful and conscientious examination, or whether it will reject it at the instance of the minority and of a gentleman on the committee who insists on taking new testimony, which he declares will, when taken, prove that the conclusion arrived at in the report is entirely correct. If you pass this resolution for a reopening the committee will go down to Kansas City on its "fool's errand" and do the very best it possibly can to carry out your wishes, but this additional labor thus imposed upon it simply means that there is to be delay in hearing the other cases now pending before it. The contestants in these cases, entitled to have their titles promptly passed upon, must rap in vain for admission to the committee room, and the contestees who are anxious to have their rights adjudicated must endure their suspense for a while longer. Are you prepared to say to this already overworked committee that instead of taking up these cases one by one and examining them in full committee in an impartial manner and without regard to political lines, by reason of the additional labor which you impose these cases, in order to get them decided within a reasonable time, must be farmed out to subcommittees, decided largely upon hearsay, and brought into the House without that careful investigation which is absolutely essential if complete justice is to be done?

Mr. Speaker, I trust not.

Sir, if ever there was a case before a legislative body in which the right of the contestant was clearly proven, in my humble opinion it is this very case.

I say it again, even at the risk of too great repetition, that if this House votes for the substitute resolution and requires us to take testimony to purge these polls of their dishonest ballots it will simply be unjust to the committee, unjust to the contestant, and unjust to the good people of Kansas City. It will of course inure to the benefit of the contestee by enabling him to retain for a while a seat to which he was never elected and to pocket its emoluments, but ultimately you will be obliged to render precisely the same decision which every consideration of honor and of justice imperatively requires that you shall render now.

I thank the House for the attention it has given me. [Loud applause on the Republican side.]

Mr. Speaker, I move the previous question on the resolution offered by the committee and on the substitute resolution offered by the minority. I suppose there is no objection to that.

Mr. MAGUIRE. There is no objection.

The previous question was ordered.

The SPEAKER. The question is on the substitute, which the Clerk will report.

The substitute was read, as follows:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2 for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the second, fifth, sixth, seventh, twenty-seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894; to the segregation of the illegal from the legal ballots in such precincts, and to the recount of the legal ballots cast in such precincts for Representative in Congress, and to include also duly certified copies of all poll books of such precincts not now in evidence.

The SPEAKER. The question is on agreeing to the substitute.

Mr. BAILEY. Mr. Speaker, it will save time to demand the yeas and nays at once. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 163, not voting 82; as follows:

YEAS—110.

Abbott,	Dinsmore,	McClellan,	Southwick,
Allen, Miss.	Dockery,	McCreary, Ky.	Sparkman,
Arnold, Pa.	Dovener,	McCulloch,	Spencer,
Bailey,	Downing,	McDearmon,	Stallings,
Bartlett, Ga.	Elliott, S. C.	McLaurin,	Stokes,
Bell, Colo.	Erdman,	McMillin,	Strowd, N. C.
Bell, Tex.	Fenton,	McRae,	Sulzer,
Berry,	Hart,	Meredith,	Swanson,
Bishop,	Hendrick,	Miles,	Talbert,
Black, Ga.	Huling,	Money,	Tate,
Boatner,	Hutcheson,	Moses,	Tayler,
Brown,	Hyde,	Neill,	Terry,
Buck,	Jones,	Ogden,	Tucker,
Burton, Ohio	Kem,	Otey,	Turner, Ga.
Catchings,	Kendall,	Owens,	Turner, Va.
Clardy,	Kulp,	Parker,	Tyler,
Cobb, Ala.	Kyle,	Patterson,	Underwood,
Cobb, Mo.	Latimer,	Pitney,	Walsh,
Cockrell,	Lawson,	Powers,	Washington,
Codding,	Layton,	Price,	Wellington,
Cooper, Fla.	Leighty,	Richardson,	Wheeler,
Cooper, Tex.	Lester,	Robbins,	Williams,
Crisp,	Little,	Robertson, La.	Wilson, S. C.
Crowley,	Livingston,	Rusk,	Woodard,
Culberson,	Lockhart,	Russell, Ga.	Wright,
Cummings,	Maddox,	Sayers,	Yoakum.
De Armond,	Maguire,	Shuford,	
Denny,	Mahany,	Sorg,	

NAYS—163.

Acheson,	Eddy,	Johnson, Ind.	
Adams,	Evans,	Johnson, N. Dak.	Pugh,
Allen, Utah	Fairchild,	Joy,	Quigg,
Andrews,	Faris,	Kerr,	Raney,
Apsley,	Fletcher,	Kiefer,	Reeves,
Atwood,	Gamble,	Kirkpatrick,	Royse,
Baker, N. H.	Gardner,	Lefever,	Russell, Conn.
Barham,	Gibson,	Leisenring,	Sauerhering,
Barney,	Gillett, Mass.	Leonard,	Scranton,
Barrett,	Graff,	Lewis,	Settle,
Bartholdt,	Griffin,	Linton,	Shafroth,
Belknap,	Griswold,	Long,	Shannon,
Blue,	Grosvenor,	Lorimer,	Simpkins,
Boutelle,	Grout,	Loud,	Smith, Ill.
Brewster,	Grow,	Low,	Spalding,
Broderick,	Hadley,	Mahon,	Sperry,
Brosius,	Hager,	Marsh,	Steele,
Brumm,	Hainer, Nebr.	McCall, Mass.	Stephenson,
Bull,	Halterman,	McCall, Tenn.	Stewart, N. J.
Burrell,	Hanly,	McCormick,	Stewart, Wis.
Burton, Mo.	Hardy,	McEwan,	Stone, C. W.
Calderhead,	Hartman,	McLachlan,	Stone, W. A.
Cannon,	Hatch,	Meiklejohn,	Strode, Nebr.
Chickering,	Heatwole,	Mercer,	Sulloway,
Clark, Mo.	Heiner, Pa.	Miller, Kans.	Tawney,
Coffin,	Hemenway,	Miller, W. Va.	Towne,
Connolly,	Henderson,	Milnes,	Tracewell,
Cook, Wis.	Henry, Conn.	Minor, Wis.	Treloar,
Cooke, Ill.	Henry, Ind.	Mondell,	Updegraff,
Cooper, Wis.	Hepburn,	Moody,	Van Voorhis,
Cousins,	Hermann,	Mozley,	Wadsworth,
Crowther,	Hill,	Murphy,	Walker, Mass.
Curtis, Iowa	Hitt,	Odell,	Wanger,
Curtis, Kans.	Hooker,	Otjen,	Warner,
Dalzell,	Hopkins,	Overstreet,	Watson, Ohio
Danford,	Howe,	Payne,	Willis,
Daniels,	Hulick,	Pearson,	Wilson, Idaho
Dayton,	Hull,	Perkins,	Wilson, N. Y.
De Witt,	Hurley,	Phillips,	Wood,
Dingley,	Jenkins,	Pickler,	Woodman,
Dolliver,	Johnson, Cal.	Prince,	Woomer.

NOT VOTING—82.

Aitken,	Cox,	Hubbard,	Robinson, Pa.
Aldrich,	Crump,	Huff,	Shaw,
Anderson,	Curtis, N. Y.	Hunter,	Sherman,
Arnold, R. I	Doolittle,	Knox,	Skinner,
Avery,	Draper,	Lacey,	Smith, Mich.
Babcock,	Ellett, Va.	Linney,	Snover,
Baker, Kans.	Ellis,	Loudenslager,	Southard,
Baker, Md.	Fischer,	McCleary, Minn.	Stahle,
Bankhead,	Fitzgerald,	McClure,	Strait,
Bartlett, N. Y.	Foote,	McKenney,	Strong,
Beach,	Foss,	Meyer,	Taft,
Bennett,	Fowler,	Milliken,	Tarsney,
Bingham,	Gillet, N. Y.	Miner, N. Y.	Thomas,
Black, N. Y.	Hall,	Morse,	Tracey,
Bowers,	Harmer,	Newlands,	Walker, Va.
Bromwell,	Harris,	Noonan,	Watson, Ind.
Clark, Iowa	Harrison,	Northway,	White,
Clarke, Ala.	Hicks,	Pendleton,	Wilber,
Colson,	Hilborn,	Poole,	Wilson, Ohio.
Corliss,	Howard,	Ray,	
Cowen,	Howell,	Reyburn,	

Mr. TALBERT. Mr. Speaker, my colleague, Mr. STRAIT, is confined to his room by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. FITZGERALD.

Mr. COLSON with Mr. LOUDENSLAGER.

Mr. BINGHAM with Mr. ELLETT of Virginia.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. SHERMAN with Mr. PENDLETON.

Mr. RAY with Mr. BARTLETT of New York.

The following for this day:

Mr. LINNEY with Mr. BAKER of Maryland.

Mr. AVERY with Mr. CLARKE of Alabama.

Mr. HOWELL with Mr. COWEN.

Mr. CRUMP with Mr. PRICE.

The following on this vote:

Mr. CORLISS with Mr. MINER of New York.

Mr. ELLIS with Mr. STRAIT.

Mr. SMITH of Michigan with Mr. HALL.

Mr. CURTIS of New York with Mr. SHAW.

Mr. HARMER with Mr. MCKENNEY.

Mr. BLUE. Mr. Speaker, the gentleman from Washington, Mr. DOOLITTLE, is necessarily absent, and he desired me to say that if present, he would vote "no."

Mr. LINNEY. Mr. Speaker, I am paired with the gentleman from Maryland, Mr. BAKER. If he were present, he would vote "aye," and I would vote "no." My colleague from North Carolina, Mr. SKINNER, is also absent. If he were present, he would vote "no."

The result of the vote was then announced as above recorded.

[Applause on the Republican side.]

The SPEAKER. The question is on the original resolutions, which the Clerk will report.

The resolutions were read, as follows:

Resolved, That John C. Tarsney was not elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and is not entitled to a seat in the House.

Resolved, That Robert T. Van Horn was elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and that he be admitted to his seat.

The resolutions were adopted.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

Mr. BURTON of Missouri. Mr. Speaker, my colleague, Mr. Van Horn, is present and desires to take the oath.

Mr. Van Horn, escorted by Mr. BURTON of Missouri, appeared and took the oath, which was administered by the Speaker.

CUBA.

Mr. HITT. Mr. Speaker, this afternoon I presented a report from the Committee on Foreign Affairs in regard to our relations to Cuba. So many gentlemen have asked that a proposition be made to the House that the resolutions be taken up and acted upon now, that, in compliance with that request, and also in obedience to the instruction which I received from the Committee on Foreign Affairs, to urge the consideration of the report at the earliest moment possible, I will ask unanimous consent of the House to call up for consideration and action the resolutions which were read at the desk this afternoon. [Applause.] I will say, Mr. Speaker, that I do not wish to make any speech. The resolutions are so plain, so brief, so simple, upon a question with which everyone in America is so familiar, that I do not know that gentlemen desire to do more than vote upon them. [Applause, and cries of "Vote!" "Vote!"]

Mr. BAILEY. Mr. Speaker, with the understanding that the resolutions may be separated, I have no objection to the request of the gentleman from Illinois. If the last resolution pledges Congress in advance to sanction anything that the President may see fit to do, I shall vote against it; but with that reservation I am perfectly willing that the resolutions shall be taken up now.

Mr. HITT. The last resolution that the gentleman refers to is one that was added in accordance with the views of gentlemen who scarcely insisted it added any force to the other part of the report, and I do not know that any of those gentlemen would now insist upon retaining it.

Mr. TURNER of Georgia. Mr. Speaker, do I understand that the gentleman asks unanimous consent for the present consideration of these resolutions?

Mr. HITT. I ask that the resolutions be read before I make the formal request for consent.

The resolutions were again read as they appear in a previous part of to-day's proceedings.

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. BOUTELLE. Mr. Speaker, these resolutions, as I understand from what I can gather, as they have just been read for the first time at the Clerk's desk, involve the declaration of approval of the recognition of belligerent rights on the part of the revolutionists in Cuba, which may involve grave consequences to the large interests of American citizens in that island and on the high seas and possibly precipitate a war with Spain. I object to the summary passing of such resolutions without a word of explanation or any statement of the officially ascertained situation which has led the committee to recommend this very important action. I object.

The SPEAKER. Objection is made.

Mr. HITT. Does the gentleman object to the consideration of the resolutions, if, when they are taken up, there be explanation?

Mr. BOUTELLE. Why, Mr. Speaker, it is now 5 o'clock in the afternoon, long after the usual hour of adjournment. The idea of our being asked to pass upon such a resolution at this time—the idea that any members of the House should appear disposed to vote upon a subject of this momentous gravity in this hasty way, seems to me amazing. For one, I want to know from the Committee on Foreign Affairs what the considerations are that have induced them to report this resolution, and whether they are such as will commend themselves to my judgment as an American citizen, as a patriot, and as a member of the House of Representatives. I think we have a right to ask that the facts on which the committee have reached their conclusion should be stated to us. We ought to take up this matter with at least some appearance of reasonable deliberation; to be informed as to the scope and probable consequences of the action proposed, and to have opportunity to scrutinize the terms of the resolutions, concerning the expediency of a portion of which a gentleman has already raised a question. I object to the present consideration of a resolution of such gravity.

Mr. HITT. Mr. Speaker, the request I made was made simply in view of what was supposed to be the fact and what so many gentlemen here said to me was true—that every member was familiar with all shades and sides of the question of belligerency. I simply complied with the request of many members whose statements I supposed to be correct. I will not trouble the House further at this time.

Mr. BOUTELLE. I am not prepared, for one, without a word of information from the committee, to vote upon a proposition which on the one hand may involve injustice to a people struggling, as they claim, for their independence against oppressive rule, and, on the other hand, may involve the unnecessary embroiling of my country in serious complications or war with a foreign power with which we are now at peace. I think we are bound to give some respectful and respectable consideration to a subject of so serious a nature. [Cries of "Regular order!"]

The SPEAKER. The resolutions are not before the House.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and amend land patents, and for other purposes; when the Speaker signed the same.

DUPLICATE COPY OF JOINT RESOLUTION.

Mr. HOOKER. I offer the privileged resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; the same having been lost or misplaced.

The resolution was adopted.

On motion of Mr. HOOKER, a motion to reconsider the last vote was laid on the table.

DAVID S. GORDON.

Mr. PARKER, by unanimous consent, submitted the views of a minority of the Committee on Military Affairs upon the bill (H. R. 1567) for the relief of David S. Gordon.

The SPEAKER. Without objection, the views of the minority will be placed on file and ordered to be printed.

There was no objection.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting appropriations for improvements of certain national parks—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROW, from the Committee on Education, to which was referred the bill of the House (H. R. 6506) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age, reported the same without amendment, accompanied by a report (No. 528); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 6195) amending the statutes relating to the sale of printed copies of patents, reported the same without amendment, accompanied by a report (No. 530); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt. (Report No. 526.)

By Mr. MCCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer. (Report No. 527.)

By Mr. DE WITT, from the Committee on Claims: The bill (H. R. 1249) to refer to the Court of Claims the claim of Amos D. Le Fevre, surviving partner. (Report No. 529.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 358) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers. (Report No. 532.)

The bill (H. R. 4547) granting a pension to Silas S. White. (Report No. 533.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month. (Report No. 534.)

The bill (H. R. 126) for the relief of Martha Lindsay. (Report No. 537.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 705) granting a pension to Emily B. Muncey. (Report No. 538.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3606) granting a pension to French W. Thornhill. (Report No. 535.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 5667) granting a pension to Mrs. Maria B. Brinton. (Report No. 536.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3857) granting a pension to Thomas Brewer. (Report No. 539.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4910) granting a pension to Cyrus Thomas. (Report No. 540.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 746) granting a pension to Elizabeth E. Donohoe. (Report No. 541.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 6615) to provide for construction of a torpedo-boat destroyer—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 6616) donating two condemned cannon and eight pyramids of condemned cannon balls to Major E. F. Fletcher Post, No. 22, Grand Army of the Republic, Milford, Mass.—to the Committee on Military Affairs.

By Mr. HURLEY: A bill (H. R. 6617) authorizing and requiring Government officials to administer oaths and execute papers in claims for pension, bounty, and back pay free of charge—to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 6618) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885—to the Committee on Claims.

By Mr. UPDEGRAFF: A bill (H. R. 6654) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes—to the Committee on the Judiciary.

By Mr. BULL: A bill (H. R. 6655) authorizing the Secretary of the Navy to grant condemned cannon, cannon balls, etc., to Grand Army posts, and for other purposes—to the Committee on Naval Affairs.

By Mr. STALLINGS: A bill (H. R. 6656) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. WHEELER: A bill (H. R. 6657) to grant land to the State of Alabama for the use of the State Normal and Industrial School at Normal, Ala.—to the Committee on the Public Lands.

By Mr. HURLEY: A joint resolution (H. Res. 128) directing the Secretary of War to prepare and submit plans and estimates for dredging Coney Island Channel, New York Harbor—to the Committee on Rivers and Harbors.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 5423) granting a pension to John O. Sullivan—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 5422) granting a pension to W. F. Randolph—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 4204) authorizing and directing the Secretary of the Interior to place the name of John P. Biehn on the pension roll—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6034) for the relief of Joel M. Bryan—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 6619) for the relief of Sidney M. Davis, late a private in Company F, Sixth Regiment of Cavalry, Army of the United States—to the Committee on War Claims.

Also, a bill (H. R. 6620) for the relief of Luster P. Chester and Freeland Chester, and Luster P. Chester and Freeland Chester, executors of Thomas R. Chester—to the Committee on War Claims.

By Mr. ALLEN of Utah (by request): A bill (H. R. 6621) to compensate J. M. Bryan for property at Choteau Station, taken from him by the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. BLACK of Georgia (by request): A bill (H. R. 6622) for the relief of the estate of Edward Gallaher, deceased, late of Richmond County, Ga.—to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 6623) for relief of William M. White, of James County, Tenn.—to the Committee on Military Affairs.

By Mr. COOK of Wisconsin: A bill (H. R. 6624) granting a pension to Cornelia A. Thompson—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 6625) to refer the claims of Armstrong and others to the Court of Claims—to the Committee on War Claims.

By Mr. GRIFFIN: A bill (H. R. 6626) granting a pension to Mary Tuttle—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 6627) for the relief of William S. McKnight and James W. Richardson—to the Committee on Claims.

Also, a bill (H. R. 6628) for the relief of Richard Mollencott—to the Committee on Claims.

Also, a bill (H. R. 6629) to correct the military record of James Kinney—to the Committee on Military Affairs.

By Mr. KEM: A bill (H. R. 6630) granting a pension to Alice V. Cook—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 6631) to correct the military record of William Fredrick—to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 6632) to increase the pension of Mrs. Matilda Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6633) granting an increase of pension to Napoleon McDowell—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 6634) granting a pension to Sarah M. Spyker—to the Committee on Pensions.

By Mr. PEARSON: A bill (H. R. 6635) for the relief of Lieut. Joseph Halleck—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 6636) for the relief of John W. Kincaide, late of Company C, Twenty-fourth Kentucky Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 6637) for the relief of Martin Cassady, late of Company B, Forty-fifth Regiment Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6638) for the relief of Moses Lower, late of Company B, Twenty-second Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6639) granting a pension to Mary E. Harmon, widow of Joseph Harmon, deceased, of Company C, Tenth Kentucky Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6640) removing charge of desertion in military record of James Jones, late of Company M, Seventh Kentucky Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 6641) removing charge of desertion in military record of D. F. Danner, late of Company D, Twenty-second Kentucky Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 6642) removing charge of desertion from military record of Jeremiah Hunt, late of Company G, Twenty-fourth Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 6643) for the relief of Thomas Thacher—to the Committee on Claims.

By Mr. STRODE of Nebraska: A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 6645) for the relief of Mrs. Sabina O'Callaghan, administratrix of the estate of Denis O'Callaghan, deceased—to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 6646) for the relief of Augustus G. Kellogg—to the Committee on Naval Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 6647) to remove the charge of desertion from the military record of Charles Pusecker—to the Committee on Military Affairs.

By Mr. ARNOLD of Pennsylvania (by request): A bill (H. R. 6648) for the relief of Mrs. Celia Ford, late a laundress in Battery F, Second Regiment United States Artillery—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 6649) for the relief of the trustees of Holston Seminary, at New Market, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6650) to correct the military record of William B. Malone—to the Committee on Military Affairs.

Also, a bill (H. R. 6651) for the relief of John B. Malone, of Union County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6652) for the relief of James C. Hodges, of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. LINTON: A bill (H. R. 6653) amending the record of John Reynolds—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R 6658) for the relief of the estate of Thomas W. White—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Pennsylvania State Veterinary Medical Association, praying for the passage of House bill No. 3012, to give rank to veterinarians in the Army—to the Committee on Military Affairs.

Also, resolutions of Mansfield Lodge, No. 5, American Protestant Association, of Carnegie, Allegheny County, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ADAMS: Resolutions of the Daughters of the American Revolution, for the publication of records and papers of the Continental Congress—to the Committee on the Library.

Also, resolutions of the National Association of Manufacturers, favoring a classification of freight to be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of Maryland: Petition of citizens of Maryland, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BROSIUS: Paper of Waterford Council, No. 72, Order United American Mechanics, of Marietta, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BRUMM: Petitions of Camps Nos. 44 and 46, Patriotic Order Sons of America, in support of House bill for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petitions of Governor Charles Warren Lippitt, of Rhode Island, and John M. Richmond, president of Rhode Island Yacht Club, for an appropriation to remove the stone bridge over Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade of Providence, R. I., for an appropriation to widen the stone bridge over Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Kansas: Petition of citizens of Butler County, Kans.; also, petition of citizens of Greenwood County, Kans., in behalf of House bill No. 5485, favoring the division of the State of Kansas into two Federal judicial districts—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, in favor of the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of the tea trade of the United States, for the imposition of a specific duty on tea—to the Committee on Ways and Means.

Also, petition of the congregation of the Tabernacle Presbyterian Church, East End, Pittsburg, Pa., for the enactment of the Sunday-rest law for the national capital—to the Committee on the District of Columbia.

Also, petition of the congregation of the Tabernacle Presbyterian Church, East End, Pittsburg, for repeal of divorce laws of Oklahoma and Arizona—to the Committee on the Judiciary.

Also, petition of the congregation of the Tabernacle Church, East End, Pittsburg, Pa., for increasing the age of consent in District of Columbia and Territories—to the Committee on the Judiciary.

Also, petition of Wilkinsburg Council, No. 135, Daughters of Liberty; also, petitions of Teutonia Lodge, No. 57, American Protestant Association, located at Pittsburg; also, petition of Loyal Orange Lodge, Verona, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GARDNER: Petitions from the following councils of the Junior Order United American Mechanics of New Jersey, viz: Jacobstown Council, No. 220; Hamilton Council, No. 47; Pennington Council, No. 74; Medford Council, No. 9, and Evening Star Council, No. 38, in favor of the passage of the Stone immigration bill (H. R. 58)—to the Committee on Immigration and Naturalization.

By Mr. HAGER: Resolutions of a meeting of the Epworth League, held at Guthrie Center, Iowa, urging the recognition of the belligerent rights of Cubans—to the Committee on Foreign Affairs.

By Mr. HART: Petition of citizens of Bowmanstown, Pa.; also, petition of citizens of Plainfield Township, Northampton County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolutions of the Union ex-Prisoners of War Association of Connecticut, favoring the passage of Senate bill No. 961 and House bill No. 306—to the Committee on Invalid Pensions.

Also, memorial of the Hat Manufacturers' Association of Danbury and Bethel, Conn., concerning free alcohol—to the Committee on Ways and Means,

By Mr. HURLEY: Petition of Red D Line of steamships and other steamship companies and agencies, for a depth of 30 feet of water at Buttermilk Channel and the channel between Governors Island and New York, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Indiana: Petition of the Religious Society of Friends of Richmond, Ind., favoring the passage of House bill No. 2764, known as the Denny bill; and remonstrance against the passage of bill for military instruction in public schools—to the Committee on Military Affairs.

By Mr. JONES: Petition and papers relating to the claim of William H. Vaughan, of Caroline County, Va.—to the Committee on War Claims.

By Mr. LAYTON: Petition of the committee representing the tea trade of the United States, asking that a specific duty be imposed upon importations of tea—to the Committee on Ways and Means.

By Mr. LEWIS: Petition of citizens of Ohio County, Ky., in support of House bill No. 5825, for an appropriation to complete the improvement of Rough River, Ky.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Taylor County, Ky., to accompany House bill in behalf of Mrs. Matilda Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Napoleon McDowell—to the Committee on Invalid Pensions.

By Mr. LINTON: Remonstrance of the citizens of Saginaw, Mich., against appropriating, directly or indirectly, public moneys for sectarian undertakings; also, petition urging the passage of joint resolution No. 11—to the Committee on the Judiciary.

By Mr. MAHON: Petition of Washington Camp, No. 59, Patriotic Order Sons of America, of Mapleton, Pa., asking for the passage of the Stone bill restricting immigration—to the Committee on Immigration and Naturalization.

Also, protest of the citizens of Mapleton, Pa., against the appropriation of public moneys for sectarian undertakings; and a petition for the passage of a proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. McCALL of Tennessee: Letter from the Record and Pension Office, to accompany House bill No. 6594, relating to the case of Thomas Cary—to the Committee on Military Affairs.

By Mr. McCLURE: Petition of Dr. B. F. Cutt, James B. Meech, and 124 other citizens of Doylestown, Ohio, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MEIKLEJOHN: Petition of the National Woman's Christian Temperance Union, protesting against military training in public schools—to the Committee on Education.

By Mr. MERCER: Resolutions of the Board of Trade of Plattsmouth, Nebr., in favor of transmississippi exposition in Omaha—to the Committee on Ways and Means.

By Mr. MOODY: Petition of Benjamin F. Brickett and 61 other voters of the Sixth Massachusetts Congressional district, requesting favorable action on the bill to pension soldiers and sailors who were confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of Rev. D. J. Shaw and 79 other citizens of New Alexandria, Pa.; also, petition of Rev. S. A. Davenport and 19 others, of Academia, Pa.; also, petition of Rev. A. Haefele and 31 others, of El Paso, Ill.; also, petition of John H. Kendall and 25 others, of Tarentum, Pa.; also, petition of William H. Wheeler and 31 others, of Columbia, Mo.; also, petition of H. G. Gatlin and 90 others, of Parker, Kans.; also, petition of religious gatherings in Yellow Creek, Grants Hill, and Bergholi, Ohio, at which 450 people were present, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MOZLEY: Petition of 67 citizens of Howell County, Mo., asking for the repeal of a certain clause of section 3, act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. ODELL: Petition of citizens of Newburg, N. Y., and Orange County, N. Y., in favor of the Stone bill restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petition of ex-soldiers of Buena Vista County, Iowa, in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: Petition of nearly 900 citizens of Newcastle, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Resolutions of Union ex-Prisoners of War Association of the State of Connecticut in favor of legislation granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. STAHLE: Petition of Jennie Wade Council, No. 68, Daughters of Liberty; also, petition of Dillsburg Lodge, No. 324, Order United American Mechanics, of Dillsburg, York County, Pa.; also, petition of 31 citizens of Dillsburg, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of General John Sedgwick Post, No. 37, Grand Army of the Republic, of York, Pa., for the passage of House bill No. 306, pensioning all ex-prisoners of war—to the Committee on Invalid Pension.

By Mr. SCRANTON: Petition of Washington Camp, No. 248, Patriotic Order Sons of America, Moscow, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHARLES W. STONE: Remonstrance of the Woman's Christian Temperance Union of McKean County, Pa., against the passage of any bill establishing a bureau of military education and the adoption of a uniform military drill in the public schools of the several States and Territories—to the Committee on Education.

By Mr. WILLIAM A. STONE: Petition of W. H. L. Hamilton and 56 others, of Allegheny, Pa.; also, resolution of Thomas A. Armstrong Council, No. 291, Order United American Mechanics, of Allegheny, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of Solomon Robrtschek and 58 other citizens of Dover, N. H., praying the Government to take action in behalf of the Armenians—to the Committee on Foreign Affairs.

By Mr. TAYLER: Petition of Adam Shatzer and other citizens of Stark County, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TERRY: Petition of William H. Ledford, for a pension—to the Committee on Pensions.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Hulberton, N. Y., in regard to the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Woman's Christian Temperance Union of Hulberton, in regard to the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. WOOMER: Petition of Arthur J. Smith, president, and 125 members of Washington Camp, No. 70, Patriotic Order Sons of America, of Bismarck, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *February 28, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to furnish the House with a duplicate copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor under the direction of the Secretary of War, the same having been lost or misplaced.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and amend land patents, and for other purposes; and it was thereupon signed by the Vice-President.

MOBILE HARBOR IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return to that body of a duplicate copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor under the direction of the Secretary of War; and, on motion of Mr. FRYE, the request was ordered to be complied with and a duplicate copy returned to the House.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of the Trinity Lutheran Junior Missionary Society of Lancaster, Pa., praying Congress to take such steps as will prevent the sacrifice of life and wanton destruction of property that are now threatened in Turkey; which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of McKean County, Pa., remonstrating against the enactment of legislation establishing a bureau of military education in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Cornwall, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of a committee representing the tea trade of the United States, praying for the enactment of legislation levying a specific duty on tea; which was referred to the Committee on Finance.

Mr. MCMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. VILAS presented a petition of J. D. Robie Post, No. 273, Department of Wisconsin, Grand Army of the Republic, of Superior, Wis., praying for the passage of House bill No. 5555, to authorize the Secretary of the Navy to organize national naval volunteers in all States bordering upon the Great Lakes; which was referred to the Committee on Commerce.

Mr. CAFFERY presented a memorial of the Board of Trade of New Orleans, La., remonstrating against the discontinuance of the fast-mail service between New Orleans and the East; which was referred to the Committee on Appropriations.

Mr. SHERMAN presented a petition of the faculty and students of Oberlin College, Oberlin, Ohio, praying for the appointment of a permanent board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Akron, Ohio, praying for the enactment of legislation giving to shippers uniform classification on all the railroads in the United States; which was referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of sundry citizens of Boone County, Mo., praying for the adoption of an amendment to the preamble of the Constitution of the United States acknowledging Almighty God as the source of power and authority in civil government, and the Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil affairs; which was referred to the Committee on the Judiciary.

Mr. PASCO presented a petition, in the form of resolutions adopted by the board of county commissioners of Pasco County, Fla., praying for the early construction and completion of the Nicaragua Canal; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. DANIEL presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Richmond, Va., praying for the passage of Senate bill No. 563, providing for the abolition of compulsory pilotage on coastwise vessels; which was referred to the Committee on Commerce.

He also presented the petition of Benjamin Pendleton, a veteran of the Mexican war, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Woodlawn Farmers' Club of Accotink, Va., praying for the enactment of legislation providing for a farmers' market in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon. I present a memorial numerously signed by citizens of Bigelow, Oreg., in which they remonstrate against the appropriation by Congress of the nation's money toward any institution or undertaking belonging wholly or in part to a religious sect. The memorialists declare that such appropriations are refused and denounced by almost every religious society in this country, as well as by the great masses of people not connected with any church. They state that these appropriations have been instrumental in causing the formation of organizations throughout the country to combat certain church influences, thus engendering, as they state, bitter strife, and, in some cases, loss of life. Such appropriations, they think, are unjust and not authorized by the Constitution and in direct contravention thereof. Appropriations of this character, they state, form a law respecting an establishment of religion which is forbidden by the Constitution. They go further, in the judgment of the memorialists, and provide for the maintenance thereof; and they believe that the discontinuance of what they term these obnoxious appropriations will remove the greatest cause for the dissensions now existing in various parts of the United States, and to the end that the funds of the Government may not again be diverted to a channel contrary to the design of the founders of the Government, and in opposition, as they avow, to the wishes of almost the entire people of this country, they pray for the adoption of an amendment to the Constitution, to be termed the sixteenth article to the Constitution of the United States, reading as follows:

> Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States or of any State, or any money raised by taxation, to authorize either to be used for the purpose of founding, aiding, or maintaining by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking which is wholly or in part under sectarian or ecclesiastical control.

I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. KYLE presented sundry papers to accompany Senate bill No. 1408, to incorporate the National Capital Gas, Light, Heat and Power Company of the District of Columbia; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. THURSTON presented a petition of the Woman's Christian Temperance Union of Chester, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of South Sioux City, Nebr,, praying that a special appropriation be made to protect encroachment of the Missouri River; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. COCKRELL. To accompany the bill (S. 1318) granting a pension to Samuel K. Williams, late commissary sergeant of the Sixtieth Regiment Enrolled Missouri Militia, I present a petition numerously signed by citizens of St. Clair County, Mo., and affidavits of Samuel K. Williams and of James Elliott and John R. Young. I move their reference to the Committee on Pensions, to accompany that bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott, reported it without amendment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MCMILLAN. I move that the bill (S. 2001) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott, heretofore reported by the committee, be indefinitely postponed, it being identically the same as the bill just reported.

The motion was agreed to.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2307) to provide increased accommodations for the second division of the equity court of the District of Columbia, and for other purposes; which was read twice by its title.

He also, from the same committee, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 676) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 260) to provide for the construction of a public building at Butte City, Mont., reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 491) for the relief of Daniel O'Sullivan, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, to report it with amendments and submit a report thereon. I give notice that I shall call the bill up for consideration in the early part of next week.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 336) for the relief of the estate of William B. Todd, deceased, reported it without amendment, and submitted a report thereon.

DIRECTOR OF GYMNASTICS AT WEST POINT.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 665) to confer rank and pay of a first lieutenant of infantry upon the director of gymnastics and instructor in swordsmanship at the United States Military Academy, to report it favorably with an amendment in the nature of a substitute. The bill has the unanimous report of the committee, is recommended by the War Department, and recommended by the Superintendent of the Military Academy at West Point. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That the President of the United States be authorized to nominate and, by and with the advice and consent of the Senate, appoint a director of gymnastics and instructor in swordsmanship at the United States Military Academy as a first lieutenant of infantry, with the rank, pay, and emoluments of officers of that class. The person appointed under this act shall be subject to the physical examination required for admission to the military service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President of the United States to appoint and confer the rank of first lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy."

BILLS INTRODUCED.

Mr. FRYE. I present a petition, in the form of a resolution of the city council of Portland, Me., favoring the purchase by the Government of a quarantine station at that port, and I introduce a bill providing for the purchase by the Government of that quarantine station. I am uncertain where the bill should go, but it seems to me that owing to its connection with shipping matters it ought to go to the Committee on Commerce.

The bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me., was read twice by its title, and, with the accompanying petition, referred to the Committee on Commerce.

Mr. VEST introduced a bill (S. 2309) ratifying coal leases in the Creek Nation, Indian Territory; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2310) ratifying coal leases in the Choctaw Nation, Indian Territory; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. SHERMAN introduced a bill (S. 2311) to provide for the printing of general and private laws appropriating money; which was read twice by its title, and referred to the Committee on Printing.

Mr. SHERMAN. In view of the agreement made yesterday, I have been requested by several Senators to move, after the morning business is disposed of, that the consideration of the Cuban resolution shall be resumed without waiting until 2 o'clock.

Mr. LODGE. On behalf of my colleague [Mr. HOAR], who is unavoidably absent, I introduce a bill.

The bill (S. 2312) granting a pension to William T. Hill was read twice by its title, and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 2313) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DANIEL introduced a bill (S. 2314) for the relief of the heirs at law of Maj. Tarleton Woodson, deceased, in accordance with the findings of the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS (by request) introduced a bill (S. 2315) for the relief of the estate of Joshua Hill; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2316) granting a pension to Melissa Dooley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2317) for the relief of the heir or heirs of John Howard Payne; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL. By request I introduce two bills. I desire to state that I am not responsible for them.

The bill (S. 2318) to raise revenue, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

The bill (S. 2319) to authorize the construction of certain railways and canals, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2320) granting an increase of pension to James E. McNair; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a joint resolution (S. R. 88) directing a resurvey of Holland Harbor, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. BAKER submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

BILL RECOMMITTED—TONNAGE TAX.

On motion of Mr. FRYE, it was

Ordered, That the bill (S. 183) concerning tonnage tax be recommitted to the Committee on Commerce.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. CAFFERY. I ask for the adoption of the following order:

Ordered, That 1,000 copies of Senate Executive Document No. 111, of the Forty-sixth Congress, second session, be printed for the use of the Senate.

Mr. COCKRELL. What is the document?

Mr. CAFFERY. It is a document from the Interior Department containing a list of unconfirmed private land claims in Louisiana. The document is out of print, and it is very necessary to persons in Louisiana, in order to trace up and look after their titles.

The VICE-PRESIDENT. Is there objection to the present consideration of the order?

The order was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following joint resolutions:

The joint resolution (S. R. 17) providing for certain surveys in the State of Florida; and

The joint resolution (S. R. 59) extending the provisions of section 79 of "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, so as to include monographs, bulletins, and reports of the Geological Survey published in 1894 and succeeding years.

DISPOSITION OF GARBAGE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nevada [Mr. STEWART] coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. STEWART on the 25th instant as follows:

Resolved, That the Committee on the District of Columbia is directed to call upon the Commissioners of the said District for a full report of their action under the act of March 2, 1895, in the matter of the removal of the garbage of the cities of Washington and Georgetown, with transmission of

all papers; and the said committee is further directed to investigate the subject of the disposition of the garbage of large cities, with special regard to the health and comfort of the people and the location of garbage crematories or reduction plants, and to report what, if any, legislation is necessary.

Mr. COCKRELL. Why shall we direct a committee to do a thing that we can do ourselves? I move to amend the resolution so as to read "that the Commissioners of the District of Columbia be directed" to send the information called for.

Mr. STEWART. I accept that amendment.

The VICE-PRESIDENT. The amendment is accepted. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. STEWART subsequently said: Mr. President, with reference to the resolution which was passed this morning with regard to garbage in the District, the amendment which was made requires another amendment, to wit, the striking out of the last clause of the resolution.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The Secretary read as follows:

And the said committee is further directed to investigate the subject of the disposition of the garbage of large cities with special regard to the health and comfort of the people and the location of the garbage crematories or reduction plants, and to report what, if any, legislation is necessary.

The VICE-PRESIDENT. The vote by which the resolution was passed will be regarded as reconsidered and the amendment agreed to, if there be no objection. The Chair hears none. The resolution, as amended, is agreed to.

A. H. LAZARE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate of the 18th and 19th instant, a report from the Secretary of State in regard to the claim of A. H. Lazare against the Government of Haiti.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 28, 1896.

APPOINTMENT OF SECOND ACTING ASSISTANT DOORKEEPER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN] coming over from a previous day.

The Secretary read the resolution submitted by Mr. ALLEN on the 25th instant, as follows:

Resolved, That James B. Lloyd, a citizen of the State of North Carolina, be, and he is hereby, appointed to the office of second acting assistant doorkeeper of the Senate, at a compensation of $1,500 per annum.

Mr. ALLEN. In view of the fact that there seems to be some misunderstanding upon the Republican side of the Chamber with reference to this resolution, I ask unanimous consent to withdraw it.

The VICE-PRESIDENT. Is there objection?

Mr. SHERMAN. What is the request?

Mr. ALLEN. I said, in view of the fact that there seems to be an entire misunderstanding on the Republican side of the Chamber with reference to this resolution, I ask unanimous consent to withdraw it.

Mr. SHERMAN. I have no objection at all.

Mr. ALLEN. I had supposed, however, and had been led to believe from conversation had with the senior Senator from Ohio and some others, that there would be not the slightest objection to the passage of the resolution.

Mr. CHANDLER. I desire to make an explanation. I informed the Senator from Nebraska yesterday that if he would specify in the resolution the present officer of the Senate to be displaced, so that the number of employees would not be increased, I would make no objection to the passage of the resolution. The Senator, however, instead of accepting the suggestion from me, stated that he intended to withdraw the resolution, and I understood that an arrangement had been made which would not require approval by resolution of the Senate, which was satisfactory to all parties concerned. If that is not the case, I now repeat to the Senator from Nebraska that, so far as I am concerned, if he will specify the place now filled by some employee of the Senate which he wishes to have filled by Mr. Lloyd I shall certainly make no objection.

Mr. SHERMAN. I wish to move, if the morning business is closed, that the Senate proceed to the consideration of the Cuban resolution.

Mr. ALLEN. The morning business is not yet completed. I want to have this resolution disposed of.

The VICE-PRESIDENT. The Chair will state in response to the suggestion of the Senator from Nebraska that the Senator has a right to withdraw his resolution.

Mr. ALLEN. Then I withdraw the resolution. I wish to say in this connection, however, that the honorable Senator from New Hampshire did not have any understanding from me that an agreement had been entered into between any persons with reference to this matter, for no such agreement had been made. I withdraw the resolution.

The VICE-PRESIDENT. The resolution is withdrawn.

WAR IN CUBA.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the Cuban resolution.

Mr. BURROWS. Will the Senator from Ohio yield to me to call up a bill that will provoke no debate?

Mr. SHERMAN. Let the resolution be taken up, and then I will yield.

The VICE-PRESIDENT. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A resolution reported from the Committee on Foreign Relations by Mr. MORGAN relative to the war in Cuba.

The VICE-PRESIDENT. The Senator from Kentucky [Mr. LINDSAY] is entitled to the floor upon the pending resolution.

NAVIGATION OF ST. MARYS RIVER.

Mr. BURROWS. I ask the unanimous consent of the Senate to take up the bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River. It is a measure in the interests of navigation that ought to be passed, and I trust there will be no objection to it. It was reported unanimously by the Committee on Commerce.

Mr. LINDSAY. The regular order is before the Senate, I understood.

Mr. BURROWS. I trust the Senator from Kentucky will yield for just a moment. This bill will give rise to no discussion.

The VICE-PRESIDENT. Does the Senator from Kentucky yield?

Mr. LINDSAY. I yield for this purpose, but after the bill is disposed of I shall take the floor upon the pending resolution.

Mr. BURROWS. The bill was reported unanimously from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to add at the end the following additional proviso:

Provided also, That nothing in this act shall be construed to amend or repeal the act entitled "An act to regulate navigation on the Great Lakes and connecting tributary waters as far east as Montreal."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I desire to submit a conference report on the pension appropriation bill. I will say to the Senator from Kentucky that it will take about two minutes to dispose of it. I hope there will be no objection.

Mr. LINDSAY. I understand there will be no controversy over the conference report.

Mr. ALLISON. None whatever. There are only three amendments, and they have been disposed of.

The report was read, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows;

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

W. B. ALLISON,
S. M. CULLOM,
Managers on the part of the Senate.

W. A. STONE,
R. W. BLUE,
S. M. ROBERTSON,
Managers on the part of the House.

The report was concurred in.

WAR IN CUBA.

The Senate resumed the consideration of the resolution reported by Mr. MORGAN from the Committee on Foreign Relations on the 5th instant relative to the war in Cuba.

Mr. LINDSAY. Mr. President, as I desire to speak this morning to the resolution offered in the way of an amendment to the committee's report by the Senator from Pennsylvania [Mr. CAMERON], I will ask to have the proposed amendment read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

A joint resolution (S. R. 74) relative to the termination of the war in Cuba.

Whereas the President of the United States in his last annual message to this body says:

"Neither the warmth of our people's sympathy with the Cuban insurgents,

nor our loss and material damage consequent upon the futile endeavors thus far made to restore peace and order, nor any shock our humane sensibilities may have received from the cruelties which appear to especially characterize this sanguinary and fiercely conducted war have in the least shaken the determination of the Government to honestly fulfill every international obligation, yet it is to be earnestly hoped, on every ground, that the devastation of armed conflict may speedily be stayed and order and quiet restored to the distracted island, bringing in their train the activity and thrift of peaceful pursuits"; and

Whereas he also declares that the present revolt is more active than the one which continued from 1868 to 1878; and as it appears there are no means of securing permanent peace to Cuba except by the recognition of its right to self-government:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the good offices of the United States are earnestly recommended to the favorable consideration of the Spanish Government for the recognition of the independence of Cuba.

Mr. LINDSAY. Mr. President, I do not think that in the present exigency the subject under consideration ought to be in any wise controlled by the past conduct of Spain to the United States. Considering the entire history of the diplomatic intercourse between the two countries and the sensibility of a country like Spain, whose power has been gradually declining, it may be said with truth that we are rather a debtor to than a creditor of Spain in the good offices of the past.

Nor do I think this subject ought to be discussed, considered, or decided by the Senate as though it were a case in court, to be governed alone by the rules of practice prevailing in questions arising out of international law and before the courts for adjudication. It is in a certain sense a question of humanity. At our very doors a war is being carried on between the people of Cuba and the Spanish Government, which can result but one of two ways, unless public opinion is very much mistaken, the independence of Cuba upon the one hand or the utter destruction of the Cuban people upon the other. Therefore we approach the discussion of this issue from the standpoint of humanity as well as of law, and in that spirit I shall discuss it.

Expressions of sympathy will avail nothing to the Cuban insurgents. A declaration that they have so far progressed in their revolution as to be entitled to the treatment of belligerents will accomplish little in the end, if I be right in my position. If the United States are to take any step to bring about a condition of affairs in Cuba different from that which has existed there during the last seventy years, that step should be in the direction of the ultimate independence of the Cuban people. It may be true, it is true, that the revolutionists have not yet accomplished enough to justify us in acknowledging the independence of Cuba, but I may say that the United States in the past have not hesitated to take that advanced ground, in instances where a revolution like that in Cuba had scarcely passed beyond the scope of the success which has now attended the arms of the Cuban people.

The Senator from Delaware [Mr. GRAY] read yesterday the conservative message of President Jackson in relation to the acknowledgment of the independence of Texas. Let us contrast the conduct of the Government of the United States, including the President, with the language of that message, and see whether that conduct will not justify us in taking now even a more advanced step than is proposed by this resolution.

The President's message was sent to Congress on the 21st day of December, 1836. March 1, 1837, the Senate passed a resolution looking to the recognition of the independence of the Republic of Texas. Almost contemporaneously with that resolution the House, by an amendment to an appropriation bill, appropriated money to pay the expenses of a diplomatic agent to the Republic of Texas, and on the 4th day of March, 1837, the last act of the President who wrote the message of the 21st of December, 1836, was to nominate a chargé d'affaires to the new Republic. Within sixty days after this conservative message had been sent to Congress, the Government of the United States had acknowledged Texas to be a free and independent nation. How did the conditions of Texas then compare with the condition of Cuba at the present time? At that time, according to the report of Henry M. Morfit, the American agent who had been sent to Texas to investigate the affairs of that country, the population of the entire Republic was 52,670. Thirty thousand of these were Anglo-Americans; 3,470 were Mexicans; 14,200 were Indians, and 5,000 were Africans.

The Mexicans and Indians were elements of weakness rather than of strength to the struggling Republic, and it may be said that at the time when the independence of Texas was acknowledged there were but 30,000 Texan people who were actually engaged in the struggle for independence.

What was the then condition of the Texan army and what the condition of Texan finances? Reading from Yoakum's History of Texas, volume 2, page 205, I find this statement:

At the close of 1836 the Texan army consisted of about 700 men enlisted for the period of the war and 80 who had six months longer to serve. The troops had neither flour nor bread; beef cattle there were in abundance on the prairies, but no horses in camp to drive them up. They had likewise a good supply of ammunition, but were without flints.

The condition of the Mexicans was this:

The Mexicans had again increased their forces in and about Matamoras. At the latter point there were 1,335 infantry, 670 cavalry, and 400 chained convicts ready to be distributed among the several companies. They had 28 pieces of cannon and 2 mortars. There were also en route from San Luis Potosi 150 cavalry, 300 infantry, and 4 pieces of artillery. Besides these forces there were at Saltillo 2,500 men of all arms and at Laredo 150 cavalry, making in all an aggregate of over 5,000 troops ready to invade Texas.

From the 1st of January to the 4th of March, 1837, there had been no improvement in the condition of Texas and no diminution of the power of Mexico, yet the Senate of the United States passed the resolution looking to Texan independence, the House of Representatives provided for a contingency that only could arise upon the Executive acknowledgment of independence, and the President took that step by the appointment of a chargé d'affaires to the new Republic.

What may now be said of the Cuban war for independence? A ten years' war, from 1868 to 1878, which Spain could not successfully bring to a close except upon the promise of reforms which have never been made, is followed by a revolution which has existed for over twelve months, and which, according to the message of the President, is more active than that of 1868, and yet we are told that a case has not yet arisen in which the Executive of the United States will be justified in considering steps looking to the independence of this people.

It is not correct, as a matter of international law, that the independence of an insurrectionary state is never to be acknowledged until independence has been virtually accomplished. There are conditions in which the acknowledgment may precede and ought to precede the degree of success that leads inevitably to the conclusion that independence can and will be secured by the unaided efforts of the insurrectionists. Reading from Manning's Law of Nations, page 97, I find the practice of international law in cases like this stated thus:

The continuance of a revolutionary state of affairs in the foreign State under circumstances in which it seems highly probable that, without such interference, either public order can never be restored at all or can only be restored after such sufferings to humanity and such injuries to surrounding States as obviously overbalance the general evil of all interference from without. No doubt the application in particular cases of these two principles is often a matter of the utmost difficulty, and must depend for its success on the honesty and political foresight of the State whose interference is solicited.

We have a state of case in Cuba which would justify the Government of the United States in considering a proposition for active interference in the revolutionary struggle for the reason that "it seems highly probable that, without such interference, either public order can never be restored at all or can only be restored after such sufferings to humanity and such injuries to surrounding States as obviously overbalance the general evil of all interference from without." But this resolution contemplates no such active interference. This resolution proposes only that the good offices of the United States shall be offered to Spain to bring about, not merely a cessation of hostilities in Cuba, not merely a termination of the revolutionary struggle now in progress, but an ultimate peace on the basis of Cuban independence, the only basis on which good governmont can ever be secured to the people of that country, if the experience of the last seventy years is to go for anything.

This question has been considered as though Cuba lay a thousand miles or 3,000 miles from the shores of the United States; it has been considered as though the people of the United States had no peculiar interest in and were under no peculiar duty to the people who are struggling for their independence; but such is not the case. After the successful revolutions in Mexico and in the Spanish American States of South America the question arose as to the attitude Cuba then bore to the United States and as to what position the United States was to assume toward Spain in regard to that nation's control of Cuba. Mr. Adams, in April, 1823, while Secretary of State (I take the following extracts from quotations to be found in the speech of the Senator from Alabama [Mr. MORGAN]), wrote to Mr. Nelson, as follows:

In the war between France and Spain, now commencing, other interests, peculiarly ours, will in all probability be deeply involved. Whatever may be the issue of this war as between those two European powers, it may be taken for granted that the dominion of Spain upon the American continents, North and South, is irrevocably gone. But the islands of Cuba and Puerto Rico still remain nominally, and so far, really, dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands, from their local position, are natural appendages to the North American continent, and one of them (Cuba) almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the Island of Santo Domingo; its safe and capacious harbor of the Habana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together.

Mr. GRAY. From whom is the Senator reading?

Mr. LINDSAY. I am reading from the letter of John Quincy Adams, Secretary of State, to Mr. Nelson, who, I believe, was at that time minister to France.

Mr. MILLS. What is the date?

Mr. LINDSAY. April, 1823. He continues:

Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering, in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself.

This was from Mr. Adams, who can not be charged with looking south, as Mr. Jefferson has been charged, for the acquisition of slave territory in order to maintain the balance of power between our Northern and Southern States. This letter was written six months before President Monroe's message, laying down the Monroe doctrine to the world, was sent to Congress.

Again, writing to the same minister, Mr. Adams said:

The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. The opinion is so generally entertained, that even the groundless rumors that it was about to be accomplished, which have spread abroad and are still teeming, may be traced to the deep and almost universal feeling of aversion to it and to the alarm which the mere probability of its occurrence has stimulated. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least, to use all the means within its competency to guard against and forfend it.

Thus in April, 1823, it was announced that no matter what the result of the war between France and Spain might be, the possession of Cuba should not pass to France. Almost before the ink was dry upon that letter came the statement that the possession of Cuba should not be transferred to Great Britain, and that the public feeling upon the subject was so intense that the American Government would feel authorized to use all the means in its power, if necessary, to prevent that island passing into the hands of either one of those great powers.

Then, in October, 1825, Mr. Adams being President and Mr. Clay Secretary of State—

Instructions were sent, under direction of the President (Mr. J. Q. Adams), to the ministers to the leading European Governments to announce "that the United States, for themselves, desired no change in the political condition of Cuba; that they were satisfied that it should remain, open as it now is, to their commerce, and that they could not with indifference see it passing from Spain to any (other) European power."

And in October of the same year, writing to Mr. Brown, Mr. Clay said:

You will now add that we could not consent to the occupation of those islands (Cuba and Puerto Rico) by any other European power than Spain under any contingency whatever.

These declarations were made, not in view of the Monroe doctrine; not upon the idea that Cuba might possibly be considered open to colonization; not upon the idea that Spain did not have the inherent power by treaty to surrender its possession to any other power with which she might choose to treat; but upon the idea that the United States had such a peculiar interest in that island that we could not, and would not, see the possession pass from Spain to any other power.

What followed this? Mr. Webster, in 1843, writing to Mr. Campbell, said:

The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never changed, and has repeatedly been told that the United States never would permit the occupation of that island by British agents or forces upon any pretext whatever; and that in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid her in preserving or recovering it.

This has been the policy of every Administration from 1823 down to the present day. We claim the right to say that the possession of Cuba shall never pass from Spain except with our consent; and the right to say to Spain, as we have said repeatedly, "Your possession of that island shall be protected against all foreign countries, even if it be necessary to call upon the naval and military resources of this country to protect you."

We have never occupied toward any other foreign country relations like these. We have never asserted that any other territory which was otherwise the subject of purchase or cession, as Cuba was recognized to be in 1823 and 1825, could not be transferred by the Government owning that particular territory. We have never said in regard to any other country that we would guarantee its ownership and possession to the nation that claims it, even by going to war to make good that guaranty.

Having assumed that position seventy years ago, having maintained that position through all the years that have intervened since 1823, having declared that Cuba can not have good government at the hands of France or Great Britain or any other liberal and progressive country, have we not at the same time assumed a duty correlative in its extent to the claim that we assert? Can we say to the people of Cuba, can we say to the civilized world, that unless Cuba unaided can secure her independence she shall remain for all time to come, under all circumstances, in every contingency, subject to the rule of Spain, and at the same time shirk the responsibility of saying to Spain, "In consideration of this guaranty we have the right to demand that you shall give to the people of Cuba some sort of respectable government, some sort of protection to person and property, a system of administration that to some extent commends itself to the enlightened civilization of the age in which we live"? I insist that we, having asserted these great rights, having claimed this high authority, having become sponsor to the world that Spain shall continue to dominate this island, can not escape responsibility if we fail to see that Spain treats the people with some degree of justice. All during these seventy years that we have been guaranteeing Spain's possession, upholding Spain's authority over Cuba, affairs have been growing steadily worse.

I do not pretend to say that Spain would not give Cuba good government if she could, but that the financial condition of Spain has reached that point at which she can not live without virtually confiscating the fruits of the labor of all the people of Cuba, and if the impositions in the way of taxation annually taken from the people of Cuba under the Spanish Government have not been exaggerated by Senators on this floor who profess to speak by authority, then I say that in each year the profits which result from every Cuban's labor, the profits which result from every Cuban enterprise, and the profits which follow the cultivation of the richest soil upon the face of the earth, are taken from the people of Cuba and turned into the coffers of Spain to enable that country to maintain its standing as a European power. Cuba can not get good government at the hands of Spain because Spain's condition will not permit her to give it good government.

It was said yesterday by the Senator from Missouri [Mr. VEST] that there is not a native Cuban who sympathizes with the attempt of Spain to subdue the existing insurrection. If this be true, then we have the case of a power 3,000 miles away holding by force, and force alone, a million and a half of people in Cuba in a state of subjection as abject as that of admitted slavery. If this be true, and the Cubans did not revolt, they would be less than human; if they should fail to struggle on year after year, they would not deserve to exist; and it is a fact which no man can deny that Spain now contemplates the possible annihilation of all the able-bodied men in Cuba, if necessary, to put this revolution under foot.

Is this a case in which a government occupying toward the people of Cuba the relations we occupy should hesitate to take a decided step for their relief because the refinements of the international lawyer may be able to show that we may go beyond the precedents now to be found in the books? International law, like the common law, does not stand still, it grows with changed conditions and fits itself to each new exigency as it may arise. We have had no such condition facing us heretofore as we have to-day. Keeping in view the principles, but disregarding the mere verbal limitations upon international law, we may do all that is proposed by this resolution. We may, if we see proper, go further than this resolution proposes to go, in order to secure to these people the inalienable rights of all human beings who aspire to enjoy the liberty of a freeborn people.

I do not say that Spain ought to be held to the duty of giving to Cuba as good a government as we have here; I do not say that the institutions and traditions of Spain should all be disregarded in order that the government of the Cuban people might come up to our standard of government; but I do say that Spain owes to Cuba as much as Turkey owes to Armenia, and that if Spain will not perform the obligations that rest upon her as the governing power of Cuba, or if Spain's conditions are such that she can not perform those duties, then the time has come for the step to be taken—and it can not be so properly taken by any other government as by that of the United States—for the final severance of the relations between Spain and Cuba. If the Cuban people are in insurrection so unanimously that no considerable portion of them sympathize with the attempts of Spain to repress the revolution, then Spain's interest in Cuba has become a mere material interest. Pride of Spanish renown and the traditions of the Spanish Government, everything that builds up and elevates a government, everything which inspires devotion by a people to the government under which they live, has passed away, so far as Spain and Cuba are concerned; and it is to-day but a question of money, a cold, calculating inquiry as to what it will profit Spain to exercise over Cuba in the future the power she has exercised in the past.

This resolution provides for friendly intervention by the United States, not merely for temporary peace, not merely to alleviate the horrors of existing war, but to terminate that war, to bring about a peace which will be lasting, so far as Spain and Cuba are concerned, by securing to the Cuban people the best government they are capable of building up and administering. If it be true that it is but a question of money, then why should not an overture be made to Spain, not in an offensive way, not with any view to ultimate hostilities, but in the interest of common humanity, and why shall not Spain treat, upon the basis of affairs as they exist, for the surrender of her control over this island for a consideration which the Cuban people may be able to pay? In the past propositions like this have been made and have not been regarded as cause for offense. Why, then, shall not the United

States not only propose to Spain that she shall, for a fair consideration, part with her right to dominate Cuba, but, if necessary, announce that the Government of the United States, having that deep and abiding interest in Cuba outlined by Mr. Adams and by all his successors, will guarantee that Cuba shall keep and perform the obligations she may thus incur? Something must be done. It will not do to say that we merely sympathize with the Cubans. It will not do to say that we merely hope for the close of a useless, unnecessary, and wicked war, which can terminate only in the abject subjection or annihilation of the Cuban people or in their independence. We can not longer answer at the bar of public opinion nor to our own consciences by claiming that we are not our brother's keeper. We have made ourselves the keeper of this brother, and if we shrink from the duties we have thus voluntarily assumed the blood of that brother will cry out from the ground against us.

Mr. SHERMAN. Mr. President, I would not engage in this debate but that I, as a member of the Committee on Foreign Relations, wish to share in the responsibility of the members of that committee for the consequences that may come from the adoption of the resolution which I hope is about to pass. I do not disguise the dangers, the possibilities of hostile movements into which our Government may be drawn. I know that the people of Spain are a sensitive, a proud, a gallant people, and will not submit to what they consider to be an injustice without resentment and resistance. At the same time my convictions are strong, made stronger every day, that the condition of affairs in Cuba is such that the intervention of the United States must sooner or later be given to put an end to crimes that are almost beyond description.

After the elaborate statements made by my honorable friend the Senator from Alabama [Mr. MORGAN], in which he has exhausted all the history of the question, I do not think it is necessary for me to go into many details. Nearly all the arguments and the facts upon which I base my opinion I draw from two documents. One is written by an American who does not give his name, but he is evidently interested in commercial matters in Cuba, and I judge from the tone of the paper that he is also interested in commercial matters in this country. But as he does not give his name, I do not know to whom to ascribe it. It is a very ably written article upon the side of Spain, and very strongly against the people of Cuba who are now engaged in war.

The other document to which I refer is one which I believe has not been generally read by members of the Senate. It is a document that was printed by order of the Committee on Foreign Relations, signed by T. Estrada Palma, who represents the belligerent Cubans and is the agent, so far as they can appoint an agent, for the revolutionary Government of Cuba. This document, addressed to Mr. Olney, the Secretary of State, and furnished by him to the committee, gives nearly all that is necessary to know about the growth of the revolution in Cuba, the organization of the civil Government there, the formation of armies, and all the principal incidents of the combat that is now waging. In all its parts it seems to be fairly and frankly written without exaggeration, and perhaps I may read two or three paragraphs from the beginning of it to show the tone of this communication.

In speaking of the causes of the revolution he says:

> These causes are substantially the same as those of the former revolution, lasting from 1868 to 1878 and terminating only on the representation of the Spanish Government that Cuba would be granted such reforms as would remove the grounds of complaint on the part of the Cuban people. Unfortunately the hopes thus held out have never been realized. The representation which was to be given the Cubans has proved to be absolutely without character; taxes have been levied anew on everything conceivable; the offices in the island have increased, but the officers are all Spaniards; the native Cubans have been left with no public duties whatsoever to perform except the payment of taxes to the Government and blackmail to the officials, without privilege even to move from place to place in the island except on the permission of governmental authority.
>
> Spain has framed laws so that the natives have substantially been deprived of the right of suffrage. The taxes levied have been almost entirely devoted to support the army and navy in Cuba, to pay interest on the debt that Spain has saddled on the island, and to pay the salaries of the vast number of Spanish officeholders, devoting only $746,000 for internal improvements out of the $26,000,000 collected by tax.

In another part of this document it is shown that no schools are organized there, and practically, with the exception of Habana and perhaps one or two other places, there are no school facilities in that region. The whole amount of money appropriated in aid of school buildings erected recently was about $20,000.

Mr. Palma says further:

> No public schools are within reach of the masses for their education. All the principal industries of the island are hampered by excessive imposts. Her commerce with every country but Spain has been crippled in every possible manner, as can readily be seen by the frequent protests of shipowners and merchants.
>
> The Cubans have no security of person or property. The judiciary are instruments of the military authorities. Trial by military tribunals can be ordered at any time at the will of the captain-general. There is, besides, no freedom of speech, press, or religion. In point of fact, the causes of the revolution of 1775 in this country were not nearly as grave as those that have driven the Cuban people to the various insurrections which culminated in the present revolution.

It can not be denied that this is a temperate statement of a most fearful condition of affairs in Cuba.

The objection has been made, not in debate here, but in the public press, that the Cubans have no organized government; that they have no local habitation and name; that they have no legislative powers; that there is nobody elected to make laws. That is absolutely untrue. Here in this little pamphlet are the proceedings of the Government of Cuba and of the people of Cuba in organizing the Government. Here is a statement of the growth of the revolution, of the battles and campaigns, and contemporaneous with these movements the preliminary organization of local self-government as constituted.

Sir, much to my surprise, because I took up the general idea that those people, in the first instance, were merely a band of discontents, having no organization, with whom we could not deal, it is shown by this official document, communicated to the Secretary of State, that they have gone through all the formulæ of self-government as fully and completely as the people of the United States did at the beginning of the Revolution.

This little document shows the organization of the legislature, the military organization, the election of a president, M. Cisneros, a man of high character, of conceded ability, a man of property and standing, who also, I believe, took a prominent, active part in the revolution of 1868 to 1878, besides being eminent in civil life.

Here are rules for the regulation of the army. Here are stipulations made as to the treatment of prisoners, how they shall be dealt with, and it is a remarkable fact that in all the battles fought by these wandering "robbers and bandits," as they have been called, whenever they captured a soldier of the Spanish army they released him and allowed him to return to his command. This humane and generous treatment is far different from the universal custom of the Spanish troops when one of the rebels is taken. He is sent to prison in Africa by the Spanish troops or is treated harshly and in some cases murdered. These are poor men; the army is composed of native Cubans and men some of whom have been freed from slavery, black people, but they have shown no signs of being guilty of the barbarous atrocity of which I shall have to speak hereafter, I am afraid injudiciously.

Now, here is a circular of the general in chief, General Gomez. The first article of that circular says:

> All prisoners captured in action or by the troops of the Republic will be immediately liberated and returned to their ranks, unless they volunteer to join the army of liberation. The abandoned wounded will be gathered and attended to with all care and the unburied dead interred.
>
> ART. 2. All persons who shall be arrested charged with committing the misdemeanors in the circular of July 1, by violating or disregarding the said order, will be summarily proceeded against.

There are many articles in this circular of commands, and all of them in accordance with the most humane system of warfare.

This circular, which defines what is to be done with prisoners of war, is signed by Maximo Gomez, general in chief, and yet in many newspapers in our country he has been denounced as a murderer, a cruel, barbarous one, like the one I shall speak of after a while—the commander of the Spanish forces.

There are more than 100,000 Spanish troops now in that little island. Even before General Weyler went there there, were that many, and yet those troops have not been able to put down the rebellion; they have not been able to check the movements of the Cuban army, though their number did not exceed thirty or forty thousand. It is a remarkable fact, too, that the Spanish troops and Spanish generals never trust with arms men of Cuban descent or Cuban birth. They are employed to take care of property; they are employed to look after plantations, to assist in driving off the rebels, as we may call them, from the plantations, but there is no case where the Spanish authorities have given to native Cubans arms and ammunition, because they know very well that they would be very unreliable troops in war against their countrymen.

The whole movement of the military force in Cuba is Spanish in its character. They have more troops now in Cuba than England ever had in the American colonies during our American Revolution. The force that has been brought to bear has been unable to check the movement of these wandering brigands, as they are called, in their triumphal march from one end of the island to the other.

Sometimes it is said that the local government has no habitation; that it has no place which it can hold to pass laws. In this respect they are like our Revolutionary fathers, who assembled at Philadelphia, adjourned to Baltimore, fled to Lancaster, and convened at Yorktown. The Cubans found a place in which they framed a constitution which is liberal and full, and it is here printed. It is true, it is not of the grandeur of, or in semblance to, the Constitution of the United States, but it is a sufficient constitution to govern 1,600,000 people.

Again, it is said that this is a government of negroes, and that that is an objection to their independence. It is true that about two-fifths of the people of Cuba are negroes or of negro descent. Of Spaniards there are only 9 per cent, and the native Cubans constitute the balance. Most of the negroes were emancipated at the

close of the previous revolution in 1878. That was one of the terms and conditions of the settlement that was then made. Those negroes are now free. They are useful and necessary laborers, but it is said that they compose a part of the army. It is shown by the official records produced by Mr. Palma, a representative of that government, that of the entire force mustered by that government one-fourth are either negroes or descendants of black men, and no more.

Mr. CAMERON. They are mulattoes.

Mr. SHERMAN. They are mulattoes, most of them having formerly been slaves.

Mr. President, in every aspect in which I can look at this matter it seems to me that this comparatively ignorant, comparatively inoffensive population, composed of native Cubans, emancipated blacks, and of free mulattoes, have, by their victories over greater numbers, fairly acquired the position of belligerents. The 9 per cent of the population who are Spaniards in all probability are on the side of the parent government, although, I am told, as is shown here, that in some cases Spaniards by birth have joined in the movement for liberty and independence.

Mr. MORGAN. Will the Senator from Ohio allow me to read an extract from a letter which I received this morning?

Mr. SHERMAN. Certainly.

Mr. MORGAN. It is from a gentleman with whom I have no acquaintance, however. I will read it. It is dated the 26th of February, 1896:

I have traveled considerably over the Island of Cuba and have been interested in the history of the island, of Cuban affairs, and the study of those people.

Not having had the pleasure of your personal acquaintance, it might be well for me to say to you that I am a citizen of Washington, and that I am interested extensively in and was one of the organizers and founders of the National Capital Bank on Capitol Hill; that myself and the president of this bank have traveled in company over the territory which has been the scene of the recent bloody conflict, and that since our travels over this country I have become very greatly enthused with what seems to me to be the prospect of those people governing and maintaining themselves, if they should ever be so fortunate as to achieve their independence.

My observation of the Cuban prompts me to say that, unlike the Spaniard, he is true to his friends, law abiding, and honest in character. In this respect he differs from any of the Spanish continental citizens, and I don't believe there is a place on this hemisphere that I would rather be placed in, absolutely helpless and unable to take care of myself, depending wholly upon the honor, integrity, and good faith of the people with whom I was surrounded, than to be placed in a community of Cubans. They are brave and will meet death, disaster, and despair with the greatest amount of fortitude, I believe, on the face of the earth.

Your allusions in your speech to the fact that in the last insurrection there were 13,000 Cubans killed on the battlefield and 43,000 of them slaughtered as prisoners of war seemed to astonish and open the eyes of some of your colleagues. I was sorry that you did not dwell upon a single comparison. Allow me to suggest it.

According to the best historical authority, there were 57,000 Cubans who bit the dust during that insurrection.

I shall not read the remainder of the letter, as it is somewhat personal.

Mr. SHERMAN. I have always understood that the Cubans were a quiet, a peaceable, but not a very enterprising people. They had no system of education by which they could improve their condition. They had no aid from Spain. Every dollar of taxation that was levied there went to the Spanish Government. They had no political rights or privileges worthy of the name.

The struggle of 1868–1878 was brought to an end by the kind intervention of General Campos, a gentleman, no doubt, of the highest character, kind and generous, yet one of the best soldiers that Spain has furnished of late years. That fearful contest, which involved an expenditure by Spain of over $700,000,000, was continued for ten years by those wandering outlaws, as they are called, holding in check all the power of Spain during those long years, and only giving up resistance when peace was made upon terms granted by General Campos. They were liberal terms; they were honorable terms, such as the Cubans were willing to accept, and upon the adoption of which they were willing to lay down their arms.

What were those terms? The Cubans demanded local autonomy—some kind of home rule; they demanded that they should have control of their property, their surroundings, their schools, etc. That was promised to them. They demanded representation in the Cortes, and so they had three men sent to the Cortes, a body, I believe, of some three hundred men, and as a matter of course they were lost there and the Cortes paid no attention whatever to them. The Cubans had a so-called local government, composed, I believe, of about thirty persons, one-half nominated by Spain, the other half nominated by the people of Cuba, and then when the question of voting came up the body of the natives were practically disfranchised.

So Spain, although she entered into the plausible agreement to bring about peace with Cuba, yet practically violated her own engagements. She failed to carry out the stipulations which she made to her own people, and the result was that within a few years afterwards the feeble Cubans, alarmed at the condition of affairs, their property taken and devoured by taxation, rendered poor, reckless, without means of education except a few who were planters, again took up arms.

But it is said that the Cubans took a man from outside of the island to command their army. So they did. They took a man named Gomez, who, according to all the evidence that I have and all the statements made in this very one-sided document, is a man of character, a man of standing, probably an idealist. He was born in San Domingo, but he has always resisted any kind of tyranny. He exposes his life now in endeavoring to secure home rule for Cuba. He ought to be and will be considered a patriot in some future day.

Mr. President, I wish to say a word in respect to the treatment by Spain of her colonies. I have no desire to say anything unkind about Spain. Spain through Columbus discovered America. Four centuries ago Spain was a nation of great power, controlling not only the peninsula of Spain but a large portion of Europe through Charles V; but Spain has never developed any power to manage a colony. It has never in a single instance, in all her numerous colonies, embracing originally the larger part of South America and Mexico and the Island of Cuba, conceived or acted upon a policy of kindness or justice to her conquered subjects. It has never been fair to the natives. On the contrary, Spain's rule was iron, its demands were implacable, and refusal of obedience was death.

It is impossible to read, without being shocked, the history of any country conquered by Spain in the days of its power, with all the atrocities and crimes committed. The story of Pizarro and Cortez, as told by Prescott, is a record of Spanish courage and Spanish cruelty, of bloody massacres and harsh injustice to the races they conquered. Recall the scenes that happened in the Netherlands under the Duke of Alva, a name that will be remembered and hated as among the most cruel of mankind. The Dutch in the Netherlands struggled with the great power of the Spanish Government and saved their country in spite of cruelty and barbarous warfare.

Spain had possession of nearly all South America. What has she done with it? She has lost it all. Not by foreign power, but by the men she has attempted to rule, by Mexico, Chile and all the countries of South America; and now her last vestige of power on the American Continents hangs over sixteen hundred thousand people of Cuba.

If Cuba had not been in that insular position where her coasts could be dominated by any naval power, the people of Cuba would long ago have been free. But unfortunately a rebel within could not by any possibility have any control of the building of ships to defend his island from encroachment. The island was open to Spain, and it is a wonder to me how, under the circumstances in which they are placed, the people of Cuba have made such advances. I may say that Cuba has been in almost constant war during this generation. I need not go into the details of the various outbreaks, but in the one from 1868 to 1878 she not only maintained her power during all that period, but compelled Spain to a sacrifice that practically brought about her bankruptcy.

Now, it seems to me that under those circumstances Spain could easily, readily, have conciliated those people who, after all, were more friendly to Spain than any other portion of the Spanish colonies. Why not concede to them autonomy, local rights? There are but two countries in America of any great importance which are now dominated by kingly power. One is Canada. But what is the history of Canada? Canada is now as free as the Republics of America. Her people can pass laws as they please, and they are never vetoed. Canada is practically an independent country. England has extended to its people a policy which she ought to have extended to her United Colonies of America in 1776. If the same policy which has been pursued latterly in Canada had been pursued with our fathers in the Revolution, British power would probably have been exercised over the American colonies for many years after 1776. We can thank George III and his Tory ministry for their unjust measures in our Revolution, because it compelled our people to assert their power of self-government and to establish a great Republic among the nations of the world.

In Canada, Great Britain has been wise and liberal. It has done everything. The Canadians have a parliament. They have every function and attribute of a government. They have provinces and separate communities, with full autonomy and power to levy taxes. They not only levy taxes upon their own property, but they levy taxes upon goods imported from England, as well as from any other country in the world. It is folly to say that Canada is a possession in the sense considered by Spain. England was wise enough to foresee that a liberal policy was necessary to hold distant possessions; but Spain never could learn this lesson, never could find out that a colony had inherent rights, never could govern its distant subjects with Spanish rule, except by the policy of violence and injustice, of vengeance and barbarity.

This very question that we are now debating, strange as it may seem, came up and was before the Senate in 1870, two years after the rebellion that I have referred to occurred, and then it was

that in the Senate of the United States I introduced a resolution, which I ask the Secretary to read.

The PRESIDING OFFICER (Mr. HILL in the chair). The Secretary will read as requested.

The Secretary read as follows:

Whereas the United States observe with deep interest the civil war now existing in Cuba and sympathize with the people of all American nations or colonies in their efforts to secure independence of European power: Therefore

Be it resolved, That the United States recognize the existence of a state of war between the Kingdom of Spain and the colony of Cuba, waged on the part of Cuba to establish its independence, and the United States will observe a strict neutrality between the belligerent parties, as is their duty under the law of nations.

Mr. SHERMAN. That resolution was introduced by me at the date stated. The conditions under which it was introduced were rather peculiar. At that time General Grant was understood to be very strongly in favor of taking determined measures to put an end to Spanish rule in Cuba. I speak in the presence of one of the members of his Cabinet, the Senator from Pennsylvania [Mr. CAMERON]. It was felt generally throughout the country, and especially in Washington, that the rebellion ought to end, and the general feeling was that General Grant would bring it to some head; that he would either persuade Spain to sell Cuba or in some way bring about the independence of the Cubans. But Mr. Hamilton Fish, his Secretary of State, was no doubt largely controlled by the commercial interests of the city of New York and the State of New York. I do not complain of that. He was very much opposed to this policy and resisted it to the utmost.

Finally General Grant yielded. General Grant did not often yield, and in many cases he did not yield where it was supposed he did, but he did yield his ideas upon that subject. The strongest possible statement of the objections to our interfering in Spain and to our recognition of their belligerency is stated in the message of General Grant in 1875, and I think everyone who is familiar with the writings of Mr. Fish will see that it was practically his work.

Therefore it was that we did then as we are doing now—we let the thing run along. I did not call up the resolution for final action or for consideration, because I knew that without the assent of the President it was perfectly idle for us to seek any measure for the relief of Cuba. So things passed along until finally in 1878, in the beginning of the Administration of Mr. Hayes, the matter was settled, and it was supposed that it had been settled upon liberal terms which would supply to the people of Cuba an autonomy and protect them at least in their local interests.

Senators may not be interested in the constitution of the Provisional Government, the action of the constituent assembly, but here it is. I will not read it. There is not a right enjoyed by the people of the United States that is not secured here. Their Government is a simple and plain Republic with but little form or ceremony. It is a substantial grant to all the people who live there, without distinction of race or color, of liberty and the right to manage their own affairs. Here is the law of marriage and many other laws that have been passed there, regulations which had not been provided by the Spanish Government. Here is the military organization. They divide their army into five corps and place General Gomez at the head of it all. Two of them are commanded by the two Maceos, who are, I believe, mixed blood. The whole organization is here given. The president, Cisneros, is a man of the highest character, as is shown, I believe, even by the statement of the pamphlet by an "American" that I have referred to.

Besides the mere ideal interest of the United States in protecting a feeble Republic struggling for liberty, we have more material interests with Cuba than with any other country of this hemisphere. Our purchases and our dealings with Cuba are nearly equal to all that are bought from or sold to all other American countries. The statistics upon that point are here given. Perhaps a mere reference to the value will show that we have not only ideal interests, but that we have real business interests in Cuba.

We take from Cuba and Puerto Rico imports to the value of $82,715,120. We send to Cuba $26,668,000 of exports. Our entire exports to all the West India Islands, other than Cuba, amount to only $19,000,000, as compared with $26,000,000 to Cuba. And so with Mexico. Although it is supposed that we are largely increasing our trade with Mexico, yet after all the entire imports from Mexico amount to $33,000,000, while the amount of imports from Cuba amount to $82,000,000. The exports to Mexico amount to $19,000,000, while the exports to Cuba amount to $26,000,000. Taking all the countries of South America combined, the exports and imports representing the dealings with the United States are larger in Cuba than in all South America.

This shows that by our proximity to these people, such as we have not with other portions of the American Continent, our trade with Cuba is greater than that with other American countries. If any nation outside of Spain is interested in Cuba it is the United States of America. We have already settled as a fixed fact, which none will dispute, that no other country in Europe can claim or acquire ownership in Cuba. That was guarded against by our ancestors forty and fifty years ago, so that now there is no country that could be appealed to so strongly for any assistance that may be given to those people fighting for their liberty as to the people of the United States of America.

Mark it, Mr. President, I am not in favor of the annexation of Cuba to the United States. I do not desire to conquer the Cubans in any sense. I do not desire to have any influence whatever upon their local autonomy. In my judgment they ought to be attached to Mexico as a part of that country, because the Mexicans speak the same language, they have the same origin and the same antecedents, and are under many of the same circumstances. Therefore I should be very glad if by any measure Cuba should be attached to Mexico, but as to Spain I do not believe that Cuba will ever be of any advantage to Spain hereafter. They already say that on account of the rebellion thus far proceeded with favorably all the interests of Spain are practically destroyed. Those people who are now fighting for their liberty, though I think it is perhaps against the laws of war, destroy sugar cane and all the products of the earth in order to prevent them from going to support the Spanish army; but we even did that in our civil war. We destroyed property when it was supposed it might be used for the good of the enemy. They have never violated in any case the rules or articles of war.

Now, Mr. President, we come to the saddest aspect of this question. Spain has evidently withdrawn Campos, who was a friendly, fair, and open ruler, and who sought in every way he could to bring about some agreement between the two countries, because they are now two separate countries. Campos was withdrawn and there was put in his place a Spanish general of renown, who has been long in the army, is well known, and of late has been christened "the butcher." Events have happened within the last thirty days that have changed the whole of my feeling in regard to this matter. This man Weyler, if we can judge by what he has done, and if he is to be judged by what he threatens to do, is one of the worst men who could be sent there to pacify a people or to compel them to surrender. His warfare is massacre. He openly avows it.

A book was published in Spanish which I am very sorry I could not get from the Library, written by a Spaniard by the name of Enrique Donderio, who had come over from Spain with the Spanish troops to see the war of 1870, and who was so horror-stricken with the awful crimes that he saw committed that he fled to the United States, and there compiled his manuscript. Telling is this evidence, and it shows General Weyler, stripped of all the honorable aims of military authority, as a brute, pure and simple, his hands forever stained with the blood of defenseless men and women. This book I can not read, in the Spanish language, but it was translated by one of the great journals of the country, the New York Journal, and as something more important to this country than anything that I could say, I ask the Secretary to read from it some extracts which I have marked, which disclose the character and action of this General Weyler.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

VILLAINOUS OUTRAGES.

It was not alone that he carried out the brutal orders of Valmeseda. Had he done only that the Cubans of to-day would fix the blame upon Valmaseda instead of upon him. But he went much further; he took it upon himself to cause the outrage and murder of scores of women in the small towns and villages that lay in the district he was commanding. The details of these outrages are too horrible almost to relate, but they need to be told to show what manner of man this is who is now attempting to throttle Cuba.

His favorite amusement was entering into a village with a regiment of soldiers and "rounding up" all the women to be found in the dwellings. If there happened to be any men left in the village at that time they would be shot down without delay. The women huddled together in a frightened group; he would form his troops in a hollow square, facing inward, and then, having three or four of the women—and even little girls of the tender ages of 10 or 11 years—stripped absolutely naked, he would drive them into the square at the point of the bayonet, and make them dance until exhausted, the double file of sensual Spaniards gazing on in delight.

When one set had fallen panting to the ground he would deliver them over to the soldiers for their gratification and bring out others, until every woman in the village, stripped, had been forced to submit to these terrible indignities. Finally the tortured creatures would be put out of their misery by being hacked literally to pieces with swift strokes of the sharp Cuban machetes.

This machete is a long, slightly curved Cuban knife, very sharp and heavy, used for cutting and not thrusting. In times of peace it is employed for cutting sugar cane, but in times of war it is one of the most deadly of implements. The Spanish troops invariably use the machete, adopting it soon after their arrival in Cuba.

Weyler's troops used to use this knife, by his orders, with great effectiveness. Another scheme of his which he carried out frequently with great satisfaction to himself was the holding of a ball in some large building in a town. He would send a great number of invitations around for this, including everybody that he had made up his mind to kill. Now an invitation from General Weyler was not to be treated lightly. Nobody dared to refuse it, in fact. No man's life would have been worth the thinking about if he decided not to go. Some of these balls used to pass off very smoothly and without any deviation from the programme of a regular Cuban dance.

But this was not often. At some time during the evening—at every other ball at least—after liquor had been flowing freely and the men and women guests who did not dare to do anything else than drink were pretty well stupefied, a sudden hush would fall over the room, the music would stop, and a gang of Weyler's soldiers, with murderous machetes in their hands, would rush in, slashing right and left, and keeping both doors and windows guarded,

so that hardly a person could escape. The women, of course, would be saved for orgies later on. On one occasion of this sort, it is recalled, the carnage was so fierce that not even the hired musicians escaped with their lives.

WORSE THAN THE KURDS.

Here is another incident, taken down from the lips of a Cuban of position, who lives in New York City to-day:

"You can refer to the country place named Levado, belonging to Maguilara, who was Vice-President of the then Republic of Cuba. Weyler came to that country place and found, sick in bed and almost dying, Eugenio Odardoy Tomagno and his brother. They were almost dead of consumption and in a state of ulceration. Weyler had them dragged out of their beds, dragged through the hallways, and outdoors to a little wood. There they were cut to pieces with machetes—actually minced.

"The wife of the manager of the estate, who was there with her little daughter, 8 or 9 years old, was taken out of the house, deprived of her clothing, and made to dance, together with her little daughter. Both were afterwards outraged and hacked to pieces."

In Donderio's book, mentioned above, the writer (who, it must be remembered, was a Spaniard and not a Cuban, and who would certainly not have told falsehoods against his countrymen) gives these three thrilling little dramas of horror, taken from the reign of Weyler at this period:

"As we approached the ruined village of Boire, we saw coming toward us the guerrillas of a Spanish column, who, in a reconnoitering expedition in the woods thereabout, had found a small colony of Cuban families whose male individuals they had all assassinated, and whose ears they were bringing strung on their bayonets, so as to show the number they had killed and claim the reward, as if they had been wild beasts.

"In one of the camps one could contemplate the troops looking with almost the satisfaction of tigers upon four women that they had captured. Three of them were from 16 to 20 years of age, and the other was more advanced in years and was accompanied by two small girls from 7 to 9 years old, whose mother she was. When the shades of night began to fall the soldiers took an especial delight in telling these women what their fate would be just for the satisfaction of seeing them weep and hearing them pray for mercy."

Mr. SHERMAN. I do not ask that which follows to be read. It is not fit to be read in this presence. Let it be printed, and let the Secretary pass on to the next case.

The matter referred to is as follows:

"The lady to whom I have referred above belonged to the wealthy family of Los Penos. She thought to soften the hearts of the soldiers by presenting to them her two little daughters, who were besides rather sickly, and praying that they should not be condemned to an act which would without doubt cause their immediate death. But all her supplications were in vain. The soldiers were finally given authority to do with the women as they pleased. Next morning they were all dead.

"I once witnessed the arrival of a column at a small Cuban settlement with thirteen families. The women were separated from the men, and were then compelled to gather the wood with which their relatives were to be reduced to ashes after being butchered. The women were, of course, according to the usual custom, ravished a little later.

"We have witnessed ourselves, with our own eyes, what we have described."

These are excerpts picked out at random from Donderio's book, and the three stories are unconnected. They are translated literally from the original Spanish, and the peculiar idioms are kept.

The Secretary read as follows:

MORE OF HIS CRIMES.

Weyler, however, did not confine his barbarities to women. With men he was brutal almost beyond the power of words to describe. A Cuban gentleman of this city recalls the following instance:

"In one of the jails there were more than 20 political prisoners, almost all lawyers, physicians, and representative men of the district. He went in one day with an enormous club and beat them unmercifully, and then and there ordered that next morning they be shot; and they were shot."

An even more horrible story is told, as follows: "Weyler was coming out of a jail one day when he met a gentleman of wealth and position in the town who complained to him that the troops had taken all his cattle. Weyler at once ordered him to be tied by the neck to the iron bars of the jail in such a way that strangulation should not be immediate but gradual, and he was left there. The next morning he was dead, and his eyeballs had dropped out of their sockets."

Most incredible of all is this deed of "The Butcher." That it happened once is beyond question; how many more times it is impossible to say. This happened in a small village on the outskirts of his district. "The Butcher," with a goodly sized force of troops, was traveling over the country, continuing in his reign of terror, when he came by chance upon a little family he had somehow in a previous visit overlooked. There was a middle-aged father and mother, two daughters, and two sons. With a fiendish sort of delight, Weyler took them into captivity. He marched them along, closely guarded, until he came to the spot he wanted. Then, calling upon his men to halt, he made his plans with his usual wonderful rapidity of thought and scheme, for an outrage that could hardly be excelled.

He bound the father and mother firmly to trees near each other, trees that were facing a little bit of greensward. Then, having the daughters held tightly by the guards, he proceeded to order several of his soldiers to hack the young boys to pieces with machetes. The screams of the victims and the wails of their agonized relatives would have stopped any other man short in his dreadful course. But Weyler only smiled.

The boys now lying dead, "The Butcher" signaled to his soldiers to bring forward the girls. They were pretty, dainty senoritas, in the first flush and blush of womanhood, and Weyler's smile grew more sardonic as they were marched before him. Then and there, in full sight of the father and mother, he had his soldiers strip the young women of every article of their clothing, and for half an hour force them to dance upon the green turf with all the troops looking on. With the agony of seeing their sons slain before their eyes and their daughters in such a humiliating position, the parents were nearly insane.

Yet Weyler was not through yet.

Mr. SHERMAN. I do not ask that to be read. It is not proper to be read in this Chamber. I shall, however, insert it in my remarks.

The matter referred to is as follows:

It sounds absolutely impossible to say that any man could be possessed of such cruelty, but facts are facts, and it is the sober truth, vouched for by several Cubans in this city, that immediately following the dancing, with the distracted father and mother still looking on, "The Butcher" gave instructions to have the girls violated there before their eyes.

It proved the death of both of them, and left the father and mother—whose lives Weyler spared—hopelessly insane.

Mr. SHERMAN. This is the character of man who is put in charge of this rebellion by Spain. I do not know how others feel about it, but the character of this man, his barbarous atrocity, his inhuman cruelty—I can use no stronger language—he is a demon, rather than a general. Spain has sent such a man as that, who did what it is said here that he did, in command of 100,000 troops, to ride roughshod over, to kill, to slaughter a feeble body of people. The other day my honorable friend from Massachusetts [Mr. LODGE] read (and I have no doubt every Senator had the same feeling that I did) where this man made a speech after he had been appointed general, saying what he was going to do when he came to the Island of Cuba and was placed in its chief command, with full power and absolute control over 1,600,000 people. This is what he said:

On arriving in Cuba I propose to exterminate the filibusters—

What does he mean by exterminating them? Is it the kind of conduct that is described in the paper already read and recited by one of his associates?

On arriving in Cuba I propose to exterminate the filibusters first in the Provinces of Habana, Pinar del Rio, Matanzas, and Las Villas. Of course it is to be understood that I refer to the large groups that invade them. Afterwards the small parties of bandits will remain, which I will slowly exterminate. At all events, great activity is needed in the present circumstances.

Mr. President, we have seen that this actual tragedy has already commenced. I read in a morning paper—it is open to all—the account of about the first battle which has been fought there since the arrival of this general, and the murder of unoffending prisoners. I wish to say upon my own responsibility that if this line of conduct is pursued by Spain in Cuba, and the people of the United States are informed of its conditions as they are narrated daily in the public papers, there is no earthly power that will prevent the people of the United States from going over to that island, running all over its length and breadth, and driving out from the little Island of Cuba these barbarous robbers and imitators of the worst men who ever lived in the world. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries that demonstrations are against the rules of the Senate. The Sergeant-at-Arms will see that there is no repetition of this offense.

Mr. SHERMAN. Mr. President, now leaving the combatants to fight their battles, let me say a few words in regard to the general policy of the United States. Ever since the establishment of our own independence after a long struggle it was well understood and announced by General Washington, and by all the great men of the time, especially by Mr. Jefferson and Mr. Madison and Mr. Monroe, that the general policy of the United States was to secure to the people of all nations in America republican rule and self-government. One of the great disciples of this doctrine was Henry Clay; but, indeed, all the American statesmen of that time concurred in the opinion that every effort short of actual warfare, every aid, should be given to the South American and even the North American States in favor of their liberty and their separation from the parent government.

I have already said that so far as Canada is concerned, its condition has been so favorable that the Canadians do not desire even to form a kinship or to join our great country, nor would I with my present convictions vote to admit Canada into the Union of States. I think that the plan of government of many States and one people has its limits, and beyond a certain extent it is not wise to increase the number of States. Besides, I would be against admitting any State that was not in all its parts practically republican and free.

In the framing of the resolution that is now before us, when the committee undertook to draft a resolution expressing the desire of the United States it was found to be a much more difficult task than was suspected. However, finally the committee agreed upon the resolution presented by the honorable Senator from Alabama [Mr. MORGAN], and it was agreed to subsequently that the main proposition contained in the resolutions offered by the Senator from Pennsylvania [Mr. CAMERON] should be added as an addition to that resolution, so that, if it is offered by the Senator from Pennsylvania now, whatever sanction the committee can give to them will be given. I will read it, as it is very short:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

The amendment proposed by the Senator from Pennsylvania is as follows:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

The resolutions in the House of Representatives, as they were introduced by the Committee on Foreign Affairs in the House, are

also excellent statements of the position of the American Government. Personally I would be very willing to vote for those resolutions, or either of them or any of them. There were many questions that were discussed by Senators upon the other side of the Chamber as to what should be done by the President. Some thought that a joint resolution ought to be sent to the President of the United States. There were objections made to that course. It was conceded on all hands in the committee that the final decision of this question of peace or war or the condition of belligerency must rest with the President of the United States. That seemed to be the general opinion upon that point, but upon other questions there was a difference of opinion.

But I believe that the passage of the resolution now reported, together with the addition made by the Senator from Pennsylvania, will define the policy of the United States. I think I can say with entire confidence in my view as to the desire of the people of the United States, we do not want to hear any more about Cuba; we do not want Cuba; we do not desire it; we wish to trade with it; we are its best customer, but we do not intend that the laws of civilized society, that the usages among Christian nations, that the habits of a modern civilization shall be thwarted by Spain in her further government of Cuba. It is certain that the spirit of the age will demand that of Spain. Let me say that not only the United States of America, but every country of America will do it. Probably for the first time an opportunity will be presented to draw the line upon questions that are American and European. The line might be drawn on Cuba if the United States should believe in the end that it is wise to assist these rebels, as they are called, in seeking self-government; and if we do it we shall not do it alone. If Weyler carries out his projected plan there is not a portion of the country in this hemisphere, in North or South America, from the northern to the southern ocean, but will join to contribute in putting an end to that violence. It has lasted long enough. That people ought to be allowed, in their way, to form their own government, to be free as we are.

It may be that in time that country, containing but 1,600,000 inhabitants now, will contain more than 10,000,000 people; it may be one of the great island powers of the world, not equal to Great Britain, not equal to Ireland, but still greater and stronger—many times stronger—than it can ever be under the power of Spain. Every Christian man, every man who believes in the civilization of our age, every American in all our broad land who hates tyranny and oppression, whether it come from a government or a tyrant, is opposed to cruelty. We do not want an Armenia near our shores, and if one shall be established there it will be overthrown.

We will not shield ourselves behind the position taken by the British Government in the case of Armenia, that Armenia was so far away and beyond her power that Great Britain could not help those people when they were being murdered. That was no doubt a true position, and it was difficult under the circumstances for Great Britain to interfere. I do not say this as a matter of criticism. But Cuba lies right at our shore. A few hours will carry us across to Habana, the capital of that beautiful island, which is rich in production, which contains the best sugar lands in the world, a country capable of holding 5,000,000 people and giving them active and prosperous employment—people of a gentle and kindly race, not disposed to warfare, unless it be to resent intrusion and tyranny.

Sir, whatever may be the result of the adoption of this measure, I desire to take my share of responsibility in connection with it, and with a confidence in the judgment of the Almighty Ruler of the Universe, I believe it will be wise if we can assist, and all the other nations of America concur, in securing to the people of Cuba the same liberties we now enjoy. [Applause in the galleries.]

Mr. GALLINGER. Mr. President, leaving the question of international law and the strict construction of the doctrine of belligerent rights to the distinguished legal gentlemen of this body, I propose to occupy the time of the Senate a few minutes in giving expression to some plain thoughts upon the burning question now under consideration.

Mr. President, when we take a retrospective view of the history of our nation and recall the struggle of the colonists for freedom and independence, which were finally achieved through suffering and heroism that challenged the admiration of enlightened Christendom, it is not to be wondered at that the American people today feel a deep interest in the conflict now being waged in yonder Isle of Cuba or that the sympathy of our people is on the side of those who are struggling for the blessings of liberty and the right of self-government.

Mr. President, when we were in dire distress, France, Belgium, and Holland came to our rescue and aided us to win the victory. They did not stop to split legal hairs as to their right to do so, but they did it, and with their help (as well as their sympathy) the colonies cast off the yoke of British power, and the foundation of this mighty Republic was laid in the hearts and the consciences of a free and progressive people.

Our independence was achieved more than a hundred years ago, during all which time the people of Cuba have been in bondage. To-day that people are engaged in a desperate struggle to free themselves from the most odious and oppressive despotism that can possibly be imagined or portrayed.

All through their history the people of that rich and beautiful island have been cruelly treated, taxed beyond endurance, and made to suffer every indignity that an arbitrary, despotic, and wicked government could inflict.

For a year the people of Cuba have bravely battled for their rights and their liberties.

Spain has already sent to the little island more troops than England sent to America in her effort to subdue the colonies, and yet there are no signs of an end to the conflict.

One great Spanish general—a true soldier—tried in vain to suppress the revolt and failed. He was recalled, and his place has been taken by a general of cruel methods and bloodthirsty reputation. While this debate has been going on in this Chamber that general has prepared and is about to issue the following barbarous and inhuman proclamation:

> The captain-general proclaims that he allows the rebels in the provinces of Pinar del Rio and Habana fifteen days from the date of the proclamation in which to surrender to the authorities.
>
> Those who do so will not be subjected to molestation. But small bands of insurgents in those provinces which do not surrender within the given period will, at the expiration of that period, be treated as bandits.

Think of it! The armies of the Cuban patriots are to be treated as bandits, to be cruelly imprisoned and brutally executed! And while that is going on we look across that narrow strip of water that separates us from the Island of Cuba, and while their cries reach us it is contended by some in this Chamber that we should soothe our consciences by passing a simple resolution of sympathy.

Mr. President, I was interested in what the distinguished Senator from Ohio [Mr. SHERMAN] caused to be read as to the cruelties of the present military governor of the Island of Cuba in the revolution that occurred there some years ago. I find in one of the great morning dailies a special dispatch from their staff correspondent, reciting atrocities of such a nature that it causes the blood to boil in the veins of every true American whose eye can possibly rest upon it:

> SHOT DEAD IN BED—HORRIBLE INCIDENTS OF THE SPANISH MASSACRE OF PEACEFUL CUBANS IN THE TOWN OF GUATAO—SICK MEN AND OLD MURDERED—WOMEN AND CHILDREN FLEEING ON FOOT, LEAVING THEIR HOMES DESERTED—WEYLER LIVING UP TO HIS RECORD.

I will read only one paragraph from this dispatch:

> The troops entered the houses and shot quiet men who were doing nothing. They raided bedrooms, and a man confined to his bed by erysipelas was killed as he lay there. In one case a woman came to the door of her house and pleaded with the soldiers for the life of her husband, who lay ill in bed. Their response was a crash of the butt of a musket in the woman's head. They then broke down a door and shot the husband in bed.

That is a sample of events that to-day are going on in the Island of Cuba, and it is this kind of barbarous warfare that we are called upon to consider in this Chamber.

Mr. President, Cuba to-day is fighting for precisely the same principles that we contended for at Bunker Hill, Bennington, Princeton, and Yorktown—the principles of local self-government and the doctrine that taxation without representation is tyranny.

Would to Heaven that we had a Washington, a Stark, or a Lafayette that we could give to Cuba to carry aloft the banner of the Republic in an honest effort to relieve this sorrowing, suffering people from their cruel environments.

What has this wicked tyrant who is now the military governor of Cuba done? Look at the record, ye lovers of liberty in this land of liberty and equality!

Let me turn the light of fact and truth upon a picture painted by an influential newspaper published in my State upon the character and deeds of the tyrant Weyler, who is now engaged in the effort to exterminate the people of Cuba:

> He has converted the island into a prison, which no one can leave except at the risk of his life; ordered all the people of the country districts into the towns, where they can be watched by his spies and controlled by his army; decreed the death penalty to all who are suspected of sympathizing with the insurgents; ordered the conscription of all able-bodied men, the confiscation of all property which can be used by his forces, and the destruction of all that his lieutenants judge may be of use to his opponents. He has ordered the trial by court-martial of all who circulate news favorable to the revolution, and recommended that prisoners taken in battle be shot at sight. His subalterns are already executing his barbarous purposes, and not only the rebels, but the women and children, the aged and infirm, are falling victims to Spanish fury. From one end to the other of the island there is a reign of terror, and the horrors of a war of extermination are everywhere present in the territory controlled by the Spanish army.
>
> All this happens at our very doors, within 150 miles of our coast, upon an island that is naturally a part of our country, among a people who are nearly all our friends and who would be among our best customers if they could escape from the heavy hand of the mistress who has plundered, outraged, and oppressed them until she has driven them to a life-and-death struggle for freedom. And it all happens, too, while we are exhausting ourselves in resolutions of sympathy for Armenia and orations upon the boundary question in Venezuela.
>
> It should be stopped, and stopped by us. It can be stopped by a word, and that word should be said by Congress.

Mr. President, that picture is not overdrawn, and our duty can not safely be measured by meaningless words of sympathy or

empty resolutions of regret. It is not for me to say how far others should go in this matter, but for myself I am prepared to vote for any measure that promises relief to those whose hands are extended to us for neighborly help in the hour of their great trial.

General Weyler is a tyrant and a butcher. The rifle, the sword, the dagger, and the dungeon are the arguments that he proposes to use upon the unwilling subjects of the mother country.

How refreshing in contrast are the words and the conduct of General Gomez, the brave and humane leader of the Cuban forces. Hear him:

I admire and love the American Republic, but it is impossible for me to understand why we should not be recognized as belligerents. We suffer greater wrongs than did the early American colonists who threw off the yoke of Great Britain, and we have more troops in the field than were ever gathered together by the thirteen States; yet the American Government declines to share with the patriots now fighting the honor and glory of freeing Cuba. We have taken the words of Patrick Henry as our motto, and will have liberty or death.

[Applause in the galleries.]

Mr. President, I believe that the Cuban people will achieve their independence, that liberty will be theirs, and that Spanish intolerance and barbarism will be driven from the island on which the fierce and bloody conflict of war is now raging.

We can shorten that conflict by wise action here to-day. We can give Spain to understand that the same love of liberty that burned so brightly on the battlefields of the Revolution is still in the hearts of the people of this great Republic, and we can say to the people of Cuba that in their extremity they can confidently look to us not alone for sympathy, but for every form of encouragement and help that the Constitution of our country and the law of nations will permit us to extend.

Mr. President, I shall vote for the strongest resolution that is now before the Senate or that may be presented to this body, and that vote will be cast with a feeling of pride and in the hope that it may do something toward securing for the people of Cuba the God-given blessings of freedom, self-government, and national independence. It will be a mighty gain to education, to religion, and to civilization when the Republic of Cuba takes its place among the nations of the world.

Mr. President and fellow-Senators, God speed the day when Cuba shall be free. [Applause in the galleries.]

Mr. LODGE. Mr. President, I have said already what little I desire to say in regard to the action which I esteem proper to be taken by the Senate of the United States in regard to Cuba. I do not propose now to trespass more than a moment on the time of the Senate, and that merely for the purpose of placing in the RECORD the last proclamation of General Weyler, because it contains certain statements which I think justify any action we may see fit to take:

The captain-general proclaims that he allows the rebels in the provinces of Pinar Del Rio and Habana fifteen days from the date of the proclamation in which to surrender to the authorities.

Those who do so will not be subjected to molestation. But small bands of insurgents in those provinces which do not surrender within the given period—

That is, within two weeks—

will, at the expiration of that period, be treated as bandits.

Detachments of civil guards, reenforced by the civil guards of the Province of Santiago de Cuba and the Province of Puerto Principe, have orders to form lines, at their respective towns, of all persons who have joined the rebels and their property will be confiscated. The property of those who have openly aided the rebels in their raids will also be confiscated.

The towns in the western part of the island are authorized to organize corps of guerrillas, and all officeholders on leave of absence will be relieved if, after eight days from the date of the proclamation, they have not returned to their posts.

Petroleum and other inflammable articles, after the date of the proclamation, can no longer be sold in the small ungarrisoned towns.

The purport of that proclamation is plain, and we already see its result in a telegram which was in the morning papers, which has come to the representative of the insurgent cause in America from General Palma, the telegram saying:

I have received trustworthy news that in Guatao, near Habana, defenseless people have been assassinated by Spanish troops. The town is filled with horror.

The details of that slaughter have been hitherto published through other channels. The war which General Weyler personifies of shooting down and killing all, peaceable and belligerent alike, has begun.

It seems to me, Mr. President, as I have already stated—and before taking my seat I desire to repeat it—that this is a question which we wish to determine solely on the ground of what we believe to be the duty of the United States. There is an island which has been oppressed for generations; there is a people struggling for the liberty which we enjoy, struggling for it against oppression as to which that which led us to revolt against England was as nothing. They should command—they do command—the sympathy of the American people. The Committee on Foreign Relations submitted a resolution recognizing the belligerency of the insurgents, and they have earned that recognition by a year of desperate and successful fighting against heavy odds.

The committee, I understand, propose to accept the amendment of the Senator from Pennsylvania [Mr. CAMERON] looking toward our taking the first step in the recognition of the independence of Cuba. That, I believe, is the true policy for the United States to pursue. That is the line for us to take in the interests of humanity, in the interests of putting down the bloody war that is raging there now. If further steps shall become necessary time and events will show what they may be, but these steps are necessary now and to-day, I believe. I believe they are reasonable; I believe they are only proper; I believe that our standing as a nation demands that we should take them; and I believe that the adoption of those resolutions by the Congress of the United States will be action that the American people will sustain without a dissenting voice and that the civilized world will applaud. [Manifestations of applause in the galleries.]

Mr. FRYE. Mr. President, I fully intended to have participated in this discussion, but the exhaustive speeches which have been made, covering the entire ground it seems to me, leave no justification for me to prolong the debate.

In the Committee on Foreign Relations I voted for the pending resolution, but it is no fetich of mine. I am prepared to vote for that or for any other resolution, however drastic and however far-reaching, which can justly, and without violating international obligations, be passed by Congress. I have but one desire, and that is to see Cuba an independent republic, and whatever I can do justly and honorably to that end I am prepared now to do.

Mr. President, I am weary and heartsick to see this splendid Republic of ours, its foundation stones the equal rights of man, doing day after day and month after month police duty for the most wicked despotism there is to-day on this earth. When I read two or three days ago that a vessel carrying arms, ammunition, supplies, and a few men to aid the Cuban insurgents, had been successfully seized by the United States of America, I recognized the fact of the supremacy of law; but I was mortified and humiliated beyond expression, and I should have been delighted if I could have read in the very next item that Almighty God, without destroying innocent human life, had sent a commotion of nature, a grand tidal wave or a spout of water, and had sent skyward the seizing vessel, and had sent the succoring ship Cubaward; I should have rejoiced beyond measure.

Sir, I never can forget what I felt when I read in the press years and years ago that a poor black man escaping from slavery had been seized by a United States marshal, aided by a regiment of United States soldiers, in the streets of Boston, right in front of the Cradle of Liberty, and had been manacled and sent back into slavery. I recognized that the law had been vindicated; but there was not a humane or a Christian man or woman in the entire North who would not have thanked God, who would not have rejoiced without limit, if He, in His divine providence, had right at that time paralyzed the strong arm of the law and the poor slave had gone free.

Sir, I say I am tired and wearied with doing police duty for this despotism of Spain, and I look upon these resolutions and the action of Congress now as the first step in calling a halt.

Mr. President, my creed in these regards has no thirty-nine articles. It is a very brief one. These insurgents in this beautiful, but ill-fated and cruelly misgoverned, island have my profoundest sympathies. I can not forget, as the Senator from Massachusetts [Mr. LODGE] just said, that where we had one just cause to rebel against the mother country these men have scores as just for their rebellion; and I shall do or say or vote anything, consistent with the honor and the integrity of the Republic, which shall, in my opinion, promote the success of the Cuban patriots who are to-day so bravely struggling to wrest liberty from the iron grasp of a cruel and relentless despotism. [Applause in the galleries.]

Mr. CAFFERY. Mr. President, in my view of this question we have to treat Spain as belonging to the family of civilized nations, and we have to treat the rebellion or the insurrection in Cuba by all of those rules of civilized international law which ought to prevail when foreign states deal with a question of insurrection. I have in vain listened for any argument to overthrow or to controvert in any way the argument delivered by the Senator from California [Mr. WHITE] in his extremely interesting and exhaustive debate on this question.

The first question which submits itself to our inquiry is whether or not the Congress of the United States can, by resolution or otherwise, recognize a status of belligerency. I regard the sentimental question as having no bearing, and as applicable to Armenia as to Cuba. I regard all appeals to the sympathies of our people by holding up dreadful pictures of the cruelties of Spain in the past as altogether out of place in the present discussion. Spain may have been cruel. History records acts of ferocity upon the part of Spanish soldiers which disgrace human nature; but Spain is not singular in the matter of ferocity. Other civilized nations have had their record stained and blotted and blurred by acts of cruelty. The autos-da-fé of Spain are very well offset by the massacre of St. Bartholomew. The treatment by Spain of the Indians of South America was somewhat more ferocious in degree, but

not more cruel, in fact, than the treatment that the Indians of America have been subjected to by every civilized conquering country.

Mr. President, it is well enough to revert to what a very distinguished statesman and a President of the United States has said in regard to this question of belligerency and in regard to the question of recognizing an independent state. It was stated by the senior Senator from Ohio [Mr. SHERMAN] that President Grant was very much in favor of putting an end to the war in Cuba which started in 1868. President Grant must have very materially altered his views in 1875. What a statesman says in private intercourse, or what he says in an unguarded moment, is not to be quoted as against a deliberate and well-studied utterance of that statesman in a document of state. It is easy enough for men to give expression to sentiments favorable to the prevailing idea in a community, but, when charged with the responsibility of state, conservatism takes the place of sympathetic utterance, and I propose to read what President Grant said in 1875:

In a former message to Congress I had occasion to consider this question and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged, in every case, in view of the patricular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act, and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the test recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation possessing such organization of force, such material, such occupation of territory, as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land; the insurrection has not possessed itself of a single seaport whence it may send its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries.

Mr. President, there is the embodiment in that message of President Grant of all the international law on the subject of belligerency. There must be a political organization, clear, palpable, manifest to the world with a local habitation, possessing a certain amount of territory, with at least one seaport from which to send forth its ships.

Now, I affirm that, although the insurrection is greater to-day than it was in 1875, the same essential features surround the present uprising of the people of Cuba that existed in the revolution or rebellion of 1868. Cuba is a long island, being about 750 miles long. It has about 2,000 miles of seacoast on either side, and the settlements are on the seaboard. From Pinar del Rio, in the east, to Cienfuegos, in the west, the Spaniards have every single city. Not a single seaport is in the hands of the insurgents. The interior of the country is mountainous, woody, filled with jungle, impenetrable to troops in regular line. Therefore, it is a successful hiding place or successful retreat for guerrilla warfare. The regular troops can not penetrate into those mountains and inaccessible jungles. Therefore, armed bands of insurgents can wage a successful guerrilla war, and it is very difficult, if not impossible, upon the part of the regular troops to entirely crush them out.

I am making what few remarks I intend to make upon this question with due regard to the rights of the United States primarily, with due regard to the obligation of the United States by that code of law which governs the conduct of civilized nations in regard to one another. I ask what is there here, even conceding the power of Congress to declare a state of belligerency, which I do not, to warrant a declaration on the part of the Congress of the United States of belligerency, much less of recognition. We have been pointed to nothing, not one single official datum, not one scintilla of evidence has been brought to show such a state of affairs as would warrant Congress, if it had the power, to recognize belligerency in the war between Cuba and Spain.

Sir, we know that our people are in sympathy with the Cuban patriots, and so am I. We know that the press is teeming with sympathetic statements. We must take those statements with grains of allowance. Enthusiastic, sympathetic men, writers from America, in giving accounts of the campaigns in Cuba, recite horrible details of the murders and massacres of Weyler. Whole platoons of Cubans are said to be butchered. I venture to say, Mr. President, knowing somewhat of the character of the insurgents, that the cruelty is not altogether one-sided. I venture to say that retaliatory acts upon the part of the insurgents of equal severity are committed as against the Spaniards. I know not, none of us know officially or certainly, the facts in such a way as to predicate on them formal or official action as respects the insurrection in Cuba. From the statements in the press more men have been killed than have been enrolled in the Cuban army. From the statements of Spanish authorities they have slain in battle a great many more men than exist in the Cuban army. Both accounts, no doubt, are exaggerated, and we here in the House and in the Senate, not having the means of communication, not being in correspondence with the American consul, having none of the data from which we could draw a correct conclusion, are called upon to recognize as a fact that which we do not know to exist as a fact. Belligerence, in the language of President Grant, is a fact; and can any of us here affirm the fact of belligerency? We must treat this matter between Spain and her colony as we would treat a matter between any other foreign power and her colony.

It is true, sir, that Cuba lies at our door. It is true that the American fiat, if you may so term it, has gone forth that no other foreign power than Spain can hold Cuba. That is on account of the imminent danger to us, in case of hostilities, of the occupation of that island by a foreign and powerful neighbor. But while that is our declaration, it is not founded on any other principle than the principle of self-interest and the principle of maintaining the integrity and perpetuity of our own institutions against the probable assaults of a powerful neighbor.

As to Cuba, we hold out to them the same hand that we hold out to every nation in the world struggling for freedom. Whenever the hand of a struggling patriot is held forth we are ready and willing to grasp it. But, sir, when we come to treat with such delicate matters as those involved in these resolutions, we must circumscribe our conduct on the lines of international law, with due observance of the good faith, the candor, the honesty that we ought to use in treating of these subjects.

I am not in sympathy with any declaration looking toward a possibility of taking up arms against Spain and in the interest of Cuba without sufficient warrant in our own interests or in international law. Chickens have an uncomfortable way of coming home to roost sometimes, and while the manifest destiny of this country points, in my opinion, to the merging and amalgamation of all the different parts of the American continent into one Government, let that come about in the process of time. Let Canada on the one hand and Mexico and Cuba upon the other fall into our lap like ripe plums and in the peaceful march of events. But we have no right, in my opinion, to violate any one of the principles of international law in order to anticipate what, in my opinion, are certain results. If we intervene in the affairs of Cuba we do so with an implied moral obligation of protecting Cuba. If we protect Cuba we must eventually admit her as a State of this Union. We can not hold her in vassalage. We can not hold a protectorate over Cuba. That is utterly foreign and abhorrent to our institutions. A protectorate opens the door to foreign conquest, and that opens the door to the annihilation of the Republic.

Sir, when we intervene and intervene successfully—for notwithstanding the chivalry and the bravery of the Spaniards they would not last a half campaign against the power of the United States—we intervene in a way that makes Cuba an appendage of the United States. Then we must govern her, and then we must admit her into the sisterhood of States; and are gentlemen prepared to go to that length? As weak as Spain is and as little as she is able to cope with us, I have no doubt in my own mind that she would resent an unwarrantable interference in her affairs, and we would add to the complications of the case perhaps a foreign war. It is simply because of the weakness of Spain as compared to the power and strength of the United States that we ought to move in this matter with more than ordinary caution lest we incur the imputation of bullying an inferior nation.

Mr. President, any resolution which looks, on the part of the Congress of the United States, toward recognizing belligerency, as does the resolution reported from the Foreign Relations Committee, I shall vote against for two reasons: First, Congress has no power to make such a recognition; and second, the facts do not justify the recognition even if we had the power. I do not care to extend this discussion further. I think it has been shown beyond question that the legal attitude of the United States in this matter is to be governed and controlled entirely by international law, for whatever disdain we may affect for international law, it is the only code known among civilized men to govern and control the conduct of states in their relations with one another. Abolish that code if you choose; set up a propaganda of republicanism; cut loose from law, and let us proceed upon our tour of conquest and war; but so long as we claim to be held in the family of nations by the tie of international law, let us look to that law to see whether our conduct will be justified by it.

The substitute offered by the Senator from California [Mr. WHITE], looking toward a request upon our part to the Executive to take such steps as in his judgment may seem proper either to recognize the belligerency of Cuba or to mitigate the horrors of war, or to take steps looking toward the independence of Cuba, I have no hesitation to vote for. I will vote for any resolution of that sort. I wish to put myself entirely straight in the vote I am to give upon this question. My people reside within a very short distance of the Island of Cuba, about 300 miles. The sons of my State have signalized with their blood their devotion to the cause of liberty in Cuba.

Sir, I remember right now an instance in my early boyhood. There was a man in my town by the name of Sanders, who joined the expedition of Lopez and was one of the bravest of the brave. He was captured in that expedition, and the Spanish general ordered him to be shot. It was ordered that the prisoners to be shot should have their eyes bandaged. When the turn of Sanders came he said, "No; the last glance of my eyes must rest upon the sun of liberty. Shoot me, if you please, but you can not bandage my eyes"; and he was shot facing the Spanish executioners.

Whenever the proper time comes, whenever that country shows a capacity to throw off its shackles, when that country wants aid and assistance to help throw off those shackles in the way of individual aid, not in the way of governmental aid, the sons of my State will respond as quickly as the sons of any other State of this Union. They are wedded to the cause of liberty everywhere. They are wedded to the cause of Cuban liberty, but when resolutions or other acts of Congress strike a fatal blow, in my opinion, to the international rules which ought to govern the relations of one nation to another, I for one say I can not and will not vote for them.

Mr. ALLEN. I ask the Secretary to read Senate joint resolution No. 87, a proposed substitute for the pending resolution.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read the joint resolution (S. R. 87) authorizing and requesting the President of the United States to recognize the political independence of the Republic of Cuba, and for other purposes, introduced by Mr. ALLEN on the 26th instant, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to issue a proclamation recognizing the Republic of Cuba as it exists under the constitution and form of government proclaimed at Jimaguaya, under President Cisneros, in the month of May, A. D. 1895, as a free and independent nation, and according the envoy extraordinary and minister plenipotentiary of said Republic all the rights and privileges accorded to the envoy extraordinary and minister plenipotentiary of the Government of Spain.

Mr. ALLEN. Mr. President, the honorable Senator from Delaware [Mr. GRAY] yesterday expressed his surprise at my refusal to yield ready assent to the conclusion that the exclusive power to recognize the independence of Cuba resides in the President of the United States, and he stated that the excellent speeches of the Senator from Alabama [Mr. MORGAN] and the Senator from California [Mr. WHITE], in which they had reached that conclusion, had been lost upon me.

I do not by any means profess to be a master of international law or to be an expert in constitutional learning, although I have devoted some time to the study of both of those subjects, but I do believe that I have some general ideas drawn from the history of the country and the conduct and policy of nations that fully warrant me in arriving at the conclusion I have long since reached, that the power of recognizing the independence of Cuba, or the independence of any other people, is one which under our form of government resides in Congress, and not in the Chief Executive, notwithstanding others may differ with me.

By section 6 of the Articles of Confederation it was provided:

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or invite any conference, agreements, alliances, or treaty, with any King, Prince, or State. * * *

This language is clear and concise and is not capable of misinterpretation. It expressly vests in Congress the exclusive power to send and receive an embassy, thus recognizing Congress as the direct representative of the people, who are supreme in this as in all other respects. It was the policy of the founders of this Government to keep political power in the hands of the people so far as it could be done consistently with its efficient execution. No one, in reading this language, can be mistaken as to the fact that to Congress is reserved the power to send and receive embassies, and therefore, in so far as the independence of a nation is concerned, Congress possesses the incidental power of recognizing it.

What change has been wrought in the policy of our Government since then by the adoption of the Constitution? It is true that the Constitution recognizes a distinct executive branch of the Government, at the head of which stands the President of the United States, but I do not think there is anything in that instrument or in its history which will warrant in the slightest degree the conclusion that the sole power of recognizing the belligerent rights or independence of a nation resides in the President.

In enumerating the powers conferred on the President it is declared by section 3, Article II, of the Constitution, that he "shall receive ambassadors and other public ministers," but it certainly would be a great stretch of power on the part of the President to receive an ambassador or other public minister without first having the express or implied consent of Congress to do so. We can easily conceive of a case where this country would be in open hostility to another, and the President, notwithstanding that fact, would receive an ambassador or other public minister therefrom, thus, according to the Senator from Delaware and the Senator from California, recognizing the independent status of that country and usurping in a large measure the power of Congress to declare war and conclude peace.

Mr. President, we can not be bound by such interpretation of our fundamental law. The diplomatic relations of the nation must in the very nature of things be under the control of Congress as the supreme lawmaking power of the nation. Congress has power to declare war, with all the consequences that flow from it, among which would be the expulsion from our capital of a representative of the hostile nation. Congress has power to conclude peace, which carries with it as an incident the right of the President, with the assent of Congress, to receive the ambassador or other public minister of the country with which we have been at war. It is true that the President should have, and is vested with power, with the approval of Congress, as the agent of the people to receive ambassadors and other public ministers. This can not be doubted. But this power must be construed with the power of Congress to declare war and conclude peace, and as a power which in a certain sense grows out of the action of Congress in respect to our duty toward nations. It is not an exclusive power residing in the President to be exercised by him at his mere will or caprice. He does not possess this power in hostility to the action of Congress or without its consent in some form. In making this declaration in this public manner where my words go upon record for all time, I am not unmindful of the force of much that has been said on this subject, not only in this Chamber at the present time and in previous Congresses, but by statesmen, writers, and others whose judgment is entitled to respect. But the history of the world, of our country, and the precedents of modern times support me in this declaration.

Mr. President, the Senator from Delaware [Mr. GRAY] and the Senator from California [Mr. WHITE] stated in their remarks yesterday that the fact of the independence of Cuba must first be established before it can be recognized by us. That is not the exact language employed by them, but substantially what they said. Now, I do not disagree with the conclusion that Cuba must be independent before her independence can be recognized. In the very nature of things, a government must exist before its existence can be recognized by the political world. The difficulty does not lie in stating the general proposition, it lies in its application. What constitutes independence within the definition of international law? It does not mean that independence de jure must be so far an accomplished fact that there is no likelihood of the belligerents being overcome in subsequent battles, nor does it mean that peace must have been concluded between the contending parties before independence in its true significance can be said to exist. The independence of a nation, or a people claiming to be a nation, in the sense of international law, exists whenever and wherever there is a de facto Government hostile to another Government, however feeble and impotent the former may be. If the Cubans have in fact set up a Republic and are maintaining it by the force of arms, it is a de facto Government in the eyes of the world and may be independent by being given recognition as such by other Governments. There is nothing in international law, or in history, to prevent us from recognizing the independence of Cuba. The Cubans have an established Republic. It may be feeble, it is true, but certainly those people are in possession of three-fourths of the island and its life is maintained by their valor.

When we declare that the Republic of Cuba is an independent and sovereign nation, it becomes such in the meaning of international law, so far as we are concerned, although its complete independence of Spain may not have been accomplished. If the conclusion reached by the Senator from Delaware and the Senator from California is to be accepted as final, there are no circumstances under which a struggling people can be recognized as independent until, unaided and alone, they are able to maintain a Government independent of those against whom they are in revolt. This is not the independent Government spoken of and recognized by international law.

Mr. President, let me call attention to two conspicuous facts in the history of the world, and history is replete with like cases. In 1792 the Government of France had passed from Louis XVI to the National Convention. This was at the time when the French Commune reigned supreme in Paris and France. No one will deny that the Government of the National Convention was a de facto as well as an independent Government. Louis XVI had been compelled to flee to Austria for safety, and yet all through

the years of the French Revolution Austria and other Governments regarded Louis XVI as the head of the de jure Government of France and the officers appointed by him as the legitimate officers of that Government, notwithstanding they had been overthrown by the revolutionists and were not discharging the duties or functions of sovereignty.

The history of the world furnishes numerous examples of this kind of recognition, and we do ourselves grave injustice when we assert the broad and erroneous proposition that independence from the mother country must be an accomplished fact before another Government has a right to recognize the belligerents as constituting a separate and independent nation.

I have but little to say upon the subject of these resolutions. I am decidedly in favor of the adoption of a resolution that will not only recognize the belligerent rights of the Cubans, but which will recognize their complete independence and will invite the President of the United States, as the recognized head of the executive department of our Government, to issue a proclamation to this effect and to admit to our diplomatic circles a representative of the Republic of Cuba upon terms of exact equality with the representative of the Government of Spain. If I had it within my power I would go further than this. I would say to Spain: "Your treatment of the Cubans for the last fifty years has been brutal and inhuman; you have shocked the moral sense of the civilized world; you have put yourself in an attitude to invite the universal execration of all good people and all civilized nations; you have stifled the cries of the Cubans for liberty and have drenched every acre of their soil with the blood of innocent men, women, and children, and now, in the spirit of our free institutions, the people of the United States, being the chief guardians and advocates of popular liberty upon this hemisphere, will require you to relax your hold upon these people and give to them that freedom and right of self-government that is inalienable to all people."

Mr. President, I was surprised at the remarks of the Senator from Louisiana [Mr. CAFFERY]. He told the Senate and the country that a state of war does not exist in Cuba. I have always been led to believe by examining works of international law and historical works that a state of war exists wherever there is an armed conflict between nations or states, or between parts of states, and I always supposed that belligerents are those persons engaged in an armed conflict.

The honorable Senator from Louisiana tells us again that we have no evidence to prove that there is a state of war in Cuba. Is it necessary for the Senate of the United States to sit as a police court and listen to the testimony of witnesses? Are we not required under well-known and well-established rules of international law to take recognition of the condition of Cuba and those Governments that are in close proximity to the United States?

It is a well-known fact to-day that 30,000 armed Cubans struggling for liberty are practically in possession of three-fourths of the Island of Cuba, and that their march of conquest is blocked by about 140,000 armed Spaniards who are occupying the other fourth of that island for the purpose of subduing the spirit of liberty. Yet the Senator from Louisiana discovers, as other Senators have discovered, something in international law to prevent the Congress of the United States from taking prompt and efficient action on the line of recognizing the independence of those people.

I shall not detain the Senate any great length of time at this late hour to discuss this question, but I can not resist the temptation of calling attention to some prominent features of the controversy from 1868 to 1878 in the struggle between Cuba and the parent country. Between 1868 and 1878 there were executed in the Island of Cuba for political offenses, and for no other cause, 2,927 citizens of that island. There were captured during that time, and presumably executed in some form (for they have never been heard from since the days of their capture), 4,672 persons for political offenses. There were put to the garrote at that time for political offenses 191 other persons, besides thousands of others captured in battle who have never been heard of from that time to this, and who were presumably sent to the penal colonies of Spain to spend the remainder of their lives in penal servitude for no other offenses than aspiring for liberty, which we and all God's people by nature are entitled to.

I do not purpose now to recall the attention of the Senate to the barbarities that have been practiced by General Weyler, who has recently been sent to Cuba, and who has been sent there not because he is a dazzling military success, not because of his ability to control the people in Cuba, but because of his known love of blood and his predisposition to butcher the people of that island.

Yet, Mr. President, we are to be told that these barbarities can be practiced less than 100 miles from our shore; we are to be told that the arm of the Government of the United States falls impotent and powerless under the circumstances; that somewhere in some musty volume of international law, or in the utterance of some great statesman forty or fifty years ago, there is something that prohibits us from extending to these people our aid and our sympathy! It would seem from what has been read from the desk and from what we see in the public press of this country (and I make due allowance for exaggerations on both sides) that the butcher Weyler is not satisfied with slaying the men upon the Island of Cuba who aspire for liberty, but that the cries of innocent childhood and the modesty and virtue and defenselesness of womanhood do not affect him and do not stay his bloody march and his bloody hand.

The honorable Senator from Louisiana says we must recognize Spain as a part of the family of civilized nations upon the face of the globe. Mr. President, Spain is an outlaw nation. She is not entitled to the respect, the confidence, or the esteem of the liberty-loving American people. Hers has been the march of blood. With the torch in one hand she has burned down the habitations of the people of Cuba; with the sword of vengeance in the other she has stabbed to death or cut the throats of those who have refused to yield cheerful obedience to her iron rule.

Mr. President, I am not radical in anything, not even in my Populism. I believe that it is but policy to consult conservatism and to act conservatively. But there comes a time in the history of nations when the national heart as well as the national judgment is appealed to. By our situation upon this hemisphere, by our stand at the head of republics upon the face of the earth, we owe a duty to those who are in close proximity to us to see at least that they shall receive humane and just treatment at the hands of their rulers.

The Island of Cuba by her proximity to us and by the hopes and aspirations of her people belongs to the Government of the United States. The time must speedily come when the bloody hand of Spain will be wrested from that island and the throats of her people.

Mr. President, I would go further in the interests of humanity than these resolutions propose to go. I would not only recognize the belligerent rights of Cuba, but I would establish her as one of the Republics of this earth. If need be, I would muster every man in the United States and every war vessel necessary to the accomplishment of the task, and I would erect on the ashes and ruins of Spain's control of that island a Republic modeled after the institutions of our own. Sir, I would not only do that, but if I had it in my power, I would admit the minister of the Republic of Cuba, feeble as it may be, unimportant in the eyes of the world as it may be, to the diplomatic circles at this capital upon terms of equality with the minister from Spain.

Mr. President, one word more. It is said that the action proposed is liable to involve us in war. We can not shirk responsibility because war may follow as a consequence of the discharge of our duties. The rule of Spain over Cuba has not been actuated from motives of humanity to those people, but simply for lust and gain. When Spain becomes convinced that republican institutions upon this continent mean more than mere empty declarations; that it means the United States of America will unfold its flag broad enough to cover the aspirations of the people of Cuba and adjoining countries, then the question of the independence of that people will be settled and we shall have nothing to do but to adjust the financial results.

Mr. GRAY. Before the Senator from Nebraska sits down I wish to allude to one matter of which he spoke, and that is the duty incumbent upon this great Republic of ours by reason of its peculiar relations and proximity to the Island of Cuba. I cordially agree with him in that, and subscribe to the proposition that we do owe a peculiar duty to the Island of Cuba by reason of our environment. It was because the resolution offered as an amendment by the Senator from California [Mr. WHITE] recognized in express terms that peculiar duty that I said yesterday or the day before, and say now, that I prefer it to the resolution that was reported from the Committee on Foreign Relations. But, if I may be indulged by the courtesy of the Senator from Nebraska, I wish to say that that——

Mr. ALLEN. I yield the floor to the Senator.

Mr. GRAY. I am much obliged to the Senator from Nebraska. I want to say that that committee, of which I have the honor to be a member, has duly considered, since this debate has been going on, all of the various propositions and every phase of this question, and has agreed with unanimity upon the resolution reported some weeks ago from the committee, with the assent of the committee—to be given by its chairman, as already announced—to the addition to that resolution of the resolution offered by the Senator from Pennsylvania [Mr. CAMERON], and because assent has been given to add this resolution to that already reported by the committee, I believe that to be the better form in which the Senate should express itself. Therefore I have altered my opinion in regard to the propriety of substituting the amendment offered by the Senator from California.

Mr. PASCO. May I interrupt the Senator from Delaware for a moment? Is it still the proposition to pass a concurrent resolution, or has there been any consideration of the question as to whether the pending resolution should be changed to a joint resolution?

Mr. GRAY. The proposition of the committee is that the resolution should be as it was at first reported—a concurrent resolution—and being in the shape in which it now is, with the addition of the resolution offered by the Senator from Pennsylvania, it does justice to the aspirations of the patriots in Cuba; it does justice to the sympathy of the people of the United States for the struggling patriots in that unhappy island, and I think it comports with the dignity and honor and traditions of the Government of the United States.

Mr. WHITE. Mr. President——

Mr. HILL. Will the Senator from California allow me a moment?

Mr. WHITE. Certainly.

Mr. HILL. I desire before the time arrives for proceeding to vote to offer a verbal amendment to the resolution proposed by the Senator from California.

The VICE-PRESIDENT. The amendment of the Senator from New York to the amendment of the Senator from California will be stated.

The SECRETARY. It is proposed to amend the amendment offered by Mr. WHITE as follows:

On page 2, line 15, strike out the word "trust" and insert the words "are of the opinion"; in line 17, after the word "been," insert the word "largely," and in lines 17 and 18 strike out the words "will at as early a date as the facts will warrant," and in place thereof insert the word "should."

Mr. CALL. I desire to give notice that I shall offer an amendment as a substitute for the amendment of the Senator from California as proposed to be amended.

Mr. WHITE. I will state that I accept the amendment to my amendment proposed by the Senator from New York.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York is accepted by the Senator from California.

Mr. WHITE. I shall offer the amendment proposed by me as amended on the suggestion of the Senator from New York.

Mr. VEST. Let the substitute be read as now modified.

The VICE-PRESIDENT. The Secretary will read the substitute as modified.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We are of the opinion that the executive department, to whose investigation and care our diplomatic relations have been largely committed, should recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent Government of her own choice.

The VICE-PRESIDENT. The Secretary will now read the amendment submitted as a substitute by the Senator from Florida [Mr. CALL].

The Secretary read as follows:

Joint resolution authorizing and requesting the President of the United States to recognize the political independence of the Republic of Cuba, and for other purposes.

Resolved by the Senate, etc., That the United States recognize the independence of the Republic of Cuba, proclaimed at Jimaguaya, under the presidency of Cisneros, and under the provincial constitution and form of government proclaimed at Jimaguaya in May, 1895.

Mr. WHITE. Mr. President, I shall detain the Senate but a moment. I have been rather careful to state those views of this situation which pertain to the legal side of the case with as much accuracy as I could, and I do not like to be misquoted even inadvertently, and therefore when such misquotation occurs I respectfully beg leave to correct it. My friend from Nebraska [Mr. ALLEN] in stating my views as to what is necessary with reference to a recognition of sovereignty inadvertently, no doubt, misquoted me, and I will briefly repeat the exact phraseology which I employed, quoting from the letter from Secretary of State Adams to Mr. Monroe August 24, 1816.

There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact, so as to leave the chance of the opposite party to recover its dominion utterly desperate.

And continuing—

But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.

This is not any old and musty announcement, but it is an emanation coming from one of our most distinguished publicists and upon whose patriotic declarations Senators here have been prone to rely.

I desire also to state that President Grant was not the author of any old, musty international doctrine, and that the expression read by the Senator from Louisiana [Mr. CAFFERY] and by other Senators from President Grant's message to this body is strong affirmation of the principle for which I have been contending. Although it has been said that President Grant really did not write that document, and we have the authority of the Senator from Ohio to the effect that it is in the handwriting of Mr. Fish, I have, I will not say a thorough knowledge, but some knowledge of General Grant's history, and I believe he had probably a little more than a vague and uncertain notion of that which he signed. I do not know whether the Senators who made the statement wish to intimate that General Grant was in the habit of signing documents which he did not understand. I have never heretofore heard such to have been his practice. I am disposed to think that he knew what he said and that every word he said he meant. Besides, he had the subject under consideration for six or seven years and had time to get ready.

Mr. President, I am in accord with every sentiment that has been uttered here in praise of the efforts of those who are seeking to obtain their liberty in Cuba. I am as fond of liberty as anybody else. I do not like to have my personal liberty curtailed in any way, and I am not selfish about it. But practically we are doing nothing more, no matter what resolution we adopt here, than to express our sympathy for the Cuban patriots, and to this point I wish to address myself but a moment.

I will insert as a part of my remarks sections 5283, 5284, 5285, and 5286 of the Revised Statutes of the United States, regarding neutrality, if there be no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

The sections of the Revised Statutes referred to are as follows:

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years. And every such vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

SEC. 5284. Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more than $10,000, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 5285. Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than $1,000 and be imprisoned not more than one year.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding $3,000, and imprisoned not more than three years.

Mr. WHITE. If we had the power to declare Cuba independent, and if our action became efficacious so far as independence was concerned, that would not destroy the efficacy of the neutrality laws of the United States. They would be enforceable then as they are now, and they would be then, as they are now, a restriction to some extent on the action of our people with reference to Cuba and on the action of Cuba with reference to our people.

Mr. President, we are at peace with the Spanish Government; that is admitted; and we have no right, I submit, when we are at peace with a Government which we have recognized for years, to do anything more than a recognition of the laws and customs and usages pertaining to the neutral relation will justify.

If it be true that we should do as some Senators have intimated, let us boldly and frankly and aboveboard declare war, and so act; but if we are to proceed within the lines of neutrality, let us do it. I do not think it will tend to bring about the peaceful procurement of the independence of Cuba, which is desired in all the resolutions, to use as violent language with reference to a country

with which we are at peace as I have heard upon this floor. If our object is to procure peaceably the independence of Cuba, we should act in accordance with our expressed wish. If we are seeking to persuade a nation into the release of her claims, we should do so by the use ot those arguments or those practices which are commended among enlightened and civilized men. If I had the power personally, with the information which has been developed here, I would say undoubtedly that belligerent rights should be accorded to Cuba; but I am unwilling to say anything or to do anything which will be beyond our power and without our duty. I believe the adoption of the resolution proposed by me goes as far as consistency allows; that it is an earnest and an emphatic expression of a desire to procure that condition of things which all here hope to see brought about.

I again call the attention of Senators to the fact that a resolution announcing the independence of Cuba will have no more effect toward the procurement of that independence, except by its moral weight, than a resolution in recognition of belligerency. It will suspend no neutrality law; it will relieve none of those who are seeking to aid the Cubans from the imposition of our neutrality statutes; and I repeat what I said before, that I see no obstacle to the Cuban leaders taking advantage of the privilege they now have, to obtain and send merchantmen to the ports of this country and load them with arms and ammunition. The result of any efforts to detain them will undoubtedly be the same as those unsuccessful efforts which were made by this Government in the case of Chile.

I might also call attention to a case decided by Judge Blatchford, in 4 Benedict, in the case of the *Florida*, and also with reference to Cuba herself, when she was in revolt upon another occasion, where he distinctly held that the right of the insurgents to procure arms in this country could not be disputed by the Government, unless they attempted to do so by means of fitting out an armed expedition.

Mr. VEST. I should like to ask the Senator a question.

Mr. WHITE. Mr. President, I have already stated, I think, that I shall propose the resolution offered by me as it has been amended by the Senator from New York [Mr. HILL].

I will now yield to the Senator from Missouri.

Mr. VEST. I wanted to ask the Senator from California a question. I have no disposition to discuss the subject any further. The Senator has discussed the effect of a declaration of belligerent rights by this country as to Cuba.

Mr. WHITE. Yes, sir.

Mr. VEST. Now, I should like to ask the Senator what would be the effect of such a recognition upon the securities of Spain; in other words, upon her military power and resources?

Mr. WHITE. Since I heard the discussion with reference to bimetallism between the Senator from Ohio [Mr. SHERMAN] and the Senator from Colorado [Mr. TELLER] the other day, I do not know that my financial abilities are sufficient to answer the question. [Laughter.]

Mr. VEST. I should like to ask the Senator this question: Does he not believe that the recognition by this country of the independence of Cuba would stop that terrible war inside of sixty days?

Mr. WHITE. I do not know, but my belief is that the war would last longer than sixty days. I stated, however, that there would be undoubtedly some moral force attached to any resolution which we might pass here recognizing our wish and desire and expressing our opinion on this subject.

Mr. HALE. Before the Senator sits down——

Mr. WHITE. One moment. I desire to correct a motion I made when I was interrupted, in relation to my resolution. To retain the parliamentary status to which I think it entitled, I move the adoption of the resolution as amended by the Senator from New York as a substitute for the last amendment offered by the Senator from Pennsylvania [Mr. CAMERON].

Mr. HALE. It was that to which I wished to call the attention of the Senator; otherwise we should have no opportunity to vote on his proposition.

Mr. WHITE. I am obliged to the Senator for calling my attention to the parliamentary situation.

Mr. HALE. The Senator's proposition is now in such a position parliamentarily that the Senate can vote upon it, as modified by the Senator from New York, before coming to the last proposition of the committee.

Mr. HILL. I rise merely to a parliamentary inquiry and for the purpose of soliciting information before the hour of 4 o'clock, when debate ceases. Is there now pending anywhere any joint resolution?

Mr. CULLOM and others. No.

Mr. CALL. I have offered one.

Mr. HILL. What I want to know is where we stand now?

Mr. STEWART. I want to inquire what is the parliamentary status of the question?

Mr. GRAY. The committee resolution is a concurrent resolution.

Mr. VEST. But the Senator from Florida [Mr. CALL] has offered a joint resolution.

Mr. PASCO. Mr. President, it was my desire before this debate closed to state in brief language my views with reference to the great contest now going on in Cuba and my earnest sympathy with the people in that island who are making such a brave struggle to establish a republican form of government, independent of all control of the Government of Spain; but as the hour of 4 o'clock is near at hand, and there are others who desire to speak, I shall confine myself to a single point, and that is with reference to the form of the resolution.

I have listened with a great deal of interest and attention to the debate which has been going on during the last few days. I was disposed to yield to the views of the committee in bringing forward a mere concurrent resolution for carrying out the purposes which I think a large majority of the Senate have in view. Before this debate commenced I regarded the recognition of a state of belligerency as one of the prerogatives of Congress, and was of the opinion that the President shared in the responsibility of such recognition bcause of his connection with the legislative department of the Government by virtue of his power to approve or to veto all acts passed by Congress.

I have listened with a great deal of attention to the debate, particularly to the views expressed on this point by the Senator from Delaware [Mr. GRAY]. I have a great deal of confidence in his legal judgment, but I have not been able to agree with his views on this point or to reach the conclusion that Congress is able to divorce itself from its responsibility as a part of the lawmaking power with reference to the recognition of belligerent rights in cases like that now before us. I believe that this question of the recognition of a state of belligerency between Spain and the Cubans in arms can properly be first considered and acted upon by Congress. The President in his message has called our attention to the condition of affairs in Cuba, as it was his prerogative and his right to do, and the question is properly before Congress to decide whether the contest has assumed the proportions of an actual war and, if so, to accord to the Cubans such rights as are usually accorded to belligerents.

A concurrent resolution is merely an expression of opinion. In my judgment we want more positive action than that. We want something in the shape of a law, and for that purpose I think that whatever we do to-day should be in the form of a joint resolution. So far as I am concerned, I am willing to go as far as we properly may go to assist the Cuban patriots in their struggle, and the incidents and history of the contest fully justify us in recognizing them as a belligerent power, though I do not think the time has arrived when our Government can go beyond such recognition.

Mr. SHERMAN. But a few minutes remain before the debate is to close, and I should like to make a suggestion to the Senator. The reason why a joint resolution ought not to be adopted is that if adopted the President will be compelled to act on this important question within ten days, to say yes or no; while if we send to him a concurrent resolution we send him our opinion, and he can act upon that opinion and exercise the executive power at any time whenever occasion arises.

Mr. PASCO. In my judgment that is one of the strongest reasons why a joint resolution should be passed, because then there must be some positive action within a reasonable time; and if any reasons exist why the Cubans who are contending against Spain should not be recognized as belligerents, it will be the prerogative of the President, under the veto power, to give the reasons to Congress and the country why such action should not now be taken. To my mind that is one of the strongest reasons why we should act to-day by a joint resolution, which will give force and effect to whatever action is taken by Congress.

Mr. CAMERON. I ask the Senator to yield to me for a moment.

Mr. PASCO. Certainly.

Mr. CAMERON. I desire to offer what I send to the desk as an amendment to the resolution reported by the Committee on Foreign Relations.

The VICE-PRESIDENT. The amendment submitted by the Senator from Pennsylvania will be stated.

The SECRETARY. At the end of the resolution reported by the Committee on Foreign Relations it is proposed to add:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. PASCO. Mr. President——

Mr. SHERMAN. If the Senator from Florida will allow me, I am authorized by the Committee on Foreign Relations to accept the amendment just offered by the Senator from Pennsylvania as an amendment to the proposition reported by the committee.

Mr. ALLEN. How will it read then?

Mr. PASCO. Let it be read hereafter. I decline to yield now.

The VICE-PRESIDENT. The Chair recognizes the Senator from Florida as entitled to the floor.

Mr. PASCO. The explanation can be made hereafter.

I shall close what I have attempted to say by offering the joint resolution which I have sent to the desk; which I ask may be read, so that it may be considered at the proper time when this matter comes up for action.

The VICE-PRESIDENT. The joint resolution submitted by the Senator from Florida will be read for information.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and the President of the United States is hereby authorized to issue a proclamation recognizing this condition of belligerency between the two contending forces.

Mr. PASCO. I wish to offer this as a substitute for the resolution offered by the Senator from California [Mr. WHITE] or to the main proposition whenever it may be in order to do so.

Mr. ELKINS. Mr. President, I desire to present in this connection the petition of C. B. Scott and 115 other citizens of West Virginia, praying for the recognition of the Cubans as belligerents.

The VICE-PRESIDENT. The subject to which the petition pertains being under consideration, the petition will lie on the table.

Mr. CALL. I appeal to the Senator from Ohio to ask unanimous consent that the time for discussion may be extended half an hour. ["No!" "No!"]

The VICE-PRESIDENT. Is there objection?

Mr. VEST. I object.

Mr. SHERMAN. I think we ought never to depart from a unanimous-consent agreement in regard to acting upon a subject, and I therefore object.

Mr. GORMAN. That is right.

The VICE-PRESIDENT. There is objection.

Mr. SHERMAN. I wish to suggest the point of order that a joint resolution can not be offered as a substitute for a concurrent resolution. A concurrent resolution requires simply one vote and a joint resolution requires three votes.

The VICE-PRESIDENT. The Chair so understands the rule. The amendment submitted by the Senator from Pennsylvania [Mr. CAMERON] has been accepted by unanimous consent, and becomes a part of the resolution reported by the Committee on Foreign Relations.

Mr. GORMAN. Let it be read.

Mr. VEST. I ask for the reading of that original resolution as amended.

The VICE-PRESIDENT. The resolution as amended will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

The VICE-PRESIDENT. The Senator from California [Mr. WHITE] submits an amendment as a substitute for the resolutions reported by the Committee on Foreign Relations. The proposed substitute will be read:

The Secretary read as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We are of the opinion that the executive department, to whose investigation and care our diplomatic relations have been largely committed, should recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent Government of her own choice.

Mr. SHERMAN. I move that the amendment be laid upon the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to lay upon the table the substitute offered by the Senator from California.

Mr. SHERMAN. The suggestion is made that this might carry the whole subject, but I do not so understand the rule. ["Oh, no!"] The rule expressly provides, I think, that a motion to lay on the table may be made without affecting the main subject. I ask a decision of the Chair upon it.

The VICE-PRESIDENT. The Chair has no doubt of that. The question is on the motion of the Senator from Ohio.

Mr. CAFFERY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague [Mr. BLANCHARD] is unavoidably absent from the Senate to-day. I am authorized to announce his general pair with the Senator from North Carolina [Mr. PRITCHARD]. I do not know how my colleague would vote upon this question, if present.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. BACON. I am authorized to say that my colleague [Mr. GORDON] would favor the resolutions reported by the Committee on Foreign Relations, and therefore, if present, would vote in the affirmative to lay the proposed substitute upon the table.

Mr. GEAR. Then I vote "yea."

Mr. GALLINGER (when Mr. HANSBROUGH'S name was called). I have been requested by the Senator from North Dakota [Mr. HANSBROUGH] to say that he is unavoidably absent from the city. If he were present, he would vote for the resolutions reported by the Committee on Foreign Relations as amended.

Mr. LODGE (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is absent owing to serious illness in his family. He has a standing pair with the Senator from Alabama [Mr. PUGH]. He instructed me to say that if he were present he would vote for the amendment proposed by the Senator from Pennsylvania [Mr. CAMERON].

Mr. MORGAN. My colleague [Mr. PUGH] is detained at home by sickness. If he were present, he would vote for the resolutions reported by the Committee on Foreign Relations.

Mr. MCMILLAN (when his name was called). I have a pair with the Senator from Kentucky [Mr. BLACKBURN], but understanding that if present he would vote on this question as I do, I vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present I should vote "nay." I do not know how he would vote.

Mr. CHANDLER (when Mr. MURPHY'S name was called). I am paired on political questions only with the junior Senator from New York [Mr. MURPHY], and this not being a political question I have voted "yea." I desire to state that he has been for some time absent from the Senate Chamber on account of illness.

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] sent me a hasty note as he was leaving the city requesting me, if necessary, to pair him on the votes relating to the Cuban question. That, however, owing to the almost unanimous opinion prevailing in the Senate, I find to be practically impossible. The amendments have been various, and I do not know how my colleague would have voted on each of them if present. I think, however, he would vote with the rest of us.

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. THURSTON. I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present I should vote "yea."

Mr. TURPIE (when the name of Mr. VOORHEES was called). My colleague [Mr. VOORHEES] is detained from the Senate by illness. If he were present, he would vote "yea."

The roll call was concluded.

Mr. BATE. I desire to say that my colleague [Mr. HARRIS] and the Senator from North Dakota [Mr. HANSBROUGH] are necessarily absent. I understand that they have agreed to pair with each other until their return.

Mr. CULLOM. I was about to announce that my colleague [Mr. PALMER] had a general pair with the Senator from North Dakota [Mr. HANSBROUGH], but an announcement has just been made that the Senator from North Dakota is paired with the Senator from Tennessee. I fear that my colleague stands without a pair.

Mr. PASCO. I will state that the Senator from Illinois [Mr. PALMER] has a general pair with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. CULLOM. I think my colleague went away with the understanding that that pair should remain until his return.

Mr. PASCO. The Senator from Tennessee is usually paired with the Senator from Vermont [Mr. MORRILL].

Mr. GALLINGER. On this matter I will state that the Senator

from North Dakota called upon me asking me to take charge of his pair during his absence. He said he was going to Tennessee with the Senator from Tennessee, and desired to be paired with that Senator during their joint absence.

Mr. BATE. Do I understand that the pair stands, then?

Mr. GALLINGER. Undoubtedly that pair stands.

Mr. BATE. So that my colleague is paired with the Senator from North Dakota?

Mr. GALLINGER. Yes.

Mr. BATE. Very well.

Mr. TELLER. My colleague [Mr. WOLCOTT] is unavoidably detained from the Senate. He is paired with the junior Senator from Ohio [Mr. BRICE].

Mr. CULLOM. I announce that if there is no other pair for the Senator from Rhode Island [Mr. ALDRICH] I will pair my colleague [Mr. PALMER] with him.

The VICE-PRESIDENT. It will be so noted.

The result was announced—yeas 57, nays 12; as follows:

YEAS—57.

Allen,	Cockrell,	Jones, Ark.	Proctor,
Allison,	Cullom,	Jones, Nev.	Quay,
Bacon,	Daniel,	Kyle,	Sherman,
Baker,	Davis,	Lindsay,	Shoup,
Berry,	Dubois,	Lodge,	Squire,
Brown,	Elkins,	McBride,	Stewart,
Burrows,	Faulkner,	McMillan,	Teller,
Butler,	Frye,	Mantle,	Turpie,
Call,	Gallinger,	Martin,	Vest,
Cameron,	Gear,	Mills,	Walthall,
Cannon,	Gibson,	Mitchell, Oreg.	Warren,
Carter,	Gorman,	Morgan,	Wilson.
Chandler,	Gray,	Nelson,	
Chilton,	Hawley,	Pasco,	
Clark,	Irby,	Peffer,	

NAYS—12.

Bate,	Hale,	Perkins,	Vilas,
Caffery,	Hill,	Roach,	Wetmore,
George,	Morrill,	Smith,	White.

NOT VOTING—20.

Aldrich,	Hansbrough,	Palmer,	Sewell,
Blackburn,	Harris,	Pettigrew,	Thurston,
Blanchard,	Hoar,	Platt,	Tillman,
Brice,	Mitchell, Wis.	Pritchard,	Voorhees,
Gordon,	Murphy,	Pugh,	Wolcott.

So the amendment was laid on the table.

The VICE-PRESIDENT. The question is upon agreeing to the resolution as amended.

Mr. ALLEN. I offer as a substitute for the resolution the joint resolution which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska will be stated.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. ALLISON. That is a joint resolution.

Mr. SHERMAN. And it is not in order.

The VICE-PRESIDENT. The Chair inquires of the Senator from Nebraska whether his amendment is offered as a joint resolution?

Mr. ALLEN. As a joint resolution and as a substitute for the resolution reported by the committee.

The VICE-PRESIDENT. The Chair can not entertain it.

Mr. ALLEN. Very well; then I shall change it to a concurrent resolution, and offer it as a substitute.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, authorized and requested to issue a proclamation recognizing the Republic of Cuba as it exists under the constitution and form of government proclaimed at Jimaguaya, under President Cisneros, in the month of May, A. D. 1895, as a free and independent nation, and according the envoy extraordinary and minister plenipotentiary of said Republic all the rights and privileges accorded to the envoy extraordinary and minister plenipotentiary of the Government of Spain.

Mr. SHERMAN. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio, to lay on the table the amendment submitted by the Senator from Nebraska.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL], who is absent on important business. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT], and vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 52, nays 17; as follows:

YEAS—52.

Allison,	Cullom,	Hill,	Pritchard,
Bacon,	Daniel,	Irby,	Proctor,
Bate,	Davis,	Lindsay,	Roach,
Berry,	Elkins,	Lodge,	Sherman,
Brown,	Faulkner,	McBride,	Shoup,
Burrows,	Frye,	McMillan,	Smith,
Caffery,	Gear,	Martin,	Turpie,
Cameron,	George,	Mills,	Vilas,
Carter,	Gibson,	Morgan,	Walthall,
Chandler,	Gorman,	Morrill,	Warren,
Chilton,	Gray,	Nelson,	Wetmore,
Clark,	Hale,	Pasco,	White,
Cockrell,	Hawley,	Perkins,	Wilson.

NAYS—17.

Allen,	Dubois,	Mitchell, Oreg.	Teller,
Baker,	Gallinger,	Peffer,	Vest.
Butler,	Jones, Nev.	Quay,	
Call,	Kyle,	Squire,	
Cannon,	Mantle,	Stewart,	

NOT VOTING—20.

Aldrich,	Hansbrough,	Murphy,	Sewell,
Blackburn,	Harris,	Palmer,	Thurston,
Blanchard,	Hoar,	Pettigrew,	Tillman,
Brice,	Jones, Ark.	Platt,	Voorhees,
Gordon,	Mitchell, Wis.	Pugh,	Wolcott.

So the amendment was laid on the table.

Mr. PASCO. With reference to the amendment I offered, I will state that I am aware that it can only be entertained by unanimous consent, and as I understand there is objection to it I shall not bring it up.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution reported by the committee as amended.

Mr. SHERMAN. On that question I desire to have the yeas and nays.

Mr. GRAY and Mr. PEFFER. Let the concurrent resolution be read.

Mr. HAWLEY. Read the concurrent resolution as amended.

The VICE-PRESIDENT. The concurrent resolution as amended will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. MORRILL. I ask for a division of the proposition pending, so that we may vote upon the concurrent resolution first reported by the Committee on Foreign Relations.

Mr. SHERMAN. That is not in order, because the amendment has already been adopted by unanimous consent.

Mr. MORRILL. Oh, no.

Mr. SHERMAN. Yes, the amendment was adopted——

Mr. CULLOM. No debate.

The VICE-PRESIDENT. The Chair sustains the point made by the Senator from Ohio [Mr. SHERMAN]. The question is on agreeing to the concurrent resolution as amended.

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BATE (when the name of Mr. HARRIS was called). I desire to announce on this, the final vote, that my colleague [Mr. HARRIS] is necessarily absent. If he were present, he would vote "yea." He is paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "yea."

Mr. CHANDLER (when Mr. MURPHY's name was called). I desire to state in connection with this vote that the junior Senator from New York [Mr. MURPHY] is absent on account of illness.

Mr. CULLOM (when Mr. PALMER's name was called). My colleague [Mr. PALMER] stands paired with the senior Senator from Rhode Island [Mr. ALDRICH]. From my knowledge of my colleague's views upon this subject, I feel sure that if he were present he would vote for the concurrent resolution.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], but believing, if present, that he would vote for the concurrent resolution, I elect to exercise the discretion vested in me under our arrangement and vote "yea."

Mr. VILAS (when his name was called). I have agreed to pair with the Senator from Indiana [Mr. VOORHEES], who is detained from the Chamber by illness. If he were present, he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. CHANDLER. The Senator from Illinois [Mr. CULLOM] announced the pair of his colleague [Mr. PALMER] with the senior Senator from Rhode Island [Mr. ALDRICH]. The senior Senator from Rhode Island went away unpaired, and the pair for him was arranged on the floor while the vote was being taken. The Senator from Illinois [Mr. CULLOM] has stated that his colleague [Mr. PALMER] would vote "yea" on the passage of the concurrent resolution, and no inference is to be drawn from that announcement as to how the absent Senator from Rhode Island [Mr. ALDRICH], under the circumstances, would vote if present.

Mr. CULLOM. He would vote for the concurrent resolution, I suppose.

Mr. BACON. In the absence of my colleague [Mr. GORDON], I was requested by him to state on the passage of the concurrent resolution that if he were present he would vote "yea."

The result was announced—yeas 64, nays 6; as follows:

YEAS—64.

Allen,	Cullom,	Jones, Nev.	Proctor,
Allison,	Daniel,	Kyle,	Quay,
Bacon,	Davis,	Lindsay,	Roach,
Baker,	Dubois,	Lodge,	Sherman,
Bate,	Elkins,	McBride,	Shoup,
Berry,	Faulkner,	McMillan,	Smith,
Brown,	Frye,	Mantle,	Squire,
Burrows,	Gallinger,	Martin,	Stewart,
Butler,	Gear,	Mills,	Teller,
Call,	Gibson,	Mitchell, Oreg.	Thurston,
Cameron,	Gorman,	Morgan,	Turpie,
Cannon,	Gray,	Nelson,	Vest,
Carter,	Hawley,	Pasco,	Walthall,
Chandler,	Hill,	Peffer,	Warren,
Clark,	Irby,	Perkins,	White,
Cockrell,	Jones, Ark.	Pritchard,	Wilson.

NAYS—6.

Caffery,	George,	Morrill,	Wetmore.
Chilton,	Hale,		

NOT VOTING—19.

Aldrich,	Hansbrough,	Palmer,	Tillman,
Blackburn,	Harris,	Pettigrew,	Vilas,
Blanchard,	Hoar,	Platt,	Voorhees,
Brice,	Mitchell, Wis.	Pugh,	Wolcott.
Gordon,	Murphy,	Sewell,	

So the concurrent resolution as amended was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CHANDLER. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. BERRY. I move that the Senate proceed to the consideration of the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas. I do not expect to try to pass it this evening, but I wish to have it taken up.

Mr. GEAR. Does the Senator from Arkansas wish to have the bill taken up to debate it or to pass it to-day?

Mr. BERRY. For consideration hereafter. There will be ample time to debate it.

Mr. GEAR. I object.

Mr. BERRY. If I can have leave for one moment, I will state that I simply desire to have the bill taken up. I do not expect to try to pass it this evening. I have no doubt there will be ample time for debate. But I desire to have it made the unfinished business, so that we may consider it hereafter.

Mr. GEAR. I object, Mr. President.

The VICE-PRESIDENT. There is objection.

Mr. QUAY. I move that the Senate adjourn.

Mr. BERRY. I have moved that the Senate proceed to the consideration of the bill. I hope the Senator from Iowa will not object to taking it up, because it is not the desire to try to pass it this evening. I simply wish to have it taken up, so that it can be fully considered.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas [Mr. BERRY] that the Senate proceed to the consideration of the bill indicated.

Mr. GEAR. Of course, I can not object against a vote of the Senate, but I wish to state in regard to this bill that it is a measure of vast importance, involving millions of dollars. It is a bill which, in my judgment, is of a very questionable character, and I doubt whether the Senate will adopt it. Therefore I suggest to the Senator from Arkansas that he do not press his motion at present.

Mr. BERRY. I am not seeking to have the bill passed now.

Mr. GEAR. I suggest that the Senator do not press his motion at this late hour.

Mr. BERRY. I simply desire to have the bill taken up with a view to having it considered hereafter. It ought to be considered at some time. We sought to have a similar measure considered at the last session. This bill has been here for weeks and months, and if, when it comes up for consideration, the Senator from Iowa can show that it is not a proper bill or that it ought not to be passed, he will have an opportunity to do so.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. PEFFER. Mr. President——

Mr. LODGE. I yield to the Senator from Kansas.

Mr. QUAY. I thought I had a motion to adjourn pending?

Mr. BERRY. I deny the right of the Senator from Massachusetts to take me off the floor. I have made a motion to proceed to the consideration of this bill and I insist upon the motion, unless some motion is made which takes precedence of it.

The VICE-PRESIDENT. Pending the motion of the Senator from Arkansas [Mr. BERRY], a motion is made to proceed to the consideration of executive business. The Chair holds that the Senator can not yield the floor upon that motion. The motion is privileged, but it does not give the Senator the right to yield the floor.

Mr. MITCHELL of Oregon. I hope the Senator from Arkansas will withdraw the motion for a moment to allow me to give a notice.

Mr. BERRY. I will withdraw it for that purpose.

Mr. LODGE. My motion was that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Does the Senator from Massachusetts withdraw the motion?

Mr. MITCHELL of Oregon. Then I ask the Senator from Massachusetts to withdraw the motion for a moment in order to allow me to give a notice.

Mr. LODGE. The Chair said that I can not withdraw the motion.

Mr. BERRY. Then let us have a vote on the motion of the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair does not hold that the Senator from Massachusetts can not withdraw his motion. That is not the ruling of the Chair.

Mr. BERRY. I hope the Senator from Oregon will allow me. I will yield to him in a moment if I can get the bill taken up. Let us have a vote on the pending question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] that the Senate proceed to the consideration of executive business.

The question being put, a division was called for; and the ayes were 22.

Mr. BERRY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

The roll call having been concluded the result was announced—yeas 13, nays 39; as follows:

YEAS—13.

Allison,	Carter,	Gear,	Wetmore.
Baker,	Chandler,	Lodge,	
Burrows,	Clark,	Nelson,	
Cameron,	Gallinger,	Peffer,	

NAYS—39.

Bacon,	Dubois,	Mantle,	Teller,
Bate,	Faulkner,	Mitchell, Oreg.	Thurston,
Berry,	Frye,	Morgan,	Turpie,
Brown,	George,	Pasco,	Vest,
Caffery,	Gibson,	Perkins,	Vilas,
Call,	Hawley,	Pritchard,	Walthall,
Cannon,	Hill,	Quay,	Warren,
Chilton,	Jones, Ark.	Roach,	White,
Cockrell,	Lindsay,	Squire,	Wilson.
Daniel,	McBride,	Stewart,	

NOT VOTING—37.

Aldrich,	Gorman,	Martin,	Sewell,
Allen,	Gray,	Mills,	Sherman,
Blackburn,	Hale,	Mitchell, Wis.	Shoup,
Blanchard,	Hansbrough,	Morrill,	Smith,
Brice,	Harris,	Murphy,	Tillman,
Butler,	Hoar,	Palmer,	Voorhees,
Cullom,	Irby,	Pettigrew,	Wolcott.
Davis,	Jones, Nev.	Platt,	
Elkins,	Kyle,	Proctor,	
Gordon,	McMillan,	Pugh,	

So the Senate refused to proceed to the consideration of executive business.

Mr. GEAR. I move that the Senate adjourn.

Mr. MITCHELL of Oregon. Will the Senator from Iowa withdraw the motion that I may give a notice?

Mr. GEAR. Certainly.

SENATOR FROM DELAWARE.

Mr. MITCHELL of Oregon. I desire to give notice that on Wednesday next, immediately after conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the resolution now on the table relative to the claim of Mr. Henry A. Du Pont to a seat in the Senate from the State of Delaware.

LEAVE OF ABSENCE.

Mr. GEAR. I yield to the Senator from Kansas.

Mr. PEFFER. I ask to be excused from attendance on the sessions of the Senate during all of next week and for two days during the following week.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and he is excused.

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent to make an appeal to the Senator from Iowa. I want to state that this Senate bill 502 was here during the last Congress. An effort was made to consider it then. It was unanimously reported from the Committee on Public Lands, but failed to get consideration at that time because it was reported only a few days before final adjournment. The bill was reported early in the present session. All that I desire this evening is to get the bill made the unfinished business, and thereafter ample time, if it takes a week, any time that is necessary to discuss the bill, will be given. The bill was unanimously reported, as I said, from the Committee on Public Lands, and I sincerely hope that the Senator from Iowa will not undertake to defeat the consideration of the bill by motions to adjourn and motions for an executive session. All that I desire is to get it before the Senate, and then I will yield for a motion to adjourn, but I appeal to him to withdraw his motion.

Mr. GEAR. I am perfectly willing at the proper time that this bill shall be placed on the Calendar for consideration. I do not want to give it precedence over other bills which I think are more meritorious. In addition, some other gentlemen on this floor who are opposed to the bill have not had time to make proper examination in certain directions in regard to the bill. I know the whole history of the bill. I am, possibly, as familiar with the attempt to pass it as the distinguished Senator from Arkansas. The bill has passed the other House. It stood reported there and has been attempted to be passed in the small hours of the morning at one or two sessions. It did pass the House once. Yet I am satisfied, as a matter of judgment, while I have no personal feeling whatever in regard to the measure, that there are provisions in the bill which ought not to be adopted by the Senate. I am willing at the proper time to act upon it, and I will assist the Senator in procuring its consideration, but I object now.

Mr. GALLINGER. It has not passed the other House at the present session?

Mr. GEAR. No.

Mr. BERRY. All I ask the Senator is to give an opportunity for a vote, so as to determine whether the Senate wants to consider the bill now. I do not propose to proceed with it this evening, but I appeal to the Senator not to filibuster against the bill——

Mr. GEAR. I am not filibustering.

Mr. BERRY. Because that is not the proper thing to do——

Mr. GEAR. I have stated to the Senator——

Mr. BERRY. And it is not likely to help a bill in which the Senator is interested to try to filibuster against the consideration of this bill. All we ask is a consideration of the measure; if a majority of the Senate think it is a bad bill they ought to vote it down and they will vote it down, but I do protest that we ought to have an opportunity to determine whether a majority of the Senate think it ought to be considered. I think that the Senator from Iowa ought to yield to the wish of that majority and let the bill have consideration if the majority so decide.

Mr. GEAR. The Senator has alluded to a bill in which I am interested. It is true I am interested for the State and people I represent in a bill pending in both Houses of Congress. Many Senators for their States are interested also in that bill. But that bill may stand or fall on its merits when the time comes for its merits or demerits to be argued. At this late hour of the night I do not wish to give precedence to this bill, which I do not think to be such legislation as should pass this body. I do not wish to give it precedence at this late hour, when the Senate is partially empty. As I said before, at the proper time I will join with the Senator from Arkansas in giving consideration to the bill. I insist upon my motion

Mr. BERRY. The majority of the Senate is the proper judge of the proper time to consider the bill, not the Senator from Iowa.

Mr. DUBOIS. I beg the indulgence of the Senate to state that this is quite an important bill, adjusting accounts between the State of Arkansas and the United States. I am perfectly well aware that there will be a good deal of opposition to it on the floor of the Senate, but it is a matter which has engaged the attention of the Public Lands Committee and of Congress for some years. The committee of this Congress in the Senate has reported the bill unanimously, and it is only fair, it seems to me, that the bill should be considered in the Senate and passed on its merits. The Senator from Arkansas does not ask the Senate to proceed with it to-night; he simply asks that it shall not be crowded out, and it is a bill of sufficient importance, it appears to me, to be considered by the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa that the Senate adjourn.

Mr. GEAR. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with my colleague [Mr. ELKINS]. I should vote "nay," if he were present.

Mr. McMILLAN (when his name was called). I will announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

The roll call was concluded.

Mr. CARTER (after having voted in the negative). I am paired with the Senator from Maryland [Mr. GIBSON]. Being assured that he would vote "nay," if present, I will permit my vote to stand.

Mr. PASCO. I suggest that the present occupant of the chair [Mr. FAULKNER] transfer his pair to the Senator from Indiana [Mr. VOORHEES], who is absent and unpaired.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The present occupant of the chair transfers his pair to the Senator from Indiana [Mr. VOORHEES] and votes "nay."

The result was announced—yeas 6, nays 32; as follows:

YEAS—6.

Allison,	Brown,	Gear,	Peffer.
Baker,	Clark,		

NAYS—32.

Bacon,	Daniel,	Mantle,	Smith,
Bate,	Dubois,	Martin,	Teller,
Berry,	Faulkner,	Mitchell, Oreg.	Turpie,
Caffery,	Hawley,	Morgan,	Vest,
Call,	Hill,	Pasco,	Vilas,
Cannon,	Jones, Ark.	Perkins,	Walthall,
Carter,	Lindsay,	Pritchard,	White.
Cockrell,	McBride,	Roach,	Wilson.

NOT VOTING—51.

Aldrich,	Frye,	Kyle,	Quay,
Allen,	Gallinger,	Lodge,	Sewell,
Blackburn,	George,	McMillan,	Sherman,
Blanchard,	Gibson,	Mills,	Shoup,
Brice,	Gordon,	Mitchell, Wis.	Squire,
Burrows,	Gorman,	Morrill,	Stewart,
Butler,	Gray,	Murphy,	Thurston,
Cameron,	Hale,	Nelson,	Tillman,
Chandler,	Hansbrough,	Palmer,	Voorhees,
Chilton,	Harris,	Pettigrew,	Warren,
Cullom,	Hoar,	Platt,	Wetmore,
Davis,	Irby,	Proctor,	Wolcott.
Elkins,	Jones, Nev.	Pugh,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. No quorum has voted.

Mr. COCKRELL. Let the roll be called.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Bacon,	Daniel,	Mantle,	Roach,
Bate,	Dubois,	Martin,	Smith,
Berry,	Faulkner,	Mitchell, Oreg.	Teller,
Caffery,	Frye,	Morgan,	Turpie,
Call,	Gear,	Nelson,	Vest,
Cannon,	Hill,	Pasco,	Vilas,
Carter,	Jones, Ark.	Peffer,	Walthall,
Clark,	Lindsay,	Perkins,	White,
Cockrell,	McBride,	Pritchard,	Wilson.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is not a quorum present.

Mr. BERRY. I move that the Senate adjourn; but I want to give notice that on Monday, at 2 o'clock, I shall move to take up Senate bill 502.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday, March 2, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 28, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, and give notice that if the motion is adopted I will ask the committee to take up and consider the legislative, executive, and judicial appropriation bill.

Mr. HENDERSON. If the gentleman will yield to me a moment, I desire to give notice to the House that I will bring in, during the day or in the morning, a rule from the Committee on Rules to make it in order on this bill to consider a bill reported from the Committee on the Judiciary to change to the salary system the present fee system in respect to the payment of United States marshals and district attorneys, so that it may be considered as a part of this bill or with it. I give notice now, and will state further to the members of the House that the bill to which I have referred has been printed and has come in this morning, so that those desiring to examine a copy of it in advance of its consideration will be able to secure it in the document room.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair.

Mr. CANNON. I ask to take up for consideration the legislative appropriation bill.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. MCCALL of Tennessee. I ask unanimous consent that the first formal reading of the bill be dispensed with.

There was no objection.

Mr. MCCALL of Tennessee. Mr. Chairman, I now yield to my colleague on the committee, the gentleman from Vermont [Mr. GROUT].

Mr. GROUT Mr. Chairman, a sound, stable currency is one of the prime requisites of business prosperity and national strength and independence. No nation with a disordered, fluctuating, or permanently depreciated currency, though all other conditions may be favorable, can ever take high rank as a commercial power. The reason is obvious. The currency of a country always determines values; and stocks, bonds, land, and all personal property of every kind are rated in a given country according to the commercial value of the money standard in that country. If the standard be gold, which is to-day the standard of all the great commercial nations, then the property of such country may be readily exchanged on equal terms with the property or money of all nations having the same standard of value. In other words, such nations can trade on a uniform basis of values, which not only facilitates the exchange, but is at the same time free from all disappointment to either party when the account is stated.

But not so with a country like Mexico, for instance, which has free silver coinage, and where the standard is measured by silver and is of just about one-half the value of the standard of the commercial nations of the earth.

When she sends merchandise to a foreign country of the value of a dollar in her currency she really gets but 50 cents in gold for it.

So it would be in the United States if, like Mexico, we were to go on a silver basis, to which free coinage would inevitably carry us; but of this I will speak in a moment. But I think all will agree that if we were on a silver basis every bushel of wheat, every pound of butter or pork or beef, and every manufactured article which we might export would bring just about one-half in gold its imputed value here.

Not only this, but all American securities—railway, municipal and State bonds as well as United States bonds—millions of which are now held abroad, would be worth in London, Berlin, and Paris only 50 cents on the dollar in gold. They would in fact be worth only 50 cents on the dollar in gold in our own markets.

Confessedly this would be the inevitable situation if we were on a silver basis, and where is the American who will say that this would be satisfactory to him? Where is the farmer or manufacturer who would be satisfied with his lot under a government whose measure of values is so delusive that when he takes his surplus products into the markets of the world, where their value would be measured by the world's standard, he gets only half price for them? What American could view with equanimity his American citizenship if American currency were worth but half price? In short, what American would be satisfied if the currency of his country were not equal in value to the best currency on earth? I think everyone will agree that if we were on a silver basis the above is a fair statement of the disadvantages we would labor under at the present time in our commercial intercourse with the rest of the world. But the situation would be far more humiliating and unsatisfactory right here at home.

Instead of 4 per cent United States bonds selling at 10 and 12 per cent premium for gold, an 8 per cent bond could not be sold at an equal or greater discount, and at that be paid for in a currency worth but 50 cents on the dollar in the commercial marts of the world.

TESTIMONY OF BOND SALE.

The bond sale now in progress, though discreditable enough to the economic and administrative policies which have made it necessary, yet bears eloquent testimony to the faith of the American people in the honesty of the future American dollar; testimony also to the faith of all the commercial nations of the earth whose gold is to-day finding its way to the United States Treasury in exchange for these bonds payable in coin. Think you, Mr. Chairman, the American people or the capitalists of Europe would take these bonds at this low rate of interest and high premium if they believed this country was to go on a silver basis and pay them when due in a currency of one-half the value of gold? Nay, nay. Then think of another thing. What sort of people would we be to do that thing? How, after it, could one American ever look another in the face when the subject of national honor or of public faith was mentioned?

But, saying nothing of the virtue of keeping faith with all classes of our security holders, let us for a moment see what the effect of a debased currency would be upon the working millions who, "in the sweat of the face," eat their bread. With the present disparity in the commercial value of the two metals, every dollar of the $579,400,907 of gold would be withdrawn from circulation and would become a commodity. It would be at a premium of 2 to 1. And who will describe the disastrous effect on the business of the country by the withdrawal of just about one-fourth of our entire circulating medium? And who will complete the picture and tell us of the business and financial collapse sure to follow such contraction; of the mills and factories closed, and of the workingmen hungry and cold in the street? And, worst of all, who will describe the disconsolate, the pitiable condition of the American people from whom business confidence and honor, the very first jewel in the crown of confidence, have alike fled? And think of an intelligent, spirited people trying to do business with a 50-cent dollar! Pitiable spectacle indeed, but sure to follow such a large and certain contraction of our circulating medium, and from it, except a return to an honest dollar, there would be but one escape, and that to the bottomless morass of paper issues, the evils of which would be worse even than those of contraction.

But, Mr. Chairman, this condition of things will never come to the American people.

They understand too well the advantages of a sound, stable currency; in fact, its necessity to individual and national prosperity, and especially its necessity in all foreign transactions.

But some of the free-silver advocates deny that free coinage would carry the country to a silver basis; while others, at least in private conversation, admit that it would, and say: "It is just what is wanted. As a debtor nation we would then be able to discharge all of our public obligations with half the value now called for; and at the same time the debtor class would be enabled to discharge their debts with cheap money; and though this were done, the capitalist and bondholder would have all they ought to have, and the struggling masses would be relieved of disproportionate burdens." But I deny, sir, that the sturdy yeomanry of this country or the debtor class ask for or would accept any such scheme of repudiation as this. They believe in keeping faith with all men. [Applause.]

They know that a depreciated, debased currency would surely bring evils far outbalancing any slight advantage they might gain in paying their debts in a dishonest dollar of half the value of the one they promised the creditor when the debt was contracted. I say the honest, sturdy manhood of this country would indignantly spurn any such proposition, and will have nothing of it.

EFFECT OF FREE COINAGE OF SILVER.

But for just a moment to the question: Will the free coinage of silver at the present ratio of 16 to 1 carry the currency of this country to a silver basis?

First of all, let me ask you to keep in mind the fact that the value of the silver in our standard silver dollar of 371¼ grains is only 50 cents, and that the silver dollar in circulation and the certificates and Treasury notes representing the silver in the Treasury, amounting in all to a little over $600,000,000, are now kept equal with gold only by the arbitrary fiat of the Government, whose settled policy as solemnly declared by the act of 1890 is to keep the

two metals on a parity. Think of it! Six hundred millions of 50-cent dollars are to-day being kept equal with gold by the strong right arm of public faith; and the fact is it is just about all the strain the public credit will bear, especially when coupled with the trouble the evergreen greenback is giving us. The truth is the Government is now only barely keeping itself from a silver basis by frequent sales of bonds for gold.

In the face of all this who doubts if this free-coinage amendment were adopted it would take us at once to a silver standard and we should at once be a 50-cent people?

This would be inevitable, as will be seen by following for a moment the practical workings of free coinage. What a field it would open to the speculator and the money changer. All one would have to do would be to possess himself with 50 cents' worth of silver and take it to the United States mint and have it rounded off and stamped a dollar. Five hundred dollars' worth of silver taken to the mint would come out in the form of 1,000 silver dollars. Now, on the supposition that the Government could keep the silver dollar and gold dollar on a parity, what a chance for profit this would offer. All the man with the 1,000 silver dollars, which cost him but $500, would have to do would be to exchange them for a thousand gold dollars (which he could readily do, if they were kept on a parity) and go into the open market and with these 1,000 gold dollars buy enough silver bullion, when backed up to the United States mint, to turn out 2,000 silver dollars, and on every one would be found the legend "In God we trust." And so this man could go on doubling his money in every transaction in regular geometrical progression; the key of success all the time being, of course, that the two dollars could be kept by the Government on a parity, and not only as against this single man, but as against all the world. The very statement of the case demonstrates the impossibility of the Government to do any such thing, however determined it might be in the undertaking.

EFFECT ON THE POOR MAN'S MONEY.

Authorize free coinage at the ratio of 16 to 1 and silver would at once become the standard of value. Gold would instantly go into hiding. Every dollar would disappear from circulation and would become an article of merchandise, worth twice its former value, not in the markets of the world, but here in the United States, when measured by the silver standard. And this is how free coinage would affect the poor man's money, which is confessedly silver, as his transactions are all small, and how also it would affect the rich man's money, which is said to be gold; and much has been said on this point, as though the poor man's money would be benefited by free coinage.

But it will at once be seen that while the international value of of gold would remain right where it is now, its local value would be somewhat enhanced by its attitude as a commodity, always desirable, and also because it is at the same time money which those engaged in foreign transactions must surely have, while silver, no longer kept equal with gold, would go straight to its commercial value, one-half what it is now; and who fails to see that it would be not the rich man and his money, but the poor man and his money that would be placed most at a disadvantage?

But in the grand collapse that would surely follow the contraction by withdrawing $579,400,907 of gold from our circulation and in adjusting values to the new standard the poor and rich would suffer alike, but the poor would suffer most. The workingman, paid in money of half value, whose purchasing power has been reduced by one-half, could make himself whole only by having his wages doubled; but how long would he have to work and wait before his employer could be got up to the point of paying him $2 per day instead of $1 as now? In the little State of Vermont the deposits in the savings banks, which represent the small savings of the working man and woman and the small yearly balances of the farmer and mechanic, amount to $29,430,697, and in the whole United States to $1,810,597,223.

Now, if this country were to go to a silver standard, every dollar of this vast sum, which when deposited was as good as gold, would be worth but 50 cents to the depositor. Then there is the untold amount due from life insurance companies, aggregating thousands of millions, every dollar of which thus far paid to the companies in premiums was of full value, but if on a silver basis when paid out to the widows and orphans at such time as death should claim the husband and father it would be a 50-cent dollar. The pensioner's dollar would be worth but 50 cents; and so illustrations might be multiplied to show that the evils of a depreciated currency would fall heaviest, not on the wealthy, but on those of slender means.

It is true, however, that the creditor class whose obligations are not written in gold would, under a silver standard, be enabled to settle their debts in silver. But this would be a kind of repudiation which no honorable man asks or would accept.

A SIGNIFICANT FACT.

And here let me state a significant fact. It is this: In all the Rocky Mountain States, the so-called silver States, a contract payable in gold is a very common thing. And it is even said that those who are the most able and eloquent in the advocacy of free silver have carefully taken their contracts in gold, so that when the disasters of a debased currency shall come and all be whelmed in general shipwreck, these gentlemen may then clutch this anchor of gold, thus with selfish prudence cast to windward.

I do not say that any one of the gentlemen who are factiously standing in the way of wholesome legislation in another place holds contracts payable in gold, but it would be quite remarkable if every one of them was not interested, directly or indirectly, in such contracts—they are so common in their section; and whether they hold them or not, their constituents, the men behind them, do, and their very prevalence shows two things: First, an admission that the free coinage of silver will carry the country to a silver basis; and second, it shows that these gentlemen are not willing to stand by the consequences of their own doctrines—are not willing, in common phrase, to take their own medicine.

Why, in the State from which I come such a thing as a contract payable in gold would be a rarity indeed, and so it is through all the Eastern and Middle States. The people there are satisfied with silver and the paper representing silver, because they know the Government is pledged to keep all its money, silver and gold and paper, on a parity, and they have faith that the Government will do this. And I tell you, Mr. Chairman, the Government will do it. The people of this country will see that it is done. The American people have not yet become so demoralized by their own false philosophy on the subject of silver coinage as to want their contracts payable in gold. This particular phase of insane selfishness is peculiar to the people of the Rocky Mountain States, and they are welcome to a monopoly of it. And here is another notable thing about these Rocky Mountain States. You may pick out eight of them which have sixteen Senators in the United States Senate—I will not name the eight; but they have a total population less than that of the city of New York, and a total assessed valuation also less than the valuation of that city; in fact considerably less than one-half as large.

And first and last into every one of those eight States, and several others might be added to the number, have gone hundreds of thousands of dollars from the city of New York, and hundreds of thousands of dollars also from every one of the States east of the Mississippi River and north of the Ohio, which have never returned and never will return; which, in fact, have never been heard from except in the crop of statesmen who have come up here to dictate lessons in finance to their unpaid creditors, and not in finance alone, but upon the subject of tariff and revenue as well.

But, Mr. Chairman, this fact should not be taken as derogating from the right of these States to be heard, and respectfully heard too, on every public question. And I only allude to it as one of the devious and unaccountable things brought in by the "whirligig of time."

ROCKY MOUNTAIN WISDOM.

And it does seem remarkable that this family of young Commonwealths should possess a wisdom on the subjects of currency and finance and public revenue so far above and so completely at variance with the opinions and judgment of the older States from whose loins they sprung, and who have really nursed them from small beginnings into Statehood—I say it does seem remarkable, in fact anomalous, that this Rocky Mountain wisdom, which spurns all counsel from the experience of the world and closes its ears to the entreaties and expostulations of the older States, should be imperative in its demand for the free coinage of silver at 16 to 1 as the price of much-needed legislation to provide revenue and preserve the credit of the Government. [Applause.]

Verily there must be something in the atmosphere, or perhaps in the meat which our friends do eat, in that wild Rocky Mountain region, which gives them an inspiration wholly beyond the comprehension of ordinary mortals who live on a lower diet and amid milder scenes. But there is one thing the East will very likely have learned from this experience, and that is that its loanable funds will be safer nearer home, and safer, too, with a people not subject to fits of inspirational philosophy on the subject of finance. [Laughter.]

AMERICAN BIMETALLISM.

But, Mr. Chairman, enough as to the incomprehensible wisdom of our free-silver friends; and in closing, just a word as to American bimetallism.

Bimetallism, from the very nature of the case, encounters some difficulty not found in the single gold standard, such as the varying value of the two metals. But this difficulty is surmountable, and the system in the hands of the intelligent and honorable American people is not only practicable, but, in my opinion, best. I am, in short, a bimetallist.

There can, of course, be but one measure of value, one yardstick, and the term "bimetallic standard" is a misuse of language, as it will only apply at such times, not often happening, as the commercial value of the two metals is in exact accordance with the estab-

lished ratio. Hence the fathers in disposing of this question avoided the term "bimetallic standard," but did decide that the unit of value should rest on both gold and silver. This is clearly shown by Jefferson's words in approving Hamilton's report on the mint in 1792. He said: "I concur with you in thinking that the unit of value must stand on both metals." It was so placed, and after careful inquiry in all the markets of the world as to the value of each metal the ratio was fixed at 15 to 1. And thus did these great minds of that day, in fact, these great minds in all American history, help establish American bimetallism. They had put the two metals as yokefellows into the Constitution as the only lawful legal tender, and when the question of minting money was reached, they were still kept together as the basis of the unit of value. And to this day they are yokefellows in the system of American bimetallism.

It is true just now the whole load is drawn by the gold ox, and it would perhaps hardly be worth while keeping the silver fellow along, only that there is a prospect that a little later he will do his share of the work. Now, it would seem to most people that the particular friends of this silver ox ought to be thankful that Uncle Sam keeps him in the team at all; that he does not, in short, knock him in the head and go on and leave him. But what has been, may be again. Prior to 1834 gold was at a premium and did not circulate, and the silver ox pulled the whole load. Gold was then behind, the same as silver is now. But in that year the ratio was changed to 16 to 1, and from that time to 1873, of which I will speak in a moment, silver was at a premium and gold alone was coined. The recollection of this ought to beget within us a little patience for the worthlessness of the silver yokefellow now.

SILVER NOT DEMONETIZED.

But the silverites claim that Uncle Sam has not given him a fair chance. They say silver was demonetized in 1873. I deny it. Not a dollar of silver was deprived of value or withdrawn from use as money, and nothing short of this constitutes demonetization. It is true, in 1873 the further coinage of the metal was suspended, and that act has been denounced as a crime clandestinely committed.

Let us see about this. The proposition was before Congress for three sessions, was reported upon and debated like any other measure, and finally became a law, because, though in that very year of 1873 while the silver product of the United States was $35,750,000, no silver dollars were then being coined or had been for several years for the reason that 16 ounces of silver were worth in the market more than an ounce of gold. It was more profitable to dispose of it as bullion. Now, how could silver have been hurt by stopping its coinage when none was being coined? It was not hurt. Very soon, however, from various causes, principal among which was the demonetization of silver by the great powers of Europe, silver went down in value, and there at once arose a cry that the United States mints be opened.

WHAT UNCLE SAM HAS DONE FOR SILVER.

Uncle Sam heard the lowing of his silver ox, and in 1878 the mints were opened to the coinage of not less than $2,000,000 per month, and in the twelve ensuing years 363,646,517 silver dollars were coined and certificates issued thereon to relieve the American people of the burden of over 13,000 tons dead weight in making their exchanges. But meantime the production of silver increased, especially in the United States, and the price still went down; and in 1890 silver was still further provided for by authorizing the purchase of something more than the entire American product at the rate of $4,500,000 per month, and out of that purchase enough was coined to redeem $155,931,002 in Treasury notes, still further carefully relieving the people from carrying around between four and five thousand tons more of silver money in their pockets, thus making a grand total of $606,332,053 of silver and its paper representatives now in circulation in the United States, including subsidiary silver; over $26,000,000 more of silver than of gold, and every dollar kept as good as gold, though its actual value is only 50 cents.

Now, this is what the American people have done and are doing to-day for silver. And yet our Rocky Mountain friends tell us it is demonetized. What effrontery, and how given to romance these gentlemen are! Mr. Chairman, the plain people are getting tired of this silver agitation. They are beginning to understand how utterly groundless is the pretense that silver is stripped of its function as money. They are beginning to see how idle and empty is all this rant and buncombe about gold bugs and plutocrats. They are beginning to understand that, more than the rich, they themselves are interested in a sound, stable currency.

In short, they are beginning to see that Uncle Sam has done all he could safely do for silver; and that he is to-day carrying a burden that almost breaks his back. I say, the people are beginning to understand this everywhere, North and South, East and West, and even out among the Rocky Mountains. And let me say in all kindness to my friends from that section that before they know it they will find the people in that region repudiating the free-coinage craze as likely to multiply their troubles rather than bring relief, and as disreputable and disadvantageous to them in their relations to the rest of the country and to the world.

GOLD MONOMETALLISM NOT WANTED.

Some one may ask, why not cast out, neck and heels, this worthless silver yokefellow and go to the gold standard? Now, this man would be a gold monometallist and a rich man, or the associate of rich men, or a crank off the same piece with the silver crank. [Laughter.]

And, Mr. Chairman, gold monometallism would be attended with many of the same evils as silver monometallism. It would work a like contraction of our circulating medium to the extent of our entire silver coinage and deprive the poor man of the very money best adapted to his use. And this must not be thought of for a moment.

We must keep the silver ox in the team if we can keep the breath of life in him. I know a double team as the basis of the unit of value is, in many respects, a troublesome one, and can be made successful only by skillful, careful, honest handling; but this the American people are equal to. Besides, the fathers started with this double team, and the American people have prospered with it as no other people on earth. The Republican party is committed to it; in fact, has always stood for bimetallism, and has always been in favor, and is now, of the largest possible use of silver consistent with keeping the two metals together. But a point has been reached when not another dollar of silver can be safely coined under existing conditions. And this our silver friends must understand once for all.

INCREASED PRODUCTION OF GOLD PROMISES RELIEF FROM TOO MUCH SILVER.

But what is the prospect that the silver ox, truly in a most dilapidated condition just now, will ever again be able to take a healthy part in the work of the team?

Mr. Chairman, it is most promising, indeed. It is found mostly in this single fact, viz, that the world's production of gold is rapidly increasing, while that of silver is remaining just about stationary.

The world's product of gold in 1894 was $180,626,100, while in 1895 it was $200,000,000, a gain of almost $20,000,000 in a single year, while the commercial value of the world's product of silver in 1895 was just about the same as in 1894, viz, $106,522,900.

In our own country, however, the change is far greater. There has been a steady decline in our silver output since 1892 from 63,500,000 ounces, worth $55,563,000, in that year, to 49,500,000 ounces in 1894, worth $31,422,000. For 1895 the product was but 46,000,000 ounces, worth $29,500,000, a decrease in three years of 16,500,000 ounces, a loss of more than one-fourth the output in 1892, and a loss in commercial value of almost one-half.

Whereas in the same three years the output of gold in the United States has increased from $33,000,000 in 1892 to $39,000,000 in 1894. In 1895 the product was $46,500,000, a net increase in these three years of $13,500,000, considerably more than one-third of the entire output in 1892.

At the same rate of increase of gold and loss of silver for the next three years, and there is every prospect of it, the United States will be producing $60,000,000 worth of gold and only 29,500,000 ounces of silver, worth at present price only $19,765,000—less than one-third the value of the gold product.

Mr. Chairman, think of this country producing, as it will within the next three years, gold of more than three times the value of its silver product, and that, too, from the bowels of the Rocky Mountains; and then think how the people out there, and their representatives in the two Houses here, will wonder and blush, and blush and wonder how they could ever have had the gall to so vociferously demand the free and unlimited coinage of a 50-cent dollar.

The figures already given show an increase in the world's gold product of 1895 of $20,000,000, and that the total value of that product was just about twice the value of the silver product, which is practically stationary. Now, at the same rate of increase for the next five years the value of the world's gold product will be three times that of silver; and in ten years four times that of silver. And who fails to see that this increased production of gold must tend to bring the two metals together throughout the world. And in my mind there is no doubt this increased production will continue, for the heart of the world is to-day set on gold mining as never before, and through improved machinery and new chemical agents and processes ores heretofore worthless are now profitably handled. It also has the further advantage, that the product, being itself the measure of all other values, is never at a discount. Gold mining to-day is the most alluring and the most profit-promising field open to adventurous and enterprising manhood. The gold prospector with his pack and pick is camped on every mountain slope from the Yukon to the Rio Grande, while the story of the South African gold fields reads like a tale from the Arabian Nights. Surely this all promises largely increased production of gold.

And who does not know that supply and demand regulate the price of these money metals the same as of every other commodity? And when gold shall become so plenty and silver so scarce that 16 ounces of silver are worth more than 1 ounce of gold then silver will become the measure of value, so far as our coinage is concerned, the same as it was prior to 1834. Then, Mr. Chairman, the silver steer will be the likelier one of the two. He will move up to first place in the team and the gold bug will go behind.

THE GOLD CURE.

Mr. Chairman, it is said by naturalists that for every human ill there is some antidote; like varioloid and vaccine for the smallpox, sulphur for the itch, and the gold cure for the liquor craze. And here we will have for the silver craze the gold cure also. All hail the gold cure! It is sure to come. It will cure those in this country who want more silver, and at the same time those in other countries who want less silver. And meantime all we have to do is to hold down our frantic silver friends till the cure shall take effect. [Laughter.]

It will inevitably bring the nations together at no distant day upon a fixed ratio for the coinage of the two metals, which the world really wants and which the world will have.

The rich man and the monopolist may want gold monometallism, but the masses do not, and they will never consent that one-half of the money of the world be turned into merchandise. There is really none too much for the needs of man when both metals are fully utilized.

INTERNATIONAL BIMETALLISM.

I do not say that increased production of gold alone will force the nations to bimetallism, for left to herself I expect England would still cling to the gold standard.

But there is a greater than England in the earth. The young giant of the Western Hemisphere, whose money is silver and gold, the money of all history, both sacred and profane, will have a word to say before either metal shall go to the melting pot as a mere commodity. There are many ways in which we can make our influence felt. The whole world wants to trade with us and will naturally respect our views. And if we are only true to bimetallism now, and demonstrate the practicability of the system by preventing our silver friends from carrying the country to the silver standard—and we are surely going to do it—and thus keep our public credit in this time of great trial free from spot or stain of any kind we shall have some influence in the next international conference. And with the metals near each other in commercial value, international bimetallism on a fixed ratio is something I hope, nay something I expect, to live to see. And when the time shall come that American coins of both metals shall pass side by side as yokefellows through the capitals of Europe, will it not indeed be a great day for American bimetallism and American statesmanship? [Applause.]

Mr. MCCALL of Tennessee. Mr. Chairman, I wish to state briefly that the Committee on Appropriations has endeavored to keep well within the law as it now exists in preparing the bill before the committee. The bill appropriates $21,444,195.51, being $925,855.49 less than the estimates submitted for the fiscal year 1897 and $625,482.57 less than the appropriations for the fiscal year 1896. The whole number of salaries provided for in the bill is 10,017, being 235 less than the number estimated for and 335 less than the number provided for in the law for the current year.

The report accompanying the bill sets out all the proposed changes in the number and grade of officers and employees in the several Departments and their rates of compensation as compared with the current law. The tabulated statement, which is also a part of the report, shows by offices, bureaus, and other titles of appropriation the amounts appropriated, together with the number of salaries for the current year, and the estimates for 1897, and the amounts recommended by the pending bill. In addition I append to my remarks a tabulated statement showing the exact reductions under appropriations for 1896 and the number of offices reduced, together with the number of salaries increased, and the sum total thereof, and the number of employees or offices created.

The tabulated statement is as follows:

REDUCTIONS UNDER APPROPRIATIONS FOR 1896.

	No. of salaries.	Amount.	Total.
Senate:			
2 clerks to committees, at $2,100 each, omitted; amount for pages reduced $4,300, on account of short session; total amount for miscellaneous and contingent expenses reduced $4,800; total reductions, $13,300; amount for compensation of Senators is increased $10,000, on account of new Senators from Utah; net reduction			$3,300.00
Capitol police, contingent expenses			200.00

REDUCTIONS UNDER APPROPRIATIONS FOR 1896—continued.

	No. of salaries.	Amount.	Total.
House of Representatives:			
Amount for session employees reduced $24,565.53, on account of short session; 3 employees in Clerk's document room appropriated for until Dec. 1, 1895, $1,600.55, omitted: amount for stationery reduced $1,000; amount for clerk hire to members reduced $137,096.99, on account of short session; total reduction, $163,561.07; 3 clerks to Committees on Elections and Banking and Currency are provided for at $2,000 each; net reduction	1		$158,263.07
Treasury Department:			
Secretary's office—			
2 clerks, at $1,600 each, omitted in warrant division; special employee, E. W. Sells, $1,000, omitted; pay of 7 per diem employees reduced $22.30; a laborer at $600, instead of a clerk at $900, given in division of mails and files; total reduction, $4,522.30; 2 elevator conductors, at $720 each, provided for; net reduction	1	$3,082.30	
Postage, from $1,500 to $1,000		500.00	
Office Auditor for Treasury—			
2 clerks, at $1,000 each	2	2,000.00	
Office Auditor for Interior Department—			
12 clerks	12	18,000.00	
Office Auditor for Post-Office Department—			
1 clerk	1	1,600.00	
Register's office, clerks	2	3,000.00	
			28,182.30
Income tax:			
Clerks in office Commissioner Internal Revenue	24	30,590.00	
Deputy collectors internal revenue	303	408,600.00	
Internal-revenue agents	10	36,000.00	
			475,190.00
Check and draft paper			3,000.00
Freight on bullion and coin			4,000.00
Mints and assay offices:			
Carson City, two salaries reduced		800.00	
New Orleans, contingent fund		8,000.00	
St. Louis, contingent fund		650.00	
			9,450.00
Territorial governments	11		
War Department:			
Stationery		5,000.00	
Contingent expenses		9,000.00	
			14,000.00
Navy Department:			
Naval Records		4,000.00	
Naval Observatory, contingent		500.00	
			4,500.00
Interior Department:			
Rent of stable omitted		1,500.00	
Patent Office, photolithographing		5,884.00	
			7,384.00
Post-Office Department:			
Rent		1,000.00	
Postal Guide		2,000.00	
			3,000.00
Judicial (Indian Territory):			
Judge, attorney, and marshal	3		3,900.00
Total reduction	370		714,369.37

INCREASES OVER APPROPRIATIONS FOR 1896.

Treasury Department:			
Office Auditor for State Department, clerks	2	$2,600.00	
Office of Treasurer, 25 expert counters, at $720 each, provided for; reduction made of $3.20 on account of 1 per diem employee; and skilled laborer at $1,000 given instead of a clerk at $1,200; net increase	25	17,796.80	$20,396.80
Boston subtreasury, stenographer	1		1,000.00
Mints and assay offices—			
Boise City, wages of workmen			1,000.00
Territorial governments			49,800.00
Garfield Park, night watchman	1		660.00
Post-Office Department:			
Postmaster-General's Office, curator	1	1,000.00	
Second Assistant Postmaster-General's Office, mail messenger, $900; given instead of assistant messenger		180.00	
Fourth Assistant Postmaster-General's Office, clerks	2	2,600.00	3,780.00
Department of Justice:			
Increase of $200 to clerk in charge of accounts, and three additional clerks	3	4,400.00	
Additional for books, stationery, and official transportation		1,250.00	5,650.00
Department of Labor			6,600.00
Total increase	35		88,886.80

RECAPITULATION.

	No. of salaries.	Amount.
Total reductions	370	$714,369.37
Total increases	35	88,886.80
Net reduction	335	625,482.57

If any member of the committee desires to add anything to the statement I have made in the general discussion of the bill I would like to make an arrangement now as to time.

Mr. HOPKINS. Let me ask the gentleman from Tennessee if there are any changes in this bill from the existing law; and, if there are such changes, will he be kind enough to point them out?

Mr. McCALL of Tennessee. I shall state for the information of the gentleman from Illinois that by consulting the report of the committee there will be found set forth in full any changes in existing law which are made by the bill. They are very limited in number; and without consuming the time of the House by going into detail I will state that they are all fully set forth as stated.

Mr. HOPKINS. Then there are changes in the existing law?

Mr. McCALL of Tennessee. Some very minor changes.

Mr. DOCKERY. I wish to state, Mr. Chairman, that so far as salaries are concerned the bill carries the salaries authorized by existing law that is in the current appropriation bill. There are no increases of salaries further than those carried in the appropriation bill for the current year.

I want to commend the bill in that respect to the House. I desire also, with the permission of the gentleman in charge of the bill, to say that in my judgment in the main it is a good bill and an economical bill.

Mr. JOHNSON of Indiana. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Indiana. It is impossible to hear what is being said.

The CHAIRMAN. The committee will be in order.

Mr. DOCKERY. Mr. Chairman, I was about to supplement the statement of the gentleman in charge of the bill, and perhaps it may be well to repeat it, as gentlemen on both sides claim they did not hear. I may say, in answer to the question of the gentleman from Illinois [Mr. HOPKINS], that this bill is substantially the current law. So far as salaries are concerned, it is exactly the current law. There are no increases of salaries in this bill over the current appropriation bill, and no increases of force that are not fully warranted by testimony taken by the Committee on Appropriations. I am glad, Mr. Chairman, to be able to commend this bill in the main without any sort of equivocation or mental reservation whatever.

Mr. RICHARDSON. The gentleman states that the bill is in accordance with the current law in this, that there are no increases in salaries. I want to ask the gentleman if the bill has given the salaries allowed by law in each case?

Mr. DOCKERY. As was stated, Mr. Chairman, in the debate on the Indian appropriation bill, this bill carries perhaps——

Mr. RICHARDSON. Could not the gentleman say yes or no to my question?

Mr. DOCKERY. Well, if the gentleman will permit me——

Mr. RICHARDSON. I just want to know the fact.

Mr. DOCKERY. I trust I can presume upon the courtesy of the gentleman from Tennessee——

Mr. RICHARDSON. Undoubtedly; but I thought yes or no would answer the question.

Mr. DOCKERY. I trust I may be allowed to make the reply in my own way.

Mr. JOHNSON of Indiana. Mr. Chairman, I rise again to a point of order. We can not hear what gentlemen are saying.

The CHAIRMAN. The committee must be in order. It is useless for the Chair to get order if gentlemen still go around and visit the moment a member begins to speak. All gentlemen will be seated and please to cease conversation. The Chair requests the committee to remain in order until the gentleman can submit an answer to the question.

Mr. DOCKERY. I want to say further in answer again to the gentleman from Tennessee that, as was stated in the debate on the Indian appropriation bill, there are some salaries in this bill that are below the statutory limit. They have been carried below that limit since the Forty-fourth Congress, and I trust they will continue to be carried at the limit fixed in this bill.

Mr. RICHARDSON. My inquiry related not so much to the salaries reduced in the Forty-fourth Congress, but to those carried in the appropriation bills of the Fifty-first, Fifty-second, and Fifty-third Congresses. Has there been any reduction in this bill in cases of that kind?

Mr. DOCKERY. I do not at this moment recall a single increase or decrease of salary over or below the current law. Possibly there may be an item of decrease or increase in the bill, but it does not come to my memory at this moment. I am sure that there is no increase over the current law. I do not now recall any decreases. I want to say, in justice to the Committee on Appropriations of the last Congress, that while there is an actual decrease of $625,482.57 in this bill, under the current law, the explanation is found in two items: First, there is a decrease of $158,263.07 on account of this appropriation being made for the short session of Congress rather than the long session. There is also a decrease of $475,190 on account of the decision of the Supreme Court holding the income tax to be unconstitutional. That operates, of course, to eliminate the salaries heretofore carried in this bill in connection with the collection of the income tax, amounting to $475,190.

Mr. HOPKINS. Before the gentleman takes his seat I should like to propound one or two questions to him.

Mr. DOCKERY. Certainly.

Mr. HOPKINS. I understand that the gentleman was the chairman of a revision commission that had charge of the reorganization of the Treasury Department, by which a large number of clerks were dropped from the service and the Department put upon a very economical basis. I see on page 2 of the report that in the office of the Secretary of the Treasury provision is made for two additional elevator conductors at $720 each.

Mr. DOCKERY. That is correct. That arises from the fact that there are two new elevators which must be operated.

Mr. HOPKINS. And in the office of the Auditor for the State and other Departments there is an additional clerk of class 2 at $1,400?

Mr. DOCKERY. That is true.

Mr. HOPKINS. Is that one of the Departments that was revised by this commission?

Mr. DOCKERY. It is.

Mr. HOPKINS. How does it happen that you are compelled to employ additional clerks?

Mr. DOCKERY. Simply because of an increase in the work.

Mr. HOPKINS. Was that taken into consideration when this commission was considering that Department?

Mr. DOCKERY. It was not, or we would have given the clerk at that time.

Mr. HOPKINS. Can the gentleman now say how many additional offices are created by this bill in the various Departments that are covered by it?

Mr. DOCKERY. Covered by what?

Mr. HOPKINS. Can the gentleman say how many additional clerks are employed in the various Departments under this bill?

Mr. DOCKERY. In this city—in the Executive Departments?

Mr. HOPKINS. Yes, sir; in the various Departments.

Mr. DOCKERY. I can not give the exact number. I will say to the gentleman from Illinois that there are, or were last year, 17,599 clerks in the Government service in the city of Washington.

Mr. HOPKINS. Is the gentleman able to say how many additional clerks are provided for in this bill?

Mr. DOCKERY. There is a decrease in the clerical force.

Mr. HOPKINS. There are additional clerks; how many do they number?

Mr. DOCKERY. There are increases in the clerical force of 35 and decreases of 370, making a net decrease of 335.

Mr. HOPKINS. This decrease relates to places that were provided for under the income-tax law, that was regarded as unconstitutional by the Supreme Court?

Mr. DOCKERY. Largely so.

Mr. HOPKINS. So that there is an addition of 35 clerks over the present force. Is that correct?

Mr. DOCKERY. There is an increase in the total force of 35 and a decrease of 370. If the gentleman wants to know where——

Mr. HOPKINS. One moment. But the decrease relates to a department which never had an existence in fact?

Mr. DOCKERY. Which?

Mr. HOPKINS. The income tax.

Mr. DOCKERY. It had an existence in fact; an entire force of its own.

Mr. HOPKINS. But you never collected any money or did any business in that department?

Mr. DOCKERY. There was some money collected and returned.

Mr. HOPKINS. What I want to understand is, that outside of the income-tax department you have an increase of the clerical force of 35?

Mr. DOCKERY. Yes, sir; and I will answer the gentleman by items. There is an increase of one clerk in the office of the Auditor for the State Department.

Mr. HOPKINS. I will not put the gentleman to that trouble.

Mr. DOCKERY. Well, I desire, as I assume the gentleman is candid in asking the question, to answer it frankly.

Mr. HOPKINS. But I asked the gentleman as to the number. Now, if the House desires to know how that number is distributed I have no objection.

Mr. DOCKERY. Well, if the gentleman is content, I am.

Mr. RICHARDSON. I would like to ask my colleague from Tennessee a question or two. I understood the gentleman in his opening statement to say that there were 300 salaries less provided for in this bill than in the law of the current year of 1896.

Mr. McCALL of Tennessee. Three hundred and seventy.

Mr. RICHARDSON. Now will the gentleman be kind enough to tell us how those clerks are divided—to what classes they belong?

Mr. McCALL of Tennessee. Yes, sir; I can do so if the committee desires it in detail.

Mr. RICHARDSON. I think there ought to be some statement as to where they are.

Mr. McCALL of Tennessee. The House of Representatives, 1; Secretary's Office, Treasury Department, 1; Office of the Treasurer. 2; Office of the Auditor for the Interior Department, 12; Office of the Auditor for the Post-Office Department, 1; Register's Office, 2; clerks in Office of Commissioner of Internal Revenue, 24; deputy collectors of internal revenue, 303; internal-revenue agents, 10; Territorial governments, 11; Indian Territory, judicial department, 3; making 370.

Mr. RICHARDSON. Now, will the gentleman state what salaries have been increased in this bill over and above the statutory law? I understood the gentleman from Missouri to say that there was no increase above the current appropriation bill of last year. I would like to know if there are not twenty salaries over and above the Revised Statutes or statute laws.

Mr. McCALL of Tennessee. I will say, for the information of the gentleman from Tennessee, that there is no salary in this bill that is an increase over what has been appropriated and paid for the past several years.

Mr. RICHARDSON. I understand that; but I was speaking of the statute law, which is not an appropriation bill. There is no current law, as I understand it, that applies to the fiscal year for which this bill provides—the year ending June 30, 1897—but the Revised Statutes apply. Now, I want to know how many changes there are, if the gentleman can tell us; how many increases above that law—the law.

Mr. McCALL of Tennessee. Mr. Chairman, my friend from Tennessee seems inclined to be of an investigating turn of mind, and I shall give him the information in detail. There are salaries appropriated in this bill to the number of 20 over the statutory provisions. They are the same as have been paid for years, and we have made no change as to that.

Mr. RICHARDSON. Are there any who are paid more than the law prescribes?

Mr. McCALL of Tennessee. I mean the statute law.

Mr. DINGLEY. But not more than has been authorized for several years in appropriation bills?

Mr. McCALL of Tennessee. But, as I have said, not more than has been provided for several years in the appropriation bill. Now, as to the number under the statutory amount, there are 107, and they are exactly as they have been now for several years, as provided in former appropriation bills.

Mr. RICHARDSON. Well, there has been no saving made, then. Is there a provision in this bill which will prevent these officers from collecting the amount of the reduction?

Mr. McCALL of Tennessee. There is, in the first section of the bill. And, in addition, I wish to say that the sum received for salaries in excess of the amount provided by law amounts to $13,850; the sum of those who are receiving below the amount provided by law is $36,250, making a saving of $22,400.

Mr. HOPKINS. If it will not disturb the gentleman, I would like to have him state briefly the reasons why the committee have increased the salaries of some officers above the amounts provided by law. It seems that in some instances they have raised the salary above the amount provided by law, while in other instances they have reduced it below the specified amount, and I wish the gentleman would state the reasons for that action on the part of the committee.

Mr. McCALL of Tennessee. The first reason that I would assign for the benefit of my friend from Illinois is the fact that it has been the practice of Congress for many years to pay these sums. For instance, take the salary of the Commissioner of Pensions. His salary, under the law, is $3,000. That amount was fixed in 1837, when the working of the Pension Bureau was comparatively simple and insignificant. The statute regulating the salary of the Commissioner has not been changed since that time, almost sixty years ago, but under the present pension system the work, as we all know, has become very voluminous and the increase has been going on for years. The duties of the Commissioner are much greater and more multifarious than they were in former years, and it has been deemed proper and necessary that his salary should be increased in accordance with the increased labors devolving upon him. Therefore for many years the Commissioner has been receiving $5,000 a year under the appropriation bills. That has been the case, I believe, for the past twenty years.

Mr. HOPKINS. Can the gentleman state what Congress changed the salary of the Commissioner of Pensions to the amount that is appropriated for by this bill?

Mr. McCALL of Tennessee. I am informed by the clerk of the committee that the change was made in 1881.

Mr. HOPKINS. So that in this bill you are following a precedent that was set by the Appropriations Committee in 1881?

Mr. McCALL of Tennessee. And which has been followed ever since.

Mr. HOPKINS. What other offices in this bill are provided for above the rates fixed by law?

Mr. McCALL of Tennessee. The private secretary to the President is one. His salary is fixed by statute at $3,500, but he is to receive under this bill, as he has received under several past appropriation bills, $5,000 a year. The change in that case was made for the same reason as in the case of the Commissioner of Pensions. I do not remember the date when the change was made in the compensation of the private secretary to the President.

Mr. DOCKERY. It began with the Administration of President Harrison.

Mr. McCALL of Tennessee. I am informed that the change was made in 1889. As I have said, the same reasons which account for the increase of the compensation of the Commissioner of Pensions apply to the increase of the compensation of the private secretary to the President. The country has grown enormously. The business with which this official has to deal has greatly increased in volume since the time when his salary was fixed by statute. The same reasons will apply to all these increases. The salary of the private secretary to the President is fixed by statute at $3,500, but under the appropriation bill he receives $5,000. Again, the salary of the secretary of the Civil Service Commission is fixed at $1,600 by statute, but under the appropriation bill he receives $2,000.

I have here a tabulated statement showing the officers who are allowed under this bill larger salaries and also those who are allowed smaller salaries than the salaries fixed by statute, which I shall ask leave to print.

Mr. HOPKINS. Now, if it will not take too much of the gentleman's time, I will ask him to state how many clerks there are whose salaries, as appropriated in this bill, are below the amounts to which they would be entitled under the general law, and I would be glad if he would state the average reduction.

Mr. McCALL of Tennessee. I have a statement here covering all these changes that I can read for the information of the gentleman and of the committee, but I prefer to ask that it be printed in the RECORD, so that members may have the information.

There was no objection, and it was so ordered.

The statement is as follows:

Salaries that are provided for in legislative, etc., appropriations act at sums in excess of statute limit, and at sums less than the statute limit. (Committee on Appropriations, House of Representatives, February 11, 1896.)

SALARIES IN EXCESS OF STATUTE LIMIT.

Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
Private secretary to President	$3,500	$5,000	R. S., sec. 155.
Secretary Civil Service Commission	1,600	2,000	Sup. R. S., page 393.
Assistant Secretary of State	3,500	4,500	Sup. R. S., page 2.
Chief clerk of Bureau of Statistics	2,000	2,250	R. S., sec. 235.
First Assistant Secretary of the Interior.	3,500	4,000	Sup. R. S., page 2.
Chief clerk Interior Department	2,200	2,500	R. S., sec. 440.
Commissioner General Land Office	3,000	5,000	Sup. R. S., page 2.
Chief clerk General Land Office	2,000	2,250	R. S., sec. 440.
Commissioner Indian Affairs	3,000	4,000	R. S., sec. 462.
Commissioner of Pensions	3,000	5,000	Sup. R. S., page 2.
First Deputy Commissioner of Pensions.	2,500	3,600	R. S., sec. 472.
Chief clerk Pension Office	2,000	2,250	R. S., sec. 440.
Commissioner of Patents	4,500	5,000	R. S., sec. 477.
Chief clerk Post-Office Department	2,200	2,500	R. S., sec. 393.
First Assistant Postmaster-General	3,500	4,000	Sup. R. S., page 2.
Superintendent Money-Order System.	3,000	3,500	Do.
Second Assistant Postmaster-General.	3,500	4,000	Do.
Third Assistant Postmaster-General	3,500	4,000	Do.
Disbursing clerk Department of Labor.	1,800	2,000	Sup. R. S., page 590.
Chief clerk Department of Justice	2,200	2,500	R. S., sec. 351.

Total number of salaries in the bill that are in excess of the statute limit, 20.
Aggregate amount of excess, $13,850.

SALARIES LESS THAN STATUTE LIMIT.

Executive clerk and disbursing officer, Executive Office.	$2,300	$2,000	R. S., sec. 155.
Executive clerk	2,300	2,000	Do.
Steward, Executive	2,000	1,800	R. S., secs. 155, 156.
Treasury Department:			
Chief division of customs	2,800	2,750	Volume 18, page 396.
Assistant chief division of customs.	2,400	2,000	Do.
Chief division of appointments	2,800	2,750	Do.
Assistant chief division of appointments.	2,400	2,000	Do.
Chief division of public moneys	2,800	2,500	Do.
Assistant chief division of public moneys.	2,400	2,000	Do.

Salaries provided for in legislative, etc., appropriations act, etc.—Continued.

SALARIES LESS THAN STATUTE LIMIT—continued.

Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
Treasury Department—Continued.			
Assistant chief division, Revenue-Cutter Service.	$2,400	$2,000	Volume 18, page 396.
Chief division of stationery	2,800	2,500	Do.
Chief division of mails and files	2,800	2,500	Do.
2 disbursing clerks	2,800	2,500	Do.
24 chiefs of division in Auditors' offices.	2,100	2,000	Volume 18, page 397.
Treasurer United States	6,500	6,000	R. S., sec. 301.
Assistant Treasurer United States.	3,800	3,600	Sup. R. S., page 75.
Cashier, Treasurer's Office	3,800	3,600	Volume 18, page 397.
Assistant cashier, Treasurer's Office.	3,500	3,000	Do.
Chief clerk, Treasurer's Office	2,700	2,500	Do.
5 chiefs of division, Treasurer's Office.	2,700	2,500	Volume 18, page 398.
1 teller, Treasurer's Office	2,700	2,500	Do.
1 teller, Treasurer's Office	2,600	2,500	Do.
2 assistant tellers, Treasurer's Office.	2,350	2,250	Do.
1 teller, Treasurer's Office	2,600	2,500	Volume 18, page 399.
1 bookkeeper, Treasurer's Office, national bank division.	2,600	2,400	Do.
1 assistant teller, Treasurer's Office, national bank division.	2,200	2,000	Do.
Register of Treasury	4,500	4,000	Sup. R. S., page 75.
Assistant Register of Treasury	2,500	2,250	Do.
Deputy Comptroller of Currency	3,000	2,800	Sup. R. S., page 76.
8 chiefs of division, Comptroller of Currency's Office.	2,400	2,200	Do.
Superintendent, Comptroller of Currency's Office.	2,400	2,200	Volume 18, page 399.
Teller, Comptroller of Currency's Office.	2,400	2,000	Do.
Bookkeeper, Comptroller of Currency's Office.	2,400	2,000	Do.
Assistant bookkeeper, Comptroller of Currency's Office.	2,200	2,000	Do.
Deputy Commissioner of Internal Revenue.	3,500	3,200	R. S., sec. 322.
5 heads of division, Internal Revenue.	2,500	2,250	Volume 18, page 398.
Stenographer, internal revenue	2,000	1,800	Volume 18, page 398.
Chief clerk, Light-House Board	2,500	2,400	Do.
Commissioner of Navigation	4,000	3,600	Sup. R. S., page 461.
Assistant treasurer at Baltimore.	5,000	4,500	R. S., sec. 3596.
Assistant treasurer at Chicago	5,000	4,500	Do.
Assistant treasurer at Cincinnati.	5,000	4,500	Do.
Assistant treasurer New Orleans.	4,500	4,000	Do.
Assistant treasurer at St. Louis	5,000	4,500	Do.
Assistant treasurer San Francisco	6,000	4,500	Do.
Governor of Arizona	3,500	2,600	R. S., sec. 1845.
Secretary of Arizona	2,500	1,800	Do.
Governor of New Mexico	3,500	2,600	Do.
Secretary of New Mexico	2,500	1,800	Do.
Chief clerk, Patent Office	2,500	2,250	R. S., sec. 440.
Chief clerk, Bureau of Education	2,000	1,800	Do.
Commissioner of Railroads	5,000	4,500	Sup. R. S., page 194.
Bookkeeper under Commissioner of Railroads.	2,400	2,000	Do.
Assistant bookkeeper under Commissioner of Railroads.	2,000	1,800	Do.
Director Geological Survey	6,000	5,000	Sup. R. S., page 251.
Surveyor-general, Alaska	3,000	2,000	R. S., sec. 2210.
Surveyor-general, California	3,000	2,000	Do.
Surveyor-general, Colorado	3,000	2,000	Do.
Surveyor-general, Florida	2,000	1,800	R. S., sec. 2208.
Surveyor-general, Idaho	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Louisiana	2,000	1,800	R. S., sec. 2208.
Surveyor-general, Minnesota	2,000	1,800	Do.
Surveyor-general, Montana	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Nevada	3,000	1,800	Do.
Surveyor-general, New Mexico	3,000	2,000	Do.
Surveyor-general, Oregon	2,500	2,000	R. S., sec. 2209.
Surveyor-general, Utah	3,000	2,000	R. S., sec. 2210.
Surveyor-general, Washington	2,500	2,000	R. S., sec. 2209.
Surveyor-general, Wyoming	3,000	2,000	R. S., sec. 2210.
Disbursing clerk, Post-Office Department.	2,300	2,100	R. S., sec. 393.
Solicitor-General, Department of Justice.	7,500	7,000	R. S., sec. 347.
Solicitor Internal Revenue, Department of Justice.	5,000	4,500	R. S., sec. 349.

Total number of salaries in the bill at less than statute limit, 107.
Amount necessary to bring them up to statute limit, $36,250.

Mr. MEYER. Mr. Chairman, I would like to ask the gentleman a question. I observe on page 47 of this bill that there is an appropriation made of $4,000 for the assistant treasurer at the city of New Orleans. The law, I believe, fixes the salary of that officer at $4,500. I observe also that with reference to the assistant treasurers at all the other points in this country the law is followed; for none of them is the appropriation less than $4,500. Now, I wish to know from the gentleman in charge of this bill why an exception is made with reference to this particular officer, and why his salary is fixed at a point below that which the law authorizes.

Mr. McCALL of Tennessee. For the information of my friend from Louisiana [Mr. MEYER] I will state that that question was not raised at all before the committee. I am informed, however, that there are five other assistant treasurers in whose salaries the same reduction is made as at New Orleans. The officer at that place is not discriminated against, but is placed in the same position with reference to salary as the assistant treasurers at Baltimore, Chicago, Cincinnati, St. Louis, and San Francisco. In thus providing for these salaries, the committee followed the precedents furnished by the action of past Congresses for many years.

Mr. MEYER. I do not understand by what authority the salary has been reduced from that fixed by law.

Mr. McCALL of Tennessee. I presume that the Congresses which have reduced these salaries heretofore did it on the same authority as the Congress that passed the statutes originally fixing the salaries.

Mr. MEYER. Well, Mr. Chairman, I give notice now that at the proper time I shall offer an amendment to restore the salary of this official to the amount that the law authorizes.

Mr. McCALL of Tennessee. Now, Mr. Chairman, if no further general discussion is desired——

Mr. HEPBURN. Mr. Chairman, I observe in lines 5, 6, and 7, on page 1 of this bill, the following language:

In full compensation for the service of the fiscal year ending June 30, 1897, for the objects hereinafter expressed.

Now, I understand from the gentleman from Tennessee [Mr. McCALL] that in a number of instances the appropriations carried by this bill as the salaries of specific officers are less than the salaries prescribed by the statutes. I wish to ask the gentleman whether it is supposed by the committee that the language which I have just read from the bill will preclude an officer for whom less than the statutory compensation is appropriated from demanding the full compensation fixed by the statute? Will it destroy his status in the Court of Claims when he urges his demand for the full payment of the sum named in the statute?

Mr. McCALL of Tennessee. The gentleman from Iowa asks for the opinion of the committee. It is the opinion of the committee that this clause will preclude an officer, under the circumstances stated, from setting up in the Court of Claims a claim for the difference between the amount of salary appropriated in this bill and the salary fixed by statute, and that opinion of the committee is fortified by decisions of the courts of the country.

Mr. HEPBURN. But suppose the officer refuses to accept the salary named in this bill; can he then be precluded in the courts from demanding the sum which the statute authorizes him to receive?

Mr. McCALL of Tennessee. The courts have so held. And if the officer does not wish to work for the salary proposed in the bill, I take it, if he should resign, the Government would not wait long before having offered to it the services of a hundred men ready to do the same work at the salary provided in the bill.

Mr. HOPKINS. I should like to say a few words on this bill.

Mr. McCALL of Tennessee. How much time does the gentleman want?

Mr. HOPKINS. Five minutes.

Mr. McCALL of Tennessee. Very well; I yield to the gentleman.

Mr. HOPKINS. Mr. Chairman, I do not wish to make any set speech on this bill. I rise for the purpose merely of calling the attention of members of the Committee of the Whole to the peculiar practice that has grown up with this Committee on Appropriations. I do not mean to refer to the particular subcommittee that has prepared this bill, but to the practice of the committee in general in changing the provisions of the statute law.

I observe from the statement made by the gentleman in charge of the bill that in some 20 instances the salaries of officers have been increased by this bill above the amount prescribed by law. I observe also that in 115 instances this bill reduces the salaries of officers in Government employ below the amounts stipulated in the law.

Now, Mr. Chairman, this Committee on Appropriations is appointed under the rules of the House, not for legislative purposes, not for passing upon the wisdom of existing law and changing it if in their judgment it is wise so to do, but they are charged under the rules of the House to report appropriations for these various officers in accordance with the provisions of law. We find, however, that in this bill there are 150 cases with reference to which the provisions of the statute book have been violated, there being in some instances, as I have said, an increase of salary and in others a reduction.

With reference to one or two instances cited by my friend from Tennessee there may be special reasons for an increase. In the case, for example, of the Commissioner of Pensions, I can see why a man charged with the vast responsibilities of that office should be paid more than $3,000, as provided by the statute. But I can see no reason for reducing the salary of a clerk $100 or $200. I can see no reason why this Committee on Appropriations in their wisdom should undertake to repeal the law as provided by their predecessors and fix the salaries anew.

In many instances where the salaries have been increased I find the increase amounts to only two or three hundred dollars. Take,

for instance, some clerkships in the Land Office and in the Pension Bureau. Where, for instance, there is an increase from $2,000, the salary provided by law, to $2,250, that, in my judgment, smacks more of a spirit of favoritism toward particular clerks than it does of an effort to provide a general system in this matter. The true policy to be pursued, in my judgment, is this: If these inequalities exist, these gentlemen whose attention is called to them in making appropriations from year to year should come in here with a general law changing the salary allowed to these officers, so that the general public may know the amount of compensation given to these Government employees. A man who is not familiar with the general appropriation bill will go to the general statutes touching the subjects, but a person familiar with the workings of the House would go to the appropriation bill.

Mr. MCCALL of Tennessee. I should like to ask the gentleman from Illinois whether his salary as a member of Congress is not fixed by law at $7,500, while, in point of fact, he receives only $5,000 as his compensation?

Mr. HOPKINS. Mr. Chairman, that simply emphasizes the position I am taking. A Congressman does not stand in any different position in respect to this matter from these other officers mentioned in the bill. The case which the gentleman puts is simply another evidence of the fact that a vicious system has grown up under the practice of the Appropriations Committee and that they have assumed to determine the amount of compensation that should be given to the public officers of this country, regardless of existing law.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having taken the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On February 19, 1896:

An act (H. R. 4145) to amend section 1309 Revised Statutes, providing a chaplain for the Military Academy;

On February 20, 1896:

An act (H. R. 3553) to incorporate the National Society of the Daughters of the American Revolution;

An act (H. R. 4991) to open forest reservations in the State of Colorado for the location of mining claims;

An act (H. R. 3728) to amend section 21 of an act entitled, "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889;

An act (H. R. 2654) to amend an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892;

An act (H. R. 4810) extending the time within which the Maryland and Washington Railway Company shall be required to complete the building of the road of said company under the provisions of an act of Congress approved August 1, 1892, as amended by an act of Congress approved March 2, 1895.

NOTE.—The following bills were presented to the President on February 12, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they have become laws without his approval:

An act (H. R. 3812) to authorize the Arkansas and Choctaw Railway Company to construct and operate a railway through the Choctaw Nation, in the Indian Territory, and for other purposes;

An act (H. R. 3009) granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation and Chippewa Indian Reservation in Minnesota.

The following bills were approved February 26, 1896:

An act (H. R. 4321) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes;

An act (H. R. 2642) granting leave of absence for one year to homestead settlers upon the Yankton Indian Reservation, in the State of South Dakota, and for other purposes;

An act (H. R. 1442) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota";

On February 27, 1896:

An act (H. R. 4960) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1897;

An act (H. R. 1676) to change and fix the time for holding the district and circuit courts of the United States for the northern division of the eastern district of Tennessee; and

An act (H. R. 1785) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to W. H. Wallace Post, No. 66, Grand Army of the Republic, of Eldorado, Kans., and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. CANNON. Mr. Chairman, a word in reply to the remarks of my colleague who has just taken his seat.

This bill as reported, as has been already stated, except where clerks have been absolutely dropped out because their services were no longer necessary in the Department, carries recommendations for the full amount that the officials are now receiving. My colleague from Illinois criticises the committee for its work in connection with the preparation of the bill.

Mr. HOPKINS. Not this committee. What I refer to is the general practice of preparing appropriation bills not strictly in accordance with the letter of the law.

Mr. CANNON. In all of these reductions, the 107 cases, I will state to my colleague that they are substantially in accordance with the law for twenty years past, beginning in the Forty-fourth Congress. The increases have gradually crept in from year to year, but they are substantially also of many years' standing and they were made in the twenty-odd cases referred to by my colleague on the committee from Tennessee, because the salaries, fixed a generation ago, were not found to be adequate under existing circumstances. The reductions below what the law provides are found to be adequate, and therefore your Committee on Appropriations recommend according to the current law, because they believe it adequately provides for the public service.

Now, my colleague, or any other member of the committee can, if he desires to do so, make the point of order on the first clause of the bill to which he has referred, which provides that these salaries shall be in full compensation for all services rendered during the fiscal year. I say that he can make the point of order, if he regards the plan proposed as an improper one, or contrary to the law, or that it involves new legislation. If he thinks so, that right is open to him. I suppose—I do not know—it may go out of the bill on the point of order. I think, possibly, that it is subject to the point of order. It was made two or three Congresses ago, and the Senate performed its function, in my judgment, and put it back, not increasing, however, the salaries in the appropriation.

It is perfectly competent for the House of Representatives to appropriate less than the salary fixed by law; and when we get to these various items my colleague or anybody else who wants to increase the salaries recommended by the Committee on Appropriations because they are below the statutory requirements, from point to point as we reach them in the consideration of the bill, can offer amendments and take the sense of the committee upon them.

Mr. DINGLEY. And let me suggest to the gentleman from Illinois, also, that in the cases of the twenty-odd salaries which are fixed above the statutory provision the point of order will be good.

Mr. DOCKERY. Undoubtedly; and they could all be reduced.

Mr. CANNON. Certainly the point of order could be made against each and every one of them. In other words, the Committee on Appropriations, as the organ of the House, has performed its function according to the best of its judgment. It reports the bill for the consideration of the House. And it is in the power of any member of the Committee of the Whole to make points of order and to make motions for amendment in the shape of an increase or decrease, within the rules. We do not deprecate the making of points of order and motions to amend; and it will be for the Committee of the Whole House to refuse, if it sees proper, the recommendations of its smaller Committee on Appropriations. All we desire is the intelligent judgment of the majority of the Committee of the Whole House upon the work which we have presented.

Mr. HOPKINS. I think my colleague does not fully understand my position. The remarks I made are not for the purpose of increasing the salaries of any of the parties whose salaries have been reduced in the pending bill, because, as I understand my colleague, these reductions have been in existence for a number of years under the appropriation bills. The point I make is not against the personnel of the present committee, but against what has been assumed by previous Appropriation Committees, charged with the duty of making up these bills, that is, changing existing law in such bills and recommending new appropriations or different appropriations from those fixed in the statute law, instead of proposing or introducing a separate bill, if you please, changing the existing law to meet their views.

Now, it is far from me to make the point of order on the first section of the bill to which my colleague has referred, because I do not know, from the information I have regarding these officials and their duties, whether the salaries fixed in the bill are too high or too low, and I am not in a position to intelligently make that

objection, either on the increase or decrease of the salaries. But I do protest against the committee charged simply with the duty of making up the appropriation bill constantly recommending changes of existing law and coming in here with statements of that kind, when we, as members of the committee who are required to pass upon their recommendations, do not have sufficient information to properly judge of the merits of such recommendations.

Mr. HEMENWAY. Let me ask the gentleman this question: Does not the fact that these salaries—the 107 that have been reduced for twenty years—provide a sufficient and satisfactory service demonstrate the fact that the salary is sufficient? The service has been as well performed at the reduced salary as it was before, and does not that fact demonstrate the good judgment of the Committee on Appropriations in reducing these salaries?

Mr. HOPKINS. The gentleman's question is predicated on an assumption of fact that he and I know nothing of. I do not know whether the duties of these various officers have been as well performed since as before the reduction of their salaries; and if it is so, if it is as he suggests, it is an additional reason why there should be some general legislation fixing the salaries, instead of allowing a committee to change the law at their will and increase or decrease a salary in the individual cases which may come before them for consideration, without any other justification than that it was carried in some previous appropriation bill, contrary to the statute.

Now, I might say to the gentleman that the Commissioner of Pensions would discharge the duties of his office as efficiently at $3,000 as he would at $6,000, but the fact that he would do that would not, in my judgment, be a reason why we should take from him the amount of the salary that is allowed him in this bill. But I say, as I said before, that this Committee on Appropriations, before the days of the present personnel of the committee, have dropped into a vicious habit that has been followed out from year to year, and I think the time has arrived when the attention of this committee and of the House and the country should be called to it, and that these gentlemen, instead of pursuing this erroneous practice, should come in with a general law fixing the salaries of these officers and giving the reasons for the changes, so that they can be fixed in accordance with justice to the Government itself and the employees of the Government.

Mr. CANNON. If my friend sees proper to introduce a bill revising the salaries of officials in the public service, in the event that under the rules it would go to the Committee on Appropriations——

Mr. DOCKERY. It would not, however.

Mr. CANNON. I believe it would not, but if it should be sent there by the House, we will take great pleasure in giving either a favorable or an unfavorable report upon it.

Mr. HOPKINS. It is not for a single individual, certainly not one who is a member of another committee and unfamiliar with the details of the appropriation, to make a recommendation of that kind. If I served upon that committee and was as familiar with the subject-matter as my learned colleague from Illinois [Mr. CANNON], I certainly long before this would have brought in a bill revising the salaries of the Government officials and recommended its passage in the House.

Mr. DINGLEY. Mr. Chairman, a single suggestion, if the gentleman will pardon me. In justice to the Appropriations Committee, it should be said that originally, in reporting these reductions, the committee acted strictly within their authority under the then existing rules of the House. The then existing rules of the House authorized the Committee on Appropriations to report any change of appropriation or salary where there was a reduction. That was the law of the House, and hence the committee then were entirely within the law of the House in doing it.

Mr. HOPKINS. That was the rule of the House, but it was not the law of the country.

Mr. DINGLEY. But it made the law for the time being.

Mr. HOPKINS. It made the law for that particular Congress, provided the Government employee was willing to take the salary. But the danger of that is this: Of these 107 employees whose salaries are reduced here, if any one of them refuses to accept the salary provided in this bill, there is no lawyer in this body but what will acknowledge that that employee can go before the Court of Claims and sue and recover the amount of the salary provided for in the general law. Now, I say for one that such a condition of affairs ought not to exist.

Mr. DINGLEY. It will not if the provision in the first section is adopted.

Mr. HOPKINS. This does not bar the employee from suing unless he accepts the salary?

Mr. DINGLEY. If he accepts the salary and draws it, that is conclusive.

Mr. HOPKINS. If he accepts; but supposing he does not accept?

Mr. DINGLEY. Supposing he does not. Under that provision the bill fixes the salary for the fiscal year 1897.

Mr. HOPKINS. Not at all.

Mr. DINGLEY. Certainly it does.

Mr. HOPKINS. Not at all. The bill fixes it provided the person whose salary is affected by this appropriation accepts the amount; but there is no lawyer but will say that if he refuses to accept it and goes into the Court of Claims he can recover the amount, not of the appropriation fixed in the bill, but the amount provided by the general law.

Mr. CANNON. My colleague and I are both of age and both have had some little experience. Does my colleague have any idea that that question will ever arise? In other words, does my friend think anybody will refuse to accept the salary?

Mr. HOPKINS. Well, I am not prepared to answer that question. I trust they will all accept the amount provided in this bill. I only make the point to show the vicious character of these bills that are brought in here year after year, and to emphasize the fact that there should be a general revision of the law fixing the salaries of these persons, so as to provide against any such contingency as the one that I have here suggested.

Mr. DINGLEY. Few die and none resign.

Mr. McCALL of Tennessee. Mr. Chairman, I have no desire to cut off general debate at all, but I think it would be better to limit the debate in some way. I therefore ask unanimous consent that the general debate upon this appropriation bill be limited to forty-five minutes. I understand there is to be an amendment offered by the Judiciary Committee, embracing what is known as the salary bill, and I should like to ask the chairman of that committee what time he would like in which to discuss that.

Mr. HENDERSON. Mr. Chairman, the Committee on the Judiciary would like two hours, to be consumed to-morrow in general debate on the fee bill or salary bill.

Mr. DOCKERY. That is, as I understand the gentleman from Iowa, when we reach the point where that amendment is moved.

Mr. HENDERSON. Yes; when the amendment is moved to-morrow. It will be offered to-morrow. Then we should like unanimous consent that two hours be given to the Committee on the Judiciary to control in the discussion of the fee bill.

Mr. HOPKINS. Mr. Chairman, before any time is fixed upon, I would like to ask the chairman of the Committee on the Judiciary the character of this bill that he proposes to make an amendment to the present bill. Is it a general revision of all the officers of the Government in the judicial department of the Government?

Mr. HENDERSON. Mr. Chairman, it does not touch the clerks of courts at all as to their compensation, but it puts upon salaries United States district attorneys and United States marshals, and cuts down, in some respects, the fees of United States commissioners. That is the general scope of the bill. The details of it we will go into when general debate is had.

Mr. RICHARDSON. I would like to ask a question of the chairman of the Committee on the Judiciary.

Mr. HENDERSON. If we can have order, I will be pleased to answer.

The CHAIRMAN. Gentlemen will please cease conversation. All members will be seated.

Mr. RICHARDSON. I do not understand that the request of the gentleman from Iowa has been disposed of.

The CHAIRMAN. It has not been submitted.

Mr. HENDERSON. I am coupling it with the request of the Committee on Appropriations.

Mr. RICHARDSON. I just want to ask the gentleman if this proposed measure fixes the salaries of all marshals in the United States?

Mr. HENDERSON. All of them except the southern district of New York, which is exempt from the operation of the bill, as that is working under a special act of Congress; and, on the recommendation of the Attorney-General, that and Alaska were excepted from the provisions of the bill. All these details will be explained fully in general debate. I wish to say to the committee that of course this bill will be considered in Committee of the Whole under the five-minute rule, and every opportunity will be given for offering amendments that may be desired.

Mr. HOPKINS. As fully as if it were considered as a separate measure?

Mr. HENDERSON. Yes.

Mr. RICHARDSON. If the gentleman will pardon me, has the measure which he desires to offer been unanimously reported from the committee of which he is chairman?

Mr. HENDERSON. It is unanimously reported by the Committee on the Judiciary, and we are agreed as to the time asked for general debate. We may not need more than an hour, and yet we ask for two hours, so there may be plenty of time.

Mr. RICHARDSON. Has the bill and report been printed?

Mr. McCALL of Tennessee. If that is satisfactory, I ask unanimous consent——

Mr. McRAE. It is not satisfactory.

Mr. HENDERSON. The request made in behalf of the fee bill is for two hours, and the Committee on Appropriations is asking for forty-five minutes.

Mr. JOHNSON of California. Then the debate under the five-minute rule will be how long?

Mr. HENDERSON. The Committee of the Whole will determine that.

Mr. RICHARDSON. Will the gentleman state whether that report and bill has been printed?

Mr. HENDERSON. The bill has been printed. The report was made this morning and has gone to the Government Printing Office now.

Mr. McMILLIN. What was the suggestion as to the time to which debate was to be limited?

Mr. HENDERSON. Two hours' debate on the fee bill tomorrow.

Mr. McMILLIN. Does not the gentleman think it would be better to leave that open until members shall have had an opportunity to look at the bill and determine what amount of debate they desire.

Mr. HENDERSON. I am quite willing to leave it open and let the request for the limitation of debate be made on the appropriation bill.

Mr. McMILLIN. A reasonable debate is all that is desired, I presume?

Mr. HENDERSON. When the bill is offered in the morning the request will be made for two hours of general debate.

Mr. McRAE. That is entirely too short.

Mr. CANNON. Now we can go on.

Mr. McCALL of Tennessee. If that is satisfactory, I ask unanimous consent that general debate on this bill be limited to forty-five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that general debate upon this bill be limited to forty-five minutes. Is there objection?

Mr. McMILLIN. Am I to understand that the question of the length of debate on the fee bill is to be left open?

Mr. CANNON. Oh, yes.

Mr. McCALL of Tennessee. Certainly.

The CHAIRMAN. With the understanding that when the fee bill is introduced as an amendment the committee shall then fix the time for general debate on the fee bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at $1,200 each, $45,600.

Mr. JOHNSON of California. Mr. Chairman, I desire to ask the gentleman in charge of this bill, or the chairman of the Committee on Appropriations, under what statute or resolution or by what authority the item just read appears in this appropriation bill.

Mr. McCALL of Tennessee. In reply to the gentleman I will state that there is no authority for this appropriation except the fact of its appearance in the appropriation bills from year to year. It is not provided for by statute or by joint resolution. The appropriation was first made, I understand, three years ago.

Mr. JOHNSON of California. The fact is, then, that we simply put into this appropriation bill this much money to pay clerks for Senators, without any authority of law?

Mr. CANNON. I will state to the gentleman from California that the force of clerks for individual Senators was provided for, in the first instance, by the Senate passing a resolution to pay their clerks from the contingent fund, and in connection with that the Senate put on an amendment increasing the contingent fund. That action led to a contest between the two Houses—in fact, to several bitter contests—but the Senate, being a coordinate branch of Congress, insisted on its point, and this force being for the service of the Senate, the Senators had their way. Later on the Senate amended the bill so as to provide clerks for Senators at an annual salary. That proposition was fought bitterly in the House, but the Senate stood, if the gentleman will allow me the expression, "pat," and said: "This is for our own convenience," and they had their way, because no bill can pass without an agreement between the two bodies. The fight on the part of the House had been made so often and with such ill success that in the last Congress this appropriation providing for the payment of clerks for Senators was put on the bill in the House. In other words, the contest had been fought so often and so bitterly and with so little success that it was deemed better to put the item in the bill. I will say to the gentleman, however, that I think it is subject to a point of order.

Mr. JOHNSON of California. I wish to say, Mr. Chairman, that I understand the explanation made by the gentleman from Illinois, with the single exception of some technical, abstruse term which he used, but which I suppose is well understood in Illinois, though unfamiliar in California. [Laughter.] I will ask the gentleman, however, why should not the House "stand pat," as the Senate did?

Mr. CANNON. Oh, no. It was invented in California and put into the dictionary there. [Laughter.]

Mr. RICHARDSON. Perhaps the gentleman from California will repeat the language, so that the members of the committee may have it before them. [Laughter.]

Mr. JOHNSON of California. It is not necessary that I should repeat it for the gentleman's benefit, because I understand the term is very familiar in Tennessee as well as in Illinois. [Laughter.] Now, Mr. Chairman, I understand from the chairman of the Committee on Appropriations that there is no legal warrant for this item; that it is not authorized by any statute or any resolution of the two bodies, but that this is simply a naked, bald appropriation put into this bill to pay these annual clerks of Senators. Am I correct in that?

Mr. CANNON. There is no joint resolution and no statute which authorizes this appropriation.

Mr. JOHNSON of California. I frankly confess that I am not as familiar with the rules of this body as I wish I were, or as I probably should be with the technical term used by the gentleman from Illinois awhile ago if I had studied the dictionary with proper attention. [Laughter.] I would like to inquire, however, if it is in order to offer an amendment to this particular paragraph providing for paying annual clerks for members of the House of Representatives.

Mr. CANNON. My understanding is that such an amendment would not be germane; because we are now providing for a Senate force. Later we shall come to the paragraphs providing for the House of Representatives and then such an amendment might be in order.

Mr. JOHNSON of California. But why can we not amend the bill in any part, at any place? There is no law prohibiting that to be done, or requiring it to be done in a certain way, is there?

Mr. CANNON. I would say to the gentleman that the rules of the House provide that an amendment must be germane.

Mr. JOHNSON of California. Mr. Chairman, whenever anybody wants to do anything in this House for the purpose of expediting its business, or doing justice as between its members and the public business, somebody always gets up and says that the rules of the House provide differently. [Laughter.] Now, sir, I think it would be a good plan for us to tackle those rules at some time, and not, in the expressive language of the gentleman from Illinois, to "stand pat" upon them all the time. [Laughter. Cries of "Read!"]

Mr. McCALL of Tennessee. Mr. Chairman, I make the point of order that there is nothing pending before the committee.

Mr. RICHARDSON. We have a right to debate this paragraph.

Mr. McCALL of Tennessee. But no amendment has been offered to it.

Mr. RICHARDSON. That does not matter. The paragraph is pending and has not been adopted. I understand the gentleman from Illinois to concede that this provision in the bill is subject to the point of order.

Mr. CANNON. Yes, sir.

Mr. RICHARDSON. Now, why does not my friend from California insist on his point of order? His objective point, as I understand it, is to get annual clerks for members of the House.

Mr. JOHNSON of California. Yes, sir.

Mr. RICHARDSON. Now, then, insist on the point of order and let this go out, and then when the Senate puts it in they will put in a provision to give members as well as themselves annual clerks. When the Senate amendment comes to the House giving members annual clerks, the House can keep it in if it wishes to do so.

Mr. JOHNSON of California. Pardon me. Can you vouch for the fact that the Senate will put it in for both of us? [Laughter.]

Mr. RICHARDSON. I guarantee that they will put it in for themselves, and I think they will put it in for the House, because, as the gentleman from Illinois has suggested, they have done so heretofore. The Senate did, as the gentleman from Illinois has stated, insert in a former bill a provision to give clerks to members of the House; but the House in its magnanimity declined to accept that amendment of the Senate. It may be possible now that, inasmuch as the business of members has increased so greatly, the House would not at this time decline to accept such an amendment.

Mr. HEPBURN. It is barely possible that the chairman of our committee would not permit it to be done. I understand that he is not favorable to such a provision; so that, although the provision might be entirely agreeable to the Senate conferees, we shall probably have to convert the chairman of our own committee to a conviction that that is a proper measure.

Mr. SHAFROTH. I observe that on page 16 of the bill there is a provision of clerk hire for members——

Mr. JOHNSON of California. We have not come to that yet; let that wait for a while.

Mr. Chairman, it seems to me that the objection urged by my friend from Iowa [Mr. HEPBURN] is not tenable, because as I un-

derstand the rules, on any amendment put upon the bill by the Senate no point of order can be raised in this House. Am I correct in that position? I understand from gentlemen around me that I am. Then, if the Senate should put on this bill an amendment allowing annual clerks to Members and Senators, I do not think any point of order here would carry much weight.

I will say to the gentleman from Tennessee [Mr. RICHARDSON] that so far as I am concerned, speaking only as one member, I am prepared to vote an annual clerk to every member of this body. I think we need such assistance much more than Senators do; and I thank the gentleman for calling my attention to the fact that he ruled such a proposition in order at the last session and voted for it.

Mr. CANNON. Allow me a word. This debate is necessarily proceeding by unanimous consent. The best way of meeting this question is to be entirely frank. I have no doubt that the clause in this paragraph providing for clerks to Senators is subject to a point of order. Later on in the bill there is a clause appropriating for session clerks to members of the House. That is in pursuance of law. I have no doubt that if there should be an effort later on to amend that provision so as to cover annual clerks to members of the House, somebody would make a point of order on it.

Mr. JOHNSON of California. You will not? [Laughter.]

Mr. CANNON. I do not say that I will or that I will not.

Mr. JOHNSON of California. Suppose we make a bargain? [Laughter.]

Mr. CANNON. I say I have no doubt somebody would make a point of order upon it; and right here I want to state to the gentleman from California in complete fairness that as this debate is proceeding now by unanimous consent, no amendment having been offered, a point of order would still be in time; but if we should entertain and discuss an amendment it would be too late afterwards to make a point of order on the text of the bill. I shall not make the point of order because the committee has reported this provision; but it is subject to a point of order.

Mr. JOHNSON of California. Well, Mr. Chairman, I do not want to make a point of order. I believe in having annual clerks for Senators and Members. I have made my suggestion in good faith. Suppose we agree that we will not make a point of order upon either of these provisions?

Mr. RICHARDSON. I suggest to the gentleman that, in my judgment, unless he makes a point of order upon this provision he will never get annual clerks for members. The gentleman from Illinois [Mr. CANNON] would not make the "bargain" which my friend from California so politely invited him to make; the gentleman from Illinois would not agree not to make a point of order upon an amendment providing for annual clerks to members; and even if the gentleman from Illinois should not make the point, some other gentleman would. The clause giving to members of the House clerks for the session can not be amended so as to meet the wishes of the gentleman from California, because such an amendment would be obnoxious to the point of order. Now, I suggest that, if the gentleman wants an annual clerk, the only way in which he can get one is to make the point of order now. If he does not insist upon the point now, he may as well give up the idea of annual clerks for members of the House.

Mr. JOHNSON of California. In matters of this kind I am a babe in swaddling clothes. [Laughter.] If my friend from Tennessee [Mr. RICHARDSON] gets me into trouble in this matter he will have to carry me out of the trouble. I am reasonably able to look out for myself if I am permitted a fair show. But he will have to give me that fair show and help me out.

Mr. RICHARDSON. I can only promise to stand up to the suggestion I make.

Mr. JOHNSON of California. That is all I want. You stood up last year most admirably. Mr. Chairman, I raise the point of order that this paragraph is not in order—I do not know exactly the technical language to use—[laughter]—but I make the point that the provision is not authorized by any statute or resolution, or as a gentleman suggests, is a change of existing law.

Mr. McCALL of Tennessee. I submit that the point of order comes too late.

The CHAIRMAN. The gentleman from Tennessee suggests that the point of order comes too late. The gentleman from California will remember that this paragraph has been under debate for some minutes.

Mr. JOHNSON of California. I rose immediately when the section or paragraph had been read.

The CHAIRMAN. But the gentleman rose for the purpose of inquiry or debate——

Mr. JOHNSON of California. I beg the pardon of the Chair. I rose for the purpose of learning whether the provision was authorized by law; and the chairman of the committee [Mr. CANNON] told me that I could make a point of order.

Mr. CANNON. If the Chair will allow me a moment on the question of order.

It seems to me that the discussion has been proceeding under unanimous consent presumed, for otherwise it would have been out of order. There has been no amendment to the proposition; no motion to strike out or anything of that kind, and there has been no parliamentary step which would warrant the committee in indulging in the debate except by unanimous consent. I merely submit to the Chair whether or not talk, out of order, without any parliamentary step taken or sought to be taken, would of itself waive the question of order?

Mr. RICHARDSON. If I may be permitted, Mr. Chairman, I distinctly understood the gentleman from Illinois in the course of his remarks to state to the gentleman from California that the point of order could be made upon this provision, and it would be misleading to our youthful and guileless friend from California [laughter], who confesses to the condition in which he finds himself on account of his youth—I say it would be misleading to suggest that the point may be made and then refuse to allow him that privilege. I do not think we ought to take advantage of the fact, when he states that he was on his feet for that purpose; and he was certainly misled, of course without any such intention, by the gentleman from Illinois, who said that the point of order would be good against the paragraph.

Mr. JOHNSON of California. That is exactly what the chairman of the Committee on Appropriations said to me, that the point of order would lie against that provision of the bill. I was inquiring about the matter with a view to determining the facts. The gentleman from Missouri [Mr. DOCKERY] said also, sotto voce, the same thing, and the gentleman from Tennessee [Mr. RICHARDSON], and other gentlemen around me. I was simply inquiring as to the status of this particular paragraph, to know whether the point of order could be made against it or not.

The CHAIRMAN. The Chair understood the gentleman from California to inquire of the gentleman from Illinois whether an amendment to the paragraph would be in order, including clerks to members of the House. The Chair understood it to be only an inquiry, and there was no suggestion as to a point of order against the paragraph when the gentleman first rose.

Mr. JOHNSON of California. I asked the gentleman whether there was any law or any resolution authorizing this matter. Then when he said there was not he admitted that the point of order would be good against it. I asked other questions for information, and the discussion went on in that manner for a few moments until I made the point of order.

It seems to me, therefore, that the ruling of the Chair is even a little more than technical when he says that I have waived any right that I had in the matter, when in my ignorance of the rules of the House I thought I was saving all my rights. I was afraid I would get into trouble. [Laughter.]

Mr. McCALL of Tennessee. Mr. Chairman, I think the point of order evidently comes too late.

If gentlemen will reflect a moment they will remember that the gentleman from California said that he did not desire to make the point of order, but was willing to vote a salary, in connection with this provision, to clerks of House members. My colleague [Mr. RICHARDSON], soon after I had made the point that there was nothing pending, said that we had a right to discuss the provision.

Mr. BAILEY. If the gentleman from Tennessee will permit me, I understood the gentleman from California to say distinctly that he did not desire to make the point of order upon the provision.

Mr. McCALL of Tennessee. That was my understanding, as I stated a moment ago.

Mr. BRUMM. Mr. Chairman, it seems to me that on a question of this kind, where the point of order is said to come too late and there is a dispute as to what a member said, the criterion ought to be not as to what the member actually said, but as to what he intended at the time he rose.

Now, the gentleman from California has stated openly and frankly, and it should not be disputed, because he makes the statement himself, that he rose for the purpose of getting information in reference to this paragraph; that when he discovered that the point of order could be raised upon it he at once made the point of order, or as soon as the opportunity was offered to him, and it seems to me to be taking snap judgment on a young member, who pleads his own ignorance, to take advantage of the fact that he did not make the point of order in the first instance, although that was his evident intention. It ought not to be done. He ought to be entitled to all of the rights the rules give in the matter. The criterion ought to be what he intended to do, and no technical advantage ought to be taken of the fact.

I hope, therefore, that the Chair will not decide this question without giving weight to the statement of the gentleman from California, that it was his purpose to make the point of order if he found it possible to do so. In these matters, of course we should all be treated fairly and alike. The mere fact of his saying something that might be construed as going into the debate on the general question, and thereby waiving the point of order, ought not

to take him from the floor or permit advantage to be taken of that technicality.

Mr. HILL. I would like to submit a parliamentary inquiry to the Chair. Will the Chair kindly inform an ignorant member of the House what rule or order of the House prevents a point of order to be raised upon a provision at any time before the final decision of the question under consideration?

The CHAIRMAN. The Chair does not know whether there is such a provision in the rule or whether it has grown out of the uniform practice of the House. But it has been uniformly held, and the members during this Congress have been reminded of it time and time again, that after the debate has begun on a paragraph or an amendment it is then too late to raise the point of order.

Of course there is no rule that applies differently to the younger or the older members. The rules apply to all alike, and the Chairman can only enforce the rules as they are. The practice of the House has always been that when a clause has been entered upon, and debate has been had upon it, or when debate has been had upon an amendment offered to any clause of the bill, the point of order would be too late and could not be entertained. Sometimes when a member rises and states that he rose in the first instance and tried to get the attention of the Chair to make a point of order and was not heard, the Chair recognizes that fact. But this is an entirely different case. The gentleman from California rose for the purpose of making inquiry in the first instance, to ascertain whether his amendment would be entertained as germane.

Mr. JOHNSON of California. No; I rose in the first instance to inquire whether this paragraph was authorized by any statute or resolution.

The CHAIRMAN. Very well. If the gentleman asked that in the first place, he subsequently asked the question whether an amendment to it would be in order. Then he stated once or twice during the course of his debate that he did not wish to raise the point of order upon this paragraph. Now, it seems to the Chair that, after all that, the point of order comes too late.

Mr. HILL. The point I wish to make is this, that we are supposed to be governed by the rules of the House as adopted by the House, and not by ancient custom. I ask that some rule of the House may be shown under which this point of order is not proper to be made at this time.

Mr. TAWNEY. I ask unanimous consent that this paragraph be passed for the present.

Mr. CANNON. Mr. Chairman, under the rule of the House, where the rules are silent there is a general rule that adopts the parliamentary law, and the common parliamentary law, as settled by the House of Representatives, and the practice from the foundation of the Government is in harmony with the general statement of the Chair.

Mr. RICHARDSON. Mr. Chairman, if the gentleman from California will yield to me——

Mr. JOHNSON of California. Yes, I will yield to the gentleman.

Mr. RICHARDSON. I understand the Chair to have held that this point of order comes too late?

The CHAIRMAN. That is the opinion of the Chair. The Chair, however, before finally announcing the decision, will hear the gentleman from Tennessee or the gentleman from California, if they desire to be heard.

Mr. RICHARDSON. I yield to the gentleman from California, if he wishes to debate it.

Mr. JOHNSON of California. I only ask unanimous consent that this paragraph and the ruling of the Chairman, and all matters connected with it, be laid aside temporarily, to be taken up later, or when we reach page 16.

The CHAIRMAN. The gentleman from California asks unanimous consent that this paragraph be passed over for the present, to be taken up at a later time, and that the point of order be considered as pending against the paragraph. Is there objection to the request?

Mr. McCALL of Tennessee. I object.

Mr. BRUMM. Now, if the Chair will permit me to make one suggestion with reference to this matter——

The CHAIRMAN. Does the gentleman from California yield?

Mr. JOHNSON of California. I yield to the gentleman, yes.

Mr. BRUMM. The gentleman from California states distinctly that what he did when he first got up was to make an inquiry in the nature of a parliamentary inquiry, and it was for the purpose of getting information as to whether a point of order was necessary to get at the true status; and if it was in the nature of a parliamentary inquiry, I trust the Chair will certainly not construe that into being debate, and then take, as I said before, snap judgment on him under these conditions.

Mr. JOHNSON of California. I understand the gentleman from Tennessee [Mr. McCALL] is willing to withdraw his objection.

The CHAIRMAN. The Chair is informed that the gentleman from Tennessee withdraws his objection.

Mr. McCALL of Tennessee. I withdraw my point that the point of order comes too late.

Mr. BAILEY. I renew it as to the point of order coming too late. I am perfectly content that it shall be passed over until we reach page 16.

Mr. JOHNSON of California. That is what I meant, unanimous consent——

Mr. CANNON. Then I will ask unanimous consent that the clause go out.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the clause be stricken out of the bill. Is there objection?

Mr. JOHNSON of California. Yes; I object to that.

Mr. CANNON. Then, in the absence of any motion, I ask that the Clerk read.

Mr. MOODY. I have an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MOODY] desires to offer an amendment to the paragraph.

Mr. MOODY. I move to strike out the paragraph.

Mr. JOHNSON of California. I understand the chairman of the Committee on Appropriations wants unanimous consent that this go out.

Several MEMBERS. He did not get it.

Mr. JOHNSON of California. I withdraw my objection, at the suggestion of my friend from Tennessee.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the clause be stricken out of the bill.

Mr. BAILEY. I think it had better be voted out.

The CHAIRMAN. Is there objection to the request?

Mr. BAILEY. I object.

Mr. RICHARDSON. Then I suggest that the gentleman from California move to strike it out.

Mr. MOODY. Mr. Chairman, that is my motion.

Mr. JOHNSON of California. I want to inquire whether or not the request that I made for unanimous consent that all action on this paragraph, including the point of order, be postponed until we reach and finish page 16 has been objected to? The gentleman from Tennessee [Mr. McCALL] withdrew his objection.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McCALL] withdraw his objection?

Mr. McCALL of Tennessee. I withdraw the objection that I made that the point of order came too late.

The CHAIRMAN. The gentleman from Tennessee [Mr. McCALL], as the Chair understands, does not withdraw the objection to the request that the paragraph be passed over.

Mr. McCALL of Tennessee. I do not withdraw the objection to the request that the paragraph be passed.

The CHAIRMAN. The gentleman from Tennessee objects.

Mr. HEPBURN. A parliamentary inquiry. Would it be competent now to ask that the further consideration of this clause be postponed until we reach the same section as it applies to the House, on page 16?

The CHAIRMAN. It can only be done by unanimous consent.

Mr. JOHNSON of California. That is what I asked.

Mr. HEPBURN. I ask unanimous consent that the further consideration of this clause be postponed until we reach, on page 16, the corresponding item applying to the House of Representatives.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the further consideration of this clause be postponed until the committee reaches page 16, where there is a similar provision for the House of Representatives. Is there objection?

Mr. CANNON. I suggest—that is equivalent to an objection when I make the suggestion—I would suggest to the gentleman from Iowa and the gentleman from Tennessee, in charge of the bill, if it meets their approval and that of the committee, that we pass this clause with the privilege of returning to it on or before the completion of the bill.

Mr. DOCKERY. That is right.

Mr. JOHNSON of California. Is not that the same thing?

Mr. CANNON. No. I will ask for that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this paragraph be passed with the privilege of returning to it on or before the completion of the consideration of the bill.

Mr. JOHNSON of California. And that the decision of the Chair on the point of order is still open?

The CHAIRMAN. The gentleman has not asked that.

Mr. JOHNSON of California. I ask that.

The CHAIRMAN. That is the proposition which is excepted to. The Chair will, however, put it to the committee.

Mr. HEPBURN. That is unnecessary, because the gentleman from Tennessee [Mr. McCALL] has withdrawn his objection that the point of order was too late.

Mr. BAILEY. In order that there may be no mistake about that, I renewed the point of order.

The CHAIRMAN. The gentleman from Texas renewed the

point of order, and the Chair has substantially sustained it. The request is for unanimous consent that this clause be passed over with the privilege of returning to it on or before the completion of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Under Architect of the Capitol: For chief engineer, $1,700; two assistant engineers, at $1,200 each: four conductors of the elevators, at $1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, $820; five firemen, at $900 each; electrician, $1,200; laborer, $800; laborer to clean Statuary Hall and watch statuary therein, $660; in all, $16,480.

Mr. SMITH of Illinois. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 21, page 11, strike out the word "eight" and insert in lieu thereof the word "one," and in line 22, page 11, strike out the word "hundred" and insert in lieu thereof the word "thousand."

Mr. McCALL of Tennessee. I make the point of order that we had passed that in the reading.

Mr. SMITH of Illinois. I offered it immediately after the reading of the clause.

Mr. McCALL of Tennessee. I reserve the point of order on the amendment.

Mr. SMITH of Illinois. This is under the head of "Architect of the Capitol," and I offered the amendment just as soon as I could offer it. Of course, I was compelled to wait until the reading of the paragraph had been concluded.

The CHAIRMAN. The Chair apprehends that that is not the point of order.

Mr. DOCKERY. I would be glad if the amendment should be stated again.

The amendment was again reported.

Mr. SMITH of Illinois. The amendment is simply this: That that laborer should receive $1,000 instead of $800. That is all there is to that amendment. My reason for offering it is this: That laborer has more work to perform than many other parties employed in this Capitol who receive $1,100 or $1,200 a year. The duty of that laborer consists of taking charge of an engine and the lighting of this end of the Capitol. Also, he is required, from morning until this House adjourns at night, to be on duty all the time. I presume there are but few members of this House who have ever walked to the top of the Dome of this Capitol, and yet that laborer has to do so twice every night that the House is in session to light up the Goddess of Liberty, I believe it is, that stands on the top of the Dome, and to extinguish the light afterwards. In addition to those duties, there has been placed upon him what was never asked of a man filling that place before, that is, to take charge of a corridor in the basement that is longer, I presume, than from here to the Peace Monument, the worst corridor in the basement of this building; and I am also told that until the gentleman who now performs these duties came in there was a separate laborer who was paid $500 a year for taking charge of that corridor; and there is to-day another laborer who has a shorter corridor to attend to who receives $50 a month for doing that. So this gentleman is performing the duties of two men, of two laborers, and has no one to "spell" him, as we would say, when "tired nature" may want to seek respose. [Laughter.] We have four elevator men to-day, and they receive $1,100 each; and yet they are not on duty any longer than is this one laborer. Now, all he asks is this, and it is perfectly reasonable that he should have it: That his salary be increased from $800 to $1,000 per annum. Certainly that will appeal to the good sense and judgment of the members of this House. His duties are just as I have stated them, and he performs them faithfully and well; and instead of paying $1,400 in having two men to do that work, he is willing to do it for $1,000 a year. I hope the amendment may be concurred in.

Mr. McCALL of Tennessee. Mr. Chairman, I make the point of order against the proposed amendment that it changes existing law. I find that the last appropriation bill fixed this salary at $800 a year, and I understand that by a ruling of the Chairman of the Committee of the Whole the preceding appropriation bills in the last Congress have been held to be the existing law where there is no statute to the contrary. That being so, this amendment is subject to the point of order that it changes existing law.

Mr. GROSVENOR. Mr. Chairman, has it not been held by the Chair that an appropriation bill is the existing law?

Mr. SMITH of Illinois. I was going to ask that question.

Mr. GROSVENOR. Because, if that be so, then an amendment which I desire to offer at the proper time in regard to the use of the fees of the clerks of courts of appeal will be in order, for the reason that on the last appropriation bill that disposition was made of them. I have argued in times gone quite the reverse of my present contention, but I desire to say now that on all former occasions I was entirely wrong. [Laughter.]

Mr. SMITH of Illinois. I hope the gentleman in charge of this bill will not seek refuge behind a point of order when, if I have stated the facts, and I have, this case certainly appeals to the good sense and the good judgment of the members of this House. I trust the gentleman will withdraw his point of order and let the amendment be adopted.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Tennessee if the appropriation carried in the last bill purported to fix the salary, except for that year, like the provision in the pending bill?

Mr. McCALL of Tennessee. It did not.

The CHAIRMAN. Then the Chair overrules the point of order.

Mr. SMITH of Illinois. Mr. Chairman, I ask for a vote upon my amendment.

Mr. CANNON. Mr. Chairman, I wish to ask my colleague what assurance he has that if this appropriation is increased from $800 to $1,000 the man he has in his mind will get it.

Mr. SMITH of Illinois. Simply that I suppose that if we provide a certain salary for the man who is now performing the duty there will be sufficient honesty on the part of the disbursing officer to pay the salary which is provided for by Congress.

Mr. CANNON. How long has this man been at work?

Mr. SMITH of Illinois. He has been at work in the position he is now holding for a year.

Mr. CANNON. I find in this same paragraph a provision for a laborer at $820.

Mr. SMITH of Illinois. That is a different one entirely. This is the one that takes charge of the engine.

Mr. CANNON. There is nothing to prevent the changing of the positions of the two men by appointment.

Mr. SMITH of Illinois. Oh, I am not concerning myself at all about changes by appointment. I am willing, and so is the gentleman willing, to take his chances of getting the amount if it is allowed in this bill.

Mr. CANNON. I only wanted to know what assurance my colleague had that the man he had in his mind would get the money. Now I will ask him another question, whether this is a real laborer or somebody who holds a sinecure and does no work, but hires a man to do it for him for a less sum than he is paid?

Mr. SMITH of Illinois. The gentleman here concerned attends to his duties from early morning until long after this House adjourns and no one assists him. He has no assistant provided and he is not able, out of the salary he receives, to employ some one to do the work and let him sit around warming his toes at the radiator.

Mr. DOCKERY. I suggest to the gentleman that this proposed increase of salary is not submitted in the estimates of the Architect of the Capitol, under whom this gentleman performs his daily duties. I want to say, further, that although quite a number of increases of salaries were submitted by the heads of Executive Departments and officers of the Government, the Committee on Appropriations thought this was not an opportune time to recommend such increases to the House; so that if this increase be made the action will be taken in the absence of any estimate submitted by the proper officer, and also in disregard of the action of the Committee on Appropriations in refusing to report other proposed increases of salary.

Mr. SMITH of Illinois. In reply to that, Mr. Chairman, I will say that it is not customary, and has not been during the years I have been in Congress, for the Architect of the Capitol in furnishing his estimates of expenses to be continually changing the salaries. That is usually done by the House itself, or by the Committee on Appropriations in framing its bill.

Mr. DOCKERY. Will my friend allow me to suggest that the law expressly requires the Architect of the Capitol to submit his estimates through the Secretary of the Treasury, who sends them to the Speaker of the House, by whom they are referred to the committee?

Mr. SMITH of Illinois. I understand that; but it is entirely probable that the Architect of the Capitol, in view of his other duties, does not always bear in mind all the different employees under him, or the question whether they are being sufficiently compensated for the work they perform. I ask for a vote.

The question was taken on the amendment; and the Chairman declared that the noes seemed to have it.

Mr. SMITH of Illinois. I ask for a division.

The committee divided; and there were—ayes 43, noes 36.

So the amendment was agreed to.

The Clerk read in full the paragraph providing for employees in the Doorkeeper's department.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 15, after line 6, insert "for the employment of Joel Grayson in the document room, $1,500."

Mr. McMILLIN. Mr. Chairman, I will reserve the point of order on that amendment until I hear an explanation of it.

Mr. CANNON. The gentleman can reserve his point of order and I can state in a minute all that I desire to say about this amendment. Provision for this officer for the balance of the fiscal

year was put on the urgent deficiency bill. The officer referred to is Joel Grayson; everyone knows who he is. He is engaged in the document room, and has been there for many years. He does his work well. He was carried by a resolution adopted in the last Congress. I presume this is all that is necessary to be said, unless the gentleman from Tennessee wants to ask some further question.

Mr. MCMILLIN. I did not understand the effect of the amendment, and therefore reserved the point of order.

Mr. CANNON. The amendment is simply to continue this officer for the coming year.

Mr. MCMILLIN. I did not know but that the amendment might involve the creation of a new office.

Mr. CANNON. No, sir.

The amendment was agreed to.

Mr. ODELL. I move to amend by striking out after the word "laborer," in line 9, the words "four hundred" and inserting "seven hundred and twenty," making the salary of this laborer $720. This is to carry out the resolution adopted by the House one day last week fixing the salary of this laborer at $720 instead of $400. The resolution was adopted upon the report of the Committee on Accounts.

Mr. MCCALL of Tennessee. As I understand the gentleman from New York [Mr. ODELL], this amendment is designed to carry out a resolution adopted by the House a few days ago increasing this salary from $400 to $720. I make no objection to the amendment.

The amendment was agreed to, there being—ayes 50; noes none.

The Clerk read as follows:

For clerk hire, Members and Delegates, House of Representatives: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, $93,792.16, or so much thereof as may be necessary.

Mr. TAWNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of the pending paragraph after the word "duties," in line 10, to the end of the paragraph, and insert in lieu thereof the following:

"An amount not exceeding to each Member or Delegate, not a chairman of a committee having an annual clerk, the sum of $100 per month, the amount to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893."

Mr. MCCALL of Tennessee. I reserve a point of order on that amendment.

Several MEMBERS. Oh, no.

Mr. TAWNEY. I should like to hear the grounds on which the gentleman bases his point of order.

Mr. MCCALL of Tennessee. The ground for the point of order is that the amendment changes the existing law; that it is an appropriation not authorized by law. I find that on the 3d of March, 1893, there was enacted the following joint resolution:

Resolved, etc., That on and after April 1, 1893, each Member and Delegate of the House of Representatives of the United States may, on the 1st day of every month during sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed $100 for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

The CHAIRMAN. As the Chair understood the law as read by the gentleman from Tennessee [Mr. MCCALL], it applied only to the last Congress.

Mr. MCCALL of Tennessee. I do not think so. It is a joint resolution passed by the two Houses and approved March 3, 1893—a general provision of law, as I understand.

Mr. CANNON. There can be no doubt that the provision as read by the gentleman from Tennessee [Mr. MCCALL] is the permanent law.

Mr. TAWNEY. Mr. Chairman, I understand that the gentleman from Tennessee is merely reserving the point of order; he has not yet raised a point of order upon the amendment.

Mr. MCCALL of Tennessee. I distinctly stated, Mr. Chairman, when the amendment had been read that I reserved a point of order upon it. The gentleman from Minnesota [Mr. TAWNEY] then desired that I should state the reasons on which I based my point of order; so I proceeded to do so.

The CHAIRMAN. The point of order is reserved, as the Chair understands.

Mr. MCCALL of Tennessee. That is all, sir. Now let the discussion go on, and let us see what there is in the amendment.

Mr. TAWNEY. Mr. Chairman, it is not necessary for me to discuss the merits of this amendment. The bill as reported authorizes the repayment to members of the amount paid by them for clerk hire during the session. The amendment simply extends that authority so that members will have refunded to them the amount they certify they have paid for clerk hire in the discharge of their official duties during vacation. It does not authorize the payment of a hundred dollars a month unless the member certifies that he was obliged to pay that amount in the discharge of his official duties. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. Allow me to suggest that this same question was raised on the 8th of February last upon an amendment almost precisely similar to this; and the then occupant of the chair overruled the point of order. You will find it on page 1962 of volume 27, part 3, of the CONGRESSIONAL RECORD.

The CHAIRMAN. Will the gentleman from Iowa be kind enough to send the decision in question to the Chair?

Mr. MCMILLIN. Mr. Chairman, the amendment of the gentleman from Minnesota is clearly out of order in the form in which he has drawn it.

Mr. TAWNEY. In what respect?

Mr. MCMILLIN. For the reason that the present law—and I admit for the purpose of the argument that the provision of the last appropriation bill is the existing law—the present law provides only for clerks to members who are not chairmen of committees having a clerk. The gentleman's amendment extends that.

Mr. TAWNEY. Oh, no; it does not.

Mr. MCMILLIN. I think the gentleman will agree with me when he hears me out.

The resolution provides only clerks for those who are not chairmen of committees that have clerks.

But chairmen of committees who have only session clerks are entitled under your amendment to the privilege it confers. This, therefore, is merely extending the law in that particular.

Mr. TAWNEY. Mr. Chairman, I desire to say that the joint resolution passed in the Fifty-second Congress merely authorized the payment of the amounts certified by the members to have been paid out for clerk hire during the session; and such payment was authorized to be made out of the contingent fund of the House. It therefore expired with the Fifty-third Congress. It had no reference to any other Congress than the Fifty-third, for the expense was to be paid from the contingent fund of the House, and the appropriation was made and payment was made from that fund.

Mr. MCMILLIN. If the gentleman will permit me, he seems to mistake my point of order. I will restate it.

The original resolution did not allow those who had session clerks, as chairmen of committees, to designate a clerk. But this resolution that you now offer as an amendment would give a clerk not only to the member who has no clerk now, as chairman of a committee, but would allow also a member, as chairman of a committee who has a session clerk, to appoint another one. You exclude the annual clerk, I admit, but the chairman of the committee which has a session clerk would, under the terms of this resolution, be given permission to appoint another clerk, which has never been the case so far as I remember in the House up to this time, and which the law does not now authorize.

Mr. TAWNEY. Mr. Chairman, the act of March 3, 1893, with reference to this matter, contains the following proviso:

Provided further, That the provisions of this resolution shall not apply to members who are chairmen of committees and entitled under the rules to a clerk.

Now, these are merely annual clerks, and that is the reason I put the same limitation in the amendment. It conforms precisely to the proviso of the joint resolution of March 3, 1893.

Mr. BAILEY. Will the gentleman permit a question?

Mr. TAWNEY. Certainly.

Mr. BAILEY. Under the amendment the gentleman proposes, would the clerks of the individual members be permitted to draw their salary when Congress is not in session?

Mr. TAWNEY. No, sir; the amendment does not authorize the payment of any sum to the clerk. The amount must be paid to the member on his certificate as to the amount paid by him for clerk hire.

Mr. BAILEY. Then it is absolutely certain that they can not draw it as the law now stands, and if they could draw it under this resolution I submit that the resolution does change existing law.

Mr. TAWNEY. The amount is now paid not under this resolution, but under the appropriations made by the Fifty-third Congress.

Mr. BAILEY. I make no question on the manner of its payment——

Mr. TAWNEY (continuing). And the authority for the payment is not based upon the joint resolution of 1893, but the authority for the appointment of the clerks and their payment is found in the appropriation bill passed by the Fifty-third Congress.

Mr. MCCALL of Tennessee was recognized.

Mr. WILLIAM A. STONE. Before the gentleman from Tennessee begins, I would like to ask the gentleman from Minnesota a question. In your amendment, would you not be satisfied to strike out the word "annual," so that this would give to each member a clerk who has not a clerk as chairman of a committee, and

also members who have session clerks, but whose services terminate at the expiration of the session? They ought to be entitled to the disbursements made by them on account of clerical service. This could be done by striking out the word "annual."

I suggest that you do that, and with your permission would like to have that modification in the amendment made.

Mr. TAWNEY. I do not think there is any objection to that.

Mr. HOPKINS. Let me make a suggestion right there. The gentleman making that suggestion is the chairman of a committee, is he not?

Mr. WILLIAM A. STONE. I am not the chairman of any committee. Why does the gentleman ask that?

Mr. HOPKINS. I ask that for this reason: I was going to illustrate the point. Chairmen of committees have annual clerks, many of them, at $2,000. Now, when Congress is not in session that salary goes on. That clerk has nothing else to do and can do the member's service; but in the instance of the members of the committee who are not chairmen their clerks cease at the end of the session.

Mr. WILLIAM A. STONE. Yes.

Mr. HOPKINS. Now, why are they not entitled to clerks in the interim, from one session to another, the same as the chairmen?

Mr. WILLIAM A. STONE. They will be entitled to clerks if you strike out the word "annual." As you have drawn it now you give to every member of Congress the right to a clerk, or to $100 for disbursement for clerk hire, except those who are chairmen of committees having annual clerks. That would include chairmen of committees having session clerks, and they would draw during the session $100 a month, and their session clerks would also be paid.

Mr. MAHON. Whose session clerks? No chairman of a committee has a private clerk. They are the clerks of committees. This does not apply to the chairman of a committee. The clerks of my committee have offered to do my private work, but I have refused. As the chairman of the committee I absolutely will not allow a committee clerk to do my private work.

Mr. WILLIAM A. STONE. You are the chairman of the Committee on War Claims?

Mr. MAHON. Yes. The clerks of that committee have all that they can attend to to perform their committee duties.

Mr. WILLIAM A. STONE. Your committee has an annual clerk?

Mr. MAHON. There are two.

Mr. WILLIAM A. STONE. This does not affect that question one way or the other.

Mr. MAHON. Why should I pay my private clerk and two-thirds of the members of this House be reimbursed for their clerk hire?

Mr. WILLIAM A. STONE. This does not affect that question. The amendment as drawn by the gentleman from Minnesota [Mr. TAWNEY] excludes chairman of committees having annual clerks. Now, that would go to the chairman of a committee having a session clerk. He would have his session clerk and his hundred dollars a month besides. It would not affect the question of annual clerks. My suggestion is to strike out the word "annual."

Mr. LACEY. In other words, why should the chairman of a committee having an annual clerk be in any worse situation, so far as his other work was concerned, than the chairman of a committee having a session clerk?

Mr. WILLIAM A. STONE. Yes.

Mr. TAWNEY. I will modify my amendment by striking out the word "annual."

Mr. CHICKERING. Let it be read.

The CHAIRMAIN. The Clerk will report the amendment as modified by the gentleman from Minnesota.

The Clerk read as follows:

An amount not exceeding, to each Member or Delegate not a chairman of a committee having a clerk, the sum of $100 per month, the amount to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893.

Mr. DE ARMOND. Mr. Chairman——

Mr. MAHON. I move to amend that by putting in the word "annual."

Mr. McCALL of Tennessee. Mr. Chairman, if I should yield to the promptings of my personal desire to accommodate members and the importunities of members of the House, I should not insist on this point of order, but it occurs to me that in the condition of affairs now existing to propose an amendment to this bill that will cost the people of this country an increase of $432,000 biennially is something which, as a member of this Committee on Appropriations, I can not consistently do.

Mr. TAWNEY. Will the gentleman yield for one question?

Mr. McCALL of Tennessee. In a moment. Not only so, but there are certain rules adopted here for the government of the House, and, as I understand, this proposition is subject to a point of order. Now, the question is presented, shall we let an item of this magnitude come into this bill, in the face of the fact that it is subject to a point of order, and thereby throw down the bars for every kind of an amendment, or shall we invoke the rules of the House and let this go out upon the point of order? That is the question. I want members to reflect that in the midst of these hard times, in the midst of these days when we are borrowing money to pay our own salaries and to pay the expenses of this Government, it is proposed by this amendment to increase the expenses of this Government $432,000 biennially, and I say we should stop and consider the consequences of the proposed action.

Mr. STEELE. How do you make that out?

Mr. McCALL of Tennessee. By a simple calculation.

Mr. STEELE. There are three hundred and sixty days; and if you employ one clerk each for twelve months for 360 members at $100 a month, it would amount to $360,000, which would be a difference of $72,000 from what the gentleman states.

Mr. McCALL of Tennessee. A member of Congress is elected for two years, which is twenty-four months. The Congress is in session about twelve months out of the twenty-four months, being about nine months in one session and three months in the other. Now, under the present law we can have a clerk for twelve months, and as there are 360 Members and Delegates, at $1,200 a year it would be $432,000 for the twelve months that we are not here, and we are paying out of the Treasury of the Government $432,000 for clerks when Congress is not in session.

Several MEMBERS. It is not for two years.

Mr. McCALL of Tennessee. For two years it would be $2,400 each.

Mr. TAWNEY. The gentleman's assumption is based on the supposition that members will certify that they have paid out $100 a month for twenty-four months for clerical hire, while we all know as a fact that that is not the rule and has not been during the three or four years that we have had this law upon the statute books. So that your estimate is not correct, and there is no way in which you can correct the estimate. There are some members who have not certified to having had clerical hire exceeding $3 a month.

Mr. WILLIS. Will you allow me one remark?

Mr. McCALL of Tennessee. Certainly.

Mr. WILLIS. I believe this. I will agree to your movement in this matter provided you originate it at the other end of the Capitol and let it go over the whole field.

Mr. McCALL of Tennessee. If I was over there I would be one who would be willing to do so.

Mr. WILLIS. In the way it is at present arranged I do not think your point is a good one. [Applause.]

Mr. HEPBURN. If the gentleman from Tennessee will permit me, I want to suggest, sir, that there is no statute upon this subject.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. McCALL of Tennessee. Certainly.

Mr. HEPBURN. There is no such statute on this subject as the gentleman has referred to.

Mr. STEELE. He has not referred to a statute.

Mr. HEPBURN. The point I make, Mr. Chairman, is that, except as to additional legislation from year to year, there is no provision of law under which these clerks can be made available. The point I want to make is this: That the sum provided for under the joint resolution approved March 3, 1893, was to be paid out of the contingent fund of the House; a contingent fund that is created each year in the annual appropriation bill. If there was no provision of that kind in the appropriation bill each year there would be no fund out of which to pay. So that I insist there must be legislation every year in order to make the joint resolution available which gentlemen say prohibits us from this amendment. In other words, there is no law—the gentleman can point to no law, complete in itself—upon this subject; and every year there must be new legislation, additional legislation, in order to make the provision of the joint resolution of March 3, 1893, available. So that the point of order, in my judgment, is not good. The provision is this:

And the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed.

The only way to secure that payment is through the contingent fund, and that requires annual legislation.

The CHAIRMAN. The Chair would like to have the attention of the gentleman from Tennessee. The joint resolution to which the Chair has been referred provides that that clerk hire shall be paid out of the contingent fund of the House. The clause in the appropriation bill makes the appropriation direct, to be paid to the members, not out of the contingent fund, but out of the general fund in the Treasury. In that particular it is a change of existing law, as contained in the joint resolution, as it appears to the Chair. The Chair would like to hear the gentleman upon that question, and also upon the further question, if it is admitted to be a change of existing law, whether an amendment which is germane to that provision in the bill, although it changes existing

law, is not in order. The Chair would like to hear upon those two questions.

Mr. BAKER of New Hampshire. Give it up.

Mr. McCALL of Tennessee. Mr. Chairman, I have no intention of going into a discussion of the fine point suggested by the Chair; and, so far as I am concerned, I have only made the point of order, and am satisfied, with what has been stated, to leave it to the Chair for his determination.

Mr. BOATNER. Mr. Chairman, it appears to me that the distinction drawn by the gentleman from Iowa is a perfectly clear one. The House by a joint resolution provided for the payment of the salaries of clerks of members. I do not consider, sir, that it was necessary that such provision should have been made by independent statute, but the right exists to provide in annual appropriations for annual legislative expenses. If it should be conceded that the existence of statutory legislation is necessary to authorize such appropriations, then it follows that one Congress has the right to limit another in its legislative expenses, a concession which I suppose no one will admit is correct.

My contention is that the current expenses of each House must be regulated by each House and provision for their payment made as the occasion arises. In other words, the power to provide for its legislative expenses is closely analogous to its power to establish rules for its own government, and if the House should find it necessary to increase the number of clerks to committees, or to increase any other means required for the transaction of the public business, it would be authorized to provide for the payment thereof by an item in the proper appropriation bill regardless of existing law. For these reasons, Mr. Chairman, I am of opinion the amendment offered is not subject to the point of order made against it. It being within the power of the House to provide itself with whatever means it considers necessary for the transaction of the public business, it follows that if it should be considered necessary that members should have clerical assistance during the recess, the House has as much right to provide that as other means to transact the public business. But, Mr. Chairman, while I feel perfectly satisfied that the point of order is not well taken, I concur with the gentleman from Tennessee that the amendment involves an extravagant and unnecessary expenditure of public money which this House ought not to make.

Mr. DE ARMOND rose.

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to ask the gentleman who has just taken his seat, and who seems to be opposed to this amendment——

A MEMBER. No; he is in favor of it.

Mr. WILLIAM A. STONE. Then I will take my seat. [Laughter.]

Mr. DE ARMOND. There is manifest here, Mr. Chairman, a disposition to rush with hot haste through the rules of the House and over the law in order to put into the pockets of members of this House $100 a month when Congress is not in session in addition to the salary for which they contracted with their constituents. A point of order, however, is pending, and for the present the Chair may act as a breakwater, and by the use of the law and the rules of the House prevent this raid upon the Treasury, which has neither law nor justice behind it; has nothing to support it except individual interests. The joint resolution which was passed in 1893 provided that there might be paid out of the contingent fund of the House a sum not exceeding $100 a month for the hire of a clerk for each member during the session of Congress.

The first suggestion made now, in order to obviate the force of the point of order made by the gentleman from Tennessee [Mr. McCALL]—a point of order, in my judgment, unquestionably good—is that the provision in the bill itself is a change of existing law, and that a further change of existing law in the form of this amendment may be allowed, as no point of order has been made against the provision in the bill. Now, I submit that the provision incorporated in this appropriation bill is not a change of existing law in any particular, and that there is no shelter nor support for this attempt to override the law and make this unauthorized appropriation in anything that appears in this bill; so that if the law is to be overridden and this appropriation is to be made, the fault can not be laid at the door of the committee which reported this bill to the House.

What is the provision in the bill? The provision is:

> To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893.

Who has the right to restrict that language, "as provided in the joint resolution approved March 3, 1893"? Who has a right to say that the incorporation of that precise language in this bill does not carry with it all that is embodied in that resolution, the payment out of the contingent fund of the House? It is merely a quibble upon words to contend that this appropriation is of a different character. The very joint resolution of 1893 is itself referred to in the provision in the pending bill. That resolution of 1893 is almost bodily carried into this appropriation, an appropriation within the limitation prescribed by that joint resolution, an appropriation for the purposes specified by that joint resolution, an appropriation "as provided in that joint resolution."

Now, how do we find that this appropriation is to be paid out of a different fund or to come through a different channel? I am aware that there was a ruling in Committee of the Whole of the last House which, if the Chairman sees proper to follow it, may serve as a precedent for a ruling which will hold this point of order not to be good. One of the calamities that sometimes arise in legislative bodies, I believe, is that when a ruling is made, right or wrong, that ruling may be—and too often is, as a matter of course—used as a precedent for other rulings. But the question, I take it, before the present Chairman and before this committee and before the country is not so much whether the gentleman who presided in the Committee of the Whole in the last House ruled correctly or incorrectly upon a similar amendment as it is the question of how the Chairman now presiding should rule and how this House should govern its action with respect to this matter.

I say again if a precedent only is required for a ruling which shall override this point of order, the precedent has been set, but I appeal to the Chairman—and I believe I shall not appeal in vain—to exercise his own independent judgment on the law, and not to be bound by a precedent not founded. Precedents only deserve to be followed when they rest upon correct principles. Precedents deserve to be followed only when in themselves they are worthy of the approval of those called upon to act with respect to them. If we are to scurry over the country here and there for decisions upon this point and upon that point, there will be no court of justice which may not "dispense with justice" and decree that which will be the most arrant injustice, because precedents can be found for everything, and unfortunately they are not lacking in this House.

I recollect that in the last House, after a ruling in Committee of the Whole upon such a point of order as that now pending, I raised the question in the House itself whether or not the matter might not be there reviewed. It was my belief then, it is my belief now, that the House in its organized capacity, with its chosen presiding officer in the chair, ought to be privileged, and is privileged (unless we follow some of these precedents that are "more honored in the breach than in the observance"), to correct erroneous rulings made in the Committee of the Whole. The decision, however, was against me upon that point; and there stands another precedent.

However that may be, the duty of the Chairman now of course is to rule correctly upon this proposition; and I have not a particle of doubt that he will endeavor to do so. I ask him to use his own judgment, to be guided by the law, and not to rest upon a precedent which has no support in reason or in law—a precedent in reference to which, I venture to say, the gentleman himself who set it will not risk his parliamentary reputation by rising and stating in this House that it was founded in reason or is justified in parliamentary law.

Now, then, I venture to say that this provision as incorporated in this bill, without speaking closely or particularly about this or that exact phraseology of appropriation bills, does not work a change of law; that it is possible, it is reasonable, it is natural to carry out the law as embodied in that joint resolution of March 3, 1893, under and by virtue of this provision which the Committee on Appropriations has incorporated in this bill. A change of law has not been proposed by the committee. If a change of law be now made, let the responsibility or the credit, as the case may be, rest upon those who must bear the one or deserve the other. The provision of the committee does not propose to change the law, but the proposition to change the law is that which is now pending in the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question here is not so much as to this point, though I would be perfectly willing for my part to let the House vote upon it, would be glad to have the House vote upon it, would be glad to have spread before the country the record of a yea-and-nay vote upon it—this is not, however, so much a question of the right or the wrong of this proposed amendment as an original proposition as it is the question of parliamentary law and of statutory law involved in this inquiry now before the Chair.

But passing on to the other question, I contend not only that this point of order ought to be sustained because it is manifestly good, but I contend that, being good, it ought to be sustained because apparently the upholding of the law here and the sustaining of the point of order made under the law and under the rules is the only means by which this House can be kept from thrusting ready hands into the Treasury and taking from it monthly when the House is not in session funds to which members of this House are not entitled, just as much an increase of official salary, just as completely and effectually, so far as it goes, a "salary grab" as that infamous measure, black and rotten, a stench in the nostrils of decent men, which relegated to private life so many

men when the salaries of members of Congress were raised from $5,000 to $7,500 years ago.

The joint resolution which was passed March 3, 1893, did not relate to that Congress. I voted against it then, as a great many other gentlemen did, but it did not apply to that Congress. The gentlemen who put it upon the statute book did not by doing so legislate money into their own pockets. But here is a proposition to be passed upon by the beneficiaries to take out of the Treasury of the people money which belongs to them and money which we have no moral or legal right to take. I beseech the Chairman to sustain a point of order manifestly good, to disregard a precedent notoriously bad—to save the Treasury and to save the people of the United States from the looting that is here clearly threatened.

Mr. HEPBURN. I desire to ask the gentleman from Missouri a question.

Mr. DE ARMOND. Certainly, sir.

Mr. HEPBURN. In the gentleman's judgment, is not the provision reported by the committee a change in existing law?

Mr. DE ARMOND. It is not, in my judgment.

Mr. HEPBURN. Does it not provide for payment out of a different fund from the fund out of which these payments were to be made under the joint resolution of March 3, 1893?

Mr. DE ARMOND. Not necessarily.

Mr. HEPBURN. Is it not true that under the joint resolution of 1893 the sums paid to members are to be paid out of the contingent fund of the House, while the payments provided for in this bill are to be made by the Treasurer of the United States?

Mr. DE ARMOND. This is virtually a part, within the meaning of that resolution, of the contingent fund of the House.

Several MEMBERS. Oh, no.

Mr. DE ARMOND. Mr. Chairman, a change of the handling officer through whom an appropriation goes is not necessarily a change of law within the meaning of this rule. Whether one officer pays or whether by a mere regulation another officer pays, the money finally all comes out of the Treasury of the United States through whatever channels it may pass.

Mr. HEPBURN. In one instance the Clerk of this House is required to make payment——

Mr. DE ARMOND. Yes, sir.

Mr. HEPBURN. And in the other instance the Treasurer of the United States is required to pay. Is not that a change of existing law?

Mr. DE ARMOND. It is a mere informal regulation. Either way there is simply an appropriation out of the Treasury of the United States.

Now, Mr. Chairman, I will address myself a moment to that proposition. If you concede that the contention of the gentleman from Iowa is correct—I do not concede it, I combat it—but if you concede that it is correct, I claim that still the pending amendment is not in order. The proposition to change the law in one particular does not authorize the enlargement of that proposition so as to change the law in other and different particulars.

Here is where we get, if the contention of the gentleman from Iowa is true, on his theory and tested by his own philosophy: He says this provision in the bill, as it is, is in itself a change of existing law. Now, for the sake of the argument, let us admit that it is and see what follows, according to his theory. On that basis he says that the amendment, which he concedes to be a change of existing law, is proper as an amendment to another proposition changing existing law. If that be true, then the rules of the House as to this particular item are absolutely swept away, and the point of order on any provision that may change, enlarge, or modify any provision of the paragraph in the bill would be in order. You could provide, for instance, for increasing the salary of these clerks from $100 to $500 per month, and that would not be subject to a point of order. You could provide that instead of one clerk we should have two. You could provide for a messenger as well as a clerk. You might provide for anything that could be dragged in as a part and parcel of something to go to a member. You could have clerks of particular classes. You could have a stenographer and a typewriter. You could have a Department clerk to attend to the business of the member in the Departments. In fact, there would be no stopping place so long as you are providing for the assistance of members, on the theory advanced by the gentleman from Iowa. That is, I submit to him, the logical result of his argument, and the gentleman is always an able and a clear debater on every question.

But, I repeat, the inevitable result of his contention is that any amendment relating to the subject-matter of the resolution of the 3d of March, 1893, so as to be germane to it, could be put upon this clause of the bill, and the provision of the rule against a change in existing law on an appropriation bill would be entirely futile and of no avail—if his contention is right.

Mr. TAWNEY. Will the gentleman permit me a question before he takes his seat?

Mr. DE ARMOND. Certainly.

Mr. TAWNEY. Are you in favor of the proposition to pay members the amount necessarily expended by them for clerk hire, as reported by the Committee on Appropriations?

Mr. DE ARMOND. No, sir; I am not; although I have no special objection to it in its present form.

Mr. TAWNEY. You are not only opposed to the amendment, but you are also opposed to the payment of any clerical hire whatever?

Mr. DE ARMOND. I will say this: In days when Congressmen on this floor were as useful to their constituents and to the country as any of us can ever be or ever hope to be, when they were paid smaller salaries, and when money was worth less than it is worth to-day, Congressmen were not supplied with clerical assistance at the expense of the people. I voted against the resolution of 1893; I would vote for its repeal; I would vote against this appropriation because, while the clerk is convenient and an aid to the member, I would be perfectly willing myself to forego that assistance and aid in order to bring to the people of the United States the saving that would come from leaving the money in the Treasury instead of thus paying it out.

Mr. TAWNEY. I think I have a distinct recollection of the gentleman from Missouri casting a vote in the Fifty-third Congress that cost the people of the United States very much more than they can possibly lose by the adoption of this amendment.

Mr. DE ARMOND. Please state what vote.

Mr. TAWNEY. Your vote in favor of the Wilson-Gorman tariff bill. [Laughter and applause on the Republican side.]

Mr. DE ARMOND. Ah, indeed! Then let me say to the gentleman from Minnesota that I voted for the Wilson-Gorman tariff bill, not as reaching the tariff system I desired, but as a long stride in the right direction. But I have never yet voted for some little bit of an "expediency" tariff measure repudiated in the house of its friends and absolutely worthless everywhere. [Applause on the Democratic side.]

Mr. JOHNSON of California. Will the gentleman from Missouri permit me to ask him a question?

Mr. DE ARMOND. If I have the right to the floor I will do so with pleasure.

Mr. JOHNSON of California. I desire to ask you whether or not you have availed yourself of the privilege accorded by the resolution in question—March, 1893—and drawn any money from the Treasury of the United States on that account?

Mr. DE ARMOND. Yes, sir.

Mr. JOHNSON of California. Then, as I understand it, to take a little money from the Treasury is all right; and the only difficulty with the gentleman is that when he comes to take a larger sum it is all wrong.

Mr. DE ARMOND. I do not know how the gentleman from California understands it. If he understands that he will be permitted to represent a district in California, and avail himself of the provisions of the law that apply equally to the people of California as to the people of my district in Missouri, who contribute their share of the revenues to support the Government, and that the people of my district shall be deprived of whatever service the employment of a clerk to their member of Congress may be to them, he is greatly mistaken, I assure him, so long as I occupy a seat on this floor. But if the gentleman wants to raise the question whether I will forego the privilege of having a clerk paid out of the public Treasury in order to save the people of the United States the expenditure for these clerks, I will say to him now yes, readily, at once, upon this bill or any bill. I stand upon that as I have always stood; but I am not around here admitting, by my acts or by my words, that the gentleman from California or any other gentleman here representing any constituency has any rights beyond those which I have, or that his constituency possesses any merits beyond those possessed by my constituency.

Mr. JOHNSON of California. Mr. Chairman, I desire to say a few words with reference to the point of order, and incidentally upon some other matters that have been referred to by our friend from Missouri.

The CHAIRMAN. The Chair hopes the gentleman will confine himself to the point of order.

Mr. JOHNSON of California. Oh, I will try to. My friend from Idaho [Mr. WILSON] says I may scatter a little, but I hope not. [Laughter.]

Mr. Chairman, it was but a few days ago that the gentleman from Missouri [Mr. DE ARMOND] made a very fine, close, legal, and technical argument, so technical and metaphysical that it needed the trump of the Archangel Gabriel to bring a man to the surface that could see the point he made in reference to the point of order.

Mr. DE ARMOND. I presume that man has the floor now, Mr. Chairman. [Laughter.]

Mr. JOHNSON of California. No; I do not think any common man could understand the point.

Mr. DE ARMOND. I suppose Gabriel has summoned the man, and that he is here.

Mr. JOHNSON of California. No; I did not understand the gentleman's argument, and I do not understand it now. It was made in reference to the payment of salaries of Indian inspectors, and the gentleman said that the point of order was not well taken, because the bill itself, as introduced by the Committee on Appropriations, had changed the law, and he argued very elaborately and very eloquently and very learnedly, as he always does, and I am informed that he convinced the then Chairman that he was correct in his attenuated point of order. Now he seeks, emboldened by the success that he met with at that time, to ask the Chairman—I believe the same gentleman now presiding—to rule in his favor upon this point of order that he has now made, not because the point of order is good, but because he says that if the point of order is overruled it will take money out of the Treasury of the United States. He asks this Chairman to overrule a precedent made by a gentleman equal in knowledge of parliamentary law to anyone on this floor; equal, perhaps, to the gentleman from Missouri in devotion to the interests of his people and the rights of the whole nation. The gentleman from Missouri [Mr. DE ARMOND] asks the Chairman to overrule that precedent. In the short time in which I have been able to practice law I have always distrusted not the ability, but the discretion of those lawyers who seek to win a lawsuit by asking the court to overrule the precedents that have been made by courts in former days. And so to-day, when the gentleman asks that this be overruled because the precedent has been made, and you must overrule that precedent, it seems to me he robs his argument of much of its force.

Now, in regard to this point of order, is not this a change of law? As is well said by the gentleman from Iowa, the joint resolution of 1893 provides that the money shall be taken from the contingent fund, shall be paid out by the Clerk of the House. As I understand, the bill introduced by the Committee on Appropriations provides that the money shall be taken from the general fund, and that it shall be paid out by the Treasurer of the United States; and it seems to me that that shows that it is a change of existing law, and that therefore, if no point of order was made against the paragraph introduced by the committee, certainly a point of order can not be made against the amendment. Now, so far as it may affect the gentleman from Missouri, I am not the keeper of his conscience. I am the keeper of my own; and I am ready to meet the verdict of the people of the Second district of California upon the question that they sent me here as a Representative and not as a clerk, and that they are willing to pay for the services of a clerk to help me answer their letters and attend to other routine business. [Applause.]

I want to say, speaking as one, that I have no doubt the people of the United States will sustain those Representatives who vote to spend their money in doing good work, and will not support those who seek to make a cheap record by wearing the old clothes of the gentleman from Indiana [Mr. Holman] and to pose as great reformers and watchdogs of the Treasury at the present time. The day of watchdogs of the Treasury has passed, and we ought now to meet this matter upon its own merits. The gentleman says that he has drawn that money from the Treasury of the United States to pay for clerk hire. I am glad of it. It shows us that he is a much better man than he would have us believe by his attack upon this amendment. It shows us that he realizes that we all need clerks; that he realizes that the services of a clerk are necessary, and that this objection of his to this amendment is made solely and simply, as it seems to me, because he is satisfied with the small amount that he gets and is not broad minded, as he usually is, to allow the rest of us to have that which we desire.

Now, there is not any law to compel him to take this money. If the dear people of the United States are suffering, and are just standing up in arms and crying aloud because they are losing this money from the Treasury, the gentleman from Missouri need not draw his if he thinks it is too much. He can turn it over to the rest of us, and we will be glad to take it and use it. [Laughter.] But it does seem to me that this point of order is not well taken, or else that the point of order made the other day upon the salaries of the Indian inspectors was not well taken. Both of them ought to stand or fall together. If it was right then to follow the gentleman from Missouri in saying that the appropriation bill changed the law, it seems to me that it is right now, and if it was wrong then it is wrong now. A precedent was set then, and I believe in following precedents.

Mr. BOATNER. I understand, Mr. Chairman, that the point of order made against the pending amendment is that it changes existing law and increases the expenses, which is prohibited by the rule. I want to call the attention of the House to the following facts which militate against this view of the question: In the Fifty-first Congress a provision to pay clerks $100 per month was inserted in a general appropriation bill. It was carried in Committee of the Whole House, and defeated on a yea-and-nay vote in the House. In the Fifty-third Congress, when we had exactly the same rule that we have now, an amendment was proposed on a general appropriation bill in the Committee of the Whole House and it was carried. It was voted down in the House.

Now, sir, if the contention of the gentlemen who support this objection is a sound one, that provision in a general appropriation bill in the Fifty-first Congress was contrary to the rule, and the same amendment which was adopted by the Committee of the Whole House on an appropriation bill in the Fifty-third Congress was also amenable to the same objection; but that objection, if it was made, was overruled. I do not recollect that it was made; but certainly, Mr. Chairman, the House did vote upon the proposition, and in view of the fierce opposition then existing to it, the point would have been made, had it been considered as a change of existing law and not in retrenchment of public expenditures. Now, sir, my insistence is this, that this House has the right to provide at each session of Congress for its legislative expenses, whatever they may be. That the proposition to add to its clerical force in any direction, whether for the service of the committees or for the service of members, is a question to be determined by the present exigencies, and can not be limited by any law which has for its object to forestall the action of future Congresses' expenditures; and upon that line of reasoning the point of order is not well taken, and should be overruled. [Cries of "Rule!"]

Mr. LINNEY. I want to offer an amendment.

The CHAIRMAN. A point of order is pending, and must first be determined.

Mr. LINNEY. Oh, yes.

The CHAIRMAN. The Clerk will report the joint resolution passed in 1893.

The Clerk read as follows:

Resolved, etc., That on and after April 1, 1893, each Member and Delegate of the House of Representatives of the United States may, on the 1st day of every month during sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties during the previous month, and the amount so certified shall be paid by the Clerk out of the contingent fund of the House on the 4th day of each month to the person or persons named in each of said certificates so filed: *Provided*, That the amount so certified and paid for clerical services rendered to each Member and Delegate shall not exceed $100 for any month during the session: *And provided further*, That the provisions of this resolution shall not apply to members who are chairmen of committees entitled under the rules to a clerk.

The CHAIRMAN. The paragraph in the bill, on page 16, reads in this way:

To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893.

That is the resolution just read; and then it makes an appropriation of a sum of money. Now, the language in the bill is "to pay," etc., as provided in the joint resolution. The Chair can see no warrant in separating the balance of that resolution from the provision requiring payment out of the contingent fund, and giving effect to a part of the language and leaving the other without effect, as has been suggested in debate here. Or, in other words, the very provision in the joint resolution is provided for in this bill—to pay as provided under the joint resolution, to pay from the contingent fund of the House, all clerks provided for under the joint resolution. So in the opinion of the Chair the text of the bill does not change existing law.

The next question is as to whether the language of the amendment changes existing law. The Chair has been referred to a decision made in the last Congress upon similar language in an amendment nearly identical, offered to the provision in the bill which seems to the Chair precisely identical with this, and it was held to be in order and not changing existing law. Upon turning to that decision the Chair finds that a gentleman, a member of the House, raised the point of order. The Chair asked if the gentleman desired to be heard on the point of order. The gentleman answered he did not; and, without any debate, and without any reason being stated, without even the grounds of the point of order being stated to the committee, the Chair very promptly overruled the point of order and held the amendment to be in order. The present occupant of the chair has not found from the RECORD what gentleman was in the chair at that time. He does not feel bound by a decision made in a former Congress, where no reason is given for the ruling, as stated, and where the Chair can not see any reason for sustaining or following the ruling that was made at that time.

Now, this amendment is clearly obnoxious to the point of order, standing in itself, and being an amendment to a paragraph in a bill, which paragraph does not change existing law, it is not in order under the rules of the House, and the Chair is constrained to sustain the point of order, and so rules.

Mr. TAWNEY. I take an appeal, Mr. Chairman, from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota takes an appeal from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. DOCKERY and others. Division.

The committee divided; and there were—ayes 102, noes 43.

So the decision of the Chair was sustained.

Mr. MOODY. Mr. Chairman, I would like to inquire whether the provision on page 7, which was passed over for the time being, is now in order for consideration?

The CHAIRMAN. It is not, unless by unanimous consent.

Mr. MOODY. It was passed over until some future time by unanimous consent, and whether that time has arrived or not is my inquiry.

The CHAIRMAN. The understanding was that the committee might return to the paragraph at any time before concluding the bill. The Clerk will report it.

The paragraph was again read, as follows:

For 38 annual clerks to Senators who are not chairmen of committees, at $1,200 each, $45,600.

Mr. MOODY. I move to amend, Mr. Chairman, by striking out the whole of the paragraph just read. I wish to say very briefly that this amendment——

Mr. HENRY of Indiana. Mr. Chairman, I make the point of order that that part of the bill has been passed.

Mr. MOODY. The gentleman could not have been present when this paragraph was passed over temporarily by unanimous consent.

The CHAIRMAN. The point of order comes too late.

Mr. HENRY of Indiana. I think the gentleman misapprehends the point of order I make. At the time we left this part of the bill the point of order raised by the gentleman from California [Mr. JOHNSON] was undecided.

The CHAIRMAN. No; that point of order was overruled.

Mr. HENRY of Indiana. I did not understand that the Chair had so announced.

Mr. MOODY. Now, Mr. Chairman, I move to strike out this paragraph, because if it is stricken out by a vote of the committee, the effect will be precisely the same as if it had gone out on the motion of the gentleman from California who raised the point of order, but raised it too late.

Mr. Chairman, I have not an opinion upon the merits of annual clerks to members. I have not any right to have an opinion, because I have not had any experience of the calls upon members of this House in vacation, having been elected only a month before I took my seat. But I have an opinion upon another subject; that is, that we ought to require the same measure of economy at the other end of this building that we impose upon ourselves. [Applause.] Now, I am informed that the practical consequence of the adoption of the motion to strike out this paragraph may be this: That the Senate will insist on the appropriation and that in the conference between the representatives of the two Houses some equitable adjustment will be made, and then the question may return to this House to be discussed and voted upon on its merits. [Applause. Cries of "Vote!"]

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Insert after the word "necessary," in line 14, page 16, the following:

"That all officers and employees of the House, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased or who shall, prior to the 1st day of March, 1896, cease to be so employed shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895; and an amount sufficient for this purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available and to be paid by the Clerk of the House of Representatives."

Mr. McCALL of Tennessee. Mr. Chairman, I make a point of order on that amendment.

Mr. BAKER of New Hampshire. Will the gentleman state it?

Mr. McCALL of Tennessee. It proposes an appropriation not authorized by law.

Mr. BAKER of New Hampshire. It does not change any existing law.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. BAKER of New Hampshire. I wish to say, Mr. Chairman, that this does not change in any manner any existing law. There are several precedents for it, especially one which was approved December 21, 1881, almost identical in language and making an appropriation for precisely the same purpose. It is evident to all of us that quite a number of the discharged employees of this House are still in the city and that many of them are unable to leave for want of funds, and it is a matter of common grace and courtesy, and according to the usual custom of the House, to make this appropriation. I ask a ruling of the Chair in favor of the amendment and a vote upon it.

The CHAIRMAN. This amendment is not authorized by law, and therefore the Chair must sustain the point of order.

The Clerk read as follows:

BOTANIC GARDEN.

For superintendent, $1,800.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, $12,093.75.

For procuring manure, tools, fuel, purchasing trees and shrubs, and for labor and material in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, $5,000.

Mr. STEELE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 19, line 10, strike out "twelve," and insert "two"; page 19, lines 10 and 11, strike out "and ninety-three dollars and seventy-five cents," and insert "one hundred dollars"; so that the provision will read "two thousand one hundred dollars."

Mr. STEELE. The adoption of this amendment, Mr. Chairman, will make a saving of about $13,000 on the maintenance of this sinecure at the foot of the hill. It seems almost as idle to propose to strike out any appropriation for the Botanic Garden as it does to strike out member's clerks. It has been tried time and time again, but has always failed, yet no member of this House can in his own mind sustain or justify the expenditure of $18,893 for maintaining that little bit of a house under the hill from which no member gets any benefit whatever. Though the amendment may not prevail, I have offered it in good faith. I think that the reduction proposed in my amendment ought to be made. If this amendment and the one which I propose to offer to the next paragraph be adopted, we shall authorize three laborers at $700 each and $2,000 for the purchase of manure and seed.

Why, sir, they have not even cut the grass over there during the last few years. With the orchard grass and the crow's-feet, the place looks more like an abandoned Virginia farm than like a garden kept by the Government as an example for the country. If my proposition prevails we can save $13,000, and when the Government is running behind at the rate of about $40,000,000 a year in its expenses it seems to me we ought to lose no opportunity to cut off absolutely useless expenses such as these. My amendment will not interfere at all with Mr. Smith. He will receive his salary just the same. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. STEELE,

The CHAIRMAN said: The noes seem to have it.

Mr. STEELE. Let us have a division. I want to see who will stand up to appropriate $10,000 for useless expenditure.

The question being again taken, there were—ayes 23, noes 28.

So the amendment was rejected.

Mr. HEPBURN. I move to amend by striking out the last word. I offer this amendment simply for the purpose of putting a question to the gentleman in charge of the bill. I should like to know whether all the appropriations made or to be made for this institution are to be found in this bill; and if not, what appropriations there will be in addition to the $17,000 covered by the bill.

Mr. STEELE. Eighteen thousand dollars.

Mr. McCALL of Tennessee. I will state for the information of the committee that there is an appropriation of $5,000, I believe, in the sundry civil bill for this institution.

Mr. HEPBURN. So that the appropriation for this year will be about $22,000.

Mr. STEELE. Twenty-three thousand dollars.

Mr. HEPBURN. Now, I should like to ask the gentleman in charge of the bill whether he can give to this Committee of the Whole some approximate statement of the cost of the Botanic Garden to the United States? I have been familiar with these appropriations for about fifteen years, and I think during that time there has been appropriated to the Botanic Garden at least $300,000. And I know that at the time my service here began that garden was in about the same condition that it is now. I should like to know, if the gentleman can tell us, how near to a million dollars this institution has cost the United States.

Mr. McCALL of Tennessee. Mr. Chairman, I have not had the honor that my friend from Iowa [Mr. HEPBURN] has had of serving in this House for a great number of years, and therefore I have not been, as he has been, the recipient of flowers, etc., grown by the Government. Of course I do not pretend to be well informed as to the exact sum that this Government has expended upon this department. The gentleman's statement of $300,000 is possibly as accurate as any guess that I might make.

Mr. STEELE. Allow me to ask the gentleman whether he can give any excuse for the maintenance of this garden at all; whether he can show any benefit it has given to the country in return for the $300,000 which, as the gentleman from Iowa states, has been expended during the last fifteen years?

Mr. McCALL of Tennessee. There is the same excuse, I presume, for the existence of the Botanic Garden as there is for the beautifying of any of the public grounds about this Capitol. As I understand, it is not necessary that flowers be grown over in the Smithsonian grounds or along the drive there; it is not necessary that flowers be grown about the Library building or the Capitol or upon any of the reservations in the city. Yet this has been the

custom for years. It shows the good taste of Congress; it shows a love for the beautiful; and I suppose that is the reason, or as the gentleman says "excuse," for the existence of this Botanic Garden.

Mr. HEPBURN. I withdraw the pro forma amendment.

Mr. STEELE. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 12 to 15, inclusive, and insert "For procuring manure, tools, fuel, and shrubs, under the direction of the Joint Library Committee of Congress, $1,993.75."

Mr. STEELE. Mr. Chairman——

Mr. LIVINGSTON. One question before the gentleman proceeds. Why should we leave in the previous paragraphs of the bill appropriations of $12,000 for a particular purpose, and then by the gentleman's amendment to this paragraph strike out all the means or agencies necessary for carrying out the work contemplated?

Mr. STEELE. There is only $5,000 provided for in this part of the bill, and that is for the purchase of manure, shrubs, etc. The place does not look as if there had been any manure put upon it for the last ten years.

Mr. LIVINGSTON. The gentleman may not be as well acquainted with the Botanic Garden as are some other members on this floor.

Mr. STEELE. I am not. I have not been there this year. Looking over the fence is all I want. [Laughter.]

Mr. LIVINGSTON. A little more familiarity with the Botanic Garden might make the gentleman acquainted with the agencies carried on there under the direction of Mr. Smith.

Mr. STEELE. Well, this is $12,000, and I left that to the judgment of the House because I had to, and I leave this the same way. If they see fit to give him $5,000 for manure instead of $2,000, I am content to leave it to the judgment of the House. The question is for them now to consider.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. STEELE) there were—ayes 8, noes 38.

So the amendment was rejected.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Private secretary, $5,000; assistant secretary, $2,500; one executive clerk and disbursing officer, and one executive clerk, at $2,000 each.

Mr. BAILEY. Mr. Chairman, in line 22 there is a provision for the private secretary of the President at $5,000.

I make the point of order against that provision that it changes existing law. The statute only authorizes $3,500 for such service, and that is an excessive salary for the person who now fills the position. [Laughter.]

The CHAIRMAN. Is that statement disputed as to the law?

Mr. CANNON. I suppose that is what the statute provides, although for several years the amount of $5,000 has been appropriated.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. How will this clause read now?

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Assistant secretary, $2,500; one executive clerk and disbursing officer, and one executive clerk, at $2,000 each, etc.

The CHAIRMAN. The words in the bill have been stricken out on the point of order.

Mr. CANNON. The statute fixes the salary at three thousand five hundred.

A MEMBER. Would it not be better to strike out the fifteen hundred and leave it at three thousand five hundred?

Mr. BAILEY. The point of order was against the provision of the bill. Of course the gentleman can cure it by offering an amendment.

Mr. MCCALL of Tennessee. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 22, page 19, after the words "United States," insert "private secretary, $3,500."

The amendment was adopted.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $7,000.

Mr. PICKLER. Mr. Chairman, I move to strike out the word "seven," in line 2, on page 21, and insert "nine," in the paragraph relating to the Civil Service Commission.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from South Dakota.

The Clerk read as follows:

Page 21, line 2, after the word "Washington," strike out the word "seven" and insert "nine"; so as to read: "and for expenses of examinations and investigations held elsewhere than at Washington, $9,000."

Mr. PICKLER. Mr. Chairman, this paragraph provides for the expenses of the traveling commission of the civil service when on duty away from Washington, to enable them to go through the States and Territories and examine applicants for the civil service. My experience, and I think every other member of the House will corroborate it, is that they fix but very few places, that is to say, that the appointments are few and far between in each State, for the purpose of making these examinations. In my State, for instance, applicants often have to travel from their residences to the place of appointment for these examinations from two to four hundred miles; and I take it that that is the case more or less throughout the whole country.

Now, it is very unfair to applicants, unfair to young men and young women, who can not afford the expense of going these long distances, to be placed at such a disadvantage in these examinations. When you go into the Civil Service Commission here and ask to have places fixed for the examination so that it will be more convenient to the people, they answer: "We would do so if you would provide for the expense."

I think it is true that the examiners ought to go to as many places in the country as they have money to pay the expense of reaching in order to make these examinations for the convenience of the people. This money is too small an amount as the bill now provides. It does not give them an opportunity of holding these examinations in a sufficient number of places in each State, and does not give the applicants for examination a fair chance. A man who is too poor to pay his way these long distances for the purpose of undergoing the examination is entirely excluded.

My amendment, to add $2,000 more to enable the examiners to fix additional places in the States and Territories for examinations, would enable our constituents who desire to be examined and appointed—very few of them get the appointments anyway—to have an opportunity at least to be examined; and if this amendment is adopted these examinations will be held at places within their reach, and not involve people of very limited means, as is often the case, in the expense of traveling long distances to undergo the examination.

I believe that this amendment ought to prevail. It is in the interest of those who desire to be examined for these places, and it is utterly impossible in a large number of cases, unless a young man is pretty well off, for him to get to the point where the examination is held. The adoption of this amendment will give us additional places for examination in the State.

Mr. ALLEN of Utah. How many additional places will this provide for?

Mr. PICKLER. It ought to provide one or two additional places in each State. I think it will. The appropriation is only $7,000 now, and adding $2,000 I think would probably give one or two more places in each of the States and Territories—probably not more than one place. I take it in my own State it would give one more. Although my own State is 300 miles long from east to west, we only have two points of examination now. I presume the addition of this $2,000 would only give one more point in my State. It would give more, of course, in the more thickly populated regions. I hope the committee will accept this amendment. It is in the interest of poor men and poor women who are unable to incur the expense of going these great distances, staying two or three days at these examinations, paying hotel bills, and so forth. It will confer a benefit on a class of persons who, it seems to me, ought to have this consideration.

Mr. LIVINGSTON. Why not have the examinations conducted at their homes and be done with it?

Mr. PICKLER. Oh, well, that would be carrying the thing a little too far, I think.

Mr. MCCALL of Tennessee. Mr. Chairman, I see that in 1889 there was an appropriation of $5,000 for this work. Then there was an appropriation of $5,250 in subsequent years down to 1894, when there was an appropriation of $6,000. In 1895 there was $6,000; in 1896, $7,000. Now, I understand the gentleman's amendment proposes to increase it to $9,000?

Mr. PICKLER. Yes. An additional reason is that very lately, as the gentleman well knows, they have put applicants for teachers in Indian schools under the civil service, and a number of other employees of the Indian service. The employees of the Printing Office and of the Geological Survey have also lately been put in the civil service, which of course brings a greater number of people for examination, and would therefore be a stronger argument why this sum should be increased and give better opportunities for examination.

Mr. MCCALL of Tennessee. I was going to remark that the gentleman from South Dakota [Mr. PICKLER] differs from the gentlemen in charge of this department who state in their estimates that they only desire $8,000. And as we gave them $7,000 last year, and that was the first year they had received that amount, we thought, under all the circumstances, $7,000 would be enough to appropriate for 1897. I only wish to call the attention of the committee to the fact that my friend must be excited on this ques-

tion, because he exceeds the estimate by $1,000. Therefore I must insist that the amendment should be voted down.

Mr. PICKLER. Mr. Chairman, I do not know what the estimate is. I know that when a member of the House goes to ask that another place for holding examinations be allowed in his State the universal answer has been that Congress refuses to appropriate for the expense, and that therefore they can not do it. I have been there for four or five years, and the answer has always been that. They say they are willing to do it, but that Congress refuses to appropriate the money. I do not believe there can be any more worthy appropriation put into this bill. With the large civil-service list that there is now in this country, it is a good thing to give the young men and young women of the States and Territories an opportunity to go where these examinations are held.

Mr. STEELE. If you have been turned down in this way, why not make a motion to strike out the whole provision? I will vote with you.

Mr. PICKLER. I will not do that, because I believe in the Civil Service Commission. I do not want it stricken out.

Mr. BROSIUS. I just want to add a word to what the gentleman from South Dakota [Mr. PICKLER] has said. I had not intended to say anything upon this subject, but I am very strongly impressed, after giving the matter some considerable attention, that there is a real necessity for an increase in the appropriation for the expenses of the Civil Service Commission. The law and the rule require that two examinations be held in every State and Territory in the Union. That number of examinations is absolutely necessary. Indeed, it is inadequate. In 1894 there were over 37,000 persons examined for places in the civil service of the United States. Now, they are unable often to hold the required number of examinations, namely, two in each State and Territory. An increase in the amount allowed for this purpose—the small amount named by my friend from South Dakota—would, I think, be a very proper recognition of the importance and value of these examinations.

Mr. LIVINGSTON. May I ask the gentleman a question?

Mr. BROSIUS. With great pleasure.

Mr. LIVINGSTON. Do not the present facilities for examination give us the examination for about 40,000 persons for civil service and their eligibility passed upon, which is 35,000 more than we need or have places to fill? Now, if you extend the facilities, then you extend the number of applicants and increase by thousands and tens of thousands the people knocking at the doors of the Departments who can not get places. What do you want to do that for?

Mr. BROSIUS. I think it is very important and a good thing that the young men and young women of the country should aspire for civic honors. It would afford them opportunities of securing an honorable record if they desire it, and would increase this provision still more and authorize not only two examinations in each State or Territory, but three or four, so that the examinations would be accessible to all who desire to take them.

Mr. PICKLER. The suggestion of the gentleman from Georgia simply means that the rich man's son should be given an opportunity to be examined while the poor man's son would not be able to be examined.

Mr. BROSIUS. The great virtue, the peculiar excellency of our civil-service system is that it opens the doors of the civil service to personal worth. It knows no rank, but gives every man and every woman who is ambitious to serve his or her country in its civil service a convenient opportunity for an examination with a view to entering that service.

Mr. HARDY. At one hundred or two hundred dollars a month.

Mr. BROSIUS. I think this slight concession to this great institution of ours should be made.

Mr. CANNON. Mr. Chairman, it costs now, in round numbers, $100,000 to run the Civil Service Commission.

Mr. LIVINGSTON. About $100,000 more than it is worth.

Mr. CANNON. I am not here to attack it or to defend it. If we meet its estimates—and they always guess high enough, for they have caught on to that along with the other Departments—we will do quite well. In my judgment the bill gives quite a sufficient sum for effective service. It is useless for me to reply to the gentleman from Pennsylvania [Mr. BROSIUS], because we might not agree about the great benefit that comes to the multitude who have a chance to enter the civil service. Out in my country, when the notice is given, people travel and submit to the examination, and not one in fifty, after they pass the examination, has any fruition. Should I undertake to say anything further, from that standpoint it is a flat failure. I am not here to attack it or interfere with it, but when we give them the estimates we give quite enough. I did not think they were really in earnest about this appropriation until the gentleman from Pennsylvania bore his testimony. I did not think my friend from South Dakota was in real earnest. I supposed he was talking for that very sparsely settled section of the country known as the Sioux Reservation, which he so ably and honorably represents now, as well as the other portions more thickly settled.

Mr. PICKLER. If the gentleman from Illinois will allow me. He says the civil service costs about $100,000 a year. Now, is not that the very strongest argument that these examinations should be made accessible to any young man or young woman who feels that he or she wants a chance for an examination? Is not that the very reason why we should give them an opportunity, after we have spent all that money?

Mr. CANNON. Oh, when we meet the estimates we travel quite as fast as we are authorized in traveling, I will say to my friend.

Mr. PICKLER. The estimate is $8,000.

Mr. CANNON. But the gentleman knew better than they did, and put it at $9,000. Now, it has been growing and increasing; and the committee, after examination, thought $7,000 sufficient, and I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. PICKLER. Division, Mr. Chairman. [Pending the count.] I withdraw the demand for a division.

The CHAIRMAN. The noes have it, and the amendment is rejected.

Mr. PICKLER. I move to strike out the word "seven," in line 2, page 21, and insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, line 2, after the word "Washington," strike out "seven" and insert "eight."

Mr. PICKLER. That is the estimate, as I understand, of the Commission.

The question was taken; and the amendment was rejected.

Mr. McCALL of Tennessee. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 22, after line 12, insert:

"That hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein, unless otherwise expressly provided."

The amendment was adopted.

Mr. McCALL of Tennessee. I move that the committee rise.

Mr. McRAE. Mr. Chairman, pending that, I desire to present some amendments which I propose to offer to the marshals' and attorneys' salary bill, and I ask that they may be printed in the RECORD.

There was no objection, and it was so ordered.

The amendments are as follows:

Insert as an independent section, between sections 6 and 7, on page 9, of bill H. R. 6654:

"SEC. 7. That in all writs of venire facias and of subpœna for witnesses summoned on behalf of the United States it shall be the duty of the clerk issuing the same, so far as practicable, to ascertain and insert therein the post-office address of each person named therein, and when the marshal shall receive any such writ, if the time is sufficient for service by mail, as provided in this section, he shall address to each person named in such venire or subpœna, whose post-office address is given or can be ascertained promptly by him, a notice requiring such person to be and appear at the time and place and for the purpose mentioned in the writ. The marshal shall sign such notice officially, mail and register it at the post-office, addressed to the person therein mentioned, with a request indorsed on the envelope in the usual form for the return of the letter to him if not delivered within ten days. The postmaster to whom any such letter shall be delivered, inclosed in a Department of Justice penalty envelope, shall transmit the same without charge for postage or registry fee. The receipt of such registered letter by the person to whom the notice was addressed shall be deemed valid service upon him of the subpœna or venire, and the return registry receipt card, signed by such person, or proof of the delivery of such registered letter on his order, in writing, to any other person for him, shall be taken as prima facie evidence of service, and the marshal shall make return accordingly. Whenever any such notice shall be returned through the post-office undelivered, the marshal shall serve it as other writs are served; and whenever practicable all such returned notices, and all process and writs, the costs on which would be chargeable to the United States, other than writs of venire facias and subpœna for witnesses, shall be sent by mail, directed to the deputy marshal residing nearest the locality where such writs, process, or returned notices are to be served or executed, or to a special deputy appointed by him to serve the same in such locality, and such deputies shall make return of such writs, process, or notices to the marshal by mail: and in no case in which the United States would be chargeable with costs for the service of any writ, process, or notice of whatever character shall mileage be charged or allowed for travel from the place of issue to the place of execution or service thereof, if the same was sent or could have been sent by mail to a deputy marshal or other suitable person in the neighborhood of the place of service."

Insert the following new section between sections 14 and 15 on page 12:

"SEC. —. That every person who carries on the business of a retail liquor dealer without having paid the special tax as required by law shall for every such offense be fined not less than one hundred nor more than five hundred dollars and be imprisoned in jail not exceeding six months. That the judges of the circuit courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. All United States commissioners are hereby constituted inferior tribunals, with jurisdiction for final determination and judgment on any complaint for the offense of retailing liquors without payment of the special tax required by the laws of the United States. The trial of such cases by commissioners shall be without indictment, and a traverse jury of twelve men, when demanded by the defendant, shall be sum-

moned from the bystanders. From any judgment of the commissioner in any such case the defendant may appeal to the district court. In all proceedings in and about the trial of such complaints the commissioner shall conform to the rules for criminal procedure prescribed by the Revised Statutes, so far as the same are applicable, and in matters not provided for by the laws of the United States the commissioner shall follow the rules of procedure and the practice in trials of misdemeanors by justices of the peace or other courts of limited jurisdiction, under the laws of the State where the complaint is tried. United States commissioners shall receive for their services such fees as may be provided by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest and $1 for a recognizance or bond for court, including affidavits of jurisdiction of sureties and acknowledgments, and for all other writs and processes issued, for all oaths administered, for docketing and trying the same, and for all services performed the sum of $5, and no more, for each case; but where two or more charges are preferred against any person at the same time the commissioner shall be allowed only for a fee in one case. In preliminary examinations where there is probable ground to believe the defendant guilty the commissioner shall bind him over, if he shall give the bail required, to appear for trial before the court having jurisdiction nearest the place where the offense was committed; and if he can not give the required bail the commissioner shall commit him for trial to the nearest jail where prisoners can be securely and most economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, in writing, be removed to and tried at that place in the judicial district where the court will be held next after his commitment. Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district to be submitted to the court for approval. It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance. Jurors shall be allowed for attending a commissioner's court, as provided in this section, 50 cents each, to be paid by the marshal on the certificate and order of the commissioner."

Insert the following sections between sections 16 and 17, on page 15:

"SEC. —. That no fees shall be paid to any United States commissioner on any warrant issued, or any other fees, in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been approved either before or after arrest of the defendant by a circuit or district judge, or the attorney of the United States in the district where the offense is alleged to have been committed, and unless said prosecution shall have been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney or his assistant, a collector or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief.

"SEC. —. That section 853, Revised Statutes of the United States, is hereby repealed from and after June 30, 1896, when this act shall take effect and be in force."

Mr. McCALL of Tennessee. Mr. Chairman, before the motion that the committee rise is put, I wish to ask unanimous consent that where any amendment has been adopted which involves a change of the total at the end of the paragraph the clerk of the committee shall have the right to make the total appearing in the bill conform to the fact.

There was no objection, and it was so ordered.

The motion of Mr. McCALL of Tennessee that the committee rise was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the legislative appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without my approval House bill numbered 2769, entitled "An act to authorize the leasing of lands for educational purposes in Arizona."

This bill provides for the leasing of all the public lands reserved to the Territory of Arizona for the benefit of its universities and schools, "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory."

If the proposed legislation granted no further authority than this, it would in terms at least recognize the safety and propriety of leaving the desirability of leasing these lands, and the limitations and safeguards regulating such leasing, to be determined by the local legislature chosen by the people to make their laws and protect their interests.

Instead of stopping here, however, the bill further provides that until such legislative action the governor, the secretary of the Territory, and the superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior. It is specifically declared that it shall not be necessary to submit said leases to the Secretary of the Interior for approval, and that no leases shall be made for a longer term than five years, nor for a term extending beyond the date of the admission of the Territory to statehood.

Under these provisions the lands reserved for university and school purposes, whose value largely depends upon their standing timber, and in which every citizen of the Territory has a deep interest, may be leased and denuded of their timber by officers none of whom have been chosen by the people, and without the sanction of any law or regulation made by their representatives in the local legislature. Even the measure of protection which would be afforded the citizens of the Territory by a submission to the Secretary of the Interior of the leases proposed, and thus giving him an opportunity to ascertain whether or not they comply with his regulations, is especially withheld.

It was hardly necessary to provide in this bill that these lands might be leased "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory," if the action of the legislature was to be forestalled and rendered nugatory by the immediate and unrestrained action of the officers constituted "a board for the leasing of said lands" pending such legislative consideration. These are inconsistencies which are not satisfactorily accounted for by the suggestion that the time that would elapse before the legislature could consider the subject would be important.

The protests I have received from numerous and influential citizens of the Territory indicate considerable opposition to this bill among those interested in the preservation and proper management of these school lands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 28, 1896.*

Mr. LACEY. Mr. Speaker, I ask unanimous consent that action upon the message just read be postponed until to-morrow morning, after the reading of the Journal.

Mr. DINGLEY. Do I understand that a vote is then to be had without discussion?

Mr. LACEY. The request is that the matter come up for consideration to-morrow, after the reading of the Journal.

Mr. RICHARDSON. I did not hear the gentleman distinctly. Does this request, if agreed to, bring the matter up in the House without referring it to the committee?

Mr. LACEY. It brings it up in the House. The committee have no desire to consider the matter further. It has been thoroughly considered.

The unanimous consent asked for by Mr. LACEY was given.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 1758) for the relief of Christopher Schmidt;

Joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida;

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture, the same to be in paper covers, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the Senate;

A bill (S. 268) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.;

A bill (S. 1359) for the construction of two steam revenue cutters for service on the Pacific Coast; and

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That 25,000 extra copies of Senate Document No. 92, third session of Fifty-third Congress, relating to the introduction of reindeer into Alaska, be printed, of which number 5,000 in paper covers shall be for the use of the Senate and 10,000 in paper covers for the use of the House of Representatives and 10,000 in paper covers for the use of the Bureau of Education.

The message also announced that the Senate had passed with amendments the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1758) for the relief of Christopher Schmidt—to the Committee on Claims.

A bill (S. 268) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.—to the Committee on Public Buildings and Grounds.

A bill (S. 1359) for the construction of two steam revenue cutters for service on the Pacific Coast—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 86) directing the Secretary of War to furnish certain information with reference to the projects for the improvement of the harbor of Cumberland Sound, Georgia, and St. Johns River, Florida—to the Committee on Rivers and Harbors.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture, the same to be in paper covers, 10,000 copies of which shall be for the use of the House of Representatives and 5,000 copies for the Senate—

To the Committee on Printing.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That 25,000 extra copies of Senate Document No. 92, third session of Fifty-third Congress, relating to the introduction of reindeer into Alaska, be printed, of which number 5,000 in paper covers shall be for the use of the Senate and 10,000 in paper covers for the use of the House of Representatives and 10,000 in paper covers for the use of the Bureau of Education—

To the Committee on Printing.

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE. Mr. Speaker, I submit a conference report on the pension appropriation bill, and ask to have the report and the statement read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 3537, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

WM. A. STONE,
R. W. BLUE,
S. M. ROBERTSON,
Managers on the part of the House.
WM. B. ALLISON,
S. M. CULLOM,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the pension appropriation bill (H. R. 3537) submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the Senate amendments, namely:

On amendment numbered 1: Makes continuing and permanent in its character the provision proposed by the House requiring that pensions under the act of June 27, 1890, shall date from the time of filing the first application.

On amendment numbered 2: Appropriates $750,000, as proposed by the House, instead of $800,000, as proposed by the Senate, for fees and expenses of examining surgeons.

On amendment numbered 3: Appropriates $25,830, as proposed by the Senate, instead of $23,070, as proposed by the House, for rents of pension agencies.

The bill as finally agreed upon appropriates $141,328,580, being $2,760 more than as it passed the House.

WM. A. STONE,
R. W. BLUE,
S. M. ROBERTSON,
Managers on the part of the House.

Mr. WILLIAM A. STONE. Mr. Speaker, if no gentleman wishes for further information than that disclosed by the report and accompanying statement, I move the adoption of the report, and on that motion I ask the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

CUBA.

The Secretary of the Senate, appearing at the bar of the House, read the following resolutions, adopted by the Senate; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That in the opinion of Congress a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

[Loud applause.]

REPRINT OF A BILL.

Mr. SPERRY. On behalf of the Committee on the Post-Office and Post-Roads, I ask unanimous consent that the bill (H. R. 3273) for the classification of clerks in first and second class post-offices be reprinted, the previous print having been exhausted.

There being no objection, it was ordered accordingly.

CONTESTED ELECTION—M'DONALD VS. JONES.

Mr. TURNER of Virginia. Mr. Speaker, I am instructed by the Committee on Elections No. 1 to present its unanimous report in the case of McDonald *vs.* Jones, from the First Congressional district of Virginia. I ask for the present consideration of the report, and shall move the adoption of the accompanying resolution.

The report of the committee was read, as follows:

To the honorable Speaker and the House of Representatives:

The Committee on Elections No. 1 do hereby respectfully report as follows:

That we have fully considered the application of James J. McDonald for leave to serve notice of contest and to contest the election of WILLIAM A. JONES, as Representative in Congress for the First Congressional district of the State of Virginia, and we have listened attentively to the arguments of the counsel for the respective parties and to the proofs produced by them, and respectfully report:

That with reasonable diligence the notice of contest could have been served within the time prescribed for that purpose by the act of Congress in such case made.

And we are further convinced by the proofs produced before us on the hearing of the said application and report that there is no substantial ground in fact for the proposed contest, and the same could not be successfully maintained if it should be allowed to be made.

It also appeared that the said James J. McDonald at the time of the election in 1894, and prior to and since that time, was engaged in business and resided with his family in the city of Washington, in the District of Columbia, and that he had no place of business and no business or residence of any description in the State of Virginia, and the committee is of opinion that he was not an inhabitant of the State of Virginia at or near the time of the election for Representatives in Congress in the First Congressional district of said State in 1894. And that he was not eligible for said office at or near the time of the said election in the year 1894.

Upon these grounds the committtee unanimously adopted the resolution that the application of the said James J. McDonald for leave to serve a notice of contest of, and to contest, said election should be, and it thereupon was, denied. And the committee respectfully recommend the adoption of the following resolution by the House of Representatives. All of which is respectfully submitted.

Dated February 25, 1896.

CHARLES DANIELS, *Chairman.*
LEMUEL W. ROYSE.
FRED C. LEONARD.
ROMULUS Z. LINNEY.
WILLIAM H. MOODY.
EDWARD D. COOKE.
HUGH A. DINSMORE.
C. L. BARTLETT.
S. S. TURNER.

Resolved, That the application of James J. McDonald for leave to serve a notice of contest and to contest the election of William A. Jones as Representative of the First Congressional district of the State of Virginia in the Fifty fourth Congress be, and the same hereby is, denied.

Mr. TURNER of Virginia. I move the adoption of the resolution just read.

The question being taken, the resolution was adopted.

On motion of Mr. TURNER of Virginia, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. McCALL of Tennessee. I move that the House now take a recess until 8 o'clock.

Mr. GIBSON. I hope the gentleman will withdraw that request for a moment. I hold in my hand, Mr. Speaker——

The SPEAKER. If the motion for a recess is withdrawn, the Chair recognizes the gentleman from Utah [Mr. ALLEN].

Mr. ALLEN of Utah. I ask unanimous consent for the consideration of the bill (H. R. 4408) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

Mr. McCALL of Tennessee. I have not withdrawn my motion for a recess.

The motion of Mr. McCALL of Tennessee for a recess was agreed to.

The SPEAKER. The gentleman from Iowa, Mr. HEPBURN, will preside at the evening session.

The House then took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. HEPBURN as Speaker pro tempore, who directed the Clerk to read clause 2 of Rule XXVI.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the rule just read.

Mr. ERDMAN. Mr. Speaker, when on last Friday night the gentleman who has just made that motion attempted to accentuate the position of some gentlemen on this side, myself among the number, as obstructing pension legislation and as preventing the passage of pension bills for deserving soldiers, without giving us an opportuaity to reply, he probably provoked such antagonism as to have prevented any pension legislation at all until a quorum should appear on this floor, but for myself I do not propose to raise that question at this time on going into the Committee of the Whole.

But I wish to say this in regard to the allegation of the gentleman from South Dakota. I wish to say that I, and my associates with me here, stand ready to assist in passing what we regard as honest and deserving bills for honest and deserving soldiers or their widows; but we do protest that favoritism and unfairness shall not be recognized in this House in the consideration of pension legislation. We protest that the "bums," the bounty jumpers, the camp followers, and others of that class who are excluded from the general pension law and from the benefits of the legislation heretofore passed shall not come in here, when they have a friend at court, and have their bills presented and driven through to the exclusion of honest, deserving, and meritorious soldiers.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. ERDMAN. Certainly.

Mr. TAWNEY. Has the House attempted to grant any pensions to camp followers during this session, or to deserters? If so, I would like to know which they are.

Mr. ERDMAN. There have been attempts; and from the bills

that are still on the Calendar the gentleman will see, if he chooses to inspect them now, or in future, that there are many of this character to come up for the consideration of the House; and I want to say for myself that these bills we are going to oppose, and if the great majority of the House proposes to put themselves on record, and go to the country in favor of forcing through bills of that character, let them do it.

Mr. CROWTHER. Will the gentleman please name one bill on the list of bills on the Calendar, reported from the Committee on Invalid Pensions, which is to grant a pension to a camp follower?

Mr. ERDMAN. I will point them out in due time when we reach them, and proceed to discuss the several bills in their order. If the other side attempts to parade us before the country as opposed to proper legislation, they are doing or attempting to do an act that is not warranted by the facts, and one that is not based on truth.

The SPEAKER pro tempore. The gentleman from South Dakota moves that the House go into Committee of the Whole to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

CAROLINE D. MOWATT.

The CHAIRMAN. The Clerk will report the first business on the Calendar.

Mr. PICKLER. The House bill, Mr. Chairman, No. 1139, granting a pension to Caroline D. Mowatt, I ask to be reported again, as it was before the committee at the time we rose at the last session.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

Mr. LAYTON. Mr. Chairman, this is a bill that was under discussion when the committee rose on last Friday night, as I remember. I have stated that this is House bill No. 1139, granting a pension to Caroline D. Mowatt.

From the report of the committee accompanying the bill, about which there appears to be no controversy, as I understand it, the facts are disclosed that this lady was the wife of a soldier, a major in the army during the war of the rebellion, who was discharged as such by reason of disabilities incurred in the service or in the line of duty, and that soon after his discharge he died as a result of wounds incurred in service. It further appears from the state of facts accompanying the bill that she was married to this major long prior to the war, in fact prior to 1850, that she bore him children; that soon after the war, probably four or five years, she remarried and remained the wife of her second husband for a period of years, when her second husband died, leaving her again a widow. She asks now to be restored to the pension rolls, and the question is presented to the House whether or not it will pension a "war widow" who forfeited her right to a pension by her remarriage.

It will be seen, therefore, that a proper and careful consideration of the facts accompanying this bill, that the principle involved in the bill itself necessarily requires the consideration of two or three material and important questions, which ought to be disposed of now. The first I have already stated. The other directly or indirectly involves another question: Whether or not it is the purpose of this Congress to materially increase the pension rolls; and in the third place, and immediately following that, whether or not it is the disposition of this Congress to materially increase the appropriations for the payment of pensions. I say that all these questions are directly, or if not directly at least indirectly, involved in the disposition of this case, and hence it requires our serious consideration at the very outset.

I may say also, as a member of the Committee on Invalid Pensions, that I believe it is the desire of the Invalid Pensions Committee that this question should be disposed of now if possible, as a matter of instruction or guide to that committee, for the reason that a large number of these bills are pending before the committee, and if this bill should be favorably considered I have no doubt that a very large number of bills of a similar character will be presented for your consideration.

Now, as to the first question, so far as this bill is concerned, I for one have no hesitancy in saying it ought to receive our favorable consideration. I repeat that the facts show that this widow now claiming a pension was the wife of a soldier during the war; that she bore him children, one or two of whom are yet living; that she is an aged woman, something over 70 years old, I believe; that she has no property or means of support whatever and is dependent upon the labor of a daughter, who is also the daughter of the soldier. I favor the passage of this bill for these three reasons: First, because she is a war widow—and the remarriage never removes that fact from my mind. She fought the war with her gallant soldier husband, Major Soule; she endured the anguish of suspense during the time that her husband was in the war; she remained at home and supported his children. She did her duty just as well as did her soldier husband, and the simple fact that she remarried can not remove that from my mind. She still remains a war widow and as such is entitled, in my judgment, to a pension, just as much as the gallant soldier who went out and exposed himself in battle for his country.

In the second place, she is an aged woman, unable to maintain herself, and in the third place, she has no property or means of support and no one upon whom she can depend for support, except this one daughter—the daughter of the soldier. Now, I say without hesitation, after having given this important question serious consideration, that all such widows should be again restored to the pension roll. Whether this committee should go further than that I am not prepared to say. Gentlemen ask, "Why do you not place all the widows, then, upon the pension roll, if you adopt this principle? In order to be consistent and in order to do justice you must place them all upon the pension roll." I do not concede that proposition, Mr. Chairman. I say, so far as this state of facts is concerned, so far as war widows are concerned, so far as aged and dependent widows are concerned, we ought to replace all of them upon the pension roll, and I am in favor of doing it. Whether I would go further, I do not know that I am at this time ready to express an opinion. In my judgment there are not many of this kind of widows in this country. It has been stated by the gentleman from Pennsylvania [Mr. ERDMAN] that there are probably 10,000 unmarried and divorced widows. I understood him to say that that includes all widows of soldiers not upon the pension rolls that have remarried or have been divorced from their husbands since the war.

He does not include the war widows in that estimate alone. I undertake to say if 10,000 is the total of all that class of widows, the number involved in the spirit and the letter of this bill would not be one-fifth of that number—perhaps 2,000. Of course I have no data by which this number may be determined, and I am simply guessing at it. But let the number be large or small, I repeat, after serious consideration, I am earnestly in favor of replacing them again upon the pension rolls for the reasons I have stated. I do not hesitate to say while I have the floor—and I do not often take up the time of the committee—that I am in favor of extending the pension roll in other respects, and I trust this Congress is also of the same mind. We have a bill pending before us to increase the pensions of armless and legless soldiers.

Mr. HARDY. Mr. Chairman, is there any limit on debate at these Friday night sessions?

Several MEMBERS. One hour.

Mr. HARDY. The time is valuable, and we have a great deal of business before us.

The CHAIRMAN. The gentleman from Indiana will not interrupt the gentleman who has the floor without his permission.

Mr. LAYTON. I regret very much that the gentleman from Indiana should attempt to call me down.

Mr. HARDY. I am not attempting to call you down. I only say the time is valuable——

Mr. LAYTON. This is the first time that I have asked the indulgence of this committee, notwithstanding I have been present at every Friday night meeting not only in this Congress, but in the Fifty-second and Fifty-third Congresses. I am trying to explain, in answer to a suggestion, that this side of the House is not opposed to reasonable pension legislation. I want to state to the gentleman from Indiana [Mr. HARDY] that by reason of the fortunes or misfortunes of politics, my most worthy colleague [Mr. SORG] and myself happen to be placed in the position of representing, in a measure, 400,000 intelligent Democratic white voters of the State of Ohio [applause on the Democratic side]; and in what I now say I am, as I believe, representing on this question those 400,000 intelligent white Democratic voters of Ohio.

Mr. HARDY. Will the gentleman allow me for one moment?

Mr. LAYTON. For one question, not a speech.

Mr. HARDY. I want to place myself right before the gentleman. I assure the gentleman that I did not know what State he was from, and I did not inject anything into his remarks for the purpose of curtailing his time, but only in the matter of the economy of time at these Friday night pension sessions. I am heartily in favor of the bill and of everything that he asks and proposes, and I have nothing against the gentleman personally or politically or any other way. I am in favor of what he has stated; but let us economize time. That is all I am after.

Mr. LAYTON. I accept the gentleman's apology. [Laughter and applause.]

Mr. HARDY. It is not an apology, but an explanation. I am with you.

Mr. LAYTON. This is not my bill, Mr. Chairman. I have no personal interest whatever in this bill. It was introduced by the

gentleman from New Hampshire [Mr. SULLOWAY]. I do not know the beneficiary.

Mr. HARDY. I am for the bill; I tell you that.

Mr. LAYTON. I am speaking, and I think I made myself intelligible, because an important principle is, as has been stated upon this side, involved in this bill.

Let me state to the gentleman from Indiana, if we settle this bill and settle it right, we have advanced the cause of pensions a great deal.

Mr. HARDY. Go on, and God bless you. [Laughter.]

Mr. LAYTON. Thank you. I have said I am in favor, as one on this side of the House, of extending the pension roll; and I have mentioned one case in which I propose to advocate upon this floor the serious extension of that roll; but I do not want to take up the time of this committee by anticipating any further legislation, but to impress upon the committee the importance of giving this particular bill, small as it may appear, their serious and earnest consideration, so that we may know hereafter, in the Committee on Invalid Pensions especially, what we are to do with the numerous cases of this character that are submitted to us. The question I refer to, and a good many members are interested in the matter, is the simple question, and the only question, involved in this bill submitted by the gentleman from New Hampshire, whether or not the widow of a soldier during the war, who bore him children before he went to the war, stayed at home during the time he was at the front, took care of and supported his children, and who afterwards remarried and again became a widow, who is now aged, over 72 years of age, and dependent entirely upon pension, whether or not that kind of a widow shall be restored to the pension roll.

Mr. HARDY. Yes, sir.

Mr. LAYTON. That is the question, and I say yes. I say not only this widow, but all similar widows, should be placed on the pension roll, and I hope that I will not be met, and no gentleman will attempt to meet me, with the argument that has been advanced so frequently heretofore, "Why not place them all upon the pension roll?" I say to you gentlemen of the committee, let us dispose of these bills as they come before us, especially in a case of this kind, where the lady is aged and liable to die before a general pension bill shall be adopted.

Mr. HULICK. Will my colleague permit me to ask him a question?

Mr. LAYTON. Certainly.

Mr. HULICK. I wish to know whether your committee consider all applications for bills like this, and report favorably on the cases of all widows who are applying for a special act, or whether you make a distinction. I do this for my own information in regard to presenting similar bills for my constituents.

Mr. LAYTON. The question as to whether we are reporting all of them I can not answer; but so far as bills of this exact character, where the woman was a war widow and is dependent, has no means of support or property, this committee has invariably thus far reported the bills favorably, although we have met with some opposition on the side of the minority.

Mr. HULICK. Then you do discriminate against certain clases of widows?

Mr. LAYTON. I can not answer that question directly, I will say to my colleague. My recollection is now that that question has not as yet been presented by any special bill.

Mr. ERDMAN. Will the gentleman permit me to ask him a question?

Mr. LAYTON. Certainly.

Mr. ERDMAN. Does he know of a single bill that the Committee on Invalid Pensions has rejected, of any character, when presented by a subcommittee?

Mr. LAYTON. I can not answer that question directly. I have no distinct recollection. But in answer to the inquiry of the gentleman from Ohio, I state that so far as this particular character of bills is concerned they have all been reported favorably.

Mr. ANDREWS. Just a moment, in response to the question asked by the gentleman from Pennsylvania. I believe he desired to be informed whether or not the Committee on Invalid Pensions had rejected any bill recommended by any subcommittee. I do not recollect of such an instance; but I know of instances in which bills have not been reported which, in the judgment of the subcommittee, were not worthy of a favorable report.

Mr. LAYTON. Mr. Chairman, I can corroborate the gentleman from Nebraska as to that statement, because I have had similar experience. After investigation of a number—a large number, I will say—of bills, after a careful investigation, and after consulting with my colleagues and with the clerks of the committee, who are experts upon the question, and examining the precedents, they have been laid aside without favorable action; quite a number of them. But I do not desire to anticipate all the questions that may arise. But what the Committee on Invalid Pensions want determined to-night is whether or not this particular class of bills are to be considered favorably by the Committee of the Whole and by the House. If not, we will simply lay them aside and be relieved of a good deal of unnecessary labor.

One word now as to a general bill. There are, as I remember, two or three general bills of a similar nature to this—that is, bills proposing to replace the remarried widows of soldiers upon the pension roll—and the action taken here in reference to this particular bill will serve as a guide to the Committee on Invalid Pensions for its action on those bills. For this reason, while I may, perhaps, as suggested by the gentleman from Indiana, have taken up a good deal of time, it will be found in the long run that if this general question is settled here fairly and intelligently we shall really gain time in pension legislation, and that is why I have ventured to occupy so much of the time and attention of the committee on this occasion.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. ERDMAN. Mr. Chairman, I think I shall send up and have read by the Clerk, in my time, the views which I expressed upon this question on a previous occasion, and then I should like to hear some gentleman who holds the opposite view take up and answer seriatim the argument which I have advanced.

The Clerk proceeded to read the matter sent up by Mr. ERDMAN.

Mr. ANDREWS. Mr. Chairman, may we have a reference to the page of ancient history where this statement can be found?

The CLERK. It is on page 1741 of the CONGRESSIONAL RECORD of February 14, 1896.

The Clerk read as follows:

The purpose of this bill is to restore her to the pension roll the same as if she were still the widow of the soldier whose name she voluntarily surrendered years ago.

To pass this bill is to nullify for the benefit of this one individual the substantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.

The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may be fairly stated that all cases of widows who have remarried and again become husbandless, by reason of death or divorce, present the same substantial conditions.

If any widow so situated should be restored to pension, all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.

The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.

Furthermore, it is not to be assumed that legistation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes. A contribution from the public Treasury to the support of the widow of the soldier, so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this; but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day, beyond an intervening period of matrimonial alliance with some other husband, is by no means self-evident or fairly to be presumed.

During the reading of the foregoing the following occurred:

Mr. HEPBURN. Mr. Chairman, I make a point of order against the reading of that statement. This is the second time during this Congress that the gentleman has had that read, and the point I make is that after a paper has once been read, it can not be reread unless by unanimous consent.

The CHAIRMAN. The Chair holds that this is a part of the remarks of the gentleman from Pennsylvania.

Mr. HEPBURN. Even if it is, does not the rule apply? This is an independent paper.

The CHAIRMAN. The Chair thinks not, and will overrule the point of order.

Mr. ERDMAN (at the conclusion of the reading). Now, Mr. Chairman, I simply want to say that if you find yourselves without a quorum in endeavoring to force this bill through do not come over to this side and appeal to us to lay the bill aside and take up something else. If this is to be a tentative process, let the effort be made and let the session end. [Cries of "Vote!" "Vote!"]

The question being taken on the motion to lay the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 85, noes 5.

Mr. ERDMAN. No quorum.

The CHAIRMAN proceeded to count the House. Before the announcement of the count was made,

Mr. ERDMAN. I demand tellers upon the count.

The CHAIRMAN. There are 106 members present, a quorum, and the bill is laid aside with a favorable recommendation.

The Clerk will read the next bill.

THEODORE WERNER.

The next business on the Private Calendar was the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Theodore Werner, late a private in Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and to issue to him an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due to said Werner by virtue of the passage of this act.

Mr. BAKER of New Hampshire. Let us have the report.

An amendment by the committee was read, as follows:

Line 7, after the word "discharge," insert "to date December 30, 1864."

Mr. BAKER of New Hampshire. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Mr. Chairman, the report is called for.

Mr. BAKER of New Hampshire. I have asked for the reading of the report three times.

The CHAIRMAN. The Chair did not hear the gentleman. The Clerk will read the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner, having had the same under consideration, would respectfully refer the same back to the House, and recommend that the bill be amended in line 7 by adding, after the word "discharge," the words "to date December 30, 1864," and that the bill when so amended do pass.

The facts in this case, briefly stated as found by your committee, are as follows:

This soldier enlisted August 12, 1861, and served faithfully until the last of December, 1864, a period of more than three years and four months. He participated in the battles of Shiloh, Corinth, Stone River, Perryville, Chickamauga, Mission Ridge, Buzzards Roost, Pickets Mill, Atlanta, Jonesboro, and Nashville. He had the record of a brave and fearless soldier. After the retreat of Hood after the battle of Nashville the soldier became separated from his command and went home.

Your committee are of the opinion that a soldier with so brilliant a record standing to his credit should at this late day have this act of clemency extended to him.

The report of the Adjutant-General is as follows:

Case of Theodore Werner, late of Company E, Forty-ninth Ohio nfantry Volunteers.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
January 23, 1896.

The records show that Theodore Warner (also borne as Theodore Werner) was enrolled August 12, 1861, and mustered into service August 22, 1861, as a private in Company E, Forty-ninth Ohio Infantry, to serve three years. The company muster rolls report him as follows: August 31, 1862, presence or absence not stated; October 31, 1862, present; December 31, 1862, "Missed in the battle of Stone River, December 31, 1862"; February 28, 1863, "Paroled prisoner, captured December 31, 1862, at the battle of Stone River"; April 11, 1863 (special muster), "Captured December 31, 1862, paroled, and in Columbus, Ohio"; to October 31, 1863, same report; December 31, 1863, "Left in convalescent camp, Chattanooga, Tenn., since December 1, 1863."

He reenlisted as a veteran volunteer January 1, 1864, and he is thereafter reported as follows: February 29, 1864: "In Ohio on thirty days' furlough since February 12, 1864;" to August 31, 1864, present; December 31, 1864 (four months' muster), "Absent without leave since December 25, 1864;" February 28, 1865, "Deserted near Columbus, Tenn." The muster-out roll of the company, dated November 30, 1865, reports him: "Deserted in the face of the enemy January 1, 1865, at Columbus, Tenn." He did not return to his command after his desertion.

The Prisoners of War Records report him as follows: "Captured at Murfreesboro, Tenn., December 31, 1862; confined at Richmond, Va., January 16, 1863; paroled at City point, Va., January 26, 1863; reported at Camp Parole, Maryland, January 27, 1863; sent to Camp Chase, Ohio, March 10 or 12, 1863, where he reported March 13 to 22, 1863, as an exchanged prisoner; transferred to Columbus, to be forwarded to his regiment, June 23, 1863, and sent to Cincinnati, Ohio, the same day."

In an application for removal of the charge of desertion the soldier submitted testimony as follows:

1. Affidavit of his brother, Henry Werner, who declared, March 17, 1888, that appllicant had been sick of typhus fever at his (affiant's) house from February to May, 1865.

2. His own affidavit, in which he declared, February 23, 1892, that about December 12, 1864, he left his regiment with two comrades on a foraging expedition; that after going some 5 miles, his comrades proposed that they go home; that he, being young, was easily persuaded to accede to the proposition, thinking that all three would soon return; that he went to Missouri, and having heard of the President's proclamation recalling soldiers to their commands, he was about to return when he was taken sick with typhoid fever; that when he was again able to travel the time within which deserters could report under the proclamation had expired, and he supposed that it was too late to try to rejoin his regiment, and that the attempt might get him into further trouble.

3. Another affidavit of his, under date of May 17, 1894, to the same effect as his preceding testimony.

This application for relief has been repeatedly denied, the testimony submitted not being deemed sufficient to warrant favorable action under the law.

Since the date of last denial, May 26, 1894, the status of the case has undergone no change.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

The CHAIRMAN. There is a letter accompanying the report. Does the gentleman desire to have that read also?

Mr. BAKER of New Hampshire. I would like to have the gentleman reporting the bill explain how this soldier got separated from his command. A satisfactory explanation of that is the only excuse in such a case except a record of previous good service. If this man got separated from his command intentionally, if he intended to desert, he ought to stand upon the record he has made. There should be some explanation on that point.

Mr. BISHOP. Mr. Chairman, I made the report on behalf of the committee. The introducer of the bill and the beneficiary of it are both entire strangers to me. I took great pains, however, to look up the record of this soldier as presented in the War Department records, and also to examine the various affidavits presented to sustain the bill. It appears that on the retreat of Hood this man was ill and remained a short time in Nashville. He then tried to rejoin his command, but did not succeed in finding them, as they were moving very rapidly toward the south. It was proposed by one or two of his comrades that they should go home and wait until the regiment should be stationed at some place where they could rejoin it. Very soon after getting home he was taken sick with typhoid fever and remained so until after the time when the regiment was at a point where he could rejoin it.

But the special thing that the committee considered more than all others was the fact that this soldier enlisted in 1861 and participated in some of the hardest fought battles of the war. He did valiant service. He stayed with his command until the war was almost over. The committee thought that this man, who had stood in the forefront at Chickamauga, at Stones River, at Nashville, and eleven or twelve others of the hardest fought battles of the war, ought to be forgiven for a single act of neglect of duty.

The amendment reported by the committee was agreed to, and the bill as amended laid aside to be reported favorably to the House.

JOSEPH PORTER.

The next business on the Calendar was the bill (H. R. 3993) granting a pension to Joseph Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph Porter, late a private in Company K, Eighth New York Heavy Artillery, at the rate provided for total blindness, in lieu of the pension he now receives.

The amendment reported by the committee was read, as follows:

Strike out, in line 6, the words "provided for total blindness" and insert the words "of $30 per month."

Mr. McCLELLAN. I ask that the report be read for the information of the committee.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3993) granting a pension to Joseph Porter, having carefully considered the same, adopt the accompanying Senate report (No. 820) as their own and respectfully recommend that the bill do pass with the following amendment:

In line 6 strike out the words "provided for total blindness" and insert in lieu thereof the words "of $30 per month."

[Senate Report No. 820, Fifty-third Congress, third session.]

The Committee on Pensions, to whom was referred the bill (S. 2141) granting a pension to Joseph Porter, have examined the same and report:

The petitioner, Joseph Porter, late a private in Company K, Sixth New York Volunteer Heavy Artillery, enlisted September 23, 1864, and was discharged June 28, 1865, having served about nine months. He filed an application on September 1, 1890, alleging rheumatism and injury of left hand, claiming that he was totally unable to earn a support, and was crippled in his left hand as a result of his service, said disabilities having been contracted in the line of duty and not due to vicious habits. He claims that he incurred said injury at Cedar Creek, Virginia, on the 19th day of October, 1864; claiming that while his regiment lay there the enemy suddenly and unexpectedly came on them and they all rushed for their guns. In the rush and excitement he received said injury in his left hand, it being very dark, the night being lighted only by the camp fires. He is not able to state just how it was done. The wound was not noticed until after the excitement was over. He has always believed that his hand was pierced by a bayonet. This is the only knowledge that he has and statement that he is able to make. He further claims that his rheumatism was brought on by exposure and hardships, damp, cold weather, laying out all night in the rain, and other exposures incidental to army life.

Dr. Perdue, of Haverstraw, N. Y., whom he alleges treated him in 1865 at the time of the first appearance of his disability, in the month of October or thereabouts, after the battle of Cedar Creek, is dead, and hence he is unable to get the evidence of this physician. He was afterwards treated by Dr. Nye, of Avoca, Iowa, in 1877, which physician is also dead. He was also treated by Dr. Carman, of the same place, in 1880. From the year 1865 up to within the last six years the petitioner claims he was unable for the performance of manual labor to the extent of about one-half, and within the past six years he has been totally disabled for the performance of any manual labor. Applicant has been totally blind for over four years, and he alleges that his eyesight began to fail from the time of his discharge.

One of his neighbors, John C. W. Cool, testifies that he is personally acquainted with the petitioner and has known him for a number of years past and met him almost daily after his blindness occurred, and that he knows him to be suffering from what he alleges to be rheumatism, complaining of the same every week. Christopher Armstrong also testifies by affidavit that he has been personally acquainted with the petitioner for eighteen years, and is familiar with his physical condition; that he is totally blind, and is without any means whatever except the pension he is now receiving of $12 per month. He has no property of any kind; that he requires the aid and attendance of some one continually, and that his wife is advanced in age and is unable to give him the attendance he requires.

H. B. Day testifies that he is a regular practicing physician and has been

engaged in the practice for fifteen years, and has been claimant's family physician; that he is totally blind in both eyes and has been so for three or four years, and that the said blindness is the result of glaucoma and cataract of both eyes; that both eyes have been operated upon and no relief has thus far been obtained, and that in his opinion there is absolutely no hope of his obtaining any relief in the future; that he is dependent on his neighbors for aid and attention, having no property of any kind, according to his knowledge and belief.

The report of the board of pension examiners is as follows:

"The petitioner suffers with rheumatism in the shoulders and legs, not being able to do any work, has so much pain after being on his feet, and can not lift arms above head; that the action of the heart is very weak, hard to hear at all, and can not feel its impulse; there is a pronounced obstructed murmur. He gets around with difficulty."

In view of the fact that after a careful examination of all the papers and evidence submitted your committee are of the opinion that the disabilities which at present affect him probably had their origin in the exposure due to his service in the Army, while under the law governing the Pension Department he is denied a further increase of pension, having applied for the same and the case having been rejected, still your committee believe that the equities of the case warrant an increase to the extent of $30 per month.

Your committee therefore recommend the passage of the bill with an amendment.

Amend by striking out the words, in lines 6 and 7, "provided for total blindness" and insert in lieu thereof "$30 per month," so as to read "at the rate of $30 per month, in lieu of the pension he is now receiving."

Mr. McCLELLAN. Will the gentleman in charge of this bill tell us whether there is any evidence that this man's blindness is of service origin except his own statement and belief?

Mr. TAWNEY. If it were of service origin would he not be entitled to a pension of $72 a month?

Mr. McCLELLAN. Certainly. But as the circumstance of his blindness is introduced here as a part of the case, there ought to be at least some presumption connecting it with the service.

Mr. BAKER of Kansas. The only evidence is his own statement, but in view of the presumption that this trouble had its origin in the service, and in view of the other disabilities of the applicant, the committee felt itself justified according to its usages in recommending a pension of $30 a month.

Mr. McCLELLAN. He is otherwise disabled?

Mr. BAKER of Kansas. He is entirely disabled and is obliged to have an attendant a large part of the time. According to the custom adopted in our committee, if he required constantly an attendant and his disability could be distinctly traced to his military service to the satisfaction of the committee he would receive a pension of $72 a month. There is some evidence going to show that his present condition is traceable to his military service, but it is not so specific as we have in many other cases.

Mr. McCLELLAN. What is the evidence showing that his present disabled condition is traceable to his military service?

Mr. BAKER of Kansas. The only evidence, as I have said, is his own statement and a presumption arising from the circumstances of the case.

Mr. McCLELLAN. Then, his own statement is the only evidence tending to show that his disability is of service origin?

Mr. BAKER of Kansas. That is the only statement that came to my knowledge in the case.

Mr. LOUD. Mr. Chairman, I wish to submit a few words; and I call attention to what we are asked to do here to-night in this very case. This unfortunate individual—or fortunate, perhaps, in view of some of the friends that he has on this floor who have carried his case thus far—never made an application for a pension until after the passage of the act of 1890. There can not be, I think, in the minds of any person any possible assumption that this man's present disability is the result of his service. The disease alleged was rheumatism; and now he has become blind. He does not himself even allege that his blindness is the result of his service. You are confronted, gentlemen, with this proposition: If you propose to pension at high rates every ex-soldier who is at the present time disabled, why not come forward like men and do justice and equity to all? Why pick out single individuals to receive special legislation in their favor? Why not do equity and justice in every case, and by general statute provide that every soldier who is at the present time disabled shall receive a pension of $50 a month?

I have the reputation among some of my friends here of being perhaps a little factious on these questions; but I do propose, so far as lies in my power, to test the sense of the House in House assembled—by roll call if I have the power—upon cases of this character; and if the House on such a roll call will determine it to be its policy to grant pensions in these cases, I shall say amen, but not until that hour arrives.

The question being taken on the amendment proposed by the committee, there were on a division (called for by Mr. ERDMAN)—ayes 93, noes 3.

Mr. ERDMAN. No quorum.

The CHAIRMAN (having counted the House) announced 107 members present.

So (a quorum of the Committee of the Whole being present) the amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill as amended be laid aside to be reported favorably to the House?

Mr. MILES. Mr. Chairman, I believe this matter is now open for debate. I did not care to say anything while the amendment was pending; I wanted my remarks to be in order upon the merits of the bill. I wish simply to call the attention of the House to one fact in this case; if I am wrong I want to be corrected, because I have had difficulty in getting the consent of my own mind to stand up here and speak against the application of this old soldier. I sincerely say that in raising objection to this bill I am battling against my sympathies. This man is blind; he is old; he is helpless. I would like to help him. If we were sitting here as a board of charities I would vote him money, and vote it liberally. If we had a charitable fund upon which to draw I should be glad to vote him relief. But, gentlemen of the committee, we are here representing all classes of the American people, including all kinds of honest pension claimants and taxpayers, who have no claims to present.

There are thousands and thousands of worthy soldiers in this country who can not get a pension such as you propose to give this man, although they may go into the Pension Office and show just the condition that this man shows, and simply because they can not establish the fact that the disability was of service origin.

But, sir, that is not all that marks this case. Another precedent which you are establishing by forcing through a case of this kind is that a man may get the benefit of special pension legislation by simply coming before the Committee on Invalid Pensions and making a statement, unsupported by any testimony in the world, simply upon his own individual allegation, upon his own unsupported testimony and statements, unsustained by a medieal expert, or by the testimony of a neighbor or friend, that his disease, in his opinion only—mark you, in his own opinion, gentlemen—is of service origin. His claim is not even that the disability is actually of service origin, but he simply alleges as his own opinion that such is the origin of it, unsupported absolutely by any other evidence or the testimony of any other human being, and yet in the face of all this you propose to vote this large pension to him.

Now, that is exactly the pending case. That is what you are doing if you pass this bill. I simply want to call your attention to the fact. I do not care to argue or debate the question. I want you to understand that there are gentlemen on the Invalid Pension Committee who, although they may represent Southern constituencies, constituencies in which there are now living people who served in the Federal Army, yet who propose to do full justice to them, and who can not get the consent of their own minds and consciences to present the cases of their constituents for pension claims of this character, with no more merit than is presented by the pending case. I content myself, therefore, Mr. Chairman, with uttering my sincere protest against the partiality as well as the illegality and inconsistency of the pending bill.

Mr. PICKLER. Mr. Chairman, there is no dispute as to the facts in this case. The gentleman from Maryland says that the claimant's statement is uncorroborated by further testimony. There is no dispute of one fact, that he bears a wound which he claims to be a bayonet wound in his arm or hand, and there is no dispute of the fact that he slept out in the cold and in the swamps, and served in the Army honorably——

Mr. MILES. You do not claim that his blindness originated from the wound in his hand? Besides that, he is being pensioned already for that wound at the rate of $12 per month.

Mr. PICKLER (continuing). He is now blind——

Mr. MILES. You do not claim that that blindness is of service origin?

Mr. PICKLER. No; of course not. Because if it were he would get $72 a month at the Pension Office. We are to consider these cases on the testimony presented to us. We must take into consideration the probabilities accompanying each case.

Now, my colleague, I think, is not exactly fair in his statement of the facts. There is no dispute, as I have said, as to the disability of the man. There is no dispute as to the total incapacity of this man to perform manual labor, and no dispute that he needs constant attendance. These facts are all unquestioned.

Now, $30 a month would be the pension to a man who is incapacitated from the performance of manual labor. If he could bring proof that he was totally blind, and that the blindness was the result of his service, then he would get $72 a month. I appeal to the committee, therefore, if as fair men, if as humane men, we can do less under the circumstances, where this man is totally unable to perform manual labor, where there is every reason to believe that the disability is of service origin, than to give him $30 a month under the circumstances as we find them?

Mr. MILES. It is humanity, I concede. It is very humane. The question is, is it right?

Mr. PICKLER (continuing). And to ease the conscience of my colleague let me say that this report is the very same report which was made in the last Congress by a Democratic House on this very particular bill.

Mr. MILES. The last Congress was not the keeper of my conscience, thank God! [Laughter and applause.]

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HULICK. Mr. Chairman, I wish to be heard for a moment. [Cries of "Vote!" "Vote!"]

I intend to vote for this bill, and gentlemen can vote in a few moments; but there are some considerations that we ought to regard in considering this bill. There is very much force in the remarks of the gentleman from California [Mr. LOUD]. I take the floor, therefore, not for the purpose of speaking against the bill; not at all, but in favor of some of my own soldier constituents. I have one in my own mind at this moment, in my town, lying upon his bed, who can not turn himself over because of rheumatism. He has alleged and proved to the satisfaction of the Pension Commissioner that he was entitled to $18 a month for the disability, which originated in the service, and continued to receive that until a few years ago, when, under the present administration of the Pension Office, he was cut down to $12 a month under the act of 1890. I was advised a few days ago that he is lying upon his back, unable to turn over in bed. My advice to him is that he can not, under the present law, get over $12 per month.

I have no doubt that the feeling in the Invalid Pensions Committee would be to grant that soldier an increase of pension equal to his disability, but you will find over 6,000 private bills already pending before Congress. On the day before yesterday I went to the Invalid Pensions Committee with bills from soldier constituents in my district, and was advised by my colleague from Ohio, who had charge of the bills that I presented to the committee, that the number of bills was so great that they could not expect to get through with them at this session, and for me to select two or three or four of the most meritorious cases and have them passed by the committee and reported favorably to the House, and that in that event there would be a possibility of getting only that number through at this session.

Now, this is what I want. I want this committee to report a bill in favor of all soldiers who are thus disabled, such as the one I refer to, and hundreds and thousands of others. I want them to report a bill which, instead of giving only $12 a month under the law of 1890, will give these soldiers (all of them) such pensions as will compensate them for the disabilities under which they are now suffering, and not discriminate against other disabled soldiers by passing special acts for a small number of them.

Mr. PICKLER. That is just what we are going to do.

Mr. HULICK. That is right. Let the committee do that, and equal and exact justice will be done. When I present bills in favor of my constituents, in favor of the soldiers (who are thus disabled), I am told, "You can not get these bills through." Now, let us have a bill for the protection of other soldiers who are disabled equally with this one. Let us have a general bill, so that we can give to these men pensions sufficient for the disabilities under which they suffer. [Applause.]

Mr. ERDMAN. Before the gentleman takes his seat will he permit a question?

Mr. HULICK. Certainly.

Mr. ERDMAN. Is the gentleman in favor of so amending the general law that a person may obtain a pension upon his own sworn statement, uncorroborated by any other testimony?

Mr. HULICK. Any soldier who went out in defense of his country, swearing that he would defend it with his life, and can not obtain other evidence, then I will take his oath. [Applause.] The pensioner in this case testifies that the doctors who attended him immediately upon his return from the service are dead and he can not get the kind of evidence required by the Pension Office, and I think we should receive his own statement.

Mr. ERDMAN. I asked the gentleman a question which I wish he would please answer.

Mr. HULICK. Yes; I will do so.

Mr. ERDMAN. You are in favor of changing the general pension law so that a person upon his own sworn statement, without corroboration, shall be allowed a pension?

Mr. MILES. Provided he was a soldier, the gentleman from Ohio says.

Mr. HULICK. I am in favor of changing the law so that a soldier can get a pension for disability, on the very best testimony that he can present, and if he can not get any better testimony, I am willing to take his own sworn statement. I am not willing to see him deprived of his pension because, forsooth, he can not get other evidence except his own. A man who will fight for his country and become disabled by wound or disease ought to have the most liberal and favorable consideration when we come to grant him a pension. [Applause.]

The CHAIRMAN. The question is, Shall the bill as amended be laid aside with a favorable recommendation?

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGIANNA C. HALL.

The next business on the Private Calendar was the bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension allowed under the act of January 29, 1887, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers, in the Mexican war, to a sum equivalent to the amount which she would be entitled to as dependent mother of her son, the late Maj. John W. Williams, deceased, surgeon of the United States Army, on whom she was dependent for subsistence.

Mr. CROWTHER. Mr. Chairman, is this bill reported from the Committee on Invalid Pensions?

A MEMBER. From the Committee on Pensions.

The Committee on Pensions recommended an amendment, as follows:

Strike out the words "a sum equivalent to the amount which she would be entitled to as dependent mother of her son, the late Maj. John W. Williams, deceased, surgeon of the United States Army, on whom she was dependent for subsistence," and insert in lieu thereof the words "$12 per month."

Mr. LOUD. I should like to have the report read.

Mr. PICKLER. This is the widow of a Mexican soldier, and $12 a month is all that is asked. Let it go through.

Mr. LOUD. I perhaps can judge just as well about this case after the report is read.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4182) increasing the pension of Georgianna C. Hall, have considered the same, and respectfully report as follows:

The claimant is the widow of William Hall, who was a corporal in Company B, Third Louisiana Volunteer Infantry, and served from May 4, 1846, to August 14, 1846. She is now in receipt of a pension at $8 per month, under the Mexican war service pension act of January 29, 1887. At the time of the granting of said pension by the Pension Office Mrs. Hall proved that she was dependent for support upon her son (by a former marriage), John W. Williams, major and surgeon, United States Army. This son has since died, leaving a widow who receives the pension due on account of his service and death.

Mrs. Hall is now about 75 years old and so much affected by rheumatism as to be unable to do any work for a livelihood. She has no property of any kind and no income aside from the small pension, which is insufficient to supply the necessaries of life, and she has to depend upon a widowed daughter for assistance. This daughter is poor and has to depend upon her labor for support.

The facts are established by the testimony of Thomas A. Mitchell, George H. Baldwin, W. O. Dennison, and other reputable citizens of Washington, D. C.

Mrs. Hall, besides being the widow of a Mexican war soldier, lost a son in the service of his country. She is now old and needy, and an increase of her pension is absolutely necessary to her comfortable support.

Your committee therefore recommend the passage of the bill with an amendment striking out all after the word "to," in line 8, and substituting therefor the words "$12 per month."

Mr. LOUD. I should like to ask what the incentive is to increase the pension of this widow? She is entitled to $8 a month, I understand, under the law. Why should an exception be made in this case? Nobody seems to know, Mr. Chairman, but I will read in the report a very strong appeal made to this House to grant this extraordinary pension:

She is now old and needy and an increase of her pension is absolutely necessary to her comfortable support.

Now, I desire to congratulate the Committee on Pensions on their extreme liberality here in assuming that $12 a month is going to comfortably support this old lady. Of course I understand that I am simply getting in the way of the wheels of progress here, as you term it, but I do desire to call the attention of my Republican friends to the condition which you are presenting to us night after night. While many of you, during the term that Mr. Cleveland was President before, condemned him and raised up a condemnation throughout the country because of his vetoing of pensions, let me say to you as a party, if he uses discretion in the vetoing of the pension bills passed by this Congress he will receive the applause of nine-tenths of the people of this whole country. [Cries of "No!" "No!" on the Republican side.]

Well, Mr. Chairman, I discovered long ago that if there is any one thing the American people love better than another it is absolute justice, equity, and fairness to everybody. You are here picking out a few individual cases and increasing their pensions, and I say if President Cleveland uses due discretion in the vetoing of pension cases that have passed this Congress and are to pass hereafter, that he will receive the applause of the people of this country because he has acted in the line of justice and equity, and I believe I am as good a judge of that as anybody here.

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question?

Mr. LOUD. Certainly.

Mr. LOUDENSLAGER. I would like to ask the gentleman from California if he has ever advocated the passage of a special pension bill?

Mr. LOUD. If I have ever?

Mr. LOUDENSLAGER. Yes, sir.

Mr. LOUD. I can not remember that I have. [Laughter.]

Mr. LOUDENSLAGER. That is all.

Mr. LOUD. I do not think that that question has much pertinency to this case. Everybody who has a case on the Calendar is the strongest advocate of any pension bill that comes up, because he has a case behind it on the Calendar.

The CHAIRMAN. The question is on the amendment. [Cries of "Vote!"]

Mr. LOUD. Gentlemen will permit me to conclude before they get a vote.

The CHAIRMAN. The Chair understood the gentleman had concluded his remarks, and rose simply to answer the question of the gentleman from New Jersey.

Mr. LOUD. I have not been down yet; and I will say to the House, if gentlemen will let me alone I will get through a great deal quicker. I only rose for the purpose of calling the attention of this House to the strength of the report before the House, and that is all there is in it—

That she is now old and needy and an increase of her pension is absolutely necessary to her comfortable support.

That is the only argument that you give us, and that is the only argument, of course, that you have. Why, I do not suppose there is a member of this House who is not appealed to every time he goes into the corridor by a widow of some officer of the Regular Army who pleads her case that the pension of $25 or $30 a month now allowed her by law is not sufficient to maintain her in the station of life in which she has been accustomed to live. That is the one argument that appeals to you, gentlemen, in many cases that you will bring up hereafter. It is the only argument that should appeal to you in this case.

Now, let me express to you an honest sentiment of mine—you need not accept it as yours, but it is mine—that the policy pursued in this country for the last few years, and being pursued here to an extreme, has done more to debauch the American people than all the acts of Congress that have transpired in a hundred years before it. Let me say to you that we are appealed to upon every side for pensions, for every person who is now in the Government service; not alone soldiers, but every person now in the Government service. It is a logical result of the condition you have brought about. You have encouraged the people of this country to believe that the Government must support them.

Mr. MILES. Will the gentleman allow me to interrupt him there?

Mr. LOUD. Certainly.

Mr. MILES. I just simply wanted to congratulate the gentleman that he is making that statement here, and is not making it in Edinburgh, or Boston, England. He is, therefore, in no danger of censure.

Mr. LOUD. Oh, well, of course gentlemen understand that while a member is subject to criticism, he is not amenable for any statement he may make in debate anywhere except in the House.

Mr. MILES. And the gentleman from Massachusetts is not present, either.

Mr. LOUD. A member of the House is not responsible to anybody but his constituents. I am speaking to you gentlemen my honest thoughts. You have all seen it; it is not on this alone, not on the bill for the pensioning of widows and soldiers, but on every hand you are building up and increasing a sentiment in this country that this is a paternal Government. If any person has by reason of position done any service, even if he may have been well paid for it, not alone are you bound to support him during his own natural life, but to pension his widow and his children. Now, consider this condition, gentlemen, and is it advisable to encourage it further?

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ANN TRACY.

The next business on the Private Calendar was the bill (H. R. 152) granting a pension to Mary Ann Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Tracy, as daughter of David Tracy, late lieutenant in the Thirty-seventh Regiment United States Volunteers in the war of 1812.

Mr. BAKER of New Hampshire. Let us have the report read, Mr. Chairman.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 152) granting a pension to Mary Ann Tracy, have considered the same, and report:

The facts in this case are fully shown in a petition numerously signed by prominent citizens of Norwich, Conn., which petition is annexed.

The facts are also shown by the affidavits of the claimant and of Hannah A. Beckwith, Fannie I. Miner, and Thomas I. Ridgway, citizens of Norwich, Conn.

There are several precedents for the legislation prayed for, and in view of age, disabilities, and necessities of the claimant, your committee return the bill with the recommendation that it do pass, amended, however, by adding, after the word "twelve," in line 8, the words "and allow her a pension rated at $12 per month."

Mr. BAKER of New Hampshire. Now, Mr. Chairman, I submit that that report is no such report as this House is entitled to receive from this committee. It refers to documents in their possession for the reasons why they report the bill without stating them; to petitions which are on file without stating the purpose or purport of the petitions.

Mr. MILES. Mr. Chairman——

Mr. RUSSELL of Connecticut. If the gentleman will allow me.

Mr. BAKER of New Hampshire. I yield to the gentleman from Connecticut.

Mr. RUSSELL of Connecticut. Accompanying the report, which the Clerk did not read, there is a full copy of the petition and some other statements in reference to this case. The committee adopted as theirs a report which was made by the Committee on Pensions in a former Congress. If the gentleman wishes, the Clerk may read the balance of the report, or I will briefly state the case as it is stated in the balance of the report which has not been read.

Mr. BAKER of New Hampshire. Let us have it.

Mr. MILES. It seems to me that this House and this Committee of the Whole might just as well receive the statement of one of the members of the Invalid Pensions Committee, unsupported by any other evidence, as to receive the unsupported statement of an applicant for a pension. We do not seem to require any evidence of any kind in order to justify the passage of a special bill. Most of the members of the Invalid Pensions Committee are comrades, old soldiers——

Mr. RUSSELL of Connecticut. This is a report from the Committee on Pensions. It proposes to grant a pension to the daughter of a soldier of the war of 1812, a man who gave something more than two years of service. The beneficiary under this bill, who never married, is the only remaining child of the soldier. She is now 80 years old and dependent. The evidence shows that the soldier, upon his death, left a family consisting of a widow and this daughter without any means of support. The daughter by her own labor supported the mother until the mother's decease, and since then the daughter has gained support by such manual labor as she was able to perform and by the public charity of the citizens of Norwich. All of this is set forth in the part of the report which has not been read.

Mr. BAKER of New Hampshire. Was the widow of the soldier pensioned?

Mr. RUSSELL of Connecticut. The widow of the soldier was not pensioned. This is the first application they have made for a pension.

Mr. BAKER of New Hampshire. It was her own fault that she was not pensioned if the service of the soldier was for the period stated by the gentleman. However, Mr. Chairman, my particular object in rising was not so much to oppose this bill as to criticise the report. I had to rise and ask for a statement from a member of the committee in order to get any kind of basis of information upon which to vote in this case, and now the question comes up, how far are we to continue this pension list? Here we go to a daughter of the soldier. How long will it be before we go to a granddaughter? The gentleman should remember that, although there are only a trifle over 100 of the pensioners of the war of 1812 now surviving, there are nearly 4,000 widows pensioned on account of that war. Are we to begin now to pension the daughters, and then go the granddaughters?

Mr. PICKLER. Yes; if necessary.

Mr. BAKER of New Hampshire. It seems to be a question how far this pension business is to run. I hear gentlemen say, "Yes; if necessary." I hear a great many cries around me upon which gentlemen in their earnest, sober senses would not go before the people, for the time must soon come when we shall halt somewhere and somehow in this pension business.

Mr. RUSSELL of Connecticut. I will say to the gentleman that this is not the first by any means of the pensioning of the daughter of a soldier of the war of 1812, as is stated in the report. I will also remind him that the beneficiary of this bill never married, and is now a feeble, dependent old woman of 80 years of age, so that in this case there is not very much prospect of a granddaughter coming before Congress for a pension. [Laughter.]

Mr. BAKER of New Hampshire. The gentleman may be familiar with that question. I do not know how that may be, but I presume there are granddaughters of soldiers of the war of 1812, and very many of them.

Mr. SULLOWAY. I would like to ask my colleague [Mr. BAKER] if he would be willing to go before the people of New Hampshire on the basis of what he has been saying this evening?

Mr. BAKER of New Hampshire. I would; not only on this subject, but in relation to pensioning the remarried widows of soldiers. The people of New Hampshire wish every old soldier, and every old soldier's widow who was married to the soldier within

any reasonable time, to be pensioned and cared for; but they do not propose to carry it to every line of consanguinity that can be discovered and to follow these soldiers' widows through their various and devious marriages and finally put them back on the pension roll.

Mr. SULLOWAY. I want to say to the gentleman that no man who has lived in New Hampshire for the last twenty-five years occupies any such position as he does. During all that time he has been a resident of the District of Columbia, which accounts for his position. [Laughter.]

Mr. BAKER of New Hampshire. Mr. Chairman, upon that point I wish to say that my colleague has stated that which he does not believe and that which he never can and never will prove.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the gentleman from New Hampshire to some facts which seem to indicate that he has recently undergone a change of opinion. I undertake to say that he ought not to condemn the House for doing that which he is himself constantly urging it to do. I find in one single number of the Index, covering only a period of fifteen or twenty days, that the gentleman himself has introduced the following private bills:

A bill for the relief of Francis L. Abbot; a bill for the relief of Francis A. Beater; a bill for the relief of Isaac W. Busey; a bill for the relief of John Ericsson; a bill to pension Annie M. Greene; a bill to increase the pension of Henrietta A. Lewis; a bill for the relief of James R. D. and William Morrison; a bill to remove the charge of desertion against Mason W. Presbry; a bill for the relief of William H. Quinn, and a bill to pension Emily M. Shaw.

A MEMBER. Oh, pshaw! [Laughter.]

Mr. HEPBURN. I believe that is all, but that is doing pretty well for seventeen days. [Laughter.]

Mr. BAKER of New Hampshire. Mr. Chairman, I am much obliged to the gentleman from Iowa for calling attention publicly to my activity in matters before the House, and I wish to say that nearly every one of those bills was introduced by me on my own motion and not by request. The parties in all but two of the cases he has mentioned I know of my own knowledge are entitled to relief at the hands of this House. They are genuine, true people, entitled to the money which they ask, for services actually rendered, and the Government stands indebted to them to-night, and has stood indebted to them for years, and it is a disgrace to the Government as a debtor that it has not paid them long ago. [Laughter.]

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH DESHLER WHITING.

The next business on the Calendar was the bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, United States Marine Corps, and pay her a pension of $25 per month from and after the passage of this act; and this pension shall be in lieu of that which she is now receiving.

Mr. DANIELS. Mr. Chairman, the lady whose pension this bill proposes to increase is the widow of a lieutenant in the naval service. In the discharge of his duties to the Government he was sent South, where his health was so seriously undermined as to render it necessary that he return to a northern climate. Soon after his return to the North he contracted a cold, which developed into pneumonia, and in a few days he died, leaving a widow and two children. His widow, now receiving a pension of $17 a month, has applied for an increase of the pension. A bill to grant her an increase was before the House in December of 1894, and was then passed, granting her a pension of $30 a month; but it was near the close of the session when the bill went to the Senate and it received no attention there—was not reported by the committee.

An application was made at this session to the House committee to pass a bill giving her the same increase which was proposed in the bill of the last Congress; but the committee has seen fit to report a bill granting a pension of only $25 a month in lieu of the pension of $17 a month which she is now receiving under the general law.

The evidence before the committee showed that this widow is entirely dependent upon her own exertions, with the exception of a small amount realized from the life-insurance policy of her deceased husband; that she has become deaf and unable to support herself by manual labor, so that she is wholly dependent upon the assistance which may be afforded her by the Government in the form of a pension. The amount of increase proposed by the bill is only $8 a month. The case is entirely meritorious, and I trust there will be no opposition on the part of the committee to granting to this widow the additional amount provided in the bill. It was hoped that a larger sum would be given; but, as I have said, the Pension Committee has seen fit to limit the pension to $25 a month—an amount which certainly is barely sufficient to enable her, with two children dependent upon her, to secure even the necessaries of life.

Mr. CONNOLLY. Will the gentleman state whether $17 a month is not the rate of pension allowed by the general law to lieutenants and the widows of lieutenants who served in the war of the rebellion?

Mr. DANIELS. I can not answer the gentleman.

Mr. CONNOLLY. I think it is.

Mr. DANIELS. That is the amount allowed to this widow by the Pension Bureau.

Mr. CONNOLLY. That is the amount, I understand, fixed by the general law—$17 a month for a lieutenant or a lieutenant's widow. Now, what reason is there that this widow should receive more pension than the widow of any other lieutenant who served during the war of the rebellion?

Mr. DANIELS. I do not think that she is to receive more. She is entirely dependent upon her own exertions. In view of the disability that has come upon her, the loss of hearing, she is certainly in a sad condition to provide for herself and her family.

Mr. HULL. Are her children young?

Mr. DANIELS. They are under 16 years of age.

Mr. HULL. Then for each of them she receives $2 a month.

Mr. DANIELS. But that pension will be extinguished when they reach the age of 16.

Mr. HULL. Is it not true that under the general law this widow would receive but $17 a month, and that the law pensions no widow on account of her disability?

Mr. DANIELS. I think not.

Mr. HULL. A widow is pensioned on account of the service of her husband.

Mr. DANIELS. And also on account of her own disability.

Mr. HULL. I have in my district two widows of lieutenants who are receiving $17 a month; they think they can not live on that, and want more, but I have told them I believe they ought to stand with all others of the same class.

Mr. DANIELS. They are probably not disabled, as this widow is. During the last session of Congress there was apparently no objection to allowing this widow a pension of $30 a month.

Mr. TALBERT. Why has she never applied to the Pension Bureau for the increase of her pension?

Mr. DANIELS. I will say to the gentleman from South Carolina that she can not receive any more there. This bill proposes simply to give her $8 a month more than she now receives.

Mr. TALBERT. She would not be allowed the increase at the Pension Bureau?

Mr. DANIELS. No, sir. As I was about to state, when a bill covering this same case was up at the last session—the 1st or 2d day of March, 1895—there was substantially no objection raised to giving this widow a pension at the rate of $30 a month, but at the present session when the committee came to review the facts and circumstances they agreed to increase the pension to only $25 a month, and that is all she is at present asking at the hands of the House.

Mr. LOUD. I would like to ask the gentleman from New York a question. I know the gentleman to be absolutely fair, and desires to be absolutely just in all cases. I will give the gentleman full credit for that, and think we all do so. I would like to ask him if he does not think that this is establishing a dangerous precedent?

Mr. DANIELS. I should think not. I should say to the gentleman from California that it is not a dangerous precedent. It is a precedent that seems to me to be justified and more than justified by the circumstances in the case.

Mr. LOUD. Well, the circumstances of the case must be her own condition, and if that rule is to be applied to everybody, why should it not be equitably applied, and equally applied, to every other woman in the country?

Mr. DANIELS. To every woman throughout the country who is similarly situated I should say yes, it should be applied. But this is a peculiar case. It is a case of singular hardship on account, in the first place, of the loss of her husband by death, and then the loss of her own hearing subsequently.

Mr. LOUD. Did he die a natural death?

Mr. DANIELS. He died from the effects of his service. I have substantially stated the case, Mr. Chairman, as it was established by the proofs before the committee. They have reported in favor of the allowance of this amount, as the former committee did in favor of the allowance of $30 per month. It seems to me, in my judgment, to be an extremely meritorious case. I trust that there will be no serious difficulty or objection on the part of the committee in sustaining the claim of this pensioner.

Mr. LOUD. I would like to ask the gentleman another question, with his consent. The gentleman is a good lawyer and understands his duty as a member of this body. I would like to ask him if he believes that under his obligation as a Representa-

tive on this floor he has any legal right, any legitimate or just right, to be generous with the money of the people of the United States?

Mr. DANIELS. I do not consider this to be a matter of mere generosity. I consider it a case that appeals to the justice of the committee.

Mr. LOUD. Well, surely, if it appeals to the justice of the House, the relief ought to be furnished under the general law.

Mr. DANIELS. The law seems to be deficient in this respect, and the Pension Office can not allow her a pension under the law. They can not allow her even a fair measure of compensation for the purpose of meeting her necessities.

Mr. HULL. Mr. Chairman, I desire to say a word on this question. I believe that all who have served with me on this floor will bear me out in the statement that I have always favored liberal pensions in all cases.

But, Mr. Chairman, I feel, in justice to my position, that I must draw the line in these cases between pensioning a soldier for disability and pensioning a widow for disability. We have a very large number of widows in this country who are poor and dependent; they need help, for they have no means of subsistence excepting their own labor and the pittance they receive from the Government, whatever it may be. Whenever a private soldier dies from the effects of his service, his widow can get a pension of $12 a month under the general law; whereas if the soldier dies from any cause and the death could not be traced directly to the service, these widows get but $8 a month, and that is all they can get under the law.

Here is a widow whose husband was an officer in the Army and who draws a pension of $17 a month, or a little more than twice as much as the widow of a man—a private soldier—unless his death can be traced directly to the service. I concede that $17 a month is not a luxurious living. But I concede that $8 a month is still less luxurious living; and if we are to pension the widows of certain grades of officers in the Army, we should pass a general law to enable every widow of every lieutenant who died from wounds or injuries received in the service, whose death was traceable to the service, to draw this pension of $25 a month.

But this committee can not go into the question of the disabilities of widows and pension them. If they do that they can run the pensions up to $72 a month. What I wish to say in this connection is, that whenever the Committee on Invalid Pensions reports in favor of pensioning the soldier himself I have always been found in favor of it and voting for it. I have always been liberal in my views of pensions. I would rather give ten men pensions that are not entitled to it than to deprive one honorable soldier of a pension who is entitled to it. But when it comes to pensioning the widows I want a rule that we can stand by in all places.

And I want to say to the committee here and now while I am on my feet that when we find ourselves in this Committee of the Whole with bills coming before us pensioning the widows of distinguished men who died, not in the service, granting pensions ranging from $75 to $100 or $150 a month, men who were not connected with the Army in any way in twenty-five years, I shall vote against them and I shall take occasion to speak against them every time. [Applause.]

And I want to say I do it in the interest of my comrades. I believe in doing justice to them, but I do not believe in going out all over the country and taking cases where men have died while happening to hold high office, or immediately after going out of office, and placing their widows above those of all of our comrades, and giving them pensions that will enable them to live in luxury while the widows of our comrades are living in poverty and distress. [Applause.] I do not want to be understood in the mind of any man as not being willing to do absolute justice to all these classes, but I do want to enter my protest, and back it by my vote, against entering upon any system that will pension widows on account of their disabilities, or on any account except because they are widows of soldiers, and then in each case give the widow the pension that the law provides.

Mr. DANIELS. Mr. Chairman, I may say in answer to what the gentleman has just said that there is no danger, certainly, of this widow living in luxury upon a pension of $25 a month. It is to be remembered that she has two children who are now receiving $2 each per month. That will cease when they are 16 years of age. She has to educate and clothe these children as well as herself. They are dependent upon her for a respectable training for their future lives, and unless the Government is willing to do something to aid and assist her promoting these objects, which she of her own ability is entirely unable to promote, then of course no person can say what will be the history, or what may be the lamentable consequences to these unfortunate children, as well as to this unfortunate widow, who has been thus left in early life by the premature death of this lieutenant in the service.

Mr. BLUE. Mr. Chairman, I have not cast my vote in Committee of the Whole at any time in opposition to any pension. Neither do I want to; but it has seemed to me that this is establishing a very dangerous precedent, and I do not believe this bill should be voted on to-night. I think by common consent it ought to be allowed to go over, and we ought to give it the consideration it deserves. I agree with the gentleman from Iowa [Mr. HULL]. Now, the fact in this case is that we are asked here in this special instance to pension the widow of a soldier at $25 a month when there is no different reason in her case from what might be given with equal force in thousands of other cases.

This special pension legislation should be addressed to special cases, where the proof is incomplete and can not be made complete, so that the committee, having considered all the facts, are willing in those instances to apply the equities because they are just and right; but those are special cases that can be reached in no other way, and the particular province of this special legislation ought to be confined to that kind of relief. There are hundreds of meritorious cases before this Pension Committee, and I venture the prediction that, if we continue this kind of policy, when this session adjourns there will be thousands of special cases that would come under special provisions which will not be touched, and there will be case after case of this character that never ought to pass this House under these conditions.

As has been said here, we are not sitting in this Committee of the Whole for the purpose of offering charitable relief to special cases of this character. After listening to the learned gentleman from New York [Mr. DANIELS], the substance of his claim is that this widow needs money. I should be glad to give it to her, so far as I am concerned. I am willing to go to the extent of voting for the enlargement of all the pensions of widows in this great country; but this is a bad, pernicious example. This case ought not to be passed upon until we have considered it to such an extent that we have made up our minds that we will follow that precedent.

Mr. Chairman, I ask unanimous consent that that bill may be passed for the present, so that we may have an opportunity to consider it until the next session, and that it be not forced upon us at this time. I do not want to vote against it. I do not say that I will, but I think the committee ought to have time to consider this fully before they undertake to establish this precedent.

Mr. GIBSON. Move to recommit it.

The CHAIRMAN. Unanimous consent is asked——

Mr. BLUE. Mr. Chairman, it has been suggested to me, and I will make the motion, that this bill be recommitted to the committee for further consideration and report.

The CHAIRMAN. The Chair can not entertain that motion in Committee of the Whole.

Mr. HULL. We can make that recommendation.

Mr. BLUE. Would it not be in order to move that the committee report it back to the House with the recommendation that it be recommitted?

The CHAIRMAN. That motion would be in order.

Mr. BLUE. That is what I intended to move.

Mr. DANIELS. Certainly this is a very ungenerous and illiberal view to take of this bill, which was passed by the last Congress without any substantial objection at the rate of $30 a month. If a Democratic Congress can be actuated by sentiments of justice and fairness to that extent, I see no reason why this committee should withhold the application of the same principle.

The bill was ordered to be reported back to the House with the recommendation that it be recommitted to the Committee on Pensions.

JOHN DALTON.

The next business on the Private Calendar was the bill (H. R. 3221) granting a pension to John Dalton.

The bill was read, as follows:

Be it enacted, etc., That the name of John Dalton, of Lamar, Mo., who was employed as a teamster in the Quartermaster-General's Department during the war of the rebellion, and who, while serving as such in the line of his duty, was wounded in the left thigh by a musket ball at and during the battle of Marks Mill, Ark., on the 23d day of April, 1864, and who filed his application for pension on account thereof on the 25th day of August, 1873, be inscribed upon the pension rolls of the United States, subject to the restrictions and limitations of the general pension laws, with the same title to pension as if he had been duly enlisted, mustered into, and discharged from the military service of the United States.

Mr. CROWTHER. Mr. Chairman, I ask that the Clerk read the report, and after the report shall have been read I will offer an amendment in lieu of the committee amendment.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3221) granting a pension to John Dalton, submit the following report:

John Dalton was employed as a teamster in the Quartermaster-General's Department at St. Louis, Mo., March 7, 1864, and was sent from St. Louis to the barracks at Little Rock, Ark. He was a teamster in the ammunition train of General Steel in his expedition through Arkansas, and was sent with other teamsters from Washington, Ark., to Pine Bluff, Ark., for supplies, and while on the way, at Marks Mill, Ark., on the 23d day of April, 1864, the command was attacked by Confederate troops, the engagement being known as the battle of Marks Mill, Colonel Drake commanding the Union forces. During the battle John Dalton, while in the discharge of his duties as teamster, was wounded in the left thigh by a musket ball.

He was taken prisoner and afterwards paroled and sent to the hospital at Pine Bluff, Ark. He was then transferred to the hospital at Little Rock, Ark., and subsequently discharged from duty. He made application for pension to

the Department, and his claim was rejected because he was not an enlisted man. His parole is on file at the Pension Office, and the records of the Quartermaster-General's Office show his employment as a teamster from June 1 to October 31, 1863, and from March 1 to May 31, 1864. The report of the Surgeon-General shows his admission to the hospital at Little Rock and his treatment thereat for gunshot wound. The evidence also shows that the musket ball has never been removed from his thigh, and his leg is so badly disabled by reason thereof that he is unable to perform manual labor.

The committee therefore report the bill back with the following amendments, to wit:

Strike out all the words between the word "sixty-four," in the ninth line, and the words "be inscribed," in the eleventh line of said bill; and strike out all after the words "general pension laws," in the thirteenth line, and insert after said words in the thirteenth line the words "at $12 per month."

The committee recommend that the bill when so amended do pass.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

After the word "that," in line 3 of the amended bill, insert the words "the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls of the United States"; also, beginning in line 9, strike out all the words after "sixty-four" and insert "at the rate of $12 per month."

Mr. PICKLER. Vote.

Mr. McCLELLAN. May I ask the gentleman from Missouri a question?

Mr. CROWTHER. Certainly.

Mr. McCLELLAN. This is an exceedingly meritorious case, and when my friend reports a case it is exceedingly meritorious.

Mr. CROWTHER. Thank you.

Mr. McCLELLAN. Why should not this man, who was a contract employee, I grant, but who stood up and fought like a man in defense of the United States property, be granted a pension according to the injuries he received, which would give him a larger pension than $12 a month?

Mr. CROWTHER. Inasmuch as the applicant applied under the law of 1890 for a pension and his application was rejected at the Pension Bureau for the reason that he was not an enlisted man and that he was willing to abide by that, the subcommittee thought it only proper to go as far as the applicant desired to go, and so reported.

Mr. McCLELLAN. Does not the gentleman think that it would be justice to this man, who stood up and fought like a man, to be placed on the pension rolls at the rate his injuries would entitle him to?

Mr. CROWTHER. The subcommittee investigated it in the light of justice, recommended this amount in the light of justice, and ask this committee to pass the bill as reported, with the amendment that I have just offered, so as to conform with the general run of pension cases that we are passing.

Mr. MILES. Mr. Chairman, I simply want again to call attention to the fact that this House in its pension legislation acts like a board of charities, except that it has no well-regulated rules and is never consistent. This man, according to the report which my friend makes, is disabled and has a musket ball which he received in the service still in his thigh, and that disables him, and yet this Committee of the Whole having voted $30 a month this very night to a man who could not trace his disease to service origin, and who can not prove his case by any living witness except himself, proposes to put this soldier, because, forsooth, he was only a humble teamster, upon the pension list at $12 a month. We will not be consistent. I made the effort here last Friday night, and I make it again, to have this House legislate in a consistent way. I care not so much about the character of this pension legislation in any other respect as I do about its inconsistency.

I did not seek, Mr. Chairman, an assignment to the Committee on Invalid Pensions. I curse the day I received that assignment, all the more, Mr. Chairman, because I find myself utterly unable to preserve for myself the appearance of consistency before the country. Because when I stand up here and appeal to this House I find members, even the chairman of the committee, ready to cry "Vote!" "Vote!" when my effort is not to reach his ears, not to reach the ears of the other side of this House, who do not seem to want to be consistent, but my effort is to reach the people of this country, the taxpayers of this country, and that large class of people, of which I am one, born, or arriving at the age of manhood since the war, a body composing the majority of the American people, and a majority of the tax-paying people of this country.

Now, Mr. Chairman, I want to say here that I am not fighting this pension claim. I shall vote for it, and vote for it cheerfully. The only objection I make to it is that when I vote for it at $12 a month I am not putting myself in a proper attitude before this country, because, it appears, not having a yea-and-nay vote on the bill passed a while ago granting a pension at $30 a month, that perhaps, unless I am permitted to make this statement, it should go to the country that, as a member of the Invalid Pensions Committee of this House, I favored a pension claim of $30 a month that was not half so meritorious as this one.

Mr. PICKLER. Mr. Chairman, it is evident that the gentleman has been born since the war. [Laughter.] No man who was in the Army and knows anything about soldiers and teamsters would make such a statement as the gentleman from Maryland has when he compares a teamster, hired by the month, who could quit when he pleased, and quit the Army, with a man who enlisted and who had to go into battle. The teamster did not have to go into battle if he did not want to, and he incurred no danger.

Mr. MILES. But this man did go into battle.

Mr. PICKLER. I do not yield. I refuse to yield. When the gentleman compares a teamster to a soldier and gets up here and prates about putting a man who never was enlisted on the pension roll on an equality with the enlisted soldier it shows that he was born since the war. [Applause.]

Now, Mr. Chairman, this is entirely consistent. A teamster is doing well if he gets on the pension roll at all, and no teamster and no man who is not an enlisted man, does get on the pension roll unless he was wounded in the Army. This man was shot. He got a little more of it than most of the teamsters got. He was shot, and was in the hospital, and the committee concluded that, as he was at the front and was wounded, even though he was a teamster and not an enlisted man, and therefore had been refused a pension by the Pension Office, he ought to be pensioned at the rate of $12 a month. It is a fair and liberal pension, and any non-enlisted man is doing extremely well to get such a pension; and therefore I beg that the gentleman from Maryland will not say that there is any inconsistency in pensioning at $30 a month a real soldier, an enlisted man who was wounded, and then get up and shed crocodile tears over the case of a teamster. [Applause.]

Mr. MILES. Mr. Chairman, I think the gentleman has unduly criticised my remarks. I am a very earnest man, and speak earnestly. I do not claim to be a military man, but I have the facts staring me in the face, from the report, that this man bears something in his person which even the chairman of the Committee on Invalid Pensions, an ex-soldier, does not bear, a bullet in his thigh, received in the service of his country. I want to say further that I am no military anarchist. I have never, either in the Committee on Invalid Pensions or on this floor, advocated the payment of the same pensions to plain and simple soldiers that I would pay to men of high rank in the service of their country.

Mr. PICKLER. That is where the gentleman is wrong.

Mr. MILES. I never advocated that; but the gentleman from South Dakota did advocate that until to-night, and I think his change is another illustration that the "galled jade winces," for when his inconsistencies are pointed out he goes back upon his former record, and then stands up here and tries to put me in a false position.

Mr. PICKLER. What former record have I gone back on?

Mr. MILES. You have always protested against paying proper pensions to generals or the widows of generals who had rendered distinguished services to their country, on the ground that it took away pensions from the common soldiers.

Mr. PICKLER. Yes; that is right. I have protested in the Invalid Pensions Committee and elsewhere against paying undue pensions to generals and their widows, and I expect to protest against it. [Applause.] But the gentleman from Maryland, I think, always votes for the highest pension for the general or the widow of a general. I am in favor of doing fairly by them; but I am not in favor of giving them three or four times as much pension proportionately as I would give to a private soldier. That is my position in the Invalid Pensions Committee and on this floor.

Mr. MILES. That is all right. I recognize rank in the military service just as I do in the civil service. We work on that principle in the civil service, and I recognize it in the military service. We are not discussing that question now.

Now, Mr. Chairman, I did not want to get into a colloquy with my friend the chairman of the Invalid Pensions Committee.

Mr. HICKS. May I ask the gentleman a question?

Mr. MILES. Yes, sir.

Mr. HICKS. What is the gentleman's objection to the bill under consideration?

Mr. MILES. I have no objection to it. I think I stated a while ago that I rose for the purpose of advocating it.

Mr. HICKS. Then, Mr. Chairman, I call the gentleman to order. He is out of order if he is not talking to the question before the committee.

Mr. MILES. Very well; I will see whether I am out of order. [Laughter.]

The CHAIRMAN. The gentleman from Maryland is entitled to the floor and is entitled to proceed without interruption.

Mr. MILES. So my friend from Pennsylvania is out of order himself, and will please take his seat until I get through. [Laughter.]

Mr. HICKS. Will the gentleman allow me another question?

Mr. MILES. No, sir; I will not, because you rose a while ago ostensibly for the purpose of asking me a question, but really with a view of calling me to order.

The CHAIRMAN. The gentleman from Maryland is entitled to the floor.

Mr. MILES. Now, Mr. Chairman, I simply want to emphasize this point again. It does not make any difference to me whether it finds a lodging place in the minds of gentlemen over there or not. I am not talking to you, gentlemen; I am talking to the country. [Jeers and laughter.] That is it! Jeer and laugh! That is your privilege, and it seems to be your highest ideal of a legislator to jeer and laugh when a man has the floor on this side. Go on; I do not care anything about that.

A MEMBER. It depends on the style of man.

Mr. MILES. That is a very polite remark! I would like to know from what State it comes. I know the manner of man, but I should like to know what section of the country produces such a man.

Now, Mr. Chairman, I did not get up to object to this bill of my friend from Missouri [Mr. CROWTHER], my colleague on the committee. I did rise, as I said, for the purpose of reaching the ear of the country. Gentlemen may jeer at that remark just as much as they please, but I want again to call the attention of the people of this country to the fact that this Invalid Pensions Committee and this House, sitting as a Committee of the Whole, and this Congress have no well-regulated rule. My friend sitting behind me bears me out in the statement that in these pension cases we are governed by no rule of conduct whatever.

Mr. BURTON of Missouri. Mr. Chairman, this man lives in my district, and I introduced this bill. He was a teamster, and, as this report states, was wounded. Under the law of 1862 he would have been entitled to a pension if he could have proved up his case prior to the 1st day of January, 1874. He made application under the law in 1873; but owing to his inability to obtain certain testimony he was not able to complete his claim, and it was subsequently rejected for the reason that he was not an enlisted man. I went to the Pension Office; I sat down by the table of the Commissioner of Pensions, and, with the aid of his private secretary, went through this man's record. And then and there, in the presence of the Commissioner, his private secretary made the remark: "That man ought to have had his pension, and it ought to date back to 1873, when he made his application."

I drew this bill upon that theory. But I am not here to make any exaggerated claims for teamsters. I do not claim that this teamster was any better than any other teamster; neither am I willing to admit that he was any worse. I am not here to demand that he shall have a pension dating back to the time of his application. Great God! I am willing to get anything for him. The man will die and be buried without receiving anything, unless we act promptly. Therefore, without questioning any man's motives, I am willing to take what the committee is willing to let him have.

Mr. ERDMAN. Mr. Chairman, I was disposed very favorably toward this bill, but the remarks of the gentleman who has just taken his seat have raised a very serious doubt in my mind. [Laughter.]

Mr. BURTON of Missouri. Why, my friend, what have I said?

Mr. ERDMAN. I will tell you what you have said. You have said that this man, under the general law, made an application and was for some reason which you have not stated rejected; and that does not appear in this report.

Mr. BURTON of Missouri. You did not hear me, my friend. I said that the man was not able to complete his proof by the 1st of January, 1874.

Mr. MILES. Will the gentleman allow me to make a suggestion in favor of this applicant? Was not the reason of the rejection the fact that he was not an enlisted man?

Mr. BURTON of Missouri. The 1st of January, 1874, having gone by, his application was rejected because he was not an enlisted man.

Mr. MILES. I simply wanted to make a suggestion—although, in the estimation of certain ironical gentlemen on the other side, it seems to depend altogether upon what source the suggestion comes from as to whether it has any value—I wanted to make a suggestion in the interest of this humble soldier.

Mr. BURTON of Missouri. Certainly; under the general law of 1862 a teamster, wounded as this man was, was entitled to a pension, provided he prosecuted his claim to a conclusion by the 1st day of January, 1874.

Mr. ERDMAN. I understand that.

Mr. BURTON of Missouri. He was not able to complete his proof within the time limited, because he could not find the witnesses. The limitation of time having gone by, his application was rejected simply because he was a nonenlisted man.

Mr. ERDMAN. And for twenty-three years he has been endeavoring to get the proof! Is that it?

Mr. BURTON of Missouri. He was endeavoring to get the proof for a number of years.

A MEMBER. But he did prove up.

Mr. BURTON of Missouri. Yes. And I know personally that with his crippled leg he is obliged, when he undertakes to walk, to drag himself along.

The CHAIRMAN. The question is on the substitute offered for the amendment of the committee.

Mr. BURTON of Missouri. I am not sure that I know what that is.

Mr. CROWTHER. It simply makes this bill conform to the other special bills which we are passing.

Mr. BURTON of Missouri. Very well; I take the word of my friend.

The substitute was agreed to; and the amendment of the committee as amended was adopted.

The bill as amended was laid aside to be favorably reported to the House.

LYDIA A. TAFT.

The next business on the Private Calendar was the bill (H. R. 577) granting a pension to Lydia A. Taft.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Taft as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

The amendment of the committee was read, as follows:

In line 5 of the bill strike out the words "pension laws" and insert "act of June 27, 1890."

Mr. MCCLELLAN. Mr. Chairman, in the absence of my colleague, Mr. POOLE, I will take the liberty of making a brief statement in reference to this bill. It is a pension for a divorced widow, but represents a very exceptional case.

She never remarried after she had obtained a divorce. Her husband was a drunken beast, and she got her divorce from him chiefly upon the ground of extreme cruelty. Afterwards she helped to support him—after obtaining a divorce—and he died subsequently in the Soldiers' Home, and was buried at her expense. I think that it is so exceptional a case that there ought not to be any objection to its passage, and in justice to the claimant I ask the reading of the report in my time.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 577) granting a pension to Lydia A. Taft, report as follows:

The evidence before the committee shows that Lydia A. Taft was married on September 29, 1858, to Lowell G. Taft, who served as a private in Company G, Eighteenth Connecticut Volunteers, from August 21, 1862, to June 27, 1865. The soldier was a prisoner in the hands of the enemy for six months of the time covered by his long term of service.

The said Lydia A. Taft lived with the soldier as his wife from September 29, 1858, until February 12, 1882, at which time she obtained a divorce from him on the ground of his habitual drunkenness and failure to afford her support. While she has not lived with said Taft since the granting of said divorce, she has from time to time contributed from her slender means toward his support. The soldier died at the Soldiers' Home at Noroton, Conn., in January, 1891. His remains were taken to his former home and buried at the sole expense of his former wife. The soldier never received a pension.

It appears from the evidence before your committee that Lydia A. Taft is in advanced years, in poor health, and that she is poor—her net income from a small piece of property owned by her being but $70.97 per annum.

In view of the facts clearly shown by the testimony, the long and honorable service of the soldier, the fact that the said Lydia A. Taft was his wife during that service, suffering privation and anxiety on account of the same, her continued care for him up to his death, and then providing and paying for his burial, together with her age, failing health, and present need, your committee recommend that the bill be amended by striking out, in line 5, the words "pension laws," and inserting in lieu thereof the words "act of June 27, 1890," and that the bill as amended do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside with favorable recommendation.

HORACE TOWNSEND.

The next business on the Private Calendar was the bill (S. 136) granting an increase of pension to Horace Townsend.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace Townsend, late of Company A, Tenth New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month, in lieu of that he is now receiving.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 136) granting increase of pension to Horace Townsend, having carefully considered the same, and adopting the accompanying Senate report (No. 46) as their own, respectfully report the bill back to the House with the recommendation that it do pass.

[Senate Report No. 46, Fifty fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 136) granting an increase of pension to Horace Townsend, have examined the same and report:

Claimant under this bill was a member of Company A, Tenth New Hampshire Volunteer Infantry, serving from August 5, 1862, to May 31, 1865, at which latter date he was discharged from hospital in consequence of a gunshot wound of the foot.

Soldier was first pensioned at $2 per month, which was successively increased as the wound became worse to $4, $8, $12, $16, and $17. About six years and a half ago soldier had abscesses (or carbuncles) on the head, which it is believed was the result of blood poisoning from the wound, and from which, it is alleged, his eyesight became affected. Certain it is that from some cause the eyes became seriously affected, total blindness resulting in a few months after the abscesses first appeared. Soldier has been totally blind

for six years. Since the close of his Army service he lost the left forearm as a result of accident, so that now he is in an exceedingly deplorable condition.

Application was made for increase on the ground that the blindness resulted from blood poisoning. The medical board at Nashua, N. H., gave it as their opinion that he was entitled to $50 per month; the medical board at Manchester, N. H., rated him at $72 per month, and the medical board at Concord, N. H., said: "It is our opinion that claimant's blindness is a result of his gunshot wound."

Had this opinion been accepted claimant would have been granted $72 per month, the rate for total blindness. But notwithstanding the judgment of these three medical boards, before whom the claimant personally appeared, the medical referee of the Pension Bureau refused to accept blindness as a result of pensionable causes, and the claim was rejected.

Your committee is clear in the opinion that this is an entirely meritorious claim, and therefore report the bill back favorably with a recommendation that it do pass.

Mr. CONNOLLY. What is the amount of pension granted by the bill?

Mr. PICKLER. Fifty dollars a month.

The bill was laid aside to be reported to the House with a favorable recommendation.

ALBERT ELLIS.

The next business on the Private Calendar was the bill (H. R. 708) to increase the pension of Albert Ellis.

The bill was read, as follows:

Be enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Albert Ellis, late of Company K, Twelfth Kansas Volunteer Infantry, at the rate of $24 per month, in lieu of the pension that he is now receiving under certificate numbered 301358.

Mr. WOOD. I ask that the report in this case be read. It is quite brief and cites the facts in the case.

The report (by Mr. WOOD) was read, as follows:

In the case of Albert Ellis (H. R. 708), Twelfth Kansas Volunteers, the evidence submitted shows without any controversy:

1. That Ellis served from August 20, 1862, to May 26, 1865, and has an honorable discharge and record.

2. That he now is suffering from granulated sore eyes, and is totally unfit for manual labor.

3. That this disease is of service origin, and was incurred while guarding prisoners, by exposure, and probably also by contact with some diseased person. His first medical examination, October 8, 1884, showed one-half disability; his second, December 2, 1885, total; his third, February 5, 1890, twelve-eighteenths; his fourth, April 29, 1891, seventeen-eighteenths. At this last examination he could not distinguish a letter upon a card (Snellen's) at 4 feet distance.

4. He has steadily grown worse from his discharge, at which time the record shows him to be suffering from purulent iritis (an inflammatory discharge of poisonous matter from the eyes).

5. He was pensioned at $4 from August 29, 1884; at $8 from December 2, 1885; at $12 from February 5, 1890. His claim for increase February 15, 1892, was rejected for reason of "no increase."

6. His original application and all subsequent ones for increase set out disease for which he now asks increase.

7. He was discharged from hospital. His pension is under act of July 14, 1862. One medical referee has found a rating of one-half; another, total; another, twelve-eighteenths; another, no increase.

Your committee believe from the evidence submitted that the disability of this soldier is more than the loss of a hand or foot, and therefore recommend the passage of the bill.

Mr. ERDMAN. I hope the gentleman in charge of this bill will give us a very much more extended statement than that contained in this exceedingly terse report.

Mr. WOOD. Mr. Chairman, I desire to state in regard to this bill that the evidence before the committee was quite voluminous. The substance of it is set forth in the report.

I have seen this soldier myself. At a distance of 4 feet he was unable to distinguish a single figure or letter upon the test card known as Snellen's card. The letters on this card range from a very small size to letters 4 inches in length and correspondingly broad. The testimony is without any controversy that he suffered from this disease at the time of his discharge. He was discharged from the hospital, and the evidence shows that he was then suffering from this very disease. The testimony following from that time down to the present time shows that he has grown steadily worse all the time until his present condition is such that at 4 feet distance he is unable to distinguish a letter on the card referred to. He is substantially helpless and can not hoe corn, because he could not tell the weeds from the corn; he could not chop wood, because he could not see whether he was hitting at the stick or his foot; he could not drive a team; he could not sell goods, because he could not distinguish the quality of the goods at 4 feet or any other distance.

His record is good; he acquired the disease in the line of duty in the service, and the rate accorded by the bill is in exact correspondence with the rate in the Pension Office, where the disability is equivalent to the loss of a hand or a foot, and is fixed at $24 a month.

The finding of one of the medical referees is that he is totally blind, and the testimony of the examining board shows substantial blindness, and yet it is a fact that he can just see a faint glimmer of light.

Mr. ERDMAN. What I would like the gentleman to explain and lay before the House is some testimony to sustain the statement he makes in the first line of paragraph 3 of this report, namely, that "his disease was of service origin and was incurred while guarding prisoners." Will the gentleman be kind enough to explain that?

Mr. WOOD. I desire to state that his discharge and his hospital record both show that to be the fact, and the papers were before the committee at the time that the report was prepared, and at the time it was passed upon by the committee. The man is pensioned for that particular disability under the act of July 14, 1862. There is no question about that at all.

Mr. ERDMAN. This is a dispute, then, with the Pension Bureau as to the amount a pensioner ought to receive for a disability of this character?

Mr. WOOD. This is rather a dispute between the medical boards appointed by the Pension Office and the different referees to whom this case has been referred; but the fact remains undisputed that the claimant is substantially totally blind.

Mr. ERDMAN. What does the gentleman mean by the last paragraph of his report, in which he says the committee are of the opinion that the disability of this soldier is more than the loss of a hand or foot? Is this disability to be compared simply to the loss of a hand or foot?

Mr. WOOD. I understand that where any disability furnishes an obstacle in the way of obtaining a livelihood, equivalent to the disability of the loss of a hand or foot, such disability is pensioned at $24 a month. That is the rating of the Pension Office, and it is for the committee, who know the circumstances of this soldier and the condition of his blindness, to say whether it is not equal to or even greater than the loss of a hand or foot. If the bill had been framed for $30 a month it would not be unjust to grant it. The amount asked for was $24 a month, and the bill was so framed, and no amendment was asked.

Mr. GROUT. What does he draw now?

Mr. WOOD. Twelve dollars a month.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PICKLER. I move that the committee do now rise, and that the bills which have passed the Committee of the Whole as amended be recommended to the House for passage.

The motion was agreed to.

The committee accordingly rose; and Mr. HEPBURN having resumed the chair as Speaker pro tempore, Mr. HOPKINS, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills, and had directed him to report to the House the bills H. R. 1139, S. 136, and H. R. 708, with amendments thereto, and with the recommendation that as amended they do pass; also the bill H. R. 1050 with the recommendation that it be recommitted to the Committee on Pensions; also the bills H. R. 2142, H. R. 3993, H. R. 4182, H. R. 152, H. R. 3221, and H. R. 577, without amendment, and with the recommendation that they do pass.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that on the bills recommended for passage the previous question be considered as ordered on their engrossment, third reading, and passage, with the privilege of fifteen minutes' debate on a side in the House.

Mr. McCLELLAN. I can not agree to the previous question being ordered and the debate being limited to fifteen minutes.

Mr. PICKLER. Then say thirty minutes on a side.

Mr. McCLELLAN. Unlimited debate. Some may not take any time at all, and others may take an hour.

Mr. PICKLER. Would thirty minutes on a side satisfy the gentleman?

Mr. McCLELLAN. Scarcely; no.

Mr. PICKLER. How much time does the gentleman want?

Mr. McCLELLAN. Unlimited. We can not make any agreement as to the limiting of debate. Some may require no time at all. Others may require two or three hours.

Mr. PICKLER. That was the usage in the last Congress.

Mr. McCLELLAN. There has been no such agreement in this Congress.

Mr. PICKLER. Then I call for the reading of the bill on page 23, the unfinished business.

Mr. HANLY. Mr. Speaker, pending this request, I am informed that the point of no quorum will likely be made on reports No. 121, No. 118, and No. 123. I do not believe there is a quorum present. I have as a part of the unfinished business the bill H. R. 2054, report No. 133, about which there is no question, and to which there will be no objection. I ask unanimous consent of the House that I may now place that bill on its passage.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HANLY] asks unanimous consent that House bill No. 2054 be now taken up for consideration. Is there objection?

Mr. PICKLER. In fairness to other members, I can not consent to that. I call for the regular order, the reading of the bill which I have indicated.

RACHEL PATTON.

The unfinished business was the bill (H. R. 1185) granting a pension to Rachel Patton.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. LOUD. Can we not have the bill read, Mr. Speaker?

The SPEAKER pro tempore. Of course, if it is requested.

Mr. LOUD. There are some bills that I desire to object to.

The SPEAKER pro tempore. Does the gentleman desire this bill to be read?

Mr. LOUD. I do, in order that I may know what it is.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The Committee on Invalid Pensions recommended the following amendment:

Strike out the words, in fourth and fifth lines, "subject to the provisions and limitations of the pension laws" and insert in lieu thereof "at the rate of $20 per month."

The SPEAKER pro tempore. The hour of 10.30 o'clock having arrived, under the rule the Chair declares the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel L. Black, administrator, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a reply to the House resolution of February 11, 1896, relating to the cost of making a survey of the outlet of Lake Erie and other lakes and rivers—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance relating to the reconstruction of Rock Island Bridge, Rock Island, Ill.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. HULL, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 99) to supply the State of Kansas with copies of the muster rolls of the Third and Fourth regiments of Kansas Infantry, reported the same without amendment, accompanied by a report (No. 543); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. UPDEGRAFF, from the Committee on the Judiciary, to which was referred House bills Nos. 339, 3117, 5479, 4961, 4322, 4565, 3818, 4049, 4158, 1457, 4561, 5966, 6446, 6654, and House Document No. 167, reported in lieu thereof a bill (H. R. 6654) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes, accompanied by a report (No. 544); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. FAIRCHILD, from the Committee on Patents, to which was referred the bill of the House (H. R. 4178) providing for the use by the United States of devices covered by letters patent, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the House Calendar.

By Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota, reported the same with amendment, accompanied by a report (No. 566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 3229) for the relief of Hannah Newell Barrett. (Report No. 542.)

By Mr. LESTER, from the Committee on War Claims:

The bill (H. R. 1328) for the relief of John W. Fairfax. (Report No. 545.)

The bill (H. R. 1329) for the relief of the heirs of the late Mrs. Mary Ann Randolph Custis Lee, of Fairfax County, Va. (Report No. 546.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 3781) for the relief of Jacob R. Smith, of Jersey City, N. J. (Report No. 547.)

The bill (H. R. 6285) for the relief of W. B. Horner. (Report No. 548.)

By Mr. GIBSON, from the Committee on War Claims:

A bill (H. R. 6667) for the relief of Henderson County, Tenn., in lieu of House bill No. 1884. (Report No. 549.)

The bill (H. R. 5607) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. (Report No. 550.)

The bill (H. R. 2834) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee. (Report No. 553.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 6208) for the relief of James C. Slaght. (Report No. 551.)

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 1357) for the relief of C. Augusta Urquhart. (Report No. 552.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 1805) for the relief of the trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va. (Report No. 554.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 1891) granting a pension to Celestia R. Barry. (Report No. 555.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 1511) for the relief of Lydia Boynton Ferris. (Report No. 556.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky. (Report No. 557.)

By Mr. STALLINGS, from the Committee on Pensions:

The bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince. (Report No. 558.)

The bill (H. R. 1826) granting a pension to Henry Prince. (Report No. 559.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5226) to give increased pension to Gen. James C. Parrott. (Report No. 560.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum. (Report No. 562.)

By Mr. KERR, from the Committee on Pensions: The bill (H. R. 979) granting a pension to Frances E. Helfenstein. (Report No. 563.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5946) granting an increase of pension to Abram H. Parker. (Report No. 564.)

Mr. NEILL, from the Committee on War Claims, in lieu of House bill No. 1571, reported a resolution (House Res. No. 183) to refer said bill for the relief of the estate of Richard Higgins, late of Phillips County, Ark., to the Court of Claims. (Report No. 565.)

PUBLIC BILLS, MEMORIALS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. EVANS: A bill (H. R. 6659) providing for the withdrawal of distilled spirits from bonded warehouses by the distiller or owner, and for other purposes—to the Committee on Ways and Means.

By Mr. LIVINGSTON: A bill (H. R. 6660) to incorporate the National Capital Gas Light, Heat, and Power Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 6661) to amend sections 4488 and 4489 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. SOUTHWICK: A bill (H. R. 6662) to provide for fortifications and for other seacoast defenses—to the Committee on Appropriations.

By Mr. MEREDITH: A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUD: A bill (H. R. 6664) authorizing the employment of substitute letter carriers to assist regular carriers in certain cases—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: A bill (H. R. 6665) for testing the Belduke combination propeller—to the Committee on Naval Affairs.

By Mr. PITNEY: A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, Lambertville, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. BABCOCK: A bill (H. R. 6668) to amend act regulating sale of intoxicating liquors in the District of Columbia, approved March 3, 1893—to the Committee on the District of Columbia.

By Mr. HUTCHESON: A bill (H. R. 6669) authorizing and directing the Secretary of the Navy to donate 5 condemned cannon to George B. McClellan Post, No. 9, Grand Army of the Republic, of Houston, Tex., and for other purposes—to the Committee on Naval Affairs.

By Mr. CHARLES W. STONE: A bill (H. R. 6709) to authorize the appointment of a committee for any pensioner residing in the District of Columbia who is squandering his pension in drunkenness and vicious habits—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6710) to amend an act approved August 18, 1894, and to aid in the reclamation of the arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. McMILLIN: A bill (H. R. 6711) for the improvement of the Tennessee River above Chattanooga—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6712) for the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa (by request): A bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A joint resolution (H. Res. 129) authorizing publication of records and papers of the Continental Congress—to the Committee on Printing.

By Mr. HITT: A joint resolution (H. Res. 130) to provide for a new edition of the International Law Digest—to the Committee on Printing.

By Mr. HENDERSON: A resolution (House Res. No. 182) relative to the consideration of the bill (H. R. 6654) to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes, as an amendment to the legislative, executive, and judicial appropriation bill—to the Committee on Rules.

By Mr. McEWAN: A resolution (House Res. No. 184) asking appointment of commissioner to inquire into feasibility of the application of direct legislation to Federal legislation—to the Committee on Rules.

By Mr. DE ARMOND: A concurrent resolution (House Con. Res. No. 24) recognizing Cuban independence—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 6260) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park, and the same was referred to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 6670) making appropriation to the Department of Justice to pay Ellery P. Ingham, United States district attorney for the eastern district of Pennsylvania, for extraordinary services rendered in relation to the condemnation proceedings for sites for a new United States mint at Philadelphia—to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 6671) for the relief of Charles A. Nazro—to the Committee on Pensions.

By Mr. BURRELL: A bill (H. R. 6672) to grant a pension to Mrs. Mary E. May—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 6673) granting a pension to Noah Pillsbury—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 6674) for the relief of the estate of Stephen Kulp, deceased—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 6675) for relief of Mary T. Jackson, of Apollo, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6676) removing charge of desertion from record of James H. Cunningham, of Indiana, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 6677) for relief of Mary R. Jackson, of Apollo, Pa.—to the Committee on War Claims.

Also, a bill (H. R. 6678) for relief of E. L. B. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6679) granting a pension, etc., to Sylvester F. Hildebrand—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 6680) for the relief of Richard Mayse, of Brooklyn, N. Y., as found due by Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. McCLURE: A bill (H. R. 6681) to pension Charles W. Manville—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 6682) for relief of estate of Joshua Hill—to the Committee on War Claims.

By Mr. MURPHY of Arizona: A bill (H. R. 6683) for the relief of James T. Owens—to the Committee on Indian Affairs.

By Mr. OWENS: A bill (H. R. 6684) for the relief of Sarah K. T. Baker, of Lexington, Ky.—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 6685) for the relief of Edward G. Fugate—to the Committee on Invalid Pensions.

By Mr. PITNEY: A bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles—to the Committee on Military Affairs.

Also, a bill (H. R. 6687) for the relief of Caleb Aber—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6688) for the relief of the legal representatives of Margaret E. Woodward, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6689) for the relief of the estate of Stephen Roberts, deceased, late of East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6690) for the relief of Mrs. Nannie A. Badley, administratrix of Henry Badley, deceased, of East Baton Rouge Parish, La., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 6691) for the relief of Bertrand and Gaudin Cazes—to the Committee on War Claims.

Also, a bill (H. R. 6692) for the relief of the estate of Adelon Vignes, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6693) for the relief of Gatien Decuir, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6694) for the relief of Hyacinthe A. Morgan, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6695) for the relief of Leandre Decuir, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6696) for the relief of the estate of Celina Patin, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6697) for the relief of Anna Decoux, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6698) for the relief of the estate of John Bird, of West Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6699) for the relief of the estate of Turner Merritt, late of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 6700) for the relief of Mr. and Mrs. J. T. Strother, of Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 6701) for the relief of Emily C. McIntyre, of Livingston Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6702) for the relief of the heirs of Jacob Baum, Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6703) for the relief of Alonzo L. Boyer, Avoyelles Parish, La.—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 6704) for the relief of John W. McCaun—to the Committee on Military Affairs.

By Mr. BARRETT: A bill (H. R. 6705) granting a pension to John Eckland—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 6706) directing the Secretary of War to investigate the claim of John C. Phillips—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 6707) granting a pension to Margaret Newcomb—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 6708) for the relief of the trustees of Carson-Newman College at Mossy Creek, Tenn.—to the Committee on War Claims.

By Mr. TOWNE: A bill (H. R. 6714) for the relief of John A. Swenson, of Carlton County, Minn.—to the Committee on Claims.

By Mr. DE WITT: A bill (H. R. 6715) granting a pension to Susan E. De Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6716) granting an increase of pension to Jacob Heilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6717) removing the charge of desertion from the military record of William Y. Whitley—to the Committee on Militry Affairs.

Also, a bill (H. R. 6718) to correct the military record of Mathias Krouse—to the Committee on Military Affairs.

Also, a bill (H. R. 6719) to correct the military record of Lockwood M. Wallace—to the Committee on Military Affairs.

By Mr. HYDE: A bill (H. R. 6720) granting an increase of pension to George Lowry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Lodge No. 11, Order Sons of St. George, of Brownsville, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of the National Association of Manufacturers, favoring a classification of freight to be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Sidney M. Davis for relief, and for the passage of House bill No. 6619—to the Committee on War Claims.

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, favoring Government ownership and enlargement of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

Also, resolution of the Philadelphia Board of Trade, in favor of House bill No. 2563, for a navigating naval reserve—to the Committee on Naval Affairs.

By Mr. BARNEY: Memorial of citizens of Sheboygan, Wis., relating to the Sheboygan Harbor—to the Committee on Rivers and Harbors.

Also, memorial of citizens and business men of Port Washington, Wis., in favor of improving the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. BINGHAM: Petition of Washington Camp, No. 83, also Camp No. 303, Patriotic Order Sons of America, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BRODERICK: Petition of A. H. Harris and 50 others, of the State of Texas, protesting against the removal of the Federal court from Graham, Tex.—to the Committee on the Judiciary.

By Mr. BROWN: Resolutions adopted at a public meeting in Chattanooga, Tenn., February 22, 1896, favoring the establishment of a court of international arbitration for settling disputes between nations—to the Committee on Foreign Affairs.

By Mr. BRUMM: Petitions of Patriotic Order Sons of America, viz, Camp No. 66, Camp No. 96, and Camp No. 247, in support of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, protests of citizens of Nuremberg, Pa., against the appropriation of public moneys for sectarian undertakings; also petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BULL: Petition of Lodge No. 205, Order Sons of St. George, of Newport, R. I., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COFFIN: Resolutions of the Department of Maryland, Grand Army of the Republic, asking for the recognition of the Cuban insurgents as belligerents—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., for submission of a constitutional amendment prohibiting appropriations of public moneys for sectarian purposes—to the Committee on the Judiciary.

By Mr. COUSINS: Resolution of John Kyle Post, No. 457, Grand Army of the Republic, of Coggon, Linn County, Iowa, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa (by request): Remonstrance of Le Grand Byington and other Iowa citizens, against the establishment of an army post at Des Moines, Iowa—to the Committee on Military Affairs.

By Mr. DINGLEY: Memorial of James R. Stone and 45 others, ex-soldiers, of Brownfield, Me., asking for the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of C. B. Scott and 116 other citizens of Bethany, Brook County, W. Va., asking the recognition of belligerent rights for Cuba—to the Committee on Foreign Affairs.

By Mr. GARDNER: Petitions of Junior Order United American Mechanics, viz, Veritas Council, No. 194, Stafford Council, No. 11, Ware Council, No. 198, American Star Council, No. 52, and Washington Council, No. 5, all of the State of New Jersey, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Resolutions suggested by Albert P. Schack, of Denver, Colo., in regard to the war in Cuba—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, for a uniform classification to shippers for all railroads in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Petition of Laura L. Mumma, of Colusa County, Cal., praying that the war claim of Samuel Grove, deceased, be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. HULL: Resolution of Council No. 5, Order United American Mechanics, of Des Moines, Iowa, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Resolutions of the faculty and students of the University of Washington, favoring the establishment of a permanent board of arbitration—to the Committee on Foreign Affairs.

Also, memorial of citizens of the State of Washington, favoring the passage of joint resolution No. 11—to the Committee on the Judiciary.

Also, resolution of Ladd Post, No. 17, Grand Army of the Republic, of Puyallup, Wash., favoring the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Tacoma Chamber of Commerce, favoring the passage of Senate bill No. 1214—to the Committee on Agriculture.

By Mr. JENKINS: Resolutions of J. D. Robie Post, No. 273, Grand Army of the Republic, of Superior, Wis., praying for the passage of House bill No. 5555, authorizing the Secretary of the Navy to organize national naval volunteers in all States bordering on the Great Lakes—to the Committee on Naval Affairs.

By Mr. JOHNSON of Indiana: Remonstrance of the Peace Association of Friends in America, against the passage of bill providing for military instruction in the public schools—to the Committee on Military Affairs.

By Mr. LACEY: Petition of Charles Slaybaugh and 21 others; also petition of W. A. Fox and 20 others; also petition of Henry Wood and 24 others, favoring the free-home bill—to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: Petition of Lucy Webb Hayes Council, No. 12, Daughters of Liberty; also petition of Silver Star Council, No. 26, Junior Order United American Mechanics, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of J. A. Burkett and 6 other citizens of Fairfield Center, Ind.; also petition of W. Barber and 111 others, of Cedar Rapids, Iowa; also petition of S. W. Stephens and 39 others, of Waverly, W. Va.; also petition of W. H. Munshower and 30 others, of Cookport, Pa.; also petition of J. F. Schlossihn and 20 others, of Chicago, Ill.; also petition of G. R. Stone and 33 others, of Red Lion, Pa.; also petition of J. B. Phelps and 28 others, of Donohue, W. Va.; also petition of M. L. Drum and 78 others, of Shippensburg, Pa., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill for the relief of Edward G. Fugate—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of George F. Snyder and 122 others, of Washington, N. J., praying for the passage of House resolution No. 11—to the Committee on the Judiciary.

By Mr. PUGH: Paper to accompany House bill No. 6641, for the relief of Mary A. Danner—to the Committee on Military Affairs.

By Mr. STAHLE: Petition to accompany House bill No. 2975, granting a pension to the children of Zenas Macomber, late a soldier in the Revolutionary war—to the Committee on Pensions.

By Mr. STRODE of Nebraska: Petition of 34 ex-soldiers of Nemaha City, Nebr., praying for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: Petition of the Albany Wholesale Lumber Dealers, of Albany, N. Y., in behalf of the recognition of the Cuban patriots as belligerents in their struggle for freedom—to the Committee on Foreign Affairs.

Also, petition of the Woman's Christian Temperance Union of Albany, N. Y., protesting against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Albany, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. TRACEWELL: Paper in support of House bill No. 6563, for the relief of Mrs. Sarah Gresham—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolution of American Star Council, No. 53, Order United American Mechanics, of Bryn Mawr, Pa., with a membership of 67; also petition of Pottstown Council, No. 78, Daughters of Liberty, of Pottstown, Pa., with a membership of 119, indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Idaho: Petitions of H. G. Stratton and 15 others, Robert S. Spencer and 13 others, J. F. Congleton and 17 others, J. L. Smith and 38 others, W. E. Parker and 18 others, Oliver Hall and 104 others, Fred L. Coon and 10 others, and Alfred Boyer and 28 others, all of the State of Idaho, praying for the improvement of the Pend d'Oreille River, in Idaho—to the Committee on Rivers and Harbors.

By Mr. WOOMER: Petition of H. W. Pottiger, president, and 58 members of Washington Camp, No. 576, Patriotic Order Sons of America, located at Halifax, Pa.; also petition of Grant Wallace and 80 other citizens of Newcomerstown, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 29, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 665) to confer rank and pay of a first lieutenant of infantry upon the director of gymnastics and instructor in swordsmanship at the United States Military Academy; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 665) to authorize the President of the United States to appoint and confer the rank of first lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy—to the Committee on Military Affairs.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, the bill making appropriations for the Army came over from the Senate yesterday. I move that it be taken from the table, that the House nonconcur in the Senate amendments, and ask for a conference.

The amendments of the Senate were reported.

The SPEAKER. The gentleman from Iowa moves that the House nonconcur in the amendments of the Senate and ask for a committee of conference.

The motion was agreed to.

The SPEAKER. The Chair announces as conferees on the part of the House, the gentleman from Iowa, Mr. HULL, the gentleman from Illinois, Mr. MARSH, and the gentleman from Tennessee, Mr. WASHINGTON.

VETO MESSAGE.

The SPEAKER. The Clerk will report the following bill, which has not received the approval of the President, and which the House must under the Constitution reconsider.

The Clerk read as follows:

A bill (H. R. 2769) to authorize the leasing of lands for educational purposes in Arizona.

Be it enacted, etc., That the lands reserved for university purposes and all of the school lands in the Territory of Arizona reserved by law for school purposes may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases: *Provided*, That no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State: *And provided further*, That all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public school fund of said Territory and shall not be used for any other than public school purposes.

The SPEAKER. The question before the House is, Will the House, upon reconsideration, agree to pass the bill?

Mr. LACEY. I hope I may be able to secure the attention of the House——

Mr. MCMILLIN. I rise to a point of order, Mr. Speaker. There is so much confusion that we are unable to hear the gentleman.

The SPEAKER. The Chair would be obliged if gentlemen would take their seats and cease conversation.

Mr. LACEY. I trust that I will be able to secure the attention of the entire House this morning while I briefly outline the nature of the bill, and the grounds on which the President vetoed it. The House is confronted with a grave constitutional interference upon the part of the President with a bill that has passed the committee unanimously, passed the House unanimously, and also passed the Senate unanimously. This bill is identical with the Oklahoma bill, which I ask to have the Clerk read.

Mr. SAYERS. Will the gentleman allow me to ask him to explain how the veto by the President is a "constitutional interference" with a bill passed by Congress?

Mr. LACEY. It is a "constitutional interference." It is by virtue of his constitutional authority. I do not mean an "unconstitutional" interference. We are confronted with a veto on this bill, and I want to say——

Mr. MILES. I do not want to be hypercritical, but can the gentleman call it an "interference" at all?

Mr. LACEY. Why, it is a fatal interference. Two great bodies going in opposite directions have met in collision one with another; and now we want to see which is right. I ask the Clerk to read the Oklahoma act, to which I invite the attention of the House.

The Clerk read as follows:

An act to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservation for university, agricultural college, and normal school purposes of section 13 in each township of the lands known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, in the Territory of Oklahoma, not otherwise reserved or disposed of, and the reservation for public buildings of section 33 in each township of said lands, not otherwise disposed of, made by the President of the United States in his proclamation of August 19, 1893, be, and the same are hereby, ratified, and all of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.

Approved May 4, 1894.

Mr. LACEY. If a comparison is instituted between the bill which has been vetoed and the Oklahoma bill it will be seen that the two bills are essentially identical, the only difference being such changes as will adapt the law to Arizona instead of Oklahoma.

A MEMBER. When was the Oklahoma bill passed?

Mr. LACEY. It was passed in 1894. It was passed at the suggestion of the Secretary of the Interior and the Commissioner of the General Land Office. They expressly requested that the Secretary of the Interior be relieved from the necessity of approving the leases. The following is the report on that bill in the Senate in the Fifty-third Congress:

The Committee on Public Lands, to whom was referred House bill No. 5065, "An act to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes," have had the same under consideration, and we recommend that the bill be amended as follows, to wit:

Strike out all after the last "and" in the twelfth line of the said act and insert as follows:

"All of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases."

And as amended your committee recommend its passage.

DEPARTMENT OF THE INTERIOR, *Washington, April 9, 1894.*

SIR: I have the honor to inclose a copy of a letter from the Commissioner of the Land Office upon H. R. 5065.

The views presented by the Commissioner meet with my approval.

Respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN MARTIN, *United States Senate.*

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 9, 1894.

SIR: I have had my attention called to a proposed amendment to H. R. 5065, entitled "An act to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes,' submitted by the Hon. John Martin, United States Senate, as follows, viz:

Strike out all after the last "and" in the twelfth line and insert as follows:

"All of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of state, and superintendent of public instruction shall constitute a board for the leasing of said lands, under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases."

I have the honor to state that the proposed amendment meets my approval.

The Commissioner of the Land Office, in his report for 1893, recommended that the requirement to submit leases of school lands to the Secretary of the Interior should be dispensed with. The experience of the Department has been that these leases must be approved almost exclusively upon the recommendation of the Territorial officers. This being true, it is simply a waste of time and additional work, without any benefit, to require them to submit these leases to the Department.

I inclose a copy of said bill and proposed amendment.

Respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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[House Report No. 251, Fifty-third Congress, second session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 3610) to authorize the governor of Oklahoma Territory to lease certain lands, and for other purposes, have had the same under consideration, and report it back with the recommendation that it be laid upon the table and that the accompanying substitute therefor be passed.

The President in his proclamation opening the Cherokee Outlet reserved section 13 in each township, which had not been otherwise reserved or disposed of, for university, agricultural college, and normal school purposes, subject to the action of Congress; and also reserved section 33 in each township, which had not been otherwise reserved or disposed of, for public buildings. The proclamation as to these lands was as follows:

"Excepting also that section 13 in each township, which has not been otherwise reserved or disposed of, is hereby reserved for university, agricultural college, and normal school purposes, subject to the action of Congress; excepting also that section 33 in each township, which has not been otherwise reserved or disposed of, is hereby reserved for public buildings."

This bill will ratify the said reservations made by the President and authorize the leasing of the lands for a period of not exceeding three years for the purposes for which they were reserved.

I call the attention of the House to the report of the Commissioner of the General Land Office for 1893, pages 64 and 65. Speaking of the leases in Oklahoma, he says:

The Land Department of the General Government should not be charged with the supervision of this work. As the statute of 1891, above quoted, has been construed, it has become the duty of this office not only to supervise the leasing in a general way under your instructions, but to pass upon the correctness and completeness of each lease preparatory to approval by you, conduct a large amount of correspondence with the governor and individuals respecting the leasing, and to pass upon estimates of expenses.

The duty is a new one, and the work is not of the same character as that imposed upon this office by general law, to wit, the exercise of the duties pertaining to the survey and disposal of the public lands and the adjudication of private land claims.

Heretofore the officers under the direction of this office, besides inspectors and special agents, were the surveyors-general and registers and receivers of district land offices, who exercise functions exclusively national in character; but by this law and the regulations adopted thereunder an officer clothed with gubernatorial powers is placed under my direction as to certain of his duties.

The situation is an anomaly in the history of the land administration of the Government, and should not be continued.

And he asks that the Secretary be relieved from approving these leases. The law was passed accordingly. The Secretary, in his report of the same year, on page 9, says that—

The Commissioner recommends the enactment by Congress of supplemental or amendatory legislation placing the leasing of these lands and property acquired out of the funds derived therefrom exclusively under the control of the Territorial legislature, and I heartily concur in the recommendation.

In pursuance of these recommendations to the last Congress it passed the act of 1894.

Let me call your attention, Mr. Speaker, to the results of that legislation. In the year 1895, under that law, the Territory of Oklahoma received from these leases $88,276.97. I read from the report of the governor of that Territory, recently printed. In the previous year, under the leases made by the Secretary of the Interior, there were received $46,582.26, showing that the Secretary of the Interior and the Commissioner of the General Land Office were right in their recommendation to this House; and the passage of the bill giving to the governor, to the secretary of the Territory, and to the superintendent of public instruction of the Territory the leasing of these lands was a wise act and in the interest of the Territory where the lands are situated.

The following are the reports in the Senate and House on the present bill:

The Committee on Public Lands, to whom was referred the bill (H. R. 2769) to authorize the leasing of school lands in the Territory of Arizona, have had the same under consideration, and report it back with the information that these lands having been reserved and set apart by the General Government for educational purposes, to be available to the State for revenue purposes after admission, this act simply authorizes the lands to be leased by the proper authorities for the benefit of the school fund previous to admission, and in no way conflicts with public interests and can not fail to be beneficial when amended as herein recommended.

For the purpose of preventing substantial alienation of title under color of a lease, and to insure unencumbered title to the State when admitted, the committee recommend the following amendment, viz:

Amend by adding after the word "leases," in line 17, page 2, the following:

"*Provided*, That no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State: *And provided further*, That all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public-school fund of said Territory, and shall not be used for any other than public-school purposes."

With this amendment the committee recommend the passage of the bill.

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The Committee on the Public Lands, to whom was referred the bill (H. R. 2769) to authorize the leasing of school lands in the Territory of Arizona, have had the same under consideration and report it back with the information that these lands having been reserved and set apart by the General Government for educational purposes, to be available to the State for revenue purposes after admission, this act simply authorizes the lands to be leased by the proper authorities for the benefit of the school fund previous to admission, and in no way conflicts with public interests and can not fail to be beneficial.

The committee therefore recommend the passage of the bill.

The President, notwithstanding the recommendation of one of his Cabinet two years ago, says in his veto message:

It was hardly necessary to provide in this bill that these lands might be leased "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory," if the action of the legislature was to be forestalled and rendered nugatory by the immediate and unrestrained action of the officers constituted "a board for the leasing of said lands" pending such legislative consideration. These are inconsistencies which are not satisfactorily accounted for by the suggestion that the time that would elapse before the legislature could consider the subject would be important.

And he says:

Even the measure of protection which would be afforded the citizens of the Territory by a submission to the Secretary of the Interior of the leases proposed, and thus giving him an opportunity to ascertain whether or not they comply with his regulations, is especially withheld.

That was done on the express recommendation of the Secretary of the Interior as I have quoted it. Is it implied by the message that the governor of Arizona would not be just as safe a man to look after these lands as the Secretary of the Interior, 1,800 miles away? They are both appointed by the President of the United States, both of his own political faith, and the governor of the Territory also acts with the secretary of the Territory and school superintendent under this bill. I call the attention of the House to the fact that this is not an experiment. The bill passed two years ago with reference to Oklahoma is working well, and the situation in the two Territories is substantially the same. In the Territory of Arizona the situation is this: Tracts of school lands—the sixteenth and the thirty-sixth sections—are reserved by act of Congress for school purposes. Under existing laws settlers have taken the adjoining lands. Arizona is a Territory whose lands require to be irrigated. A section of school land often lies between two sections of private land, and the "influential citizens" referred to in the President's message do not like to pay for leases of those lands, and so the President says:

The protests I have received from numerous and influential citizens of the Territory indicate considerable opposition to this bill among those interested in the preservation and proper management of these school lands.

Unquestionably this legislation meets with opposition. The cattle barons of Oklahoma did not like the law of 1894, and influential citizens there opposed its enactment. Whether they appealed to the President for a veto or not I do not know, but I do know that the result of that law has been highly beneficial to the Territory.

Let me call attention to what the governor of Arizona says in his report for 1895 (page 28), which contains, as I think, the answer to the whole contention of the veto message:

Leasing of school lands: A wise provision of the Federal law sets aside the sixteenth and thirty-sixth sections of all townships of the surveyed public lands of the Territory for the benefit of the public schools of Arizona, but which can not be utilized until the Territory is clothed with the rights of a sovereign State. Much of this land designated as school land has been settled upon and is being cultivated. Under the law this land is not liable to taxation, as are the lands contiguous thereto; neither are the schools receiving any benefit therefrom. It is estimated a revenue of from $75,000 to $100,000 annually could be derived from this source. I recommend that the Territorial board of education be empowered to lease these school lands for a term of years, the present occupants to be given the preference.

Mark these words, "the present occupants to be given the preference," showing that these lands which this bill proposes to lease are already occupied, free of charge, by persons who do not even pay taxes upon them.

We have a precedent in this recommendation, as Congress authorized the Territory of Wyoming to lease her school lands before her admission to Statehood.

I am not sure as to Wyoming; but in Oklahoma they have a precedent, and a good one. The President also says, in his message:

Under these provisions the lands reserved for university and school purposes, whose value largely depends upon their standing timber, and in which every citizen of the Territory has a deep interest, may be leased and denuded of their timber by officers none of whom have been chosen by the people, and without the sanction of any law or regulation made by their representatives in the local legislature.

Now, I assume that no leases will be made by the governor and by the secretary of the Territory of timber lands to be thus denuded. If either of those officials attempted anything of that kind their removal would promptly follow and ought to follow; they ought to and would be deprived of the offices which they were abusing. They are certainly as fit men to trust with this matter as Secretary Smith, an able and distinguished gentleman who has a good deal of other business on his hands at this end of the line, anyway. On the whole, I think it would be much better to trust this matter to the Territorial officers. Again, most of these lands being in possession of persons having no authority of law for occupying them, it is a very strange suggestion that if they should hold possession under leases they would be more likely to destroy the timber than they would be when they are in possession without authority of law. Of all men in the world the men least to be trusted with timber are those who occupy the lands without authority, who are in possession, but whose possession may be terminated at any time. Under the bill, as passed by the House and amended by the Senate, the leases upon these lands will terminate in five years. That is the utmost limit, and they will terminate sooner if Arizona is admitted into the Union as a State. The fact is the President has been deceived by somebody. He has undoubtedly sent this message to the House in the utmost good faith, believing that there is some danger in this bill and not having knowledge of or having considered the working of the Oklahoma bill. He has been influenced, no doubt, by influential men who have been influenced by other influential men who are upon the lands of the Territory and who do not want to pay rental for those lands.

I do not wish to consume time on this bill unnecessarily, yet I desire, Mr. Speaker, to give an opportunity to members of the committee to explain the matter fully to the House, so that no mistake may be made and that the vote may be intelligently cast, with a full knowledge of the history of the bill and of previous legislation of the same character.

I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the bill now before the House, which the President has vetoed, was carefully considered by the members of the Committee on Public Lands, representing both parties. It was reported to the House unanimously, after a careful investigation of the facts. It is a bill of importance and should receive the careful consideration of the House. I have read with care the message of the President conveying to this House his veto of this measure, and I do not see anything in the message to alter my opinion that the bill is a good and just measure and should be passed.

Mr. Speaker, the facts in reference to this matter are these: The United States Government has set aside two sections of land in each township in the Territory of Arizona to be held in trust for the schools of the future State of Arizona. The Territory is not allowed to dispose of that land; it must be held in trust for the benefit of the children of the future State. A large proportion of the land, however, can be utilized. A great deal of it is good grazing land, and revenue can be derived from it.

Under the general law the Secretary of the Interior is authorized to lease these lands for the benefit of the schools of the Territory; but in practice it has been found that these leases accumulate in the Department of the Interior so rapidly that he has been unable to approve them; that parties go into possession of these school lands and remain there—although the lease is not approved—until the term for which the lease was intended to be made has expired. Parties thus taking possession of the land and using it get it free of charge, and the schools of the Territory derive no benefit therefrom.

There was before the last Congress a bill identical with that now before us for consideration, except that it applied to the Territory of Oklahoma. It had been found that leases for similar trust lands in that Territory accumulated so rapidly in the hands of the Secretary of the Interior that he could not approve them, and therefore the schools were not deriving proper benefit from the lease of those lands. Hence, the Secretary of the Interior recommended that Congress pass for the Territory of Oklahoma a bill similar to the present one applying to Arizona. I will read what Mr. Lamoreux, the Commissioner of the General Land Office, recommended on this subject:

The Commissioner of the General Land Office, in his report of 1893, recommends that the requirement to submit leases of school lands to the Secretary of the Interior should be dispensed with. The experience of the Department has been that these leases must be approved almost exclusively upon the recommendation of the Territorial officers. This being true, it is simply a waste of time and additional work without any benefit to require them to submit these leases to the Department.

The present Secretary of the Interior, in transmitting that report to Congress, said—

The views presented by the Commissioner meet my approval.

A MEMBER. When was that?

Mr. UNDERWOOD. That was in the last Congress. The report was dated April 9, 1894.

Now, that bill for Oklahoma, which met the approval of the Commissioner of the Land Office, which met the approval of the Secretary of the Interior, went to the President of the United States and received his signature. This bill for the Territory of Arizona is identical with that Oklahoma bill. Under the Oklahoma bill the receipts for the leases of these public lands have increased from forty-odd thousand dollars to eighty-odd thousand dollars in one year. I think we can have no better evidence of the benefits that may be derived from the bill now before the House than that very fact.

Furthermore, the Secretary of the Interior says these Territorial officers are the proper men to approve these leases. They are appointed by the President of the United States. They are just as much under his control as are the officers of the Interior Department; and if they do not perform their duties properly they are subject to removal by him. Therefore I can not see how any injustice can be done to anyone by the passage of this measure. On the contrary, there seems to me to be every reason for its passage, so that the profits derived from the lease of these lands may be held in trust for the benefit of the children of this future State. I shall, therefore, Mr. Speaker, vote for the passage of this bill, notwithstanding the veto of the President.

[Here the hammer fell.]

Mr. SAYERS. I should like to know from the gentleman from Iowa [Mr. LACEY] whether, before this bill was reported from the Committee on Public Lands of this House, there was any communication on the part of the committee with the Secretary of the Interior respecting the bill?

Mr. LACEY. The bill was not submitted to the Secretary of the Interior after its introduction. The committee relied upon the previous printed report of the Secretary of the Interior sent to Congress by the President recommending the passage of such a bill——

Mr. SAYERS. For the Territory of Arizona?

Mr. LACEY. For the Territories generally; and for the draft of the bill we relied upon the bill framed in the Land Office or approved in the Interior Department for the Territory of Oklahoma, the situation in the two Territories being substantially the same. In both cases the "cattle barons" and other unauthorized persons were in possession of the lands; in both cases no rent was being paid; in both cases no leases by the Territorial officers were provided for; and as to the statement of the Secretary of the Interior and the Commissioner of the General Land Office that they did not want to supervise these leases, we relied upon the statement to that effect in their printed reports of 1893.

Mr. SAYERS. The gentleman will remember that a few days since this House passed a bill affecting the State of California, and passed it upon the supposition that it was identical with a bill passed for the benefit of some other State.

Mr. LACEY. Montana.

Mr. SAYERS. The general impression at the time that bill passed was that it met the approval of the Secretary of the Interior. We found afterwards, upon investigation, that the conditions were entirely different, and that to execute the bill which we passed, and which carried an appropriation I think of only $20,000, would require, according to the opinion of the Secretary of the Interior, at least $500,000.

Mr. Speaker, I know nothing at all of the conditions prevailing in Arizona, but I do submit that because we passed a similar bill in reference to Oklahoma it affords no reason whatever why a bill of similar character should be passed for Arizona, unless the conditions are absolutely the same. The facts can be obtained from the Interior Department.

Mr. LACEY. They are the same, I will state to the gentleman from Texas; and besides, we already had the assurance of the Secretary of the Interior, through the Delegate from Arizona, that the bill was entirely satisfactory to the Department.

As to this matter, the other day, during the consideration of the bill that my friend refers to, let me say to my friend from Texas that I rose——

Mr. SAYERS (interrupting). I wish the gentleman to understand that I make no charge against him whatever.

Mr. LACEY. I understand that; but you leave an impression, or a misconstruction of what was done—unintentionally, I am sure—as to what did take place. My friend is always fair.

Mr. SAYERS. I was only stating the impression that was made on this side of the House among gentlemen that that bill had

received the approval of the Secretary of the Interior. But I make no charge against the gentleman as having created that impression.

Mr. LACEY. It was no doubt a well-founded impression, because the gentleman from California stated during the discussion that the bill had been so submitted. That, however, was a mistake on his part. He did not mislead the House intentionally, of course. It was a misapprehension of the facts. He was not a member of the committee, and only stated what he understood to be the circumstances. I immediately rose and called the attention of the House to the fact that the bill had not been submitted to the Secretary of the Interior, so if anybody misunderstood the fact it was no fault of ours.

In this case, however, we did not submit the bill to the Interior Department, but followed the published report of the Secretary which was submitted to Congress upon the subject.

Mr. SAYERS. I will say, Mr. Speaker, that I did not intend to cast the slightest reflection upon the gentleman from California, and have no doubt that he was entirely honest in his statement. I was merely endeavoring to show that a serious misapprehension had been created, though not intentionally, of course.

Mr. LACEY. Very well. I understand that when the President sends a message to the House and calls attention to the legislation he wants, or sends the report of the Secretary of the Interior to the House, which is referred to committees, the committee are not expected to reject or disregard that report, but, on the contrary, that they are expected to assume that the Administration consent to the legislation suggested by such recommendation.

I have already read from the report of the Secretary of the Interior for 1893, showing the reasons why he wanted to be relieved from the execution of these leases, and recommending that legislation should be enacted to give the governor of the Territory and the Territorial secretary the authority for making the leases, they being on the ground and understanding the facts better than the Department could at a distance. It is all the more important that this should be done now, because of the fact that these lands are occupied already without any compensation to anybody. We had a right, in view of the recommendation coming to us from the Department, to rely on the belief that the report of the Secretary of the Interior approved substantially this legislation. We examined it in committee and sought to enact it into a law. The committee reported the bill, which was passed by both Houses of Congress, and went to the President. We did not send this specific bill to the Department because the bill was a copy of the bill substantially framed in or approved by the Interior Department for another Territory, situated precisely as this is, with two Democratic officials to carry out the wishes of the Government. We saw no reason why we should not treat both Territories alike, and were brought face to face with the inquiry whether we would make fish of Arizona and fowl of Oklahoma.

Mr. SAYERS. Will the gentleman agree that the consideration of the veto shall lie over until Monday, so that the Secretary of the Interior may be communicated with as to the proper disposition of the bill?

Mr. LACEY. Well, it seems to me it would be a very indelicate thing on the part of the Secretary of the Interior to come forward and instruct Congress to enact a law in opposition to the veto message of the President.

Mr. SAYERS. We only wish to get the facts.

Mr. LACEY. And I think the Secretary of the Interior would hardly care to come before the House with the recommendation that this body should override the veto message of the President of the United States.

Mr. SAYERS. We only desire the facts.

Mr. LACEY. That is what I want.

Mr. SAYERS. And all I wish to know, and I suppose all that any other gentleman who has not been placed in possession of the facts wants to know, is the exact status of this matter; and that can be obtained from the Secretary of the Interior by a statement of the facts in the case. We can then see whether they are on all fours with the conditions prevailing in the Territory of Oklahoma. If so, then there may be some good reason why we should pass the bill over the veto.

Mr. LACEY. Now, let me ask my friend from Texas [Mr. SAYERS] this question: Do you think it would be delicate or proper for this House to ask the Secretary of the Interior whether he thinks the House ought to override the veto of the President?

Mr. SAYERS. I do not propose to ask the Secretary of the Interior——

Mr. LACEY. Neither do I.

Mr. SAYERS (continuing). For his opinion, but I propose to ask the Secretary of the Interior for the facts within his knowledge, that will enable us to vote upon this measure intelligently.

Mr. MURPHY of Arizona. I simply desire to say to the gentleman from Texas that I have seen the approval of the Secretary of the Interior to this bill since it reached the President; also the approval of the Commissioner of the General Land Office to this very bill after it went to the President.

Mr. LACEY. They were laid in writing before the President, were they not, approving the bill?

Mr. MURPHY of Arizona. Yes.

Mr. LACEY. I now yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. TURNER of Georgia rose.

Mr. MCRAE. If the gentleman from Georgia desires to speak, I will yield to him.

Mr. LACEY. How much time would the gentleman from Georgia like?

Mr. TURNER of Georgia. I want a moment only.

Mr. LACEY. I yield five minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. I suppose the debate is proceeding in the time of the gentleman from Iowa, and I will not abuse his courtesy.

The SPEAKER. The gentleman from Georgia.

Mr. TURNER of Georgia. From what I can learn of this bill by a hasty reading, it proposes to confer on the Territorial authorities the power to lease the school lands in the Territory of Arizona in accordance with the regulations prescribed by the Interior Department, except that the Secretary is to have no supervision of the leases, as those regulations otherwise require. It is said that a similar provision was inserted in a bill affecting the Territory of Oklahoma during the last Congress. It is quite possible, sir, that that provision may then have been approved and experience under its operation may have justified a change of opinion in regard to it. I see that the President in his message suggests that under this act the lands could be denuded of their timber, and in that way greatly damaged—lands the value of which chiefly depends upon the forests. He suggests this circumstance as a reason why the leases should be supervised by the Secretary of the Interior.

Something has been said about a reference of this matter to the Secretary of the Interior as it now stands. I think it may be safely assumed that the Executive has had the advice of the Secretary of the Interior on this subject and that his veto of the measure has been inspired by the information which he derived from that Department. In order to show the relation of the Executive to this matter, I ask that the veto message be read. It may be found on page 2280 of the RECORD, and is very brief.

Mr. SAYERS. There is no provision in this for protecting the timber?

Mr. TURNER of Georgia. I have already stated that. It will be seen that the President complains that there is no protection for the timber on these lands under the provisions of this bill.

The Clerk read as follows:

To the House of Representatives:

I herewith return without my approval House bill numbered 2769, entitled "An act to authorize the leasing of lands for educational purposes in Arizona."

This bill provides for the leasing of all the public lands reserved to the Territory of Arizona for the benefit of its universities and schools, "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory."

If the proposed legislation granted no further authority than this, it would in terms at least recognize the safety and propriety of leaving the desirability of leasing these lands, and the limitations and safeguards regulating such leasing, to be determined by the local legislature chosen by the people to make their laws and protect their interests.

Instead of stopping here, however, the bill further provides that until such legislative action the governor, the secretary of the Territory, and the superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior. It is specifically declared that it shall not be necessary to submit said leases to the Secretary of the Interior for approval, and that no leases shall be made for a longer term than five years, nor for a term extending beyond the date of the admission of the Territory to statehood.

Under these provisions the lands reserved for university and school purposes, whose value largely depends upon their standing timber, and in which every citizen of the Territory has a deep interest, may be leased and denuded of their timber by officers none of whom have been chosen by the people, and without the sanction of any law or regulation made by their representatives in the local legislature. Even the measure of protection which would be afforded the citizens of the Territory by a submission to the Secretary of the Interior of the leases proposed, and thus giving him an opportunity to ascertain whether or not they comply with his regulations, is especially withheld.

It was hardly necessary to provide in this bill that these lands might be leased "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory," if the action of the legislature was to be forestalled and rendered nugatory by the immediate and unrestrained action of the officers constituted "a board for the leasing of said lands" pending such legislative consideration. These are inconsistencies which are not satisfactorily accounted for by the suggestion that the time that would elapse before the legislature could consider the subject would be important.

The protests I have received from numerous and influential citizens of the Territory indicate considerable opposition to this bill among those interested in the preservation and proper management of these school lands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 23, 1896.*

Mr. LACEY. I now yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I shall vote to pass the bill notwithstanding the objections of the President. Reference has been made to similar legislation in relation to Oklahoma during the

Fifty-third Congress. The Delegate from that Territory introduced a bill, H. R. 3610, for which, under the direction of the Committee on Public Lands, I reported a substitute, H. R. 5065, which did not contain the provision that has been made the basis of the objection by the Executive in his veto. It passed the House as reported by me without opposition. The Senate Committee on Public Lands referred it to the Secretary of the Interior, and as has already been stated, he reported in writing to that committee that the first paragraph of the bill was right, but that there should be added to it as an amendment the following clause, which I shall now read:

All of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.

So that provision which relieved the Secretary of the Interior of the duty of approving the leases was inserted in the Oklahoma bill at the request of the Interior Department, for the reason that the Department could not superintend and properly look after the leasing of the school lands in these Territories. I will state that now and for a long time the Interior Department has had authority to lease these lands. That authority is full and complete; but the Commissioner and Secretary are charged with great public duties here, and have not been able to give the matters attention. They can not overlook these many small tracts of land in different parts of sparsely settled Territories at a distance of over 2,000 miles without an appropriation that would enable them to send representatives into each Territory, and that has not been given them. They have done the best they could and have repeatedly called attention to the subject in their reports.

The result has been that the Territories have each lost from $50,000 to $100,000 per annum for several years past. The present able Secretary and Commissioner of the General Land Office, realizing that some rental should be realized for the use of these grazing lands, wisely, I think, suggested that this matter should be committed to the hands of the authorities nearest to the people—the local officials. I believed then that that was in accordance with the Democratic idea of home rule. I believe so now, and I think that it is best for all concerned to bring these matters as close to the people directly interested as possible. If the officials charged with the duty of leasing should abuse the trust or in any way fail, they are responsible, if elective, to the people who elected them, and if appointive, to the people who appointed them. In this case a majority of these officers are appointees of the present Executive, and I assume are honorable gentlemen.

This is the history in brief of the provision in the Oklahoma bill to which objection has been made. Having made the change for Oklahoma, I can see no reason why we should not do it for Arizona, unless it can now be agreed that she is to be admitted as a State very soon. If Arizona is to be kept out of the Union and against her wishes to be ruled by officers appointed and not of her own choosing, let those officers have at least the right to get all the rents they can for the education of the children of the Territory. The lands belong to the United States, but they have been reserved to be donated to the State when admitted, and we have full power over them. The objection urged by the President that the lands may be denuded of timber by the lessees requires some notice. The lands in Arizona are not generally valuable for timber, but for grazing; but the little timber that may be upon the school lands on the mountains and hillsides of Arizona should be fully protected; but I submit in all candor to the House that the greatest degree of protection will be secured by committing the matter to the officers of the Territory, rather than to the Interior Department. None of them can fully protect against thieves who will steal public timber under any system of leasing, as they do now without any leases. But, Mr. Speaker, every man who cuts a tree upon reserved school lands, in Arizona or in any other Territory of the United States, is subject to a fine of not exceeding $5,000 and imprisonment in the penitentiary not exceeding one year. Many steal without reference to the law. And whether the authority be given to the Secretary of the Interior or to the local officers makes but little difference in that respect, except that the difference, I believe, would be in favor of the local authorities, if honest; because I know that neither the Secretary of the Interior nor the Commissioner of the General Land Office can personally supervise these matters; and they have no fund out of which they could pay a sufficient number of agents to look after timber depredations. They can not protect other public lands.

Mr. COX. Will the gentleman yield to me for one question?

Mr. McRAE. Certainly.

Mr. COX. I see that this board that is empowered to act is composed of the governor, the secretary of the Territory, and the superintendent of public instruction. Now, who appoints this board, with the exception of the governor?

Mr. McRAE. The President appoints the governor and the secretary of the Territory; as to the other I am not informed, but will ask the gentleman from Arizona to answer.

Mr. MURPHY of Arizona. The superintendent of public instruction is appointed by the governor.

Mr. COX. The balance of these are appointees of the President, and the governor appoints the superintendent?

Mr. MURPHY of Arizona. Yes.

Mr. McRAE. I am asked by the gentleman from Georgia [Mr. BLACK] when the legislature of Arizona will convene. Will the gentleman from Arizona tell me?

The SPEAKER. The time of the gentleman has expired.

Mr. LACEY. How much more time does my colleague desire?

Mr. McRAE. I only desire enough time to answer the question that has been asked me. Two minutes will do.

Mr. LACEY. I yield two minutes more.

The SPEAKER. The gentleman from Arkansas is recognized for two minutes more.

Mr. McRAE. When does the legislature of Arizona next meet?

Mr. MURPHY of Arizona. In next January.

Mr. McRAE. So, Mr. Speaker, authority is given by this act to this board to lease the school lands under regulations heretofore prescribed by the Secretary of the Interior for the time specified in the bill unless it sooner becomes a State. Now, I assume, although I have not seen a copy of the Department regulations, that they will amply protect the Government and the Territory so far as the timber is concerned. I feel certain that the regulations would not permit the use of the timber on the lands. I hope no discrimination will be made against the Territory of Arizona in the matter of leasing its school lands or otherwise. The Territory has been badly treated by Congress in respect to statehood, but is certainly as good as Oklahoma. The revenue from these lands would reach between $75,000 and $100,000. That is the experience we have had concerning Oklahoma with reference to her school lands, which are not so large in area and perhaps not as rich in resources.

I have made this statement with, I trust, a proper regard for the reasons assigned by the President. I think he has been misled by people who do not have a proper regard for the interest of the Territory. I trust the bill will pass.

Mr. LACEY. I yield five minutes to the gentleman from Arizona.

Mr. MURPHY of Arizona. Mr. Speaker, I desire to consume but very few moments upon this question. For the fourteen years that I have lived in Arizona it has been the continuous wish of our people that some revenue should accrue to the Territory from the use of the school lands. Under the United States statutes the sixteenth and thirty-sixth sections of the public lands are reserved for school purposes until the Territory shall become a State; but until the time it does become a State no revenue whatever is derived from the use of those lands. Many people settle upon these sections of land before they are surveyed and find afterwards that they are on school lands. They are there, and they seek to remain there, because they are required to pay no taxes, and they contribute not one iota to the maintenance of the government which protects them.

Much of the land in Arizona is arid, much is mountainous, much is valuable for timber and also for farms. After it had been discovered that some of the sections 16 and 36 are valuable for agricultural purposes they are settled upon, for the reason that the settlers desire to avoid paying any revenue which contributes to the maintenance of schools. That is the very object. The Fifteenth legislature of Arizona unanimously memorialized Congress to pass a bill similar to this one. I have recommended it in official life there, and every governor since, within my knowledge, has recommended the same thing. No protest has ever come from anybody until this time; no protest has ever been presented to me or to any member of this House or of the Senate so far as my knowledge goes.

Now, in regard to having the leases submitted to the Secretary of the Interior for his approval, in the case of the Oklahoma bill the Commissioner of the General Land Office specifically recommended against that, as the House has heard in this discussion, and the Secretary specifically approved of the recommendation of the Commissioner of the General Land Office.

I wish to say a few words now in reply to the gentleman from Georgia [Mr. TURNER], who possibly did not hear my positive statement that the Secretary of the Interior did approve this very bill. Subsequent to the passage of the bill I went to the White House and asked the private secretary of the President, Mr. Thurber, the condition of the bill. He said, "It has gone to the Interior Department, and you had better go down there." I went to the Interior Department and asked the Commissioner of the General Land Office, Judge Lamoreux, what had become of the bill. He said, "I signed it with my approval about twenty min-

utes ago, and it has gone to the Secretary." I went to the Secretary's office and saw his secretary, who had the bill in his possession, and while I was there he took it in to Secretary Smith, secured his approval, brought it back and showed it to me. And in my judgment Mr. Secretary Smith has been out of the city ever since that time.

In regard to the protests that have been sent to the President, it is very easy to understand that the people now occupying these lands and paying no taxes upon them desire to have that happy condition of things continued. It is also true that many corporations owned large pieces of land that come within this description and they desire to hold control, thinking that statehood may be delayed for some time. One corporation has 600 acres improved and under fence for speculative purposes and forbids its occupation by others.

The people who hold these lands in that way may be influential and may be able to get up protests to be sent to the President, but from $75,000 to $100,000 of revenue will flow into the school fund annually from the leasing of these lands and will to that extent relieve the burden of taxation upon other citizens of the Territory who are now compelled to make it up. In short, Mr. Speaker, I can conceive of no possible reason why this bill should not become a law, in view of past precedents, and I certainly believe that the President must have acted in this matter under a misapprehension.

Mr. STEELE. What about the timber lands?

Mr. MURPHY of Arizona. Along the line of the Atlantic and Pacific Railroad 72 sections have been reserved for university purposes; some of it is good land and some of it is not, but the regulations now prohibit the denuding of these lands of timber, and it is not to be presumed that the governor and secretary of the Territory, who are appointed by Mr. Cleveland, are any more corrupt than the officers of Oklahoma Territory. They are residents of the Territory, they live there, and there is no possibility of their allowing the robbing of this land of its timber; but if it were possible, the value of the timber would be taken into consideration in connection with the leases.

Mr. LACEY. I yield three minutes to the gentleman from Oklahoma.

Mr. FLYNN. Mr. Speaker, I think the House can readily understand why the Department requested that certain Territorial officers should be given authority to look after these school lands in Oklahoma. There were executed there in one year 1,600 leases, and by the time those leases were sent to the Department, assuming that there were no laches whatever, it took in some cases eighteen months before a man could ascertain whether or not his lease had met the approval of the Department. This business went into the regular routine of the Department and was taken up in due course. It was at the suggestion of the Department of the Interior that the original Oklahoma bill was introduced, taking the leasing of these lands out of the hands of the Department. Although the rules and regulations made by the Secretary of the Interior are still in force in Oklahoma, we have the right to handle the matter ourselves. Arizona ought to have the same privilege. The Committee on Public Lands, in reporting the bill, believed the fact that Oklahoma had obtained $88,000 last year from the leasing of her school lands was a sufficient reason for authorizing the Territory of Arizona to lease its lands and thereby to obtain something for the support of its public schools.

To-day many of the lands there are occupied by men who do not pay a dollar of rent or taxes. The enactment of this bill will compel them either to pay rent for the benefit of the school fund or to move off the lands and allow them to be occupied by men who will pay rent and thereby aid the public-school funds. I think the bill should be passed, in justice to the people of Arizona. Undoubtedly somebody has deceived the President of the United States in regard to this question. He aims ordinarily to be fair, and I do not hesitate to say that I am confident somebody interested in some scheme has been able to so mix matters as to blind the mind of the President to the facts of this case and thereby secure his veto.

Mr. LACEY. I yield three minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Speaker, the consideration of this question divides itself properly under two heads, first, whether these lands should be leased for the benefit of the Territory of Arizona; and second, by whom should they be leased? As to whether the lands should be leased at all it appears to me there can be no question. The children of that Territory need the funds which will be derived from these leases, and there is every reason why they should have the benefit of those funds.

If the lands are to be leased at all it seems to me beyond controversy that there are no persons better qualified to perform this duty than those men who are upon the ground. We are to take into consideration the fact that this Government is only a trustee of those lands. In a few short years, when that Territory becomes a State, those lands will belong to the State for school purposes. And, I ask, can we not trust the beneficiary to lease those lands properly—to enter upon proper contracts—better than we can the trustee under such circumstances?

The principal objection which has been urged against this bill is that it will enable the lessees to cut off the timber and thus commit waste. Why, sir, it is a principle of the common law that a lessee has no right to commit waste; and if we assume that the lessees of this property will do this we might better assume that any thief can go upon the premises and commit waste; but there is a much greater probability of the latter result. I submit to the House that there is no greater danger that occupants under formal leases will denude these lands by committing waste than there is that squatters or thieves or other parties who have no right upon the premises will do so. In fact, I believe this bill will put these lands into the possession of actual settlers, whose interest it will be to protect them from waste. I submit that the bill is a proper one and should be passed, notwithstanding the President's veto.

Mr. LACEY. Before asking the previous question, I am glad to recognize that this matter has been approached on both sides of the House as a business proposition. The President undoubtedly has been misinformed as to the situation. This bill ought to pass; and I now move the previous question.

The previous question was ordered; and, in accordance with the provision of the Constitution, the House proceeded to vote by yeas and nays on the question, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 199, nays 38, not voting 118; as follows:

YEAS—199.

Abbott,	De Armond,	Kerr,	Scranton,
Aldrich,	De Witt,	Kiefer,	Settle,
Allen, Utah	Dingley,	Kirkpatrick,	Shafroth,
Andrews,	Dinsmore,	Lacey,	Sherman,
Apsley,	Dolliver,	Latimer,	Shuford,
Arnold, Pa.	Doolittle,	Layton,	Simpkins,
Atwood,	Dovener,	Lefever,	Smith, Ill.
Bailey,	Downing,	Leighty,	Spalding,
Baker, Kans.	Eddy,	Linton,	Sperry,
Baker, N. H.	Ellis,	Little,	Stallings,
Barham,	Fairchild,	Livingston,	Steele,
Barney,	Faris,	Long,	Stephenson,
Beach,	Fenton,	Lorimer,	Stewart, N. J.
Belknap,	Fischer,	Loud,	Stokes,
Bell, Colo.	Fletcher,	Maddox,	Stone, C. W.
Bennett,	Gamble,	Mahany,	Stone, W. A.
Blue,	Gardner,	Marsh,	Strait,
Boutelle,	Gibson,	McCall, Mass.	Strowd, N. C.
Broderick,	Gillett, Mass.	McCall, Tenn.	Sulloway,
Brosius,	Graff,	McCulloch,	Taft,
Brown,	Griffin,	McDearmon,	Talbert,
Brumm,	Grout,	McLaurin,	Tate,
Bull,	Hadley,	McRae,	Tawney,
Burrell,	Hager,	Meiklejohn,	Terry,
Burton, Mo.	Hainer, Nebr.	Mercer,	Thomas,
Burton, Ohio	Hanly,	Miller, Kans.	Towne,
Cannon,	Hardy,	Milnes,	Tracewell,
Chickering,	Hartman,	Minor, Wis.	Tracey,
Clark, Mo.	Hatch,	Mondell,	Treloar,
Cobb, Ala.	Heatwole,	Money,	Underwood,
Cockrell,	Hemenway,	Moody,	Updegraff,
Codding,	Henderson,	Moses,	Van Horn,
Coffin,	Henry, Conn.	Mozley,	Van Voorhis,
Colson,	Henry, Ind.	Murphy,	Wadsworth,
Connolly,	Hepburn,	Neill,	Walker, Mass.
Cook, Wis.	Hermann,	Noonan,	Walker, Va.
Cooke, Ill.	Hilborn,	Overstreet,	Wanger,
Cooper, Wis.	Hill,	Payne,	Warner,
Corliss,	Hooker,	Perkins,	Watson, Ohio
Cousins,	Hopkins,	Pickler,	Wheeler,
Cox,	Howell,	Pitney,	Wilber,
Crisp,	Hulick,	Powers,	Williams,
Crowther,	Huling,	Prince,	Willis,
Cummings,	Hull,	Pugh,	Wilson, Idaho
Curtis, Iowa	Hutcheson,	Raney,	Wilson, N. Y.
Curtis, Kans.	Jenkins,	Reeves,	Wilson, Ohio
Dalzell,	Johnson, Cal.	Richardson,	Wilson, S. C.
Danford,	Johnson, N. Dak.	Robbins,	Wood,
Daniels,	Joy,	Royse,	Wright.
Dayton,	Kem,	Sauerhering,	

NAYS—38.

Allen, Miss.	Elliott, S. C.	Meredith,	Sorg,
Bell, Tex.	Harrison,	Meyer,	Spencer,
Berry,	Hart,	Miles,	Swanson,
Boatner,	Hendrick,	Otey,	Tucker,
Buck,	Kyle,	Owens,	Turner, Ga.
Catchings,	Lawson,	Patterson,	Turner, Va.
Clardy,	Lester,	Pendleton,	Washington,
Cobb, Mo.	McClellan,	Robertson, La.	Yoakum.
Culberson,	McCreary, Ky.	Russell, Ga.	
Dockery,	McMillin,	Sayers,	

NOT VOTING—118.

Acheson,	Babcock,	Bartlett, N. Y.	Brewster,
Adams,	Baker, Md.	Bingham,	Bromwell,
Aitken,	Bankhead,	Bishop,	Calderhead,
Anderson,	Barrett,	Black, Ga.	Clark, Iowa
Arnold, R. I.	Bartholdt,	Black, N. Y.	Clarke, Ala.
Avery,	Bartlett, Ga.	Bowers,	Cooper, Fla.

Cooper, Tex.	Hitt,	McCormick,	Shannon,
Cowen,	Howard,	McEwan,	Shaw,
Crowley,	Howe,	McKenney,	Skinner,
Crump,	Hubbard,	McLachlan,	Smith, Mich.
Curtis, N. Y.	Huff,	Miller, W. Va.	Snover,
Denny,	Hunter,	Milliken,	Southard,
Draper,	Hurley,	Miner, N. Y.	Southwick,
Ellett, Va.	Hyde,	Morse,	Sparkman,
Erdman,	Johnson, Ind.	Newlands,	Stahle,
Evans,	Jones,	Northway,	Stewart, Wis.
Fitzgerald,	Kendall,	Odell,	Strode, Nebr.
Foote,	Knox,	Ogden,	Strong,
Foss,	Kulp,	Otjen,	Sulzer,
Fowler,	Leisenring,	Parker,	Tayler,
Gillet, N. Y.	Leonard,	Pearson,	Tyler,
Griswold,	Lewis,	Phillips,	Walsh,
Grosvenor,	Linney,	Poole,	Watson, Ind.
Grow,	Lockhart,	Price,	Wellington,
Hall,	Loudenslager,	Quigg,	White,
Halterman,	Low,	Ray,	Woodard,
Harmer,	Maguire,	Reyburn,	Woodman,
Harris,	Mahon,	Robinson, Pa.	Woomer.
Heiner, Pa.	McCleary, Minn.	Rusk,	
Hicks,	McClure,	Russell, Conn.	

So (two-thirds voting in the affirmative) the bill was repassed, the objections of the President to the contrary notwithstanding.

Mr. KYLE. Mr. Speaker, I wish to announce that my colleague from Mississippi, Mr. DENNY, is confined at his home by sickness.

LEGISLATIVE APPROPRIATION BILL.

Mr. McCALL of Tennessee. Mr. Speaker, I rise to move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HENDERSON. Before that I desire to make a report from the Committee on Rules, which I send to the desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That it shall be in order for the Committee on the Judiciary to offer, and for the House to consider in Committee of the Whole, as an amendment to the legislative, executive, and judicial appropriation bill for the fiscal year 1897, the bill (H. R. 6654) entitled "A bill to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes."

Mr. HENDERSON. I ask, Mr. Speaker, that the Clerk read the report of the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred resolution No. 182, submit the following report to the House:
The committee recommend that the same do pass.

Mr. HENDERSON. I ask the previous question, Mr. Speaker, on the adoption of the resolution.

The previous question was ordered.

Mr. CRISP. Mr. Speaker——

Mr. HENDERSON. Does the gentleman desire to occupy the floor in debate?

Mr. CRISP. The gentleman from Florida wishes to be heard.

Mr. HENDERSON. Then I will occupy the floor and make a few observations in regard to the rule and the necessity for its adoption.

The effect of the rule, Mr. Speaker, is this, that it makes in order, as an amendment to the pending appropriation bill, the bill for regulating the compensation of marshals, their deputies, United States attorneys and their assistants, and United States commissioners, so that it will not be subject to the point of order under the rules which make obnoxious to an appropriation bill anything carrying new legislation or changing existing law. That is the sum and substance and purpose of the rule, so that this bill to which reference is made in the resolution may be offered to the legislative, executive, and judicial appropriation bill, as an amendment to the said bill, without being subject to a point of order.

Now, why do we ask that this bill be considered in connection with the appropriation bill? First, because this appropriation bill makes provision for the compensation of the officers that I have named; second, because there is a strong feeling among the members of this House and in the country in favor of this legislation, and we feel that this will be a method by which the House, if it wants to work this reform, will have the opportunity to do so.

The Committee on the Judiciary has labored hard and faithfully and tried to effect a remedy for what all agree is an existing evil in this regard. We have worked together without any partisanship entering into our labor, consulting freely with the Department of Justice, having the chief of that Department with us considering the bill in its details, and accepting many of his suggestions.

Again, by this method we can, by getting the bill into a conference, secure the reduction of the appropriations which will be forced under existing law. We believe that there can be a reduction made of at least $200,000, probably in the neighborhood of $216,000, from the appropriation now made for this purpose. I would like to call the attention of the House to a few figures in support of the necessity of this legislation. The following table shows the total appropriations by years for these various officials:

Appropriations, including deficiencies, made for marshals and deputies, district attorneys, clerks, and for commissioners of United States courts, fiscal years 1890 to 1896, inclusive.

Fiscal year.	Marshals and deputies.	District attorneys.	Clerks.	Commissioners.
1890	$990,328	$289,978	$243,355	$185,201
1891	1,250,201	327,895	273,970	207,363
1892	1,211,925	350,904	270,000	263,960
1893	1,478,159	351,288	291,130	296,072
1894	1,470,450	405,281	305,179	339,034
1895	1,618,573	422,461	353,513	363,036
1896	1,635,000	410,000	330,000	340,000

In a period of seven years, as will be seen by this table, there has been an increase in the appropriations for United States marshals and their deputies of $654,672; and for United States commissioners, in the same length of time, an increase of $154,799; while for United States attorneys the increase has been $120,022.

Now let me give briefly a table showing the increase of appropriations for the entire Federal system, commencing with 1885 and running through all the years to and including 1896, including all regular appropriations for this service as well as deficiencies:

Fiscal year.	Regular appropriation.	Deficiencies.	Total.
1885	$2,760,000	$450,050	$3,210,050
1886	2,960,000	560,266	3,520,266
1887	2,904,400	485,260	3,389,660
1888	2,849,400	1,024,728	3,874,128
1889	3,505,600	359,219	3,864,819
1890	3,575,600	1,156,269	4,731,869
1891	3,616,600	1,423,900	5,040,500
1892	3,739,100	1,391,123	5,130,223
1893	3,330,600	2,177,860	5,508,460
1894	3,345,000	2,794,239	6,139,239
1895	3,595,000	3,133,175	6,728,175
1896	3,455,600	3,006,000	6,461,600
1897 (estimated)			6,489,512

Now, note the difference between the appropriations for 1885 and 1896. In 1885 the total appropriations were $3,210,050 and in 1896 $6,461,600.

Mr. ALLEN of Mississippi. More than twice as much.

Mr. CATCHINGS. Will my friend yield for an inquiry?

Mr. HENDERSON. In a few moments.

You will see that the necessity for legislation is so palpable that no legislator can resist the appeal; and responding to what has been said on the floor of the House and to the current sentiment of the country and the House in this regard, the Committee on the Judiciary laid nearly everything else aside and addressed itself almost exclusively to this work. We propose, by the rule pending before you, to bring this proposition to be considered in connection with the appropriations for the Department of Justice carried by this appropriation bill. The matter will be placed before the House by the committee in this form, and the responsibility will then be with this body.

I would like to say further, when we reach the consideration of the bill where the Department of Justice is provided for and where this proposition will be in order as an amendment, we will ask the House for so much time as gentlemen may desire in the general debate, so that the bill may be considered in detail and all may understand it, after which it will be considered by the Committee of the Whole under the rules subject to the five-minute debate and be open to amendment by any gentlemen who desire to offer amendments to any of the provisions of the bill.

I now yield to my colleague from Iowa [Mr. LACEY], who wishes to ask a question.

Mr. LACEY. The gentleman has already anticipated my question.

Mr. HENDERSON. I yield to the gentleman from Mississippi [Mr. CATCHINGS] for a question.

Mr. CATCHINGS. I want to ask if it would be allowable, in case the special order shall be agreed to and this matter comes up for consideration in the Committee of the Whole, to offer an amendment seeking to give a salary also to the clerks of these courts? I desire to offer such an amendment. I believe I can give good reasons why such provision should be made.

Mr. HENDERSON. I do not know that such an amendment would be in order. That is a matter which will have to be determined when we reach it; but I will say to the gentleman from Mississippi [Mr. CATCHINGS], in that connection, however, in behalf of the subcommittee who gave this so much labor, that the reasons why the clerks were not included were, as I understand, these: First, because the clerks of the courts are in no way con-

nected directly with working up litigation for the Federal courts, whereas the marshals, attorneys, and commissioners are at the fountain head of prosecutions, so to speak. The clerks are not. Secondly, because their work seems to be peculiarly fee work; and, thirdly, because when this legislation has been considered heretofore there seemed to be a very great pressure from the clerks against the legislation, and it was the view of the subcommittee to commence with a substantial reform and reach the clerks at some future time.

Mr. CATCHINGS. I want to make a suggestion to my friend, to show him how this will operate unless some provision is made for clerks. Take, for example, the southern district of Mississippi. There are four courts held twice a year in that southern district. There is but one clerk; but the law requires that this clerk shall keep constantly, at each one of the places where court is held, a deputy. Under the system which has prevailed, by which the fees of the clerks were increased, owing to the methods which you have so graphically portrayed, he was able to provide some compensation for these deputy clerks; but the very purpose which you seek is to prevent the bringing of multitudes of suits, criminal or otherwise, into these courts.

Now, let me say also that the necessary result of that will be that the compensation of the clerks will be very largely decreased, and I confess that in my State I do not believe it will be possible for the clerk, either of the northern or the southern district, to comply with the law and keep a deputy at each place where a term of court is held, because I do not believe his fees would permit him to render such compensation as would enable him to employ a suitable deputy. Now, these clerks are required to keep their offices open every day in the year, so that lawyers can have access to them, can get their papers filed, can take out their writs, and do whatever is necessary in the transaction of their court business, and, of course, you must have men with at least some intelligence and some fitness for the discharge of the duties of those places; but if you are going to cut down the fees of the clerks, as you will when you cut down the compensation of the marshals and district attorneys, it will not leave the clerk with sufficient revenues to enable him to do what the law requires him to do. So I will say to my friend that I propose to offer an amendment by which, in these districts where the clerks' fees do not reach a certain sum, the clerk shall be entitled, in addition to his fees, to an amount which will make his compensation some reasonable sum.

Mr. HENDERSON. Mr. Speaker, I want to say frankly to the gentleman from Mississippi that I believe this will cut down the fees of the clerks, that is, the clerks of the United States district courts. I do not think the fees of the United States circuit court clerks will be materially affected by this bill, but those who have charge of criminal matters, the district court clerks, will undoubtedly be affected.

Mr. CATCHINGS. If you will let me interrupt you just at that point—because it will be more pertinent—the principal fees which the clerks in my State get in both districts come from the criminal cases.

Mr. HENDERSON. I have no doubt about that; and that is what we are aiming at, I will say frankly.

Mr. CATCHINGS. And the compensation is so small that the clerk of the circuit court is also clerk of the district court.

Mr. HENDERSON. Now, I want to say this to the gentleman and the House, there were no batteries turned upon this legislation so forcefully as those that came from the clerks heretofore. Now that they have been omitted and they see the arm of the law raised to strike down this expense in the other offices, they are the ones that are beginning to crave salaries. I submit that it will be better to try this great reform that we now have before us, and if experience shows, as I believe it will, that the clerks also ought to be put on salaries, then in the near future we can do that.

Mr. CATCHINGS. I am not making these suggestions because of any personal concern in the welfare of either of these clerks of these courts. I know both gentlemen only slightly. My concern is as a practicing lawyer, in seeing that these courts have efficient clerks; and I know it can not be done if you do not give them sufficient compensation to be able to pay for their deputies.

Mr. HENDERSON. I think there will be no trouble about finding deputies; and if we find that it is not giving enough, we will be swift to make the repairs; but let us have this reform inaugurated.

Mr. CATCHINGS. I hope my friend will consent that I may have the privilege of offering an amendment and discussing it in Committee of the Whole.

Mr. HENDERSON. The gentleman is an old member of the Committee on Rules and knows that I have no authority to make such an agreement.

Mr. CATCHINGS. I ask unanimous consent. It can be done by unanimous consent. In other words, in making this reform make it so that it will do no injustice in particular cases.

Mr. HENDERSON. Leave that to the Committee of the Whole.

Mr. CATCHINGS. I am afraid that I would not get much consideration unless I should interpose now.

Mr. HENDERSON. You know very well that I have no authority to give you what you desire.

Mr. CATCHINGS. Mr. Speaker, I ask unanimous consent that the scope of the order, when this matter is considered in the Committee of the Whole, shall be extended so that such an amendment may be considered.

Mr. TRACEY. I object.

Mr. HENDERSON. I reserve the balance of my time, Mr. Speaker.

Mr. CRISP. Mr. Speaker, ordinarily I am very much opposed to general legislation on appropriation bills; but I recognize the fact that this is a pressing question, that has been agitated many years, and that if we are to have practical legislation upon it at this session it will have to be upon an appropriation bill. Now we have once or twice—once, I recollect—before passed a bill like this on an appropriation bill. It went to the Senate, and in the Senate it was stricken out, on the idea that it had no proper place on an appropriation bill.

Another reason why this matter should be considered upon an appropriation bill, Mr. Speaker, is that if it is adopted the amounts appropriated will be different from what they are now. If you pass this appropriation bill as reported by the committee, and subsequently pass a bill providing for the salaries of these officers, it would involve a change then of that law. You would have to have another bill, changing the appropriation law; and, with the understanding that gentlemen are to have full time to discuss this matter, both in general debate and in amendments, it seems to me the condition is such that this rule ought to be adopted. I will yield five minutes of my time to the gentleman from Florida [Mr. COOPER], who dissents.

Mr. COOPER of Florida. Mr. Speaker, I know the general uselessness of opposing resolutions coming from the Committee on Rules, but I feel confident that the committee in reporting this resolution had no other feeling than simply to submit to the House an opportunity to put this fee bill upon the appropriation bill if the House so desired.

Now, I hope the House will give me its candid attention for a brief period to a few considerations why, in my judgment, we ought not to go into this legislation in this way and at this time. The Committee on the Judiciary reported only yesterday a voluminous bill affecting the practice and the fees of the United States courts, not only in governmental and in criminal but in civil cases. How many gentlemen are there in this House who have had an opportunity to give this bill any careful consideration? I have been trying to keep up with this proposed legislation. Through the courtesy of one member of the committee, the gentleman from Texas [Mr. CULBERSON], I have had such information as he could give, but until yesterday he could give me no definite information as to what the legislation was to be.

Now, since this bill has come in, I have been telegraphing to Florida to try to find out from my constituents how far its provisions would affect them should it become law, and their views upon it. I say that when there is a bill of such sweeping character brought in members ought to have time enough to be able to consult with their constituents as to the manner in which it will affect them. I did not simply wish to consult with the court officers, but I wanted an opportunity to submit this bill to some of the leading practitioners of my State, as it affects all the civil business of the United States courts. In my judgment—I have not had time to verify it, but my impression is—it may heavily increase the already too burdensome expense of civil litigation in the United States courts.

The bill is crudely drawn. It is vague in language. I do not believe it does even what the committee expects to do. They put marshals on salaries but leave the deputies on fees. What is that going to accomplish of retrenchment and reform? I do not know by what rule they have been governed or how far they have preserved the equality in the proportions of the salaries of the officers of the different districts in the United States. I have not had time to examine sufficiently into that matter, although I have endeavored to do so in the brief time I have had since the report of the committee by comparing the bill with the report of the Attorney-General. And now, gentlemen, I advise you, before you make this radical revision and adopt so sweeping an act of legislation, to consult with your constituents. I take it that every man in this House ought to want, and I believe does want, a chance at least to send this bill to his constituents at home to know what they think of its details; a chance at least to consult the court officers as to how far it will reduce their compensation, and whether they are satisfied with it or not; at least a chance to submit it to the lawyers who have to practice before the United States courts.

It does not simply affect criminal business; it affects civil business largely. It changes the system of United States commis-

sioners. It makes changes in many respects, the scope of which not a man understands who is called on to vote upon this rule to attach this bill to the general appropriation bill and run it through before we can consult with our constituents, unless he be a member of the Judiciary Committee, and I have grave doubts about even the members of that committee, for they only got the bill reported yesterday, evidently very hurriedly, for the bill itself bears traces of hurried preparation and lack of careful consideration.

Now, I do not oppose the principle of putting these officers on salaries. I favor it. If it is properly done, if it is done with due consideration, fairly and justly, it is a wise substitute for the fee system. But I do say that a bill making such great changes as this proposes ought to stand upon its own merits. At least the committee ought to have brought it here in time for us to communicate with our constituents and find out their judgment in regard to it. The bill as submitted not only makes great changes which we can not in this way adequately consider or investigate, but it does not do what it proposes to do when it puts the marshals under salary and leaves their deputies to make their living out of fees. How much will be the substantial benefit of such a bill as that? But this is not the time to discuss the merits of the measure and I do not intend to go into such discussion, but am only opposing the adoption of the rule for its hasty consideration and its attachment to an appropriation bill. I hope the rule will not pass.

Mr. CRISP. I yield to the gentleman from Tennessee [Mr. MCMILLIN].

The SPEAKER. How much time?

Mr. MCMILLIN. I shall occupy only a few minutes. While I shall make no strenuous opposition to the adoption of this rule, I think it is proper to state why I think this is not the best method of proceeding with the very important legislation we have before us. We have presented to us a bill of about 15 pages, reported by the Judiciary Committee as a substitute for 13 different bills on this subject sent to that committee. The bill involves radical changes both as to methods and the amounts of compensation to be paid to the officers that are embraced in it. I realize the importance of some legislation in this direction. But this bill was reported to the House only yesterday. It is probable that when I get an opportunity to look through the bill, which we have not yet had, I shall find, as other gentlemen have found, that it has much of merit. But after having refused under a general rule of the House to permit amendments upon appropriation bills even when they reduce expenditures, I do not believe that it is best for us to adopt this rule and force through upon an appropriation bill a measure of so great and far-reaching importance as this. That there is a necessity for reform in the method of paying these officers I have no doubt; but when we adopt this rule, to force upon an appropriation bill a measure increasing some salaries and decreasing others, it may put members of the House in this position, that they must either vote against a general appropriation bill or vote in an appropriation bill for that which they do not approve, put on as general legislative riders. It strikes me that the better course would be to bring in a rule making a special order for the consideration of this measure upon its merits.

There would have been a more plausible pretext for the action here proposed if we were in a short session which was to end the 4th of next month, or if we did not have very ample time in front of us, or if we had resolved on being a very busy body anyway. Believing that the course which I have suggested would have been a better one to pursue in this case, I have thought it not improper for me to so state. I want to consider the bill and pass a good law on the subject, but we are most likely to do the right thing when we let it be considered and stand on its merits. Whatever time I have left I yield to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, the gentleman from Florida [Mr. COOPER] is entirely mistaken in his assumption that this bill has not received most careful consideration by the Committee on the Judiciary. It was very carefully considered by the Judiciary Committee of the last House, and a bill very similar was reported to the House by the unanimous recommendation of that committee. This bill proposes no change whatever, so far as the general public is concerned. It does not affect the bar at all. It does not change the methods of procedure in the courts, and there is only one class of people in the United States pecuniarily interested in its provisions.

Mr. COOPER of Florida. Will the gentleman permit me a question?

Mr. BOATNER. Yes, sir.

Mr. COOPER of Florida. Do not the provisions of the bill affecting fees apply to civil as well as to criminal business?

Mr. BOATNER. No; not as I understand them.

Mr. COOPER of Florida. In many instances civil cases are named.

Mr. BOATNER. It may affect them so far as civil cases before United States commissioners are concerned.

Mr. COOPER of Florida. Or cases to which the United States is a party.

Mr. BOATNER. But in every instance the fees are reduced. They are not increased in any way. If any change at all is made it is in the direction of a reduction.

Mr. COOPER of Florida. I think the fees are increased.

Mr. BOATNER. Now, Mr. Speaker, this is a question which demands the attention of Congress. The conduct of business in the Federal courts, throughout the South especially, is in the interest of increasing the fees of officers. The salary system will take away from these officers any incentive to prolong terms of court, to increase the per diem, or to do anything that is not necessary to be done. The only persons that the gentleman from Florida need confer with are the district attorney and the marshal of his district, and I think that if he will examine the salaries accorded to them he will find that they are proportioned to the fees which those officers have earned for the past two years.

Mr. COBB of Alabama. What about the deputy marshals?

Mr. BOATNER. They are provided for on the salary plan, and the whole tenor of the bill is to pay the officers in all instances their salaries, but to take away from them any temptation, interest, or inducement to increase the expenses of the Federal courts unnecessarily.

Mr. COOPER of Florida. You make provision in this bill that in all cases, civil and criminal, public and private, a United States deputy marshal serving a process of any kind shall be paid living expenses and traveling expenses, and so on, in addition to mileage and fees.

Mr. BOATNER. The gentleman is certainly mistaken about that.

Mr. COOPER of Florida. I am not mistaken.

Mr. BOATNER. The gentleman is certainly mistaken.

Mr. COOPER of Florida. I have practiced in the United States courts myself; and if I am mistaken on this point it is because I have not had time to read the bill carefully. But I am confident I am not mistaken.

Mr. BOATNER. Well, if there is any such provision in the bill it has escaped the attention of every member of the Judiciary Committee.

Mr. COBB of Alabama. Does the bill take away the fees of the deputy marshals and put those officers on salaries?

Mr. BOATNER. Not altogether.

Mr. MILES. How about the United States commissioners? How are they provided for? Are they put upon salaries?

Mr. BOATNER. No. They are allowed a certain amount per diem for sitting—$5 a day in each case.

Mr. MILES. Has not experience shown that it is very often the activity of these United States commissioners that causes a very great expenditure?

Mr. BOATNER. Certainly. That is thoroughly and entirely guarded against in the bill.

Mr. COOPER of Florida. In reference to section 7 of the bill, what duties are there contemplated?

Mr. BOATNER. I have not the bill before me and I can not answer the gentleman. I did not rise for the purpose of going into the details of this measure, and of course I can not now answer questions which may be asked about particular sections of the bill, which I have not gone over since it was reprinted. But I state the general proposition that the bill will carry a large reduction of expenses, if the conditions continue as they now are; that the United States will not pay out so much money; that by taking away from these officers the inducement to prolong terms of court and to initiate unnecessary and vexatious litigation the saving will be even larger than the direct saving by the reduction in the compensation of these officers.

Mr. DOCKERY. As I understand, this is simply a proposition submitted by the Committee on Rules that it may be in order in Committee of the Whole to consider this measure.

Mr. BOATNER. Of course.

Mr. DOCKERY. Therefore it seems to me hardly proper to go into the merits of the question at all at this time.

Mr. BOATNER. Under the terms of the proposed special rule this measure will come up in the same way practically as if it were an independent proposition, the only difference being that it will be considered as an amendment to an appropriation bill. Time for general debate will be allowed, as well as debate under the five-minute rule; and there will be opportunity to offer any amendment whatever which is germane to the bill. I can not perceive, Mr. Speaker, that there can be the slightest objection to considering this measure on the terms stated in the resolution. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the resolution reported by the Committee on Rules.

The resolution was adopted.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—ALDRICH VS. ROBBINS.

Mr. DANIELS. Mr. Speaker, I present two reports from the Committee on Elections No. 1 in the case of William F. Aldrich against Gaston A. Robbins. Four members of the committee agree to one of the reports, making a much larger majority in favor of the contestant than two other members, who have agreed to another report, stating the majority as they believe the figures and the evidence warrant. I ask that these reports may be printed.

Mr. DINSMORE. I will ask the chairman of the committee when he expects to call up this matter in the House?

Mr. DANIELS. We should like to call it up for consideration certainly by the first of the week after next.

Mr. DINSMORE. The minority of the committee would like sufficient time to prepare their views, and before doing so we want to examine the two reports of the majority. I think a reasonable time to be allowed us for that purpose would be a week from to-day. I believe it was agreed between the chairman of the committee and myself that we might have until Monday week for the filing of our report.

Mr. DANIELS. We desire to give these gentlemen of the minority all the time that may be requisite for the preparation of the statement of their views, while at the same time we do not wish to delay the final hearing by the House any longer than may be absolutely necessary. I think the report of the minority might be brought in certainly by the end of next week.

Mr. DINSMORE. Of course it will be necessary to have the views of the minority printed; we should like to have time to have them printed and distributed among members before the matter is called up for argument and decision by the House. We should like to have until Monday week to file our views.

The SPEAKER. The gentleman proposes, as the Chair understands, that the views of the minority be filed at that time and then printed and circulated before the case comes up.

Mr. DINSMORE. The duties imposed on the members of the minority by their work on this committee and other committees are very onerous. We do not want any unnecessary delay in this matter; but on behalf of the minority of the Elections Committee No. 1, I ask that they be allowed sufficient time to prepare and file their views. They wish to do so at the earliest possible moment; but by reason of other business requiring a portion of our attention, we should like a reasonable latitude in this matter.

Mr. DANIELS. The entire matter has been fully discussed before the committee, and the reports have been read for the information of the committee generally. For that reason I have no doubt that the gentleman fully understands the nature of the reports and substantially the grounds on which they are based. So I think, if they have until next Friday, it ought to be ample time to file the report of the minority.

The SPEAKER. Does the gentleman ask consent that the minority be permitted to file their views within the time specified?

Mr. DANIELS. I make that request.

The SPEAKER. At any time before the expiration of the Friday night session?

Mr. DANIELS. Certainly.

Mr. DINSMORE. Does the chairman of the committee recede from the agreement entered into with me?

Mr. DANIELS. I conferred with other members of the committee, and they seem to think that Friday would be long enough.

Mr. DINSMORE. I wish to say in reference to the reports being read in committee that while I confess I have endeavored to become somewhat familiar with the theories on which the case has been decided by the majority of the committee, at the same time I have never heard the report of either faction read. It is true that I was not at the last meeting, but I am informed by one of my colleagues that the reports were not read at all.

The SPEAKER. The Chair will submit the request of the gentleman from New York that the minority of the committee have until next Friday evening to file their views. Is there objection?

There was no objection.

LEGISLATIVE APPROPRIATION BILL.

Mr. McCALL of Tennessee. I now renew my motion, Mr. Speaker, that the House resolve itself into Committee of the Whole for the further consideration of the appropriation bill.

Mr. HENDERSON. I would ask my friend first to permit me to make a brief statement in regard to the fee bill, with reference to which action was taken a few moments ago. I wish to state that we can not possibly, in my judgment, reach that part of the appropriation bill where that will be offered as an amendment to-night. But at all events it will not be offered to-night, so that the members will have to-day and Sunday to look up all questions in reference to it—that is, those who do not go to church. [Laughter.]

I wish to say that I have reached an agreement with the gentleman in charge of the appropriation bill so that it will not be brought up before Monday for consideration.

The motion of Mr. McCALL of Tennessee was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1897, shall not exceed $250,000; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Mr. JOHNSON of California. I would like to ask, for the purpose of proposing an amendment if necessary, whether this is the paragraph providing for additional architects for the various public buildings?

Mr. McCALL of Tennessee. This is the provision, and we have increased the appropriation $50,000 for that purpose.

Mr. JOHNSON of California. That is all I desired to know, and if there has been an increase in that regard I shall not offer the amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $5,000; chief clerk, $2,700; chief law clerk, $2,700; four law clerks revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; two confidential clerks of class 4, including one for the Assistant Comptroller; five clerks of class 3; two clerks of class 1; two messengers; and one assistant messenger; in all, $40,400.

Mr. McCALL of Tennessee. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 29, in line 9, strike out the word "five" and insert the word "four."

The amendment was agreed to.

The Clerk read as follows:

Office of Auditor for Interior Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; three chiefs of division, at $2,000 each; eight clerks of class 4; thirteen clerks of class 3; thirty-three clerks of class 2; thirty clerks of class 1; eleven clerks, at $1,000 each; six clerks, at $900 each; one clerk, $840; one assistant messenger; ten laborers; and one female laborer, $480; in all, $156,940.

Mr. McCALL of Tennessee. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 31, in lines 15 and 16, strike out "thirteen clerks of class 3, thirty-three clerks of class 2," and insert "nineteen clerks of class 3, thirty-nine clerks of class 2."

The amendment was adopted.

The Clerk, resuming the reading of the bill, read as follows:

Mint at Carson, Nev.: For superintendent, $3,000; assayer, and melter and refiner, at $2,500 each; chief clerk, $1,800; bookkeeper, cashier, assistant assayer, assistant melter and refiner, and weigh clerk, at $1,500 each; in all, $17,300.

For wages of workmen, $15,000.

For incidental and contingent expenses, including wastage of operative officers, and loss on sale of sweeps, $7,500.

Mr. NEWLANDS. Mr. Chairman, I move to amend this section by providing that the salary of the cashier shall be $2,000 instead of $1,500, and the salary of the bookkeeper $1,800 instead of $1,500. In other words, I move to restore the salaries which have hitherto been paid.

The CHAIRMAN. The Clerk will report the amendment.

Mr. DOCKERY. I suggest to my friend in charge of the bill that we have passed the paragraph.

The CHAIRMAN. In what line does the amendment come in?

Mr. NEWLANDS. Beginning in line 18, on page 51.

The CHAIRMAN. Will the gentleman reduce his amendment to writing?

Mr. NEWLANDS. I will withdraw the amendment, Mr. Chairman.

The Clerk, resuming the reading of the bill, read as follows:

Assay office at Boise, Idaho: For assayer, who shall also perform the duties of melter, $2,000; one clerk, $1,200; in all, $3,200.

For wages of workmen, $7,500.

For incidental and contingent expenses, $2,500.

Mr. WILSON of Idaho. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out the words "two thousand five hundred," in lines 1 and 2, page 55, and inserting in lieu thereof the words "three thousand nine hundred."

Mr. WILSON of Idaho. Mr. Chairman, I will state the reason for that amendment. It is for the purpose of securing a cement walk around the block of ground in Boise City, Idaho, where this United States assay office is located. Many years ago the city of Boise gave the United States a block of ground for the purpose of locating an assay office thereon. This block of ground is one of the most beautiful blocks we have in that city. It has been planted with shrubbery, trees, and flowers, and is cared for as

Government property ought to be cared for. Recently that city voted bonds, by a two-thirds vote, for the purpose of building cement sidewalks over a large area, including this block. These walks are about to be constructed. This beautiful block, belonging to the Government of the United States, will soon be surrounded by cement walks, and, unless it is likewise improved, will be an eyesore in the midst of what would otherwise be a very attractive section of the city. This recommendation has been made by the United States assayer in charge there, and I will now send this letter to the Clerk's desk and have it read.

The Clerk read as follows:

THE UNITED STATES ASSAY OFFICE AT BOISE CITY,
Office of Assayer in Charge, December 12, 1895.

DEAR SIR: I beg to call your attention to the appropriation for this office for the ensuing year, and request that you use your influence in behalf of its passage by Congress.

The volume of business now handled here taxes the capacity of our working force and appliances to the utmost. The increase during the coming year will be considerable, and it will take the full amount of my estimate to conduct the office to the best advantage for the mining community, as well as to do justice to the office force. You are well aware of the need of a walk around the balance of this block, I have included in my estimate for the purpose of completing the walk the sum of $1,440. This is the actual amount needed to build the walk and curbing, figured on the basis of what has already been constructed.

I will thank you to cooperate with our Senators in these matters, and use your best efforts for us in this direction.

Very respectfully,

F. F. CHURCH,
Assayer in Charge.

Hon. EDGAR WILSON, M. C.,
Washington, D. C.

Mr. WILSON of Idaho. Now, I will say that the business of this assay office is not decreasing, but the receipts have been advancing year after year. Last year there was taken in at this office over $1,200,000 in gold, an increase of more than $300,000 over the previous fiscal year, amounting to about 33⅓ per cent. The Government has constructed a cement walk on one side of this block heretofore, but there are three sides yet unimproved. Based on the cost of improving this one side, the remainder will cost $1,440. That amount has been recommended by the assayer in charge, and his recommendation has been concurred in by the Director of the Mint, but for some reason or other in the recommendation of the Secretary of the Treasury that item was not carried. I have seen the Director of the Mint this morning, and he tells me that he is in favor of this appropriation. He has visited this assay office and knows the necessity for this improvement and therefore recommends it.

Mr. CANNON. What is this—a street improvement?

Mr. WILSON of Idaho. It is a sidewalk around a block belonging to the Government of the United States.

Mr. CANNON. In the street?

Mr. WILSON of Idaho. No; a sidewalk.

Mr. CANNON. Where is the sidewalk?

Mr. WILSON of Idaho. Like the sidewalks of this or any other city.

Mr. CANNON. A part of the street, is it not?

Mr. WILSON of Idaho. No, it is not a part of the street. The Government has already built a sidewalk on one side of this block.

Mr. CANNON. Is it off the street or on the street? That is what I am trying to get at.

Mr. WILSON of Idaho. They are like the sidewalks in the city of Washington.

Mr. CANNON. The sidewalks in the city of Washington are a part of the streets.

Mr. WILSON of Idaho. Technically they may be. I do not know about that. Everybody in this House knows what a sidewalk is as distinguished from the street.

Mr. CANNON. Certainly, and I want to say to my friend that all the members of this House who have public buildings in their districts understand that these improvements are not paid for by the United States, but, as the sites are free from taxation, are paid for by the cities in which the buildings are located. It is for the city to make the improvement if it is to be made. I find it is so in my town, and so generally. I only wanted to call the gentleman's attention to the fact that if we make a departure here, why of course we will have to make it all along the line.

Mr. WILSON of Idaho. Now, I will say, in answer to the gentleman——

Mr. CANNON. I am glad the gentleman submits his remarks, and I will yield him five minutes more if he desires.

Mr. WILSON of Idaho. I will say, in answer to that, that the Government has already established a precedent here by constructing the sidewalk on one side—that is, one-fourth of the total sidewalk around the block. That is a matter of record, and it is recommended by the Director of the Mint in this case. Now, there is no way by which the city can do this, because the property owners are required to build the sidewalks, but the Government of the United States is the property owner in this instance, and ought to improve its property as the individual owners are required to do with theirs.

As a further reason why this improvement is necessary and advisable, I may be permitted to state that Boise City is one of the thriving towns of the far West and destined to rapid advancement in the near future. It is the capital of the State, and so designated in the constitution for a period of twenty years. The census of 1890 showed a population of 2,311; a recent municipal census taken shows a population of 7,124. More than 115 new buildings were erected during the year 1895, and many others are now in process of construction.

The largest financial institutions of the State are located there and an extensive wholesale and retail business is transacted by the merchants.

Boise is located in the celebrated Boise Valley. The climate is delightful in summer and never severe, the winter climate being milder than that of Washington. The most productive fruit lands of the Pacific Coast region are located near there, and a vast gold-bearing mineral belt forms a half circle to the east, north, and northwest of the city, while the far-famed Owyhee mines are to the southwest. Recent discoveries in these gold fields have proven their richness, and already many paying properties have been located and are being developed.

The Director of the Mint assures me that the increase in the receipts of the assay office for the past year is being kept up, and that there is every indication that the office will take in during the fiscal year 1896 more than sixteen hundred thousand dollars in gold. While the receipts of the assay offices at Carson City, St. Louis, and Charlotte have materially decreased, those at Boise City and Helena have experienced an increase hitherto unprecedented.

The low price of silver and lead has caused our miners to seek for the yellow metal so much worshiped by our Eastern friends. Idaho is rich in her varied resources, and if the avarice of the world will force a decrease in our primary money by the demonetization of silver, the citizens of Idaho will turn their attention to the discovery of gold. Having been forced to do this, the result of their industry has demonstrated the richness of her resources in this respect. Every indication points to the fact that she will astonish the civilized world in her gold production in the near future. The center of this production, the point most directly benefited as a result of it, is Boise City.

The agricultural and horticultural resources of the area of country immediately surrounding it are great enough to necessitate the building of a city there. When these are supplemented by almost inexhaustible mineral deposits, the successful future of this thriving little city is not open to conjecture. It has doubled its population in the last two years when some of these resources were almost unknown. With their rapid development now going on, it is fair to assume that a city of at least 50,000 inhabitants will be created there within the next decade.

For these reasons the House ought not to exhibit a parsimonious spirit in appropriations of this character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCALL of Tennessee. Mr. Chairman, I wish to say only a few words in reference to this amendment. The committee has allowed the amount of the estimate they had before them, and in addition, if this item should be increased to $100,000, not one dime of it could be used for the purpose for which the gentleman seeks to use it.

Mr. WILSON of Idaho. It has been so used.

Mr. McCALL of Tennessee. I understand this fund can not be diverted from the purposes for which it is appropriated. This is "for incidental and contingent expenses," and no officer of the Government has a right to use it for pavement or any other such purpose.

Mr. WILSON of Idaho. It has been used in that way for this identical building.

Mr. McCALL of Tennessee. If it was done, it was done in violation of law.

Mr. DOCKERY. Clearly.

Mr. WILSON of Idaho. It was done under authority of the Director of the Mint.

Mr. McCALL of Tennessee. Possibly so; but if it was done, it was done in violation of law. Where money is appropriated for a specific purpose it can not be diverted to any other purpose.

Mr. WILSON of Idaho. What are "incidental expenses"?

Mr. McCALL of Tennessee. Why, it is for running the mint at Boise, in Idaho. Now, this is "for incidental and contingent expenses," and it can not be appropriated for building sidewalks.

Mr. WILSON of Idaho. You provide in another section for the payment of the help.

Mr. McCALL of Tennessee. This is for incidental expenses, covering things that do not fall within wages of the workmen who are doing labor there; but it would extend to buying stuff to keep the place in order, for coal, ice, and such matters.

Mr. WILSON of Idaho. And you have got to build a sidewalk to make it respectable.

Mr. McCALL of Tennessee. Why, then, you must offer an amendment so as to cover that point.

Mr. WILSON of Idaho. It has been done under it.

Mr. McCALL of Tennessee. If it has been done under it, it has been in violation of law.

Mr. WILSON of Idaho. I do not think so.

Mr. DOCKERY. Clearly so. I do not think the Comptroller would pass an account of that kind.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WILSON of Idaho. Division.

The committee divided; and there were—ayes 28, noes 32.

So the amendment was rejected.

The Clerk read as follows:

Territory of New Mexico: For governor, $2,600; chief justice and four associate judges, at $3,000 each; secretary, $1,800; and interpreter and translator in the executive office, $500; $19,900.

For contingent expenses of the Territory, to be expended by the governor, $500.

For legislative expenses, namely: For rent, light, fuel, ice, stationery, record files, record casings, printing, postage, clerks, messenger and porter, and incidentals in secretary's office; compensation of members and officers of the legislative assembly, mileage, printing, stationery, record books, rent, furniture, and incidentals for legislative assembly, $26,000.

Mr. CATRON. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Amend by inserting at the end of line 9, page 58, the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the first Monday in May, 1897, and each succeeding session thereof shall commence on the first Monday in May of every odd-numbered year thereafter.

"That when the members of the legislative assemblies shall have met at the capital of said Territory to hold a session of the legislative assembly, the council shall be organized by the election of a president pro tempore by the members of that body present holding certificates of election issued to them by the proper canvassing boards of the respective counties, in the manner provided by the laws of said Territory, provided a majority of all the members required by law to constitute the council be present.

"Thereupon some one of said members present, holding such certificate of election, shall administer the oath of office to such president pro tempore, and the said president pro tempore shall thereupon administer the oath of office to the remainder of the members of the council present, after which said council shall be organized by the election of the permanent officers of the council provided for by the laws of the United States only.

"That the house of representatives shall be organized by the election of a speaker pro tempore by the members of that body present holding certificates of election issued to them by the proper canvassing boards of the respective counties in the manner provided by the laws of said Territory, provided a majority of all the members required to constitute the house of representatives be present; thereupon some one of said members present, holding such certificate of election, shall administer the oath of office to such speaker pro tempore, and the said speaker pro tempore shall thereupon administer the oath of office to the remainder of the members of the house of representatives present, after which said house of representatives shall be organized by the election of the permanent officers of the house of representatives provided for by the laws of the United States only.

"*Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory than such as may be provided for by the laws of the United States."

Mr. McCALL of Tennessee. I reserve the point of order on the amendment.

Mr. CATRON. Mr. Chairman, I will explain this amendment briefly. The amendment involves three propositions: First, to fix the time of the meeting of the next legislative assembly on the 1st day of May. This is rendered necessary, because the legislature, as it meets now, meets during Christmas week, and a large portion of the time of the legislature is lost on account of that fact. It has been held that the legislative assembly can not change this, because the act of Congress which authorizes the meeting fixed this time for the year 1897, and provides it should be held every two years thereafter. It is provided by the laws of New Mexico that the legislature shall meet on the last Monday of December. The election takes place in November, and there is no opportunity given under the law as it stands to get up a contested election case, to have the testimony taken and the case heard and disposed of. The returns have to be made up to the secretary of the Territory within fifteen days after the election; thirty days are given in which to file a notice of contest; eight days to reply, and thirty days more to commence taking testimony, and it is to be concluded in sixty days, so that every legislature is concluded before any testimony can be concluded.

The next proposition is to provide how that assembly shall be organized. That is made necessary by the act of Congress, which provides that the secretary of the Territory, who is to make up the list, is alone authorized to administer the oath of office to the members of the Territorial legislature. In doing that he fixes up the rolls to suit himself and may disregard, as he did at the last legislative assembly, the certificates of election that were given by the proper canvassing boards in the various counties. He makes up the rolls to suit himself; he swears in the members whom he puts on the list, and he absolutely ignores the certificates of the various members when it suits him. He swore in one person on a telegram received by him on the very day and at the very moment that he was proceeding to swear the members, received by him from a board of county commissioners which had become functus officio, yet actually met at that identical moment and decided that another man was entitled to the seat, he thereby ignoring the member holding the certificate regularly issued and presented to him. In that way he absolutely set aside the entire will of the people in that county and admitted another person to the seat of a member legally elected.

The next proposition is to provide that no other officer of the Territorial legislature shall be paid, either by the United States or by the Territory, than those provided for by the Congress of the United States.

There is a law of the United States which provides that "no law of any Territorial legislature shall be made or enforced by which the governor or secretary of the Territory or the members or officers of any Territorial legislature are paid any compensation other than that provided by the laws of the United States." It has been held up to the last legislature that that United States statute prohibited the Territorial legislature from making appropriations for any other officers than those provided for by the acts of Congress; but the last legislature, by resolution of the two houses, authorized the employment of about 50 additional employees for each house, and provided by an appropriation out of the Territorial treasury, amounting to about $13,000, to pay such employees. The district court in the county where the legislature met issued an injunction against the auditor, prohibiting him from issuing treasury warrants to pay this money; but upon an appeal taken to the supreme court (the same legislature having passed a law authorizing the supreme court to convene for the purpose of passing upon this question) the court overruled the action of the lower court. It was, however, the opinion of nearly every member of the bar of the Territory that the United States law I have cited limited the legislature to the employees provided for by the laws of the United States and that they had no power to make this additional appropriation. Now, these amendments apply to the Territory of New Mexico only, and they are what those people desire and what they have requested me to ask Congress to give them.

Mr. DOCKERY. This is the first time I have heard this proposition, and while I am not inclined to interpose a point of order against it, I ask unanimous consent that this paragraph, with the pending point of order, go over until the conclusion of the bill, as I would like an opportunity to examine the question.

Mr. McCALL of Tennessee. Will that be satisfactory to the gentleman from New Mexico?

Mr. CATRON. Oh, yes. Of course I wish the matter to be examined properly, and do not desire to hurry it along unduly.

Mr. DOCKERY. The gentleman will understand, I hope, that my request is not prompted by any hostility to his proposition.

Mr. CATRON. Certainly. I am perfectly content with the arrangement the gentleman suggests.

There being no objection, it was ordered as requested by Mr. DOCKERY.

The Clerk read as follows:

Territory of Oklahoma: For governor, $2,600; chief justice and four associate judges, at $3,000 each; and secretary, $1,800; $19,400.

For contingent expenses of the Territory, to be expended by the governor, $500.

Mr. FLYNN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 16, page 58, strike out "five hundred" and insert "one thousand"; so that the paragraph will read: "For contingent expenses," etc., "$1,000."

Mr. FLYNN. Mr. Chairman, the House, ever since I have been a member of it, has always allowed the governor of Oklahoma a thousand dollars for contingent expenses. That sum is absolutely necessary for the proper conduct of the business of his office. I have been in his office when he has received as many as 300 letters a day. The Territorial legislature appropriated $800 in scrip for him to employ a secretary. This appropriation is all the money that he has to carry on the business of his office, pay the expenses, pay a stenographer, who is absolutely necessary to the conduct of the business. Any business man engaged in the same line of work would be allowed by any corporation that employed him a great deal larger sum than I have asked for here. The present governor, for whom I have always asked this appropriation, which the House has always granted, is not of my political faith, but I believe in treating him as I would treat any other business man engaged in transacting the business of the people. You propose to limit him here to $500. He has to spend over $1,000, and you therefore ask him to go down into his own pocket and pay the balance out of his salary, which is less than that provided by existing law, because the salary of the governor is fixed by law at $3,000 and you allow only $2,600. I do not ask you to raise the governor's salary, but I do ask you to allow him sufficient money to enable him to transact the business of his office to the satisfaction of the people. I trust there will be no opposition from the committee to this proposition. The House has always voted $1,000

for this purpose and I trust that they will do it now, even if the committee should object.

Mr. McCALL of Tennessee. Mr. Chairman, I suppose my friend from Oklahoma is going upon the idea that when the House has done this Territory one favor it must continue to do it favors always. I understand him to say that the governor of his Territory has always been voted a thousand dollars for contingent expenses. In that the Territory has been more fortunate than any other Territory in this country, because it is the uniform rule of the House to appropriate only $500 for the contingent expenses of the Territorial governor's offices, and that rule has been adhered to except in the case of Oklahoma. Heretofore the governor of Oklahoma has been receiving $1,000, according to the gentleman, for this purpose, and in that way the gentleman representing that Territory has become rather spoiled, I suppose, so he wants that amount continued. I can not see why it is that the governor of Oklahoma should require $1,000 for this purpose, while in all the other Territories only $500 has been allowed, and it does occur to me that if the people of Oklahoma would simmer down a little and get into a higher state of civilization they would not require so much more money for the contingent expenses of their governor than is required by the other Territories. [Laughter.] I think the committee has acted uniformly and justly and has given to all the Territories the same amount of money for this purpose, and I do not think we ought to increase the amount in the case of Oklahoma. I hope the amendment will not be adopted.

Mr. FLYNN. Mr. Chairman, all I desire to say is that if the State of Tennessee, or the district represented by the gentleman in charge of this bill, had been in the chaotic condition which he undertakes to ascribe to Oklahoma, and had arrived at the stage of civilization and intelligence which Oklahoma has reached, this House ought to be willing to make an appropriation for it. I make the statement, without fear of contradiction, that the governor of Oklahoma has more business to attend to than the governors of all the other Territories combined. In making this appropriation of a thousand dollars you are not discriminating against the other Territories; you are allowing them for expenses in proportion to the amount of business their governors have to transact, and if you do not make this appropriation for the governor of Oklahoma you are simply requiring him to go down into his pocket and spend out of his small salary, which, as I have said, is less than the law allows him, the money that is required to transact the business of the people.

The question being taken on the amendment, the Chairman declared the ayes seemed to have it.

Mr. McCALL of Tennessee asked for a division.

On a division the amendment was adopted—ayes 70, noes 10.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $8,000; First Assistant Secretary, $4,500; Assistant Secretary, $4,000; chief clerk, $2,500, and $250 additional as superintendent of the Patent Office building; 9 members of a board of pension appeals, to be appointed by the Secretary of the Interior, at $2,000 each; special land inspector connected with the administration of the public land service, to be appointed by the Secretary of the Interior and to be subject to his direction, $2,500; clerk in charge of documents, $2,000; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, $2,000; six clerks, chiefs of division, one of whom shall be disbursing clerk, at $2,000 each; four clerks, at $2,000 each; private secretary to the Secretary of the Interior, $2,000; eleven clerks of class 4; nine clerks of class 3; bookkeeper for custodian, $1,200; thirteen clerks of class 2; twenty-four clerks of class 1, two of whom shall be stenographers or typewriters; returns office clerk, $1,200; female clerk to be designated by the President to sign land patents, $1,200; two clerks, at $1,000 each; one clerk, $900; seven copyists; telephone operator, $900; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics, one at $900 and one at $720; two carpenters, at $900 each; one laborer, $600; one packer, $660; conductor of elevator, $720; four charwomen; captain of the watch, $1,000; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; and seven firemen; in all, $220,070.

Mr. STEWART of New Jersey. I move the amendment which I send to the desk.

The Clerk read as follows:

On page 75, line 6, after the word "dollars," in said line, amend by adding the following:

"But the said Secretary of the Interior shall, before receiving his said compensation or any portion thereof, make proof by affidavit before any person legally competent to administer oaths that he has fully and faithfully administered and executed the laws of the United States pertaining to the said Department of the Interior."

Mr. McCALL of Tennessee. I make a point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey on the point of order.

Mr. STEWART of New Jersey. I submit, Mr. Chairman, that this proposition is perfectly in order. It does not propose to alter present legislation; it simply institutes the means by which the Secretary of the Interior shall secure his compensation. Sir, we see to-day this state of facts: The Secretary of the Interior, together with his extinguished coadjutor, selects the laws of the United States which they shall respectively enforce, while they stubbornly, persistently, and contumaciously refuse to execute or even to pay any attention to the other laws enacted by Congress. I say it is our duty to withhold their compensation until they faithfully and conscientiously comply with the laws of Congress.

This amendment does not propose the enactment of new legislation; it simply provides the manner by which these officers may procure their salaries. Receipts for salaries are not provided by law, although required. This further requirement is of the same character.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Mine inspectors: For salaries of three mine inspectors, authorized by the act approved March 3, 1891, for the protection of the lives of miners in the Territories, at $2,000 per annum each, $6,000.

Mr. McCALL of Tennessee. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out in the pending paragraph the word "three," in line 1, and insert the word "two," and in line 5 strike out "six" and insert "four"; so as to read:

"For salaries of two mine inspectors authorized by the act approved March 3, 1891, for the protection of the lives of miners in the Territories, at $2,000 per annum each, $4,000."

The amendment was agreed to.

The Clerk read as follows:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $3 per day each, while absent from their homes on duty, and for actual necessary traveling expenses of said inspectors, $5,000.

Mr. McCALL of Tennessee. I move the amendment which I ask the Clerk to read.

The Clerk read as follows:

Strike out at the end of the pending paragraph the words "five thousand dollars" and insert "$3,350."

The amendment was agreed to.

The Clerk read as follows:

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, $500,000: *Provided*, That two special examiners, or clerks, detailed and acting as chief and assistant chief of the division of special examiners, may be allowed from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation $2,000 and $1,800, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

Mr. GIBSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the whole paragraph beginning with line 8, on page 81, and ending with line 5, on page 82.

Mr. GIBSON. Mr. Chairman, I can not get the consent of my heart to vote $695,000 to pay special pension examiners. The original object of a special examination was all right; and if we always had honest, impartial, patriotic men for special examiners I would be willing to let the appropriation stand. But I regret to say that there has now arisen a new Pharaoh in Egypt who does not know Joseph. Other rulers are in the land, and the disposition now is not to help the old soldier or his widow, but to put every possible obstacle in their way; and the special pension examiners are now employed in the business of showing all pension claimants how not to do anything. They constitute a very important part of the stupendous machinery now devised to do the maximum amount of grinding and make the minimum amount of meal. We have heard of "the mills of the gods" that grind exceeding slow, but grind exceeding fine. This special examination mill of the Pension Bureau not only grinds exceeding slow, but grinds exceeding coarse. In fact, they grind out but little more than noise.

A POLICY OF DELAY.

Indeed, these special pension examiners have inaugurated a policy of very demonstrative make-believe, a big show of pretense and sham, much thunder but no lightning, a great deal of smoke but no fire, many blossoms but no fruit, a profusion of promises but an awful dearth of performances. The claimants call for an egg, but are given a stone; they ask for a fish, but are given a serpent.

These pension examiners seem never to think of the great fact that these old soldiers and the husbands of these old widows are the men whose blood and toil and health and life are the price, more precious than the gold of California or the diamonds of Golconda, paid the god of war for the salvation of our country, and that had it not been for these patriotic heroes there would now be no Government to pay them a big salary to travel over the country and make a display of their fine garments and wonderful wisdom.

POOR MEN DID THE FIGHTING.

These pension examiners never seem to realize the tremendous debt of gratitude they owe, and we all owe, to the Union soldiers.

In their estimation every soldier is a fraud, and every soldier's widow an impostor and a cheat, provided always they are poor. If the soldier is rich, wears fine clothes, and lives in a fine house, and moves in the best society, presto! change; all is very different. This sort of a soldier at once becomes a hero, and the pension examiner becomes a driveling sycophant. So, if the widow is a lady of fashion, dresses in silk, and has two or three daughters to grace a handsomely furnished parlor, then she becomes at once transfigured into the widow of a patriot and mighty man of valor, and her pension claim is forthwith reported on favorably.

The men who fight battles and win victories do not go dressed in purple and fine linen, but wear the garb of honest toil and their hands are rough, and it may be their faces unshaven and their hair uncut; but you will find—

> The gloomy outside, like a rusty chest,
> Contains the shining treasure of a soul
> Resolved and brave.

These pension examiners should remember that the men who saved the life of their country did not all come out of the palaces of the rich or the parlors of the fashionable. A vast majority of them came out of the fields, the workshops, the homes of the humble, and the cabins of the poor. But, alas! some of these pension examiners remember nothing but their self-importance. Some of them talk and act as though they themselves were the royal bestowers of every pension granted, and that, like the Lord, they give and they take away, and blessed are their names. [Laughter.]

FRAUDS ON PENSIONERS ENCOURAGED.

And when one of them has defrauded an old soldier or a soldier's widow out of their honest dues he says, "Behold how much I have saved!" and his superior officers pat him on the back and say, "Well done, good and faithful servant, you have cheated one soldier, now go on and cheat as many more as you can; and the more you cheat the bigger we will make your salary."

It is safe to say that for every two dollars saved by these special examiners one of them represents the lifeblood of a faithful soldier or a soldier's widow. I have heard of "blood money" before, but this is the first time in the history of any country that I ever heard of its Government boasting of the lifeblood it had drawn from the very hearts of the men who saved the life of that country.

Many of the pension examiners now in the field are men who are disloyal at heart, who secretly hate the men who saved the Union, especially if they are poor men, and, above all, hate Southern Union men. And I am sorry to say that some pension examiners born and raised in the North fail to do the Southern Union men that full measure of justice they so richly deserve. Their doctrine seems to be that no good thing can come out of Nazareth, and that there are no real Union men south of the Ohio, and if there are any that they are entitled to no consideration.

PRETENSE OF AIDING CLAIMANTS.

The Commissioner of Pensions says that he sends out these special examiners to aid the claimants in making their proof. What a horrible irony! Talk of sending out wolves to protect lambs, or eagles to protect doves. I have been told of many cases where these special examiners have falsely, corruptly, and maliciously reported that claimants had made fatal admissions, and in this way have robbed them of their rights.

And how can we expect it to be otherwise when these special examiners are rewarded for every robbery they perpetrate and every crime they commit against the Union soldier or soldier's widow? They hang their heads like sheep-killing dogs when they fail to defeat a pension, and flap their wings and crow for joy when they have succeeded in depriving some old soldier or soldier's widow of the pension their country has declared is their just and deserved reward.

I know some of them have practiced hypocrisy and pretended to be the friend of the soldier and the soldier's widow, but they soon began to realize that the people regarded them as wolves in sheep's clothing, and now many of them openly admit that their chief business is to cut the old soldiers and their widows out of their pension rights, and this business they are prosecuting with a zeal akin to that of a bloodhound on the trail of his victim.

PENSION EXAMINERS BECOME PROSECUTORS.

Almost every pension examiner becomes both a prosecutor and a persecutor; and, like most prosecuting officers, regards every man and woman as guilty until they prove themselves innocent beyond a reasonable doubt; and, as a result, the most unfavorable construction is put upon all the evidence made by the claimant, and every inference and presumption is one of guilt. The inquisitors of the Spanish persecution were often not more heartless or more relentless or more diabolical in their efforts to convict the victims of their suspicion than are many of these pension examiners in their efforts to rob old soldiers and old soldiers' widows of their right to that pension which their country has promised them and which all patriotic people desire them to have.

I have heard of cases where the zeal displayed by pension examiners in trying to deprive a soldier or soldier's widow of a pension could not have been exceeded by that of the supposed fiends of pandemonium in their efforts to rob the Christian of his religion or the saint of his charity.

Many of these special pension examiners imagine that it is one of their high prerogatives to guard and protect the Treasury of the United States from what they are pleased to term "pension raiders." Some of them dub themselves "watchdogs of the Treasury," and begin to bark as soon as they see an old soldier or a soldier's widow. Now, Mr. Chairman, I have no objection to good, honest, faithful watchdogs, but deliver me from so many watch pups who do nothing but bark, and only bark for fear some other dog will get a part of their meat. [Laughter.]

THE WRONGS DONE CLAIMANTS.

Some of these special examiners, when charged with their criminal and disloyal acts of atrocity and iniquity, have the effrontery to pretend that they are the friends of the soldier and the soldier's widow. May the good genius of my country forever protect the old soldiers and their widows from such friendship. Cæsar had such a friend in Brutus, Washington had such a friend in Benedict Arnold, and Christ had such a friend in Judas Iscariot.

It is safe to say that thousands of brave old soldiers who have been robbed of their pensions by these pension examiners, aided and abetted by their superiors in the Pension Bureau, thousands of as noble and patriotic soldiers as ever fought under our country's flag, thousands of these men thus infamously robbed of their rights, have died of slow starvation amid their half-starved children; and the pension examiners who robbed them of their just rights, in the sight of God and in the sight of all honest and patriotic men, are as much the murderers of these old soldiers as though they had given them a slow poison and thus caused their premature death; and I do not envy the heart of the pension examiner who rejoices, gloats over the monstrous fact that he has robbed an old soldier or a soldier's widow of that pension he or she is justly entitled to under the laws of their country.

HOW PENSIONERS ARE ROBBED.

Mr. Chairman, it is as dishonest, as wicked, as corrupt, to cheat a soldier or a soldier's widow out of a pension as it is to cheat you out of your money or your houses or lands; and if I were about to employ a man to handle my money I would no more risk one of these pension examiners I have been describing than I would select wolves to guard my sheep, or foxes to take care of my poultry, or the imps of Satan to teach my children. And yet these are the men who have the power given them to say whether our brave soldiers and their widows and children are entitled to pensions! And, Mr. Chairman, I am asked to vote $695,000 out of the public Treasury to enable these men to continue their career of outrage and infamy. I will never do it; never, never, never! I regard the vast majority of these special examiners as the implacable enemies of the old soldiers and their widows, and I will never vote a cent to pay men to persecute them and defraud them of their rights. [Applause.]

Many of these pension examiners pride themselves on the fact that they have succeeded in cutting this old soldier or that old soldier's widow out of a pension, and boast of their success and gloat over it as though they had done some honorable deed, whereas their deed is commended by none but traitors and cowards. The crimes committed by some of these pension examiners will haunt them as long as they live, provided their consciences ever become sensitive enough to be affected by the cathode rays of the truth. Then will—

> The foul misdeeds of former times
> Wring with remorse their guilty breasts,
> And ghosts of unforgiven crimes
> Murder their rest.

OUTRAGES BY PENSION EXAMINERS.

When Moses sent the spies into the Promised Land, all but two of them brought back awful reports of the Anakim and Zamzummim that were in the land. And so these special examiners who are sent as spies among the old soldiers and soldiers' widows bring back dreadful news of the Anakim soldiers and the Zamzummim widows who are proposing to bankrupt the Treasury and debauch the Government. [Laughter.]

Out of every twelve spies sent out by the Pension Bureau, there are only about two Calebs and Joshuas—only two who report the real truth and do justice. And I hope these false special examiners will remember the fate of the false spies; and it would be well for them not to forget what happened to Ananias.

Such being the character of so many of these pension examiners, who are going up and down the earth and to and fro in it like their great exemplar who robbed old Job of the pension given him by the Lord, and tried to rob him of his integrity, such being the character and mission of so many of these pension examiners, I can not get the consent of my heart to vote another dollar, or another cent, to pay another one of them for another day. I would greatly prefer to have a few undeserved pensions granted than to have the brave men and good widows of our country

insulted and outraged by a lot of self-important and imperious upstarts who imagine that they are the people and that wisdom will die with them. [Laughter.]

These pension examiners seem to feed on Cæsarian food, whereby they have grown so great that the average Union soldier or soldier's widow looks to them like a mere worm of the earth, fit for nothing but to be trod on and crushed into the ground. They are like the officeholders so well described by Shakespeare when he wrote:

Man, proud man,
Drest in a little brief authority,
Most ignorant of what he's most assured,
His glassy essence, like an angry ape,
Plays such fantastic tricks before high heaven,
As make the angels weep.

EXAMINERS IN EAST TENNESSEE.

Mr. Chairman, you ought to see one of these special pension examiners down in East Tennessee. In the first place he goes down there believing that there are very few Union men in the South, and that very few of these men were in the Union Army, and that most of these rendered little or no service. And when they go down into the mountain land I represent and see one of my constituents clad in homespun, perhaps wearing a hunting shirt and moccasins, and his wife and daughters wearing clothing woven and made by their own hand, these pension examiners forget that the men who fought the battle of Kings Mountain, who drove Lord Cornwallis out of North Carolina, who fought under Marion and Sumter in the swamps of South Carolina, and who defeated the bravest soldiers of England at the battle of New Orleans were clad in hunting shirts and moccasins, and that braver soldiers or better men can be found nowhere on God's green earth.

Accustomed to see men clad exclusively in store clothes, and judging men entirely by their garb, himself arrayed in a dude costume that would have excited the envy of Solomon in all his glory, the average pension examiner at once writes down all these homespun people as frauds, unworthy of consideration, and having no rights he is bound to respect.

And yet, when you go to the real worth of men the garb counts for nothing and the fashion has no weight. The soldiers of East Tennessee have made a record that the historian will love to dwell on.

Within the oyster's shell uncouth
The purest pearl may bide;
Trust me, you'll find a heart of truth
Within their rough outside.

Yes, and a heart that is as loyal to the flag as the needle is to the north star.

These proud, supercilious pension examiners are no more to be compared to my mountain constituents than a jaybird to a turkey gobbler.

And what is true in East Tennessee, I am satisfied, is more or less true of the whole country. Poor men and poor women receive poor treatment from these special examiners. I have often noted, and others have often noted, that claimants who are rich or influential soon have their pensions allowed even when not meritorious, whereas claimants who are poor, needy, and friendless are delayed and delayed, no matter how deserving they may be or how strong their proof.

THE COMING CHANGE.

I know there are a few special examiners whose hearts feel kindly toward Union soldiers and their widows, and who take pleasure in aiding them to obtain that justice they so well deserve and yet which has been so long delayed. But they are few in number and are growing fewer every day, because they know it is unpopular with their superiors for them to act fairly toward the old soldiers and their widows. I would like to see these few noble exceptions retained in office, but I am satisfied they will all soon be called in or silenced.

I know my constituents are opposed to any special pension examiners; at least to such as we now have. When we Republicans come into power next year I shall favor a weeding out of the soldier-haters in the Pension Bureau and putting in there men who honor the old soldiers who saved the life of our country and respect and reverence their widows as mothers in Israel. Not another dollar to pay pension examiners will I ever willingly vote until they have all repented of their sins and been baptized anew in the fountain of patriotism and have proved their change of heart by their change of conduct. [Applause.]

(During the delivery of the foregoing remarks, when Mr. GIBSON'S five minutes had expired, unanimous consent was granted, on motion of Mr. SHERMAN, that he be granted five minutes additional.)

The question being taken on the amendment of Mr. GIBSON, it was rejected.

The Clerk read as follows:

For an additional force of 150 special examiners for one year, at a salary of $1,300 each, $195,000; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Mr. GIBSON. I move to amend by striking out the paragraph just read.

The amendment was rejected.

The Clerk read as follows:

For rent of office for the surveyor-general [of Colorado], fuel, books, pay of messenger, stationery, and other incidental expenses, $2,500.

Mr. SHAFROTH. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

In line 5, page 90, strike out "$2,500" and insert in lieu thereof "$3,500."

Mr. SHAFROTH. Mr. Chairman, in connection with this amendment I wish to have read at the Clerk's desk a letter from the surveyor-general of the State of Colorado which I received on the day before yesterday.

The Clerk read as follows:

OFFICE OF UNITED STATES SURVEYOR-GENERAL,
DISTRICT OF COLORADO,
Denver, February 24, 1896.

SIR: In connection with the annual appropriation, under the legislative, executive, and judicial bill, for the contingent expense of this office for the next fiscal year, I respectfully represent that owing to the wonderful increase in mineral surveying it will require about $4,000, certainly not less than $3,500, to meet the requirements. I now have 60 people employed and could employ 25 more to a good advantage if space and office furniture would admit. As it is, every desk and chair is occupied.

I am writing a similar letter to Senator TELLER, and trust that you will both look after this matter, in order that I may be able to purchase more furniture and tools with which to work, and thus give our people at least reasonable service in the matter of the approval of mineral surveys.

The appropriation for contingent expenses for the present fiscal year was $2,500. The office rent, tools, stationery, furniture, binding, and every other incidental expense have to be paid from that fund.

The deposit fee of $30 for each mineral location is used exclusively for the payment of salaries in connection with mineral surveys. It would therefore be necessary to have an increased appropriation this year, or the patrons of the office will be required to wait from six months to one year for the approval of their surveys after filing the notes thereof.

The salaries of the clerks in this office now amount to about $200 per diem, while the deposits made for mineral surveys amount to about $500 per diem, and you can readily perceive that it will only require a short time to place the office in a very awkward position in the matter of preparing surveys for approval within a reasonable time, and thus satisfy the patrons who have deposited the money to pay for this work.

Very respectfully,
THOS. D. ROBINSON,
Surveyor-General.

Hon. JOHN F. SHAFROTH,
House of Representatives, Washington, D. C.

Mr. SHAFROTH. Mr. Chairman, this amendment is for the purpose of increasing the fund set apart for the contingent expenses of the surveyor-general's office at Denver from $2,500, the amount fixed in the bill, to $3,500 for the coming year.

That increase is necessitated by the fact that there is a very rapid development of the mineral lands in that region, and the surveyor-general has indicated in the letter I had read from the desk that if the contingent fund is not increased and a sufficient amount given to carry on the work of the office to enable the office force to be increased and have facilities for doing the work the people having the surveys made will not get them approved for six months or a year afterwards.

It will appear upon an examination of the matter that this is a paying office, returning to the Government $500 a day, while the expenses of the office are only about $200 a day. In view of that fact it seems to me when this office is returning so large an amount to the Government every day that the small increase of the current expense of $1,000 asked for by this amendment should be granted without any hesitancy.

The object of the increase, as I have said, is to expedite the issuing and the approving of the patents and the issuing and approving of the surveys, and certainly it can not be claimed that the proposition is other than right and proper. These people who have the surveys of these mineral lands made should certainly not be required to undergo a delay of six months or a year in order to get the same approved. The amount is a small one that I ask, and although the surveyor-general asked $4,000 increase in the letter that I have had read, I have only proposed in the amendment the small increase of $1,000.

I am sure that on reflection there will be found no objection to the matter, and I trust the committee will accept the amendment.

Mr. MCCALL of Tennessee. Mr. Chairman, as I understand the gentleman from Colorado, his purpose in asking this additional appropriation is to enable the parties who do the work which is required to be done in that office to have more room, owing, as he states, to the increased surveys of mineral land in that region.

Mr. SHAFROTH. It is for the purpose of allowing the men to have facilities to do the work. This small appropriation is asked to enable them to provide the additional improvements that are absolutely necessary in order to expedite the work.

Mr. MCCALL of Tennessee. Then, I understand that the purpose of the appropriation is to provide more cushioned chairs, more sofas, and things of that kind for the accommodation and convenience of the men employed in that office.

Mr. SHAFROTH. The letter explains fully the purpose of the appropriation.

Mr. MCCALL of Tennessee. If the gentleman had proposed to increase the force that is employed for that purpose, in order to

keep up with the current work, that would be a proposition that would seem to have, in view of his statement, enough merit to warrant the consideration of the House. But I do not think we ought to vote for an increase of appropriation for the convenience of the men employed there. I do not see how that would expedite the work. There is nothing to show that the work could be advanced in that manner.

The only way, in my judgment, that the work could be advanced would be to have additional men employed in the office, and thus keep up with the current work. But the increase of appropriation asked for, of $1,000, is not to increase the force, but to make it more comfortable for the force already employed.

I do not think it ought to be done; and I hope the amendment will be rejected.

Mr. DOCKERY. Let me suggest a compromise between the gentleman from Colorado and the gentlemen in charge of the bill. The gentleman from Colorado asks for an appropriation of $1,000 additional, making the amount $3,500. Now, I suggest that an amendment be adopted increasing the amount from $2,500 to $3,000. I offer that amendment to the amendment of the gentleman from Colorado.

The amendment was adopted.

The amendment as amended was agreed to.

Mr. DOCKERY. I desire that five-hundred-dollar increase to go to the credit of the very efficient Representative from that State, for it is due to his diligence that it was accorded by the House, and I want the RECORD to show the fact. It is true that the gentleman desired a larger amount, but I felt inclined, as a member of the committee, to concede this increase, inasmuch as he has made a very strong presentation of the facts in the case.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For surveyor-general of the Territory of Utah, $2,000; and for the clerks in his office $3,500; in all, $5,500.

Mr. ALLEN of Utah. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 14 strike out the word "Territory" and insert "State." Also, in lines 15 and 16 strike out "three thousand five hundred dollars" and insert "five thousand dollars," and in line 16, after the word "all," strike out "five thousand five hundred" and insert "seven thousand."

Mr. ALLEN of Utah. Mr. Chairman, the amount recommended for clerk hire in the office of the surveyor-general for Utah is inadequate for the needs of that office. This amendment, if adopted, will increase the appropriation from thirty-five hundred to five thousand dollars.

The efficiency of that office, so far as dispatch of work is concerned, depends upon the ability of the clerical force employed to dispose of the work as it comes into the office. At present it is impossible to meet the demands made upon the force employed. The patents applied for, especially of mineral lands, are increasing from year to year. Under the order of the Secretary of the Interior staying action in cases of application for patents to lands within the railroad land grants, the applications for patents to agricultural lands must be for those now belonging to the public domain. This increases the work of this office.

The Secretary of the Interior recommends that $7,000 be appropriated for this purpose. I believe that this amount would be well within the actual needs of this office, but I am asking for only $5,000. I ask, gentlemen of the committee, that the amendment be adopted.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Utah.

The amendment was adopted.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk, Post-Office Department, who shall also be superintendent of the Post-Office Department buildings, $2,500; stenographer, $1,800; stenographer, $1,600; appointment clerk, $1,800; one clerk of class 4; two clerks of class 3; one clerk of class 2; one clerk, $1,000; one curator of museum, $1,000; one messenger; one assistant messenger; page, $360; in all, $26,020.

Mr. MCCALL of Tennessee. Mr. Chairman, I have a letter from the Postmaster-General that I desire to have printed in the RECORD in respect to this part of the bill.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 25, 1896.

SIR: In response to the request of your committee, made through the chief clerk of this Department, for my reasons for the proposed transfer of the duties of the superintendent of the Post-Office Department buildings from the disbursing clerk to the chief clerk, I desire to state that the main reason is to make the purchasing officer separate and distinct from the auditing and paying officer. By the proposed plan it is believed that the chief clerk and disbursing clerk will, to a much greater extent than now, be a check upon each other.

Another reason for the change is that the duties and responsibilities of the disbursing clerk will be increased by the proposed change in the system of paying the employees of the mail bag repair shop, who are now paid by the Washington City postmaster. As these employees belong to the Bureau of the Second Assistant Postmaster-General, I am clearly of opinion that their salaries should be paid by the disbursing officer of this Department. This change will be made so soon as the necessary details can be arranged.

Very respectfully,

WM. L. WILSON,
Postmaster-General.

Hon. H. H. BINGHAM,
Chairman Subcommittee Committee on Appropriations, House of Representatives.

The Clerk, proceeding with the reading of the bill, read to and including line 14 on page 100.

The CHAIRMAN. The Clerk has reached the point in the bill appropriating for the Department of Justice.

Mr. MCCALL of Tennessee. Mr. Chairman, we wish to complete the reading of the bill this afternoon, if possible, with the understanding that we pass over that portion of the bill that provides for district attorneys and United States marshals, with leave to return to it in connection with the amendments proposed to be offered by the chairman of the Judiciary Committee.

The CHAIRMAN. Unanimous consent is asked that the paragraph in the bill relating to the Department of Justice be passed over?

Mr. MCCALL of Tennessee. Not the whole of the bill relating to the Department of Justice. I will indicate the sections when we reach them.

The Clerk, resuming the reading of the bill, read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor General, $7,000; four Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,000; Solicitor of Internal Revenue, $4,500; Solicitor for the Department of State, $3,500; two assistant attorneys, at $3,000 each; three assistant attorneys, at $2,500 each; assistant attorney, $2,000; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the building, $2,500; stenographic clerk, $1,800; three stenographic clerks, at $1,600 each; two law clerks, at $2,000 each; seven clerks of class 4; attorney in charge of pardons, $2,400; additional for disbursing and appointment clerk, $500; additional for clerk in charge of accounts, $200; seven clerks of class 3; nine clerks of class 2; eleven clerks of class 1; telegraph operator and stenographer, $1,200; nine copyists; one messenger; five assistant messengers; four laborers; three watchmen; engineer, $1,200; two conductors of the elevator, at $720 each; eight charwomen; superintendent of building, $250; and three firemen; in all, $156,510.

Mr. MCCALL of Tennessee. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 101, line 6, strike out the word "seven" and insert in lieu thereof the word "six"; and in lines 9 and 10 strike out the words "additional for clerk in charge of accounts, two hundred," and insert in lieu thereof the following: "Chief of division of accounts, two thousand."

The amendment was agreed to.

The Clerk, resuming the reading of the bill, read as follows:

Circuit courts: For twenty-two circuit judges, at $6,000 each, $132,000.
For nine clerks of circuit courts of appeals, at $3,000 each, $27,000.

Mr. BROWN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 104, at the end of line 19, insert the following:

"*Provided*, That each circuit court of appeals shall be entitled to retain and have expended, under the direction of the Attorney-General, for law books for its use, one-half of the surplus fees of its clerk's office accrued therein for the fiscal year 1897."

Mr. DINGLEY. I reserve the point of order on that.

Mr. BROWN. I desire simply to say that when these circuit courts of appeals were established no provision was made for furnishing the courts with libraries. No provision has been made since, except in the appropriation bills for 1895 and 1896, in which provisions were included similar to that now proposed to be included in this bill for 1897. It must be apparent to every lawyer in the House and every member who is acquainted with these courts that it is absolutely necessary for the proper dispatch of business that they should be furnished with libraries, and this seems to be the only means by which they may be furnished with the proper books.

Mr. DINGLEY. I simply desire to call the attention of my friend to the fact that this method of providing a library or making any expenditure is exceedingly unwise, because it allows the court to use the fees without any return respecting them, for a purpose concerning which they may make no report. The proper way would be to make a distinct appropriation providing a library, and then the fees should be covered into the Treasury. This is a very vicious method, always, in which to make any expenditure. There is no objection to making a direct appropriation for a library wherever it is needed, but it ought to be done in a direct way, instead of simply giving the right to use fees of which no report is made, and the amount of which we know nothing about. I merely suggest to my friend that if it is desirable to do something here for a library, we ought to do it by direct appropriation and not in this way.

Mr. BROWN. I will say to the gentleman from Maine that reports are made at the end of every year by the clerks of these courts of appeals, and I have been furnished with a statement of the amount of fees turned in by each of the clerks, showing the gross amount of the fees. From that is deducted the clerk hire and the incidental expenses of the court. One-half, then, of the net fees is turned in by the clerk to the Treasury and one-half is

retained by the clerk, to be expended under the direction of the Attorney-General for the purchase of books.

Mr. DINGLEY. I will ask my friend if he does not think the appropriate way would be to make a direct appropriation from the Treasury for the purchase of anything that may be wanted, and then have the fees covered into the Treasury, where they may be properly accounted for?

Mr. BROWN. I think so; but this method has been pursued heretofore in the bills for 1895 and 1896, and the courts say if they can be allowed this appropriation this year they will make no further demand of this kind.

Mr. DINGLEY. That same statement was made on this floor last year. When I made objection it was stated if I only allowed it last year they would never ask it again. This is the third time, and it is bound to be chronic if we allow it to come in here.

Mr. BROWN. The gentleman will admit the necessity for proper libraries for these courts?

Mr. DINGLEY. Yes.

Mr. BROWN. Every effort has been made heretofore to obtain proper libraries in the way indicated by the gentleman from Maine, and it has not been possible to get the appropriation.

Mr. DINGLEY. But we know as to an appropriation to the object it is entirely proper.

Mr. BROWN. I hope the gentleman will not object.

Mr. DINGLEY. I am not going to make objection if the committee in charge of this bill see fit to allow business to be done in this way, although I did give notice last year that I would object to any repetition, because it was said then, "If you will only allow it this time we will never have it again." The practice, as my friend must see, is a bad one. All fees should be covered into the Treasury and a special appropriation should be made, and then we can get an accounting. But I am not going to make any point of order. If the committee choose to allow it to go this way, let them have the responsibility.

Mr. DOCKERY. Let it go.

The amendment was agreed to.

The Clerk read as follows:

Commissioner Yellowstone Park: For salary of commissioner provided for in the act to protect the birds and animals in Yellowstone National Park and to punish crimes in said park, approved May 7, 1894, $1,000.

Mr. MCCALL of Tennessee. I ask unanimous consent to pass the next two sections without reading, and we will recur to them afterwards for consideration.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to pass these two sections without reading, and that they be returned to. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCALL of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 107, after line 8, insert:

"That section 843 of the Revised Statutes of the United States be amended so as to read as follows:

"'SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals shall be made for each fiscal year, and from the fees and emoluments of that fiscal year, and not otherwise.

"'That the compensation of district attorneys, clerks, and marshals for the half year ending June 30, 1896, shall be allowed and settled upon the basis of the returns for that half year.

"'That hereafter all United States marshals shall be allowed ninety days after the 30th of June and ninety days after the 31st of December in which to make their returns of fees and emoluments under the provision of section 833 of the Revised Statutes of the United States, which is hereby amended accordingly.'"

The CHAIRMAN. The question is on the amendment.

Mr. HARTMAN. Mr. Chairman, I want to ask for information, whether the two preceding sections were passed over by unanimous consent?

The CHAIRMAN. They were.

Mr. HARTMAN. This is not amendatory to either of those two sections, is it?

Mr. MCCALL of Tennessee. It is not.

Mr. HARTMAN. I could not understand from the reading of the Clerk whether it was or not, and I am anxious that they shall not be passed without an opportunity to offer amendment.

Mr. DOCKERY. They are reserved.

Mr. HARTMAN. That is all right, then, if they are reserved.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and offices of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper offices in Washington and the cause therefor, and in each case indicating whether the delinquency was waived, together with such officers, including postmasters and officers of the Post-Office Department, as were found upon final settlement of their accounts to have been indebted to the Government, and who, at the date of making report, had failed to pay the same into the Treasury of the United States.

Mr. MCCALL of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 109, line 16, after the word "government," insert the words "with the amounts of such indebtedness in each case."

The amendment was agreed to.

Mr. MCCALL of Tennessee. Also the following amendment. It is a committee amendment which I offer:

The Clerk read as follows:

On page 109, after line 18, insert the following:

"SEC. 5. That section 3621 of the Revised Statutes is amended to read as follows:

"'SEC. 3621. Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, an assistant treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer, the assistant treasurer, or the public depositary shall issue duplicate receipts for the moneys paid, transmitting forthwith the original to the Secretary of the Treasury and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post-Office Department shall be paid into the Treasury in the manner now required by law.'"

Mr. DOCKERY. I desire, in this connection, Mr. Chairman, to submit, for the RECORD, a letter of the Secretary of the Treasury approving this section. I also desire to state, in the same connection, that it has been considered by the Committee on Reform in the Civil Service and also by the Committee on Appropriations, both of whom report it favorably.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 14, 1896.

SIR: I have the honor to recommend that section 3621 of the Revised Statutes be amended so as to read as follows:

"SEC. 3621. Every person who shall have moneys of the United States in his hands or possession, other than moneys arising from postal revenues and debts due to the Post-Office Department, shall pay the same to the Treasurer, an assistant treasurer, or some public depositary of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer, the assistant treasurer, or the public depositary shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury and delivering the duplicate to the depositor."

The principal change effected by the proposed amendment is to require that deposits of public moneys shall in all cases be made within thirty days of their receipt, and that the original receipt issued therefor shall be transmitted to the Secretary of the Treasury by the officer receiving the deposit instead of the depositor.

Respectfully, yours, J. G. CARLISLE, *Secretary.*

Hon. A. M. DOCKERY,
House of Representatives.

The amendment was agreed to.

Mr. LINNEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend the pending bill as follows, to come in before subsection 5, page 109, or as a new section:

"SEC. —. That the compensation of any clerk or private secretary of any member of the House of Representatives or Delegate from the Territories provided for in this act for services rendered when Congress is not in session, shall be paid out of the salary of the Member or Delegate by whom such clerk or private secretary is employed."

Mr. MCCALL of Tennessee. Mr. Chairman, I make the point of order that that is new legislation, and also that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. LINNEY. Will not the Chair hear me on the point of order?

The CHAIRMAN. If the gentleman will confine himself to the point of order.

Mr. LINNEY. I will do so. The bill as it now stands provides for certain clerks or private secretaries——

The CHAIRMAN. But the point is that the paragraph relating to that subject was passed some time since, and that the paragraph now under consideration has no relation to it.

Mr. LINNEY. The subject is dealt with in two places in the bill.

The CHAIRMAN. But both those parts of the bill have been passed some time since.

Mr. LINNEY. That is true. Then the Chair rules the amendment out of order?

The CHAIRMAN. The Chair rules it out of order.

The Clerk completed the reading of the bill.

Mr. DOCKERY. Mr. Chairman, I desire to submit, to be printed in the RECORD, an amendment which I propose to offer to the fee bill.

There was no objection.

The amendment is as follows:

SEC. 18. The Attorney-General shall, in his annual report to Congress each year, include a statement in detail showing for the preceding fiscal year the number of assistant district attorneys employed, the salaries of each; the number of clerical assistants employed for each district attorney, the salaries of each; the amount expended for necessary subsistence, and actual and necessary traveling expenses of each district attorney and his assistants; the number of office deputies and clerical assistants employed for each marshal, the salaries paid to each; the amount expended for necessary subsistence and actual and necessary traveling expenses of each marshal and his office deputies, and the number of field deputy marshals employed by each marshal and the amount of fees earned by and the compensation paid to each of them out of such fees.

On motion of Mr. MCCALL of Tennessee, by unanimous consent, the numbering of section 5 of the bill was changed to section 6.

Mr. McCALL of Tennessee. With the understanding that we shall recur on Monday to the section relating to district attorneys and marshals, in connection with the bill to be offered as an amendment regulating the salaries of those officers, I now move that the committee rise.

The CHAIRMAN. The Chair calls attention to the fact that the paragraph in relation to New Mexico is also reserved.

Mr. McCALL of Tennessee. Certainly; that had slipped my mind.

Mr. DOCKERY. That paragraph goes over.

Mr. CANNON. Is the gentleman from Missouri ready to dispose of the New Mexico paragraph?

Mr. DOCKERY. I said to the gentleman from New Mexico that I would examine it between now and Monday. So far as I can tell now, I do not propose to object to the amendment.

The motion of Mr. McCALL of Tennessee was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 6248 and had come to no resolution thereon.

NEW RIVER.

Mr. HOOKER. Mr. Speaker, I desire to submit a privileged matter to the House. I send the bill to the desk.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act passed August 17, 1894, be, and the same is hereby, amended so as to read as follows:

"SEC. 6. That it shall not be lawful to place, discharge, or deposit, by any process or in any manner, ballast, refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind other than that flowing from streets, sewers, and passing therefrom in a liquid state in the waters of any harbor or river of the United States for the improvement of which money has been appropriated by Congress, elsewhere than within the limits defined and permitted by the Secretary of War; neither shall it be lawful for any person or persons to move, destroy, or injure in any manner whatever any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States, in whole or in any part, for the preservation and improvement of any of its navigable waters, or to prevent floods, or as boundary marks, tide gauges, surveying stations, buoys, or other established marks. Any and every such act is made a misdemeanor, and every person knowingly engaged in or who shall knowingly aid, abet, authorize, or instigate a violation of this section shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor. But this section shall not apply to New River or its tributaries in the State of Virginia."

Mr. HOOKER. Mr. Speaker, that was made a part of the last river and harbor bill, and the sole purpose of this is to except New River from the operation of the general law, it being a mountain torrent and not a navigable stream.

Mr. TUCKER. Why do you except New River?

Mr. HOOKER. Because it is not a navigable river.

Mr. HULING. Mr. Speaker, I object to the present consideration of the bill.

Mr. HOOKER. It is not necessary to object. This is a privileged matter.

Mr. TUCKER. Let it go over until Monday.

Mr. HOOKER. Mr. Speaker, since I presented the matter to the House, I have been requested by the gentleman from Virginia, Mr. WALKER, who is interested in it, to ask consent that it go over until Monday.

Mr. HULING. Mr. Speaker, I make the point of order that this is not a bill for the improvement of rivers and harbors.

Mr. HOOKER. It amends the river and harbor law as it stands.

Mr. WALKER of Virginia. Is the bill before the House?

Mr. HOOKER. I so understand it.

The SPEAKER. It is before the House subject to the point of order. The Chair will be glad to hear the gentleman from New York on that point. Is it his idea that this is privileged as an amendment to a bill that would have been privileged?

Mr. HOOKER. Yes, sir; this is an amendment to the regular general river and harbor law.

Mr. DINGLEY. Mr. Speaker, I think it would be a very bad practice to consider a bill of this kind as privileged. If that rule were established an amendment might be brought in here starting an entirely new improvement. It seems to me that it is only the regular river and harbor bill that can be considered as privileged.

Mr. WALKER of Virginia. Mr. Speaker, this bill was introduced by myself and referred to the committee, and I will explain the matter as well as I can, though I did not know that it would come before the House at this time. In 1894 there was a clause tacked on to the river and harbor bill providing that no refuse matter, washings from ore mines, or things of that sort, should be placed in any stream where the Government had expended money, but it also provided that the Secretary of War might, in his discretion, exempt any stream from the operation of that law.

Now, there is a creek—hardly a river, but a stream which runs through that section of Virginia, on which the Government in some evil hour spent about $20,000, to no purpose in the world—a stream which is not navigable and can never be made navigable, and the improvement of which was abandoned by the Government long ago. Along the line of that river there are very extensive mining operations. It is an iron country. There has been invested there, in furnaces and iron plants, over $2,000,000. The ores have to be washed, and the tailings have to be dumped into the river, for such is the nature of the country and the nature of the ores that they can not be washed in any other way. Now, it is well understood there that to prevent this washing will stop these furnaces, destroy the value of those plants, and throw out of employment between four and five thousand people.

The Secretary of War has had this matter investigated thoroughly, and the Chief of Engineers, General Craighill, has reported that the stream is not navigable; that the Government has no control over it; and therefore the Secretary of War has exempted it from the operation of that law. So far so good. While the Secretary of War allows that order to remain in force it is a complete protection. But the gentlemen who have their capital invested in those industries—for besides the iron ores there are large zinc and lead interests there—do not know at what time some influence may be brought to bear to secure a revocation of that order; they do not know but that if a new Secretary of War should come in they may again have trouble.

Now, I wish to say that there is nobody in that section complaining. There was some complaint from West Virginia because the water as it flowed into that State was discolored to some extent. But that is a matter which can easily be remedied by the State laws. Those who may feel themselves aggrieved have a sufficient remedy in the laws of both States to prevent the pollution of the water.

The question is, whether the Government shall take upon itself to direct that these people be indicted. It is only a month or two months ago that the district attorney gave notice that he intended to indict every one of these gentlemen; that they must stop washing their ores in that stream in twenty days.

Now, it is proposed simply by this amendatory bill that we repeal with respect to this stream a law which ought never to have been enacted. The Government has nothing to do with this stream in the mountains of Virginia. It is not a navigable stream. The Government has no control over it. That is the express report of the Secretary of War and of the Chief Engineer.

In view of these facts I have introduced this amendatory bill. I hope it will be the pleasure of the House to pass it, because it is a vital matter to a very large number of people engaged in a very important and lucrative business in my section of the country.

Mr. HOOKER. I ask unanimous consent, as it is now late, that this matter stand over until Monday, subject to the point of order raised by the gentleman from West Virginia.

The SPEAKER. Is there objection?

Mr. OTEY. I wish to ask whether anybody will be heard on the question at that time?

The SPEAKER. The Chair will very likely want to hear somebody on the point of order. [Laughter.]

Mr. OTEY. This stream runs right through my district. I do not want to raise any factious objection in this matter, but there are a great many people in my district who object to this amendatory bill, and they do so on what they deem to be very serious grounds. I should like to be heard on this question.

Mr. HOOKER. Certainly; every opportunity will be afforded for discussion.

Mr. SWANSON. I should like to know whether the bill goes over strictly and entirely on the point of order raised by the gentleman from West Virginia as to whether the bill has been properly reported from the Committee on Rivers and Harbors.

The SPEAKER. Whether it is a privileged bill?

Mr. SWANSON. First, whether it is a privileged bill, and second, whether the Committee on Rivers and Harbors has the right to report it. Has that point been raised, Mr. Speaker?

The SPEAKER. The Chair does not understand that that point has been raised. Is it raised? Does the gentleman raise it?

Mr. SWANSON. No, sir. I did not know whether it had been raised. I wanted to ascertain what point of order was pending.

The SPEAKER. Of course that point can be raised at any time before the other point of order has been decided. The point which has been made takes in all objections there may be in the form of points of order. The Chair hears no objection to the request of the gentleman from New York [Mr. HOOKER].

Mr. McCALL of Tennessee. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. OTJEN, for ten days, on account of important business.

To Mr. BRUMM, for one week, on account of important business.

To Mr. BOATNER, for two weeks, on account of important business.

To Mr. MILLER of West Virginia, for ten days, on account of important business.

To Mr. REYBURN, for ten days, on account of sickness in his family.

The motion of Mr. McCALL of Tennessee that the House adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, the following executive communication was taken from the Speaker's table and referred by the Speaker as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Sharp against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins, reported the same without amendment, accompanied by a report (No. 573); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince. (Report No. 567.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 4090) granting an increase of pension to Mrs. F. E. Marshall. (Report No. 569.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 1178) granting a pension to Sarah Weedon. (Report No. 570.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 6721) to provide a steam fog whistle at St. Joseph Harbor, in the State of Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. HAINER of Nebraska: A bill (H. R. 6722) extending the provisions of the act of June 27, 1890, to members of the Nebraska Territorial Militia and to their widows and minor children—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 6723) to establish a branch mint of the United States at Chicago, in the State of Illinois—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: A bill (H. R. 6724) to provide for the purchase of a site and the erection of a public building thereon at Eureka, in the State of California—to the Committee on Public Buildings and Grounds.

By Mr. DANFORD: A bill (H. R. 6725) to regulate the time of service in considering application for pension under act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 6726) to amend section 3255, Revised Statutes of the United States, concerning the distilling of brandy fruits—to the Committee on Ways and Means.

By Mr. HILBORN: A bill (H. R. 6727) to punish the fraudulent use of inspection stamps or counterfeits thereof—to the Committee on the Judiciary.

By Mr. SULLOWAY: A bill (H. R. 6728) to establish a life-saving station in the town of Hampton or Seabrook, county of Rockingham, State of New Hampshire—to the Committee on Interstate and Foreign Commerce.

By Mr. WILBER: A bill (H. R. 6729) regulating the manner of purchase and distribution of seed, bulbs, trees, shrubs, vines, cuttings, and plants by the Department of Agriculture—to the Committee on Agriculture.

By Mr. PHILLIPS (by request): A bill (H. R. 6746) to regulate the employment of labor on public buildings and public grounds belonging to the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLYNN: A joint resolution (H. Res. 131) construing the act of Congress approved February 10, 1894, providing for the relief of certain settlers upon the Iowa Reservation, Oklahoma Territory—to the Committee on the Public Lands.

By Mr. LINTON: A joint resolution (H. Res. 132) relating to the Marquette statue—to the Committee on the Library.

By Mr. SPERRY: Resolution (House Res. No. 186) providing for the employment of some person or firm to execute plans for properly ventilating the House of Representatives—to the Committee on Ventilation and Acoustics.

By Mr. LACEY: A memorial of the Iowa general assembly favoring prisoners of war bill (H. R. 306)—to the Committee on Invalid Pensions.

By Mr. HULL: A memorial of the general assembly of Iowa asking the passage of House bill No. 306, granting additional pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6365) for the relief of W. H. Langdon, High Knob, Clay County, Ky.—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 6479) to increase the pension of Alexander Williamson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4481) for the relief of Patsey E. Broaddus—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 6730) granting a pension to Edward C. Spofford—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio (by request): A bill (H. R. 6731) granting accrued pension to Martha Horber, widow of Martin Horber, late sergeant Company G, One hundred and seventh Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 6732) for the relief of Boyd E. Baile—to the Committee on Military Affairs.

By Mr. FARIS: A bill (H. R. 6733) to correct the military record of George W. Winters, sr.—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 6734) granting a pension to Alfred F. Cumpston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6735) to increase the pension of David W. Pennywitt, of Manchester, Ohio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6736) to correct the military record of James Cahoon, of Gallipolis, Ohio—to the Committee on Military Affairs.

By Mr. HEATWOLE: A bill (H. R. 6737) granting a pension to Agnes M. Shepard, widow of Cleveland E. Shepard, late private in Company H, Forty-second Regiment Massachusetts Volunteers—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 6738) for the relief of the heirs of James W. Perry—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy—to the Committee on the Judiciary.

By Mr. KENDALL: A bill (H. R. 6740) giving a military record to Alexander Francesco, deceased—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: A bill (H. R. 6741) for the relief of C. B. Crutchfield—to the Committee on Claims.

Also, a bill (H. R. 6742) to pension J. R. Scott—to the Committee on Invalid Pensions.

By Mr. OWENS: A bill (H. R. 6743) for the relief of Oldham County, Ky.—to the Committee on War Claims.

By Mr. WOODMAN: A bill (H. R. 6744) to amend the military and naval records of Morris Vehon, otherwise John H. Bullard—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 6745) for the relief of Arza B. Gilson—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 6747) to increase the pension of John W. Fielden, of Newmarket, Tenn.—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 6748) to retire Warren A. Woodson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Edward G. Acheson and 115 citizens of Monongahela City, Pa., praying for the removal of toll tax on interstate commerce on the Monongahela River—to the Committee on Rivers and Harbors.

Also, protest against the appropriation of public moneys for sectarian undertakings; also, petition urging the passage of a proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of the following councils, Order United American Mechanics, viz, Finley Council, No. 368, of Finleyville, Pa.; Roscoe Council, No. 369, of Roscoe, Pa.; West Elizabeth Council, No. 401, of West Elizabeth, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, protest of the committee of New York publishers, against the passage of House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH: Petition of certain residents of Harvey, Ill.; also petition of residents of Chicago Heights, Ill., for the passage of joint resolution No. 11, to amend the Constitution of the United States, prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. BAKER of New Hampshire: Memorial of Souhegan Council, No. 4, Order United American Mechanics, of Milford, N. H., praying for the passage of the immigration bill introduced by Hon. WILLIAM A. STONE—to the Committee on Immigration and Naturalization.

By Mr. BARHAM: Memorial of the Chamber of Commerce of Eureka, Cal., asking for a public building—to the Committee on Public Buildings and Grounds.

By Mr. BROSIUS: Indorsement of Lady Franklin Council, No. 85, Daughters of Liberty, of Lancaster, Pa.; also indorsement of Washington Camp, No. 559, Patriotic Order Sons of America, of Rothwell, Pa.; also indorsements of Conestoga Lodge, No. 8, of Lancaster, Pa., and North Star Council, No. 67, Order United American Mechanics, of Quarryville, Pa., of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COBB of Missouri: Petition of 200 citizens of St. Louis, Mo., asking that the proposed bridge at St. Louis be located between the Eads Bridge and the arsenal—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of ex-soldiers of the Union Army, citizens of Union Grove, Wis., for a service-pension law—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: Resolutions of the members of the Methodist Episcopal Church of Leon, Kans., in behalf of House bill No. 6447, amending United States revenue laws—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Pittsburg Council; also Putnam Council, Daughters of Liberty; also petition of Acme Lodge, Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Petition of J. H. Stietzel and others, of Louisville, Ky., against appropriating public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. FARIS: Petition and proofs to accompany House bill No. 6081, to pension Woodson O. Angel—to the Committee on Invalid Pensions.

Also, petition and proof to accompany House bill No. 6080, to increase the pension of Gilbert Davis—to the Committee on Invalid Pensions.

By Mr. GROUT: Preamble and resolutions adopted by the Manufacturers and Producers' Association of California and the Chamber of Commerce of San Francisco, requesting that a commission be appointed to investigate the question of Japanese manufactures, importations, and export trade—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the National Association of Manufacturers at Chicago, Ill., January 22, 1896, in favor of a uniform classification of freight rates throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of a committee representing the tea trade of the United States, in behalf of a specific duty on all importations of tea—to the Committee on Ways and Means.

By Mr. GRISWOLD: Petition of N. S. Smith, J. E. Wheeler, and others, favoring the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, (by request), petition of C. D. Hasbrouck, J. H. Chapman, and 40 other citizens of Corry, Pa., against sectarian appropriations—to the Committee on the Judiciary.

Also, resolutions of Pennsylvania State Grange, Patrons of Husbandry, in favor of equitable protection—to the Committee on Ways and Means.

By Mr. HAINER of Nebraska: Petition of Lindsay Post, No. 205, Grand Army of the Republic, of Cozad, Nebr., praying for the passage of the bill (H. R. 306) providing for pensions to Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HATCH: Papers to accompany House bill No. 6009, to correct the military record of John D. Anderson—to the Committee on Military Affairs.

By Mr. HERMANN: Petition of ex-soldiers and ex-sailors of the Union Army residing in Oregon, for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition of the Woman's Christian Temperance Union of Ellington, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of C. S. Stanley and 21 others, of the postal service in the State of New York, in relation to a bill to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HYDE: Petition of citizens of Centralia, Wash., favoring the passage of joint resolution No. 11—to the Committee on the Judiciary.

Also, petition of members of Fairmount City Lodge, No. 258, of Fairmount City, Wash., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Protest of W. W. Wulsingham, of Maiden Rock, Wis., and 107 others, against the adoption of joint resolution amending the Constitution of the United States by inserting the following: "Acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

By Mr. LACEY: Petition of G. W. Shaffer and 15 other citizens of Oklahoma; also petition of Otto Bechtel and 20 others, of Oklahoma; also petition of W. P. Hostetter and 14 others, of Oklahoma, in favor of the passage of a free-home bill—to the Committee on the Public Lands.

By Mr. LAYTON: Memorial of committee of publishers of New York, N. Y., objecting to House bill No. 4566, affecting second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LESTER: Memorial of citizens of Liberty County, Ga., on House bill for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. LINTON: Petition of citizens of Detroit, Mich., praying for the passage of joint resolution No. 11—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petitions of Council No. 37, Council No. 39, Council No. 84, Council No. 103, Council No. 126, Council No. 172, and Council No. 206, Junior Order United American Mechanics, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of J. L. Cottrell and 41 others, of Shiloh, N. J., against the passage of the Sunday-observance bill for the District of Columbia—to the Committee on the District of Columbia.

By Mr. McRAE: Petition of F. P. Moseley and 165 other citizens of Cleveland County, Okla., protesting against statehood for the Territory as now organized—to the Committee on the Territories.

By Mr. MORSE: Petitions of Woman's Christian Temperance Union, and citizens of the States of Massachusetts, North Dakota, West Virginia, Texas, New York, Kansas, Ohio, Michigan, Pennsylvania, Nebraska, and Kansas, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MOZLEY: Petition of the citizens of New Madrid, Mo., asking for legislation for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. PITNEY: Petition of Richard F. Goodman and Jacob L. Bunnell, of Sussex County, N. J., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of Rev. Henry M. Scudder and sundry other citizens of Carlisle, Ky., favoring the passage of bill for the benefit of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. SCRANTON: Petition of Washington Camp, No. 177, Patriotic Order Sons of America, Scranton, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SORG: Petition of E. Lee Fleck and 60 others, of Dayton, Ohio, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SPERRY: Papers to accompany resolution providing for the employment of some person or firm to execute plans for properly ventilating the House of Representatives—to the Committee on Ventilation and Acoustics.

Also, petition of citizens of Colorado, concerning Cuba—to the Committee on Foreign Affairs.

By Mr. STAHLE: Petition of Washington Camp, No. 162, Patriotic Order Sons of America, of Shrewsbury, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEWART of Wisconsin: Petition of F. C. Hazard and 38 other citizens of Ashland, Wis., in favor of reviving the grade of Lieutenant-General, United States Army, in the interest of Nelson A. Miles—to the Committee on Military Affairs.

Also, memorial of the Wisconsin State Dairymen's Association, relative to the favorable consideration of House bill No. 3010, known as the Cook bill, to secure pure dairy products—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Dairymen's Association, urging the enactment of a law whereby each State may have a public trade-mark for the use of its citizens—to the Committee on Patents.

By Mr. SULLOWAY: Petition of life-saving station at Salisbury Beach, Massachusetts and New Hampshire, signed by Jeremiah Chase and 103 others, praying for a life-saving station in the town of Seabrook, N. H.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Memorial of Washington Camp, No. 382, Patriotic Order Sons of America, of Emporium, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TAWNEY: Petition of certain Union ex-soldiers of the war of the rebellion, for the passage of a law granting a pension of $8 a month to every Union soldier who served not less than ninety days in said war—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 2, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

Mr. GEAR presented the credentials of WILLIAM BOYD ALLISON, chosen by the legislature of the State of Iowa a Senator from that State for the term of six years beginning March 4, 1897; which were read, and ordered to be placed on the files of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the faculty and students of the University of South Dakota, praying for the establishment of a permanent court of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hollonville, Ga., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the faculty and students of Doane College, Crete, Nebr., praying for the formation of an international tribunal for the settlement of controversies between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the American Federation of Labor, of Indianapolis, Ind., remonstrating against the passage of the bill (S. 1285) to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

Mr. SEWELL presented the petition of James Parker, of Perth Amboy, N. J., praying for the passage of Senate bill No. 2151, for the relief of James Parker, formerly a lieutenant-commander in the Navy of the United States; which was referred to the Committee on Naval Affairs.

He also presented petitions of Essex Council, No. 161, Junior Order United American Mechanics, of East Orange; of General Putnam Council, No. 137, Junior Order United American Mechanics, of Newark; of Seth Boyden Council, No. 184, Junior Order United American Mechanics, of Newark; of Chosen Friends Council, No. 76, Junior Order United American Mechanics, of Manasquan; of Columbia Council, No. 77, Junior Order United American Mechanics, of Matawan; of Frelinghuysen Council, No. 68, Junior Order United Amercan Mechanics, of Keyport; of Twilight Council, No. 7, Junior Order United American Mechanics, of Scotch Plains; of Norwood Council, No. 127, Junior Order United American Mechanics, of West Long Branch; of Freedom Council, No. 116, Junior Order United American Mechanics, of Glendola; of Spring Lake Council, No. 221, Junior Order United American Mechanics, of Monmouth; of Monitor Council, No. 83, Junior Order United American Mechanics, of Hackettstown; of Marcus L. Ward Council, No. 205, Junior Order United American Mechanics, of Newark; of Salem Council, No. 203, Junior Order United American Mechanics, of Salem; of Welcome Council, No. 45, Junior Order of United American Mechanics, of Bridgeton; of Sussex Council, No. 224, Junior Ordor of United American Mechanics, of Lafayette; of Greenville Council, No, 114, Junior Order United American Mechanics, of Jersey City; of Wind Bram Council, No. 209, Junior Order of American Mechanics, of Midvale; of Port Murray Council, No. 118, Junior Order United American Mechanics, of Port Murray; of Orange Council, No. 156, Junior Order United American Mechanics, of Orange; of Lamberton Council, No. 13, Junior Order United American Mechanics, of Lamberton; of Magnolia Council, No. 101, Junior Order United American Mechanics, of Toms River; of East End Council, No. 201, Junior Order United American Mechanics, of Newark; of Protection Council, No. 145, Junior Order United American Mechanics, of Magnolia; of Star of the Union Council, No. 82, Junior Order United American Mechanics, of Camden; of Parity Council, No. 206, Junior Order United American Mechanics, of Dividing Creek; of Port Norris Council No. 103, Junior Order United American Mechanics, of Port Norris; of McClellan Council, No. 37, Junior Order United American Mechanics, of Haddonfield; of Hackensack Valley Council, No. 182, Junior Order United American Mechanics, of Hackensack; of Wise Council, No 1198, Junior Order American Mechanics, of Waretown; of Stafford Council, No. 11, Junior Order United American Mechanics, of Manahawkin; of Elizabeth Council, No. 181, Junior Order United American Mechanics, of Elizabeth; of Col. S. L. Buck Council, No. 187, Junior Order United American Mechanics, of Newark; of Veritas Council, No. 194, Junior Order United American Mechanics, of Riverside; of Hollywood Council, No. 29, Junior Order United American Mechanics, of Long Branch; of Washington Council, No. 5, Junior Order United American Mechanics, of Mount Holly; of American Star Council, No. 52, Junior Order United American Mechanics, of Bordentown; of Victor Council, No. 179, Junior Order United American Mechanics, of Basking Ridge; of Jenny Jump Council, No. 97, Junior Order United American Mechanics, of Hope; of Lydia Darrah Council, No. 172, Junior Order United American Mechanics, of Camden; of Silver Lake Council, No. 92, Junior Order United American Mechanics, of Belmar; of Pioneer Council, No. 58, Junior Order United American Mechanics, of Boundbrook; of Chas. L. Walters Council, No. 178, Junior Order United American Mechanics, of Milltown; of Evening Star Council, No. 38, Junior Order United American Mechanics, of Burlington; of Lookout Council, No. 39, Junior Order United American Mechanics, of Gloucester City; of Madison Council, No. 148, Junior Order United American Mechanics, of Madison; of Pennington Council, No. 74, Junior Order United American Mechanics, of Pennington; of Golden Rule Council. No. 75, Junior Order United American Mechanics, of Perrineville; of Jacobstown Council, No. 220, Junior Order United American Mechanics, of Jacobstown; of Mechanics' Hall Council, No. 71, Junior Order United American Mechanics, of Jamesburg; of Milton Council, No. 212, Junior Order United American Mechanics, of Milton; of Leesburg Council, No. 84, Junior Order United American Mechanics, of Leesburg; of Paul Revere Council, No. 197, Junior Order United American Mechanics, of Pompton Plains; of Liberty Council, No. 44, Junior Order United American Mechanics, of Oxford; of Hamilton Council, No. 47, Junior Order United American Mechanics, of Yardville; of Iota Council, No. 126, Junior Order United American Mechanics, of Ocean City; of Medford Council, No. 9, Junior Order United American Mechanics, of Medford; of Musconetcong Council, No. 113, Junior Order United American Mechanics, of Stanhope, and of Winona Council, No. 149, Junior Order United American Mechanics, of Chews Landing, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. NELSON presented a petition of sundry citizens of Little Falls, Minn., praying that the President of the United States protect the rights and interests of the American citizens in Turkey and demand of the Turkish Government an immediate indemnity for the property already destroyed belonging to the American Board of Christian Foreign Missions; which was ordered to lie on the table.

He also presented a petition of the Pastors' Union of Snohomish, Wash., praying for the enactment of legislation granting protection to the Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented the petition of Sigel Waite and sundry other citizens of Shell Lake, Minn., and the petition of E. Johnson, N. M. Nelson, and sundry other citizens of Waseca, Minn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented the memorials of W. W. Weeks, Peter Peterson, Lewis Norman, and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin presented resolutions adopted by the Commercial Club of Superior, Wis., relative to the proposed reorganization of the Pacific railroads; which were referred to the Committee on Pacific Railroads.

He also presented a petition of J. D. Robie Post, No. 273, Department of Wisconsin, Grand Army of the Republic, of Superior, Wis., praying for the passage of House bill No. 5555, to authorize the Secretary of the Navy to organize national naval volunteers in all States bordering upon the Great Lakes; which was referred to the Committee on Naval Affairs.

Mr. ALLEN presented a petition of sundry citizens of Wyandotte, Ind. T., praying that that city be named as an intermediate point on the line of the Arkansas Northwestern Railroad Company in case a right of way is granted to that company through the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the faculty and students of Doane College, Crete, Nebr., praying for the establishment of an international tribunal for the settlement of controversies between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the memorial of A. M. Hargis, president of the Grand Island Business College, of Grand Island, Nebr., remonstrating against the enactment of legislation depriving educational institutions of the privilege of sending their college papers through the mail as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of a committee of New York publishers, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of the Cotton Exchange of Mem-

phis, Tenn., praying for the amendment of the act relating to the navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with carriage of property; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Chattanooga, Tenn., praying for the establishment of a court of international arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. VILAS presented the memorials of Collins Chapman and 50 other citizens of Grant County, of C. W. Harvey and 129 other citizens of Beaver Dam, of M. Reed and 96 other citizens of Outagamie County, of T. E. Hemphill and 108 other citizens of Pierce County, of E. V. Higgins and 58 other citizens of Portage County, and of M. E. Fuller and 59 other citizens of Madison, all in the State of Wisconsin, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. KYLE presented the petition of Albert B. Shack, of Denver, Colo., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. WILSON presented a petition of sundry ex-soldiers and ex-sailors of the Union Army and Navy, praying for the passage of a service-pension law; which was referred to the Committee on Pensions.

Mr. CANNON. I present a memorial of the National Association for the Promotion of Arbitration, remonstrating against further expenditures for war ships and seacoast defenses. I ask that the memorial be printed in the RECORD and also as a public document, and that it be referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs, ordered to be printed as a document, and to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Memorial of the National Association for the Promotion of Arbitration.

This association most earnestly and respectfully petition your honorable bodies to cease making appropriations for war ships and seacoast defenses, for the increase of the Army and Navy, and for the organization of the militia of the United States at a time when we are at peace with all the world, living under a Constitution which pledges us to neutrality, and when no nation threatens or even dares to attack us, and at a period in the history of civilized nations when mental and moral force should take the precedence of brute force, which, after all, has never permanently settled any great moral or political question.

As a nation we believe that we are safer without all of these threatening appliances of war, which only excite our neighbors to spend their money for similar appliances, the money for which is ground out of the poor by our system of taxation; money which, if wisely expended in the improvement of waterways, of good roads, for institutions of learning, or for the extension of our commercial relations would make the great masses of the people happier and better, while their improved condition would lessen crime and save the Government a large annual outlay now being expended in the support of penal institutions.

We know that at this time there is a widespread and growing interest in international arbitration and in the establishment of an international arbitration court for the settlement between nations, without resort to war, of all difficulties that may arise, which experience has shown is the wiser, cheaper, and better way.

That Great Britain has not only accepted our invitation to join with the United States in a permanent international treaty of arbitration, but that at the last session of the Fifty-third Congress one of the honored members of the British Parliament, Mr. William Randal Cremer, came to this country, bringing with him a memorial signed by 354 members of the British Parliament, addressed to the President and Congress, asking them to prepare and ratify the treaty which they had proposed to Great Britain. This proposed treaty was the outcome, in part, of the Pan-American Congress, signed by the United States on April 4, 1890, the Sherman joint resolution, and the invitation sent out by President Harrison, which was accepted by a unanimous vote of the British House of Commons June 16, 1893.

We know, also, that the Swiss National Council, in 1892, and the Danish Parliament during the same year, accepted similar invitations from the United States; that the French House of Deputies, the treaty-making power of the French Republic, on July 8, 1895, by unanimous vote, instructed their Government to make overtures to the United States for the purpose of forming with them a permanent treaty of arbitration.

To-day the great masses of the peoples of the world want peace, and we are confident that if peace were fully assured that not only would there be no use for war ships, but that the financial condition of the country would be improved and our depleted Treasury would be replenished. The Fifty-third Congress voted $20,000,000 for war ships without a speck of war on the horizon, and now we have the Lodge bill and the report of the Secretary of War, calling for a still greater expenditure of the people's money.

For our association, and for those whom we represent, and in the name of the American people, we protest against any increase of expenditure by the United States Congress for military or naval purposes.

Milly H. Patrick, Cora Godfrey, Hattie Lewis Patrick, Henry L. Patrick, C. H. Crocker, Mabel Godfrey Levornesteel, Helen Rand Tindall, District of Columbia; Belva A. Lockwood, President, Washington; Annie L. Diggs, Secretary, Kansas; Josephine C. Aldrich, Alabama; Mary L. Grist, Treasurer, W. N. P. A., Washington; T. M. Wilkins; M. Frost Ormsby, New York; Hannah B. Sperry, President W. N. P. A.; Lelia P. Roby, Chicago; Mary S. Lockwood, Washington; Eleanor Wright, Washington; Maria Freeman Gray, California; William H. Russell, Maryland; Washington Dooney, Georgia; Frank D. Gardner, Illinois; Mabel L. Diggs, Kansas; Ethel Diggs, Kansas; Florence Dieudonne, Washington; Mrs. Clara D. Scott, Washington; J. L. McCreery, Interior Department, Washington; L. W. McCreery, Washington; Charlene Sperry, Connecticut; Amy L. May, Washington; Clara Berwick Colby, Woman's Tribune; Ellen Anderson Herdman, Woman's Tribune; John Julian Baldwin; Eldridge J. Christy, Washington, D. C.; M. H. Smith.

Mr. TURPIE presented a petition of sundry citizens of Peru, Ind., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of the Indiana Yearly Meeting of the Religious Society of Friends, praying for the establishment of an international court of arbitration between Great Britain and the United States; which were referred to the Committee on Foreign Relations.

Mr. HARRIS presented a petition of sundry citizens of Chattanooga, Tenn., praying for the establishment of a court of international arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. GRAY presented resolutions adopted at a mass meeting held at the Delaware Avenue Baptist Church, of Wilmington, Del., February 17, 1896, relative to the suffering Armenians, and praying that the American Red Cross Society be allowed the full privileges guaranteed in the treaty with Turkey; which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of House bill No. 2563, to provide for the enrollment and organization of the Naval Reserve forces; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented a petition of the Baptist Ministers' Conference of Detroit, Mich., praying for the enactment of legislation to protect colored citizens of the United States in their rights under the Constitution; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented the petition of Joseph Gibbons and 90 other farmers, of Blaine, Mich., praying for the enactment of legislation to prevent the sale of options on farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation securing municipal ownership of gas, electric-light, and telephone plants in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HAWLEY presented the petition of Rev. Charles Pike and 24 other citizens of Mansfield Center, Conn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FRYE presented the petition of D. W. Chapman; of Austin Hall and 11 others, of Newcastle; of E. F. Leavitt and 41 others of Naples; of I. F. Hobbs and 34 others, of Milo; of F. S. Philbrick and 37 others, of West Rockport; of George W. Ritchie and 21 others, of Winterport; of John Lovejoy; of George M. Brainerd; of Theodore E. Simonton; of L. D. Carver and 49 others, of Rockland; of John H. Tarbax and 43 others, of West Buxton; of Fred Lucas and 43 others, of St. Albans; of H. W. Hock; of A. P. White and 115 others, of Harrington; of C. O. Brown and 19 others, of Etna; of L. D. Shorey and 23 others, of East Lowell; of J. J. Carr and 22 others, of Dover; of Edwin P. Wentworth and 18 others, of Cape Elizabeth; of A. P. Daggett and 24 others, of Smyrna Mills; of Ernest B. Soule and 17 others, of Freeport; of E. W. Thibodeaux and 23 others, of Carroll; of George E. Sparrow and 36 others, of Upper Gloucester; of W. E. Bailey and 37 others, of Bradford Center; of Stanley Gore and 40 others, of South Auburn; of Abner Johnson and 33 others, of Ashdale; of Herbert W. Cutting and 10 others, of Phippsburg; of F. J. Gerry and 37 others, of West Garland; of James A. Kimball and 15 others, of Albany; of L. W. Jose and 52 others, of Dexter; of Sylvester Hill and 6 others, of Biddeford; of E. C. Mallett and 41 others, of Topsham; of Eugene Davenport and 35 others, of North Anson; of F. Brown and 50 others, of Millbridge; of A. R. Wallace; of Alton P. French and 23 others, of Searsmont; of C. F. Sanborn and 47 others, of Maplewood; of Ralph W. Barnes and 39 others, of Lee; of J. H. McKinley and 16 others, of Jackson; of Ernest N. Kyes; of W. W. Davenport and 36 others, of Jay Bridge; of W. E. Sargent and 24 others, of Hebron; of Henry D. Hammond and 26 others, of Paris; of E. V. Anderson and 28 others, of North Warren; of C. B. Thayer and 27 others, of North Searsport; of Alander Ross and 36 others, of Presque Isle; of C. K. Bridges and 35 others, of Penobscot; of A. S. Farnsworth and 30 others, of West Pembroke; of Fred Sawyer and 20 others, of West Hampden; of L. M. Crockett; of Sidney E. Ames and 78 others, of Vinal Haven; of W. S. Davis and 43 others, of South Woodstock; of Ezra McGlauflin and 24 others, of South Presque Isle; of Odbrey S. Ginn and 35 others, of Fort Fairfield; of B. E. Savage; of David A. Butler and 19 others, of Flagstaff; of C. E. Richard and 9 others, of Farmington; of John L. Shoppe and 6 others, of East

Eddington; of J. H. Merrill and 27 others, of East Parsonsfield; of Elmer E. Hall and 41 others, of Center Montville; of Enoch Foster; of C. F. Abbott and 46 others, of Bethel; of Philip H. Stubbs and 63 others, of Strong; of N. R. Adams and 135 others, of East Wilton; of William S. Hunt and 24 others, of Center Belmont; of D. H. Bartlett and 40 others, of Skowhegan; of George Barron; of Barrett Potter and 26 others, of Brunswick; of F. Storer and 11 others, of West Poland; of L. C. Bridgham and 44 others, of Hebron; of L. N. Jordan and 16 others, of East Raymond; of Galen Kingsbury and 17 others, of Brewer; of S. H. Barker and 33 others, of Ellingwood Center; of N. F. Norton and 27 others, of South Penobscot; of David R. Swan and 36 others, of Guilford; of John Staples and 32 others, of Brooklin; of L. F. Butler and 59 others, of South Norridgewock; of M. F. Archer and 41 others, of North Fairfield; of E. G. Barker and 35 others, of Spragues Mills; of Edgar Millay and 57 others, of North Anson; of Frederick Robie; of Charles F. Libby; of H. W. Gage; of Henry B. Cleaves; of Joseph W. Symonds; of Charles J. Chapman; of W. W. Thomas; of George C. Peters; of Philip G. Brown; of Nathan Clifford Brown; of George H. Libby; of John F. Rand; of Lewis A. Goudy; of Charles W. Roberts; of William H. Green; of Charles A. Strout; of George Trefethen; of C. E. Littlefield, Rockland; of A. R. Savage, Auburn, and 1,057 others, of Portland and vicinity; of C. H. Jones and 75 others, of Athens; of J. H. Montgomery and 39 others, of Camden; of Arthur B. Briggs and 15 others, of East Sumner; of R. Grinnell and 75 others, of Union; of A. H. Twitchell and 4 others, of Oldtown; of Alonzo Tasker and 32 others, of Dixmont; of Charles H. Dole and 15 others, of Holden; of Neal R. Hall and 36 others, of Windham Center; of Frank Foss and 15 others, of Saco; of George C. Wing and 36 others, of Auburn; of F. E. Robbins; of Noel B. Potter and 79 others, of Lewiston; of Charles G. Briggs and 56 others, of Bridgewater; of James H. Kane and 86 others, of Bangor; and of A. M. Fogg and 23 others, of East Hebron; all in the State of Maine, and comprising 4,187 citizens of the State, praying for the passage of the so-called Lodge bill, providing for the restriction of immigration; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of the executive board of the State Council of the American Protective Association of Maine, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on Rules.

Mr. CAMERON presented a memorial of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation establishing a bureau of military education in the public schools; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. McBRIDE presented a petition of sundry citizens of Columbia County, Oreg., praying for the adoption of an amendment to the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control; which was referred to the Committee on Appropriations.

Mr. PALMER presented the petition of R. D. Dirksen and 65 other citizens of Freeport, Ill.; the petition of Rev. Hugh Short and 52 other citizens of Franklin Grove, Ill., and the petition of Rev. J. H. Penner and 64 other citizens of Lawrenceville, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PASCO presented the petition of F. A. Curtis and 6 other citizens of Florida, praying for the adoption of the proposed amendment to the Constitution of the United States acknowledging in the preamble thereof Almighty God as the source of power and authority in civil affairs; which was referred to the Committee on the Judiciary.

Mr. VEST presented the petition of E. N. Woods and sundry other citizens of Lawrence County, Mo., praying for the adoption of an amendment to the preamble to the Constitution of the United States acknowledging Almighty God as the source of all power and authority in civil government, etc.; which was referred to the Committee on the Judiciary.

Mr. GEAR presented the petitions of William R. McElhinney and 28 other citizens of Linton, Iowa; of J. T. Robinson and 96 other citizens of Linton, Iowa, and A. E. Faris and 145 other citizens of Roscoe, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kossuth County, Iowa, praying Congress to establish an international court of arbitration for the settlement of all matters of dispute between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented certain papers to accompany the bill (S. 631) granting a pension to Lewis L. Ratliff; which were referred to the Committee on Pensions.

GAUGING OF NEBRASKA STREAMS.

Mr. ALLEN. I present certain important data compiled from work done by the United States Geological Survey in cooperation with the department of civil engineering of the State University of Nebraska, the agricultural experiment station of the same institution, and the Nebraska State board of agriculture, relative to the flow of water in the streams of Nebraska and adjoining States. The paper is very brief. I move that it be printed as a document, and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 717) for the erection of a public building at Fergus Falls, Minn., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 772) to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1256) to increase the limit of cost for the erection of a public building in Camden, N. J., reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, to report it with amendments. I give notice that at an early day I shall ask the Senate to permit me to call the bill up for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 325) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (S. 2121) to provide for the better manning and equipment of vessels on the Northwestern lakes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 65) for the relief of J. E. Gillingwaters, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2321) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2322) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 2323) to remove the charge of desertion standing against Benjamin H. Stewart; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON introduced a bill (S. 2324) to relieve John McCarthy from the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2325) for the relief of George Arnal; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TURPIE introduced a bill (S. 2326) granting an increase of pension to Mrs. Mary E. Muse; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2327) for the relief of Julius Stahel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 2328) for the relief of Benjamin F. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM introduced a bill (S. 2329) to remove the charge of desertion from the military record of T. C. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 2330) relating to the forfeiture of lands granted in aid of the construction of the Union Pacific Railroad and the Union Pacific Railway, Eastern Division; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. QUAY introduced a bill (S. 2331) for the relief of John A. Haas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2332) to extend North Capitol street to the Soldiers' Home; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2333) to extend Fourteenth street to Spring road; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a bill (S. 2335) granting a pension to J. N. Hitchcock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. PERKINS introduced a bill (S. 2337) for establishing a fog-signal vessel at San Francisco Bar, California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VEST introduced a bill (S. 2338) for the relief of Joshua Bishop; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced a bill (S. 2339) to reduce the price of gas in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2340) to provide for the construction of underground conduits for municipal, governmental, and telephone purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced a bill (S. 2341) granting a pension to George E. Tuttle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2342) granting a pension to Nancy E. Rowe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2343) granting a pension to George S. Burrows; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2344) granting a pension to Henry J. Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 2345) granting an increase of pension to Benjamin Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the district of Alaska; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 2347) for the relief of Laura C. Dodge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2348) for the relief of Lucy J. Ogle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILSON (by request) submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

PACIFIC RAILROADS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a statement of the gross earnings, operating expenses, and net earnings of the Union Pacific, the Central Branch of the Union Pacific, the Kansas Pacific, and the Sioux City and Pacific railroad companies from their organization to the end of the year A. D. 1894 by years, and the total thereof.

ALLEGED IMPRISONMENT OF AMERICAN CITIZENS BY SPAIN.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 27th ultimo, as follows:

Resolved by the Senate, That the President of the United States be requested to demand of the Government of Spain a statement as to the truth of the charges made in a letter published in the newspapers purporting to be from Mr. Gomez, late editor of the La Lucha, a newspaper published in Habana, that he had been tortured while confined in a dungeon in the bare ground for two months in Ceuta, the penal colony of Spain, to extort from him evidence against Julius Sanguilly, a naturalized citizen of the United States, and subsequently killing the said Gomez; also to insist on a full report of the evidence and all the proceedings in the alleged civil trial of Julius Sanguilly, in which it is charged that the said Sanguilly was condemned to imprisonment for life at Ceuta on suspicion only and without evidence; also to demand of Spain that all American citizens who shall be captured by the Spanish forces shall be treated as prisoners of war and be accorded humane treatment, and to inform the Spanish Government that the United States will insist on this demand.

Mr. CALL. I ask that the Secretary may read the extract I have marked in a recent telegraphic dispatch from Habana, as published in the Times of this city.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

TORTURED IN SPANISH DUNGEONS.

Cubans here were not surprised when they heard that Juan Gualberto Gomez, ex-editor of La Lucha, arrested here last February and sent to Ceuta, Africa, for life imprisonment for political reasons, was dead.

Indeed, it is barely a month since Gomez's wife, who was then in Habana, received a letter from him, written in blood, telling her that she would soon be a widow; that he was in double chains in a foul, unlighted dungeon, compelled to sleep upon the damp earth; that his only food was a pint of bean soup twice daily, and that he was being gradually tortured to death by inquisitorial instruments frequently applied by his jailers in their efforts to wrench from him confessions implicating Julio Sanguilly in the conspiracy which developed into the Cuban revolution, or force him to state the location of arms and munitions hidden by Antonio Maceo and himself in Matanzas Province several years ago. In closing his letter to his wife Gomez said: "However great my torture, neither will I make false charges against Sanguilly, who is innocent, nor divulge Maceo's secret. I will die first, commending thee, my poor wife, to the charitable sympathy of my countrymen and the protection of God."

The dead Cuban, though a negro, was of unusual intelligence and of the highest education. He was an orator as well as journalist. He resided four years in Madrid as private secretary to Labra, the Spanish liberal leader and national senator, who had many admirers upon the peninsula, as well as in his native land. He was the principal agent of Martí and the Cuban junta of New York in Habana just previous to the breaking out of the present revolution, and when arrested was leaving the city for the woods with documents in his possession which were afterwards used to convict him.

Mr. CALL. Mr. President, for seventeen years I have introduced at every session of Congress a resolution for measures to be taken by the United States to obtain independence for the people of Cuba and a government of their own choice. These resolutions have been referred to committees and no further action had in regard to them. At this session of Congress I introduced a joint resolution for immediate action by Congress recognizing the Republic of Cuba as an independent government. This finally resulted in the report of a resolution of sympathy and indignation and a request to the President to offer Spain the offices of the United States for the settlement of the war, declaring the opinion of Congress that there is a state of public war existing in Cuba, and further expressing the opinion that Cuba ought to be free and independent.

This action of Congress is very much less forcible than the condition demands and than the several resolutions proposed by me demands.

The condition of affairs in Cuba requires decisive action by Congress for the protection of the rights of American citizens and for the preservation of the rules of war between civilized peoples, to the end that our people who may engage in this war, although subject to the power and authority of Spain when captured or when within her jurisdiction, shall have the treatment of prisoners of war, and not be subjected to cruel and unusual punishment, and that the Government shall demand a fair trial and proper treatment for General Sanguilly and all others who have a right to our protection.

Gen. Julius Sanguilly, the citizen of the United States referred to in this extract, it is charged by people who are familiar with the facts of the case, has been tried and sentenced to imprisonment for life without any evidence whatever, but upon suspicion alone.

Mr. HILL. What is the charge?

Mr. CALL. He is charged with participating in the rebellion. He is not charged with having been taken with arms, but with being an accomplice in the organization of the rebellion now existing in Cuba against the Government of Spain. Certainly he is properly subject to be tried under the laws of Spain, and, if convicted upon reasonable evidence, subject to her laws.

Mr. ALLEN. His case is not covered by the treaty?

Mr. CALL. We have a treaty with Spain which prescribes that persons, citizens of the United States, taken in arms shall be subject to punishment, and summary punishment, but we have

no treaty with Spain which authorizes them to take an American citizen residing peaceably in Habana, try him without evidence, upon mere suspicion, convict, and sentence him for life.

This statement of Gomez, who is now dead, if it be true that he was tortured to extort from him a false confession of Sanguilly's complicity in the rebellion, presents a case which demands inquiry on the part of the United States, and, if true, certainly demands that this Government should protect its citizens against practices unknown to the law of nations and unknown to civilized people anywhere.

Mr. President, it has been my fortune ever since I took my seat in the Senate of the United States, immediately succeeding the revolution in Cuba in the years 1878 and 1879, to have seen numbers of Cubans who had been compelled to leave their native country and find a home in the United States. They were generally men of education, men prominent in the business of the island, in its commerce, and men largely engaged in agriculture and commerce, who had been educated in the United States. I understand that General Sanguilly was one of those Cubans. He resided here for some years and became a citizen of the United States, and was a resident in Cuba after amnesty was proclaimed and pardon extended to him. I am informed that he was not a participant in the present rebellion, although he was a general commanding in the Cuban forces in the last revolution, but that so far from having taken any active part in the present rebellion, he was one of the conservative people advising against it. However that may be, it is certainly true that citizens of the United States who incur the penalties of Spanish law, even by taking an active part in the rebellion, are entitled to the privileges of prisoners of war. They can not lawfully be butchered and shot to death without trial and without evidence; neither can they be treated with cruelty other than that kind of confinement which belongs to prisoners of war under the code of civilized nations.

But every day young men who have gone from this country and taken part with the insurgent forces are being shot to death without trial, if the newspaper statements are correct; and in my judgment it is the duty of the Senate to do something more than the resolution which was passed on Friday last, and which is nothing except that it indicates a public opinion in this country far in advance of the action of the Senate, far in advance of anything that has been done by either House of Congress. It indicates an almost unanimous public opinion upon tne part of our people that the rights of civilized war shall be insisted upon by the United States, and that our people who are there shall be protected in all the rights belonging to prisoners of war under the modified and humane code of modern times.

This man, Gen. Julius Sanguilly, now sentenced to life imprisonment at Ceuta, with his case standing on appeal to the tribunals at Madrid, was a citizen of the United States, and it is the testimony regarding this unfortunate man Gomez—who, although a colored man, stood high as a man of integrity, as a man of intelligence, and as a man of education—that he was tortured to death in a dungeon for two months because he would not testify that Sanguilly, who was innocent, was guilty of some offense against the Spanish Government.

Mr. President, I do not propose to indorse this statement as true, but I do say that it is sufficiently probable from all the circumstances which are daily reported in the press to require that the Government should take some action to see that the citizens of the United States shall at least have a fair trial and shall not be sentenced for life upon mere suspicion, and that they shall not be shot wherever captured without any kind of inquiry or trial.

I hope the resolution will pass, although I suppose it will be at present referred to the Committee on Foreign Relations.

Mr. SHERMAN. I was about to move that the resolution be referred to the Committee on Foreign Relations. I make that motion.

The motion was agreed to.

CORN EXCHANGE NATIONAL BANK OF PHILADELPHIA.

Mr. QUAY. The bill (S. 277) for the relief of the Corn Exchange National Bank of Philadelphia, Pa., was reported adversely from the Committee on Claims, and at my request it was placed upon the Calendar. I move that the bill be recommitted to the committee.

The motion was agreed to.

PUBLIC BUILDING AT JAMESTOWN, N. Y.

Mr. QUAY. I ask the unanimous consent of the Senate to call up the bill (S. 1962) for the erection of a public building at the city of Jamestown, N. Y. It is a very brief bill, and, I think, will create no discussion. If it does, I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to purchase, acquire by condemnation, or otherwise provide a site and cause to be erected thereon a suitable, commodious, and substantial building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Jamestown, N. Y., the cost of the site and the building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

Mr. VEST, Mr. HALE, and others addressed the Chair.

Mr. HALE. I was going to move to take up——

Mr. VEST. I have some morning business to present.

Mr. HALE. Let me make a proposal first. I suggest that at the conclusion of the morning business the Senate shall proceed to the consideration of the Calendar, taking up and considering unobjected cases. There is nothing now to interfere with that course that I know of, and if that can be done I shall not make the motion which I intended to make.

The VICE-PRESIDENT. The Chair will state that the Calendar under Rule VIII is now in order.

Mr. HALE. Then I ask unanimous consent that we may proceed with it, taking up unobjected cases under the five-minute rule, and in that way, perhaps, in the next two or three hours we can clear off most of the Calendar and reach cases Senators desire to have considered.

The VICE-PRESIDENT. That is the rule, the Chair will state. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. WASHINGTON managers at the conference on the part of the House.

The message further announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 2769) to authorize the leasing of lands for educational purposes in Arizona, with his objections thereto, the House had proceeded in pursuance of the Constitution to reconsider the same, and it was resolved that the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

ARMY APPROPRIATION BILL.

Mr. QUAY. I ask that the Army appropriation bill, which has just been returned from the other House, be laid before the Senate in order that the Senate may agree to a conference.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. QUAY. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. HALE, and Mr. FAULKNER were appointed.

ARIZONA SCHOOL LANDS—VETO MESSAGE.

The VICE-PRESIDENT. The Chair lays before the Senate the message from the President of the United States, which has just been communicated in the message of the House of Representatives. The message of the President will be read.

The message was read, as follows:

To the House of Representatives:

I herewith return without my approval House bill numbered 2769, entitled "An act to authorize the leasing of lands for educational purposes in Arizona."

This bill provides for the leasing of all the public lands reserved to the Territory of Arizona for the benefit of its universities and schools, "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory."

If the proposed legislation granted no further authority than this, it would in terms at least recognize the safety and propriety of leaving the desirability of leasing these lands, and the limitations and safeguards regulating such leasing, to be determined by the local legislature chosen by the people to make their laws and protect their interests.

Instead of stopping here, however, the bill further provides that until such legislative action the governor, the secretary of the Territory, and the superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior. It is specifically declared that it shall not be neces-

sary to submit said leases to the Secretary of the Interior for approval, and that no leases shall be made for a longer term than five years, nor for a term extending beyond the date of the admission of the Territory to statehood.

Under these provisions the lands reserved for university and school purposes, whose value largely depends upon their standing timber, and in which every citizen of the Territory has a deep interest, may be leased and denuded of their timber by officers none of whom have been chosen by the people, and without the sanction of any law or regulation made by their representatives in the local legislature. Even the measure of protection which would be afforded the citizens of the Territory by a submission to the Secretary of the Interior of the leases proposed, and thus giving him an opportunity to ascertain whether or not they comply with his regulations, is especially withheld.

It was hardly necessary to provide in this bill that these lands might be leased "under such laws and regulations as may be hereafter prescribed by the legislature of said Territory," if the action of the legislature was to be forestalled and rendered nugatory by the immediate and unrestrained action of the officers constituted "a board for the leasing of said lands" pending such legislative consideration. These are inconsistencies which are not satisfactorily accounted for by the suggestion that the time that would elapse before the legislature could consider the subject would be important.

The protests I have received from numerous and influential citizens of the Territory indicate considerable opposition to this bill among those interested in the preservation and proper management of these school lands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 28, 1896.*

The VICE-PRESIDENT. The Secretary will read the action of the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 29, 1896.*

The President of the United States having returned to the House of Representatives, in which it originated, the bill H. R. 2769, "An act to authorize the leasing of lands for educational purposes in Arizona," with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to the same.

Attest: A. McDOWELL, *Clerk*,
By WM. J. BROWNING, *Chief Clerk*.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DUBOIS. Mr. President, several members of the Committee on Public Lands have come to me and suggested that the bill, with the veto message, should be referred to that committee. I understand it is a privileged question, and can be brought up at any time. Therefore, I move that the veto message of the President, together with the bill, be referred to the Committee on Public Lands.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. VILAS. Mr. President——

Mr. HALE. When the message came from the House of Representatives I believe I had the floor.

The VICE-PRESIDENT. The Senator from Maine is entitled to the floor.

Mr. HALE. I was making a proposition which goes beyond the ordinary rule, that is, that the Calendar shall be taken up under the five-minute rule for the consideration of unobjected cases only. Under the rule, without unanimous consent, one objection takes a bill over to be considered under another rule, but any Senator can move to take it up. If, however, we have a unanimous-consent agreement that we will only proceed with unobjected cases, then we shall not be confronted with such a motion as that. That is my proposition.

Mr. VILAS. I hope the Senator from Maine will give me leave, before that proposition is considered, to have taken up and disposed of a bill which has already been once before the Senate and has been read at length, the objections to which have now been removed.

Mr. HALE. Then I will make the proposition at the end of the consideration of the bill referred to by the Senator. This proposition of mine will apply then.

Mr. BERRY. Until 2 o'clock, Mr. President. I do not wish the agreement to extend beyond 2 o'clock. I gave notice Friday last that at 2 o'clock to-day I desired to make a motion to take up a bill which at that hour I proposed to move to proceed to the consideration of. I agree to the adoption of the rule suggested by the Senator from Maine, to extend until 2 o'clock.

Mr. HALE. I can not, of course, interfere with the Senator after that time. I ask that, at the conclusion of the bill suggested by the Senator from Wisconsin, the agreement I have stated be made.

Mr. GEAR. I wish to suggest to the Senator from Arkansas that he make the motion in regard to the bill referred to by him at present, when he is on the floor.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. BERRY. I desire, if I can have unanimous consent, that the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas may be made the unfinished business at 2 o'clock. If I can get that consent now it will answer my purpose as well as to make the motion at that hour.

The VICE-PRESIDENT. Is there objection?

Mr. GEAR. On Friday, when the Senator from Arkansas made a similar request, I objected. I think, in view of the fact that this is a claim of a sovereign State, that I perhaps made a mistake. I am perfectly willing that the bill in question shall go to the Calendar and be a standing order, to be laid aside from day to day, provided that action or debate shall not be had on the bill until, say, about the 15th or the 16th of the current month. Would that be satisfactory to the Senator?

Mr. BERRY. I will agree to that if that arrangement can be made, so that the bill will be the unfinished business. Several Senators have stated to me that they desired to examine the subject, and were not ready to proceed. I have no desire to proceed with the bill until every Senator thoroughly understands it, and has had an opportunity to do so. If I can get unanimous consent that it shall be made the unfinished business, then I will agree that it be postponed until the 16th day of March, which, I believe, is the time the Senator from Iowa suggested.

Mr. GEAR. I trust that agreement may be made.

The VICE-PRESIDENT. Is there objection?

Mr. VILAS. I should like to inquire of the Chair in what condition will that leave the Calendar as a matter of parliamentary practice? Is that bill always to stand in the way, or can any motion be made to proceed to the consideration of another bill?

Mr. BERRY. It will be the unfinished business, and postponed until the 16th day of March. I understand any Senator can move to take up any other bill in the meantime.

Mr. VILAS. Without displacing the bill of the Senator from Arkansas?

Mr. BERRY. Without displacing that order for that day. I hope that will be done by unanimous consent.

Mr. HALE. The Senator's proposition is to make the bill the special order for the 16th of the month.

Mr. VILAS. If the Chair understands the rule to be as the Senator from Arkansas states it, I entirely agree. All I wanted was to understand the matter, and not have it stand in the way of other bills.

Mr. SHERMAN. It is perfectly competent for the Senate to fix a special day for a particular bill. It is done very often.

Mr. ALLISON. By unanimous consent.

Mr. GEAR. It can be done by special order.

Mr. SHERMAN. It can be done by special order. The bill might be made the special order for the day named at 2 o'clock.

Mr. HARRIS. I suggest to the Senator from Arkansas that he ask unanimous consent that the bill be made the unfinished business for the 16th day of March. Otherwise, if made the unfinished business now, and I should have occasion to move to proceed to the consideration of some other bill to-morrow, and that motion should carry, it would displace the Senator's bill from its position.

Mr. BERRY. That is exactly the suggestion I intended to make. I may not have stated it so clearly and so precisely as the Senator from Tennessee, but my purpose is that on the 16th day of March, at 2 o'clock, the bill to which I have referred shall be the unfinished business.

Mr. SHERMAN. The special order.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. GEAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, directed to transmit to the Senate as soon as may be either the original or full, true, and correct copies of the sworn statements of the 65 persons in the State of Arkansas, made between August 4, 1894, and February 22, 1895, as to the value of the public lands in their respective counties, which affidavits were alleged to accompany the report of Burton T. Doyle, representing the Secretary of the Treasury, and George C. Ross, representing the Secretary of the Interior, under the act of Congress approved August 4, 1894, an act entitled "An act to authorize a compromise and settlement with the State of Arkansas," referred to in Senate Executive Document 91, Fifty-third Congress, third session, and to report by whom or at whose instance or cost said affidavits were so made and procured, and also copy of all the exhibits and tables referred to in said Senate Executive Document.

Second. To transmit to the Senate copy of all instructions issued between August 4, 1894, and February 22, 1895, to said named representatives in reference to any of the matters contemplated by said act, and whether said representatives were then in the paid service of the United States, and if so, when, where, how, and in what Department employed, and whether they, or either of them, visited said State between said dates in connection with any of the matters contemplated by said act and reported or referred to in said Senate Executive Document, and the total cost, if any, incurred in any of said premises, and by whom the same were defrayed, if paid.

CONSIDERATION OF THE CALENDAR.

Mr. HALE. I modify my proposition, as the proposition of the Senator from Arkansas [Mr. BERRY] has been agreed to, and make it this: That after the disposition of the bill indicated by the Senator from Wisconsin [Mr. VILAS] the Senate proceed to the consideration of the Calendar under the five-minute rule, to consider unobjected cases only, to continue through the day, unless an appropriation bill is ready to be taken up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

TRANSPORTATION OF OBSCENE LITERATURE, ETC.

Mr. VILAS. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory. This bill was read at length in the Senate, and some objection being suggested by the distinguished Senator from Colorado [Mr. WOLCOTT], the further consideration of it was deferred. The result has been a conference, and an amendment proposed by the Senator from Colorado, which amendment will be accepted, and thereupon, I presume, the bill will meet the assent of the Senate without objection. The bill has had careful consideration by the Committee on the Judiciary.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory.

Mr. WOLCOTT. I move to amend the bill by striking out all after the word "shall," in line 20, and inserting in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to amend the bill by striking out all after the word "shall," in line 20, as follows:

After such carriage take from such express company or other common carrier, with knowledge of the character thereof, and any officer, servant, agent, or employee of any express company or other common carrier who shall knowingly receive for carriage from one State or Territory of the United States or the District of Columbia to any other such State, Territory, or District any such matter as aforesaid, shall, for each offense, upon conviction thereof, be fined not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

And inserting in lieu thereof:

Or who shall take from such express company or other common carrier, with intent to sell, distribute, or circulate, any matter or thing herein forbidden to be deposited for carriage, shall, for each offense, upon conviction thereof, be fined not more than $5,000, or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE BETWEEN GOLD AND SILVER STANDARD COUNTRIES.

The VICE-PRESIDENT. The Calendar, under the agreement heretofore made, is now in order.

Mr. HALE. Let us begin with the first case on the Calendar and go through in order.

The VICE-PRESIDENT. That course will be pursued.

The first business on the Calendar was a resolution submitted by Mr. STEWART December 12, 1895, directing the Committee on Finance to inquire what effect the difference of exchange between gold-standard countries and silver-standard countries has upon the agricultural and manufacturing industries of the United States, etc.

Mr. VILAS. The Senator from Nevada [Mr. STEWART] is not present.

Mr. HALE. That resolution will give rise to debate, and as the Senator from Nevada is not present, I suggest that it had better go over.

The VICE-PRESIDENT. The resolution will be passed over.

CORPORATE INFLUENCE IN POLITICAL AFFAIRS.

The next business on the Calendar was the resolution submitted by Mr. CALL December 17, 1895, providing for the investigation of organized efforts of corporations to control the election of members of Congress.

Mr. ALLISON. I object to that.

The VICE-PRESIDENT. The resolution being objected to, will go over.

CONGRESSIONAL APPROPRIATIONS.

The next business on the Calendar was the bill (S. 238) to prohibit officers of the Government from refusing to pay moneys appropriated by act of Congress.

Mr. VILAS. There is no use of reading that bill at length. The Senator from Kansas [Mr. PEFFER], who reported it, is not present, and I am inclined to think it will lead to discussion, in which he would certainly wish to participate. I think it had better go over.

The VICE-PRESIDENT. It will be so ordered.

PORTRAIT OF MRS. DOLLY MADISON.

The bill (S. 420) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews, was announced as next in order.

Mr. COCKRELL. The Senator reporting that bill is absent. Let it be passed over.

The VICE-PRESIDENT. It will be passed over. The next bill will be called.

ISSUANCE OF INTEREST-BEARING BONDS.

The bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress was announced as next in order.

Mr. PLATT. That subject is already before the Finance Committee.

Mr. ALLISON. The bill had better be referred to that committee.

Mr. BUTLER. I do not think there ought to be an objection to this bill, but clearly there is some. Therefore, I give notice now that I shall make the motion on next Wednesday, after the finishing of the routine morning business, to take up the bill for discussion and action.

Mr. SHERMAN. If any action is to be taken upon the bill it had better be referred to the Committee on Finance.

Mr. HARRIS. I quite agree with the Senator from Ohio.

Mr. SHERMAN. I make that motion.

Mr. CHANDLER. The Senator from North Carolina objects to its consideration.

Mr. HALE. That carries it over.

Mr. BUTLER. That motion, it seems to me, would be in order when I ask that the bill be taken up next Wednesday morning. The bill is so short, having but three lines in it, that every Senator, I think, can understand it by that time. It is certainly too plain for any doubt as to what it means.

The VICE-PRESIDENT. Objection being made, the bill will go over under the rule.

Mr. BUTLER subsequently said: My attention has been called to the fact that on next Wednesday the Senator from Oregon [Mr. MITCHELL] has given notice that he will call up the case of Mr. Du Pont. I do not wish to conflict with that, and therefore I give notice that on Wednesday a week, so as to give full time for that matter, after the routine morning business I shall call the bill up.

The VICE-PRESIDENT. It will be so noted.

MAP OF THE UNITED STATES.

The joint resolution (S. R. 29) to print, with certain additions, the last map of the United States published by the Interior Department, was announced as next in order.

Mr. ALLISON. That is adversely reported.

Mr. SHERMAN. Let it be postponed indefinitely.

Mr. HALE. I think the Senator from Florida [Mr. CALL] has some interest in that joint resolution.

Mr. CALL. Let the joint resolution go over. I desire to make some remarks on it when it will be in order to do so.

The VICE-PRESIDENT. The joint resolution will go over.

ADDITIONAL MEN FOR THE NAVY.

The bill (S. 1404) authorizing the Secretary of the Navy to enlist additional men for service in the United States Navy, and for other purposes, was considered as in Committee of the Whole.

Mr. HALE. That bill has been read in full once. I do not ask that it be read again, but I have an amendment to offer to it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

Mr. ALLISON. I should like to hear the bill read.

Mr. COCKRELL. Let the bill be read.

Mr. HALE. It has been read once; but if any Senator desires it to be read again, I have no objection.

The Secretary read the bill.

Mr. HALE. I send to the desk an amendment, to be inserted in line 5 of section 4 of the bill.

The provision of the present bill is altogether too wide. The Secretary of the Navy should have no authority to make contracts except for naval purposes. Other contracts are always made by the War Department.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. In section 4, line 5, it is proposed to strike out the words "troops, or for other purposes" and insert "officers or men or freight for naval purposes"; so as to make the section read:

SEC. 4. That whenever in the judgment of the President an exigency exists rendering such action necessary, the Secretary of the Navy is authorized to charter, for temporary service, any private vessel or vessels which may be required for the transportation of officers or men or freight for naval purposes at such rates of compensation and upon such terms and conditions as may be deemed proper for the protection of the public interest.

The amendment was agreed to.

Mr. ALLISON. I did not gather the exact purport of the bill from the reading, which I did not follow very closely. I see the Secretary of the Navy is authorized to appoint such additional officers as he may see fit, under certain circumstances. Are those

officers to retire with the exigency, or will they continue to be officers of the Navy? I do not see anything in relation to that.

Mr. CHANDLER. The Senator will see from the clause providing for such officers that they shall "serve only during the continuance of the exigency under which their services are required."

Mr. ALLISON. They shall serve only for that time, but if they are once officers of the Navy, they will remain there under existing law, it seems to me.

Mr. CHANDLER. That is not intended.

Mr. ALLISON. I do not object to it. I only wanted to know the effect of the bill.

Mr. CALL. I should be very glad to be informed by some one whether there is any necessity for this additional force at present; is it because of lack of seamen for vessels now in commission, or ready to be placed in commission, or is this proposed increase of force in reference to future possibilities?

Mr. HALE. The bill has a double purpose. It provides, first, for a thousand additional men, which are needed for ships ready to go into commission. It provides, further, as a matter of exigency, that, should any occasion arise, the Secretary of the Navy may summon the Naval Reserve, and enlist them or other men as needed temporarily. The officers are to be commissioned only up to the grade of lieutenant temporarily. The officers so commissioned undoubtedly will be officers of these organizations as they come in. I do not think, notwithstanding all that has been done and said here, and the disposition, perhaps, to arouse a war feeling, that there will be any war; but I do think, in view of what has been done or may be done, that it is wise to give this restricted power to the Secretary of the Navy, to be used whenever the President believes the exigency has arisen. The thousand men will be enlisted, and ought to be, and that will be a permanent addition. All the rest is conjectural and depends on what may occur.

Mr. COCKRELL. Ought not the second section to read "the President is authorized"? The third section gives the President of the United States authority to appoint and commission such additional officers not above the rank of second lieutenant, and it seems to me that it would be better to provide in the second section for the President to do that.

Mr. HALE. All of the process of enlistment is done by the Secretary, and he can not move an inch until the President directs him. But the President, of course, as the Senator knows, does not deal with the details of enlistment or taking into the service. That is done by the head of the Department. But it all depends upon the assumption of the emergency by the President and his directions to the Secretary.

Mr. COCKRELL. I see it is further provided that the President may decide the question as to an emergency.

Mr. HALE. It is all entirely with the President, and it ought to be.

Mr. CALL. Will the Senator from Maine state what is the number of the Naval Reserve?

Mr. HALE. In all the States together it is something less than 5,000. It is not a large number.

Mr. CHANDLER. I understand the bill gives the President very little more power than he has now as to the militia for army purposes. It gives the President, in case of exigency, certain power over the Naval Reserve of some of the seacoast States for enlistment, equivalent to that which he now has over the land militia of the United States.

Mr. ALLISON. Is the enlistment confined to the Naval Reserve or may the President go outside of it under the bill?

Mr. HALE. He may go outside.

Mr. ALLISON. So the number to be enlisted is unlimited.

Mr. HALE. That depends upon the emergency and the direction of the President, undoubtedly. First the Naval Reserve; then more if it is needed.

Mr. CHANDLER. This is equivalent to calling out the naval militia in an exigency, exactly as the militia on land can be called out in an exigency. I do not understand that the proposition differs in any particular from the existing law as to the Army.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FINANCIAL POLICY.

The resolution submitted by Mr. MILLS January 14, 1896, relative to United States legal-tender notes outstanding, coinage of the silver bullion now in the Treasury, etc., was announced as the next business in order on the Calendar.

Mr. MILLS. I should like to have a vote on the resolution.

Mr. PLATT. We can not agree to the resolution under the five-minute rule, and I therefore object.

The VICE-PRESIDENT. Objection being interposed, the resolution goes over.

TITLES, PATENTS OF NOBILITY, ETC.

The bill (S. 654) to prevent citizens of the United States from soliciting or receiving and accepting titles, patents of nobility, or degrees of honor from foreign nations, and for other purposes, was announced as the next business in order on the Calendar.

Mr. PLATT. I object to the consideration of the bill.

The VICE-PRESIDENT. The bill goes over, being objected to.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

The bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas was announced as the next business in order on the Calendar.

Mr. COCKRELL. An order has been made with reference to that bill.

The VICE-PRESIDENT. The bill has been made the special order for 2 o'clock on the 16th of March.

ENFORCEMENT OF THE MONROE DOCTRINE.

The concurrent resolution reported by Mr. DAVIS from the Committee on Foreign Relations, relative to the assertion and enforcement of the Monroe doctrine, was announced as the next business in order on the Calendar.

Mr. HALE and Mr. GRAY. Let that go over.

The VICE-PRESIDENT. The resolution will go over under the rule.

ESTATE OF JOHN R. BIGELOW.

The bill (S. 100) for the relief of the estate of John R. Bigelow was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 10, after the word "Alexandria," to strike out:

Also the sum of $1,900, being the amount paid by said Bigelow to the United States for the property, he having been deprived of the same, whereby said land was wholly lost to said Bigelow; all.

The amendment was agreed to.

The next amendment was, in line 16, after the words "second session," to insert:

And that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby and its subsequent occupation by the United States.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eunice P. Bigelow, administratrix of the estate of John R. Bigelow, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $284.66, as rent of a tract of land, with the buildings thereon, known as Clermont, in Fairfax County, Va., 3 miles from Alexandria, as found and set forth by the Court of Claims in its findings of fact reported in House Miscellaneous Document No. 19, Fifty-second Congress, second session, and that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby and its subsequent occupation by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTRICALLY PROPELLED VESSELS, ETC.

The bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors was announced as the next business on the Calendar.

Mr. QUAY. Let that bill go over.

Mr. HAWLEY. I hope the Senator from Pennsylvania will not send the bill over. I have sent word to the Senator from Maine [Mr. FRYE], and he will come in soon. I think the bill ought to be passed.

Mr. QUAY. I may withdraw my objection before adjournment. I have not seen the bill in the form in which it is reported.

Mr. HAWLEY. Let the bill be passed over without prejudice, and I will try to call it up later.

Mr. QUAY. Very well.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. QUAY subsequently said: I desire to withdraw the objection I made to the consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The VICE-PRESIDENT. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be made subject to all the provisions of section 4426 of the Revised Statutes, relating to the inspection of hulls and boilers and requiring engineers and pilots. All vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 4412 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sec-

tions 4233 and 4234 of the Revised Statutes, relating to lights, fog signals, steering and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

Mr. COCKRELL. I believe the Senator from Maine [Mr. FRYE] reported this bill from the Committee on Commerce, but the Senator from California [Mr. PERKINS], I think, had a proposition similar to the one embodied in the pending bill.

Mr. PERKINS. This is a substitute prepared by the Committee on Commerce, and it answers the object I had in view in my bill.

Mr. FRYE. The Senator's bill was the measure to which such a large number of objections were made. Senators received letters in relation to it. This bill obviates all those objections.

Mr. VEST. The pending bill is all right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES LINSKEY.

The bill (S. 680) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PASSED ASSISTANT SURGEONS IN THE NAVY.

The bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon, was considered as in Committee of the Whole. It proposes that passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, the commissions to bear the dates upon which the passed assistant surgeons, respectively, received their appointments as such. Hereafter assistant surgeons are to be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy. But no examination of passed assistant surgeons is to be ordered until the expiration of six months from the passage of the proposed act, during which time promotions shall be made as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE PENSIONS TO SOLDIERS OF THE LATE WAR.

The bill (S. 241) to grant service pensions to surviving soldiers of the war of the rebellion, with additional amounts to prisoners of war, and to repeal section 2 of the pension act of June 27, 1890, was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Missouri desire that the bill shall be passed over without prejudice?

Mr. HARRIS. Let it go over under Rule IX, because it will give rise to a good deal of debate.

The PRESIDING OFFICER. The bill will be passed over under Rule IX.

SILVER COINAGE AND COIN REDEMPTION.

The concurrent resolution submitted by Mr. PUGH January 15, 1896, relative to the payment of bonds of the United States issued under certain acts at the option of the Government in standard silver dollars, etc., was announced as the next business in order on the Calendar.

Mr. LODGE. Let the concurrent resolution be passed over.

The PRESIDING OFFICER. The same order will be made with reference to the concurrent resolution.

JAMES M. WILBUR.

The bill (S. 758) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Wilbur with the United States and to pay said Wilbur such sum of money as he may be justly and equitably entitled to, was considered as in Committee of the Whole.

Mr. GEORGE. I have paid some attention to the reading of the bill, and I should like to have an explanation of it. It seems to provide for paying Mr. Wilbur what may be found due for furnishing tiling of a heavier weight, he being a contractor, than he was required by the contract to furnish.

I should like to know upon what principle when a man, having made a contract with the Government to furnish tiling of the kind decided by the Government to be proper, of his own motion furnishes tiling of a heavier weight, he is entitled to the difference.

Mr. MITCHELL of Oregon. The demand was made by the officers representing the Government that the tiling should be of a different weight and measurement than that called for by the contract. That is the fact. I will say to the Senator from Mississippi that this case has been up frequently, and a bill was passed at one time, three or four years ago, and vetoed by the President, the President pointing out certain defects, as he thought, in the bill. The veto was not of a character, as I remember it, which went to the justice of the claim at all, but objection was made to the form of the bill. The veto message came here during the last Congress or the Congress before. The matter was taken up and very carefully considered by the Committee on Claims and another bill drawn with a view of avoiding the objection suggested by the President. That bill was unanimously agreed to by the Committee on Claims and was passed by the Senate. It failed, however, to go through the other House, I think. This is the same bill, introduced again at this session. It has been agreed to unanimously by the Committee on Claims.

It seems to me the bill is very carefully drawn. Of course it assumes that there was some extra work; it assumes that there was some material furnished of a character as to weight and measurement different from that required by the contract. There has been an investigation heretofore by a commission appointed by the Secretary of the Treasury under the direction of the Senate committee. It was a commission of experts composed of Solomon J. Fague and Archibald Given. They made a report that a certain amount was due.

It is provided that the Secretary of the Treasury, if the bill should become a law, shall make a settlement with Mr. Wilbur on the basis of that report, if he deems that report proper. If he does not deem it proper, then he is authorized by the bill to appoint a commission of three persons who are to investigate the whole business anew, and report what amount, if any, under all the circumstances, is justly and equitably due the claimant for any loss he has sustained by furnishing a different kind of material than the contract called for in the first place, and also for any additional work. That is the purport of the bill. It seems to me the bill is well guarded, and that there is no opportunity for any injustice to be done to the Government. I am satisfied from an examination of this case on two or three different occasions that some amount is justly and equitably due Mr. Wilbur.

Mr. KYLE. Did the contractor make the changes with the approval and at the suggestion of the Government officers?

Mr. MITCHELL of Oregon. Certainly.

Mr. KYLE. Then I see no reason why the bill should not be passed.

Mr. GEORGE. Some years ago, when I was a member of the Committee on Claims, I remember that this claim was referred to me as a subcommittee to investigate its justice. Of course my memory is not now accurate as to details, but I remember that after a very careful examination of the case I concluded and so reported to the committee, and on it they acted, as I now remember, that there was no just claim on the part of Mr. Wilbur to demand anything more.

The case may have changed somewhat since. I am aware that claims do change as they grow older. The case as it appeared to me was simply this: Mr. Wilbur was a contractor to do certain work upon the post-office building, I think, in New York; some building there. He had a contract to furnish tiling of a certain weight and kind, and on his own motion tiling of another weight and kind, probably better (I think it was proven that the tiling which he furnished was better than the tiling he contracted to supply), was furnished. On that state of facts I reached the conclusion, and it seems to me to be a correct one, that when a contract has been made in pursuance with the law a contractor is not to be permitted to vary the contract and, although he may vary it beneficially, make a claim for the extra benefit to the United States arising from the variation.

That is the way the case appeared to me about ten or twelve years ago, and nothing has been said by the Senator from Oregon [Mr. MITCHELL] which changes my opinion on that subject. If the law requires contracts to be made after advertisement and everybody has a right to bid, and a man bids to furnish material of a certain weight and character, and then after he gets the contract, after he excludes all bidders, then, without competition with other parties, furnishes material of a different weight and character and asks for compensation, I think he is not entitled to be paid therefor.

Mr. MITCHELL of Oregon. I will only say in reply that this bill has heretofore passed the Senate unanimously, and I see no good reason why it should not pass again.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. S. S. JORDAN AND CAPT. E. C. CARTER.

The joint resolution (H. Res. 65) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon, United States Army, to accept medals from the British Government, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAR IN CUBA.

The resolution submitted by Mr. CALL January 16, 1896, and reported adversely by Mr. SHERMAN, from the Committee on Foreign Relations, calling for dispatches of United States consuls relating to the war now carried on in Cuba, was announced as the next business in order on the Calendar.

Mr. CALL. The resolution may be stricken from the Calendar, as the report has been made and printed for the use of the Committee on Foreign Relations and has been before the Senate for some time.

Mr. COCKRELL. Let the resolution be indefinitely postponed.

The PRESIDING OFFICER. The resolution will be indefinitely postponed at the request of the Senator from Florida [Mr. CALL].

REAR-ADMIRAL W. A. KIRKLAND.

The bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON PUBLIC LANDS.

The bill (S. 36) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," was announced as the next business in order on the Calendar.

Mr. BERRY. Let that bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

NAVAL TRAINING STATION, SAN FRANCISCO HARBOR.

The bill (S. 744) providing for a naval training station on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Navy be, and he is hereby, authorized to establish a training station for naval apprentices on the Island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal.; and said Secretary is authorized to designate two officers of the Navy, and the Secretary of War is authorized to designate one officer of the Army, said three officers to constitute a board, who shall select and assign so much of said island as may be necessary for the purpose of establishing said naval training station; and the site so selected, when approved by the President, shall be, by virtue of this act, transferred to the Navy Department for the purposes of said naval training station.

SEC. 2. That all apprentices of the Navy, whether at a training station or on board an apprentice training ship, shall be additional to the number of enlisted persons allowed by law for the Navy.

Mr. COCKRELL. I should like to ask the Senator from California [Mr. PERKINS] whether the Government owns Goat Island?

Mr. PERKINS. The Government owns the island.

Mr. COCKRELL. What is the size of the island?

Mr. PERKINS. It is nearly a mile square and contains something less than 500 acres. It is unoccupied for any purpose now except as a station for the Light-House Bureau. The report of the Secretary of the Navy earnestly recommends the passage of the bill. I will state that there is no training station or place on the Pacific Coast where boys can enlist as apprentices. As Senators know, the coast of California alone extends as far as the coast line from Maine to Georgia. There are over 3,000 miles of coast from the lowest portion of California to the northern boundary of Alaska. It is not only important that this station should be established so that we may train up our boys and enlist them in the Navy, but it is a measure in which our people on the coast are very much interested. There is no possible objection to the bill, and I hope it will be passed.

Mr. MITCHELL of Oregon. I hope so sincerely. I join cordially with the Senator from California in expressing the hope that the bill may pass without delay.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER.

The bill (S. 1478) providing for the construction and equipment of a steam revenue cutter for service on the Atlantic Coast of the United States, with headquarters at the port of New York, was considered as in Committee of the Whole. It proposes to appropriate $250,000 for the construction and equipment of a steam revenue cutter of the first class for service on the Atlantic Coast of the United States, with headquarters at the port of New York.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRY DOCK AT KEY WEST, FLA.

The bill (S. 1243) for the construction of a dry dock at Key West, Fla., was announced as next in order.

The PRESIDING OFFICER. The bill having been reported adversely, it will go over under Rule IX.

ORIN R. M'DANIEL.

The bill (S. 541) for the relief of Orin R. McDaniel was considered as in Committee of the Whole. It proposes to place the name of Orin R. McDaniel, late an enrolled soldier of Company H, Sixty-fourth Regiment Illinois Volunteers, upon the records of that company as enrolled December 26, 1863, and discharged February 14, 1864, for disability, and to grant him an honorable discharge accordingly, as of date February 14, 1864, for disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF RAILROAD BRIDGES.

The bill (S. 213) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River; and across the Mississippi River between the mouth of the Minnesota River, in the State of Minnesota, and South Port, in the State of Louisiana; and across the Illinois and Des Plaines rivers between the mouth of the Illinois and the city of Joliet, in the State of Illinois; and to prescribe the character, location, and dimensions of the same, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 10, to strike out "South Port" and insert "Donaldsonville."

The amendment was agreed to.

The next amendment was, in section 18, line 3, to strike out "South Port" and insert "Donaldsonville."

The amendment was agreed to.

The next amendment was, in section 18, line 8, to strike out "South Port" and insert "Donaldsonville."

The amendment was agreed to.

The next amendment was, in section 20, line 28, after the word "War," to insert the following additional proviso:

Provided further, That nothing in this act shall be held or construed to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridges built under the provisions of this act from the provisions of existing law: *And provided further*, That nothing herein contained shall be held to modify, repeal, or affect any franchise, charter, or privilege heretofore granted under or by virtue of any existing law authorizing the construction of any bridge within the limits included in this act.

The amendment was agreed to.

Mr. NELSON. There is an amendment to the bill that I do not recognize. I do not know how the word "Donaldsonville" came to be in the bill. I should like to hear an an explanation of that amendment.

Mr. VEST. I do not understand the Senator from Minnesota.

Mr. NELSON. I say there is an amendment proposed to the bill that I do not recognize. It is the word "Donaldsonville" inserted in the bill instead of "South Port."

Mr. VEST. That is an amendment in regard to the limitations on the Lower Mississippi.

Mr. NELSON. That was not the limitation we agreed upon in committee.

Mr. VEST. It is the limitation.

Mr. NELSON. That would limit it as to certain territory, and we agreed on a limitation other than that; that the bridges here authorized to be constructed should not interfere with existing charters.

Mr. VEST. Of course, and that is the way I understand the amendment to read. The amendment is just as it was reported from the committee. If the Senator will read it again he will see.

Mr. FRYE. It strikes out "South Port" and inserts "Donaldsonville," that is all.

Mr. VEST. That is all.

Mr. NELSON. I should like to have the bill laid aside temporarily.

Mr. VEST. I hope the Senator from Minnesota will not delay the passage of the bill. A similar bill has heretofore passed the Senate twice and is now upon its passage the third time.

Mr. NELSON. I do not want to delay the passage of the bill, but does not the amendment inserting "Donaldsonville" have the effect to leave a certain zone exempt from the operations of the bill, from New Orleans up to Donaldsonville?

Mr. VEST. No, sir; I do not understand that it leaves it exempt. It provides that the bill shall not change any charter or any right to build a bridge under certain limitations heretofore granted. I did not think the amendment was necessary when the

bill was considered in the committee, but a majority of the committee thought so, and I acceded to the wish of the majority.

Mr. NELSON. I do not think that the amendment inserting "Donaldsonville" ought to be in the bill.

Mr. COCKRELL. Let it be stricken out, then.

Mr. NELSON. If I understand the effect of the amendment in the bill, it is to leave a certain territory there which is now occupied by one particular railroad company with a right to bridge the river so that no other company can build a bridge below Donaldsonville. Is not that the effect of the amendment?

Mr. VEST. No, sir; I do not understand that to be the effect of it. The meaning of the amendment, as the committee understood it, was simply that the company which is now constructing a bridge there should not be deprived of the privilege heretofore granted to that company.

Mr. NELSON. That is right. That is the amendment as I understood it, but I do not know why the term "Donaldsonville" was placed in the bill. That is a point quite a distance above New Orleans, at the mouth of Bayou Lafourche, in Louisiana.

Mr. VEST. Yes.

Mr. NELSON. I do not understand why the bill is limited to that point instead of extending clear down to New Orleans.

Mr. VEST. It was changed at the instance of some member of the committee in order to do exactly what I have stated. The chairman of the committee has a copy of the bill in his hands. I have it not before me, or I could explain it more fully.

Mr. FRYE. I was going to ask the Senator whether that change was not made to save the rights of a charter which already exists for building a bridge in the neighborhood of New Orleans?

Mr. VEST. So I stated.

Mr. FRYE. That exception has been made. It was made in the last bill and the bill before because there was a charter already granting authority to build a bridge above New Orleans and near that city.

Mr. NELSON. But that is not the amendment we agreed on in committee. We agreed on a general amendment that the bill should not interfere with rights already granted. The trouble with this amendment is that it makes a territorial limitation, instead of being a general amendment.

Mr. FRYE. But it leaves it entirely open for anyone who desires to build a bridge to apply to Congress for permission.

Mr. NELSON. Not below Donaldsonville.

Mr. FRYE. Yes; below Donaldsonville. It is still open, I understand, to apply for a special act.

Mr. COCKRELL. Certainly; it would require a special act to bridge the river below Donaldsonville.

Mr. FRYE. Below Donaldsonville it would require a special act: that is all.

Mr. NELSON. That is not what we agreed on in committee.

Mr. VEST. If the Senator will look at the amendment on page 16 he will find that there is no difficulty as to the point he makes. That amendment simply provides—

That nothing in this act shall be held or construed to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridges built under the provisions of this act from the provisions of existing law: *And provided further*, That nothing herein contained shall be held to modify, repeal, or affect any franchise, charter, or privilege heretofore granted under or by virtue of any existing law authorizing the construction of any bridge within the limits included in this act.

Mr. BERRY. If I remember aright, the senior Senator from Louisiana [Mr. CAFFERY], who is not in the Chamber at present, was especially desirous in the committee that other companies should not be prohibited from building down below Donaldsonville, and that as the bill was agreed on in committee, while it was not proposed to interfere with a charter already granted, others should have the privilege under the bill of building, if they desired to do so.

Mr. VEST. They have that privilege. We do not take away that privilege.

Mr. BERRY. I understood the Senator from Maine to say just now that it would require a special act to authorize it. I do not think the Senator from Louisiana understood it that way.

Mr. NELSON. I have the amendment located, and it was not the amendment we agreed on in committee. Section 18 in the original bill limited the bill between the mouth of the Ohio River and South Port, La. The question was raised as to the object of limiting it within that territory, and it was said for the purpose of protecting a right that had already been given to bridge the river, and the point was that it was unnecessary to limit it territorially, that we could put in a clause at the end of the bill by which existing charters should be protected. As the amendment is now framed in the bill, there is a zone below Donaldsonville that we exempt as sacred under the bill which should be covered by the bill. We simply aim by the amendment to protect existing rights to build bridges.

Mr. VEST. That is right.

Mr. NELSON. But not to cut off the operation of this proposed act as to any territory in the future. This would make as sacred a zone below Donaldsonville on the Mississippi River, which was not intended by the committee.

Mr. VEST. I have not the slightest objection to striking it out.

Mr. NELSON. Unless the amendment is left out, I shall have to ask that the bill be allowed to go over.

Mr. VEST. I have not the slightest objection to making the amendment conform to the understanding of the committee. I think it does now, but if the Senator from Minnesota wants to have it changed, let the change be made.

Mr. COCKRELL. Let the amendment, in section 18, striking out "South Port" and inserting "Donaldsonville" be disagreed to.

Mr. NELSON. Yes, sir.

Mr. FRYE. And wherever else it occurs.

Mr. COCKRELL. It occurs only twice, I think.

The PRESIDING OFFICER. The Chair is under the impression that it occurs three times. It first occurs in section 1.

Mr. FRYE. Let the amendment substituting "Donaldsonville" for "South Port" wherever it occurs be disagreed to.

Mr. COCKRELL. Yes, there are three of those amendments.

The PRESIDING OFFICER. In the absence of objection, the vote by which the amendments were agreed to will be reconsidered.

Mr. VEST. Wherever the words "South Port" occur in the original bill let them be put back and the word "Donaldsonville" be stricken out.

The PRESIDING OFFICER. The three amendments where "South Port" has been stricken out and "Donaldsonville" inserted will be considered as disagreed to, if there be no objection. The Chair hears no objection. The other amendment of the committee is agreed to. The bill is still in Committee of the Whole and open to amendment.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The next bill on the Calendar will be announced.

Mr. CAFFERY. Before proceeding to the consideration of another bill, I simply desire to say that the Senator from Minnesota [Mr. NELSON] is entirely correct in his statement with regard to the amendment. I was not in the Chamber at the time the bill was brought up. The amendment included all from the mouth of the Ohio River to Donaldsonville, South Port having been stricken out of the original bill, so as to give the privilege of the construction of bridges across the Mississippi River within this territory. I indorse fully all the remarks which were made in regard to that amendment.

RAILROAD BRIDGE AT LITTLE ROCK, ARK.

The bill (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERY NEAR PENSACOLA, FLA.

The bill (S. 295) making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla., was considered as in Committee of the Whole. The bill proposes to appropriate $10,000 for shelling or otherwise improving the roadway from Pensacola, Fla., to the national cemetery near that city, to be expended under the direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERY AT FORT DONALDSON, TENN.

The bill (S. 174) to construct a road to the national cemetery at Dover, Tenn., was considered as in Committee of the Whole. It proposes to appropriate $11,500 for the purpose of constructing, under the direction of the Secretary of War, a macadamized road, or a road partly of gravel and partly of stone, from the river landing or its vicinity, in the town of Dover, Tenn., to the national cemetery near old Fort Donaldson, the right of way to be not less than 50 feet in width, first being secured to the United States to any part of the ground over which the road shall run.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I suggest to the Senator from Tennessee [Mr. BATE], who reported the bill from the Committee on Military Affairs, that possibly it might be well to say "Fort Donaldson Cemetery, near Dover." The title as it stands would convey a very indefinite idea to a stranger. It says "to construct a road to the national cemetery at Dover, Tenn." It should be to Fort Donaldson Cemetery.

Mr. BATE. It is shown very distinctly in the body of the bill that it is for the construction of a road from Dover, Tenn., to the national cemetery near old Fort Donaldson, which is a part of the battlefield of Fort Donaldson.

Mr. HAWLEY. Who knows that it means Fort Donaldson Cemetery?

Mr. COCKRELL. The bill itself says "to the national cemetery near old Fort Donaldson."

Mr. HAWLEY. I am quite well aware of that, but people look to the title of a bill, and expect it to convey an idea of the contents. I merely made the suggestion.

Mr. BATE. I will consent that the title be amended as suggested by the Senator from Connecticut.

Mr. HAWLEY. I suggest that the title be amended so as to read, "A bill to construct a road to the national cemetery at Dover, near Fort Donaldson, Tenn."

Mr. BATE. That is all right.

The PRESIDING OFFICER. The title will be amended as suggested by the Senator from Connecticut, in the absence of objection.

JOHN H. SKINNER.

The bill (S. 340) to amend the military record of John H. Skinner was considered as in Committee of the Whole. It directs the Secretary of War to place on the muster rolls of Company G, Eleventh Kentucky Cavalry, the name of John H. Skinner, and give him only pay and allowances as supernumerary second lieutenant from March 31, 1863, to November 1, 1863, or such portion of the time as he actually performed the duties of supernumerary second lieutenant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. LOUIS AND OKLAHOMA CITY RAILROAD COMPANY.

The bill (S. 1445) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes, was announced as next in order.

Mr. PLATT. Mr. President, that is a bill which was reported by the Committee on Indian Affairs for a right of way in the Indian Territory. Since it was reported the House of Representatives has passed a similar bill, House bill 1691, which has been referred to the Committee on Indian Affairs. It is like the Senate bill, except there are one or two changes which are in the nature of better safeguards. I move that the Committee on Indian Affairs be discharged from the further consideration of the bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes, and that it be substituted for the Senate bill which has been reported.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senate bill will be indefinitely postponed and the House bill relating to the same subject will be now considered, in the absence of objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O'KEANE.

The bill (S. 167) for the relief of John O'Keane, of the State of Washington, was considered as in Committee of the Whole.

The bill was reported by the Committee on Indian Affairs with an amendment, in line 5, after the words "sum of," to strike out "forty-five" and insert "twenty-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John O'Keane, of the State of Washington, the sum of $25, as salary due him for services as a farmer in charge of Tulalip Indian Agency, Washington Territory, for the month of October, 1882, and not heretofore paid to him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE.

The bill (S. 1701) to promote the efficiency of the Revenue-Cutter Service was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to know what is the difference between the proposition of the bill and existing law?

Mr. FRYE. The existing law simply retired those who were incapacitated at the time it was enacted. The Secretary of the Treasury says that in a very short time, unless this bill shall become a law, he will be in the same situation he was then, with men at the head of the service who can not be retired and their places filled. This makes provision for regular retirement as the officers become 64 years old or become incapacitated.

Mr. COCKRELL. What is the difference in pay?

Mr. FRYE. The difference in pay is that in the sundry civil appropriation act we retired on half pay and in this bill we propose to retire at the retiring pay of three-fourths—waiting orders. These men were all on waiting orders, as the Senator remembers, before we retired them heretofore.

Mr. COCKRELL. The bill practically places them on an equality with the army and navy officers?

Mr. FRYE. Except that they do not have the same salaries, the Senator will remember, by about 25 per cent.

Mr. SEWELL. I should like to ask the Senator from Maine if the provision in this bill is 25 per cent of the present provision of longevity or 20 per cent?

Mr. FRYE. No; 25 per cent. It is the same as it is in the Navy.

Mr. SEWELL. Very well.

Mr. CALL. I should like to know why the officers of this service should not have the same salaries as those of the Navy?

Mr. FRYE. Because the law never provided the same salaries for them, and they are content with this.

Mr. CALL. That is not a very good reason,

Mr. FRYE. No, it is not a very good reason; but they are content, and they are the hardest worked men in the country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF HERDS AND FLOCKS.

The next business in order was the resolution submitted by Mr. WARREN January 20, 1896, directing the attention of the Committee on Agriculture and Forestry to the late unprecedented shrinkage in numbers and values of farm animals throughout the United States, as shown by the last published reports of the Department of Agriculture.

Mr. BERRY. That resolution has not been referred to a committee, as I understand?

The PRESIDING OFFICER. It has not been referred to a committee.

Mr. FAULKNER and Mr. HARRIS. Let it go over.

The PRESIDING OFFICER. The resolution will go over without prejudice.

MARGARET KENNEDY.

The bill (S. 753) for the relief of Margaret Kennedy, was considered as in Committee of the Whole. It authorizes the payment to Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, of $3,000, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888; but the amount herein provided is to be in full compensation for all claim or demand on her part as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of John Kennedy in the District of Columbia, being the farm on which Fort Sedgwick was erected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMODORE LOUIS C. SARTORI.

The bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out section 2 and insert as a substitute therefor the following:

SEC. 2. That upon promotion, as authorized by this act, he shall be allowed the pay of a rear-admiral on account of age, in conformity with the act of Congress approved March 3, 1873, but no additional back pay shall be allowed

Mr. CHANDLER. The word "additional" should be left out. It rather weakens than strengthens the clause. I move to amend the amendment by striking out the word "additional."

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 4 of the amendment, after the word "no," it is proposed to strike out "additional"; so as to read:

But no back pay shall be allowed, etc.

Mr. COCKRELL. What kind of pay does the bill now carry—longevity only?

Mr. CHANDLER. It only gives the commodore, now 80 years of age, the retired pay of a rear-admiral for the future, for so long as he lives after the passage of this act.

Mr. COCKRELL. Does it not give it to him from the time he was entitled to be promoted?

Mr. GIBSON. No.

Mr. CHANDLER. It does not. That was struck out of the bill. The section stricken out prohibits that; and he is only to receive compensation from the date of the passage of the act.

Mr. COCKRELL. Then why not strike out the words "but no additional back pay shall be allowed," and simply say "to take effect from and after the passage of this act"?

Mr. CHANDLER. It says "upon promotion." The Senator will see that it is as clear as it can be made; only I thought the word "additional" weakened instead of strengthened the provision:

That upon promotion—

That is, from commodore to rear-admiral—

as authorized by this act, he shall be allowed the pay of a rear-admiral on account of age, in conformity with the act of Congress approved March 3, 1873, but no back pay shall be allowed.

That is as clear as it can be made.

Mr. COCKRELL. It now reads:

He shall be allowed the pay of a rear-admiral on account of age, in conformity with the act of Congress approved March 3, 1873.

If that law gives him any back pay, he would get it from the date of that law, because he is to be allowed pay in conformity and in pursuance of that law.

Mr. CHANDLER. That is only the retired pay of a rear-admiral. I have not the act before me, but I think I can not be mistaken. I will state to the Senator that that only gives him three-quarters pay of an admiral, the retired pay, "but no back pay shall be allowed."

I am sure it is right, and the Senator from Maryland [Mr. GIBSON] will correct me if I am wrong.

Mr. GIBSON. The Senator's statement is entirely correct, Mr. President.

Mr. COCKRELL. But the amendment does not convey the idea that he shall not receive any pay prior to the taking effect of this act.

Mr. GIBSON. That is exactly the intention of the bill.

Mr. CHANDLER. The Senator from Missouri may add:

Or any increased compensation whatever prior to the date of this act.

Mr. COCKRELL. Yes; and add:

But no back pay or compensation of any kind shall be allowed prior to the passage of this act.

Mr. CHANDLER. Let it read:

But no back pay shall be allowed, nor any additional compensation whatever prior to the passage of this act.

Mr. COCKRELL. That is right.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "pay," in line 5 of the new section 2 as reported by the committee, it is proposed to insert:

Nor any additional compensation whatever for any time prior to the passage of this act.

Mr. HALE. Now, let the whole section be read as proposed to be amended.

The Secretary read as follows:

SEC. 2. That upon promotion, as authorized by this act, he shall be allowed the pay of a rear-admiral on account of age, in conformity with the act of Congress approved March 3, 1873, but no back pay nor any additional compensation whatever for any time prior to the passage of this act shall be allowed.

Mr. HALE. That is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. CHANDLER] to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMODORE OSCAR C. BADGER.

The bill (S. 642) for the relief of Commodore Oscar C. Badger was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Commodore Oscar C. Badger, now on the retired list of the Navy, a rear-admiral on the retired list, to take effect on and from the 12th day of August, A. D. 1885.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. DULL.

The bill (S. 716) to correct the naval history of John C. Dull was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to correct the naval history of John C. Dull, a landsman on the United States ship *Ætna* during the war with Mexico, so as to relieve him of the charge of desertion, and to give to Dull an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT HUDSON (LA.) FORLORN HOPE STORMING COLUMN.

The bill (S. 982) to grant medals to survivors and heirs of the Port Hudson (La.) forlorn hope storming column was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE TENDER FOR GULF COAST OF FLORIDA.

The bill (S. 656) appropriating $125,000 for the construction of a light-house tender for the Gulf coast of Florida was considered as in Committee of the Whole. The bill was reported from the Committee on Commerce with an amendment, in line 3, to strike out "one hundred and twenty-five" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That $75,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of a light-house tender for the Gulf coast of Florida, to be constructed under plans made by the Light-House Board, and to be in all respects seaworthy and suited to the service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill appropriating $75,000 for the construction of a light-house tender for the Gulf coast of Florida."

REVENUE CUTTER FOR SERVICE IN GULF OF MEXICO.

The bill (S. 1347) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to have constructed, at a cost of not exceeding $150,000, a steam revenue cutter of the first class, for service in the Gulf of Mexico and tributary waters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARREST OF AMERICAN CITIZENS IN CUBA.

The resolution submitted by Mr. CALL January 21, 1896, relative to the arrest of Mark E. Rodriguez and Luis Someillan and son, citizens of the United States, in Cuba, was considered as in Committee of the Whole.

The resolution was reported from the Committee on Foreign Relations with an amendment, in line 8, after the word "Habana," to strike out "and if no just cause for such arrests exists, to demand their immediate release"; so as to make the resolution read:

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to report to the Senate respecting the arrest and forcible removal of Mark E. Rodriguez, a citizen of the United States, on board the United States mail steamer *Olivette*, in the harbor of Habana, on Wednesday, the 15th instant; also respecting the arrest of Luis Someillan and his son, citizens of the United States, in the city of Habana.

The amendment was agreed to.

The resolution as amended was agreed to.

P. S. CORBETT.

The bill (S. 6) for the relief of P. S. Corbett was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to add at the end thereof the following proviso:

Provided, That no allowance shall be made except for money actually expended and services actually rendered in good faith.

So as to make the bill read:

Be it enacted, etc., That the accounts of P. S. Corbett, formerly United States marshal of the State of Nevada, be readjusted by the Treasury Department, and that the services rendered and expenses incurred by said Corbett in his various attempts to arrest George E. Spencer, and for attempting to arrest persons charged with selling liquor to Indians, be allowed under the head of "Extraordinary expense account"; and also that the said Corbett be credited with full mileage, as provided in section 837 of the Revised Statutes of the United States applicable to the marshals of Oregon and Nevada, from the place of arrest to the place of commitment: *Provided*, That no allowance shall be made except for money actually expended and services actually rendered in good faith.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ON ACCOUNT OF PIUTE INDIAN INSURRECTION.

The bill (S. 5) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress was considered as in Committee of the Whole. It proposes that the claims of persons whose property was taken or who rendered services, furnished money or supplies to the volunteer forces under the command of Col. John C. Hays or under the command of Maj. William Ormsby during the insurrection of the Piute Indians in 1860, within the territorial limits of the present State of Nevada, shall be referred to the Treasury Department for examination, adjustment, and report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF PACIFIC COAST STATES.

The bill (S. 1650) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion was considered as in Committee of the Whole. It proposes to appropriate the sums hereinafter mentioned to reim-

burse and to be paid to the States of California, Oregon, and Nevada for moneys by them expended in aid of the United States in the war of rebellion, to wit:

To the State of California, $3,951,915.42.

To the State of Oregon, $335,152.88.

To the State of Nevada, $404,040.70.

Mr. ALLISON. I think this bill ought to be explained by somebody who knows about it or that the report at least should be read.

Mr. STEWART. I think I can give in five minutes all the explanation that will be necessary.

Previous to the breaking out of the war the compensation paid to army and navy officers, army officers particularly, as they are referred to entirely, was larger on the Pacific Coast and in that region than in the East. In the latter part of 1861, after the war broke out, the law making the difference in compensation was repealed. The people in the West, of course, were familiar with the compensation which had been paid, and there was great difficulty in supplying volunteers as rapidly as required. The States were called upon by the executive officers and the army officers and urged to furnish soldiers immediately for emergencies which existed. The overland route was cut off, and they wanted to move an army east to open communication between the Pacific and the Atlantic. The States made the appropriation, borrowing the money to pay for it, which just about equalized the compensation with what it had been before. It was done in a case of necessity.

The claims have been examined by the board of war claims examiners; the items of account have all been verified, and the simple question is whether the Government will pay these claims for obligations which the States incurred in anticipation that the Government would pay them, with an assurance from the officers that they would be paid from time to time as the Government appropriated the money. No claim has been presented for money paid out on the Pacific Coast, outside of this, notwithstanding there was a great deal of money expended. This money was expended directly in making up the difference in compensation. I do not now recollect the exact amount, but there have been some thirty or forty million dollars appropriated to the other States, and I think these claims stand on as high a ground and that the equities are the same.

That is the opinion of those who have examined the matter. There have been many reports in favor of the claims, several reports being made by the Committee on Military Affairs. Two reports, I think, have come from the Committee on Claims. A similar bill once passed the Senate. Similar bills have been favorably reported in the other House several times. It is a tedious matter to examine, but the result of all examinations has led to one conclusion, and I hope the bill may be passed.

Mr. CHANDLER. I do not quite understand the Senator from Nevada. Of course the sum that is to be paid to California is very large, some $3,000,000, which amount was paid out by that State, I understand, for military expenses in the war for the Union. Am I correct?

Mr. STEWART. Yes.

Mr. CHANDLER. Of course then it is to be assumed that these were bona fide military expenditures of the State of California, and as such the State should have been reimbursed. Why was it not reimbursed? Why do we have here thirty years after the war a claim of this kind which the Senator from Nevada understands to be very just? What is the peculiarity of the claim that has prevented its adjustment long before this?

Mr. STEWART. There is no peculiarity in the claim except as I shall state. Those States were called upon to furnish troops, as were the other States, and instead of furnishing a given number of soldiers, fitting them out, they contributed to make up the difference between the compensation as it stood after 1861 and what it was previous to that time. Previous to that time the compensation there was higher than in the East. That was the objection to enlistment. The people thought the repeal of that law was unfair, and it became necessary, in order to fill up the regiments and to get soldiers promptly, to put back the compensation to the customary figure.

The States did it. The Government has reimbursed all the States which raised regiments and paid the troops. Instead of raising regiments and paying the soldiers, these States did that which was much more effective—they made up the difference in compensation. The money thus expended was much more effective than it would have been if used in any other way. The amount of money that those States furnished would not have put nearly so many soldiers in the field nor would it have accomplished so good a purpose as it did directed in the way it was. That is the way it was done. It has got to be an old claim, having been put over, just as it may be put over again. It has been up here for ten or fifteen years. We have been trying to get it passed all the while. The claims have been examined thoroughly.

Mr. MITCHELL of Oregon. There has been a recent thorough examination of the whole matter by the Department.

Mr. STEWART. The Department has examined it, and the board of war claims spent a year on it, examining it in detail, and they recommend it, recognizing its equity. The War Department recommends it and reports favorably on it. The report is here.

Mr. CHANDLER. Let us understand the point.

Mr. WHITE. If the Senator from Nevada [Mr. STEWART] and the Senator from New Hampshire [Mr. CHANDLER] will allow me, I will state that at the last session of Congress a similar bill was passed in the Senate as an amendment to an appropriation bill, but in conference it was eliminated, and I suppose the Senator from New Hampshire, who gives very patient consideration to everything, has perhaps familiarized himself with the rather voluminous report on the subject.

Mr. MITCHELL of Oregon. Such a bill was also passed in the Congress before. It has passed the Senate several times.

Mr. CHANDLER. Of course it is something of an argument in favor of a measure that it has once passed the Senate or twice passed the Senate or three times passed the Senate. Still possibly some measure might be proposed here that had passed before which might not be meritorious. I wish to get at the exact point in the case.

Do I understand that the United States has already paid for the compensation of the officers and men of the California, Oregon, and Nevada troops up to the amount of the pay which was allowed such officers and men by the United States law, and that this is a proposition to reimburse California, Nevada, and Oregon for extra compensation to officers and men paid by those States, so that the officers and men of those States received larger pay than troops elsewhere did? Is this extra compensation?

Mr. STEWART. It may be viewed in that light to some extent. That is the main body of the claim, it is true; but the condition out in that country was such that it became necessary to do it. The States were advised and urged to do it, and they did it in good faith. It was very effective. It was not like extra compensation here, because, taking for example Nevada, wages were very high.

Mr. HANSBROUGH. Mr. President, are we supposed to be proceeding under the five-minute rule?

The PRESIDING OFFICER. The Senate is proceeding under the five-minute rule.

Mr. HARRIS. If the Senator from New Hampshire [Mr. CHANDLER] is through——

Mr. CHANDLER. The Senator from New Hampshire is not through, but he will hear the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. The remark that I would make would cut off further discussion.

Mr. CHANDLER. Then I beg the Senator from Tennessee kindly to withhold his remark.

Mr. HARRIS. I shall not interfere with the Senator from New Hampshire while he holds the floor.

Mr. CHANDLER. I will ask the Senator from Nevada a question by way of illustration. Where other officers in the Union Army got $100 a month, California paid her officers $200——

Mr. STEWART. Oh, no.

Mr. CHANDLER. Where another soldier got $12 California paid $24, and now we are proposing to reimburse California for this extra payment to her troops. Is that the case?

Mr. STEWART. Yes; but not to that extent. At that time wages in those States were three times as high as they were in the Atlantic States.

Mr. TELLER. And the expenses of living also.

Mr. STEWART. And living expenses and everything else were three times as high. The repeal of the law providing for the difference in compensation was regarded as a great calamity, and the States were appealed to patriotically to help out the Union by making the appropriations. They did so under the urgent call of the officers who were located in that country.

Mr. CHANDLER. How many States are in this condition?

Mr. STEWART. Three States.

Mr. CHANDLER. Oregon, California, and Nevada?

Mr. STEWART. Yes, sir.

Mr. CHANDLER. Does the Senator know of any other State which paid its officers and soldiers such extra pay?

Mr. STEWART. It does not apply to any others.

Mr. HARRIS. This bill proposes to appropriate several million dollars upon what seems to me a very questionable principle. I do not think we can satisfactorily discuss and consider and understand it under the five-minute rule. Let it go over.

The PRESIDING OFFICER. The bill will go over.

WILLIAM E. WOODBRIDGE.

The bill (S. 1469) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852, was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, in line 28, after the word "effect," to insert the words "including right of appeal"; so as to make the bill read:

Be it enacted, etc., That the claim of William E. Woodbridge for compensation for the use of his alleged invention relating to projectiles for rifled cannon, for which letters patent were ordered to issue March 25, 1852, by the United States Government, be, and the same is hereby, referred to the Court of Claims of the United States, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, according to its usual rules of procedure—

First. Whether the said Woodbridge was the original and first inventor of the said invention and entitled to a patent therefor.

Second. To what extent the said invention has been used by the United States Government, and what amount of compensation, if any, the said Woodbridge ought to receive in equity and justice from the United States Government for the past use of said invention. And in considering and determining the compensation to be made, if any, the said court shall, if it find that the said Woodbridge was the first and original inventor of said invention, and entitled to a patent at the time of its order to issue, namely, March 25, 1852, proceed and be guided in all respects as though the aforesaid letters patent had been actually issued for the term of seventeen years from the date of the aforesaid order to issue; the court to render judgment, irrespective of lapse of time, in favor of the claimant, with the same effect, including right of appeal, as judgments generally of said court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. D. CROW.

The bill (S. 516) for the relief of M. D. Crow was considered as in Committee of the Whole. It proposes to credit the account of M. D. Crow, late postmaster at Pueblo, in the State of Colorado, with $1,032.62, being the amount necessarily expended by him in conducting the business of that post-office at Pueblo, Colo., from the 1st day of April, 1885, to June 30, 1889, in excess of the amount allowed him by the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH SCHWARZ.

The bill (S. 1570) for the relief of Joseph Schwarz was announced as next in order on the Calendar.

Mr. COCKRELL. The Senator repoting that bill is absent, and it needs explanation. I ask that it may go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

FLAG OF ELEVENTH NEW HAMPSHIRE VOLUNTEERS.

The joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARKING OF VESSELS.

The bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 24, to strike out "1894" and insert "1896"; so as to make the proviso read:

Provided, however, That the names on each bow may be marked within the year 1896.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM PIERCE.

The bill (S. 560) granting an honorable discharge to William Pierce was considered as in Committee of the Whole. It proposes to correct the military record of, and grant an honorable discharge to, William Pierce, late a private in Company F, Seventh Maine Volunteers, to date June 28, 1865, the date of muster out of his regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF MAIL-BAG REPAIR DIVISION.

The resolution proposing to direct the Committee on Post-Offices and Post-Roads to investigate certain charges made against the mail-bag repair division of the Post-Office Department, submitted by Mr. KYLE January 28, 1896, was announced as next in order on the Calendar.

Mr. FAULKNER. Let that be passed over.

The PRESIDING OFFICER. The resolution will be passed over at the request of the Senator from West Virginia.

THE REVENUE BILL.

The bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency was announced as next in order.

Mr. HILL. That bill might lead to some debate.

Mr. GALLINGER. I trust the bill will not go over. It ought to be passed.

Mr. HILL. It might lead to some debate; that is all.

The PRESIDING OFFICER. At the request of the Senator from New York the bill will go over, under Rule IX.

SALARY OF POSTMASTER AT WASHINGTON.

The bill (S. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, was considered as in Committee of the Whole.

Mr. PLATT. I see that the Senator who reported the bill is not present. Perhaps the Senator from Colorado [Mr. WOLCOTT] can explain it. The bill says:

The first adjustment (under this act) to take effect simultaneously with the reduction of the rates of postage.

Exactly what that means I do not understand. Does it mean a general reduction, or a reduction on letters?

Mr. WOLCOTT. The bill affects only the postmaster at the city of Washington. The amount of business transacted by the post-office at Washington exceeds that of almost any city in the Union, by reason of the enormous mass of free mail matter which it distributes. The postal receipts are not quite up to those of some of the cities for which the largest allowance is made. The employment of clerks is much greater than in any other city except three or four of the principal cities of the United States. The postmaster is compelled to perform more duties than most postmasters who receive the maximum salary, but, as I have stated, because of the free matter distributed from the city of Washington his office is not classed among the highest. The bill has the indorsement of the Post-Office Department, and is a fitting and a proper act.

Mr. PLATT. It is all right if it applies only to Washington.

Mr. WOLCOTT. That is all; it applies only to the city of Washington.

Mr. WILSON. Will the Senator from Colorado please state what other postmasters outside of New York receive the maximum salary of $6,000?

Mr. WOLCOTT. I can not state from memory. My impression is that the list includes New York, Boston, Philadelphia, Buffalo, Cleveland, Baltimore, Chicago, Detroit, and Brooklyn. There are twenty or thirty.

Mr. WILSON. I did not think there was so large a number.

Mr. WOLCOTT. My impression is that there are twenty or thirty.

Mr. WILSON. I thought there were only four or five.

Mr. WOLCOTT. There are more than that number. New York is still higher.

Mr. CALL. I should like to know what is the effect of this bill on the salaries of postmasters.

Mr. WOLCOTT. The effect of the bill is to give the postmaster of the city of Washington $1,000 a year more than he is now getting.

Mr. PLATT. Giving him $6,000 instead of $5,000.

Mr. WOLCOTT. That is all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEN. ALEXANDER STEWART WEBB.

The bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 3, before the word "hereby," to insert "he"; so as to read:

That the President of the United States be, and he hereby is, etc.

The amendment was agreed to.

The next amendment was, after line 3, to strike out the remainder of the bill, in the following words:

Authorized to appoint, for gallant and distinguished conduct at Gettysburg, Bristoe Station, the Wilderness, and Spottsylvania, Alexander Stewart Webb, late brigadier-general of volunteers and brevet major-general United States Army, a lieutenant-colonel in the Army of the United States, and to place the said Lieut. Col. Alexander Stewart Webb on the retired list of the United States Army, with the rank of lieutenant-colonel.

And in lieu thereof to insert:

Authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that

extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alexander S. Webb.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

QUIN NE MO SE.

The bill (S. 1704) for the relief of Quin ne mo se, an Indian, was announced as next in order on the Calendar.

Mr. CHILTON. Let the bill go over.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Texas.

Mr. WILSON. I hope the Senator from Texas will withdraw his objection to the bill.

Mr. CHILTON. I am not willing that the bill shall pass unless the Senator will consent to an amendment.

Mr. WILSON. What is the nature of the amendment?

Mr. CHILTON. That any sale made by the Indian shall be with the approval of the Secretary of the Interior.

Mr. WILSON. When the bill was before the Committee on Indian Affairs for consideration this matter was pretty thoroughly discussed, and at that time the Senator from Texas desired to amend it by inserting the clause, "subject to the approval of the Secretary of the Interior." The amount involved is only 160 acres of land, which was taken up by Quin ne mo se, an Indian, in 1885. At that time there were no white settlers around the land, but ultimately they came in and entirely surrounded him. They gave no opportunity for him to send his children to school, so he abandoned the land and moved onto the Cœur d'Alene Indian Reservation, where he could have an opportunity to educate his children. He is very old and he can sell his land and derive some benefit from the money during the remainder of his life. He is probably nearly 80 years old. The land is of no advantage to him now, and it is worth probably $1,800 or $2,000. I should like to see the bill passed merely for the benefit of this Indian. Of course under the objection of the Senator from Texas it can not be done.

Mr. CHILTON. I will state to the Senate that as I understand it, the universal rule in granting to Indians the right to make absolute sale of their lands is to require the consent of some executive officer. It has been usual to require the consent of the President. That was the early practice of the Government. In late years, I believe, the consent of the Secretary of the Interior has been provided for in such cases.

I have no disposition to dispute the facts stated by the Senator from Washington. I have no knowledge whatever which would enable me to deny them. I have no doubt that they are correct; but my attention has not been called to any previous act of Congress where an Indian has been given the unrestrained right to sell his land without any qualification whatever. I believe part of the city of Chicago now stands on Indian land, and the act which authorized the sale of that land provided for the consent of the Chief Executive of the United States. I have looked somewhat industriously into this matter. I do not mean to say that I have looked at all similar acts, but I have not found one in which Indians have been authorized to sell their lands without requiring the consent of some officer of the Government. There may be such a case, but I have not found it.

So it seems to me entirely proper that the usual rule should be followed in this case. If a fair price is obtained for the land the Secretary of the Interior will no doubt consent to the sale. Therefore it seems to me a desirable qualification of the generality of the language which is used in this proposed act to require the consent of the Secretary of the Interior so that the Indian may be protected in securing a fair price for his land. That is all I ask. There should be no objection to it. I see no reason why anyone should object to such a qualification.

Mr. WILSON. No one objects. The matter was discussed in committee, if I may be permitted so to state. I have not the slightest objection; but it seemed to me to go through all the details which would necessarily have to be gone through by the Secretary of the Interior for 160 acres of land was entirely unnecessary. I am perfectly willing that the Senator from Texas shall offer his amendment, but to object to the consideration of a measure of this character without offering an amendment seems to me hardly a courteous thing under the circumstances. If the Senator will offer the amendment I will soon designate whether I have any objection to it or not.

Mr. CHILTON. So far as any question of courtesy is concerned, I do not think the Senator from Washington is qualified to give me any lessons in that respect. I will simply say that I have not offered the amendment at this time because I understood this morning that we were to devote the day to the consideration of unobjected cases. If the Senator will let the bill pass over, in ten or fifteen minutes, if he desires, I will prepare an amendment and offer it at once.

Mr. WILSON. Of course if the Senator offers the amendment it will then be time enough for me either to agree to it or object. The Senator from Texas knows that well enough. When he objected to the bill there was no amendment of that character offered.

Mr. CHILTON. I contented myself with a mere objection because I supposed other Senators had bills on the Calendar which were not contested and that they did not care to await the discussion which would arise upon this bill.

The PRESIDING OFFICER. The bill will be passed over temporarily.

FREE PUBLIC LIBRARY IN WASHINGTON.

The bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia was announced as the next in order on the Calendar.

Mr. WILSON. Let that bill go over under the rule.

The PRESIDING OFFICER. The Senator from Washington objects.

Mr. McMILLAN. I hope the Senator from Washington will not object to this bill. It is a matter of very great importance to the District, and we do not often get a chance to pass any District bills. It proposes to establish a free public library here.

Mr. WILSON. I know; but we seem to be doing something all the time for the District of Columbia.

Mr. McMILLAN. We have not had any District bills considered to-day.

Mr. WILSON. We have raised the salary of the postmaster here and all that sort of thing. It seems to me we have about done enough for the District of Columbia for to-day.

Mr. McMILLAN. That has nothing to do with the District library question. I hope the Senator will not object to this bill. It is a very important measure.

Mr. WILSON. Very well.

The PRESIDING OFFICER. The objection is withdrawn, and the bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HILL. I should like to ask the Senator from Michigan whether there is any limitation of the amount that may be expended annually?

Mr. McMILLAN. The bill simply provides for the expense of running it, not for any books at all, and it is estimated that it will cost from $3,000 to $6,000 a year.

Mr. HILL. Is there any limitation on the expense of running it?

Mr. McMILLAN. It can not possibly exceed from $3,000 to $6,000 a year. I have no objection to fixing a limit in the bill, limiting it to $6,000. This library is demanded by the school children of the District of Columbia, by the Federation of Labor, and by people who are in the habit of using reading rooms and libraries. It will not be very expensive to the District, because there is a large number of books which will be presented to the library. There will be a number of gifts. Ten thousand dollars in money will be given by the citizens for the purchase of books right away. I hope the Senator from New York will let the bill go through.

Mr. HILL. The citizens of the District have access, under certain regulations, have they not, to the Congressional Library?

Mr. WOLCOTT. No, Mr. President, if the Senator from New York will permit me, they do not, and the children of the District can not reach it at all. When the new city post-office building was first planned it was with the idea of relieving the municipal or other buildings, so that some foundation for a library could be established. The Congressional Library has stood here for years, apparently giving to the citizens of Washington the most extensive and delightful facilities imaginable for the reading of books, the examination of documents, etc.; but, as a matter of fact, it is a closed institution to nearly all the people of the District.

I will say to the Senator from New York that the commencement of this library, which is upon the most modest scale, meets the views and wishes and aspirations of nearly all the people of the District of Columbia. It is recommended by every organization here, and is in the direct line of what other cities are able to accomplish without the intervention or assistance of Congress.

Mr. HILL. The reason I made the inquiry was that whenever I have visited the Congressional Library, which I do occasionally, I find it is pretty well filled with people sitting at tables examining books, who seem to be very courteously treated; but I assume that they have not the right to take books away.

Mr. WOLCOTT. They have not.

Mr. HILL. But are permitted to go and examine the books in the Library at their leisure.

Mr. WOLCOTT. Anybody may go to the Congressional Library during the hours that it is open and examine the books there. I do not know how it is with the Senator from New York,

but I know the rest of us are constantly pressed, and probably the Senator is also, by people residing in the District, who have not the facilities of a public library, asking that they may in some way have the use of books, which must be denied to them.

The theory of our Congressional Library is the preservation of books for future time, the gathering and keeping of books for the future in the Library. The theory of the Congressional Library is not that of a circulating library. It really is a diminution of the usefulness of the Congressional Library that its volumes are sent out, as they are sent out, to officials here in Washington, because by means of the Congressional Library alone we secure the preservation for future ages of every book and document that is published in the United States. It stands apparently as a library for the District of Columbia, but it is not in fact a library at all of which they can avail themselves. As the Senator from New York knows, there are thousands of students who gather here, because, under the shadow of the Capitol, different institutions of learning have been organized and established, many of them having night schools, many of them having lectures which are available to people in the Government employ. Many lawyers and doctors are turned out by these different institutions, and to them also such a library as this is very much of a necessity.

Mr. HILL. I would ask the Senator from Colorado, who seems to have given this matter considerable attention, how are these books to be procured? I notice the bill does not speak of that.

Mr. WOLCOTT. The bill provides for that.

Mr. HILL. There must be something for the support of the institution.

Mr. WOLCOTT. One-half of the money is to be raised by citizens of the District, and they have some books available now. The expense will be but a very slight one to the Government of the United States.

Mr. HILL. I observe that the bill provides for the appointment of a librarian, whose salary is not fixed by the bill, and for the appointment of assistants, with all the paraphernalia of a public library. If the facts are as stated by the Senator from Colorado, by whom I assume they are correctly stated, this may be probably a meritorious measure; but I simply suggest that, if adopted, it will be, I fear, the entering wedge for a pretty large annual expenditure. I am not, however, familiar enough with the subject to raise any objection.

Mr. WOLCOTT. I am very glad the Senator from New York calls attention to this matter. I have not been permitted at this session to take so active an interest in this subject as I have done heretofore, because I am no longer on the Committee on the Library or the Committee on the District of Columbia, which committees two years ago had much to do with the consideration of this measure, which on a former occasion, I believe, passed the Senate.

I do not believe this is the entering wedge for any extravagant expenses. These are to be treated as municipal expenses, the payments will be very slight, and the generosity and public spirit of the citizens of the District will be demonstrated and displayed to an infinitely greater degree than any expenditure which we shall be called upon as an appropriating body to make. It is necessary that we should pay the salaries, which will be small.

Mr. FAULKNER. I think it would be well for the Senator from Colorado to state also that no one after 6 o'clock in the evening can have any benefit from the Congressional Library.

Mr. WOLCOTT. That is true.

Mr. FAULKNER. That library is closed at a time when it ought to be really accessible to the persons who seek such an institution.

Mr. GALLINGER. That there may no misapprehensions concerning this matter, I think I will take the liberty of stating one or two facts as I understand them.

The Congressional Library is not only open to the citizens of the District of Columbia during the daytime, where they can go and read books, but they can likewise take books from the library if they deposit the price of the books before taking them. That is all that is required to make it a circulating library.

Mr. HILL. Is it contemplated in this new library which it is proposed to establish that people may take the books out without any security whatever?

Mr. GALLINGER. I presume so. Beyond a doubt this is to be a circulating library.

Mr. HILL. There must be a deposit, I suppose?

Mr. GALLINGER. I think not. It is to be a public library.

I have stated that one fact concerning the Congressional Library, and so that we may not be laboring under any misapprehensions I will state one further fact, which is that this is a public library to be established in the city of Washington, the expenses of which will be equally divided between the District of Columbia and the Government of the United States.

I will say just here, Mr. President, even though it may be construed as treason on my part, being a member of the Committee on the District of Columbia, that it has been a matter of absolute astonishment to me that the people of this District should have dragged along year after year without having established a public library in this great city. In the State of Massachusetts there are to-day only twenty towns that have not a public library. In the little State that I have the honor in part to represent we have over two hundred public libraries which the people sustain in the different towns. It is true the State gives a little support to those libraries under certain contingencies; but this great city of Washington, with all its wealth and with all its culture, has dragged along to the present time without establishing a public library for the citizens of the District; and now we are going to do it jointly with the District of Columbia by making an appropriation that will be shared so far as the expenses are concerned.

These are the facts. I voted for the bill in committee and I shall vote for it here, because I think it is the best thing we can do.

Mr. MCMILLAN. I should like to state, with the consent of the Senator, that, upon examination, the committee found that nearly every city in the United States provided for circulating libraries by taxation, some in one way and some in another, but under distinct control. The report which has been made in this case is very full and very ample and gives all the facts regarding the subject.

Mr. HAWLEY. Is it not the fact that, as a rule, the people take out the books without being required to make a deposit? That is the case in Boston; it is so in my own State; and the loss is scarcely worth mentioning.

Mr. MCMILLAN. I think it a very important matter for the District of Columbia that a public library should be established here.

Mr. CHANDLER. I suppose it is an excuse for the inhabitants of the District of Columbia and for Congress that there has not hitherto been a public library here that the Congressional Library has been so freely used by the inhabitants of the District. There is inconvenience about that, and very great inconvenience. As the present library is conducted, it is always crowded with citizens of the District. They are welcome, whoever they may be, black or white, rich or poor; and the books which they want are furnished to them; seats are furnished them; and there they have all the facilities of a public library; but it is not convenient. There is not room enough in the present library, and there will not be room enough even in the new library, for that kind of patronage.

For a municipal library there needs to be without delay in the city, I may say, exactly what is provided for in this bill, to wit, an ordinary reading library, outside of the Library of Congress, outside of the great National Library, a library that will meet the wants of the common people of the District, so that they can have the privileges which are enjoyed not only by the large cities of this country, but, as my colleague [Mr. GALLINGER] has said, by almost every village of any size throughout the United States.

I hope there will not be a vote against this bill, which I think is well guarded and designed in a modest and a moderate way to lay the foundation for as good a town or city library as is to be found in the country.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. MCMILLAN. I hope the Senator will withhold that motion until the pending bill is disposed of.

Mr. SHERMAN. Very well, I will withdraw the motion until the bill can be disposed of.

Mr. ALLEN. Mr. President, I have no disposition to antagonize the consideration or passage of this bill at this time, because I suppose it would be entirely fruitless if I did so. I believe the city of Washington ought to have a public circulating library, one to which all persons shall have access at all reasonable hours; but I am a little bit surprised that the chairman of the Committee on the District of Columbia should see proper, every time a bill is brought in here for the District of Columbia, or the city of Washington, to saddle a portion of the expense of the enterprise, however private it may be, upon the Government of the United States. There is no reason why the rich men and taxpayers of the city of Washington should not support this public library just exactly as the taxpayers in the State of Nebraska or the State of Michigan or the State of New Hampshire or any other State are required to support the public libraries of their States.

There seems to have grown up here—I do not know how long it has existed, or how long it will continue to exist—the thought that the people of the United States must share the expense of every enterprise in this city, however small or however great it may be, and the people of this nation, from California to Maine, must be taxed to maintain those enterprises.

I do not want to be classed as opposed to this measure, or opposed to a measure which will furnish a circulating library here. I shall give my vote at any time for the establishment of a public library wherever one is needed; but, Mr. President, in the State of Nebraska and in the State of Florida, from which you come [Mr. PASCO in the chair], in every State of this great Union, the people themselves support their public libraries. There are places in

the United States where libraries of this kind are needed much more than one is needed here, in view of the access that people have to the Congressional Library. It is no argument to say because this is the national capital that therefore we should tax the people of the United States to establish an enterprise which is peculiarly local here.

I am unable at this time to recall a measure which has come from the Senate Committee on the District of Columbia in the last three years which called for an expenditure of money which has not saddled a portion of the expense upon the Government of the United States. If there is one, I should like to have the honorable chairman of that committee mention it.

Mr. MCMILLAN. Mr. President, this matter has been before Congress a great many times. I think it is well understood that the United States owns more than half of the property in the District of Columbia. There will be not less than 20,000 employees of the Government who will be entitled to the privileges of this library. Considering that the United States owns half the property and has such a large number of people employed here, and considering also the number of strangers who are coming here all the time, there is no reason I can see why the District of Columbia should pay the whole of the expense, and why it should not be equally divided between the District and the Government of the United States.

Mr. ALLEN. Mr. President——

Mr. HARRIS. If the Senator will allow me to add another consideration which I think has some weight—it is that the taxpayers of every State have a voice in the matter as to whether they shall or shall not be taxed, and as to the amount which they shall be taxed, while there is not a citizen or a taxpayer in the District of Columbia who is consulted or has any voice in respect to the matter of taxation. Congress imposes taxes upon them according to its will and for whatever purposes Congress chooses to do. They have no voice whatever in the matter of being taxed or not being taxed, or the amount to which they shall be taxed.

Mr. ALLEN. Mr. President, I think I have the argument in support of this bill put in concise form by the honorable chairman of the Committee on the District of Columbia and my honorable friend on my left [Mr. HARRIS]. The first proposition is an old proposition—I have heard it ever since I have been here, and I expect to hear it from time to time whenever any one of these measures comes up—and is that the Government owns over one-half the property in this town, and therefore the Government should pay one-half the expense. There is no argument in that excepting that kind of argument a man uses when he wants to fortify himself in the doing of something which is questionable. Suppose the Government does own one-half or two-thirds of the property in this District, is not the remainder of the property here made more valuable in consequence of that Government ownership, in consequence of the construction of these great public buildings here, in consequence of the annual convening of Congress, in consequence of the national capital being here? Are those considerations to have no weight in determining the rights of the District of Columbia?

I would not place upon these people any unnecessary restriction; I am not hostile to them; but outside of the 250,000 people who can be found in the District of Columbia, there are 70,000,000 taxpayers of this country, whose interests ought to be consulted to some extent; and there is no more reason why Congress should bear a portion of this expenditure than why Congress should bear a portion of the expense of maintaining a public library in Boston, or in New York, or in Chicago, or out in one of the little cross-road towns of the West or South.

Mr. PLATT. Will the Senator allow me to ask him a question?

Mr. ALLEN. Let me answer my friend the honorable Senator from Tennessee first. He says the people of the District of Columbia have no voice in the question of taxation, and that is true; but that is in consequence of their own volition. This was designed by the fathers when it was established to be a Federal district. It was not supposed that people were to come here for the purpose of speculating, for the purpose of making money, and trafficking and dickering. It was supposed to be peculiarly a Federal city. If those people came here, as they have, with the full knowledge that they would be deprived of their suffrage by coming into the District of Columbia, they took into account other considerations, which counterbalanced the inconvenience arising from their being deprived of the suffrage. So there is nothing in that argument.

Mr. PLATT. I wanted to ask the Senator how far his objection went—whether it went so far as that he would not have the Government pay half of the educational expenses of the District, or whether he would put all the educational expenses of the District on the citizens, because I think the proposed library is right in line with the educational system of the District?

Mr. ALLEN. My objection does not go to the question of the education of youth, the establishment of common schools here. I think it is perfectly proper for Congress to maintain these schools and give the children of this District all the opportunities desirable for education; I fully agree with that; but here is to be a library to be established for the benefit of the people of this District exclusively. Under the bill introduced and reported by the chairman of the Committee on the District of Columbia I should have no right to go into that library and obtain a book, and no person who was staying here transiently and was not a resident of the District of Columbia would have a right to use that library.

Mr. CALL. Oh, yes, he would.

Mr. ALLEN. My friend back here interpolates the thought that nonresidents would have that right.

Mr. MCMILLAN. I call the Senator's attention to section 2 of the bill, which reads:

SEC. 2. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, etc.

Mr. ALLEN. Very well. Suppose the world is entitled to it. I suppose there is probably not a public library in the United States into which a person can not walk, and if he is halfway respectable, or presents any kind of security, obtain a book. Let us grant, for argument's sake, that the world can go in here and get a book. Why, then, should not the people of this city, who are rolling in wealth—I would not say the majority of them, but a great number of them—who want this library, like the people of other sections of the country, establish and maintain their own public library? If I were to ask Congress for an appropriation for the establishment of a library in my little town I should be hooted at; it would be regarded as ridiculous; and yet every day of the session of Congress there comes in a bill here of some kind which is to take money out of the public Treasury, and therefore out of the pockets of the people of the nation, for the purpose of maintaining some enterprise for this District and this city.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator from Nebraska that the Senate is proceeding under the five-minute rule.

Mr. ALLEN. I am glad to receive that information by way of the Chair.

Mr. CALL. Mr. President, this seems to be a free discussion, and I should like to express my own views with regard to the District of Columbia.

I do not agree with my distinguished friend from Nebraska. I think that the people of the United States ought to have, and do have, a just pride in the improvement of the national capital. I believe the day is coming when cheap transportation will give all the people of the United States access to this city and its educational advantages. I think this ought to be made the model city of the world, with no monopolies, with the benefits of education free to all, with the comforts of good living; and if there be any economies that concentrate the real estate in this District in the hands of a few, as my friend thinks, they ought to be abolished.

When you speak of making property dear and paying the taxes of the whole city and the District of Columbia and all the great improvements here, what do you mean? You are only taxing the poor people who have to rent the houses; you are only taking that much away from their salaries. They pay the taxes; they make the property valuable, and if you are going to impose upon this little District, because some few people own large amounts of property, all the taxation necessary to sustain its educational advantages, which ought to be the best in the world, you will make it so dear to live here that no poor man or his family can afford to live here or can have those advantages.

I would tax the people of the United States whatever is necessary to make this capital their proper representative; I would restrain monopolies of all kinds, and make the cost of living cheap, so that the poor people of the United States may come here and their children may come, and have the best advantages of education which the world can afford.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

Mr. VEST. What is the amount appropriated in the bill?

The PRESIDING OFFICER. The Chair understands there is no appropriation contained in the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 13, section 1, after the word "library" to insert:

And the Commissioners of said District are further authorized to receive as component parts of said library collections of books and other publications that may be transferred to them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 43) authorizing and directing the Sec-

retary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years; and

A joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service.

The message also announced that the House had passed a concurrent resolution providing for the printing of 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 5,000 additional copies of the Second Special Report of the Commissioner of Labor, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the Secretary of the Treasury to print the reports, correspondence, charts, maps, and other documents now on file in the Treasury Department or other branches of the Government relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing the Secretary of the Interior to deliver, from the number now in his care, one copy of the compiled statutes in force in the District of Columbia to each Senator, Representative, and Delegate in Congress, etc.; in which it requested the concurrence of the Senate.

PUBLIC PARKS IN THE DISTRICT OF COLUMBIA.

The bill (S. 1513) to regulate the use of the public parks and improved reservations in the District of Columbia under the charge of the Chief of Engineers of the United States Army was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH, DIOCESE OF WASHINGTON.

The bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington was considered as in Committee of the Whole.

Mr. FAULKNER. On behalf of the Committee on the District of Columbia I move an amendment in section 2, line 11, after the word "diocese," to insert what I send to the desk.

The SECRETARY. In line 11, section 2, after the word "diocese," it is proposed to insert "the annual income from which shall not exceed $100,000"; so as to read:

That the said corporation shall have full power and authority to take and hold subscriptions, contributions, donations, grants, devises, or bequests, in money or otherwise, for the purpose of creating a permanent fund or endowment for the support of the episcopate in said diocese, which heretofore have been made, or which may be made for such purpose, or to or in behalf of various associations and societies for religious, missionary, charitable, or educational purposes, now existing or hereafter to exist, under the jurisdiction, control, or sanction of said convention within the limits of said diocese, the annual income from which shall not exceed $100,000.

The amendment was agreed to.

Mr. FAULKNER. In line 7, section 2, after the words "behalf of," I move to insert the word "the"; so as to read "in behalf of the various associations." It is a mere verbal correction.

The amendment was agreed to.

Mr. FAULKNER. In section 2, line 21, after the word "its," I move to insert the word "own"; so as to read "in its own proper behoof."

The amendment was agreed to.

Mr. FAULKNER. In section 5, line 6, I move to strike out "be" and insert "become."

The SECRETARY. In line 6, section 5, it is proposed to strike out "be" and insert "become"; so as to read "the same shall thereupon become void and of no effect."

The amendment was agreed to.

Mr. FAULKNER. I move to add as a new section what I send to the desk.

The SECRETARY. It is proposed to add the following as a new section:

SEC. 6. That Congress shall have the right to amend, alter, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on the District of Columbia reported an amendment to the preamble, to strike out "George" and insert "George's," and to strike out "Mary" and insert "Mary's," so as to read "the counties of Montgomery, Prince George's, Charles, and St. Mary's."

The amendment was agreed to.

The preamble as amended was agreed to.

ALASKAN FUR-SEAL INDUSTRY AND SALMON FISHERIES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *March 2, 1896.*

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Treasury be, and is hereby, authorized to print the reports, correspondence, charts, maps, and other documents now on file in the Treasury Department or other branches of the Government, relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska; 3,000 copies to be printed, of which 750 shall be for the use of the Senate, 1,500 for the use of the House of Representatives, and the remaining 750 copies for the use of the Treasury Department and other Departments whose reports are thus printed.

SECOND SPECIAL REPORT OF COMMISSIONER OF LABOR.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *March 2, 1896.*

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives submitted July 20, 1892, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Department of Labor; and the Commissioner of Labor is hereby authorized to revise said report to include the labor legislation subsequent to the year 1891 and to annotate the report with reference to decisions of courts under the laws comprehended therein.

STATUTES IN FORCE IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *March 2, 1896.*

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the compiled statutes in force in the District of Columbia to each Senator, Representative, and Delegate in Congress, for his personal use, and 500 copies to the superintendent of documents for distribution to depositories of public documents: *Provided*, That the remaining copies of the work may be sold at $2.50 per copy.

REPORT ON HOUSING OF WORKING PEOPLE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *March 2, 1896.*

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor.

DESECRATION OF THE NATIONAL FLAG.

The bill (S. 1012) to prevent the desecration of the national flag was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the national flag or the coat of arms of the United States, or any imitation or representation thereof, shall not be attached to or imprinted or represented upon any goods, wares, or merchandise, or any advertisement of the same. And no goods, wares, or merchandise, or any advertisement of the same, shall be attached to the national flag or the coat of arms of the United States, and no such advertisement shall be imprinted thereon. Any violation of this act shall be punishable, on conviction in either of the circuit or district courts of the United States or the supreme court of the District of Columbia or the courts of the Territories, within their respective jurisdictions, by a fine of $50 for each offense.

Mr. GRAY. Let that bill go over.

Mr. HANSBROUGH. I hope the Senator from Delaware will withdraw his objection. We have listened patiently to the reading of bills all afternoon, and I think this is a very important measure. If the Senator has anything to say on the subject, we will be glad to hear it.

Mr. GRAY. At this late hour? There is a great deal to be said on the subject, and I do not think that it is legislation which ought to be taken up at the close of an afternoon in this hasty way. If the measure is important, as the Senator thinks it is, it should have time for consideration. I am opposed to it, and I should like to state the reason why I am opposed to it. I do not think this is the time to curtail the circulation of the American flag at all. I believe it ought to have as wide a circulation as possible, and we ought to have American industries protected by the American flag. I believe in it.

Mr. GALLINGER. I wish we could protect them in some way.

Mr. HANSBROUGH. This measure certainly has not come before the Senate in a hasty manner. It has been before the body for three months, and it has been right well advertised, if I may use that word, by the public press. Almost every patriotic organization in the United States has petitioned the Congress of the United States to pass the measure. So it is not a matter as to

which the Senator from Delaware can plead ignorance, for he has had ample opportunity heretofore to study it.

Mr. GRAY. I am a patriotic organization myself. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

JOHN W. LEWIS, OF OREGON.

The bill (S. 509) for the relief of John W. Lewis, of Oregon, was next in order on the Calendar.

Mr. GRAY. I move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL of Oregon. We have just reached a small bill which it will take only a moment to pass. I hope the Senator from Delaware will allow the bill to be considered.

Mr. GRAY. Very well, I withdraw the motion.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 509) for the relief of John W. Lewis, of Oregon. It proposes to pay to John W. Lewis, register of the land office at The Dalles, Oreg., $521.97, being the amount of his maximum compensation in addition to his salary from April 17, 1890, to July 7, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARIZONA SCHOOL LANDS.

Mr. GRAY. I renew my motion that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Pending the motion of the Senator from Delaware, the Chair lays before the Senate a memorial, by telegraph, of sundry citizens of Flagstaff, Ariz., remonstrating against the passage of the bill to lease Arizona school and university lands. The memorial will lie on the table.

Mr. DUBOIS. I ask that the memorial be referred to the Committee on Public Lands.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Public Lands.

DESECRATION OF THE NATIONAL FLAG.

Mr. HANSBROUGH. I ask unanimous consent that Senate bill 1012 be made the special order of the Senate for Friday next at 2 o'clock, not displacing appropriation bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. GORMAN. What is the request?

The VICE-PRESIDENT. The request of the Senator from North Dakota is that the bill indicated by him be made a special order for Friday at 2 o'clock.

Mr. HARRIS. What is the bill?

Mr. HANSBROUGH. It is Order of Business 213 on the Calendar.

Mr. HARRIS. What is it?

The VICE-PRESIDENT. The Chair will have the Secretary announce the bill by title.

The SECRETARY. A bill (S. 1012) to prevent the desecration of the national flag.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—WAR IN CUBA.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following concurrent resolution, in which the concurrence of the Senate was requested:

Resolved by the House of Representatives (the Senate concurring), That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives.

Mr. LODGE. I move that it be referred to the Committee on Foreign Relations.

Mr. TELLER. Let it be read again.

The VICE-PRESIDENT. The Secretary will read the concurrent resolution.

The concurrent resolution was read by the Secretary.

Mr. GORMAN. I suppose as a matter of course the resolution will be referred to the Committee on Foreign Relations, but I wish to call the attention of the Senate to a practice which seems to have grown up here. When such a resolution is presented it is read in full by the Clerk in delivering it to the Senate and then again it is properly and naturally read by the Secretary. In this case and at this time of the session it is a matter probably of no inconvenience, but it is a consumption of time, and a practice is growing up which would be troublesome near the close of a session. I merely wish to call attention to it.

The VICE-PRESIDENT. The reading of the resolution was called for by the Senator from Colorado.

Mr. GORMAN. I do not object to the reading at the desk. That was proper and necessary; it was indispensable, under the rules of the Senate, but when it reached the Senate it was read by the officer of another body, and I think such a practice is unusual. I merely want to call attention to it now, so that the proceeding may be abbreviated hereafter.

Mr. CALL. I am informed that the concurrent resolution has no title, and therefore it could not be read by title. I make this statement in justification of the Clerk of the House.

Mr. GORMAN. But the custom has grown up; it has been followed not only in this, but in other cases. I trust the resolution will be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The concurrent resolution will be referred to the Committee on Foreign Relations.

Mr. GRAY. I renew my motion.

The VICE-PRESIDENT. The Senator from Delaware moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1896.

POSTMASTERS.

E. P. Kimball, to be postmaster at Virden, in the county of Macoupin and State of Illinois, in the place of George H. Sewall, whose commission expired December 23, 1895.

George S. Wilson, to be postmaster at Malvern, in the county of Mills and State of Iowa, in the place of Sena Gidley, whose commission expired February 29, 1896.

Albert B. Comins, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts, in the place of Joseph L. Noyes, whose commission expired January 6, 1896.

F. Horton Johnson, to be postmaster at Vineyard Haven, in the county of Dukes and State of Massachusetts, in the place of John F. Robinson, whose commission expired December 16, 1895.

Ferris S. Fitch, to be postmaster at Pontiac, in the county of Oakland and State of Michigan, in the place of Edward F. H. Pearson, whose commission expired February 16, 1896.

Joseph Sullivan, to be postmaster at Fort Benton, in the county of Choteau and State of Montana, in the place of Michael A. Flanagan, whose commission expired February 8, 1896.

Emma K. Gitt, to be postmaster at Hanover, in the county of York and State of Pennsylvania, in the place of Clinton J. Gitt, deceased.

E. C. McKay, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania, in the place of Henry C. Moulthrop, whose commission expired February 29, 1896.

E. A. Gwaltney, to be postmaster at Bowie, in the county of Montague and State of Texas, in the place of John L. Norwood, deceased.

PROMOTIONS IN THE NAVY.

Commodore Thomas O. Selfridge, to be a rear-admiral in the Navy from the 28th of February, 1896, vice Rear-Admiral Charles C. Carpenter, retired.

Medical Inspector Thomas N. Penrose, to be a medical director in the Navy from the 28th of February, 1896, vice Medical Director Philip S. Wales, retired.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

First Lieut. James Bradford Erwin, Fourth Cavalry, to be captain, February 25, 1896, vice Richards, Fourth Cavalry, retired from active service.

Second Lieut. Guy Henry Preston, Ninth Cavalry, to be first lieutenant, February 25, 1896, vice Erwin, Fourth Cavalry, promoted.

WITHDRAWAL.

Executive nomination withdrawn March 2, 1896.

James H. Mulligan, to be consul of the United States at Cape Town, South Africa.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

NEW RIVER, VIRGINIA AND WEST VIRGINIA.

Mr. TOWNE. Mr. Speaker, I ask unanimous consent to take from the Calender of the Committee of the Whole House, for present consideration, the bill (H. R. 6250)——

Mr. HOOKER. If the gentleman will yield to me for a moment, there is a matter coming over from Saturday——

Mr. TOWNE. Certainly.

Mr. HOOKER. I understand the gentleman from West Virginia who raised the point of order on the bill I offered on Saturday in reference to New River is willing now to withdraw the point of order.

Mr. HULING. I withdraw the point of order, Mr. Speaker, with the understanding that the bill is to be recommitted to the Committee on Rivers and Harbors.

The SPEAKER. The point of order is withdrawn.

Mr. HOOKER. I now ask unanimous consent that this bill be recommitted to the Committee on Rivers and Harbors.

There was no objection, and it was so ordered.

IMPROVEMENT OF NEWTOWN CREEK, NEW YORK.

Mr. HOOKER. Mr. Speaker, I ask to call up for present consideration a privileged resolution from the Committee on Rivers and Harbors.

I ask present consideration of the joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to submit estimates for work upon Newtown Creek, New York, with a view to secure a depth of 18 feet and a width of 125 feet at low water from its mouth to the head of navigation, in accordance with the plans heretofore submitted.

The SPEAKER. The gentleman asks unanimous consent——

Mr. HOOKER. No, Mr. Speaker, this is a privileged matter and I ask that it be taken up for present consideration. It simply calls upon the Secretary of War for some information in his hands for the improvement of the Newtown Creek Harbor, of New York. It involves no appropriation.

Mr. DINGLEY. I do not like the principle, Mr. Speaker, to be established that these matters are privileged. There is no objection to the consideration in the present case, but I think it would be better not to establish a principle that may lead to trouble in this regard hereafter.

Mr. HOOKER. I understand that they are privileged matters. I have no objection, however, in view of the suggestion of the gentleman from Maine, to have it considered in that way this morning.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the last vote was laid on the table.

SPRING GARDEN HARBOR, BALTIMORE.

Mr. HOOKER. I now call up for present consideration the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War furnish to the Committee on Rivers and Harbors of the House of Representatives an estimate of the cost of deepening the channel of the harbor of Southwest Baltimore (Spring Garden) to the depth of 27 feet.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MCMILLIN. I have no objection to the resolution, but wish to make a suggestion to the gentleman, after consent is given, as to its verbiage.

Mr. HOOKER. There is a correction that I propose to make in the resolution after consent is given to consider it.

Mr. MCMILLIN. I think the resolution ought to call on the Secretary of War to furnish to the House of Representatives the information requested, and after it is furnished it can be referred by the House to the Committee on Rivers and Harbors. That is the usual form. I think the resolution is all right with that exception.

Mr. HOOKER. I shall ask the House to make that amendment.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. HOOKER. I move to amend by striking out in the resolution the words "Committee on Rivers and Harbors of the House of Representatives" and insert "the House of Representatives."

The SPEAKER. The Clerk will read the resolution as amended.

The Clerk read as follows:

Resolved, That the Secretary of War furnish to the House of Representatives an estimate of the cost of deepening the channel of the harbor of southwest Baltimore (Spring Garden) to 27 feet.

Mr. DINGLEY. I would like to inquire of the chairman whether this involves a new appropriation or whether it is a continuation of work already begun?

Mr. HOPKINS. It is an old work, and simply modifies an existing contract which will be completed without additional expense.

The resolution was agreed to.

On motion of Mr. HOOKER, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF MOBILE HARBOR.

Mr. HOOKER. I ask unanimous consent, Mr. Speaker, for consideration of the joint resolution (S. R. 54) to authorize the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Dredging Company, the contractor under the continuing contract for the improvement of the harbor at Mobile, Ala., proceed with the work of dredging, under the direction of the Secretary of War, until the channel under improvement shall be completed to a width of 280 feet and a depth of 23 feet for its full width of 280 feet, payment therefor to be made at the rate specified in said contract, 7.7 cents per cubic yard, out of appropriations as they shall hereafter from time to time be made: *Provided*, That the payments upon said contract shall not exceed in the aggregate the sum limited for said work in the appropriation bill of July 13, 1892, authorizing a continuing contract for said work.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. DINGLEY. There is an amendment, I believe, that the gentleman has agreed to offer to this resolution.

Mr. HOOKER. Yes. I offer the amendment suggested by the gentleman from Maine, which I send to the desk.

The Clerk read as follows:

After the word "contract," in line 13, insert "shall be held to be due only after appropriations shall have been made therefor, and."

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading, and being read the third time, was passed.

On motion of Mr. HOOKER, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNESOTA.

Mr. TOWNE. Mr. Speaker, I now renew my request for the present consideration of the bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, Minn.

The bill was read. It provides that the county of Aitkin, in the State of Minnesota, is hereby authorized and empowered to erect, establish, and maintain, or authorize the erection, establishment, and maintenance of a wagon bridge across the Mississippi River at a point suitable to the interests of navigation, from a point on the northerly bank of said river on or near the boundary line between sections 23 and 24, township 47 north, of range 27 west of the fourth principal meridian, in said county, so as to connect with the opposite shore of said river; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. Mr. Speaker, what is the report on that bill?

Mr. TOWNE. The report is brief. I ask that it be read.

The SPEAKER. The report will be read.

The report (by Mr. FLETCHER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota, submit the following report:

There is great need of a bridge at the point named in the bill, to accommodate the rapidly growing business and travel of this region. Heretofore, until recently, the lumber industry has practically monopolized the activities of the people of Aitkin County and the adjoining territory on the Upper Mississippi, but of late there has been an extraordinary development in agriculture and a corresponding growth in pursuits dependent to a large degree upon that industry. The soil has been found to be of exceeding fertility in Aitkin County, and a very large farming population has settled upon lands on the side of the river opposite to the village of Aitkin, where it is proposed to build this bridge.

The population of the village in 1890 was 737, and by 1895, as shown by the State census just published, it had become a thriving community of 1,670 souls. It is a well-built and energetic town and will unquestionably continue to grow for a long time to come in much the same ratio. The population of the county has in the same interval increased from 2,462 to 5,224, or more than

100 per cent. The bridge has really become an absolute necessity to these people, and they have provided the money for a substantial and appropriate structure upon a plan that has received the approval of the Secretary of War, and are now ready to proceed with the building of the bridge.

Your committee recommend that the bill do pass, with the following amendment, viz:

Strike out, in section 4, line 28, the word "Congress" and insert in place thereof "the Secretary of War."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Interstate and Foreign Commerce, set forth in the report, was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TOWNE, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 6309, the supply of which has become exhausted.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

ARKANSAS AND NORTHWESTERN RAILWAY COMPANY, INDIAN TERRITORY.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5564) authorizing the Arkansas and Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The bill was read. It provides that the Arkansas Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone lines through the Indian Territory upon a line beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory to a point between Chetopa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Territory as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

The Committee on Indian Affairs recommended the following amendments:

In line 43, section 3, strike out the following words: "held at Fort Smith, Ark." and insert the following language: "for the northern division of the Indian Territory exercising jurisdiction over the territory in which the lands sought to be condemned are situate." Also by striking out all of section 7.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the Committee on Indian Affairs were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINSMORE, a motion to reconsider the last vote was laid on the table.

PROPOSALS FOR NAVAL SUPPLIES.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4179) to amend section 3719 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, etc., That section 3719 of the Revised Statutes be, and the same is hereby, amended by adding thereto the following:

"*Provided*, That the Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for the full amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same."

Mr. THOMAS. I ask that the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Expenditures in the Navy Department, to whom was referred the bill (H. R. 4179) to amend section 3719 of the Revised Statutes, having carefully considered the same, respectfully submit the following report:

The Judge-Advocate-General, in his report for the year 1895, recommends the use of certified checks in lieu of bonds, and makes the following statement on page 15 of his report:

"CERTIFIED CHECKS IN LIEU OF BONDS.

"In my previous annual reports attention has been invited to the serious inconvenience sometimes occasioned by requiring bonds to accompany all contracts for furnishing naval supplies. It is well known that large dealers with whom the Department would find it advantageous to deal are frequently deterred from submitting proposals where the quantity of supplies to be furnished is not great in consequence of their reluctance to solicit the favor of personal suretyship or to enter into the elaborate formal obligations necessary to obtain corporations as sureties. The service thus loses the advantage of the competition which the appearance in the field of these large dealers would develop. The difficulty could be readily and satisfactorily met without prejudicing the interests of the Government by a provision authorizing the acceptance of certified checks in lieu of bonds in cases where such action is deemed by the Secretary of the Navy to be desirable.

"Certified checks covering the full amount of the contract could be given without inconvenience by bidders of the class whose competition is especially desired, and such checks might very properly be accepted in lieu of the written guaranty required by law to accompany proposals for naval supplies, as well as in lieu of the bond for the faithful performance of the contract when awarded."

And the Secretary of the Navy, in his annual report for the year 1895, says:

"CERTIFIED CHECKS.

"I renew my previous recommendation that section 3719 of the Revised Statutes be amended so as to allow the Department to accept certified checks covering the entire amount of contracts in lieu of a guaranty and bond required by that section. In small transactions business firms frequently decline to bid on naval supplies because they do not consider the amount involved justifies them in furnishing the bonds required by law, and thus the Government fails to profit by the low prices which larger dealers can afford to offer."

In view of the foregoing statement of the Judge-Advocate-General and the recommendation of the Secretary of the Navy, your committee respectfully recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. As I understand, all that this bill does is to authorize the Secretary of the Navy to accept certified checks in lieu of bonds when bidders submit proposals for supplies for the Navy.

Mr. THOMAS. In cases when it is inconvenient to give bonds.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. THOMAS, a motion to reconsider the last vote was laid on the table.

LIEUT. COMMANDER R. M. G. BROWN.

Mr. DAYTON. Mr. Speaker, I ask unanimous consent to present a bill unanimously reported from the Committee on Naval Affairs, for immediate consideration. It is the bill (S. 1417) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to nominate to the Senate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Before unanimous consent is given, I want to inquire the purpose of this bill.

Mr. DAYTON. This bill is recommended by the Navy Department, has been recommended and passed unanimously by the Senate committee, passed unanimously by the Senate, and is unanimously recommended by the Committee on Naval Affairs of the House.

Mr. BAILEY. That raises a very strong presumption in favor of it, but it is not conclusive. I wish to inquire if it increases the pay of the beneficiary?

Mr. DAYTON. Not to any appreciable extent. I want to say that Lieut. Commander R. M. G. Brown was the hero of the Samoan incident. He was injured in the service, and placed on the retired list because of an injury which he received in service. His retirement on account of this injury took place before the period when he could be retired as commander. This simply authorizes the President to nominate him as a commander upon the retired list, which rank he would have been entitled to had he not been injured in the service.

Mr. BAILEY. But, as a matter of fact, it authorizes a promotion of a retired officer of the Navy and an increase of his salary?

Mr. DAYTON. It simply authorizes the President, if he sees fit and deems it wise, to nominate him to a commandership as a recognition for the conspicuous service he rendered.

Mr. BAILEY. Mr. Speaker, I think that this bill would establish a bad precedent, and though I shall not object to its present consideration, I will certainly vote against its passage.

Mr. DAYTON. If you will only read the report from the Secretary of the Navy, I think you will not object.

Mr. CANNON. This bill should be considered in Committee of the Whole——

Mr. DOCKERY. In the regular way.

Mr. CANNON. And I shall make the point of order that it should receive its first consideration in Committee of the Whole. If the House wants to stop and consider it, I have no objection.

Mr. DAYTON. I ask unanimous consent for its consideration. I am satisfied if gentlemen will read the report, or allow it to be read, they will not object. Let the report be read.

Mr. CANNON. I will say to the gentleman that this is a

departure from the regular rule, and that kind of a departure ought not, in my judgment, to be entered upon until it is fully considered by the House in Committee of the Whole.

Mr. DAYTON. I want to say to the gentleman that it has been recommended by the Department as an exceptional case. It has been considered by the Senate Committee on Naval Affairs, and it has also been considered by the Committee on Naval Affairs of the House.

Mr. CANNON. I understand that.

Mr. DAYTON. I ask unanimous consent that the House resolve itself into Committee of the Whole to consider it.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 1447, which has been read to the House. Is there objection? [After a pause.] The Chair hears none.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DINGLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 1447, which the Clerk will report.

Mr. DAYTON. I ask that the report of the committee may be read, and the papers accompanying it.

Mr. WASHINGTON. Mr. Chairman, I would like to ask for the reading of the bill that is to be considered. A good many of us have not heard it.

The CHAIRMAN. The Clerk will report the bill.

The bill was again read.

Mr. DOCKERY. I desire to ask the gentleman in charge of the bill——

Mr. MCMILLIN. I rise to a point of order. There is such confusion that we can not hear the gentleman.

The CHAIRMAN. The committee will please be in order. The gentleman from West Virginia is recognized.

Mr. DOCKERY. I desire to ask the gentleman what is the pay of a lieutenant-commander on the retired list?

Mr. DAYTON. I am not able to answer that question.

Mr. DOCKERY. Can the gentleman state what the pay of a commander on the retired list is?

Mr. DAYTON. No, sir; I am not prepared to answer that question now. Other members of the Committee on Naval Affairs can answer it. It involves a calculation which I have not made.

Mr. DOCKERY. Then the gentleman is unable to state what increased charge is involved by the passage of this bill?

Mr. DAYTON. No, sir. I am informed that the difference between the pay is very little, if anything—a few hundred dollars a year. The object of this bill is to authorize this brave officer, a man of whom I think we all know, and who was injured in the service, to have that rank which his classmen and others who served with him are now having, he having been put upon the retired list by reason of injury received in the service before he could reach such rank. I now yield five minutes to the gentleman from Iowa.

Mr. DOLLIVER. Mr. Chairman, I do not wish to say anything except that the Committee on Naval Affairs in the Fifty-first Congress had considered and reported several bills, if my recollection serves me, in reference to the Samoan hurricane of 1889. The record of that catastrophe shows that Lieutenant Brown, by his gallantry, by his courage, by his seamanship, saved a ship of the United States in the harbor of Apia when several of our vessels were wrecked. My judgment is that he earned by his service upon that occasion the right to this promotion and that he should have had it when he was retired. I believe this House and everybody familiar with his extraordinary service on that occasion will concede to him the right to receive now, since his retirement on account of disabilities incurred in the country's service, the promotion to which he was entitled when the retiring board acted upon his case.

Mr. WASHINGTON. Mr. Chairman, I desire to be recognized in opposition to this measure. I have not heard as yet any very good reason advanced why this exception should be made in the case of a retired officer of the Navy over and above that which could apply to every other retired officer. The retired list now is large, and it is steadily being increased by the retirement of officers reaching the age limit. Of course one is occasionally retired as the result of accident or some disability incurred in the discharge of his duty, as in this case, but I can see no reason which can be urged why a special act should be passed for the benefit of this officer that can not be given in the case of almost every man on the retired list, especially those, Mr. Chairman, who have a war record.

In the Committee on Military Affairs we have numerous cases like this coming up, where men are claiming consideration because of their distinguished and able service in the war, in the face of the enemy, when shot and shell were flying thick and fast; and they are far more deserving than where officers were merely doing their duty when a hurricane struck the vessel. I do not wish to disparage this gentleman in any respect, or his achievements, but when it is asked by a special act to give him increased pay and allowance on the retired list, I think it is setting a dangerous precedent, as we have already a very large retired list. Therefore I can not suffer a bill of this character to go through without entering my solemn protest against it, or until more urgent reasons for its passage shall have been given than I have heard. I reserve the remainder of my time.

Mr. DAYTON. I yield five minutes to the gentleman from Louisiana [Mr. MEYER].

Mr. MEYER. Mr. Chairman, as a rule I am as much opposed to special legislation of this character as any member of this House could possibly be, but it seems to me that this case presents such exceptional merit that the committee will be perfectly justified in indorsing the action of the Senate and approving the unanimous report of the Committee on Naval Affairs. The difference in pay which would accrue to this officer by the passage of this bill is not of any very great importance; it amounts only to about $525 per annum. Nor will the Government, in my opinion, be charged with that difference for a very long period of time. This officer was disabled under circumstances that should command our highest consideration, and I very much fear that we may not have him with us many years more. My friend from Tennessee [Mr. WASHINGTON] very properly alludes to the merits of officers who have rendered valuable service and suffered disabilities under fire and during war, but from what I have heard of the achievements of this officer and of the circumstances surrounding them I consider that it required as much courage, as much devotion, and as high a degree of intelligence to perform the feat that is credited to him during that terrible storm at Apia as it does to stand before the fire of an enemy and face the shot and shell of a naval engagement.

Mr. WILLIAM A. STONE. Mr. Chairman, I understand that the only reason why this officer is not now retired as a commander instead of as a lieutenant-commander is because he had to be retired sooner owing to disabilities contracted in the public service.

Mr. MEYER. So I understand.

Mr. WILLIAM A. STONE. And that if he had not contracted that disability in the public service he would now be entitled to retirement as a commander?

Mr. MEYER. That is my understanding.

Mr. WILLIAM A. STONE. In other words, the wounds he received in the service of the Government have been the obstacle in the way of his retirement with the rank of commander?

Mr. MEYER. That is my information.

Mr. STEELE. Has he any wounds?

Mr. DOLLIVER. He is totally disabled.

Mr. STEELE. But has he any wounds?

Mr. MEYER. He was struck by a boat subsequently, and I think received some wounds in that way.

Mr. WASHINGTON. I wish to ask my friend from Louisiana a question. Suppose a man had been disabled and retired as a lieutenant, would not you have just the same right to jump him up to the rank of an admiral upon the ground that if he had served long enough he would have reached that rank?

Mr. WILLIAM A. STONE. I will ask the gentleman from Tennessee whether the opportunities for getting disabled in the public service have not been very great of late years?

Mr. WASHINGTON. Having had considerable experience on one or two committees, I think the opportunities have been very great, considering that we are in a time of peace.

Mr. MEYER. In answer to the inquiry of my friend from Tennessee [Mr. WASHINGTON], I will say that it would certainly be within the power of Congress to promote an inferior officer to the rank of admiral, but it is not to be supposed that that would be done except under circumstances that fully justified it.

In this case no such suggestion is made. It is an extremely moderate request, asking a promotion of only one grade on the retired list and not of five grades, as in the case conceived by the gentleman from Tennessee, and I hope this bill will receive favorable action by this committee.

We have no other method under our system of recognizing such brilliant service. Foreign Governments award titles and decorations to their sons who perform distinguished acts. We have but the method here proposed to reward our heroes.

Mr. CANNON. Mr. Chairman, I want to submit a few remarks about this bill. The pay of a lieutenant-commander is $2,800 a year. The pay of a commander is $3,500 a year. When these officers go upon the retired list they receive three-quarters pay. This officer now on the retired list receives $2,100 per year. If this bill passes he will receive $2,625 a year. Now a word, not as to the merits of this officer, but as to the propriety of such legislation as is here proposed, and I am glad that I am not acquainted with this officer, as that fact enables me to say what I desire to say without prejudice either for or against him. I have no doubt he is a gallant and worthy man.

Gentlemen, understand the policy of the Government toward

the Army and Navy. Persons in private life are in the habit of thinking that, at least in "these piping times of peace" the officers of our Army and Navy are a favored class. For instance, take Lieutenant-Commander Brown; he was educated at the Naval Academy at the Government expense; he was employed in the service, which is an honorable one, at a salary which is above that which men of ability can command for personal service in civil life—I am not objecting to this, but simply stating the facts—while the man in civil life gets his own education and makes his own way.

Now, Lieutenant Brown in the performance of his duty did it well. It was in time of peace that he did it, but he did it well. He lost his health, and he has been retired, and during his life he receives three-quarters pay, or at the rate of $2,100 a year. In civil life the man who has had to make his own way, when he is retired for disability not only suffers that retirement, but does not receive a cent of pay. Now, the United States has set aside a small body of men in the Army and Navy, representing the forceful arm of the Government, and we care for them in health, and when they are retired we give them three-quarters of their full pay. The crying complaint is that the retired list grows constantly, yet we retain it, and ought to retain it.

Now, I do not know that I would object in this case to taking the expectancy of this man's life by the Carlisle tables, if you please, and making him a suitable compensation if he be in circumstances where he ought to receive increased pay and the grateful recognition of the Republic, because this would not make a precedent for promoting officers while on the retired list. But when you take a man who is a lieutenant-commander, who received his injuries in time of peace, and pass a bill after he is retired giving him the promotion which results in the increase of his pay, you thereby make a precedent that authorizes every one of the men who did meritorious service during the late war in the Navy and is now upon the retired list to come in and ask for such special legislation. I do not believe in special legislation except when it is absolutely necessary for the honor of the country and for the public well being. Individuals are incidents.

I do not know—this report does not inform us—of any circumstances that would authorize us to make this precedent. I say again, this question is not only of merely $625 additional per annum for this man; the important matter is the precedent which it will establish, and which, if this bill pass, will, before the present Congress closes, bring men here by the dozens asking for special legislation to promote them upon the retired list. Hence, from the standpoint of general policy, I doubt the wisdom of the bill, and from that standpoint I shall vote against it.

Mr. DOCKERY. Mr. Chairman, I wish to occupy a moment in opposition to this bill. It provides for the promotion of Lieutenant-Commander Brown, now on the retired list, to the rank of commander on the retired list. So far as I can now recall, this is the first proposition that has been submitted to this body during the nearly fourteen years of my service here to promote either a military or a naval officer upon the retired list. Committees have repeatedly reported and the House has considered propositions to place officers on the retired list, but so far as I now recall—and I invite correction of the statement if it is not accurate—this is the first time within fourteen years that this body has been called upon to invade the retired list and enter upon a policy of promotions there.

Mr. LACEY. I think Colonel Merrill was promoted in this way.

Mr. DOCKERY. If that be true the fact has escaped my attention. But I suppose in that case the promotion, if granted as the gentleman suggests, was due to some special service in the war for the Union. In the present case the promotion, if authorized, is not on account of service in the late war, but because of service in a time of profound peace. I admit the conspicuous character of this service. For this officer personally I have nothing but words of commendation. But unless it be that this body desires to recognize distinctive and conspicuous service by cash contributions only, let the gentleman from West Virginia, who has this measure in charge, bring in a joint resolution identifying the distinguished service of this officer, if it be proper to accord him such distinction.

Mr. DAYTON. Does not the gentleman think that the saving of the lives of 450 brave seamen and the saving of one of the nation's war vessels was a conspicuous act of bravery which ought to be recognized?

Mr. DOCKERY. I think it ought to be, but not by invading the Treasury to the extent of $625 a year.

Mr. DAYTON. Five hundred dollars.

Mr. DOCKERY. If this officer was a constituent of mine—and I say this without intending any reflection whatever on the gentleman from West Virginia—I would offer a joint resolution tendering the thanks of Congress for his gallant services. I trust, Mr. Chairman, that conspicuous acts of bravery, whether in the naval or the military service, will not be degraded by recognition upon a mere cash basis. There are other means by which Congress in the past has recognized distinguished services. If I remember aright, there is now in force a general statute with respect to war veterans, authorizing the Secretary of War in certain cases to bestow medals upon soldiers who performed acts of gallantry during the late rebellion. I do not know whether there is any such statute in respect to the naval service; but if the gentleman from West Virginia will bring forward a joint resolution giving suitable recognition to this officer I will give it most hearty and cordial approval.

I wish to say in conclusion, Mr. Chairman, that if this bill should pass it will be, as the chairman of the Committee on Appropriations [Mr. CANNON] has stated, not a mere appropriation of $500 a year additional to this officer, but it will constitute a precedent, a bad precedent, which will return to plague this Congress and those which shall come after it.

Mr. DAYTON. In view of the fact that the Secretary of the Navy, who has examined this matter, has reported that cases where action of this kind is taken should be rare, that bills of this nature should be unusual, yet that under the peculiar circumstances of this case the present measure should pass, does not the gentleman think that the view of the Secretary of the Navy ought to have great weight on the question?

Mr. DOCKERY. Mr. Chairman, for the Secretary of the Navy personally and officially I have the very highest regard, but when that officer asks me to establish a precedent such as the bill now pending proposes, I respectfully dissent from the view taken by him, and enter my protest against it.

Mr. HULL. Mr. Chairman, I fully agree with all that has been said by the chairman of the Committee on Appropriations to the effect that it is as a general thing bad policy to promote men on the retired list. But while agreeing with him on that point, I also concede that there may be exceptions calling for Congressional action.

We have heretofore passed through the Congress of the United States bills giving both naval and military officers on the retired list one grade higher than they had at time of retirement under the general law.

I do not think this case would make a precedent which would justify the other officers on the retired list in applying to Congress for similar action. If it should do that it would be vicious legislation. But how many men are there now on the retired list of either the Army or the Navy who can show services of such exceptional character as to make their cases stand on a level with this case? If the proposition were to advance all the men on the retired list one grade, as suggested, it would be absolutely unjust to the people of the United States; it would be vicious legislation; but to take up individual cases and select a man who has, as I understand this officer has done, sacrificed his life, and advance him one grade beyond what he now holds on the retired list, is to my mind simply an act of justice on the part of the Congress of the United States.

What did he do? In the midst of that great storm that wrought such havoc among the shipping at Apia—when the elements were warring as they never warred before in any of the harbors of the world—when men were panic-stricken, when ships were being destroyed, when it looked as though there was not one chance in a thousand for those whose lives were imperiled to escape, this man, keeping full control of his faculties, with undaunted courage took a rope in his mouth and swam through the surf in order to carry a life line; by his skill, his courage, his sacrifices (in consequence of which, as I understand from those acquainted with him, he can not hope to live more than a year at the outside) he saved for this country its war vessel and saved also the lives of 400 brave officers and seamen.

Now, let me say to my friend from Missouri [Mr. DOCKERY], and the gentleman from Illinois [Mr. CANNON], that if they can bring in a parallel case with this one, where such gallant services have been rendered to the country, where a man has shown such heroism, where he has risked his life for his fellow-men and in the discharge of his duty, and has saved to the Government of the United States not only the lives of a large number of its sailors, but one of its war vessels, I will vote for a bill to give such officer additional rank. I think that we ought to encourage such heroism at all times.

The difference in pay that will be carried, if this bill becomes a law, is the difference between that of a major and a lieutenant-colonel in the Army, as I understand; and you all know what that is. That is to say, it amounts to $500 a year. He holds now a rank which is equivalent to that of major in the Army, and the additional rank given him by the bill will give him a grade equal to that of lieutenant-colonel in the Army.

Mr. WASHINGTON. Will the gentleman yield to me for a question?

Mr. HULL. Certainly.

Mr. WASHINGTON. What is the rank held by those who graduated with him in the same class?

Mr. HULL. I am unable to answer.

Mr. ROBINSON of Pennsylvania. Lieutenant-commanders.

Mr. WASHINGTON. What rank did he hold at the time the retiring board sat upon his case?

Mr. HULL. Lieutenant-commander, I am informed.

Mr. WASHINGTON. Did they not promote him to a higher rank at the time of his retirement?

Mr. HULL. No; I think not.

Mr. WASHINGTON. Is it not the custom to promote a man when there is a vacancy to a higher rank at the time of his retirement?

Mr. HULL. That is not the case here, and can not be done under the law.

Mr. WASHINGTON. Because, if it be so, this man will be getting two promotions; whereas the men who graduated with him in the same class are held down to the same rank as lieutenant-commanders.

Mr. ROBINSON of Pennsylvania. That is not the case here.

Mr. HULL. I understand that the retiring board in the case of Lieutenant-Commander Brown retired him at the rank he held at the time they sat upon the case.

Mr. ROBINSON of Pennsylvania. That is correct.

Mr. HULL. There was no vacancy in the higher grade, and so this officer could not get the promotion. The only way he could be promoted by any power except an act of Congress was that there should be a vacancy above him. When he was retired he was retired with the rank he held at the time.

Mr. DOLLIVER. And that was the case in this instance.

Mr. HULL. Further, Mr. Chairman, let me say that I do not regard this as a precedent, or a dangerous one even if it was a precedent, for it is only now and then, once, perhaps, in a century, when a man shows such devotion, such courage, and makes such sacrifices as this man has made under the circumstances surrounding him. I believe that this bill is simply an act of justice and ought to be passed at once.

You talk of a resolution recognizing his services. Why, Mr. Chairman, the country has already recognized his services by preserving in the archives of the country the history of that terrible storm in which he acted so gallant a part. He is suffering now from disease and injury contracted on that occasion, and incurred by exposure and hardships to which he was subjected during that fearful storm.

The $500 a year which would be accorded to him if this bill should become a law is, I understand, a material and necessary increase in his income. He needs it, as I am informed, badly.

Mr. WASHINGTON. Will the gentleman yield for another question?

Mr. HULL. Certainly.

Mr. WASHINGTON. Does my friend recollect the case that occurred in the Military Committee in the last few days, of a retired officer from New York seeking the same thing that is proposed to be accorded here?

Mr. HULL. No; what case is that?

Mr. WASHINGTON. The case of Webb.

Mr. HULL. I want to say to my friend from Tennessee, in answer to his question, that these two cases are not in line at all. They have no relation to each other.

Mr. WASHINGTON. The two positions occupied by the gentleman do not seem to be entirely consistent.

Mr. HULL. I repeat that these cases are not at all similar. The case referred to is that of a man who voluntarily resigned from the Army twenty-seven years ago, and accepted a position in civil life paying double the salary he was receiving in the Army. He has drawn that salary, double what he would have received if he had remained in the Army, for all these years. But, let me say to my friend, that the case under consideration presents an entirely different question. If this officer had left the service twenty-seven years ago, had entered the employments of civil life, and had drawn a salary double that paid him now by the Government, I would be as much opposed to this bill as the gentleman himself. But it is an entirely different case.

Mr. WASHINGTON. Do you think the increase of salary is necessary, or is the purpose simply to honor this officer?

Mr. HULL. I do not regard it as material, and I can not answer the gentleman's question if I did, for I do not know the circumstances of this officer. But I wish to say to my friend from Tennessee, who is one of the best and most efficient members of the Military Committee, that we have three or four similar bills before the committee proposing to grant additional grade to officers on the retired list, while the circumstances under which they were retired caused an unjust loss, and I favor them, for I believe that they are entitled to the increase they ask.

Mr. McMILLIN. I am glad that the gentleman who has just taken his seat has been candid enough with the House to announce that he supports this bill with the full knowledge of the fact that it is to be a precedent followed by the committee over which he presides.

Mr. HULL. Oh, no; I hope my friend will not put me in that position. I simply say——

Mr. McMILLIN. I will give the gentleman another chance, and he can put himself in the right position. I have stated the position in which he puts himself.

Now, Mr. Chairman, whether he had admitted it or not, that is as inevitable as fate, and let him who supports this bill know that it is only a sapper and miner in this expedition. Let him know that there is a large army behind belonging to the retired list. Let him know that this is a command to forward march, and to come here and ask for promotion by statute.

Against this distinguished gentleman I have not a word to say. That his services were distinguished I admit; that he is a meritorious gentleman I have no doubt; but that any man born of woman ought to be promoted by statute on the retired list I wholly deny. There is no sort of excuse for it, and there is every reason in the world why it should not be. The gentleman speaks of the services of this officer as distinguished. Are they more distinguished than those of a large number of soldiers on the retired list who carry armless sleeves, who go on wooden legs, who have received injuries in the service; and are they all to be promoted? Are the colonels to be generals, the generals to be major-generals? Are the lieutenant-commanders in all these instances to be made commanders? Are the commanders to be made admirals and rear-admirals? Is that the programme here? Is that where you are going? Are you ready to take that step? Are you ready to do this thing? If so, pass this bill, and you give notice to the world that this is your purpose, and the inevitable consequence to follow.

The gentleman from Iowa [Mr. HULL] has kindly warned the House that he has three more cases to bring on, and those are not nearly all the cases that will come to his committee when they ascertain that the House has made this blunder. I have seen in this Hall to-day a distinguished gentleman who rendered great services to his country. He was shot down in the ranks and lost a leg. Do you propose to take him and give him additional rank, additional pay and emoluments? If you are not ready to go the whole line, do not take the step. The gentleman from Iowa has told us what the report does not tell us, that this officer needs the money. There is nothing in this record to justify that assertion, and I will not be so unlawyerlike as to go out of the record to argue it.

Now, Mr. Chairman, a proposition came here several years ago to promote a distinguished officer who had done great service to his country, to make the promotion while he was still in the ranks, while he was still ready to do battle, while he was still commanding, and yet Congress refused to do that. To-day we propose to take a man from the retired list and give him a promotion. How do we know that this gentleman would be content to be a commander? How long will it be before he will want another promotion? If he has rendered distinguished service at one time, does not that operate for another promotion if he desires more? I do insist, Mr. Chairman, that the House should take this step with due deliberation. I know how easy it was for Artemus Ward to be patriotic with his wife's relations, and I know how easy it is sometimes for gentlemen to be, like the distinguished gentleman who has just spoken, generous with other people's money; but I beg him to remember that the widows whose husbands' heads were shot off in the late war get $12 a month, while it is proposed to give an additional $500 to this officer in time of peace.

It can not be claimed that this Government is not generous with its soldiery. There never was anything like it seen in the world. Neither Greece nor Rome nor any modern nation was ever so generous with its soldiers who were maimed and with the widows of those who are dead. We pay already a little more than $140,000,000 a year in pensions. We have a very large retired list. This officer now gets the benefit of the provision of law under which he accepted his commission, and yet he is not satisfied. These gentlemen say, "Give him more. Let us promote the others. Let us move up the whole retired list. Let us be generous with other people's money, while your deficiencies are twenty or thirty millions of dollars a year."

Mr. DAYTON. I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman, I just want to state that my friend from Tennessee set up a man of straw and proceeded to demolish him with great vigor. I want to say to him that I certainly did not use any case before the Committee on Military Affairs as a precedent for this. My position, Mr. Chairman, was that every bill that comes before this House must stand or fall on its own merits, and that when we bring our bills in here, if we do so, it will be time enough to address ourselves to them. I simply referred to the action of the Committee on Military Affairs in answer to the question of my colleague from Tennessee [Mr. WASHINGTON], who is a member of that committee.

Mr. PICKLER. I would like to ask the gentleman from West Virginia a question.

Mr. DAYTON. Yes, sir.

Mr. PICKLER. What is the age of this gentleman?

Mr. DAYTON. Fifty-five, I think. He is dying of consumption; and on his deathbed now, I think.

Mr. PICKLER. What pay is he now receiving?

Mr. DAYTON. He is receiving $2,250 a year.

Mr. PICKLER. Twenty-two hundred and fifty dollars a year. What family has he?

Mr. DAYTON. Three or four children, I think. I do not remember the number.

Mr. PICKLER. Has he any other property outside of his salary?

Mr. DAYTON. I do not know about that.

Mr. PICKLER. These questions are always asked at the Friday night sessions in the consideration of our bills, and I thought it would be pertinent to ask them now with reference to this bill.

Mr. DAYTON. I move that the committee rise and report the bill favorably to the House.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. DOCKERY and Mr. MILES. Division.

The committee divided; and there were—ayes 58, noes 82.

So the motion was rejected.

Mr. RICHARDSON. I move that the committee rise and report the bill unfavorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DINGLEY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill S. 1447, and had instructed him to report the same with an unfavorable recommendation.

The SPEAKER. The question is on the recommendation of the committee.

Mr. McMILLIN. On that I demand the previous question.

The previous question was ordered, and under the operation thereof the recommendation of the Committee of the Whole was agreed to, and the House refused to pass the bill.

On motion of Mr. McMILLIN, a motion to reconsider the vote by which the House refused to pass said bill was laid on the table.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, the Committee on Printing have a few matters here I would like to ask unanimous consent to take up. They are scarcely privileged.

Mr. CANNON. I will ask the gentleman if the matters are so urgent that they can not afford to wait until the legislative, executive, and judicial appropriation bill shall have been passed?

Mr. PERKINS. I will say, Mr. Speaker, in reply to the question of the gentleman from Illinois, that these matters the committee has selected to present at this time are not matters of very great importance. They are matters which should occupy very little time. If they are to be acted upon at all it is of importance that they be acted upon promptly, because they are delaying the work of the Printing Office. It ought to take but a very few moments. There is no resolution of any particular consequence.

I would like to call up Senate joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service.

The Clerk read as follows:

Resolved, etc., That section 89, second proviso, of the act of January 12, 1895, an act providing for the public printing and binding, etc., be, and is hereby, amended, by inserting after the words "tide tables, coast pilots," the words, "Annual Report of the General Superintendent of the Life-Saving Service."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

EIGHTH SPECIAL REPORT OF COMMISSIONER OF LABOR.

Mr. PERKINS. I call up for consideration House concurrent resolution No. 3.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That there be printed and bound in cloth 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

SECOND SPECIAL REPORT OF COMMISSIONER OF LABOR.

Mr. PERKINS. I ask consideration of House concurrent resolution No. 2.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Department of Labor; and the Commissioner of Labor is hereby authorized to revise said report to include the labor legislation subsequent to the year 1891, and to annotate the report with reference to decisions of courts under the laws comprehended therein.

The SPEAKER. Is there objection to the present consideration of the resolution. [After a pause.] The Chair hears none.

The resolution was agreed to.

COMPILED STATUTES IN FORCE IN THE DISTRICT OF COLUMBIA.

Mr. PERKINS. I now ask consideration of the House concurrent resolution No. 18.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the compiled statutes in force in the District of Columbia to each Senator, Representative, and Delegate in Congress, for his personal use, and 500 copies to the Superintendent of Documents for distribution to depositories of public documents: *Provided*, That the remaining copies of the work may be sold at $2.50 per copy.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

Mr. PERKINS. There is one more resolution I ask the consideration of.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Treasury be, and is hereby, authorized to print the reports, correspondence, charts, maps, and other documents now on file in the Treasury Department, or other branches of the Government, relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska; 3,000 copies to be printed, of which 750 shall be for the use of the Senate, 1,500 for the use of the House of Representatives, and the remaining 750 copies for the use of the Treasury Department and other Departments whose reports are thus printed.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

WILLIAM LOCK AND JAMES H. TINSLEY.

Mr. COLSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 2815) for the relief of William Lock and James H. Tinsley was read, as follows:

Be it enacted, etc., That the Auditor of the Treasury for the Post Office Department be, and he is hereby, authorized and directed to settle and adjust the judgment of the United States obtained March 4, 1886, in the United States district court at Louisville Ky., against William Lock and James H. Tinsley, for $1,268.40, as the sureties of Glass & Gevelin, failing mail contractors on mail route numbered 12121, upon the payment of the costs of the suit expended in the obtension of said judgment; and upon the payment of the costs as aforesaid they, the said Lock and Tinsley, shall be forever released and discharged from the payment of said judgment.

Mr. MILES. Mr. Speaker, I must ask for some explanation of this bill.

Mr. COLSON. The case is simple. Glass & Gevelin submitted a bid on the mail route in question. The route was 33 miles long, the mail to be carried each way every day, and it had never been let for less than $1,100 a year, but in this instance the bid as it appeared at the Department was $135. The intention was to make it $1,350, but by a clerical error it was submitted and accepted at $135. The contractor, who was a poor man, necessarily failed. Suit was brought against the sureties and judgment for the Government was obtained. The sureties had to pay the money, and this bill simply seeks to relieve them.

Mr. WASHINGTON. As I understand, it does not take any money out of the Treasury?

Mr. COLSON. No, sir.

Mr. DOCKERY. Has this been recommended by the Postmaster-General?

Mr. COLSON. No; it has never been before the Postmaster-General.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COLSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRIBUTION OF SEEDS.

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution No. 43, in relation to the distribution of seeds by the Secretary of Agriculture.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to purchase and distribute valuable seeds for the year 1896, as has been done in preceding years; and as the public exigency requires that the valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants to be purchased may be ready for distribution at the earliest possible date, the Secretary of Agriculture is hereby directed to procure them by open purchase or contract at the places and in the manner in which such articles are usually bought and sold: *Provided*, That the said Secretary shall not, in said purchase, pay more than a reasonable and fair price for such commodities or for any of them.

The SPEAKER. The gentleman from Delaware moves that the rules be suspended and the joint resolution passed. Is a second demanded?

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. KEM. Mr. Speaker, reserving the right to object, I wish to ask the gentleman having this joint resolution in charge if he believes it possible to distribute these seeds in time for planting this season?

Mr. WILLIS. The Committee on Agriculture discussed that question, and the conclusion was that there was time for the execution of the purposes of the joint resolution.

Mr. KEM. I should like to know by what process of reasoning the committee reached that conclusion, when in fact the time for planting many of those seeds has already passed, and it will be at least a month before the seeds can reach the farmers.

Mr. WILLIS. Well, that question was pretty generally canvassed by the members of the committee, and they concluded that the cases in which the seeds would not be available for use this season were exceptional. It will be remembered, Mr. Speaker, that this Senate joint resolution has already been discussed and acted upon in that body, and has been passed. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the request of the gentleman from Iowa that a second be considered as ordered. Is there objection?

Mr. MOSES. I object.

The SPEAKER. Objection is made, and the question will be taken by tellers upon ordering a second. The Chair appoints to act as tellers the gentleman from Delaware [Mr. WILLIS] and the gentleman from Georgia [Mr. MOSES].

Mr. MOSES. Mr. Speaker, I withdraw the objection.

The SPEAKER. The question, then, is on suspending the rules and passing the joint resolution.

The question being taken,

The SPEAKER said: The ayes seem to have it, and in the opinion of the Chair, two-thirds voting in the affirmative, the joint resolution is passed.

CUBA.

Mr. HITT. Mr. Speaker, I move that the rules be suspended, that the Committee on Foreign Affairs be discharged from further consideration of Senate concurrent resolutions in regard to the relations between the United States and Cuba, and that the resolutions which I sent to the desk be adopted by the House as a substitute therefor.

The SPEAKER. The Clerk will report the resolutions.

The resolutions were read, as follows:

Resolved, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary.

Mr. McCREARY of Kentucky. Mr. Speaker——

Mr. HITT. Mr. Speaker, before proceeding further, I suggest that the resolutions of the Senate referring to this subject be read, so that the House may be in possession of the whole question.

The Senate concurrent resolutions were read, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. McCREARY of Kentucky. I desire to ask my colleague on the committee [Mr. HITT] whether the fourth resolution reported by the Committee on Foreign Affairs was read by the Clerk?

Mr. HITT. It was not. That was not included by me in the motion I made. I do not make this motion on committee suspension day, but individual suspension day; and the fourth resolution I have not offered, because the greater number of the members of the Committee on Foreign Affairs have requested me to drop that resolution as being substantially contained in those that precede it, and being therefore unnecessary.

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The question is on seconding the motion to suspend the rules.

Mr. RICHARDSON. That is the point I was about to make.

Mr. TUCKER. I demand a second. [Cries of "Oh, no!"] Mr. Speaker, pending the question of a second, I wish to ask unanimous consent that debate on this matter be extended to thirty-five minutes on each side.

Mr. WASHINGTON. Oh, more than that—an hour.

The SPEAKER. The question is on seconding the motion to suspend the rules. The gentleman from Illinois [Mr. HITT] and the gentleman from Virginia [Mr. TUCKER] will please take their places as tellers.

Mr. McCREARY of Kentucky. Before that is done, I should like to ask my colleague from Illinois——

The SPEAKER. The House must proceed in order. The question is on ordering a second.

Mr. McCREARY of Kentucky. I simply desired to ask my colleague on the Committee on Foreign Affairs to include in his motion the fourth resolution, which was adopted by that committee unanimously, and which reads:

That Congress pledges its support to the President in carrying out the foregoing resolutions.

Mr. HITT. I have stated that I do not offer that resolution.

Mr. McCREARY of Kentucky. I am in favor of that resolution, and was in favor of it in the committee.

The SPEAKER. The gentleman from Kentucky is not in order.

Mr. TUCKER. I ask that by unanimous consent a second be considered as ordered.

Mr. BOUTELLE. Mr. Speaker, I regret more than I can say to find myself even in seeming antagonism to any position my distinguished colleague, the chairman of the Committee on Foreign Affairs, may take on this floor. I have followed him so long and I have such implicit confidence in his judgment that I regret very much——

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] is not in order.

Mr. BOUTELLE. In view of the position taken by me heretofore, that we ought to proceed with deliberation in disposing of this question, I must demand a second.

Mr. HITT. That is the gentleman's right.

Mr. BAILEY. Mr. Speaker, I rise to a parliamentary inquiry. The status I understand to be that the gentleman from Virginia first demanded a vote on the second and then asked unanimous consent that a second be considered as ordered, and then the gentleman from Maine objected.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered, and the demand of the gentleman from Maine is in the nature of an objection. The gentleman from Virginia and the gentleman from Illinois will please take their places as tellers.

The House divided; and the tellers reported—ayes 175, noes 19.

So the motion to suspend the rules was seconded.

Mr. BAILEY. I ask unanimous consent that this debate be extended until 5 o'clock. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from Texas asks unanimous consent that the debate be extended until 5 o'clock.

Mr. QUIGG. I object.

Mr. TUCKER. Then I ask unanimous consent that the debate on each side be limited to one hour.

Mr. QUIGG. I object.

Mr. HITT. Mr. Speaker, I suggest that we extend the time as first proposed by the gentleman from Virginia [Mr. TUCKER], and give each side thirty-five minutes; that will be only an hour and ten minutes altogether.

Mr. TURNER of Georgia. Can not the gentleman make it forty minutes on each side?

Mr. HITT. That has just been refused, as I understand. I am trying to get gentlemen as much time as I can; and I am trying to meet the views of gentlemen who object.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate be extended to thirty-five minutes on each side. Is there objection? The Chair hears none.

Mr. HITT. I ask that the Chair kindly remind me when I have consumed ten minutes. Yielding the time after that to other gentlemen who may desire to speak in the affirmative, I shall ask to reserve the closing five minutes of the debate.

Mr. Speaker, the resolutions presented to the House at this moment have been considered with great care by the committee of the House specially charged with that duty. In many meetings, through several months, the question involved has been discussed. These resolutions have been ripened and matured after consultation with the most eminent jurists; aud it is believed that in the interest of right, in the interest of peace, in the interest of our own country, and in the interest of those who elsewhere are making a struggle with which we sympathize, these resolutions present the most practical, conservative, and effective mode of action and expression by Congress. They declare—

First, that Congress is of opinion that a state of public war exists in the Island of Cuba, which we should recognize, observing strict neutrality.

Second, that the conditions of war prevailing in that island, which have involved such great and deplorable losses, will find a

permanent solution only in the establishment of a government by the free choice of the people of Cuba themselves, and that our Government should use its friendly influence to that end; this, we earnestly believe, being in the interest of the people of Spain, of Cuba, and of all other nations.

Third, in view of the vast interests of our people in the Island of Cuba, so close a neighbor; in view of the immense commerce that is falling off and being destroyed, and the enormous investments of our citizens there being consumed, that our Government, while it has never intervened in any struggles between European powers and their colonies in the past, should be prepared to protect the legitimate interests of our citizens by intervention, if intervention be necessary.

All of these resolutions, Mr. Speaker, that have been offered by the Committee on Foreign Affairs, and the terms in which they have been stated, have been carefully considered, so that we believe they can not and certainly ought not to cause any trouble or rupture between us and any country that is not seeking trouble with us.

The resolutions of the Senate, for which those of the House committee now offered are a substitute, are two in number; the first substantially the same as that reported by the House Committee on Foreign Affairs, and the second proposing that our Government should offer its friendly offices to Spain for the recognition of the independence of Cuba. Every gentleman, on hearing that suggestion made or that proposition presented to him, must think in a moment what would be the response if a proposition were made to our Government, for example, by the British minister, presenting resolutions adopted by the British Parliament asking and desiring us to consent at once to the independence of Texas, of Florida, or of Michigan. How long would he remain in Washington after presenting such a proposition as that—after the self-respect of our Government had been thus insulted? I think gentlemen will agree with me that the proposition of our committee is one far more prudent and likely to be far more effective.

First, as to the belligerency of the Cubans, if that is a fact, a truth, we may recognize it; if it is not—if it is falsehood—we ought not to recognize it under any circumstances. Now, let us see what are the facts. That there is a state of war—that there is belligerency—can hardly be denied in view of the overwhelming evidence of a state of war. That it is a fact is shown by many things more than mere newspaper reports. The official reports of our consuls, lying before the members of the House for weeks, show the growth and extent of the war now raging in Cuba. This struggle is not a reproduction of the ten years' insurrection of 1868 to 1878. Far from it—far more than that. On the 13th day of July, more than half a year ago, the consuls report that the armed forces then in the field, contending with desperate earnestness and unconquerable will, were three times greater than the men engaged in the rebellion of 1868–1878 when at the height of its power, and the tide of war has gone on since that time and swept on over the island from one side and one end to the other, until to-day the Spanish authority is not in fact exercised over more than one-third, probably not more than one-fourth, of the 41,000 square miles of surface of the Island of Cuba. The Spanish minister made public a statement on the 22d day of February with his name signed to it, published to the people of the United States, in which he says that 125,000 troops have been sent to the Island of Cuba by Spain. Is not that war? Is that a police force putting down a street disturbance?

Recently the captain-general of Cuba issued two long proclamations, which all of you have read and doubtless read with horror in connection with the news that accompanied it, which contained detailed regulations and prescriptions concerning this war in the very terms and spirit of the orders issued by Napoleon when he commanded the greatest forces ever enlisted in modern warfare. . The captain-general recognized the condition of war prevailing. So, too, from the headquarters of the Spanish minister dispatches are sent out constantly referring to two or three engagements nearly every day with the enemy.

It will not do to say that this is mere guerrilla warfare. We can not prescribe the way in which men do their fighting, or in which they are to be organized in governments, or in which they live. Guerrilla warfare is a great and tremendous instrument, and the genius of that Spanish race has shown in their history that it is their resistless, deadly, and desperate resort in times of emergency, and that it is a system that can not be readily subdued. One hundred and fifty thousand of the finest French soldiers that Napoleon ever commanded marched into Spain, took possession of its cities, as the Spanish troops have taken possession of the Cuban cities, and assumed thereby to subdue a people who could only resist by means of guerrilla warfare. But what was the result? Guerrilla warfare destroyed that splendid army. And it was the defeat and destruction of Napoleon's forces in that mighty war, conducted by this harassing and irregular system, that deprived him of his resources, so that after the final blow in the retreat from Moscow that greatest power of modern times crumbled and fell. Was not that war? Can a Spaniard deny it? There is not a Spaniard in the world who is not proud to recount it as the grandest era in Spanish history, and one of the proudest achievements in all their centuries of olden glory. Even the British are to-day proud to have taken part in that memorable peninsular war.

Then, if war is a fact shall we not recognize it? If the denial of the recognition of the fact that these two peoples in Cuba are at war operates to the prejudice of the one and the benefit of the other, that is not impartial conduct. That is the very state of things now. We not only seize a ship containing munitions of war bought in the open market for Cubans, where the Spanish are buying them by thousands, if the Spanish minister notifies our judicial officers it is about to leave, before it gets out of the harbor, as was done with the *Bermuda*, not only that, but we send our cruisers out and pursue them on the high seas. We do that work for Spain now. The *Raleigh* and the *Montgomery*, our ships, pursued the *Hawkins* far out into the high seas. If the Cubans are recognized as belligerents they will have the same rights that we now give fully to Spain. She comes into our markets and buys the munitions of war by millions of dollars' worth and takes them openly and freely. By recognizing the Cubans' belligerency they will have a flag and can purchase in our markets in the same manner.

I ask the Chair how much time I have remaining?

The SPEAKER. The gentleman has consumed ten minutes.

Mr. HITT. I will use two minutes longer. I will say to gentlemen who are fearful that the relations of our country with Spain will be ruptured that I do not think this recognition can excite ground of complaint, for this war has existed a year, with great bloodshed. Spain recognized the Southern Confederacy a month before the battle of Bull Run was fought. The Spanish minister said in his statement, published on the 22d of February, that we had done our full duty under international law in enforcing the neutrality laws in every way.

This recognition is not new, although the proclamation of it is new. I wish I had time to yield to my friend from New Jersey [Mr. PARKER], who has investigated the historic question carefully, to discuss our policy in the past. Mr. Monroe in 1816 set it out fully that our Government not only recognized one but two or three insurrectionary parties in the same colony in South America by recognizing their flag on their vessels in our ports; and that was done years and years before any recognition of independence, but not by proclamation. It has been for eighty years the custom of the United States. In this case we have departed from it, and have not recognized them in the least in any way.

By this recognition of belligerency there would be a right of search given to Spain of our vessels, but the belligerents' ships could go out upon the open sea; and while they are the enemies of Spanish ships, and must fight their way, they could go out, not as pirates, but might freely leave our ports carrying men, not armed men; carrying munitions of war, but not armed men or the men with the arms to use them; nor could armed vessels of either party be fitted out. Cuban merchantmen could go out loaded with arms purchased in open market just as Spanish ships now do.

Now, as to the government that we want to see established by the choice of the Cubans, there is no occasion why the expression of that wish should irritate the Spanish ruler, because all that we want is that the people of Cuba may have a government of their own free choice. The Spanish pretend that the Cuban people are really in their favor. We do not believe it. But if that is true let them, by free choice, say so. We wish them to have a government of their own choice. We suggested it once before, in 1878. I see before me a gentleman (General Sickles, former minister to Spain) who took part in the negotiation when the treaty of Zampon was made in 1878, and the insurgents laid down their arms upon the promise of autonomy and government for Cuba in which Cubans should have a voice. They gave up on that promise by Spain, at our suggestion, and the promise was broken. We now ask, and would say through our State Department, and press it with our influence, that the people of Cuba should have a government of their own choice. We believe it would be a free government of Cubans. We can not well ask, no government can ask in a truly friendly spirit of another to give up territory—for the independence of a part of a monarchy.

The last resolution in regard to intervention is one that follows and proposes what has been the usage of all nations, what has been practiced by ourselves many times. Wherever American interests are imperiled we land marines if necessary; and if it is necessary for the protection of a vast property in the midst of extreme confusion and disorder, we can land a sufficient force for protection. There are plantations owned by Americans in Cuba assessed at $12,000,000; mines, over $8,000,000; merchandise and loans, as much more. The great arm of this Republic ought to be ready always to follow its people, to protect their interests, their property, and their lives anywhere in the world. [Applause.]

The SPEAKER. The gentleman has consumed twelve minutes.

Mr. TUCKER. I yield six minutes to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY of Kentucky. Mr. Speaker, I am in favor of the adoption of the resolutions now under consideration. We are confronted with a serious and critical situation in Cuba. There must be a change of affairs or there will be ruin and extermination of the Cuban people. My sympathies go out to them in their sufferings and in their desperate struggle for liberty, but I am opposed to annexing Cuba to the United States. I desire that Cuba shall be an independent republic, and that the struggling patriots shall be freed from a cruel and relentless despotism. [Applause.]

The wrongs against which our forefathers rebelled were not near so great and the tyranny and oppression were not near so severe as have been inflicted for many years on the Cubans by the Spanish Government. Sympathetic expressions or denunciation of the brutal cruelties, barbarous atrocities, and ruinous taxes imposed on them will not benefit them now. There must be positive action by the American Congress. Something should be done to end the inhuman war and stop the destruction and death and reign of terror in Cuba. The pending resolutions seem to me proper and appropriate. They declare that in the opinion of Congress public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe strict neutrality between the belligerents; that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations is the establishment of a government by the choice of the people of Cuba, and that the Government of the United States should use its good offices and friendly influence to that end; that the Government of the United States should be prepared to protect the legitimate interests of Americans in Cuba by intervention if necessary.

No matter how we may have felt a few months ago with regard to the Cuban revolution, a great change has occurred. The Cubans now have an organized government. They have a president and a legislature. They have an organized army which holds control of two-thirds of the island and has been successfully maintained, though there are 100,000 Spanish soldiers in Cuba. The most illustrious and trusted Spanish officer, General Campos, failed to suppress the revolutionists, and he has been required to return to Spain and General Weyler has been sent from Spain to command the Spanish army in Cuba. His methods are repugnant alike to humanity and civilization, and he has already made a reputation as a "tyrant and a butcher" by his proclamation declaring that all the revolutionists who did not surrender in fifteen days would be treated as bandits. It is said of him that the rifle and the sword, the dagger and the dungeon, are the arguments he is using on the unwilling subjects of the mother country.

Since he has been in command the demand for recognition of the belligerent rights of the Cuban insurgents has greatly increased.

The Cuban war for independence which commenced in 1868 lasted ten years. Then a treaty of peace was negotiated with the leaders of the revolution by General Campos, and all desired reforms were promised; but the promises were never performed. My time will not permit me to show how almost every pledge was violated. All of our ministers and consuls in their correspondence show the reckless violations of the pledges made to the patriots in 1878. I read but one extract from a report of our consul-general at Habana to the State Department in 1885. It is as follows:

The entire population, with the exception of the official class, are living under a tyranny unparalleled at this day on the globe.

There is a system of oppression and torture which enters into every phase of life, eats into the soul of every Cuban, mortifies, injures, and insults him every hour, impoverishes him and his family from day to day, threatens the rich man with bankruptcy and the poor man with beggary. The exactions of the Spanish Government and the illegal outrages of its officers are in fact intolerable. They have reduced the island to despondency and ruin. * * * The Government at Madrid is directly answerable for the misery of Cuba and for the rapacity and venality of its subordinates. * * *

A war tax of the most exaggerated character was laid. Every business trade, art, or profession is taxed in the proportion of from 25 to 33½ per cent of its net income. * * * All ordinary mercantile business and all the petty trades and employments of the country are separately suffering. All participate in the common distress.

The honored and distinguished ex-member of Congress, General Sickles, who served as United States minister to Spain, and who now sits before me in this Hall, is thoroughly conversant with the facts to which I have referred.

In February, 1895, the present struggle for independence commenced. In one year the insurgents have been remarkably successful, having maintained themselves against the best officers and soldiers of the Spanish army. There can be no doubt that public war exists in Cuba at the present time. The precedents to justify the action which Congress is now asked to take are clear and ample. The last great precedent was that of the civil war, which broke out in the United States in the spring of 1861. In one month after the surrender of Fort Sumter, April 13, 1861, the British Government issued its proclamation of neutrality. The French Government acted in concert with Great Britain, but delayed official announcement until June. The Spanish Government issued its proclamation of belligerency June 17. In 1836, when Texas was struggling to be free, the Senate of the United States passed a resolution looking to the recognition of the Republic of Texas in less than six months after the struggle for independence commenced.

The Cuban patriots are fighting for the same rights and independence and home government that our ancestors fought for and won and which we are now enjoying, and we should not forget them. The same love of freedom which warmed the hearts of patriots and aroused them to splendid deeds of valor still animates the hearts of our god-fearing, liberty-loving, brave, and patriotic people, and from one end of our country to the other the demand comes that we must be true to the mission assigned to our Republic by Providence of leading other nations to independence and free government, and we must therefore, in proper bounds, do what we can for our oppressed and downtrodden neighbors in Cuba.

There are those who say the adoption of the pending resolutions will cause war. I do not believe it. There is no cause for war in the pending resolutions. I would deplore war, but there are times with nations as with men when duty should be done and convictions faithfully complied with no matter what consequences may follow. We should be careful, conservative, but firm, and all will end well.

The civilized world recognizes the fatal error of the Spanish policy in Cuba. The Cubans themselves are urged on by the spirit of liberty. They are patriots and not bandits. Their cause is just; their wrongs must not be ignored. Their rights will ultimately prevail, and in God's own time Cuba will be free and independent. [Loud applause.]

Mr. HITT. I yield seventeen minutes to the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, as chairman of the subcommittee to which the various resolutions offered in this House were referred, I crave the attention of this honorable body for a few moments while I make a frank statement of the progressive steps which have led us to the formation of these resolutions we have submitted for your approval here to-day. Your committee entered upon its duties animated with the conviction of the right of free government, and in full sympathy with the patriots in Cuba who are struggling to establish that form of government; but at the same time we did not wish to do anything to tarnish the fame our country holds among the nations of the earth for fair dealing, or transgress that code known as international law, which is recognized by all civilized nations.

The first difficulty in our undertaking was to gain reliable information. The reports that came through the different sources were colored so as to suit whichever side they favored. For that reason we called upon the State Department for the official correspondence that they had in their possession, and in response to that request it has furnished the documents with which you are familiar. I desire to state here that anyone who has read the reports of Consuls Hyatt and Baker can no longer have any doubt in his mind that a state of war exists, and to a very large extent, on the Island of Cuba, and that they are entitled to belligerent rights. I desire that these letters be considered part of my remarks. They are as follows:

Mr. Hyatt to Mr. Uhl.

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, March 1, 1895.

SIR: I have the honor to inform you that last evening I cabled you "Province under martial law," which I now confirm.

On the 27th ultimo the governor-general of the island issued a decree, copy inclosed being extract from official bulletin, declaring this province in a state of war, giving the military authorities control of all matters appertaining to public order and giving insurgents eight days to present themselves and be exempt from punishment.

In accordance with which his excellency Don Enrique Capriles, civil governor of the province, on the same day resigned all functions relating to public order to Gen. José Lachambre, military governor of the province, who assumed complete authority in such matter.

All public gatherings, even for pleasure, are prohibited. The civil governor was threatened with death if he made his appearance on the plaza Sunday night. The guards about the band were doubled. Capriles made his appearance, but nothing of the kind happened, although there was much excitement.

There have been a number of scrimmages with troops in the province, and several on both sides killed and wounded. The insurgent element so far is confined mostly to the negro population, which predominates. The whites and property owners hope that the reforms promised by the Government will be put into effect and that the movement will be suppressed before much property is destroyed and lives lost.

A strong reinforcement of Spanish troops is daily expected. The British man-of-war *Canada* came here Wednesday and left yesterday to cruise along the coast.

The controlling interest of the Sabanilla and Maroto Railroad, the only one here for general traffic, is owned by Americans. Americans also own the Juruguay iron mines and railroad, 17 miles long, with about 2,000 cars, and the Spanish-American mines and railroad, which has not begun to operate yet on account of business times. In fact, Americans own more property here than any other foreign nationality.

I have, etc., PULASKI F. HYATT, *Consul.*

Mr. Hyatt to Mr. Uhl.

No. 118.] CONSULATE OF THE UNITED STATES,
Santiago de Cuba, April 28, 1895.

SIR: I have the honor to report that on Sunday, the 21st instant, a fight took place near Songo, this province, between about 500 Cubans and 800 Spanish troops, which resulted eventually in the Cubans retiring from the field. The major and chaplain of the Spanish forces were killed. Other losses unknown.

Two thousand and fourteen new Spanish recruits arrived at this port from Spain on the 22d instant, and it is reported that 20,000 more will arrive during the next six weeks.

Rebels burned the town of Ramon de Yaguas on Monday last, killed Captain Miranda of the Spanish forces, took 16,000 rounds of ammunition and a quantity of arms from the fort.

Lieutenant Gallego, on the part of the Spanish troops, surrendered the fort, for which he was court-martialed and ordered to be shot. The sentence was commuted to life imprisonment by cablegram from the Queen.

I have, etc.,

PULASKI F. HYATT.

Lieutenant Gallego was shot at Habana on May 1, after having attempted suicide on the passage from Manzanillo to Habana.

JOSEPH A. SPRINGER,
Vice-Consul-General.

—

Mr. Hyatt to Mr. Uhl.

No. 120.] CONSULATE OF THE UNITED STATES,
Santiago de Cuba, May 4, 1895.

SIR: I have the honor very respectfully to report that there arrived at this port during the present week about 2,000 recruits for the Spanish army, making in all about 10,000 that have been landed at this port alone during the past five weeks.

On April 25 a battle occurred near —— between Colonel Bosch, commanding 450 Government troops, and Gen. José Maceo, commanding 650 insurgents. The Government forces were driven back into town with considerable loss. General Maceo later gave permission to Colonel Bosch to gather up the dead and wounded.

On May 1 a fight occurred near Santa Ana with about 300 men on each side. No particular advantage seemed to have been gained by either party. Both sides are reported to have lost from 10 to 15 killed.

During the past week about 100 young men have left Santiago to join the insurgent forces. Many of these young men belonged to the better families of the town, which gives a new phase to the uprising.

It is my judgment that both sides are about as well prepared for the contest as they are likely to be in the near future. The good name of Gen. Martinez Campos adds strength to the Government side of the question, but the insurgents nevertheless show no signs of weakening.

I am, etc.,

PULASKI F. HYATT, *Consul.*

—

Mr. Hyatt to Mr. Adee.

No. 165.] CONSULATE OF THE UNITED STATES,
Santiago de Cuba, August 21, 1895.

SIR: I have the honor to report the situation in Cuba to be deeply interesting.

With perhaps the exception of Santa Cruz, the Government forces hold every important seaport town, and a few large towns in the interior; while from Cienfuegos east, which constitutes three-fourths of the island, the insurgents hold the balance of the territory, and some territory farther west.

Cuban leaders claim 25,000 men, mostly under arms, in the Province of Santiago, and 10,000 farther west. I think the number overstated by at least eight or ten thousand men; but I am inclined to the opinion that there are many more ready to join them when assured that they will be supplied with arms and ammunition.

That arms and ammunition are now coming quite freely to Cuba there seems little room for doubt. A paper published here called The Public Opinion has recently declared that if the Government would look more carefully after the large carrying companies and less for filibustering expeditions they would find the source of trouble.

Those who desire to see the island restored to peace are much depressed, as there is at present three times as large a force of insurgents as at any time in the previous insurrection.

Sent direct and copy to consul-general.

Very respectfully, etc.,

PULASKI F. HYATT, *Consul.*

But, sir, if there was any other official information desired, the proclamation of this new governor-general, who has been sent to Cuba after the most famous general of the army of Spain failed, after months of warfare, to put down those insurgents—if one will read the proclamation made by General Weyler he will see there an official recognition of the fact that a state of war exists to such an extent that the extremest measures in the power of Spain have failed to put down the insurrection. For that reason, sir, your committee came to the conclusion that this country of ours was justified in expressing the opinion that the time had come when belligerent rights should be extended to those struggling patriots. I append the proclamations of General Weyler:

HABANA, *February 16.*

The following is a verbatim copy of translations made of proclamations published to-day:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general in chief of the army, etc., desirous of warning the honest inhabitants of Cuba and those loyal to the Spanish cause, and in conformity to the laws, does order and command:

"ARTICLE 1. All inhabitants of the District of Sancti Spiritus and the Provinces of Puerto Principe and Santiago de Cuba will have to concentrate in places which are the headquarters of a division, a brigade, a column, or a troop, and will have to be provided with documentary proof of identity within eight days of the publication of this proclamation in the municipalities.

"ART. 2. To travel in the country in the radius covered by the columns in operation, it is absolutely indispensable to have a pass from the mayor, military commandants, or chiefs of detachments. Anyone lacking this will be detained and sent to headquarters of divisions or brigades, and thence to Habana, at my disposition, by the first possible means. Even if a pass is exhibited, which is suspected to be inauthentic or granted by authority to persons with known sympathy toward the rebellion, or who show favor thereto, rigorous measures will result to those responsible.

"ART. 3. All owners of commercial establishments in the country districts will vacate them, and the chiefs of columns will take such measures as the success of their operations dictates regarding such places which, while useless for the country's wealth, serve the enemy as hiding places in the woods and in the interior.

"ART. 4. All passes hitherto issued hereby become null and void.

"ART. 5. The military authorities will see to the immediate publication of this proclamation.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

MILITARY AND JUDICIAL PROCESSES.

The second proclamation is as follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general in chief of the army, etc.:

"In order to avoid suffering and delay other than that essential in time of war, and the summary proceedings initiated by the forces in operation, I dictate the following proclamation:

"ARTICLE 1. In accordance with the faculties conceded to me by rule 2, article 31, of the military code of justice, I assume, as general-in-chief of the army operating in this island, the judicial attributes of H. E. capitan-general.

"ART. 2. In virtue of rule 2 of said article, I delegate from this date these judicial attributes to the commanders-in-chief of the first and second army corps, and to the general commanding the third division, that is, in Puerto Principe.

"ART. 3. Prisoners caught in action will be subjected to the most summary trial without any other investigation except that indispensable for the objects of the trial.

"ART. 4. When the inquiry is finished, subject to consultation with the judicial authorities, the proceedings will continue during the course of operations and in the presence of the judicial authority, with an auditor, the sentence may be carried out. When said authority is not present the process will be remitted to him and the culpable parties detained at the locality where the division or brigade headquarters is situated.

"ART. 5. The military juridic functionary of whatever rank who accompanies in the operations the judicial authorities, when the latter thus decides, will act as auditor, dispensing with the assessors' assistance at court-martial during operations, in cases where no other member of the juridic body is at hand.

SENTENCE IN CERTAIN CASES.

"ART. 6. When the sentence is pronounced, if the sentence be deprivation of liberty, the culprit will be brought to Habana, with the papers in the case, so that the testimony can be issued as to the penalty and the sentence be carried into effect.

"ART. 7. The said authorities will be acquainted with all cases initiated against the accused in war.

"ART. 8. I reserve the right of promoting and sustaining all questions of competence, with other jurisdictions, as also with the military, and to determine inhibitions in all kinds of military processes in the territory of the island.

"ART. 9. I reserve likewise the faculty of assuming an inquiry into all cases when it is deemed convenient.

"ART. 10. No sentence of death shall be effected without the acknowledgment by my authority of the testimony of the judgment, which must be sent to me immediately, except when no means of communication exists or when it is a case of insult to superiors or of military sedition, in which case sentence will be carried out and the information furnished to me afterwards.

"ART. 11. All previous proclamations or orders conflicting with this on the question of the delegation of jurisdiction in this island are hereby rendered null and void.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

The third proclamation is as follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general in chief of the army, etc.:

"I make known that, taking advantage of the temporary insecurity of communication between the district capitals and the rest of the provinces, notices which convey uneasiness and alarm are invented and propagated, and some persons, more daring still, have taken advantage of this to draw the deluded and the ignorant to the rebel ranks. I am determined to have the laws obeyed and to make known by special means the dispositions ruling and frequently applied during such times as the present, through which the island is now passing, and to make clear how far certain points go in adapting them to the exigencies of war and in use of the faculties conceded to me by No. 12, article 7, of the code of military justice, and by the law of public order of April 23, 1870. And I make known, order, and command that the following cases are subject to military law among others specified by the law:

"Clause 1. Those who invent or propagate by any means notices or assertions favorable to the rebellion shall be considered as being guilty of offenses against the integrity of the nation and comprised in article 223, class 6, of the military code, whenever such notices facilitate the enemy's operations.

"Clause 2. Those who destroy or damage railroad lines, telegraph or telephone wires, or apparatus connected therewith, or those who interrupt communications by opening bridges or destroying highways.

"Clause 3. Incendiaries in town or country, or those who cause damage as shown in caption 8, article 13, volume 2, of the penal code ruling in Cuba.

"Clause 4. Those who sell, facilitate, convey, or deliver arms or ammunition to the enemy, or who supply such by any other means, or those who keep such in their power, or tolerate or deal in such through the customs, and employees of customs who fail to confiscate such importations will be held responsible.

"Clause 5. Telegraphists who divulge telegrams referring to the war, or who send them to persons who should not be cognizant of them.

"Clause 6. Those who through the press or otherwise revile the prestige of Spain, her army, the volunteers, or firemen, or any other force that cooperates with the army.

"Clause 7. Those who by the same means endeavor to extol the enemy.

"Clause 8. Those who supply the enemy with horses, cattle, or any other war resources.

"Clause 9. Those who act as spies; and to these the utmost rigor of the law will be applied.

"Clause 10. Those who serve as guides, unless surrendering at once and showing the proof of force majeure, and giving the troops evidence at once of loyalty.

"Clause 11. Those who adulterate army food or conspire to alter the prices of provisions.

"Clause 12. Those who by means of explosives commit the offenses referred to in the law of June 10, 1894, made to extend to this island by the royal order of October 17, 1895, seeing that these offenses affect the public peace, and the law of April 23, 1870, grants me power to leave to the civil authorities the proceedings in such cases as are comprised in captions 4 and 5 and treatise 3 of volume 2 of the common penal code, when the culprits are not military, or when the importance of the offense renders such action advisable.

"Clause 13. Those who by messenger pigeons, fireworks, or other signals communicate news to the enemy.

"Clause 14. The offenses enumerated, when the law prescribes the death penalty or life imprisonment, will be dealt with most summarily.

"Clause 15. All other proclamations and orders previously issued in conflict with this are annulled by this.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896*."

Who can read these proclamations and question the existence of a state of war in the Island of Cuba, laying down as they do the course of conduct in the treatment of the citizens of that unfortunate island who are waging the battle on either side? I ask attention to the first, fourth, fifth, sixth, and seventh clauses of this terrible proof of the existence of war. That terrible Spaniard, the Duke of Alva, never issued a more hideous edict against the "haggard Anabaptist" than this man who has been sent to put down this rebellion when the milder and more civilized methods of Campos had failed. What more unwarranted step could be taken than the provision which prohibits all stores in the country districts from carrying on their vocation and supplying the people with the necessaries of life? It is for these reasons that your committee were compelled to recognize such a state of war in Cuba as entitled them to belligerent rights.

It has been urged that under the provisions of international law it was necessary for those claiming recognition to have a capital as a seat of government, a port, and a ship on the high seas; but these are not necessary conditions prerequisite to the granting of belligerency. Wheaton and Woolsey, and the doctrine as maintained in our own country, set forth in Wharton's Digest, lay down the principle that armed resistance sustained for a period of time is sufficient for the granting of belligerent rights; and when it is taken into consideration that the Cuban insurgents are admitted to have 40,000 well-equipped men in the field, and that Spain has sent 120,000 of her best troops in order to overcome this rebellion, together with 50,000 volunteers raised in Cuba, that the ports have been blockaded for a period of a year, occupying the major part of the Spanish navy, and that with all this force and the most distinguished general of the Spanish army, at the end of twelve months the insurgents have made such progress that they occupy the entire island with the exception of the coast line of the commercial cities, which are protected by the Spanish fleets, it does seem that they are entitled to be accorded belligerent rights. Sir, this fact was impressed upon me by a visit to the office of one of our naval officers, who had there a military map on which the movements of the contending forces were indicated by black and white pins. These movements were thus recorded from the most reliable sources at hand. This map showed that the entire island was under the control of the insurgents—every interior town, with the exception of Pinar del Rio, was in the hands of the insurgents, and even this latter town was attacked and held possession of by them for a time. Simply the utmost coast line, as I have already said, is in the hands to-day of the Spanish Government.

Spain herself can not question our right to grant belligerency to these people, for I hold in my hand and desire to have incorporated with these remarks the proclamation of neutrality issued by Spain on June 17, 1861, but two months after Fort Sumter was fired upon, and many days before the battle of Bull Run, which was the first engagement in our late war, had taken place. Here is the text of the proclamation:

Considering the relations which exist between Spain and the United States of America and the expediency of not changing the reciprocal relations of friendly understanding on account of the grave events which have happened in that Republic, I have resolved to maintain the strictest neutrality in the struggle engaged in between all the several States of the Union and the Confederate States of the South; and in order to avoid the losses which our subjects might suffer both in shipping and commerce for want of definite rules to which their conduct might conform, in accord with the views of my council of ministers, I decree as follows:

ARTICLE I. It is forbidden in all the ports of the Spanish realm to arm, supply, and equip any privateer vessel, whatever may be the flag she carries.

ART. II. It is in like manner forbidden to owners, masters, or captains of merchant vessels to accept letters of marque or to contribute in any way to the arming or equipping of vessels of war or privateers.

ART. III. The entering and remaining for more than twenty-four hours in the ports of the realm is forbidden to vessels of war or privateers with prizes, unless in cases of necessity through stress of weather. When this latter happens the authorities will watch the vessel and oblige her to go to sea as soon as possible without permitting her to take any more supplies than for present necessity, but on no account either arms or munitions of war.

ART. IV. Effects taken from the prizes shall not be sold in the ports of the realm. Transportation under the Spanish flag of all articles of commerce is granted except when directed to blockaded ports. The carrying of war material, papers, or communications for the belligerents is forbidden. Trespassers shall be responsible for their acts and shall have no right to the protection of my Government.

ART. V. All Spaniards are forbidden to enlist in the belligerent army or to engage themselves to serve on board vessels of war or privateers.

ART. VI. My subjects should refrain from every act which, by violating the laws of the Kingdom, may be considered contrary to neutrality.

ART. VII. Transgressors of the above regulations shall have no right to protection of my Government, shall suffer the consequences of the rules which the belligerents may prescribe, and shall be punished as provided by the laws of Spain.

Given at the palace on this 17th day of June, 1861.

Signed by the royal hand.

SATUNINO CALDERON COLLANTES,
Minister of State.

If the conditions are compared between the situation then and now, Spain can have no cause for affront at our recognition of these belligerents.

Mr. POWERS. Will the gentleman yield for a question?

Mr. ADAMS. I would rather not, but I will hear the gentleman.

Mr. POWERS. I understood the gentleman from Pennsylvania to say that he was the chairman of the subcommittee having this matter in charge. I desire to inquire of him whether the insurgents in Cuba have established a form of government, with a proper official head, and all the paraphernalia of government?

Mr. ADAMS. I will answer the gentleman that, so far as government goes, they have such an established Government, which, in every part of Cuba, makes itself felt. As I have already stated, I had submitted for my inspection, by an officer of the United States Navy, a military map on which the movements that have taken place in the last year were indicated by the insertion of black and white pins, and I wish to say that with the exception of the utmost coast line, which means the actual cities on the coast, the insurgents then possessed every acre of ground and every inland town with the exception of Pinar del Rio, which they have since captured. [Applause.] I will say, furthermore—and it is the cause of great regret to me that my time is so limited, for if I had an hour I am confident I could convince every impartial man in this House that our action has been most conservative and has been founded upon official information and the rules and the usages of civilization—I will say, further, sir, that the Cubans have an army of over 35,000 well-equipped men. They have a President and a cabinet. In every province of the island they have officers whom they call prefects, who gather in supplies, who tax the people, and who have civil jurisdiction and control of the entire territory except the extreme coast line which I have indicated.

Mr. POWERS. That is the precise information that I wanted. They have, then, a civil government with whom the United States could treat if they desired?

Mr. ADAMS. They have a civil government that the United States could treat with if we could get at it, but the officers of that government are in the interior of Cuba.

Mr. HYDE. Mr. Speaker, if that is true, and I believe it is, would it not, in the opinion of the gentleman, be our duty to recognize the independence of the Cuban people at once or to intercede for their independence—to do something that would really help them?

Mr. ADAMS. In reply to that I will say to the gentleman that these resolutions have been drafted in a conservative spirit and with a desire to avoid transgressing in any way the rules of international or constitutional law. My own opinion is that the actual recognition of a new nation is an executive function.

If the gentleman will read these resolutions, he will see that they are an expression of opinion by this Congress as representatives of the people, so that when, in the opinion of the executive department of our Government (and that department is supposed to be better informed than this House of Representatives upon a question of this kind, which is evidenced by the fact that we have called upon the Executive for information) when that time shall come the President will know that the American people are behind him and are ready to sustain him.

Mr. HYDE. Do you believe that these resolutions in this form, concurrent as they are, will help those struggling people to any extent whatever?

Mr. ADAMS. Yes, sir; and I will tell you why. I am quite ready and glad to answer any question that the gentleman may wish to ask.

Mr. HYDE. That is all I want to ask.

Mr. ADAMS. If the gentleman had listened to the remarks of the chairman of our committee [Mr. HITT], he would have seen how to-day we exceed belligerent rights and pursue these people beyond the 3-mile limit, where we have no right to go according to the law of nations. I will tell the gentleman how this resolution will help them. In the first place, it gives those people a flag on land and a flag on sea. In the second place, it gives them neutral rights in our ports. In the third place, it will enable them to negotiate a loan. In the fourth place, it gives them a place among the nations of the earth, so that if this general who has been sent there, and who has published these proclamations which are a disgrace to civilization, should attempt to carry on that war in the manner he proposes, then the nations of the earth will see that such cruelties are not permitted.

Mr. CANNON. May I ask the gentleman from Pennsylvania

why the Committee on Foreign Affairs did not place in their report some of the facts upon which they base the resolutions and their recommendation?

Mr. ADAMS. I will answer the gentleman. We expected to have time to explain these matters on the floor, and to answer questions just as I am doing now. A written report does not answer the questions that may come up. It is much better for the committee to meet questions as they arise on the floor. That, I presume, is the reason why, when the subcommittee had submitted the report to the main committee, the main committee did not authorize a written report.

There has never been, Mr. Speaker, a question before this great House of Representatives of the American people that has aroused the interest that this has. I may say that thousands of petitions and requests have been sent here calling on this Congress to recognize these reople in the right of self-government. We have gone over the petitions carefully, and the opinion of the American people as there expressed is that we should extend a helping hand to these struggling patriots in Cuba.

I come now, sir, to the second of these resolutions. For seventy years Spain has endeavored to keep control of the Island of Cuba. A series of revolutions have arisen, one after the other. The last great struggle, which continued for a period of ten years, was only put down upon the promise of certain reforms in the way of representation by Cuba in the Cortes in Spain and in a more equitable adjustment of the imposition of taxes. Practically neither of these promises has been kept, nor has any of the other reforms that were then promised been carried out. International law justifies any nation in interfering in the disputes of a neighboring country when her own material interests are affected. Spain can not hold Cuba. If this rebellion should be put down it would only be for a time, as it would again break out. There is no solution of this difficulty until a government is established which meets with the approval of the people of Cuba. It is in this spirit that we have drafted the second resolution, in which we offer our friendly offices toward the establishment of a government that shall satisfy the people and which will be of a lasting character. I can best illustrate this proposition by referring to the country north of us—Canada. There the people of their own free will desire and do remain as an integral part of the Kingdom of Great Britain. Should such a form of government be acceptable to the Cubans it would not be in our province to interfere. If, on the other hand, they demand that right which we asserted when we separated from our mother country of England, it would ill behoove the United States not to give its sympathy, if not its open aid, in the consummation of such an end.

Now, Mr. Speaker, I wish to come to the consideration of the third resolution, because my time is very limited. I desire to state that one reason why we went so slow in this matter was that we believed, making all allowance for sentiment and for sympathy with these struggling people, the first duty of every nation is the protection of the rights and property of its citizens. From the most reliable information that we can gather it is estimated that there are twenty millions in sugar and tobacco plantations owned by American citizens in Cuba. There are some eight and a half millions invested in iron mines. The amount of investments held in railroad securities, in mortgages, and in open mercantile accounts it is impossible to estimate, but it would certainly aggregate over $30,000,000. Fully cognizant of the fact that in the granting of belligerency we would yield the right thereafter to reclaim damages from the Spanish Government for the destruction of alien property, your committee were astounded upon the receipt of the official correspondence to find the position taken by the State Department on this question. I quote from a letter dated Washington, July 1, 1895, addressed by Mr. Uhl, Acting Secretary of State, to Mr. Springer, vice-consul-general at Habana, in which he lays down the following principle as the guide of international law and the doctrine held by the State Department:

It is a generally accepted principle of international law that a sovereign government is not ordinarily responsible to alien residents for injuries that they may receive within its territories from insurgents whose conduct it can not control. Within the limits of usual effective control law-abiding residents have a right to be protected in the ordinary affairs of life and intercourse, subject, of course, to military necessities, should their property be situated within the zone of active operations. The Spanish authorities are reported to be using strenuous endeavors to prevent the class of spoliations which the writers apprehend, and notification of any particularly apprehended danger from the insurgents would probably be followed by the adoption of special safeguards by the authorities. In the event, however, of injury, a claim would necessarily have to be founded upon averment and reasonable proof that the responsible officers of the Spanish Government, being in a position to prevent such injury, have failed to use due diligence to do so.

That this was not a mere dictum, but the settled doctrine of the State Department, is confirmed by the letter dated August 31, 1895, of Mr. Adee, Acting Secretary of State, to Mr. Atkins, in which he quotes the above paragraph as the rule laid down by the Department.

Sir, if this be the doctrine that is to be held in the future relating to claims filed by citizens of our country against Spain, should this insurrection be put down it will be impossible for us to recover from that country for damages done to the property of our citizens. But, with all due respect to the Department, I deny that this is the accepted doctrine of international law as applied to the conditions now existing in Cuba. Neither is it so held in the text-books by Wheaton or Woolsey, nor has it been heretofore the position held by our Department, as recorded in Wharton's Digest of American Doctrine.

When your committee learned of this doctrine as enunciated in the above letters and instructions of the Acting Secretary of State, we felt it incumbent upon us to formulate some declaration of a course of conduct by which the property of our citizens should be protected. Hence we have drafted this third resolution, which declares that in the event of the necessity we will intervene at the proper time to prevent further destruction of American property. There was another motive that dictated this course of action on our part. If gentlemen will glance through this long correspondence they will see that American citizens and merchants traveling in Cuba, in the legitimate pursuit of their business, have been in great numbers arrested and incarcerated, and in every case so reported upon, on the intervention of our diplomatic officers, they have been finally released, showing that there was no just or legitimate cause for their apprehension or incarceration. It is time, therefore, under that great principle that self-preservation is the first law of nature, that our country should reach out, by intervention if necessary, to protect the persons as well as the property of the citizens of our country in the peaceful pursuit of their legitimate business.

In support of the charge of harsh and unjust treatment of our citizens I desire to quote from a letter dated September 27, 1895, of the Secretary of State to the Spanish minister:

The Department is unable to comprehend that part of the order of the governor-general which appears to require these four citizens of the United States to report to the consul-general of the United States at Habana for deportation from the island. It is, of course, entirely outside of the functions of that officer to forcibly deport an American citizen upon the decree of the Spanish or Cuban authorities. It is not within his official competence to execute any decrees or laws of any other than his own Government, and certainly he could neither be expected nor requested to assume any share of the responsibility of removing an American citizen from Spanish jurisdiction against his will. Fortunately, however, it was not necessary for Mr. Williams to put this question to a practical test, inasmuch as the parties themselves on reaching Habana voluntarily elected to obey the governor-general's order and quit the island.

The proceeding is furthermore harsh in this regard, that two of the deported persons, Mr. Joseph A. Ansley and Mr. John A. Sowers, are said to have been men of family, and being in impoverished circumstances, to have been compelled to leave their wives and children behind them without resources. The governor-general's order, as interpreted by the military commandant of Sagua, appears to have required these four individuals to remove from Sagua to Habana at their own expense, and thereafter to find for themselves the means of reaching the United States. It is true that upon representation of their destitute circumstances the military commandant of Sagua offered to furnish transportation to Habana. But it does not appear that the Government of the island thereafter intervened in any way to enable these unfortunate men to obey the arbitrary mandate of expulsion.

A further letter of the Assistant Secretary of State to the consul-general, Mr. Williams, under date of September 30, 1895, says:

The Department is quite unable to comprehend the extraordinary order said to have been given to these four American citizens by the governor-general of the island, that they should leave Sagua within twenty-four hours and report to the United States consul-general at Habana, to be banished from the island under prohibition of going into any other possession of Spain. It is incredible that the governor-general should suppose that you could take any part, active or passive, in the deportation of an American citizen by executive order of the Spanish commanders; and it may be desirable to ascertain what was intended by the order that these persons should report to you to be banished from Cuba.

Sir, if this war continues, this beautiful island, probably the richest in its resources of any island in the world, will be destroyed in its entire length. A half century would not restore it to the condition which it now occupies. Our country derives from its productions the necessaries of life as well as its luxuries. To prevent the permanent destruction of the sugar crop and of the tobacco crop, the cessation of the exports of those fruits that have now become a necessity to our people, and the loss of those iron ores that are required to make the best quality of steel, and which are of such material importance to the well-being of our people, our country of necessity is justified in protecting our interests even to the extent of intervention.

This internecine strife, if continued, will ruin our trade with Cuba. Already our imports from that island have fallen from $76,000,000 in 1894 to $51,000,000 in 1895. Our exports in 1894, $17,000,000, were reduced to $9,000,000 in 1895. The latest reports from Habana indicate that a stagnation of trade to such an extent exists that the material interests and welfare of our country can not fail to be affected.

Mr. Speaker, I have thus hurriedly given the reasons that have led your committee to the adoption of the resolutions now submitted to the House. They have been drafted with great care and with due consideration to the sensitive honor of the Spanish people. We believe that we are justified by the principles of international law and by the self-interests of our own country, which we are by every right bound to protect and to see that our people

suffer no detriment at the hands of our neighbors. Such is one of the principal functions of government, and ours is justified in maintaining that principle in the interests of what we believe to be permanent peace between Spain and Cuba and the continuation of those commercial relations which are so mutually advantageous to both countries.

In closing I can only express the firm conviction I have that this Western Hemisphere of ours has been dedicated to the right of self-government. In the course of the last century Spain has been obliged to see one after another of her colonies separate from the mother country and enter into the family of nations, and to maintain their place therein. I believe, sir, that the time has come when Cuba, the last of her possessions, must separate from the mother country as have done her other children before. Spain can not hold her; she has struggled to do so in vain for seventy years.

Sir, I have the honor to represent in part the great city of Philadelphia. Within its limits stands that mecca of human liberty, Independence Hall. Behind its doors sat that body of patriots who framed the Magna Charta of human liberty—the right of self-government. Its completion was announced to the world by the old bell, in the steeple above, ringing out and proclaiming "liberty throughout all the land and to all the inhabitants thereof." Those resounding circles of freedom spread and widened until they embraced the uttermost limits of our continent and every people adopted the principles enunciated in that great proclamation. But, sir, the spirit of liberty is not to be bounded by the metes of continents nor by the vasty ocean. Sweeping across the South Atlantic, it found responding echoes amid the hills of the "Queen of the Antilles," and in the breasts of the men who dwelt beneath their shadows, swarthy though they be, was found to dwell the same spirit that animated our ancestors who sat in Independence Hall. To-day they call upon this mother of republics to aid them in establishing the free form of government for which they struggled. Shall we say nay? Not if I know the spirit that animates the people of this country and their representatives who sit in this Congress. [Applause.]

Sir, when the last child of liberty was born, it appealed to this American Government for recognition. At that time a great son of Pennsylvania by birth and of Maine by adoption occupied and guided the helm of state. Did he hesitate? No. Within three days after he received that appeal from this last child born of freedom he flashed the message across the cable beneath the great Atlantic to our representative minister there: "You will maintain diplomatic relations with the Provisional Government." And, sir, as the representative of our country, I had the honor, under those instructions, to be the first foreign minister to recognize the Republic of the United States of Brazil. [Applause.] Now, sir, shall we hesitate when this other child of freedom calls upon us to grant it recognition in its struggle for liberty? Shall the people of the United States hesitate? I hope and pray that the Great Ruler that guides the destinies of men and controls the fates of nations will plant in the hearts of our rulers to-day the same spirit that dwelt in the soul of James G. Blaine. [Loud applause.]

Mr. TUCKER obtained the floor and said: I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in this matter I take a very deep interest. I know something about the affairs in Cuba. I have given much time and study to it. There is no question to-day in the mind of any student of international law regarding belligerency. Belligerency is a fact, and the Government of the United States can determine for itself such fact just as well as the Government of Spain could determine what was a fact in 1861.

The Government of Spain recognized the belligerency of the Southern Confederacy forty days after Fort Sumter was fired on. That was no cause for war between our Government and the Government of Spain. It is admitted now Spain had that right. Why, then, do the Spanish people to-day claim that if we recognize the belligerent rights of the Cuban patriots it will be considered tantamount, in their opinion and judgment, to a declaration of war? Such a claim is absurd and preposterous. Have we not the same right now that Spain had in 1861? Of course we have, and we should exercise it.

The Cuban patriots are entitled by every construction of international law to belligerent rights. They have in the field a standing army of over 40,000 men. They have proclaimed their declaration of independence, similar to our own, and in the opinion of many more justifiable. They have adopted a provisional constitution, republican in form. They have elected a president, a vice-president, and a constituent assembly. They have a cabinet of ministers. They have a seat of government, and are in possession and hold three-quarters of the island. They are competent to-day to treat and negotiate with any other sovereign people on the face of the globe. They have maintained their army in the field against the great army of Spain, under the command of her first captain-general, for more than a year. They have won important and decisive battles. They are unconquered, and unconquerable. They are a brave, long-suffering, and patriotic people. They ought to win, and they will win. We do not know what is going on in that island to-day, because Spain fears the light of truth; because Spain fears investigation; because Spain hates to allow the people of the world to know how she is conducting the war there. She has established a censorship of the press, of the cable, and of the post-office that is an affront and an insult to the intelligence, the progress, the civilization, and the enlightenment of the last decade of the nineteenth century. [Applause.]

I wish I had time to speak about how the poor Cubans have been treated by the Spaniards for three hundred years. It is a story that must bring the blush of shame to every man who loves honesty and humanity, independence and freedom. But I will speak more about this presently, if I have the time.

I regret that these resolutions do not go as far as I would like to see them go. They are too moderate and too conservative. In my judgment they should go much further. The pending resolutions simply amount to a request to the Executive to issue a proclamation of belligerency, and declaring that war exists in Cuba, and that this Government will maintain strict neutrality between the combatants. It is only a concurrent resolution, and the President is in no way bound by it. It is a mere expression on the part of Congress. The President can ignore these resolutions entirely if he so desires. They have no force and no effect beyond the expression of the opinion. If I had my way I would pass a joint resolution. The facts in the case warrant it and justify it. The time is at hand when we must do something, and the speedier we act the better it will be for liberty and the cause of humanity. [Applause.]

Mr. Speaker, on the 17th day of last December I offered the following resolution, which was referred to the Committee on Foreign Affairs:

Joint resolution declaring that a state of public war exists in Cuba and that belligerent rights be accorded to the Cuban Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States recognizes a condition of public war between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and the United States of America hereby declare that they will maintain a condition of strict neutrality between the contending powers and accord to each all the rights of belligerents in the ports and territory of the United States. The Congress of the United States protest and remonstrate against the barbarous manner in which the war in Cuba has been conducted, and the President is hereby authorized to take such steps as may be expedient, in his judgment, to secure an observance of the laws of war as recognized by all civilized nations.

That is a joint resolution. It is couched in the proper form, and is all the Cuban patriots ask for or want. I introduced it at their request. It, too, is moderate and conservative, but it accomplishes the object desired, hoped for, and prayed for. I had indulged the ardent hope that the Committee on Foreign Affairs would report it and that it would pass Congress. However, they have reported a concurrent resolution of their own. I have great respect for the wisdom, the experience, and the patriotism of the distinguished chairman of that committee, Mr. HITT of Illinois. Perhaps he is right. Perhaps it is better as he has constructed it. Time will tell. Let us see what those resolutions are. I will read them:

Resolved by the House of Representatives (the Senate concurring), That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention, if necessary.

These resolutions are all right if the President will act on them and issue the necessary proclamation. I shall support them heartily. I sincerely hope they will pass this House by an overwhelming majority, that the Senate will quickly concur in them, and that the President, brave, consistent, and patriotic as he is, will speedily acquiesce in the judgment of Congress and issue the desired and requisite proclamation.

If this is done I have no hesitancy in predicting that Cuba will be free and independent ere the end of the year. [Applause.]

If it is not done, what then? Well, sufficient unto the day is the evil thereof. Congress will have to act, or the people of this country will say to their representatives and those in authority, in the words of the poet Watson:

Betrayers of a people, know thy shame.

[Applause.]

I hope, I believe, that when these resolutions reach the President he will grant belligerent rights to the Cubans. The war will soon be over when that is done.

Mr. Speaker, the situation in Cuba to-day closely approximates

that in our own country at the beginning of our fight for freedom. She has revolted from a tyranny even more unendurable than that from which we freed ourselves.

Lying within a few hours' journey from our southern coast, Cuba is so near to us in point of geographical location that she is our neighbor in actual, physical fact. But there are closer bonds between us. Every steamer leaving the port of New York for Habana passes close by the great Bartholdi statue. Stationed at the entrance to that harbor, facing the sea which rolls between us and the Old World, whose tyranny we have thrown off and whose traditions we have cast aside, the beautiful gift of France to the United States holds high the torch of Liberty enlightening the world. This statue is the ever-enduring pledge of the friendship of two great Republics, a friendship which had its foundation in the hearts of patriots. In our darkest hour of need France, still straining at the chain of despotism, in the midst of her own struggle for freedom, sent help to us. Her noble generosity gave us Lafayette, whose name ranks in our history in equal company with our American leaders.

In this nineteenth century Cuba has been made to feel the worst of Spanish cruelty. Nothing in the history of the dread Inquisition is more brutal and unmerciful than the Spanish oppression in that beautiful island. She calls upon her neighbor, the greatest Republic in the world, for help. We have delayed too long. In grateful remembrance of the generosity of France to us, we should be generous to Cuba. The sufferings of this unhappy people, their noble struggle for freedom, no less than the great military genius of their leaders, demand recognition from us. Close upon our recognition of the cause will follow the establishment of the Cuban Republic. The history of the present struggle shows that clearly. Then, in the course of time, the natural resources of the island, with the strong feeling of friendship between us and her people, will lead to even closer relationship.

Mr. Speaker, what I say here to-day I say from deep convictions, after mature deliberation, and as an American citizen. As Patrick Henry said: "I know not what course others may take, but as for me I cast my lot on the side of liberty and freedom."

In the present crisis in Cuba my sympathies are all with the heroic and patriotic Cubans, and I sincerely hope and believe they will succeed. Cuba must and will be free and independent, and, in my judgment, the end is near, the result inevitable, and the Cuban Republic will soon take its stand among the nations of the world.

The spirit of Cuban patriotism is unbroken. The story of her trials, her troubles, and her struggles has few equals in the history of the world.

These brave people are fighting a noble battle for freedom and for independence that can and should have but one successful determination, and that is the absolute independence of Cuba. They have demonstrated over and over again their ability to successfully cope with Spain, the Spanish army, and with her captain-generals.

In this revolution the sympathy of every American and every believer in freedom and in liberty should go out to Cuba and the Cubans. We should aid them and help them in every possible legitimate way.

The fight for Cuban independence is similar to our own and as sure to come. Every word in our immortal Declaration of Independence applies to Cuba to-day with as much force and as much effect. They can no longer endure their slavery, and are waging a war to escape an alien yoke, and cast off the oppressive exactions and abuses of many years of a foreign monarchical government which enriches itself by violating every precept of government, and every fundamental law of right and justice. [Applause.]

There is more than an insurrection in Cuba. It is a revolution. Revolutions always accomplish something for the uplifting of humanity and the amelioration of the human race. They mean the advancement of civilization and the betterment of the masses. I believe in revolutions when oppression can no longer be endured. Much was accomplished for Cuba during the last revolution, although her independence was not then secured. At that time the Cuban patriots laid down their arms on the expressed condition that they were to have local self-government, home rule, and immediate reforms of an administrative character. Every promise then made has been broken, and to-day Cuba is again in the midst of a bloody revolution, and I hope no promise except absolute independence will be agreed to or accepted.

I have strong convictions relating to Cuba, born of experience, and of the true policy and duty of the United States Government regarding the recognition of the revolutionists of Cuba as belligerents. As I said before, they have demonstrated their ability to organize a stable provisional government and place an equipped army in the field to uphold and maintain it by force of arms. They can not be conquered. You can not conquer patriots fighting on their own soil for freedom, liberty, and popular rights until you exterminate them. They are soldiers fighting for their country, not outlaws, not brigands. Recognize this, and by every rule of international law they are entitled to belligerent rights.

I am fully convinced that the cause of the revolution now existing in Cuba commands the moral support and the sympathy of this and every other enlightened and Christian people.

In their battle for freedom and for independence every lover of liberty, every believer in the institutions of free government, and every friend of the people who believes that all governments derive their just powers from the consent of the governed should sympathize with the struggling Cubans and do all that they can to help them to bring about the realization of their hopes and aspirations.

It is true, in the contest thus far, we have been merely close and sympathetic observers and anxious and hopeful lookers on, but the time has now come when we must assert our rights in no mistaken tones and brook no insolence from haughty Spain, puffed up, as she seems to be, with her own ancient pride, which, according to good law and precedent, goeth before a fall.

Spain has run her course. Her days of conquest are passed. She is tottering to-day on the greatness of her own historic ruins. She, too, I doubt not, will soon be a Republic. [Applause.]

Mr. Speaker, these brave, noble, heroic Cuban patriots are fighting a battle of republicanism against monarchy; of democracy against plutocracy; home rule against the bayonet; the sovereignty of the individual against the sanctity of the king; the ballot against the throne; American liberty against foreign tyranny, and above all and beyond all they are fighting a battle for the rights of man. They must and will succeed if they can maintain their present status for a few months more. [Applause.]

Spain denies that war exists in Cuba, yet she has sent a hundred thousand men there to put it down. Her greatest general took personal command, was recalled, and admits he can not succeed. Spain never did and never will admit the truth about Cuba. She will not permit the world to know what is going on in the island, and the probability is that she is not carrying on a civilized mode of warfare. There seems to be very little difference between Captain-General Valmaceda and Captain-General Weyler, his former lieutenant, and the message of President Grant, through his Secretary of State, in 1869, crying out in the interest of Christian civilization and common humanity against the mode of warfare in Cuba by the Spanish Government is no doubt as true to-day as it was then. [Applause.]

What a sad story the history of poor Cuba tells!

For three hundred years Spain has ruled her with a blood-stained and an iron hand. It has been the rule of a military despotism over a conquered and subjected province. Its true history never has been written, and probably never will be. It has been one long, unending carnival of crime, of bloodshed, of rapine, of public plunder, and of official robbery; a dark blot on civilization, a disgrace to Christendom, an imperial challenge, backed by bayonet and by sword, to the sober sense of humanity. How much longer will it last? How much longer will this Christian Government suffer it to last? Captain-general after captain-general has come and gone, leaving a trail of blood, of pillage, of plunder, and of crime in all its forms; but Cuban patriotism has lived on and hoped on, and has become, as the years rolled by, more intensified, more united, until at last the bright dawn of her independence day is at hand, and with our help and our sympathy the Ever Faithful Isle, richest for its size of any on earth, will soon be free and independent from Spanish misrule, Spanish marauding, and Spanish misgovernment. [Applause.]

No one desires to hold Spain unduly responsible for the crimes and the moral turpitude of all these men, these officials, and these miscreants; but so long as her banner is upheld by them she must share the dishonor which attaches to their deeds.

Spain shuns the light of truth regarding Cuba. She maintains a censorship of the press, of the post-office, and of the telegraph office. Not a letter or a cablegram can go in or come out of Cuba without being revised, suppressed, or supervised. Why? Because Spain fears the truth and can not bear the light of impartiality and investigation. Hence, most of the news from Cuba is doctored by the Government and is worthless. Very little attention should be given to the reports from Spain concerning the Cuban revolution. In many instances the news (so called) is a tissue of falsehoods, manufactured to influence public sentiment against the Cubans and make the world believe what is not so, and what most of us know can not be true.

Mr. Speaker, Spain can not win. She can not again subjugate Cuba. Her greatest generals meet with defeat in every important engagement, and her resources are drained to a condition of national bankruptcy. She can not carry on the war much longer and must soon admit her inability to quell the revolution. From what I can ascertain and from what I can learn from the best and most authoritative sources, I know the Cubans will accept no terms but the freedom of the island—no more faithless promises of reform; nothing but absolute independence.

Cuba is the queen of the Antilles. She has justly been called the fair and fruitful isle, the Eden of all her sisters of the sea, the glorious gem of the ocean, whose very name fills the mind with the most enchanting pictures of tropical beauty, the most deli-

cious dreams of natural wealth, of luxury, and of splendor, an eternal summer garden, intoxicating with the incense of perpetual flowers and brilliant with the plumage and the music of innumerable birds, beneath whose sunlit glowing sky the teeming earth yields easy and abundant harvest to the toil of man, inviting the traffic and the commerce of the world. [Applause.] Her people are industrious, intelligent, and entirely capable of governing themselves. For the Spanish press to assert otherwise is preposterous and unworthy of denial and contradiction.

Cuba is our Armenia. The world will hold us responsible for the cruel, heartless, bloody outrages perpetrated there in the name of Spain. We should serve notice on Spain to-day that butcher Weyler must cease the indiscriminate slaughter of women and children; that the firing by night in Morro Castle and Cabanas must end. If it does not, then we will intervene and end it in the name of Christian civilization.

Let Spain look at all the other Spanish American Republics from the Rio Grande to Patagonia. Yes, let her look at Hayti, lying adjacent to Cuba, and a thousand times better governed.

Cuba lies at our very door and is a natural part of our geographical domain. Some day she will be ours. But it will never come by purchase. Spain derives 60 per cent of her entire revenue from Cuba, and she will never consent to sell her most profitable possession, and what is more, and what is more right, the Cubans will never consent to be sold. Cuba will come to us in her own good time, but when she comes she will come in her pride and her glory, of her own accord and her own volition, as a free and independent State, a possession rich beyond the dreams of avarice and essential to our control of the Gulf of Mexico, our continental supremacy, and our national destiny. [Applause.]

The time has come when, as the people of the great Republic, we must declare our honest views and our true convictions, and declare them in no weak, vacillating, or mistaken tones. To remain silent much longer would subject us to the ridicule and the condemnation of every nation on the Western Hemisphere.

Let the impetuous and excitable people of cruel Spain fume and brag and bluster and threaten and intimidate as they will; it will hurt no one and should not deter us from doing our duty. Spain can not scare any nation to-day. The Cubans must be treated as soldiers, not as pirates and outlaws.

Mr. Speaker, all of the South American and Central American Republics, each one of which succeeded by revolution in securing its independence from tyrannical and oppressive Spain, are waiting for us to act, for us to speak. The moment we recognize the Cuban patriots as belligerents and entitled to all the rights of belligerency every one of them will follow, from Mexico to Chile. This is the Great Republic. It is looked up to and respected by every other republic on the globe. There should be no delay, no hesitancy, no cowardice. We should stand by Cuba and give her the helping hand France once gave us.

Why should it not be done? Can we forget our own past, our own struggles, our own prayer for help and succor, in the trying days when we were fighting for self-government? Where is the spirit that animated the people at Lexington, at Bunker Hill, at Saratoga, at Valley Forge, and at Yorktown? Have we forgotten the burning, eloquent words and the heroic actions of Washington and Jefferson, of Patrick Henry and James Otis, of John Hancock and Benjamin Franklin, of Morris, of Hamilton, of Adams, and all the other Revolutionary heroes? [Applause.]

Is American patriotism dead? Has the spirit of 1776 decayed and moldered away? Has the Declaration of Independence indeed become a dead letter and a glittering generality? Is our form of government a farce? Can we no longer conjure with the great names of our Revolutionary heroes?

If republicanism and democracy find no echo here, then indeed free government is a thing of the past, and the hope of the future is a message of sorrow and of gloom, of oppression and of tyranny.

Spain laughs at international law, ridicules the rights of nations, insults the Stars and Stripes, molests and fires on our commerce, scorns American sovereignty, and bids defiance to our greatness and our nationality.

We owe no debt of obligation to Spain. In all the history of the past we owe her no favor, no national gratitude. Her course never has been friendly to our own national development, our own progress, and our own advancement. We have no grievance with Spain, no quarrel, and we seek none; neither do we fear one or expect one. But we have the right, and no one can deny it, to say what we think and what we believe; and we think and we believe Cuba should be free—free to govern herself, free to make her own laws, free to do each and every thing that every nation on earth of right can do.

Our duty is plain, aye, in my humble judgment it is imperative. We should recognize the Cuban patriots as belligerents, with all the rights and all the privileges that implies and that affords in modern warfare.

Let us fearlessly, manfully, and courageously meet the exigency of the hour, "with malice toward none, and with charity for all," and our action will command the approval of every liberty-loving American from one end of the country to the other; the God of nations will bless us, and we will have earned the everlasting gratitude, the respect, and the affection of every Cuban now and for all time to come. [Prolonged applause.]

Mr. HITT. Mr. Speaker, I ask unanimous consent that the privilege of printing remarks on this subject be extended to other gentlemen.

Mr. MONEY. That all have leave to print?

Mr. HITT. Yes; that any gentleman who may desire it may have leave to print upon this subject.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TUCKER. Mr. Speaker, I yield ten minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. Mr. Speaker, it is perfectly obvious that in seven minutes it will be impossible to make a satisfactory or considerate statement of the pending question. I regret that in so grave an emergency as now confronts us a larger liberty of debate was not allowed. Even of the brief time provided for the opposition, a large proportion has been already occupied by the friends of the resolutions.

It is also most regrettable that the chairman of the Committee on Foreign Affairs submits so momentous a measure under a suspension of the rules with so meager an opportunity for discussion and information, and without even the privilege of offering an amendment. He did not see fit to present even a report in which the important facts of the case could have been given to the House and to the country. But there is in fact no report to guide us on this most extraordinary occasion.

We ought to know the facts on which we are asked to pass the resolutions proposed by the chairman of the Committee on Foreign Affairs. We called a short while ago on the Secretary of State for information on the subject. I have before me the pamphlet which contains his reply, and there are only about forty pages of it relating to the progress of the insurrection in Cuba and those pages are only a dreary record of incendiarism, assassination, and guerrilla operations.

On this foundation we are asked to declare that a state of public war exists in the Island of Cuba. My friend from Kentucky [Mr. MCCREARY] instead of giving us facts has cited certain precedents. It would have been more appropriate in him, as a distinguished member of the Committee on Foreign Affairs, to have given us some information of the facts in the particular case for our instruction. He invokes as a precedent the recognition of belligerency granted by Spain and the great powers to the Confederate States. Why, sir, at the time this recognition was accorded to the Confederate States they had possession of almost every port from the mouth of the Potomac to the Rio Grande! And they had an army against which the combined legions of Cæsar and the phalanxes of Alexander would have been unavailing. [Applause.]

He talks of the Texas precedent. At the time the recognition was granted to that young Republic, the battle of San Jacinto had been won; Santa Anna, the commander-in-chief of the Mexican army, with his forces, had been made prisoners of war by the gallant Texans. The gentleman is as unfortunate in his precedents as on the question of fact. Are we to be reminded of the recognition accorded to our ancestors in the Revolutionary war? Before that recognition we had fought the battle of Bunker Hill, had captured Boston, had fought the battle of Bennington, and had captured Burgoyne's army at Saratoga. When and where has there been any battle—war—in Cuba?

But, sir, I have been amazed that appeals to popular indignation have been made in this Congress like those which were made in Barcelona on yesterday to the Spanish mob. [Applause.] While on this incident let me say that our State Department has official information that the Spanish Government has already without demand made completely the amende honorable, and has promised ample reparation. They may be a hot-blooded people, but there is in their bosoms still something of the ancient chivalry. Let us imitate this spirit rather than that of the Spanish mob.

Unspeakable outrages on the weak and helpless and on women and children have been alleged here and elsewhere against General Weyler, the present captain-general, during the previous insurrection, on the authority of one Enrique Donderio, a Spaniard who is said to have come over to Cuba with the Spanish troops and then fled to this country to tell his story. Whatever may be the character of General Weyler for cruelty as a commander, I make no defense for him; but I will not believe that he personally caused these monstrous outrages on women and children upon such testimony. Either this tale of horror has been overdrawn or else these Cuban patriots would never have voluntarily made peace with the Spanish Government. It would never have entered into the hearts of patriots to condone such appalling crimes and live again in amity with their perpetrators. Why have not the Cubans themselves in

the peace that ensued at least told these wrongs, even if they lacked the spirit to resent them? The thing is incredible. Why has nothing ever been said of these awful crimes in reports to the State Department? But, sir, I do not deny that some atrocities may have been committed in the present struggle as well as in the other, such as occur between all men in stern conflict with arms.

General Grant, in one of his messages to Congress on this subject, during the ten years of their former struggle, stated that—

General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, admitted the slaughter by his own deliberate order in one day of upward of 650 prisoners of war.

Horrors seem to have occurred on both sides of this unfortunate struggle.

Mr. WASHINGTON. May I ask my friend a question?

Mr. TURNER of Georgia. I hope my friend will recognize the fact that my time is very limited.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. SMITH of Michigan. I ask unanimous consent that the gentleman may be permitted to finish his remarks.

Mr. QUIGG. Mr. Speaker, I shall have to object to that.

Mr. MILES. I ask unanimous consent that the gentleman's time be extended three minutes.

Mr. COX. Say ten minutes.

Mr. MILES. Ten minutes; not to come out of the time of any of the other members who have been allotted time to speak.

The SPEAKER. The gentleman asks unanimous consent that the time of the gentleman from Georgia be extended for ten minutes. Is there objection?

Mr. MARSH. Mr. Speaker, I object.

Mr. OWENS. Mr. Speaker, it seems to me the gentleman ought to be accorded this privilege. The gentleman from Virginia [Mr. TUCKER], who has charge of the time on this side, has given most of it to gentlemen in favor of the resolutions, reserving but a very few minutes for gentlemen who want to discuss the other side of it.

The SPEAKER. The gentleman is not in order, objection having been made.

Mr. OWENS. I ask that he be allowed to extend his remarks for nine minutes.

Mr. HITT. Mr. Speaker, I ask the House to give the gentleman from Georgia [Mr. TURNER] five minutes more in which to complete his argument—for it is an argument—against the resolution.

Mr. WILLIAM A. STONE. There is no objection on this side.

The SPEAKER. Is there objection to extending the gentleman's time for nine minutes?

There was no objection.

Mr. WASHINGTON. Will my friend now allow me to ask him a question?

Mr. TURNER of Georgia. I prefer not to yield. Mr. Speaker, I beg to return my thanks for the great courtesy shown me, and for the privilege of continuing for a few minutes the remarks which I was endeavoring to submit.

It will be remembered that during the entire ten years of the former struggle of the Cuban people recognition of their belligerent rights was denied by the President of the United States, who from year to year communicated to Congress the reasons which actuated his conduct.

At one time President Grant said of the insurrection in Cuba:

Attempts to suppress it, so far futile, have been probably at a sacrifice of more than a hundred thousand lives and an incalculable amount of property.

And yet he refused recognition of the belligerent character of the Cubans.

At another time he said, in speaking of according rights of belligerency:

Unless justified by necessity, it is always and justly regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion.

On another occasion, in his message to Congress, President Grant tersely synopsized the conditions and elements which are requisite to constitute war in the sense of international law. He said:

The question of belligerency is one of fact not to be decided by sympathies or prejudices for or against either party. The relations between the parent State and the insurgents must amount in fact to war in the sense of international war. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the customs of war, flags of truce, cartels, exchange of prisoners, etc., and to justify a recognition of belligerency there must be above all a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a State among nations capable of discharging the duties of a State and of meeting the just responsibilities it may incur as such toward other powers.

And he added the following statement of Cuban affairs, which seems to be a perfect statement of the present situation so far as we know it:

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting the revenue; no seaport to which a prize may be carried, or through which access can be had by a foreign force to the limited territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful. In the uncertainty which hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce, no trade, internal or foreign, etc.

These views were repeated from year to year in the annual messages. If you have no respect for Grant: if you think that he knew nothing of war, then bear in mind that he was stating the law according to the standard authorities.

Who is the president of Cuba? He is said to be a naturalized citizen of the United States, and is enjoying his honors very safely in this country. His cabinet is also said to be in this country. Where is the capital? Where is the Cuban legislature? Where are their battlefields?

Mr. Speaker, it is unnecessary for me to extend these remarks further. I will conclude by the simple statement that if I could I would have offered resolutions which I had prepared for the occasion, to vindicate the claims of humanity and to extend our good offices in every practical way in accordance with the precedents. And I would defer for the present offensive interference until we have better information. Mr. Speaker, I trust that I am not deficient in the spirit of freedom. I know how much it costs, and I believe that that liberty is best which is regulated by law. [Loud applause.]

Mr. HITT. I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, in view of the fact that the report of the committee is being considered under a suspension of the rules, with but thirty-five minutes to divide between all who desire to speak, it will be impossible to even summarize the rule of international law or examine the adjudicated cases in point. This is greatly to be regretted in a matter of such grave importance to the people of the United States and a friendly European power.

I would like to specifically reply to the argument of the distinguished gentleman from Georgia [Mr. TURNER], but my time will not permit me to do other than express my amazement that so able a lawyer should for a moment question the right of this Government to take neutral ground in the present warfare between the Spanish Government and her colony on the Island of Cuba. There is not a recognized authority on international law that does not admit the right of neutral powers to stand absolutely aloof by balancing the scales of equality between contending forces engaged in war. Whenever the fact of war exists in the judgment of a neutral state, belligerency is accorded as a matter of right, and the government de facto and the government de jure stand upon an equal footing in the eyes of friendly powers.

Judge Grier, in the Prize Cases in 2 Black, Supreme Court Reports, says:

A civil war is never solemnly declared. It becomes such by accident. The power and organization of the persons who originate and carry it on, when the party in rebellion occupy and hold in a hostile manner a certain portion of territory, have declared their independence and cast off their allegiance, have organized armies, commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest as war.

Woolsey's International Law says:

There is a vast distinction between the recognition of a state's belligerency and its independence. It can declare a blockade, and responsibility for the acts of insurgents is removed. On the other hand, the insurgents can raise loans, get war material and other assistance, subject to neutrality laws. Its flag and revenues are respected and it secures a quasi political status, far short of independence, however. No complaint has ever been made of the recognition of belligerency of Southern States by Great Britain in 1861, which example was followed by other foreign powers, but the recognition of its independence proposed by France was at no time justifiable, for the attempt to put down the rebellion at no time ceased.

Earl Russell, in explaining why England recognized the belligerency of the Confederacy, points out the number of troops placed in the field by the United States and the other warlike preparations. Seventy-five thousand men were called out April 15, 1861, and on May 3 an increase of 22,714 men was ordered for the Army. (It will be noticed that the total is less for the immense territory in the South than the efforts of Spain in Cuba up to the present moment.) Continuing, Earl Russell says:

After a recital of these immense efforts it seems quite inappropriate to speak of unlawful combinations. When considering the case of the Greek revolutionists Mr. Canning said that the character of belligerency is not so much a principle as a fact.

That a certain degree of force and consistency acquired by a mass of population engaged in war entitled that population to be treated as belligerents, even if their right was questionable; rendered it even if their right was questionable; it was the interest of nations well understood to so treat them.

Hall, in his work on International Law, says:

As soon as a considerable population is arrayed in arms with the professed object of obtaining political ends, it resembles a state too nearly for it to be possible to treat individuals belonging to such population as criminals. It would be inhuman for the enemy to execute his prisoners. It would be still more inhuman for foreign nations to capture and hang the crews of war ships as pirates. Humanity requires that the members of such a community be treated as belligerents.

Vattel, on the Law of Nations, page 292, says:

When a party is formed in a state who no longer obey the sovereign and are possessed of sufficient strength to oppose him, this is called a civil war.

Judge Grier, in the Prize Cases in 2 Black, 667, says:

A civil war is never solemnly declared. It becomes such by accident. The power and organization of the persons who originate and carry it on. When

the party in rebellion occupy and hold in a hostile manner a certain portion of territory, have declared their independence and cast off their allegiance, have organized armies, have commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest as war.

Larimer agrees with Pomeroy that if belligerency is not accorded it is equivalent to aiding the mother country. He says (volume 1, page 142):

By recognizing belligerent rights neutral powers pronounce no judgment whatever, either on the merits of the claim or the probability of its ultimate vindication. Belligerent recognition is a mere declaration of impartiality. To withhold from the claimant for recognition the rights of belligerency whilst we extend them to the parent state would plainly be to take part in the war.

Pomeroy, page 224, says:

To refuse recognition might, under some circumstances, have the direct effect to cause the country so refusing to take the part of the mother country and against the rebels. As a consequence, if another power remains strictly neutral to the contest, that very attitude must involve the recognition of the insurgents as belligerents. Unless another power desires to take active part in the hostilities and throw the weight of its influence and, under some circumstances, the positive aid of its executive power in favor of the mother country, it must treat the belligerents as belligerents.

It should be noted that this revolution is much more powerful than that which called forth President Grant's message. There can now be no doubt of the facts upon which the right to belligerency is based as to a port. Modern armament and men-of-war are now so powerful that it would be impossible to retain a port without cooperation of a fleet. To obtain a fleet it would be necessary to violate the neutrality laws of a country. Besides, no writer has ever declared this a necessary condition precedent to creating belligerency. The possession of a port is only one kind of evidence of the right of belligerency.

It is natural for this country, aside from the established policy and its interest in the trade of Cuba, to take the greatest interest in this movement.

Washington (2 Wait's State Papers, page 99) says:

Born in a land of liberty, having early learned its value, having engaged in a perilous conflict to defend it, having, in a word, devoted the best years of my life to secure its permanent establishment in my own country, my anxious recollections, my sympathetic feelings, and my best wishes are unmistakably excited whensoever in any country I see an oppressed nation unfurl the banner of freedom.

The criticism of the gentleman from Georgia as to the destruction of the sugar cane, especially in behalf of American citizens, is unfounded. As a matter of fact, orders were issued not to grind, so as to prevent aid and comfort to the enemy following from imposts and duties on the crop and on the proceeds thereof, which would circulate in a manner to be taxed over and over again. It was only because of disobedience of this order that the cane was destroyed; but aside from this the action of the Cubans is beyond criticism.

This right is founded on authority. In Aldy's Kent, 1878, page 195, the following will be found:

The enemy's lands are supposed to be a great source of his wealth and perhaps the most solid foundation of his power, and whoever owns or possesses land in the enemy's country, though he may in fact reside elsewhere and be in every other respect a neutral or friend, must be taken as to have incorporated himself with the nation. So far as he is the holder of the soil, the produce of the soil is held to be enemy property, independent of the personal residence or occupation of the owner.

While Chitty, in his Law of Nations, page 33, says:

First, then, it appears that the produce of the hostile soil is to be considered as bearing a hostile character, and certainly if any property ought to be considered as having such a character at all for the purposes of seizure nothing can be more reasonable than that the tracts of the enemy's lands, one of the greatest sources, and, as some have supposed, the sole source of national wealth, should be regarded as legitimate prize. That the interests of friends may sometimes be involved in our own vengeance upon enemies, is a matter which it is natural to regret but impossible to avoid. The administration of public rules demands of no private exceptions, and he who clings to the profits of a hostile government must be content to bear its losses also.

It is argued that Spain, until recognition of the Cubans, will be absolutely responsible for all destruction or damage by the latter. While this may be true as a broad general principle, attention is called to the following:

Mr. Seward in a letter to Mr. Bareda, January 9, 1863 (see Wharton's International Law Digest, volume 2, page 581):

"The United States Government is not liable for loss to Peruvian citizens caused by the destruction on board ship in Chesapeake Bay in 1862, such destruction being effected by a sudden attack of insurgents which could not, by due diligence, have been averted by the Government of the United States."

In short, it will be seen by the foregoing authorities, first, that the Cubans are entitled to belligerency; second, to withhold the right is to throw the support of the Government to the Spaniards; third, that the destruction of sugar cane owned by Americans is supported by sound American law; fourth, that by claiming it exercised due diligence to prevent the destruction of the cane, Spain may be relieved of liability, even if no belligerency be accorded.

There is a vast distinction between the recognition of a State's belligerency and its independence. The first may long precede the second. Belligerency gives the parent State important rights as well as the insurgents. It can declare a blockade and responsibility for the acts of insurgents is removed. On the other hand, the insurgents can raise loans, get war material and other assistance subject to neutrality laws. Its flag and revenues are respected and it secures a quasi political status, far short of independence, however. No complaint has ever been made of the recognition of belligerency of the Southern States by Great Britain in 1861, which example was followed by other foreign powers, but the recognition of its independence proposed by France was at no time justifiable, for the attempt to put down the rebellion at no time ceased. (Woolsey, page 42.)

The Cuban people have for nearly a year maintained themselves in the field. Their force has increased. It has overrun the entire island from east to west. It has enforced the orders of the republican Government it established. It has organized its army into divisions, corps, and brigades. Its Government has proceeded to the enactment and enforcement of laws. The Spanish Government has been forced to declare the island from end to end in a state of siege, a thing never before done in all the provinces in the history of the country. It has been forced to increase its navy, fortify its harbors with heavy guns and torpedoes; it has been forced to send from Spain over 120,000 troops in less than ten months; to increase its debt; to send over 40 of its best generals, and even during the winter season, the only time, as they admit, when they can operate with effect, they have been continually on the defensive. Nevertheless, we are asked to believe that the movement has no strength.

Spain's territorial possessions on this continent formerly covered sixty-five degrees of latitude and included both of the Tropics, while the European possessions of Ferdinand and Isabella, Charles V, and Philip II literally girdled the earth. But they ruled by the most abject subjection, and when they passed away Spanish decline was portentously rapid. Well might the Spaniards of that time mourn over the decline of their country—the chosen abode of chivalry and romance, the mistress of the world, the queen of the ocean. The terror of nations, her power was gone, no more to return. Weakness and vacillation characterized her government and her people. "Numbed into a deathlike torpor, spellbound and entranced by an accursed superstition, she presented a lonely and solitary spectacle of constant decay." No hope remained, and the only question was by whose hands the blow should be struck which would dismember that once mighty Empire, "whose shadow had covered the world and whose vast remains were imposing even in their ruins." It is said that aliens are now fighting the battles of Cuba. Who can complain? Broken and prostrate Spain has at various times in her history been unable to supply ability of any kind, making it necessary that foreigners should be called in to fight her battles. When the war of succession broke out in 1702, the extraordinary spectacle was exhibited of the Duke of Berwick, an Englishman, leading the Spanish soldiers against the enemy.

The gentleman from Georgia contends that these people are not competent to govern themselves. The same claim was made for the revolting colonies in South America, and made with equal force and effect in criticising the attempted independence of our own country.

He also says that this rebellion is being conducted by foreigners. I would remind him that the independence of Spain was achieved by foreigners, English and French generals conducting all her principal campaigns. Have foreigners no right to engage in war for the liberation of those they love? Much of the enthusiasm and valor displayed on fields of conquest have no warrant in the eyes of lawmakers. Indeed, sir, the distinguished gentleman from Georgia might properly proceed to the other side of this Chamber and take down the portrait of Lafayette, who left the brilliant surroundings of the court life of France, sleeping in stables to avoid detection, and came to join the forces of Washington to assist in establishing freedom here, being denied even the right to assist in working out the destiny of our Revolutionary fathers for some weeks after his services were tendered. The too tardy American Congress finally disregarded the injunctions of the King of France and permitted Lafayette to stand side by side with Washington in working out the destiny of the great Republic of the New World. [Applause.]

Mr. TURNER of Georgia. The gentleman from Michigan should remember that Lafayette came to fight.

Mr. SMITH of Michigan. He did come to fight, but the Congress of the United States denied him that right until he had plead, and even begged, for the privilege. My friend, you should proceed to Statuary Hall and pull out of their places the statues of Pulaski and Kosciusko, who, though foreigners, left dismembered Poland and came for the purpose of giving liberty to the New World, dedicating their blood to the cause of human freedom. [Applause.] Is it possible that the American people will withhold the right of mere neutral recognition because, forsooth, aliens are fighting the cause of Cuban liberty? Our country will be the beneficiary if Cuba shall become a republic. It sits like a sentinel in the Mexican Gulf, guarding the approaches from five States of the South to our eastern sea. It is directly in the course of the watery highway connecting the republics of the south with the continent of North America. It guards the passage from the At-

lantic to the Isthmus, and is the only friendly territory to which we could confidently turn in the event of the construction of the Nicaragua Canal and its attempted use by foreign foes.

Spain owns, besides Cuba, Porto Rico, at the very entrance to the Mona passage. England controls the Bahama Islands, Jamaica, and Trinidad. France has possessions in the West Indies, owning and fortifying Guadeloupe and Martinique. Is it not important that this great Government, whose vast territory is washed by the Gulf, should have at least an equal chance in this island group in the event of future war?

A personal visit to this island impressed me with its importance and great value. Under ordinary conditions it will develop extraordinary value.

[Here the hammer fell.]

Upon motion, Mr. SMITH's time was unanimously extended five minutes.

Mr. SMITH of Michigan. It has frequently been asserted here that if we recognize the belligerency of Cuba the property of Americans invested there is instantly put in jeopardy.

Mr. Speaker, there is a vast bonded debt upon the island, incurred by the Spanish Government, of over $200,000,000, and a fixed interest charge of over $20,000,000, and the cost of the present war saddled upon these poor people in the event of Spanish triumph will add $150,000,000 more to her burdens.

What will become of the American interests in that island when the tax—now too heavy to bear—has been increased to this extent?

Mr. BOUTELLE. Will the gentleman from Michigan permit me to ask him a brief question at this point?

Mr. SMITH of Michigan. Certainly.

Mr. BOUTELLE. The gentleman has alluded to the property of American citizens in Cuba and has stated that the island is overwhelmingly in debt. I ask him how he is going to favor the fact of American investment there by surrendering all claim upon Spain as a principal if Cuba, as an indorser, is lost by being submerged in debt?

Mr. SMITH of Michigan. The gentleman has asked me a question, and I will answer it. The Island of Cuba and its people have had no part in incurring the debt now charged against it. The bonds were issued by Spain and denominated Cuban bonds, because they hoped to cancel them with the revenues derived from Cuba. But the moment that this island becomes independent of Spain the debt ceases to be a charge against Cuba and passes away with the power that incurred it. [Applause.]

Mr. BOUTELLE. But that does not answer my question. My question is, to whom are American citizens to look for damages to their property?

Mr. SMITH of Michigan. Under the interpretation of law given by the Acting Secretary of State in reply to questions asked as to Spanish liability for property destroyed by the insurgents in Cuba, there is no possible redress against the Spanish Government for a single dollar of damages for injuries sustained up to the present time. It is a well-recognized principle of law, reenforced by the opinion of Secretary Seward, before quoted, that where insurrection is beyond the control of the parent state, and it is unable to prevent destruction of property, there is no rule upon which liability can be successfully predicated. Therefore I say that the only hope the American investor has in Cuba is in driving Spain from the island and putting a stop to this war as quickly as it is possible to do, and when the debt and the irksome power are driven from that land it can be economically administered and investments safely guarded.

My friend from Georgia [Mr. TURNER] wastes his sympathy upon a people who are responsible to high heaven for the iniquitous Inquisition of whose crimes Spain has never been purged.

Mr. BOUTELLE. I ask unanimous consent that the Inquisition be abolished.

Mr. SMITH of Michigan. The inquisition which you ought to aid in abolishing, sir, exists to-day in no modified form in the Island of Cuba [applause], where hundreds of innocent people are being hourly put to death by the most cruel and barbarous methods conceivable, and if this resolution will aid in any manner, and give comfort to the struggling, or deter the hand of tyranny, it will have fully accomplished its purpose and reflect the best sentiment of the American people. [Applause.]

Mr. TUCKER. I yield three minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I hardly expect in the three minutes permitted me to absolutely convince all the members of this House as to what is their public duty at this time. [Laughter.] I do not expect to be able to traverse the very interesting chapters of history with which we have been regaled this afternoon. But I do desire to emphasize the expression which I made at 5 o'clock in the afternoon on a recent day, when I objected to the summary disposition of a question of the most momentous gravity by what ought to be, in the absence of conservatism elsewhere, the conservative body of the Congress of the United States.

I disliked at that time to interpose an obstacle in the way of any proposition made by the accomplished and distinguished gentleman who is chairman of our Foreign Affairs Committee; and I think that even the gentlemen who have greeted me with that pleasant laughter this afternoon will believe that nothing but a strong sense of public duty would have impelled me to interpose objection at that time. If I needed any justification for that action I find it in the fact that the objection which I raised to that hasty consideration has at least enabled the Committee on Foreign Affairs to revise the resolutions which they then presented. They have profited by that delay.

Mr. MONEY. Will the gentleman allow me to interrupt him?

Mr. BOUTELLE. If in my three minutes I can spare the time——

Mr. MONEY. The Committee on Foreign Affairs have not revised these resolutions; they were revised by the gentleman who introduced them to-day; the Committee on Foreign Affairs have had nothing to do with it.

Mr. BOUTELLE. I will accept that amendment, and will say that the gentleman at the head of the committee has deemed it wise to modify the terms of the resolutions as they were before presented, and I entirely concur with him in the wisdom of that modification.

I speak here to-day simply for that number of the members of this House (and, Mr. Speaker, they are more numerous than many here may suppose) who, whatever their sympathies may be in the struggle now going on in Cuba, have grave doubts as to expediency or propriety of the House of Representatives adopting under a suspension of the rules a practical declaration of war against a power with which we are now at peace. And I want to say, so far as my own record is concerned, that whatever I might be persuaded to do or to vote if I could have the rights and facts of this Cuban question presented to me, as I have not had them presented to me thus far, I am opposed to passing resolutions here to-day, under a suspension of the rules, without what I regard to be a proper amount of discussion, without what I regard to be the essential deliberation that will justify us before the American people in committing our Government to a course that may turn the whole trend of our public affairs away from the paths and avocations of peace to those of war. I am not enamored of the prospect of war. I am not afraid to stand here and say that I deprecate war. There is nothing seductive about the aspect of war. War is horrible; and it is only to be endured when honor and necessity demand it.

The SPEAKER. The gentleman's time has expired.

Mr. BOUTELLE. I do not say that the adoption of these resolutions will ex necessitate produce war. I say that it is the entering wedge; that we are entering upon a course that may have that result, and whether rightful or wrongful we ought not to do such a thing under a suspension of the rules, but in accordance with every rule of deliberation which this House can observe to safeguard such momentous action. [Applause.]

Mr. BARTHOLDT. I ask that the gentleman's time be extended five minutes. I desire to ask him a question.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks that the time of the gentleman from Maine be extended for five minutes.

Mr. BOUTELLE. I appreciate the gentleman's courtesy; but recognizing fully as I do the temper of this House, I feel that I could add nothing more to what I have said. I can not argue the question; there is no time. I can not obtain information; there is no opportunity to give it. I have simply expressed my belief to my fellow-members of this great body, the representatives of the American people, the men who stand here nearest to the people, that they should not proceed in a matter of this kind with undue and unseemly haste. [Applause.]

Mr. BARTHOLDT. I ask unanimous consent that the gentleman's time be extended for the purpose of allowing me to ask him a question or two.

Mr. BOUTELLE. If the gentleman's request is to enable himself to make a speech, I withdraw my objection. [Laughter.]

The SPEAKER. The Chair does not exactly understand what the situation is. [Renewed laughter.]

Several MEMBERS. Regular order.

The SPEAKER. The gentleman from Virginia is entitled to the floor.

Mr. TUCKER. I yield one minute to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I was surprised when I heard the objection to the unanimous consideration of these resolutions on Thursday last from the gentleman from Maine [Mr. BOUTELLE]. The ground given for the objection surprised me still more. It was "lack of information," to use the words of the gentleman from Maine. Sir, if he had read the proclamations of General Weyler, the captain-general of Cuba, he would have had all of the information desired. [Applause.] If General Grant, when made commander in chief of the Army in 1863, had issued such proclamations the whole civilized world would have stood

aghast in horror. Every nation on the face of Christendom would have at once recognized the Confederacy, and very justly, for war against humanity is war against the world.

I will not compare Captain-General Weyler with the Duke of Alva, nor will I even compare him with Balmaceda, the Butcher, his superior officer when Cespedes was President of Cuba. I will not call him a wolf, as he was termed in the Senate the other day, but I do aver that he is a gila monster of despotism, poisoning with its breath the atmosphere of American civilization. [Prolonged applause.] The speech of Senator SHERMAN last week furnishes full particulars for this characterization.

The SPEAKER. The time of the gentleman has expired.

Mr. CUMMINGS. I thought I was to have another minute.

Mr. TUCKER. I yield another minute to the gentleman from New York.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent for an extension of time for five minutes.

Mr. CUMMINGS. One minute is enough. Now, another word in reply to the gentleman from Georgia [Mr. TURNER].

To-day the Cuban patriots hold more ground in Cuba in proportion to the size of the countries than the Confederacy held one year after the firing on Fort Sumter. In one year they have overrun and acquired more ground than the Southern Confederacy acquired in the whole term of its existence. I say, further, that if Gen. John C. Breckinridge and Gen. Jubal Early had maintained their positions around Washington as long as the Maceos and Maximo Gomez have maintained their positions around the city of Habana the prospects of the Confederacy would have been much brighter than they were after the battle of Bull Run. [Applause.]

Mr. Speaker, Spain was the second power in Europe to recognize the Southern Confederacy as belligerent. She did it forty days before a single battle had been fought. It is high time that she took some of her own medicine. The rebellion which began at Yara years ago was never subdued under the sword. It was compromised under a promise of autonomy. That promise was broken by the Spaniards. Martinez Campos is right. The present uprising of patriots is the legitimate result of the violation of that contract. Cuba must and shall be free.

[Here the hammer fell.]

Mr. TUCKER. I yield one minute to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL of Massachusetts. I yield to no one in my sympathy for the struggling Cubans, but it seems to me that we should take counsel to-day, not of our sympathies, but of our judgment, and that in the consideration of this matter we should not start out with all the haste and enthusiasm of a lynching party on a pathway that may eventually lead our country to war. When some gentleman, not a member of the committee, on last Thursday asked unanimous consent for immediate consideration, on the ground that it would only take two minutes to pass the bill, I objected. I did not think then, and I do not think now, that so grave and delicate a matter should lack anything of deliberation and care.

It may count for nothing that there are many American citizens in the Island of Cuba; it may count for nothing that they have millions of dollars invested in that island; it may count for nothing that our business men have been overwhelmed with burdens, almost crucified, during the last few years, and can illy bear any additional thrusts, but it seems to me that the Committee on Foreign Affairs, as friends to the Cubans, should have given to this House, if we are going to usurp an executive function, some more detailed and definite information of what we are doing and as to just what effect these resolutions will have on the people of Cuba.

I understand that the benefits that will be conferred on Cuba by recognition of her belligerency are very vague, and that Spain will derive advantages almost equally great, and while I do not say that I would oppose recognition, yet I think the committee should have given to the House more definite information as to just the situation that exists. We should have some of the facts that the gentleman from Pennsylvania, who is chairman of the subcommittee, said he would like to have an hour to give the House. Unfortunately we are without them, and having neither jurisdiction nor knowledge, we are asked to take a hand in adjusting a grave and complicated international situation. I shall vote, therefore, against suspending the rule and considering the question under such conditions.

[Here the hammer fell.]

Mr. BOUTELLE. I ask unanimous consent that the gentleman from Massachusetts may be permitted to proceed.

Mr. MCCALL of Massachusetts. I do not desire a further extension of time.

Mr. QUIGG. There are many who desire to occupy the floor, but will be unable to get any time, and in justice to all I must object to further extension.

Mr. TUCKER. I yield half a minute to the gentleman from Massachusetts [Mr. MOODY] to make a statement.

Mr. MOODY. Mr. Speaker, I shall occupy the floor the short time that has been accorded to me not for the purpose of expressing any views of my own upon the subject, although I wish to say that I concur heartily in every word the gentleman from Maine [Mr. BOUTELLE] has so well expressed.

But, sir, my only purpose is to execute a commission intrusted to me by one of my colleagues, Mr. DRAPER, a member of the Committee on Foreign Affairs. He is unavoidably detained from the House to-day by a force the urgency of which will not be denied. He imposed on me the duty of stating to the House and placing upon record his unalterable opposition to the resolution that is now pending before the House. [Applause.]

Mr. Speaker, a word more, if I may be permitted to say it. I trust that those who vote against this question now pending will not be understood to be voting against the consideration of the resolution or the adoption of the resolution, but only against the adoption of the resolution without consideration. [Applause.]

Mr. TUCKER. I yield five minutes to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. The gentleman from Virginia [Mr. TUCKER] has already generously given away so much of his time that I am sure what remains is insufficient for his own purpose. I therefore thank him for his courtesy, but decline to take advantage of it and yield him back the time. [Applause.]

Mr. HITT. How much time is remaining?

The SPEAKER. Eleven minutes.

Mr. HITT. How much time remains to the affirmative?

The SPEAKER. The gentleman has six minutes.

Mr. TUCKER. Mr. Speaker, as the sole member of the Committee on Foreign Affairs present who opposes these resolutions before this House, I feel "like one who treads alone some banquet hall deserted"; but I am not to be deterred, because of the unanimity of the sentiment expressed by my brethren upon the committee, from expressing my honest sentiments of the dangerous character of the resolutions.

As I understand, Mr. Speaker, one of the fundamental principles which has governed our actions since the formation of the Government, sanctioned and approved by all of the fathers of the Republic from Washington down to the present, is that of noninterference in the domestic concerns of other nations. I am not to be led away from those principles upon which this Government has rested for a hundred years by feelings of sympathy for those who may be suffering in the cause of liberty.

Such a cause appeals to my deepest sympathy and the warmest enthusiasm of my heart, and were I speaking as an individual, and not as a Representative, I would say, under all circumstances, Godspeed to any people that are seeking to free themselves from the yoke of tyranny; but my duty here is as a Representative in the Government of the United States, and I say it boldly, that unless the United States Government is to become "the wet nurse" for all the weak, puling governments of the New World and every band of struggling heroes upon whom the sun may chance to rise in any clime, this policy of interference must cease.

Sympathy is cheap. Sympathy which can respond in tears at any bidding is indeed beautiful; but sympathy which puts its hand in its *own* pocket and fills the coffers of the lean exchequer of struggling patriots, while not so beautiful, is far more beneficial in its effect; and while I admit that the feeling for Cuba in its struggle for independence excites the deepest sympathy and the broadest patriotism in the breasts of our people (in which I deeply sympathize), yet it can not be denied that behind this movement the eager eye of conquest looks to the day when Cuba will not only be free from the dominion of Spain, but will in fact be incorporated among the States of the Federal Union. Such a policy I am utterly opposed to. Nor will it be denied that the passage of these resolutions to-day is looked forward to by a large class of people in this country because they believe and hope that such action will result in war. Both of these propositions I am unalterably opposed to.

Why, Mr. Speaker, it strikes me that this country, this House, this Congress, without disrespect to to my honorable colleagues, has lost its head. What for? In the glorious cause of freedom. What is this second resolution? It is one which, if presented to Great Britain to-day in behalf of that great struggling Irish people who have been endeavoring for years to secure local self-government—if presented to Great Britain to-day in their behalf would be justly considered by her an affront. What do we say in this resolution? Hear it. We say:

> That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations.

That is, we believe that Spain thinks, and that the other nations of the earth think, that the adoption of a certain policy in Cuba would be to their interest. Well, now, it seems to me other nations might prefer to do their own thinking on this subject and pass their own resolutions expressing their own sentiments. Here

we are putting into the mouths of all of the nations of the world our opinion of what they think about the condition of things in Cuba. Can it be possible that the United States has become the custodian of the national thought of foreign countries, to be expressed by us whenever occasion demands it? What else? Continuing, it says—

would be the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

Where is the man in this great assembly that would not love to see a republic established in Cuba? Theoretically that is correct; but under international principles it is wrong to attempt to dictate it. It expresses the burning hope of every man who believes in a republican form of government; but what right have we to dictate to foreign countries with whom we are on friendly terms what sort of government they shall have?

Our political history abounds in a long line of uniform and unvarying opinions of the greatest leaders of political thought in our country sanctioning my position. I give only a few which are at hand.

Mr. Van Buren, Secretary of State, to Mr. Butler, October 16, 1829:

One of the settled principles of the Government is that of noninterference in the domestic concerns of nations; and as it would not tolerate it in others, so must every act of its own functionaries which might be construed into a departure from this principle incur the decided disapprobation of the President.

Mr. Webster, Secretary of State, to Mr. Everett, January 29, 1842:

The great communities of the world are regarded as wholly independent, each entitled to maintain its own system of law and government, while all in their mutual intercourse are understood to submit to the established rules and principles governing such intercourse. And the perfecting of this system of communication among nations requires the strictest application to the doctrine of nonintervention of any with the domestic concerns of others.

Mr. Seward, Secretary of State, to Mr. Adams, November 30, 1863:

Pursuing this course, the United States leave to the Government and people of every foreign State the exclusive settlement of their own affairs and the exclusive enjoyment of their own institutions. Whatever may be thought by other nations of this policy, it seems to the undersigned to be in strict conformity with those prudential principles of international law—that nations are equal in their independence and sovereignty, and that each individual State is bound to do unto all other States just what it reasonably expects those States to do unto itself.

More than that, Mr. Speaker, the remarks of my honored friend, the ex chairman of this committee [Mr. McCREARY], the remarks of my friends who sit on my right, and indeed all the discussion on the other side, show that if Spain does not give to the Cuban patriots a government of their own, based upon the choice of the people, then the United States is to give it to them by force of arms. That is the real meaning of this resolution, and I am utterly opposed to it.

Mr. Speaker, I have no objection to the third resolution.

Mr. McCREARY of Kentucky. Will the gentleman from Virginia allow me to interrupt him?

Mr. TUCKER. Yes.

Mr. McCREARY of Kentucky. I simply desire to state that the gentleman has misconstrued my remarks. That is not the position I take.

Mr. TUCKER. I felt sure my friend would disclaim it, but certainly his remarks justified such criticism. Why, Mr. Speaker, I am like the gentleman from Maine, my calm and dispassionate friend Mr. BOUTELLE, in one respect at least. I am against war in this country to-day. I am for peace on any terms except with dishonor, and for war for any cause where the honor and welfare of my country is at stake. But there is no such condition here.

Mr. MILES. Mr. Speaker, I should like to ask the gentleman a question. I think he said a while ago he did not object to the third resolution.

Mr. TUCKER. I did so state.

Mr. MILES. Now, I find that this third resolution recites that the present war is entailing losses upon the people of the United States. I should like to ask the gentleman as a member of the Foreign Affairs Committee if that committee has any evidence that direct loss is being sustained by reason of this war by the people of the United States?

Mr. TUCKER. I agree with the suggestion of the chairman of the committee [Mr. HITT] that many of our citizens have suffered heavy losses, and wherever an American in foreign countries is subjected to loss in his property or personal rights it is the duty of the American people and the American Congress to sustain him in his rights to the last degree.

Mr. Speaker, our people are not for war. I see in these resolutions the occasion for it. The Southern people have had enough of war. They know what it is. For four years they endured and suffered as no other people ever did. These men, like the gallant soldier who sits before me, General WALKER, who fought the battles of his country as he thought right in time of war, are to-day successfully pursuing the peaceful avocations that have come to their hands. If the proper time comes they will spring to the support of this Government and defend it against any enemy; but against the uniform policy of our country from its foundation to-day we defiantly challenge Spain to war by these resolutions.

Our Southern country, from its conservative and homogeneous population, may well be termed "the balance wheel" of this Government. You gentlemen from the North and West of this great country have troubles in your local governments to which we are strangers. More than once in the past few years have you sought counsel and sympathy from our people, and looked with longing eyes upon the peaceful conditions which prevail in our section in contrast with your own. These troubles are ever recurring and are ever present with you. Added to these you are now invited to pass these resolutions in the midst of a session of Congress which should properly be devoted to the solution of the pressing questions of the day, and for which you were sent here, and asked to add to our manifold troubles at home the possibility of war abroad.

Let us seek rather to cure the ills we have than to fly to those we know not of. Is the country never to have a rest from the distracting fears of war? Are we, having just escaped collision with Great Britain, which stirred the country from the Atlantic to the Pacific until quiet was restored by the good sense of the people, to have a repetition of the same thing? Are we by these resolutions willing to throw the country into a state of agitation again over the possibility of foreign entanglements and foreign war, and thus destroy our business, our commerce, and our unbroken policy for a hundred years?

No, Mr. Speaker, our endeavor should be to cultivate peaceful rather than hostile relations with all foreign countries; to follow the teachings of the fathers as laid down by them from the foundation of the Government; to develop our own country, in the language of Mr. Calhoun, "by accretion and not by conquest," by masterly inactivity in foreign affairs. Our fathers were wise enough to see that the geographical position which we occupy, under the providence of God, should establish for us an international policy, free from foreign entanglements, for the protection of our commerce abroad and the protection of our citizens under the flag of our country wherever fortune or circumstance placed them in the world. If an abandonment of this principle is to come, and if, as the action of this Congress seems to indicate, that a new policy is to be inaugurated and that our country is to take her place at the diplomatic table of the world's nations, studying the devices and intricate problems of conquest, and our position is to be maintained only by the doubtful policy of the maintenance of "the balance of power," then indeed is our future mingled with doubt and the cherished hopes for our country to be ruthlessly shattered.

I speak for 20,000 brave Confederate soldiers who followed Lee and Jackson. They want peace.

But if peace should be hopeless, and justice denied,
And war's bloody vulture should flap his black pinions,
Then gladly to arms! while we hurl in our pride!
Defiance to tyrants and death to their minions,
And the cross of the South shall triumphantly wave,
To light us to freedom and glory again!

Mr. HITT rose.

Mr. MILES. I see the gentleman is about to take the floor. I would like to hear him answer for the benefit of a few of us the question I propounded to the gentleman from Virginia.

Mr. HITT. Mr. Speaker, I yield to the gentleman from Michigan [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, he who injures one threatens all. If civil liberty is defeated in Cuba, American freedom will lose an essential outpost.

Who are the Cuban patriots? Untitled children of the human race struggling for liberty. Who are the Cuban invaders? Descendants of the Spanish kings, whose records stain the pages of history and whose heritage is a heritage of rapacity, cruelty, and shame. If it be said that Spain has vested rights which as a nation we must respect, my answer is that the Cubans have inalienable rights which we as a free people can not ignore. Let us, then, on this occasion, fairly, fully, and fearlessly answer the question:

IS CUBA ENTITLED TO BELLIGERENT RIGHTS AS AGAINST SPAIN?

The right of belligerency involves two things: First, a question of fact, and next, a question of law. The question of fact relates to the actual strength of the revolutionary party. Insurgents become belligerents whenever they are beyond control. The establishment of a provisional government with a local capital is accepted generally as sufficient evidence of this strength. But it is very easy for a people to possess this strength without having established a fixed capital.

Such I conceive to be the present status of the patriots of Cuba. Their strength is to be measured by their numbers, their patriotism, and their endurance. That they constitute a majority of the

people of Cuba may be inferred from the fact that the Spanish army can not be recruited from their ranks, but is for the most part imported from Spain. That this majority is overwhelming is apparent, because without allies they are able to hold out against these foreign soldiers not only for months but for years.

Their late struggle for liberty continued for a period of ten years. In their present one they have already entered upon the second year with no sign in the horizon that anything less than long years of bloodshed is before them. Nor can their patriotism be questioned. Their bitterest enemies have never claimed that their motives were venal. In the land where their fathers were buried, where their children were born, and where they hope to live and die, they have but one ambition, and that is to be free.

Themselves the tillers of the soil, they see the rich products of their industry carried beyond the seas to swell the extravagance of their idle rulers.

On the other hand, surrounded by their impoverished families, they have heard the story of downtrodden people who, by resisting tyrants, have achieved independence. They are not ignorant of the history of this Republic. The western winds that break upon their island home from our mountains and everglades are vocal with the songs of liberty. Every gorgeous sunset as it sinks below Habana and bathes in purple outlines the Florida coast reminds them of freedom's home and burns into their longing souls the hope that they too may be free. But their strength as belligerents is displayed beyond question in their wonderful endurance.

Being thoroughly acclimated, the change of seasons does not impair their efficiency, and they are quite able to execute in July the plans made in January.

Not so with their enemies. These unfortunate boys—for few of the Spanish soldiers have reached man's estate—gathered from their comfortable homes in Castile, Aragon, and Saragossa, are perishing of fever by tens of thousands on the plains of Cuba. The ravages of disease are a thousand fold more destructive than the peril of arms, and all this is against the invading army. Therefore the question of fact as to whether the patriots of Cuba are clothed with a strength that the de jure government can not control must be decided in the affirmative.

Let us now consider the second question, that of international law. And here let me say that for international law, with all of its imperfections, I have a profound respect. Its province thus far has been in adjusting national difficulties and distributing the spoils of wars. But its coming glory will far outshine its past, for it is to be the nucleus of that perfected international code which shall yet be administered "in the congress of nations, in the parliament of the world."

Although Grotius is called the father of international law, the fact remains that international law as we know it to-day has grown up with the last two or three centuries, and is the product of European monarchies. I call attention to this fact, not to disparage it, but to understand it. International law has had for its object the rights of empires, not the rights of man. The reason why this is so is because the nations which made the international law what it is were autocratic and not democratic nations. One of its leading principles has been that—

> He who has the power may take,
> And he may keep who can.

It was reserved for a democratic nation, as late as the present century, to amend this feature of international law. This was done by the President of the United States in 1823 in announcing that the further acquisition of territory in America under any pretense whatever by any foreign power would not be tolerated. The immediate effect of this decision was to call down upon this Republic the wrath of kings.

A ministerial French paper, The Paris Etoile, then said:

> Mr. Monroe prescribes to the potentates of Europe the conduct they are to pursue in certain circumstances if they do not want to incur his displeasure. Such is the prohibition which he issues against their ever thinking of any new colonization in the two Americas. Mr. Monroe is the temporary President of a Republic bounded on the south by the possessions of the King of Spain and on the north by those of the King of England. Its independence has only been acknowledged for forty years. By what title, then, are the two Americas to be under his immediate dependence from Hudson Bay to Cape Horn? * * *
>
> It was reserved for Mr. Monroe to show us a dictator armed with the right of sovereignty over the whole of the New World. According to the new system he would establish, it would not be permitted to Spain to make the least effort to reenter on the territory which for three centuries she has possessed. The King of Portugal, as the American papers have observed themselves, could not act as a sovereign and father without exposing himself to the wrath of Mr. Monroe. England would require his previous consent if it suited her interest to make any new military or political establishment in Canada or Nova Scotia. Mr. Monroe's message contains phrases directly hostile to the policy and ambition of the great powers of Europe. * * * Who is he, in short, who does not fear to compromise the existence of social order by declaring in the face of heaven that he will not recognize any difference between a government de facto and a government de jure?

To this no less a paper than the London Times of January 15, 1824, replies:

> A direct attempt is made by the Etoile to sever the Chief Magistrate of a powerful and enlightened nation from the body of a State which he represents. He is the acknowledged, the elected head and organ of a great sovereign people, one whose elevation cost his country neither a drop of blood, nor a widow's tear, nor the beggary of banishment, nor the persecution nor corruption of a single human being among 10,000,000 men. An eminence thus achieved may well appear at first sight of questionable origin to an ultra, but let him consider his words. He calls Mr. Monroe a temporary President, but is the power which he exercises a temporary power? It is, on the contrary, a prerogative which never dies, let he who will be its trustee for the moment, and which, as Mr. Monroe has on this occasion employed it, has its sanction in the hearts of every citizen among those millions who confided it to his hands. Will the Etoile venture to match the durability of any despotic throne in Europe with that of the President's chair in North America? If so, we tell him he is likely to lose his wager.

This brief historical record, to which I have called attention, is full of interest. In the first place it fairly illustrates the evolution of international law.

President Monroe can be justified on no other ground than that international law has its true source in natural justice, and that its ultimate object is the rights of man. From the standpoint of monarchs he was a dictator; but from the standpoint of humanity he was a beneficent lawgiver. And the time will surely come, and its light already flecks the eastern horizon, when international law will be interpreted and applied, not to uphold autocratic government, but to secure to mankind its inalienable rights.

The attention of the world has been long engaged with what is known as the Eastern question. In this question is involved the destiny of certain religions and empires. But the locality of its origin, the field of its operations, and its ultimate destiny is the Old World. That question has never embraced the fundamental problem—the rights of man. Indeed, by a new question, to which I now call attention, it would be wholly invalidated. For the rights of man, were they recognized, would discrown every king, level every throne, and emancipate every subject in Europe and Asia.

In this new question, which henceforth will be known to statesmanship as the Western question, is wrapped up, not the balancing of power, which keeps kings on their thrones and aristocrats in the possession of their revenues, but that grander object—the inalienable rights of man.

Planted in the New World by the Pilgrim and the Cavalier, it has taken root in the two Americas, and is to-day a majestic tree whose sheltering branches shall yet extend from Baffins Bay to Magellan Strait, and whose fruit and fragrance shall enrich a continent. The Monroe doctrine suggests, but does not state fully, the Western question. It was the rights of man and not the vested rights of England or France or Spain that led up to the Monroe doctrine. The Western question is all that the Monroe doctrine implies, and much more. It not only forbids further foreign acquisition of American territory, but it prohibits the exchange between foreign powers of American territory. It would not allow England to purchase Cuba of Spain. Nor does the Western question admit the indefeasible title of kings to any part of the Western Hemisphere. It proclaims one law from pole to pole, and from ocean to ocean, and that law is "that no power is just that is not derived from the people."

In the light of this law, we are to interpret the law of nations when applied to American affairs. The rights of mankind being paramount on this continent, any protest of the people against autocratic rule, whether in Guiana, in Cuba, in Canada, or elsewhere, is to be regarded as a revolution and not as a rebellion.

In the light of this Western question all neutrality laws are to be interpreted. The unquestioned majority of the people of any State of America, freely expressed in armed resistance to monarchy, entitles them to belligerent rights. The necessity for a provisional government need not be a condition precedent for the rights of freemen to contend against tyrants. A military camp fire around which the majority of the people have gathered with their wives and children and staked all for human freedom is all that honor demands, all that justice requires, all that the heart and conscience of civilization exacts.

The Western question will not permit the foreign subjugation of any American State where a majority of the people desire to substitute a free for an autocratic government. This does not violate international law, but interprets it according to basic principles and in harmony with the international sentiment of mankind.

The Western question affirms that monarchy in America has no rights beyond those freely conceded by the majority of its resident subjects. A foreign power which, by misrule and oppression, has alienated a majority of its subjects has lost the only title to rule that ever has been or ever will be conceded on American soil. When that title is once lost, as it has been in Cuba, any attempt to subdue the people does not differ in principle from an invasion, and its triumph by the aid of foreign troops is nothing less than a foreign conquest. The Monroe doctrine, therefore, carried to its last analysis regards the presence of Spanish troops in Cuba under the present circumstances as hostile to the genius of American freedom, which it is the first duty of this Republic to defend. But as to the rights of Spain in Cuba I have something additional to say.

He who witnesses the departing glory of Spain can not fail to recognize the retributive justice of God. Her fertile plains, languishing for want of that art which once reached perfection in the gardens of Granada; her ports deserted where once the proud Armada defied the world; her nobility bankrupt, whose credit was once the strength of Europe; her chivalry baffled and defeated by the undisciplined militia of a distant and sparsely settled island; her brave yeomanry disheartened and indifferent, who once stood like a wall of fire against Scipio and Cæsar and all the crusaders of Europe; her provinces which once embraced a continent vanished and gone. For every wrong there comes a judgment day. There is but one God, one universe, one law, one humanity, and in one all-embracing system is held the constellations of the stars and the silent tears of human sorrow. After centuries of pitiless persecution and remorseless cruelty on two hemispheres, at last Spain, the inexorable judge, is brought to judgment.

Though the mills of God grind slowly,
Yet they grind exceeding small;
Though with patience He stands waiting,
With exactness grinds He all.

The crimes of Spain—who shall catalogue them? As we turn the pages of history, what unutterable horrors are revealed in the blazing Quemadéro! The hidden enemy; the secret denunciator; the sudden arrest; the unknown dungeon; the hideous torture; the pitiless judge; the cruel execution, and the sacerdotal robbery of widows and orphans. All this under the reign of Spanish kings is unparalleled in the history of human infamy, barbarous or savage.

But Spanish misrule was not confined to the shadows of the Pyrenees. It traversed the ocean and spread devastation in the rude homes of the unsuspecting children of the forests. From Mexico to Peru its rapacity knew no bounds; its cruelty no mercy. With the glories of Andalusia also perished the rights of man on the banks of the Tagus and the Ebro. Once the home of civil and religious liberty, the abode of art, and the seat of useful learning, Spain is to-day the sepulcher of original thought and the grave of civil and religious liberty. That land so favored by nature, where the foundations of modern science were laid deep and broad by giant intellects, is to-day a vast doctor's commons, where all knowledge has degenerated into Latin substantives and ritualistic mummery, and where true courage has given place to a debased brutality, which finds its natural expression in the heartless cruelties of the bull fight, in the merciless proclamation of the bloodthirsty Weyler.

Against the common people of Spain—against real Spain—I have not intended to express other than my highest admiration and respect. The noble race which gave to philosophy a Marcus Aurelius, to learning a Cervantes, and to valor a Trágan, needs no eulogy at my hands. The dauntless yeomanry that fearlessly stood before the armies of Rome and turned back the Crusaders of Europe has indeed reserved for it a glorious future, when in the fullness of time the people of Castile and Aragon shall place a new star in the constellation of the free states of the world.

The Monroe doctrine was doubtless, at the time it was announced, a sufficient expression of the Western question. But seventy years has wrought many changes. The duties of a nation, like those of an individual, are to be measured by its power. The United States in 1823 was far from being a nation of first rank. The population then, less than 10,000,000, was for the most part confined to the territory east of the Mississippi, and to the Atlantic and Gulf States. With no army or navy, surrounded on the north by Great Britain, on the south by Spain, it was indeed a bold stand for the infant Republic at that time to declare to the proud monarchies of Europe that the further acquisition of American territory by them would not be tolerated.

If this stand by our brave ancestors in the interest of civil liberty was not a violation of international law in 1823, is it not clear that in 1896, with increased power and a correspondingly increased responsibility, which is forever pledged to the cause of civil liberty, it is our duty to give full adherence to that principle of which the Monroe doctrine was but a partial expression?

In this question is involved a great national responsibility. It is written by the finger of God in the constitution of things that "no nation can live to itself alone." The law of life is the law of progress. There is no dead point of rest in a successful career. When progress ceases, disintegration begins, and disintegration is death. The cause of liberty is the cause of humanity. There is an irrepressible conflict between freedom and oppression. This continent can not be half free and half enslaved. In the Old World monarchy dominates; in the New World, liberty.

The Monroe doctrine must be enlarged. The flower of liberty must be vivified by the rays of sympathy wherever it grows, from the wintry skies of Canada to the plains of Cuba.

In the largest sense the patriots of Cuba are the wards of this Republic. It is to be hoped that President Cleveland will be equal to the great occasion. May the sun of liberty now rising in Cuban skies glow in his brain and burn in his heart! Let him send to Congress a message which shall be at once the apotheosis of the Monroe doctrine, the citadel of American liberty, and the death-knell of tyranny on the Western Hemisphere. Let it be clear, concise, and conclusive. Let it go ringing around the world, heard and known of all men. Let him say the Republic of the United States will not regard with indifference the presence in America of the armies of kings contending against the soldiers of civil liberty.

Let him say these words and a million men will spring to arms if necessary to vindicate them. Let him say these words and the clear blue waters of the Caribbean Sea will clasp to its loving embrace every war ship that flies the Stars and Stripes. Let him say these words and a new glory shall envelop the Presidential Mansion like that which shone forth when the noble Lincoln signed the Proclamation of Emancipation. Let him say these words and another expedition will soon cross the Atlantic. It will not, as of old, leave the harbor of Palos to bear to a new world the seeds of oppression and misrule; but out from Habana, amidst the booming of cannon, the waving of flags, and the shouts of a free people, with its prow set to the east, it shall bear the last survivors of the Spanish Kings back to the throne they have dishonored, to the people they have outraged and betrayed.

Gentlemen warn us that Spain will not abide by the Western question and that in the contest that will follow she will not be without allies and that war, with all of its disasters and horrors, will be upon us. Who, let me ask, will be the allies of Spain? Will the right of France to Guadeloupe and Martinique be imperiled? Not at all; for France is already a Republic and the people of those islands will have no occasion to raise the issue of civil liberty. Will the right of England to the Bahamas, to Jamaica, to Trinidad, to Guiana, or to Canada be imperiled? Not at all; for the subjects of Great Britain in America enjoy the blessings of civil liberty, made doubly secure, as they believe, by their loyalty to the mistress of the seas. Neither Russia, nor Germany, nor Austria have American possessions to defend.

On the other hand, the allies of this Republic will rally from the four quarters of the globe in sympathy with our contention. First of all, this hemisphere will a be unit for freedom. Every Repbulic of South and Central America will send its quota of volunteers to swell the army of liberty. But more than this, the heart of humanity everywhere will beat for us. The common people of the whole earth—the disbanded armies of Japan and China, the homeless exiles of Armenia, the rank and file of Russia, the thinkers and toilers of Germany and Austria, the peasantry of France and of England, and Spain itself and the dwellers on the banks of the Liffey and the Tweed and the mountaineers of Scandinavia will make the welkin wring with the shouts of joy when the vulture of the centuries shall drop from its talons the bleeding lamb of Cuba.

But the United States need no allies in a contest with Spain. We are not, as a people, wholly ignorant of the art of war. Our training school had a continent for its operations, and the full collegiate course of four years for our graduation. During this period we mastered the manual of arms, the directing of artillery, the maneuvering of cavalry, the sinking of Merrimacs. In this school of practice we were known, for convenience sake, as the blue and the gray. The affairs at Gettysburg, at Chickamauga, and Chancellorsville, were as spirited as it was possible in the absence of a venal foe, for we had no Valmaseda or Weyler afield.

But when the blue and the gray shall be blended into one vast army, flying the banner of freedom, keeping step to the heartbeat of humanity, and moving upon the last contingency of despotism—the jailers of the sixteenth and the brutal tyrants of the nineteenth century—believe me, their advance will be irresistible, and their victory the grandest in the annals of time, because it will be the final triumph of right over wrong.

They tell us that the right of belligerency will offend the Spanish Throne. What is the right of belligerency, but the right of man to contend for inborn rights? If Spain were not deceived with the leprosy of inhumanity, she would anticipate the action of the civilized world and freely concede this right to her subjects.

What sort of offense, then, will it be if this nation enforces an obvious duty? None at all; and Spain herself, when her delirium of madness is over, will bless our Republic for its good offices in this behalf.

The message of President Monroe stopped with the rights of territory. President Cleveland should deal with the rights of man. Fire and sword and torture must be no longer imported from Europe to America. Monarchy must hold its possessions in America through law and justice and equity or abandon them. President Monroe declared no new territory should be conquered. Let it now be declared that no old territory shall be reconquered. One is as sound international law as the other, and both are essential to western civilization. Great is the responsibility, but grand is the opportunity. Cuba is our Armenia. She is the one who went down from Jerusalem to Jericho and fell among thieves, stripped of her raiment, bleeding and dying; and the priests and Levites of international law shake their heads and make long speeches and look wise and pass by on the other side; but the

genius of civil liberty is the Good Samaritan who journeyed that way and had compassion and bound up her wounds and gave her oil and wine and money, and brought her to an inn and took care of her. And Jesus said of these three—the priest, the Levite, and Samaritan—he was the neighbor who bestowed mercy, "Go and do thou likewise."

I know not what conclusion others may have reached, but for myself, because it is essential to civil liberty that all the people of this continent should be free, because the landing of foreign troops on American soil retards the manifest destiny of our free institutions, because the citizens of Cuba are in possession of three-fourths of its territory and overwhelmingly adverse to Spanish rule, and because of all the tottering thrones of earth that of the Spanish kings is the most intolerable and the most underserving. I am now ready to cast my vote, not only to grant belligerent rights to the patriots of Cuba, but to prohibit the landing of further troops from Spain on Cuban soil. [Applause.]

Mr. HITT. I yield half a minute to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, it had been my intention to ask the gentleman from Maine a few questions; but having the floor in my own right I desire to put my case differently. It is well known, Mr. Speaker, that I am a naturalized citizen of this Republic.

A MEMBER. Mr. Speaker, there is so much confusion that it is impossible to hear.

The SPEAKER. The gentleman will suspend a moment. Gentlemen will please cease conversation.

Mr. BARTHOLDT. I repeat, Mr. Speaker, that it is well known, especially to the members of the last Congress, that I am a naturalized citizen of this Republic; but as such I wish to say to this House that I am a good enough American to believe in what ought to be an American truism—that the slave who attempts to break his chains is always right. [Loud applause.] For that reason, Mr. Speaker, my sympathies go out to the people of Cuba who are struggling, like our ancestors, for liberty and independence. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. Mr. Speaker, I have four minutes, I believe.

The SPEAKER. The gentleman has four minutes.

Mr. HITT. Mr. Speaker, I wish to first express the ready sympathy I feel with the sentiments expressed by the gentleman from Georgia [Mr. TURNER] and the gentleman from Maine [Mr. BOUTELLE] in appreciation of the gravity of the hour. This was felt in the discharge of the duty of preparing the propositions now submitted to the House, which have been under consideration for two months. The gentleman from Maine seems to think that we are on the brink of war—that this is a declaration that approaches war. He is wide of the purpose and effect of our action. The gentleman from Georgia spoke of the recognition of Texas in the insurrection in 1836 as one occasion where there was extensive war and we had ground for recognition.

When the recognition of Texas took place in 1836, Yoakum's History states that there were only 700 armed men on the side of Texas. The whole population was not half the army of the Cubans. Nearly six months ago the reports that lie before me—official reports—show that there were 35,000 men in arms defending that insurgent governmental organization, which is a powerful armed force, not altogether a government according to the notions of some nice lawyers, but a great armed political movement, as Wheaton said, has been formed; a powerful movement, which is belligerent, which is war, and which is entitled to recognition.

The gentleman spoke of the apprehension that it would bring on speedy hostilities. If he reads the resolutions with care he will see what is the opinion of men whose province it is to deal with this question—that there is no ground to apprehend that they will be received in such a spirit, for they plainly are not meant in such terms. They are a distinct vindication of our rights; they are the expression of our duties. We are not seeking war, nor is the Government of Spain. I hold in my hands a telegram I have received from the Secretary of State while this debate has been progressing. It shows how utterly unlikely it is that attempt will be made to turn these resolutions into a pretext for war.

DEPARTMENT OF STATE, *March 2, 1896.*

Hon. ROBERT R. HITT:

I have received a dispatch from Taylor, the United States minister at Madrid, which I think yourself and your committee and members of the House generally should know, as follows:

"Minister of state has just called to express deep regret that mob has insulted Barcelona consulate, breaking windows, and offered complete reparation. He informs me that Government, on its own motion, has taken every precaution to guard legation and my residence. I have asked no protection."

OLNEY.

Mr. BOUTELLE. May I ask my friend from Illinois whether the impression made upon his mind by that dispatch which he has just read is not one that would suggest grave consideration and the avoidance of hasty action on our part in taking a course that would provoke hostilities with a nation which manifests so strong a desire to dwell with us in amity and peace? [Applause.]

Mr. HITT. Mr. Speaker, that is what I have been trying to express, and these resolutions, carefully drawn as they are, can not bring any consequences that we shall have cause to regret. They are important—yes; say here just how we are willing to do our duty; but they are not bluster. They can not bring any such consequences as some gentlemen anticipate. Our amendment of the action of the Senate, which bluntly proposes to ask Spain to separate from a part of its territory, is wisely, prudently, and conservatively made. The right of search is the feature that every diplomat regards as the dangerous and explosive element. That comes in consequence of the right of search given to Spain by the treaty of 1795 in case we recognize the belligerency of Cuba. If she chooses to exercise it in a heated, insolent, and irritating manner, it may bring on, as General Grant feared in 1875, "perilous collisions." But I have shown by the telegram just read that the Spanish Government is not seeking a quarrel with us; we have no complaint to make of it, and the duty that we lay down for ourselves in these resolutions of urging a government the choice of the Cubans, is plainly such as can be considered by Spain in a friendly spirit.

The gentleman from Virginia [Mr. TUCKER] spoke with much ardor of our meddling in the affairs of other nations and of the resentment that would be excited if we should address Great Britain in this way. Sir, we did address this very Government of Spain in this way some years ago, in 1878, and our suggestion was received favorably and acted upon. It was upon our suggestion that accommodation was made, with antonomy promised, and the peace of Zampon was made. That rebellion was ended by an agreement which has been since violated. Spain promised to give the Cubans their autonomy and to allow the revenues of the country in fair proportion to be expended in the country; all of which was disregarded, so that the people, wronged and outraged, have arisen in rebellion again.

Now, sir, when those people can obtain a government such as was promised them at that time on the suggestion of our Government, the free choice of the people of Cuba, we shall have a solution of this problem which will bring peace and prosperity to that island, and we shall have done our duty when we propose it and use our influence to secure it.

I am aware of the strong feeling of sympathy for men struggling for liberty which has been alluded to here and which has been reproachfully spoken of as "sentimental." I have carefully avoided such appeals, deeply as I abhor the cruelties of Weyler and long to see a struggling people free. I have spoken only of those considerations which relate to our interests and our plain duty. I know the loathing the American people have for tyranny and cruelty, but in this whole matter I have gone with as sober steps as the gentleman from Georgia [Mr. TURNER] himself could have wished.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BLACK of Georgia. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACK of Georgia. Will the Speaker please state exactly the proposition upon which we are called to vote?

The SPEAKER. The proposition is to discharge the Committee on Foreign Affairs from further consideration of the Senate resolutions relating to this subject-matter, to substitute the resolutions which have been reported from the House committee, and to pass the same.

Mr. BLACK of Georgia. Another inquiry. Are we to vote first on adopting the proposition of the House committee as a substitute for the Senate proposition and then to vote again on the main question?

The SPEAKER. No; it is one single proposition.

Mr. BLACK of Georgia. Are not the resolutions susceptible of division?

The SPEAKER. They are not, except in the debate which has been had.

Mr. BLACK of Georgia. I mean on the vote.

The SPEAKER. The proposition does not admit of division. It is a single proposition.

Mr. BLACK of Georgia. Nor of amendment?

The SPEAKER. Nor of amendment.

Mr. BOUTELLE. Mr. Speaker, I rise to a parliamentary inquiry. Under a motion to suspend the rules is a motion to recommit in order at any time?

The SPEAKER. It is not.

Mr. MOODY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY. If this motion should not prevail would the subsequent consideration and adoption of these resolutions be possible under the rules of the House?

The SPEAKER. The Chair would prefer to decide that question when it arises. [Laughter.] If there be no objection, the Clerk will again read the resolutions proposed by the gentleman from Illinois, after which the Chair will put the matter to a vote.

The Clerk again read the resolutions called up by Mr. HITT, as above.

The SPEAKER. The question is upon agreeing to the resolutions.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that we may have a separate vote on each resolution.

Mr. QUIGG. I shall object to that.

The SPEAKER. Objection is made. The question is on agreeing to the motion to suspend the rules and pass the resolutions.

Mr. CUMMINGS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 262, nays 17, not voting 76; as follows:

YEAS—262.

Abbott,	De Witt,	Layton,	Robbins,
Adams,	Dingley,	Lefever,	Robinson, Pa.
Aldrich,	Dinsmore,	Leighty,	Royse,
Allen, Miss.	Dockery,	Leisenring,	Russell, Conn.
Allen, Utah.	Dolliver,	Leonard,	Sauerhering,
Andrews,	Doolittle,	Lester,	Sayers,
Avery,	Dovener,	Linney,	Scranton,
Babcock,	Downing,	Linton,	Settle,
Bailey,	Eddy,	Little,	Shafroth,
Baker, Kans.	Ellis,	Livingston,	Sherman,
Baker, Md.	Evans,	Long,	Shuford,
Baker, N. H.	Faris,	Lorimer,	Smith, Ill.
Barham,	Fenton,	Loudenslager,	Smith, Mich.
Barney,	Fischer,	Low,	Sorg,
Bartholdt,	Fletcher,	Maddox,	Southwick,
Bartlett, Ga.	Fowler,	Maguire,	Spalding,
Beach,	Gamble,	Mahany,	Sparkman,
Belknap,	Gardner,	Mahon,	Spencer,
Bell, Colo.	Gibson,	McCall, Tenn.	Stallings,
Bell, Tex.	Gillet, N. Y.	McCleary, Minn.	Steele,
Bennett,	Graff,	McClellan,	Stephenson,
Berry,	Griffin,	McClure,	Stewart, N. J.
Bingham,	Griswold,	McCormick,	Stewart, Wis.
Bishop,	Grow,	McCreary, Ky.	Stokes,
Black, N. Y.	Hadley,	McCulloch,	Stone, C. W.
Blue,	Hager,	McDearmon,	Stone, W. A.
Brewster,	Hainer, Nebr.	McLaurin,	Strait,
Broderick,	Halterman,	McMillin,	Strode, Nebr.
Bromwell,	Hanly,	McRae,	Strowd, N. C.
Brosius,	Hardy,	Meiklejohn,	Sulloway,
Brown,	Harmer,	Mercer,	Sulzer,
Buck,	Hartman,	Meyer,	Swanson,
Bull,	Hatch,	Miles,	Taft,
Burrell,	Heatwole,	Miller, Kans.	Talbert,
Burton, Mo.	Hemenway,	Milnes,	Tate,
Burton, Ohio	Henderson,	Minor, Wis.	Tawney,
Calderhead,	Hendrick,	Mondell,	Tayler,
Cannon,	Henry, Conn.	Money,	Terry,
Catchings,	Henry, Ind.	Moses,	Thomas,
Clardy,	Hepburn,	Mozley,	Towne,
Clark, Mo.	Hermann,	Murphy,	Tracewell,
Cobb, Mo.	Hicks,	Neill,	Tracey,
Cockrell,	Hilborn,	Noonan,	Treloar,
Codding,	Hill,	Northway,	Underwood,
Coffin,	Hitt,	Odell,	Updegraff,
Colson,	Hooker,	Ogden,	Van Horn.
Cook, Wis.	Howell,	Otey,	Van Voorhis,
Cooke, Ill.	Huff,	Overstreet,	Wadsworth,
Cooper, Fla.	Hulick,	Owens,	Walsh,
Cooper, Tex.	Huling,	Parker,	Wanger,
Cooper, Wis.	Hull,	Patterson,	Warner,
Corliss,	Hunter,	Payne,	Washington,
Cousins,	Hyde,	Pendleton,	Watson, Ohio
Cox,	Jenkins,	Perkins,	Wheeler,
Crisp,	Johnson, Cal.	Phillips,	Williams,
Crowther,	Johnson, Ind.	Pickler,	Willis,
Cummings,	Johnson, N. Dak.	Pitney,	Wilson, Idaho
Curtis, Iowa	Joy,	Powers,	Wilson, N. Y.
Curtis, Kans.	Kem,	Price,	Wilson, Ohio
Curtis, N. Y.	Kendall,	Prince,	Wilson, S. C.
Dalzell,	Kerr,	Pugh,	Wood,
Danford,	Kiefer,	Quigg,	Woodard,
Daniels,	Kirkpatrick,	Raney,	Woomer,
Dayton,	Lacey,	Reeves,	Yoakum.
De Armond,	Latimer,	Reyburn,	
Denny,	Lawson,	Richardson,	

NAYS—17.

Atwood,	Elliott, S. C.	Moody,	Walker, Va.
Black, Ga.	Gillett, Mass.	Russell, Ga.	Wright.
Boutelle,	Grout,	Simpkins,	
Cobb, Ala.	Harrison,	Tucker,	
Culberson,	McCall, Mass.	Turner, Ga.	

NOT VOTING—76.

Acheson,	Draper,	Knox,	Ray,
Aitken,	Ellett, Va.	Kulp,	Robertson, La.
Anderson,	Erdman,	Kyle,	Rusk,
Apsley,	Fairchild,	Lewis,	Shannon,
Arnold, Pa.	Fitzgerald,	Lockhart,	Shaw,
Arnold, R. I.	Foote,	Loud,	Skinner,
Bankhead,	Foss,	Marsh,	Snover,
Barrett,	Grosvenor,	McEwan,	Southard,
Bartlett, N. Y.	Hall,	McKenney,	Sperry,
Boatner,	Harris,	McLachlan,	Stahle,
Bowers,	Hart,	Meredith,	Strong,
Brumm,	Heiner, Pa.	Miller, W. Va.	Turner, Va.
Chickering,	Hopkins,	Milliken,	Tyler,
Clark, Iowa	Howard,	Miner, N. Y.	Walker, Mass.
Clarke, Ala.	Howe,	Morse,	Watson, Ind.
Connolly,	Hubbard,	Newlands,	Wellington,
Cowen,	Hurley,	Otjen,	White,
Crowley,	Hutcheson,	Pearson,	Wilber,
Crump,	Jones,	Poole,	Woodman.

So (two-thirds voting in favor thereof) the motion of Mr. HITT to suspend the rules and adopt the Senate resolutions with an amendment in the form of a substitute was agreed to.

Mr. MAHON. Mr. Speaker, my colleague, Mr. KULP, who is detained from the House by sickness, would, if present, vote "aye."

Mr. JENKINS. The gentleman from Connecticut, Mr. SPERRY, is confined to his bed by sickness. If present, he would vote "aye."

The following pairs were announced:

On this vote:

Mr. HOPKINS with Mr. DRAPER.

Mr. LOUD with Mr. KYLE.

The result of the vote was announced as above stated, and was greeted with loud applause.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MCCALL of Tennessee. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. DOCKERY. I ask the gentleman in charge of the bill to return now to the amendment offered on Saturday last by the gentleman from New Mexico [Mr. CATRON].

Mr. MCCALL of Tennessee. Mr. Chairman, when the committee rose on last Saturday, it was with the understanding that today we should recur to the section relative to the Territory of New Mexico, for the purpose of considering the amendment offered by the Delegate from that Territory. The point of order which I then reserved I now withdraw.

Mr. DOCKERY. I desire to renew the point of order as to a part of the amendment. After consultation with the minority members of the Committee on Territories, I make a point of order upon all of this amendment except the first and last paragraphs. The remaining portion of the amendment will then read:

Provided, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the first Monday in May, 1897, and each succeeding session thereof shall commence on the first Monday in May of every odd-numbered year thereafter. *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory than such as may be provided for by the laws of the United States.

Mr. CATRON. I concede that the point of order is well taken as to the portions of the amendment to which it now applies, as those provisions contemplate a change of existing law.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will report the amendment as it now stands, after striking out the clauses upon which the point of order has been sustained.

The amendment in its modified form was read and agreed to.

Mr. HENDERSON. By direction of the Committee on the Judiciary, and in pursuance of the order adopted by the House on Saturday last, I now offer as sections 7 to 23, inclusive, of this bill the provisions embraced in House bill No. 6654.

The CHAIRMAN. At what point in the bill does the gentleman desire this amendment to be inserted?

Mr. HENDERSON. After section 6, the last section of the bill as it now stands.

The CHAIRMAN. That is the repealing clause.

Mr. HENDERSON. We want that clause to stand.

The CHAIRMAN. Then this amendment will come in after the repealing clause?

Mr. HENDERSON. Yes, sir.

Mr. WILLIAM A. STONE. Under the order adopted on Saturday last, will the measure which the gentleman now presents be offered and considered as an amendment in the Committee of the Whole?

Mr. HENDERSON. Undoubtedly.

Mr. WILLIAM A. STONE. And it will be considered by paragraphs?

Mr. HENDERSON. Yes, sir.

Now, Mr. Chairman, I ask unanimous consent that the first formal reading of this bill be dispensed with, and that we proceed at once to read it by sections for the consideration of the same. Pending that, however, I wish to make a motion that the general debate be had upon the bill now, and I will turn the control of the bill over to my colleague, Judge UPDEGRAFF, the chairman of the subcommittee, who has had charge of the matter in the committee. I wanted to make the request, however, to enter upon the general debate now.

Mr. MCRAE. I do not object to dispensing with the reading of the bill. I thought the gentleman wanted to dispense with the general debate.

Mr. HENDERSON. My request is—and I will restate it to avoid all misunderstanding—that after the general debate we proceed

to read the bill by sections for amendment, and that, I ask now unanimous consent, shall be the order.

Mr. BAILEY. There is no objection on my part to the request of the gentleman from Iowa, but in order to avoid any trouble hereafter, let us see that we clearly understand each other. I do not understand that this bill is to be treated as one single amendment, but that we are to consider it paragraph by paragraph, and subject to germane amendments, of course.

Mr. HENDERSON. That is exactly my proposition. There are seventeen sections in the bill, let me state. There are six in the appropriation bill. This bill—the amendment bill—comes right after the sixth section of the appropriation bill.

Mr. BAILEY. I repeat that there will be no misunderstanding between the gentleman from Iowa and myself, but I wanted, out of abundant caution, none on the part of anybody.

Mr. HENDERSON. That is exactly my desire.

Mr. DALZELL. I have just come in, Mr. Chairman, and I wish to ask whether it is the purpose of the gentleman to allow general debate upon the amendment.

Mr. HENDERSON. Certainly.

Mr. DALZELL. Has any time been fixed for the general debate?

Mr. HENDERSON. None as yet. The debate will run, I suppose, for a while.

Mr. WILLIAM A. STONE. Will the gentleman state whether he expects the general debate to conclude to-night; and if so, whether it can not be understood that the consideration of the paragraphs of this amendment will not take place until the morning?

Mr. HENDERSON. I can not say. I do not know, of course, how long the committee will see fit to allow the general debate. We have plenty of time, and this is a matter of very much importance, as stated by the gentleman from Florida the other day. The committee has no desire to shut off the fullest discussion of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first formal reading of the amendment be dispensed with; that the committee proceed at once to the general debate upon it, and that after the close of the general debate it be read by sections for amendment and debate. Is there objection?

There was no objection, and it was so ordered.

Mr. HENDERSON. I now yield to Judge UPDEGRAFF, the chairman of the subcommittee, who will take charge of the bill.

Mr. UPDEGRAFF. Mr. Chairman, I will occupy as little time as I can consistently with my duty to the bill which has been placed, in a manner, under my charge.

What I wish to say will relate to business considerations. My remarks, therefore, will be uninteresting to anyone except he is interested in the provisions of the bill and the reforms which it proposes. The committee began the consideration of this subject at an early stage of the session. It will be remembered that when the urgent deficiency bill was before the House for consideration, a great outcry was made about the enormous sums therein appropriated for the maintenance of the Federal courts; that some reproach was cast upon the Committee on the Judiciary because it had not, before that time, introduced a bill to effect the abolition of the fee system, and to enact legislation providing for salaries for officers of the Federal courts. It was then said that the House would be given an ample opportunity to effect the reform which at that time it so much desired. If I remember correctly the amount which the urgent deficiency bill appropriated was in the neighborhood of $1,000,000—or nine hundred and some odd thousand dollars—and it was found necessary afterwards, when it went to the Senate, to add about a quarter of a million dollars more in excess of the amount appropriated by the House of Representatives.

It is to remove these defects, to accomplish the reform that is so desired, that this bill has been framed. The Committee on the Judiciary have spared no pains and no labor to prepare a bill here that would effect the desired change, and at the same time not disturb the operations of the Government. This committee has spent upon this bill more hours than it has ever spent upon a bill before within my recollection. It has given to its preparation greater patience and greater labor than I have ever known to have been expended upon a bill, or ever heard of being expended upon a bill. We have gone to the Department of Justice, and the Department of Justice has come to us, and wherever we could we have followed the recommendations of the Department of Justice, maintaining of course our own opinion and our own views. The Department has been especially liberal and patient in giving us information. The Attorney-General has been with our committee for hours and hours at a time, patiently examining every provision of the bill, so that the arm of the Government might not be weakened.

One great difficulty which the committee encountered was to find a basis on which to fix the salaries of district attorneys and marshals for the future. It has before it a special report of the Attorney-General of the earnings of each district attorney and each marshal in the United States. That formed the first basis of the fixing of salaries, but we found on proceeding further that that could not be made the sole basis, for in many cases those returns were very largely padded, and in many cases enormous sums have been charged to the Government in these returns; so that, considering these returns, considering the amount of business transacted, and bearing in mind the advice of the Department of Justice as to special conditions, and our own knowledge as to special conditions, we have prepared the best schedule of salaries that the judgment of the committee could devise. It has cost us, as I have said, especial labor and patience for days and days. For scarcely a day has passed since within two weeks of the organization of this House that this matter has not been before the Committee on the Judiciary in some form.

Now, if the committee will bear with me, I will explain briefly the different sections of the bill. I want to say in the first place that the bill does not affect the Territory of Alaska or Indian Territory, for the reason that recent legislation has provided for the Federal courts in those Territories, and has fixed the salary system and abolished the fee system so far as those marshals and attorneys are concerned.

Another thing the bill does not do. It does not affect the office of the district attorney for the southern district of New York. That district, embracing the greatest port of entry in the United States, we considered under the advice of the Attorney-General, and after a review of the facts ascertained that office to be sui generis, and therefore we did not touch it.

Another grave and sufficient reason why the committee did not touch the district attorney's office in that district is this: That the laws relating to the district attorney's office of the southern district of New York have been revised by a special statute within a few years, and the salaries of district attorney and marshal are established by that law for that district.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. UPDEGRAFF. Yes.

Mr. TAWNEY. On what basis has the committee fixed the salaries of the several district attorneys throughout the United States?

Mr. UPDEGRAFF. I have stated that. In a general way the basis is the best judgment of the committee. In a more special way we have considered the earnings, as set forth in a document from the Attorney-General's Office. We have considered the amount of work done. We have used whatever knowledge we had or could obtain from the Department of Justice as to special conditions in individual cases. In that way we have fixed the salaries. I say that we do not undertake to affect the district attorney's office for the southern district of New York. The bill also does not affect the clerks of the circuit and district courts. Much as we desired to enter upon that, the committee, after careful consideration, decided that it was the part of wisdom not to provoke too many enemies at the same time. For those of us who were in the last Congress remember that when a bill fixing salaries was suggested there was a general outcry from the clerks of all the Federal courts all over the Union against the bill. We preferred to take the district attorneys, their assistants, the marshals, and their deputies first. I may say for the committee—I think I will say for myself at least, and I am sure I can say it for the committee—we are willing to enter upon the reform also so far as the clerks are concerned, and if this House will give us a hearing we will, before this Congress closes, bring in a bill that will cover the clerks also and apply to them the salary system instead of the fee system.

Section 2 of the bill fixes, by districts, the salaries of the district attorneys. Section 3 gives to the district attorneys their actual traveling expenses and their subsistence while absent from home, not exceeding $4 per day for subsistence. The third section provides for assistant attorneys and their appointment, subject to the approval of the Attorney-General.

Mr. SWANSON. Will the gentleman allow me to ask him a question there?

Mr. UPDEGRAFF. Yes.

Mr. SWANSON. In the third section, which refers to the appointment of assistant district attorneys, it says:

Upon the recommendation of such judge and attorney.

Was it the intention of the committee to let the district judge unite with the district attorney in making the appointment of assistant attorneys, or simply to unite in making the recommendation of the necessity for the assistant district attorney?

Mr. UPDEGRAFF. The language is plain. The language, as I remember, provides that on the recommendation of the judge and the district attorney, which recommendation shall state the facts upon which it is made, the Attorney-General shall have power to appoint an assistant. I think it is plain; and to my mind it needs no explanation.

Mr. SWANSON (reading)—

That whenever, in the opinion of the district judge and the district attorney, the public interest requires it, one or more district attorneys may be appointed by the Attorney-General, upon the written recommendation of such judge and attorney.

Mr. UPDEGRAFF. Ah!

Mr. SWANSON. This makes it imperative that they shall join in the recommendation before anybody shall be appointed.

Mr. UPDEGRAFF. The committee had no intention to designate any man with the power of appointment in this case. The facts as to the necessity must be certified.

Mr. SWANSON. What I wanted to ascertain about it is, whether the appointment—as I understand the language—of the party named must be agreed to both by the district attorney and the district judge.

Mr. UPDEGRAFF. Oh, no.

Mr. SWANSON. That is the way I understand it. What I asked was in connection with the appointment of the assistant district attorneys. I understand, possibly, the intention of the committee was that the district attorney and the judge must concur in the necessity for the appointment of the assistant district attorney, but not to concur in the man to be appointed.

Mr. CULBERSON. That is the way I understand it.

Mr. SWANSON. This language makes it imperative that they shall concur in the recommendation of the man.

Mr. UPDEGRAFF. As to the necessity.

Mr. SWANSON. Read line 21, section 3.

Mr. UPDEGRAFF (reading)—

Whenever, in the opinion of the district judge and the district attorney, the public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General—

Mr. SWANSON (reading)—

upon the written recommendation of such judge and attorney.

The Attorney-General can not make any appointment. The district judge and the district attorney must concur in making the recommendation.

Mr. UPDEGRAFF. That was not the intention.

Mr. SWANSON. That is what I think it does.

Mr. UPDEGRAFF. If it is believed to be so, an amendment can be offered so as to make it plainer.

Mr. SWANSON. I want it to read, not—

Whenever, in the opinion of the district judge and the district attorney, the public interest requires it, one or more district attorneys may be appointed by the Attorney-General upon the written recommendation of such judge and attorney—

but that the recommendation ought to be an opinion as to the necessity, and not joint action as to the appointment.

Mr. HENDERSON. That is what it is.

Mr. UPDEGRAFF. That is it undoubtedly.

Section 3 also provides for the appointment of assistant district attorneys, whose salaries shall not exceed $2,500 per annum, and that they shall have expenses.

The fourth section fixes the salaries of marshals by districts.

The fifth section provides for the appointment of office deputies, the salaries to be fixed by the Attorney-General.

The sixth section provides for what is called "field marshals." I will say right here, and this perhaps is the most pertinent place, that the committee consented to this section with very great reluctance, because it was, in so far as it goes, an abandonment of the reform which the committee sought; but the limitation of the reform is so small and the necessity for it so absolute and so obvious that the committee consented to this species of deputies here, to be called "field deputies." In the first place, it is obvious that the appointment of these "field deputies" must be vested in the marshal. In cases of emergency he can not communicate with the Department of Justice for permission to appoint them. Therefore the bill gives him power in the first instance to appoint these marshals. The bill also requires him to report the appointment immediately to the Department of Justice, and that done, the Department of Justice may cancel such appointments at any time. These "field deputies" provided for in the bill are to be paid out of their fees. As I have said before, in respect to them we felt unable to entirely abolish the fee system. The Attorney-General, whose advice we sought in the matter, wrote to us in respect to them.

This is the special part of the letter of the Attorney-General to which I desire to call attention:

But the chief reason is the fear, which is justified by experience, that field deputies will not be zealous in endeavoring to arrest persons charged with crimes if they have to risk not only their compensation but also their expenses while engaged in the attempt.

One of the suggestions which will undoubtedly be put when the bill is upon its passage is whether there is any just reason to fear a relaxation in diligence on the part of the officers concerned by reason of the change made by this bill.

Unless this assurance of actual expenses while honestly engaged in attempting to arrest criminals is made I can not conscientiously say that the field deputies can be expected to display proper zeal.

The Attorney-General clearly states the reason for the departure from the general character of the bill in this section relating to "field deputies." It was found impossible and unsafe to rely upon salaries to stimulate their activity, and when the Attorney-General made the last examination of the bill——

Mr. CULBERSON. Mr. Chairman, this is a very important amendment. The gentleman from Iowa [Mr. UPDEGRAFF] is perfectly conversant with all its details, and his explanation is very clear and instructive, but the trouble is that at this late hour in the day there are comparatively few members present to hear him. I therefore suggest to the gentleman in charge of the bill that he let this discussion go over until to-morrow.

Mr. UPDEGRAFF. That will suit my convenience, Mr. Chairman, and I therefore move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration H. R. 6248, the legislative appropriation bill, and had come to no resolution thereon.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 4 o'clock and 50 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, replying to the House resolution of February 4 relating to the efficiency of employees in the Executive Departments—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Postmaster-General, replying to the House resolution of February 4 relating to the efficiency of employees in the Executive Departments—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. Res. 17) for the erection of a statue of Francis E. Spinner at the Treasury Department building in Washington, reported the same without amendment, accompanied by a report (No. 577); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak., reported the same without amendment, accompanied by a report (No. 576); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. WOOMER, from the Committee on Military Affairs, reported the bill (H. R. 4193) to correct the military record of William F. Souger; which was referred to the Committee of the Whole House. (Report No. 579.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MONEY: A bill (H. R. 6749) for the relief of white adopted citizens of the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. BOATNER: A bill (H. R. 6750) to authorize the mayor and city council of Monroe, La., to construct a traffic bridge across the Ouachita River, opposite said city—to the Committee on Interstate and Foreign Commerce.

By Mr. MILNES: A bill (H. R. 6751) to amend section 2306 of the Revised Statutes of the United States, relating to homestead entries—to the Committee on the Public Lands.

By Mr. CORLISS: A bill (H. R. 6752) providing that none but full citizens shall be employed by the United States—to the Committee on Labor.

By Mr. JENKINS: A bill (H. R. 6775) interpreting the act of August 9, 1888, entitled "An act in relation to marriage between white men and Indian women, and for other purposes"—to the Committee on Indian Affairs.

By Mr. HERMANN: A bill (H. R. 6778) providing an appropriation for the improvement of bar and harbor of Tillamook Bay, in Oregon—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6779) providing an appropriation for the improvement of the bar and entrance to Umpqua River, in Oregon—to the Committee on Rivers and Harbors.

By Mr. HULICK: Memorial of the general assembly of the State of Ohio, for the amendment of the Constitution of the United States authorizing the election of United States Senators by the people—to the Committee on the Judiciary.

Also, memorial of the general assembly of Ohio, favoring passage

of House bill which restores 60 per cent on the schedule on wool and woolen goods—to the Committee on Ways and Means.

By Mr. COUSINS: Memorial of the general assembly of Iowa, favoring the passage of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Memorial of the legislature of Iowa, favoring the passage of House bill 306, providing special pension for prisoners of war—to the Committee on Invalid Pensions.

By Mr. PAYNE: A resolution of the legislature of the State of New York, extending thanks to Captains Baker and Rourke and their gallant crews of the Lone Hill and Blue Point stations—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 6753) granting an increase of pension to Moses S. Rockwood—to the Committee on Invalid Pensions.

By Mr. BAKER of Kansas: A bill (H. R. 6754) granting an increase of pension to Michael Scannell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6755) granting an increase of pension to James S. Chapman—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 6756) granting a pension to Auguste Whitmer—to the Committee on Invalid Pensions.

By Mr. BURTON of Missouri: A bill (H. R. 6757) granting a pension to Andrew J. Malder—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 6758) for the relief of Isaac Shepherd—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 6759) for the relief of George W. Sullivan, of Centerpoint, Doddridge County, W. Va.—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 6760) granting a pension to John J. Benika, of Louisville, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6761) to remove the charge of desertion standing against Jake Henry—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 6762) for relief of James McGuire, of Andis, Ohio—to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 6763) to remove the charge of desertion from the military record of Horace J. Rowell—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 6764) to reimburse Union Bethell, of Newburg, Ind., for property used by the military forces of the United States during the war of the rebellion—to the Committee on War Claims.

By Mr. HENDERSON: A bill (H. R. 6765) to increase the pension of David N. Thompson—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6766) increasing the pension of Charles P. Jones, Company D, Fifth Regiment Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6767) increasing the pension of Alonzo Sabin, of Company H, Fifty-second Regiment New York State National Guard Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 6768) to relinquish to William S. Van Horne the title of the United States to an island in the Great Miami River—to the Committee on the Public Lands.

By Mr. McRAE: A bill (H. R. 6769) to pension Lilla Thomasson—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 6770) granting a pension to Annie W. Coit—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 6771) granting a pension to Lydia Ann Haskin Cole—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 6772) granting a pension to Francis A. Abbott, Company H, Seventh Regiment New Hampshire Volunteers—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 6773) granting a pension to Samuel H. Maxam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6774) granting a pension to Martha Lane—to the Committee on Invalid Pensions.

By Mr. BENNETT: A bill (H. R. 6776) to provide an American register for bark *Vila*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROMWELL (by request): A bill (H. R. 6777) for the relief of James Boland—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APSLEY: Petition of W. W. Fairbanks and 27 other citizens of South Ashburnham, Mass., praying for an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BREWSTER: Memorial in regard to the relief of Auguste Whitmer, by S. T. Palmer, O. C. Adams, and others—to the Committee on Invalid Pensions.

By Mr. BULL: Additional papers in the case of Patrick J. Sullivan and others, to accompany House bill No. 6201—to the Committee on Claims.

By Mr. CRUMP: Remonstrance and petition of the citizens of Standish, Mich., praying for the passage of joint resolution No. 11, to amend the Constitution of the United States, prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. CUMMINGS: Affidavit of Mrs. Metcalf, to accompany House bill No. 6517, for the relief of Ellen O'Rorke—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of the Woman's Christian Temperance Union of Rock Rapids, Iowa, also petition of B. G. Samson and others, of the State of Iowa, in favor of the Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DANFORD: Petition of Maynard Lodge, Order United American Mechanics, of Maynard, Ohio, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DANIELS: Petition of the Western Transit Company and others, of Buffalo, N. Y., for the improvement of the harbor at Manitowoc, Wis.—to the Committee on Rivers and Harbors.

By Mr. DOVENER: Petition of S. P. Smith, of West Union, W. Va., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of James Hodge and 104 others, of Columbia County, Oreg.; also petition of J. H. Oakes and 38 others, of Mitchell, Oreg.; also petition of 88 citizens of Ione, Morrow County, Oreg.; also petition of C. A. Warner and other citizens of Crook County, Oreg., remonstrating against the appropriation of money for sectarian purposes—to the Committee on Appropriations.

By Mr. FLYNN: Petition of 5,000 settlers of Oklahoma Territory, praying for free homes—to the Committee on the Public Lands.

By Mr. GARDNER: Petition of National Woman's Christian Temperance Union, Chicago, Ill., Frances E. Willard, president, protesting against military training in public schools—to the Committee on Education.

Also, petition of the Woman's Christian Temperance Union of New Jersey, in favor of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, a protest of Charles Hall and others, of Palmyra, N. J., against the appropriation of public moneys for sectarian undertakings, and a petition urging the passage of a proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of citizens of Lumberton, N. J.; also, petition of citizens of Mercer County, N. J.; also, petitions of Magnolia Council, No. 101; Enterprise Council, No. 6; and Nathan Hale Council, No. 89, Junior Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Aaron Wilkes Post, No. 23, Grand Army of the Republic, Department of New Jersey, for the revival of the grade of Lieutenant-General in the United States Army—to the Committee on Military Affairs.

Also, petition of war veterans of Ocean County, N. Y., in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: Petition of Sparta Grange, No. 110, and Randolph Grange, No. 130, Patrons of Husbandry, of Pennsylvania, for the protection of agricultural staples—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Washington Camp, No. 345, Patriotic Order Sons of America, of Philadelphia, Pa., protesting against the appropriation of public moneys for sectarian undertakings, and in favor of an amendment to the Constitution to that effect—to the Committee on Appropriations.

Also, petition of citizens representing the tea trade of the United States, asking that a specific duty be imposed upon importations of tea—to the Committee on Ways and Means.

By Mr. HILL (by request): Petition of Lincoln Council, No. 4, Order United American Mechanics, of South Norwalk, Conn., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petition of the members of Pleasant View Grange, No. 984, Patrons of Husbandry, of Pennsylvania, praying for the passage of House bill No. 2626, providing for protection to agricultural staples by export bounty—to the Committee on Ways and Means.

Also, petition of the members of the Morning Star Lodge, No. 308, Order United American Mechanics, of Export, Pa., praying

for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of J. G. Olmsted and 228 other citizens of Des Moines, Iowa, asking that the grade of Lieutenant-General be revived—to the Committee on Military Affairs.

By Mr. HULICK: Petition of Thomas B. Hansell and other ex-soldiers of the Union Army residing in Blanchester, Ohio, who were confined in Confederate prisons, in favor of the passage of House bill No. 306—to the Committee on Invalid Pensions.

By Mr. JENKINS: Resolutions of the Superior Commercial Club, of Superior, Wis., asking for the passage of bill to authorize the Secretary of the Navy to organize national naval volunteers in all States bordering on the Great Lakes—to the Committee on Naval Affairs.

By Mr. LEONARD: Petitions of Washington Camps, Nos. 637 and 644, Patriotic Order Sons of America, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINTON: Petition of citizens of Covert, Mich., praying for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Resolutions of the St. Paul (Minn.) Jobbers' Union, remonstrating against permission to erect piers in the Detroit River—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Resolution by the faculty and students of Doane College, of Crete, Nebr., in favor of an international tribunal between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. MORSE: Petitions of Young People's Christian Endeavor societies and citizens residing in the States of Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Maine, Minnesota, Missouri, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, and West Virginia, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NORTHWAY: Petition of A. B. Crittenden and 409 other residents and property owners along the shore of Lake Erie against the bill to provide for the building of a dam across the Niagara River—to the Committee on Rivers and Harbors.

Also, petition of Columbia Council, No. 21, Daughters of Liberty, of Akron, Ohio, praying for the passage of the Stone immi-

By Mr. OVERSTREET: Resolutions of the faculty and students of Franklin College, of Franklin, Ind., favoring a commission of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. PHILLIPS: Petition of 67 citizens of Lawrence County, Pa., requesting that God be acknowledged in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. POWERS: Petition of Vermont Dairymen's Association, praying for the passage of the Wilber filled-cheese bill and for amendment to the oleomargarine law—to the Committee on Ways and Means.

Also, petition of Joseph Auld, of Burlington, Vt., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of James M. Weir and 23 others, of Mercer and Rock Island counties, Ill., asking for improvements on the Mississippi River—to the Committee on Rivers and Harbors. gration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Petition of officers and members of the New London (Conn.) branch of the Connecticut Indian Association, relative to legislation in behalf of Indians—to the Committee on Indian Affairs.

By Mr. SAUERHERING: Protest of E. Jonas and 123 others, of Beaver Dam, Wis.; also protest of F. P. Hantchett and 57 others, of Wisconsin, against the adoption of joint resolution amending the Constitution of the United States by inserting the following: "Acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

Also, petition of George Kispert and 52 other citizens of Jefferson, Wis., in favor of reviving the grade of Lieutenant-General, United States Army, in the interest of Gen. Nelson A. Miles—to the Committee on Military Affairs.

By Mr. SCRANTON: Petition of Nay Aug Council, No. 344, Order United American Mechanics, of Scranton, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Washington Camp, No. 414, Patriotic Order Sons of America, of Gettysburg, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STROWD of North Carolina: Petition of the heirs of John T. Hutchins, deceased, late of Wake County, N. C., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAM A. STONE: Petition of W. A. Thompson and 50 others, of Coultersville, Pa.; also petition of Thomas McMasters Lodge, No. 273, Order United American Mechanics, of Turtle Creek, Pa., indorsing the Stone bill, for restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. TAYLER: Memorial of C. N. Perry and other citizens of Stark County, Ohio, praying for the passage of a bill providing for the issue of silver certificates for silver bullion—to the Committee on Banking and Currency.

Also, resolution of U. S. Grant Council, No. 35; also, resolution of John A. Logan Lodge, No. 6, Order United American Mechanics, both of Canton, Ohio, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. UNDERWOOD: Petition of Mary Latham, for the passage of House bill No. 4764, for her relief, accompanied by certain affidavits—to the Committee on War Claims.

By Mr. WANGER: Resolution of Washington Camp, No. 387, Patriotic Order Sons of America, located at Schwensville, Montgomery County, Pa.; also, resolution of Perkasia Council, No. 359, Order United American Mechanics, located at Perkasia, Bucks County, Pa., indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WOOMER: Petition of Washington Camp, No. 258, Patriotic Order Sons of America, of Fredericksburg, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *March 3, 1896.*

Prayer by Rev. H. W. WARREN, D. D., LL. D., of Denver, Colo.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

ARRESTS OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a bill to amend the ninth section of the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations, etc., approved March 3, 1885, relative to the right of a United States officer or agent to make arrests of Indians upon Indian reservations for the commission of certain offenses, stating that the necessity for this legislation was brought to the attention of the Department by a report through the War Department, and recommending the enactment of such legislation; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CONDUITS, PIPES, AND UNDERGROUND WAYS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, in response to a resolution of January 29, 1896, calling for information as to the number of miles of conduits, pipes, or underground ways in the city of Washington and the District of Columbia, specifying the miles in each owned by the Government of the United States, the city of Washington, and the District of Columbia, and the number of chambers in such conduits, pipes, and underground ways, etc., transmitting sundry letters giving the information called for; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented the petition of William Jones, of Frankfort, Ind., and of sundry other citizens of that place, praying for the enactment of legislation removing the charge of desertion now standing against William Jones; which was referred to the Committee on Military Affairs.

Mr. BATE presented resolutions adopted by the Cotton Exchange of Memphis, Tenn., relative to the mode of deepening the channel of the Mississippi River, and approving the action of the Mississippi River Commission in that regard, and also approving House bill No. 2779, authorizing the improvement of the channel of the Mississippi River, and praying for its passage; which were referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. THURSTON presented a petition, in the form of resolutions adopted by the faculty and students of Doane College, Crete, Nebr., praying for the establishment of an international tribunal for the settlement of controversies between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. STEWART presented a petition of sundry citizens of Virginia City, Nev., praying for the passage of the so-called Stone

immigration bill; which was referred to the Committee on Immigration.

Mr. CULLOM presented resolutions adopted by the faculty and students of Lincoln University, Lincoln, Ill., favoring the establishment of a permanent board of arbitration between Great Britain and the United States; which were referred to the Committee on Foreign Relations.

Mr. CAMERON presented resolutions adopted by the Council of the Historical Society of Pennsylvania, favoring an appropriation to enable the Secretary of State to prepare the records and papers of the Continental Congress for publication; which were referred to the Committee on the Library.

Mr. McMILLAN presented the petition of Michael Chene and sundry other citizens of Detroit, Mich., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions adopted by the executive committee of the National Association of Manufacturers, favoring an immediate and complete consular inspection; which were referred to the Committee on Foreign Relations.

He also presented the petition of W. W. Fairbanks and 27 other citizens of South Ashburnham, Mass., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a memorial of 116 citizens of Grand Rapids, Mich., remonstrating against the appropriation of public moneys for sectarian purposes; which was referred to the Committee on Appropriations.

He also presented a petition of 84 citizens of Grand Rapids, Mich., praying for the passage of House bill No. 354, to establish a national university; which was referred to the Select Committee to Establish the University of the United States.

He also presented a petition of 32 citizens of Oakland County, Mich., praying for the adoption of an amendment to the preamble to the Constitution of the United States acknowledging Almighty God as the source of all power and authority in civil government, etc.; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented petitions of Mercer Council, No. 50, Junior Order United American Mechanics, of Trenton; of William Walter Phelps Council, No. 180, Junior Order United American Mechanics, of Newark; of Stockton Council, No. 66, Junior Order United American Mechanics, of Princeton; of Thomas Jefferson Council, No. 138, Junior Order United American Mechanics, of Camden; of America Council, No. 133, Junior Order United American Mechanics, of Camden; of Abraham Browning Council, No. 122, Junior Order United American Mechanics, of Camden; of Goshen Council, No. 91, Junior Order United American Mechanics, of Goshen; of Victory Council, No. 115, Junior Order United American Mechanics, of Frenchtown; of Spring Garden Council, No. 176, Junior Order United American Mechanics, of Lindenwold; of Osceola Council, No. 186, Junior Order United American Mechanics, of Livingston; of Hiawatha Council, No. 110, Junior Order United American Mechanics, of East Millstone; of Riverside Council, No. 33, Junior Order United American Mechanics, of South River; of Flemington Council, No. 191, Junior Order United American Mechanics, of Flemington; of Ocean Council, No. 10, Junior Order United American Mechanics, of New Egypt; of Fremont Council, No. 208, Junior Order United American Mechanics, of Atlantic City; of Asbury Council, No. 23, Junior Order United American Mechanics, of Asbury Park; of Middlesex Council, No. 63, Junior Order United American Mechanics, of Perth Amboy; of Joel Parker Council, No. 69, Junior Order United American Mechanics, of South Amboy; of Atco Council, No. 117, Junior Order United American Mechanics, of Atco; of Rescue Council, No. 151, Junior Order United American Mechanics, of Camden; of Perth Amboy Council, No. 134, Junior Order United American Mechanics, of Perth Amboy; of John A. Logan Council, No. 102, Junior Order United American Mechanics, of Crosswicks; of Progressive Council, No. 79, Junior Order United American Mechanics, of Beverly; of E. F. Reppart and 34 other citizens of Newton; of F. E. Pierce and 21 other citizens of Newton; of Luther Runyon and 17 other citizens of East Millstone, and of Shelly Whitte and 31 other citizens of Newton, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. FRYE presented the petition of H. A. Freeman and sundry other citizens of Monson, Me., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present two memorials of citizens of Jefferson County, Mo., sent to me by Mr. John L. Downer, of De Soto, Mo., whoassures me that each one of the petitioners signed his own name to the memorials after carefully reading the contents of them. The memorials remonstrate against directly or indirectly appropriating public moneys for sectarian school purposes, and pray for the adoption of a constitutional amendment that "neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or the credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control. I move that the memorials be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SMITH presented the petition of George B. Conover and 19 other citizens of Englishtown, N. J., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Clara G. Wood and 38 other members of the Woman's Christian Temperance Union of Dover, N. J., and the petition of George F. Dickinson, pastor of the Methodist Episcopal Church, numbering 350 persons, of Allendale, N. J., and a petition of the Woman's Christian Temperance Union of Atlantic Highlands, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Prof. Henry Morton and 17 other members of the faculty of the Stevens Institute of Technology, of Hoboken, N. J., praying for the passage of House bill No. 3618, organizing and increasing the personnel of the Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of the following councils of the Junior Order United American Mechanics, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration: Council No. 179, of Basking Ridge; Council No. 92, of Belmar; Council No. 52, of Bordentown; Council No. 58, of Boundbrook; Council No. 45, of Bridgeton; Council No. 38, of Burlington; Council No. 82, of Camden; Council No. 172, of Camden; Council No. 149, of Chews; Council No. 206, of Dividing Creek; Council No. 46, of Elizabeth; Council No. 53, of Elizabeth; Council No. 181, of Elizabeth; Council No. 116, of Glendola; Council No. 39, of Gloucester City; Council No. 182, of Hackensack; Council No. 83, of Hackettstown; Council No. 37, of Haddonfield; Council No. 177, of Homerstown; Council No. 97, of Hope; Council No. 220, of Jacobstown; Council No. 71, of Jamesburg; Council No. 114, of Jersey City; Council No. 68, of Keyport; Council No. 224, of La Fayette; Council No. 84, of Leesburg; Council No. 200, of Little Silver; Council No. 29, of Long Branch; Council No. 13, of Lumberton; Council No. 148, of Madison; Council No. 145, of Magnolia; Council No. 11, of Manahawkin; Council No. 77, of Matawan; Council No. 9, of Medford; Council No. 209, of Midvale; Council No. 178, of Milltown; Council No. 212, of Milton; Council No. 5, of Mount Holly; Council No. 187, of Newark; Council No. 201, of Newark; Council No. 205, of Newark; Council No. 32, of New Brunswick; Council No. 126, of Ocean City; Council No. 156, of Orange; Council No. 44, of Oxford; Council No. 74, of Pennington; Council No. 75, of Perrineville; Council No. 197, of Pompton Plains; Council No. 118, of Port Murray; Council No. 103, of Port Norris; Council No. 194, of Riverside; Council No. 203, of Salem; Council No. 7, of Scotch Plains; Council No. 28, of Seabright; Council No. 221, of Springlake Beach; Council No. 113, of Stanhope; Council No. 101, of Toms River; Council No. 6, of Trenton; Council No. 89, of Trenton; Council No. 198, of Waretown; Council No. 127, of West Long Branch; Council No. 26, of Williamstown, and Council No. 47, of Yardville.

Mr. SHERMAN presented a petition of sundry citizens of Norwich, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of What Cheer Lodge, No. 9, Order of United American Mechanics, of Hamilton, R. I., praying for the passage of House bill No. 58, providing for the inspection of immigrants by United States consuls; which was referred to the Committee on Immigration.

Mr. BRICE presented a petition of the Board of Trade of Springfield, Ohio, praying for the passage of House joint resolution No. 120, providing for the uniform classification of freight rates; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of the State of Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Piqua Rolling Mill Company of Piqua, Ohio, praying for the passage of the 1-cent letter-postage

bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State board of agriculture of Ohio, praying for the adoption of an amendment to the United States postal laws providing that all publications of the State board of agriculture shall be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 48 citizens of Morgan County, Ohio, and a petition of Elm Grove Grange, No. 644, Patrons of Husbandry, of Williams County, Ohio, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty, in order to equalize the burdens and benefits of the protective system; which were referred to the Committee on Finance.

He also presented a petition of the general assembly of the State of Ohio, praying for the restoration of duty on wools and woolen goods; which was referred to the Committee on Finance.

Mr. CALL. I present the memorial of W. R. Stokeley and others, claiming to be settlers upon the Anastasia Island, in the State of Florida. I will state that this memorial concerns the contested Spanish grant, and their homestead claim contains some part of the original grant, and also land alleged to be unlawfully claimed by the State as swamp and overflowed, and also by scrip locations. It is accompanied by a number of statements of witnesses, and prays for some legislation by Congress in aid of the settlers. I move that the memorial be printed as a miscellaneous document and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. ALLEN presented the memorial of J. A. Rochford and 200 other citizens of North Yakima, Wash., remonstrating against the passage of the Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

He also presented a petition of 75 citizens of the Santee Agency, Nebr., and a petition of the Christian Endeavor Society of the Pilgrim Congregational Church, of the Santee Agency, Nebr., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. VILAS presented the petition of Nettie Rogers, president of the Woman's Christian Temperance Union of Jefferson County, Wis., and the petition of S. W. Petit, president of the Woman's Christain Temperance Union of Fort Atkinson, Wis., praying for the passage of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the memorial of J. A. Bellows and 225 other citizens of Crawford County, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States acknowledging Almighty God as the source of all power in civil authority, etc.; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented a petition of the Ministerial Association of Des Moines, Iowa, representing 55 evangelical churches and their pastors, praying that the age of consent be raised from 16 to 18 years in the District of Columbia; which was referred to to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Hastings, Iowa, praying that express companies be included in the operations of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the twenty-sixth general assembly of the State of Iowa, praying for the passage of House bill No. 306, granting special pensions to soldiers who were confined in Confederate prisons; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Kossuth County, Iowa, praying for the establishment of an international court of arbitration for the settlement of all matters of dispute between the various nations of the world; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Merchants and Manufacturers' Association of Council Bluffs, Iowa, praying that an appropriation be made for the proposed exposition to be held at the city of Omaha, Nebr., in June, 1898; which was referred to the Select Committee on International Expositions.

He also presented the petition of E. W. Duke and sundry other citizens of Iowa, and a petition of 56 citizens of Winterset, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States recognizing the Supreme Being; which were referred to the Committee on the Judiciary.

Mr. PRITCHARD. I present a memorial by and on behalf of the Eastern band of Cherokee Indians, relative to their rights and interests in and to certain moneys reported to be due and payable to the Cherokee Indian Nation under treaties. I move that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WHITE. I present a memorial of the legislature of the State of California, remonstrating against the passage of the Pacific Railway funding bill. The governor of the State has requested that the memorial be filed in the Senate. I ask that it be referred to the Committee on Pacific Railroads. The original has been misplaced.

The VICE-PRESIDENT. It will be so referred.

Mr. WALTHALL presented a concurrent resolution of the legislature of the State of Mississippi, in reference to securing appropriation for Pearl River as far north as Monticello; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Concurrent resolution No. 4. Concurrent resolution in reference to securing appropriation for Pearl River as far north as Monticello.

Resolved by the house of representatives of the State of Mississippi (the senate concurring), That whereas there is a large section of country between Monticello and the Gulf of Mexico, along Pearl River, in the State of Mississippi, without railroad facilities; and whereas it is believed that by proper dredging Pearl River can be made navigable as far north as Monticello for the greater part of the year, and thus be made of very great benefit to the people of that section: It is therefore further

Resolved, That our Senators and Representatives in Congress are requested to secure an appropriation sufficient to improve and for the purpose of making said Pearl River navigable as far north as the town of Monticello.

Passed the house February 1, 1896.

JAMES F. McCOOL,
Speaker of the House.

Passed the senate February 3, 1896.

J. H. JONES,
President of the Senate.

Approved February 24, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

Mr. WALTHALL presented a resolution of the legislature of the State of Mississippi in reference to the improvement of the Pascagoula River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Resolution No. 1. In reference to the improvement of the Pascagoula River.

Be it resolved by the house of representatives of Mississippi (the senate concurring) That in view of its importance as a waterway and the vast interest therein involved to the people of Pascagoula, Moss Point, Scranton, and the seacoast: Therefore,

Be it resolved, That our Senators and Representatives in Congress be, and they are hereby, earnestly requested to do all in their power to obtain a sufficient appropriation to improve and deepen and remove bars of Pascagoula River, from Moss Point to Middlefleet, near Horn Island. In securing deep water for said river it will largely increase the lumber shipment to foreign ports, and in case of storm, would be a safe harbor for vessels engaged in the lumber trade.

Resolved, That the secretary of state be, and he is hereby, required to transmit a certified copy of this resolution to the Senators and Representatives of the State, to be presented to Congress.

Passed the house January 29, 1896.

JAMES F. McCOOL,
Speaker of the House.

Passed the senate February 10, 1896.

J. H. JONES,
President of the Senate.

Approved February 24, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the act (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (S. 1295) to regulate the course of study at the Naval Academy, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1622) for the relief of Martha M. Welsh, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2238) granting an increase of pension to Simeon Stevens, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1546) for the relief of Levi Stoltz, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 1188) to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1367) for the relief of the heirs of Jacob R. Davis, reported it without amendment, and submitted a report thereon.

WORLD'S COLUMBIAN COMMISSION MEDALS.

Mr. THURSTON. I am directed by the Select Committee on International Expositions, to whom was referred the joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto, to report it with an amendment in the form of a substitute and recommend its passage as amended, submitting a report thereon. I also request unanimous consent for its immediate consideration, and I will state the reasons therefor.

The joint resolution was introduced by the Senator from New Jersey [Mr. SEWELL] for the purpose of providing for the further preparation and disposition of the medals and awards authorized by the Columbian Exposition legislation. The present force engaged in the preparation of those medals and diplomas is a special force, and unless this proposed legislation is had, and at once, that force will be discharged and dispersed, and it will be difficult without much greater expense than is now necessary to reestablish the force and proceed with the work.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the joint resolution reported by him.

Mr. HALE. Let it be read first.

The VICE-PRESIDENT. The joint resolution will be read for information.

Mr. THURSTON. The recommendation of the committee is to strike out all after the resolving clause and insert a substitute.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The committee report to strike out all after the resolving clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized to distribute the medals and diplomas of the World's Columbian Exposition to the several exhibitors entitled thereto, as designated and certified by the report of the executive committee on awards to the Bureau of Engraving and Printing and the Bureau of the Mint, and to this end the Secretary of the Treasury may adopt any method, or create any and all agencies which to him may seem proper and necessary for the distribution of said medals and diplomas. But in case any of the exhibitors can not be found who may be entitled to medals and diplomas, then, in every such case, such medals and diplomas shall be retained by the Secretary of the Treasury until they are called for by the exhibitors entitled thereto or by persons authorized to receive the same. And the said Secretary in the distribution of the medals and diplomas may transmit the same through the mails free of charge. And the sum of $15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out this resolution, and for the purposes hereof the said Secretary may temporarily employ, under such regulations as he may prescribe, the force now engaged in the Bureau of Engraving and Printing in connection with the preparation of said diplomas, or so much of said force as may be necessary, said appropriation to be immediately available.

Mr. THURSTON. The amendment as proposed by the committee is one drafted and presented to the committee by the Secretary of the Treasury. That is the reason why we modified the form of the original joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I do not object. I did not hear the Senator state when he asked for its present consideration, but I gather from the reading of the joint resolution that what is wanted here in substance is some money with which to do the work. It does not provide for any new work, I understand, but is only to carry out and complete the work which was authorized by Congress, and for which the appropriation has been exhausted. Is that the case, I ask the Senator from Nebraska?

Mr. THURSTON. That is the case.

Mr. SEWELL. I desire to state, as a member of the executive committee of awards, that the work in the Treasury Department under the act of Congress is practically finished. The filling in of the diplomas and the medals was such a class of work that the Bureau of Printing and Engraving had to organize a little bureau separate and distinct from the regular work that is being done there. The appropriation for this purpose is just about out; it will be exhausted in the next ten days; and therefore it is desired to have this joint resolution passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. I submit a report from the Committee on Privileges and Elections, to which I call the attention of the Senator from Delaware [Mr. GRAY]. The committee direct me to report, with an amendment, the resolution introduced by the Senator from Nebraska [Mr. ALLEN] on the 7th day of January last. I ask to have the resolution read as it will stand when amended.

The VICE-PRESIDENT. The resolution as proposed to be amended will be read.

The Secretary read the resolution as proposed to be amended, as follows:

Resolved, That a select committee of five Senators shall be appointed to investigate the facts and circumstances of the election in the State of Alabama on the first Monday of August, 1894, resulting in the setting up of a State government, consisting of a governor and of a legislature which elected a United States Senator; and especially to inquire whether the election of said State government was accomplished by false and fictitious returns, or by other fraudulent or dishonest methods, or by violent practices; and if so, what were the nature and extent of the wrongs committed, and the character and motives of any conspiracy to commit the same; and also whether the Constitution and laws of the United States were in any way violated in connection with said election; and further, into all matters and things in any way injuriously affecting the political autonomy of said State, or now or at any time impairing or destroying the right of said State government to recognition as the lawful government, or the competency of said legislature to elect a United States Senator. Said committee may sit as a full committee or by subcommittees, as it may elect, and in vacation or during the sessions of Congress, and at such times and places in said State or elsewhere as it may see proper; and said committee, or any subcommittee, shall have power to send for persons and papers, employ a stenographer, swear and examine witnesses, take and report testimony and evidence; and said committee shall make due report by bill or otherwise.

Mr. CHANDLER. There will be submitted to-morrow, or on some subsequent day, a written report in favor of the adoption of the resolution as amended. There will also be a minority report submitted.

Mr. HILL. I call the attention of the Senator from New Hampshire to the omission in the resolution of any statement as to how the committee is to be appointed. Is it the intention of the Senator not to allow the committee to be appointed in the usual way, by the President of the Senate?

Mr. CHANDLER. It was my intention to have the appointment made by the President pro tempore of the Senate, but I am now reminded by the Senator from New York that it would be well to leave that question open until the resolution is adopted.

Mr. HILL. If the Senator intended what he now says, I think we might as well correct it now.

Mr. CHANDLER. I intended that the resolution should provide for the appointment by the President of the Senate, but as the Senator from New York has made this suggestion, I will reserve that point.

Mr. HILL. I shall renew it later, then.

Mr. GRAY. Perhaps it is proper that I should say, on behalf of the minority of the Committee on Privileges and Elections, that on the filing of the report by the majority in reference to the resolution they will submit in a report of their own their views in regard to the matter.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2349) granting a pension to Eveline Pave; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2350) establishing a rate of pension for the loss of use of a lung; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2351) to purchase a portrait of Benjamin Franklin; which was read twice by its title, and referred to the Committee on the Library.

Mr. GALLINGER introduced a bill (S. 2352) granting an increase of pension to Francis L. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2353) granting a pension to Delia Gilman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2354) to pay the Prospect Hill Cemetery Association of Washington the award made under the act of December 21, 1893; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2355) to correct the military record of Peter Buckley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CANNON introduced a bill (S. 2356) to amend section 2335 of the Revisied Statutes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SMITH introduced a bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2358) for the relief of Frank S. Sowers; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 2359) defining the standard shape and size of dry measures to be used in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY (for Mr. JONES of Arkansas) introduced a bill (S. 2360) to provide further security to persons and property in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 2361) granting an increase of pension to George L. Durbin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2362) to increase the pension of Pricilla R. Burns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS (by request) introduced a bill (S. 2363) for the relief of Elizabeth B. Eddy, widow of Charles G. Eddy, of New York City, N. Y.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 2364) for the relief of Christian Hahn; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2365) for the relief of C. A. Bowman; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2366) for the relief of Bryan Tyson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2367) to complete the military record of Dennis Whidly; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2368) granting an increase of pension to Edward Logan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2369) granting an increase of pension to Stephen M. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2370) granting a pension to Elias Laughter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2371) granting a pension to James H. Landreth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2372) granting a pension to S. F. Radford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2373) granting a pension to Malcom McCourry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2374) for the relief of Mrs. M. A. Bulla, executrix of G. M. Bulla; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 2375) granting an increase of pension to John G. Powers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2376) granting an increase of pension to Maj. John H. Georkee, Iowa City, Iowa; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2377) granting an honorable discharge to James Boyle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 2378) to protect the Treasury Department, and for other purposes; which was read the first time by its title.

Mr. ALLEN. I ask that the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be the duty of all national banks having outstanding circulating notes to immediately retire the same, under such regulations as may be prescribed by the Secretary of the Treasury, and in lieu thereof use legal-tender notes of the United States: *Provided*, That United States bonds now held as security for the redemption of circulating notes of national banks, or notes that may hereafter and before the taking effect of this act be placed in circulation, shall be held by the United States as security for the redemption of all legal-tender notes issued to said national banks and placed in circulation in lieu thereof under the provisions of this act. And any additional issue of legal-tender notes to and by any national bank shall be secured in the same manner as the circulating notes of national banks are now secured.

SEC. 2. That no national bank shall, after the retirement of its notes now in circulation, place in circulation any other note or notes than the legal-tender notes of the United States which shall be issued to them by the Secretary of the Treasury; and to enable such legal-tender notes to be identified as the notes put in circulation by such national bank there shall be designated thereon the national bank to which they may be furnished and by which they may be put in circulation, and it shall be the duty of such national bank to redeem such notes in coin whenever and as often as they may be presented for redemption, and when they are redeemed by the United States they shall in turn be redeemed from it in coin by the bank in whose behalf they may have been issued, and shall again be placed in circulation: *Provided*, That nothing herein contained shall be so construed as to prohibit any such bank from receiving and disbursing gold and silver certificates of the United States in the due course of business.

SEC. 3. That all national banks shall issue a volume of legal-tender notes equivalent in face value to the face value of the United States bonds held and owned by them, and the United States shall hereafter, without renewal, pay all United States bonds as rapidly as they may mature, the purpose of this act being to transfer the redemption of circulating notes used by national banks from the United States to such banks to whom they may be issued and in whose behalf they may be circulated, and to pay the national debt as speedily as can be done consistently with a due regard to the business interests and the industries of the nation.

Mr. COCKRELL introduced a bill (S. 2379) to remove the charge of desertion from the military record of George W. Taylor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2380) for the relief of Charles Brewster and to place him upon the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK introduced a bill (S. 2381) for the relief of Richard King; which was read twice by its title, and referred to the Committee on Military Affairs.

LAKE MICHIGAN AND WABASH RIVER SHIP CANAL.

Mr. TURPIE introduced a joint resolution (S. R. 90) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway; which was read twice by its title.

Mr. TURPIE. I wish to state that a great number of people, residents in that section, contemplate a ship canal one terminus of which shall be the great harbor of Chicago, and which shall be navigable to the Wabash River and the larger rivers flowing to the Gulf by the way of the mouth of that river. It is proper also to say that there have been two surveys of the main line of this route, traversing the valley of the Kankakee, of the Tippecanoe, and the Wabash. One survey was made by Colonel Stansbury in 1832. The other was made by Major Gillespie in 1876. Both these surveys fulfilled all the requirements of science, and they are both of very great assistance in considering this joint resolution with respect to the profile of the surface of the land, the character of excavation, the fall which is sufficient from the lake to the head of navigation upon the Wabash, and the divide of the watershed between the waters flowing to the lakes and those flowing to the Gulf. But both surveys were made with reference to an ordinary canal, securing a depth of from 4½ to 5 feet of water. Therefore the estimate of the cost in these surveys, although very careful, is not applicable to the present project, and it is for that reason that the survey for a ship canal is provided for in the joint resolution.

The canal route itself runs through a portion of the country now very well settled between both termini, and in the next half century, perhaps, to be the most densely settled part of the Union west of the Alleghanies. It will afford in time of peace the cheapest and most direct route for the carriage of freight without breaking bulk from the lakes to the Gulf. In time of war it would afford a line for the transportation of provisions, munitions, and supplies wholly internal and altogether inaccessible to interruption by a foreign enemy.

For these reasons, I trust that the joint resolution may have early and favorable consideration by the Committee on Commerce, to whom I move that it be referred.

The motion was agreed to.

Mr. TURPIE. I also call the attention of the Senate to the fact that the two surveys, one made by Colonel Stansbury in 1832 and the later survey by Major Gillespie in 1876, embracing the main portions of this route, have now become very rare documents. There are only two of the old one in existence, one of which I have, and the number of the later survey is very small. I therefore ask that both of these surveys, respectively, be printed as documents, as there is now considerable request for them by citizens residing along the line of the contemplated waterway.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. CANNON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES W. CRONK.

On motion of Mr. SMITH, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the bill (S. 740) for the relief of Charles W. Cronk, and that it be referred to the Committee on Naval Affairs.

ARMY APPROPRIATION BILL.

Mr. QUAY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate recede from its amendments numbered 4 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That hereafter no pay shall be retained, but this provision shall not apply to deductions authorized on account of the Soldiers' Home."

And the Senate agree to the same.

M. S. QUAY,
EUGENE HALE,
CHARLES J. FAULKNER,
Managers on the part of the Senate.
J. A. T. HULL,
B. F. MARSH,
J. E. WASHINGTON,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River, in the county of Aitkin, State of Minnesota; and

A joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 3537) making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes; and

A joint resolution (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years.

NEWTOWN CREEK (NEW YORK) IMPROVEMENT.

Mr. HILL. I ask the Chair to lay before the Senate the joint resolution from the House with reference to estimates for Newtown Creek, New York. I should like to have it acted upon.

The joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York, was read twice by its title.

Mr. HILL. I ask for the present consideration of the joint resolution.

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois?

Mr. ALLEN. Is the morning business disposed of?

The VICE-PRESIDENT. The Chair has not yet called for the introduction of concurrent or other resolutions.

Mr. CULLOM. If it is not disposed of, when I get the bill up I will give way for anything of that kind.

Mr. ALLEN. I have no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. Before I yield for routine business, I ask that the ordinary rule in regard to dispensing with the formal reading of the appropriation bill be made, so that we can proceed to act upon the bill item by item.

Mr. COCKRELL. And that the amendments of the Committee on Appropriations be acted upon as they are reached in the reading?

Mr. CULLOM. Yes.

The VICE-PRESIDENT. Is there objection to the course suggested by the Senator from Illinois? The Chair hears none.

Mr. CULLOM. I now yield to Senators who have morning business to present.

HOUSE BILLS REFERRED.

The bill (H. R. 4179) to amend section 3719 of the Revised Statutes was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota, was read twice by its title, and referred to the Committee on Commerce.

BOND REDEMPTION AND BIMETALLISM.

Mr. ALLEN. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That under existing laws all bonds and legal-tender notes are redeemable in gold and silver coins of the United States, of the present ratio and fineness, and that any discrimination between such coins is in violation of the statutes of the United States and the traditions of the Government.

Resolved, That bimetallism means the unlimited coinage, at a ratio fixed by law, of both gold and silver into money of full debt-paying power and upon terms of exact equality, at the mints of the United States.

Mr. HILL. Mr. President——

Mr. PLATT. What became of the resolution?

The VICE-PRESIDENT. The Senator from Nebraska asked unanimous consent for the present consideration of the resolution.

Mr. PLATT. We can not consider that resolution now.

Mr. HILL. Let it go over.

Mr. SHERMAN. It ought to be referred to the Committee on Finance.

The VICE-PRESIDENT. Objection being interposed, the resolution will go over under the rule.

HISTORY AND INDEX OF CLAIMS.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Senate Committee on Claims be, and it hereby is, authorized to have compiled a history and index of the claims now in Congress and before that committee, together with a collection of the principal laws bearing upon claims against the Government.

NATIONAL DREDGING COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; which was, in line 13, after the word "contract," to insert "shall be held to be due only after appropriation shall have been made therefor, and."

Mr. FRYE. I have examined that amendment, and I see no objection to it. On the contrary, I think it a very proper one; and I move that the Senate concur in it.

The motion was agreed to.

ADDITIONAL MEN FOR THE NAVY.

Mr. GORMAN. I enter a motion to reconsider the vote by which the bill (S. 1404) authorizing the Secretary of the Navy to enlist additional men for service in the United States Navy, and for other purposes, was passed by the Senate yesterday, with a view to examining it and calling it up to-morrow.

MESSAGE FROM THE HOUSE—WAR IN CUBA.

Mr. SHERMAN. I call attention to a mistake in the Journal in respect to the action of the House of Representatives. I do so at the request of the Clerk of that House.

The resolution of the House of Representatives in respect to Cuba yesterday was adopted as a substitute for the Senate proposition upon the same subject. By some confusion, I suppose either of the Clerk of the House or the clerk who makes up the Journal there, they have omitted any reference to the Senate resolution. It is desired now to have that corrected on our Journal. I think that is all that is necessary to be done to make the Journal conform to the fact. The Journal clerk has explained the matter to me.

Mr. PLATT. I do not understand this matter. As I heard read the resolution which was presented from the House of Representatives it appeared to be the action of the House without reference to what the Senate had done. Will some Senator make it more clear?

Mr. LODGE. I will explain it, if the Senator from Connecticut will allow me. The chairman of the Committee on Foreign Affairs in the House of Representatives said:

Mr. HITT. Mr. Speaker, I move that the rules be suspended, that the Committee on Foreign Affairs be discharged from further consideration of Senate

concurrent resolutions in regard to the relations between the United States and Cuba, and that the resolutions which I sent to the desk be adopted by the House as a substitute therefor.

That was the motion agreed to by the House of Representatives, that their resolution should be substituted for ours. Owing to a mistake on the part of the Clerk of that House, which he has this morning asked to have corrected, the resolution appeared here as an independent proposition.

Mr. SHERMAN. If the Senator will allow me, here is the statement at the end of the vote as it appears in the CONGRESSIONAL RECORD:

So (two-thirds voting in favor thereof) the motion of Mr. HITT to suspend the rules and adopt the Senate resolutions with an amendment in the form of a substitute was agreed to.

Mr. LODGE. That is a little more explicit than what I read. The resolution of the House of Representatives was passed as a substitute for our resolution. Therefore it comes over here as an amendment, and not as a concurrent resolution. The only request made by the Senator from Ohio is to correct the Journal in conformity with the fact.

Mr. PLATT. How does that fact appear? It seems to me the thing to be done is to send back the resolution which the House of Representatives sent over to us, and let that House make its own correction. We can not correct the record which the House has made.

Mr. LODGE. We are not attempting to correct their record; we are attempting to correct our own record, so that the record here shall be correct. The House record is correct. It was simply a mistake in the statement of the Clerk here. The House record is correct, and shows that their resolution was passed as a substitute or amendment for ours. Owing to the manner in which it was delivered here, that was not understood by us and we took the resolution as a new proposition, when, as a matter of fact, it was not a new proposition, but was an amendment to our proposition. Of course the difference in the parliamentary status is perfectly obvious, and the only thing for us to do is to make our record conform to the fact.

Mr. MILLS. What becomes of the resolution?

Mr. LODGE. It has gone to the Committee on Foreign Relations for action.

Mr. CHANDLER. I am in entire sympathy with the object of the Senator from Massachusetts, but I must say that it is dangerous for the Senate to undertake to correct a message from the House of Representatives without waiting for the House of Representatives to make the correction. The message in the CONGRESSIONAL RECORD appears as follows:

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following concurrent resolution; in which the concurrence of the Senate was requested.

I admit that a mistake has been made and that it ought to be corrected, but, as I have already said and now say in the hearing of the Senator from Massachusetts, while I am in entire sympathy with the object which he seeks to accomplish, it can not be accomplished, I submit, in this way. The Senate can not of its own motion correct a message of the House of Representatives.

Mr. PLATT. Or a mistake made by an officer of the House of Representatives.

Mr. CHANDLER. If the Clerk of the House has made a mistake he can come here and correct it; if the House has made a mistake it can send over the correction; but it would be a most dangerous precedent for us to undertake, of our own motion, to correct a mistake which has come from the other House, and which must necessarily be the only basis for our action.

Mr. PLATT. As journalized—and I assume that our Journal clerk has stated the exact fact—it stands in this way:

A message from the House of Representatives, by Mr. BROWNING, its Chief Clerk:

Mr. President, the House of Representatives has passed the following resolution; in which it asks the concurrence of the Senate.

Then follows the resolutions which the House of Representatives passed. My point about it is, that this is entirely without reference to the subject-matter; that where an officer of the House comes here and makes a misstatement of the action of that House, we can not make the correction on our Journal. We can send the matter back or we can receive another message from the House showing that a mistake has been made. It seems to me that is the proper course to pursue.

Mr. GORMAN. Mr. President, I do not care to add anything to what has been said by the Senator from Connecticut, which is unquestionably correct. The parliamentary status is this: The Senate passed a concurrent resolution on a given subject and sent it to the House of Representatives, and the House, through its Clerk, has failed to return that resolution to the Senate, but instead has sent us a resolution of its own. It does not appear by the record that it is a substitute for the Senate resolution. It appears as an entirely independent resolution, and when it came here the Clerk of the House read the entire resolution, and it was afterwards again read by our Secretary. I called attention to the fact at the time, but there is no possible way for the record to be corrected unless the House of Representatives itself recognizes the mistake and sends to us another message correcting it.

Mr. GRAY. It seems to me there can be no two sides to this question. We have the information given to us by the House of Representatives, by their own appointed agent, that the record has been made over there in a certain way. We have no more right to change that record than one court of independent jurisdiction has a right to change the record of another court of independent jurisdiction. The record has been made by the officer of the House of Representatives in his official communication to the Senate. We have no control over the form or substance of that message. We can act upon it, but we can not change it.

Mr. LODGE. Mr. President, the Senate was entirely unaware of this error in the record until the Clerk of the House of Representatives came over this morning bringing our resolution and calling our attention to the fact that he had made a mistake, and asking that the correction be made. I suppose it is necessary that it should be done formally instead of informally. That is the whole thing involved here. It is necessary that he should come and stand at the door and say so, instead of doing it informally. It strikes me as an exceedingly important point, and I have no doubt the Clerk of the House will do so.

Mr. CHANDLER. It is an exceedingly important point, if the Senator from Massachusetts will allow me, when the House of Representatives sends over a message in the form which the House chooses to adopt, and it is delivered in the hearing of the Senate at the door. To say that the Clerk of the House can come over here afterwards, bring over the original resolution, and say that he made a mistake, and that then we can make the correction here merely by reading in the CONGRESSIONAL RECORD the proceedings of the House, would be a very great mistake, and the Senator from Massachusetts ought to consider it as a very important fact to induce him to withdraw the request he made that we, of our own accord, should undertake to correct the action of the House of Representatives.

Mr. CALL. There ought not to be any difficulty on this subject, Mr. President. The CONGRESSIONAL RECORD states the fact very clearly, as follows:

Mr. HITT. Mr. Speaker, I move that the rules be suspended, that the Committee on Foreign Affairs be discharged from further consideration of Senate concurrent resolutions in regard to the relations between the United States and Cuba.

What does that mean? "Discharged from further consideration of Senate concurrent resolutions," and thereupon, the Senate resolution being entirely out of the case, the House of Representatives proceeds to consider certain other resolutions which were before it.

Mr. BERRY. Proposed as a substitute.

Mr. CALL. It does not matter what it proposes. They were discharged from the entire consideration of the Senate resolution, and that ended the matter. The language used is merely informal, and bears no true relation to the facts. It was a House resolution which had never been in the Senate, and was not proposed as an amendment, for the entire question of the Senate resolution was withdrawn from the House. We have no evidence to the contrary in this case, except the opinions and statements of Senators. How can we accept those statements as against that record—that the House was discharged from the consideration of the Senate resolution and some other resolutions were introduced and passed? Suppose the House of Representatives do call their resolution a substitute, it was new, and had no relation to the Senate resolution, from which the House was discharged.

Mr. PLATT. Mr. President, it probably is not worth while to prolong this discussion, but to show how utterly impossible it is to correct the matter in the way which has been proposed here by the reading of the CONGRESSIONAL RECORD of the House proceedings, it should be remembered that it is entirely out of order, when a matter is pending here, to refer to anything which has taken place in the other House in relation to the same matter. On one occasion, when I attempted to read from the CONGRESSIONAL RECORD as to what had been done in the House of Representatives in reference to a pending bill, I was called to order, the matter was submitted to the Senate, and the Senate decided that I was out of order.

Mr. GORMAN. That is correct.

Mr. WHITE. I do not know whether the Senator from Florida has attracted attention to the fact that he has been violating the immemorial customs and usages of the Senate in referring to anything that has taken place in the other House of Congress.

Mr. CALL. It is in the RECORD.

Mr. WHITE. I am astonished that the Senator should read literature of that kind in the Senate. [Laughter.]

Mr. President, it is manifest that the orderly procedure is to accept the messenger of the House of Representatives as its duly accredited agent; and it is conclusively assumed by us, until the House has sent a message to the contrary, that he has stated the

facts. Of course when he discharges his duty in coming over here and leaves he is functus officio so far as that particular message is concerned, and any remarks that he may make on the outside can not be accepted, I assume, to overturn the official record which he, as an officer, has created, and which is beyond the reach of his individual criticism.

Mr. CALL. There is no rule anywhere that you can not read from the CONGRESSIONAL RECORD speeches made in the House of Representatives; but I say to my distinguished friend from California that there is a rule which prevents us from commenting upon action taken in the other House.

Mr. SHERMAN. My own impression is, upon reflection, that the Journal of the House will be found to be right and the Journal of the Senate will no doubt be found to be right, because if there is any error now it will be corrected. I think the better way, probably, will be to wait until the House of Representatives sends us the authentic report they wish to make of their action upon our resolution. I have no doubt that will be done the very moment it is understood by them.

The VICE-PRESIDENT. The Chair understands the request of the Senator from Ohio to be withdrawn.

Mr. SHERMAN. I withdraw it for the present.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM. I hope we shall now resume the consideration of the Agricultural appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 7, after the word "dollars," to strike out "one appointment clerk, $2,200"; in line 10, after the word "dollars," to strike out "one clerk class 4, $1,800," and insert "two clerks class 4, $3,600"; in line 23, before the words "day watchman," to insert "four"; and in line 25, before the word "hundred," to strike out "five" and insert "one"; so as to make the clause read:

Office of the Secretary: For compensation of Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; chief clerk, who shall be superintendent of the Department buildings, $2,500; private secretary to the Secretary of Agriculture, $2,000; stenographer to the Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,600; one librarian, $1,800; one assistant librarian, $1,400; one chief of supply division, $2,000; one telegraph and telephone operator, $1,200: two clerks class 4, $3,600; three clerks class 3, $4,800; four clerks class 2, $5,600; ten clerks class 1, $12,000; ten clerks at $1,000 each, $10,000; six clerks at $840 each, $5,040; one engineer, who shall be captain of the watch, $1,600; one fireman, who shall be steam fitter, $900; one assistant fireman, $720; one assistant fireman, $600; four night watchmen, at $720 each, $2,880; messengers, laborers, mechanics, four day watchmen, and charwomen, $20,000; in all, $94,140.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to strike out:

Document section: One chief of section, $2,000; one foreman, $1,800; one chief folder, $1,200; one clerk class 1, $1,200; five copyists, at $840 each, $4,200; seven folders, at $600 each, $4,200; in all, $22,900.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

Document and folding room: One superintendent, $1,800; two chief folders, at $1,000 each; one folder, at $840; four folders, at $600 each; in all, $7,040.

The amendment was agreed to.

The next amendment was, on page 4, line 13, after the word "botanist," to insert "and curator of the herbarium"; and in line 17, after the word "assistant," to strike out "botanist" and insert "curator"; so as to make the clause read:

Division of Botany: One botanist and curator of the herbarium, who shall be chief of division, $2,500; assistant botanist, $1,800; assistant botanist, $1,400; assistant curator, $1,200; one botanical clerk, $1,000; one botanical clerk, $900; in all, $8,800.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

Division of Biological Survey: One biologist, who shall be chief of division, $2,500; one assistant biologist, $1,800; one assistant biologist, $1,500; one assistant biologist, $1,400; one clerk, class 1, $1,200; one clerk, $1,000; one clerk, $660; in all, $10,060.

And in lieu thereof to insert:

Division of Economic Ornithology and Mammalogy: One ornithologist, who shall be chief of division, $2,500; one assistant ornithologist, $1,800; one assistant ornithologist, $1,500; one assistant ornithologist, $1,400; one clerk of class 1, $1,200; one clerk, at $1,000; one clerk, at $660; in all, $10,060.

Mr. HAWLEY. I should like to ask the Senator having the bill in charge whether that class of work which is described in the clause from line 4 to line 11, inclusive, on page 5, has been fully abandoned?

Mr. CULLOM. In answer to the Senator from Connecticut I desire to state as to this paragraph that everything is in the bill exactly as it was before except we report to strike out the change of name of that division. In the bill as it comes from the other House it was provided that it should be called the Division of Biological Survey, but the committee on the part of the Senate did not agree that it was best to change the name, and therefore reported to strike out that provision and insert the provision below under the name that the division already has under the existing law.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 13, before the word "thousand," to strike out "five" and insert "ten," and in the same line, before the word "thousand" where it occurs the second time, to strike out "twelve" and insert "seventeen"; so as to make the clause read:

Division of Chemistry: One chemist, who shall be chief of division, $2,500; one assistant chemist, $1,800; one assistant chemist, $1,600; one clerk, class 1, $1,200; employment of additional assistants in Division of Chemistry, when necessary, $10,000; in all, $17,100.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to strike out:

Division of Soils: One chief of division, $2,500; one assistant chief, $1,800; one clerk, $1,000; in all, $5,300.

Mr. CULLOM. In reference to this amendment, I consented with the Senator from Maine [Mr. FRYE] that it should be passed over as he has to be absent for a time.

Mr. PLATT. Why not allow the following amendment in relation to the Division of Agrostology to go over, too? The two amendments stand on the same ground.

Mr. CULLOM. I have no objection to that course. The two amendments may be passed over for the time being.

Mr. PLATT. Let those amendments be passed over for the time being.

Mr. CULLOM. Yes; the two provisions which it is proposed to strike out.

The PRESIDING OFFICER. The amendments between lines 15 and 24 are passed over without action.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, after line 6, to insert:

Division of Seeds: One chief of division, $2,000; one expert, $1,600; two clerks of class 1, $2,400; one skilled laborer, $1,000; eight employees, at $840 each, who shall, in addition to other duties, execute the requests of Senators, Representatives, and Delegates in Congress for the distribution of seeds among their constituents; in all, $13,720.

The amendment was agreed to.

The next amendment was, in line 22, after the word "dollars," to insert "one assistant chief, who shall be chief of inspection division, $2,500"; so as to read:

Salaries, Bureau of Animal Industry: One chief of Bureau, $4,000; one assistant chief, who shall be chief of inspection division, $2,500.

Mr. CULLOM. I ask, by consent of the committee, to modify that provision by striking out, in line 23, the words "who shall be chief of inspection division." Then I shall ask that the next amendment, in line 25, be disagreed to by the Senate. I find on investigation that it is almost impossible to get along with that bureau and the work of it without having an assistant chief who shall give his entire attention to the subject. The work of the inspection division is very extensive and very important, and that officer ought to be retained. I hope the Senate will agree to the amendment as proposed to be modified.

Mr. COCKRELL. What is the Senator's proposition?

Mr. CULLOM. We were misled, I will say to the Senator from Missouri, by a wrong statement in the Book of Estimates. The statement was made, as it is alleged, by mistake. We have the provision exactly as they seemed to want it, but the fact is that the assistant chief is a very important officer and it is impossible for the chief himself to be always in his office. He necessarily goes into different sections of the country. When he is absent there must be an assistant, and the assistant is important, even when both officers are there, the work being of such an important character and there being so much of it.

Mr. COCKRELL. I understand that perfectly. What does the Senator want to have done?

Mr. CULLOM. In line 23, I move to strike out the words "who shall be chief of inspection division." The balance may stand. Then I desire that the Senate shall disagree to the next amendment which the committee reports, to strike out the words "one chief of inspection division, $2,500."

I desire to say to the Senator from Missouri further, that the chief of the inspection division has to be absent a good deal, but when he is here his bureau is in the top of the building, while the Bureau of Animal Industry is on the first floor, and therefore it seems almost impossible that the department shall be run properly without both those officers, each one confined to the service pertaining to his own bureau.

Mr. COCKRELL. It is the creation of an entirely new office.

Mr. CULLOM. No, sir.

Mr. COCKRELL. One assistant chief.

Mr. CULLOM. No. The office is there now, but we were mis-

led by the statement in the Book of Estimates in reference to the whole subject.

Mr. COCKRELL. Is that language in the last appropriation act?

Mr. CULLOM. I think it is.

Mr. COCKRELL. I should like to see it.

Mr. CULLOM. I think it is, but I am not sure. I find that the last appropriation act made a lump sum appropriation, as the Senator from Missouri will probably remember, and therefore the Department paid the men as it wanted to, apparently. We have been trying to make a statutory limit.

Mr. COCKRELL. I remember that in the last act it was a general fund; but do they have this officer named in the report of the expenditure of that money?

Mr. CULLOM. They do. They have this identical officer there now, and he has been there all the year.

Mr. COCKRELL. Transferred from the Post-Office Department?

Mr. CULLOM. I do not know where he came from. But that is the situation, and everybody who knows him concurs in the statement that he is a competent and important officer. I hope the amendment as proposed to be modified will be agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Illinois [Mr. CULLOM] to the amendment of the committee.

The SECRETARY. In line 23, page 7, it is proposed to amend the amendment by striking out the words "who shall be chief of inspection division"; so as to read:

One assistant chief, $2,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the provision "Salaries, Bureau of Animal Industry," on page 7, line 25, after the word "dollars," to strike out "one chief of inspection division, $2,500."

Mr. CULLOM. I ask, as I stated I should, that this amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 5, after the word "thousand," to strike out "five hundred" and insert "two hundred and fifty"; so as to read:

One chief of Pathological Division, $2,250.

Mr. HAWLEY. I wish to ask a question of the Senator in charge of the bill. I see there are several changes proposed to be made in this paragraph. I have been given to understand that the Secretary of Agriculture does not ask that these reductions shall be made.

Mr. CULLOM. Those gentlemen, who are employed in scientific operations in the Department, get now exactly what the bill provides for them. There was an effort made to increase the salaries, and the other House did increase the salaries of several of them $250 apiece per annum. The Committee on Appropriations of the Senate did not think that in these times it was wise to do that, so they put the salaries back to the exact figures that those men have been getting heretofore and get now. That is all there is in it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 7, after the word "thousand," to strike out "four" and insert "two"; so as to read:

One assistant in Pathological Division, $1,200.

Mr. PROCTOR. I ask that this amendment may be passed over.

The PRESIDING OFFICER. If there be no objection, the amendment will be passed over without action.

Mr. PLATT. Why not dispose of it now?

The PRESIDING OFFICER. The Senator from Vermont asks that the amendment found in line 7, page 8, be passed over without action.

Mr. PROCTOR. Let us dispose of it now.

Mr. CULLOM. I scarcely know why the Senator from Vermont desires the amendment passed over or why he objects to the amendment, unless he desires to increase the salary.

Mr. PROCTOR. I understand that the services of a very able man in this Department will be lost unless the salary can be fixed at $1,400. I consider it a very reasonable salary for the services he performs. I have personally inquired into the matter, and although I do not know the officer, I believe that the information I have obtained is correct.

Mr. CULLOM. I find that there are a great many men about to leave the service of the Government unless their salaries are increased. I do not know how many of them will leave if we keep their salaries at the present figures, but we thought this was not a good time to increase very many salaries.

Mr. PLATT. I wish I could understand this matter. Are the men whose salaries are proposed to be reduced by the committee now on the roll?

Mr. CULLOM. They have not been heretofore, but the committee ascertained that the salaries agreed to in committee are exactly what those men are getting to-day under the law, which gave the Department a lump sum and the salaries were fixed by the Secretary.

Mr. PLATT. For the first time, then, as to the Bureau of Animal Industry, a statutory rule is provided in the pending bill?

Mr. CULLOM. Yes; and we undertook to fix the salaries exactly as they are.

Mr. PLATT. Do I understand the Senator from Illinois to say that in this particular instance the one assistant in the pathological division receives now $1,200 from the lump sum?

Mr. CULLOM. Exactly that sum, and no more and no less.

Mr. PLATT. Then I should like to have the Senator from Vermont [Mr. PROCTOR] explain how it is that the officer is likely to leave if he is now getting what the committee propose to give him. I simply inquire for the purpose of getting an understanding of the matter.

Mr. PROCTOR. I judge that the committee of another body gave this matter very careful personal attention. I think they did so by a visit to the Department. This Bureau is one of special importance at this time, when our cattle are excluded from Germany and France and Belgium. The matter of the inspection of cattle is very important, and our cattle are perhaps about to be shut out from Great Britain also, or at least there are threats of it.

This man, as I believe, is of special importance to the Department. He did not go there with the purpose of staying, and he can not remain at the low salary of $1,200. I believe this slight increase is one that he deserves, and that it would be for the benefit of the service that he should have it.

Mr. ALLISON. I do not wish to interfere with the debate as respects these salaries, and I generally try to follow the Senator from Vermont. He has given a reason, perhaps, why this particular person should have his salary increased, but it was not evident that it ought to be so increased when the estimates were made. The Secretary of Agriculture or the Bureau of Animal Industry very carefully prepared this scheme and schedule. They were directed to do so in the last Agricultural appropriation act. They prepared this schedule, and in making their estimates for this particular office they recommended the salary which we provide here.

Now, if they have made some further discovery later on, and if they find that this special officer is of such peculiar merit that he ought to have his salary increased, I do not know that I shall interpose any very great objection; but I do not want it to be an entering wedge for the increase of all these salaries over the estimates made by the Department itself.

Mr. PROCTOR. I got the information in regard to this particular officer from Dr. Salmon this morning. It is not my purpose to ask to increase the salary of any other officer.

Mr. CULLOM. I wish to state that I think I have a letter from the Department desiring that the salaries of all of those gentlemen shall be increased. The committee, however, did not think it ought to be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 9, after the word "thousand," to strike out "five hundred" and insert "two hundred and fifty"; so as to read:

One chief of Biochemic Division, $2,250.

Mr. GRAY. Before the amendment is acted upon I should like to be enlightened as to what the chief of a Biochemic Division is. I ask the Senator who has charge of the bill to explain it to me and to other Senators, if there are any others so unfortunate, as I am, as to be ignorant of what it means.

Mr. CULLOM. What the "bio" is there for I do not know, but I suppose it is a part of one of those peculiar phrases that the Secretary of Agriculture——

Mr. COCKRELL. The farmers all understand it.

Mr. CULLOM. I suppose it is part of one of those peculiar phrases that the Secretary of Agriculture found in the Department.

Mr. GRAY. The Senator from Illinois can not enlighten us?

Mr. CULLOM. Not very much as to that particular word.

Mr. GRAY. How do you know, then, what the salary should be?

Mr. CULLOM. The general work is of a scientific nature and is very important.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 11, after the word "thousand," to strike out "four" and insert "two"; so as to read:

Two assistants in Biochemic Division, at $1,200 each.

The amendment was agreed to.

Mr. CULLOM. In line 12, page 8, I move to strike out "eight" and insert "four"; so as to read:

Two assistants in Biochemic Division, at $1,200 each, $2,400.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 14, after the word "thousand," to strike out "$250"; so as to read:

One chief of Miscellaneous Division, $2,000.

The amendment was agreed to.

The next amendment was, in line 15, after the word "thousand," to strike out "two hundred and fifty"; so as to read:

One zoologist, $2,000.

The amendment was agreed to.

The next amendment was, on page 9, line 7, after the words "in all," to strike out "sixty-seven thousand and forty" and insert "sixty-four thousand nine hundred and forty"; so as to read:

In all, $64,940.

Mr. CULLOM. The total should be $67,440.

The PRESIDING OFFICER. If there be no objection, that change will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, line 6, after the words "United States," to strike out:

And to secure as far as may be a change in the methods of supplying tobacco and other farm products to foreign countries.

So as to make the proviso read:

Provided also, That $10,000 of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, $110,000.

Mr. BATE. I move to nonconcur in the amendment of the committee, and I hope that the Senate, after discussion, will agree to my motion.

Mr. CULLOM. The amendment was pretty fully considered by the committee, and it seemed to the committee that it was not worth while to have a provision in the bill calling attention especially to any particular agricultural product; that the general provision "that $10,000 of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States," covered tobacco as well as every other agricultural product.

The committee supposed that the Department would make just as much of an effort to secure the introduction of tobacco into the general markets of foreign countries without that particular provision as they would with it. The committee therefore reported to strike it out. I do not think the committee has any particular concern about the matter except that the clause did not seem to be needed.

Mr. BATE. I understand that the committee does not make any particular objection to the words remaining in the bill. They only give emphasis to a certain fact in carrying out the object of this section.

This clause does not add a dollar to the expense; it does nothing further than to indicate to the Secretary that there is a special interest in the matter of tobacco. I understand it grows out of the operation of what is known as the regia contract, a contract with the Governments, I believe, of five countries of Europe—Portugal, Spain, Austria, Italy, and France. In those countries the governing authorities take charge of this matter, and no one can purchase tobacco except from the governmental institutions. It is a source of immense revenue to those Governments. In order to secure the tobacco they have agents, and I understand in this deal a syndicate has been formed. Indeed, such is current history for the last twenty years. That syndicate has its agents, who buy up all of a particular kind of tobacco—the kind which is required in those countries—and they make a monopoly of it. It is a kind of tobacco that is not needed elsewhere. Therefore there is no competition, and they absorb the business. They have their agents all through the country, even now as far down as a cross-roads in my State, buying up this particular kind of tobacco and making a monopoly of it.

We desire to see if the Secretary can not relieve us in that regard. Hence the direction given in this particular paragraph proposed to be stricken out calling attention especially to tobacco. That is what it is intended to do and no more, and I can see no objection to it, even if the other language does include it. It is hardly surplusage, and it looks to me like it is proper language in proper place, and I hope there will be no objection to its retention.

Mr. GRAY. What action can the Secretary of Agriculture take or what action would the Senator from Tennessee suggest should be taken in order to provide for the condition he has described?

Mr. BATE. I understand it is to be done by corresponding in regard to this matter, so as to gain information with respect to it. If we can effect any arrangement to relieve us from the operations of this syndicate, let us do it. That is the object and there is no harm in this paragraph. I ask that the committee amendment be nonconcurred in.

Mr. CULLOM. I assume that the Secretary of Agriculture is expending the greater part of his energy in trying to get tobacco introduced, notwithstanding the scheme that certain foreign Governments have adopted in order to control the market. Therefore we thought it was not necessary to put in this clause. If the Senator from Tennessee desires to have those words included, while I really think they will add nothing to the prospect of getting our tobacco into those markets, yet I have no objection to the matter being disposed of by the Senate as it sees fit.

Mr. BATE. Let the words remain, then.

The PRESIDING OFFICER. The Chair suggests to the Senator from Tennessee that his motion to nonconcur is wholly unnecessary. The question is, Will the Senate agree to the amendment? His object is accomplished by a vote of the Senate in the negative.

Mr. BATE. All right; I withdraw the motion and let the vote come in that form.

Mr. CULLOM. I withdraw any opposition to the words remaining in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 21, to strike out "Biological Survey, Division of Biological Survey," and insert "Investigations in ornithology and mammalogy, Division of Ornithology and Mammalogy"; so as to make the clause read:

Investigations in ornithology and mammalogy, Division of Ornithology and Mammalogy: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy, an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for preparation and publication of reports thereon, and for illustrations, field work, and traveling, and other expenses in the practical work of the division, $17,500.

The amendment was agreed to.

The next amendment was, on page 12, line 11, before the word "thousand," to strike out "six" and insert "eight"; so as to make the clause read:

Pomological investigations, Division of Pomology: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; traveling and other necessary expenses, $8,000.

Mr. CULLOM. That amendment is a mistake of the printer. It ought to be disagreed to. The appropriation ought to be $6,000 instead of $8,000.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 13, line 10, before the word "dollars," to strike out "five thousand" and insert "seven thousand five hundred," and in line 11, before the word "hundred," to strike out "nine thousand nine" and insert "twelve thousand four"; so as to make the clause read:

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named; preparing, illustrating, and publishing reports and exhibiting the results of such investigations, and to enable the Secretary of Agriculture to continue an investigation relative to the various typical soils of the United States to determine their chemical characteristics, and especially the nature of the nitrifying organisms contained therein; the preparation of reports thereon; apparatus and materials required in conducting such investigations; employment of the necessary investigators; freight and express charges, and necessary traveling expenses, $7,500; in all, for Division of Chemistry, $12,400.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "management," to strike out the words "experiments in forest planting."

Mr. CULLOM. I move to strike out the paragraph from line 12, after the heading, down to and including line 20, and to insert in lieu of it the present law, as it is believed by the committee to be better than the provision in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out from line 13 to line 20, inclusive, in the following words:

Investigating the condition of the forest resources of the United States, and the methods and rate of consumption and reproduction, and studying forest-tree biology as a basis for forestry practice and forest management; exper-

iments in forest planting; preparing, illustrating, and publishing reports; the collection and distribution of valuable forest-tree seeds and plants; and traveling and other necessary expenses, $20,000.

And to insert:

To enable the Secretary of Agriculture to experiment and continue an investigation and report on the subject of forestry and timber, for traveling and other necessary expenses of the investigation, and for the collection and distribution of valuable economic forest-tree seeds and plants, $20,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 13, line 25, before the word "management," to strike out "erection"; so as to make the clause read:

Experimental gardens and grounds, Department of Agriculture, Division of Gardens and Grounds: Cultivation and care of experimental gardens and grounds, including the keep of the lawns, trees, roadways, and walks; management and maintenance of the conservatories, and seed-testing and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horseshoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting, and packing materials, feed for horses, freight and express charges, $25,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, to strike out "Division of Soils" and insert "Soil investigations," and in line 23, before the word "thousand," to strike out "ten" and insert "fifteen"; so as to make the clause read:

Soil investigations: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; the location of the stations and the rent of a building, not to exceed $660 per annum, for office and laboratory purposes; the employment of local and special agents, and other labor required in conducting experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, gas, and supplies, and for traveling expenses, freight and express charges, $15,000.

The amendment was agreed to.

The next amendment was, on page 14, line 24, to strike out "Division of Agrostology" and insert "Grass and forage plant investigations."

Mr. FRYE. Before that amendment is acted upon, I should like to have the Senate go back to page 6, to the Division of Agrostology. That amendment was passed over.

Mr. PLATT. Both the item relating to soils and the item relating to agrostology were passed over.

Mr. FRYE. I simply asked that the paragraph relating to agrostology might be passed over.

Mr. CULLOM. What was the remark of the Senator from Maine?

Mr. FRYE. Before this provision is acted upon, I ask the Senate to go back to page 6, line 19, the item relating to the Division of Agrostology.

Mr. CULLOM. Before we proceed with that, we might as well begin with the paragraph commencing in line 15, as to the Division of Soils, and dispose of that item.

Mr. FRYE. I have nothing to say about that.

Mr. CULLOM. I ask, then, that the Senate proceed to the consideration of both the paragraphs on page 6, beginning with line 15.

The PRESIDING OFFICER. The Secretary will read the amendment, beginning at line 15, page 6.

The SECRETARY. The committee report to strike out the following paragraph, beginning at line 15, on page 6:

Division of Soils: One chief of division, $2,500; one assistant chief, $1,800; one clerk, $1,000; in all, $5,300.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. PLATT. The Senator from Maine seems to be interested in the next amendment, if these are to be separated, but I do not see why both do not stand on the same footing. I should like to hear what the Senator from Maine has to say about the next item.

Mr. CULLOM. If the Senator from Maine will allow me, I will state that the two divisions referred to, both as to soils and to agrostology, may be found provided for on page 14 of the bill and part of page 15. As to the soil provision, it reads as follows:

Soil investigations: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; the location of the stations and the rent of a building, not to exceed $660 per annum, for office and laboratory purposes; the employment of local and special agents, and other labor required in conducting experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, gas, and supplies, and for traveling expenses, freight, and express charges, $15,000.

That is the provision in relation to the investigation of soils. It seemed to the committee that that provision furnished all the power necessary on the part of the Department to make all the investigation that it could make without the provision now under consideration. The next provision, as to grass and forage plant investigation, is framed upon the same theory and is the law as it stands to-day as to agrostology.

Mr. PLATT. As I understand the question at issue, there being a law for conducting these investigations, the Secretary of Agriculture has proceeded to organize a division in this sense, and he has selected certain persons and put them upon the statutory roll, and they are appropriated for specifically; in the case of soils, "one chief of division, $2,500; one assistant chief, $1,800; one clerk, $1,000; in all, $5,300"; and so with the Division of Agrostology.

I believe myself that it is a great deal better that there should be an organized force appropriated for, as in the other divisions, the Division of Chemistry, for instance, which we have just passed over, and Vegetable Physiology and Pathology, than to have lump sums appropriated and persons employed under them as the Secretary or his chief or some other person may think is best. I suppose that is really the question which arises here, that it is as between having a division, a statutory roll, with the salaries of the officers provided for by appropriations, the same as we provide for other officers and clerks in the bill, or whether we are to leave it all in a lump sum, to be appropriated and expended as the officials of the Department may see fit. I presume that is all there is to it.

Mr. HALE. I will state what I think was the view which obtained in the committee. Under the provisions on page 14, $15,000 generally is given for the subject of soil investigations, and for agrostology, which is the subject of the treatment of and experiments with grasses, $18,000. That is to be expended in all the ways provided by the clauses, and under such appropriations I do not understand that extravagant salaries have been paid. What the other House has done is to take away from the appropriation of $15,000 for soil investigations $5,300 and set up a division consisting of one chief at $2,500, one assistant chief at $1,800, and one clerk at $1,000.

Mr. CULLOM. Making, if the Senator will allow me to interrupt him, a division with salaries amounting to $5,300 in order to spend $15,000.

Mr. HALE. Exactly; to expend $15,000. It has got the paraphernalia of a division and has to expend only $15,000 in all, the division consisting of a chief at $2,500, an assistant chief at $1,800, and one clerk at $1,000. It is like having a lieutenant-general, and a major-general, and a brigadier-general to command one company of men. The Committee on Appropriations did not believe in that sort of thing. It is worse in the Agrostology Division, for there they have taken away $8,000 of the $18,000 which has been given to this general purpose in a moderate way, and have set up a division of one chief of Division of Agrostology at $2,500, one assistant chief at $1,800, one assistant at $1,500, one assistant at $1,400, and one histologist at $900, making in all $8,100, to spend $18,000. There is nothing like it in any other Department. The statement I have made shows the absurdity of it.

Mr. FAULKNER. I ask the Senator from Maine whether the effect of the amendment of the committee is not simply to apply more of the appropriation to the work of the special division and take it from large and high salaries?

Mr. HALE. That is what the committee and the Senate are trying to do. They are trying to expend the amount of money appropriated in a judicious way for the whole subject, and not to be swallowed up in high offices. We restore the amount they have always had appropriated, but we say we do not agree to this great top-heavy arrangement of three or four big officers at high salaries to spend a small sum of money, there being in one case, as proposed by the House, only one clerk under the chief and assistant chief. If on this view the Senate does not see the absurdity of the issue proposed, I for one can not make it see it.

Mr. FRYE. Mr. President, I fail to see the absurdity of the proposition. The expenditure of the $18,000, whether made profitable or not, depends entirely upon the head of the division. If $5,000 is necessary to procure a man skilled in that business, then he should receive $5,000, or else the whole $18,000 will be wasted. This Division of Agrostology was provided for in the last appropriation act.

Mr. PLATT. And after discussion here.

Mr. FRYE. After discussion here, and after discussion in both Houses. Now, what did the Secretary of Agriculture do after that became a law? The inspection of grasses is a matter of vital importance, more important than almost anything else that came within the jurisdiction of that Department. In the first place, the hay crop is now worth $400,000,000 a year—nearly twice as much as the cotton crop, nearly twice as much as the wheat crop. If you add to that the value of the pasturage which is used, it will run up the amount to twice the value of the wheat and cotton crops put together. So it was exceedingly important——

Mr. HALE. I am not arguing against the importance of the work, but I do not want all the money taken up by big salaries.

Mr. FRYE. That is where I disagree with my colleague. I want a salary sufficiently high provided to enable a man who will best know how to expend the $18,000 to be employed.

Now, I want to show what was done. The moment that it became a law the Secretary of Agriculture wrote to all the prominent scientists in the United States and asked them who was the

man suitable to be at the head of this division. He received twenty replies, and out of the twenty replies a large majority were to the effect that Professor Scribner was the man of all other men; that he knew more about that business than anybody else in the United States. Well, who was he? He was a Maine man, educated and trained in Maine, which ought to be a sufficient certificate of qualification and character. In addition to that, he had been employed in this Department down here for four or five years in the Botanical Division. Then the University of Tennessee, having learned of the capacity of this man and his qualifications, took him away from this Department and employed him there as a professor in that State university. Then, in addition to that, he was placed at the head of the experimental station in Tennessee, receiving more salary than he is to receive here under this bill.

The Department wrote to that man and implored him to take the head of this division at $2,500 a year. He surrendered the professorship, he surrendered the head of the agricultural experiment station there, and came here and took the head of this division, and has been pursuing his work. He is the author of a number of books; he is a member of half a dozen scientific societies abroad; he has received decorations of honor from France and from Germany for his scientific attainments in this regard; and surely he is worth $2,500 a year for the investigation of this subject.

Mr. President, there is something in the dignity of place. While a man might not be willing to come here, even though his salary was $2,500 a year and be called a clerk in a Department, he might be willing to come here on the same salary and be called the head of a division. A scientific man might be willing to be at the head of a division when he would not be willing to be a clerk in the Department at the same pay. I take it that such is the position of Mr. Scribner. Nobody believes that the Department would not pay him $2,500 a year, because the same appropriation is made that would be made if the salary were $2,500 a year and if he were named here. That appropriation has not been cut down at all. The Secretary of Agriculture will pay him $2,500 a year, for he can not very well get along without him; but what this man, a scientific man, a professor, wants is to be the head of a division instead of a common clerk in the Department. I can not see the slightest objection on earth to it.

Mr. HALE. It is the old story of starting in a small way a subdivision in the work of this Department and giving a small sum of money to develop a certain end and get information throughout the country and to employ men at a small rate, which was the original way of doing it, or of absorbing the fund in large salaries. Undoubtedly this man, who was educated in Maine, and who, I have no doubt, is a good man, would like to be permanently lodged on the Department at a large salary. The chiefs of divisions who have 100 or 150 men in their charge get only $2,500, some of them only $2,000, and here a man asks that he be permanently provided for in the bill, fastened upon us, at the rate of $2,500, when he has only got under him one assistant chief and one clerk in one case, and in the other the chief of division has three assistants and one clerk, the latter at $900 a year.

I say if in the arrangement of departmental business this man ought to have for his investigations $2,500 a year, as my colleague says, let the Secretary of Agriculture pay it to him for his services, but do not build up this grotesque anomaly of a division with the head of it permanently in at $2,500 when he has only two or three men under him. It is in no way a comparison with what is done in other Departments. If the special services of this man are worth $2,500, the provision reported by the committee allows the Secretary of Agriculture to pay it to him. To that I do not object if that is deemed advisable, if he is worth it; but do not insert him as a part of this establishment and call him the chief of the division, and make him thereby, as you do in that way, permanent. He will be appointed, he will have a division, a room, and two men or three men under him, that is all, and he will get the same pay for a permanent service where he can not be disturbed that other men in other Departments are getting where they have a hundred men under them. To me that looks like an absurdity.

Mr. PLATT. Mr. President——

Mr. KYLE. Will the Senator from Maine allow me a moment?

Mr. HALE. I yield the floor.

Mr. KYLE. On page 6 there is a Division of Vegetable Physiology and Pathology provided for, on page 7 a Division of Seeds, and so on all the way through.

Mr. PLATT. And a Division of Pomology on page 5.

Mr. KYLE. I can not understand why this Division of Agrostology is not just as important as the others.

Mr. HALE. But why subdivide the division of seeds and make three or four?

Mr. PLATT. On page 5 there is also a Division of Economic Ornithology and Mammalogy.

Mr. CULLOM. That is the law as it is now.

Mr. PLATT. That may be.

Mr. FRYE. This is the law as it is now.

Mr. PLATT. This is the law as it is now. In that case the committee provided for one ornithologist, chief of division, at $2,500; one assistant ornithologist, at $1,800; one assistant ornithologist, at $1,500; one assistant ornithologist, at $1,400; one clerk, at $1,200; one clerk, at $1,000, and one clerk, at $650; in all, $10,060.

Mr. HALE. That is not quite so bad as this, but it is bad enough.

Mr. PLATT. Yes; it is.

Mr. HALE. It is not quite so bad. That division has three clerks.

Mr. PLATT. All that is asked for this Division of Agrostology is $8,100. Why the committee should provide for an economic bird and mammal division when they will not allow a division for this vastly superior subject of agrostology and grasses I can not exactly understand.

Mr. HALE. I can tell the Senator. The division he has referred to is not needed.

Mr. PLATT. Cut it out, then.

Mr. HALE. It ought to be cut out. The argument is that it has been abused. I say plainly that this whole scheme of running the Agricultural Department is abused. In the first place, the Department, as with no other Department, has under its general appropriation bill all the officers provided for. They ought to be provided for in the legislative appropriation bill, as is the case with every other Department, where some scrutiny could be made, and where the appropriations could be kept down to the others. But from year to year the Department of Agriculture has been dividing and subdividing and creating divisions. Where there was a general division, in the first place, with only two or three large divisions, somebody who was a clerk wanted to be a chief, somebody at $900 wanted to be an assistant chief, and every year they have been coming in and having the salaries increased all the way through. The record of this appropriation bill is a record of divisions with big salaries. I affirm, that for the business it does, for the work it performs, for the money it expends, it has a proportion of large salaries from three to six times larger than any other Department of the Government. This is in the direction of still more and more increasing the salaries, and I for one object to it. To me it is an absurdity.

Mr. PLATT. It is the case now.

Mr. KYLE. Mr. President——

Mr. FRYE. If the Senator from South Dakota will allow me just one moment, I do not see what the number of clerks employed has to do with the question whether this shall be a chief of a division with a salary of $2,500. I can conceive that the position of chief might be one not worth over $1,200 a year and he might have a hundred clerks under him. This is entirely different. It is a place requiring scientific knowledge. My colleague does not believe that a man who is capable of filling the position of chief of this division ought to be employed for any less than $2,500.

Mr. HALE. No; my colleague misapprehends my point. I have said that if this man's services are valuable and he is worth $2,500, the provision of the Senate committee gives him that salary; but I am opposed, because that is the fact, to creating a new division, and putting him at the head of a so-called division when it is not needed. It is swelling up these items. I do not know but that the man is worth $5,000, but I do not think there ought to be any division of this kind here. It is not needed. You can have all the work done in a more modest and less titular way. That is what I object to.

Mr. FRYE. But this division was created by law just exactly as all the other divisions provided for in the bill. It is just as much the law to-day as the law creating any division appropriated for, and yet here are a score of them left not touched because the Senator from Illinois says it is the law. This was enacted into law after discussion in both branches in the last Congress, and I fail to see why this work, the most important of all, with values involved greater than any other provided for in the entire bill, should be stricken out and the Department should be left to employ simply a clerk.

Mr. CULLOM. I desire to say simply a word in reference to this matter. The committee fully appreciated and now appreciates the importance of this work, the examination, etc., of soils and grasses. When they came to look at the paragraphs which are proposed to be stricken out here, and to examine the present law, it seemed to us, appreciating the importance of the subject, that we could get more good out of it for the people by eliminating those provisions from the bill and appropriating the money under the paragraphs upon pages 14 and 15. So, as far as the committee were concerned, they got rid of the two provisions referred to by the Senator from Maine [Mr. FRYE]. When you come to look at it, it does seem as though it is only fair that that should be done. Those two provisions carry an appropriation of nearly $14,000, and the appropriation on page 14 for the work in those two divisions would be in the one case $15,000 and in the other $18,000. We were so anxious that we should not cripple

the work of the division in relation to grasses that we increased the appropriation some $3,000; I do not remember exactly the amount.

Mr. FRYE. You only increased it by the amount of the salaries which the committee struck out in another place. In other words, you did not cut down the appropriation.

Mr. CULLOM. In other words, for grass and forage plant investigations, on page 15, the committee reported to strike out "$10,000" and insert "$18,000," and for soil investigations we increased the appropriation from $10,000 to $15,000, getting rid of the two provisions on page 6. The Senator seems to think that this man is going to be abused if we do not promote him and give him the title or the dignity of the chief of a division.

Mr. FRYE. No; but by taking it away from him. He has it now.

Mr. CULLOM. He will practically still be at the head of that bureau or branch of the service. I do not know whether he came here before the last provisions were adopted, but what we wanted to do was to stop, if we could, the constant effort on the part of that Department to create divisions and absorb the appropriations by great salaries, and then have but very little left for the actual work of the Department.

Mr. KYLE. May I ask why, then, the committee preserved the Division of Pomology, on page 5, and the Division of Entomology, on page 4? In the Division of Pomology I see there are only four or five clerks provided for, and the total appropriation is $6,500.

Mr. CULLOM. It may be possible that the Department can get along with the reduction of a few other divisions and simply put clerks at the head of these different branches of the service, without giving them the title of chief of division.

Mr. KYLE. As the Senator from Maine has just said, this Division of Agrostology was created by law last year.

Mr. CULLOM. I know it was.

Mr. KYLE. It was so created because of the importance of that division to the farmers of the United States.

Mr. CULLOM. I remember that very well; but the committee thought it would be making more of the work by getting rid of those provisions than by leaving the law as it stands.

Mr. KYLE. It strikes me that some of these others should be dropped and the Division of Agrostology retained. The Division of Agrostology, I may say, is one of the most important of the coming experimental departments in the United States. Throughout all the Western country we are exchanging grasses at the present time for the purpose of trying to discover some grasses that will grow in the drought-stricken region, and we are transporting seeds from Utah, California, and Arizona to the plains of the Dakotas, and trying to discover something that will grow there. During the discussion last year it was our effort to place it in the power of the Secretary of Agriculture to correspond with agrostologists of foreign countries in order to discover seeds of grasses that would grow in this country, and by exchanging back and forth possibly supply the farmers of the United States.

Mr. HALE. The committee are in entire sympathy with that idea. We do not want to cripple that work; we think it is an important one, as the Senator says; but our idea is, when you create a division for some important work in the Department of Agriculture, not that you should create it to give a few men salaries, but when you create a division, that you dignify it; that you segregate it; that you put so much money into the hands of the Secretary to expend, not in high salaries, not in a fixed establishment, but in other ways that will bring out precisely what the Senator wants—investigation. I do not believe, out of an appropriation of $18,000 for this great subject, that to advantage $8,000 of it can be spent by three or four men with large salaries, sitting in a room down in the Department of Agriculture. I do not believe, if the work is as important as has been said, and as I believe it to be, that you are getting the most out of it for your money by creating offices for three or four large-salaried men who remain here in Washington, when it could be expended to greater advantage by investigations outside at smaller cost. That is all the difference there is. The Senator's idea seems to be that if you are going to magnify this work you must magnify the offices. I do not think so. I do not think that is needed. I think it is better they should not be magnified, and that the work should be more generally extended.

Mr. KYLE. I do not know how the Secretary of Agriculture has been carrying on this work. I understand he has been carrying it on at his discretion as to how it shall be done.

Mr. HALE. He would have no discretion if this provision is put in the bill, but he would have to pay this chief $2,500 and keep him, and pay an assistant $1,800 and keep him, and another assistant at $1,400, and a clerk at $900, and there is no discretion left him. That is one thing I complain of. I would rather leave it to the discretion of the head of the Department as to how this money shall be spent than to saddle on him this large establishment of big-salaried men, leaving him no discretion.

Mr. KYLE. On page 14, under the head of "Grass and forage plant investigations," the committee have stricken out "Division of Agrostology," and also stricken out "$10,000," at the end of the clause, and inserted "$18,000." Would there be any objection to leaving the clause on page 6, as to the Division of Agrostology, stand in the bill as it came from the House of Representatives?

Mr. HALE. For one I do not think that it is very essential. I should not object if you choose to strike out this entire paraphernalia of big officers and leave it discretionary with the Secretary of Agriculture as to how he shall expend the money and get the most out of it. As to inserting the "Division of Agrostology," I have no objection to that.

Mr. KYLE. I shall move, on page 14, to nonconcur in the committee amendment striking out "Division of Agrostology."

Mr. FRYE. I do not regard that as of any account. This is the place where the amendment should be disagreed to, if at all.

Mr. HALE. That is the place where the gentleman referred to will get his salary.

Mr. FRYE. Or he will resign.

Mr. HALE. I do not think there is any danger of that.

Mr. HAWLEY. I suggest that it might answer the purpose to leave in the words "Division of Agrostology," at the bottom of page 14, and to insert in that paragraph after the words "eighteen thousand dollars" the words "of which $2,500 may be applied to the salary of the chief." That would perhaps answer the purpose of our friend from Maine in front of me [Mr. FRYE].

Mr. FRYE. That will do.

Mr. HAWLEY. I do not see under the paragraph on page 6, relating to agrostology, how any man put in there would be a permanent officer, as the Senator from Maine says. I think he could be discharged any day upon evidence of unfaithfulness, or incapacity, or anything of that kind.

Mr. HALE. Yes; but that is true about all these officers, and yet we know as to the heads of divisions there are very few changes.

Mr. HAWLEY. I think, on the whole, it is a very excellent element in our civil service if, when we find capable men in office, we keep them there. That is one of the faults found with our Government, that upon every change of Administration there are so many changes of officers. I think it would be a very great advantage if men could be practically continued in office, subject to removal for infidelity or incapacity at any time. If the Assistant Secretary of War could be permanently retained in office, I should be very glad; and if we can find a chief of agrostology who will be worth keeping at all, as probably Mr. Lamson-Scribner is, I think we should endeavor to keep him.

Mr. HALE. I was not discussing the question of civil service. I was simply saying this provision would make this officer permanent.

Mr. HAWLEY. I do not see why he should stay there a fortnight if evidence appeared of his infidelity or impropriety of conduct.

Mr. HALE. The Senator from Illinois [Mr. CULLOM] is in charge of the bill, not I.

Mr. HAWLEY. I should be a little better satisfied if the words "Division of Agrostology" were left in, and then add after the "$18,000," at the end of the clause, "$2,500 of which may be applied to the salary of the chief."

Mr. CULLOM. If the two paragraphs from line 15 to line 24, on page 6, are stricken out, so far as I am personally concerned I should have no objection to leaving the provision stand in reference to the Division of Soils, on page 14.

Mr. HAWLEY. I was speaking of the "Division of Agrostology."

Mr. CULLOM. I was going on to say that in the clause as to grass and forage plant investigations, the Division of Agrostology may remain in the bill.

Mr. HAWLEY. I trust my suggestion will be adopted to insert after the total appropriation the words, "of which $2,500 may be applied to the salary of the chief," because you can not properly expend that $18,000 if you are to depend on twelve-hundred-dollar clerks. You may employ more of them, but you must put some brains at the head of the division to make the appropriation worth a cent.

Mr. CULLOM. That is true.

Mr. FRYE. I have heard members of the Appropriations Committee from time immemorial—that is to say, from my time immemorial—arguing in the United States Senate that specific appropriations were an absolute necessity for the safety of the Government. Now, what is to prevent Secretary Morton, if you leave this as it is now, from paying this man $5,000 instead of $2,500?

Mr. TELLER. His well-known financial views might prevent that. [Laughter.]

Mr. FRYE. The Senator can see reasons which perhaps I can not see; but I have heard it over and over again, and it has been

insisted upon, that you must have specific appropriations, and that the number of officers must be specified, so many clerks at such a salary, so many chiefs at such a salary, and here, for the sake of wiping out one or two places in this bill, where divisions have been provided for by law, the committee sacrifices entirely the principle and theory for which it has been contending, inserts in the bill practically a lump sum, and leaves the Secretary to do with it what he has a mind to.

Mr. HALE. If a reasonable provision for specific clerks had been provided, nobody would object to it. The committee is in favor of that; but it is not in favor of taking an entire appropriation and substantially absorbing it by a few large salaries. There is the trouble.

Mr. FRYE. I do not believe my colleague thinks that for a professor in the University of the State of Tennessee, the head of an agricultural experimental station, and a man who is a thoroughly well-known scientist, not only all over the country, but all over Europe, $2,500 is an enormous salary.

Mr. HALE. But the Senator does not stop there. He proposes to give this eminent gentleman $2,500; to give him an assistant chief at $1,800; another assistant at $1,500; another at $1,400, and one histologist at $900. It is not a question as to whether this one man is worthy of it.

Mr. CULLOM. The Senator from New Jersey [Mr. SMITH] is desirous of leaving the city for a day and wishes to call up for consideration a bill in which he is interested. If it leads to no debate, I shall yield to the Senator for that purpose.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

Mr. SMITH. I ask unanimous consent for the present consideration of House bill 3982, which I am sure will lead to no debate.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from New Jersey asks unanimous consent that the pending business be temporarily laid aside, in order that the Senate may proceed to the consideration of a bill referred to by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3982) granting to Lincoln Post, Grand Army of the Republic, of Hope Valley, R. I., 1 condemned cannon; also, to the Woman's Relief Corps of Taylorville, Ill., 4 condemned cannon and 4 condemned cannon balls for the purpose of decorating a soldiers' monument lately erected there by said corps; and also, to the town of Newton, in the State of New Jersey, 4 pieces of condemned cannon and 20 cannon balls for the decoration of the new soldiers and sailors' monument in that town.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF CONNEAUT HARBOR, OHIO.

Mr. SHERMAN. Mr. President, I ask the Senator from Illinois to waive for a moment longer the consideration of the pending appropriation bill, in order that I may ask the Senate to consider and pass a joint resolution which is necessary in order to obtain an estimate for a river and harbor improvement. It will take but a moment. It passed the House of Representatives and is recommended by the Committee on Commerce.

Mr. CULLOM. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Ohio asks that the pending measure be temporarily laid aside for the consideration of the joint resolution named by him.

Mr. COCKRELL. Let it be read for information.

The PRESIDING OFFICER. The joint resolution will be read for information, subject to objection.

The Secretary read the joint resolution (H. Res. 98) directing the Secretary of War to cause Lieut. Col. Jared A. Smith, Corps of Engineers, to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Commerce with an amendment, in line 3, after the word "directed," to strike out "to cause Lieut. Col. Jared A. Smith, Corps of Engineers"; so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, directed to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio, and to transmit the same to Congress at as early a date as practicable.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution directing the Secretary of War to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the concurrent resolution of the House relating to the belligerent rights of the Cuban insurgents to correct an error in the engrossed resolutions as transmitted to the Senate.

The message also announced that the House had agreed to the resolutions of the Senate relating to the belligerent rights of the Cuban insurgents, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4779) relating to the anchorage and movements of vessels in the St. Marys River.

The message also announced that the House had passed a bill (H. R. 2815) for the relief of William Lock and James H. Tinsley; in which it requested the concurrence of the Senate.

WAR IN CUBA.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 3, 1896.*

Resolved, That the Senate be requested to return to the House the concurrent resolution of the House relating to affairs in Cuba, to enable the House to correct an error in the engrossed resolution as transmitted to the Senate.

Mr. SHERMAN. I move that the request be granted.

The motion was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 3, 1896.*

Resolved, That the House agrees to the foregoing concurrent resolution, with an amendment, to strike out all after the resolving words and insert:

"*Resolved by the House of Representatives (the Senate concurring)*, That, in the opinion of Congress, a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

"*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interest of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

"*Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary."

Mr. SHERMAN. Let the resolution be referred to the Committee on Foreign Relations.

Mr. FRYE. Had it not better be referred without printing, as the Committee on Foreign Relations meet to-morrow morning?

Mr. SHERMAN. Yes.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Foreign Relations without printing, if there be no objection.

Mr. COCKRELL. Why should the resolution not be printed, so that we can all see it?

Mr. LODGE. Let the resolution be printed. It will not cause delay.

Mr. COCKRELL. I suppose some one else will want to look at it besides the members of the Committee on Foreign Relations.

Mr. FRYE. I suppose the Committee on Foreign Relations desire to examine it to-morrow morning.

Mr. COCKRELL. We can have it by to-morrow morning; we can have it in two hours, if necessary.

Mr. FRYE. If a special order can be made for its immediate printing, that will answer.

Mr. COCKRELL. By a special order you can have it printed in two hours.

The PRESIDING OFFICER. If there be no objection, the resolution will be ordered to be printed by to-morrow morning at 10 o'clock.

Mr. CULLOM and others. That is right.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

Mr. TELLER. Mr. President, the value of grass and forage plant investigations does not consist in anything that can be accomplished in the Agricultural Department here in Washington. It is what is done in the field in practical operations that will be valuable. I do not know very much of what has been done by the

Department in the last three years, but I kept very well informed of what was being done under former Administrations.

An experiment station was established at Garden City, in the State of Kansas, which was in charge of a gentleman whom I know very well, at a salary of $1,500 a year. I think that station was finally closed. I do not know whether the experiments are now going on there or not, or whether they are going on anywhere else, except in the Department here.

The subject, as stated by the Senator from South Dakota [Mr. KYLE], is one of great interest to the Western people. We have one forage plant that is very excellent, and it is believed by a great many that there might be others equally as good, and perhaps better. I think the benefit derived from the experiments at Garden City was mainly in demonstrating what would not grow in our country, and not what would grow. We demonstrated that a great many things we hoped might grow would not grow; and that has been demonstrated in a considerable degree by our farmers in Colorado at least, for we have tried pretty nearly everything that was supposed to be valuable for forage plants.

We have tried the French plants and plants from northern Africa and other sections without, up to the present time, I may say, having discovered more than one plant that may be regarded as a valuable forage plant, and that is alfalfa, or lucerne, as it is sometimes called, an old plant which, I believe, was known to the Romans, and has been in use a long time in South America, in portions of Europe, and for perhaps thirty years in this country. It is adapted only to dry countries and will not flourish at all east of the Mississippi River, but it is very valuable in our section of the country. I have taken a great deal of interest in the question of forage plants, and have made some experiments myself without having found anything that was good.

I wish to repeat that the only advantage of these investigations is in the field. The Department has published a very interesting work on grasses—the native grasses of our country—which has been illustrated, and is a delight to people who are interested in such matters, but it is practically of no use whatever to those desiring to raise forage plants in our section of the country. None of the native grasses of the extreme Northwest, the dry country, can perhaps be made valuable as farm forage plants. They do not submit kindly to the trampling of cattle or sheep, and in a few years they are largely trodden down. We in the West must depend in time upon some new variety yet to be propagated in this country or upon grasses brought from somewhere else.

I should like to see this interest liberally dealt with. I have no objection to paying a fair salary to the officer in charge, but, after all, I do not think it is necessary to build up very large positions here.

I will state again that the only benefit we are going to get from the investigations will be from the actual practical operations in the field, and there is where the scientific men might perhaps make themselves valuable, but they will not make themselves very valuable in the Department here. I do not mean to criticise the work, because, as I have said, for the last three years I have given no attention whatever to it. I think the work was then intelligently conducted and was doing some good, at least in demonstrating what would not grow, even if we did not find any plant that was especially valuable.

Mr. KYLE. Does the Senator know how these clerks are employed, whether they are not sent all over the United States?

Mr. TELLER. I do not know much about that. But the only method by which we can determine the question is to have experimental stations and try to raise those grasses.

Mr. KYLE. I have no objection to the method of doing the work. The only desire I have is that it shall be done.

Mr. TELLER. Some of the States are doing this work. The Agricultural College of Colorado has been doing something in that line, and I think with just about the same success as the General Government, not having discovered anything very valuable, but having demonstrated that it would not pay for the farmers to try to raise certain kinds of grasses.

Mr. HAWLEY. The same thing has been done in Connecticut.

Mr. KYLE. That is a very great advantage.

Mr. TELLER. I think that is an advantage, because those seeds are expensive, and the labor of putting them in and trying to raise them is attended with a great deal of expense. So it is an advantage. I do not mean to underrate it, but it is not so valuable as would have been the discovery of some plant which would grow in the country. I notice that it is claimed now that such a plant has been discovered, one which will grow in the alkali regions, which is called the salt plant. If that should turn out to be a fact it would be very valuable.

Mr. KYLE. Our intention is merely that these grass and forage plant investigations shall be continued by the competent and skillful man in charge of that work, who should be paid a reasonable salary.

Mr. TELLER. I do not understand that the committee have made any attack upon the salary of the officer. We left that just as it was.

Mr. KYLE. The provision in reference to agrostology provides a lump sum of $2,500 for the salary of the chief of the division.

Mr. TELLER. I have not the bill in charge, and I am not making any objection to that.

Mr. PROCTOR. In answer to the charge of the Senator from Maine that there are too many divisions in the Department of Agriculture, and more than in the other Departments, I will say that it seems to me there is a very good reason for it. In other Departments the work is largely confined to one line—the War Department to the charge of the Army, the Navy Department to the charge of the Navy, and likewise with the Post-Office Department—while the Agricultural Department must have branches as varied as all the crops and animals which are produced in this great country.

In regard to this special appropriation, it provides for merely five men here in the Agricultural Department. This work is going on all over the country, at the experiment stations, at the agricultural colleges, by agricultural societies, and by individual farmers. For this small force here to collate and prepare for the use of the country information which is gathered from hundreds and thousands of sources all over the country it seems to me this is a very modest provision.

As to the chief, who is a scientific man, and should be, he has a right to have some pride in his profession, and certainly, it seems to me, as this costs so little, it is no more than just and right that we should give this recognition to his high character and capacity.

Mr. CULLOM. Mr. President, I desire to suggest to the Senate, and especially to those Senators interested in those two divisions, that if they will consent to the amendment made by the Senate committee I shall look into the subject more thoroughly as to the importance of making the Division of Agrostology, on the fourteenth page, and of the importance also of fixing the salary of the head of the division at the amount which he is getting now. If that be satisfactory we may now go on with the bill.

Mr. FRYE. So far as I am concerned, that is satisfactory to me.

Mr. KYLE. And to me also.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out the clauses from line 15 to line 24, inclusive, on page 6.

The amendment was agreed to.

The reading of the bill was resumed at page 15, beginning with the clause, in line 14, providing for "fiber investigations."

The next amendment of the Committee on Appropriations was, on page 15, after line 23, to strike out—

And the Secretary of Agriculture shall use in his discretion such portion of said sum as he may deem advisable for the purchase of fiber flaxseed, to be distributed for use in the State of Washington—

So as to make the clause read:

Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000.

The amendment was agreed to.

The next amendment was, on page 17, line 11, after the word "index," to strike out "$750,000"; so as to make the clause read:

Agricultural experiment stations, office of experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $750,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of the said act of March 2, 1887; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section 3 of said act of March 2, 1887, shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration and publication of the Experiment Station Record, bulletins, and reports, as he may find essential in carrying out the objects of the above acts, and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy it, copies of the card index of agricultural literature prepared by the office of experiment stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Mr. PLATT. Why is the appropriation stricken out?

Mr. ALLISON. That is provided for on line 10, page 16. It is a repetition.

The amendment was agreed to.

Mr. WARREN. I wish to offer an amendment, to insert what I send to the desk, in lieu of lines 12, 13, 14, and 15, on page 17.

The PRESIDING OFFICER. The Chair will suggest that the amendments of the committee should first be acted upon, unless the amendment of the Senator is in connection with those amendments.

Mr. KYLE. I will state that I think the object of the Senator from Wyoming will be accomplished by nonconcurring in the committee amendment.

Mr. WARREN. My proposition is to insert my amendment in place of the entire clause, which has been proposed to be amended as the bill came from the House of Representatives by the Senate Committee on Appropriations.

Mr. COCKRELL. A substitute can be offered.

The PRESIDING OFFICER. The Chair understands the Senator to move to strike out and insert. Therefore it is necessary to perfect the matter to be stricken out before the question is put on the Senator's amendment.

Mr. ALLISON. Let the substitute be reported, so that we may understand what it is.

The PRESIDING OFFICER. The amendment proposed by the committee will be first stated, and then the amendment of the Senator from Wyoming.

The SECRETARY. The amendment proposed by the committee is, on page 17, line 13, after the word "to," to strike out "continue" and insert "complete"; and in line 15, before the word "thousand," to strike out "fifteen" and insert "six"; so as to make the clause read:

Irrigation investigation: To enable the Secretary of Agriculture to complete the collection of information as to the best modes of agriculture by irrigation, $6,000.

Mr. KYLE. I should like to reserve that amendment for a separate vote.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will now be stated.

The SECRETARY. It is proposed to strike out the clause as amended, from line 12 to line 15, inclusive, on page 17, and insert:

Irrigation investigation: To enable the Secretary of the Interior to continue the collection of information through the United States Geological Survey as to the best modes of irrigation, $15,000, of which sum $5,000 shall be immediately available to enable the Director of the United States Geological Survey to continue the work now under way of gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and for preparing and publishing bulletins and reports on this subject for distribution.

Mr. PLATT. Is that amendment now before the Senate?

The PRESIDING OFFICER. The Chair would state to the Senator from Wyoming that it is customary, in the consideration of appropriation bills, that the amendments of the Committee on Appropriations first be considered, and then, after action upon those amendments, a Senator has the right to go back to any clause and propose an amendment to it.

Mr. ALLISON. I think that was the understanding as to this particular bill.

Mr. PLATT. That was the order.

Mr. ALLISON. I think the Senator from Illinois [Mr. CULLOM] asked unanimous consent that that course might be pursued. The matter can be returned to.

Mr. KYLE. The amendment of the Senator from Wyoming is the same, so far as those three lines are concerned, as the original bill before the committee amendments were proposed, except he has provided that $5,000 shall be expended.

Mr. PLATT. I noticed also, as the amendment was read, that it was to enable "the Secretary of the Interior" to do the work.

Mr. WARREN. I so intended.

Mr. PLATT. And that in an agricultural appropriation bill.

Mr. WARREN. For agricultural purposes.

The PRESIDING OFFICER. If there be no objection, the consideration of committee amendments will be proceeded with.

Mr. WARREN. I will simply ask to withdraw my amendment now, and that the committee amendment be disagreed to. I shall later offer the amendment which has been read in place of the entire section.

Mr. ALLISON. I think, to simplify the matter, we had better allow this to be passed over for the time being and recur to it later.

The PRESIDING OFFICER. Without objection, the clause from line 12 to line 15, inclusive, will be passed over for the present without action.

The Secretary resumed the reading of the bill, beginning on page 17, at line 16, with the clause providing for "Nutrition investigations."

The next amendment of the Committee on Appropriations was, on page 17, line 21, before the word "thousand," to strike out "ten" and insert "fifteen"; so as to make the clause read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, $15,000.

The amendment was agreed to.

The next amendment was, on page 18, line 25, before the word "thousand," to strike out "sixty-five" and insert "seventy"; on page 19, line 5, before the word "thousand," to strike out "thirty" and insert "fifty"; in line 18, before the word "thousand," to strike out "thirty" and insert "fifteen," and in line 21, before the word "thousand," to strike out "sixty-five" and insert "seventy"; so as to make the clause read:

Publications, Department of Agriculture, Division of Publications: For the preparation, printing, illustration, publication and distribution of bulletins and reports, $70,000, as follows: Farmers' bulletins, which shall be adapted to the interests of the people of different sections of the country, an equal proportion of two-thirds of which shall be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, $50,000: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the character and number of each bulletin and each other publication of the Department of Agriculture (not sent to the folding rooms of the Senate and House) to which each Senator and Representative may be entitled for distribution on the basis herein provided; for the distribution of bulletins, illustrations, and engravings; for the pay of artists, draftsmen, engravers, and additional proof readers when necessary; the purchase of tools, instruments, paper, ink, pencils, paints, and other necessary materials; for labor, printing, printing proofs, necessary traveling expenses, and for drawings, engravings, lithographs, paintings, other illustrations, and electrotypes, $15,000; for distribution of documents; for the purchase of paper, envelopes, gum, twine, and other necessary materials, $5,000; in all, $70,000.

The amendment was agreed to.

The next amendment was, on page 20, line 1, after the word "dollars," to insert "to be immediately available, and to be disbursed by the Public Printer"; so as to make the clause read:

For the publication of 75,000 copies of Special Report on Diseases of the Horse, of which there shall be 25,000 copies for the Senate and 50,000 copies for the House, $42,500, to be immediately available, and to be disbursed by the Public Printer.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

For the publication of 60,000 copies of the Special Report on Diseases of Cattle and Cattle Feeding, of which there shall be 20,000 copies for the Senate and 40,000 copies for the House, $40,000, to be immediately available, and to be disbursed by the Public Printer.

The amendment was agreed to.

The next amendment was, on page 21, line 21, after the word "buildings," to strike out—

Including the erection of only such buildings as may be necessary for the protection and preservation of Government property;

and on page 22, line 2, after the word "dollars," to insert—

Provided, That not more than $3,000 of this amount may be used for the erection of a fireproof building or vault for the protection and preservation of the public records of the Department of Agriculture and certain valuable specimens—

So as to make the clause read:

Furniture, cases, and repairs, Department of Agriculture: Repairing and improving buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, new furniture, and all necessary material and labor for the same, including lumber, hardware, glass, and paints, $12,000: *Provided*, That not more than $3,000 of this amount may be used for the erection of a fireproof building or vault for the protection and preservation of the public records of the Department of Agriculture and certain valuable specimens.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23, on page 23.

Mr. GALLINGER. I suggest to the Senator in charge of the bill that the word "varieties" might, I think, with propriety be inserted after the word "obtainable," and it will make the clause read a little more euphoniously. It would then read "best obtainable varieties."

Mr. CULLOM. I have no objection to the insertion of the word.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "obtainable," in line 22, page 23, it is proposed to insert the word "varieties"; so as to read:

That section 527 of the Revised Statutes be amended so that it will read as follows:

"SEC. 527. That purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 25, after line 10, to strike out:

Division of Seeds: One chief of division, $2,000; one expert, $1,600; two clerks of class 1, $2,400; one skilled laborer, $1,000; eight employees, at $840 each, who shall in addition to other duties execute the requests of Senators, Representatives, and Delegates in Congress for the distribution of seeds among their constituents; in all, $13,720, payable out of the appropriation for the purchase and distribution of rare and valuable seeds.

Mr. CULLOM. That clause occurs in another part of the bill, so that it ought to be stricken out here.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 29, after the word "inspector," to insert "at a salary not to exceed $2,000"; so as to make the clause read:

Salaries of one inspector at a salary not to exceed $2,000, thirty local forecast officials, observers, operators, repair men, messengers, laborers, and other necessary employees, outside of the city of Washington, $352,195.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24 on page 30.

Mr. GALLINGER. I was not in the Chamber when the agreement was made as to the mode of procedure, and I should like to inquire if it is competent now under the agreement for me to move an amendment to the paragraph just read?

The PRESIDING OFFICER. The Chair suggests that when the reading of the bill shall have been concluded it will be proper for the Senator to offer the amendment.

The reading of the bill was resumed and concluded.

Mr. PLATT. I should like to inquire of the Senator having the bill in charge whether there is any necessity for the provision from line 25 on page 30 to line 8 on page 31, which makes it a misdemeanor falsely to represent forecasts and warnings?

Now, my point about it is that a criminal statute, as it seems to me, ought not to have to be reenacted every time we reenact an appropriation bill. A criminal statute which does not last for more than one year scarcely comes up to the dignity of a criminal law. I suppose this provision has been in former acts?

Mr. CULLOM. It is the law, I understand.

Mr. PLATT. If it has been in former acts, I would inquire whether there is a necessity for reenacting it every time we pass an appropriation bill? I do not like that method of providing for criminal offenses.

Mr. CULLOM. I think the criticism of the Senator from Connecticut has some force in it, but this is the same provision that has been inserted in the appropriation act heretofore. It is in the last appropriation act, and it is in force now. A question was raised by the gentleman in charge of the Bureau as to whether the provision was broad enough to cover all the attempted violations of law. But the committee did not think that they ought to enlarge its scope.

Mr. PLATT. The present appropriation act will expire on the 30th of June of this year, and this appropriation bill will take effect of the 30th of June of this year. Suppose that on the 29th of June, one day before the expiration of the present appropriation act, somebody shall put out some false warning, and on the 3d of June the district attorney hears of it and proposes to prosecute him for it. He comes in and replies that there is no such law; "Your law expired with the 30th of June." I think the probability is that the law enacted on former appropriation acts continues. But if it does not, there certainly ought to be a general law in the country, and we ought not to be continuing a criminal statute by reenacting it from year to year. I do not suggest any amendment, however.

Mr. CULLOM. I agree to what the Senator from Connecticut has just said, but I am not sure but that the law would be in force after the expiration of the appropriation period, but lest it might not, and in the absence of any general statute, which ought to be passed, I think, the committee thought it was best to leave the provision in the bill.

Mr. GALLINGER. I move to strike out in line 22, page 30, the words "and sanitary science," and in support of that motion I desire to submit a very few remarks.

Sanitary science relates to the welfare of human beings, and is by existing law the province of another Department of the Government. I turn to the act of Congress approved February 15, 1893, and I find section 4 to read as follows:

That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary cooperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interests.

Acting under the authority of this law enacted in 1893, the Marine-Hospital Service, a bureau of the Treasury Department, is now engaged in work of this character, as may be seen by reference to its very valuable and instructive annual reports. The scientific investigation of the pollution of rivers and other natural sources of water supply is being made by this Bureau, they having made a recent investigation of the water supply—I think I correctly state it—of the city of Washington from the Potomac River. Moreover, a special appropriation was made by the last Congress to enable this Bureau to investigate the causes and prevention of one of the chief contagious diseases, smallpox, and in the laboratory of the Marine-Hospital Service investigations relating to sanitary science are being continually conducted.

I will merely add the suggestion that if this power is given to the Agricultural Department it is a duplication of work, and two different Departments of the Government will be engaged substantially in the same class of investigations. The matter of health has been wisely or unwisely placed in the care of the Treasury Department. The only medical bureau that we have under our Government is a division or bureau of the Treasury Department, and I think the laws are adequate and very wisely framed conferring upon the Marine-Hospital Service authority and direction to investigate all matters relating to the public health.

For this reason I trust that the three words will be stricken from the bill, and that the legitimate exercise of this important matter will be left in the hands of men who must be better qualified to conduct it than any men connected with the Agricultural Department can possibly be.

Mr. CULLOM. The Committee on Appropriations did not have their attention called to the three words, and I see no reason why they should not go out, as that subject is under a different Department. I consent to their being stricken out of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. KYLE. I send to the desk an amendment to come in at the end of line 8, page 20.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 8, page 20, it is proposed to insert:

For the publication of 25,000 copies of the Special Report on Cattle and Dairy Farming, of which there shall be 8,000 copies for the Senate and 17,000 copies for the House, $65,000, to be immediately available and to be disbursed by the Public Printer.

Mr. CULLOM. I did not quite hear the amendment; my attention was diverted. Will the Senator from South Dakota explain it?

Mr. KYLE. It is to come in at the end of line 8, on page 20, and provides for the publication of a work published by order of the Forty-ninth Congress, being a report upon cattle and dairy farming. In my judgment it is one of the most useful reports ever published by Congress. It contains, as the Senator will probably remember, plates, and very excellent ones, of varions kinds of cattle, and also of the best kinds for dairy purposes in various parts of the United States.

Mr. CULLOM. Let me ask the Senator if he refers to any reports that were issued by the World's Fair Commission?

Mr. KYLE. No; it was published by order of Congress.

Mr. CULLOM. What is the size of the document?

Mr. PLATT. It is a big book.

Mr. KYLE. It is a document in two volumes upon cattle and dairy farming, and relates particularly to that subject.

Mr. CULLOM. We have authorized the publication of one book upon the diseases of cattle, cattle feeding, etc.

Mr. KYLE. And this is to follow right upon that. The work upon cattle and dairy farming is, I think, even more important than the one upon the diseases of cattle and cattle feeding, and especially now in the Northwest country, where people are trying to make a shift from grain raising to dairying and cattle raising. I think it is one of the most valuable reports ever published by Congress.

Mr. GALLINGER. It is very valuable.

Mr. NELSON. I desire to say, with the permission of the Senator from South Dakota, that I have examined that book and I say to the Senator having this bill in charge that the book referred to in this amendment was issued some years ago. I do not recall at this moment whether it was published under an order of the Senate or the House, but it is a most valuable report, in two volumes, upon dairy farming in the United States, and also in foreign countries. It is a work in great demand. I know that all the agricultural interest of the country will be immensely interested in the work and that we could not publish a work at this juncture when grain farming is so depressed that would be more interesting and more appreciated by the agricultural classes. I therefore trust that the amendment may be adopted.

Mr. KYLE. I will state further that I have here authority to the effect that the resolution empowering us to print the work in the first instance was April 2, 1888.

Mr. CULLOM. Passed by the Senate?

Mr. KYLE. It was passed by the Senate, I believe, appropriating $65,000 for the printing of 25,000 copies of cattle and dairy farming.

Mr. CULLOM. It did pass the Senate?

Mr. KYLE. It passed both Houses and became a law, and was distributed by Senators and Representatives of the Forty-ninth Congress. I will state that the great cost of the work then was in the preparation of the plates, as Senators well know. The plates are all preserved, I believe, and, therefore, I think the work can now be printed for one-third of the cost at that time. I am not exactly posted on that point, but I am willing to strike out the amount.

Mr. CULLOM. I hardly think we ought——
Mr. BATE. Let the amendment be read again.
Mr. KYLE. Let it be read, leaving out the amount.
The PRESIDING OFFICER. The amendment will be again read.
The SECRETARY. Insert after line 8, page 20:

For the publication of 25,000 copies of the special report on cattle and dairy farming, of which there shall be 8,000 copies for the Senate and 17,000 copies for the House, $65,000, to be immediately available, and to be disbursed by the Public Printer.

Mr. KYLE. Let me state that $65,000 was the original cost, including the preparation of the plates. I do not think it will now take over about $25,000, probably.

Mr. CULLOM. These books are all very nice and very interesting, but the purpose of the committee, and I think it has been the purpose of Congress heretofore, in the appropriation bills especially, was to provide for the publication of such volumes as would treat of diseases, so as to enable the farmers raising cattle and horses to get all the information that they can to protect their animals. So a provision will be found on page 19 in reference to the publication of the Special Report on Diseases of the Horse. We added an appropriation for 60,000 copies of the Special Report on Diseases of Cattle and Cattle Feeding. There is no printing provided for in the bill except in that line. I think it would be better for the Senator from South Dakota to have a separate bill passed if he desires to have this other book printed. It is a very large one, and I think it will be very expensive if we get enough printed to do very much good. I would rather not put it upon this bill. The bill carries already by the action of the Senate considerably more than it did when it came to us, and in these times we can not very well load up the appropriation bills with very large sums of money.

Mr. KYLE. I think the object of Congress in the past has been, in a very large measure, to publish such works as were useful to the people of the United States.

Mr. CULLOM. Of course; but books in reference to the diseases of the domestic animals are more useful to the people than works on the care of them and going into the history of them generally.

Mr. KYLE. I think, if the Senator remembers the work, he will consider it, perhaps, a great deal more valuable than the other.

Mr. WARREN. I trust that the Senator in charge of the bill will accept the amendment of the Senator from South Dakota. I do not know of any work on which money could be better expended, that would yield greater returns, than to print the book proposed by the honorable Senator from South Dakota. During the great tumble we had in values of live stock in the last three years, the dairy was the only branch where we were able to hold our own. There was an increase in values of dairy cows during 1894. The value of all animals except milch cows decreased during 1894. And all live stock, including milch cows, have decreased during the past year, according to the reports of 1896 for 1895. The demands for a book of this kind are very numerous, and I believe the demand will become equally as great as that for the book entitled Diseases of the Horse. I think every Senator will remember that we have had to reprint, three or four times, a large number of the Special Report on the Diseases of the Horse. I trust the amendment will be adopted.

Mr. BATE. The report which it is proposed to print is said to be a splendid book. There are two volumes of it, and it was gotten up at great cost. Our consuls abroad exerted themselves in getting steel engravings of the very finest types of cattle, and those features make the work very attractive and valuable. I know of no book so popular except the one published on the horse. If the system is to be pursued I should like very much to see the committee agree to the amendment. I do not know anything in regard to the cost of it. I can not say anything on that point, but of the utility and the popularity of the work I can speak.

Mr. CULLOM. I understand it is quite a large book.

Mr. BATE. It is a large work, in two volumes.

Mr. CULLOM. I understand that it contains many pictures of these animals, and the publication will be very expensive.

Mr. KYLE. The two volumes are, I presume, about as large as the bound Journal of the Senate. It is about the same size as this volume. [Indicating.]

Mr. NELSON. Here is the book in one volume. [Exhibiting.] It is a very valuable and interesting book. I have just had it from the library above. It was bound both in one volume and in two volumes. There is no book in which farmers take more interest.

Mr. GRAY. From what has been said by Senators who are familiar with the book, which I do not profess to be, I should say, as it is a matter of economy that seems to interfere with the acceptance of the proposition to publish it, that it would be a good thing to substitute it for the horse book. The horse book has already had two editions, I think; it has had a tremendous circulation, and however valuable it may have been it is already in the hands of the people in considerable numbers. The publication and circulation of this book at the present time would be exceedingly opportune and a valuable thing for the people. I would suggest, if it is possible for the Senator from South Dakota, that it would be well for him to move the amendment in such fashion that it would substitute the book Dairy and Dairy Farming for the horse book, which, after all, however valuable it may be, goes into the hands of a great many people besides farmers, persons who are interested in the horse for sporting purposes, driving purposes, purposes of fancy and caprice.

Mr. HALE. If this proposition is to be antagonized with the other very valuable and much sought for report, I should feel constrained to make the point of order that the amendment proposed by the Senator from South Dakota is not reported from any standing committee of the Senate.

The PRESIDING OFFICER. The point of order is well taken by the Senator from Maine. The amendment is not in order.

Mr. NELSON. I am sorry. I hope the Senator from Maine will withdraw his point of order. The farmers of the country have some interest in works of this kind.

Mr. HALE. The Senator from Minnesota did not hear me. I said it was evidently going to be antagonized by the other proposition for a book which I know my people are very much in favor of getting, and to save all that question, as I do not want the horse book struck out of the bill, I make the point of order.

Mr. KYLE. I had not as yet made a motion to strike out the part relating to the horse book, but to add this provision at the end of line 8, page 20, as an additional publication. I do think really, however, that it is more valuable to the farmers of the country than the horse book, which has been very popular.

Mr. GRAY. If the Senator from South Dakota will allow me to interrupt him, I did not make any motion.

Mr. HALE. No; it was the Senator's suggestion.

Mr. GRAY. I made the suggestion because I believe from what I heard from the Senator from South Dakota and the Senator from Minnesota that the book on dairy and dairy farming is an exceedingly valuable book, and one the publication of which would be very opportune at this time. If the objection to inserting it be, as the Senator from Illinois says, one of economy, upon the comparative merits and necessity for the publication of the two books, I think the preference ought to be given to the report on dairy and dairy farming. The horse book has had a tremendous circulation. It is not in the hands so largely of farmers as of men who are fond of the horse, who own horses and are interested in them and are, perhaps, instructed by the book. But the book in regard to the diseases of the horse does not touch the point that the book on dairy farming would touch just now, coming to the relief of the distressed husbandry of the country. If the point of economy is to be pressed, I hope that the one will be substituted for the other. Of course, if the point of order is made, that is the end of it.

Mr. KYLE. I will state that there have been hundreds of creameries built in my State during the present winter. The people are tired of grain farming and they want to go into the dairy business. They are able to furnish this country with the dairy product, but still they are not acquainted with the methods of dairy farming. This book is exactly what they want, and they have written time and time again for the work. It is out of print. I think the Senator from Illinois ought to allow the amendment to be adopted.

Mr. CULLOM. The Senator from Delaware seems to put a little stress on the remark that I made in favor of economy.

Mr. GRAY. I think it is a very proper one to make.

Mr. CULLOM. I think it was a very clever remark to make under the circumstances.

Mr. GRAY. I think so.

Mr. CULLOM. Of course I should like to see a great many books printed that are interesting, especially if they are full of pictures and would be useful to the people; but it did seem to me, as we are printing a book on the diseases of the horse and a book on the diseases of cattle costing, the two together, over a hundred thousand dollars, that we ought to hesitate a little before providing for printing another one which would cost nearly as much as both, if you are to get any considerable number. So I talked about the question of economy, and I still think that the Senate ought to go a little slow in printing books that are interesting and that are somewhat valuable, but which do not reach to the point of protecting our cattle and horses from disease. That is the purpose of the items for the two publications now in the bill.

Mr. PLATT. I was a little surprised to see the amendment which the committee put in.

Mr. CULLOM. I hesitated to do that, but the argument was made that under no circumstances would Congress refuse to provide for the printing of an additional number of what we call the horse book. Cattle, too, are as subject to disease as horses, and the Department of Agriculture felt very solicitous that that book should be printed as well as the horse book, if the latter should be printed at all.

Mr. GRAY. I do not object to printing the horse book; there is no doubt that it is a valuable book; but it was merely a com-

parison of the needs and merits of the race-track associations and the owners of fast horses, as well as the farmers, with those who are exclusively devoted to dairy husbandry.

Mr. PLATT. We have a Committee on Printing, and the ordinary way of printing these documents is to introduce a resolution and refer it to the Committee on Printing. I do not know why the Appropriations Committee should begin the work of superseding the duty of the Printing Committee. If that is to be done and our books are to be published by the Appropriations Committee, and no point of order is to be made on any book that a Senator may think the Appropriations Committee ought to include in any of its bills, I should like to be advised; I think I can get some books published that I am very much interested in. Not being a farmer and a little more interested in those than I am in this work, I want to know what the rule is to be.

Mr. KYLE. I think that New England last year had a large appropriation to investigate bugs that are destroying its flowers and apple trees, and such things as that. Was not that the case?

Mr. PLATT. I do not know how it is that my friend from South Dakota should be troubled with this New England specter all the while. I do not know that New England has had any appropriations here. I do not think it has asked for near as many as the State from which the Senator comes. I do not know what New England has to do with this subject. I believe it is a part of the Union. It has been in former times.

Mr. KYLE. All I remember is that the Senator made a very strong plea for the apple industry and fruit industry of New England last year, and we have just as good a right to make a strong plea for the dairy farming of the West. It is not a sectional matter either, because it will benefit New England as well as the West.

Mr. PLATT. The Senator has a better memory than I have. I was not aware that I had made any plea for the apple industry of New England.

Mr. CULLOM. Let us have a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota. The point of order was made, and the Chair sustains it.

Mr. WARREN. I should like to appeal to the Senator from Maine not to insist on the point of order.

Mr. NELSON. I should like to make a point of order first, if the Senator from Wyoming will allow me. If the Senator from Maine insists on his point of order as to this amendment, I shall have to do what I would not want to do under other circumstances, make the point of order against the amendment proposed by the committee.

Mr. CULLOM. That has been adopted by the Senate.

Mr. KYLE. We can reconsider it.

Mr. NELSON. I can not conceive why there should be one law governing the committee and another law governing Senators here who are not upon the committee.

Mr. TELLER. There is not.

Mr. CULLOM. There is none.

Mr. WARREN. I was about to appeal——

Mr. NELSON. The amendment providing for the book was reported by the committee just as much in contravention of law as the amendment we propose here.

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that the amendment against which he proposes to raise a point of order was embodied in the bill by a vote of the Senate.

Mr. NELSON. Then I move to reconsider the vote by which the Senate adopted that amendment.

Mr. WARREN. As I had the floor and yielded for a point of order, I ask, since the point of order has been made, that I may be heard a moment. I wish to appeal to the Senator from Maine to withdraw his point of order, since it was made under a misapprehension; that is to say, that the Senator from Delaware proposed to substitute the pending proposition in the place of the horse book. As there is no such proposition made, I hope he will withdraw it and let us vote on the amendment.

Mr. HALE. The Senator from Connecticut [Mr. PLATT] has struck what is the real fault in all of these provisions. They ought not to be on an appropriation bill. There is no doubt about that. There is a Committee on Printing. It is rather a slim committee undoubtedly, but it has jurisdiction over all these subjects, and it ought to report upon them to the Senate. That committee has the privilege of reporting and its bills are always taken up at once; they do not even go to the Calendar; they get early consideration, as is seldom the case with any other committee. Every interest ought to be safe in that committee. But the Committee on Appropriations has been overpersuaded on these subjects because they are of interest to the population of the country generally, to the farmers, the owners of horses and cattle, who form a very large proportion of the population. Goodnaturedly the Committee on Appropriations, out of deference to that sentiment, has put in the other provisions. I think they are valuable. I may say myself, as representing the Committee on Printing, with no disposition to do any work that I am not obliged to do, I was well enough content that the Committee on Appropriations should do that work instead of sending it to the Printing Committee, and I am also content to have the Senate take action in regard to this valuable document under consideration, and unless a motion is made that antagonizes it with the other provision, which I think is of importance, I shall not make the point of order, but if that is insisted upon by anyone I shall make the point of order. I withdraw it for the present.

Mr. NELSON. Then I withdraw the motion to reconsider.

Mr. CULLOM. I desire to make a statement. I am informed that there is a very extensive dairyman now in this building who says that the book is ten years old or something like that, and the conditions have so changed that it would practically be of no great value to the dairymen of the country. Now, do we want to publish an old book like that which has gone out of date in all its recommendations? It seems not.

Mr. KYLE. How does the Senator know that it has gone out of date except on the statement of that gentleman?

Mr. HAWLEY. I am partly responsible for the information the Senator from Illinois has laid before the Senate. The only thing I am not absolutely certain about is whether there has been any addition or adaptation of the work to modern circumstances. The Senator in the chair [Mr. FAULKNER] shakes his head, and I suppose there is something in it. So I think I will adhere to the idea that the book is not worth much.

Mr. KYLE. I think the same objection can be raised to the Report upon the Diseases of Cattle and Cattle Feeding.

Mr. CULLOM. Oh, no.

Mr. KYLE. Exactly, because science has been advancing all the time.

Mr. CULLOM. The Report on Diseases of Cattle and Cattle Feeding was made in 1892.

Mr. KYLE. And the other in 1888.

Mr. CULLOM. Several years before.

Mr. TELLER. I do not believe myself that there is anything in the objection raised by the Senator who has the bill in charge. This work on cattle and dairy farming is an admirable work and I do not believe it is obsolete, no matter what the dairyman referred to may say. It deals with subjects that are pretty well settled. There may have been some things that are valuable discovered in the last ten years which should be added to it, but we are not likely to get that in book form for some time. If that is the only objection, I do not think it is any objection at all. I think the amendment ought to be placed in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. PROCTOR. Wishing to restrain the tendency to extravagance of the Committee on Appropriations, I move that the word "five," in line 12, page 14, be stricken out, leaving the appropriation for experimental gardens and grounds at $20,000 instead of $25,000. I will say that I have looked over the ground very recently. There are a large number of hothouses there. Some of them are very old, made of wood, expensive to heat, and they are largely filled with ornamental plants and flowers that are not of much practical use. The reduction would come from the items in the first line on page 14, "plants and fruit propagating houses," and from line 10, "bulbs for propagating purposes." I have not thought best to move to strike those words out because there may be something necessary to be done in that direction. The other items, however, are essentials, and this proposed reduction must come and can come properly from those items.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 12, on page 14, it is proposed to reduce the appropriation for "experimental gardens and grounds, Department of Agriculture, Division of Gardens and Grounds," from $25,000 to $20,000.

Mr. CULLOM. When that provision was passed over by the Senate my attention was not at the moment directed to it, and before I was aware of it the provision had been passed. I intended to move the same amendment to the bill, based on information that I had received since the bill was under consideration in the committee. I hope that the amendment of the Senator from Vermont will be adopted.

Mr. CALL. I should like to hear from the Senator from Vermont the precise effect of his amendment. Does he propose to limit or take away the propagation of fruits and the cultivation of rare specimens, exotics, and flowers in the conservatories here?

Mr. PROCTOR. No, sir; not entirely, but the appropriation can well be reduced and the public interests not suffer at all. There is a large collection there that is practically a duplication of quality inferior to what we have in the Botanical Gardens, and they are merely for the purposes of ornament, not being distributed to the country in any form.

Mr. CALL. I think we ought to have some accurate informa-

tion in regard to this matter. Certainly the adornments of the capital which are constantly the subject of observation by the crowds of people who come here ought to be equal to those of other countries. If there be any fault in the administration of the different conservatories so that they are not made what they ought to be, we ought to have some definite information and there ought to be, if that be the case, some higher order of ability, but I do not share in the idea that in America we should be inferior in our capital city to the people of other countries, nor do I take any share in the idea of limiting the appropriations for the great Department of Agriculture. I think this bill is not adequate to the needs of that great industry. I think that it is not even respectable, to the great farming interests of the country. That is the greatest of all employments. You appropriate millions of dollars for war, for the destruction of the human race; you appropriate millions of dollars for the Navy and for all the other Departments in the civil administration of the Government, but to say that this great industry, upon which the whole prosperity and upon which the maintenance of even the comfort of the great mass of the people is absolutely dependent, shall be cut down by every species of small economy here seems to me to be entirely improper and not in accordance with the advanced spirit of this age.

We need to increase the cultivation and the varieties of cultivation and the ornamentation of the floral and natural world, and it is proper that we should have here in the capital the highest order of accomplishment in those respects. The American people ought not to be disgraced by an inferiority at their capital to the nations of Europe. A republican government ought to be honored by having everything here equal, if not superior, to that to be found in other parts of the world.

I wanted before this bill was closed to say that I do not think that the appropriations for the Department of Agriculture are worthy of the country and are equal to the needs of that great industry.

Mr. PROCTOR. If it be in order to speak to the amendment after it has been agreed to, I would say that I have talked fully with the Secretary of Agriculture, and I have carefully gone through the propagating houses of the Department this morning and found that some of them are old wooden structures, when they ought to be built of iron in these days. They will soon have to be rebuilt, and the collections will be greatly improved. As they have naturally increased, a great many plants of inferior quality and character have been retained, taking up a great deal of room. I think the collection would be improved by reducing it in quantity and keeping those of the best quality.

I will say to the Senator from Florida that when we get Cuba, as we hope to do, that land of fruit and flowers will furnish us very much better varieties than we now have.

Mr. CULLOM. In addition to what the Senator has said, as he has dwelt upon the importance of the appropriations, following in a degree the head of the Department, I will say that the Secretary of Agriculture himself suggested in a letter that this amount could be reduced.

Mr. CALL. That is precisely what I object to. The idea that Congress should be subordinate to the representations of one man, the head of a Department! What are we here for? Are we to obey the officers, the clerks, who are the heads of these Departments, or are to have a judgment of our own? The present Secretary of Agriculture is no doubt a man of capacity, but he has an idea that there ought not to be any Department of Agriculture; he has an idea that everything should be left to private industry and private efforts, and that the Government can not aid in the dissemination of scientific knowledge in matters of agriculture. He would not have us propagate the rare fruits, but would leave that to the nurserymen, when the great portion of our people are not able to buy from nurserymen. The idea of my honored friend from Vermont saying that the way to improve the Agricultural Department is to take away its appropriations, to reduce them, seems to me quite a novelty.

If the old sheds now used by the Department are unfit, appropriate money to build new ones. There are thousands of starving people in the District of Columbia who want employment, and you can not do better for the public credit of this country than to use it so that the unemployed people may have something to do, and so that the humble homes of this country can have flowers and fruits and be places of comfort.

Sir, we do not do justice to this great agricultural and horticultural interest. The appropriation ought to have been three times the amount of money provided for in this bill.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR].

The amendment was agreed to.

Mr. PROCTOR. My attention was called away when the amendments of the committee were agreed to. I intended to ask for a separate vote on the amendment on page 8, line 7, striking out "four" and inserting "two," thus making the salary of the assistant in the Pathological Division $1,200 instead of $1,400, as it was in the bill as it came from the House of Representatives.

I trust, having done something for economy, that the committee will consent to reconsider that. I have myself investigated the matter, and I know that we shall lose the services of a good man if the appropriation is not allowed to remain as it was fixed by the other House.

Besides, I consider this is decidedly more important than the chief of the Dairy Division provided for in the preceding clause. In dairy matters our farmers can largely make their own experiments; but those in the Pathological Division are a specialty and require a man of special fitness. The present chief of that division has proved himself to be such; and I sincerely hope that the committee will consent to this small amendment, and that it will receive the assent of the Senate.

The PRESIDING OFFICER. The Senator from Vermont moves to reconsider the vote by which the amendment, which will now be read, was adopted.

The SECRETARY. In line 7, on page 8, after the word "thousand," the Senate struck out "four" and inserted "two"; so as to read:

One assistant in Pathological Division, $1,200.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. CULLOM. Before the motion is put, I wish to state that all the amendments that have been made, unless concurred in by the House of Representatives, go into conference. If there is any special reason that can be given to the conference committee, or to the other House, after the bill goes there, why they should be concurred in, there will be an opportunity in the conference committee of considering them. I hope that my distinguished friend from Vermont will not insist upon this particular action.

Mr. PROCTOR. It seems to me that the committee should assent to the suggestion I have made. I think there is a very good reason for separating this, and that it should be done here. I have not asked to have the appropriation for any other salaries increased, and the others I am glad to have go into conference to be there considered, but this one, I am sure, should be made right, and should be made right here. I hope the committee will agree to it.

Mr. BUTLER. Mr. President, I do not wish to antagonize the proposition of the Senator from Vermont, but I wish to say that, if the Senate proceeds to reconsider the question of salaries where the Senate has cut down the amount fixed by the other House, I shall have to ask the Senate to reconsider its action in lines 9 and 10, on page 8. I feel very sure that, as a matter of justice, the chief of the Biochemic Division should have at least $2,500. I spoke to the committee, and decided, after talking to them, to let the matter come up in conference after the House of Representatives had fixed it at $2,500 and the Senate cut it down to $2,250. While I do not wish to antagonize the Senator from Vermont, if the Senate proceeds now to consider the case he proposes, as a matter of justice I shall have to ask the Senate to reconsider this case, and present my reasons for it. If the Senator from Vermont is not willing to leave his case to the conference committee, as I have decided to do at the suggestion of the Senator in charge of the bill, I shall ask the Senate to hear me on lines 9 and 10.

Mr. CHANDLER. Mr. President, it seems to me quite right that the Senator from North Carolina [Mr. BUTLER] should do that, and that the motion of the Senator from Vermont [Mr. PROCTOR] ought to be agreed to. The Senator from Vermont has, according to his own admission, saved the country $5,000; that is to say, he has saved it if the committee of conference persists in adhering to the amendment. Now, the Senator from Vermont wants a little favor of a couple of hundred dollars in connection with one of the best officers in the Agricultural Department, who ought to have that money.

That is precisely what this body is for, to pass upon these questions. The Senator from Illinois [Mr. CULLOM] seems to think that the object of an appropriation bill is to accumulate questions in the hands of conference committees. Therefore, the Senator suggested a little while ago, after a long debate between the two Senators from Maine, quite as important as these things we are now considering, that if the Senator from Maine would give up his contention and allow the question to go to a conference committee, undoubtedly right and justice would be done in that conference committee. The Senator from Illinois makes the same suggestion, that this $200 matter go into conference, and he will take care of it there in accordance with right and justice and propriety and patriotism. Then comes next the Senator from North Carolina, and he says that if that is done he shall insist that the matter of $250 in connection with one of these salaries shall be acted on. The Senator from North Carolina is right.

Mr. President, these questions should be considered in open Senate, with a full Senate, and they should be decided in accord-

ance with the merits of the case as they may be presented by different Senators.

Therefore, I hope that this motion of the Senator from Vermont will be fully discussed upon its merits. There is time enough—there is not much business before this Congress—to hear the arguments for the $200 and against the $200, for the gentleman and against the gentleman, and then take up the case of the Senator from North Carolina and debate that and vote upon it, and not mix up these things in conference committee, to the distraction and the bedevilment of the committee of conference, so that they get torn all into pieces by contending emotions before they reach a conclusion. [Laughter.]

Mr. CULLOM. I am obliged to the Senator from New Hampshire for his tender care of the Committee on Appropriations, and especially that portion of it which may be on the committee of conference; but I want to say to him that I am not seeking to have these things go into conference as original propositions. This bill was read line by line; every amendment was voted upon by the Senate and agreed to as the committee had reported it. I refer to the amendments on this page. Prior to that the Committee on Appropriations took the exact estimates of the Department as to what they were paying these men at the time and what they are paying now, and put the appropriation for each man in this bill exactly according to what he is getting to-day. We are not trying to destroy anybody; we are not trying to cut down anybody's salary; but we are providing the salaries of these gentlemen, who are valuable men, according to the estimate of what the Department said they were getting now and ought to have.

Mr. GRAY. Does the Senator from Illinois mean that the salary fixed by the bill as it came from the House of Representatives is an increase of the salary those men are now receiving?

Mr. CULLOM. An increase of $250 in most instances on that now paid them, and we put those salaries back to just what they are now getting. Heretofore they were being paid out of a lump sum. We propose to have them scheduled in statutory form instead of each man being paid by the Department out of a lump sum. There seems to be an impression here that the whole Department is going to break up and the officers go home because they do not get an increase of salary.

Mr. GRAY. The impression was that the bill as reported from the committee was reducing the salaries as they now are.

Mr. CULLOM. Not at all. We are reducing them below the amount the House of Representatives fixed to just what they are receiving now.

Mr. GRAY. I do not think that was understood.

Mr. CULLOM. I supposed it was.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont [Mr. PROCTOR] to reconsider the vote adopting the amendment referred to by him.

The motion was not agreed to.

Mr. FRYE. In order that the subject may be before the conference committee, I ask that on page 15, after the word "dollars," in line 13, the Senator in charge of the bill accept this amendment:

Of which $2,500 may be applied for the salary of the chief of the division.

So that the conference committee may have a right to consider the matter.

Mr. CULLOM. I shall agree to accept that, because that is what the officer referred to is now getting.

The PRESIDING OFFICER. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 15, line 13, after the word "dollars," it is proposed to insert:

Of which $2,500 may be applied for the salary of the chief of the division.

Mr. CALL. To what division does that apply?

Mr. FRYE. The grass division. As it now stands, the matter would not be before the conference committee, and they would have no jurisdiction of the question. I simply desire the amendment I have proposed inserted so that they may have jurisdiction.

Mr. CHANDLER. Before the amendment is adopted, I wish to call attention again to the point I made a little while ago. I listened very attentively to the argument of the senior Senator from Maine with the junior Senator from Maine this morning. I heard what the senior Senator said, and that impressed me, and I heard what the junior Senator said, and that impressed me. The debate went on, to and fro, for quite a while, and at last I went completely over to the side of the Senator from Maine whom I now see in his seat [Mr. FRYE].

Mr. FRYE. There is where the Senator was right.

Mr. CHANDLER. I forget whether he is the junior Senator or the senior Senator. But the Senator who is now in the Chamber, and is always in the Chamber, converted me and I was ready to vote. I waited here at considerable inconvenience to myself—for, like other Senators, I occasionally desire to go to the lunch room—in order to vote with the Senator upon this question upon the merits of the case.

What was the end of that long debate upon that extremely important question, where the Senator's argument was conclusive to my mind? The result was that, upon the suggestion of the Senator from Illinois [Mr. CULLOM], certain amendments were adopted in order, as he said, to get the subject into conference, where it could be equitably and fairly dealt with; and all of the Senators who had stayed here to vote on the question were deprived of the opportunity of passing upon the question by their votes. The Senator from Maine and the Senator from Illinois have again looked the matter over, and have concluded that it is not yet in a condition to get into a committee of conference; so the Senator from Maine gets up and moves an amendment, which, he says, will carry it into conference. The Senator from Illinois accepts that amendment; into conference it goes; within two minutes after the Senator from Illinois had risen from his seat to repel, with some appearance of indignation, my suggestion that the object of conducting these bills in this way was to accumulate matters of great importance and of no importance in conference committees. He converted the Senator from Maine to his way of thinking. So I suppose the grave question of what we shall do for agrostology will at last be settled by six members, or perhaps four members of Congress, in the deep recesses of a conference committee, and the will and the decision of the Senate upon that important question will not be made known by a vote of the Senate, as it ought to be.

Mr. President, I again take occasion to protest against this method of doing business. At all events, I notify the Senator from Maine that when he enters into a long debate of that kind again and converts me to his way of thinking, and is about to arrange the matter privately with the member of the Appropriations Committee in charge of the bill, I hope he will give me notice, so that I may retire to the lunch room. [Laughter.]

Mr. FRYE. The amendment has been adopted, I believe, Mr. President.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Maine will be considered as agreed to. The Chair hears none. The Secretary will read the next reserved amendment of the committee, on page 14.

The SECRETARY. On page 14, line 24, after the word "Investigations," the Committee on Appropriations reported to strike out the words "Division of Agrostology."

Mr. KYLE. I move that that amendment be nonconcurred in.

Mr. PLATT. I thought that amendment had been withdrawn.

The PRESIDING OFFICER. What does the Chair understand the Senator from Illinois to desire in regard to that amendment?

Mr. CULLOM. I thought the amendment was agreed to.

Mr. GRAY. I think the Senator from Illinois, who has charge of the bill, owes an explanation of this difficult term. I should like to know what "agrostology" means?

Mr. CULLOM. It is the science of grasses, as the Senator from Maine and others have stated.

Mr. FRYE. It covers the examination of grasses for pasturage, hay, etc.

Mr. CULLOM. I supposed the whole subject was disposed of a while ago.

The PRESIDING OFFICER. The Secretary informs the Chair that there has been no action taken on that amendment and the amendment at the end of line 12, on page 15.

Mr. CULLOM. I desire that the words "Division of Soils" shall remain in the bill.

Mr. FRYE. That is, to disagree to the committee amendment?

Mr. CULLOM. Yes, to disagree to the amendment of the committee as to striking out the words "Division of Soils."

The PRESIDING OFFICER. If there be no objection, the amendment of the committee will be disagreed to. The Chair hears none, and it is so ordered.

Mr. CULLOM. In line 24, at the bottom of the page, the amendment proposing to strike out the words "Division of Agrostology" should be disagreed to.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. KYLE. I understand, then, that that subject will not be in conference.

Mr. FRYE. Not so far as that is concerned.

Mr. CHANDLER. I understand it is definitely settled by leaving those words in the bill in that way.

Mr. CULLOM. Yes.

Mr. CHANDLER. Only whether it is to be provided for under the general appropriation of $18,000, or is the personnel to be specifically appropriated for in this case? Is that the important question with which the committee of conference will wrestle?

Mr. CULLOM. That I desire to look into.

Mr. CHANDLER. I hope the Senator will look into it carefully and confer with the Senator from Maine [Mr. FRYE]. [Laughter.]

Mr. CULLOM. I shall, and if there is any difficulty I will send for the Senator from New Hampshire. [Laughter.]

The PRESIDING OFFICER. The amendment which was passed over on page 15 will now be stated.

The SECRETARY. On page 15, line 12, in the clause providing for "Grass and forage plant investigations," before the word "thousand," the Committee on Appropriations reported to strike out "ten" and insert "eighteen"; so as to make the total appropriation $18,000.

The amendment was agreed to.

Mr. WARREN. I now offer the amendment which I proposed earlier this afternoon.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17 it is proposed to strike out all of lines 12, 13, 14, and 15, and insert the following:

Irrigation investigation: To enable the Secretary of the Interior to continue the collection of information through the United States Geological Survey as to the best modes of irrigation, $15,000, of which sum $5,000 shall be immediately available, to continue the work now under way of gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and for preparing and publishing bulletins and reports on this subject for distribution.

Mr. WARREN. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

Mr. ALLISON. Mr. President, I hesitate to make a point of order on the amendment, and I do not know that I shall do so; but I want to call the attention of the Senator from Wyoming to the fact that the investigation here proposed as the bill was sent to us from the House of Representatives is an entirely different subject from that now included in his amendment. This irrigation investigation, so far as the Agricultural Department is concerned, is a compromise between conflicting interests in the West that had its origin really in the discontent of many of the Western States with the method of dealing with this subject pursued by the then Director of the Geological Survey, and a separate and distinct provision was inserted in the Agricultural appropriation bill some years ago upon this subject. My impression is that this investigation, now being conducted by the Agricultural Department, is of very little utility and importance. I believe that this investigation should be conducted by the Director of the Geological Survey, and he is conducting from year to year certain investigations upon this subject, especially the measurement of streams, etc., as to the quantity of water that can be gathered.

I am in thorough sympathy with the amendment of the Senator from Wyoming. I believe that this subject can best be dealt with in the manner proposed by him in his amendment; but his proposition is that that shall be conducted under the Secretary of the Interior, which of course means that it must be conducted by the Geological Survey. His amendment is injected, however, into an Agricultural appropriation bill, the appropriations in which are to be wholly expended by the Secretary of Agriculture.

Mr. PLATT. I beg pardon. All the money for the books which are to be printed, costing one hundred and twenty-five or one hundred and thirty thousand dollars, is to be expended by the Public Printer.

Mr. ALLISON. Very well. That is the mere printing, and that is in accordance with a law which we have passed. So the appropriation for the printing of these agricultural documents is expended under the direction of the Public Printer because the law requires it to be so expended. That is necessary.

Mr. PLATT. The Secretary of Agriculture does not have anything to do with that appropriation.

Mr. ALLISON. Technically the Senator from Connecticut is correct; but really the Senator does not understand that the appropriations in this bill, providing for the administration of the Agricultural Department, are to be distributed through all the Departments of the Government, and to be expended by the several Secretaries. That was the substance of what I intended to say.

Mr. KYLE. May I ask the Senator on what bill this provision should be properly placed?

Mr. ALLISON. It should properly be placed on the sundry civil bill, where all of the appropriations for the Geological Survey are usually made.

Mr. KYLE. I know we had the matter under consideration last year and we had a good deal of debate regarding it, and in the shuffle we were afraid we were going to be lost on both sides.

Mr. ALLISON. I know why the Senator from Wyoming [Mr. WARREN] is anxious about this special appropriation in the bill. It is because there is now a deficiency in the appropriation for the measurements of the streams, which deficiency was not presented to the Committee on Appropriations until after the urgent deficiency appropriation bill had been passed. There ought to be a provision of $5,000 made for the measurement of those streams before the sundry civil bill will probably come before us. For myself I should be glad if the Senators interested in this amendment would allow it to stand until the sundry civil bill shall appear, when a proper appropriation will be made for this purpose. I should be entirely willing to strike out the whole of this appropriation under the Department of Agriculture, for I think it is practically useless, and the committee, having that in view, struck down the appropriation from $15,000 to $6,000. I should be entirely content—though I do not want to interfere with the Senator from Illinois [Mr. CULLOM] who has charge of this bill—if the entire provision were stricken out.

I believe that the appropriation suggested by the Senator from Wyoming is a wise one, and I should support it cordially in another bill, but it does seem to me that it is inappropriate to insert it in this bill. However, I shall not myself make the point of order upon the proposition.

Mr. DUBOIS. Mr. President, I am in thorough accord with the amendment offered by the Senator from Wyoming [Mr. WARREN], as I think all the Western representatives on this floor are. I am very glad to say that the suggestion of the Senator from Iowa [Mr. ALLISON] meets with my cordial support. It is perfectly absurd to state that we shall expend $6,000 to complete the collection of information as to the best modes of agriculture by irrigation. Three-fifths of this country is irrigable, and you can not begin to complete the collection of information by an expenditure of $6,000. If it is agreeable to the Senator from Wyoming, I, speaking for myself, will be very glad to accept the suggestion of the Senator from Iowa and strike out this entire clause, depending upon getting into the sundry civil bill the amendment of the Senator from Wyoming.

Mr. WARREN. Two points may be made in a decided way in favor of the appropriation and change which I prefer. So far as the narrow confines of technical construction of language are concerned, to have this amendment go in here may be an innovation, but it covers a want that can not be covered in the sundry civil bill nor any other bill, nor in any other way, because an immediate appropriation is required to prevent a suspension of extremely necessary work now being performed, and the sundry civil bill, general deficiency bill, and others will not be passed early enough to furnish relief.

There are now at work over the Western country agents of the Geological Survey—on small pay, it is true—who, with the State engineers, and in connection with State governments, are gauging the streams to ascertain their flow and the supply of water. The appropriation for this purpose for the fiscal year of 1896 was insufficient, and unless we appropriate money immediately to continue the work those men will have to be brought in, and the expense of bringing them in and sending them out again, later on, would be as much, perhaps, as the $5,000 proposed to be made immediately available in my proposed amendment to carry on the work.

I move this amendment in the interest of economy and efficacy. I agree that to strike out the committee's proposed $6,000 and leave the bill with nothing for irrigation investigation to be expended by the Secretary of Agriculture would be no loss to the people in the arid regions, but I go further than to strike out the useless $6,000 for the Secretary of Agriculture, and I seek in some way to cover at this time a deficiency that exists, as shown in the estimate submitted by the honorable Secretary of the Interior, now in the possession of the Senator from North Carolina, to whom I loaned it a moment ago.

Irrigation work has been done, both under the Secretary of the Interior and the Secretary of Agriculture, for many years. Sometimes the appropriations have been small for one and large for the other, and in some years appropriations have been larger than in others.

There will be nothing done in all probability which will be of value to irrigation if we leave the committee amendment in as it is, which provides $6,000, just about enough to pay three clerks to sit in their office and write discouraging letters in answer to those received making inquiry about irrigation. During the last three years there has been no report upon this subject made from the Agricultural Department. There has been nothing done whatever, as far as we can learn, to prosecute irrigation or reclamation of arid lands, nothing except to curtly acknowledge letters that have been received. But even this courtesy of reply has been denied by the Secretary of Agriculture to the United States Senate, for on December 20 the following resolution was introduced:

IRRIGATION INTERESTS.

Mr. WARREN submitted the following resolution, which was considered by unanimous consent, and agreed to:

"*Resolved by the Senate*, That the Secretary of the Interior and the Secretary of Agriculture be requested to furnish such information as may be had in their respective Departments concerning the existing legislation relative to irrigation as far as it concerns the Executive Departments, the operations of each bureau and office in any way concerned with irrigation, the principles which govern the subdivision of work among the various offices wherever the law allows latitude, and such other facts as will serve to show clearly what has been already accomplished and what is proposed to be accomplished in this line."

To which the Secretary of Agriculture has made no reply.

I do not want to see shut out entirely from a measure which purports to be the regular Agricultural bill all benefits proposed for those interested in irrigation. I do not want to say to the farmers in my State and in other Western States that they are not in any way recognized in this bill. I see no difference as to which De-

partment expends the money. We are appropriating money for agriculture. I do not care whether money appropriated in this bill is expended under the Secretary of Agriculture or the Secretary of the Interior, provided it is expended in the interest and for the benefit of the subject named, but I do not want the money fooled away or misapplied.

I ask that the amendment may be adopted as it is, making $5,000 immediately available. That sum can be expended immediately, and will perform as much work if made available now as $10,000 will perform if we wait until the sundry civil bill comes here.

Mr. CULLOM. I merely desire to say a word. When this matter was under consideration in the Committee on Appropriations it was a matter of doubt in the minds of the committee whether the provision ought to be left there at all, and for a time the disposition on the part of those coming nearest to representing what is called the "arid region" seemed to be in favor of striking it all out. I know it was the disposition of the committee, generally, to do whatever was best in the interest of irrigation, and if the provision had been as those most interested wanted it, the amount would have been made larger.

But after a considerable time it was determined to leave the amount in the bill at $6,000, and to secure that sum in the way the provision indicates. I myself am exceedingly anxious that whatever legislation may be necessary to bring into use the lands of the arid regions, or in regions where water has to be carried to the land and dispersed over it, shall be enacted; but it is apparent that those most interested in the subject are not satisfied with the provision in the bill or with any other provision or amount to be expended in such manner as this clause provides for.

I said to the Senator from Wyoming that I should be glad indeed if he could prepare such a provision as would be satisfactory to the people most interested in the subject, and I went so far as to ask him to confer with as many of the gentlemen representing that portion of the country as he could. He has prepared such an amendment, but we are met with the difficulty that it provides for an entirely different mode and manner of operation and also for a different Department to have the expenditure of the money.

Therefore the chairman of the Committee on Appropriations raises the point that in a bill every provision of which is under the control of the Secretary of Agriculture, except as suggested by the Senator from Connecticut, we are inserting a clause which as to a particular investigation takes the matter out of the hands of the Secretary of Agriculture and his Department and places it in the hands of another Department. He suggests, and I think properly, that it ought not to be done, and that such legislation as will be satisfactory to the gentlemen representing that section of the country should be put on the sundry civil bill.

I hope the Senator from Wyoming will consent to that arrangement. I would be willing even to consent to the greater part of the appropriation remaining in the bill if it would seem to Senators consistent, to be used as a deficiency fund pending the time when the other provision shall become a law.

Mr. TELLER. That does not meet the trouble. This Department is doing nothing that is of any value whatever——

Mr. ALLISON. Let us strike out this provision.

Mr. TELLER. And another Department is. If this clause is not amended as the Senator from Wyoming proposes, the provision ought to go out of the bill.

Mr. CULLOM. The Senator from Colorado is familiar not only with legislation on the subject, but with the administration of the Interior Department and the Departments generally, and I should like to have him state whether or not he thinks it would be better to put the appropriation in the sundry civil bill this year or leave it as now proposed?

Mr. TELLER. I will admit that that seems to be the logical method of proceeding, and I do not know but that it can be reached just about as quickly in the sundry civil bill as in this bill, probably; at any rate within a short time.

Mr. CULLOM. A month or two.

Mr. TELLER. There is not money enough to continue the work. If it was certain that we would appropriate the money the work would go on, and if the money was appropriated a month from now it would probably do just as well.

Mr. BUTLER. If the Senator from Colorado and the Senator from Illinois will permit me, I wish to state that this work has already been planned by the Geological Survey in connection with State geological surveys. They are at work now, but the appropriation has given out.

The geologist in my State, a most excellent and efficient man, has written here that if the work is not done early this spring it can not be done so well, and that it will have to be done at greater cost, because they will have to cease operations. The geological survey of North Carolina is at work now, and the National Geological Survey is cooperating with it. The State geological survey would have to stop. They could not work in conjunction. It is true that this money would be more appropriately asked for in the general deficiency bill, but it is a matter of importance, of emergency, and to get the best results with the amount of money the appropriation should be made early.

Mr. President, the Secretary of the Interior recommended this appropriation on February 19. His communication came to the Senate a few days after the urgent deficiency bill was passed. The next day after that bill had passed I received a long letter from the State geologist of North Carolina, urging me to get this appropriation upon the urgent deficiency bill. But it was a day or two too late. The recommendation of the Secretary of the Interior also came a day or two too late. If this appropriation be put in the pending bill it will be economy, and it seems to me that is a more important consideration than the question whether it is put in the Agricultural bill or the general deficiency bill or the sundry civil bill.

Mr. CULLOM. Will the Senator from North Carolina allow me to make a suggestion which perhaps will be satisfactory to all the gentlemen who are interested in this subject? If so, so far as I am personally concerned, I would be willing to let it rest upon that temporary basis as a sort of deficiency arrangement. I propose to insert this provision in the place of the one that is now in the bill:

To enable the Director of the United States Geological Survey to continue gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, to June 30, 1896, $4,500, to be made immediately available.

Mr. BUTLER. That will be agreeable to me if it is to the Senator from Wyoming.

Mr. CULLOM. If the Senator from Wyoming will consent to that provision, so far as I am concerned I will allow it to go into the bill in that shape.

Mr. WARREN. I appreciate the proposition. The reason why I desire that the money shall be handled by some other Department is shown in many ways, but principally on page 50 of the 1895 report of the Secretary of Agriculture, in which, where he closes as to the irrigation inquiry, he says:

With almost a superabundance of agricultural products in our home markets at reasonably low prices, public funds out of taxes gathered largely from existing farms and farmers can not justly be appropriated from the Treasury of the United States to create competing farms.

Now, Mr. President, I submit that those who are interested in carving out "competing farms" in the Rocky Mountain and desert plain regions are not in favor of having this "competing farm" fearing Department handle in any manner any money that shall be appropriated to forward the work of irrigation and the reclamation of arid lands. That is one proposition.

The second proposition, so far as the deficiency is concerned, is that if you appropriate $4,500 in order to gauge those streams hundreds of miles from railroads, thousands of miles from headquarters, the funds must be available at once. It takes quite a good deal of time to prepare the work for the next season, and in order to do it economically it must be done in unison with the States and with the State boards, and it is necessary to plan with certainty long beforehand the $15,000 appropriation asked for.

I have here a paper published at my home, of date Friday, February 28, which gives a list of persons who, since January 11, have applied for lands under the so-called Carey Act. The list—which I ask to have printed in my remarks—shows that more than fifty applications have been made in one and one-half months' time to enter land under that law, and the aggregate number of acres amounts to over 50,000. The great necessity for this land is water, and what is most interesting to these proposed land reclaimers, and what must be first established for them, is the water supply and an assurance of its adequacy.

APPLICATIONS FOR LEASE OF STATE LANDS DONATED UNDER ACT OF JULY 10, 1890—NEARLY 53,000 ACRES APPLIED FOR SINCE JANUARY 11, 1896, THE DATE OF THE LAST PUBLICATION OF THE LIST IN THE TRIBUNE.

On January 11 last the Tribune published for the information of those concerned a list of the applications on file in the office of the secretary of the State land board for the lease of lands donated to the State by the General Government under the act of admission.

The applications filed since January 11, are as follows:

Applicant.	Acres.	Township.	Range.
W. H. Holland	1,963	50,51	81
E. W. Whitcomb	1,560	47,48	69,70
G. B. Masters	1,200	58	85
Moses S. Voiler	1,280	57	87
E. R. Dinwiddie	720	56	86
J. D. Thorne	2,160	57	86,87
Des Moines C. Co	2,360	52	80,81
J. A. Church	440	58	88
Frank Ischirge	1,600	58	88
R. B. Robinson	480	54	83
Peter C. Watt	1,898	52	80,81
Patrick Bros	2,000	56	86
K. T. Burkitt	320	56	87
Horton S. Beal	1,280	57	87
Robert Taylor	10,580	31	85
J. M. Enochs	640	57	83
Frank S. Lusk	480	36,37	61,62
John Reid	640	16	76

Applicant.	Acres.	Township.	Range.
Jake Crouse	2,440	31, 32	80
L. L. Laughlin	2,560	26, 27	74
F. A. Sanders	2,640	31, 32	79, 80
J. S. Day	560	38	91
A. G. Cheney	800	31	79
N. M. Coleman	1,400	31	80
Surrena Bros	480	53, 54	83
G. H. Holdrege	240	56	84
J. B. Okie	1,160	38, 39	89, 90
Wm. Masteller	320	32	78
Wm. Wagner	320	51	86
A. L. Willey	280	54	83
Andrew Downs	80	55	83
Otto E. Henscke	480	57	83
J. W. Wiley	360	55	83
James Carroll	80	54	83
Wm. A. Roberts	240	55	83
Harrington Bros	1,920	56	86, 87
G. W. Hardin	280	55	83
M. L. Sawin	80	55	83
Garbutt Bros	1,080	55	83
A. Bishop, sr	560	56	83
Charles George	480	55	83
W. H. Eads	320	56	83, 84
Stephen George	800	55, 56	83
A. Eads	320	56	84
Horatio Burns	960	56	83

The total area applied for in the above list embraces 52,841 acres.

In gauging the streams they must be gauged at all seasons of the year, every month; in fact, at different times in the month. If the proposition to expend this money through the Department of the Interior is wrong, that has been already waived by the late proposition of the Senator in charge of the bill. Having waived the opposition because it is to be expended through the Interior Department, I ask why we shall not appropriate $15,000, as well as $5,000, so that the work shall go on without waiting for the sundry civil bill, in order that the officers can depend upon it and can keep the men and instruments now at those remote points, where they are, and can conduct the work to a finality not only with an understanding as to the present, but know about what will be their season's work?

Now, I beg the Senator from Illinois to let the amendment stand as I offer it. Of course, if he insists upon it I shall be obliged to surrender, but if it is fair and right to expend in that manner $4,500 or $5,000, it is fair and right to expend $10,000 or $15,000; and if it is proposed to put that amount or more in the sundry civil bill, if you put in any of the sum now—and I insist that it is necessary—it is a business proposition to put it all in. So I ask that the amendment shall go in in its entirety.

Mr. CULLOM. The Senator from Wyoming knows that I am the best natured man in the world and especially toward him, and I would yield in anything that I consistently could. But I do not think that he ought to insist upon any greater sum than will carry this work along until another bill shall be passed, which will be within a month or two, and will substantially answer all he desires in the premises.

Mr. KYLE. Do we understand the Senator from Illinois to give a guaranty that there will be a liberal appropriation in the sundry civil bill?

Mr. CULLOM. I can not guarantee anything. I said in the outset that I am exceedingly anxious that whatever sum is necessary to be expended in order to carry on the work of irrigation shall be appropriated by Congress and that whatever legislation is necessary shall be enacted.

Mr. KYLE. The committee was very unanimous last year that it should be stricken from the Agricultural bill, and they said they would put it in the sundry civil bill.

Mr. CULLOM. I shall not have charge of the sundry civil bill in any way, but I know that the members of the Appropriations Committee are all anxious to do whatever the gentlemen who are especially interested in the subject desire in the premises.

Mr. WARREN. After the promise and the explanation that has been made, I can not resist the appeal of the Senator from Illinois. I merely want to draw attention at this time to the fact that $15,000 is the same amount, no more or no less, that was appropriated in the Agricultural act of last year.

Mr. CULLOM. I understand that.

Mr. WARREN. I wish to say further that if it is my good fortune to be here in this Chamber at some other time, when some other man is at the head of the Agricultural Department, I shall desire a very much larger appropriation put into proposed Agricultural bills, to be expended in the interests of the reclamation of arid lands, and I do not propose, so far as I am concerned, to evacuate the field, and to leave out of Agricultural bills hereafter a sufficient appropriation for this purpose.

The PRESIDING OFFICER. The Chair understands the Senator from Wyoming to withdraw his amendment, and the Senator from Illinois submits an amendment, which will be stated.

Mr. CULLOM. I move to strike out lines 12 to 15, inclusive, and insert what I have sent to the desk.

Mr. WARREN. Appropriating how much?

Mr. CULLOM. Four thousand five hundred dollars.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after line 11 on page 17, down to and including line 15, in the following words:

Irrigation investigation: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, $15,000.

And to insert:

Geological Survey: To enable the Director of the United States Geological Survey to continue ganging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells, in arid and semiarid sections, to June 30, 1896, $4,500, to be immediately available.

Mr. CALL. Mr. President, the people of Florida and some of the Southern States are interested in the question of irrigation. There are two aspects of that question. One relates to the methods of application, the other to the water supply and the area. One of these belongs to geology. The question of the subterranean rivers and streams and the areas of waters on the surface of the earth is geological, and that is a proper subject for the Geological Survey to investigate. The methods of the application of water are matters for agriculture, and in that respect the diffusion of information is the sole function that the Agricultural Department can have, and the most important one in that branch of the subject. In that the people of Florida are greatly interested.

I shall take no part in this discussion, but I wish to say that you can not divorce the Department of Agriculture from the important function of diffusing information as to the methods of the application of water, the plants to which it shall be applied, the seasons when it shall be applied, and you should not attempt to do it. The two should go together. The Geological Survey should have an ample appropriation, for this is one of the most important subjects connected with agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

Mr. HANSBROUGH. In line 18, on page 10, I move to strike out the word "ten" and insert "fifteen" before "thousand," so as to read:

Botanical investigations and experiments, Division of Botany: Investigations relating to medicinal and other economic plants, the collection of plants, traveling expenses, and express charges; the purchase of specimens, paper, and all other necessary supplies, materials, and apparatus for the herbarium, and labor necessary in preparing the same; subscriptions to and purchase of botanical publications for use in the division, and the preparation, illustration, and publication of reports, $15,000.

I will state that in years past it has been customary to appropriate from $25,000 to $30,000 for the expenses of botanical investigations and experiments for the Division of Botany. A year ago the Division of Agrostology was created out of the Division of Botany, and was set aside as a separate and independent division. Since that time the expenses of the Botanical Division have been at the rate of $20,000, and it is proposed by this bill to cut that sum down to $10,000, which will necessitate cutting the division in two and thus impair its usefulness. The Division of Agrostology has a separate appropriation, and, as I have said, is a separate division.

The Secretary in his official estimate asks for $20,000 for the expenses of the Division of Botany on its own account, exclusive of the Division of Agrostology. So it must be plain to Senators that if we cut in two the amount that is being expended now to sustain that division and decrease the sum from $20,000 to $10,000 the division itself must be cut in two and one-half the employees discharged and one-half of its usefulness be destroyed. Hence I move the amendment which I have indicated.

Mr. CULLOM. I am willing to take a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. HANSBROUGH].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JURISDICTION OF CIRCUIT COURTS OF APPEALS.

Mr. VILAS. I ask unanimous consent to take up for consideration the bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals. It is a bill which was very carefully considered by the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,"

approved March 3, 1891, as reads "in cases of conviction of a capital or otherwise infamous crime," be amended by striking out the words "or otherwise infamous," so that the same will read "in cases of conviction of a capital crime"; and that appeals or writs of error may be taken from the district courts or circuit courts to the proper circuit court of appeals in cases of conviction of an infamous crime not capital: *Provided*, That no case now pending in the Supreme Court or in which an appeal or writ of error shall have been taken or sued out before the passage of this act shall be hereby affected, but in all such cases the jurisdiction of the Supreme Court shall remain and said Supreme Court shall proceed therein as if this act had not been passed.

Mr. CALL. I should like to know the scope of the bill.

Mr. VILAS. It is a bill to transfer jurisdiction in criminal cases not capital from the Supreme Court to the respective circuit courts of appeals in the several circuits.

Mr. CALL. All right. The explanation is sufficient.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ART COMMISSION.

Mr. HANSBROUGH. I ask the consent of the Senate for the consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

Mr. HILL. I suggest to the Senator from Maine [Mr. HALE] that we might proceed for half an hour or so under the same arrangement which was agreed to yesterday upon his motion. I stayed here all day yesterday hoping to reach one of my bills and came within three of it. Now I am losing ground all the while by these special exceptions.

Mr. HALE. I think that would be a very fitting thing to do.

Mr. HILL. If we proceed in this way I shall not be as near my bill another day as I was last night when we adjourned.

Mr. HANSBROUGH. Mr. President——

Mr. HALE. I shall make the request after the conclusion of the bill the Senator from North Dakota desires to call up.

Mr. HANSBROUGH. I simply desire to ask for unanimous consent.

Mr. HALE. When that bill is through I shall submit the same proposition I made yesterday, to take up the Calendar where we left off yesterday and proceed for the remainder of the day to consider unobjected cases.

Mr. HARRIS. For the remainder of what day—to-day or to-morrow?

Mr. HALE. Of to-day.

Mr. HARRIS. There is not much remainder left of to-day. It is now 5 o'clock.

Mr. BERRY. I think we might call up bills specially this evening. Many Senators on either side of the Chamber have special bills, short bills, that they desire to have considered, and I think we would get along more rapidly in that way for the rest of to-day's session.

Mr. HALE. I have nothing to ask for myself; I am not particular about it. I thought if we would take up the Calendar where we left off yesterday and go on in order it would be a good proceeding, but of course it can only be done by unanimous consent. If anyone objects to it that is the end of it.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the consideration of a bill which will be stated.

The SECRETARY. A bill (S. 1922) creating an art commission of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BUTLER. I do not like to object when a request is made for unanimous consent, but still I ask that the bill may go over, because I have had some letters with reference to the bill and I have not had time to look into the matter. I did not know that the bill would come up at any time soon and I have not investigated it. I do not propose to delay the consideration of the bill long. I will try to be ready to-morrow to take up the bill and proceed with it.

Mr. HANSBROUGH. The Senator from North Carolina well knows the almost utter impossibility of getting unanimous consent here to have a bill taken up. I have been making an effort here to get this bill up for the last three weeks. I have received letters on this question no doubt similar to those received by the Senator from North Carolina. I reported the bill from the Committee on the Library, the committee believing that it is absolutely necessary that we should have some legislation on this subject.

Mr. BUTLER. I will hear the bill read before making any objection to its being considered.

Mr. HANSBROUGH. I will state that I have some amendments to the bill, which have been suggested by Senators and others who are familiar with the subject, which I shall offer at the proper time.

Mr. BUTLER. May I make a parliamentary inquiry? By allowing the bill to be read I will still have the right to object?

The PRESIDING OFFICER. The Senator will still have the right to object. The bill will be read for information.

The Secretary read the bill.

Mr. MILLS. Let the bill go over until the next day.

The PRESIDING OFFICER. The Senator from Texas objects.

PORT OF SYRACUSE, N. Y.

Mr. BERRY. I ask unanimous consent to consider at this time the bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill.

Mr. CHANDLER. I ask the Senator from Arkansas to let that bill go over. My attention has been called to it.

Mr. BERRY. Does the Senator from New Hampshire object to its consideration?

Mr. CHANDLER. I do object, if I have a right to object.

Mr. BERRY. I say does the Senator object?

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. BERRY. He objects to unanimous consent? I have asked for unanimous consent.

Mr. CHANDLER. I object. I have been requested to look at the bill. I will look at it and notify the Senator from Arkansas after I have examined it.

Mr. BERRY. I wish to state, if I may be permitted, that I was designated by the chairman of the Committee on Commerce to report the bill to the Senate, and a member from New York who represents that district has been continually urging me for a week to have the bill called up and considered at the first opportunity. This is the first chance I have had; but of course if the Senator from New Hampshire objects that carries it over.

Mr. CHANDLER. The Senator from Arkansas is at liberty to say to the distinguished Representative from the Syracuse district who it is in this House that objects. The bill proposes to create a large number of additional offices. In these hard times when the poor of New York and of Arkansas are under a pressure, I do not intend to let the bill go through until after I have examined it.

Mr. BERRY. It was not necessary for the Senator from New Hampshire to have given any reasons. I simply desired to give the gentleman from New York who represents that district, and who is very anxious to have the bill passed, the reasons why I have been unable to have it considered.

Mr. CHANDLER. While I am on the subject, I take occasion to say that I do not think it right to come in here with the wishes of individual members of the House of Representatives. They are entitled to all respect while they confine themselves to their own proper functions, but certainly it does not seem to me that it would be proper for a Representative to get up in the House of Representatives and say, "Senator So and So wants a thing done"; neither ought it to be said here because an objection is made to the consideration of a bill that the enmity, perhaps, will be incurred of the Representative from the district in the other House. I do not suppose the Senator from Arkansas intended anything of that kind, but it has an uncomfortable sound to be in some sort threatened in that way with the animosity of a member of the House who undoubtedly is powerful within his own district, perhaps in his State, perhaps throughout the nation.

Mr. BERRY. As to what is proper or improper for me to do here I am the sole judge, and I take no orders or suggestions from the Senator from New Hampshire in regard to that matter. So far as intending to threaten the Senator with the enmity of the distinguished gentleman from New York who represents that district and whose name I do not know, I had no such intention. I only gave as a reason why I was anxious to have the bill considered that he had made a request of me to have it done, and that I had been requested by the Senator from Maine to report the bill to the Senate.

RESTRICTION OF FREE MAIL MATTER.

Mr. WOLCOTT. I ask the unanimous consent of the Senate to call up a bill which will meet the approval of every member of the Senate. It was explained the other day. It is a bill to limit the use of the post-offices in transportation of mail, and to prevent the transportation of roller desks, electric motors, carpets all made up, and other heavy truck at the expense of the Government. It is the bill (S. 2169) to regulate mail matter of the fourth class. It is a very short bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Colorado?

Mr. CALL. I do not like to object, and I shall not do so; but I will state to the Senator from Colorado that there is a good deal of opposition in the country to that bill.

Mr. WOLCOTT. May I explain to the Senator from Florida that this is not the bill he refers to? This only applies to the Government Departments in shipping matter.

Mr. CALL. Oh, I beg pardon.

Mr. WOLCOTT. It does not apply to anything except to the shipment by the Treasury and other Departments, against the protests of the Post-Office Department, free, of different heavy articles.

The Senator will see that it simply changes the law so as to limit free mail matter to letters and documents.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be read at length as in Committee of the Whole.

The Secretary read the bill.

Mr. BUTLER. Mr. President, I do not want to object to the bill. I am a member of the committee, but I did not happen to be present when it was considered, which was my own fault. I should like to ask the Senator from Colorado, the chairman of the committee, how this bill changes the present law.

Mr. WOLCOTT. It simply limits the different Departments in sending matter free through the mails to letters and documents printed at Government expense, or packages weighing 3 pounds, and does not permit them to send roller desks and other heavy machinery, at the expense of the Post-Office Department, through the mails.

Mr. BUTLER. Is there any law now providing that that may be done?

Mr. WOLCOTT. There ought not to be, but the construction which the different Departments have placed upon the existing law apparently authorizes them to do it, although the Post-Office Department has protested against it. The proposed change of phraseology puts the law beyond question.

Mr. BUTLER. Is not all this Government work done at Government cost?

Mr. WOLCOTT. Yes; but it should be appropriated for in the appropriations for the several Departments. Instead of that, it goes to help make up the deficit of the Post-Office Department.

Mr. BUTLER. I wish to ask another question. I have no doubt that the chairman has investigated this matter, and I want the information. What will be the relative difference between the cost? Now, this is Government business. The Government must pay somebody to do it, and it now has a way to do it. How much is the difference between the cost to the Government in transporting the matter and having it done——

Mr. WOLCOTT. I will tell the Senator.

Mr. BUTLER. The difference in cost between transporting these heavy articles through the mails——

Mr. WOLCOTT. So far as it can be ascertained——

Mr. BUTLER. Very well; answer that question.

Mr. WOLCOTT. So far as it can be reasonably ascertained, the expense to the Government is greater under the present arrangement in addition to the evident unfairness of the custom. I will say to the Senator that the mails are paid for by weight. If, when a Government building is being fitted, we will say in California, there is sent from here a half dozen carpets, all made up, an electric motor, and half a dozen roller desks, and they go by mail free and it happens to be a weighing day, then for three hundred and sixty-five days in the year the Government pays as if every day all this great mass of stuff, which is unmailable and which has no business in the postal cars, were to be carried. In addition to that, these articles are so bulky and so large that additional employees have to be gathered together in the different towns to load and unload them, and doors have to be taken out of the postal cars to put the stuff in.

Mr. BUTLER. Has the Senator any information that the Departments of the Government have ever purposely sent these articles on the days that the mails were weighed, so as to charge the Government with the increased weight for the full year?

Mr. WOLCOTT. No; but if they failed to do that and took advantage of those days when the mails were weighed, and wronged the railroads to that extent, the Government officials are not fit to hold their places a day. The Government should pay upon its average business, and it is the duty of the Government to see that the average mail is sent on a weighing day. If the Government officials would not send the matter through on the days when the mails were weighed, and saved their heavy stuff for those days when the mails were not weighed, then I say the Government officials would be derelict in their duty.

Mr. BUTLER. I agree with the Senator that the point is to get at the average business; but has the Senator any information that the Departments have been doing that thing for the purpose of getting more matter through the mails?

Mr. WOLCOTT. But it does not become an average. You can not average it. It is perpetrated, too, upon comparatively few occasions, because fortunately the great, lumbering freight does not have to be sent every day, but it may be sent upon weighing day or it may be sent upon a day which is not weighing day, and it is not a fit subject for the mails. The Postmaster-General urges the passage of this bill, and the construction which the other Departments put upon the law is very doubtful.

Mr. BUTLER. What is the rate the Government has to pay now for the transmission of this matter?

Mr. WOLCOTT. It varies. If they send, for instance, by mail they do not pay anything. If they send by freight they pay freight rates. They pay less rates on certain railroads than on others. If they send by express they have certain express rates to pay. I will say to the Senator from North Carolina that there is a report filed in connection with this bill, and that the Post-Office Committee, not at one meeting, but at several, at which unfortunately the Senator from North Carolina was not present, had this bill under discussion, and if he had only contented himself with reading the report which accompanies the bill he would not now object, I know, to its passage.

Mr. BUTLER. I hope the Senator does not object, since I have been derelict in my duty, because I am myself trying to get the information in the Senate.

Mr. WOLCOTT. I have no doubt the Senator is the only member of the Senate who has not read the report. I am very glad indeed personally to give him any information in my power. I certainly never suspected that the Senator from North Carolina had not read the report until he rose and asked to have the bill explained.

Mr. BUTLER. If this matter is not carried through the mails it will be carried by the express companies?

Mr. WOLCOTT. Or by the railroad companies, or it will be bought in the place where the building is erected, or they will go without it or pay for it themselves, or put the postage on it if it does not weigh too much, or divide it up into small packages, so that each separate parcel will not weigh more than 3 pounds. So that in some way or other they will comply with the law and not put this burden on the Post-Office Department.

Mr. BUTLER. Does this very valuable report, which everybody has read but myself, show that it will be economy to the Government to make this change?

Mr. WOLCOTT. Undoubtedly.

Mr. CHANDLER. Right here I should like to call attention to the fact that it appeared before the committee, and I think it has appeared still more clearly since, that nine-tenths, if not ninety-nine one-hundredths of all this merchandise might go by freight just as well as by mail. There is no haste about it.

Mr. WOLCOTT. It might go by canal, most of it.

The PRESIDING OFFICER. The bill is before the Senate in Committee of the Whole and open to amendment.

Mr. BUTLER. I regret very much, being the only man in the Senate who has not read the report, to object to the bill, but I think as I am the only man who has not read it, that I shall have to object.

Mr. WOLCOTT. If that be so, then I beg in behalf of the public service that the Senator from North Carolina will attend the next meeting of the Committee on Post-Offices and Post-Roads, and assist that committee in the performance of its duties.

Mr. GRAY. I ask whether the bill was not already up for consideration by unanimous consent.

The PRESIDING OFFICER. No; the bill was read for information. Objection has been interposed to its consideration at this time.

Mr. GRAY. I suggest to the Senator from Colorado to move to take it up.

LIEUT. WILLIAM M'CARTY LITTLE.

Mr. LODGE. I ask unanimous consent to call up the joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HARRIS. I do not object to that joint resolution, but I rise for the purpose of giving notice that, if I can get the floor when this matter is disposed of, I propose to move that the Senate adjourn; but I do not want to make that motion in the face of the request of any Senator to consider any matter.

Mr. COCKRELL. I hope the Senator will substitute for that motion a motion to proceed to the consideration of executive business.

Mr. HARRIS. Of course, Mr. President, I will yield to such a motion.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. If there be no objection, the joint resolution will be regarded as before the Senate as in Committee of the Whole.

Mr. GRAY. Mr. President, I rose for the purpose of asking that the title of that joint resolution might be again read, so that I might determine whether or not I would object to it.

The PRESIDING OFFICER. The title of the joint resolution will be stated.

The SECRETARY. A joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The PRESIDING OFFICER. Is there objection?

Mr. GRAY. I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes Lieut. William McCarty Little, of the United States Navy, to accept from the King of Spain, through the Queen Regent, the

decoration of the cross of ordinary commander of the Order of Isabella the Catholic in recognition of his services in Spain in connection with the Columbian Exposition.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTION OF FREE MAIL MATTER.

Mr. HARRIS obtained the floor.

Mr. WOLCOTT. Will the Senator from Tennessee yield to me for a moment?

Mr. HARRIS. I yield to the Senator from Colorado.

Mr. WOLCOTT. I appeal to the Senator from North Carolina [Mr. BUTLER] to withdraw his objection to the consideration of the bill (S. 2169) to regulate mail matter of the fourth class. I assure the Senator that the bill is one which will commend itself to his judgment upon consideration, and I trust that he will let it be called up and acted upon by the Senate.

Mr. BUTLER. I withdraw my objection, Mr. President.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2169) to regulate mail matter of the fourth class. It provides that mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the Departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provisions of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 4, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1896.

UNITED STATES MARSHAL.

Charles E. Wells, of West Virginia, to be marshal of the United States for the district of West Virginia, vice A. D. Garden, deceased.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Thomas N. Wood, of the Marine Corps, to be a captain in said Corps, from the 28th of January, 1896, vice Capt. Samuel Mercer, retired.

Second Lieut. Rufus H. Lane, of the Marine Corps, to be a first lieutenant in said Corps, from the 28th of January, 1896, vice First Lieut. Thomas N. Wood, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1896.

CONSUL.

Samuel H. Keedy, of New York, to be consul of the United States at Grenoble, France.

SURVEYOR-GENERAL.

George J. Roskruge, of Tucson, Ariz., to be surveyor-general of Arizona.

CALIFORNIA DÉBRIS COMMISSION.

Under the provisions of the act of Congress, approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," * * * the following-named officers of the Corps of Engineers, United States Army, for appointment as members of the Commission, to date from December 27, 1895:

Col. Charles Russell Suter.

Maj. Charles Edward Law Baldwin Davis.

Capt. Cassius Eric Gillette.

MEMBER OF THE MISSOURI RIVER COMMISSION.

Lieut. Col. William Rice King, Corps of Engineers, United States Army.

UNITED STATES MARSHAL.

Charles E. Wells, of West Virginia, to be United States marshal for the district of West Virginia.

POSTMASTERS.

Sloan E. Wible, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

Edmund C. Burke, to be postmaster at Virginia, in the county of St. Louis and State of Minnesota.

George D. Muggah, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota.

Henry C. Howard, to be postmaster at Lake Crystal, in the county of Blue Earth and State of Minnesota.

Christopher Whitney, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York.

Charles Harrington, to be postmaster at Essex, in the county of Middlesex and State of Connecticut.

Adam Uhl, to be postmaster at Montowese, in the county of New Haven and State of Connecticut.

Mary Kate Cleveland, to be postmaster at Waterville, in the county of Oneida and State of New York.

S. Henry Van Dyck, to be postmaster at Coxsackie, in the county of Greene and State of New York.

Leonard W. Young, to be postmaster at Bayshore, in the county of Suffolk and State of New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 3, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes; and

Joint resolution (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years.

CORRECTION.

Mr. HITT. Mr. Speaker, in making a report from the Committee on Foreign Affairs yesterday I omitted to include among the resolutions considered by the committee and for which the committee resolutions were reported as a substitute the resolutions (H. Res. 122) submitted by the gentleman from Tennessee, Mr. GIBSON. They should have been included with the other resolutions enumerated in the report.

The SPEAKER. The correction will be made.

CHANGES OF REFERENCE.

Mr. HEPBURN. Mr. Speaker, House bill No. 5831 was referred to the Committee on Interstate and Foreign Commerce, properly, as that committee thinks, but there is some question about it and some desire on the part of other gentlemen that it should go to the Committee on Railroads and Canals, and I ask unanimous consent that the bill be so referred. It is the bill to incorporate the Lake Erie and Ohio River Canal Company, etc.

Mr. POWERS objected to the proposed change of reference, but subsequently withdrew the objection, and the bill was accordingly referred to the Committee on Railroads and Canals.

The SPEAKER. Senate bill 1631, granting a pension to Emeline Filgate, has been referred to the Committee on Invalid Pensions by error. The reference should have been to the Committee on Pensions, and if there be no objection, the change will be made.

There was no objection, and it was so ordered.

ANCHORAGE IN ST. MARYS RIVER.

The SPEAKER also laid before the House a bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River, with amendments of the Senate thereto.

On motion of Mr. BENNETT, the amendments were concurred in.

LEAVE OF ABSENCE.

Mr. KULP, by unanimous consent, obtained leave of absence for four days, on account of important business.

REPRINT OF A BILL.

Mr. CHARLES W. STONE, by unanimous consent, obtained an order for a reprint of the bill (H. R. 3339) to create a special commis-

sion on highways and to make appropriation therefor, the supply of the same having been exhausted.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. McCALL of Tennessee. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The gentleman from Iowa [Mr. UPDEGRAFF] is entitled to the floor.

Mr. UPDEGRAFF. Mr. Chairman, when the Committee of the Whole rose last evening I was endeavoring to explain that part of the amendment which provides for field deputies (which is section 6), and to explain also the limited departure made by that section from the general principle of the measure, which is to substitute salaries for fees. The committee with great reluctance felt constrained to make this limited departure, and were especially influenced by the advice of the Department of Justice. The committee first consented to give to these field deputies three-fourths of their fees as compensation for their services, because it was felt that some stimulus was necessary to incite these gentlemen to activity in the enforcement of the internal-revenue laws.

Afterwards, when the committee asked the opinion of the Department of Justice as to whether or not the provisions of this amendatory bill would impair the strength of the arm of the Government in the enforcement of the laws, the Department of Justice informed the committee, after careful consideration of some days, that unless these field deputies, besides their regular compensation, were permitted to be paid their actual and necessary expenses, that Department could hardly say conscientiously that the arm of the Government would not be weakened in the enforcement of the laws. For this reason the committee consented to the provisions of section 7; and, on reflection, I will say for myself (and the committee all concur in the opinion) that I recognize the necessity for the creation of these field deputies on the basis of section 6 of the bill.

Section 7 provides for subsistence and traveling expenses of marshals.

Mr. SHAFROTH. I should like to ask a question concerning section 6. Did the committee take into consideration that the appointment of field deputies should be restricted in such a way that it should not be at the mere option of the marshal himself, but should be done with the approval of the district judge?

Mr. UPDEGRAFF. In reply to the gentleman's question, I can say that the committee did go over that ground with great care. These field deputies, as I have already said, were created, among other objects, to answer emergencies. Their appointment is to be made by the marshal, who is to report immediately that appointment to the Attorney-General; the latter officer has power to cancel those appointments, or to permit the officers to remain till such time as they may become unnecessary, when he can terminate their authority. We did not think it necessary to make these appointments dependent at all upon the judge.

I wish to say in this connection that in framing this bill, where it was necessary to lodge discretion somewhere as to some particular action, we have placed that discretion as far as possible in a single place—in the Department of Justice. That Department must make report to Congress. If the Department goes wrong, Congress can call it to account. But Congress would not be able practically to call to account 1,500 or 2,500 deputy marshals scattered all over the United States. Under this measure the responsibility is lodged where the Congress of the United States can control the matter; and I venture to say that the discretion where it is to be lodged under this bill will be patriotically exercised.

Mr. SHAFROTH. Will the gentleman refer me to the section giving the Attorney-General power to cancel these appointments?

Mr. UPDEGRAFF. That will be found in section 6. The gentleman will permit me to say it is hardly fair to occupy my limited time by asking me questions as to what an examination of the bill itself will show him.

Section 10 provides for clerks for district attorneys. Where the business is large the district attorney often needs clerical assistance. It is now the habit of business men to use typewriters in conducting correspondence; and for the same reason typewriters are often necessary in the offices of the district attorneys. Hence we have given to the district attorney power to employ, with the approval of the Attorney-General, necessary clerical assistance.

The next two sections are purely administrative. The next section (section 13 of the amendment and 19 of the bill) prohibits United States officers from demanding or receiving illegal compensation.

We now reach another subject. The committee in the early part of their labors determined not to excite too many enemies, and therefore decided to leave out of the bill clerks and commissioners. These gentlemen have no power to institute criminal proceedings; therefore it was not so important in connection with this measure of reform that they be reached. On first consideration the committee decided that it would limit the fees of United States commissioners to $5 a day in any one case, as there had grown up an abuse under which commissioners would keep a case pending day after day indefinitely, and then charge the Government $5 for each day, when the case might have been disposed of in one day as well as not. After agreeing upon this, under the advice of the Department of Justice, the committee went a little further and fixed a schedule of commissioners' fees. There is now no law fixing the term of the commissioners of the circuit court, as they are technically called.

The country is full of such officers, many of them not knowing that they have been appointed commissioners. As we all remember, several electors for President and Vice-President have been found by examining musty old records to have been circuit court commissioners when they had lost the consciousness of that fact themselves. The office has been greatly abused in many cases. It has even been questioned whether Congress possesses the power to remove these old commissioners; it has been claimed that they hold their offices until death releases them. I do not assent to that construction of the law, but that has been claimed. In view of these considerations the committee decided to abolish entirely the office of commissioners of the circuit court, to wipe out the whole list, and to create United States commissioners, with exactly the same functions, under a different name, and to fix their fees.

I want to say right here, Mr. Chairman, that since this bill was brought into the House the committee have agreed to some amendments which will be offered at the proper time as committee amendments. They do not essentially change the bill, and are mainly verbal amendments, only one or two, perhaps three, of them being substantial.

Now, I wish to add a word about the importance of this bill, and it is hardly necessary, I imagine, to do so, for there is no man of intelligence, with reference to public affairs in this country, that can not see the necessity of some radical change in this regard. Most of the States of the Union have already abolished the fee system, because the law has created no machinery by which the State officers are enabled to plunder the public more effectively than through the fee system; and wherever it can be abolished it is the universal sentiment of the people that the salary system should be substituted as speedily as possible for the fee system. In those States which have already adopted the salary system as far as practicable, I believe that no consideration could possibly induce them to return to the fee system.

I said a word in the commencement of my remarks about the magnitude of the expenses of the Department of Justice. These expenses have been growing year by year, until when we come to examine them now we are appalled at the magnitude of the growth; and the trouble is that there is no end to the growth, for it goes on and on indefinitely, and steadily expanding. In 1885 the President of the United States called the attention of Congress to the multitude of frivolous convictions, prosecutions, and expensive litigations that are instituted by these gentlemen who draw their fees as their compensation, and who have the power to institute such proceedings. In the course of the message upon this subject the President says:

> The present mode of compensating United States marshals and district attorneys, in my opinion, ought to be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within the fixed limit as to their annual aggregate. There is a direct inducement for them to make their fees in criminal cases as large as possible, in an effort to reach the maximum sum permitted. As an entirely natural consequence, unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime, and transporting them to distant places for examination and trial for the purpose of earning mileage and fees; and district attorneys uselessly attend criminal examinations far from their places of residence for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government. Thus the rights and freedom of our citizens are outraged and public expenditures increased for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

In 1893 the Department of Justice called the attention of Congress to the necessity for a change in this regard in the very strongest terms, and used this emphatic language with reference to the matter:

> Illustrations of the wastefulness and the incongruities of the present system abound on every hand. Congress would not dream of paying any United States district attorney an annual salary twice as large as that received by a judge of a Supreme Court of the United States, yet under the fee system the office of a United States attorney in one district has in recent years realized to its incumbent at least $30,000 a year. In another district, where the earnings of a district attorney for a year and a half amount to $7,063, the returns show that but little more than $1,000 was earned in court, the entire balance, consisting of mileage charges for travel to court, or to attend at the discharge of poor convicts. In another New England district where the entire earnings of the United States attorney, one of the most eminent lawyers of his State, averaged about $400 per year from 1885 to 1890, his successor has received in fees for the year 1890, $1,287.90; for the year 1891, $1,580.80, and for the year 1892, $2,239.80.

Now, then, this was in 1885. Three years after, in 1888, the expenses of the Federal court were $3,864,000. In the year 1895 they had increased to over $6,000,000. In other words, they have more than doubled since 1888, and the business is scarcely increased—in many districts it has actually diminished.

Now, right in this connection I want to call the attention of the committee to another thing that perhaps few persons have had an opportunity to ascertain. The present law gives to the district attorneys and marshals 10 cents per mile for travel both ways—that is to say, travel going and coming—making 20 cents a mile in all. It is well known to all of us that a man who can succeed in one of these offices is usually smart enough to ride on the railroads without any payment at all. Travel fees, until last May, were charged up to an almost unlimited amount to their accounts. Last May the Supreme Court of the United States decided that this travel fee of 20 cents a mile one way was not to go into the fee and emolument accounts where a fee and an emolument account reached the limit of $6,000. These travel fees went into the pockets of the district attorneys, and they could use their assistants to do the traveling that earned them.

While visiting the Department of Justice I ascertained that in one district of the United States since that decision the district attorney has charged up and received in excess of the maximum compensation, for nine months, $2,543. In another district $935 was added in three months. In another district $508; in another district $1,080; in another district $1,061; and so through a large number of the districts of the United States is this unwholesome practice now proceeding, and the Government is paying these things without the knowledge of the people, and without the knowledge of many members of both Houses of Congress. Is it not time, Mr. Chairman, that something was done to stop these unnecessary expenses?

These pointers give us the secret of the steady increase of expenses. It has been said by some philosophical writer that everything and every system and every process on this earth is either dying or growing, is either advancing or going backward, and it is true; but there is one thing that never goes backward without the command of supreme power, and that is a fee bill. A fee bill is capable of indefinite expansion, and the gentlemen whose interest it is to expand fee bills are ingenious enough to accomplish their purpose. When one has made an addition and found a new avenue, a new place in which to insert his arm into the public Treasury, his successor will find another and another, and there is no end to the expansion of which a fee system is capable, except in rural communities where the fee charger is subject to frequent elections and where the fees are paid by the men who elect him to office.

In respect to these United States officers, they are answerable to no one. The wheels of government move on, paying no attention to these small irregularities.

We all know how difficult it is to effect any reform. We know how difficult it is to get a hearing for any cause, however good, or for any reform, however desirable. The present head of the Department of Justice in his last report again calls the attention of Congress to the necessity of this change.

Now, you will see by what I have said that it is utterly impossible to make any accurate estimate of the saving which this bill will accomplish, for we have no means of ascertaining, in the time at our command at least, how much of these accounts are made up of this mileage. I have given instances to show the capacity, the possibilities of the law, as it now stands, and we all know that human nature will exploit those possibilities to the utmost limit sooner or later. As the salaries are now fixed in the amendment we shall save $190,000, and I count that as nothing in comparison——

Mr. SULZER. Will the gentleman give way for a question?

Mr. UPDEGRAFF. With pleasure.

Mr. SULZER. I understand that this bill exempts the district attorney of the southern district of New York?

Mr. UPDEGRAFF. It does.

Mr. SULZER. I should like to know also whether it exempts the United States commissioner, John A. Shields, of the southern district of New York.

Mr. UPDEGRAFF. He is the very man we are after. He represents the class of men we are after exactly, I think. I do not know personally, but there is one man there who is clerk of the United States district court, United States commissioner, collector of internal revenue, and he draws about $20,000 a year out of the Government.

Mr. SULZER. That is not Mr. Shields?

Mr. UPDEGRAFF. I do not know whether it is. We have simply excepted the office of the district attorney for that district and all that pertains to it.

Mr. SULZER. I suppose you are aware of the fact that more business in done in the southern district of New York than in all the other districts of the United States combined?

Mr. WILLIAM A. STONE. If I understand, that officer is salaried at $6,000 a year by act of Congress.

Mr. UPDEGRAFF. That office is specially salaried by statute, and has been for several years.

Mr. SULZER. I am referring now to the United States commissioner.

Mr. HENDERSON. There is no exception of any United States commissioner. We do not allow any of them to hold double offices anywhere in the United States under this bill.

Mr. SULZER. Does the commissioner in New York City, John A. Shields, hold a double office?

Mr. HENDERSON. I do not know anything about any individual by name, but the bill is framed so that no United States commissioner can also be the clerk of a court, or vice versa. We except the district attorney and his assistants for the southern district of New York, but in the section which prevents duplication of offices we make no exception.

Mr. SULZER. I am aware of that, and nobody can take any exception to that. I think that is proper; but I should like also to ask this question——

Mr. LACEY. Mr. Shields only reported $1,655 last year as earnings.

Mr. SULZER. This changes the office of the commissioner of the southern district of New York from a fee office to a salaried office.

Mr. HENDERSON. Not the United States commissioner.

Mr. WILLIAM A. STONE. I do not understand that it affects the commissioner of the southern district of New York.

Mr. SULZER. That is what I want to get at.

Mr. WILLIAM A. STONE. I do not understand that it affects him at all.

Mr. CULBERSON. We should like to hear what is being said.

The CHAIRMAN. The committee must be in order. Complaint is made that gentlemen can not hear what is being said.

Mr. UPDEGRAFF. As I was remarking when interrupted, the savings on the salaries of the district attorneys and marshals of $190,000 I do not account as amounting to any great thing. The savings of public money will come from other directions. In the first place, there will be less expense of holding the court. There will be fewer frivolous and vexatious cases of prosecution. There will be a further saving, not only to the Government, but to the people who are harassed by these gentlemen, and who are plundered, in many cases, most outrageously. As an evidence of reduction of expenses that we hope to reach by the enactment of this law, I desire to refer the members of this committee, especially those who were members of the last House, to the fact that when in was proposed to put clerks as well as district attorneys and marshals upon salaries there was a general outcry from the clerks against this change. They preferred to hold on to their fees. Within a few days I have received a telegram that has a peculiar significance to my mind, from a gentleman who has a national reputation, a gentleman of high character, and who once was a member of this body. He telegraphed me these words:

If district attorneys and marshals are put on salaries clerks will be ruined if not salaried also.

Ruined! How ruined? Will this amendment burn their habitations and infect their flocks with disease? No. Will it deprive them of the right to carry on their business? No. How are they to be ruined? They are to be ruined because they can not earn as much money from the Government as heretofore in fees; because they see that they will not receive so large fees from these frivolous and vexatious prosecutions. That is the way they will be ruined. Mr. Chairman, if withdrawing from a man the right to plunder the Government; if withdrawing from men the right to take from their neighbors money in frivolous and vexatious prosecutions, be ruin, then I wish that every officer of the United States, State or National, be ruined as speedily as possible. That is the "ruin" that this bill is desired and intended to facilitate. These gentlemen will have their fees remaining for the services which they have to perform, and they will get no other.

Now, a few more words and I am through. I have seen here a feeling like this, that "I must get for my State in this bill a liberal sum or my character at home for efficiency as a Representative will suffer." I have little sympathy with that feeling. The efficiency of a Representative upon this floor depends upon his devotion and activity for the public good. He is not here seeking "a divide." The United States is not a cow, to be milked and her milk to be distributed among the respective States of this Union; and it is no credit to a Representative that he desires and demands for his district an amount for an officer who serves therein beyond reasonable and just compensation. How can my character for being efficient depend upon my procuring the right to some man in my own State to draw a salary that he does not earn?

How can my efficiency as a Representative depend upon turning loose upon the community wherein I live a set—I will not say

of pirates—a set of men possessed of letters of marque and reprisal upon my neighbors and friends? I disavow any such character. I am not here for any such purpose. I am here, so far as in me lies, to legislate for the whole people of the United States and to procure efficiency in the enforcement of the laws in so far as I can. So that this bill, while it appropriates no money, while it asks for its support or appeals for its support to no one getting anything out of the public Treasury, it does appeal to the patriotism of every member of this House; it does appeal to public spirit; it appeals to everything that is good and wise and to nothing whatever that is selfish or base; and it must, if it becomes law—if it passes this committee with a favorable recommendation—it must rest upon the patriotism of gentlemen who hold its fate in their hands. That is all.

Mr. FISCHER. I would like to know why the salary for the eastern district of New York, which comprises Long Island and Staten Island, and New York Harbor, with a population of over 1,000,000 is placed at only $3,000?

Mr. UPDEGRAFF. If the gentleman will look at the earnings of that district, which he will find in Document No. 167, he will find that there is a less cut there than anywhere in proportion.

Mr. BENNETT. There is a cut of $2,880. The gross earnings were $6,923.49, the net earnings $5,880, and the salary allowed is $3,000.

Mr. UPDEGRAFF. The net emoluments of that district were $3,950.

Mr. BENNETT. That is for the district attorney.

Mr. UPDEGRAFF. That is a smaller cut in proportion than the average made throughout this schedule of compensation furnished in Document No. 167.

Mr. FISCHER. It is only for information I ask. I understand the reduction is based on the earnings of the fees heretofore.

Mr. UPDEGRAFF. Oh, no.

Mr. HENDERSON. And also upon the work performed.

Mr. UPDEGRAFF. It is based upon the earnings of the office and the work performed, and from the knowledge the committee gained from the Department of Justice and elsewhere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULBERSON. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa have all the time he requires to conclude his argument.

Mr. WILLIAM A. STONE. Mr. Chairman, pending that request, I would like to inquire of the gentleman in charge of this bill if there is any agreement as to the time that is to be occupied in general debate?

Mr. HENDERSON. There has been no agreement as yet. We thought we would let the debate run on until we could ascertain the disposition of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the gentleman from Iowa be given time to conclude his remarks?

There was no objection, and it was so ordered.

Mr. UPDEGRAFF. I thank the committee and my colleague from Texas for their courtesy, but I desire to occupy only a very few minutes more.

Mr. LITTLE. Before the gentleman proceeds, will he permit me to ask him a question?

Mr. UPDEGRAFF. Certainly.

Mr. LITTLE. If I understand, the effort has been, in the preparation of this bill, to take away from the marshals the temptation to bring useless and frivolous prosecutions?

Mr. UPDEGRAFF. To take away that temptation from the marshals and the attorneys.

Mr. LITTLE. Now, what is the reason for not putting commissioners on salaries? In my opinion that would serve as the greatest check upon the action of the deputy marshals. The commissioners are left wholly upon fees, and the more business they make the more money they get. Now, it seems to me that there is the seat of the mischief. If the commissioners could be put upon salaries, then there would be a check put upon them on these frivolous prosecutions. I would like to hear the gentleman upon that line, assuring him that I am not unfriendly to the bill.

Mr. UPDEGRAFF. I will reply to the gentleman this: That the Committee on the Judiciary, and doubtless this House, would be very happy, indeed, if they could have brought in a bill and passed it that would make the human race all happy and pure and would cure all the ills that the body politic is heir to [laughter], but they knew they could not pass such a bill in this House. I have already said more than once that we did not desire to excite the resentment of too many enemies. I now say with respect to the commissioners, who are to the United States only what the justices of the peace are to the respective States, that they are the most difficult officers to place upon the salary basis. No State that I know of has been able to put justices of the peace upon a salary basis. We would be glad to do it with the commissioners if it were not for loading down our bill, and also if it were not for the difficulties of the subject. We have not attempted to cure all the evils of the judiciary system. We are merely trying now to make an important step in the right direction, in order that the future may perfect this great reform, as it surely will do whether we commence it now or leave the work for some subsequent Congress. We can not do everything at once; it is impossible.

Mr. BURTON of Missouri. I desire to say to my friend from Arkansas [Mr. LITTLE] that under the existing law the commissioner is not placed in such a position that he can cause to be instituted these idle prosecutions.

Mr. BROWN. Let me add to what the gentleman from Missouri has said, that the committee has reported an amendment to this bill prohibiting United States commissioners from issuing warrants on the complaints of private individuals until authority has been procured from the United States district attorney, so that if that amendment should be adopted, the commissioners can not issue warrants until they are authorized either by the United States district attorney or by the collector or deputy collector. That, however, applies only to internal-revenue cases.

Mr. TAWNEY. Does that amendment go so far as to prohibit deputy marshals making complaints on which warrants shall be issued?

Mr. BROWN. The deputy marshals can not swear out warrants now before the commissioners unless authorized by the district attorney in internal-revenue cases.

Mr. TAWNEY. But in other cases?

Mr. BROWN. Well, the committee thought that it was perhaps going far enough in making this restriction.

Mr. TAWNEY. In trespass cases, for instance?

Mr. BROWN. That was discussed before the committee, and it was thought unnecessary to go quite so far. The great expense of these courts is in the internal-revenue business.

Mr. TAWNEY. That may be so in some districts, but it is not so in the Western districts.

Mr. BROWN. More than half of the $5,000,000 of expenses of the United States courts is expended in thirteen States of this Union, and those are the "moonshiner" States.

Mr. UPDEGRAFF. Mr. Chairman, I do not feel it right to take my seat without acknowledging the very great patience which the Department of Justice has manifested and the very great assistance it has rendered to the Committee on the Judiciary in their deliberation. Another remark that I desire to make before concluding is that, God be praised, there is no sign of partisanship in this bill. In my opinion the present head of the Department of Justice is as earnest and patriotic and sincere in desiring to aid this reform as any man in the United States. And in all the deliberations of the committee, which have been so prolonged, not one hint of partisanship has ever escaped a single lip.

One word more as to the approval of this bill by the Department of Justice. The Attorney-General, after final examination of the measure, says in a letter, suggesting some verbal alterations and amendments:

> I take occasion again to thank the committee for their consideration and patient hearing and to say that I shall be glad to express my hearty approval of the bill in such way and at such time as they may desire.

I now yield to my colleague on the committee, the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. I yield to the gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. McRAE. Mr. Chairman, I am in favor of changing from the fee system to that of salaries for the clerks, marshals, and attorneys of our Federal courts, and I regret that this bill does not provide for it. I am not satisfied with the pending bill in some respects. I introduced a bill myself which I think is a more effective measure for reaching the ends aimed at by the committee than this one. In some particulars the working machinery of the salary system proposed in the pending bill of the committee I think is imperfect, and if left without modification will be found to be incomplete with reference to the end designed to be accomplished. The most of the defects I think are remedied in the bill which I have presented; the liberties of individuals are more securely guarded against groundless and oppressive prosecutions; while the efficient administration of the laws is in no wise impaired, and at no single point are the expenses of the Government augmented, or its revenues diminished. The general effect of several important provisions of it will be to materially reduce expenses. But as I can not hope to have my bill adopted as a whole over the objections of the Judiciary Committee, I will try to have some of its provisions inserted as amendments.

In the preparation of my bill I had the benefit of the experience and help of the very able and competent marshal of the eastern district of Arkansas, and also many suggestions from the worthy clerk of the district in which I reside. The first amendment I suggest is to section 11 as the bill will now be numbered.

There is no objection to office deputies doing field work at such times as they are not engaged in office work if it is possible to get men who are competent both as clerks and field deputies. The best field deputies are usually unfit for office work, and vice versa.

If some amendment like this is not adopted there will be continual irritation between the Department and the marshals' offices as to whether or not certain writs could have been served by the clerks or salaried deputies instead of sending out field deputies; and if the Department of Justice should force the marshal to use these office deputies to go out and serve writs the clerical work of his office will necessarily be neglected, or else he will be compelled to use his own salary to pay for such work.

The next amendment which I propose is a new feature, namely, the summoning of jurors and witnesses in certain cases by mail. This may be by some considered as an innovation, but it is entirely practicable with the present high state of efficiency of the United States postal service and the new facility of securing evidence of service which the modern registry system supplies. Many of the witnesses and all of the jurors in the regular venire can be summoned in this manner and a large saving effected thereby. The practicability of the plan is not conjectural, as it has been the practice of the marshals in Arkansas and other States for years to serve venires and subpœnas in some cases by sending notices and securing written acceptance of service by mail.

The plan has worked well and saved expense and travel to marshals. With this provision enacted into law, the salary system will work still more efficiently, and save expense to the Government, as it has already to marshals. Moreover, the committee makes no provision of any kind for the service of venires, and if the courts should hold, as they are nearly certain to do, that the changes made in the law leaves the Government liable to pay mileage on the service of jurors, it would in the eastern Arkansas district add at least $1,000 a year to what it would cost to serve venires under this plan. That district is probably an average district, so that it is safe to estimate the annual saving for the whole country at $75,000.

The bill allows local deputies three-fourths of the fees, but does not reach the abuse of extortion as to mileage. Under the provisions of the bill, these local deputies would be scattered broadcast over the district and communicated with nearly exclusively by mail. They would be but little under the supervision of the marshal. Therefore they might easily impose on the Government and hatch up frivolous cases to make fees for themselves and the commissioners without the knowledge of the marshal. Nor could they be supervised by the district attorney or judge, except to a very limited extent.

The bill recommended by the committee, indeed, removes temptation from the marshal, but to the deputy it still holds out the same "premium on prosecutions," for he is allowed the same fees and mileages as heretofore. If the fee system is to the marshal an incentive to fraud and perjury, a temptation to the encouragement of frivolous prosecutions involving the Government in needless expense, oppressing the innocent, and outraging the rights of citizens, will it be less so to the deputy, who, under this bill, will get the same proportion of the fees which he now receives.

It must be apparent to anyone who will give the subject due consideration that the deputy is in just as good a position to work up business as the marshal. He is the officer in immediate contact with the people. Some of the deputies in every district are in possession of a larger measure than the marshals of the kind of experience which suggests plans and measures for originating prosecutions and "pushing business." There are deputies in every district to whom it is a life business, who know all the outs and ins, are probably members of detective organizations, and have serviceable business correspondents at different points within the district and outside of it. You may rest assured that if you leave the bars down at this point deputies will not be wanting in many districts who will take prompt advantage of the opening. I think the field deputies should be allowed no fees, and that we should pay them $2 per day and necessary expenses while serving or endeavoring to serve writs and while returning, which is about right for the duties ordinarily performed by them, just as is done with office deputies doing such work.

My next most important amendment is the provision which reduces maximum punishment for the selling of whisky and gives the nearest United States commissioner jurisdiction for final determination and judgment in such cases. As the law now stands, defendants are frequently arrested and conveyed long distances, at a heavy expense to the Government, for a preliminary examination, and after being held to bail are often committed in default of bonds and held in jail for months, in many cases at an enormous expense, while awaiting the grand jury, which in most districts is empaneled twice a year. Then to get an indictment the same witnesses are again summoned and paid mileages and several days' attendance, sometimes a week or more, before the case is reached; an indictment having been returned, the same entire expense has to be repeated at the trial, usually at the next term of court, when the same witnesses are again summoned. This makes three times the witnesses are ordinarily summoned and paid fees and long mileages in cases more than one-half of which result in acquittal or nol-pros; and in the doubtful contingency of conviction the sentence is usually a small fine and a short imprisonment. It thus frequently happens that a man is held in jail three, four, and even five months for an acquittal or a trifling sentence in jail for thirty days, and even not that. This is a grim burlesque alike on economy and justice.

Out of 10,867 criminal cases in 1893 in the circuit and district courts, 8,833, or more than four-fifths of the whole, were internal-revenue cases, and of the 8,833 revenue cases the great majority, probably nine-tenths, were of the classes of cases which are covered by the amendment. Of the 8,833 revenue cases, 4,271 resulted in conviction and 4,562 in acquittal or nol-pros. That is to say, over one-half of the prosecutions failed. Now, economy, as well as justice and right, demand that these trivial prosecutions should be made triable by some means at less expense and smaller inconvenience both to the Government and to the accused. In a single year 4,562 citizens, now presumed to have been innocent, the attempt to convict having failed, were taken for trial before the circuit and district courts, many of whom were taken long distances from their homes for a trial among strangers on trifling charges, many being compelled to make three trips to the remote court or were placed in jails for months awaiting indictment or trial. All were finally turned loose, many of them far from home and among strangers, and penniless.

There are hardships and cruel wrongs growing out of these too often frivolous and utterly groundless prosecutions of which the public never hear and which never reach the ear of Congress. Such cases are unavoidable without such action as is proposed by my amendment. First of all, in the interest of humanity and justice, it is the duty of Congress to close the door against the possibility of these monstrous oppressions and wrongs; but no less is such action demanded by considerations of public economy. These futile prosecutions are a source of enormous expense to the Government. It is a rare and exceptional case that costs less than $100, whether the result be conviction or acquittal, while many cases cost hundreds of dollars, for the Government stops at no expense in prosecuting and pursuing a defendant and bringing him to trial, irrespective of the gravity of the charge.

The change proposed in the amendment, if it does not wholly eliminate, will minimize the possiblity of oppression and wrong through the protracted incarceration of persons charged with these minor offenses, and will at the same time reduce the expenses of such trials.

I have another amendment that limits the number of jurors in original venires to the number provided for in State courts under the laws of the several States, which is, I believe, about one-half the number now usually summoned in United States courts. This will result in an immense saving of wholly unnecessary expenses, especially unnecessary if the other amendment is adopted.

I have another section which provides for records and blanks, and for the compilation of this act with all other laws touching the duties of clerks, attorneys, marshals, their deputies, and commissioners, and for the distribution of the same, provisions rendered very necessary and important by the proposed radical and far-reaching change in the laws affecting them officially.

The last amendment proposes to incorporate in permanent legislation a provision which has become the settled policy of Congress, but which has heretofore only been continued in force from year to year by being attached as a "rider" on successive appropriation bills. The provision has been aimed heretofore mainly at the marshal, but it will still be found necessary as a check on the pernicious activity of the commissioner, in combination, perhaps, with deputies and detectives, with the possible collusion here and there of an unscrupulous marshal or attorney. This section gives the judge and the district attorney power to place a complete and efficient check on all possible corrupt combinations for pushing business by the origination of vexatious, groundless, and oppressive prosecutions, and should be incorporated permanently in the system of Federal laws. No abuses can occur in the way of working up civil business. The public and litigants will take care of themselves as they always have done. I will now insert in the RECORD my amendments in the order that I desire to propose them.

Add to section 11 the following:

"*Provided, however*, That such office deputies shall not be required to serve writs or do the work of field deputies, as provided in section 12 of this act, except in cases of emergency when there are no field deputies available for that purpose."

Insert as an independent section, between sections 12 and 13, the following:

"SEC. —. That in all writs of venire facias and of subpœna for witnesses summoned on behalf of the United States it shall be the duty of the clerk issuing the same, so far as practicable, to ascertain and insert therein the post-office address of each person named therein; and when the marshal shall receive any such writ, if the time is sufficient for service by mail, as provided in this section, he shall address to each person named in such venire or subpœna, whose post-office address is given or can be ascertained promptly by him, a notice requiring such person to be and appear at the time and place and for the purpose mentioned in the writ. The marshal shall sign such notice officially, mail and register it at the post-office, addressed to the person

therein mentioned, with a request indorsed on the envelope in the usual form for the return of the letter to him if not delivered within ten days. The postmaster to whom any such letter shall be delivered, inclosed in a Department of Justice penalty envelope, shall transmit the same without charge for postage or registry fee. The receipt of such registered letter by the person to whom the notice was addressed shall be deemed valid service upon him of the subpœna or venire, and the return registry receipt card, signed by such person, or proof of the delivery of such registered letter on his order, in writing, to any other person for him, shall be taken as prima facie evidence of service, and the marshal shall make return accordingly. Whenever any such notice shall be returned through the post-office undelivered, the marshal shall serve it as other writs are served; and whenever practicable all such returned notices and all process and writs, the costs on which would be chargeable to the United States, other than writs of venire facias and subpœna for witnesses, shall be sent by mail, directed to the deputy marshal residing nearest the locality where such writs, process, or returned notices are to be served or executed, or to a special deputy appointed by him to serve the same in such locality, and such deputies shall make return of such writs, process, or notices to the marshal by mail; and in no case in which the United States would be chargeable with costs for the service of any writ, process, or notice of whatever character shall mileage be charged or allowed for travel from the place of issue to the place of execution or service thereof, if the same was sent or could have been sent by mail to a deputy marshal or other suitable person in the neighborhood of the place of service."

Insert the following new section between sections 20 and 21:

"SEC. —. That every person who carries on the business of a retail liquor dealer without having paid the special tax as required by law shall for every such offense be fined not less than one hundred nor more than five hundred dollars and be imprisoned in jail not exceeding six months. That the judges of the circuit courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. All United States commissioners are hereby constituted inferior tribunals, with jurisdiction for final determination and judgment on any complaint for the offense of retailing liquors without payment of the special tax required by the laws of the United States. The trial of such cases by commissioners shall be without indictment, and a traverse jury of twelve men, when demanded by the defendant, shall be summoned from the bystanders. From any judgment of the commissioner in any such case the defendant may appeal to the district court. In all proceedings in and about the trial of such complaints the commissioner shall conform to the rules for criminal procedure prescribed by the Revised Statutes, so far as the same are applicable, and in matters not provided for by the laws of the United States the commissioner shall follow the rules of procedure and the practice in trials of misdemeanors by justices of the peace or other courts of limited jurisdiction, under the laws of the State where the complaint is tried. United States commissioners shall receive for their services such fees as may be provided by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest and $1 for a recognizance or bond for cost, including affidavits of sureties and acknowledgments, and for all other writs and processes issued, for all oaths administered, for docketing and trying the same, and for all services performed the sum of $5, and no more, for each case; but where two or more charges are preferred against any person at the same time the commissioner shall be allowed only for a fee in one case. In preliminary examinations where there is probable ground to believe the defendant guilty, the commissioner shall bind him over, if he shall give the bail required, to appear for trial before the court having jurisdiction nearest the place where the offense was committed; and if he can not give the required bail, the commissioner shall commit him for trial to the nearest jail where prisoners can be securely and most economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, in writing, be removed to and tried at that place in the judicial district where the court will be held next after his commitment. Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district to be submitted to the court for approval. It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance. Jurors shall be allowed for attending a commissioner's court, as provided in this section, 50 cents each, to be paid by the marshal on the certificate and order of the commissioner."

Insert the following sections between 22 and 23:

"SEC. —. That no more jurors shall be summoned in any venire facias for grand or petit jurors than the number necessary to make a regular panel of the grand and petit jury, respectively, in the State courts under the laws of the State wherein such venire is issued. Hereafter jurors and witnesses in all of the States and Territories shall receive their actual and necessary expenditures for transportation, when using any public conveyance, in lieu of mileage, but not exceeding the usual fares; and where there are no public conveyances they shall receive the mileage now allowed by law for travel to and from court; and witnesses shall receive $1.50 a day and jurors shall receive $2 a day during actual attendance at any court or courts and for the time necessarily occupied in going to and returning from the same.

"SEC. —. That United States attorneys and marshals shall be provided, at the expense of the United States, in such manner as shall be directed by the Attorney-General, with all records and other books and all blanks and stationery required for official use in their respective offices. It shall be the duty of the Attorney-General carefully to revise the instructions to attorneys, marshals, and clerks of the United States courts heretofore compiled and issued by his authority, adding thereto such portions of this act and other acts as are necessary for the complete instruction of United States attorneys, marshals, clerks, and commissioners in their duties under the laws as amended by this and other acts, and to furnish copies of such revised instructions to all such attorneys, marshals, clerks, and commissioners.

"SEC. —. That no fees shall be paid to any United States commissioner on any warrant issued, or any other fees, in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been approved either before or after arrest of the defendant by a circuit or district judge, or the attorney of the United States in the district where the offense is alleged to have been committed, and unless said prosecution shall have been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney or his assistant, a collector or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief.

"SEC. —. That from and after June 30, 1896, this act shall take effect and be in force."

Mr. BROWN. Mr. Chairman, I desire to say, in the first place, that the amendment proposed to this bill by the gentleman from Arkansas [Mr. MCRAE] and the gentleman from Virginia [Mr. SWANSON], in the forms of bills for the regulation of practice in United States courts, were submitted to the Committee on the Judiciary and duly considered and passed upon. The committee not only had the bills that are now proposed as amendments by those gentlemen before it, but also a bill introduced by the gentleman from Missouri [Mr. TRACEY] and a bill introduced by the other gentleman from Iowa [Mr. UPDEGRAFF]. Not only so, but the committee had also before it the bill introduced in the last Congress by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and reported favorably. The committee has gone carefully over every proposition and every idea suggested by any member of this House and by the Department in order to give this bill, in subcommittee and in general committee, the most careful consideration, and as the result of their deliberation they have reported the bill now before the House.

Of course the committee would have been glad to report a bill that would meet the views of every gentleman on this floor, but that was obviously impossible. The underlying principle on which this bill is framed is to put the marshal and district attorney upon salaries, so as to take away from them the motives that multiply frivolous and useless prosecutions. This result, however, could not be accomplished unless the bill went still further. We are asked: Why not put the United States commissioners on salary? Why not put the clerks of courts on salary? We answer, because the commissioners and the clerks have no power under existing law to institute prosecutions. But a difficulty does arise. As the law now exists any private individual may go before a commissioner and swear out a warrant against his neighbor in an internal-revenue case. The committee intend to meet that difficulty by introducing an amendment to this bill prohibiting United States commissioners from issuing warrants for the arrest of individuals for violation of the internal-revenue laws unless the individual making the complaint has the written authority and consent of the district attorney for the issue of the warrant. When that amendment is adopted and passed as a part of this bill, the district attorney, the collector, the deputy collector, and the special revenue agent alone can procure the issuance of these warrants by the commissioners for violations of the internal-revenue law.

Now, Mr. Chairman, the attention of the committee has already been called to the enormous and constantly increasing expense of the Federal courts. For the fiscal year the expenses of the United States courts, as I have figured them up, will be little less than $8,000,000, and they are constantly increasing out of all proportion to the growth in population and to the increase in the business of those courts.

Now, I propose to show, Mr. Chairman, if I can, that this enormous increase of expenses arises principally in the Southern and Western portions of the Union in connection with violation of the internal-revenue laws. I call attention to the fact that the total number of prosecutions disposed of during 1895 were 25,949; and there were pending July 1, 1895, 12,495, making a total during the year, disposed of and undisposed of, of 38,000. Of these 16,144 were for violations of the internal-revenue laws, mostly cases of selling whisky or tobacco without a license. Nearly half of the prosecutions for offenses against the laws of the United States were for violations of the internal-revenue laws.

And in this connection I beg to call attention to the States in which these enormous court expenses occurred, and submit herewith a list of these expenses by States, as follows:

3 districts in Alabama	$292,654.24
2 districts in Arkansas	315,620.23
2 districts in Florida	80,473.60
2 districts in Georgia	189,513.35
2 districts in Illinois	261,843.87
2 districts in Mississippi	145,741.73
2 districts in Missouri	136,590.98
2 districts in North Carolina	198,659.98
2 districts in South Carolina	120,208.20
3 districts in Tennessee	292,472.22
3 districts in Texas	308,044.48
3 districts in Virginia	122,621.46
1 district in West Virginia	122,870.76
Total	2,497,315.07

It will be seen that nearly one-half of the cost incurred and paid out, as shown by the Attorney-General's report for 1895, occurred in thirteen States of the Union, and those States where prosecutions are set on foot for violations of internal-revenue laws; and when to this is added the Territory of Oklahoma and Indian Territory and the Western States, where frivolous prosecutions are found for trespassing on public lands, we have about two-thirds of this enormous cost of the United States courts and in less than one-third of the States and Territories.

I therefore am, from these facts and figures taken from official records, justified in the statement that more than one-half, nearly two-thirds, of the enormous sums appropriated by Congress for the support of the United States courts goes to keep up and maintain the courts in these States where parties are prosecuted for violations of internal-revenue laws and trespassing on United States

timber lands, and the further fact will be established, by reference to the Attorney-General's report, that the average cost of convicting a "moonshiner," through a series of years, in some of those courts amounts to more than enough to buy each of the convicted defendants a more than average farm and equipments. In some of the districts the average cost for convicting a "moonshiner" runs or varies from $600 to $2,500, through a series of years, and in others, with similar physical, geographical, and moral surroundings or conditions, etc., the average runs from $200 to $350; the average cost of all cases terminated varies from $115 to $620, and in one of the mountain districts the average cost in 1894 was only $158 for a conviction. It would be, in an analytical way, difficult to account for such wide differences in the average cost of a conviction and of a terminated case in the several different districts. My familiarity with the methods and business details of those courts forbids the suggestion that these wide differences result from dishonesty or peculations of the court officials. But the thought must come, to anyone at all familiar with this subject, that the wide differences found in the average costs of convictions and cases terminated in the "moonshiner courts" is attributable to the pernicious fee system, or that there is something radically wrong in the organism itself of the Federal courts. And a further thought must come that, out of these radical defects, there will, in the nature of things, continue to arise official mismanagement and loose methods, which, in swelling the costs of the United States courts annually to more than $5,000,000 may suggest to the public that the "moonshiner courts" are not so much "temples of justice" as they are eleemosynary institutions.

The practical question is, will this Congress allow such a condition of affairs to continue when a plain remedy is proposed?

The inquiry comes to our minds, why are these large costs and expenses allowed to accrue? I answer, because the judges of the courts are powerless to prevent it. The evil is in the fee system itself. It is becoming every day more apparent that owing to that system the results of prosecutions in these courts are altogether out of proportion to the enormous expenses attending them, and that the disposition to institute prosecutions for the sake of fees frequently causes irreparable damage to innocent parties and places the Federal Government in the attitude of "persecuting" rather than "prosecuting."

District attorneys, marshals, and their assistants are paid fees by the United States for services rendered in cases, and the amount of their compensation depends upon the number of cases instituted, and as the majority of cases in the United States courts in which the United States is a party are criminal cases, the amount of the annual compensation of these officers depends upon the number of criminal prosecutions instituted; and as the district attorney is the prosecutor, his compensation depends upon his activity and zeal as a prosecutor. In this he is aided by the marshal and his deputies, who receive fees only when prosecutions are instituted.

The system is intended to stimulate and encourage prosecutions. The fees of the marshal and his deputies increase in like manner with each step in a case, so that the system of fees is really a system of bounties or premiums on prosecutions and convictions, and as a result there are a great many frivolous indictments and unnecessary prosecutions which ought never to be brought.

By cutting off these unnecessary prosecutions the Government not only saves large costs now paid to the district attorney, marshal, and clerk, but large sums paid annually to witnesses and jurors.

Put the marshal on a salary commensurate with the dignity and importance of his office. Take away from him the inducement to earn fees by multiplying frivolous prosecutions and technical violations of the laws. He will appoint better men for his deputies, instead of mere fee grabbers. It will elevate the tone of his office, and his sole aim will be to give the Government a clean, dignified, and efficient administration. He will control his deputies and exercise a wholesome and a restraining influence over them, and allow no cases to be reported to the district attorney except when the law has been violated and when the public good requires that there should be a prosecution of the criminal, and the district attorney, when the proofs are submitted to him for authority to direct the issuance of a warrant of arrest, being uninfluenced by mercenary considerations, can and will determine in a judicial way, with a sole view to the ends of justice, whether the evidence justifies a prosecution. He can and will stand impartially for the right between the Government and the accused.

Take away the power to increase compensation by multiplying prosecutions, and you do away in a large measure with unwarranted prosecutions. And it will take out of "the root-hog-or-die" field two very important officials in each district.

Some have thought that the district attorneys and the marshals might neglect to do their duty if given salaries. Why, any more than the judges, members of Congress, or any other salaried officer?

The fee system has been condemned by judges, lawyers, jurists, and all intelligent people acquainted with the evils, and has often been called to the attention of Congress by the President and the Department of Justice. I ask to read what President Cleveland and various Attorneys-General have said on this question:

RECOMMENDATIONS OF PRESIDENT CLEVELAND AND ATTORNEYS-GENERAL OLNEY, MILLER, AND BREWSTER FOR A CHANGE FROM THE FEE SYSTEM.

[Attorney-General Olney's report for 1893.]

The system by which United States district attorneys, marshals, clerks, and commissioners are paid by fees has been so often and so emphatically condemned, is so indefensible in principle, and works such gross injustice in practice that its survival to this time is nothing less than a wonder and a reproach. In recommending its summary abolition I merely indorse a change of policy which has received the earnest advocacy of every Attorney-General for the last twenty years.

[President Cleveland's message to Congress, December, 1885.]

The present mode of compensating United States marshals and district attorneys should, in my opinion, be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within the fixed limit as to their annual aggregate. This is a direct inducement for them to make their fees in criminal cases as large as possible in an effort to reach the maximum sum permitted. As an entirely natural consequence unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime, and transporting them to distant places for examination and trial for the purpose of earning mileage and for fees.

The district attorneys uselessly attend criminal examinations far from their places of residence for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government. Thus the rights and freedom of our citizens are outraged and public expenditures increased for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

[Attorney-General Miller's report for 1891.]

The attention of Congress has been repeatedly called to this subject by my predecessors as well as by myself, and were the evils of the system less I should hesitate to again ask that it be changed. As, however, every year and month makes more plain that the payment of United States attorneys, marshals, and commissioners results yearly in a vast expenditure of money, not only to no good purpose, but, what is worse, in creating and pushing forward prosecutions with a view solely to make fees against persons who ought not to be prosecuted at all, I should fall short of what I believe to be my duty if I did not urge a change in the interest of a just administration of the laws as well as of public economy. I believe that if these officers were paid stipulated salaries fairly commensurate with the work they have to perform the total cost of the courts by reason of the great reduction in the fees and mileage of jurors, prisoners, and officers would be greatly lessened, and that with a positive improvement in the administration of the laws.

[Attorney-General Brewster's report for 1884.]

The practice of compensating the United States marshal by fees is an expensive one. Examiners of the Department of Justice who have been detailed to examine their accounts report that in order to make the maximum fees of the office, $6,000 per annum, unscrupulous marshals in some instances, through their deputies, have encouraged frivolous prosecutions, outraging the rights of citizens and involving the United States in unnecessary and excessive expense. It is estimated that it costs the Government $10 in expenses for every dollar of the marshal's emoluments, which shows that it would be to the interest of the Government to give the marshal a fixed compensation, so as to remove all inducement to perpetrate frauds upon the Government and wrongs upon the citizen. If the deputies are paid fees for executing process, it would insure the same efficiency as the present fee system and at the same time relieve the Department of the extraordinary expense complained of, as the marshal would have no interest in encouraging such practices.

[Attorney-General Harmon.]

THE FEE SYSTEM.

Great vigilance has been exercised and every effort made to keep down the expenses connected with the Federal courts. Excessive and illegal charges can in some measure be avoided by watchfulness and laborious investigation, but arrests and prosecutions on frivolous charges and flimsy proof, to which part of these expenses is due, can not be prevented by this Department. This can be accomplished only by abolishing the system which, by making the fees of commissioners, marshals, clerks, and attorneys the source of their compensation, presents a constant inducement to unnecessary arrests and litigation.

The 40 per cent of unsuccessful prosecutions during the past year, which is less than usual, does not, of course, include the cases wherein persons arrested are discharged on preliminary hearing, or those wherein the charges are ignored by grand juries. Not only do the fees of commissioners, and those of marshals and witnesses, with mileage, in these cases, cause a large annual expense to the Government, but annoyance and loss of time are inflicted on those involved as parties and witnesses, which indirectly work both material and moral injury to the public. Besides, a class of professional witnesses and informers grows up in many sections, to the scandal of the administration of justice.

The discovery in northern Alabama of a widespread conspiracy among commissioners and deputy marshals to defraud the Government by means of fraudulent charges of fees, and the recent conviction of such of the conspirators as failed to escape, only call renewed attention in a striking way to the evils of the fee system. These have been so often mentioned to Congress by different Presidents and Attorneys-General that anything I might say would be mere repetition. I will simply refer to the report of Attorney-General Olney for 1893 (page xxiii), where the subject is fully and forcibly discussed.

Considerations of mere economy should not prevail when the tone of such an important branch of the public service is involved; but as such considerations are always of weight, I wish to call attention to the fact that little if any additional expense need be involved in the change from payment by fees to payment by salaries. Indeed, that change may well be hoped eventually to prove a measure of economy, as I think the experience of many of the States has shown.

I may add, Mr. Chairman, that in the official methods of the moonshiner courts probably 95 per cent of the prosecutions are begun before commissioners, many of them at the instance of professional informers, who are paid an allowance for mileage and witness fees, and the effect of this system materialize in the superserviceable zeal of the favored local deputy who has the privilege of earning all fees in wild-cat cases in his county. Of cases discharged before the commissioners, neither the court nor the Attorney-General has any account, but the Government must pay the fees all the same.

The fee system has been prolific of many abuses, as all agree who are at all familiar with the administration of justice in our United States courts. It has degenerated into a system of plunder and fee grabbing. It fosters, encourages, and multiplies professional jurors, witnesses, prosecutors, and informers whose sole intention is the getting of money out of the Government. And around all the United States courts these people may be found, used, and controlled by United States marshals and their deputies, making their living by informing on their neighbors, reporting technical violations of the law, and in many, very many, instances, resorting to false swearing to make out cases against innocent men and women. One of the United States district judges, in a Southern State, related to me a short time since a case which came under his personal observation.

There lived in one of the back counties in middle Tennessee a very old lady, very poor and dependent, who was asked by an old colored woman for employment as a cook. The good old lady replied that she had no money with which to pay her, but if she would take pay in leaf tobacco she would hire her for a short time. The old "auntie" agreed to this, as her "old man" used the weed. And so she did work as a cook and was paid in leaf tobacco. Nearly three years after a United States deputy marshal heard of this transaction, and, with an eye single to fees in sight, had the old lady arrested, after getting the approval of the district attorney, and taken before a commissioner and bound over to court to be held at Nashville, nearly 100 miles away, where she was indicted. When the facts were developed on the trial of the case, of course the judge discharged the prisoner and rebuked the deputy, but this was after the old lady had been put to the expense and annoyance of a long trip to Nashville, which she was poorly able to bear, and after costs had accrued amounting to at least $100 to be paid by the Government.

The old woman was doubtless guilty of a technical violation of the internal-revenue laws, but no right-thinking man would insist that the ends of justice were promoted by her prosecution; but quite the contrary.

This is but one illustration of many such cases. Thousands of cases are set on foot, as this case was, solely for the fees in its prosecution.

The worst abuse of the fee system is found in the great number of cases commenced before commissioners and discharged by them because of insufficient evidence to sustain the charges.

Besides the thousands of cases thus disposed of, the Attorney-General in his report takes no account of the great number of criminal cases in which defendants were acquitted, the average cost in those cases discharged being about $30.

And in this connection I desire to read from a letter just received from a prominent United States official in one of the Southern States. Speaking of the pending bill and the fee system, he says:

A vast amount of trash is sent up to the court, bound over by incompetent commissioners; but there is another evil which is simply awful, that is the cases which are brought before commissioners and the defendant discharged. In these cases the deputy marshals have made statements of what could be proven, and it turns out that these statements are without any foundation. It is no uncommon thing for a large majority of the cases brought by a particular deputy to be discharged by the commissioner. The average cost of the case discharged by commissioner is about $30, and it never comes before the court; there are no consequences to the deputy. Under the present system the marshal is always urging the deputy to do as much work as possible. The one who gets in the largest account for a quarter receives the congratulations of the marshal. I remember one marshal who had a standing rule that the deputy who had in the largest account could have the job of taking prisoners to the penitentiary at that term; and this, being a trip to Brooklyn at no expense, was quite an object. The whole talk of a marshal's office is always that the deputy who sends in the largest account is the best deputy, and in my ten years' experience I have never known a deputy to be removed by the marshal because there was no merit in the cases he brought.

The truth is, I am so convinced of the wisdom of the bill that I hardly know where to commence an argument in its favor. I can see nothing in it that any honest man could object to.

I am authorized to say, Mr. Chairman, that this bill has been submitted to a number of United States judges and they have all approved it. It has been submitted to Judge Pardee, of the southern circuit, who says that it is a good bill. It has been submitted to Judge Key, once United States district judge and Postmaster-General of the United States. It has been submitted to other Federal judges. They all say that it is a good bill and ought to be passed. The present system brings on the courts discredit which they want to see removed by taking away temptation from the officers to bring frivolous and unnecessary prosecutions.

Some may fear to support this bill because it may cripple the administration of the laws in the sections of the country referred to. I am quite sure that these fears are groundless. The judges of the United States courts heartily favor a reform measure such as is now being considered, and do not entertain any such fears.

My sympathies are all with the people, against crime, and I should not support a bill which would seriously retard the proper administration of the laws. This bill, in my judgment, will enable the courts better to administer justice, and take away from the courts much of the odium that has attached to them because of the fee system.

Mr. Chairman, my sympathies are with the people, and against crime. Pardon a personal reference. I had the honor to be for eight years prosecuting attorney in the largest judicial district in the State of Tennessee. I prosecuted crime as vigorously as I could; and I will say that no man can be a prosecuting attorney for eight years and have any sympathy with crime. Speaking from my experience, I say this bill will better the administration of the law.

Some persons may have the idea that the bill is intended to cripple the enforcement of the internal-revenue laws. Not so. In all Southern States there is without question now (although I admit it has not always been so) a strong and healthy public sentiment which will sustain the officials in the proper enforcement of the revenue laws.

The internal-revenue system comes to us as a legacy of the war, it is now structurally fixed in our governmental economies, and it is not at all probable that this or the next generation will consent to any such radical change in our method for securing sufficient governmental income as would follow its repeal. This bill is by no means intended to cripple the proper administration of the law, but on the contrary, the friends of the bill hope and believe to accomplish a cleaner and more efficient administration of that system of laws. That strong sentiment in the South in favor of the proper administration of the law will encourage the prosecution of all real violations of the law, and compel meritorious prosecutions, and at the same time the great and constantly increasing number of frivolous and unwarranted prosecutions set on foot by greedy and avaricious officials and professional prosecutors and informers to get fees will be largely, if not entirely, wiped out, and when the temptation is removed from the district attorney and marshal to multiply cases for fees, and their only motive is to faithfully execute the laws, we shall see the laws better enforced. We shall have a cheaper administration of the laws. We shall see the courts rid of the "hangers-on," the tools and favorites of the deputy marshals; and the courts themselves, instead of being "engines of oppression" to the poor and helpless, will be in fact, as they desire to be, "temples of justice" for the innocent and a real terror to the really guilty, and men will be brought to the bar of justice because they have really violated the law, and not to gratify individual spite and malice or to make fees for officers and witnesses and informers.

And in this connection I desire to call attention to another important provision of this bill—that is, the one placing restrictions upon the appointment of deputy marshals (called field deputies), leaving the matter generally to the marshal and the Attorney-General. This provision, taken in connection with other provisions authorizing the courts to remove deputy marshals for cause, will probably put an end to the practice which prevails in some districts, and that is the member of Congress ex officio naming one deputy marshal for each county in his Congressional district. The deputy marshal being a "mighty man of valor," and being grateful to his Congressman, proceeds to be very active in controlling the primaries and political conventions in the interest of the aforesaid Congressman. So, in addition to feathering his nest at the expense of the taxpayers, and oppressing the poor, he uses his official position to further the interest of his friend, the Congressman, and is able not only to bring discredit on the Government he serves (?), but on the political party which owns him.

Mr. RICHARDSON. Do I understand my colleague to state that the practice to which he now refers obtains in his district?

Mr. BROWN. No, sir; I do not.

Mr. RICHARDSON. It has never prevailed in mine.

Mr. BROWN. I say that it prevails in a number of districts in the South. I have on my table now a letter from one of the most eminent Federal judges in the whole South in which he gives me his word that in one district he has personal knowledge of the fact that such a practice does prevail. And that it prevails elsewhere I have no doubt.

I have not intended by anything I have said to censure the judges of the United States courts. I regard our Federal courts as the best courts in all the land. I know how exceedingly anxious the judges are to see this system wiped out and how much they condemn practices they are powerless to prevent.

Mr. Chairman, the bill under consideration is a great reform measure. It is true it does not go to the extent desired by some of the opponents of the fee system, but it is as to district attorneys, marshals, and their deputies a change from the present system, and is a long step in the right direction.

If it shall prove a change for the better, then the duty and responsibility will rest with our successors to extend the change to all United States officials. This bill aims to strike at the root of the evils of the fee system, not so much by reducing salaries—though the saving in salaries will be over $100,000 a year—but by cutting off all inducements to the commencement of unnecessary and frivolous prosecutions, out of which comes a large part of the enormous costs of the United States courts.

It must be remembered that it is not the clerks of the United States courts who commence these prosecutions, nor is it the United States commissioners, for they have no authority to issue warrants unless on advice and application of the United States district attorneys, but prosecutions are set on foot by United

States district attorneys on information furnished them by marshals or their deputies, and the Judiciary Committee believe that if the temptation were taken away from United States district attorneys to multiply cases in order to make fees, and the like temptation taken away from the marshals, although their deputies are left on fees, but under their control, the commencement of frivolous and malicious cases would soon be entirely ended.

Now, while the Government is in such straitened circumstances financially, while our expenses daily exceed our receipts, is a good time to practice economy and to institute this great reform. And while I know this is by no means a political question, I should like to see this Republican House have the credit of passing such a beneficent and money-saving measure, which will be approved by every honest, intelligent, and law-abiding man in this broad land of ours. Not only so, but every honest Federal official will be glad of its passage, for every man who receives money as fees in these frivolous prosecutions must feel that he is taking "blood money" from the poor and helpless.

I take the liberty of quoting from a letter received a few days ago from an intelligent Federal official who will be affected by this bill. He says:

I have received copy of the bill H. R. 5966 introduced by Mr. UPDEGRAFF. I wish to commend it in the highest terms.

There is no injustice done any honest officer under this bill, nor is there any reason why the public service should be injured by it. The bill will cut off all the trash and leave complete facilities for an honest administration of justice.

This is the language of a court official who is honest and patriotic enough to want to see taken away from the courts the odium which necessarily attaches to the present pernicious fee system. He further says:

I have no doubt the bill will encounter some "practical politicians," who will see in it a decrease in the favors they might have to bestow.

Outside of the motive of honesty, with that reasonable share of patriotism which desires to see abuses abolished, I have a more or less selfish interest in the passage of this bill, because I am tired of the condemnation, and well-merited condemnation, which has for many years attached to the Federal courts. I want to see them on a high plane.

In conclusion, Mr. Chairman, if we allow this system to continue when we can remedy it, it would not only be a crying outrage, but a standing reproach to us. Let no man take to his heart the satisfaction of anticipating that he will be able to say to his constituents, "I was in favor of that bill, but I did not think it was the right kind of a bill." The Attorney-General says this is the best bill ever submitted to Congress. It is not perfect; it does not go all the way that its friends would like to have it go; but it is the best possible bill under the circumstances.

The simple question, gentlemen, is, On which side will you fight—in favor of the taxpayer or in favor of the taxeater? [Loud applause.]

Mr. Chairman, I append to my remarks the letter which I send to the Clerk, from Judge C. D. Clark, United States district judge for the middle and eastern districts of Tennessee.

UNITED STATES CIRCUIT COURT,
WESTERN DIVISION OF TENNESSEE, JUDGES' CHAMBERS,
Memphis, Tenn., February 28, 1896.

MY DEAR BROWN: I have your favor, inclosing amended bill agreed on by the subcommittee, and which you say will be favorably reported to the full Committee on the Judiciary, in respect to district attorneys, marshals, commissioners, and deputy marshals. You ask me if I believe that the effect of the legislation proposed in that bill would be to cripple or to embarrass the administration of the law. In reply, allow me to say that I have given this subject much study, and have discussed it with judges of much greater experience than I have had, more particularly with my predecessor, Judge D. M. Key. The legislation not only will not weaken, but will greatly add to a clean, reputable, and proper administration of the law. Its effect will be to keep out of court hundreds and thousands of frivolous fee-making cases brought into such courts by deputy marshals and United States commissioners in their attempt to make a living off the Government, and in flagrant oppression of the ignorant and poor in so doing. You know the details full well without any enumeration by me. Let me remind you again of some of the vices that now exist in this system, and you will recognize the abuses that are made without furnishing evidence of these.

The district attorney's emolument limit depends on fees. The marshal's emolument limit depends chiefly on one-fourth of the fees, which he requires his deputy marshals to turn over to him as his share of the work done by them and the fees earned. It may transpire under the system that a district attorney may see that because his fees are larger than the marshal's he will reach his maximum limit, and he becomes more conservative about the issuance of warrants in these frivolous cases where no substantial offense whatever has been committed, but which have been made the cause of arrest, deprivation, imprisonment, and great oppression of the poor and innocent. The marshal, however, has it in his power to say to the district attorney, "By withholding these warrants you are discouraging my deputies and I will fall largely below my limit, and if you force such a condition as this the deputy marshals will stop work, strike on you, so to speak, and we will cut your emolument compensation below the maximum and we will all go down together." I say that this is possible. I do not say that it has occurred in any particular district. It is a vice in the system itself.

Again, there is no limit upon the number of United States commissioners which the courts may appoint, and there is in every district an army of these officials; and there is no limit whatever on the marshal as to the number of deputies which he may appoint, and as his maximum compensation must be made up from one-fourth of their earnings you can understand that he makes the number sufficient to go above rather than below the limit. There is a vast army of these officials everywhere and it is quite practicable for them to work up a partnership with the commissioners in the fee business. The deputy marshal is a position which the best men do not desire, and as a rule do not take As soon as appointed they abandon every other method of trying to make a living, expecting to make one off of the Government by their three-fourths interest in the fees, and every man, woman, or child who has touched a pint of whisky or twist of tobacco within a period of three years under circumstances that look somewhat suspicious to these eager-for-a-fee officers is promptly run in before some commissioner and with equal promptness bound over to the next term of the United States court and dragged anywhere from 50 to 300 miles and put on trial with the attendance of professional witnesses at the expense of mileage and per diem, and at a cost of from $250 to $500 to the Government; and when the case is developed it is more likely than otherwise to turn out that a good man furnished his neighbor's wife a half pint of whisky in which to take some medicine, or some old white woman without money gave a colored woman a twist of tobacco to do a day's washing.

These are fair samples and are actual cases. The direct losses to the Government in such a system are not its only evil. The indirect results are also to be considered. Such a spectacle in any community is thoroughly demoralizing and the good people stand in complete astonishment that such abuses could be systematically practiced for years by those representing the General Government without any redress or correction. The oppression that is practiced every day is a reproach in the eyes of any civilized community and creates much of that ignorant prejudice against Federal authority which you know to exist in communities where this system is in force, with all its untold abuses. Senators HARRIS and BATE both know of those abuses by reason of their long and eminent experience as practitioners of the law, and could tell you more, perhaps, than I can of them. I only say to you that my profound conviction is that the legislation proposed in this bill would be attended with more practical benefit than any other legislation on the subject within the last twenty-five years. I want to indorse fully, in conclusion, a remark that Judge E. S. Hammond made to-day in conversation with me, and that is that the people of the United States, in the way of useless and frivolous litigation, civil and criminal, unrestricted as the right to engage in this pastime is, squander more money than is wasted in any other of the several directions in which it is supposed money is extravagantly thrown away.

Judge Hammond suggests to me one, and only one, modification of this legislation, and that is to provide that the Attorney-General shall nominate or appoint the commissioner and the district court approve the appointment, and I myself, for reasons developed in our discussion of the subject, believe this would be a desirable change.

Do not give up this legislation, and your full reward will come as soon as its beneficial effects are seen, as they certainly will be.

Yours, truly, C. D. CLARK.

HON. FOSTER V. BROWN,
House of Representatives, Washington, D. C.

Mr. UPDEGRAFF. I rise to ask unanimous consent that general debate on this amendment be closed at 4 o'clock to-day.

Mr. DOCKERY. Or sooner, if there should be no one desiring to occupy the time.

Mr. HARTMAN. Before the limitation of debate is finally determined upon, I should like to inquire how many gentlemen are yet to speak and how much time will be occupied?

Mr. UPDEGRAFF. My colleague on the committee, the gentleman from Missouri [Mr. BURTON], desires to be heard in general debate, and also the gentleman from Missouri [Mr. TRACEY].

Mr. HARTMAN. I wish to be heard in the general debate for fifteen or twenty minutes. I do not think I shall exceed that time.

Mr. UPDEGRAFF. Very well; the gentleman shall have twenty minutes.

Mr. DALZELL. I wish to ask the gentleman from Iowa [Mr. UPDEGRAFF] whether in his judgment the arrangement he proposes would necessitate voting upon any amendments to-day?

Mr. UPDEGRAFF. It is my impression that it would not. For my part, I prefer that at 4 o'clock the committee should rise, and that the consideration of the measure by sections be taken up to-morrow morning.

Mr. DALZELL. That ought to be a part of the understanding.

Mr. UPDEGRAFF. Well, let that be understood.

Mr. DALZELL. The gentleman might as well say 5 o'clock.

The CHAIRMAN. The Chair will remark that several gentlemen who desire to participate in the general debate are not in the Hall just now.

Mr. UPDEGRAFF. Following the suggestion of gentlemen around me, I will ask unanimous consent that general debate be closed at 5 o'clock to-day, or sooner if there is nobody desiring to occupy the floor.

Mr. DALZELL. That is right.

Mr. HENDERSON. And that no vote be taken on any of these sections until to-morrow.

Mr. UPDEGRAFF. Yes, sir.

The CHAIRMAN. The gentleman from Iowa [Mr. UPDEGRAFF] asks unanimous consent that general debate be closed at 5 o'clock to-day and that no vote be taken on the amendment or any amendment to the amendment this afternoon. Is there objection? The Chair hears none.

Mr. BURTON of Missouri. Mr. Chairman, I shall detain the committee but a very few minutes in the discussion of this matter. The evils which the pending bill seeks to remedy are two, and they are interwoven with each other, and they are both inherent in the fee system. One is the frivolous and unnecessary, and in many cases pernicious and malicious, prosecutions that are instituted and maintained in the Federal courts. This bill

seeks to destroy that evil. The other is the enormous amount of cost which the Government is called upon to pay by reason of the processes that are called into action in the Federal court incident to these prosecutions.

Every attorney who has ever had anything to do either with the prosecution or the defense of those charged with the committing of crime against the laws of the United States in the Federal courts is possessed with an immense number of personal reminiscences which he could bring to your attention to prove that one of the greatest and most trying evils of the fee system is that by virtue of which, day by day and month by month, our citizens are prosecuted, not because it is desirable to uphold and maintain the majesty of the law, but in order to gratify personal pique and malice.

I shall detain the committee by the recital of one single instance in the county in which I reside, of a gentleman who was at one time the judge of our county court, and he was a most excellent judge, a gentleman of the highest character, a law-abiding, upright citizen. He was the owner of a large farm and lived in the country. He had procured for himself a barrel of the most excellent Kentucky whisky. Adjoining him was a neighbor whose daughter, a lovely girl of about 18 years of age, was dying with consumption. The family physician advised the father and friends of the family that her case was hopeless and that all that could be done would be simply to extend her life by the aid and use of stimulants. The father of the girl went to his neighbor and asked him for a quart or more of the whisky which he had on hand. It was given to him. Shortly afterwards, when this gentleman was away from home, the father of the girl came over to his house in order to make a settlement of some accounts. The father was absent, but the son was present.

The gentleman who had obtained the whisky said to the son: "I have a running account with your father which I desire to settle." "All right," said the son, "father is not here now, but I think in his absence I can transact the business for him." They ran through the mutual accounts and adjusted the matter to the satisfaction of both. At the close of the transaction the father of the dying girl said: "I believe that your father has not charged me with two quarts of whisky I got here the other day for the use of my daughter." The son said: "I suppose that is all right. I do not think father intended to charge you anything for it. But it does not matter. I believe you have not charged father with a turkey he got from you a few days ago." Said the neighbor: "Very well; let us just call it square." And so the matter terminated for the present.

The judge had a tenant occupying a part of his farm. He and the judge could not agree. He desired to re-lease the farm and the judge refused, and then and there, because of his inability to rerent the judge's farm, and actuated by spite and malice, he gave the authorities information against the judge, charging him with the violation of the internal-revenue law in this, that he had sold and disposed of, to the father of the sick girl, two quarts of whisky. The judge was arrested, and it cost him just $500 to get out of that transaction.

Did that tend to uphold the majesty of our flag and the glory of our Government? Did the prosecution of that man under the internal-revenue laws tend to create in his mind or in the minds of his neighbors respect for law and love of country? I say no.

Now, Mr. Chairman, that is only one single instance coming within my own knowledge. I could stand here by the hour and relate instances of a similar character. But I shall not take up your time in the attempt to do anything of that kind.

I hold in my hand a letter from a gentleman who once occupied a seat on the floor of this House, a man whose name is a household word, the synonym of honesty and uprightness of character, and one of the best judges that to-day adorns the bench of the Federal court. Upon this subject he says:

> The great evil of the present fee system, as applied to the ministerial officers, United States attorneys, marshals, clerks, and commissioners, has time and again been laid before Congress by the executive and judicial departments of the Government. But from some cause, hardly comprehensible to an outsider, Congress never gets further with legislation on the subject than the report of the Judiciary Committee. This matter, so vastly important to the public, has no politics in it, and for this reason excites little attention, and is, I apprehend, one reason for its never reaching a vote.
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> If legislators could have the insight into this vicious system that an honest judge of a United States district court has, the system would not last one month. The dependence of these officers for compensation on fees is wholly vicious. From the district attorney down to the deputy marshal there is the constant temptation to multiply prosecutions, regardless of merit or result to the Government, as their fees are mutually dependent on the number. The inevitable result is arrest and trial before commissioners of the most trivial and venial causes imaginable. The commissioners "stand in" with the deputy marshals, so that every poor devil arrested is bound over. The district attorney attends upon these preliminary trials, traveling sometimes 100 miles at 10 cents a mile and sometimes 300 miles, receiving, in addition, his per diem of $5. So that it frequently happens that the costs in a miserable "whisky case" before a commissioner amounts to $150, and when it reaches the grand jury the bill is ignored, or if indicted, the defendant is acquitted for lack of proof, or because the witnesses are such a graceless set of scalawags who would swear away the liberty of the goddess for $1.50 a day, that neither court nor jury will believe them. By this time the costs have reached $200 or $250. But no matter what the result, these officers get the same amount of fees. And when you take into consideration the annoyance and persecution of the poor and helpless and friendless defendants used for this "fee-grabbing" business, it is not only scandalous but a public disgrace.
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> The court is powerless to prevent. He can only charge the grand jury to exercise scrutiny and caution and declare the law of the case to the petit jury. But one-half or more of these outrageous costs are created by proceedings before the commissioners before the cause reaches the court. The defendants are, as a rule, impecunious. No fines are collected worth mentioning. One-half of the offenses alleged against them, while technically within the statute, could well be ignored without injury to the public welfare.
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> The remedy for this unspeakable evil and disgrace to the Republic is in the hands of Congress. Strike down the fee system. Salary the officers. That would do away with the harpies who prowl over the country as insatiate wolves, with their strikers and spies as detectives, trying to make crime, and preying on the poor for a living that must come from persecution in the name of public justice. On such a question the matter of reducing public expenditures is of secondary consideration. The good name of the Government and the integrity of public officials, especially in connection with courts of justice, are of supreme concern.

That is quite strong language, Mr. Chairman and gentlemen of the committee, and it is true, every word of it.

Now, we have got further with this bill than any other touching this question. We have got it up for consideration before the House. I will not say that it is perfect in all its details. I will admit that it does not cure all of the evils that grow out of and are incident to the fee system. But it strikes at the root in this, that it takes away from the district attorney and his assistants, from the marshals and their deputies, any and all inducements to institute these proceedings, because if they do institute them their compensation will in no way be affected or enlarged by any such proceedings.

Now, Mr. Chairman and gentlemen of the committee, in accordance with the views which I have outlined, and for the purposes which I have stated, the committee have reported this bill, consisting of seventeen sections. Not only does it substantially receive the support of every member of the committee, but it has the express approval of the Attorney-General and all who are connected with him in the administration of justice in and about his office.

Mr. DOOLITTLE. Mr. Chairman, I should like to ask the gentleman a question, if he will yield to me.

Mr. BURTON of Missouri. Certainly.

Mr. DOOLITTLE. Was there not a bill framed by the Department of Justice, or were not the amounts that should be paid in salaries recommended by the Attorney-General, in all these instances?

Mr. BURTON of Missouri. Not exactly; but I am coming to that, and will answer the gentleman.

Mr. DOOLITTLE. Now, I desire to ask if the committee have not cut down the salaries recommended by the Attorney-General for the marshals and district attorneys?

Mr. BURTON of Missouri. In some instances; and in some instances they have increased them.

Mr. DOOLITTLE. For instance, in the matter of the district of Washington, my understanding is that the salary there was recommended at $5,000. Of course the maximum is $6,000. It was recommended at $5.000 by the Attorney-General, and it is now cut down to $4,000 in the bill.

Mr. BURTON of Missouri. I will say that I do not particularly remember as to that district, but I do say that a number of the districts were put upon the basis of $4,000, and if the district to which the gentleman refers is put at $4,000, then it was because of an examination of the character of the work done and likely to be done in that district, and because it averages up with these other districts placed at the same figure.

Mr. DOOLITTLE. I want to ask the gentleman a further question, if he will indulge me for a moment.

Mr. BURTON of Missouri. Certainly.

Mr. DOOLITTLE. The emoluments for the United States attorney in that district during the year 1895 were $6,460.13. I understand that the basis of all this calculation is the report of 1895.

Mr. BURTON of Missouri. The emoluments?

Mr. DOOLITTLE. Yes.

Mr. BURTON of Missouri. No; that basis was discarded.

Mr. DOOLITTLE. Well, at all events, those are the net emoluments of the district attorney—$6,460.13.

Mr. BURTON of Missouri. Yes.

Mr. DOOLITTLE. The net emoluments of the marshal in that district were $11,064.57.

Mr. BURTON of Missouri. Yes.

Mr. DOOLITTLE. Now, is it not true that salaries in other districts have been placed at $5,000 instead of $4,000, where the net emoluments are very much less than those of the marshal in the district to which I call attention?

Mr. BURTON of Missouri. Not that I know of.

Mr. DOOLITTLE. It is nevertheless true.

Mr. BURTON of Missouri. Now, I say upon the basis that I have stated, and for the purpose of doing away with the wrongs that I have named, the committee have adopted this bill, consisting of seventeen sections. The first section merely provides that all fees taxed and collected shall be covered into the Treasury of the United States. The second section designates the amount of salary to be paid to each particular district attorney, and in order that the gentleman may understand, I now call his attention to this statement. It was first proposed to base the salaries of attorneys and marshals upon the emoluments which they had received, but it was found that that would not do. In many of the districts, the Attorney-General informed the committee, the earnings had been padded by a continued, persistent institution and prosecution of these unnecessary, frivolous, pernicious, and malicious suits.

Mr. DOOLITTLE. If the gentleman will permit me, I wish to say that of my own knowledge—and I have watched the whole subject very closely—I know that no such reason exists or has existed in the State of Washington.

Mr. BURTON of Missouri. I am not claiming that it does. What I said was that the Attorney-General so informed us; and if my friend will take this report of the Attorney-General and read it over, I think he will come to the conclusion that there are some of the districts named therein in which the emoluments never could have been counted up or taxed to the amount which they have been unless there had been an outrageous abuse of the processes of the Government of the United States. I do not say that that was true in the gentleman's district.

Again, having abandoned the idea of fees and emoluments as a basis, the next question was upon what basis should we determine these salaries; and the basis which we adopted was the nature, character, and amount of work that was done in each particular district.

Mr. DOOLITTLE. Covering what length of time?

Mr. BURTON of Missouri. That is an average.

Mr. DOOLITTLE. An average covering what period of time?

Mr. BURTON of Missouri. I do not remember now just what data we had.

Mr. BROMWELL. It was just for the year ended June 30, 1895.

Mr. BURTON of Missouri. That was as to some of them.

Mr. BROMWELL. That was as to all of them.

Mr. DOOLITTLE. That would certainly be very inequitable.

Mr. BURTON of Missouri. Oh, no; we had before us a gentleman who had been fourteen years the attorney in one district. In another instance we had before us gentlemen who were connected with the Federal courts for years, from whom we obtained the average work for several years.

Mr. DOCKERY. If my colleague will allow me to suggest, replying to the observation of the gentleman from Washington, according to the gentleman in charge of the bill, and the chairman of the Committee on the Judiciary, the fees have been increasing year by year. Certainly if the past calendar year of 1895 is the basis of the calculation, no injustice has been done to present incumbents of those offices.

Mr. DOOLITTLE. They have not increased in a great many districts, of course, but they have in a great many others.

Mr. DOCKERY. The grand total has very enormously increased.

Mr. BURTON of Missouri. Here is another matter my friend has not taken into consideration, and I was about to approach it. These districts differ. In some the prosecutions consist almost exclusively of custom-house cases, and in others of violations of the internal-revenue laws, and in others of timber-cutting cases.

Some of the cases peculiar to one district you know nothing of in another district. In some of these districts the district attorney never leaves his office and has no mileage and no expense account. In others a very large proportion of the sum that is returned as earnings and emoluments goes to make up traveling expenses and the subsistence of the district attorney and the marshal while traveling. I think if my friend will examine the accounts from his own State he will find that a considerable proportion of the amount that goes to make up emoluments and earnings are mileage.

Now, you take a city like Chicago, in which there is no mileage, these emoluments and earnings merely grow out of absolute prosecution of cases. I believe we had one case before us—I do not remember the district—where three-fourths of the emoluments and earnings of the district consisted in mileage and subsistence while traveling.

Now, then, if we were to hew down to the line the attorney and marshal of the district which my friend represents, if placed upon the same basis as the attorney and marshal in the city of Chicago, are at a great disadvantage. But if he will follow down this bill he will find that in addition to the salary every district attorney and marshal receives his absolute traveling expenses plus the cost of subsistence while he is traveling. That is fair; that is right; that is equitable. Now, I appeal to my friends. It may be true that the amount designated in this bill for your district attorney and mine may be $500 or $1,000 too small; or it may be $500 or $1,000 too much. If you can convince this committee that it is $500 or $1,000 too small, I for one will gladly vote to increase it to the proper amount; and if you can convince me that it is $500 or $1,000 too much, I will gladly vote to reduce it.

I do not stand here to advocate an iron-bound, ironclad schedule of salaries to district attorneys and United States marshals. On the other hand, both here and in the committee room, I have maintained that the Government of the United States ought to pay salaries sufficient to enable it to employ men competent and qualified to represent it in its courts in each and every district of this Union; but I do appeal to my friends from all over the Union, representing particular districts, who may have friends, personal or political, occupying positions of United States attorney or assistant or United States marshal or deputy, not to jeopardize this bill and fasten upon the Government a system that from year to year necessarily costs it from $1,000,000 to $2,000,000 in order to save some personal or political friend from $500 to $1,000. Let us engraft this bill into law, and if it shall transpire that from the work that shall be done the salary which Congress designated for your district attorney and your marshal is too small, come in and amend it.

Another thing, the salaries designated in this bill are not alone predicated upon the work which has been done, but we have taken into consideration the effect of this bill, if enacted, upon the work that shall be done in the future. Sunday before last the United States attorney from the district in which I live called at my home to see me, and he complained of this very bill. I said to him, "My friend, this bill is constructed not alone upon the theory of what has been done, but on what your office will be called upon to do. If this bill passes and the remedial sections of this bill become operative, what effect will it have upon the work that you or your successor will be called upon to do?" He said, "I will be honest with you, Judge BURTON. In my judgment, if you adopt that bill it will decrease the work in my district 50 per cent." And I honestly believe if this bill be engrafted upon the law of the land it will decrease the work 50 per cent in many districts, and in most of them at least 33 per cent.

The third section of this bill provides for the appointment of assistant attorneys and regulates the allowance of their salaries by the Attorney-General upon a showing made by the judge and the district attorney that the services of the assistants are necessary.

The fourth section provides for the salaries of marshals in the same way that it has designated the salaries of district attorneys; and the arguments that I have used heretofore are pertinent and applicable. I again say that I do not stand here as a member of the committee to insist upon an ironbound and an ironclad schedule; but if any gentleman can show this committee by figures, by returns, that the salary named in this bill is too small, I for one shall gladly vote to raise it.

The fifth section of the bill provides for office deputies of United States marshals and clerical assistance.

The sixth section provides for field marshals. A gentleman on my left arose and made an onslaught on this bill in this particular. I am free to confess to the gentleman that I was in favor of placing field marshals upon a salary, but the United States Attorney-General came before our committee and argued long and earnestly against that proposition.

He convinced a majority of our committee. He argued in support of his views that the experience in the Indian Territory, where they have adopted the salary system for the payment of field deputies, justified the Department in saying that if we applied the salary system to the field marshals, then the field marshals would sit down, would remain quiet, and the processes of the Government would not be served nor its laws enforced. The Attorney-General has not absolutely convinced me, but I am so in favor of the great virtues of this bill that I am willing to abandon my individual views upon lesser points, and therefore I stand here to ask the Committee of the Whole, and eventually to ask the House, not to modify this section of the bill.

The seventh section provides for the payment of the actual expenses of the marshals when traveling from court to court or engaged in the service of process.

The eighth section provides how all these accounts shall be made out, and the accounts when made out must be accompanied by receipts for every dollar charged. Even constructive mileage is

prohibited, so that under the provisions of this section neither the district attorney nor the marshal can ride across the State on a railroad pass and then charge the United States Government with what it would have cost him to have procured a ticket for the route.

The ninth section provides for office expenses of attorneys and marshals, which is clearly under the control of the Attorney-General.

The eleventh section provides that these salaries shall be paid monthly, the same as other Government salaries.

The twelfth section simply provides that the provisions of this act shall not be so construed as to prevent or affect the taxing of costs against the unsuccessful party or against defendants convicted of crimes and misdemeanors.

The thirteenth section makes it a penal offense for any one of these officers to receive fees to which he is not entitled.

The fourteenth section provides that the term of all commissioners of the United States shall expire, and then provides for the appointment of commissioners by the district judges. The object of that provision is this: To-day there is a question as to what is the tenure of office of a United States commissioner of the circuit court, and one judge of the United States circuit court has even expressed doubt whether he has any authority to remove a commissioner who has heretofore been appointed. All over this country there are commissioners who were appointed years and years ago. Some of them are of no earthly account, and some of them are much worse than that, and the object of this provision is to remove each and every one of them and then to confer the appointing power upon the district judge who lives in the district, and who, by reason of his personal knowledge and acquaintance, is best qualified to say whether such and such a person ought to be a commissioner or not. Then it provides further that the court, by an entry of record, shall designate the name and place of business of every one of these commissioners, and that they shall hold their office for the term of four years.

Mr. DALZELL. Before the gentleman passes from that section, I would like to ask him whether there is any provision in this bill for paying expenses incurred by marshals in the carriage of prisoners from place to place.

Mr. BURTON of Missouri. I think there is.

Mr. DALZELL. Can the gentleman point it out?

Mr. BURTON of Missouri. I do not know that I can without examining the bill. The bill was somewhat changed upon the recommendation of the Attorney-General at a meeting at which I was not present. Before that change I could have pointed out to the gentleman any provision offhand. I know there was a provision on that subject in the bill.

Mr. DALZELL. I call the gentleman's attention to section 7, which provides that the marshal when attending court in any place other than his official residence, etc.

Mr. BURTON of Missouri. That section does not cover the matter to which the gentleman's inquiry relates.

Mr. LACEY. Section 8 probably covers it, because that would be expenses of his office.

Mr. BURTON of Missouri. In the original draft of the bill there was a section particularly applying to that kind of work, and if it is not in the present bill it is probably because it has been inadvertently left out in the printing. Section 8 does not cover the subject.

Mr. UPDEGRAFF. The committee considered that the general provisions of the bill with respect to marshals' expenses covered that point.

Mr. BURTON of Missouri. In answer to the gentleman from Pennsylvania, I will say that originally there was a specific section in the bill applying to that matter. I remember it because we labored upon it at great length. I presume it was knocked out at the suggestion of the Attorney-General at the meeting of the committee at which I was so unfortunate as not to be present.

The fifteenth section provides that marshals, clerks, attorneys, assistant attorneys, jury commissioners, bailiffs, and janitors shall not act as United States commissioners, and that is right. In some instances, under the existing system, one gentleman is not only clerk of the circuit court, but he is also clerk of the district court, he is jury commissioner, and a commissioner, under the law as it stands, of the United States circuit court. He is a sort of "Pooh-Bah." He does everything except pay himself.

The sixteenth section was ingrafted upon the bill after it had been completed by the committee, at the special instance and request of the Attorney-General. It is in relation to the fees of United States commissioners. This section seems to set out at length just what the fee of a United States commissioner shall be for each particular piece of work done by him. I especially call attention to the provision contained in the body of the bill on page 13, which provides that—

Not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court.

Under the existing law the commissioner may continue the case thirty, forty, or fifty times, if it should be capable of being prolonged in that way. Hence there is inducement for him to continue cases. And let it be borne in mind that every continuance by the commissioner entails an increased cost in the per diem of witnesses who are called to attend.

Mr. HARTMAN. Does this limitation upon the per diem apply only to commissioners, or does it extend also to witnesses?

Mr. BURTON of Missouri. We do not pretend to put a limitation upon the number of days which may be allowed to a witness for his attendance.

Mr. HARTMAN. It would be absolutely unjust to compel a witness to attend ten days and then allow him for only one.

Mr. NORTHWAY. Let me put this case to the gentleman: Suppose that in a particular instance nearly two days should be occupied in hearing the prosecution, and that the commissioner is to get no pay beyond those two days. Will he not necessarily be inclined to cut short the hearing—to bind the defendant over without hearing his side?

Mr. BURTON of Missouri. I think not, because there are a great many cases in which the commissioner will get his per diem although the disposition of the case does not occupy fifteen minutes.

Mr. NORTHWAY. But will not the tendency be for the commissioner, after hearing the case for the prosecution, to simply bind the defendant over without a hearing?

Mr. BURTON of Missouri. I think not. My answer to the gentleman is this: We believe that under this bill the district courts will not appoint men of such character and caliber as he supposes to act as commissioners, though sometimes the courts may make mistakes. I certainly doubt the propriety of saying that the provision of the existing law shall be continued, and that the commissioner shall receive his per diem for as many days as he may sit in the hearing of the case.

Mr. NORTHWAY. Is there in the bill any provision for a "new birth" on the part of the courts that appoint the commissioners?

Mr. BURTON of Missouri. Oh, no; there is no provision for a "new birth"; but a great many of these commissioners were born long before those who are now the judges of their courts were appointed.

Mr. BROWN. Under this bill the commissioners are to be appointed by the district judges, while under the old system the commissioners have been appointed by United States circuit judges.

Mr. BURTON of Missouri. The seventeenth section of this bill repeals all acts or parts of acts inconsistent therewith; and it provides also that the bill shall not apply to the Indian Territory, and that certain of its provisions shall not apply to the southern district of New York. The reason we have not made the measure applicable to the Indian Territory is that that Territory now has a special law of its own, under which everything is proceeding substantially to the satisfaction of the Department of Justice.

The Attorney-General asks that certain provisions should not apply to the southern district of New York, because for a quarter of a century the courts there have been operating under a law peculiar to themselves.

Now, gentlemen of the committee, I have endeavored as briefly as I could to explain the provisions of this bill. As I stated some time ago some of the salaries provided in it may be too large; some may be too small. But the virtue of this bill lies in the fact that it takes away from the district attorney and his assistants, from the marshal and his deputies, and from the commissioner, any inducement to commence or prosecute these unnecessary, frivolous, and in a great many instances pernicious and malicious prosecutions. And, sir, though this bill might be amended in the salary section so that the salaries should be increased $100,000 over and above what they now are, which would be about $300,000 over and above those named in the bill, still I would stand here to vote for the bill. I shall not be driven away from my support of it by any increase of salaries, because in my judgment the virtue lying in the body of this bill will not only protect our people from malicious and pernicious prosecutions, but will save to this Government from one million to two million dollars in the way of costs year by year.

Mr. Chairman, I yield a portion of my time to my colleague on the committee [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, I shall occupy only a short time with what I have to say on this bill. The system which the bill attacks has been so thoroughly embedded in the Federal administration of justice in this country that it has proved extremely difficult to uproot it. Congress after Congress has witnessed the introduction of bills for the abolition of the fee system; yet it has been maintained and is still maintained. The sentiment of the people of the country has been for years against the continuance of this system, at least in the section of country with which I am familiar, and I have no doubt whatever that the sentiment of hostility to the continuance of this system has prevailed in every part of the United States. But it has received the respect that is usually accorded to age without taking into consideration the decrepitude that accompanies it and the constant growth of abuses

that have crept into it from year to year. That those abuses have been of a very grave character in many districts of the country there can be no doubt.

Speaking with reference to the practical operation of this bill, I desire to answer some suggestions that I have heard since the bill came before the committee. The question has been asked whether or not in the operation of this bill the marshal will still be required to make emolument returns. I answer certainly not. The question is also asked how the accounts are to be kept with the field deputy marshals. Under the operation of this measure the field deputies will continue to make their vouchers as they now make them; and at the expiration of each quarter those vouchers, after having been made out and sworn to, will be transmitted to the marshal just as they are now under existing law. And when they have been examined by the district attorney and submitted to the court for examination and approval, after such examination and approval they will be transmitted to the Department of Justice and go through the hands of the accounting officers precisely as they do now.

There is no change in that particular in so far as the field deputies are concerned. I am sorry, for my own part, that there is none. I should have preferred it if there was a change. I believed myself when I drew the bill that I had the honor to introduce in the House along the lines of which the pending bill was largely drawn that all the deputy marshals should be included in the salary list, and I regret exceedingly that they have not been included in this bill, but it was due to the strenuous opposition of the Department of Justice that that section of the bill was left out and these deputies were allowed to remain on fees.

But their accounts will be rendered precisely as they are rendered now under existing law; and when the Department of Justice comes to the examination and the approval of the accounts, and after the approval, when they are certified to the Treasury for payment, three-fourths of the amount found due each deputy marshal will be transmitted to the marshal for payment to the deputy, and the other quarter will be covered into the Treasury of the United States, where it belongs. The reason why marshals and attorneys are required to make emolument returns now is that the law prescribes a maximum of $6,000, beyond which they may not retain fees. Under the operation of this law there is a maximum, so far as the field deputies are concerned, and I assume that under the practical operation of the bill, if it becomes a law, it will be the duty of the Department of Justice to know, and they will know, when any field deputy marshal has received the sum of $2,500, to which he is entitled, and that all other fees found due him will be retained and covered into the Treasury of the United States. Hence I can see no necessity under the operation of this bill for making emolument returns on the part of anybody or that there will be any difficulty in keeping the accounts.

Now, while I concede that there are features of the bill that I do not like, yet it goes a very long distance in the right direction, and if it contained other conditions that I could not approve besides those to which I have referred I would still support the bill rather than have no change of the system, which is almost unanimously condemned. The people, I know, are tired of the evils of the present system. I had four years' experience in what is perhaps an average district in this country, in a district that contained all of the different classes of population and contained the basis or the substructure out of which grow many of the frivolous prosecutions so widely complained of, because in that district there were from one million to a million and a half acres of public land, worth nothing except for the timber upon it, and more than one man have I seen—aye, I may safely say hundreds of them, I think—in the past quarter of a century taken to the Federal courts for the sole reason that they had cut down a tree upon the land that could not have been sold on the stump for more than half a dollar and was valued at half a dollar or a dollar on the trial of the case, and yet that trial cost the Government of the United States from one to two hundred dollars in every instance. There are other classes of cases of a trivial character the prosecution of which benefits no one except the officers interested. But the officers are much less to blame than the iniquitous system under which they perform their duties. Technical violations of the internal-revenue laws have been prosecuted to conviction with no possible resulting benefit to either the Government or the people, but with positive harm to both. These are some of the evils that have grown up out of this system in many of the districts in the United States, and, as I said, I believe I represent a district which is about an average one.

Now, under the operation of this law those cases will be kept out of the courts. In my own city we have a district court held twice a year. It takes two weeks of hard work to clean up the docket, and then it is not always done; but if you will adopt this bill there will never be exceeding one week of court held in that division of the western district of Missouri. Hence you cut off one week's pay of the jurors who are assembled for the purpose of finding indictments and trying cases in those courts. You cut off the pay that is now given to hundreds of witnesses. I have seen over 500 witnesses in attendance upon that district court upon the first day of the term.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. TRACEY. Yes.

Mr. SHAFROTH. On account of the experience which you have had in the operations of the marshal's office, I should like to have your views as to what you think should be the salary allowed to field marshals; whether the amount of $2,500 is not too much. I am in sympathy with you in this bill, but I should like to hear you upon that.

Mr. TRACEY. In a bill which I introduced I provided a salary of $100 a month.

Mr. SHAFROTH. What is the pay usually allowed to deputies, do you know?

Mr. TRACEY. The average deputy, so far as my experience goes, will make not exceeding $100 per month. In rare cases they may make $150 a month.

Mr. BROWN. I want to say to the gentleman from Colorado [Mr. SHAFROTH], if the gentleman from Missouri [Mr. TRACEY] will allow me, that the limit was put in the bill at $2,500 at the request of the Department of Justice. Of course we all understand that deputy marshals can not usually earn anything like $2,500. In fact, the average will not be $1,000; but there are one or two places in the United States, for instance, in the southern district of New York, where the expense of living is so much greater than in other portions of the country that a deputy perhaps ought to earn that much, and where he could earn that much.

Mr. SHAFROTH. But if the majority of deputies are allowed a very large limit, will there be any restrictions whatever upon the pernicious fee system?

Mr. BROWN. They have no authority whatever to swear out any warrant.

Mr. TRACEY. I will answer the question. Under the existing law a deputy marshal can not begin a prosecution. He applies first to the commissioner for the issuing of a warrant, filing his complaint. The commissioner refuses to issue that warrant until the complaint has been approved by the district attorney; so that a deputy marshal can not initiate a prosecution.

Mr. HYDE. What would you do in cases where the district attorney lives 500 miles away, which is the case between Spokane and Seattle?

Mr. TRACEY. I would do precisely as the law requires. Now, Mr. Chairman, when I was interrupted I was remarking that I had seen as many as 500 witnesses in attendance upon the district court upon the first day of the term in the city in which I live. Those witnesses were brought there from a division of the western district of Missouri embracing about twenty-one counties, and the amount that was paid out to them during and at the conclusion of the term always ran up into the thousands of dollars, generally being from five thousand to seven thousand dollars paid out at each term of court to the witnesses and jurors in attendance upon the court. If you will enact this bill into law the amount will be reduced from 30 to 50 per cent.

But that is not the sole reason why I am in favor of this bill. There is another and more weighty reason than that. While it is always a good thing to save money, yet there are cases when that is not the best thing involved. This is one of them. While I rejoice that we shall be able to save from 30 to 40 per cent in the cost of the administration of Federal justice in the United States, I rejoice more in this bill because it will relieve thousands of poor men from being harassed by prosecutions for trivial offenses, and being taken from their homes and families into court to be tried for some offense, the trial of which benefits no man, woman, or child living, except those whose emoluments are increased. After the trial, when a fine of $1, or $5, or $10 has been assessed, the Government of the United States has the further privilege of boarding the man in the county jail at 50 cents a day for the fine assessed against him, in addition to paying all the costs of the prosecution.

Why, Mr. Chairman, there is not an average of 1 per cent of the costs assessed in these cases collected by the Government of the United States. It is an exceedingly rare case where a dollar is collected. Then, if nobody is to be benefited by such prosecutions, if the cost is being paid by all the people of the United States, if it is no benefit to society, if it is not done for the preservation of law and order, if it is not done for the protection of life and property, then these prosecutions ought to be eliminated from our Federal courts and Federal jurisprudence.

I am in favor of this bill, for these reasons, without going into an examination of it section by section, because that has already been done. It is the general purpose of the bill that I am in favor of. There are some things in it I do not like, and it does not go as far as I would like to have it go; but a succeeding Congress can complete the reform. It is the first step in the right direction, and I am glad to have an opportunity to vote for that first step. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the conference report on the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors;

A bill (S. 680) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (S. 1296) to commission passed assistant surgeons in United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon;

A bill (S. 758) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Wilbur with the United States and to pay to said Wilbur such sum of money as he may be justly and equitably entitled to;

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany;

A bill (S. 744) providing for a naval training station on the island of Yerba Buena, or Goat Island, in the harbor of San Francisco, Cal., and for other purposes;

A bill (S. 1478) providing for the construction and equipment of a steam revenue cutter for service on the Atlantic Coast of the United States, with headquarters at the port of New York;

A bill (S. 541) for the relief of Orin R. McDaniel;

A bill (S. 213) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the mouth of the Minnesota River, in the State of Minnesota, and South Port, in the State of Louisiana, and across the Illinois and Des Plaines rivers between the mouth of the Illinois and the city of Joliet, in the State of Illinois, and to prescribe the character, location, and dimensions of the same;

A bill (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.," approved March 2, 1891;

A bill (S. 295) making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.;

A bill (S. 174) to construct a road to the national cemetery at Dover, Tenn.;

A bill (S. 340) to amend the military record of John H. Skinner;

A bill (S. 1701) to promote the efficiency of the Revenue-Cutter Service;

A bill (S. 753) for the relief of Margaret Kennedy;

A bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register;

A bill (S. 642) for the relief of Commodore Oscar C. Badger;

A bill (S. 716) to correct the naval history of John C. Dull;

A bill (S. 982) to grant medals to survivors and heirs of the Port Hudson (La.) forlorn-hope storming column;

A bill (S. 656) appropriating $125,000 for the construction of a light-house tender for the Gulf coast of Florida;

A bill (S. 1347) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters;

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 1962) for the erection of a public building at the city of Jamestown, N. Y.;

A bill (S. 6) for the relief of P. S. Corbett;

A bill (S. 5) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress;

A bill (S. 1469) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

A bill (S. 516) for the relief of M. D. Crow;

Joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry;

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 560) granting an honorable discharge to William Pierce;

A bill (S. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883;

A bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army;

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia;

A bill (S. 1513) to regulate the use of the public parks and improved reservations in the District of Columbia under the charge of the Chief of Engineers of the United States Army;

A bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;

A bill (S. 509) for the relief of John W. Lewis, of Oregon;

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

A bill (H. R. 3982) granting to Lincoln Post, Grand Army of the Republic, of Valley Hope, R. I., one condemned cannon;

A bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes;

Joint resolution (H. Res. 65) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon, United States Army, to accept medals from the British Government; and

Joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor under the direction of the Secretary of War.

CUBAN AFFAIRS.

Mr. HITT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved by the House of Representatives, That the Senate be requested to return to the House the concurrent resolution of the House relating to affairs in Cuba, to enable the House to correct an error in the engrossed resolutions as transmitted to the Senate.

Unanimous consent being granted, the resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. UNDERWOOD. Mr. Chairman, I am in favor of the bill that the committee has reported. I am always in favor of taking a part of a good thing if I can not get it all. But I feel that this bill has not gone far enough to fully remedy the evil that it strikes at. I do not think it goes to the real seat of the disease. This fee system should be abolished. It should be abolished in toto, not simply a partial abolition; and, as far as my personal experience goes, one of the greatest evils arising out of the fee system is not remedied by the provisions of this bill. I think that there are more prosecutions brought in the courts of the United States, brought unjustly and wrongfully to innocent people, arising out of a false interpretation of the law and a dishonest and a corrupt motive of the commissioners of the courts of this country, than there is simply out of the dishonesty or corruption of the deputy marshals.

There is no question, Mr. Chairman, that there have been great frauds and conspiracies to commit great frauds in the administration of the criminal laws of this country. In the district I represent is situated the district court for the northern district of the State of Alabama; and within the last two years the grand jury of that court has indicted, the petit jury convicted, and the judge sentenced to the penitentiary two United States deputy marshals and two commissioners of the United States. The report of the Attorney-General for the year 1895 says:

The discovery in northern Alabama of a widespread conspiracy among the commissioners and deputy marshals to defraud the Government by means of fraudulent fees, and the recent conviction of such of the conspirators as failed to escape, only calls renewed attention in a striking way to the evils of the fee system. These evils have been so often mentioned to Congress by different Presidents and Attorneys-General that anything I might say would be mere repetition.

Now, Mr. Chairman, I know of my own personal knowledge of many abuses that have grown out of this system. I have known of many cases where deputy marshals and commissioners have gone into partnership to drag men—who might have violated the law to a slight extent, who might have been guilty of a mere technical violation of the law—before a committing magistrate, a United States commissioner, who sent them down to the jail at Birmingham and kept them locked there for six or eight months at a time for probably selling a pint of whisky or a plug of tobacco.

Now, Mr. Chairman, if you had a committing magistrate in the person of a United States commissioner who had no interest in these matters and who sat there to deal out evenhanded justice between the Government of the United States and the criminals or persons who are charged with crime who are brought into his courts, when such cases as that came before the courts they would go no further. The Government would be put to no further expense. But as long as the commissioner is paid his compensation,

receives his living out of the number of persons that are tried before him, out of the number of persons that he commits and binds over to the district courts, so long as that exists you will have many men sent up to the district courts for trial who will be discharged when their cases are investigated.

Let me call attention to a few facts in reference to these cases. I find that the report of the Attorney-General for 1895 shows that the following cases during that year were nol-prossed or dismissed, because when they were investigated by a grand jury and came before the district court for trial they were nol-prossed or dismissed by the district attorney:

	Cases.
Under the customs laws	78
Under the internal-revenue laws	2,228
Under the post-office laws	42
Under the election laws	19
Under civil-rights laws	19
Under interstate-commerce laws	130
Under pension laws	167
For embezzlement	34
Miscellaneous	3,340

A total of 61,137 cases that were investigated by grand jury, and when these men who were charged with these offenses came before the district court their cases were nol-prossed or dismissed without trial. The Attorney-General in his report says that 40 per cent of the cases that are investigated by the grand juries even are dismissed or acquitted.

Now, in all these cases the Government of the United States has to bear the expense; has to pay out enormous fees to commissioners, deputy marshals, and others. But that is only a part of the evil. The Attorney-General in his report says that this does not include persons bound over to the district courts by the commissioners and whose cases have been thrown out of court when they came to be investigated by the grand jury. I know of my own personal knowledge that in the court at my own home over 50 per cent committed to the grand jury are discharged or the grand jury never found true bills against them.

Not only is it a question of saving the enormous expense in these cases, but it is a question of doing justice to innocent people who are persecuted by men who are seeking to make a living out of this fee system. The statistics show how this system is working. In 1893 there were 9,410 cases put on the docket. In 1895 there were 12,490 cases put on the docket, an increase of 25 per cent in two years. I therefore think, Mr. Chairman, that if this committee and this House intend to do full justice in this matter, to strike at the very root of the evil, save the Government this enormous expense, and protect many innocent people from frivolous prosecutions, they ought to put these commissioners on a salary, as well as the marshals and the United States district attorneys; and when the proper time comes I shall ask the committee to adopt this amendment:

Strike out all that part of section 16, beginning with the word "entitled," in line 17, on page 12, down to and including the word "employed," in line 24, page 14, and insert the following: "paid such salary as the Attorney-General may from time to time determine, which shall in no case exceed $2,000: *Provided*, That the necessary subsistence actually paid, not exceeding $4 per day, and actual and necessary traveling expenses of the commissioners while absent from their respective official residences and necessarily employed in going to, returning from, and attending before the United States courts, shall be allowed as hereinbefore provided for the allowance of accounts of marshals."

Mr. Chairman, that amendment does not interfere with the appointment of these commissioners by the judges as they are appointed now. The United States district judges will appoint the commissioners, as is provided by the terms of the bill as it stands before this committee. The amendment which I propose simply provides that the salary of the commissioners shall be fixed by the Attorney-General. The terms of this bill provide that the Attorney-General shall fix the salaries of the different assistant United States district attorneys.

The gentlemen who drafted this bill have determined that it is wise and safe to allow the Attorney-General to fix the fees of the assistant district attorneys. Now, the office of assistant district attorney is a far more important one than the office of United States commissioner, and if the Attorney-General can be safely trusted to fix the salaries of the assistant district attorneys, certainly he can be trusted to fix the salaries of the United States commissioners. The terms of the amendment allow sufficient scope to pay proper salaries. In cases where the business justifies it, the Attorney-General can fix a salary of $2,000, and in other cases he can, when necessary, go down to a very small salary. But it is contended that there are so many United States commissioners that it is impracticable to put them on salaries. Let us consider the facts of the case before we accept that conclusion.

I have taken the trouble to look into the official register of the United States to find out how many United States commissioners there are. I find that the total number recorded in that volume is 1,868. It must be remembered, however, that it has been held in some districts, and is held generally, that when a United States commissioner is once appointed he can not be removed—that is, under the old law—unless he is removed for corruption or dishonesty in office, so that if not removed for such a cause he holds the office until he resigns or dies. The consequence is that in the register as it stands now there are the names of a good many United States commissioners who are really not serving as such or doing any work in that capacity.

But I find also that during the year 1895, $144,168 was paid to United States commissioners for work done in 1894, and $232,283 for work done in 1895. Of course they have not received all their pay for 1895, but will receive part of it in 1896. So we may say that the United States Government pays out annually at least $376,451 in fees to the commissioners of the United States courts, and now I wish to call the attention of the committee to the fact that that money is not paid by the parties that are brought before those commissioners, nor by those who are convicted of criminal offenses in the United States courts. Why do I say that? Because I find from the report of the Attorney-General that the amount of fines and forfeitures assessed in the United States for the year 1895 amounted to more than $1,000,000, and yet that there was only $132,000 of those fines actually collected, the balance having been remitted, or discharged, or found uncollectible.

Now, that $132,000, if distributed among the United States commissioners, United States marshals, deputy marshals, commissioners, and clerks, would only pay a very small amount of the fees they receive. Therefore it is evident that these immense charges which are paid to these officers are really paid out of the Treasury of the United States and come out of the pockets of the taxpayers. But I find that even if every one of these 1,868 commissioners were at work and should receive his proportion of the fees each one of them would get only $201. Now, is it impossible for the district attorney, under such circumstances and in view of this state of facts, to fix the compensation of these officers? But to bring it down to a closer case—I could not go into a careful investigation of the statistics——

Mr. BROWN. Will the gentleman permit a question?

Mr. UNDERWOOD. Yes, sir.

Mr. BROWN. Are you not incorrect when you say that they would get only $201 each? Is not the amount $2,000?

Mr. UNDERWOOD. No. As I have said, there are a great many commissioners who are not doing any work at all as such.

Mr. BROWN. But I understood you to say that there was about $376,000 annually paid to them in the way of fees.

Mr. UNDERWOOD. Three hundred and seventy-six thousand four hundred and fifty-one dollars.

Mr. BROWN. How many commissioners are there?

Mr. UNDERWOOD. There are 1,868 commissioners, according to the register, and that number of commissioners divided into the amount give a result of $201 each; at least, I think that calculation is correct. But, Mr. Chairman, in some States there is a vast number of commissioners in proportion to the necessities of the case. For instance, Tennessee has 129 commissioners, while in Alabama, which has as much criminal business, there are only 30. This shows that a much smaller number of these commissioners can easily transact this business.

Now, sir, in Alabama, where there are only 30 commissioners, I find that the amounts paid to them for the year 1895 were $31,808, or over a thousand dollars for each commissioner.

Mr. BROWN. Now see what was paid in Tennessee.

Mr. UNDERWOOD. Well, in Tennessee, where they have 129 commissioners, it would only make—I have not calculated the precise amount—about $50 or $60 apiece.

Mr. BROWN. In Tennessee the commissioners were not paid so much in the aggregate in 1895 as in Alabama.

Mr. UNDERWOOD. I have no doubt that is the fact; but it simply shows that in some of these States a great many more commissioners have been appointed than were necessary. In Alabama 30 commissioners have transacted the business. My recollection is that they have transacted more business—have committed more persons to appear before the United States circuit court—than the 129 commissioners in Tennessee.

Mr. BROWN. Let me state that this bill is intended to put a restriction on the appointment of these commissioners. The district judge is authorized to appoint the commissioners, subject to the approval of the Attorney-General.

Mr. UNDERWOOD. I heartily concur with the committee in that view. The fact is that the appointment of great numbers of commissioners is a growing evil; for when a commissioner is appointed for whom there is not sufficient business he thinks he is entitled to make a living out of his position, and he expects to work up enough business to make that living. But when you appoint a smaller number of commissioners—only so many as can make a fair and honest compensation out of the business—they attend to the business better.

Mr. BROWN. I do not want to interrupt the gentleman, but he will allow me to say that in regard to the proposition to put commissioners on salaries the Judiciary Committee had before it Judge Stewart, of the Indian Territory, whom I understand to be an eminent lawyer and a judge who has had much experience in

that Territory. In 1895, if I remember aright, when this House passed a bill putting the field deputies and the United States commissioners on salaries, Judge Stewart came before the committee and asked to have the measure amended, so far as it applied to the Indian Territory, and the field deputies and commissioners there paid by fees as they had been previously.

Mr. BAILEY. Will the gentleman permit me a statement? The request was not for a change of the system as applied to those commissioners except so far as the commissioners in the Indian Territory performed the same services as justices of the peace in the several States. The request was that for services not performed by other commissioners of the United States those commissioners should have the same fees as justices of the peace in the States. But I am able to say that the salary system as applied generally to the commissioners was entirely satisfactory to the people of that Territory.

Mr. BROWN. I think you are mistaken about that.

Mr. BAILEY. I know I am not mistaken.

Mr. SWANSON. In the Indian Territory, do not the deputy marshals perform the same duties that sheriffs or deputy sheriffs perform in the States?

Mr. BAILEY. Precisely so. The truth is that the judiciary constitute practically the only representative of the Government in that Territory.

Mr. SWANSON. And consequently the workings of the system in the Indian Territory would not be a fair ground of comparison with a community where most of the local business is transacted by the State courts. Is not that a fair distinction?

Mr. BAILEY. I would respond affirmatively to that question, though I am satisfied that I would not apply the gentleman's view so far as he does. My opinion is that you can not apply the salary system to the field deputies anywhere.

Mr. UNDERWOOD. In answer to my friend from Tennessee I wish to call his attention to the report of the Attorney-General on this question. The language of that officer is:

> Great vigilance has been exercised and every effort made to keep down expenses connected with the Federal courts. Excessive and illegal charges can in some cases be avoided by watchfulness and laborious investigation; but arrests and prosecutions on frivolous charges and flimsy proof, to which part of these expenses is due, can not be prevented by this Department. This can be accomplished only by abolishing the system which, by making the fees of commissioners, clerks, and attorneys the source of their compensation, presents a constant inducement to unnecessary arrests and litigation.

The present Attorney-General of the United States is therefore in favor of putting these United States commissioners on a salary. The Attorney-General in 1893 also expressed himself in his report in favor of putting these commissioners on a salary. I have failed yet to see the report of any Attorney-General that has not asked Congress to put these commissioners on a salary.

I do not, by my remarks on this subject, mean to imply that all the commissioners are corrupt. I know many of them. I am satisfied that a large majority of them are honest, painstaking, truthful, and just men. But there are, undoubtedly, as shown by the statistics and by the facts that are before the committee, a number of these commissioners who have an utter disregard for justice and the rights of the defendants brought before them; and public justice demands, as a matter of humanity to the people brought into these courts, the abolition of this system.

Furthermore, Mr. Chairman, I am satisfied that there is nothing we can do—that no system that we can adopt will save more money to the United States in the Department of Justice than the change of the system now in vogue, and putting the commissioners on the salaried list. There is no more reason why they should not be put on the salaried list than why the postmasters should not be paid salaries. As I said a little while ago, there are 30 United States commissioners in the State of Alabama. There are more than 30 postmasters in Alabama who are appointed by the President of the United States and receive a salary. If the Postmaster-General can find good and efficient men to appoint to these positions and can fix the salary for the postmaster in this State, why can not the district judge and the Attorney-General find efficient and good men, and fix the salaries for them, to fill the positions of 30 United States commissioners in the State of Alabama? And, sir, I only refer to Alabama to illustrate the point. The same is true of all of the other States.

Mr. Chairman, that system by which the compensation of a judicial officer is determined by the number of prosecutions commenced before him is one that fixes a premium on corruption and dishonesty in office. I feel that it is a relic of the Dark Ages and a travesty on justice, as well as a disgrace to the American people.

Mr. HARTMAN. Mr. Chairman, I am in hearty accord with the principle announced by the Judiciary Committee in reporting this bill. But there are some gross inequalities in the preparation of the bill, which I believe it is due to the committee to point out, to the end that they may be rectified if the Committee on the Judiciary all entertain the same spirit evinced by the distinguished gentleman from Missouri [Mr. BURTON].

I want to call your attention to some of these inequalities, and will state at the outset that my remarks are based on the information furnished to us by the letter of the Attorney-General. I wish to direct your attention especially to some of the gross earnings and some of the net earnings and the salaries which are proposed to be paid in the pending bill in the various districts of the United States as an illustration of what I regard as inequalities that the bill contains. For example, as it pertains to the United States marshals in the State of Montana, from which I hail: The gross earnings of the United States marshal for the year ending June 30, 1895, in Montana, as shown by this report, is $23,835.81. The net earnings for the same year are $6,493.06, and the committee have given the United States marshal for that district the munificent salary of $3,500. The district of Massachusetts, on the contrary, shows gross earnings of $10,497.24, less than one-half of Montana; net earnings, $6,000, or $493.06 less than Montana, and Massachusetts is provided with a salary of $5,000, which is accorded to her marshal, against $3,500 to the marshal in Montana.

Again, take, if you please, the district of the State of Iowa. The gross earnings, as shown by the report, are $13,460.88 and net earnings $5,195.64, and the salary of the marshal is fixed at $4,000. In other words, here is $10,000 per annum less in gross earnings, with $1,300 per annum less of net earnings, and yet this district is accorded $500 per annum more as a salary for this official than is allowed for the district from which I hail.

Mr. BROWN. Has the gentleman taken into consideration the amount of business done in Montana in the courts as compared with the amount done in Massachusetts?

Mr. HARTMAN. I have taken into consideration a number of items. I have taken into consideration, in the first place, the official report placed in our hands by the Attorney-General. I have taken into consideration some of the things which the Committee on the Judiciary took into consideration and some things which they did not take into consideration; and among the things which they did not seem to give consideration to was that it is a much easier task to act as United States marshal in a district such as the district of Massachusetts, and it is less a hardship and it has less labor attached to it, than to fill that office in the great State of Montana, covering an area of 146,000 square miles of ground.

Mr. BROWN. Let me ask if the attention of the gentleman was called to the fact that in Massachusetts, during the year 1895, there were 116 criminal cases disposed of, while in Montana, for the same time, there were only 34.

Mr. HARTMAN. That is true enough. But let me ask, how far do you suppose the United States marshal of Massachusetts had to travel to serve the processes on witnesses and defendants in the cases to which you refer?

Mr. BROWN. And let me say to the gentleman, further, that the marshal is allowed his mileage, under the bill now before us, in addition to his salary, and for every mile that he has to travel in the State of Montana he will get paid for.

Mr. HARTMAN. I understand that. The point is this: Do you pretend to say that it is an easier task to fill the position of United States marshal in Montana than it is in Massachusetts? I do not care what the number of cases may be, but I ask the gentleman if he recognizes the fact that there is a great deal of difference in the amount of labor that is performed. Do you know what it amounts to in Montana? Do you know what it means? Do you know that it means that these marshals, in order to serve processes, are compelled to travel by stage and horseback and in every other conceivable way to reach their destinations? Do you know that the Northern Pacific Railroad runs 781 miles, east and west, through that State? Do you not know that many and many a mile is traveled more off the railroad than on the railroad?

Now, I want to say this: There is another view of it. It is a good deal cheaper—with all due respect to gentlemen who have taken the other view—it is cheaper to live in the Eastern States, where prices are a good deal lower, than in our Western country. It is a great deal less expensive to maintain your family on the same plane.

Mr. McCALL of Tennessee. Does the United States marshal of Montana go out and do this field work personally, or does he do it through his deputies?

Mr. HARTMAN. He does it himself, and through his deputies—both. He is often in the field himself, as I know personally.

Mr. CONNOLLY. The gentleman may have overlooked the fact that a large part of this $6,500 which he mentions was made up of mileage?

Mr. HARTMAN. Well, I want to know from the gentleman from Illinois whether a man can sit down in his office and cock his feet up on a desk and earn mileage, or whether it does not take actual work to earn mileage, and if it is not worth something to earn mileage? I am giving you the net results, not the gross results.

Mr. CONNOLLY. The net results, so far as the marshal of Montana is concerned, consist in a large part of mileage.

Mr. HARTMAN. Oh, I admit that; and if a man does not do anything in earning mileage, then I understand the force of the gentleman's argument.

Mr. CONNOLLY. Under the law as it stands now the marshal makes a profit on every mile he travels.

Mr. DOOLITTLE. How do you know that?

Mr. CONNOLLY. Because he is allowed 5 cents a mile, and it does not cost him that.

Mr. HARTMAN. Do you know what the railroad fare is in my State?

Mr. CONNOLLY. I do not know what it is.

Mr. HARTMAN. I will tell you what it is. It is 5 cents a mile, except where you ride on a division where the road runs through a tunnel, and then it is 10 cents a mile.

Mr. CONNOLLY. I presume your marshal travels on a pass, like the others.

Mr. DOOLITTLE. I will suggest to the gentleman that when a man is traveling on the hurricane deck of a cayuse he is not traveling on a pass.

Mr. CONNOLLY. Under this bill the marshal is allowed $3,500 for his own salary—his own personal compensation. Now, for every dollar he pays out for travel he is reimbursed. For every penny that he pays out for subsistence he is reimbursed, so that he receives $3,500 net.

Mr. HARTMAN. I did not yield for a speech, but for a question. And I should like to ask the gentleman from Illinois if the same provision in the bill does not apply to every other marshal in every other district?

Mr. CONNOLLY. That is true.

Mr. HARTMAN. Then where have we any advantage in that? Now, there is another proposition to which I want to call your attention, and I am going to submit it in detail and prove these inequalities. In the first place, the earnings of the Montana marshal's office are higher than any of the other of the 18 districts that I will present here. The gross earnings of the Montana marshal's office are higher than any of them except 4, and the salary in Montana is the lowest one with the exception of the States of Idaho and Maryland, the salary in Idaho being $2,500 and in Maryland $3,000.

Mr. UPDEGRAFF. There are many below that.

Mr. HARTMAN. That is not the point. I am speaking of these 18 districts. We have in these districts the largest net returns to the Treasury, and yet you make the salary the third lowest out of these 18 districts. I want to ask the gentleman from Iowa [Mr. UPDEGRAFF] if he considers that equitable or just?

Mr. BROWN. I want to ask the gentleman from what source does he obtain his figures?

Mr. HARTMAN. I do not yield for a question at present.

Mr. UPDEGRAFF. I desire to say this with reference to Montana: It is a State of magnificent distances, and as the gentleman has already said, and under the recent rulings of the Supreme Court, I have no doubt that these great earnings there were made at 20 cents a mile, for which nothing under heaven was paid, and for which the Government of the United States has been bled.

Mr. HARTMAN. Will the gentleman answer the question? Do you consider it an equitable rating of the salaries, while we produced the largest net earnings into the Treasury and you put us the third lowest out of 18 States and districts?

Mr. UPDEGRAFF. These are not net earnings for the Treasury, but net earnings to the marshal.

Mr. HARTMAN. But they will be net earnings to the Treasury under your bill?

Mr. UPDEGRAFF. No.

Mr. DOCKERY. Will the gentleman allow me a suggestion, in addition to what has been said by the gentleman in charge of the bill?

Mr. HARTMAN. Certainly.

Mr. DOCKERY. The increases of the amount of fees are explained by the provisions of the existing law, which provides—

That the marshal, district attorney, and clerks of the circuit and district courts of the districts of California, Washington, Montana, North Dakota, and South Dakota shall, for the services they may perform during the fiscal year herein provided for, receive the fees and compensation allowed by law to like officers performing similar duties in the districts of Oregon and Idaho.

Mr. HARTMAN. I understand that.

Mr. DOCKERY. These, I understand, all get very much larger fees.

Mr. HARTMAN. That is true. As a matter of fact, these fees are provided for by law.

Mr. DOCKERY. Certainly; but how have they increased the gross receipts? Because they get double the fees of the marshals of other States. That is exactly the reason.

Mr. HARTMAN. Come, if you please, to the State of Oregon——

Mr. DOCKERY (continuing). They are excepted by law, and especially favored.

Mr. HARTMAN. Come to the State of Oregon.

Mr. DOCKERY. That is in the same condition.

Mr. HARTMAN. The gross earnings of the United States attorney in the State of Oregon were $5,916.75; the net earnings $5,747.52. In Oregon the salary is $4,000, and in our State the salary is $3,500. We get no increase for the amount above that produced by the State of Oregon. Now, I do not want the State of Oregon changed. I am not opposing anybody's salary; but we want to be put right square along with the other States and Territories in the remuneration given to those officers; and I have a right to insist upon that at the hands of this committee.

Mr. UPDEGRAFF. Will you allow me a single suggestion?

Mr. HARTMAN. Certainly; I am willing to yield to the gentleman.

Mr. UPDEGRAFF. The gentleman makes a mistake when he speaks about this being earnings for the Treasury. They are fees paid by the Treasury and wrested from the people.

Mr. DOCKERY. That is it.

Mr. UPDEGRAFF. That is it.

Mr. HARTMAN. But under the provisions of the gentleman's bill all of these fees go into the Treasury, just as I said. Of course they are the property of the officers under the existing law.

Mr. UPDEGRAFF. But they will if the bill is passed, if they are wrested——

Mr. HARTMAN. I am criticising the bill.

Mr. UPDEGRAFF (continuing). If these amounts are still continued to be wrested from the people they will all, of course, go to the Treasury.

Mr. HARTMAN. I did not yield to the gentleman for a speech, I will say to him.

Mr. UPDEGRAFF. Well, that is all.

Mr. HARTMAN. Take another illustration, Mr. Chairman. Take the State of Kentucky. The net earnings of the State of Kentucky through the United States marshal's office are $6,200; the net earnings through the United States marshal of our State $6,493. In Kentucky the salary is $5,000, in Montana $3,500. The equity of the case is apparent.

Mr. JOHNSON of California. Do you not understand the reason?

Mr. HARTMAN. How is that?

Mr. JOHNSON of California. Do you not understand the reason?

Mr. HARTMAN. No; but I have no doubt you could give it.

Mr. JOHNSON of California. You voted for silver. [Laughter.]

Mr. HARTMAN. I am not prepared to say that that is the reason. I am going to insist upon this. I believe that the Committee on the Judiciary are aiming to do the right thing in this matter, and I have pointed the situation out to them. I do not impugn their fairness; but certainly they must have acted without information at all when they happened to fix upon $3,500 as the salaries of marshals and district attorneys of Montana.

Now, I want to call attention to another thing. For instance, in the southern district of the State of New York the net earnings of the marshal's office for the district are $5,047.46, $1,200 less than the earnings of our State. The salary in the State of New York is $5,000; salary in Montana, $3,500. Now, Mr. Chairman, I am not going to consume the time of this committee any longer, but with the consent of the committee I am going to submit and have printed in the RECORD a table showing these inequalities; and when the time comes, when this bill is open to amendment under the five-minute rule, I shall then move a series of amendments—at least I shall move for my own State, and if other gentlemen see fit to move for theirs I believe this committee can afford to meet us in the spirit evinced by the gentleman from Missouri [Mr. BURTON], or at least try to take out many of the glaring inequalities contained in this bill.

Before I sit down I want to say that everyone knows who is familiar with the price of living, the everyday living of the people, it is more expensive in the intermountain States—all of those intermountain States—than it is, for instance, in the State of Indiana. And before I take my seat I want to call attention to the State of Indiana. In the United States marshal's office for the State of Indiana the gross earnings were $15,048.48, the net earnings $4,500. The salary in Indiana is $4,500—$2,000 less net earnings than in my State, and $1,000 more salary.

I tell you, Mr. Chairman and gentlemen of the committee, there is no equity in that kind of a proceeding; and I am satisfied, as I stated before, that the inequality that has crept in is not by reason of the intention of the committee, but by inadvertence on the part of the committee.

I want to call attention to 14 districts where the net earnings are lower than in Montana and the gross earnings are lower than in Montana and the salary is higher. The salary in Montana is lower than in any of these 14 districts, except Idaho and Maryland. I will not detain the committee further.

Mr. BROWN. In stating the gross earnings for the southern district of New York the gentleman made a mistake.

Mr. HARTMAN. I beg pardon; I see. The return is for six months instead of for a year. I am glad the gentleman has called my attention to it.

I append the following as a part of my remarks:

TABLE A.—*United States attorneys.*

	Earnings.	Salary.	Net emoluments.
Arizona	$6,103.80	$4,000.00	$5,460.23
Montana	7,314.80	3,500.00	5,800.10
California, northern district	4,047.17	4,000.00	1,947.17
Florida, southern district	3,607.90	3,000.00	3,244.90
Idaho	3,856.60	2,500.00	2,390.05
Texas, western district	4,005.10	3,500.00	4,005.10
Pennsylvania, western district	4,529.00	3,500.00	3,301.47
Nevada	4,332.40	2,500.00	4,332.40
Oregon	5,916.75	4,000.00	5,747.52
Minnesota	4,840.00	4,000.00	3,485.12
North Carolina, eastern district	5,395.40	4,000.00	5,395.40
New York, northern district	5,217.56	4,000.00	4,402.19
Ohio, southern district	5,335.65	4,000.00	
Arkansas, eastern district	5,582.80	4,000.00	5,419.30

TABLE B.—*United States marshals.*

Arizona	$25,869.77	$4,000.00	$5,103.56
Montana	23,835.81	3,500.00	6,493.06
Colorado	12,036.60	4,000.00	4,714.12
Idaho	11,120.12	2,500.00	3,690.83
Illinois, northern district	21,580.12	5,000.00	6,000.00
Maryland	4,403.98	3,000.00	3,590.21
Indiana	15,048.84	4,500.00	4,933.93
Kentucky	35,008.20	5,000.00	6,200.20
Iowa, northern district	13,460.88	4,000.00	5,195.64
Kansas	11,446.62	4,000.00	4,033.64
Massachusetts	10,497.24	5,000.00	6,000.00
Missouri, eastern district	16,882.49	4,000.00	5,232.79
Missouri, western district	20,698.24	4,000.00	4,289.77
New York, southern district	*11,787.88	5,000.00	5,217.46
Pennsylvania, eastern district	5,856.12	4,000.00	5,283.34
Tennessee, eastern district	34,839.55	4,000.00	5,997.35
Ohio, northern district	10,117.96	4,000.00	5,095.48
Ohio, southern district	13,412.64	4,000.00	6,281.96

*Six months.

Mr. DOCKERY. Mr. Chairman, I desire only a moment to correct a misapprehension under which the committee may rest by reason of the observations of the gentleman from Montana. The gentleman recites the large amount of fees earned in his State, and because of that fact argues that the marshal and the attorney there should receive larger compensation than is carried in this bill. I have no doubt, sir, that the fees in the district of Montana are very large, and I will submit to the committee an explanation of that fact. Section 837 of the Revised Statutes is in this language:

The district attorneys and marshals for the districts of Oregon and Nevada shall be entitled to receive for like services double the fees hereinbefore provided, but neither of them shall be allowed to retain of said fees any sum exceeding the aggregate compensation of such officers as hereinbefore provided.

That is to say, Mr. Chairman, the marshals, clerks, and attorneys in those districts are allowed to charge double fees. Now, then, a provision has been carried in the legislative appropriation bill time out of mind which also provides that—

That the marshal, district attorney, and clerks of the circuit and district courts of the districts of California, Washington, Montana, North Dakota, and South Dakota shall, for the services they may perform during the fiscal year herein provided for, receive the fees and compensation allowed by law to like officers performing similar duties in the districts of Oregon and Idaho.

In other words, Mr. Chairman, in the States of California, Washington, Montana, North Dakota, South Dakota, Oregon, Nevada, and Idaho double fees are allowed by law to the marshals, attorneys, and clerks, and therefore it is not a matter of surprise that the gentleman should be able to show affluent gross receipts from the offices in his State.

Mr. HARTMAN. That being the case, and I admitted it frankly in my first statement, I want to ask the gentleman whether that throws any light upon this discrepancy. In the northern district of California the gross earnings amounted to $4,407, the net earnings, to $1,900 as against $5,800 in Montana. The salary fixed for that officer in California by this bill is $4,000, while the salary for the corresponding officer in Montana is $3,500, both of the districts operating under the double fee system. What has the gentleman to say about that?

Mr. DOCKERY. Mr. Chairman, in response to the gentleman's inquiry, I will say that he will have to seek information as to the specific item about which he desires to be advised from the committee reporting this bill. I am not a member of the committee, and therefore not familiar with the various items contained in it. I was only attempting to answer the general proposition laid down by the gentleman from Montana, that because of the large receipts of the offices of the marshal, clerk, and attorney in his State, therefore larger salaries should be paid those officers than are provided by this bill. I desire now to emphasize the statement made by the gentleman in charge of this bill, so that the Committee of the Whole may not be misled. All the money expended for marshals, attorneys, and clerks comes from the pockets of the taxpayers, from the people of the United States, and because of certain conditions which have hitherto existed in the States mentioned in the statute read the officers there have been allowed to charge double fees. This fact, however, does not seem to me a justification for asking salaries proportioned to the gross fees of their several offices, inasmuch as those fees have been enormously swollen by reason of special legislative favors.

Mr. HARTMAN. Does not the gentleman believe that money spent in the employment of a responsible, reliable, and competent attorney to represent the United States is money well spent?

Mr. DOCKERY. I do. I believe in giving proper compensation to every officer; but I apprehend that the gentleman will have no trouble whatever in finding some competent citizen in the State of Montana who will be glad to accept either office, marshal or attorney, at $3,500 a year, with actual subsistence and actual mileage additional. If the gentleman should have any trouble in that respect, and the law can be amended, I beg to assure him that in the district I have the honor to represent thousands of competent citizens can be found willing to accept those offices upon the terms of this bill.

Mr. HARTMAN. There are plenty of men willing to take the offices at that salary, but they are not competent.

Mr. GARDNER. Mr. Chairman, I feel that I can hardly make any adequate statement of my views upon this bill in five minutes.

The CHAIRMAN. Does the gentleman desire to secure more time now?

Mr. GARDNER. Yes, sir. I will endeavor not to be tedious, but I would like to have time to make a brief statement.

The CHAIRMAN. The time remaining for general debate is very brief, but the Chair will recognize the gentleman for twelve minutes.

Mr. GARDNER. Mr. Chairman, we have been told on all hands that this is a most excellent measure, that it represents the best judgment of the committee, that they sought information from every available source, and obtained, I take it, all that was obtainable. I mean no discourtesy, sir, when I say that I do not doubt that they have obtained it, and that they have succeeded in bottling it up and keeping it from sight better than any committee I have ever known. [Laughter.] Every gentleman on this floor who has taken an interest in this bill has sought in vain, has plied the committee in vain, for any clear statement of the basis upon which the bill has been made up.

In the opening statement we were told that it had been approved by the Attorney-General; that he had given it great attention; had given the committee a great many hours of his time, and had written letters approving of the bill, until we thought it was the bill of the Attorney-General that we had before us; but the gentleman from Missouri [Mr. BURTON] to-day tells us that the letter of the Attorney-General is not what was followed at all in framing the bill, and that it does not constitute the basis of the bill. Permit me to add, sir, at the expense of repetition, that no gentleman, either on the committee or off it, has suggested any basis upon which this bill is made up. If we take the letter of the Attorney-General it deals with only one year, and, without wishing to be critical, it is to me a most extraordinary circumstance that gentlemen seeking all available information from the office of the Attorney-General should get tables covering only a single year—a year in which the Judiciary Committee allege the returns were padded in some districts—a year in which, as every sensible man knows, there was commercial depression, when vessels were tied to their docks, and business fell to a point far below any previous experience in the other districts.

I look at that letter of the Attorney-General, and I find in it things that make the action of the committee most inexplicable. I find, for instance, that the total income of an office represents the amount of business that is done there and the amount of responsibility resting upon the head of that office. In New Hampshire the total income, according to the Attorney-General's letter, was $1,846; in New Jersey, $6,400—more than three times as much—almost four times as much. But by this bill the salaries of the prosecuting attorneys in those two districts are made equal. There is $500 difference in the salaries of the United States marshals. That is the only year's return that the committee in their kindness have attempted to lay before the House; and yet they appear to have discarded the returns for that year in making up this bill. Now, it is unfair to say that there has been time for the discussion of this bill. It is unfair to say there has been opportunity to gather information; because the bill came in here yesterday and it was only yesterday that anybody knew that it was time to begin to gather information for use to-day.

But taking the Attorney-General's report—not for last year, but for the year before—1894—we find in a statement of the amounts

arising from civil suits to which the United States was a party and criminal prosecutions in the circuit and district courts during the fiscal year ended June 30, 1894, some interesting facts. We find that the total amount of fees, forfeitures, and penalties imposed was, in New Hampshire, $389; in New Jersey, $5,048. In the large districts of Pennsylvania the amounts were much less than in New Jersey, and in the western district of Tennessee the amount was $6,000. So that on the basis of the business thus appearing the district of New Jersey is the largest in the list which I have named save only the western district of Tennessee. Under this bill the marshal of New Jersey receives a salary of $2,500; in the western district of Tennessee the marshal receives $4,000; in the western district of Pennsylvania, $3,500. It would be very interesting, Mr. Chairman, to know how any basis for this bill can be found in either of those two reports of the Attorney-General.

Taking the Attorney-General's Report for 1893 (which I have obtained from the library) and going two years back of the single year that the committee thought it worth while to lay before themselves and the House, we find in that year the total amount of fines, forfeitures, and penalties in New Hampshire was $1,300; in New Jersey, $5,800; in the western district of Tennessee, $10,000, and in the greater districts of Pennsylvania, $2,600; showing that for that year New Jersey, in the amounts derived from imposition and collection of fines and other penalties was above the largest district cited. Yet in this bill she is classed with New Hampshire in fixing the salary, although she outranks the western district of Pennsylvania in the amount of business, as shown by this test of the Attorney-General's report. Taking the columns showing the amounts of fines and forfeitures realized, the amount in New Hampshire is $900, in New Jersey $1,800, in Pennsylvania for that year nothing, and in the western district of Tennessee nothing.

Now, those are all the authorities that I could look up and bring here to-day. They are cited to show that on the average of business, taking any data which you choose to select in the three last reports of the Attorney-General, the business of New Jersey ranks with the largest district cited and is in every instance three or four times as much as in the State of New Hampshire, with which she is classed in fixing the salaries.

Now, these are the facts as to the only four districts with which I have had time to make any comparison to-day. The gentleman from Montana [Mr. HARTMAN] has shown similar facts with respect to fifteen or sixteen districts, concerning which he proposes to print the data. That there are inequalities in the districts is undisputed and indisputable. They arise from the fact that this is a bill made up by fixing the items arbitrarily, each according to somebody's judgment, without proceeding upon any just and uniform basis.

Mr. Chairman, I do not wish to be considered as criticising the committee, yet the salaries as shown in this bill remind me of a certain city assessment where the board of assessors, consisting of four men, went out one morning and in undertaking to assess the property were unable to agree. So as a compromise it was arranged that the man in favor of the lowest valuation should assess one block, the man in favor of the highest valuation another block, the intermediate man another block, and the fourth man another block. [Laughter.] Gentlemen can imagine the equitable character of the assessment.

I know of no other basis on which to explain the inequitable features of this bill than that different minds have drafted different items. I have such full faith in the Judiciary Committee that I do not believe there is a man on that committee who would sit down here to-day and after examining the case of New Jersey, in connection with any other five districts he may select, would say, in the light of the Attorney-General's reports for a series of years, that the bill does not exhibit the grossest inequality of rating against New Jersey.

[Here the hammer fell.]

Mr. LOUDENSLAGER. I ask unanimous consent that the gentleman's time be extended for ten minutes.

Mr. GILLETT of Massachusetts. I do not like to object, but as a member of the committee I should like to say a few words on this subject; and only twenty minutes remain before the usual hour of adjournment.

A MEMBER. Let the time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New Jersey [Mr. GARDNER] be extended for five minutes.

There was no objection.

Mr. GARDNER. Mr. Chairman, in conclusion, I want to say that I am as much in favor of the principle of salaries as any man on this floor. I want to repudiate the idea that the question is between the adoption of this bill, with all its inequalities, and the adoption of the fee system. I am for salaries. I am for salaries in a bill that I believe approaches to a condition of fairness. There is none in that bill. From now until the day we pass away forever, from now until the last sad rites are read over the last member of the Committee on the Judiciary, no one of them will ever be able to declare the basis on which that bill is constructed, or if there was any. [Laughter.]

In the beginning we heard nothing but the Attorney-General, until all thought that the wise men on milk-white camels had gone in search of a new star, and had discovered an unsnuffed and smoking candle in the Department window for that star, and came back with the emotions of men who had new light and a new reform gospel. But the gentleman from Missouri, Judge BURTON, says they repudiated that idea of the gospel letter and took into consideration certain other things, such as the kind of business done. Here are the reports of the Attorney-General, showing the kind of service done, the number of cases and returns, and he puts his figures in here to show as a matter of fact that is the basis——

Mr. BURTON of Missouri. Will the gentleman allow me to ask him a question just there?

Mr. GARDNER. Yes, sir.

Mr. BURTON of Missouri. How many cases were disposed of in the courts of New Jersey last year?

Mr. GARDNER. Mr. Chairman——

Mr. BURTON of Missouri (continuing). How many were pending and how many were disposed of in any way?

Mr. GARDNER. The reports, Mr. Chairman, are here, and I have picked out a few from which I have made extracts. The gentleman's eyes are better than mine and perhaps he can report them to the House. [Laughter.]

But now think—think of the absurdity of the question the gentleman suggests. The gentleman confesses that the Judiciary Committee have proceeded upon that basis. They come into the House and say that business was "drummed up"; that the dockets were padded; that people were dragged into the courts, and now they want to make up a salary bill on the basis of the cases they found in the courts last year. Why, I answered that question at the very beginning of my remarks, when I said that last year it was confessed on all sides that the dockets were loaded in some sections of the country. It is admitted on all sides, and will be admitted here to-day, if the gentleman will examine the figures, that in every admiralty district the figures fell abnormally low.

I have not the figures at hand to prove the assertion, but think I know enough to make the statement without fear of contradiction, and I defy any gentleman to refute it, that the income of the marshal in the district of New Jersey last year was a little less than 50 per cent of what it was some years ago, when the country was prosperous. Now, because last year down in one district the docket was padded, and because somewhere else business had been drummed up, and because in the admiralty districts it had fallen lower than for years before, the gentleman, with the report of that particular year in his hands, rises and asks how many cases are pending in New Jersey. Then, if I would answer his question by the figures without giving the facts environing them, they would not have the slightest significance, for the report of the Attorney-General shows that in the matter of fines and forfeitures and cases compromised by the Secretary of the Treasury, without going into court at all, the amount of money realized was greater than the gross returns from districts salaried in the same class as New Jersey and greater than in districts where the salary of the marshal is fixed at $4,000.

Mr. GILLETT of Massachusetts. Mr. Chairman, although I am a member of the committee, I did not intend to debate this bill at all, because there seems to be a general recognition by the House that its principle is sound. But I take the floor now in response to what my friend from Montana [Mr. HARTMAN] said, as well as the remarks of the gentleman from New Jersey [Mr. GARDNER], as to the basis on which the committee acted in determining the compensation of these different officials in the change from the fee system to a salary. I do not expect to satisfy them that the bill is perfect, but I hope to satisfy them at least that a fair degree of intelligence and impartiality was brought to its consideration.

We all know, and both of these gentlemen will admit, that no bill could be brought in here cutting down, as this does, the salary of an official in almost every judicial district in the United States that would suit all of the members of the House. That must be recognized at once as an impossibility. We are all sensitive to every bill that cuts off any stream of revenue that flows into our district, and particularly so when that revenue happens to go into the pockets of an influential constituent or a personal friend, as is probably true of most of the reductions in this bill. But while I think we might wish to show our devotion to our district by standing up on the floor and speaking against it, I have confidence that the members of this House, when it comes to a question between the good of the whole country and the pockets of their home friends, will, by their votes, sustain the bill, which inaugurates a great reform, even if they think it bears hard upon their districts.

Now, upon what basis ought we to decide what each district attorney should get under this bill? I seems to me we can not decide it solely by what he had earned in the past in the office or by the amount of work he had done in the past in the office. We must simply say what is a fair compensation for that place under the laws of supply and demand. What is it necessary to pay to get the right man and compensate him reasonably? To determine that, we can look first at what he has earned before; we can look also at what he has done before; but the real point of decision is, What is an adequate compensation? And I do not believe that the amounts in this bill are generally too small. I believe they are liberal. I do not believe there is a district attorney to-day who, if this bill goes into effect, will resign his office. I believe the United States under this bill can get in every district good and capable men who will perform the duties of the office as well as in the past. And one point ought to be borne in mind, which my friend from Montana [Mr. HARTMAN] seemed to ignore, and that is that the office of district attorney is not useful to a lawyer simply because of the cash reveuue it brings him. It gives him, besides, a standing in the courts, a precedence at the bar, a prestige in the community, an acquaintance with clients and with jurors, which has a cash value, and which we ought to recognize. I think we should consider the fact that a district attorney gets from his office an advertisement and a business that he other wise would not have, and which is part of the remuneration of his position. I do not think we ought necessarily to pay partly in cash and partly in honor, but if the honor is directly and palpably of cash value, then I think we ought to take that into account.

Mr. TAWNEY. Suppose the district attorney has so much business to attend to for the Government that he has no time to do anything else. What advantage, then, does he derive from the position outside of the compensation?

Mr. GILLETT of Massachusetts. Very little, I will agree, unless, he has a partner, but I think the case suggested by the gentleman is very infrequent in the whole United States. There are cases, perhaps, where that condition does exist, but we all know that generally the district attorney carries on his private practice as well as the Government business, and his private practice is directly helped by his Government business.

Mr. FISCHER. I suppose you will wipe out the question of honor with regard to marshals, and say it is purely a question of fees or salary. Now, I want to call your attention to these districts in New York, and have you answer concerning them, if you will. In the northern district of New York you fix the salary at $5,000. The net proceeds were $8,200. For the eastern district of New York you fix the salary at $3,000, and the net income is $5,800. For the southern district of New York, the income being $600 less, you fix the salary at $5,000. Now, I ask you, on what basis do you make that distinction?

Mr. GILLETT of Massachusetts. The southern district is not in the bill at all, is it?

Mr. FISCHER. It is included here, if I can read correctly.

Mr. GILLETT of Massachusetts. Oh, as far as the marshals go, it is; yes.

Mr. FISCHER. You fix both those districts at $5,000 and the one I live in at $3,000, and yet it exceeds the other that I have mentioned in the net receipts. It includes Brooklyn, which, with its port, is one of the largest commercial points in this country, and rates very high with others in the world. Will you kindly tell me on what basis you fix that amount?

Mr. GILLETT of Massachusetts. That amount was fixed on the basis that the marshal should have the same compensation as the district attorney. Now, I concede, personally, for myself, that I do not think that is a fair basis in all cases. I think the district attorney should generally be paid more than the marshal, but of course this bill does not pretend to be ideal. It is a compromise bill. The committee adopted the old rule of paying the marshal the same as the district attorney, and we fixed the district attorney's salary first and then fixed the marshal's by it. Now, as to the district attorney's salary, there is this that comes in, and which must be taken into consideration: A lawyer in a large city necessarily should receive a larger salary than a lawyer in a country district.

Mr. GARDNER. May I make a suggestion?

Mr. GILLETT of Massachusetts. Certainly.

Mr. GARDNER. The salary of the marshal in New Jersey is fixed at $2,500, which is above that of the district attorney, so that was not fixed on that basis.

Mr. GILLETT of Massachusetts. That is one of the few exceptions in the bill.

Mr. GARDNER. Do you happen to recollect the grounds of that exception?

Mr. GILLETT of Massachusetts. No, I do not. Mr. Chairman, as to the district in California that my friend from Montana spoke of as being allowed too much, compared with his district, it contains the city of San Francisco; and we all know that the lawyers of a large city, lawyers even of the same grade, earn much more than lawyers in a small town. It is not because they are better lawyers, but it is because large amounts are involved and the law of supply and demand enacts that result. For instance, it was said in the committee that there was one State in this Union in which there was not a lawyer earning over $4,000. Very likely there are lawyers there just as profound and as brilliant as in other States, but the standard of lawyers' wages is not as high. If you or I have occasion to employ counsel there, we pay only a quarter or a tenth what the same grade of service would cost in New York City. Why should not the United States, when it comes into the market to buy legal services, have the same advantage? And so the real basis upon which my mind has turned and turns in determining these salaries is: For how little can the United States get the requisite talent and what is fair compensation for it? What the officer earned last year and what work he did last year is only useful as bearing upon that.

Mr. FISCHER. If I understood you correctly, you stated that you did not desire in this bill to fix the salary of the marshal above that of the district attorney. How does it happen that in the northern district of New York you fix it at $5,000, and the district attorney at $4,000?

Mr. GILLETT of Massachusetts. I was not aware of that fact.

Mr. FISCHER. There are many such instances in the bill.

The CHAIRMAN. Six minutes of the time remain, if any gentleman desires to be recognized.

Mr. UPDEGRAFF. I think the gentleman from Illinois wants to be recognized.

Mr. CONNOLLY. Mr. Chairman, I do not know whether during the short time remaining it is worth while for me to take up any time at all or not. I meant to address myself somewhat generally to the bill; but there is no time for doing that now.

Mr. UPDEGRAFF. I ask unanimous consent that the gentleman have fifteen minutes—that he be given ten minutes in addition to the time at which general debate was to close.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Illinois have fifteen minutes, and that the time for general debate be extended until ten minutes after 5. If there objection?

Mr. JOHNSON of California. I do not object. Why not have it to-morrow, and extend the debate a couple of hours? There are a number of gentlemen who desire to speak. The gentleman from Minnesota [Mr. TAWNEY] wants to speak on this matter. Why not give a couple of hours to-morrow. [Cries of "Oh, no!"]

Mr. UPDEGRAFF. There will be plenty of time for debate when we come to consider the bill under the five-minute rule.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time for general debate be extended for two hours. Is there objection?

Mr. UPDEGRAFF. I must object.

The CHAIRMAN. The gentleman from Illinois is recognized for fifteen minutes.

Mr. CONNOLLY. Mr. Chairman, I am in favor of this bill, with whatever look of inequality there may be found in it concerning the salaries as fixed. If any be found, after full consideration, I am for the bill because, first, it is one step in the direction of finally getting rid of the internal-revenue law. I shall hail the day when this country will repeal all the internal-revenue laws and raise our money entirely by the old-fashioned way of a tariff. [Applause.] But while we have that internal-revenue law it must be enforced. It is a curious fact, when we reflect on it, that none of these troubles about frivolous prosecutions were ever complained of in this country until we had an internal-revenue law, and it was many years after the internal-revenue law was enacted before the persons whose duty it was to enforce that law found out methods whereby they might increase their own income. They have thoroughly discovered now all the methods by which they may increase their earnings, and the purpose of this bill is, so far as possible, to circumvent these gentlemen who, all over the United States, are engaged, and have been for some years, in padding and extending their legitimate salaries. Complaint has been made by a gentleman who spoke on the other side of the House this afternoon against this bill because it failed to put commissioners on a salary as well as marshals and district attorneys.

Now, let me say, Mr. Chairman, this bill strikes at the evil when it puts the district attorney on a salary. It digs up this whole system by the roots; for I say here that the men who are the most responsible for this system of padding salaries, for this system of frivolous prosecutions, are the district attorneys of the United States. There are 150 men in the United States whose interest it is to have this bill defeated; but the rest of the 70,000,000 are interested in having this bill passed. The commissioners can do no harm. If the district attorneys have their stings pulled the commissioners will have no sting left. Commissioners can not institute prosecutions. Under the law as it exists now the only reason why we have this system of frivolous prosecutions continued is be-

cause it is to the interest of the district attorneys to have them continue in their districts until each has made his maximum of $6,000.

You will find now in every district practically that when the district attorney's earnings have reached $6,000 in a year he loses his interest for the balance of the year in all kinds of prosecutions. No more of these frivolous prosecutions will be carried on except enough to pay him his $6,000. Incidentally it pays $6,000 to the marshal. Incidentally it pays large fees to the commissioner, but the mischief lies with the district attorney, who is at the foundation of it all. Now, complaint has been made that this bill makes no provision for limiting the number of commissioners. As I remember, Mr. Chairman, in the last Congress, in the Congress before the last, in a great many Democratic Congresses for years, clamor was made that defendants were being carried too far from their homes for examination before commissioners, and it was insisted that they must be taken before commissioners close to their homes. The result was a yielding to that clamor and the appointment of additional commissioners in nearly every district in the United States. For instance, in the three districts of Tennessee there are, I think, about 120 commissioners. Now, the last Congress enacted a law, which is permanent, providing that—

Hereafter no part of any money appropriated to pay any fees to United States commissioners, marshals, or clerks shall be used for any warrant issued, or arrest made, or other fees in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been commenced upon a sworn complaint, setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States attorney, collector, or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief, and approved either before or after such arrest by a circuit or district judge or attorney of the United States in the district in which the offense is committed.

There comes in the district attorney again, even in that law passed by the last Congress, which it was thought would limit these prosecutions, but which does not limit them as long as they depend upon the will of the district attorney, because his will is to permit the prosecutions to continue until he has made his $6,000. Now, I say, sir, that the mischief we complain of, the mischief the whole country has for years been complaining of, lies at the door of the district attorneys, and I say that after a personal experience of over thirteen years as a district attorney, in which, most of the time, I confess I did not make my maximum. I limited my prosecutions in internal-revenue cases to the cases reported to me by the collector or deputy collector of internal revenue, and refused to prosecute cases that came to me through letters from parties interested in swelling prosecutions.

I might readily have made my maximum if I had chosen, but I felt that it was a system of petty larceny, that I did not have to practice it to live, and that I would not do it. Now, sir, I say as to this bill that if the salaries be properly arranged, if we have not done injustice here in that respect, the fact that we do not put the commissioners on salary does no harm. No man on earth can tell what business a commissioner would do with the system of "padding" returns wiped out. There are hundreds of commissioners that have been brought into existence by this system of swelling returns in order to make the maximum for the district attorneys. The very moment we drop that system these commissioners, many of them, will drop out of existence and will fall back to what they were thirty years ago, when we had no internal-revenue law. Their business will be small. It always used to be very small, in many instances not exceeding $5 or $10 a year. Take away the inducement to multiply cases frivolously, for the mere sake of making fees; take away that inducement from the district attorney, and then the marshal and deputy marshal drop their fees, the commissioner drops his, the main spoke in the wheel has been knocked out, and that is what this bill does. All that is left, therefore, will do no harm so far as the commissioners are concerned.

Now, as to the arrangement of the salaries, I have heard different gentlemen state here what the basis was upon which the committee acted, and I have no doubt that each of the members of the committee had his own particular view as to why the salaries should be thus arranged, though all of them, of course, considered to a large extent what the earnings of the different offices had been. These salaries have been criticised. For instance, take the gentleman from Montana [Mr. HARTMAN], who complains very bitterly that the salaries in the Montana district have been reduced too low. Now, the members of the committee, some of them at least, I for one, gave a good deal of attention to the States where the salaries of the district attorneys were being put so low, and I wish to call attention now to the facts in the case of Montana. Last year the district attorney there disposed of cases 4 for the United States. There were 28 cases pending on the 21st day of July, 1895. The district attorney disposed of 4 cases. Now, $50 is the maximum fee that such an officer can possibly receive in a single case. If this officer received the maximum in every case he earned $200.

Mr. HARTMAN. The statement which the gentleman has before him refers, I presume, to those cases disposed of in the district courts. It does not include cases heard before United States commissioners preparatory to their being taken to the court.

Mr. CONNOLLY. No, sir; of course it does not. As the fee for attending to a case before the commissioner was $5, with mileage at the rate of 10 cents a mile going and returning, the attorney, when he traveled 100 miles to attend to a case before a commissioner, would receive $25 in all. But there could not have been very many such cases, as there were only 28 pending on the 1st of July, 1895. If he had disposed of the whole 28 and received the maximum fee of $50 in each case, he could not have earned more than $1,400. So that when the gentleman points out the amount that the district attorney earns and the amount that the marshal earns and calls it "net," I ask him to tell me how that district attorney earned $6,000 net out of 4 cases, if he did not get it from his mileage at 10 cents a mile going and returning.

Mr. HARTMAN. I frankly stated in my remarks to the Committee of the Whole that a large portion of the earnings of these officers comes from the mileage. But if travel is essential to the performance of the officer's duties and if the law provides that mileage shall be paid, and if it occupies two or three days for him to travel between the capital and the place where the hearing takes place, I want to know whether he is not entitled to such mileage and whether he ought not to receive in that way sufficient compensation to justify him in leaving his regular place of business.

Mr. CONNOLLY. It looks to me this way: That man disposed of four cases in a year and received emoluments amounting to $6,000. The proportion of mileage is too large for the proportion of brain work; legs, it would seem, are more valuable than brains in that district. [Laughter.]

Mr. HARTMAN. Does not the gentleman understand that the attorney has other duties to perform than simply trying cases in the United States courts?

[Here the hammer fell.]

Mr. DALZELL. I ask that the gentleman from Illinois [Mr. CONNOLLY] may be allowed to conclude his remarks.

Mr. DINGLEY. Certainly. He is giving us very valuable information.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time for general debate be extended, so as to allow the gentleman from Illinois to conclude his remarks. The Chair hears no objection.

Mr. CONNOLLY. I say, then, Mr. Chairman, of course without seeking to belittle the State which the gentleman represents, or the district attorney in whose behalf he is interested, that we must look at this thing as it is. This is a serious question of facts. This matter is not like a river and harbor bill, in which every fellow must get a little slice if he has a creek in his district. This is a bill which seeks to uproot an evil, and down at the bottom of that evil is the district attorney's office. Now, when we find in the case to which I have referred a remarkable illustration of the mischief of the present system and the necessity for correcting it—when we find a district attorney who disposes of but four cases in a year and receives $6,000, we know that he is making a large part of that $6,000 by travel at the rate of 10 cents a mile going and returning.

Now, let me say to the gentleman that his district attorney will be just as well off under this bill in its present form (I am speaking from experience) as under the law as it stands to-day. Under the existing law he is forced to live in his gripsack—to travel constantly from one end of the district to the other in order to earn the $6,000. Under this bill as it stands he will receive his $3,500; and he will not need to go outside of his office, except in a case where he knows that as an attorney representing the United States his duties require him to go; and when he does so the United States Government pays every dollar that it costs him to travel and allows him $4 a day for his subsistence; so that he is not out one penny. Now, that man to-day does not earn by legitmate services in court $2,000; and the returns of the Attorney-General show it.

Mr. HARTMAN. But my question is whether a salary of $3,500 for a district attorney in Montana is equitable as compared, for instance, with the salary allowed to the district attorney of the northern district of California, whose net earnings under the present system are only $1,947.17, as against $5,800 earned by the district attorney in Montana.

Mr. CONNOLLY. The northern district of California is another of the cases in which there are double fees.

Mr. HARTMAN. Yes, sir; so in that respect the two districts are on a par.

Mr. CONNOLLY. In the northern district of California there were 105 cases pending on the 1st of July, 1895; there were terminated during the year 6 cases. The total number of cases disposed of during the year was 23. Thus there are 23 cases dis-

posed of in the northern district of California as against 4 in the district of Montana. Under the present system the district attorney for the northern district of California, disposing of 23 cases in the course of a year, would, if he received in each case the maximum of $50, earn $1,150 as against $200 earned by the district attorney in Montana. The gentleman will find that the committee has not acted in this matter with its eyes closed.

Now, a word in reply to my friend from New Jersey [Mr. GARDNER]. I feel some little interest in New Jersey, because that is my native State, and I do not want to see her unjustly treated. During the last year the district attorney of New Jersey disposed of 21 cases. Now, if that district attorney had received the full maximum of $50 for each jury trial terminated in the court you can easily see what he would have earned—just $1,050.

Mr. GARDNER. Let me ask the gentleman this question: What does the clause, as he uses it, "disposed of," in this column to which he has been referring, mean?

Mr. CONNOLLY. It means civil and criminal cases disposed of finally in the court.

Mr. GARDNER. Disposed of how?

Mr. CONNOLLY. Why, in whatever way the case may be disposed of. The cases are tried; some of them disposed of in one way and some in another. In some cases there is a trial and conviction, and in some cases there is acquittal, but I give him credit for all the cases that have been disposed of in the court.

Mr. GARDNER. Does that include compromises made by the Secretary of the Treasury?

Mr. CONNOLLY. Certainly, if it was a case pending in the court. It includes all cases of such kind.

Mr. GARDNER. But not cases of investigation by the Department not before the court?

Mr. CONNOLLY. Not in those cases where it was limited to ivnestigations by the Internal Revenue Department. I speak now of the business in the court exclusively.

Mr. GARDNER. But that represents but a very small part of the business done within a populous maritime district.

Mr. CONNOLLY. But all he can get his fees for are the cases that are disposed of in the court. That is all that he can get under the law now. He can get his pay for those and for no others. If there are cases pending in the Internal Revenue Bureau requiring information from the district attorney, but do not go into court, he may be called upon to furnish information, but he is not entitled to fees in those cases.

Mr. GARDNER. What does the column in the Attorney-General's letter that fixes the salary at $2,254.40 mean?

Mr. CONNOLLY. It means over and above all he earned as a lawyer in the court. It means what he earned as a traveling man on the railroad——

Mr. GARDNER. Now you know that New Jersey is not a broad, expansive State or Territory, and there is not much opportunity for travel there.

Mr. CONNOLLY. No, sir; but an industrious traveler can get in a good deal of mileage during the year in that State. [Laughter]. If he has nothing else to do he can take his gripsack and travel.

Mr. GARDNER. That is all very well to talk about and make humorous remarks upon. Such remarks are funny, but they have little bearing upon the general question.

Now, if the gentleman will permit me, leave the present district attorney out of the question altogether—and I have stated already that last year was an exceptional year in New Jersey—and take the man who preceded the last one, Mr. White, an able lawyer and an honorable gentleman. He will come before the House if it be desired and make an affidavit that the business as prosecuting attorney in the State of New Jersey consumed his time to such an extent that his entire practice left him during the four years he held the office.

Mr. CONNOLLY. I have no doubt that it is true. That is largely the experience of every district attorney unless he has civil business before the court in which he is district attorney. He can not attend to outside matters in other courts. His business will leave him under such circumstances necessarily. He can not attend to local business in the State courts and at the same time attend to the business as district attorney in the United States courts.

Mr. GARDNER. Well, if the district attorney can not perform the duties of the court without sacrificing his own practice, do you mean to salary him according to some system of fees which you see fit to allow him for the business he transacts in the court?

Mr. CONNOLLY. I think the committee have fixed the salaries now, not taking into consideration all of the elements which go to make up the salary in the district; that is, the cost of living, the value of professional services, and matters of that kind, but on the basis chiefly of the business done. That is the principal criterion on which to base such salary. A man does not have to be a district attorney if the salary is too small for him, but there are large numbers of men, young, active, intelligent, growing practitioners of skill and ambition, who would like to have these positions. It is a stepping-stone to them. It gives them a better standing, introduces them to the profession, acquaints them with the transaction of business and the business in the court, and gets practice for them in those courts that they had not practiced in before. In my judgment it is a step for a young lawyer which is much better, even, than making him a judge.

Mr. GARDNER. Let me ask the gentleman this question with all seriousness: Take an old district in the East, an admiralty district, and do you solemnly make the proposition here that a young lawyer is calculated to go there and take care of the interests of the Government in the variety of questions that arise, and intelligently deal with the important business that ordinarily a young practitioner never aspires to touch?

Mr. CONNOLLY. My dear sir, what has the United States to do with your admiralty business that you speak of? That is private business, a contention between private suitors, with which the United States has nothing to do. Besides that, admiralty business is simply an overgrown justice-of-the-peace business, anyhow. It does not take much of a lawyer to run an ordinary admiralty business.

Mr. GARDNER. Well, take your revenue business.

Mr. CONNOLLY. The internal-revenue cases, after you get the run of them, are as easily disposed of as cases before a justice of the peace.

Mr. GARDNER. How about your customs cases?

Mr. CONNOLLY. New Jersey had very little of that. New Jersey had only two customs cases disposed of last year. [Laughter.]

Mr. GARDNER. Very well; suppose she did. That is all very well to laugh about, but——

Mr. CONNOLLY. I can not help the laughing. I simply mention the fact.

Mr. GARDNER. These gentlemen all think this is very funny. Suppose there were but two cases. Suppose there had been only one. Do you want the Government represented in that one by an inexperienced youth?

Mr. CONNOLLY. Oh, no; and there is no danger of inexperienced youths being appointed district attorneys anywhere in the United States. Now, as a rule, while the very best lawyers may not always be selected, or very often selected, because the best lawyers could not afford to take the position, having won their spurs in the courts and their time being worth more, yet there is many a young man who is practicing in the State courts, and has been for fifteen years, to whom it furnishes an opening to make him district attorney and carry him into the Federal courts, opening up an entirely new field to him. And if he is competent he can very soon win for himself a practice in the United States courts which, added to what he makes as district attorney, will make him a very handsome compensation, and will lay the foundation for a permanent practice for him in the Federal courts.

Mr. GARDNER. If the object of the bill is to educate novices by making them district attorneys, then so far it is all right.

Mr. CONNOLLY. Well, sir, that is not the object of the bill. But the law that provides for the appointment of district attorneys does in effect educate thousands of novices, and I am one of the novices that it did take from practice in the State courts and put me into the Federal courts, where I had a chance to open for myself an entirely different and wider field of practice, so that while I may not have made anything as my earnings as district attorney, yet by being introduced to a new field of business, a much higher and more respectable one, I put myself into an independent position as a practicing lawyer. So it will be with every district attorney who is competent. He will introduce himself to a line of business valuable to him.

Now, sir, while thanking the committee for extending my time as much as you have, I have not the time to go through with these different districts. There are many of them about which I have made minutes to show what these earnings are; and to one who will sit down calmly and take his pencil and figure it out it shows that in large numbers of these districts the $6,000 maximum that has been made by marshals and district attorneys has been made by traveling on the railroad, receiving big mileage from the Government traveling on a railroad pass and paying out nothing. That is very largely so, but whether they travel on railroad passes or not, it makes no difference. When a district attorney is paid 10 cents a mile for going and 10 cents a mile for returning from a commissioner's court he is being paid too much.

We all know that. This mileage was fixed long ago, when there were no railroads, when a man had to travel on horseback and by stage, when he did not know when he would arrive at his destination. It has come down through generations, this 10 cents a mile. Why, I remember very well, in my own district, in my own State, to start from Springfield, where the courts are held, down to

Cairo, the extreme southern point of the State, and try a case before the commissioner, I could do it inside of twenty-four hours, and my fees would be $48.50 at this rate of 10 cents a mile going and 10 cents returning. I would travel ordinarily on a railroad pass, so that it was all fat, every bit of it. [Laughter.]

Now, that is the condition in which almost every district attorney is. When you remember that the district attorney is the fountain head from which this mischief springs, that he is the man who holds in his hands the power to say whether a prosecution shall be commenced or not, you see that we obviate all this mischief when we put him on a salary. And while we are doing that we can also put the marshal upon a salary just as well.

No mischief can come from these fees paid to field deputies, because no field deputy can have a writ in his hands unless the district attorney authorizes that writ. When the motive is taken away from the district attorney to authorize unnecessary writs, the field deputies will have no unnecessary writs to serve, and my prediction is that this bill, if passed as it is, will save a million dollars to the United States the very first year it is passed. How? Not in salaries of commissioners, not in salaries of marshals, not in salaries of district attorneys or deputy marshals, but in the saving of witness fees and jurors' fees all over the United States.

Why, look, if I have before me the witness fees. Here are the witness fees, for instance. Three-fourths at least of these will be abolished by the passage of this bill. Take, for instance, the northern district of Alabama. There was paid last year to witnesses alone $67,500; in the middle district, $44,000; in the southern district, $26,000; $138,000 paid to the witnesses alone for the three districts of Alabama. In the northern district of Florida, $20,500; in the northern district of Georgia, $38,200; in the southern district of Georgia, $22,500; in the southern district of Iowa, $42,599; in the district of Kentucky, $54,200; in the district of Minnesota, $24,500; in the northern district of New York, $40,800; in the western district of North Carolina, up among the mountains, $40,000 for witness fees. In the district of South Carolina, $50,500; in the western district of Virginia, $55,000; in the district of West Virginia, $53,700.

Now, sir, pass this bill as it stands and you cut off a large part of these expenditures for witnesses. There are witness fees before commissioners; then these witnesses are recognized to the next term of the district court. They go there and hang around the grand jury; then they get their mileage; then they wait until the case is called for trial; so that in each one of these cases, which may finally result in a fine of a dollar, the great mountain of the United States laboring brings forth a mouse.

Mr. STEELE. Will it interrupt the gentleman if I inquire what these cases in Iowa were out of which the witness fees grew to be $42,000? That is a prohibition State.

Mr. CONNOLLY. It does not follow that they were cases at all because they have such large witness fees.

Mr. LACEY. They were "boot leggers" and tobacco cases.

Mr. CONNOLLY. In the northern district of Iowa there were 17 cases pending, and in the southern district there were 221 cases pending—is that Brother LACEY's district?

Mr. LACEY. I did not catch the gentleman's remarks.

Mr. CONNOLLY. There were 221 cases pending on the 1st day of July. Now, they disposed of a total of 19 cases during the fiscal year ending June 30, 1895, and after disposing of those cases they had $42,599 in witness fees. Now, gentlemen, there is where this mischief is. It is in the multiplied expenses of witnesses.

Mr. GARDNER. If the gentleman will permit me, for those 19 cases the witness fees are disproportionate. Now, how will a reduction in the salary of the officer cut off this?

Mr. CONNOLLY. Right here. The district attorney was compelled to have these cases instituted in order to make his $6,000 minimum.

Mr. GARDNER. Is that in the line of the remark made about a minute ago with reference to this great Government, where the fine was probably not more than a dollar, and that the mountain had labored and brought forth a small thing, and——

Mr. CONNOLLY. Yes.

Mr. GARDNER. Of another member who spoke, giving the number of frivolous prosecutions? Is it the idea of the committee, is that the basis of the bill, that there should not be a prosecution and conviction for crime unless the crime should be something for which the court would inflict the extreme penalty?

Mr. CONNOLLY. No, sir; that is not my idea at all. I think that every right-minded district attorney will, whenever a case which contains a substantial violation of the law is presented to him, see it to be his duty as a lawyer and as a public official to prosecute that case.

Mr. GARDNER. The point is this, that out of these 19 cases that cost so much that there were some proportion of them that ought not to have been instituted.

Mr. CONNOLLY. Oh, well, I can not say that, because gentlemen must not understand that because the record shows a certain number of acquittals and a certain number of nol-prosses that therefore these cases should not have been commenced. That does not follow at all.

Mr. LACEY. A great number of the cases were cases in which the fines and penalties were suspended.

Mr. CONNOLLY. Oh, yes, some; but the record shows a number of convictions.

Mr. GARDNER. I do not want to consume the gentleman's time. I want to get the idea clear. I understand that the record shows that cases are trumped up and that there are prosecutions instituted wrongfully for the purpose of making fees, and as a result there is an enormous fee bill; but then when we come to see the number of cases that are responsible for this enormous fee bill, there are but 19 of them which have been tried.

Mr. LACEY. These are the cases that went into the higher courts. These pernicious cases, of which complaint is made, are those which are tried before the United States commissioners.

Mr. CONNOLLY. In Iowa and Montana, and many States where the distances are magnificent, the witnesses get a great deal for mileage. There is 5 cents going to the commissioner's court and 5 cents returning from the commissioner's court, and many of these witnesses get not only the $1.50 for actual attendance, but 10 cents a mile for travel, which will sometimes give them from $20 to $50.

Mr. STEELE. And sometimes there are two or three men paid as guards.

Mr. CONNOLLY. Oh, that is necessary. That is on a different basis. They are the deputies of the United States marshal who guard the prisoners. The old system used to be that they would have a guard for every prisoner. They would have a deputy marshal in charge, and then a guard for the prisoner, although the fellow might only have been accused of using a postage stamp twice. [Laughter.] But the accounting officers of the Treasury several years ago "caught on" to that and refused to allow for guards except where the marshal's report showed an actual necessity for guards. That, however, does not affect this question. There can not be any guards required, and in many cases there will not be any prisoner if the district attorney is not obliged to make a prisoner in order to make a fee.

Mr. UNDERWOOD. Is it not true that most of these witness fees arise from the fact that the witnesses who are summoned before commissioners are again summoned before the grand jury upon commitments made by the commissioners?

Mr. CONNOLLY. There can be no question about that. I observed that the gentleman [Mr. UNDERWOOD] spoke to-day about the necessity of putting the commissioners on a salary, and I will say now for his benefit that if this bill becomes a law the commissioners will have their teeth pulled. They can not do anything until the district attorney authorizes it, and if you take away from him the temptation to authorize unnecessary prosecutions in order to make his fees the commissioner's occupation will be like Othello's—gone. [Laughter.]

Mr. UNDERWOOD. Under the bill that we are now considering, is it not a fact that the commissioner still receives a fee for summoning witnesses?

Mr. CONNOLLY. Yes, sir.

Mr. UNDERWOOD. And the bill does not limit the number of witnesses that he shall summon?

Mr. CONNOLLY. No. But I will tell you who does limit it. The district attorney limits it. He is the man at the bottom of all this business. The commissioner to-day can not issue a warrant in any case unless it is approved by the district attorney; but now the district attorney will approve it because it is necessary in his business that he shall approve it and make the fees that will result to him. It will be worth probably $25 to the district attorney to have that writ issue, and so it is issued.

Mr. UNDERWOOD. Before the writ can issue now it must receive the approval of the district attorney, but after it issues the commissioner can summon as many witnesses as he sees fit, without any supervision.

Mr. CONNOLLY. No, that is a mistake, because the district attorney instructs the commissioner as to the witnesses he wants summoned. Like any other prosecuting officer, if he understands his business, he notifies the court or the commissioner of the men he wants. He says, "I want A B, C D, and E F subpœnaed as witnesses." He does not leave it to the court to say who shall be subpœnaed, but says: "Subpœna these men, A B and C D; I need them." That is how the commissioner is placed now. It all comes back, therefore, to the door of the district attorney.

Now, I want to give the district attorney a fair and honorable compensation. If the amount is made too small in any of these cases it ought to be increased; and I think it is too low in some instances. I disagreed with my colleagues on the committee in quite a number of instances, as did my friend Judge BURTON, holding that they were reducing to the point of parsimony. That,

I say, is not right. Anybody can be a United States marshal, but anybody can not be a United States district attorney. It requires years of study and of experience, it requires special qualifications, and I am not here to say that a district attorney, or a lawyer in any position, should be forced to accept the same compensation that would suffice for a man who has not been required to qualify himself for his profession by years of study and special training.

Mr. PERKINS. Is it not true that the witnesses are in very many cases instruments who were employed originally in working up the case?

Mr. CONNOLLY. That is true in very many instances.

Mr. PERKINS. And that those men never would appear as witnesses if they had not first been employed in working up the case?

Mr. CONNOLLY. My dear sir, anybody who has had experience with the criminal law knows that a large part of the criminal business in this country, both in State and Federal courts, grows out of the malicious feelings that A entertains against B. A knows of something that B has done, and, to gratify his own feelings of malice, he goes and reports it to the prosecuting officer.

Mr. PERKINS. Not only that, but it is the practice to employ these men in many districts to work up cases, they to receive their compensation in witness fees.

Mr. CONNOLLY. That is true, sir, but my theory about this is, and I know I am right, that the moment you take away from the district attorney the inducement to listen to that kind of a man that moment the man's occupation is gone. The district attorney says to him, "I can not listen to you. My salary is so much; it will not add one penny to it for me to commence a little prosecution such as you desire, and I will not do it."

Mr. PERKINS. I entirely agree with the gentleman, and when you bring in the marshal also, then the incentive is almost entirely gone.

Mr. CONNOLLY. The gentleman from Missouri [Mr. BURTON] asks me to read this newspaper paragraph, which he says will be an answer to the gentleman:

In the Ozark Mountains of Missouri there is still a good deal of timber land remaining unsold by the Government, and there are some trees growing on it that are fit for nothing but firewood. A statute exists making the cutting of such trees a misdemeanor. Times are hard and money scarce in that country, so one man stands as a sort of sacrificial victim, cuts down a tree, is informed upon, and several neighbors are summoned as witnesses, there always being some question as to the man's guilt. He is bound over by a United States commissioner, and his neighbors all appear there, before the grand jury, and on the trial as witnesses, their fees and mileage being equally divided among themselves and the family of the victim. If convicted he serves out his term, his neighbors all assisting in doing the necessary work about his farm at home. The Government has expended hundreds of dollars to convict the man for cutting down a 50-cent tree, the accused has received his share of the amount, and everyone is satisfied.

[Laughter.]

And in addition, the district attorney has received his $50.

Now let me state another illustration showing how I know that the responsibility in this matter lies at the door of the district attorneys. On one occasion I was in a United States district court—I will not say where it was. I saw five men brought to the bar. The district attorney called the case of John Smith and asked to have a jury impaneled. Twelve men were brought in. The district attorney said he would accept them, and John Smith—he was not represented by any attorney—said he also would take them. The district attorney gets up and says to the jury: "Gentlemen, this man is indicted for retailing liquor without paying the special tax; he says he is guilty; stand up, John Smith; what do you say to the jury"? The prisoner replies, "I am guilty." "Well," says the judge to the jury, "you can render a verdict where you are, gentlemen." Thereupon the jury returns a verdict of guilty, and judgment is entered. Then the district attorney says: "I call up next the case of William Jones; let the jury be sworn to try his case." The same formality is gone through with, and in that way the whole five cases are disposed of.

Now, if the district attorney had allowed those five men to come into court and do what they wanted to—plead guilty—he would have received a fee of $10 in each case; but by the peculiar system which he adopted, regardless of his duty to the United States, he received in each case a $20 conviction fee as for trial by jury, and an additional $30 conviction fee allowed by the court, making $50 in each case, or $250 in the aggregate paid by the United States, when he should have received but $50. Why did the district attorney adopt that course? It was necessary in order that he might bring up his salary to the maximum allowed by law. If the maximum had already been attained for that year he would not have done it.

Now, I know that all district attorneys do not act that way. I confess that I was a good deal surprised at that method of procedure. I learned a new trick when I saw that thing done. [Laughter.] I had been a district attorney myself a good many years.

A MEMBER. Did you do that way? [Laughter.]

Mr. CONNOLLY. No, sir; I never did. If I had done so, I should have felt that I was stealing money from the United States. I think that when a man has enjoyed the confidence of the United States Government to such an extent that it has made him its attorney in a certain district, he ought to remember his obligations as a lawyer so strongly as to refuse to do anything of that kind.

Mr. WALKER of Massachusetts. Yet they do it.

Mr. CONNOLLY. Yes, they do it. Now, then, some of us pray, "Lead us not into temptation." I beg of you, gentlemen, to stand by this bill and not lead the district attorneys who may be appointed in the future into the same temptations that their predecessors have been lead into.

Mr. MCCALL of Tennessee. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

Mr. UPDEGRAFF. I ask unanimous consent that those gentlemen who have made remarks on this bill, or who may do so, have the privilege of extending their remarks in the RECORD.

Mr. WILLIAMS. Is this a request for the privilege of extending remarks or for a general leave to print?

The SPEAKER. Both, as the Chair understands.

Mr. WILLIAMS. Well, I object to the request for general leave to print. I do not object to granting leave that any gentleman who has actually spoken may extend his remarks.

Mr. UPDEGRAFF. It is only to those who have spoken that my request applies.

The SPEAKER. Is there objection? The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the House concurrent resolutions relating to affairs in Cuba.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (H. Res. 65) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon, United States Army, to accept medals from the British Government; when the Speaker signed the same.

RECORD OF A VOTE.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent of the House to be recorded in the negative on the question of the Cuban resolution which was before the House on yesterday.

The SPEAKER. The Chair has some doubt as to whether that can be done if the gentleman was not present at the time the roll was called.

Mr. DALZELL. The rules expressly provide that the Speaker can not entertain a request to record a vote. I make no objection, of course, but only call attention to the rule.

The SPEAKER. The Chair can not entertain the request of the gentleman under the rule.

RETURN OF A FLAG.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent that Senate joint resolution No. 24 be taken from the Speaker's table and be now considered.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to return to the State of New Hampshire the regimental flag of the Eleventh Regiment of New Hampshire Volunteer Infantry.

There being no objection, the joint resolution was considered and ordered to a third reading; and being read the third time, was passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the last vote was laid on the table.

USE OF UNITED STATES BUILDING, JEFFERSON CITY, MO.

Mr. BURTON of Missouri. Mr. Speaker, I am instructed by the Committee on the Judiciary to report back to the House Senate joint resolution No. 85, granting to the county of Cole, in Missouri, permission to use certain rooms in the United States

building at Jefferson City, Mo. The committee recommends that the resolution pass.

The SPEAKER. The resolution will be referred to the Calendar of the Committee of the Whole House.

Mr. DALZELL. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. STAHLE, indefinitely.

To Mr. CROWLEY, for one week.

To Mr. JOY, for one day.

To Mr. VAN HORN, for ten days.

And then the motion of Mr. DALZELL was agreed to; and accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a bill to be entitled "An act to amend the ninth section of the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations," etc., approved March 3, 1885—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with the papers in the cases, a list of claims under act of July 4, 1864, allowed, etc., by the proper accounting officers since January 23, 1895, etc.—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney-General submitting for an appropriation the account of the Bancroft Company, of San Francisco—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5366) for the establishment of a light-house and fog-signal station at or near Point Gorda, reported the same without amendment, accompanied by a report (No. 587); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor and the west shore of Shelter Island, reported the same with an amendment, accompanied by a report (No. 588); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6192) to provide for additional fog bells at Iona Island and Fort Washington, upon the Hudson River, reported the same with amendment, accompanied by a report (No. 589); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4797) to provide compensation to the reporter of the court of appeals of the District of Columbia, reported the same with amendment, accompanied by a report (No. 590); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 270) to detach certain counties from the judicial districts of California, and for other purposes, reported the same with amendment, accompanied by a report (No. 605); which said bill and report were referred to the House Calendar.

Mr. PHILLIPS, from the Committee on Labor, to which was referred the joint resolution of the Senate (S. R. 47) relating to the Federal census, reported the same without amendment, accompanied by a report (No. 606); which said bill and report were referred to the House Calendar.

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the joint resolution of the Senate (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo., reported the same without amendment, accompanied by a report (No. 614); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. AVERY, from the Committee on War Claims: The bill (H. R. 559) for the relief of the heirs of Alexander Poland, of Loudoun County, Va. (Report No. 580.)

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 1899) for the relief of the legal representative of William Ward, of Carteret County, N. C. (Report No. 581.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 2256) for the relief of Robert Spaugh. (Report No. 583.)

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 5741) for the relief of Margaret Kennedy. (Report No. 584.)

By Mr. NEILL, from the Committee on War Claims: The bill (H. R. 3900) for the relief of the owners of the brig *Abby Ellen*. (Report No. 585.)

By Mr. LESTER, from the Committee on War Claims: The House resolution (H. Res. No. 188) to refer the bill (H. R. 1002) for the relief of the estate of Needham Bullard, deceased, and all the accompanying papers to the Court of Claims, reported in lieu of H. R. 1002. (Report No. 586.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 719) for the relief of Payne, James & Co. (Report No. 591.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 4001) to reinstate William Waldrup on the pension roll. (Report No. 592.)

The bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky. (Report No. 593.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5311) granting a pension to Sarah Ann Wible. (Report No. 594.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner, in lieu of the bill H. R. 3409. (Report No. 595.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 4888) for the relief of George Hager. (Report No. 596.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army. (Report No. 597.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5710) granting a pension to Eleanor L. Curtiss. (Report No. 598.)

The bill (H. R. 6483) granting increase of pension to Thomas D. Walker. (Report No. 599.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1924) granting a pension to Carrie L. Yeaton. (Report No. 600.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 1820) granting a pension to Neil McNeil. (Report No. 601.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3496) for relief of Oliver Dodge, and to place him on the pension roll. (Report No. 602.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4363) to increase the pension of Joseph J. Hudson. (Report No. 603.)

The bill (H. R. 1894) granting a pension to Sophia D. Clendenin. (Report No. 604.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1215) granting a pension to Ellen Kingsley. (Report No. 607.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 404) granting a pension to Samuel Goldwater. (Report No. 608.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 466) granting an increase of pension to William Brown. (Report No. 609.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 1044) granting a pension to Mary Newman. (Report No. 610.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 739) granting an increase of pension to C. E. Phil-

brook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers. (Report No. 611.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 246) granting a pension to Nancy Carson Blunt. (Report No. 612.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 6111) granting a pension to Elizabeth A. Sargent. (Report No. 613.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. AVERY, from the Committee on War Claims, submitted an adverse report (No. 582) on the bill (H. R. 5717) for the relief of the Atlantic Works, of Boston, Mass.; and the same was laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Utah: A bill (H. R. 6780) to amend section 2335 of the Revised Statutes—to the Committee on Mines and Mining.

By Mr. TRACEY: A bill (H. R. 6781) to extend the national boulevard at Springfield, Mo.—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 6782) to amend the internal-revenue laws, and for other purposes—to the Committee on Ways and Means.

By Mr. HERMANN: A bill (H. R. 6783) providing a general per diem pension for all honorably discharged soldiers, etc.—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 6784) to appropriate the sum of $30,000 to complete the construction of a public building in Paterson, N. J., in addition to the amount heretofore appropriated—to the Committee on Appropriations.

By Mr. COBB of Alabama: A bill (H. R. 6785) providing for the sale of real estate for the nonpayment of taxes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ATWOOD: A bill (H. R. 6786) authorizing and directing the Secretary of the Navy to donate four condemned cannon to Paul Revere Post, No. 88, Grand Army of the Republic, Quincy, Mass.—to the Committee on Naval Affairs.

By Mr. KEM: A bill (H. R. 6787) to provide for the transfer of the Fort Sidney Military Post Reserve to the State of Nebraska for educational purposes—to the Committee on the Public Lands.

By Mr. KIEFER (by request): A bill (H. R. 6788) to appropriate $51,686 out of the moneys of the District of Columbia in the Treasury not otherwise appropriated, to be paid to the Prospect Hill Cemetery for lands condemned, etc.—to the Committee on the District of Columbia.

By Mr. SHAFROTH: A bill (H. R. 6790) to amend section 3 of the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6791) for the erection of a monument to the memory of the women who during the rebellion attended and nursed the sick and dying soldiers of the United States—to the Committee on the Library.

By Mr. ALDRICH: A bill (H. R. 6832) authorizing the Hammond and Blue Island Railroad Company to construct and maintain a bridge across the Calumet River in Cook County, I[illegible] to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. TAWNEY: Resolution of inquiry (House Res. No. 189) as to the cause and effect upon American manufacturing industries of the importation of the products of cheap Oriental labor—to the Committee on Ways and Means.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (S. 1631) granting a pension to Emeline Filgate—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 2846) granting a pension to William Cromie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 3480) for the relief of Emily A. Mann—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 6705) granting a pension to John Eckland—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6113) granting Gould P. Austin permission to erect a building upon the Government reservation at Fortress Monroe, Va.—Committee on Public Buildings and Grounds discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 6679) granting a pension to Sylvester F. Hildebrand—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6671) for the relief of Charles A. Mazro—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6106) for the relief of James Coleman and Theodore H. N. McPherson—Committee on the Judiciary discharged, and referred to the Committee on Claims.

The bill (H. R. 6170) for the relief of James Coleman and Theodore H. N. McPherson—Committee on the Judiciary discharged, and referred to the Committee on Claims.

The bill (H. R. 6607) for the relief of Helen Larned—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BABCOCK: A bill (H. R. 6792) granting a pension to Hannah R. Quint—to the Committee on Invalid Pensions.

By Mr. BARRETT: A bill (H. R. 6793) to authorize a reliquidation of certain entries of merchandise—to the Committee on Ways and Means.

By Mr. BEACH: A bill (H. R. 6794) for the relief of William H. Bannister—to the Commitee on Naval Affairs.

Also, a bill (H. R. 6795) granting an increase of pension to George C. Abbey—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 6796) removing the charge of desertion from the record of Byard Hickman, late of Company C, One hundred and fifty-first Illinois Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 6797) to remove the charge of desertion against Levi Maxted, Lawrence, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 6798) granting a pension to Robert A. Campbell, of Mound City, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6799) to rerate and increase the pension of Nicholas W. Barnett, late sergeant Company I, Twenty-fifth Regiment Indiana Infantry Volunteers (certificate No. 46811)—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6800) granting a pension to Emmet Gillooly, of Humboldt, Kans.—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 6801) granting an increased pension to William R. Bancroft—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 6802) for the relief of Peter M. V. Underwood—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 6804) for the relief of Jesse Cook—to the Committee on War Claims.

By Mr. COFFIN: A bill (H. R. 6805) for the relief of the legal representatives of Rinaldo Johnson and Ann E. Johnson, deceased—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 6806) granting a pension to Charles W. W. Haney, of Pinegrove, Wetzel County, W. Va.—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 6807) granting a pension to Jane H. Sandborn, dependent daughter of Gilman J. Sandborn, late a private in Company K, Third Regiment Minnesota Volunteers—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 6808) granting a pension to Sarah A. Boyd—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 6809) donating a section of land

in Oklahoma Territory to Douglas City, in said Territory—to the Committee on the Public Lands.

By Mr. HANLY: A bill (H. R. 6810) granting a pension to Mary E. Conwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6811) granting a pension to John W. Byrket—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 6812) for the relief of the estate of David B. Sanders, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6813) for the relief of W. L. Hobby—to the Committee on War Claims.

By Mr. HENRY of Indiana: A bill (H. R. 6814) to authorize the Secretary of War to amend the records of the late war so as to show that John C. Burdette was mustered in as a member of Company E, Thirty-ninth Regiment Indiana Volunteers, on January 14, 1862, and served until October 1, 1862, and to grant said Burdette an honorable discharge of said date of October 1, 1862, on account of general disability—to the Committee on Military Affairs.

By Mr. HILL (by request): A bill (H. R. 6815) granting a pension to Richard Myers—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 6816) for the relief of Catherine Holland—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 6817) to correct the military record of Lewis Stanley, late of Seventeenth Ohio Battery—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 6818) to increase the pension of Joseph Adler from $12 per month to $25 per month—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6819) to increase the pension of James E. Eaton—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 6820) to correct the military record of Denis Byrnes—to the Committee on Military Affairs.

By Mr. MOZLEY: A bill (H. R. 6821) for the relief of William E. McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6822) for the relief of William O. Crisswell—to the Committee on Invalid Pensions.

By Mr. NORTHWAY: A bill (H. R. 6823) to pension Miss Maggie Morris—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 6824) for the relief of Julia Nolan—to the Committee on Claims.

Also, a bill (H. R. 6825) for the relief of John Barron, etc.—to the Committee on Naval Affairs.

By Mr. SPERRY: A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war—to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 6827) granting a pension to Mary E. Wallick—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 6828) to carry out the findings of the Court of Claims in the case of the estate of Green Luttrell, deceased—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 6829) granting a pension to William Callaway—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 6830) to pension William F. Davisson—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6831) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of Coal Center Council, No. 371; Homestead Council, No. 355; Shire Oaks Council, No. 379, and Brownsville Council, No. 346, Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of John Trimble and 50 others, and of J. W. Nesbit and others, all of Allegheny County, Pa., praying for an amendment to the pension laws—to the Committee on Invalid Pensions.

Also, appeal of Charles H. Golden, for the passage of House bill No. 306—to the Committee on Invalid Pensions.

Also, resolutions adopted by the executive committee of the National Association of Manufacturers, praying for consular inspection and report on the condition of trade and commerce in foreign countries—to the Committee on Foreign Affairs.

Also, resolutions of the council of the Historical Society of Pennsylvania favoring the publication of the records and papers of the Continental Congress—to the Committee on Printing.

By Mr. ADAMS: Resolutions of the Pennsylvania Historical Society, in favor of publishing the records of the Continental Congress—to the Committee on Printing.

By Mr. APSLEY: Petition of Mayflower Lodge, No. 58, Order United American Mechanics, of Ashland, Mass., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of J. A. Bellows and about 200 other citizens of Mount Sterling, Wis., protesting against the passage of proposed joint resolution amending the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of joint executive committee on the improvement of the harbor of Philadelphia and the Delaware and Schuylkill rivers, for the improvement of the Schuylkill River—to the Committee on Rivers and Harbors.

Also, petition of Lodge No. 71, Order of Sons of St. George; also petition of Hand-in-Hand Council, No. 14, United Order American Mechanics, of Philadelphia, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BREWSTER: Petition of William R. Bancroft, late of Company C, Fourth Regiment New York Heavy Artillery Volunteers, for pension of $50 per month, by special act—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of Charles Holt & Sons, of Kankakee, Ill., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Wisconsin: Petition of 60 residents of Packwaukee, Wis., and along the Fox River, in said State, asking that the time for flowing water from the Wisconsin River down the Fox be restricted to certain times not inimical to the agricultural interests—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa: Letter of Iowa State dairy commissioner, indorsing House bill No. 5213, relating to filled cheese—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Amos Smith Council, Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DANFORD: Petition of W. R. Allison, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT of South Carolina: Petition of Charleston (S. C.) Cotton Exchange, in behalf of the amendment of the Harter Act—to the Committee on Interstate and Foreign Commerce.

By Mr. ERDMAN (by request): Resolutions of the Pennsylvania State Grange, in favor of equitable protection—to the Committee on Ways and Means.

By Mr. GARDNER: Petitions of Tabernacle Council, No. 49; John A. Logan Council, No. 102; Fremont Council, No. 208; Stockton Council, No. 66; Progressive Council, No. 79; Century Council, No. 100; and Mercer Council, No. 50, Junior Order United American Mechanics, of New Jersey; also petitions of citizens of Titusville, N. J., and citizens of Mercer County, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HANLY: Evidence and papers in the matter of granting a pension to Mary E. Conwell, to accompany House bill—to the Committee on Invalid Pensions.

Also, evidence to accompany House bill for the relief of John W. Byrket—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of 82 members of Washington Camp, No. 101, Patriotic Order Sons of America, of Pennsylvania, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HART: Petition of citizens of Tobyhanna Mills, Pa.; also, of citizens of Carbon County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Petition of David N. Thompson, of Horton, Bremer County, Iowa, praying for an increase of pension from $12 to total disability; also, petition of residents of Bremer County, Iowa, praying for an increase of pension for David N. Thompson, of Horton, Iowa; also, affidavit of Dr. L. C. Kern, of Plainfield, Bremer County, Iowa, in regard to the disability of Rev. David N. Thompson, to accompany House bill No. 6765—to the Committee on Invalid Pensions.

Also, resolution of the Illinois Military Order Loyal Legion; also, paper from Gen. John McNulta, of Chicago, Ill., favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, paper from President William F. King, of Cornell College, Mount Vernon, Iowa, favoring a permanent board of arbitration to settle questions of dispute between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of 376 members of New Britain (Conn.) Council, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL (by request): Petition of Echo Council, No. 19, Daughters of Liberty, of Bridgeport, Conn., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of citizens of Somerset County, N. J., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. KIEFER: Petition of Ellsworth Post, Grand Army of the Republic, of Rush City, Minn., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petitions of James McGregor, Samuel Marshall, Peter Bowers, J. C. Dillon, E. S. Talcott, and others, of Oklahoma Territory, in favor of the passage of the free-home bill—to the Committee on the Public Lands.

By Mr. LAYTON: Resolutions of the National Association of Manufacturers of the United States, asking Congress to authorize and direct the Interstate Commerce Commission to classify freight so that it shall be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Association of Manufacturers, urging upon Congress larger appropriations for and the more liberal treatment of the consular service—to the Committee on Foreign Affairs.

By Mr. LEFEVER: Petition of the Woman's Christian Temperance Union of Fishkill, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Fishkill, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. LEISENRING: Petition of the officers of Pride of Wyoming Valley Lodge, No. 116; also petitions of Washington Camp, No. 37, and Washington Camp, No. 287, Patriotic Order Sons of America; also petition of citizens of Luzerne County, Pa., asking for the passage of a bill to inspect immigrants by the United States consuls—to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE: Memorial of seamen of the port of San Francisco, Cal., against the repeal or modification of seamen's act of February 18, 1895—to the Committee on Merchant Marine and Fisheries.

By Mr. MAHON: Protests of citizens of Richfield, Pa., against the appropriation of public moneys for sectarian undertakings, together with petitions urging the passage of joint resolution No. 11, amending the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of B. E. Morrison, praying for favorable action on House bill 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Camp, No. 606, Patriotic Order Sons of America, of Leishley, Pa., praying for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of W. H. Wagensellen, of Middleburg, Pa., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Resolutions of the Commercial Club of Boston, Mass., asking an appropriation for the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. MEIKLEJOHN: Petition of citizens of Waterbury, Nebr.; also petition of citizens of Belden, Nebr.; also petition of citizens of Allen, Nebr., for construction of a railroad from Sioux City, Iowa, running southwest and connecting with the main line of the Union Pacific at North Platte or Julesburg—to the Committee on Pacific Railroads.

Also, petition of citizens of South Sioux City, Nebr., praying for an appropriation for the protection of the Nebraska shore of the Missouri River opposite the city of Sioux City, Iowa—to the Committee on Rivers and Harbors.

Also, memorial of the faculty and students of Doane College, Crete, Nebr., asking for the establishment of a tribunal for arbitration of international controversies—to the Committee on Foreign Affairs.

By Mr. MILES: Petition of Vienna Lodge, No. 12, Order United American Mechanics, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MOODY: Petition of Housatonic Lodge, No. 7, Order United American Mechanics, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of citizens of the States of Illinois, Kansas, Maine, Missouri, Nebraska, New York, Ohio, and Pennsylvania, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of Governor Claude Matthews, of Indianapolis, Ind., and 19 other citizens of Indiana, asking favorable action upon House bill No. 2779, for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. PITNEY: Petition of William M. Trumbower and others, in behalf of the Woman's Christian Temperance Union of Dover, N. J., in favor of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. REED: Petition of the Columbian Publishing Company, Portland, Me., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSK: Petition of Grand Army of the Republic, Department of Maryland, praying for the recognition of the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Petition of Annie W. Coit, widow of James B. Coit, late colonel of Fourteenth Regiment Connecticut Volunteers, for a pension, to accompany House bill No. 6770—to the Committee on Invalid Pensions.

Also, petition of Ledyard Council, No. 31, Order United American Mechanics, of New London, Conn., favorable to the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SCRANTON: Petition of the Historical Society of Pennsylvania, for the publication in permanent form of the records of the Continental Congress—to the Committee on Printing.

Also, petition of Washington Camp, No. 342, Patriotic Order Sons of America, of Dunmore, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SIMPKINS (by request): Petition of Alton P. Goss, of Harwich, Mass., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution of the Mattabessett Lodge, No. 12, Order of United American Mechanics, of Middletown, Conn., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of ex-Union soldiers and sailors of the Army and Navy of the late rebellion, praying for the passage of a service-pension bill granting $8 per month to all soldiers and sailors and $12 to their widows—to the Committee on Invalid Pensions.

Also, petition of D. B. Allemon, of Littlestown, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Historical Society of Pennsylvania, praying Congress to appropriate a sum of money to allow the Secretary of State to publish the records of the Continental Congress—to the Committee on Printing.

Also, petition of White Star Lodge, No. 126, Order of United American Mechanics, of York, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TOWNE: Petition of Hay Cravens, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Papers to accompany House bill No. 6781, to extend the national boulevard at Springfield, Mo.—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion from the record of John J. Johnson—to the Committee on Military Affairs.

By Mr. TYLER (by request): Petitions of Ross I. Leary and M. Glenna, for favorable action on House bill No. 4566, to amend the postal laws on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petitions of George M. Shull, P. C. Van Golder, and R. A. Wood, for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of East Wilson, N. Y., against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of East Wilson, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. WOOMER: Petition of William H. Bates and 110 members of Washington Camp, No. 192, Patriotic Order Sons of America, of Palmyra, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of W. H. H. Sieg, of Steelton, Pa., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *March 4, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 2d instant calling for a statement of the gross earnings, operating expenses, and net earnings of the Union Pacific, the Central Branch of the Union Pacific, the Kansas Pacific, and the Sioux City and Pacific railroad companies from their organization to the end of the year A. D. 1894, by the year, and the totals thereof, stating that the records of that Department do not contain the information desired, and suggesting that it may be in the possession of the Department of the Interior, Office of Commissioner of Railroads; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Gettysburg National Park Commission, dated February 19, 1896, together with a proposed amendment to section 4 of the act to establish a national park at Gettysburg, Pa., and stating that the proposed amendment meets with the concurrence of the War Department; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTRIC WIRES IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of February 5, 1896, information as to the number of permits which have been issued for the construction or erection of additional overhead wires in the District of Columbia, to whom such permits were given, and under what authority of law the same purport to have been issued, together with a list of such permits; also whether thereunder any additional overhead wires have been erected in the District of Columbia; and if so, by whom the same have been erected, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to the requirement of section 2 of the act of March 3, 1893, the report of the excise board of the District of Columbia for the year ended March 2, 1896, setting forth the operations of that board under the act regulating the sale of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 2815) for the relief of William Lock and James H. Tinsley was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Socorro, N. Mex., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of the faculty and students of Mount Union College, Alliance, Ohio, praying for the establishment of an international court of arbitration; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Salineville, of 98 citizens of Glasgow, of 80 citizens of Reynoldsburg, and of sundry citizens of Bradford, all in the State of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of the officers of the Pay Department of the United States Army, praying that the compensation of paymasters' clerks, United States Army, be increased; which was referred to the Committee on Military Affairs.

Mr. SEWELL presented petitions of Industry Council, No. 35, Junior Order United American Mechanics, of Jersey City; of Hudson Council, No. 175, Junior Order United American Mechanics, of Jersey City; of Jackson Council, No. 64, Junior Order United American Mechanics, of Cassville; of Cranbury Council, No. 60, Junior Order United American Mechanics, of Cranbury; of Anchor Council, No. 40, Junior Order United American Mechanics, of Woodbridge; of Middletown Council, No. 153, Junior Order United American Mechanics, of Middletown; of Hunterdon Council, No. 94, Junior Order United American Mechanics, of Junction; of Greble Council, No. 112, Junior Order United American Mechanics, of Pitman; of Branchburg Council, No. 121, Junior Order United American Mechanics, of North Branch; of Union Council, No. 31, Junior Order United American Mechanics, of Rahway; of Warren Council, No. 16, Junior Order United American Mechanics, of Washington; of Verona Council, No. 225, Junior Order United American Mechanics, of Verona; of Salter Council, No. 202, Junior Order United American Mechanics, of Barnegat; of United Council, No. 141, Junior Order United American Mechanics, of Fair Haven; of Cumberland Council, No. 109, Junior Order United American Mechanics, of Cedarville; of Sunlight Council, No. 193, Junior Order United American Mechanics, of Hardingville; of Titusville Council, No. 128, Junior Order United American Mechanics, of Titusville; of Pocahontas Council, No. 48, Junior Order United American Mechanics, of Glassboro; of Perseverance Council, No. 30, Junior Order United American Mechanics, of Vineland; of Overlook Council, No. 211, Junior Order United American Mechanics, of Summit; of Century Council, No. 100, Junior Order United American Mechanics, of Trenton; of Tabernacle Council, No. 49, Junior Order United American Mechanics, of Tabernacle; of Æolian Council, No. 42, Junior Order United American Mechanics, of Elmer; of T. C. Butterworth Council, No. 183, Junior Order United American Mechanics, of Hurfville; of Hopewell Council, No. 73, Junior Order United American Mechanics, of Hopewell; of Newport Council, No. 199, Junior Order United American Mechanics, of Newport; of Garfield Council, No. 56, Junior Order United American Mechanics, of town of Union; of Pleasant Mills Council, No. 12, Junior Order United American Mechanics, of Pleasant Mills; of William K. Wharton and 46 other citizens of Titusville, and of John H. Force and 52 other citizens of Titusville, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented the petition of Henry R. Hall and 126 other citizens of Columbus, N. J.; a petition of the pastor and members of the Methodist Episcopal Church of Harmony, N. J., and a petition of the First Presbyterian Church of Trenton, N. J., praying for the adoption of the proposed religious amendment to the Constitution of the United States recognizing Almighty God; which were referred to the Committee on the Judiciary.

Mr. PRITCHARD presented the petition of Rev. R. Wainwright and 47 other citizens of Bowmans Bluff; the petition of J. S. Settle and sundry other citizens of Wadeboro, and the petition of Mrs. J. P. Sims, president, and sundry other members of the Young People's Society of Christian Endeavor, of Beaufort, all in the State of North Carolina, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. LODGE presented the petition of Rev. Arthur B. Patten and 25 other citizens of Everett, Mass., and the petition of Rev. Charles E. Earle and 41 other citizens of Boston, Mass., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. CANNON presented a petition of the faculty of the University of Utah, Salt Lake City, Utah, praying for the adoption of a metric system of weights and measures by the United States; which was referred to the Committee on Finance.

Mr. THURSTON presented the petition of W. H. Benjamin, of Banksville, Nebr., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty in order to equalize the burdens and benefits of the protective system; which was referred to the Committee on Finance.

He also presented the petition of Rev. E. Bittner and 85 other citizens of Strang, Nebr., and a petition of sundry citizens of Stockham, Nebr., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALLEN presented the petition of John W. Genung, of Petersburg, Nebr., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Minden, Nebr., praying for the enactment of legislation reducing the rate of letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of delegates of the Sioux Indian Reservation at Pine Ridge, S. Dak., praying that they be allowed to select a chief herder for their reservation; that the system of licensing traders be abolished, and that no traders be allowed on the reservation except the Indians or those legally incorporated in their tribe; which were referred to the Committee on Indian Affairs.

Mr. BATE presented a petition of sundry citizens of Rheatown,

Tenn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of Atlanta Post, No. 92, Department of California and Nevada, Grand Army of the Republic, praying for the enactment of legislation in the interest of veteran soldiers of the United States; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Oakland, Cal., praying that an appropriation be made for the dredging of the deep-water channel from that city to the Bay of San Francisco; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Los Angeles County, Cal., praying for recognition of the rights of miners and others in the United States forest reservation known as the San Gabriel Canyon; which was referred to the Select Committee on Forest Reservations and the Protection of Game.

Mr. VILAS presented a petition of the Congregational Church of Fond du Lac, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of H. R. Wise and 68 other citizens of Oconto, Wis., remonstrating against the adoption of the proposed amendment to the Constitution of the United States acknowledging Almighty God as the source of all power and civil authority; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented the petition of Samuel Arnold and sundry other citizens of Newcastle, Ind., praying for the passage of House bill No. 306, granting pensions to soldiers and sailors who were confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of C. A. Highfield and 70 other citizens of Dekalb County, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SQUIRE presented a petition of the board of regents of the University of Washington, at Seattle, and a petition of the Chamber of Commerce of Tacoma, Wash., praying for the passage of Senate bill No. 1214, to appropriate funds for the investigation and tests of American timber; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Mossy Rock, Wash., remonstrating against the appropriation of public moneys for sectarian purposes; which was referred to the Committee on Appropriations.

He also presented a petition of L. C. Ladd Post, No. 17, Department of Washington and Alaska, Grand Army of the Republic, of Puyallup, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Port Angeles, Wash., praying that certain lots in the town site of Port Angeles be granted for public purposes; which was referred to the Committee on Public Lands.

Mr. KYLE presented the memorial of B. O. Flowers, of Boston, Mass., remonstrating against the enactment of legislation providing military training in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Mount Vernon, S. Dak., praying for the establishment of a board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

WAR IN CUBA.

Mr. SHERMAN. From the Committee on Foreign Relations I report back the resolution of the Senate, as amended by the House of Representatives, relative to the recognition of belligerency in Cuba. There is some little difference between the two Houses, and I move that the Senate insist upon its proposition and ask for a committee of conference, which I think will be the speediest way to bring about an agreement.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE were appointed.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom were referred the following memorials, asked to be discharged from their further consideration and that they be referred to the Committee on Commerce; which was agreed to:

Memorial of the National Board of Trade, praying for the establishment of reciprocal trade relations, especially with Canada, Mexico, and the States of Central and South America; and

Memorial of the Cotton Exchange of Memphis, Tenn., praying that the act of Congress entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with carriage of property" be so amended as to afford proper protection to shippers of produce or merchandise from American ports against damage from negligence of shipmasters or other employees of vessels engaged in transportation thereof.

Mr. THURSTON. I am directed by the Select Committee on International Expositions, to whom was referred the bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making appropriation therefor, to report it with amendments and to submit a report thereon. I ask that the bill be placed on the Calendar and the report printed.

Mr. VEST. I wish to make a single remark. It is proper for me to state as a member of the committee reporting the bill that I agreed that the bill should be reported to the Senate with the understanding that I was not committed to its support.

The VICE-PRESIDENT. The bill will be placed on the Calendar. The report will be printed under the rule.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 711) to increase the pension of Uzziel B. Church, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 856) granting a pension to Philip T. Greely, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota, reported it without amendment.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1117) granting a pension to Cornelia De Peyster Black, reported it with amendments, and submitted a report thereon.

PROTECTION OF FUR SEALS.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 262) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FRYE. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, to report it without amendment, and to submit a report thereon. This House bill is the same as the one just now indefinitely postponed.

I desire to ask a unanimous-consent agreement, and I ask the attention of the Senator from Alabama [Mr. MORGAN]. I have just reported the Alaska fur-seal bill. The Senator desires to submit a minority report, I understand.

Mr. MORGAN. I desire to submit a minority report. I do not know how many members of the committee will sign it. Perhaps it is proper to say that the bill was passed by a bare majority of the committee. I will be able to present the views of the minority in a day or two. Of course I do not want action taken upon the bill until after that is done.

Mr. FRYE. That is why I called the attention of the Senator to it. I wish to ask a unanimous-consent agreement. If the bill should become a law, to be of any earthly use it ought to become a law within the next twenty days, and as it is a bill of considerable importance, I ask unanimous consent that it may be made a special order for a week from Monday next, at 2 o'clock.

Mr. WHITE. If the Senator from Maine will permit me, I desire to make an inquiry. Has the report of the majority of the committee been filed?

Mr. FRYE. The majority report has been filed.

Mr. WHITE. Is the majority report printed?

Mr. FRYE. The majority report is practically the report of the Committee on Ways and Means on the part of the House.

Mr. BERRY. I will state to the Senator from Maine that a week from next Monday is the 16th of March, and a special order has already been made for that day.

Mr. FRYE. That makes no difference. This would not supersede that under the rule.

Mr. BERRY. Why not put it down for the 17th? We can get through with the other bill, I think, on the 16th, and then there would be no question about which measure should take precedence.

Mr. FRYE. I should like to put it down for Thursday of next week.

Mr. MORGAN. I am prepared for it on my part whenever the bill is called up.

Mr. FRYE. I will ask that the bill be made the special order for Thursday of next week. Under the rules that does not interfere with any unfinished business.

Mr. MORGAN. If the Senator from Maine will permit me, I wish to give him some information that I think will convince him that hasty action upon the bill is not necessary even if it is proper. I hold in my hand the report on the fur-seal fisheries of 1895, made by the scientist on board of the steamer *Albatross*, who has visited those islands annually, I think, without exception, unless it may be one year, for the last ten years, and who is thoroughly familiar with all of the situation in Alaska and in those islands. His report, which is now in the hands of the printer, has been laid before the Senate. I happen to have the original report in my hand at the moment. He says:

At a meeting of Canadian sealers recently held at Victoria it was decided that but one cruise be made during the year 1896, that to be in Bering Sea. The northwest coast catch for the spring of 1895 proved unprofitable, but one vessel having made expenses, while the catch in Japanese and Russian waters was made barely remunerative by reason of an advance in the price of seal skins. This action on the part of the sealers is clearly the result of diminished catches. It is now evident to all persons interested in the pelagic sealing industry that further profit can not be expected from sealing in the North Pacific.

I merely wanted to refer the Senator to that statement of our own commissioner, who has made a very elaborate and a very accurate and scientific report on the subject, to show him that the Canadian sealers have met and agreed that they will not conduct any sealing operations in the North Pacific during this season, but that they will concentrate all their energies upon Bering Sea when the seals appear there in the months of August and September, and that there is no occasion for hasty action.

Mr. FRYE. Either that or else they have succeeded in cheating this somewhat innocent agent of the United States.

Mr. MORGAN. No; the Senator will find when he examines the report that they could not have cheated this man. He visited over a hundred of the sealing vessels.

Mr. FRYE. I ask unanimous consent that this bill may be assigned as a special order for Thursday next at 2 o'clock, simply stating that under the rules it does not interfere with the unfinished business.

Mr. HALE. And not, of course, to interfere with appropriation bills?

Mr. FRYE. No; never.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Mr. CAFFERY (by request) introduced a bill (S. 2382) for the relief of Jacob A. Wolfson; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2383) to provide a life-saving station at or near Hampton, in the State of New Hampshire; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 2384) for the relief of David O. Burleigh; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 2385) to amend the patent laws of the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. BAKER introduced a bill (S. 2386) granting a pension to Mary Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2387) granting a pension to Margaret J. Verbiskey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2388) for the relief of E. F. Korns, late postmaster at Phillipsburg, Kans.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SQUIRE introduced a bill (S. 2389) granting to the county of Clallam, in the State of Washington, suburban lot No. 26 in the town site of Port Angeles, in said county, to be used for public purposes, and granting to the city of Port Angeles, in said county, block No. 32 in said town site, to be used by said city for public purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KYLE introduced a bill (S. 2390) granting a pension to Itewayaka, or "One-armed Jim"; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2391) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER. I submit an amendment intended to be proposed by me to the legislative, executive, and judicial appropriation bill, the amendment proposing to appropriate for the Naval War Records the full amount estimated for by the Department. I move that the amendment be printed and referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. CHANDLER. I also submit some memoranda prepared on my request upon the subject, which I move be printed as a document.

The motion was agreed to.

Mr. THURSTON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, was referred to the Committee on Indian Affairs.

Mr. PUGH submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

UNCOMPAHGRE INDIAN LANDS.

Mr. CANNON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate for what reason the nonagricultural and unallotted lands of the Uncompahgre Indian Reservation have not been restored to the public domain and proclaimed open to entry and location as prescribed by sections 20 and 21 of the act of Congress approved August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department," etc., and, further, to inform the Senate when, in his judgment, said lands will be so opened to entry and location.

EULOGIES ON THE LATE SENATOR COLQUITT.

Mr. GORDON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the eulogies delivered in Congress upon the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, be printed, as required by law.

SALARY ACCOUNTS OF SENATORS.

Mr. WOLCOTT submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Committee on Privileges and Elections be directed to investigate and report to what extent, if any, the salary accounts of any members of the Senate should be credited with amounts which have accumulated during former vacancies in this body.

BOND REDEMPTION AND BIMETALLISM.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

The Secretary read the resolutions submitted yesterday by Mr. ALLEN, as follows:

Resolved, That under existing laws all bonds and legal-tender notes are redeemable in gold and silver coins of the United States of the present ratio and fineness, and that any discrimination between such coins is in violation of the statutes of the United States and the traditions of the Government.

Resolved, That bimetallism means the unlimited coinage, at a ratio fixed by law, of both gold and silver into money of full debt-paying power and upon terms of exact equality, at the mints of the United States.

Mr. SHERMAN. That is a question of such a broad, wide-reaching character that unless some one wishes to speak to the resolutions I will move to refer them to the Committee on Finance.

Mr. ALLEN. I prefer to have the resolutions go over without objection, so that the Senator from Colorado [Mr. TELLER] may be here when they are discussed.

Mr. SHERMAN. Very well. I wish to enter my motion to refer.

The VICE-PRESIDENT. The motion will be entered, and, without objection, the resolutions will go over.

RESTRICTION OF BOND ISSUES.

Mr. BUTLER. I gave notice that on March 11 I would call up Senate bill 1341, but I see that in the notice printed on the Calendar of Business it is stated that I would then call it up and move to refer the bill to the Committee on Finance. That is a mistake, and I ask that the correction be made.

The VICE-PRESIDENT. The correction indicated by the Senator from North Carolina will be made.

Mr. BUTLER. My notice was that on Wednesday, March 11, after the routine morning business, I would call up Senate bill 1341.

The VICE-PRESIDENT. The Calendar will be made to conform to the notice as now stated by the Senator from North Carolina.

SENATOR FROM DELAWARE.

Mr. HALE. I do not know what the purpose of the Senator from Oregon is about calling up any other matter, but I wanted

to renew the proposition under which we proceeded to consider the Calendar day before yesterday, that we take up the Calendar at the place where it was left that day and proceed under the five-minute rule to consider unobjected cases, so that we may make progress as we did the other day. I make that proposition.

Mr. MITCHELL of Oregon. I will state to the Senator from Maine that on Friday last I gave notice that this morning at the conclusion of the morning business I should ask the Senate to take up the privileged question relative to the claim of Mr. Du Pont to a seat in the Senate from the State of Delaware.

Mr. HALE. Of course that is privileged, if the Senator proposes to go on before 2 o'clock.

Mr. MITCHELL of Oregon. I desire to go on at once this morning.

Mr. HALE. Then, of course, I will not make my proposition. I thought the Senator intended to wait until 2 o'clock. I do not seek to interfere with him.

Mr. MITCHELL of Oregon. If the morning business is concluded, I ask the Senate to proceed to the consideration of the privileged question relating to the claim of Henry A. Du Pont to a seat in the Senate from the State of Delaware.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate the resolution called up by the Senator from Oregon.

The resolution reported by Mr. MITCHELL of Oregon on the 18th ultimo from the Committee on Privileges and Elections was read, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. MITCHELL of Oregon. I yield for a moment to the Senator from New Hampshire [Mr. GALLINGER].

PROOF OF DEATH IN PENSION CASES.

Mr. GALLINGER. The Senator from Oregon has courteously yielded to me to ask consideration for a bill that has passed the House of Representatives, and which is being pressed for consideration here. If it develops any discussion whatever, I do not propose to urge it. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 162) regulating proof of death in certain pension cases.

Mr. MITCHELL of Oregon. I yield on condition that it will not lead to any debate.

Mr. GALLINGER. Certainly; that is understood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in considering claims filed under the pension laws the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received. And any pension granted under this proviso shall cease upon proof that such officer or enlisted man is still living.

Mr. GALLINGER. In line 10 I move to strike out the word "proviso" and insert the word "act." That was a mistake in drafting the bill.

The amendment was agreed to.

Mr. GORMAN. I trust the Senator from New Hampshire will explain the bill to some extent, or state how much it involves.

Mr. GALLINGER. It does not involve anything, except that it relieves the Committee on Pensions from the consideration of certain private bills. I will read briefly from the report made in the House of Representatives:

In the administration of the pension laws there seems to have been a lack of uniformity in the decisions upon the question of what evidence is required to prove the fact of death of the person through whom the title to pension obtains. In some cases the common-law presumption of death after an absence of seven years has been recognized, while in other cases this presumption has been substantially ignored.

In the comparatively recent case of Melinda L. Crider, the Secretary of the Interior laid down the following rule:

"Independent of absence for any period of time, it must be held in pension cases that the facts attending the absence must show beyond a reasonable doubt that the party is dead."

I will say to the Senator from Maryland that I have on my desk now in the Committee on Pensions a case where the soldier has not been heard from for thirty-four years, and yet a pension is not allowable. The bill will simply clear the docket of that class of cases and do no harm to anybody.

Mr. HAWLEY. There is another case reported in which the husband really has been dead thirty years, and yet the wife and friends, having been led to think him absent, can not prove the fact of his death.

Mr. GALLINGER. And there is one other case, I will say to the Senator, where intelligence came to the wife that the husband's life was lost by the blowing up of a boiler, and his trunk with his clothes was sent to her, and yet the Pension Office will not accept it as proof. The bill simply establishes the common-law presumption of death.

Mr. BAKER. I think the bill ought to be amended, and I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following as an additional section:

SEC. 2. That the physical examination and enlistment of the soldier by the Government of the United States shall be prima facie evidence of the soundness of health of said soldier at the time of said enlistment.

Mr. GALLINGER. I trust the Senator from Kansas will not press that matter. We will try to take care of it in some other bill. This is a bill which has passed the House of Representatives, and it can become a law very readily if it is not encumbered by other propositions. I hope the Senator will not press the amendment, and, as I have stated, we will try later on to take care of the subject which this amendment covers.

Mr. PALMER. I simply wish to repeat the request made by the Senator from New Hampshire [Mr. GALLINGER] of the Senator from Kansas [Mr. BAKER] not to press the amendment. The only purpose of the pending bill is to establish the common-law rule in regard to the presumption of death—death inferred from long and continued absence. I can see no reason why this rule should not be adopted in pension cases, as it is a just and proper rule. I trust, however, as the amendment relates to an altogether different subject, that this bill, so simple, so necessary, and so useful, will not be encumbered by an amendment which will probably lead to serious discussion.

Mr. BAKER. Mr. President, several members of the House of Representatives have mentioned to me the fact that this bill ought to be amended, and that, if they had thought of it at the time the bill was pending in the House, they would have proposed this identical amendment. We have more trouble in pension cases in reference to the presumption in regard to death than as to anything else. As the chairman of the Committee on Pensions, however, thinks the committee can report a bill which will take care of this subject, I will withdraw the amendment for the present.

Mr. GALLINGER. We will try to take care of it.

The VICE-PRESIDENT. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN O'KEANE.

Mr. SQUIRE. By permission of the Senator from Oregon [Mr. MITCHELL] who is entitled to the floor, I ask unanimous consent to reconsider the vote by which the Senate on Monday last passed the bill (S. 167) for the relief of John O'Keane, of the State of Washington. There is either a clerical error or a printer's error in the bill as passed; at any rate it is an error, and should be corrected. I have the report of the Committee on Indian Affairs in the case, and the chairman of the committee is fully aware of the mistake, and desires to have it corrected. The bill proposes to pay John O'Keane, of the State of Washington, the sum of $25 as salary due him for services as a farmer in charge of the Tulalip Indian Agency, Washington Territory. By an error, as I understand, the amount is stated in the bill at $25, whereas it should have been $125. I ask unanimous consent that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed may be reconsidered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. SQUIRE. Now, I move to amend the bill by striking out "25" and inserting "125"; so as to make the amount $125.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Washington.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897.

The message also announced that the House had passed the following bill and joint resolutions:

A bill (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.;

A joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry; and

A joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the Vice-President:

A joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service; and

A joint resolution (H. Res. 65) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon, United States Army, to accept medals from the British Government.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. MITCHELL of Oregon. Mr. President, it will doubtless be agreed by every member of the Senate, of whatever political party, that a question involving the right of a person to a seat in the Senate of the United States is one not only of the highest privilege, but of the gravest importance.

It is therefore one which under any circumstances should receive the most careful consideration of the Senate. When, however, such right is seriously disputed by any portion of a State's constituency, and especially when disputed by one of the representatives of such State in this body, holding here the high position both as lawyer and statesman which all accord to the distinguished Senator from Delaware [Mr. GRAY], then it becomes of the utmost importance that its consideration and determination be approached with the greatest possible deliberation and care, and in a judicial rather than a partisan spirit.

No consideration of party supremacy, much less of personal bias or prejudice, should be permitted to intrude as an element in solving such a proposition. It is infinitely better that a State should for a time go in part unrepresented than that a vacancy should be filled by one either not possessing the necessary qualifications or not chosen in the manner prescribed by the Constitution and the laws.

No grant of power, perhaps, within the folds of the Constitution conferred upon either House of Congress separately, or upon the Congress itself, should be guarded with more jealous care, or exercised with a greater degree of nonpartisan spirit, or with more circumspection and deliberation than that which makes each House the judge of the elections, returns, and qualifications of its own members.

It is only by exercising this power in a spirit of judicial fairness, observing with strict accuracy, not only the facts of each particular case, but also the several grants and limitations of the Constitution and the laws of the United States, as well as of those of the State interested, that we may hope to preserve the Senate in its proper organization and integrity, and also at the same time vindicate and uphold the rights of the several States.

It is impressed with these considerations I have endeavored to consider and in my own mind reach a conclusion in this case. The Committee on Privileges and Elections having the subject in charge have unfortunately been unable to agree, and hence we have before us a report from that committee representing the majority, favoring the seating of the claimant, Mr. Du Pont, and the views of the minority in opposition to such seating.

As chairman of that committee, I was authorized to prepare and submit to the Senate its report giving the reasons for the conclusions reached by that committee, and I shall now endeavor in opening this case to convey to the Senate as fully and clearly and yet as briefly as I can, not only the precise facts involved, but also the views and arguments on which the committee bases its conclusion.

And, in the first place, I shall endeavor to state the principal facts necessary to be considered in determining the question as to the right of the claimant to a seat, provided the Senate is not estopped, as claimed by the minority of the committee, from inquiring into the right of a certain person to a seat as a member of the Delaware senate in the joint assembly for the purpose of electing a Senator, and the facts bearing upon this question of estoppel will be carefully recapitulated and considered by me later on when I come to that branch of the case.

THE DELAWARE LEGISLATURE.

The legislature of the State of Delaware consists, when each seat is filled, of thirty members. The senate consists of nine members, the house of representatives of twenty-one members. There are in the State of Delaware but three counties in all, namely: Newcastle, Kent, and Sussex. Under the Delaware constitution each of these counties elects three senators and seven representatives to the general assembly of the State, thus constituting a membership in the senate of nine and in the house of twenty-one. The senators are elected for four years and the representatives for two years. A person to be a senator must have attained to the age of 27 years, while to be a representative to 24 years.

The legislature of the State of Delaware is by the constitution of that State designated as a "general assembly," consisting of a senate and a house of representatives, and all legislative powers of the State are by such constitution vested in such general assembly.

A regular biennial session of this general assembly, each of the thirty members of which had been previously duly elected, each having the necessary qualifications, convened at Dover, the capital of the State, on the first Tuesday in January, 1895. The duty of electing a United States Senator to succeed Senator Higgins, then a Senator from the State of Delaware, and whose term was to expire March 4, 1895, devolved upon this general assembly. This general assembly was duly organized on the day it met, that is, the second Tuesday of January, 1895, by the election of William T. Watson, a senator from the county of Kent, as speaker of the senate, and the election of Henry T. McMullen, a member from the county of Newcastle, as speaker of the house of representatives.

THE JOINT ASSEMBLY OF THE MEMBERS OF THE DELAWARE LEGISLATURE.

On the second Tuesday after the organization, in accordance with the act of Congress of July 25, 1866, providing the manner of electing United States Senators, the members of the two houses met in joint assembly at 12 o'clock meridian for the purpose of electing a Senator of the United States. Two ballots were taken on that day without anyone having been chosen. On each succeeding day, except Sunday, the members of the two houses met in joint assembly and voted for United States Senator up to and including May 9, 1895, that being the last day of the session of that joint assembly. On the last day of the session, May 9, 1895, 28 separate ballots were taken in the joint assembly. On the last ballot taken there were 30 votes cast, there being in such joint assembly thirty persons, each claiming to be a member of either the senate or house of the Delaware general assembly, and each claiming the right to a seat in such joint assembly, and the right to be included and counted, and to vote therein for a United States Senator. On the last ballot four persons were voted for for United States Senator; that is to say, Henry A. Du Pont, Ed. Ridgley, J. Edward Addicks, and Ebe W. Tunnell, each of the persons present claiming to be members voting as follows, and each of the candidates receiving the following votes——

Mr. PALMER. Will the Senator from Oregon allow me to ask him if it will be convenient to him to state that on the first of the twenty-eight ballots, and on all the succeeding ballots of the twenty-eight, the same persons voted and the same number of votes were cast?

Mr. MITCHELL of Oregon. That will clearly appear from my statement as I continue.

Mr. PALMER. Very well.

Mr. MITCHELL of Oregon. I have before me a copy of the journal entry, which I shall now read, bearing directly upon the question suggested by the Senator from Illinois. It reads as follows:

Joint meeting proceeded to another ballot, which resulted as follows:

Mr. Alrichs, of the senate, voted for	H. A. Du Pont.
Mr. Fenimore	Ed. Ridgley.
Mr. Hanby	J. Edward Addicks.
Mr. Harrington	Ed. Ridgley.
Mr. Moore	H. A. Du Pont.
Mr. Pierce	H. A. Du Pont.
Mr. Pyle	Ed. Ridgley.
Mr. Records	Ed. Ridgley.
Mr. Speaker	Ed. Ridgley.
Mr. Ball, of the house, voted for	J. Edward Addicks.
Mr. Brown	H. A. Du Pont.
Mr. Burton	H. A. Du Pont.
Mr. Daly	Ed. Ridgley.
Mr. Davis	Ed. Ridgley.
Mr. Fleming	H. A. Du Pont.
Mr. Jolls	H. A. Du Pont.
Mr. Killen	Ed. Ridgley.
Mr. Money	H. A. Du Pont.
Mr. Moore	John Edward Addicks.
Mr. Morgan	H. A. Du Pont.
Mr. Mustard	Ebe W. Tunnell.
Mr. Pyle	H. A. Du Pont.
Mr. Reybold	H. A. Du Pont.
Mr. Robbins	J. Edward Addicks.
Mr. Sypherd	Edward Ridgley.
Mr. Townsend	H. A. Du Pont.
Mr. Walker	H. A. Du Pont.
Mr. Watson	Ed. Ridgley.
Mr. Wilson	H. A. Du Pont.
Mr. Speaker	H. A. Du Pont.

The vote as above ascertained having been announced, as follows:

	Votes.
H. A. Du Pont had	15
Ed. Ridgley had	10
J. Edward Addicks had	4
Ebe W. Tunnell had	1

It will be observed there were in this joint assembly and voting on this last ballot thirty persons, each claiming a right to be there and vote as a member of the general assembly of the State of Delaware. It is a fact, as suggested by the Senator from Illinois [Mr. PALMER], that the vote was the same on each of the other 27 ballots taken that day.

It is furthermore a fact that the claimant, Henry A. Du Pont, received but 15 votes. Consequently, if it is true that each of said thirty persons so present and voting had a right to be present and vote for a United States Senator, then the claimant, Mr. Du Pont, did not receive a majority of those present and voting, and in such event he could not be elected, as it is conceded it requires the votes of a majority of the members of the legislature, provided all who are members and who have a right to vote for Senator are present and voting. If, however, the fact is as it is contended by the committee, and by all those who favor the seating of Mr. Du Pont, that one of the thirty persons so present and voting was either not a member of the Delaware senate, or had no right to exercise the office, or any of the functions of senator, and consequently had no right to be in such joint assembly or to vote for Senator therein, then it follows there were but 29 legal votes cast on said last ballot and not 30; then there were but 29 persons in such joint assembly entitled to be there and vote and not 30, and consequently, as it is conceded the claimant, Mr. Du Pont, received 15 votes, no one of which was the vote of a person so alleged to be unlawfully present and to have voted illegally, it follows he had a majority of all the legal votes cast and was therefore duly elected.

GOVERNOR WATSON HAD NO RIGHT TO PARTICIPATE IN THE JOINT ASSEMBLY MAY 9, 1895, OR TO VOTE THEREIN FOR UNITED STATES SENATOR.

It is contended by the claimant, and the Committee on Privileges and Elections believe such contention to be well founded, that William T. Watson, one of the persons present in such joint assembly and voting for Senator, and no time voting for Mr. Du Pont, but having on each ballot voted for Ed. Ridgley, and claiming the right to be there as a senator from the county of Kent and as speaker of the Delaware senate, was on said date the governor of the State of Delaware, and therefore, for this reason, he had not on that date, May 9, 1895, any right whatever under the constitution of the State of Delaware and the law of the land to exercise the office of State senator, or any of the functions pertaining thereto, and had not, therefore, any right to be present in such joint assembly, no right to vote or be counted therein, and that his presence and voting were illegal, wholly *ultra vires*, and his vote absolutely *void*.

Mr. PALMER. If the Senator will permit me to ask him a question at that point, what does he mean by the law of the land as in addition to the constitution of the State of Delaware?

Mr. MITCHELL of Oregon. I mean the law relating to the election of United States Senators, the law of July 25, 1866.

THE DELAWARE CONSTITUTION.

The constitution of the State of Delaware, section 14, Article III, provides, among other things, as follows:

SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office *until a governor elected by the people shall be duly qualified*. If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office *until a governor elected by the people shall be duly qualified*. If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person *holding the office* shall continue to exercise it *until a governor shall be elected and duly qualified*. If, upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office *until a governor elected by the people shall be duly qualified*. If a vacancy occur in the office of governor, or if the governor-elect die, or become disqualified before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election; in that case, if an election for governor would not have been held at said election without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy. If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

Mr. PLATT. What section of the constitution does the Senator read?

Mr. MITCHELL of Oregon. Section 14, Article III. This section furthermore states:

The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

WHAT ARE THE CONCEDED FACTS INVOLVED IN THIS CASE?

Before proceeding to discuss the foregoing and the several other provisions of the constitution of the State of Delaware, it is well to inquire precisely what facts are conceded by all parties to this controversy. The following facts I believe are admitted, substantially at least, by those opposing the admission of Mr. Du Pont, including the minority of the Committee on Privileges and Elections:

First. That William T. Watson, a duly elected and qualified senator from the county of Kent, was, on the first Tuesday of January, 1895, duly chosen speaker of the Delaware senate, entered upon his duties as such speaker on that date, and continued to serve as such until April 9, 1895.

Second. That on April 8, 1895, Joshua H. Marvil, then governor of the State of Delaware, died, thus creating a vacancy in the office of governor by death, which vacancy William T. Watson, speaker of the Delaware senate, became *eligible* to fill under the constitutional provision I have just quoted.

Third. That on the day following the death of Governor Marvil, namely, on April 9, 1895, said William T. Watson, then speaker of the Delaware senate, was duly inaugurated governor of the State of Delaware, and the following oaths of office, required by the constitution to be administered to the governor of the State on his taking office, were administered to him. I quote as to the record of this ceremony from the journal entries of the Delaware senate of the proceedings therein April 9, 1895:

The Hon. James L. Wolcott then administered, in the presence of the members of the senate, to Hon. William Tharp Watson, speaker of the senate, the following oaths of office as governor, to wit:

"I, William T. Watson, do solemnly swear on the holy evangels of Almighty God that I will support the Constitution of the United States of America. So help me God.

"I, William T. Watson, do solemnly swear on the holy evangels of Almighty God that I will support the constitution of the State of Delaware. So help me God.

"I, William T. Watson, do solemnly swear on the holy evangels of Almighty God that I will perform the duties of the office of governor of the State of Delaware with fidelity. So help me God."

That immediately on such oaths being administered, he, William T. Watson, entered upon the exercise of the office of governor and has ever since continued in such office, and was on May 9, 1895, and still is, governor of the State of Delaware.

Fourth. That from the date of his inauguration as governor and entering upon the exercise of such office, April 9, 1895, until about noon on May 9, 1895, a period of one month, said William T. Watson, governor of the State of Delaware, did not at any time resume or attempt to resume his seat in the Delaware senate or his seat as speaker of such senate.

Fifth. That from April 9, 1895, when Speaker William T. Watson was inaugurated governor and entered upon the exercise of such office, his name was dropped from the roll call of the Delaware senate and was never once called thereafter, either as senator or speaker of the senate, on any roll call had on any call of the senate, or on any bill, resolution, or motion during the remainder of said session of the general assembly of the State of Delaware.

Sixth. That on May 9, 1895, about the hour of 12 meridian, and but a few moments before the members of the general assembly of the State of Delaware were to meet, and did meet, in joint assembly to elect a Senator, William T. Watson, then governor of the State of Delaware, and then exercising such office and all its functions, entered the senate chamber, took the chair of the speaker of the senate, the speaker *pro tempore* having left the chair to enable him to do so, and proceeded with the members of the senate to the hall of the house of representatives, and there assumed to act, and did act, as chairman of the joint assembly, and assumed to vote, and did vote, therein for United States Senator on the several ballots cast on that day, casting his vote on each ballot for Edward Ridgley for United States Senator.

Seventh. That immediately after the last ballot was taken for Senator in said joint assembly on May 9, 1895, and before said joint assembly dissolved, a protest against the right of Governor Watson to be in and vote in such joint assembly was presented by Senator Samual Alrichs, a member of such joint assembly, on behalf of himself and fourteen other members of such joint assembly, all of whom had voted for the claimant, Henry A. Du Pont.

This challenge, protest, and demand, as it was at the time designated, is given as follows in the affidavit of Senator Samuel Alrichs, of date November 25, 1895.

Mr. HILL. Was that on the day of the election?

Mr. MITCHELL of Oregon. That was on the day of the election.

Mr. GRAY. And after all the ballots had been taken that were taken at all in that election.

Mr. MITCHELL of Oregon. This protest was presented, as I state here, immediately on the conclusion of the last ballot, but before the joint assembly had dissolved May 9, 1895.

Mr. GRAY. That is right.

Mr. MITCHELL of Oregon. On the day that Mr. Du Pont claims to have been elected, May 9, 1895.

Mr. HILL. Mr. Watson had not voted on any previous day?

Mr. GRAY. No.

Mr. MITCHELL of Oregon. Governor Watson had voted on numerous ballots prior to April 9, 1895, the date he entered upon the exercise of the office of governor, but he had not voted on any of the ballots taken in the joint assembly from the day he took the oath of office as governor, April 9, 1895, until that day, May 9, 1895, nor had he occupied the chair as speaker of the senate at any time subsequent to April 9, when he became governor.

Mr. HILL. But he did vote more than once on that day?

Mr. GRAY. He voted twenty-seven times.

Mr. MITCHELL of Oregon. He voted twenty-eight times. There were twenty-eight ballots taken after 12 o'clock on that day.

Mr. HILL. All on one day?

Mr. MITCHELL of Oregon. All on one day, after 12 o'clock of May 9, 1895.

Mr. ALLEN. I would ask the Senator what logical deduction he draws from the fact that Watson did not vote or act with the joint assembly until that day?

Mr. MITCHELL of Oregon. That the Senator will find as I proceed with my argument. The deduction to be drawn, however, in a word, is that Governor Watson, acting in not voting in accordance with the uniform precedents of a century, believed he had no right to vote. I should now like to read the protest.

Mr. PLATT. With regard to the protest, it was not entered on the record of the joint assembly, was it?

Mr. MITCHELL of Oregon. I think not; but it is conceded and admitted by all parties to this controversy, and by Governor Watson in his affidavit filed with the committee.

Mr. PALMER. What became of the original protest?

Mr. MITCHELL of Oregon. I can not answer that question. I read the protest. It is as follows, as copied in the affidavit of Senator Alrichs, and admitted in the statement and affidavit of Governor Watson himself:

After the last ballot had been taken in said final joint assembly, and before the two houses separated, I, on behalf of myself and the fourteen other senators voting for the said Henry A. Du Pont, arose and presented the following challenge, protest, and demand:

"I very respectfully challenge the correctness of the announcement of this vote and divers preceding votes, and do now most respectfully insist and demand that Henry A. Du Pont be now declared elected Senator for the unexpired term of six years commencing on the 4th day of March, A. D. 1895, inasmuch as it is now respectfully insisted that this joint assembly consists of twenty-nine members, the honorable gentleman now undertaking to preside and participate therein being governor of the State, and not now a senator."

After the presentation of the foregoing challenge, protest, and demand, and without taking any further ballot, the joint assembly finally separated, with a declaration from William T. Watson that no person had been elected Senator in Congress for said term.

SAMUEL ALRICHS.

The declaration was then made by the speaker of the house that Henry A. Du Pont had been elected United States Senator from the State of Delaware for the full term commencing March 4, 1895, and the joint assembly then dissolved *sine die*.

Eighth. That the election of the claimant, Henry A. Du Pont, as Senator from the State of Delaware on May 9, 1895, for the full term commencing March 4, 1895, was certified to by Hon. Henry H. McMullen, speaker of the house of representatives of the State of Delaware, and attested by Edgar T. Hastings, clerk of such house of representatives, by a certificate of which the following is a copy, which I ask may be inserted as a part of my remarks:

CERTIFICATE OF THE ELECTION OF MR. DU PONT SIGNED BY THE SPEAKER OF THE DELAWARE HOUSE OF REPRESENTATIVES AND ATTESTED BY THE CLERK OF THE HOUSE.

I, Henry H. McMullen, speaker of the house of representatives of the State of Delaware, do hereby certify that on Tuesday, the fifteenth day of January, A. D. eighteen hundred and ninety-five, that being the second Tuesday after the meeting and organization of the general assembly of the State of Delaware, the senate and house of representatives of the said State, respectively, proceeded to vote for a Senator in Congress from said State for the term of six years, beginning on the fourth day of March, A. D. eighteen hundred and ninety-five; that at twelve o'clock meridian of the day following the members of the said two houses duly convened in joint assembly, and the journal of each house having been then read and it appearing therefrom that no person had received a majority of the votes in each house for said office, the said joint assembly did then proceed to vote for a person for Senator, and no person having received on said last-mentioned day a majority of all the votes of the joint assembly, the said joint assembly did meet at twelve o'clock meridian of each succeeding day during the session and did take at least one vote, without any person having received such majority, until the ninth day of May of said year, when Henry A. Du Pont received fifteen votes, Edward Ridgley received ten votes, John E. Addicks received four votes, and Ebe W. Tunnell received one vote; that the general assembly of the State of Delaware theretofore duly elected, duly organized on the first Tuesday of January, A. D. eighteen hundred and ninety-five; that the members of the house of representatives of the State of Delaware who were returned as duly elected thereto from the several counties in said State, and took their seats therein at the time of the organization thereof as aforesaid, were Henry H. McMullen, Frederick Pyle, William Wilson, Francis M. Walker, George W. Reybold, Walter S. Money, and John W. Jolls, representatives from Newcastle County; Horace R. Mustard, William R. Davis, Clarence D. Sypherd, Alexander M. Daly, Ellwood C. Killen, Thomas A. Watson, and Ezekiel Fleming, representatives from Kent County; and John M. Robbins, Newell Ball, Edward S. Burton, George H. Townsend, Charles L. Moore, Horace Brown, and Henry L. Morgan, representatives from Sussex County; that the members of the senate of the State of Delaware, who were returned as duly elected thereto from the several counties in said State at the general election held on the Tuesday next after the first Monday in the month of November, A. D. eighteen hundred and ninety-four, or continued in the office of senator by virtue of their election to said office at the general election held on the Tuesday next after the first Monday in the month of November, A. D. eighteen hundred and ninety-two, and who took their seats in said senate at the time of the organization thereof on the first Tuesday of January, A. D. eighteen hundred and ninety-five, were Samuel Alrichs, Robert J. Hanby, and John Pyle, senators from Newcastle County; John W. Fenimore, Hezekiah Harrington, and William T. Watson, senators from Kent County; and John M. C. Moore, George F. Pierce, and William T. Records, senators from Sussex County; that all the said senators and representatives save in so far as hereinafter stated to the contrary, continued to act as senators and members of the house of representatives, respectively, from the first Tuesday of January, A. D. eighteen hundred and ninety-five, to the adjournment of the general assembly on the ninth day of May, A. D. eighteen hundred and ninety-five, except during occasional absence, or during the recess or adjournments of the respective houses.

That Joshua H. Marvil was elected governor of the State of Delaware on the Tuesday next after the first Monday in November, A. D. eighteen hundred and ninety-four, and thereafter, on the third Tuesday of January, A. D. eighteen hundred and ninety-five, duly qualified as governor of said State for the term of four years, beginning on the day last aforesaid, and ending on the third Tuesday of January, A. D. eighteen hundred and ninety-nine, and entered upon the exercise of said office of governor; that thereafter, on the eighth day of April, A. D. eighteen hundred and ninety-five, the said Joshua H. Marvil, while continuing to exercise the office of governor, died; that on the day following, to wit, on the ninth day of April, A. D. eighteen hundred and ninety-five, the said William T. Watson, who, upon the organization of the senate upon the first Tuesday of January, A. D. eighteen hundred and ninety-five, had been duly elected and qualified as the speaker of the senate, duly took the oath of office as governor of said State, and thereupon entered upon the exercise of the office of governor of the State of Delaware; that the said William T. Watson, during the said session of the general assembly, and until he assumed the office of governor as aforesaid, was, and remained the speaker of the senate, and, as such, presided over that body and voted therein, and participated and voted in the sessions aforesaid of the joint assembly of the two houses, convened for the purpose of electing a Senator from the State of Delaware in the United States Senate; that, upon his qualifying and entering upon the exercise of the office of governor as aforesaid, the said William T. Watson ceased to have the right to act as a member of the senate of said State, or to vote in the said joint assembly for the election of a Senator in Congress as aforesaid; that one of the ten votes so as aforesaid received in said joint assembly on the ninth day of May, A. D. eighteen hundred and ninety-five, by Edward Ridgely, was then and there given by the said William T. Watson, at that time the governor of the said State; that said vote so given for Edward Ridgely was given by the said William T. Watson illegally and in violation of the constitution of the State of Delaware, and that Henry A. Du Pont, on said ballot having received fifteen votes, and Edward Ridgely having received only nine legal votes, John E. Addicks having received four votes, and Ebe W. Tunnell having received one vote (no person having theretofore been elected to the office of Senator in Congress from the State of Delaware for said term), the said Henry A. Du Pont having thereby received a majority of the votes of all the senators and representatives then constituting the legislature of the State of Delaware, they being all present and voting, was duly elected Senator in Congress from the State of Delaware for the term of six years from the fourth day of March, A. D. eighteen hundred and ninety-five, and was then and there duly declared elected to said office for said term by me a speaker of the house of representatives as aforesaid.

HENRY H. McMULLEN,
Speaker of the House of Representatives.

Attest:
EDGAR T. HASTINGS,
Clerk of the House of Representatives.

I am still proceeding with my recital of what I understand to be the admitted facts.

Tenth. That since 1792 nine speakers of the senate and one speaker of the house of representatives of the general assembly of the State of Delaware have succeeded to the office of governor, pursuant to the provisions of section 14 of Article III of the Delaware constitutions of 1792 and 1831. Four of these were under the constitution of 1792, and six under the present constitution of the State of Delaware, that of 1831, and in not one of these 10 cases has any person, speaker of the senate or speaker of the house, who has in the last one hundred and four years succeeded to the governorship in virtue of section 14 of Article III, which is the same in number and in so far as this question is concerned substantially similar in the two constitutions of 1792 and 1831, taken any part whatever during his continuance in the office of governor in the proceedings of the senate or the house of representatives, nor attempted to do so, with the single exception of the attempt on the part of the present governor of Delaware, and during all this time such persons have drawn the salary of governor and have not drawn the salary of senator or member.

GOVERNOR WATSON HAD NO RIGHT TO EXERCISE SIMULTANEOUSLY THE OFFICES OF GOVERNOR AND STATE SENATOR.

Assuming, then, for the present, Mr. President, that the Senate of the United States is not estopped—and I shall come to that question later on—from inquiring into the right of William T. Watson, governor of the State of Delaware, while exercising the office of governor, to exercise simultaneously the functions of a senator of that State in its general assembly, and to sit in the joint assembly and vote for a United States Senator therein, I shall proceed to demonstrate, as I believe I can beyond the power of successful contradiction, that he had no such right.

This is a question which, in my judgment, must be determined, in the main, by a construction of the several provisions of the constitution of the State of Delaware, the same to be construed in the light emanating from judicial and legislative decisions under the common law, and also, and more especially, from those rendered under our American system of government.

UNDER THE COMMON LAW THE SAME PERSON COULD NOT EXERCISE SIMULTANEOUSLY INCOMPATIBLE OFFICES, AND THE ACCEPTANCE OF AN INCOMPATIBLE OFFICE WITH ONE ALREADY HELD WAS IPSO FACTO A RESIGNATION OF THE OTHER.

But while the precise question involved in this case must, I concede, be determined by a construction of the several provisions of the Delaware constitution, as throwing light on the subject, I propose to establish by authority these two propositions:

First. That it is a well-settled rule of the common law that the same person shall not exercise simultaneously incompatible offices, and that under the common law the acceptance of an office incompatible with the one already held is *ipso facto* a resignation of the other; and

Second. The offices of governor and legislator are, under the American system, incompatible, and the dual functions of the two can not be and are not, as a general rule, exercised either in whole or in part simultaneously by the same person, and are never so exercised in the absence of either express or clearly implied constitutional or statutory authority, and the cases in which such authority exists constitute the exception and not the rule.

In support of the first of these propositions I attract attention to the case of Milyard *vs.* Thatcher (2 Town Reports, 81), wherein it was held that the acceptance of the office of town clerk vacated the office of jurat of the corporation of Hastings, although the office of clerk was inferior to that of jurat, the jurats sitting as judges of a court of record. Mr. Justice Buller, one of the most learned and eminent of the judges of the English bench, in delivering the opinion in that case, used the following language:

> Now, if the offices be incompatible, his being a jurat before is no objection to his election; and if they be incompatible, the election to the latter office is good, because the acceptance of the second vacates the first office. * * * The case of The King *vs.* Sir W. Trelawney, so far as the question was entered into, is an authority. There the court did not distinguish between a superior and inferior office; but Lord Mansfield expressly said that "if the two offices were incompatible, the acceptance of the latter would imply a surrender of the former."

Mr. Justice Buller further, in the opinion in that case, said:

> If two offices can not be held by the same person at the same time, the acceptance of the latter office vacates the former.

In The King *vs.* Pateman (2 Durnf. and East, 777), Lord Chief Justice Kenyon said:

> If an alderman be also a magistrate, and the town clerk act ministerially under him, then, indeed, these two offices can not be held by the same person. Now, here is a question whether the town clerk's accounts are not allowed by the alderman. If they are, I think the two offices are incompatible, and this information should be for the purpose of trying that fact.

In The King *vs.* Tizzard (9 B. and C., 418), Mr. Justice Bailey gives the following as one definition of incompatible offices:

> The two offices are incompatible when the holder can not *in every instance* discharge the duties of each.

Will it be contended that a person acting as governor of the State can at the same time act as senator of the State, especially if the legislature is in session at the same time, and exercise in every instance the duties of both? Certainly not.

And further says Mr. Justice Bailey:

> The acceptance of the second office therefore vacates the first. So a man shall lose his office if he accepts another office incompatible.

Can it be said that any man can *in every instance* discharge the duties of both governor and State senator, much less those of governor, senator, and speaker of the senate?

Mr. GEORGE. Will the Senator from Oregon allow me for a moment? Does the Senator in his statement of the impossibility of the governor in every instance exercising the office of senator refer to the physical impossibility? Is that what the Senator means; that he can not physically perform the duties of the office?

Mr. MITCHELL of Oregon. I think that is what the judge meant, so far as that is concerned. A physical impossibility; that, however, may be but *one element* in determining incompatibility.

Mr. VILAS. I should like to ask the Senator from Oregon whether he is contending now that Mr. Watson was not a senator from the time he took the oath of office of governor? Is the Senator contending that he lost his office as senator?

Mr. MITCHELL of Oregon. The Senator from Wisconsin will see before I conclude precisely what I am contending for upon that subject. I shall evade nothing. I have nothing to keep back in discussing this question. I have fixed opinions in regard to it, and I shall present them to the Senate as fully, fairly, and frankly as I am able, and in the course of my remarks I will answer the question of the Senator from Wisconsin fully.

Mr. VILAS. I wish to ask the Senator, in connection with this point, if he does not contend that Mr. Watson absolutely resigned or vacated the office of senator by taking upon himself the duties of governor, what relation those authorities have to the case which hold that such must be the result where the offices are incompatible?

Mr. MITCHELL of Oregon. The Senator will see as I proceed precisely what application those authorities have to this particular case. They are directly applicable, as I shall endeavor to show, whether the office of speaker and senator became *absolutely vacant*, or whether the right to exercise the same was held in *abeyance* and *suspended*.

Mr. VILAS. I do not want to interrupt the Senator's argument.

Mr. MITCHELL of Oregon. I have no objection to interruptions.

The English authorities to which I have attracted the attention of the Senate, and others of like nature, have frequently been cited in the American courts and the doctrine therein asserted approved, as will be seen from the American authorities which I will cite.

Chief Justice Appleton, in Stubbs *vs.* Lee (64 Me., 195), decided in 1874, in discussing what constitutes incompatible offices, and also the effect of the acceptance of an office incompatible with one already held, referred to the common-law doctrine, and citing the foregoing English authorities, says:

> "The offices in question must be regarded as incompatible. I think," remarks Bailey, J., in The King *vs.* Tizzard (9 B. and C., 418), "that the two offices are incompatible *when the holder can not in every instance discharge the duties of each.* * * * The acceptance of the second office therefore *vacates the first.* * * * So a man shall lose his office if he accepts another office incompatible; as if one be under the control of the other; as if the remembrancer of the exchequer be made a baron of the exchequer." (5 Com. Dig., tit. "Officer," K., 5.) The appointment of a person to a second office incompatible with the first is not absolutely void, but on his subsequently accepting the appointment and qualifying the first office is *ipso facto* vacated. (The People *vs.* Carrique, 2 Hill, 93.)
>
> A vacancy may arise in an office from an *implied resignation*, as by the incumbent's accepting an incompatible office. (Van Orsdale *vs.* Hazard, 3 Hill, 243.) The acceptance of the office of constable of a town by a person holding at the time the office of justice of the peace is *of itself a surrender of the latter office.* (Magie *vs.* Stoddard, 25 Conn., 565.)

It is not necessary that there should be any adjudication by the legislature, by a judicial court, or by any other tribunal; it is *ipso facto* vacated. If there is any question of *fact* as a matter of course necessary to be found, then that is a different question. Here there is no question of fact in dispute.

Mr. Justice Appleton, in further discussing this question in case *supra*, says:

> Where one has two incompatible offices both can not be retained. The public has a right to know which is held and which is surrendered. It should not be left to chance or to the uncertain and fluctuating whim of the office-holder to determine. The general rule, therefore, that the acceptance of and qualification for an office incompatible with one then held is a resignation of the former is one certain and reliable as well as one indispensable for the protection of the public.
>
> The defendant, having been appointed and sworn as a deputy sheriff, must be regarded as having accepted that office. By that acceptance he surrendered the office of trial justice, a judicial office incompatible with that of a deputy sheriff. His judicial authority, therefore, as a trial justice was at an end.

Justice Cowen, in discussing the question as to the effect of the acceptance of one office upon the other, in The People *vs.* Carrique (2 Hill, 97), says:

> This is an absolute determination of the original office, and leaves no shadow of title to the possessor, so that neither quo warranto nor a motion is necessary before any other may be elected. (*Vide* Millcock on Municipal Corporations, 240, pl. 617; to the same point Lord Mansfield, in Rex *vs.* Trelawney, 3 Burr., 1616; Buller, J., in Milward *vs.* Thatcher, 2 T. R., 87.)

Also in Van Orsdale *vs.* Hazard (3 Hill, 248), the court said:

> A vacancy sometimes arises from a mere *implied resignation* by accepting an office incompatible with that which is claimed to be vacated.

In discussing this question I shall, while insisting the offices of executive and legislator are, under the American system, incompatible, and therefore could not, in the absence of constitutional or statutory warrant to the contrary, be held or exercised simultaneously by the same person, assume that they may be so held and exercised, either in virtue of constitutional warrant or by statutory permission, in cases wherein such statute does not conflict with the fundamental law.

On this point, therefore, I take it there will not be in this debate any controversy between the majority and minority of the committee.

If, therefore, it can be shown by the opposition that there is in the constitution of the State of Delaware either any express or necessarily implied right guaranteed to the citizens of that State to hold and exercise simultaneously, or to exercise simultaneously, the two offices of governor and legislator, then, while I should hold such guaranty to be in conflict with the general letter and spirit of the rule on that subject under our American system, I would not be disposed to deny the simultaneous exercise of such right to the citizens of that State. I, however, not only most emphatically deny that any such right exists, either expressly or inferentially, under the constitution of the State of Delaware, but I confidently lay down the broad propositions, *first*, that the simultaneous exercise of the two offices—those of governor and State senator—is *directly*, *positively*, and *absolutely* prohibited in the State of Delaware by certain *express specific* provisions of the Delaware constitution.

And not only so. But, *second*, that numerous other provisions of that constitution, considered separate and, apart from the direct *express* clauses to which I have referred, and even were these ex-

press inhibitory clauses entirely omitted, clearly indicate that it was the opinion of the framers of that constitution that the offices of executive and legislator are incompatible and should, therefore, not be exercised simultaneously by the same person, and that therefore these clauses are in and of themselves, though considered separate and apart from the express inhibitory clauses, a constitutional restraint upon the right of any citizen of Delaware to exercise simultaneously the offices of governor and legislator. If I shall succeed in demonstrating these propositions to the satisfaction of the Senate, then there is an end to this controversy, unless, indeed, it should be held the Senate of the United States is for any reason precluded and estopped from determining that question for itself, and to that proposition I will come later on.

I shall first attract attention to those clauses of the Delaware constitution which, it seems to me beyond all question, *expressly* inhibit a citizen of the State of Delaware from the exercise of the offices of governor and State senator at the same time, and then I shall proceed subsequently to call attention to those various other provisions of the Delaware constitution, which although not *directly* or *expressly*, but by *clear implication*, declare the incompatibility of the two offices, and against the right to a simultaneous exercise of the two by the same person.

CLAUSES OF THE DELAWARE CONSTITUTION WHICH EXPRESSLY INHIBIT THE SIMULTANEOUS EXERCISE OF THE OFFICES OF GOVERNOR AND LEGISLATOR BY THE SAME PERSON.

Section 12, Article II, of the Delaware constitution provides, among other things, as follows:

No person concerned in any army or navy contracts, nor member of Congress, nor any person *holding any office under this State*, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, *during his continuance in Congress or in office, be a senator or representative.*

While section 5 of Article III, is as follows:

SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, *shall exercise the office of governor.*

What, then, is the fair, reasonable, and, in fact, only justifiable construction of this first clause? Reading only the words, but yet all the words, which relate to the question under consideration, it would read as follows:

No person *holding* any office under this State shall during his continuance in office *be a senator.*

This language, and it is the precise language of the constitution applicable, is express, plain, direct, certain, and entirely free from any ambiguity. It declares in direct and unambiguous phrase that no person *holding any office under the State of Delaware* shall *be a senator.* That is to say, no person exercising any office under the State of Delaware shall simultaneously exercise the office of State senator.

There is no limitation upon the language used. There is nothing in, about it, or connected with it that would indicate for one moment that it was only intended to apply to such governors as might be elected by the people, and that it should not apply to such who became governors to fill a vacancy in virtue of the constitutional provision I have quoted. The office of governor is an office under the State of Delaware within the meaning of this constitutional phrase. No one, it would seem, would deny that proposition. Nor will it be denied—upon the contrary, it must be conceded—that it is directly admitted by counsel in opposition to the claims of Mr. Du Pont in their printed briefs, whether conceded or not by the minority of the committee, that Watson was, on the 9th day of May, 1895, *governor of the State of Delaware*, the governor in every sense of the term, exercising all the functions of the office, performing its every duty, exercising its every prerogative, entitled to its name and all its emoluments, neither cramped, nor limited, nor circumscribed by any condition, qualification, or limitation whatever—the governor just as much and for every purpose as though he had been elected by the people, instead of having succeeded to the office in virtue of the constitutional provision as speaker of the senate.

If, therefore, he was and is governor, then, the governorship being *an office under the State of Delaware*, he was, on May 9, 1895, and still is *holding an office under the State*, and so holding such office he can not, in the face of the first constitutional provision quoted, be a senator or exercise any of the functions of a senator during his continuance in the office of governor.

Mr. HILL. That is what the Senator claims is the express prohibition?

Mr. MITCHELL of Oregon. That is one of the express prohibitions. I will come to another in a moment.

Strength is given to this construction by the clause excepting from this inhibition—

the attorney general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia holding no disqualifying office.

Persons holding these offices specified in the exception are by this provision permitted, while holding such offices, to be a senator or representative in the general assembly of the State of Delaware. This exception therefore adds strength to the prohibitory clause, which applies directly to the person holding or exercising the office of governor.

There is in this clause nothing to justify the contention of the views of the minority that it only relates to the "regular elective term of the offices therein named."

What term, or word, or sentence in this clause of the constitution, or in any other clause, can the distinguished Senators who have presented the views of the minority of the committee point to as in any manner limiting these inhibitions to persons only who are holding office under the State *by virtue of an election by the people?*

I quite agree, Mr. President, with the statement of the distinguished Senator from Indiana [Mr. TURPIE] in the views of the minority to the effect that incompatibility, in legal terms or effect, such as to oust a man from one office and confer upon him another, is not derived from general considerations resting *in nubibus.* With that proposition I have no quarrel, but I insist when a clause in the fundamental law of a sovereign State asserts in plain, unqualified, unrestricted, unconditional, and unambiguous terms that a person holding office under such State shall *not*—under certain conditions specified—*be a senator* or representative of that State, it is not and can not for one moment be properly characterized as a *general consideration* resting *in nubibus.* On the contrary, such a phrase, so far from being shadowy, vague, meaningless, uncertain, or resting either in the imagination or *in the clouds*, is an absolute prohibition, not open to construction, and which neither courts, nor juries, nor State legislatures, much less the Senate of the United States, are at liberty to disregard.

So much for the first clause of the constitution quoted—that is, section 12, Article II.

But in complete consonance with this provision and in perfect harmony with its spirit and purpose and indeed identical with its very letter in a reversible form and in its application, is the second clause of the Delaware constitution, to which I attracted attention—that is, section 5, Article III. This is the other express prohibition, I will state to the Senator from New York, to which I had reference.

Mr. HILL. There are two?

Mr. MITCHELL of Oregon. Two.

This provision, section 5, Article III, is as follows:

That no member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor.

While a senator who is speaker of the senate is by the clause in the fourteenth section of Article III, quoted by me a few moments ago, made *eligible* to become the governor of the State, eligible to take the oaths of governor and to enter upon the exercise of the office, it is clear the moment he takes the gubernatorial oaths and enters upon the exercise of the office of governor he must, in virtue not only of section 12, Article II, which declares that no person holding any office under the State of Delaware shall, during his continuance in office, be a senator or representative, but in virtue also of section 5, Article III, which declares that no person holding office under the State of Delaware shall exercise the office of governor, cease to be a senator—that is, he must cease either *absolutely*, or otherwise his right *to exercise the office of senator* is held in abeyance and suspended *so long as he shall continue to exercise the office of governor.*

Mr. VILAS. If it will not interrupt the Senator from Oregon, I should like to ask him a question.

Mr. MITCHELL of Oregon. I will hear the Senator from Wisconsin.

Mr. VILAS. I wish to ask the Senator this question: Is there the slightest possibility of his maintaining the second alternative proposition in view of the explicit language of the constitution, assuming that that language means a senator as a person holding an office under the State of Delaware? Is it possible that the second alternative can be maintained in view of this language so constituted as to read no senator of the State of Delaware shall exercise the office of governor.

Mr. GRAY. Of course it must be construed that way.

Mr. MITCHELL of Oregon. There is nothing whatever contradictory in that. That clause must have a reasonable construction, having in plain view always the evil it was intended to prevent—that is, the *simultaneous exercise by the same person* of the functions of executive and legislator. The clause should be, or it least reasonably may be, construed to mean simply this: That the executive shall not, while exercising the office of governor, exercise the office of senator. I frankly confess, if this were a case of first impression—not in any wise affected by precedent or usage in Delaware—I should, without any hesitation, hold that the offices of speaker and senator become *absolutely vacant* on the speaker succeeding to the office of governor. But the two clauses, taken together, are clearly open to the other construction.

Mr. VILAS. Does the Senator from Oregon then maintain that it is possible that the senator can simply be suspended as a senator and become no senator and afterwards again become a senator without an election?

Mr. MITCHELL of Oregon. The history of this country is full of instances where the right to *exercise an office* on the part of a person who *holds an office* is for a certain time *suspended*. I can point to numerous instances of that kind.

Mr. VILAS. But I am asking the Senator whether, assuming that his interpretation of this provision of the constitution is correct, that no person holding the office of senator in the State of Delaware shall exercise the office of governor, it is compatible with that reading of it that a suspension of the function of senator only is intended to take place? Is it not an absolute vacation? Does it not absolutely vacate the office of senator?

Mr. MITCHELL of Oregon. To which clause does the Senator refer?

Mr. VILAS. The clause in section 5 of Article III.

Mr. MITCHELL of Oregon. Read it.

Mr. VILAS. I will read it now as the Senator from Oregon interprets it:

No person holding the office of senator of the State of Delaware shall exercise the office of governor.

That is the Senator's reading of it. Is it compatible with that reading that there shall be a mere suspension of the office of Senator?

Mr. MITCHELL of Oregon. I think it is entirely compatible, so far as that is concerned, and entirely consistent with one construction which may very properly be placed upon it. Now, I come back again to the express prohibitions.

Mr. GRAY. Before the Senator resumes, will it interrupt him if I ask him a question? Of course, to read section 5 of Article III under the interpretation put upon it by the Senator from Oregon it would be that no member of Congress and no person holding the office of senator shall exercise the office of governor. That would be the reading that the Senator would make. How does that comport with a subsequent provision which says that in a certain case the speaker of the senate shall exercise the office of governor?

Mr. MITCHELL of Oregon. All that the latter clause just read by the Senator from Delaware means is simply to declare the *eligibility* of the speaker of the senate to become governor. Clearly that is all that that clause means in my judgment.

Twice over, therefore, does the fundamental law of Delaware declare in the most *express* and *positive* terms that the dual functions of senator and executive shall not be exercised simultaneously by the same person. That constitution—and I come now to the point of the Senator from Delaware—says to each and every citizen of Delaware, in *substance and legal effect*, in the most emphatic and unequivocal manner: "You can not exercise the office of governor while you continue to exercise the office of senator; neither can you exercise the office of senator while you continue to exercise the office of governor."

It declares in legal effect to the person who is speaker of the senate: "You, in a certain contingency—that is, in case of the death, removal, resignation, or inability of the governor elected by the people—have a *preference right* over every other citizen of the State to become governor and exercise that office, a right, however, you can avail yourself of or not at your own option. There is nothing compulsory connected with it."

The Senator from Minnesota [Mr. DAVIS] suggests to me the question, Who would be governor if he did not accept? I answer, under the constitution, the speaker of the house.

In fact, no compulsory provision, even in a fundamental law, could be made operative against the will of the citizen in so far as holding or not holding office is concerned.

"You can waive it if you please," says the constitution in legal effect, "and continue to be senator and speaker of the senate, notwithstanding your eligibility to become governor, notwithstanding you hold the preference right over every other citizen of the State of Delaware to become governor; but if you avail yourself of this preference right given you by the constitution, and take the gubernatorial oath, and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then, that moment, you cease to be senator, your right to exercise the functions of either senator or speaker of the senate is at once gone, or at least held in abeyance and suspended so long as you continue to exercise the office of governor."

Mr. GEORGE. Right at this point I should like to make a suggestion.

Mr. MITCHELL of Oregon. I will hear the Senator from Mississippi.

Mr. GEORGE. I understood the Senator from Minnesota to ask the Senator from Oregon this very important question: In case the speaker of the senate declined to enter upon the office of governor, as the Senator contends he may, who, then, would exercise the office? I understood the Senator from Oregon to reply that it would fall to the speaker of the house of representatives.

Mr. MITCHELL of Oregon. He then would have a *preference right* to the office of governor over every other citizen of Delaware.

Mr. GEORGE. I wish to call the attention of the Senator to the language of section 14—I hope he will read it—which says expressly that the office shall never devolve upon the speaker of the house unless there be no speaker of the senate, and if he remained speaker of the senate, then there can be no devolution of the office on the speaker of the house of representatives. If the Senator will read the section he will see that express provision.

Mr. MITCHELL of Oregon. I have examined that section very carefully, and I will discuss all of its various phases before I get through.

Mr. GEORGE. Has the Senator the section before him now? If he has, I would be glad if he would read it.

Mr. MITCHELL of Oregon. I prefer not to be diverted at this point, but will fully meet the Senator's suggestion as I proceed.

THE RULE OF CONSTRUCTION APPLICABLE TO CONSTITUTIONAL PROVISIONS.

The rule of construction applicable to the provisions of a fundamental law is that the provisions are to be regarded as mandatory, unless the contrary plainly appears. Where the language of a constitution is plain, we are not permitted to indulge in speculation concerning its meaning; neither are we permitted to inquire as to its wisdom. A constitution is necessarily brief, its language precise, and represents the will and wisdom of the convention and people who adopt it.

The rule with reference to constitutional construction is well stated in the case of New York *vs.* People (7 N. Y., 9), as follows:

If the words embody a definite meaning which involves no absurdity, and no contradiction between the different parts of the same writing, then the meaning apparent upon the face of the instrument is the one which alone we are at liberty to say was intended to be conveyed. In such a case there is no room for construction. That which the words declare is the meaning of the instrument, and neither courts nor legislature have the right to add to or take away from that meaning.

A MINNESOTA CASE DIRECTLY IN POINT.

This authority was quoted recently by the supreme court of Minnesota in the case of The State *ex rel.* Childs, attorney-general, *vs.* Sutton, decided December 12, 1895, and which is directly in point as an authority in the case now under consideration.

In that case John B. Sutton was elected to the office of representative of the Twenty-third legislative district of the State of Minnesota for the term commencing on the first Monday of January, 1895, and ending on the first Monday of January, 1897. Pursuant to such election, he duly qualified and entered upon the discharge of his duties as such member at the commencement of the session for the year 1895, and in that capacity served until the 2d day of May of that year, when he resigned his office as such member. The legislative session during which he served as a member terminated prior to his resignation. On the 4th day of May, 1895, Sutton was appointed by the governor of the State to the public office of inspector of boilers for the Fourth Congressional district of that State, which office is one of great public importance and responsibility, having been created by an act of the legislature prior to Sutton's election as a member thereof.

His resignation of the office of member of the legislature, it will be observed, and his appointment to this public office by the governor, were both prior to the expiration of the term for which he had been elected State representative. His resignation, however, as representative preceded his appointment by the governor.

Upon his appointment to the office of inspector of boilers he qualified and entered upon the performance of the duties of the office, when a proceeding in the nature of *quo warranto* was issued to oust and exclude him from further acting as inspector of boilers, upon the ground that he was prohibited by the constitution from holding or exercising such office until the expiration of the time for which he was elected as representative. The clause relied upon by the attorney-general to sustain his contention is Article IV, section 9, of the constitution of the State of Minnesota, and reads as follows:

No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster; and no senator or representative shall hold an office under the State which had been created or the emoluments of which had been increased during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature.

The supreme court of that State held that under this constitutional provision Sutton could not hold the office of inspector of boilers, to which he had been appointed by the governor, until the expiration of the full period of time for which he was elected.

The court, in its opinion, said:

In the case at bar it is not necessary for us to speculate upon the intention of the framers of the constitution in adopting the provision in question. A bare reading of this provision suffices to enable us to ascertain and understand its meaning, and we need not search for light through the uncertainties of extraneous interpretation or construction. It is a part of the organic law of the State that no senator or representative shall, during the time for which he is elected, hold any office under the authority of the State of Minnesota. Is there any uncertainty or ambiguity about this language? Has it any of the characteristics which demand a construction to be placed upon it by the judiciary of this State other than that which is transparent from the language itself?

So, here, Mr. President, the constitution of the State of Delaware declares in no less emphatic terms that no member of Congress, and no person holding any office under the United States or

the State of Delaware, shall, *during his continuance in office*, be a senator or a representative.

That same constitution declares again in equally positive and emphatic terms that—

No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor.

This case is infinitely stronger than the Minnesota case, as in that case the member of the legislature had resigned his office before he accepted the appointment from the governor. He did not attempt to exercise the two offices at the same time. But the court held that the prohibitory clause of the constitution which declared that he should not hold such office at any time during the term for which he had been elected operated. The court said:

The respondent could not nullify the constitutional prohibitory clause during the time for which he is elected by his resignation of the office of representative.

THE MINORITY PROPOSITIONS.

Now, Mr. President, upon what clause or clauses of the Delaware constitution do those representing the minority of the committee base their support of the following propositions, so strenuously asserted by them, that is to say—I now quote the propositions as I understand the minority—

"First. That the dual functions of governor and State senator,' to use the precise language of the views of the minority, "are *expressly*"—

I call attention to the term used here by the minority—

"Are *expressly* made compatible and competent by the terms of the Delaware constitution"; and,

"Second. That the provisions of section 12, Article II, and of section 5, Article III, of the Delaware constitution *apply only* to persons holding the office of governor or any other office under the State *who have been elected by the people*, and do not apply to a governor or other State officer who has become such to fill a vacancy"?

I state the propositions correctly.

I shall aim to not in the least misrepresent the argument employed by the distinguished Senator from Indiana and those who agree with him.

The first proposition, namely, that these *dual* functions are *expressly* made compatible by the terms of the Delaware constitution, and, in fact, the second proposition are sought to be maintained solely—I use the word "solely" with caution and with reference to its precise meaning—maintained solely, so far as the minority report is concerned, upon the asseveration alone that the constitution of Delaware does not provide *in terms* that the speaker of the Senate, on the death of the governor, shall, to use the language of the views of the minority, "either *be* or *become* governor," but only that such speaker "shall exercise the office of governor." It does not provide, it is further insisted, that he shall in such event cease to be speaker or cease to be senator.

I think I clearly and fairly state the position of the minority of the committee.

This, Mr. President, is the whole argument, supplemented by the further statement that the constitution provides that "each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*," and still further by the clause that a speaker of the senate or house who shall succeed to the governorship, and shall thus exercise the office of governor, shall serve "until a governor elected by the people shall be duly qualified."

This is the whole of the argument in support of these two propositions, and when resolved into its one constituent element, as when stripped of all extraneous matter, it contains but a single essential element: it amounts simply to this, that a speaker of the senate, or a speaker of the house, who, under the provisions of the Delaware constitution, succeeds to the governorship to fill a vacancy caused by the death, removal, resignation, or inability of a governor, does not become *the governor*. That is the argument, and that is all there is to the argument in the views of the minority. The constitution, say our distinguished colleagues on the committee, does not say he "shall either *be* or *become* governor," but only that he "shall exercise the office of governor." In other words, although he shall perform every function, fulfill every duty, exercise every prerogative of governor; shall "*as* governor" take on his inauguration the oaths of office prescribed by the constitution for a governor, to the effect that he "will perform the duties of the office of governor of the State of Delaware with fidelity," this being the precise language of the oath; although he shall from time to time as governor give to the general assembly information concerning the State, and as governor shall recommend to their consideration such measures as the governor of the State shall judge expedient, as provided in section 11, Article III, of the constitution; although he shall have power as governor to remit fines and forfeitures, grant reprieves and pardons, as prescribed by section 9, Article III, of that instrument; shall be liable as governor to impeachment for treason, bribery, or any high crime or misdemeanor in office, and subject on conviction to removal from the office of governor; shall be liable, furthermore, with the concurrence of two-thirds of all the members of the general assembly, to be removed from the office of governor for inability, as prescribed in sections 1 and 2 of Article V and section 14 of Article III of the constitution; but not only so, he shall be, and is by the people of the State and of the United States, known *as* and called the governor of the State; and yet, notwithstanding all these things, according to the argument of our distinguished friends of the minority, he is *not* the governor, he has *never become governor*, because, as it is claimed, the constitution does not in so many words say that he shall *be* governor, or that he shall *become* governor, only that he shall "exercise the office of governor."

This, Mr. President, is, it is with all due deference respectfully submitted, a refinement of reasoning and logic of the same character as that which attempts to define and draw the distinction between tweedledum and tweedledee.

Why, Mr. President, the distinguished counsel who appeared in opposition to the claims of Mr. Du Pont and filed elaborate printed briefs in opposition to his right to a seat, concede in their briefs that Watson when he took the oaths of office of governor became the governor of the State. They do not claim that he was merely an *ex officio*, a mere *ad interim* governor, but that he was *the governor* of the State and all that is implied by such a designation. On this point I beg to read from pages 35 and 36 of the report of the committee:

IT IS CONCEDED WATSON WAS GOVERNOR OF THE STATE OF DELAWARE MAY 9, 1895, AND HAD BEEN SINCE APRIL 9, 1895, IN THE FULL CONSTITUTIONAL SENSE OF THAT TERM.

It is not denied, but *conceded by counsel* in opposition to the claim of Mr. Du Pont, that William T. Watson was, on the 9th day of May, 1895, and had been since April 9, 1895, *governor of the State*. In their able and elaborate brief filed in the case (page 30), in a reference to certain statements in the brief of counsel for Mr. Du Pont, we find the following:

"Thus counsel devote thirty pages of their brief (pages 34–63) to a demonstration of the fact that the speaker of the senate, in case of a vacancy in the office of governor, becomes governor of the State. The matter counsel present on this head attests their industry and may interest the curious, *but it supports a proposition which we do not contest.*"

It is conceded, therefore, by those opposing the claim of Mr. Du Pont, that Mr. Watson, on his inauguration as governor, *became the governor of the State*. He was not merely to exercise the office of governor *ex officio;* not merely to *act as governor* in the manner the President *pro tempore* of the United States Senate would have acted in the case of vacancies in the offices of President and Vice-President under the act of 1792.

And yet, Mr. President, notwithstanding this concession of the able counsel who argued before the Committee on Privileges and Elections, that Watson on entering upon the exercise of the office of governor "*became the governor of the State*," and not merely *ad interim* or *ex officio* governor, the minority of the committee in their views seem to rest their whole case on the assumption and contention that he did *not* become the governor.

The distinction between a person who in one office succeeds to the exercise of the functions of another *ex officio*, or as an *acting* officer, and one who succeeds to the office *permanently* and exercises the office, not in virtue of the office he previously held, but in his own right, is this:

If an office be "appendant," as the expression is in 1 Leon., 32, to another office, the determination of the first office will determine the second. This is where a person holding any office is *ex officio* entitled to perform the functions of some other office, as was the case, perhaps, of the President *pro tempore* of the United States Senate under the act of 1792. In such case the right to exercise the functions of the second office ceases upon the determination of the office held in virtue of which he exercises such *ex officio* functions of the second office. If, however, on the contrary, the nomination or appointment to an office, as it is in the case under consideration, be merely by *descriptio personam* of one who holds another office by the title of which he is described, and who on a contingency is to enter and fill the other office, he answering the description at the time the contingency arises, designates him as the person who is to fill the office, and when as thus designated he enters into the office he holds it in his natural and not in his official capacity. Consequently in this case of Watson, even in the absence of any affirmative constitutional declaration, he continues to hold the office of governor, if the term continues *after* his *term of senator had expired*, his office of governor not being *appendant* to that of senator. But in this case the Delaware constitution, recognizing this principle, declares in section 14, Article III, not that he shall exercise the office of governor so long as his term of senator shall continue, but "*until a governor elected by the people shall be duly qualified.*"

This doctrine was clearly enunciated by the supreme court of the State of Oregon, in the case of Chadwick *vs.* Earhart, 11 Oregon 394.

In this connection and as bearing upon the question as to the capacity in which a person who succeeds to the office of governor while speaker of the senate exercises such office, I attract attention to the second sentence of section 14 of Article III of the Delaware constitution. It reads as follows:

If there be no speaker of the senate, or upon a *further vacancy* happening *in the office* by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

One clause, that is, the first sentence of section 14, Article III, provides for a "vacancy happening in the office of governor"—that is to say, a vacancy caused by the death, removal, resignation, or inability of the governor elected by the people—while the second sentence of the same section declares:

If * * * upon a *further vacancy* happening *in the office* by *his* death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

A vacancy in what office? Why, clearly, the office of governor of the State. It is the case now where the speaker of the senate is exercising the office of governor. And a vacancy caused by whose death, etc.? Unquestionably by the death of the governor of the State; that is to say, of that governor who was speaker of the senate, and who as such was eligible to become governor on the death of the governor elected by the people, and who on his death took the oaths of office and became the governor of the State, and *as such governor* and *not as speaker of the senate*, exercises the office of governor.

The implication is conclusive from the use in this clause of the terms "*further vacancy*," and from the whole of these clauses of the constitution considered together, that the office of governor is not only exercised but *absolutely filled* and *held* by Watson, who was speaker of the senate at the time the first vacancy in the office of governor occurred.

But, Mr. President, the words which define the tenure of office, that is, the *time during which* a person who, either as speaker of the senate or as speaker of the house of representatives, shall continue to exercise the office of governor, after entering upon such duties in case of a vacancy, that is to say, the words "*until a governor elected by the people shall be qualified*," demonstrate beyond all question to my mind that such person exercises such office, *not* as speaker of the senate, *not* as speaker of the house of representatives, but as the *governor of the State*. If it were otherwise, then the clause, instead of saying "until a governor elected by the people shall be duly qualified," would have read "until his term as senator and speaker of the senate shall expire," or "until his term as representative and speaker of the house shall expire."

Suppose the governor of the State dies one week prior to the expiration of the term of senator, and of course of speaker of the senate, of the person who then is speaker of the senate, and he succeeds to the vacancy in virtue of this clause of the Delaware constitution. In such case, if the exercise of the office of governor simply devolved upon him as speaker of the senate, and if he, as stated in the views of the minority—I quote—

is not the governor—

but that he—I quote again—

is and remains and must continue to be speaker of the senate—

then what becomes of his right or power to exercise the office of governor at the expiration of the week when his term of both senator and speaker of the senate shall have expired?

Mr. PASCO. Are there any precedents of that kind in the history of the State of Delaware?

Mr. MITCHELL of Oregon. I will come to that question later on.

If he exercises the office of governor, not because he is the governor, as contended by the minority, but only because he is senator and speaker of the senate, then it is clear beyond the power of successful contradiction that the moment his term as senator and as speaker of the senate terminates that moment his right and power to exercise the office of governor must also cease. And I ask especial attention to this proposition, and when our friends of the minority come to argue this case I want to know what answer can be made to it.

Such a construction as suggested by the distinguished Senators who have presented the views of the minority, it is respectfully submitted, was never contemplated by the framers of the Delaware constitution, and they used language, moreover, so clear and plain that it left no room for such a construction, by declaring that a speaker of the senate who succeeded to the vacancy should exercise the office, *not* merely so long as he shall continue to be a senator, not merely so long only as he shall *continue to be speaker of the senate*, but, in the language of the constitution, "*until a governor elected by the people shall be duly qualified.*"

This time may come *prior* to the termination of the term for which he is elected senator and speaker of the senate, or it may *not* come until a period of many months or, indeed, years *after* such termination.

Mr. GRAY. Right here, if it will not interrupt the Senator, as he is giving a very interesting exposition of section 14 of Article III of the constitution of Delaware, I should like to ask him if he has observed the peculiar language of the second clause of section 14, which he has just read:

If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation.

The words "his death" refer to the death of the speaker of the senate.

Mr. GEORGE. They do.

Mr. GRAY. And to no one else; so that the clause, if it were carried out in full and read as it may be, substituting the person referred to for the pronoun referring to him, it would read thus: "If there be no speaker of the senate, or upon a further vacancy happening in the office, by the death of the speaker of the senate," then there shall be another provision.

Mr. GEORGE. That is right.

Mr. MITCHELL of Oregon. That relates to another matter, I think. What particular clause is it the Senator refers to?

Mr. GRAY. It is the clause the Senator was just reading, or I would not have presumed to have interrupted him.

Mr. GEORGE. It does refer to the speaker.

Mr. MITCHELL of Oregon. The Senator from Delaware claims that it refers to the speaker and not to the governor?

Mr. GRAY. Yes.

Mr. MITCHELL of Oregon. We will discuss that a little later on. It, however, clearly refers to the person who, while exercising the office of governor, dies—that is, a governor who became such to fill a vacancy.

Mr. GEORGE. The pronoun refers to the antecedent.

Mr. MITCHELL of Oregon. It refers unquestionably, as I have stated, to the death of the person who is *then* governor and who *as speaker* of the senate had succeeded to the exercise of the office of governor. It refers necessarily to that person and to nobody else. This is clear from the preceding words of the same clause, "*a further vacancy happening in the office.*" What office? The office of governor; not the office of speaker of the senate. The words "*his death*," therefore, to which the Senators call my attention, refer to the death of the governor, whatever else he once may have been or then is.

But not only so. It will be found by a reference to the third sentence of section 14 of Article III, which, beyond all question, refers to a person who, either as speaker of the senate or as speaker of the house of representatives, is exercising the office of governor, where the words "the person *holding* the office" are used, that such person is regarded as the governor. He is described, it will be observed, in that clause of the constitution as not merely *exercising the office*—phraseology upon which the whole argument of the opposition is based—but as "*holding the office.*"

Our friends of the minority seem to overlook that clause of the constitution or that phraseology.

It is conceded he "exercises the office," because the constitution says so, but here in this clause it decribes him not only as *exercising* but also as "*holding the office.*"

Mr. PASCO. To which clause does the Senator from Oregon refer?

Mr. MITCHELL of Oregon. Section 14, Article III. What office, Mr. President, is he described as holding? He is described in that clause as *holding an office*. What office is it? What office is it that is referred to by the words "*holding the office*"? Surely, the office of governor. It can refer to nothing else; that and that only. Can it be said, then—will the eminent lawyers and Senators who have appended their distinguished names to the views of the minority, in which they declare Watson was *not* the governor, that he never *became* the governor of the State of Delaware, insist a person who in virtue of these specific and express provisions of the Delaware constitution to the effect that he both *holds the office* of governor and *exercises the office* of governor, is *not*, never was, and can not *be governor?*

VARIOUS PROVISIONS OF THE DELAWARE CONSTITUTION WHICH CLEARLY INFERENTIALLY DECLARE THE INCOMPATIBILITY OF THE OFFICES OF GOVERNOR AND LEGISLATOR.

I now, Mr. President, pass for the present from the consideration of those clauses of the Delaware constitution which in *express* terms interdict the dual exercise of executive and legislative functions, and beg to attract the attention of the Senate to various other provisions of such constitution, which, standing alone, even were the express prohibitory clauses eliminated, show in the clearest possible manner, not only an entire absence of any recognition of right upon the part of the Delaware citizen to exercise simultaneously the offices of executive and legislator, but which by what might be properly termed *express inference* clearly deny such right. These various provisions, considered separately and in conjunction with each other, indicate in the strongest possible manner the absolute incompatibility of such offices. For instance, it is provided in section 14, Article VI, as follows:

The governor may for any reasonable cause in his discretion remove any of them—

That is, the judges—

on the address of two-thirds of all the members of each branch of the general assembly.

If it be true, therefore, as contended by the minority of the committee, that the same person can simultaneously exercise the office of governor and senator, then he, as senator, can, by his vote, help to make up the two-thirds vote in the senate, which vote *alone* gives him jurisdiction to remove any of the judges in the State. In other words, if he, while exercising the office of

governor can not exercise the office of senator, and without his vote a two-thirds vote of all the members of each branch of the legislature can not be had in an address to the governor, then he as governor has no power or jurisdiction under the constitution of the State to remove a judge for any cause whatever; while upon the other hand if, as contended by those representing the minority of the committee, he can, while exercising the office of governor, at the same time exercise the office of senator, then his vote as senator may turn the tables and make up the necessary two-thirds of the members of the two houses on which vote alone he, as governor, acquires jurisdiction to remove the judges.

Will it be said for one moment there is no incompatibility here? Can it be contended for a single instant that the framers of the Constitution ever intended that such dual powers as these, so unreasonable, so contradictory, should be vested in one and the same person?

But again. We find in section 11 of Article III that the governor—

shall from time to time give to the general assembly information of affairs concerning the State, and recommend to their consideration such measures as he shall judge expedient.

If the theory, therefore, of the minority be correct, then we have the strange anomaly in the political organization of the State of Delaware of permitting a governor to vote in the senate of the State in favor of measures which he, as governor, deemed expedient to be enacted into laws, and which he, as governor, had recommended to the senate should be passed.

But not only so. We find in section 12 of Article III that the governor of the State may, in case of disagreement between the two houses in respect to the time of adjournment, adjourn them to such time as he (the governor) shall think proper, "not exceeding three months."

Consequently, if, as contended by the distinguished Senators of the minority, the governor can also be senator at one and the same time, and exercise both offices simultaneously from the same chair and in the same chamber, then the prerogative is conferred upon him by these dual powers, by his vote in the senate, to create a disagreement between the two houses, which fact alone would give him jurisdiction as governor to adjourn the general assembly to such time, not exceeding three months, as he might deem proper.

But again: The constitution of the State of Delaware provides that the governor may be impeached for high crimes and misdemeanors, while section 1 of Article V provides that "all impeachments shall be tried by the senate," and that "no person shall be convicted without the concurrence of two-thirds of all the senators."

If, then, the governor can, while exercising such office, also exercise the office of State senator, he would, in case of impeachment by the house of representatives, be eligible to a seat as a senator, and would therefore sit in judgment on himself, would be one of the judges in his own case, and by his vote might defeat a two-thirds vote in the senate, and in this manner secure for himself a verdict of "not guilty as impeached."

Mr. GRAY. May I interrupt the Senator a moment?

Mr. MITCHELL of Oregon. Certainly. I should like to hear the Senator on that point.

Mr. GRAY. I am glad the Senator wants to hear me. I would ask him in regard to this *argumentum ab inconvenienti*, which is always one that must be taken with some grains of allowance——

Mr. MITCHELL of Oregon. That is not the character of argument I am making now.

Mr. GRAY. Well, whatever you choose to call it. We will leave off the Latin, and call it an incongruity which the Senator has discovered in the constitution of Delaware, under the contention of the minority of the committee. That, perhaps, is better. I would ask the Senator if there is any greater incongruity in the case he supposes than would have existed under the law of the United States of 1792, providing for the succession to the Presidency, where there was neither a President nor Vice-President of the United States, that law having, as the Senator well remembers, provided that in that case, there being no President or Vice-President, the President *pro tempore* of the Senate should act as President of the United States; yet all the inconveniences or incongruities—if the Senator likes that word better—would have happened in the case of a President *pro tempore* of the Senate acting as President of the United States that he has enumerated in the case of a speaker of the senate of Delaware acting, under our contention, as the governor of the State, for I will call the Senator's attention to the fact that in 1886, when that law was abolished, the Committee on Privileges and Elections, speaking through its then chairman, the senior Senator from Massachusetts [Mr. HOAR], urged upon the Senate, as one of the reasons why the law should be changed, that it was exceedingly incongruous and inappropriate that the President *pro tempore* of the Senate should succeed to the office of President of the United States, or should act as President, because he would still be Senator, would be capable of sitting upon an impeachment, would be capable of representing his State, thereby giving it an undue advantage, and exercising all the duties that belong to the office of Senator, though he was then acting as President of the United States.

Mr. MITCHELL of Oregon. I frankly admit, Mr. President, that what the Senator from Delaware states is substantially correct; that in that case there would be the same incongruities, if that be the proper term I prefer incompatibility, but I call the attention of the Senator from Delaware to the fact that in that case the contingency contemplated and provided for was so remote, by the very terms of the Constitution of the United States and the law of 1792, that there was scarcely any possibility, *much less any probability*, whatever that it would ever occur, and, as a matter of fact, it never did occur in the whole history of our Government.

Mr. GRAY. It came very near occurring.

Mr. MITCHELL of Oregon. While I agree with the Senator in the main on that proposition, as to the similarity of the two cases, the Senator will agree with me, I trust, that the language of the law of 1792, by which the President *pro tempore* of the Senate might *act* as President of the United States, is entirely different from the corresponding language of the constitution of the State of Delaware.

Mr. GRAY. It is the same in substance.

Mr. MITCHELL of Oregon. Scarcely; the language of the act of 1792 was that the President *pro tempore* "*should act.*"

Mr. GRAY. Yes; and the language of the constitution of Delaware is that the speaker of the senate "shall exercise the office."

Mr. MITCHELL of Oregon. That is the difference.

Mr. GRAY. I would ask the Senator, further, if he will indulge me so far, whether it was ever suggested in argument in the Senate or elsewhere that those incongruities to which I have referred, or inconveniences, were the reasons why the office of President of the United States could not be exercised by the President *pro tempore*?

Mr. MITCHELL of Oregon. I do not know how that is; it may not have been; I do not now remember. I have conceded, I think, all the Senator desires I should concede in reference to the point he makes.

Mr. GRAY. I am much obliged to the Senator.

Mr. MITCHELL of Oregon. But my answer, as I said before, is that under the Constitution of the United States and the act of 1792 the contingency provided for was so remote and removed so far away, being in the third degree, that it virtually does away with the point implied in the suggestion of the Senator.

Coming back again to that provision of the Delaware constitution which provides that the governor of the State may be impeached, I take it that it will be admitted by the minority and by those who oppose the seating of Mr. Du Pont that the speaker of the senate who succeeds to the exercise of the office of governor, whatever you may call him or however he exercises the office, is subject to impeachment. I will assume that that is conceded, in fact it can not well be denied.

Mr. VILAS. I should like to ask the Senator whether the acting governor would not be subject to impeachment as senator?

Mr. MITCHELL of Oregon. That depends on the constitution of Delaware on that subject. I think not, however. I think there is no such provision in the constitution applicable to a senator, but possibly there may be; I have not examined as to that. Has the Senator the constitution before him?

Mr. VILAS. "The governor and all other civil officers under this State shall be liable to impeachment," the Delaware constitution says.

Mr. CHANDLER. I should like to ask the Senator from Wisconsin if he can imagine for what a senator who had taken the oath of office as governor and was acting as governor could be impeached and what the process would be?

Mr. VILAS. I do not want to interrupt the Senator from Oregon or trespass on his good nature, but I was asking whether a senator could be impeached while exercising the office of governor and while he was holding an office under the State.

Mr. HAWLEY. Perhaps he might be if he were not a United States Senator while he was a State senator.

Mr. VILAS. Probably that is the best answer that can be made.

Mr. MITCHELL of Oregon. I will answer the Senator—the question is not a difficult one to answer. Whether a State senator of the State of Delaware can be impeached or not is a question, in the first place, which, as it seems to me, is entirely foreign to the question under consideration, but the query, whether he can or can not be impeached depends entirely on whether there is anything in the constitution of Delaware providing for the impeachment of members of the Delaware legislature.

Mr. GEORGE. Will the Senator allow me to read the clause of the constitution of Delaware which refers to it? Article V, section 2, provides that—

The governor, and all other civil officers under this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Mr. VILAS. I supposed that was so. If the Senator will allow me to make this suggestion, he will see the force of what my question was. If a senator of the State is subject to impeachment, all the evils which the Senator from Oregon has suggested in the case of impeachment of the speaker of the senate, acting as governor, will apply to any case of the impeachment of a senator, for he would then sit in his own case.

Mr. CHANDLER. If the Senator from Oregon will allow me one word in reply to the suggestion of the Senator from Mississippi [Mr. GEORGE], I will state that the constitution of Delaware says, "The governor and all other civil officers shall be liable to impeachment," but it does not say that a senator can be impeached as a senator while he is acting as governor.

Mr. MITCHELL of Oregon. No, it does not.

Mr. CHANDLER. That is where the constitution is defective.

Mr. VILAS. The Senator from Oregon was arguing that the acting governor could not be a senator, because in the case of his impeachment he would be sitting as a judge in his own case. It would be precisely so if a senator is impeached not as speaker or acting governor.

Mr. SHERMAN. I should like to ask the Senator whether a member of the legislature, either of the senate or the house, of any State of the Union, or of the United States of America, is an officer of the Government? We are not considered as officers of the Government; we are not called officers, and can not be impeached as officers, though we may be removed.

Mr. GRAY. I will say to the Senator from Ohio, the whole case of the majority of the committee falls if a senator is not an officer.

Mr. MITCHELL of Oregon. Not for one moment, as by express provision the governor is such civil officer, but as to whether a member of the Delaware legislature is so as to subject him to impeachment, as very properly suggested by the Senator from Ohio [Mr. SHERMAN], may be a matter of considerable doubt.

Mr. CHANDLER. I suggest that this is a good point to let the Senator from Oregon go on with his argument. [Laughter.]

Mr. MITCHELL of Oregon. If I may be permitted, I shall proceed to call attention to other and further provisions of the constitution of the State of Delaware which, by what I would call *express inference*, inhibit the exercise of the dual offices of governor and legislator by the same person at the same time.

Does the Senate believe that the exercise by the same person simultaneously of offices so incompatible as those to which I have attracted attention, involving the exercise of functions so utterly conflicting and antagonistic to each other, and so repugnant to every sense of public propriety, was ever intended by the framers of the Delaware constitution to be exercised by the citizen of that State?

But still further. Section 7 of Article II provides that each house may, with the concurrence of two-thirds, expel a member, while section 14, Article III, provides that the governor shall not be removed from his office for *inability* but with the concurrence of two-thirds of all the members of each branch of the legislature.

Hence it is if the governor can exercise legislative functions while exercising the office of governor, his vote in the senate may make up the two-thirds necessary to expel a senator, while his vote in the senate may defeat a two-thirds vote necessary to remove him as governor for inability.

But still more absurd is the theory of this right of dual exercise of functions rendered when we consider section 16 of Article II of the Delaware constitution,

That article provides that in case of a vacancy in the office of State treasurer in the recess of the general assembly, either through *omission of the general assembly to appoint*, or by the death, removal out of the State, resignation, or inability of the State treasurer, the governor shall fill the vacancy by appointment to continue until the next meeting of the general assembly.

It would be absolutely preposterous, a flagrant invasion of every sense of governmental propriety, to permit a governor in such case to act as a legislator and thus by his vote, and what is infinitely more potent, by his executive influence in the senate, defeat the election of a State treasurer, thus enabling him to appoint a man of his sole choice to that office.

Is there no incompatibility there? Does this Senate believe that the men who framed the constitution of the State of Delaware ever intended that the governor of the State should have the power to give the controlling vote in the legislature, defeating the election which rightfully belonged to the legislature, of the treasurer of the State, who is to handle the exchequer, and by virtue of that act acquire jurisdiction to appoint a creature of his own to that position?

Mr. GEORGE. Will the Senator allow me to suggest there——

Mr. MITCHELL of Oregon. I would rather not. I prefer to go on. The Senator will have full opportunity to answer all these conundrums when I get through.

Mr. GEORGE. Very well. Of course I do not wish to interfere with the Senator.

Mr. MITCHELL of Oregon. But still another clause in the constitution clearly indicates the incompatibility of the two offices of governor and legislator.

Section 1 of Article III of the constitution provides as follows:

The supreme executive powers of the State shall be vested in a governor.

While, therefore, the constitution designates the speaker of the senate as an *eligible* person to fill the office of governor, and as the person to fill it in the event of a vacancy, it is clear he can not, and does not, fill the office as senator, or because of the fact that he is the speaker of the senate, for the reason that the supreme executive powers of the State are, by the constitution, vested in a *governor*, and *not* in the *speaker of the senate*.

But there is a still further and most conclusive reason why it was never intended by the framers of the Delaware constitution that the same person should exercise simultaneously the offices of governor and senator. There is a clause in section 14, Article III, of the Delaware constitution, which reads as follows:

If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution, the secretary of state *shall exercise the same* until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office until a governor, elected by the people, shall be duly qualified.

It will be observed precisely the same phraseology is used here—that is, "shall exercise the office"—that is used in the case of the speaker of the senate. The language used in the case of the speaker of the senate is, "shall exercise the office," while in the case of the secretary of state it is, "if * * * there be no other person who can exercise said office * * * the secretary of state shall exercise the same"—that is, the office of governor.

So the language is in substance and effect precisely the same in the two cases, as all must agree.

It follows, therefore, if the speaker of the senate, who in case of a vacancy exercises the office of governor can, as claimed by the minority of the committee, still continue to exercise the office of senator and speaker of the senate, then also the secretary of state, who succeeds to the exercise of the office of governor, can also continue to exercise the office of secretary of state. But considering the respective duties of executive and secretary of state, can anyone for one moment but believe that the two offices are in all respects so utterly incompatible, the functions of each are so absolutely variant from those of the other as to render the proposition that they can be held and exercised simultaneously by the same person little else than absolutely and ridiculously absurd. No lawyer taking an account of the respective functions of the two offices, the duties of the one intended to be as they are in a great measure a check on the action of the other, can believe for a moment that it was ever intended by the men who framed the Delaware constitution, that one person should at one and the same time be both governor and secretary of state, and yet, as we have seen, he succeeds to the exercise of the office of governor under precisely similar constitutional provisions as does the speaker of the senate. If the one can exercise the functions of both offices at one and the same time, then it necessarily follows the other can also do so.

NO SUPPORT IS GIVEN TO THE THEORY OF THE MINORITY BY THE USE OF THE WORDS "*may choose*" AND "SPEAKER *pro tempore*" IN SECTION 14 OF ARTICLE 3 OF THE DELAWARE CONSTITUTION.

The minority of the committee seek to draw an argument in support of their contention that the speaker of the senate while exercising the office of governor does not become the governor, but remains senator and speaker of the senate, and as such, and not as the governor, exercises *ex officio* the office of governor, from the following provision in section 5 of Article II of the Delaware constitution relating to the election of a speaker *pro tempore*. This clause reads as follows:

Each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*.

The distinguished Senator from Indiana, great lawyer, distinguished in his profession, as we all concede him to be, sees in this clause not anything *express*, it is true, but what he designates a *plain implication* that there is no vacancy created in the office of speaker when the speaker succeeds to the exercise of the office of governor. No attempt, however, is made by the Senator to sustain this claim by any argument whatever. No suggestion even is offered in support of the proposition. The claim is simply made dogmatically; that is all.

The reasons for such a claim and the argument in support of it will perhaps come when the author of the proposition comes to address the Senate. Perhaps, however, from the fact that an argument in support of this proposition was advanced by counsel in their printed briefs filed with the committee in opposition to the claim of Mr. Du Pont to a seat, I may be permitted to anticipate the argument that will probably be made, and answer it now.

Counsel in their printed brief base this claim on the use of the words "*may choose*" and "*pro tempore*," which occur in the clause of the constitution quoted. It is insisted the use of the words "*may choose*," in the latter part of such clause, simply implies a *discretion in*, and not a *duty upon*, the part of the senate

to elect a speaker *pro tempore* in such a case; and that the use of the terms speaker *pro tempore* carries with it an implication of the contemporaneous official existence of another speaker a permanent speaker.

Mr. PLATT. In what clause of the constitution is that provision?

Mr. MITCHELL of Oregon. In section 5 of Article II.

I do not concede either of these propositions as a result of a proper legal construction of such provision, even if this provision stood alone, and the difficulty is much greater in reaching such a conclusion when considered, as the clause must be, in connection with other clauses of the constitution.

In response to the first suggestion that the use of the words "speaker *pro tempore*" carries with it any implication of the contemporaneous existence of another speaker, a permanent speaker, it is sufficient to attract attention to the innumerable American precedents of the election of a speaker *pro tempore* when there was no regular speaker. A speaker *pro tempore* is simply a speaker for the occasion, for the time being. There may or may not be another speaker in existence at the same time. Therefore, no argument in opposition to the theory for which I am contending can be drawn from the use in the provision quoted of the words "speaker *pro tempore;*" nor upon the other hand does the use of the words afford any argument in support of the theory of the minority of the committee.

While it is conceded if the framers of the Delaware constitution intended that the accession of a speaker of the senate to the exercise of the office of governor should create an absolute vacancy, then they might with propriety have provided for a permanent speaker. The fact, however, that they did not do so can not by any means be regarded as conclusive that such was not their intention. If, however, it was the intention of the framers of that constitution that the office of senator in such case should not become absolutely vacant, but that the right of the governor to exercise the office of speaker of the senate and senator while exercising the office of governor should be held in abeyance, be absolutely suspended during the time he should continue to exercise the office of governor, then the provision for the election of a speaker *pro tempore* was eminently proper; while the very fact that such provision was made ought to have great weight in that direction, if it is not indeed absolutely conclusive upon the question, that the framers of that instrument never intended that the dual functions of senator and governor, much less the treble functions of governor, senator, and speaker of the senate, should be exercised simultaneously by the same person, but that on the termination of the exercise of the office of governor the person so exercising such functions might resume his seat as senator and speaker of the senate. This is the most to be deduced from the use of the words "*speaker pro tempore*" in any view to be taken from such use in this connection.

Mr. GEORGE. I want to call the attention of the Senator from Oregon to a fact under the constitution of Delaware. Has he noticed that his supposition as to the construction of the provision for a speaker *pro tempore*, namely, that the speaker might return to the speakership after the operation of his exercise of the office of governor, is without foundation and can not be sustained, since by the provisions of the constitution in relation to elections the office of speaker, with the right to preside in the senate, must always expire before he ceases to exercise executive authority? Under those circumstances would there be any necessity, on the idea of suspended duty, to elect a speaker *pro tempore?*

Mr. MITCHELL of Oregon. There would be a necessity so long as——

Mr. GEORGE. Not upon the idea that he was going to come back and take his seat, because he never could come back and take his seat.

Mr. MITCHELL of Oregon. Not in the event that the exercise of the office of governor continued beyond the expiration of his term as senator.

Mr. GEORGE. It always does under the constitution of Delaware. It always extends beyond his term of speaker.

Mr. MITCHELL of Oregon. That, to my mind, if it be so as a matter of fact, is one of the most conclusive arguments that could possibly be advanced, that the speaker of the senate, when he succeeds to the exercise of the office of governor, exercises that office not *ex officio* as senator, not *ex officio* as speaker of the senate, but as the governor of the State of Delaware. Besides, either the Senator from Mississippi, or the Senator from Indiana, who prepared the views of the minority in this case, is in error, for the latter cites as an argument in support of such views the fact—I quote from his printed views—that "Three persons, upon each of whom at different times devolved, under this clause, the exercise of the office of governor—John Sykes, Jacob Stout, and Caleb Rodney—speakers of the senate, who temporarily exercised the executive authority as such speakers, after they had exercised the office of governor *ad interim* returned to the senate and served out the terms for which they had been elected as senators in the senate."

Mr. GEORGE. Will the Senator from Oregon allow me to answer that question right now?

Mr. MITCHELL of Oregon. I prefer to go on.

Mr. GEORGE. Very well; but there is a very conclusive answer to that in the constitution of Delaware.

Mr. MITCHELL of Oregon. So far as the use of the words "*may choose*" in this provision is concerned, it is clear under the well-settled rule that the word "*may*" as thus used should be construed "*shall.*"

The rule is, said the court in Rex *vs.* Inhabitants of Derby (Skinner, 370), and in Rex et Regina *vs.* Barlow (2d Salkeld, 609), "where a constitution or a statute directs the doing of a thing for the sake of justice or the public good, the word '*may*' is the same as the word '*shall.*'"

This rule has been followed both in England and the United States without any respectable dissent.

A statute of Illinois reads as follows:

> The board of supervisors *may*, if *deemed advisable*, levy a special tax, etc.

The Supreme Court of the United States, in construing this statute in the case of Supervisors *vs.* The United States (4 Wall., 435), opinion by Mr. Justice Swayne, said:

> The conclusion to be deduced from the authorities is that where power is given to public officers in the language of the act before us, or in equivalent language, where the *public interest* or *individual rights* call for its exercise, the language, though *permissive in form*, is in fact, *peremptory.*

So again, in Steines *vs.* Franklin Company (48 Mo., 167) the court held that when a statute provides that the county court "*may*" submit the question to the voters before incurring certain expenses, it *must* do so.

And again, in Mitchell *vs.* Duncan (7 Fla., 13) it was held that the word "*may*" should be construed as "*shall*" where a statute directs the doing of a thing *necessary to the ends of justice.*

Again, in People *vs.* Brooklyn (22 Barb., 404) it is held that the word "*may*" will be construed as "*shall*" where the good sense of the entire enactment requires it.

While in the case of Mayor *vs.* New York (3 Hill, 612) the supreme court of that State said:

> Where a public body or officer has been clothed by statute with power to do an act which concerns the *public interest*, or the *rights of third persons*, the execution of the power may be insisted on as a *duty*, though the phraseology of the statute be permissive merely.

Surely the *public interests*, as well as the *rights of third persons*, require—absolutely demand—that a new speaker be elected, either *permanently* or *pro tempore*, when the speaker leaves the senate and enters upon the exercise of the office of governor.

There is no support, therefore, it is respectfully submitted, to be drawn from this provision of the Delaware constitution in favor of the theory set up by the minority of the committee.

A DIFFERENT DISABILITY IS APPLIED TO PERSONS INVOLVED IN ARMY AND NAVY CONTRACTS FROM THAT APPLIED TO MEMBERS OF CONGRESS AND PERSONS HOLDING OFFICE UNDER THE UNITED STATES AND THE STATE OF DELAWARE,

It is contended by those opposing the seating of Mr. Du Pont that the following clause in section 12, Article II, of the Delaware constitution can not by any reasanable or fair construction amount to a provision that the seat in the senate held by Watson when he succeeded to the office of governor shall not be subject to occupation by anyone during the time Watson exercises the office of governor. It is claimed by the opposition that at most it could only amount to a personal disqualification, leaving the seat absolutely vacant and subject to be filled by another senator to be chosen at a special election by the electors of Kent County. This provision reads as follows:

> SEC. 12. * * * No person concerned in any army or navy contracts, nor member of Congress, nor any person *holding* any office under this State or the United States, except the attorney-general, officers usually appointed by the courts of justice respectively, attorneys at law, and officers in the militia holding no disqualifying office shall, during his continuance in Congress or in office, *be a senator or representative.*

Counsel, in their printed argument in opposition to the seating of Mr. Du Pont, filed with the committee, seek to draw an argument in opposition to the theory that the right to exercise the office of senator can be and is held in abeyance, suspended, during the continuance of the exercise of the office of governor, by placing persons concerned in army or navy contracts under precisely similar disabilities with members of Congress, and persons holding office under the State of Delaware or the United States, and then they conclude, if this provision means *not*, that the office of senator becomes absolutely vacant when the speaker of the senate enters upon the exercise of the office of governor, but simply that it shall, during such exercise of the office of governor, not be subject to occupation, then it must also mean that in the case of an army or navy contractor his seat will not become absolutely vacant, but simply that it would not be subject to occupation.

In other words, the claim of the opposition is—and just what it would amount to, even were it well founded, is a matter somewhat obscure—that if the office is simply in abeyance, suspended, in the one case, then it is also in the other; that is, if it is simply held in abeyance and suspended in the case of a member of Congress, or in the case of a person holding office under the United States or under the State of Delaware, then it is simply suspended precisely to the same extent in the case of a person involved in an army or navy contract.

This, Mr. President, it is submitted, is a grave misapprehension and misconstruction of the clause in question. The clause does not place army and navy contractors in precisely the same category with members of Congress and persons who hold office under the State of Delaware or the United States. It does not apply precisely the same character of disability, or at least while there is no doubt whatever as to the character of the disability applied to persons concerned in army and navy contracts, there is perhaps room for doubt as to the character of the disability applied to members of Congress and those holding office under the United States or the State of Delaware.

In the case of the member of Congress and persons holding office under the United States or the State of Delaware, the language is, "shall not *during his continuance in Congress* or *in office* be a senator or representative;" while the language of the constitution applicable to the army and navy contractor is, "No person concerned in any army and navy contracts * * * shall be a senator or representative." It does not say in this latter case "no person concerned in army or navy contracts * * * shall *during his continuance in his contract* be a senator or representative."

The distinction between the two clauses, or rather between the two applications of the same clause of the Constitution—that is, in its application to members of Congress and persons holding office under the United States or the State of Delaware on the one hand, and to those concerned in army or navy contracts on the other—is clear, distinct, and well defined.

In the case of a person concerned in army or navy contracts, it is clear beyond all question that the seat becomes *absolutely vacant*, and there is no room whatever for holding that it is simply held in abeyance or suspended during the continuance of his contract; while in the case of the member of Congress and of the person holding office under the United States or the State of Delaware, the clause may be and is open to two constructions—the one being either that the office becomes *absolutely vacant*, or, if not this, then it is clear beyond all question that the right of the person to exercise the office is held in *abeyance* and *suspended* so long as he *continues to be a member of Congress*, or to *exercise an office under the United States or under the State of Delaware*. It is, moreover, quite immaterial which of these two constructions is adopted as to the latter class of persons, as either one must result in the seating of Mr. Du Pont.

WHAT ARE THE PRECEDENTS, AND WHAT HAS BEEN THE USAGE IN THE STATE OF DELAWARE? THEY ARE BOTH OVERWHELMING IN SUPPORT OF THE THEORY OF THE COMMITTEE.

But the distinguished Senator from Indiana, in his views of the minority of the committee, after having laid down the broad proposition and attempted, as I think, vainly to prove it, that a speaker of the senate who succeeds to the exercise of the office of governor, as did Speaker Watson in the case under consideration, does not become the governor, is not the governor, but still senator, still speaker of the senate, exercising the office of governor *ex officio*, or *ad interim* as he designates it, introduces in its support what he claims to be the contemporaneous construction of the Delaware constitution on this point by the government and people of Delaware. He says—I quote from the views of the minority—

"If this interpretation of the constitution of the State were at all doubtful, it is abundantly sustained by practical contemporaneous and continuous construction in the actual administration of the government of Delaware."

It is conceded by me if this question is by the terms of the constitution left in any doubt, then the construction placed upon the instrument by the departments and people of Delaware could be properly invoked for the purpose of shedding light on the question.

To this proposition of the views of the minority I reply—

First. The provisions of the constitution, as I have endeavored to show, to the effect that the two offices can not be simultaneously exercised by the same person are clear, plain, positive, unambiguous, nothing being left to construction, although the question as to whether the office becomes *absolutely vacant*, or only its *functions suspended* during *his continuance in the office of governor* may be open to construction; and

Second. The facts quoted in the views of the minority for the purpose of showing usage and precedent, so far from vindicating the construction of the views of the minority, prove precisely the reverse.

That I may in no manner misrepresent the statement and views of the minority of the committee on this point, I quote in full from their views all that is said on that subject:

If this interpretation of the constitution of the State were at all doubtful—

Referring to the interpretation placed on it by the distinguished Senator who wrote the views of the minority—

it is abundantly sustained by practical, contemporaneous, and continuous construction in the actual administration of the government of Delaware. Three persons, upon each of whom at different times devolved, under this clause, the exercise of the office of governor (John Sykes, Jacob Stout, and Caleb Rodney), speakers of the senate, who temporarily exercised the executive authority as such speakers, after they had exercised the office of governor ad interim, returned to the senate and served out the terms for which they had been elected as senators in the senate. No suggestion was made that they had vacated their office as senators or had become governors of the State of Delaware by reason of the temporary exercise of executive duties imposed upon them by section 14, Article III, of the constitution.

Suppose these three persons did, Mr. President, after they ceased respectively to exercise the office of governor, return to the senate and serve out the terms for which they had been elected as senators, what does it prove? Does it prove that they had the right while exercising the office of governor to exercise the office of senator? Does it prove that there can be a simultaneous dual exercise of these two incompatible offices by the same person? Most assuredly not. On the contrary, if these three speakers of the senate did not, while exercising the office of governor, exercise or attempt to exercise the office of senator or speaker of the senate—and it is conceded they did not—then, in so far from being a precedent or establishing usage in favor of the construction contended for by the minority of the committee, it is just the reverse. The very precedents cited by the distinguished Senator from Indiana sustain and support the construction for which I am contending; that is, that while so exercising the office of governor he shall *not* be a senator in the sense that he would be entitled to exercise the functions of a senator, but, on the contrary, while so exercising the office of governor, his functions as senator are held in abeyance—absolutely suspended.

The very fact, therefore, that these three persons cited in the views of the minority refrained from any attempt to exercise the office of senator or speaker of the senate so long as they continued to exercise the office of governor, and when they ceased to exercise the office of governor resumed the exercise of the office of senator, proves as a precedent, if permitted to control, just two things:

First. That the office of senator does not become *absolutely vacant* on the speaker of the senate entering upon the exercise of the office of governor; and

Second. That on the speaker of the senate entering upon the exercise of the office of governor his right to exercise the office of senator and speaker of the senate for and during the time he continues to exercise such office of governor is *held in abeyance—absolutely suspended.*

This only is what is established, if anything, in the way of usage and precedent by the three cases upon which the minority rely. These precedents, however, as it is plain to be seen, so far from sustaining the position of the minority, are in direct line with and in support of my contention and the contention of the majority of the committee.

But not only so, Mr. President. I shall now proceed to show that in addition to the three cases cited in the views of the minority, the precedents for the last one hundred years have been uniform and overwhelmingly against the construction contended for in the views of the minority, and in favor and in support of the contention of the majority of the committee, and for which I am now contending, and to this I now attract the attention of the Senate.

Since 1792, nine speakers of the senate and one speaker of the house of representatives have succeeded to the office of governor of the State of Delaware, pursuant to the provisions of section 14 of Article III of the Delaware constitutions of 1792 and 1831. Four of these were under the constitution of 1792, and six under the constitution of 1831. The constitution of 1831, with a slight amendment which does not affect this case, is the present constitution of the State of Delaware.

A critical examination of the record discloses the fact that in not one of these ten cases cited has any person who has succeeded to the governorship of the State of Delaware in the last one hundred and four years in virtue of this section 14—and so far as this question is concerned the constitutions of 1792 and 1831 are substantially similar—whether speaker of the senate or speaker of the house of representatives, taken any part whatever during his continuance in the exercise of the office of governor, in the proceedings of the senate or of the house of representatives, with the single exception of the present governor of the State of Delaware, Mr. Watson, and he only for a portion of one day and for a single purpose to defeat the election of a United States Senator.

During the one hundred and four years that have elapsed since the adoption of the Delaware constitution of 1792, although ten persons have succeeded to the office of governor to fill vacancies

under the same or a similar provision of the constitution as that under which Mr. Watson succeeded, Mr. Watson is the only one in all that time who has attempted, while exercising the office of governor, to exercise the functions of senator, the other nine never having attempted to exercise the office of senator while continuing in the exercise of the gubernatorial office.

These several accessions to the exercise of the office of governor from the speakership of the senate and of the house were scattered along at different periods during the last one hundred years, as follows:

Daniel Rogers, speaker of the senate, succeeded Governor Gunning Bedford, who died September 30, 1797, ninety-eight years ago last September.

James Sykes, speaker of the senate, succeeded Governor Richard Bassett, who had created a vacancy in the office of governor by the acceptance of a judicial appointment under the United States.

In January, 1820, Jacob Stout, speaker of the senate, succeeded Governor James Clark, who died that month.

In April, 1822, Caleb Rodney, speaker of the senate, succeeded John Collins, who died in that month.

In June, 1823, Charles Thomas, speaker of the senate, succeeded Governor Joseph Haslet, who died in office.

These successions were all under the constitution of 1792.

On May 12, 1836, Charles Polk, then speaker of the senate, succeeded Governor Caleb P. Bennett, who died May 9, 1836.

On March 5, 1846, Joseph Maull, speaker of the senate, succeeded Governor Thomas Stockton, who died March 2, 1846.

On May 6, 1846, William Temple, speaker of the house of representatives, succeeded Governor Joseph Maull, who died May 3, 1846.

On March 1, 1865, Gove Saulsbury, speaker of the senate, succeeded Governor William Cammon, who died on that day.

While William T. Watson, the present governor of the State, as speaker of the senate, succeeded to the exercise of the office of governor on April 9, 1895, as we have seen, to succeed Governor Joshua H. Marvil, who died April 8, 1895.

Here, then, Mr. President, if precedent and usage are to count for anything in the determination of the case under consideration, and I concede they may, we have the uniform usage and precedents of the government and people of the State of Delaware, running through a period of a whole century, in favor of the construction of the Delaware constitution, to the effect that the two offices of governor and senator of that State can *not* be exercised *simultaneously* by the *same person*, and in only *four* out of the *ten* cases was there any attempt upon the part of the governor, who had become such in virtue of the provisions of the constitution in regard to vacancies, to resume the exercise of the office of senator or member of the house of representatives *after* the termination of their exercise of the office of governor.

Mr. PLATT rose.

Mr. MITCHELL of Oregon. I will yield to the Senator from Connecticut in a moment.

If, then, there were any doubt whatever as to the proper construction of the Delaware constitution upon this question, it would seem that this usage of a century, these precedents scattered along through a period of ninety-eight years, ought to be conclusive upon the subject.

Mr. GEORGE. Mr. President——

Mr. MITCHELL of Oregon. I will first yield to the Senator from Connecticut, who desired to ask me a question.

Mr. GEORGE. I wish to ask a question, just for information.

Mr. MITCHELL of Oregon. In a moment. I will yield to the Senator from Connecticut first.

Mr. GEORGE. I merely wanted to ask whether any of those four senators who went back and resumed the office of senator ever resumed the office of speaker, or whether they just resumed the office of senator. That is all I want to know.

Mr. MITCHELL of Oregon. I think that does not appear. It does appear that they went back and resumed the office of senator. I think there is nothing in the case that would justify me in stating that they either did or did not resume the office of speaker.

Mr. GEORGE. That is all I wanted to ask.

Mr. PLATT. What I desired to ask the Senator from Oregon was whether there are instances in which the speaker of the senate or the speaker of the house who thus was called upon to exercise the office of governor continued to exercise the office of governor after the term for which he was elected had expired.

Mr. MITCHELL of Oregon. Oh, numbers of instances. It has just been stated by the Senator from Mississippi [Mr. GEORGE], that under the peculiar formation of the government of Delaware that must be so in every case, because the constitution of Delaware provides specifically that when the speaker of the senate or the speaker of the house of representatives succeeds to the exercise of the office of governor, he shall continue to exercise the office of governor until a governor is elected by the people.

Mr. GEORGE. And properly qualified.

Mr. MITCHELL of Oregon. And properly qualified. Hence it throws over beyond the expiration of the term of senator the office of governor. To this, however, there must have been at least three exceptions out of the nine prior to Watson, otherwise Sykes, Stout, and Rodney could not have resumed their seats, as stated in the views of the minority.

Mr. PLATT. That would depend on whether the person took the office of governor during the last two years of his senatorial term, would it not? Mr. Watson, who takes it during the last two years of his senatorial term, would certainly be required to exercise the office of governor after his term would expire by law.

Mr. MITCHELL of Oregon. They are elected every four years, I understand.

Mr. GEORGE. Every four years.

Mr. MITCHELL of Oregon. The Senator from Connecticut is, then, most probably correct, as I believe it is conceded as a matter of history that three persons who had succeeded to the exercise of the office of governor to fill vacancies, did, after their terms as governor had expired, resume their seats in the senate, as stated in the views of the minority.

But, Mr. President, there is another consideration in connection with the phraseology of section 14 of Article III of the Delaware constitution which goes far to dissipate and wipe out the theory that the speaker of the senate, who succeeds in case of a vacancy to the exercise of the office of governor, is a mere *ad interim* or *ex officio* governor. No difference, it will be observed, in the tenure of his office of governor is made in the cases where he succeeds to a vacancy created by death or by *inability*. In either case he is to continue in the exercise of the office "*until a governor elected by the people shall be duly qualified.*" Although the vacancy may be caused by a *temporary inability* upon the part of the governor elected by the people, rendering him unable to exercise the office, yet if the speaker of the senate in such case take the gubernatorial oath and enter upon the exercise of the office of governor, although the inability of the governor elected by the people may be removed the next week, he can not resume the exercise of the office of governor. His office by virtue of the express provision of the constitution of the State is forever gone. It can never be resumed by him, for the reason that the constitutional provision quoted declares in the most positive terms that the speaker of the senate, who has become the governor, has entered upon the exercise of the office, shall continue to exercise such office, *not* merely until such *inability shall be removed*, but "*until a governor elected by the people shall be duly qualified.*"

A governor of the State of Delaware may suffer an inability that renders him unable to exercise the office of governor. Pending that inability, which may be but *temporary*, the speaker of the senate succeeds to the office of governor. The governor elected by the people may be restored to health, the inabillity may be removed within a day after the speaker of the senate has been sworn into office and assumed the office of governor, and yet that governor elected by the people, thus unfortunately stricken temporarily with disability, can never resume the office of governor again, unless he is again elected by the people. Why? Owing to the simple fact that the constitution declares in express terms that the speaker of the senate or the speaker of the house of representatives who succeeds to the exercise of the office of governor, whether the vacancy is created by death *or* by inability, shall continue to exercise the office, *not* until the inability is removed, but *until his successor is elected by the people and duly qualified.*

Mr. GRAY rose.

Mr. MITCHELL of Oregon. I will hear the Senator.

Mr. GRAY. I do not think the matter is important as to any main issue in this argument, but it is interesting, and it has been raised by the Senator from Oregon for the first time so far as I know. Why would it not be competent for the governor, who by reason of his inability had vacated the office, so to speak, the speaker of the senate exercising office during that inability, to resume, upon his restoration to health, the office as a governor elected by the people, as he undoubtedly was?

Mr. MITCHELL of Oregon. That would be a stretch, it seems to me, of the language of the constitution.

Mr. GRAY. I merely make the suggestion.

Mr. MITCHELL of Oregon. I do not think the provision is subject to a construction of that kind.

Mr. PLATT. "Until a governor elected by the people shall be duly qualified."

Mr. MITCHELL of Oregon. "Duly qualified."

Mr. GRAY. Let me ask the Senator from Connecticut whether he would not think that he was duly qualified when his disability had been removed?

Mr. PLATT. I think that refers to a governor who shall be elected and take the oath.

Mr. MITCHELL of Oregon. Undoubtedly. The suggestion of the Senator from Delaware is an interesting one, but I can not think the provisions subject to such a construction.

Mr. GRAY. I do not insist upon it. It is a point that only occurred to me while the Senator was speaking.

Mr. PLATT. If the Senator from Oregon is going to a new subject now—I do not know whether he has had his attention turned to this subject——

Mr. MITCHELL of Oregon. I should like to finish the line of argument I am now on. I will yield to the Senator presently.

Mr. PLATT. All right.

Mr. MITCHELL of Oregon. In this connection, it is well to contrast this provision in the Delaware constitution with the corresponding provision in the Constitution of the United States. The provision in the latter reads as follows:

In case of the removal of the President from his office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

In a case, therefore, where the office of President devolves on the Vice-President in case of a vacancy in the office of President occasioned by "inability to discharge the powers and duties of the said office," while there is nothing in the Federal Constitution which *in terms* authorizes either the President to resume his office on the inability being removed, or the Vice-President in such event to resume his office of Vice-President, it is equally clear there is nothing in such Constitution which either in express terms or by any fair implication declares they or either of them shall not do it. But in the Delaware constitution it is wholly different, inasmuch as it declares that when the speaker of the senate succeeds to the governorship in the event of either the death, resignation, removal, *or inability* of the governor, he shall exercise such office, not merely until the *inability is removed*, but until a *governor elected by the people shall be duly qualified.*

There is, moreover, in section 9 of Article VI of the Delaware constitution a clause which can not be regarded as otherwise than a most convincing argument in favor of the theory advocated by the majority of the committee, and for which I am now contending, to the effect that there can not be under that constitution a simultaneous exercise by the same person of the offices of executive and legislator. That section provides that the governor shall have power to commission a judge *ad litem* to decide any cause in which there is a legal exception to the chancellor, or any judge, so that such appointment is necessary to constitute a quorum in either court.

It is further provided that the commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause.

This same section further provides as follows:

A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge *ad litem*.

The fact that this exception in favor of a member of Congress and of any person holding or exercising an office under the United States, and permitting such member of Congress or other person holding an office under the United States to be appointed judge *ad litem*, and to exercise such office while holding or exercising the Federal office, adds strength and conclusiveness to the other provisions of the constitution, which declares that no person holding any office under the United States or the State of Delaware shall, during his continuance in office, be a senator, and which further declares, that no member of Congress or person holding any office under the United States or the State of Delaware shall exercise the office of governor.

But, furthermore, the constitution of the State of Delaware, section 7, Article III, provides, as do most State constitutions, that the governor shall be commander in chief of the army and navy of the State and of the militia, except when they shall be called into the service of the United States. Hence it is, if he is permitted to exercise the offices of governor and senator at one and the same time, then he exercises at once *triple* independent powers, first, as governor; second, as commander in chief of the army and navy of the State, and third, as legislator.

THE CORRESPONDING CLAUSES IN THE FEDERAL CONSTITUTION AND THAT OF THE DELAWARE CONSTITUTION CONTRASTED AND CONSIDERED.

In the discussion and determination of the question as to whether Speaker Watson became in fact and for every purpose the governor of the State of Delaware, with no right or power while exercising such office to exercise the office of senator and speaker of the senate, much light comes to us from a consideration of the corresponding clause in the Federal Constitution, and from the construction placed upon it by all departments of the Government, and by all the people of the United States, from the earliest history of our Government to the present time. And that it may be clear that this consensus of construction of this clause in the Federal Constitution may be properly regarded as applicable to the Delaware case, and therefore a proper precedent to be considered and applied, it is well to contrast the phraseology of the clauses in the Federal and Delaware constitutions.

In the Federal Constitution the language is, "the *same* shall *devolve on the Vice-President.*" That is to say, either the "*powers and duties*" or the "*office*" of President shall "*devolve on the Vice-President.*" There is a slight ambiguity in the construction of this clause, creating a doubt as to whether it is the "powers and duties" or the "office" which devolve on the Vice-President. But this is quite immaterial, as the meaning in either event is precisely the same.

While the language of the Delaware constitution is "*shall exercise the office.*"

It is submitted the legal construction and effect of these two clauses are precisely the same. One says either the "office" or "the powers and duties" of the office shall devolve on the Vice-President, while the other says the speaker of the Delware senate "shall exercise the office"—that is, the office of governor.

It follows clearly, therefore, that what may be regarded as a controlling precedent in the one case should also be so regarded in the other in so far as the effect of these two particular clauses of the two constitutions is concerned.

It will not be denied that it has been decided and held by every department of the Government, and this decision recognized and acquiesced in by all the people of this country, that when a Vice-President succeeds a deceased President, he is not merely an *ad interim* President, he does not exercise the powers or perform the duties of President *ex officio* as Vice-President, but becomes *the President in every constitutional sense of the term*, with the one single exception—that relating to the duration of his term of office. Did not the House of Representatives in the impeachment of Andrew Johnson, and did not the Senate sitting as a high court of impeachment in his trial, recognize him, not merely as Vice-President performing *ex officio* the powers and duties of President, not merely as an *ad interim* President, but as *the President* in every constitutional and other sense of the term? If it be true, therefore, that Tyler, Fillmore, Johnson, and Arthur, on the deaths respectively of Harrison, Taylor, Lincoln, and Garfield, became respectively *the President* of the United States in every sense of that term, then it is equally clear that Speaker Watson, on taking the gubernatorial oaths of office, became *the governor* of the State of Delaware *in every constitutional sense of that term.*

Mr. PLATT. It has been decided by the Supreme Court of the United States that he does become President.

Mr. MITCHELL of Oregon. Certainly. I said that it had been so decided by all departments of the Government, which of course includes the judiciary.

PROPOSITIONS ESTABLISHED.

Now, Mr. President, I believe I have demonstrated beyond the power of successful contradiction, and to their refutation I challenge the best efforts of the opposition, the following propositions:

First. That at common law no person shall exercise simultaneously two incompatible offices;

Second. That under the American system legislative and executive offices are incompatible, and can not be exercised simultaneously, unless *expressly* or by *clear implication* authorized, either by the fundamental law, or by a statute authorized by the fundamental law, and that such instances in America are the exception and not the rule, and no such exception exists under the constitution or laws of the State of Delaware;

Third. That the simultaneous exercise of the dual functions of executive and legislator is not only *not* authorized, either *expressly* or *inferentially*, by the Delaware constitution, but, on the contrary, by the *express provisions* of the constitution of that State, *expressly inhibited;*

Fourth. That in addition to these *express* prohibitory clauses in the Delaware constitution, and though they were eliminated from that instrument, there are various other clauses which by plain and *necessary inference* prohibit the simultaneous exercise of the offices of governor and State senator by the same person on the ground of the clear incompatibility of the two offices;

Fifth. That both at common law and under the American system the acceptance of an office by a person holding or exercising one, the duties of which are incompatible with those of the one accepted, is, in law, *ipso facto* a resignation of the office so held, and under certain circumstances a *resignation of the right to exercise the functions* of the former *while exercising those of the latter*, and no finding or judgment is necessary in a case where the *facts* are *conceded*, either by a legislative body, a judicial court, or any other tribunal, in order to vacate such office or establish such suspension;

Sixth. That when William T. Watson, as speaker of the Delaware senate, took the gubernatorial oaths and entered upon the exercise of the office of governor, he became the governor of the State in the full constitutional sense of that term, and not merely governor *ex officio* or *ad interim* as speaker of the senate, and his acceptance of such office was *ipso facto* a resignation in law, either absolutely of his office as senator, or at least of his right to exercise the office of senator, so long as he exercised the office of governor;

Seventh. And furthermore, as there is no fact in dispute necessary for the Delaware senate to pass upon, all the facts being open,

public, notorious, and matters of public record, and of which all departments of the government will take judicial notice, besides being conceded by all parties to this controversy, there was nothing left for the Delaware senate to pass upon, any more than there would have been had William T. Watson been executed in pursuance of a judicial record, of which all would take judicial notice, sentencing him to be hanged;

Eighth. That the simultaneous exercise by the same person of the dual functions of the offices of governor and legislator, being not only *expressly prohibited* by certain provisions of the Delaware constitution, but also by various other provisions of that instrument plainly *inferentially prohibited*, William T. Watson, while exercising the office of governor of the State of Delaware, had no right or power to exercise the functions of either State senator or speaker of the senate, and hence his acts in entering the joint assembly of the members of the Delaware legislature on May 9, 1895, and voting for a United States Senator were *ultra vires*, wholly *illegal*, prohibited by the Delaware constitution, as also by the act of Congress of July 25, 1866, providing the manner of electing United States Senators, and therefore *void;* and

Ninth. And as a necessary logical result of the foregoing eight propositions, there were but 29 legal votes in the joint assembly May 9, 1895, and the claimant, Henry A. Du Pont having received 15 of such votes, was duly elected Senator for the full term of six years commencing March 4, 1895.

HAS THE SENATE OF THE UNITED STATES THE RIGHT TO INQUIRE WHETHER GOVERNOR WATSON HAD THE RIGHT WHILE EXERCISING THE OFFICE OF GOVERNOR TO EXERCISE THE OFFICE OF STATE SENATOR AND VOTE FOR A UNITED STATES SENATOR?

This brings me, Mr. President, to a consideration of the question, Has the Senate of the United States the right, on the open, notorious, publicly and universally conceded facts of this case—namely, that William T. Watson, on April 9, 1895, while senator and speaker of the Delaware senate, succeeded to the exercise of the office of governor to fill a vacancy created by the death of the governor of that State, and the further fact that while exercising such executive office he entered the joint assembly on May 9, 1895 and cast the controlling vote for United States Senator—to inquire into the right of said Governor Watson to enter such joint assembly and into the legality of his vote therein?

The minority of the Committee on Privileges and Elections insist we have no such right. It is insisted by such minority and by those indorsing the views of the minority that, notwithstanding these conceded facts, the United States Senate is foreclosed and precluded from inquiring into or passing upon this question. And this contention, it must be remembered, if good at all, must be good or not at all on the assumption that our claim as to the illegality of the presence and vote of Governor Watson in the joint assembly May 9, 1895, is well founded. Such contention can not proceed on the hypothesis that the claim of the majority of the committee as to that question is not well founded. The question now presented is not which claim—that of the majority or minority of the committee—is right or wrong. The question is, Has the Senate of the United States the power, under the constitutional grant to judge of the elections, returns, and qualifications of its own members, to inquire into and determine this question for itself? The minority of the committee say: No; this Senate has no such right.

If such, Mr. President, is the law of our being, if such a limit as this is to be placed upon the grant of power that each House shall be the judge of the elections, returns, and qualifications of its own members, then, indeed, does the Senate of the United States stand helpless as a child, wholly impotent either to protect itself against the admission to, or the exclusion from a seat in this body of a person either notoriously universally admitted to never have been elected on the one hand, or universally conceded to have been legally elected on the other. The announcement of such a doctrine may well awaken the surprise of Senators, and in support of such a theory it would seem that other and stronger reasons should be adduced than are vouchsafed in the views of the minority of the committee.

I shall now, Mr. President, endeavor to show, so far as I may, that this contention upon the part of the minority of the committee is not well founded, and can not for one moment be successfully defended or sustained.

And in the first place, that the precise question at issue may not be befogged by extraneous matter, and that there may be no misunderstanding of the position of the committee as represented by the majority, or of the position of the minority as represented in their printed views, I shall submit the following propositions; which I respectfully insist prescribe the true constitutional and legal rules on the subject now under consideration, and which are applicable to the Delaware case:

First. That the Delaware senate has the right, as has the Senate of the United States, to judge of the elections, returns, and qualifications of its own members.

Second. In a case where the Delaware senate has inquired into and rendered judgment, either expressly or constructively, upon the elections, returns, and qualifications of a member, and he has been inducted into office, no fact or condition subsequently intervening which *in law* may operate, either to *disqualify such incumbent* or to make *vacant a seat*, or to *permanently* or *temporarily* suspend and hold in abeyance the right to exercise such office, such judgment having been uninfluenced by fraud—such adjuctication of the Delaware senate, in so far as the *facts* involved are concerned, is conclusive, is binding on the Senate of the United States, and can not be inquired into here.

Third. The United States Senate, however, is *not* concluded in any case from inquiring into the right of a member of the Delaware senate to vote for a United States Senator where the State senate has never either *actually* or *constructively* rendered judgment as to such right. It is only concluded where there has been either an *actual* or *constructive* adjudication and such judgment has been either *actually* or *constructively* rendered.

Fourth. The exclusive power of the Delaware senate to inquire into the elections, returns, and qualifications of its members does not extend to or confer an exclusive power upon that body, either to pass upon a *constitutional disqualification* of a member, as a result of a fact conceded by all, namely, that such member as speaker of the senate has in virtue of a clause of the Delaware constitution succeeded to the exercise of the office of governor, or to determine exclusively, or in a manner to be binding on the Senate of the United States, as to whether the seat in the Delaware senate occupied by Watson when he succeeded to the exercise of the office of governor was or was not subject to occupation temporarily or permanently, either by Watson or by anyone else. Both these questions, whether the Delaware senate adjudicates and renders judgment therein, either actually or constructively, or not, are open questions here, to be inquired into and determined for itself by the Senate of the United States, under the constitutional grant of power to judge of the elections, returns, and qualifications of its own members.

These four propositions, Mr. President, I assert as sound in law and logic, and directly applicable to the case now under consideration.

It is claimed by the minority of the committee that the questions as to the elections, returns, and qualifications of William T. Watson to a seat in the Delaware senate was, in January, 1893, two years and four months before he, as speaker of the senate, succeeded to the exercise of the office of governor *constructively*, if not *actually*, passed upon in his favor by the Delaware senate, and he then took his seat as senator, was elected speaker of that body, and continued, with only occasional absences, to exercise the offices of state senator and speaker of the senate until April 9, 1895.

This is all conceded by me. As to this, therefore, there is no contention. It is admitted by the majority of the committee and by all parties to this controversy.

It is contended, furthermore, by the minority of the committee in their views, that Watson's right to a seat having been thus passed upon by the Delaware senate in 1893, and such senate never having afterwards passed judgment of *disqualification* on the admitted facts of his having succeeded to the exercise of the office of governor, the hands of the United States Senate are tied; that the Senate is by the adjudication of the Delaware senate in 1893 precluded from inquiring into the fact as to Watson's right to exercise the office of senator in May, 1895, while exercising the office of governor. This proposition I emphatically deny.

It is furthermore claimed by the minority, as a matter of fact, that the Delaware senate did, while Watson was exercising the office of governor, adjudicate as to his right to exercise the office of senator while exercising the office of governor. This I also emphatically deny. And upon this question of fact I insist the testimony that can legally and properly be considered is overwhelming and conclusive against any such claim.

Before proceeding to the consideration of this question of fact, however, I will endeavor to show that in no event, whether the Delaware senate did or did not pass upon the question as to the right of Governor Watson to a seat in the joint assembly, is the Senate of the United States concluded from inquiring into and passing upon this question. The exercise of this right, Mr. President, upon the part of this body is in no sense any invasion of the exclusive right of the Delaware senate to judge of the elections, returns, and qualifications of its members. This power to judge extends only to the filling of seats *subject to occupation*. It is a power limited and controlled by several constitutional limitations, and, first, by the constitutional provision determining as to the number of seats to be filled; and second, by other provisions of the same constitution, declaring either expressly or inferentially, or both, that a certain person, member of the senate, shall, upon the happening of a certain contingency while he is such senator, no longer exercise such office as senator, or that upon the happening of a certain contingency, as, for instance, a senator succeeding to the exercise of the office of governor to fill a vacancy, the seat held by him as senator shall not, while he continues to exercise the office of governor, be subject to occupation either by him or anyone else.

To permit the Delaware senate to do this, under its conceded exclusive power to judge of the qualifications of its members, would be to permit a no more flagrant exercise of power than would be the case if permitted to determine that the senate of the State of Delaware shall consist of *ten* members when the constitution declares it shall consist of but *nine*.

Mr. PLATT. I thought the Senator conceded—I do not know that he did—more than I should be willing to concede as to how far the Senate was concluded by the action of the State legislature in passing upon the qualifications of a senator. I wish to know whether the Senator goes so far as to hold that if the legislature of Delaware had admitted a senator who confessedly was only 21 years of age, and passed upon his election, qualification, and return, and seated him, we would not be permitted to inquire whether such senator was or was not 27 years of age?

Mr. MITCHELL of Oregon. I will say to the Senator from Connecticut that I shall discuss that very question. I hold nothing of the kind; but I do concede now, I will say to the Senator—because I propose to argue this case precisely as I understand it and the law applicable to it—that although there is a provision in the Delaware constitution which states that a person, in order to be entitled to a seat in the Delaware senate, must be 27 years of age, if the Delaware senate should admit a person claiming a right to a seat in that body, after having adjudicated upon the *question of fact as to his age*, and there was nothing on the face of the record to show what his age was, then the decision of the Delaware senate would, in my judgment, in the absence of fraud practiced on the senate, be conclusive on the Senate of the United States as to that fact.

Mr. PLATT. I would not concede that.

Mr. MITCHELL of Oregon. It would be conclusive, in my judgment on the judicial tribunals of the country, and on every other tribunal. I shall answer the question more fully, however, and define my position more at length, a little later on. I may say here now, however, if, on the contrary, the senate of Delaware should, by resolution, for instance, declare that, "whereas Richard Roe has to-day applied for a seat in the Delaware senate from the county of Kent, said Richard Roe being of the age of 20 years, and while that is not just what is called for by the constitution, we think there ought to be no vacancy in the senate from the county of Kent, therefore we admit him," and he is admitted, I say that is an adjudication which would be *absolutely void* and would *not conclude anybody*.

Mr. PLATT. I can not concede so much as the Senator does.

Mr. MITCHELL of Oregon. I concede that much, believing it to be a sound doctrine, and the well-settled rule of law on this subject.

Mr. GEORGE. Suppose there is a dispute about the age, would we have the power to decide then whether the senate of Delaware decided correctly or not?

Mr. MITCHELL of Oregon. I am very clear upon that point. My opinion is upon the question of fact as to the age of an applicant that the Delaware senate is the exclusive judge, subject to the conditions I have stated, but if they, in determining that fact, show on the face of their judgment that the party was not entitled to a seat, then it is an open question, and concludes nobody.

Mr. PLATT. Suppose, males only being qualfied for a seat in the legislature of Delaware, they chose to admit a woman, would the Senate of the United States be concluded by that?

Mr. MITCHELL of Oregon. That is a case within the exception I cited. It would appear on the face of the record, and such a judgment or finding of fact declaring a woman a man would not be conclusive in any tribunal.

Suppose there were a clause in the Delaware constitution declaring in express terms that in the event of the speaker of the senate succeeding to the exercise of the office of governor, so long as he continues to exercise the functions of governor neither he nor anyone else shall exercise the office of senator vacated by him, and that during such period the senate of the State of Delaware shall consist of but eight members, would it be contended for one moment in such case that, notwithstanding such a provision, the Delaware senate possessed not only the right and power, but the *exclusive* power, to admit the governor to a seat in the senate, and that such act would be binding on the Senate of the United States?

But, Mr. President, although the Delaware constitution does not say this in the precise terms I have just stated, it is insisted by the majority of the committee—and I now confidently insist it means precisely that, nothing more, nothing less—hence it is a question arising not out of any *disputed facts* concerning the right of a person to a seat, in which case I concede the judgment of the State senate as to the *facts* found, nothing more, however, will be binding upon the United States Senate, but one arising out of the construction of the fundamental law of the State, and upon a state of facts in reference to which there is no dispute; hence it is a question not within the exclusive control of the Delaware senate in the exercise of its power to judge as to the elections, returns, and qualifications of its own members.

The exclusive power of the Delaware senate to judge as to the election, returns, and qualifications of its own members does not include the right or the power to determine as to the *number of persons* the senate shall consist of, either permanently or temporarily. That is a question to be determined either by the fundamental law or the statutes of the State, or both; and if upon this question there is any doubt, or, indeed, even if it is one free from doubt, and the senate decides either way, in the former case, or in the latter, directly contrary to the plain mandate of the law determining the number, then, in either event, the judgment of the State senate is not conclusive on the United States Senate, much less is this body concluded, when, as in the case under consideration, as I shall presently show, there has been no adjudication whatever, either actually or otherwise, upon the part of the Delaware senate.

In other words, any judgment of the Delaware senate, either actual or constructive, as to the right of a person to sit to be conclusive on this body, must relate to a seat in the senate *subject to occupation*, and the determination of this question as to whether a seat is or is not subject to occupation, either permanently or temporarily, is one depending on a proper construction of the fundamental law of Delaware.

Mr. GEORGE. Will the Senator allow me to ask him a question there?

Mr. MITCHELL of Oregon. I hope the Senator will allow me to proceed. I shall answer any question later. I wish this part of my argument to be connected.

Hence, it is a question not within the exclusive power of the Delaware senate to determine. And whether the province of determining it is or is not assumed by such State senate, or if assumed, no matter what may be the character of the decision, it is *not* binding on the United States Senate. It is not binding in such a case any more than would be a decision of the Delaware senate seating a *tenth* person as a member of that body when the constitution declares emphatically that the membership shall be but *nine*. The power given to the State senate by constitutional provision to judge as to the qualifications of its members is to judge of the qualifications of persons who apply for admission to seats, which seats *are provided for by the constitution of the State* and *not* by the *judgment of the senate*.

This power to judge of the elections, returns, and qualifications of members does not include the power to admit a claimant to a seat *not subject to occupation under the constitution of the State*. Any such judgment by the Delaware senate would be a mere *brutum fulmen*, an act in all respects *ultra vires*, absolutely *void*, and in no respect binding on the United States Senate.

Furthermore, if any question of fact is involved in the claim of a person to a seat in the State senate, and this question of fact relates to any one of the four constitutional qualifications of a Delaware senator, it is the *exclusive* province of such senate to determine such question of fact within the rule and subject to the limitations I have stated, and such determination, I concede, would be binding on the Senate of the United States. But beyond this this body is not bound. If after finding certain facts, which finding is binding here, the Delaware senate in seating a member misconstrues the fundamental law, or in any sense passes upon a question of constitutional or statutory construction as to the right either of a seat to be filled at all or to be filled by a particular person, when under the facts found concerning him he is by the constitution excluded from exercising the office of senator, then such judgment of the State senate is *not conclusive*, is *not* binding upon this body.

I come now to the question suggested by the Senator from Connecticut [Mr. PLATT]. For instance, the constitutional power of the Delaware senate to judge as to the qualifications of its members does not empower that body by its judgment to admit a member who, it is conceded by all the facts found or admitted, does not possess a certain qualification required by the constitution of the State. Such a judgment is not binding on this body.

For instance, the Delaware constitution provides that a person to be eligible to a seat in the senate of that State must be 27 years of age. If the Delaware senate adjudicates upon this question and admits a claimant to a seat, nothing appearing to the contrary, such judgment, it is conceded by me, is binding as to the fact of the member's age, though, as a matter of fact, he may be but 20 years of age, the presumption being, nothing appearing to the contrary, that he was of the required age. But suppose in such a case the finding spread upon the journal of the senate is to the effect that the claimant is but 20 years of age, but to the end that there might be no vacancy and the senate may have its full membership, he is admitted by the senate and gives the casting vote in the election of a United States Senator, will it be seriously contended that such adjudication, such a judgment, *void on its face*, could preclude the United States Senate from inquiring into his right to vote for a United States Senator?

My friend from Connecticut would perhaps go a step further than I do, and say that in any event, whether it appears on the face of the judgment or otherwise, the Senate would not be pre-

cluded. He may be right. I quite agree, as I have already stated, such judgment could be attacked here in a proper case for want of jurisdiction appearing on its face. And I think I should also go so far as to hold it might also be attacked if it could be shown a fraud had been perpetrated upon the State senate; otherwise I should regard the adjudication of the legislative body of the State conclusive as to all the facts.

As bearing upon this phase of the case, I desire to call the attention of the Senate to the following American authorities, which, it seems to me, are directly in point:

AUTHORITIES.

In Prouty *vs.* Stover (11 Kans., 235) the validity of the election of a State printer by a joint assembly of the Kansas legislature was assailed. The question arose whether the action of the State senate, admitting and retaining certain senators, was made conclusive of their right to sit in the senate and vote in the joint assembly by the constitutional provision which made each house "the judge of the elections, returns, and qualifications of its own members." This action of the senate practically construed the law of Kansas to recognize certain seats in the senate as *subject to occupation*. It was claimed that this was conclusive on the courts. But the court held that the power of the senate to judge of the elections, returns, and qualifications of its own members did not include the power to conclusively construe the law to recognize the seats as subject to occupation, or to admit or retain the occupants of those seats. Judge Brewer, now the distinguished associate justice of the Supreme Court of the United States, delivering the opinion of the court, said:

Defendants claim that this court can not look beyond the action of the house to inquire whether ersons admitted as members were legally entitled to seats. Aicle 2, section 8, declares that each house "shall be judge of the eelections, returns, and qualifications of its own members." Its determination is not the subject of repeal or review. It is final and concludes everyone. But what is included in this power? Does the power to judge of the qualifications of its members *include the power to increase such membership? Can it enlarge its members without limit?* Is it, like an academy of science or a lodge of Odd Fellows, capable of *indefinite expansion? If* like *law* fixed the number of senators *at twenty-five*, could those *twenty-five admit twenty-five more, on pretense of judging "of the elections and qualifications of its own members," and thus create a senate of fifty members? If this power exists, how easily could a partisan majority secure to itself a two-thirds vote, by simply admitting nem members.* To create a representative or senatorial district requires a law—the consent of both houses. Neither house, by itself, can create a district and then admit someone to represent it. The district must exist before it can be represented.

In State *vs.* Francis (26 Kans., 724) it was contended that a certain act of the legislature had failed to receive a constitutional majority of votes, and was, therefore, void.

The question was whether four of the representatives whose votes were decisive in favor of this act, in the house, were lawful members of that body. The *house of representatives*, by its action admitting and retaining these four members, *had construed the law and constitution to recognize their seats as subject to occupation at the time.* The court *overruled this construction*, held that there were no seats in the house for these four representatives, and declared the act in question to be void. The court said:

Therefore, whenever the house of representatives consists of more than 125 members, some of such members must be there illegally. Such was the case in 1879. The house of representatives at that time consisted of 129 members. Four of these members, to wit, the 4 from Rooks, Rush, Harper, and Kingman counties, who were not provided for by law, and who were the last members admitted to seats, were not entitled to their seats. And the act in controversy was passed only by the assistance of their votes. Except for their votes, or at least three of their votes, the act would not have received a constitutional majority of the votes of the members of the house; and, not counting their votes, the act did not receive a constitutional majority. Now, we do not think that their votes should be counted, and, therefore, we think the act in controversy must be held as not having passed the house of representatives, and as void.

In Yard *vs.* Meeser (44 Penn. St., 341) the common council of Philadelphia, which was invested with the power to judge of the elections, returns, and qualifications of its members, had construed the law to recognize two seats as subject to occupation by representatives of the Fifth ward, and had admitted a second member from that ward. The court, in an action to restrain the payment of the salary of the second councilman from this ward, overruled the construction given to the law by the common council, held that the law did not recognize the second seat, and declared that its occupant was not a lawful member of the common council. The court said:

This court has no authority to judge whether the election was regularly conducted or not, for that duty is assigned by law to the councils. Our duty must be confined to the decision of the question *whether there was an office or vacancy to be filled.*

Judge Cooley, in his Constitutional Limitations, pages 52–55, says:

It follows, therefore, that every Department of the Government, and every official of every Department, may, at any time when a duty is to be performed, be required to pass upon a question of constitutional construction. Sometimes the case will be such that the decision, when made, must, from the very nature of things, be conclusive and subject to no repeal or review, however erroneous it may be in the opinion of other Departments or of other officers; but, in other cases, the same question may be required to be passed upon again, before the duty is completely performed. The first of these classes is where, by the Constitution, a particular question is plainly addressed to the discretion of some one Department or officer, so that the interference of any other Department or officer, with a view to the substitution of its own discretion or judgment, in the place of that to which the Constitution has confided the decision, would be impertinent and intrusive. * * * *But there are cases in which the question of construction is equally addressed to two or more Departments of the Government;* and it then becomes important to know whether the decision by one is binding upon the others, or whether each is to act upon its own judgment. * * * But setting aside now those cases to which we have referred, when from the nature of things, and perhaps from explicit terms of the Constitution, the judgment of the Department or officer acting must be final, we shall find *the general rule to be that, whenever action is taken which may become the subject of a suit or proceeding in court, any question of constitutional power or right that was involved in such action will be open for consideration in such suit or proceeding, and, as the court must finally settle the particular controversy, so also will they finally determine the question of constitutional law.*

This is a case, therefore, if there can be said to be any question open to construction, in which, in the language of Judge Cooley, "the question of construction is *equally addressed to two or more Departments of the Government.*"

Mr. GEORGE and Mr. GRAY. State governments.

Mr. MITCHELL of Oregon. It does not say "State governments." It does not say anything about State governments.

Mr. GRAY. If the Senator will examine it he will see that it does.

Mr. MITCHELL of Oregon. It is in all respects similar in principle to that class of cases referred to by this eminent jurist wherein action is taken which may become the *subject of a suit or proceeding in court.* Any question of constitutional power or right that was involved in such action will be open for consideration in such suit or proceeding, and the court must finally settle the particular controversy; so also will they determine the question of constitutional law. Here the Senate of the United States, being called to *act judicially* under the constitutional grant authorizing it to judge of the elections and qualifications of its own members—and this necessarily involves a construction of the Delaware constitution—hence, it is *not* bound, it is respectfully submitted, by any judgment of the Delaware senate on that subject.

If, as a matter of constitutional law, the offices of senator and speaker of the senate held by Watson became absolutely vacant when he succeeded to the executive office, any judgment of the State senate seeking to clothe him with power to hold or exercise the office of State senator would be a mere *brutum fulmen*, an act in all respects *ultra vires*, for the plain reason it would be a judgment assigning him a seat in the senate which, under the constitution, *is not assignable or subject to occupation.* Such an act upon the part of the Delaware senate would be something infinitely *more in scope and effect* than simply to *judge* of the *qualifications of* a person to a seat in the senate. It would be to declare a seat *subject to occupation* which the constitution declares shall *not* be occupied.

And this view is equally applicable to this case whether the office of senator becomes *absolutely vacant* on the speaker of the senate becoming governor, or whether the right to exercise the office of senator while exercising the office of governor is merely *held in abeyance and suspended.* And any such judgment, it is respectfully submitted, is not binding on the Senate of the United States, and can not deprive that body, under its power to judge of the qualifications of its members, of determining whether under the constitution of the State of Delaware the governor of that State can be permitted to hold or exercise the office of senator at the same time he holds and exercises the office of governor.

THE MAINE CASE DIRECTLY IN POINT.

During the investigation of this case, Mr. President, my attention has been called by my colleague on the committee, the Senator from Michigan [Mr. BURROWS], to a case brought before the supreme court of the State of Maine, and reported in 7 Greenleaf, 483, which it will be found on careful inspection is directly in point, in strong support of the theory for which we contend; that is, that the person exercising the office of governor can not at the same time exercise the office of legislator. The facts and the decision of the court in this case will doubtless be brought to the attention of the Senate by the Senator from Michigan when he comes to address the Senate on this case.

THE CASES CITED IN THE VIEWS OF THE MINORITY NOT APPLICABLE.

The cases cited, Mr. President, in the views of the minority in support of the contention that we are precluded here from inquiring into the right of the governor of Delaware, while exercising such office, to exercise the functions of senator, have, it is respectfully submitted, no application to the case under consideration.

Three cases, and only three, are cited: That of Sykes *vs.* Spencer, reported in Taft's Election Cases, page 521; that of David Turpie, decided in May, 1888, and those of Clark and McGinniss *vs.* Sanders and Power (Taft's Election Cases, page 637).

With the doctrine laid down in each of these cases I am not at war; on the contrary, I concede all that can be properly claimed for the principle enunciated in these cases. In none of these cases was there any constitutional question involved such as here.

In none of them was there any question as to whetner a particular seat was or was not *open to occupation*.

In the case of Sykes *vs.* Spencer the question was as to which of the two bodies claiming to be the legislature of the State of Alabama was the legislature; while in the Turpie case the question was whether the judgment of the Indiana senate as to the title of two members—Branahan and McDonald—was binding upon the Senate of the United States. In that case there had been an adjudication by the State senate—here there has been none—unseating two members and seating two others in their places. The question involved was one purely of *fact* growing out of *alleged frauds* in the election. The senate adjudicated this question of fact. No question as to the right of these two seats to be occupied under the Indiana constitution was involved. Consequently the Senate of the United States very properly held that the judgment of the Indiana senate was conclusive on this body. As showing the clear distinction between the Turpie case and the one we are now considering, I beg to read the following extract from the report of the committee in this case, submitted by me February 18.

I read from page 20:

THE DISTINCTIONS BETWEEN THE DU PONT CASE AND THE TURPIE CASE.

The question for consideration here is widely different from that presented to this committee in the Turpie case, in the first session of the Fiftieth Congress.

Mr. GRAY. From what case is the Senator reading?

Mr. MITCHELL of Oregon. I am reading from my report.

Mr. GRAY. In this case?

Mr. MITCHELL of Oregon. In this case, to show the distinction between this case and the Turpie case. I read from page 20 of the report.

In that case, the Turpie case, there was no statutory, much less constitutional, question involved as to the *number* of seats in the Indiana senate *open to occupation*. The rights of two sets of claimants to two different seats confessedly open to occupation were in issue. There was no question, constitutional, statutory, or otherwise, as to their right to be filled, or as to the duty upon the part of the senate to fill them, provided persons having the requisite qualifications were legally elected and returned. It was not only the right, but the duty of the Indiana senate, under the constitutional provisions in that State, to judge as to which set of claimants was legally elected and returned, and whether these had the proper qualifications. In the performance of this duty the Indiana senate held the two sitting members were *not* entitled to their seats and that the two persons claiming the same *were*, and the sitting members were ousted and the claimants seated. And this committee and the Senate very properly held that in such case the action of the State senate was conclusive.

Here the question rises to one of infinitely greater importance, involving an inquiry not only as to the *qualifications* of a person *claiming a seat*, but the question as to whether, under the constitution of the State of Delaware, *there was any seat to be occupied*. Argument to show the distinction between the two cases is unnecessary. The mere statement of the difference in the cases carries with it all the argument required.

But still further. In the Indiana case it was not questioned that the senate of Indiana had *actually* passed upon the question and judged *actually* of the right of the two claimants who were admitted to the seats to which they were admitted, while here it is clear there was no judgment of the senate of the State of Delaware, either *actual* or *constructive*, upon the right of the governor of the State of Delaware to hold or exercise the duties of senator.

Mr. CHANDLER rose.

Mr. GRAY. One moment. I wish to ask a question. If on the theory that there was a vacancy in the senate of Delaware from Kent County by the exercise of the office of governor by Mr. Watson, a person had been elected to fill that vacancy, and had appeared with his credentials, would not that have presented a question which the senate of Delaware in that case would have been competent to pass upon?

Mr. MITCHELL of Oregon. It would have presented a case which in the first instance the senate of Delaware would have the right to pass upon, but if in passing upon it they had admitted the person to a seat or had refused to admit him, no matter what the judgment might have been, such judgment would not have been conclusive upon the Senate of the United States, from the fact that it involved a construction of the provisions of the Delaware constitution and not merely a question of fact.

Mr. GRAY. Suppose, then, the question had been between a person coming with such a credential and Mr. Watson, who was exercising the office of governor, and they had decided in favor of Mr. Watson; would that have been a case upon which the Senate of the United States would be competent to pass, under the Senator's theory?

Mr. MITCHELL of Oregon. Certainly it would; but the judgment rendered would not be conclusive here for the same reason.

Mr. GRAY. What difference is there between deciding upon the question whether there is a seat open to occupation and deciding upon the question whether there is a person qualified to fill it?

Mr. MITCHELL of Oregon. All the difference in the world. The questions are very different. The *constitution and the law* determine the former while the *senate* determines the latter.

There are just four qualifications prescribed by the constitution and laws of the State of Delaware upon which the senate of the State of Delaware has a right to act in admitting a person to a seat: First, he must be of a certain age; second, he must own a certain amount and kind of property of a certain value; third, he must be and must have been a citizen and inhabitant of the State for a certain length of time; and, fourth, for the last year immediately preceding his election he must have been an inhabitant of the county from which he was elected. Upon those qualifications, and those only, I contend the senate of the State of Delaware has the right to pass, under the power given it by the constitution of the State to judge of the elections returns and qualifications of its own members. I shall, however, speak upon this feature of the case later on in my argument.

Mr. GRAY. What I meant to ask was whether the whole question is not as to whether A B or C D is qualified to fill it.

Mr. MITCHELL of Oregon. It is clearly not, as I view the case.

Mr. GEORGE. I should like to ask a question of the Senator, simply to ascertain what is his exact position. Does the Senator wish to be understood as denying to the senate of Delaware, in judging of the election and qualifications of its members, the power to construe the constitution of the State?

Mr. MITCHELL of Oregon. The Delaware senate has a right, and not only a right, but it is its duty, in the first instance, in passing upon the question of the qualifications of a senator, to construe the constitution and laws of the State, but if in doing so it makes a mistake——

Mr. GEORGE. We can correct it.

Mr. MITCHELL of Oregon. We can correct it.

Mr. GEORGE. That is it.

Mr. MITCHELL of Oregon. Undoubtedly; and we are not concluded in any event whether a mistake has been made or not. It is an open question for us. We might reach the same conclusion as did the State senate in a given case or we might reach a different conclusion.

Mr. GEORGE. In other words, the Senator from Oregon believes that the Senate of the United States on a question of law has revisory power over the senate of Delaware?

Mr. MITCHELL of Oregon. I do; especially where the construction of the fundamental law is involved.

Mr. CHANDLER. Does the Senator from Oregon desire to conclude his remarks to-night?

Mr. MITCHELL of Oregon. I am rather tired, and I will yield the floor and conclude my speech to-morrow.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. PASCO. With the permission of the Senator from New Hampshire, I should like to call up a bill.

Mr. CHANDLER. I withdraw the motion.

SUBPORTS OF ENTRY AND DELIVERY IN FLORIDA.

Mr. PASCO. I ask unanimous consent to call up the bill (S. 1767) to provide for subports of entry and delivery.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that such places in the collection districts in the State of Florida as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for subports of entry and delivery in the State of Florida."

PUBLIC-BUILDING SITES, HASTINGS AND NORFOLK, NEBR.

Mr. ALLEN. I desire to ask unanimous consent to call up the bill (S. 772) to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to acquire title to sites in the cities of Hastings and Norfolk, Nebr., on which to erect suitable buildings for the use of the United States post-office and other Government offices in those cities, the cost of the sites, respectively, not to exceed the sum of $10,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STAMFORD, CONN., SUBPORT OF ENTRY.

Mr. PLATT. I ask unanimous consent to call up the bill (S. 494) constituting Stamford, Conn., a port of delivery. It will take but a moment, I think.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That Stamford, Conn., be, and is hereby, constituted a subport of entry for the customs collection district of Fairfield, Conn.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill constituting Stamford, Conn., a subport of entry."

FACILITIES FOR FEDERAL COURTS IN NEW YORK CITY.

Mr. HILL. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2053) to provide better facilities for the Federal courts in New York City.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to make certain proposed alterations in the post-office building in New York City, and to improve, arrange, and furnish certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury. Sixty thousand dollars, or so much thereof as may be necessary therefor, is proposed to be appropriated for such purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAMPTON ROADS IMPROVEMENT.

Mr. MARTIN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. WILLIAM LORING SPENCER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1699) for the relief of William Loring Spencer. This bill has been read at length and it has been debated. I think there will be no objection to it.

Mr. HILL. Is it a pension bill?

Mr. GALLINGER. It is.

Mr. HILL. I thought we would take those bills up on a certain day and put them all through.

Mr. GALLINGER. That is not the absolute rule. If objection is made of course I shall not press the bill at this time.

Mr. HILL. I do not object.

Mr. BERRY. Is this the same bill which was recommitted to the Committee on Pensions?

Mr. GALLINGER. It is.

Mr. BERRY. What is the amount now proposed?

Mr. GALLINGER. The committee reports an amendment recommending $75.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 8, before the word "dollars," to strike out "fifty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Loring Spencer, widow of George E. Spencer, late colonel First Regiment Alabama Cavalry, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENNSYLVANIA EMERGENCY TROOPS.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 490) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 10, after the word "expended," to insert the following proviso:

Provided, That the amount to be paid to the State of Pennsylvania under the provisions of this act shall not exceed the sum of $46,345.26.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. CHARLES COLLEGE.

Mr. COCKRELL. I ask that the bill (S. 75) for the relief of St. Charles College be taken up and considered. A similar bill has been passed by the Senate in two former Congresses.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes during the late war of the college buildings and grounds of St. Charles College, in St. Charles County, Mo., the actual value of such use and occupation, and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the college from the United States as the reasonable value of such use and occupation, and directs the Secretary of the Treasury to pay to the St. Charles College the amount, if any, so found to be due from the United States.

Mr. PLATT. What is the amount appropriated by the bill?

Mr. COCKRELL. There is no amount specified in the bill. It is to be determined by an investigation. The amount claimed is some $3,000, I believe.

Mr. PLATT. Who is to make the investigation?

Mr. COCKRELL. The Secretary of War, through the Quartermaster's Department, by which all such investigations are made. This measure has been referred to the Committee on Claims and has been two or three times reported favorably and passed by the Senate.

Mr. PLATT. In the same way?

Mr. COCKRELL. In the same form.

Mr. PLATT. I would rather put in the amount.

Mr. CHANDLER. I should like to have the Senator from Missouri state again the amount. Is this a large amount?

Mr. COCKRELL. Oh, no.

Mr. CHANDLER. If it is a large amount it ought to be reported back to Congress.

Mr. COCKRELL. It is not a large amount.

Mr. PLATT. What is the amount?

Mr. COCKRELL. I do not remember exactly now. It has been some time since I looked at the papers. It is, I think, not exceeding $3,000.

Mr. PLATT. I would rather put in $3,000 than make it indefinite.

Mr. COCKRELL. I would not want to put in any amount until I can look and see, but I think there is no objection to limiting the amount. I should like to look at the papers first.

Mr. CHANDLER. The Senator knows it is objectionable to pass unlimited bills of this sort, but I am perfectly well satisfied with the Senator's explanation that it is not a large amount.

Mr. COCKRELL. Oh, it is not a large amount. There is no question about that. If it were a large amount I should have insisted myself on limiting it.

Mr. CHANDLER. I will say to the Senator from Connecticut that if we put in a limitation of the amount it would probably reach that sum.

Mr. FRYE. There is no objection to the bill.

Mr. PASCO. I will state that this report comes from the Committee on Claims and is a unanimous one. It has been examined by that committee on several different occasions and has passed the Senate at least twice, and it is now reported in the same form as in the last Congress. There was no division in the committee on the subject.

Mr. CHANDLER. Did I understand the Senator from Florida to make any different statement from that of the Senator from Missouri as to the amount involved?

Mr. HARRIS. Oh, no.

Mr. PASCO. The amount is small. It is not a large amount.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF BONDS IN NEW MEXICO.

Mr. BRICE. I ask unanimous consent for the immediate consideration of the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with an amendment, after line 37, to insert:

Also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1892, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds

having been issued in refunding and in lieu of $150,000 of bonds and the overdue interest thereon of said county of Santa Fe, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

It is intended hereby to validate, approve, and confirm any and all laws, proceedings, and bonds relating to the matter necessary to the validation of the said $172,500 of bonds, but no further and for no other purpose; but the United States shall not be held hereby to incur or create any indebtedness.

Mr. PLATT. Will the Senator from Ohio please explain the amendment? The bill originally was for $75,000 of bonds to enable them to build a State house which had been destroyed by fire. I think that is all right, but I do not understand the amendment. I could scarcely catch it as it was read. It proposes to validate the issue of $172,500 of bonds.

Mr. BRICE. The Committee on Territories had a full hearing and made a unanimous report in favor of the amendment, and were rather more in favor of the amendment, I think, so far as the equities were concerned, than of the original bill. The validation is of certain refunding bonds that were issued by the county of Santa Fe in lieu of certain other bonds that had been before that time issued in aid of a railroad, and about which there was some controversy arising out of a decision of the Supreme Court of the United States since rendered. The validation in the amendment is precisely a similar one to that which was made by an act of Congress in the Southern Dakota case, which was passed by Congress and sustained by the Supreme Court. It is merely a validation of certain other bonds in addition to the bonds that were provided for in the bill as passed by the House.

Mr. PLATT. When were those bonds issued?

Mr. BRICE. The first bonds?

Mr. PLATT. The first ones.

Mr. BRICE. There is a full report accompanying the bill. If the Senator desires to look into the matter——

Mr. PLATT. Oh, no.

Mr. BRICE. I will let it be passed over for the present, so that the Senator can examine the report.

Mr. PLATT. That is all right.

Mr. BERRY. I should like to ask the Senator from Ohio if I understood him correctly to say that this is a unanimous report by the committee?

Mr. BRICE. I do.

Mr. BERRY. There is no question about the justice or equity of the bonds?

Mr. BRICE. Absolutely none.

Mr. BERRY. None whatever by the citizens?

Mr. BRICE. I am not prepared to say as to the citizens of the Territory.

Mr. BERRY. Or the county authorities?

Mr. BRICE. I mean to say that the original bonds were issued in pursuance of six successive votes, in the years 1881, 1882, 1883, 1884, 1885, and 1886, of the county of Santa Fe. Some years afterwards, without objection from any citizen of the county of Santa Fe, those bonds were taken up and refunded at a lower rate of interest under a general refunding act of the legislative assembly of that Territory, also without objection. A decision of the Supreme Court rendered some two years ago held that the original act was void because it had not been passed by authority of Congress. This proposed act seeks to validate the original act authorizing those county votes.

Mr. BERRY. Were the bonds issued in aid of a railroad?

Mr. BRICE. They were issued to build a railroad, which was built.

Mr. BERRY. And the railroad was built?

Mr. BRICE. The railroad was built and it is in operation.

Mr. CALL. There does not seem to be any other member of the committee present. I am a member of the committee, and will state that I was present at one of the hearings. I do not remember that there was any one there representing the Territory, although I believe the Delegate was present; but there was nothing said on the part of any one authorized to represent the Territory in opposition to the bill which is now before the Senate. I did not understand, however, that there was an absence of all opposition to it. It seems to me, if my memory is right, that there was some action on the part of the legislative assembly. I will ask the Senator from Ohio if that is not the case? I see the Senator from New York [Mr. HILL] is now here, who was also present at the hearing.

Mr. BRICE. Does the Senator ask if there was some action by the legislative assembly?

Mr. CALL. Was there not?

Mr. BRICE. None except to validate the bonds to the extent of the power of the legislative assembly.

Mr. CALL. There has never been anything else?

Mr. BRICE. There never has been anything else.

Mr. CALL. No opposition to the payment on the part of the Territory?

Mr. BRICE. No opposition by the people of the Territory or by the commissioners of the county or by the legislative assembly of the Territory.

Mr. PLATT. The money has been obtained on these bonds?

Mr. BRICE. The money was obtained from these bonds, and they are now held by various institutions which paid for them, and the money obtained has been expended. Several times the amount was expended, and the road is in operation.

Mr. HILL. Mr. CATRON, the Delegate from the Territory, was before the committee, and said it was a very proper and just measure and that it ought to be passed.

Mr. BATE. I am a member of the Committee on Territories. I did not hear what transpired in regard to this bill when it sprung up in the committee and the arguments were being made. I was called away to the Committee on Military Affairs, my presence there being necessary to make a quorum. As I said, I am a member of the Committee on Territories, but I did not have a chance to examine the bill and hear the argument, and was not present when the committee took action on it. I was not, therefore, one of the committee to give a unanimous vote. This much I deem proper to say in regard to this bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Territories.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes."

PUBLIC BUILDING AT FERGUS FALLS, MINN.

Mr. NELSON. I ask unanimous consent to take from the Calendar the bill (S. 717) for the erection of a public building at Fergus Falls, Minn., and put it on its passage now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 23, before the word "thousand," to strike out "two hundred" and insert "one hundred and seventy-five"; so as to make the paragraph read:

That the sum of $175,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes of this act.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Minnesota to line 14, where the same amendment should be made.

Mr. NELSON. Yes, the amount there should be reduced from $200,000 to $175,000.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 14, before the word "thousand," strike out "two hundred" and insert "one hundred and seventy-five"; so as to read:

The site and building thereon, with its appurtenances, when completed, upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in the aggregate the sum of $175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS COLLECTION DISTRICT OF ALASKA.

Mr. PERKINS. I ask unanimous consent to call up the bill (H. R. 3964) to reorganize the customs collection district of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. BILLINGS.

Mr. WHITE. I ask unanimous consent to call up the bill (S. 190) for the relief of J. M. Billings.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate the sum of $850 to pay the claims of J. M. Billings, of Santa Clara, Santa Clara County, State of California, for money, money orders, etc., stolen from the post-office while he was postmaster of Santa Clara, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIHU ROOT.

Mr. HILL. I ask unanimous consent to call up the bill (S. 728) to compensate Elihu Root for services rendered by direction of the Attorney-General.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $2,000 to compensate Elihu Root, United States attorney, southern district of New York, for services rendered as attorney for the defendant in the suit of the Yale Lock Manufacturing Company *vs.* Thomas L. James.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA SOUTHERN DISTRICT JUDGE.

Mr. PASCO. I wish to ask unanimous consent that the bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West, may be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CALL. Mr. President, when this bill was reported the other day the Senator from Connecticut [Mr. PLATT] said it was in accordance with the general practice on the subject not to fix any particular place of residence for the judge. I think the judge ought to be required to reside at a point the least inconvenient to the public. But as the bill has been reported otherwise, I shall not make any point upon it. It seems to me, however, very clear that there ought to be some place of residence fixed for a judge, and it ought to be where it is the most convenient for the people who are suitors in the court.

Mr. HILL. The committee gave very careful consideration to the matter, and they thought that if a man were compelled to live in Florida he was entitled to pick out the spot, and that it should not be established by law.

Mr. CALL. The Senator from New York shows that the committee did not understand the subject at all. Anybody who has ever lived in New York would rather live anywhere in Florida than in the former State.

Mr. PLATT. The very fact that some years ago we passed a statute requiring the judge to live at Key West is the reason why action is now necessary with reference to the residence of the judge. I entirely disagree with the senior Senator from Florida [Mr. CALL]. I think we ought not to limit the judge's residence in a district at all. I think he ought to be permitted to choose his residence in the district.

Mr. PASCO. At the time the law was passed I will state that this was simply a court of admiralty, no other business being transacted therein.

Mr. PLATT. Certainly.

Mr. PASCO. But now its territory extends all over the eastern and northern part of the State as far as Jacksonville.

Mr. PLATT. The provision that the judge shall reside at Key West, so far as I know, is the only statute which requires a judge of any district court to reside in any particular place. I do not think we ought to make exceptions and require the judge in this district of Florida to reside at a particular place any more than in other States. If we should enter upon the practice of passing such statutes, we should have 45 different statutes fixing the residences of judges of the district courts in each State.

Mr. CALL. I am entirely content that the bill shall pass without limitations; but I think the Senator from Connecticut, upon his argument, ought to oppose it. He does not think that the judge ought to be required to live in a place where it is most convenient to the greater number of suitors, but that he should be allowed to select his residence at some inconvenient place.

Mr. PLATT. I assume that the judge——

Mr. CALL. Key West is the place of all others most inconvenient for the judge of that court, and he chose to fix his residence there. It is a needless expense to witnesses and jurors and attorneys. It is for that reason that it is proposed to remove it, because it is at a most inconvenient place. So I thought it would have been better to have fixed it at some other place, either Tampa or Jacksonville, where it would be most convenient to the people of the district.

Mr. PLATT. I assume that a judge will always select a convenient place, especially as he does not get any mileage for travel from his home to the court.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. Let the bill (S. 501) to require the judge of the southern district of Florida to reside in Jacksonville, Fla., be indefinitely postponed.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, March 5, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 4, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

USE OF UNITED STATES BUILDING, JEFFERSON CITY, MO.

Mr. BURTON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. R. 85) granting to the county of Cole, in Missouri, permission to use certain rooms in the United States building at Jefferson City, Mo.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Resolved, etc., That full permission be, and the same is hereby, granted to the county of Cole, State of Missouri, to occupy the United States court room and two jury rooms connected therewith in the United States building at Jefferson City, Cole County, Mo., during the months of March, July, and November, 1896, and March, 1897, for the purpose of holding sessions of the circuit court of said Cole County therein, and that during said occupation concurrent jurisdiction, so far as it is necessary, over said building be, and is hereby, ceded to the State of Missouri and to said county of Cole, so that the sessions of said court in said building and rooms may be, during said period, fully legalized: *Provided*, That said rooms shall be kept in good repair at the expense of said county of Cole, and at the end of March, 1897, the use of said rooms shall be relinquished to the United States by said county, the premises to be in as good condition as before their occupancy by said circuit court of Cole County: *Provided further*, That the sessions of said circuit court of Cole County shall in no way interfere with the sessions of the circuit and district courts of the United States: *Provided further*, That the Secretary of the Treasury is authorized in his discretion at any time to terminate this permit and the possession hereby granted of said premises upon thirty days' notice to the judges of the county court of said county.

Mr. DINGLEY. Has this been reported by a committee?

Mr. BURTON of Missouri. Yes; unanimously by the Judiciary Committee.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the last vote was laid on the table.

COURT-HOUSE AND JAIL, NAVAJO COUNTY, ARIZ.

Mr. MURPHY of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3448) authorizing the county of Navajo, Ariz., to issue bonds for the construction of a court-house and jail at the county seat thereof.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the board of supervisors of the county of Navajo, Territory of Arizona, be, and are hereby, authorized to issue bonds of said county not exceeding $15,000 in amount, payable in not less than five nor more than twenty years, and bearing interest at a rate not exceeding 5 per cent per annum, interest and principal payable in lawful money of the United States, interest payable semiannually, and which said bonds shall not be sold for less than par, for the construction of a court-house and jail at the county seat of said county.

Mr. DOCKERY. I would be glad to have the gentleman from Arizona briefly explain this bill, reserving the right to object.

Mr. MURPHY of Arizona. The county of Navajo was created by the last legislature of Arizona, and has no public building of any kind. The county from which it was detached has a court-house and public building. This new county desires this building which is proposed by the pending bill for a court-house and jail. They are paying rent now for buildings for this purpose, which costs the county more than the interest on the bonds proposed to be issued. For that reason they simply desire to issue bonds in order to procure funds for the construction contemplated.

Mr. DOCKERY. It involves no charges on the public Treasury?

Mr. MURPHY of Arizona. None whatever.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 213) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the mouth of the Minnesota River, in the State of Minnesota, and South Port, in the State of Louisiana, and across the Illinois and Des Plaines rivers between the mouth of the Illinois and the city of Joliet, in the State of Illinois, and to prescribe the character, location, and dimensions of the same—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1353) to revive and reenact the act entitled "An act to authorize the building of a railroad bridge at Little Rock, Ark.,"

approved March 2, 1891—to the Committee on Interstate and Foreign Commerce.

A bill (S. 295) making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.—to the Committee on Military Affairs.

A bill (S. 174) to construct a road to the national cemetery at Dover, Tenn.—to the Committee on Military Affairs.

A bill (S. 340) to amend the military record of John H. Skinner—to the Committee on Military Affairs.

A bill (S. 1701) to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

A bill (S. 753) for the relief of Margaret Kennedy—to the Committee on War Claims.

A bill (S. 641) to promote Commodore Louis C. Sartori, now on the retired list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register—to the Committee on Naval Affairs.

A bill (S. 642) for the relief of Commodore Oscar C. Badger—to the Committee on Naval Affairs.

A bill (S. 716) to correct the naval history of John C. Dull—to the Committee on Naval Affairs.

A bill (S. 982) to grant medals to survivors and heirs of the Port Hudson (La.) forlorn-hope storming column—to the Committee on Military Affairs.

A bill (S. 656) appropriating $75,000 for the construction of a light-house tender for the Gulf coast of Florida—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1347) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory—to the Committee on the Judiciary.

A bill (S. 1962) for the erection of a public building at the city of Jamestown, N. Y.—to the Committee on Public Buildings and Grounds.

A bill (S. 6) for the relief of P. S. Corbett—to the Committee on Claims.

A bill (S. 5) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress—to the Committee on Claims.

A bill (S. 1469) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852—to the Committee on Claims.

A bill (S. 516) for the relief of M. D. Crow—to the Committee on Claims.

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891—to the Committee on the Merchant Marine and Fisheries.

A bill (S. 560) granting an honorable discharge to William Pierce—to the Committee on Military Affairs.

A bill (S. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

A bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army—to the Committee on Military Affairs.

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1513) to regulate the use of the public parks and improved reservations in the District of Columbia under the charge of the Chief of Engineers of the United States Army—to the Committee on the District of Columbia.

A bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington—to the Committee on the District of Columbia.

A bill (S. 509) for the relief of John W. Lewis, of Oregon—to the Committee on Claims.

A bill (S. 100) for the relief of the estate of John R. Bigelow—to the Committee on War Claims.

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors—to the Committee on Interstate and Foreign Commerce.

A bill (S. 680) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens—to the Committee on the District of Columbia.

A bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon—to the Committee on Naval Affairs.

A bill (S. 758) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Wilbur with the United States and to pay to said Wilbur such sum of money as he may be justly and equitably entitled to—to the Committee on Claims.

A bill (S. 1676) authorizing Rear-Admiral W. A. Kirkland to accept a gold box presented to him by the Emperor of Germany—to the Committee on Foreign Affairs.

A bill (S. 744) providing for a naval training station on the island of Yerba Buena, or Goat Island, in the harbor of San Francisco, Cal., and for other purposes—to the Committee on Naval Affairs.

A bill (S. 1478) providing for the construction and equipment of a steam revenue cutter for service on the Atlantic Coast of the United States, with headquarters at the port of New York—to the Committee on Interstate and Foreign Commerce.

A bill (S. 541) for the relief of Orin R. McDaniel—to the Committee on Military Affairs.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service; when the Speaker signed the same.

BRIDGE OVER MISSOURI RIVER, CHAMBERLAIN, S. DAK.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 636) for the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.

The bill was read. It provides that it shall be lawful for the Dakota Pacific Bridge Company, a corporation now being organized for that purpose under the general corporation laws of the State of South Dakota, or its assigns, to construct under and subject to the conditions and limitations provided, a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at a point suitable to the interests of navigation, within 5 miles above or below the city of Chamberlain, S. Dak., and lay on and over said bridge railway tracks for the more perfect connection of any and all railroads that are now or which may hereafter be constructed to the Missouri River at or within 5 miles above or below the city of Chamberlain, S. Dak., or to the river on the opposite side of the same, near the city of Chamberlain, S. Dak., and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot passengers, and to maintain and operate said bridge for the purposes aforesaid, etc.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the last vote was laid on the table.

FEES OF REGISTERS AND RECEIVERS.

Mr. ALLEN of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That subdivision 10 of section 2238 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Tenth. Registers and receivers are allowed, jointly, at a rate not exceeding 10 cents per 100 words for testimony reduced by them to writing for claimants in all cases, and in all cases where they can secure a competent person to reduce the testimony to writing for a sum less per folio than the sum herein prescribed it shall be their duty to do so."

SEC. 2. That subdivision 12 of section 2238 of the Revised Statutes of the United States is hereby repealed.

Mr. DOCKERY. Mr. Speaker, reserving the right to object, I desire to have an explanation. Is this bill reported by any committee?

Mr. ALLEN of Utah. Unanimously reported by the Committee on Public Lands. I call for the reading of the report.

The report (by Mr. ALLEN of Utah) was read, as follows:

The Committee on the Public Lands has had under consideration House bill 4073, and herewith report a substitute for the same and recommend its passage. House bill 4073 is intended to reduce the fees of registers and receivers for testimony reduced by them to writing for claimants in contest cases in establishing homestead rights from the present statutory fee of 15 cents per folio to 10 cents per folio. The committee has deemed it advisable to extend the reduction of such fees to all matters wherein registers and receivers are allowed fees for reducing testimony to writing, because, in the opinion of the committee, the proposed fee is ample for such service.

Section 2 of the substitute bill, if it should become law, will repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

Subdivision 12 of said section of the Revised Statutes is as follows:

"12. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana are each entitled to collect and receive 50 per cent of the fees and commissions provided for in the first, third, and tenth subdivisions of this section."

The committee understands that this subdivision became law upon the theory that the cost of living was so much greater in the States and Territories mentioned in said twelfth subdivision that it was necessary to allow the additional fees to be collected within their limits.

The committee believes that the time is past when it is necessary or just that additional fees should be allowed registers and receivers in the above-mentioned States and Territories. These fees, as a rule, must be paid by men who are seeking to build homes, and who, in most cases, are least able to bear the burdens imposed upon them by these additional fees. Everywhere throughout the country, including the above-named States and Territories, the prices of farm products and the products of all labor have fallen greatly, and it seems but just that the fees which are imposed upon the classes above mentioned, in case they become involved in litigation over land and other claims, should be reduced.

Subdivisions 1 and 3, which will be affected by the repeal of subdivision 12 of section 2238, are as follows:

"1. A fee of $1 for each declaratory statement filed and for services in acting on preemption claims.

"3. A commission to be paid by the homestead applicant at the time of entry of 1 per cent and the cash price as fixed by law of the land applied for; and a like commission when the claim is finally established and the certificate therefor issued as the basis of a patent."

The committee reports herewith H. R. 4073 and recommends that it be laid upon the table.

During the reading of the report,

Mr. McMILLIN said: Mr. Speaker, I rise to a point of order. We can not hear the report. The Clerk reads rapidly, which is well enough, but there is so much noise we can not hear.

The SPEAKER. The House must be in order, and gentlemen must take their seats.

The Clerk resumed and completed the reading of the report.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DOCKERY. This seems to be a very proper measure, Mr. Speaker.

Mr. McMILLIN. If I understand this report correctly, the bill provides for a reduction of fees all along the line, and for an increase in no case.

Mr. ALLEN of Utah. The fees at present are 15 cents per folio for transcribing testimony, except in the States and Territories set forth in the report, and there they are 22 cents a folio. This bill proposes to reduce the fees to a uniform rate of 10 cents a folio.

Mr. McMILLIN. And there is no class of fees raised by this bill?

Mr. ALLEN of Utah. No; they are all reduced.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Utah, a motion to reconsider the last vote was laid on the table.

Mr. ALLEN of Utah. I also ask that the bill H. R. 4073—the original bill for which this is a substitute—lie on the table.

There was no objection, and it was so ordered.

CONTESTED-ELECTION CASE, MOORMAN VS. LATIMER, THIRD DISTRICT OF SOUTH CAROLINA.

Mr. BELL of Texas. Mr. Speaker, I wish to present a privileged report from Committee on Elections No. 3, and ask that it be printed. At some early day I shall ask that it be considered. It is a unanimous report.

The SPEAKER. The gentleman from Texas [Mr. BELL] presents the report of Committee on Elections No. 3 in the case of Robert Moorman *vs.* A. C. Latimer, Third Congressional district of South Carolina. The report will be ordered to be printed.

STATUE OF FRANCIS E. SPINNER.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 17, for the erection of a statue of Francis E. Spinner at the Treasury Department building in Washington.

The joint resolution was read, as follows:

Resolved, etc., That the General Spinner Memorial Association, which has prepared a bronze statue of Francis E. Spinner, formerly Treasurer of the United States, may be allowed to erect said statue upon one of the approaches or buttresses of the Treasury building in Washington: *Provided*, That no expense shall be incurred by the Government and that the statue shall be located and erected according to the directions of the Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a joint resolution and bill of the following titles; in which the concurrence of the House was requested:

Joint resolution (H. Res. 98) directing the Secretary of War to cause Lieut. Col. Jared A. Smith, Corps of Engineers, to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio; and

A bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals;

A bill (S. 2169) to regulate mail matter of the fourth class;

Joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain; and

Joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the concurrent resolution of the Senate in regard to the "insurrection in Cuba," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE as the conferees on the part of the Senate.

NATIONAL MILITARY PARK.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of the Chickamauga and Chattanooga National Park, and other purposes.

Be it enacted, etc., That in order to obtain practical benefits of great value to the country from the establishment of the Chickamauga and Chattanooga National Park, the park and its approaches are hereby declared to be a national field for military maneuvers for the Regular Army of the United States and the National Guard of the States.

SEC. 2. That the Secretary of War is hereby authorized, within the limits of appropriations which may from time to time be available for such purpose, to assemble, at his discretion, in camp, at such season of the year and for such period as he may designate, at this field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instructions there. The Secretary of War is further authorized to make and publish regulations governing the assembling of the National Guard of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises.

Mr. GROSVENOR. There are amendments, Mr. Speaker.

Mr. HULL. I think there are some amendments recommended by the committee.

The SPEAKER. The Clerk will report the amendments.

Mr. DINGLEY. I would like to inquire of the gentleman, does this contemplate the assembling of a portion of the Regular Army for the purposes of drill?

Mr. GROSVENOR. For drill and maneuver also, under orders of the War Department.

Mr. DINGLEY. Only that.

Mr. HEPBURN. I want to reserve the right to object to this.

The SPEAKER. The right of objection is reserved.

The amendments recommended by the committee were read, as follows:

Amend the title by striking out the words "the Chickamauga and Chattanooga" and the words "and other purposes." Insert "s" after "park" and the word "military" between "national" and "parks."

Amend the bill by striking out of lines 4 and 5 in section 1 the words "the Chickamauga and Chattanooga." Insert "s" after "park" in the fifth line, "military" between "national" and "parks," "said" between "parks" and "parks," substitute "their" for "its," and in line 6 strike out "a" between "be" and "national," and insert "s" after "field." In line 5 of section 2 substitute "such" for "this," and insert the following proviso at the end of section 1:

"*Provided*, That the said parks shall be opened for such purposes only in the discretion of the Secretary of War and under such regulations as he may prescribe."

So that section 1 of the bill shall read as follows:

"SECTION 1. That in order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are hereby declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard of the States: *Provided*, That the said parks shall be opened for such purposes only in the discretion of the Secretary of War and under such regulations as he may prescribe."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. I only want to ask a single question. Perhaps I will betray my ignorance by asking it, but nevertheless I will ask: Is this a real necessity, for the benefit of the Army, or is it a power granted which will result in much expense and something of pleasure, without resulting in profit to the Army?

Mr. GROSVENOR. No expense will result; and as to the amount of profit I can not speak. This bill was drawn in the War Department and sent to me. The present organization of these national parks constitutes them as parks, without any special purpose beyond the preservation of the parks and adornment; and the War Department was of the opinion that with a large tract of land, like the Chickamauga Park, comprising 7,000 acres of land, with hill and vale and surroundings, it would be a good place to have maneuvers and target practice and everything of that character, in which the Army is necessarily interested; and so, looking into the law, there was doubt whether the Secretary of War had the right to use the park for any other purpose than mere park

purposes. The power granted, if this bill passes, simply allows the assembling of the troops at these places.

Mr. CANNON. What I want to ask is, as the Federal policy that now exists is to abandon many posts and concentrate the Army at posts at thickly settled places—take, for instance, Chicago, St. Louis, and so on——

Mr. GROSVENOR. And Columbus.

Mr. CANNON. Columbus; yes. Now, is this an effort, or a beginning of an effort, or a movement, that would take a portion of the Army stationed at Chicago or New York, and once a year, or more frequently, transport them for maneuver and target practice down to Chickamauga, at the right time of the year, and transport them back, and if Chickamauga is the nearest point where they could be maneuvered, and where they could have target practice, and what would be the difference in transportation?

Mr. GROSVENOR. The gentleman has not, perhaps, understood that the bill is changed now from a single purpose, so that it turns all of these parks over to the War Department for that purpose; so of course Gettysburg battlefield would come in, and Shiloh battlefield would come in, and any other military parks owned by the Government. So that of course I assume that if the Secretary of War desired to have target practice or artillery practice he would send them to the nearest place. It is not the purpose to make a post there—nothing of that character. The whole policy of the War Department is to lessen the number of posts and concentrate the troops at large points like Chicago and St. Louis, as the gentleman suggested.

Mr. HULL. I would suggest to the gentleman from Ohio that this is no new grant of power; that the Secretary of War has already power to take troops to any point it may be deemed necessary. This bill simply gives the right to use the national military parks especially for this purpose.

Mr. GROSVENOR. It is a bill that I have no interest in.

Mr. HULL. I would also state that the bill in itself can not possibly create an increase of expense, because the War Department can now assemble the troops anywhere it pleases. It simply gives us 10 square miles that is probably the finest field for drill. It turns over all the national parks to the use of the Army for this purpose, so that the troops could be ordered to any one nearest to the regular post.

Mr. PICKLER. Will the chairman of the Committee on Military Affairs yield to me for a question?

Mr. HULL. I have not the floor. I simply rose to make a suggestion to the gentleman from Ohio.

Mr. PICKLER. Who will have charge of these parks during the time of the military drill of the regular troops in them?

Mr. GROSVENOR. The superintendents of the park—the same men that have charge of them now.

Mr. PICKLER. Will the superintendent of the park have charge of the Regular Army?

Mr. GROSVENOR. Oh, no. The Regular Army will simply march in there and drill and then march out. But I promised the Chair that I would not occupy much time with this bill and I now withdraw it.

CONFERENCE REPORT, ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to present a conference report on the Army appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 4 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That hereafter no pay shall be retained, but this provision shall not apply to deductions authorized on account of the Soldiers' Home."

And the Senate agree to the same.

J. A. T. HULL,
B. F. MARSH,
J. E. WASHINGTON,
Managers on the part of the House.

M. S. QUAY,
EUGENE HALE,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany conference report on bill making appropriations for the Army, H. R. 5359.

The net increase of amount appropriated is $2,500.

Amendment No. 1 refers to retained pay, and House agrees to Senate amendment with an amendment to protect the Soldiers' Home.

Amendment No. 2 fixes the number of hospital stewards at not to exceed 100.

No. 3 is verbal, to comply with law.

No. 4 strikes out extra pay for Superintendent of Public Buildings and Grounds, for the reason that the officer in charge is now a colonel.

No. 5 provides that enlisted men discharged by Secretary of War for misconduct shall not have travel allowances.

No. 6 simply makes total comply with amount appropriated.

No. 7 increases the amount appropriated for Apache Indians held as prisoners of war $2,500.

Nos. 8, 9, 10, 11, 12, 13, 14, and 15 are simply verbal.

J. A. T. HULL.
B. F. MARSH.
J. E. WASHINGTON.

The conference report was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

WILLIAM H. DE FREEST.

Mr. CURTIS of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 3852) to amend the record of William H. De Freest was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the record of the War Department in the case of William H. De Freest, late second lieutenant of Company B, First Iowa Cavalry, so as to grant him an honorable discharge: *Provided*, That this act shall not be construed to give to said William H. De Freest any pay or allowance for any period of time he was absent without leave and not in the performance of military duty, or to such time as he would have been discharged by limitation of time of enlistment or otherwise.

Mr. STEELE. Let us have the report read.

The report (by Mr. CURTIS of New York) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3852) to amend the record of William H. De Freest, having considered the same, report it back to the House with a recommendation that it do pass.

In the Fifty-first Congress, and also in a subsequent Congress, this committee favorably reported the bill with an amendment, which is incorporated in the present bill. That report, which we adopt, is as follows:

"The said De Freest was second lieutenant of Company B, First Regiment of Iowa Cavalry, and was cashiered by sentence of general court-martial promulgated August 21, 1863, for two instances of intoxication, being found not guilty on some of the specifications. This was done after two years of actual service in the regiment, and however well founded at the time, it answered its purpose so far as the good of the service was concerned, and now after twenty-seven years have passed there seems to be no reason why this soldier should rest under this stigma."

From the evidence on file it is conclusively shown that said De Freest has since the war lived an upright life, and has abstained from the use of intoxicants for the past seventeen years. The merits of his claim are attested to by letters from Samuel J. Kirkwood, late governor of Iowa, and Daniel Anderson, late colonel of the regiment in which said De Freest served during the war.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. I object.

Mr. MCMILLIN. I suppose the gentleman in charge of the bill will not object to the amendment which we have been in the habit of incorporating into bills of this kind?

The SPEAKER. Objection is made to the present consideration of the bill.

LEGISLATIVE APPROPRIATION BILL.

Mr. MCCALL of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for further consideration of the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for further consideration of the bill H. R. 6248, the legislative appropriation bill. The Clerk will read the first section of the pending amendment.

Mr. HENDERSON. Mr. Chairman, the first section of the bill now pending as an amendment would be, if adopted, section 7 of the appropriation bill. I suggest that, for convenience of reference during consideration in the committee, we follow the numbering of the sections as printed in the amendment.

Mr. DOCKERY. Mr. Chairman, I suggest that the gentleman ask for an order that finally, when the bill shall be completed, the Clerk shall be authorized to number the sections consecutively.

Mr. HENDERSON. The original offer of the amendment embraced the changing of the numbering of the sections, but my suggestion now is that by unanimous consent we follow the numbers as they are contained in the amendment itself.

The CHAIRMAN. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent that in reporting the several sections of this amendment the Clerk follow the numbers as in the printed bill.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will read the first section.

The Clerk read as follows:

Be it enacted, etc., That from and after the 30th day of June, 1896, all fees and emoluments authorized by law to be paid to United States district attor-

neys and their assistants, and United States marshals and their deputies, shall be charged as heretofore, and shall be collected, as far as possible, and paid to the clerk of the court having jurisdiction, and by him covered into the Treasury of the United States; and said officers shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise.

Mr. UPDEGRAFF. Mr. Chairman, there is a committee amendment which I desire to offer to that section, and which I have handed to the Clerk.

The amendment was read, as follows:

In lines 5 and 6 strike out "and their assistants" and also "and their deputies," and add at the end of the section:

"*Provided*, That this section shall not be construed to require fees to be charged against or collected from the United States except as provided by sections 6 and 8 of this act relating to field deputies and their payments."

Mr. UPDEGRAFF. That amendment comes in at the end of the section, Mr. Chairman.

The amendment was adopted.

Mr. DALZELL. Mr. Chairman, I rise to a parliamentary inquiry. Section 2 of this bill covers all the judicial districts in the United States. I would like to know from the Chair when it will be in order to offer amendments, whether at the end of the section or as each item is read.

The CHAIRMAN. In the opinion of the Chair, at the end of the section, as that was the order adopted by the committee.

Mr. COOPER of Florida. Mr. Chairman, I was about to make an inquiry similar to that just made by the gentleman from Pennsylvania. It seems to me that it would be more convenient, and that we would get along with more expedition, and avoid contests for the floor for the purpose of offering amendments, if opportunity were offered to present amendments to any particular item of salary as it is read. In that way each item could be voted upon at once. I ask unanimous consent that as each item of salary is read it shall be in order to offer amendments.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that in section 2 of the pending amendment, as each item of salary is read, it shall be in order to offer amendments, and the Chair supposes that when a paragraph is disposed of and we have proceeded to the next the committee can not return.

Mr. MCMILLIN. Mr. Chairman, I suggest to the gentleman that he modify his request so as to ask for this privilege in addition to the regular rule, because some gentlemen may be temporarily absent under the impression that the right to offer amendments will exist after the section has been read through. With that modification, I have no objection to his request.

Mr. WILLIAM A. STONE. Mr. Chairman, I understand that the request applies only to salaries.

The CHAIRMAN. That is all there is in section 2.

Mr. WILLIAM A. STONE. There may be something else.

Mr. MCMILLIN. My suggestion would meet the objection of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

The CHAIRMAN. The request, then, is that in the reading of section 2 by the Clerk it shall be in order for any gentleman to offer an amendment to any salary provided for therein when that item is read, and also at the end of the reading of the section.

Mr. MURPHY. I suggest that the order be changed so as to apply to all the sections as they are read.

Mr. UPDEGRAFF. We shall have to object on the part of the committee.

The CHAIRMAN. Objection is made. The Clerk will proceed to the reading of the bill.

The Clerk read as follows:

SEC. 2. That the United States district attorney for each of the following judicial districts of the United States shall be paid an annual salary as follows: For the northern and middle districts of the State of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000; for the Territory of Arizona, $4,000; for the eastern district of Arkansas, $4,000; for the western district of Arkansas, $5,000; for the northern district of California, $4,000; for the southern district of California, $3,000; for the district of Colorado, $4,000; for the district of Connecticut, $2,000; for the district of Delaware, $2,000; for the District of Columbia, $5,000; for the northern and southern districts of Florida, each $3,000; for the northern district of Georgia, $5,000; for the southern district of Georgia, $2,500; for the district of Idaho, $2,500; for the northern district of Illinois, $5,000; for the southern district of Illinois, $4,500; for the district of Indiana, $5,000; for the northern and southern districts of Iowa, each $4,000; for the district of Kansas, $4,000; for the district of Kentucky, $5,000; for the eastern district of Louisiana, $3,000; for the western district of Louisiana, $2,000; for the district of Maine, $2,500; for the district of Maryland, $3,000; for the district of Massachusetts, $5,000; for the eastern district of Michigan, $3,000; for the western district of Michigan, $3,000; for the district of Minnesota, $4,000; for the northern and southern districts of Mississippi, each $3,000; for the eastern district of Missouri, $4,000; for the western district of Missouri, $4,000; for the district of Montana, $3,500; for the district of Nebraska, $3,500; for the district of Nevada, $2,500; for the district of New Hampshire, $2,000; for the district of New Jersey, $2,000; for the district of New Mexico, $4,000; for the northern district of New York, $4,000; for the eastern district of New York, $3,000; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $4,500; for the district of North Dakota, $3,500; for the northern and southern districts of Ohio, each $4,000; for the district of Oklahoma, $5,000; for the district of Oregon, $4,000; for the eastern district of Pennsylvania, $4,000; for the western district of Pennsylvania, $3,500; for the district of Rhode Island, $2,000; for the district of South Carolina, $4,500; for the district of South Dakota, $3,500; for the eastern, middle, and western districts of Tennessee, each $4,000; for the northern district of Texas, $3,000; for the eastern district of Texas, $5,000; for the western district of Texas, $3,500; for the district of Utah, $3,000; for the district of Vermont, $2,000; for the eastern district of Virginia, $3,500; for the western district of Virginia, $4,000; for the district of Washington, $4,000; for the district of West Virginia, $4,000; for the eastern district of Wisconsin, $4,000; for the western district of Wisconsin, $3,000; for the district of Wyoming, $3,000.

Mr. HARRISON. Mr. Chairman, I move to amend this section by striking out the word "four," in line 15, on page 1 of the printed amendment, and inserting in lieu thereof the word "five."

Mr. Chairman, the effect of this amendment is simply to increase the salaries of the district attorneys for the northern and middle districts of Alabama from $4,000 to $5,000. These officers at present earn between $6,000 and $7,000; they receive only $6,000. They took these offices with the implied understanding that they would receive the compensation now allowed by law. While I am heartily in favor of the general reduction which this bill seeks to attain and am perfectly willing to move in the direction therein indicated, I believe at the same time in paying these officers a reasonable salary. The amount proposed in the bill, it occurs to me, is not adequate in view of the work performed by these gentlemen. In fact, $4,000 is too small a salary for such men as those whom I know it will affect in these two districts. They are men of fine legal ability; they rank with the first lawyers of the State; and I respectfully submit that the amount named in my amendment is but a reasonable salary. I find that many other district attorneys are allowed in this bill $5,000; and I believe that these gentlemen are as much entitled to that salary as others. Our delegation, after consultation among its members, is willing for the sake of retrenchment to submit to the reduction contemplated by my amendment—a reduction of one or two thousand dollars upon the amount those officers now actually earn. In consideration of the work which they perform, we consider that this will be but a reasonable salary. I ask the adoption of the amendment.

Mr. BAILEY. Mr. Chairman, the statement of the gentleman from Alabama [Mr. HARRISON] that these officers "earn" in fees more than has been allowed them in the bill as salary is true; but it is true because of the very practice which this bill seeks to abolish—the practice of instituting frivolous prosecutions purely for the sake of increasing their emoluments. It is entirely safe to say that there are not five districts in America where, under a proper administration of the office, either the marshal or the district attorney would have earned anything like the amounts which they have been receiving under the existing system. Not only is that true generally, Mr Chairman, but in this particular case of Alabama there have been monstrous frauds committed down there on the part of officers of these Federal courts within the last two or three years. Some of the persons concerned have been indicted, and some, I believe, have been convicted.

Mr. HARRISON. Not these officers.

Mr. BAILEY. I said "on the part of officers of the Federal courts in Alabama."

Mr. HARRISON. But not the officers affected by this amendment.

Mr. BAILEY. But, sir, these officers have profited by the very frauds which the guilty men have perpetrated.

Mr. HARRISON. Yet you do not undertake to reach those subordinates at all by the bill.

Mr. BAILEY. No, sir; but if I had had my way we would have done so. I think the commissioners are the root of the evil, and I would have sought to apply the remedy there, but the committee in its wisdom believed it best to deal with the district attorney and the marshal first.

Mr. Chairman, the motion of the gentleman from Alabama illustrates a curious phase of office holding. In the last days of the Fifty-second Congress we passed a bill creating an additional marshal and district attorney for the State of Alabama. Up to that time there were three districts, with only two marshals and two district attorneys. Congress passed a bill to create an additional district attorney and an additional marshal. The records of the Judiciary Department disclosed a condition of affairs which induced President Harrison to veto that bill, but the House unfortunately passed it over his veto. Yet after we have provided three officers to do the work which two had performed, it is now proposed to increase the salaries of the three.

I have no personal acquaintance with the district attorneys in Alabama, and I accept the statement of the gentleman from Alabama that they are excellent men and good lawyers, but their services are not worth $5,000. There are not five district attorneys in America whose services are worth $5,000 a year.

Mr. DOOLITTLE. I should like to speak for a moment on this amendment.

The CHAIRMAN. Debate is exhausted.

Mr. DOOLITTLE. I move to amend by striking out the last word.

The CHAIRMAN. That motion is not in order. The amendment offered on behalf of the Judiciary Committee is submitted as an amendment, and the amendment of the gentleman from Alabama is an amendment in the second degree. The question is on the amendment of the gentleman from Alabama.

The question being taken, the amendment of Mr. HARRISON was rejected.

Mr. DALZELL. Mr. Chairman, I move to amend by striking out, in line 24, section 2, the words "three thousand five hundred dollars" and inserting "four thousand dollars"; so as to make the salary for the western district of Pennsylvania $4,000.

Mr. Chairman, I am heartily in favor of the principle embodied in the pending bill. I believe that the system of paying the officers of our courts by fees ought to be abolished and salaries substituted in its stead.

I have no interest at all—no personal interest—in the district attorney who now holds office in the city of Pittsburg, in the western district of Pennsylvania. He is not a constituent of mine; he does not belong to my political party, and so the amendment I offer is offered solely from a sense of justice and from no personal consideration whatever.

Mr. BURTON of Missouri. What is the proposed amendment?

Mr. DALZELL. I simply want to equalize the eastern and western districts of Pennsylvania. This bill gives the attorney for the eastern district of Pennsylvania $4,000 per annum, and I want to put the western district on an equality. The bill fixes only $3,500, and the amendment proposes $4,000. I think I can show to the committee that it is only justice to the western district of Pennsylvania to equalize the two.

Mr. CANNON. What is the point? Is the eastern district too high or the western district too low? Which way would you proceed to equalize?

Mr. DALZELL. I think the eastern district is about fair—$4,000; but that the western district is too low and ought to be put at $4,000 also. I do not propose to take the time of the committee, and if the Judiciary Committee, or the members of it, are willing to accept the amendment, as I believe they will, I do not see any necessity for consuming further the time of the House.

Mr. WILLIAM A. STONE. Will my friend and colleague permit me to make a suggestion?

Mr. DALZELL. Certainly.

Mr. WILLIAM A. STONE. It seems that there has been a mistake in the adjustment of the salaries by reason of a misapprehension as to the earnings of the district attorneys in the two districts of Pennsylvania for the last year. As a matter of fact, the business of the western district exceeds the business of the eastern district, and I think when the committee comes to consider that fact they will admit they have made a mistake in the preparation of this bill and the adjustments of the salaries, and will allow the increase, at least to the extent asked for by my colleague.

Mr. DALZELL. The western district of Pennsylvania covers two-thirds of the State. The courts are held at four different places. The officers of the court have to travel across the mountains to Erie, to Williamsport, to Scranton, and courts are also held in Pittsburg.

Now, simply to call the attention of the committee to the facts in reference to these salaries, I ask your attention to the report of the Attorney-General for 1874 and 1875, inclusive, and find this state of facts to exist: In 1874 the district attorney for the eastern district of Pennsylvania received $3,455, and the district attorney for the western district received $4,920, or $1,465 more than the attorney for the eastern district. In the year 1875 the attorney for the eastern district received $3,385, and the attorney for the western district $4,635, or $1,240 more than the eastern district. In 1876 the district attorney for the eastern district received $6,080 and the western $5,375, or only $705 less, and so on down through the entire list. The statistics in the report of the Attorney-General of the United States show that in more cases—in the majority of cases—the business is in the western district; in other words, that the business done in the western district exceeds that done in the eastern district of the State. And I appeal to the committee to put these districts at least on an equality. Let the amendment prevail, and let the western district have a salary equal to $4,000 proposed for the other district.

Mr. UPDEGRAFF. Mr. Chairman, the increase asked for in this salary by the gentleman from Pennsylvania is small, it is true, and it is with very great reluctance that I oppose the amendment. It is also with very great reluctance that I would consent to an increase of a single salary fixed in the bill, for I believe, on the whole, that they are 25 per cent larger now than they ought to be.

The way the change comes of which the gentleman complains, namely, that both the eastern district and the western are not put on the same basis of salary and paid $4,000, I will briefly explain. It is simply because there is more than the difference fixed in the bill in the earnings.

Mr. DALZELL. The earnings when?

Mr. UPDEGRAFF. During the last year.

Mr. DALZELL. Take a series of years and how do the earnings compare?

Mr. UPDEGRAFF. I would like the gentleman to tell me when there was a year that the United States officers made more out of the Treasury than they did last year.

Mr. DALZELL. I do not think that applies in the case to which I am referring.

Mr. UPDEGRAFF. If the gentleman can show an exception, then he ought to do it.

Mr. DALZELL. I have already shown exceptions.

Mr. UPDEGRAFF. I have not been able to see them. It was conceded, under the advice of the Department of Justice, that the eastern district of Pennsylvania, having in it the great city of Philadelphia, ought to have a slightly larger salary than that allowed to the western district. Of course in that city there is a large admiralty jurisdiction in the district courts of the United States.

Mr. DALZELL. That is also the case in the western district.

Mr. UPDEGRAFF. How much does it amount to when compared with the eastern district—the city of Philadelphia?

Mr. DALZELL. It is equally great, and there is a larger miscellaneous business.

Mr. UPDEGRAFF. How can that be?

Mr. DALZELL. The figures will show the gentleman if he takes pains to examine them.

Mr. BURTON of Missouri. I have the figures before me, Mr. Chairman, and with the consent of my colleague I will cite some of them.

The report of the Attorney-General shows that on the 1st day of July, 1895, in civil business, there were pending in the Philadelphia courts customs cases amounting to 169; in the western district, 1; internal-revenue cases at Philadelphia, 28, and Pittsburg none. Miscellaneous cases, none at Philadelphia and 8 at Pittsburg.

Mr. DALZELL. Now, will my friend allow me? Is it not a fact that the year before, in the year 1894, there were 950 civil cases pending in the eastern district and 1,785 pending in the western district?

Mr. BURTON of Missouri. I can not answer my friend.

Mr. DALZELL. I take that from the Attorney-General's report.

Mr. WILLIAM A. STONE. Does that show anything more than the fact that the western district disposes of its business while the eastern does not?

Mr. DALZELL. I want to support this bill, but I want to be fairly dealt with.

Mr. UPDEGRAFF. The amount is small, and, as I said before, I resist it with reluctance, but I can not consent to any increase in any single salary in this bill. I will consent to almost any decrease. I resist this because of the bad example there is in it more than anything else.

Mr. WILLIAM A. STONE. I move as a substitute that each salary be $4,000 to the officers named in section 2.

Mr. BURTON of Missouri. Does the gentleman offer that as a substitute for the section?

Mr. WILLIAM A. STONE. Yes. Mr. Chairman, I wish to say in reference to the eastern and western districts of Pennsylvania that the committee having charge of this matter have simply made a mistake. I know how difficult it is for committees to admit that fact, but being a member of the Judiciary Committee during the last Congress, and having had the honor to work with my colleagues on that committee on a bill similar to this during nearly the whole of the last winter, I am satisfied that I am correct when I say that there is no reason and no argument why the salary of the district attorney for the western district should be reduced to $3,500. If you take the earnings of that officer for the last fiscal year you will find that the earnings of the district attorney for the western district were $4,520, and the earnings of the attorney for the eastern district were $4,332.40. There is where the committee made a mistake. The district attorney for the western district employed a clerk, as he had a perfect right to do, at $1,200. The district attorney of the eastern district employed a clerk at $208. As a matter of course the net result to the district attorney of the western district was less than the net result to the district attorney of the eastern district, but he was not compelled to make that employment. The next officer may not hire any clerk at all, so that the emoluments and fees earned by the district attorney of the western district are really greater

than those earned by the same officer in the eastern district. The committee took the net results instead of looking at the earnings of the office. The question is whether you will strike down an officer who has been earning $4,500 a year to $3,500, rather than to correct a mistake made by the committee.

Mr. BAILEY. Will the gentleman from Pennsylvania tell the House whether or not the earnings of that officer have been largely increased by the very practices which this bill condemns and which it is intended to correct?

Mr. WILLIAM A. STONE. I undertake to say, Mr. Chairman, that so far as the officers who have held that office are concerned, including the gentleman who is now addressing you, that none of the bad practices have ever prevailed which gentlemen condemn.

Mr. BAILEY. I will ask the gentleman if he did not tell the Judiciary Committee of the last Congress that all of the officers were subject to the same criticism? We had the earnest cooperation of the gentleman when he was a member of the Judiciary Committee, upon the very theory that these offices were all run improperly—of course his own excepted.

Mr. WILLIAM A. STONE. I am not here to say that I oppose this bill. On the contrary, I am heartily in favor of it. But I am here to correct an error made by this committee.

Mr. BAILEY. I perfectly understand, but my suggestion is that it is not fair to take the earnings of these offices as a criterion, for the reason that those earnings have been largely increased by the frivolous and vexatious prosecutions which have been instituted. If you do so you simply perpetuate a wrong, because you take earnings which have been improperly and, perhaps, dishonestly increased, and using that as a basis you fix a permanent salary upon the basis of fraudulent fees.

Mr. WILLIAM A. STONE. Oh, well, that is true as a general thing, but it is not true in this case.

Mr. DALZELL. Will my colleague yield for a question?

Mr. WILLIAM A. STONE. Yes.

Mr. DALZELL. I want to ask the gentleman from Texas whether, if it is a fact that through a long series of years the earnings of the western district have exceeded those of the eastern district, he thinks it is fair that the salary in the eastern district should be increased $500 over the western district?

Mr. BAILEY. Frankly, I do not, as between those two districts. I think they ought to be equalized, but I think both of them ought to be cut down.

Mr. DALZELL. I have stated what was done in that district, and I have been verified by the report.

Mr. WILLIAM A. STONE. We are not complaining that the salary paid to the district attorney in the eastern district is too high, but we are complaining that the salary in the western district is too low. This officer has been earning $4,500 a year for years. There are 2,500,000 people in that district; more than two-thirds of the counties of the State are in the western district. It is bigger in every way than the eastern district. And I say, Mr. Chairman, that there is no reason under heaven why this discrimination should prevail, and the gentlemen on that committee admit it. Of course, they are afraid to make the change in this case from fear of a rush of changes in other districts, and therefore they say they can not consent to it. Now, I think this committee ought to correct this mistake which they admit they have made.

Mr. HENDERSON. Will the gentleman allow me to interrupt him?

Mr. WILLIAM A. STONE. Certainly.

Mr. HENDERSON. I want to say, for one, I do not admit that we have made any mistake. When the Attorney-General was before the committee he stated that the salary for the Philadelphia district, because of the greater importance of that port, should be higher than the western district.

Mr. WILLIAM A. STONE. It may be he did. That only shows that the Attorney-General does not understand it. I tell you it is wrong. I withdraw my substitute.

Mr. GILLETT of Massachusetts. Mr. Chairman, I wish to make just one suggestion. In this eastern district is the great city of Philadelphia, and we all know that in a metropolitan city like that the standard of compensation for the lawyer's services is much higher than in the western district.

Mr. DALZELL. It is exactly the opposite.

Mr. WILLIAM A. STONE. Both physically and mentally the standard in the western district will favorably compare with that of the eastern district.

Mr. GILLETT of Massachusetts. Mr. Chairman, they say that the standard is higher in the western region than it is in the eastern.

Mr. DALZELL. I do.

Mr. GILLETT of Massachusetts. Then how is it that we have here the very best lawyer in the whole western district, who gives up his practice as a lawyer in Pittsburg and gives his whole services for $5,000 a year as a member of Congress? [Laughter.]

Mr. DALZELL. If I had not practiced law in Pittsburg for twenty years, I could not have done it.

Mr. WILLIAM A. STONE. The woods are full of patriots who will serve their country in the western district. [Laughter and applause, and cries of "Vote!" "Vote!"]

Mr. GILLETT of Massachusetts. I have no doubt of that, and if it is true, as the gentleman says, that that district is full of patriots who would be willing to serve the country, I have no doubt they would take this office at the salary which is fixed; and that in a great city such as Philadelphia, where the standard is higher for compensation, unless it differs from all other great cities, I think the salary should be larger.

Mr. WILLIAM A. STONE. Question!

Mr. CONNOLLY. Mr. Chairman, I do not want it to be——

The CHAIRMAN. The Chair would state to the gentleman from Illinois that the substitute being withdrawn debate has been exhausted upon the pending amendment.

Mr. CONNOLLY. I move to strike out the last word.

Mr. WILLIAM A. STONE. I make the point of order that that motion is not tenable.

Mr. CONNOLLY. Then I move to reduce the salary in the western district to $3,000.

Mr. WILLIAM A. STONE. Regular order! That only shows the gentleman has not examined this question properly. That has already been cut down.

Mr. CONNOLLY. I offer that as a substitute.

Mr. WILLIAM A. STONE. Regular order!

The CHAIRMAN. The committee will be in order. The gentleman from Illinois is recognized.

Mr. CONNOLLY. Mr. Chairman, I do not want it to be understood in this committee that the Committee on the Judiciary accepts the statement of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] that the committee made a mistake in arranging the salaries of these two districts. They made no mistake. They looked carefully into the work done in both districts, and a majority of the committee fixed the salaries as they thought right. Now, notwithstanding the statement of the gentleman from Pennsylvania, I want to show this House that no mistake was made.

Mr. WILLIAM A. STONE. Will you allow me a question?

Mr. CONNOLLY. Excuse me. In the eastern district of Pennsylvania the number of cases terminated there, to which the United States was a party, criminal prosecutions, for the year ending July 1, 1895, was 62; the number terminated in the western district was 32. There is the difference in the amount of work actually accomplished and reported to the Attorney-General from those two districts. Now, again, as to the amounts realized from fines, forfeitures, and penalties imposed during the past year, $7,615 was realized in the eastern district and $140 realized in the western district.

Mr. DALZELL. Will the gentleman yield for a moment?

Mr. CONNOLLY. Certainly, if I have time.

Mr. DALZELL. Does the committee think it is fair to base this salary upon the results shown by a single year, when exactly opposite results are shown through a series of years?

Mr. CONNOLLY. No, sir; but now I want to call attention to what the gentleman from Pennsylvania calls "opposite results." There has been as much money earned in the western district of Pennsylvania by the district attorney as in the eastern district, but the attorney in the western district has earned it not as a lawyer in court, but largely as a traveling man on the railroads.

Mr. WILLIAM A. STONE. The gentleman said he would not admit that the committee had made any mistake.

Mr. CONNOLLY. Yes, sir.

Mr. WILLIAM A. STONE. And yet the gentleman has moved to amend his own work by reducing the salary of the district attorney in the western district of Pennsylvania.

Mr. CONNOLLY. I did that because the gentleman would not let me have the floor unless I made some kind of a motion. [Laughter.] So far as the motion itself is concerned, I care nothing for it. Let me say here that I do not care if the House does adopt the amendment of the gentleman from Pennsylvania [Mr. DALZELL]. I do not believe in pursuing a parsimonious policy toward district attorneys. They are men who require special qualifications, special learning, special training. They are worth something to be merely retained as attorneys for the United States, even if they do not try any cases. Every great corporation in this country pays largely to retain the services of an eminent attorney, whether

he tries a case or not. The United States ought to be willing to pay a sufficient salary to command the talent of a respectable attorney to represent it in court, without reference to the amount of business he may be called upon to do. But another thing to be considered is, what are the real necessities of the United States in the way of attorneys in the various districts? What amount is it reasonable to pay by way of a retainer in the several districts? When we have ascertained that and put these attorneys upon proper salaries we have done them justice and have gone far to uproot the evil that we have aimed at, for, as I said yesterday and now repeat, the fountain head of all this mischief is in the district attorney's office. Dry up that, and the rest of the trouble soon comes to an end.

Mr. WILLIAM A. STONE. I fully agree with every word the gentleman has said in these last remarks of his.

The question was taken on the amendment of Mr. DALZELL; and the Chairman declared that the noes seemed to have it.

Mr. DALZELL. I ask for a division.

The committee divided; and there were—ayes 69, noes 61.

So the amendment was adopted.

[Applause.]

Mr. HARTMAN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Line 8, page 32, strike out "$3,500" and insert "$4,000."

Mr. HARTMAN. Mr. Chairman, on yesterday, in the general debate upon this amendment, it was suggested by the gentleman from Illinois [Mr. CONNOLLY] that a new basis had been chosen whereby the committee had fixed these salaries, that basis being the earnings of the respective districts.

We then met him upon that change of basis and I established conclusively to the satisfaction of the few members who were present that the net earnings of the district of Montana, so far as the district attorney's office was concerned, were higher than in any one of 14 districts that I mentioned and the figures of which appear in the RECORD this morning as a part of my remarks; also, that the gross earnings of the district of Montana were higher than those of any of those 14 districts, while the salary of the district attorney for Montana was fixed lower in this bill than any other except 2 of the entire 14. The gentleman then changed base again and said, in substance: "It is not a question of the net earnings; it is the number of suits finally determined in the district." He then announced to the committee that only 4 cases had been determined in our district. That was undoubtedly an error into which the gentleman fell by inadvertence, for I know that he would not intentionally misrepresent a fact to the committee.

Mr. CONNOLLY. Four criminal cases.

Mr. HARTMAN. But the remark of the gentleman as he made it on the floor and as it appears in the RECORD was that there were only 4 cases determined in that district. Gentlemen around me understood it so, and the RECORD shows it so. Now, Mr. Chairman, what are the facts? The facts are that of all the districts in this Union, more money was involved in the civil litigation in the district of Montana than in any other except 4. Only 4 districts in the entire United States had more money involved in their litigation than was involved in the district of Montana. Again, instead of there having been only 4 cases terminated, the facts are these: There were 30 cases commenced; the amount involved was $376,504.70; the number of cases determined in favor of the United States was 10; the number dismissed or settled was 8; and the total number finally determined was 22. Now, for the purpose of comparison, let us go to the southern district of Illinois, which the gentleman [Mr. CONNOLLY] hails from. I read from the report of the Attorney-General, and I ask the gentleman's attention to it. Instead of 30 suits being commenced in that district there were but 7. No amount except a very trifling one was involved, not sufficient even to be mentioned in the report. The aggregate of judgments obtained was $3,750, and the number of cases finally determined in that district was 7. Total number disposed of by dismissal and otherwise, 26. Amount of money turned into the Treasury $302, against $680 in my district.

Now, Mr. Chairman, I do not want to reduce anybody's salary, but if it is the policy of this committee to equalize these salaries, then I propose to offer an amendment to reduce the salary of the attorney for the southern district of Illinois from $4,500 to $3,500. I do not consider the apportionment of salaries in this section at all equitable. Let me call attention to some more of these inequalities. Take the district of West Virginia—and I am proceeding now on the basis laid down by the gentleman from Illinois himself. The district of West Virginia had this enormous number of suits: One; amount involved, aggregate judgments, $50; decided in favor of the United States, 1 suit; judgment in old suits, $10; collected on old suits, $56.89; total number of suits disposed of for the United States, 2; total number disposed of altogether, 3; total amount of judgments, $60; total amount collected, $56.89. Salary, $4,000! [Laughter.] That is the amount of business in comparison with the $375,000 involved in my district; yet the officer in my district is reduced to a salary of $3,500, while this officer in West Virginia, doing that miserable pittance of a business, is regarded as entitled to $4,000. Sir, I do not want to cut down West Virginia, but I want this thing equalized.

Now, let me call attention to another case.

The CHAIRMAN. The gentleman's time has expired.

Mr. HARTMAN. I move to strike out the last word.

The CHAIRMAN. That amendment is not in order.

Mr. HARTMAN. Then I ask unanimous consent to be allowed five minutes more.

Mr. UPDEGRAFF. I think I must object; we must get on with the bill.

Mr. HARTMAN. I move to substitute $3,501 in lieu of the amendment which I offered.

The CHAIRMAN. The Chair can not entertain that as a new amendment entitling the gentleman to be heard further.

Mr. HARTMAN. I want gentlemen here to hear me in opposition to what this bill proposes. I want to present the claim of Montana in this regard; and I can not do it in five minutes.

Mr. DOLLIVER. I hope the gentleman will be allowed a reasonable extension of time.

The CHAIRMAN. Without objection, the gentleman from Montana will proceed.

There was no objection.

Mr. HARTMAN. Now let me call attention to the showing in the eastern district of Virginia: Number of suits commenced, 2 (as against 30 in my district); collections, $40; decided for the United States, 2; collections in old suits, $15; decided against the United States, 1; settled, dismissed, etc., 1; total number disposed of, 3; total judgments, 10; collected, $55. Salary, $3,000!

We did in our district a thousand times as much business as there shown; yet we are put on a level with that State in reference to salary.

Let me go further and take the State of North Dakota, for which also a salary of $3,500 is proposed. Here is the record: Eight suits commenced; collections, $25; suits decided for the United States, 8; total number of suits disposed of, 8; total amount of judgments, $236; collected, $125. And the salary for that service is $3,500, while a salary of $3,500 is proposed for our district, where there are suits involving an aggregate of $375,000.

Every lawyer on this floor knows that when he undertakes to fix the charge to be made to a client for his services he takes into consideration the amount of money involved, the amount of labor necessary to prepare and try the suit, and all the elements which enter into the successful preparation, prosecution, and trial of the suit. So I submit that when the amount of money involved in suits is large (as it will continue to be in our State as long as suits are brought for timber trespass) the services of the attorney ought to be adequately rewarded.

Let me go on further. Here is another splendid illustration of the equality of this bill. The District of Columbia presents the following record, and I ask gentlemen to listen to it: One civil suit commenced; aggregate amount of suit, $287.44; pending, 1 suit (they have not even tried it yet); judgments on old suits, $147; decided for the United States, 1. That is the record of the District of Columbia. And what is the salary? Five thousand dollars. Why? Because of the superior ability of the officers doing the business? No. Because the officer trying those suits undergoes hardships in going from his home to the court-house to attend to them? Oh, no. Then what is the reason?

I want to say that if the District of Columbia is to have $5,000 I want for my State at least $4,000. And, Mr. Chairman, I am going to move to reduce the salary in the southern district of Illinois and in the District of Columbia to $3,500 unless we can get some sort of equalization. I do not refer exclusively to my own State. There are other cases here just as meritorious as mine. I propose to stand by the gentlemen interested in those other districts, and I ask that they stand by me.

Mr. BROWN. Allow me to ask the gentleman a question. On page 62 of the Attorney-General's report there will be found (Exhibit B) a statement showing the number of criminal prosecutions pending in the district and circuit courts of the United States July 1, 1895, and the number terminated. You will find, by referring to this report, that the total number of suits terminated in the District of Columbia during the fiscal year ended June 30, 1895, was 4,767.

Mr. HARTMAN. I understand that, and I have made no attack on the criminal record of the District of Columbia. I am simply saying that the idea, to which prevalence was given here

yesterday, that there were only four cases in my district is erroneous.

Mr. Chairman, I do not desire to consume further time. I do believe that my amendment presents a fair, square, and equitable proposition, and I ask the support of the Committee of the Whole in its behalf.

Mr. UPDEGRAFF. Mr. Chairman, there are inequalities in these schedules, but they are in favor of the gentleman's State. With a population of less than 200,000, he asks for his State $4,000, while the great State of Pennsylvania, with fifty times as much population, is satisfied with $7,500 for the two districts. And when was the State of Pennsylvania known to be too modest? [Laughter.]

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. UPDEGRAFF. No, sir. The gentleman has had his time yesterday and to-day, and I decline to be interrupted. The gentleman talks about inequalities, when under the bill a population fifty times as large as that of his State receives only double what his State receives. That State, too, has the great city of Philadelphia within its borders, one of the most important ports of entry in the United States. She has also the great manufacturing city of Pittsburg, where they have also admiralty jurisdiction and a large amount of business in it even up into the Alleghany Mountains, and yet the immense business of that State is compared by the gentleman from Montana with his own.

There is another suggestion I would make to the gentleman about determining these salaries. He refers to the District of Columbia. I think the gentleman is in error and has got hold of the wrong statistics when he states that there was but one case in the District of Columbia. He has got hold of something wrong, evidently.

Mr. HARTMAN. I said one civil case.

Mr. UPDEGRAFF. The United States attorney for the District of Columbia, without any earnings from mileage, earned $47,000 gross during the year 1895, and $31,000 net. And yet the gentleman from Montana complains, with his 160,000 population, and his earnings swelled by mileage, that there is an inequality in the salary there. There is an inequality, I admit, but it is in favor of my friend from Montana entirely; in his favor. It is true that in the returns from the Attorney-General's Office the attorney of the United States for Montana is shown to have earned certain fees. That is true. But, as I said once before on the floor of this House, they have been earned by traveling, at 20 cents a mile, and not by business in the court. They have been able in that way, by piling up the mileage account, to take from the Treasury of the United States a considerable sum of money which was never intended for the district attorneys or the marshals of the United States courts.

If I understood the gentleman from Montana correctly, he threatened to reduce certain appropriations for other districts, and if his increase is voted he will help to increase others. If I stated his position incorrectly, I yield to him now briefly for a correction.

Mr. HARTMAN. I said that in order to equalize the salaries between the United States district attorneys in Illinois and Montana, that if it was decided by the committee not to make the justifiable increase I have asked, that then I would move to reduce the salary of the district attorney of Illinois to $3,500 for the purpose of equalizing them.

Mr. UPDEGRAFF. Yes; and also that he would help others to get their increases.

Mr. HARTMAN. Wherever there is an inequality I will vote to rectify it.

Mr. UPDEGRAFF. Exactly; that is just the situation. Above all things, Mr. Chairman, it was my earnest desire that there should be no "divide" here. It is that very spirit that I feared in the consideration of this amendment; it is that very spirit that I now protest against, and protested against it before. If we are to enter into a "combine" here to vote the money out of the Treasury of the United States between our respective States, it will bring about a scandal that will involve every man here who takes a hand in the proceedings. I do appeal now to this committee to stay its hand and to prevent the success of this—"conspiracy," shall I call it? It is hardly a conspiracy, because it is open and avowed; it is an open-day conspiracy, but a conspiracy nevertheless that the gentleman is trying to organize on the floor of the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UPDEGRAFF. Five minutes additional was accorded to the other side; I hope I will have a little more time.

Mr. DOCKERY. I hope the gentleman from Iowa will be allowed five minutes additional time.

There was no objection.

Mr. UPDEGRAFF. As I have already said once on the floor of the House, I foresaw the difficulty that the House was to encounter; and I must make another appeal, and I will continue to appeal to the patriotism and unselfishness of the members of the House on both sides to throttle this conspiracy the very day it comes up and make an end of it. [Laughter.] Yes; laugh, gentlemen! But you have confessed here the conspiracy between you—one of your number has.

I have heard it said by one or more members that "the character of my efficiency among my people will be affected or injured, or impaired in some way, unless I get my share." "My share!" as if there was a share in this bill. That, however, is the burden of the song of the gentleman from Montana, to get "my share," and in the name of correcting inequalities.

Mr. HARTMAN. Will the gentleman permit me just there?

Mr. UPDEGRAFF. If the gentleman will be very brief.

Mr. HARTMAN. I only wish to say that I have made no such statement as that.

Mr. UPDEGRAFF. Well, the committee heard the statement of the gentleman——

Mr. HARTMAN. Yes; they did hear it.

Mr. UPDEGRAFF. And if I have misstated the position of the gentleman, the RECORD will show.

Mr. HARTMAN. Yes; the RECORD will show.

Mr. UPDEGRAFF. I do not know what statement the gentleman refers to, however, but at all events I do not wish further interruption.

I want to say this, that the efficiency of a Representative on this floor will stand better with his constituents when he stands with his committee to take from the necks of his people the hands of these officers who have been robbing the people and robbing the Government at the same time. [Applause.]

Now, for myself, I care not how low the salaries are, so that they do not affect the enforcement of the law. If the marshal and the district attorney of my district attack me for inefficiency, or for any other cause because I favored the reduction of these salaries or the inauguration of this system, I will pay them for their time, for I shall be sure of a renomination and a reelection.

Now, the true and substantial character that a Representative should cultivate upon this floor is one of unselfishness, one of care and solicitude for the public welfare, for the good of the people of all classes in all parts of these United States, and not to look after the welfare of a marshal or a district attorney. What does it profit me that a man in my district is enabled to take a thousand dollars more out of the Treasury than he earns? I claim credit for having prevented the doing of it, although the thousand dollars would be spent among my own people. While the thousand dollars is being spent among my own people, ten or fifteen or twenty thousand dollars will be wrung out of the Government under some other pretext. Now, I appeal to the patriotism of this committee to stand by these salaries as they are fixed by the bill, unless there is an obvious and clear mistake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARTMAN. I ask that the gentleman's time be extended five minutes, if he desires it.

Mr. UPDEGRAFF. I do not desire it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. HARTMAN]. Does the gentleman withdraw his substitute?

Mr. HARTMAN. I do.

The CHAIRMAN. The substitute will be considered as withdrawn, and the question is on the amendment of the gentleman from Montana.

The question being taken on Mr. HARTMAN'S amendment, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. HARTMAN), there were—ayes 52, noes 63.

Accordingly the amendment was rejected.

Mr. BENNETT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out "three thousand dollars," in line 15, page 3, and insert after the words "New York" the words "four thousand dollars."

Mr. BENNETT. I do not desire to take the time of this committee to any extent. In abolishing the fee system and substituting salaries the committee have left the marshal and attorney of the eastern district of New York with a fourth-class rating. The district comprises Long Island, including the city of Brooklyn, and Long Island City and Staten Island, and the harbor of New York, with a population of a million and a half of people. The best attorneys of the United States practice in our courts, and we require an attorney of the very best ability to maintain and secure the rights of the Government in the courts. We have been encouraged by the fact that the western district of Pennsylvania has been increased from $3,500 to $4,000, and all we ask from the

committee is that we be treated justly and fairly, and have the same privileges granted to us that have been granted to others. The amount of business done is about equal to that done in the western district of Pennsylvania; but they were allowed $3,500 in the committee's report, and our amount was placed at $3,000. I have consulted with the members of the committee, and I believe that there will be no real opposition to an increase of the eastern district of New York to $4,000.

Mr. UPDEGRAFF. Mr. Chairman, the committee have not consented to any increase of this salary, and, as its organ, I can say that they know of no reason why there should be any increase. The salary was fixed with care and precision, and I hope there will be no amendment adopted. That is all I care to say.

The question being taken on the amendment of Mr. BENNETT, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. BENNETT), there were—ayes 27, noes 65.

Accordingly the amendment was rejected.

Mr. COOPER of Florida. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 2, page 2, line 11, by striking out "three thousand" and inserting "three thousand five hundred" in place thereof.

Mr. COOPER of Florida. Mr. Chairman, I submit this amendment to the House. The salaries under that amendment would aggregate considerably less than the earnings have been in the last fiscal year, and I am informed that there would be a still greater disproportion between these figures and the earnings for the present year. I understand this bill is principally to correct the abuses of the fee system; but I do not understand that its primary object is to speculate on the earnings of the officers. I submit the amendment to the committee.

The amendment was rejected.

Mr. McLAURIN. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 3, in line 25, after the word "the," insert the word "eastern"; so as to read: "for the eastern district"; and on page 4, in line 1, strike out the words "four thousand five hundred dollars" and insert in lieu thereof the words "two thousand dollars," and at the end of said line 1 add the words "for the western district of South Carolina, $2,500."

Mr. McLAURIN. I do not ask for any increase of salary; but as the committee speaks of the "district of South Carolina" I wish to correct a mistake. As a matter of fact there is no such thing as the district of South Carolina, but the State is divided into an eastern and a western district, with a judge appointed for both eastern and western districts, but with a district attorney and marshal simply of the eastern district. In the report of the Attorney-General a mistake is made in speaking of South Carolina as the "district of South Carolina." I have called his attention to the matter, and have his letter, which I will ask the Clerk to read. I believe the gentleman in charge of the bill has consented to accept my amendment. It is understood that I do not ask for any increase of salary.

The letter was read by the Clerk, as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., February 29, 1896.*

SIR: With reference to the question whether there are two judicial districts in South Carolina or only one, I beg to say that I have caused an examination to be made, with the following result:

When the first register of this Department was prepared, in 1888, Mr. Jenks, then Solicitor-General, examined the question, which was brought to his attention by the appointment clerk, and advised that South Carolina be entered therein as a single district, which was done and has been repeated in subsequent issues.

I learn further that the question arose at the commencement of President Harrison's term and was considered by Attorney-General Miller, but I am unable to find any record of the conclusion he reached, if he reached any. The practice, however, has grown up of considering the State as a single district in all matters connected with the judicial affairs of that State, including appointments to office. Various acts of Congress refer to the State as a single district, although they also mention it as two districts. For instance, the act of April 26, 1890 (26 Stat., 71), is entitled "An act to regulate the sitting of the courts of the United States within the district of South Carolina," yet sections 3 and 4 speak of eastern and western districts. But it is useless to multiply instances. I am unable to find anything in the statutes which affects the provisions of sections 546 and 767, Revised Statutes, which divide the State into two districts. I think, therefore, that you should call the attention of the Judiciary Committee to this matter and have the bill amended to fit the case.

Very respectfully,

JUDSON HARMON,
Attorney-General.

Hon. JOHN L. McLAURIN,
House of Representatives.

Mr. CULBERSON. Mr. Chairman, that amendment ought to be adopted. It is a mistake in the bill. [Cries of "Vote!" "Vote!"]

Mr. ELLIOTT of South Carolina. Mr. Chairman, I wish to oppose the amendment.

Mr. Chairman, this matter has been suddenly sprung upon me, and I have not been able to hunt up the statutes to see just how the matter stands. The sum and substance of the effect of the amendment will be that the salary now paid the district attorney in South Carolina will be divided into two salaries of $2,500 and $2,000, and a new officer appointed, and then there would be one for the eastern district and one for the western district. It has always been the custom to have but one district attorney for that State, and he attends, and is required by law to attend, all the courts in both districts. The object now is to provide by this amendment for the appointment of another district attorney. Now, the effect of it will be to make two poorly paid officers, one at $2,500 and one at $2,000. I do not think there is any salary in this bill as low as $2,000 to be paid to a district attorney.

Mr. SHAFROTH. Oh, yes.

Mr. BAILEY. There are several.

Mr. ELLIOTT of South Carolina. Another very bad feature will be, that it will operate directly against the purpose of this bill, which is to reduce expenses. The direct effect will be to multiply and increase the expenses. There will have to be another marshal. There is only one marshal for that State, and those officers have always done the business without any difficulty. If there is to be another district attorney there will have to be another marshal, and he will have to be paid a salary, or the salary of the marshal now authorized in the bill will have to be divided between the officer now occupying the position and a new officer to be appointed.

Then there will have to be another judge, for why should there be another district attorney and another marshal without another judge? So that, from every aspect of the case, it appears this will be a most injurious amendment to adopt. Now, the district attorney for my State is in favor of this bill. He has been trying his very best to reduce the expenses, and he is in favor of this bill; but he is altogether opposed to having a new district attorney, and so are the circuit and district judges. Judge Brawley, whom many of you gentlemen know, the district judge, was here the other day, and he told me that he opposed the appointment of another district attorney, because it was not necessary and would inevitably result in an increase of expenses. So I hope the amendment will be voted down, It will greatly increase fees.

Mr. CULBERSON. Will the gentleman allow me to ask him a question?

Mr. ELLIOTT of South Carolina. Certainly.

Mr. CULBERSON. I understand the district attorney of South Carolina wants to take all the salary allowed by this bill and refuse to divide with another district attorney who might be appointed.

Mr. ELLIOTT of South Carolina. Mr. Chairman, that is hardly a fair way to put the question. There has never been but one district attorney in that State. I can not undertake to state now how this matter originally arose, but there never has been but one district attorney. So I do not think that is as fair a statement as the gentleman from Texas usually makes. The statement he made was that the present attorney—there never having been but one—declines to divide and wants to take all the fees.

Mr. CULBERSON. I understood the gentleman to state, Mr. Chairman, that the district attorney of South Carolina now engaged to fulfill and perform the duties in both of these districts.

Mr. ELLIOTT of South Carolina. The district attorney has always done it.

Mr. CULBERSON. And that if we divide the fees or the salary between him and another district attorney, that they both will be poorly paid.

Mr. ELLIOTT of South Carolina. That is what I said.

Mr. HENDERSON. Will the gentleman allow me to ask him a question?

Mr. ELLIOTT of South Carolina. Certainly.

Mr. HENDERSON. Are there two United States district courts?

Mr. ELLIOTT of South Carolina. There have always been two.

Mr. HENDERSON. Are they district courts or divisions?

Mr. ELLIOTT of South Carolina. They have always been spoken of as districts.

Mr. HENDERSON. How can there be two district courts if you have but one judge.

Mr. ELLIOTT of South Carolina. There is but one judge, one marshal, one district attorney. It has never been otherwise, and to change it would be simply to defeat the object of this bill.

Mr. HENDERSON. We certainly do not want, I suggest to the gentleman from Texas, to make another district down there.

Mr. ELLIOTT of South Carolina. You certainly will have to have another judge if you appoint another district attorney. That is what you do.

Mr. CULBERSON. But you do not increase the expense at all. It simply gives the amount to both that is given to one now.

Mr. HENDERSON. If the statement made here is true, that there are two districts, we do not want another one. It must mean divisions.

Mr. CULBERSON. But in Alabama you have three districts and two judges.

Mr. BAILEY. And in Mississippi you have two districts and one judge.

Mr. ELLIOTT of South Carolina. Why increase the number of officers?

Mr. HENDERSON. When the matter was before the subcommittee, I understood that there were two sets of officers, but now it seems there is but one United States attorney and one United States marshal, and if that is the case I think the bill had better stand as it is.

Mr. McLAURIN. There are two districts.

Mr. HENDERSON. But you are having one set of officers do the work, and that being so, I do not think you want to increase them here.

Mr. ELLIOTT of South Carolina. They have always done the work.

Mr. HENDERSON. Better pass the bill as it is and let it go into conference.

Mr. TALBERT. Mr. Chairman, I desire to say that what is stated by my colleague from South Carolina is true. There has never been but one district attorney and one marshal, but there have always been two distinct districts. The reason why heretofore there never has been but one district attorney is because no other has been needed, but business has increased greatly of late. In South Carolina to-day we have what is known as the dispensary law, which has doubled and trebled the business, and consequently a necessity exists and there is a great demand for two of these officers, one in the eastern and one in the western district of South Carolina, in order to keep up with the business. There never has been in any of the districts throughout the country, except a few, more than one judge and one marmarshal, but in every State there are two districts and two district attorneys.

Mr. BURTON of Missouri. Is there not now a bill pending before the Judiciary Committee relating to that very subject-matter?

Mr. TALBERT. Yes, sir; but the adoption of this amendment will supersede the necessity for the enactment of that bill into law. There is a necessity existing for the appointment of another district attorney, but there will not exist a necessity for another district judge. In all the other States, with very few exceptions, there is but one judge, while there are two district attorneys and sometimes two marshals, as I before stated.

Mr. BURTON of Missouri. What necessity is there for two attorneys and two marshals?

Mr. TALBERT. I did not say there was any necessity for two marshals, but there is a necessity for two district attorneys, a necessity resulting from the dispensary law, which increases the business perhaps tenfold.

Mr. BURTON of Missouri. Well, there is a bill before the Judiciary Committee relating to that matter.

Mr. TALBERT. I know; but the adoption of this amendment would obviate the necessity for the enactment of that bill.

The CHAIRMAN. The time of the gentleman has expired, and debate on this amendment is exhausted.

Mr. KYLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That amendment is not in order.

Mr. KYLE. I move to strike out the last two words.

The CHAIRMAN. That amendment is not in order. The question is on the amendment.

Mr. LACEY. Mr. Chairman, I move to strike out the entire paragraph and substitute in lieu thereof "$8,000." I make this motion merely to enable me to present a few suggestions to the committee. I desire to insert in the RECORD a statement made by Judge Brawley, of South Carolina, as to the condition of affairs in that State. In a letter to me in reference to these bills he says:

I feel very strongly on the subject, as my work for two years has been mainly devoted to an endeavor to correct abuses that have grown up under the abominable system which makes the compensation of all the officers of court dependent upon the number of cases that can be brought into it. So long as human nature is what it is, abuses must necessarily follow, and unnecessary, frivolous, and oppressive prosecutions be commenced.

In the same connection, I desire to print in the RECORD what he says in a charge to the grand jury in regard to this fee system:

Judge Brawley delivered the following charge to the grand jury:

"Mr. FOREMAN AND GENTLEMEN: Before relieving you from your arduous labors, which have been discharged with great fidelity, promptness, and intelligence, the court wishes to express its sincere thanks. Your work has materially contributed to driving from these walls that motley crowd of pimps and perjurers that has so long polluted them. Your findings have demonstrated that nine-tenths of the prosecutions under section 3 242 have no merit in them; that they have not been inspired by any proper desire to advance the cause of justice, but by the greed of miserable wretches who have sought to make money out of them. Some of these men have already been brought to trial and convicted of perjury, and others doubtless will be; but this evil, which has reached the proportions of a gross public scandal, can not be eradicated by the punishment of a few obscure rascals. A new crop will undoubtedly spring up unless some means can be devised for reaching the root of it. This lies in the fee system.

"My observation on this bench has satisfied me that more than one-half of the prosecutions under this section—in the lower tier of counties I would say fully nine-tenths of them—are instigated or promoted by the deputy marshals. I must do Marshal Hunter the justice of saying that he has promptly removed every deputy who has been known to be engaged in this kind of business, but there are undoubtedly many persons now on his lists who ought to be removed, and would be if the truth could be discovered, and I do not despair of seeing the badge of a deputy marshal one of honor, as it should be. Those who hold the commission of this Government ought to be above the suspicion of doubtful acts, and the men who disgrace the service should be removed. They impair the usefulness and bring discredit upon the brave and honest men who are on the rolls. These faithless officials and these worthless witnesses would be powerless for evil if the commissioners did not lend too ready an ear to the tales that are brought to them.

"The circuit judge, whose long experience on this bench opened his eyes to these evil practices, as mine have been opened in the last year or two, joined with me six months ago in a circular to the United States commissioners, giving advice and instruction in this class of cases. These instructions have had little effect. Human nature has been too strong for us. I say it with pain, for I would not willingly hurt their feelings, and they are all quite up to the average in character and conscientiousness; but the wretched system which makes their income to depend upon the number of warrants issued makes it very hard indeed for them to turn a deaf ear and a stern face to those who bring grist to their mill."

I will also insert at this point the remark of Judge Woolson, of the southern district of Iowa, from an interview, showing that human nature is the same in Iowa as in South Carolina. One of my colleagues in Congress lately remarked that there is only one thing that he ever yielded to, and that is temptation.

Weak, sinful human nature is the same everywhere.

In South Carolina and in Iowa the same results follow from the same causes.

Judge Woolson says:

The law intends to provide, and perhaps as fully as can be under a "fee system" does provide, for a detailed and thorough investigation as to the charges made by the court officials. And if excessive or improper charges are made, the officials are required to correct them. There are always, under the "fee system," matters which bear unjustly, or perhaps I ought to say unevenly, on the Government as well as on the officers whose pay is regulated by fees. But this seems unavoidable. The President and Attorney-General have, year after year, attempted, by message and report, to impress on Congress the undesirability of the fee system and the desirability of the substitution of a salary system. But thus far without avail. I am not able to suggest methods under a fee system which would prove superior to the law now in force for examination of accounts of officials.

The gentleman from Illinois [Mr. CONNOLLY] on yesterday called attention to the temptations of the present law.

"Lead us not into temptation," he said, was the motto of this bill.

Putting temptation in the way of public officers by a system like the present insures the carrying out of the evil practices of the past. To withdraw all temptation it is necessary to abolish the whole fee system.

Sir Godfrey Kneller, the eminent painter, became a justice of the peace in his old age, and he discharged a criminal and punished the man who carelessly tempted the defendant by exposing his cash.

Pope celebrated this decision in his lines:

I think Sir Godfrey should decide the suit,
Who sent the thief that stole the cash away,
And punished him that put it in his way.

Let us take temptation out of the law. At an early day in this session I took pains to go through the records of the Attorney-General's Office to obtain details to aid me in drawing a bill on this subject. I introduced bill H. R. 1457, and followed this up by presenting a resolution calling on the Attorney-General for information as to fees and emoluments for last year.

This resolution was adopted and the report of the Department of Justice has been received. This report furnished the Judiciary Committee data upon which to consider the various bills, and also greatly aided them in framing the bill now under consideration.

To show the views which I took in framing the bill, I append the following statement of the Updegraff bill (H. R. 6654) and report of the Attorney-General.

I have also inserted the rates given in the bill introduced by myself.

It will be observed that the bill of my colleague fixes the salaries nearly the same as the bill introduced by me. The same line of reasoning adopted by me has led to the adoption of the general schedule of the present bill, and I believe it is substantially as correct and just. The bill of my colleague [Mr. UPDEGRAFF] I think is an improvement over my own bill in many respects, though in its dealing with individual salaries we are very nearly agreed.

Emoluments and expenses of the offices of the United States marshals and attorneys as shown by their returns of official emoluments rendered during the fiscal year ended June 30, 1895.

UNITED STATES MARSHALS.

District.	Lacey bill, H. R. 1457.	Updegraff bill, H. R. 6654.	Gross emoluments.			Expenses of office.									Net emoluments from which the marshal receives his compensation.
			From the United States.	From individuals.	Total.	Deputies.	Furniture.	Clerk hire.	Stationery.	Office rent.	Mileage.	Fuel and lights.	Sundries.	Total.	
Alabama:															
Northern	$4,000	$4,000	$42,636.99	$1,089.09	$43,726.08	$26,049.94	$25.00	$4,000.00	$659.77	.....	.....	.....	$6,872.10	$37,606.81	$6,119.27
Middle	4,000	4,000	46,665.10	207.23	46,872.33	37,780.30	.....	2,400.00	165.20	.....	.....	.....	5.57	40,351.07	6,521.26
Southern	4,000	3,000	27,294.22	351.38	27,645.60	18,389.92	.....	2,700.00	96.45	.....	.....	.....	.....	21,186.37	6,459.23
Alaska	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona	.....	4,000	25,869.77	30.38	25,900.15	18,341.25	40.95	1,530.00	112.00	$120.00	.....	.....	652.39	20,796.59	5,103.56
Arkansas:															
Eastern	4,000	4,000	18,298.40	1,794.20	20,092.60	8,443.58	.....	2,454.75	193.60	.....	.....	.....	1,716.80	12,808.73	7,283.87
Western	5,000	5,000	50,396.85	94.00	50,490.85	33,427.87	.....	4,600.00	388.00	.....	.....	.....	1,718.80	40,134.67	10,356.18
California:															
Northern	4,000	4,000	10,133.28	3,161.10	13,294.38	5,940.60	.....	1,285.00	323.10	.....	.....	.....	893.41	8,442.11	4,852.27
Southern	3,000	3,000	13,937.27	884.32	14,821.59	7,787.49	20.00	2,700.00	348.35	.....	.....	.....	432.58	11,288.42	3,533.17
Colorado	5,000	4,000	12,036.65	1,661.11	13,697.76	8,120.39	.....	750.00	74.95	.....	$12.00	.....	26.30	8,983.64	4,714.12
Connecticut	3,000	2,000	2,493.23	1,234.89	3,728.12	751.07	.....	.....	.....	.....	.....	.....	.....	751.07	2,977.05
Delaware	2,000	2,000	2,195.48	415.87	2,611.35	20.00	.....	.....	.....	.....	.....	.....	.....	20.00	2,591.35
District of Columbia	4,000	5,000	12,456.16	8,117.32	20,573.48	5,791.20	28.00	750.00	140.00	.....	.....	.....	974.87	7,684.07	12,889.41
Florida:															
Northern	4,000	3,000	11,498.59	652.18	12,150.77	6,386.94	.....	923.31	38.05	.....	.....	.....	27.20	7,375.50	4,775.27
Southern	2,500	3,000	a 3,959.62	793.32	4,752.94	1,431.30	.....	300.00	225.00	.....	.....	.....	.....	1,956.30	2,796.64
Georgia:															
Northern	5,000	5,000	50,747.64	484.21	51,231.85	41,020.42	.....	2,600.00	110.40	.....	.....	.....	889.70	44,620.52	6,611.33
Southern	3,500	2,500	4,604.38	941.40	15,545.78	7,787.20	.....	1,548.56	76.00	.....	.....	.....	134.02	9,545.78	6,000.00
Idaho	2,500	2,500	11,120.12	423.95	11,544.07	5,329.54	.....	1,940.00	48.25	.....	.....	.....	535.45	7,853.24	3,690.83
Illinois:															
Northern	5,000	5,000	21,580.12	2,305.39	23,885.51	14,703.71	.....	3,181.80	.....	.....	.....	.....	.....	17,885.51	6,000.00
Southern	4,500	4,500	20,524.77	2,351.61	22,876.38	13,537.15	.....	2,082.00	84.00	.....	.....	.....	315.75	16,018.90	6,857.48
Indiana	5,000	4,500	15,048.84	1,641.53	16,690.37	10,294.57	.....	1,000.00	.....	.....	.....	.....	461.87	11,756.44	4,933.93
Iowa:															
Northern	4,000	4,000	13,460.88	322.14	13,783.02	6,938.47	.....	1,200.00	58.25	.....	.....	.....	390.66	8,587.38	5,195.64
Southern	4,000	4,000	30,260.06	462.14	30,722.20	19,665.98	.....	1,975.00	315.92	.....	.....	.....	112.89	22,069.79	8,652.41
Kansas	4,000	4,000	11,446.62	2,865.02	14,311.64	7,080.88	135.00	1,996.90	490.19	.....	.....	.....	575.03	10,278.00	4,033.64
Kentucky	5,000	5,000	35,008.20	1,007.06	36,015.26	25,051.60	.....	4,346.52	224.23	.....	.....	.....	192.71	29,815.06	6,200.20
Louisiana:															
Eastern	3,000	2,500	a 2,373.50	2,359.72	4,733.22	2,546.88	.....	1,020.00	.....	.....	.....	.....	.....	3,566.88	1,166.34
Western	3,000	2,000	2,871.86	630.47	3,502.33	269.10	17.73	25.60	4.00	22.38	.....	$13.90	5.95	358.66	3,143.67
Maine	3,000	3,500	9,357.38	1,351.78	10,709.16	4,943.35	.....	.....	122.75	.....	.....	.....	316.12	5,382.22	5,326.94
Maryland	4,000	3,000	4,403.98	1,644.17	6,048.15	2,422.94	.....	.....	35.00	.....	.....	.....	.....	2,457.94	3,590.21
Massachusetts	5,000	5,000	10,497.24	3,297.00	13,794.24	5,758.54	.....	1,723.33	179.67	.....	.....	.....	132.70	7,794.24	6,000.00
Michigan:															
Eastern	3,500	3,000	7,958.56	3,618.43	11,576.99	4,739.76	.....	.....	76.00	.....	.....	.....	262.51	5,078.27	6,498.61
Western	5,000	3,000	8,608.94	305.91	8,914.85	2,533.97	.....	.....	.....	.....	.....	.....	565.10	3,099.07	5,815.78
Minnesota	3,500	4,000	b 20,241.83	1,857.96	22,099.79	14,056.28	.....	2,156.25	122.79	.....	82.10	.....	318.37	16,735.79	5,364.00
Mississippi:															
Northern	4,000	3,000	18,614.33	285.02	18,899.35	12,505.74	.....	704.00	60.28	.....	.....	.....	224.75	13,494.77	5,404.58
Southern	4,000	3,000	18,812.28	594.23	19,406.51	11,139.57	.....	1,119.00	56.50	.....	.....	.....	1,045.29	13,360.36	6,046.15
Missouri:															
Eastern	3,000	4,000	16,882.49	724.06	17,624.55	10,231.56	.....	1,927.70	130.90	.....	41.60	.....	.....	12,331.76	5,292.79
Western	4,000	4,000	20,698.24	1,266.54	21,964.78	15,825.01	.....	1,850.00	.....	.....	.....	.....	.....	17,675.01	4,289.77
Montana	5,000	3,500	23,835.81	417.41	24,253.22	14,731.40	281.50	1,800.00	403.76	.....	.....	.....	543.50	17,760.16	6,493.06
Nebraska	4,000	3,500	14,558.54	3,379.42	17,937.96	10,283.74	.....	215.63	74.05	.....	.....	.....	267.29	10,840.71	7,097.25
Nevada	4,000	2,000	6,605.94	498.14	7,104.08	2,378.41	.....	.....	.....	.....	.....	.....	470.15	2,848.56	4,255.52
New Hampshire	1,200	2,000	1,416.65	429.65	1,846.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,846.30
New Jersey	2,000	2,500	4,153.87	2,290.57	6,444.44	1,784.91	.....	1,250.00	.....	.....	.....	.....	.....	3,034.91	3,409.53
New Mexico	5,000	4,000	34,207.34	145.61	34,352.95	22,622.23	.....	2,332.00	498.04	.....	.....	.....	375.08	25,827.35	8,525.60
New York:															
Northern	4,000	5,000	20,021.43	1,867.39	21,888.82	9,962.98	7.50	3,199.97	169.88	200.31	98.00	.....	5.49	13,644.13	8,244.69
Eastern	4,000	3,000	5,928.45	995.04	6,923.49	.....	.....	990.00	29.98	.....	.....	.....	23.00	1,042.98	5,880.51
Southern	6,000	5,000	a 11,787.88	11,491.66	23,279.54	12,138.96	.....	5,431.46	370.10	.....	.....	.....	121.56	18,062.08	5,217.46
North Carolina:															
Eastern	4,000	4,000	17,270.14	107.57	17,377.71	10,440.58	.....	850.00	62.00	.....	.....	.....	201.83	11,554.41	5,823.30
Western	5,000	4,500	43,576.77	185.48	43,762.25	29,679.20	.....	4,300.00	277.60	.....	.....	.....	934.27	35,191.16	8,571.09
North Dakota	.....	3,500	35,919.67	253.21	36,172.88	25,943.54	15.00	1,846.00	209.65	.....	.....	.....	853.34	28,867.53	7,305.35
Ohio:															
Northern	4,000	4,000	10,117.96	4,356.66	14,474.62	4,612.09	.....	3,146.75	374.79	.....	.....	.....	1,245.51	9,379.14	5,095.48
Southern	5,000	4,000	13,412.64	2,614.15	16,026.79	7,041.16	.....	2,225.60	236.35	.....	.....	.....	241.75	9,744.86	6,281.93
Oklahoma	5,000	5,000	248,179.39	.....	248,179.39	212,665.71	8.05	7,200.00	1,236.65	.....	.....	.....	149.12	221,259.53	26,919.86
Oregon	5,000	4,000	16,988.10	1,387.92	18,376.02	10,917.80	.....	2,925.00	260.25	.....	.....	.....	317.35	14,420.40	3,955.62
Pennsylvania:															
Eastern	4,000	4,000	5,866.12	3,203.25	9,069.37	2,486.03	.....	1,300.00	.....	.....	.....	.....	.....	3,786.03	5,283.34
Western	3,500	3,500	c 6,185.08	2,514.32	8,699.40	1,397.42	.....	320.00	.....	.....	.....	.....	914.60	2,632.02	6,067.38
Rhode Island	2,000	2,000	2,052.69	300.20	2,352.89	59.77	.....	.....	.....	.....	.....	.....	.....	59.77	2,293.12
South Carolina	4,000	4,500	42,477.44	494.55	42,971.99	25,945.89	.....	3,600.00	400.33	.....	27.50	.....	.....	29,973.72	12,998.27
South Dakota	4,000	3,500	29,188.39	486.85	29,675.24	19,759.74	.....	2,400.00	88.70	.....	468.40	.....	473.94	23,190.78	6,484.46
Tennessee:															
Eastern	4,000	4,000	34,839.55	254.98	35,094.53	25,052.88	.....	3,000.00	283.25	.....	.....	.....	761.05	29,097.18	5,997.35
Middle	4,000	4,000	30,336.30	647.11	30,983.41	20,165.20	.....	750.00	46.75	.....	.....	.....	3.55	20,965.50	10,017.91
Western	4,000	4,000	11,743.00	164.06	11,907.06	5,475.23	.....	1,000.00	.....	.....	.....	.....	.....	6,475.23	5,431.83
Texas:															
Northern	3,500	3,000	12,918.28	960.27	13,878.55	7,611.58	.....	1,000.00	107.50	.....	.....	.....	389.97	9,109.05	4,769.50
Eastern	4,000	5,000	82,238.60	828.77	83,067.37	67,199.46	110.00	6,050.00	459.05	16.00	.....	130.85	501.25	74,466.61	8,600.76
Western	4,000	3,500	23,489.33	907.50	24,396.83	12,700.07	.....	2,400.00	179.85	.....	.....	.....	3,789.08	19,069.00	5,327.83
Utah	5,000	3,000	16,684.29	.....	16,684.29	10,692.64	.....	1,800.00	.....	.....	.....	.....	.....	12,492.64	4,191.65
Vermont	3,000	2,000	4,428.96	116.52	4,545.48	.....	.....	.....	.....	.....	.....	.....	.....	.....	4,545.48
Virginia:															
Eastern	4,000	3,500	4,471.68	1,672.45	6,144.13	1,267.21	.....	.....	.....	.....	.....	.....	381.51	1,648.72	4,495.41
Western	4,000	4,000	43,359.89	140.38	43,500.27	31,403.45	.....	3,100.00	70.00	75.00	.....	21.42	186.74	34,856.61	8,643.66
Washington	5,000	4,000	41,930.37	4,390.07	46,320.44	30,557.78	66.25	3,524.50	218.60	.....	.....	.....	888.74	35,255.87	11,064.57
West Virginia	4,000	4,000	45,520.20	661.36	46,181.56	35,096.89	24.00	4,316.67	258.30	120.00	.....	.....	.....	39,815.86	6,365.70
Wisconsin:															
Eastern	5,000	4,000	13,703.52	1,072.25	14,775.77	7,696.04	.....	1,200.00	126.55	.....	.....	.....	335.10	9,357.69	5,418.08
Western	4,000	3,000	10,934.46	412.79	11,347.25	4,466.26	.....	1,200.00	.....	.....	.....	.....	.....	5,666.26	5,680.99
Wyoming	4,000	3,000	5,778.65	112.58	5,891.23	62.50	.....	343.75	.....	.....	.....	.....	.....	406.25	5,484.98
Total	.....	.....	1,621,121.25	101,004.37	1,722,125.52	1,101,342.82	778.98	131,807.05	11,401.67	553.69	$729.60	166.17	34,173.66	1,280,953.64	441,171.88

a Emoluments and expenses estimated for six months.
b Emoluments and expenses estimated for four months.
c Emoluments and expenses estimated for the entire year.

Emoluments and expenses of the officers of the United States marshals and attorneys as shown by their returns of official emoluments rendered during the fiscal year ended June 30, 1895—Continued.

UNITED STATES ATTORNEYS.

District.	Lacey bill.	Proposed bill.	Gross emoluments.			Expenses of office.						Net emoluments from which the attorney receives his compensation.
			From the United States.	From individuals.	Total.	Clerk hire.	Furniture.	Stationery, etc.	Rent, fuel, and lights.	Sundries.	Total.	
Alabama:												
Northern	$5,000.00	$4,000.00	$11,598.70		$11,598.70	$2,102.17	$100.00	$291.90		$10.32	$2,504.39	$9,094.31
Middle	5,000.00	4,000.00	10,001.00		10,001.00	1,000.00		212.70		.82	1,213.52	8,787.48
Southern	4,000.00	3,000.00	4,880.00		4,880.00	84.60		27.25			111.85	4,768.15
Alaska												
Arizona	4,000.00	4,000.00	6,103.80		6,103.80	138.50		16.50		488.57	643.57	5,460.23
Arkansas:												
Eastern	4,000.00	4,000.00	5,582.80		5,582.80	150.00		13.50			163.50	5,419.30
Western	5,000.00	5,000.00	10,770.00		10,770.00			207.10			207.10	10,562.90
California:												
Northern	2,000	4,000	4,047.17		4,047.17	2,100.00					2,100.00	1,947.17
Southern	2,500	3,000	3,440.62		3,440.62	540.00					540.00	2,900.62
Colorado	5,000	4,000	6,860.60		6,860.60							6,860.60
Connecticut	3,000	2,000	2,763.60		2,763.60							2,763.60
Delaware	2,000	2,000	1,830.00		1,830.00			7.25			7.25	1,822.75
District of Columbia	5,000	5,000	47,055.00		47,055.00	14,800.00	396.23	680.35			15,876.58	31,178.42
Florida:												
Northern	3,500	3,000	4,539.57		4,539.57	71.00		29.50			100.50	4,439.07
Southern	3,000	3,000	3,607.90		3,607.90	350.00		13.00			363.00	3,244.90
Georgia:												
Northern	5,000	5,000	13,001.60		13,001.60	4,312.60		260.80		468.97	5,042.37	7,959.23
Southern	3,500	2,500	3,056.60		3,056.60							3,056.60
Idaho	2,500	2,500	3,856.60		3,856.60	600.00			$390.00	476.55	1,466.55	2,390.05
Illinois:												
Northern	6,000	5,000	6,933.13		6,933.13	1,066.67		161.25		287.55	1,515.47	5,417.66
Southern	5,000	4,000	6,702.60		6,703.60	500.00		21.95		591.00	1,112.95	5,590.65
Indiana	5,000	5,000	6,765.80		6,765.80	9.75		168.05			177.80	6,588.00
Iowa:												
Northern	4,000	4,000	9,114.60		9,114.60	1,000.00		66.70	193.21	71.26	1,331.17	7,783.43
Southern	4,000	4,000	6,952.30		6,952.30	680.00		50.50	75.00		805.50	6,146.80
Kansas	4,000	4,000	6,201.70		6,201.70	780.00		24.60		193.84	998.44	5,203.26
Kentucky	5,000	5,000	10,129.19		10,129.19	1,442.80		88.20		39.74	1,570.74	8,558.45
Louisiana:												
Eastern	3,000	3,000	2,906.00		2,906.00							2,906.00
Western	3,000	2,000	2,695.20		2,695.20							2,695.20
Maine	3,000	2,500	2,992.36		2,992.36							2,992.36
Maryland	4,000	3,000	4,067.50		4,067.50							4,067.50
Massachusetts	5,000	5,000	8,235.15		8,235.15	177.17		220.63		21.10	418.90	7,816.25
Michigan:												
Eastern	3,500	3,000	3,444.48		3,444.48							3,444.48
Western	5,000	3,000	5,311.70		5,311.70							5,311.70
Minnesota	3,500	4,000	4,840.00		4,840.00	1,200.00		52.25		102.63	1,354.88	3,485.12
Mississippi:												
Northern	4,000	3,000	7,377.40		7,377.40	1,200.00		51.75			1,251.75	6,125.65
Southern	4,000	3,000	7,916.00		7,916.00	1,320.00	209.05	248.26	245.95		2,023.26	5,892.74
Missouri:												
Eastern	5,000	4,000	a 3,300.00		3,300.00			216.00			216.00	3,084.00
Western	5,000	4,000	7,761.30		7,761.30	429.90	30.00	145.76		73.12	678.78	7,082.52
Montana	5,000	3,500	7,314.80		7,314.80	954.65	26.00	34.60	350.00	149.45	1,514.70	5,800.10
Nebraska	4,000	3,500	5,507.70		5,507.70	241.50		75.55		26.53	343.58	5,164.12
Nevada	4,000	2,500	4,322.40		4,322.40							4,322.40
New Hampshire	1,500	2,000	a 1,203.60		1,203.60							1,203.60
New Jersey	3,000	2,000	a 2,254.40		2,254.40							2,254.40
New Mexico	5,000	4,000	9,354.15		9,354.15	900.00	.25	182.25	327.45	110.66	1,520.61	7,833.54
New York:												
Northern	5,000	4,000	5,217.56		5,217.56	150.00		163.26	350.00	152.11	815.37	4,402.19
Eastern	4,000	3,000	3,950.08		3,950.08							3,950.08
Southern	6,000											
North Carolina:												
Eastern	4,000	4,000	5,395.40		5,395.40							5,395.40
Western	5,000	4,500	19,563.20		19,563.20	2,010.00	97.50	75.95	195.96	6.00	2,385.41	17,177.79
North Dakota	4,000	3,500	5,923.20		5,923.20			82.75			82.75	5,840.45
Ohio:												
Northern	5,000	4,000	b 5,697.86		5,697.86	187.50		6.56		422.25	616.31	5,081.55
Southern	5,000	4,000	5,335.65		5,335.65		85.50	44.10			129.60	5,206.05
Oklahoma	4,000	5,000	16,364.80		16,364.80	921.00	135.45	365.90	290.70	455.19	2,168.24	14,196.56
Oregon	5,000	4,000	5,916.75		5,916.75	2.00	.40	41.62		125.21	169.23	5,747.52
Pennsylvania:												
Eastern	4,000	4,000	a 4,332.40		4,332.40	208.00		76.86			284.86	4,047.54
Western	3,500	3,500	4,520.00		4,520.00	1,200.00		18.53			1,218.53	3,301.47
Rhode Island	2,000	2,000	2,315.00		2,315.00							2,315.00
South Carolina	5,000	4,500	11,261.00		11,261.00	1,590.00		110.65		200.36	1,901.01	9,359.99
South Dakota	4,000	3,500	6,731.60		6,731.60	734.50		22.35			756.85	5,974.75
Tennessee:												
Eastern	4,000	4,000	12,560.20		12,560.20	2,000.00		79.05		9.68	2,088.73	10,471.47
Middle	4,000	4,000	11,425.00		11,425.00	1,240.00		238.60		515.81	1,994.41	9,430.59
Western	4,000	4,000	9,019.00		9,019.00	150.00		25.75			175.75	8,843.25
Texas:												
Northern	3,500	3,000	3,438.30		3,438.30							3,438.30
Eastern	5,000	5,000	10,405.74		10,405.74	1,645.86		119.50		29.11	1,794.47	8,611.27
Western	4,000	3,500	3,970.10	$35.00	4,005.10							4,005.10
Utah	5,000	3,000	9,170.20		9,170.20	610.00		23.65	418.90	284.23	1,336.78	7,833.42
Vermont	3,000	2,000	2,985.60		2,985.60							2,985.60
Virginia:												
Eastern	5,000	3,500	5,236.20		5,236.20	30.00			84.96	11.70	126.66	5,109.54
Western	5,000	4,000	12,804.60		12,804.60	1,689.35		61.68	120.00	245.80	2,116.83	10,687.77
Washington	5,000	4,000	8,370.00		8,370.00	1,800.00		47.63	33.60	28.64	1,909.87	6,460.13
West Virginia	5,000	4,000	10,301.60		10,301.60	2,200.00		59.55		116.00	2,375.55	7,926.05
Wisconsin:												
Eastern	5,000	4,000	a 6,211.00		6,211.00							6,211.00
Western	5,000	3,000	4,986.60		4,986.60							4,986.60
Wyoming	4,000	3,000	4,615.00		4,615.00	205.00					205.00	4,410.00
Total			504,623.66	35.00	504,658.66	56,724.52	1,080.38	5,232.09	3,075.73	5,714.20	71,826.92	432,831.74

a Emoluments and expenses estimated for six months. *b* Emoluments and expenses estimated for three months.

The above exhibit does not show the emoluments and expenses of the following districts, as both the marshals and attorneys are paid an annual salary, viz: Alaska, Indian Territory (northern, central, and southern districts), and also the attorney for the southern district of New York.

In framing the bill it was unsafe to accept last year's business as a basis, though it was proper to take those results as a circumstance to be considered in estimating what would be a proper salary. To accept last year's fraudulent emoluments as the sole basis of the marshal's and attorney's salaries would perpetuate the evil that this bill proposes to extirpate.

To legislate upon precedent—

Says Mr. Calhoun—

is to make the error of yesterday the law of to-day.

It is not safe to follow the basis of last year's salary which, in many instances, includes unnecessary and extravagant mileage and fees in cases brought to produce fees only.

The committee have therefore gone outside the earnings of last year and included many other elements of importance, such as the population of the districts, amount involved in suits, and general commercial importance of each district. While the salaries are some of them larger and some smaller than I would have made them, I believe the bill is a good one and substantially correct in its details, and that its enactment will save the Government very large sums of money.

I am glad that this bill has been attached by special rule to an appropriation bill, so that its consideration and final passage in the present Congress is assured.

The Committee on the Judiciary is entitled to the thanks of the whole country.

Mr. Chairman, I now withdraw the formal amendment.

Mr. BAILEY. Mr. Chairman, I renew the substitute which was offered by the gentleman from Iowa [Mr. LACEY], for the purpose of saying to the distinguished chairman of the Judiciary Committee that it is not unusual to have two districts with only one judge. The reason of it is this: A man indicted anywhere within the district might be carried to any division of it for trial; but under the Constitution he must be tried in the district in which the crime was committed. Therefore, if the State of South Carolina had been but a single district a man committing a crime at one extreme of the State might be carried to another for trial. It was to obviate the injustice, the inconvenience, and indeed the expense of carrying the criminal and the witnesses so far that Congress has been induced in more than one instance to create two districts with only one judge.

If it were true that this amendment creates new offices, still, as the salary of the two officers is the same as the salary of one officer, it would not increase the expense of the court. On the contrary, it is well calculated to reduce it, because it will reduce the mileage which is paid to the marshal and the district attorney. It had escaped the attention of the committee and that of the Attorney-General that South Carolina had been divided into two districts. But I venture to say the purpose of the division was in order to localize the trial of offenders, as I suggested a moment ago.

Mr. HENDERSON. I understand well enough the reason for there being two districts with one judge. But the effect of this amendment is to create two new officers—a marshal and a district attorney. Now, there is a bill before our committee for that purpose, and we shall take it up at the proper time and consider it. But for one I am opposed to creating new offices in this bill. The bill as it stands is all right. If on future consideration of this question it should be deemed wise to provide by law for new marshals and district attorneys, we can then adjust their salaries. But I do not like an amendment to be brought in now which has the effect of creating a new marshal and a new district attorney. I am against it.

Mr. BAILEY. That is an objection to the method, about which I have nothing to say.

Mr. McLAURIN. If I may be permitted, I should like to ask the chairman of the Judiciary Committee [Mr. HENDERSON] a question. Under section 767 of the Revised Statutes the district attorney of the eastern district of South Carolina is empowered to perform the duties of the western district. In law there is no such thing as the "district of South Carolina." The district attorney of the eastern district performs the duties and draws the salary of the western district. This amendment would not necessarily change thee xisting condition of things; the salary is not increased, but divided in proportionate amounts between the two districts.

Mr. HENDERSON. But the amendment practically creates a new marshal and a new district attorney.

Mr. UPDEGRAFF. This bill is framed in accordance with the law as it now stands.

Mr. BAILEY. Permit me to suggest that the bill does not provide for the appointment of new officers; but the present officer is the district attorney of both the South Carolina districts.

Mr. HENDERSON. I understand that.

Mr. BAILEY. And he would draw $2,500 for one office and $2,000 for the other.

Mr. HENDERSON. Why is there not a district attorney appointed for the other district?

Mr. McLAURIN. I should like to answer that question, and I am willing to submit this matter to the good common sense of the chairman of the Judiciary Committee.

Mr. TALBERT. An additional district attorney has never been demanded.

Mr. McLAURIN. The western district of South Carolina is what is known as the "moonshine" district. Most of the violations of the revenue law occur there, and it seems to me that it is important to have a local district attorney who is acquainted with the manners and habits of these people.

Mr. HENDERSON. But I would like the gentleman to say why there are not two district attorneys now in South Carolina.

Mr. McLAURIN. Simply because it has been the practice to appoint the district attorney from the city of Charleston, represented by my friend Mr. ELLIOTT, and give him both of the salaries. This is the only district in the United States in a similar condition. It is absolutely without precedent. The judge is appointed for both districts, but the district attorney for only one.

Mr. HENDERSON. For the two districts?

Mr. McLAURIN. Yes, sir.

Mr. HENDERSON. Then the law now authorizes but one district attorney?

Mr. McLAURIN. That is all. Which is best, one man holding two offices and drawing two salaries, or two men holding the two offices, and each drawing his own salary? Why should Charleston furnish a district attorney for Greenville? She has good lawyers, who would be glad to accept the $2,500.

Mr. HENDERSON. Very well, then, we do not want to change the law at this time. Bring in your bill, and we will consider it.

Mr. McLAURIN. I have no bill. The bills were introduced by Senator TILLMAN and Congressman STOKES, and I——

[Here the hammer fell.]

Mr. BAILEY. I withdraw my substitute.

The question being taken on the amendment of Mr. McLAURIN, it was rejected.

Mr. GARDNER. Mr. Chairman, I move to amend by striking out, in line 12, page 3, the words "two thousand dollars" and inserting "two thousand five hundred dollars"; so as to read: "For the district of New Jersey, $2,500."

Mr. Chairman, the effect of this amendment is to increase the salary of the district attorney for the district of New Jersey from the amount fixed in the bill, $2,000, to $2,500.

Yesterday, with such data as I had at hand, I took up and presented to this House a comparison of the district of New Jersey with New Hampshire, with the western district of Pennsylvania, and the western district of Tennessee; and the result shown was that, measured by the amount of fines and penalties returned to the Government, and measured by the gross returns of the office, the district of New Jersey ranks with the large districts, and shows three times the business of New Hampshire. This morning I have turned to the reports of the Attorney-General—not that for 1895, to which the committee has referred, but to the reports of 1893 and 1894—to determine the amount of business in the district of New Jersey by the cases determined; because yesterday every time that a column was run down and it was found that New Jersey ranked with the large districts in the bill I was asked, "How many cases were determined there?" Now, I want to call the attention of the House to some facts shown by the bill and the Attorney-General's report.

It is shown by the bill here that the western district of Pennsylvania is salaried at $4,000, Nevada at $2,500, and New Jersey at $2,000. Now let me call your attention to some figures for a moment. Taking the test that the committee continually submitted on yesterday, as to the business of the courts in the several States for the years 1893 and 1894, we find that the number of cases pending in Nevada was 20, in New Jersey 72, and in the western district of Pennsylvania 73. So by that test in that year we are just one case short of being as big as a four-thousand-dollar district.

Take the year 1893. There were pending in New Jersey 86 cases, in Pennsylvania 75 cases, and in Nevada 22 cases. The district with the 22 cases is salaried at $2,500, the district of 75 cases at $4,000, and the district with the 86 cases is only put at $2,000.

But the committee asks, how many cases have been determined in the courts during the year referred to? I answer, that in 1893 in the State of New Jersey there were 7 cases determined, in the big western district of Pennsylvania there were 5 cases determined, and in Nevada only 2. In the year 1894 in the district of New Jersey there were 6 cases determined, in the big western district of Pennsylvania 2, and in Nevada 1, and that is the comparison as to these districts.

Now, measured by the tests and figures presented by the committee yesterday, New Jersey ought to be salaried at $3,500 or $4,000, and measured by the test of this morning, the only test I have had a chance to look at—and there seems to be no data accessible here for the time between 1879 and 1895, a period of fifteen important years—but measured by the test and figures before the

committee, the increase I ask is not only a reasonable one, but it ought to have been at least $1,500 more than that proposed in the bill.

In answering the gentleman from Montana, the member of the Committee on the Judiciary from Iowa [Mr. UPDEGRAFF] dwelt on the matter of population. Why, sir, New Jersey at the last State census showed a population of one and one-half millions. I do not know of many districts as large as that. If you compare it with Nevada it ought to have a salary seven times more, because it is seven times greater in population. By the Congressional Directory for 1890 we find over 1,400,000 population in New Jersey. Now, here is a district, measured by its business in every year, far in excess of most of the other districts in the country salaried on the two-thousand-dollar basis. I hope the committee will agree to the amendment.

The CHAIRMAN. The time of the gentleman has expired.

The question being taken on the amendment of Mr. GARDNER, the committee divided; and there were—ayes 30, noes 51.

So the amendment was rejected.

Mr. DOOLITTLE. Mr. Chairman, I move to amend by striking out the word "four," in line 12 on page 4 of the bill, and inserting "five"; so that it will read "$5,000."

This is the district of Washington that I have the honor to represent on this floor. I desire to make a statement to the committee that will furnish a good and sufficient reason why the amendment should be adopted, and why there should be no hesitancy whatever in voting for it.

The State of Washington, as you all know, is the extreme northwest State of the Union. We have in that State nearly 500 miles of boundary line between that extreme portion of the United States and British Columbia. We have along Puget Sound a shore line in the neighborhood of 1,700 miles. We have all the coast line of the Pacific from the Straits of Fuca down to the mouth of the Columbia River, and the shore line of the Columbia River running up about 400 miles to the eastern boundary of the State. Ships are constantly coming to the ports in Puget Sound from the Oriental countries, and from all other countries in the world. There is constant smuggling going on in British Columbia and the British Provinces over the line into the State of Washington.

Further, I desire to state that under the law relative to that State it is divided into four subdivisions. Courts are held at Seattle, Tacoma, at Walla Walla, in the eastern divisions, and at the city of Spokane. The United States attorney is required to attend the courts eight times each year. He is the busiest United States attorney within the limits of the American Union.

The emoluments of this office for the last year, when the business has not been as great as in former years, has been about $7,000. At the same time, of course, his salary has been $6,000, that being the limit fixed by the law. When that portion of the bill was framed by the Attorney-General, as I am informed, and informed in a way that makes me believe it to be true, the lowest amount fixed for this official was the sum of $5,000. I know from my own personal observation and experience in those courts that this man could make a great deal more than that salary in his private practice, but he has accepted the office—of course belonging to a different party from that to which I owe allegiance—and he has transacted the business thoroughly and well, and to the satisfaction of the courts and the people of that State. Now, I know that this sum of $5,000 is little enough compensation for any man who will hold this office and transact the important business that is constantly before him as district attorney.

The reason why I speak of the peculiar geographical situation of this district is this: The United States attorney is constantly in consultation with the marshals and deputy marshals regarding all these smuggling questions across the line into that State, and his duties and responsibilities to the country and to the people of that State are very great in ways that are not shown in any of these reports, as my friend from Iowa [Mr. UPDEGRAFF] can readily understand, it seems to me, if he will reflect for a single moment upon this subject. The business of the office is constantly increasing when times are ordinarily prosperous in that district, and during the past year, as I am told, the emoluments of this office have reached the sum of more than $7,000. The adjustment of land grants will increase his duties. His business is now very great in these courts, and as time goes on it must increase.

Now, Mr. Chairman, a remark was made by the gentleman in charge of this bill relative to the attitude of Representatives upon this floor on the question of these salaries. He told us how unselfish we should be, and the course we should pursue in regard to these amendments, and what the standing of a Representative at home will be, because, as the gentleman said, he wants a share. No man upon this floor cares anything about a "divvy" or share in regard to a matter of this kind. We simply stand here advocating the things that we believe to be just and right as between this Government and the officials that are appointed to transact the business of these courts.

Mr. UPDEGRAFF. Mr. Chairman, I should be glad to concede to my friend from Washington what he asks, but in justice to the committee, whose organ I am, and in justice to my common country, I can not consent to it. The gentleman claims that the district attorney of the State of Washington is a busy man. He gets $4,000 a year under this bill for that business, and I will guarantee that he will not send in his resignation if this bill becomes a law.

Mr. DOOLITTLE. I should like to ask the gentleman a question.

Mr. UPDEGRAFF. I have not time to be interrupted. I will guarantee that he will not send in any resignation. There is another thing. He receives $4,000 a year, and in addition to that, when he is absent from home he receives his subsistence, not exceeding $4 per day. In addition to that he receives all his actual traveling expenses. He can not duplicate himself. He can not be in two places at once, and he can not earn two salaries. I do not care how busy he is, $4,000 is ample compensation, and I venture to say that he would not resign if he did not get more than $2,000. I do not believe he would resign on any terms.

Now, why should we load up this bill with enormous salaries when there is no showing under heaven that there is any use for them? Did the members of this committee notice the little sarcasm that was involved in the request of the gentleman from South Carolina [Mr. MCLAURIN]? He took a different shoot. The gentlemen representing that State did not ask for greater compensation; they simply wanted to divide it between two officers. If the gentleman from Washington had put his case upon the ground taken by the gentleman from South Carolina, he would have had a better showing, for then there would be two district attorneys. I want to say also, as an objection to this amendment, that the bill contains ample provision for assistants. It gives ample power, whenever the work is excessive, to employ assistants, and it gives the district attorney clerk hire, besides his expenses and subsistence when he is absent from home. It is a better office than to be a member of Congress. He has no campaign expenses, and I will venture to say that this salary will enable the Government to secure the services of the best legal talent in the State of Washington.

Mr. DOOLITTLE. That is where you are mistaken.

The question being taken on the amendment of Mr. DOOLITTLE, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. DOOLITTLE), there were—ayes 39, noes 60.

Accordingly the amendment was rejected.

Mr. SWANSON. I desire to offer an amendment on page 4, line 11, to strike out the words "four thousand" and insert the words "forty-five hundred."

The amendment was read, as follows:

On page 4, line 11, strike out the words "four thousand" and insert in lieu thereof the words "forty-five hundred."

Mr. SWANSON. Mr. Chairman, I want to say in this connection that I favor this bill, but want to correct some of its inequalities. I hope the Committee on the Judiciary will give me their attention. I want to ask them to explain an inequality, and a gross one, which is presented in making up the salaries of some of the officials. I hope the gentleman from Illinois [Mr. CONNOLLY], who has spoken so well and so eloquently upon this bill, will explain to me, if I am mistaken, because I do not want to do an injustice, why the district attorney and marshal from my district are not entitled to more pay, according to the work done as shown by the records of the court, than is given by this bill. Now, I would like this committee to explain to me why they fix the salary of the district attorney for the northern district of Illinois at $5,000 and the salary of the attorney of the southern district of Illinois at $4,500, and the salary of the attorney for the western district of Virginia at $4,000. Let the committee look at the work done by these respective officials, and state the reasons that animated them in making this recommendation.

Now, I say when a committee comes to this House and says that any work on which it has been engaged should not be reformed and amended by the House, it ought to be able to stand here and give the reasons that animated them. I ask the gentleman from Illinois to look at the pages and see if my comparison is not right. Last year the record shows, on page 58—and if I am wrong I want him to correct me—that in the southern district of Illinois the civil suits then pending amounted to 340 cases, in the northern district of Illinois 34 cases, and in the western district of Virginia 255. Now, the question I put, and I want it to be understood that this is on civil suits, is why the district attorney for the western district of Virginia should have $4,000 a year and the district attorney for the northern district of Illinois should receive $5,000, where one had 255 civil suits pending and the other 34? Now, go to the criminal suits, and let the gentleman explain what animated the committee in making the discrepancy. Look on page 60, and it is found that there were pending on the 1st of July, 1895,

undecided in the northern district of Illinois, 119 suits; in the southern district of Illinois 167 suits pending and undecided, making in all 286; yet in the western district of Virginia there were 318 suits pending, which is more than in the two districts in Illinois combined.

That is, the work to be done the next year by the district attorney in the western district of Virginia is far in excess of the work of these two districts combined, yet the district attorney of Virginia will receive only $4,000, and these two will receive an aggregate of $9,500. What animated the committee in making a recommendation so glaring in its discrepancy?

Go further. Let us try it on suits terminated last year. Let us see the work that they have done. Look on page 62, and you will find there were terminated in the northern district of Illinois last year 231 suits; in the southern district of Illinois 343 suits. In the western district of Virginia last year there were terminated 567 suits, only lacking 7 suits of having as many terminated as were in the two districts of Illinois combined. He had tried nearly double the number of suits in his court last year as either of the districts in Illinois.

Now, sir, the gentleman spoke as to earnings. He talked eloquently about having to pay "for legs in travel and not for brain work." Now, here is the district attorney, who in brain work, in suits, in civil suits, in causes to be tried next year, and causes terminated last year, whose work is nearly double that in either of the districts in Illinois, and yet he is paid less than the district attorney in either of those districts.

Now, I desire to say to the gentleman that I am not here endeavoring to increase any man's salary unless it is just; but what I do say is that if the district attorney of the western district of Virginia is not entitled to $4,500 or $5,000, neither is the district attorney for either the southern or northern district of Illinois. The committee should be fair and not discriminate in any of its recommendations, especially in favor of its own members.

Mr. CONNOLLY. Mr. Chairman, the gentleman from Virginia seems to think that this bill was formed in the interest of the State of Illinois. I think the members of this committee recollect very well that the "gentleman from Illinois" was in a very small minority in the fixing of some of these salaries, and as to the salaries for the Illinois districts, they were the ones in which he found himself in the greatest minority.

Mr. SWANSON. I am glad you were.

Mr. CONNOLLY. Now, the gentleman from the western district of Virginia seems to think that the only estimate that the committee should take in fixing these salaries consists of the number of cases disposed of during a year. That is not a fair estimate. It is not a fair basis, as every man will know when he reflects on it.

Mr. SWANSON. Will the gentleman allow me to interrupt him?

Mr. CONNOLLY. I have not time.

Mr. SWANSON. Take it by the fines.

Mr. CONNOLLY. In the western district of Virginia a large proportion of its business, the larger proportion, was internal-revenue prosecutions, the very kind of prosecutions that have been denounced on all sides of this Chamber since this discussion began. A large part of the earnings of the district attorney was because the cost where these internal-revenue prosecutions are so prevalent is made up from mileage in traveling to and from the commissioners' courts, and any member who will take the trouble to figure it out will find that about $3,000 in every instance of these large earnings by district attorneys was made up by traveling on railroads.

Mr. SWANSON. I did not take that. I took suits.

Mr. CONNOLLY. I decline to yield. I want to say further that gentlemen should remember that under this bill the district attorney for the western district of Virginia will limit his prosecutions to those substantial violations of law which, as a lawyer charged with the duty of protecting the interests of the Government, he will feel ought to be prosecuted, and when he travels in the necessary discharge of that duty, not for the purpose of earning salary for himself, but in the fair and honest discharge of his duty as the lawyer of the Government, the Government will pay him every penny of his traveling expenses and, in addition, $4 a day for subsistence while he is away from home. So that the inducement now held out to the district attorney of that district and to the district attorneys of other districts similarly situated where the distances are great to travel extensively and to prosecute every complaint that comes to them by letter or by word of mouth will be withdrawn, and, if they be fit men for the place, they will prosecute none but those substantial violations of the law which all good citizens will agree ought to be prosecuted.

Mr. SWANSON. I move to strike out "four thousand five hundred" and substitute "five thousand." Now, Mr. Chairman and gentlemen of this committee, we had as well be plain and frank in dealing with any recommendations that come to us from our committees. The gentleman from Illinois leaves the impression that it was against his wish that the committee framing this bill saw proper to discriminate in favor of Illinois in fixing the salaries of these district attorneys. Last evening when the gentleman from Montana and others pointed out that men were compelled to travel 500 and 600 miles in some cases, the gentleman from Illinois said that the right test, as to the emoluments that the district attorney ought to receive, was the number of suits tried; that we were not paying him for legs, but for brains.

I accepted that test, and I have shown whether the district attorney for the western district of Virginia does more or less work than the district attorneys for the State of Illinois. Measuring the work by civil suits, I found that he did twice as much work last year as was done by any district attorney in the State of Illinois. Then I went further, and showed that the work that he has got to do next year, that is, suits pending in his court undecided, were more than the entire number in the Federal courts of Illinois. I went further, and showed that he only lacked seven suits of trying as many as both district attorneys for the State of Illinois tried last year, almost twice as many as either one of them. And yet the salary of the district attorney for my district is put at $4,000, while the salaries of the two district attorneys for the State of Illinois are put at $5,000 and $4,500, respectively.

Now, that is a plain case. The committee can not explain away a gross inequality and injustice like that. Come forward now, gentlemen, and say in a frank and manly way that if the district attorney for the southern district of Illinois or for the northern district of Illinois is entitled to $4,500 a year, then the district attorney for the State of Virginia is entitled to the same. Is this House to be unjust? Is this House to deprive a public officer of his due when he earns it by the work that he does simply because a committee sees proper to make such a discrimination as that which I have pointed out?

Mr. MCCALL of Massachusetts. May I ask the gentleman a question?

Mr. SWANSON. Yes, sir.

Mr. MCCALL of Massachusetts. What is the relative population of the district of Virginia and of the northern district of Illinois?

Mr. SWANSON. I do not know what the relative population is, but we are not paying people here for living in densely populated communities; we are paying them for work done. That has been the test all through. I say again, that the district attorney for the western district of Virginia has earned each year more than his maximum. He earns his full salary the first six months. He does not do it by travel, but by active work in court. I am not putting the case on the ground of the maximum receipts. I will guarantee that he does more work than both the district attorneys in the State of Illinois. I am putting the case on the work done, and now, because my district is not fortunate enough to have a representative on the Judiciary Committee, is it to receive no consideration at the hands of this House? If I am wrong about this matter I wish to know it. I do not desire to misrepresent the case or to do any injustice. If the committee will show me any reason why the district attorney for the southern or for the northern district of Illinois should receive more money than the district attorney for the western district of Virginia, I am willing to withdraw my amendment; but I say that when you take the records of the courts, the suits decided, the work done, and the work to be done next year, they do not show any such result, and consequently I claim that my district is entitled to the same consideration at the hands of this House as is given to the districts in the State of Illinois.

Mr. BURTON of Missouri. Mr. Chairman, the gentleman, I think, makes an unjust charge. There are two members of the committee from Missouri, Judge DE ARMOND and myself, and neither of us has asked for the salaries of the attorneys of the courts that are held in St. Louis or in Kansas City any sum in excess of $4,000. The chairman of the committee and the chairman of the subcommittee both represent judicial districts, yet they do not ask for more than $4,000. As to the districts represented by members of the committee, the one represented by the gentleman from Illinois, Mr. CONNOLLY, gets $4,500 a year for the salary of the district attorney; the one represented by the gentleman from Texas, Mr. CULBERSON, gets $5,000 a year, and the one represented by the gentleman from Arkansas, Mr. TERRY, gets $5,000 a year. Now, everybody knows that the United States courts at Fort Smith, Ark., and at Paris, Tex., are the two best working—I should say the two most overworked—district courts in the country. The gentleman from Virginia has made the charge of discrimination against the committee, and it is not true.

Now, Mr. Chairman and gentlemen, it is not merely the amount of the earnings of the office that should be taken into account when fixing the salary. It is not merely the number of cases. You should consider also the character of the cases; and I say here, without fear of successful contradiction, that a half dozen of the cases tried in the southern district of Illinois are more impor-

tant than the whole number of these internal-revenue cases that are tried in the district concerning which the gentleman from Virginia has spoken so earnestly.

There is something more than the number of cases; there is something more than the earnings to be considered; we must take into consideration the nature and character of the cases.

Mr. HARTMAN. And the amount involved.

The question being taken on the amendment of Mr. SWANSON, it was rejected, there being—ayes 23, noes 62.

Mr. SETTLE. Mr. Chairman, I move to amend the bill by striking out, in line 16, on page 3, the words "four thousand dollars" and inserting "$3,500." [Laughter.]

A MEMBER. Why, that is a reduction.

Mr. DINGLEY. We will listen to the gentleman.

Mr. SETTLE. Mr. Chairman, no one appreciates more fully than I do the difficulties surrounding the Committee on the Judiciary in an attempt to present to this House an equitable bill placing the United States district attorneys and marshals upon salaries rather than upon fees in accordance with the present system.

I believe that this committee, so far from arriving at a just conclusion, is misled by the arguments of certain gentlemen as to the inequalities between their districts and some other districts elsewhere in the United States, with the business of which they are in no wise familiar. It is my purpose in offering this amendment to ask its acceptance by this Committee of the Whole because of my personal knowledge of the business coming before the Federal courts in the State of North Carolina. I know that the salary of the district attorney of the eastern district, when placed at $4,000, is too large in proportion to the duties he is called upon to perform, whereas I believe that the salary allowed to the district attorney in the western district, $4,500, is no more than an adequate compensation for that officer. I wish to compare the eastern district of North Carolina with the western district of that State—two districts the business of which I am familiar with—rather than to undertake to show inequitable action by the Committee on the Judiciary by comparing one of the districts of my State with some districts as to the business of which I know absolutely nothing.

Mr. Chairman, I hold in my hand the report of the Attorney-General of the United States, in which I find as Exhibit A, page 58, a statement showing the number of civil suits to which the United States was a party pending in the district and circuit courts of the United States July 1, 1895, with the number terminated during the fiscal year ended June 30, 1895. I find here that in the eastern district of North Carolina there were pending July 1, 1895, 31 cases, and in the western district of the same State, 49 cases. The number of suits disposed of and terminated during the fiscal year ended June 30, 1895, in the eastern district was 15, and in the western district, 759.

I find also in this volume a statement showing the number of criminal prosecutions pending in the circuit and district courts of the United States on July 1, 1895, by which it appears that the number of such prosecutions pending in the eastern district of North Carolina was 101; in the western district, 367; the number terminated in the eastern district, 233, in the western district, 1,049.

Then I turn to Exhibit C, being a statement of the amounts arising from civil suits to which the United States was a party and from criminal prosecutions in the circuit and district courts of the United States during the fiscal year ended June 30, 1895. By this statement it appears that the amount of fines, forfeitures, and penalties imposed during the year in the eastern district of North Carolina was $27,526.08, and in the western district, $47,006.40.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SETTLE. Mr. Chairman, I ask that I may be allowed a moment or two longer in explanation of my amendment.

The CHAIRMAN. Without objection, the gentleman's time will be extended five minutes.

There was no objection.

Mr. SETTLE. Those figures, Mr. Chairman, represent the difference between the business transacted in the eastern district and the business transacted in the western district. No one realizes more fully than myself the vices of the fee system under which we are now living. Every Federal court held in my district illustrates the vices of that system and demands in thunder tones some remedy. I believe that the desired adjustment will be largely reached if we place these officers on salaries rather than on fees. When they are under the fee system, they care but little for the merits of the prosecutions that they inaugurate, provided the emoluments of their offices are increased. I should like to see the Committee on the Judiciary accept later on a further amendment of this proposition, which would provide that in cases originating before United States commissioners, where there is a failure to convict, the commissioner, as well as the deputy marshal serving the process and the witnesses in cases which result in acquittal, should receive half fees only, thus depriving these parties of the incentive to originate prosecutions.

Mr. CONNOLLY. Would you apply that to jurors, too?

Mr. SETTLE. No, sir; not to jurors, because they are officers of the court, obeying its summons and attending for the trial of causes. But I know that in the criminal jurisprudence of North Carolina we have a provision that where a magistrate binds over the defendant and there is subsequently an acquittal, or even where the grand jury makes a presentment and there is an acquittal, the witnesses and officers receive half fees only; and that provision operates to keep out of our courts frivolous and insignificant prosecutions.

[Here the hammer fell.]

Mr. SHAW and Mr. HENDERSON rose.

Mr. HENDERSON. I rise to oppose the amendment of the gentleman from North Carolina [Mr. SETTLE].

The CHAIRMAN. The Chair will recognize the gentleman from Iowa [Mr. HENDERSON], representing the committee.

Mr. HENDERSON. I shall be very brief, and will then yield the remainder of my time to the gentleman from North Carolina [Mr. SHAW].

Mr. Chairman, I simply wish to say that the committee first fixed the salary for the districts which my friend from North Carolina [Mr. SETTLE] has been discussing at $3,000. But in consultation with the Attorney-General we put to him the question: What were the relations of this district to the "moonshiners"? and he replied that it was from that standpoint an important district, and the service should not be weakened at that point. And the Committee on the Judiciary, considering this matter, and desiring to be fair all along the line, from the best information we could get and with an intention under no circumstances of crippling the Government in all proper enforcement of the laws, and on the suggestion of the Attorney-General, raised this salary from $3,000 to $4,000, and I hope that sum will be permitted to stand.

Mr. SETTLE. Will the gentleman allow me to interrupt him for a moment?

Mr. HENDERSON. Yes, sir.

Mr. SETTLE. I wanted to suggest that my familiarity with that district leads me to make the assertion that of the illicit distilling of which the Attorney-General speaks eight-tenths of it is in the western district, and the eastern district, therefore, has not, as I have already said, as large a business before the United States courts as the other. There are fewer distilleries in that district and they are principally engaged in the turpentine business.

Mr. HENDERSON. Do you live in that district?

Mr. SETTLE. A part of my district is included in the eastern district——

Mr. HENDERSON (interrupting). Then you are not in the district any more than I am; and the information before us comes from an authoritative source. The gentleman does not live in the district, neither do I; and I should be unwilling to endanger the enforcement of the law in this whole country by not keeping a good man in as district attorney and ranking that district, under all of the circumstances that have been presented to us, as it should be ranked. I have no pride in standing by the bill; but I am willing at all times to stand by a bill that will bear criticism as I believe this will.

I yield the remainder of my time to the gentleman from North Carolina, whom I am afraid I have deprived of the floor.

Mr. SHAW. Mr. Chairman, I happen to know personally the United States attorney for the eastern district of the State of North Carolina, and I am able to say that he is admittedly one of the ablest lawyers in the State.

My friend Mr. SETTLE referred to the fact that there were few cases pending in that eastern district. Mr. Aycock, the attorney there, is a man who pushes his cases with vigor. There are not perhaps as many cases on the docket as there are in the western district, and I think I am able to give you the reason. I have practiced with the district attorney there and know his methods. He does not allow frivolous cases to go into the Federal courts at all. Where there are prosecutions and complaints that ought not to be carried there he stops them right in the bud.

I say most emphatically that in the eastern district of the State of North Carolina to-day moonshining is more on the increase than in any other part of the United States. In my own county of Cumberland ten years ago I do not believe there was one illicit distillery. To-day I do not doubt that there are a dozen of them. The district attorney for that district has been vigorous in the prosecution of suits pending before the Federal courts; and invariably it has been his custom not to allow any cases to go before the court without good grounds.

I hope the committee, therefore, will not consent to reduce the salary of a man who is efficient and capable, who exercises the duties of his office with proper care and diligence, and who has heretofore, as I understand, been making $5,000 a year from the office.

I yield the remainder of my time to my colleague from North Carolina [Mr. WOODARD].

Mr. WOODARD. I move, as a substitute for the amendment offered by the gentleman from North Carolina [Mr. SETTLE], that the salary of the district attorney for the eastern district be fixed at $3,000.

Now, I desire to say this: I was not in the Hall of the House when my colleague [Mr. SETTLE] addressed the House on his amendment, but I wish to say in behalf of the eastern district attorney, Mr. Aycock, that I sent him a copy of the bill the other day, and I have his answer. Although during the last year he has made more than the maximum allowed by the law, which is $6,000, and under a recent decision of the Supreme Court could easily increase his compensation, yet he has said to me in this letter that he favored this bill which fixes his salary at $4,000. He is in favor of the principle involved, and although it is probable that in the eighteen months that he would have to serve it would entail upon him a loss in salary of probably $3,000 to $4,000, yet he favors the proposition.

Now, as it stands, this compensation was fixed after the committee had ascertained all of the facts in relation to the office. The territory of this eastern district has been increased by an act of Congress passed a year ago. It has taken from the western district five counties and put them into the eastern district, thus largely increasing the business of the eastern district. Mr. Aycock is a gentleman of ability and character, and had conducted his office to the satisfaction of the Department and of the people.

Mr. SETTLE. Will the gentleman allow an interruption?

Mr. WOODARD. Certainly.

Mr. SETTLE. In my amendment I make no reflection on the present incumbent of the office. But I ask my colleague if, within his knowledge, the business of the western district is not more than double that of the eastern district?

Mr. WOODARD. I do not know how that is, Mr. Chairman, but I do know than on account of the addition of new territory to the eastern district or other causes the business of this district has largely increased; and while the present business of the western district may be larger than that of the eastern district, and is larger, yet I have no idea that it is twice as large.

Mr. SETTLE. The Attorney-General's report shows that it is.

Mr. WOODARD. So far as the business of the eastern district is concerned, it is constantly increasing. I think it has probably more than doubled within the last year. I trust, Mr. Chairman, that the committee will not reduce the amount fixed by the Committee on the Judiciary as the proper salary to be paid to the attorney of the eastern district. I think $4,000 is a fair and reasonable compensation for that office, and I trust it will not be reduced. I withdraw the substitute which I offered. I offered it for the purpose of making this statement to the House.

The question was taken on the amendment of Mr. SETTLE, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. SETTLE), there were—ayes 25, noes 52.

Accordingly the amendment was rejected.

Mr. PICKLER. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out, in lines 2 and 3, page 4, after the words "South Dakota," the words "three thousand five hundred" and insert in lieu thereof the words "four thousand."

Mr. PICKLER. Mr. Chairman, I will not detain the committee more than a moment. Like most of the other gentlemen who have spoken, I am in favor of this bill, and think it is a step in the right direction. I think, however, there is some inequity in regard to the salary of the district attorney of South Dakota. It is placed at $3,500. I offer the amendment to increase it $500. Our district comprises the whole State. There is a great deal of arduous and expensive travel connected with the office, and this makes the duties very laborious. It is a large State, and I think under the circumstances this increase should be granted. Quite a large amount of business is done, far more criminal business than I wish there was. For the reasons which I have suggested, I think the district attorney should receive at least $4,000 a year, and I ask that the amendment be adopted.

The amendment of Mr. PICKLER was rejected.

Mr. HILBORN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 2 by striking out, in line 5 of page 2, the word "four" and inserting in lieu thereof the word "five."

Mr. HILBORN. Mr. Chairman, I hope this amendment will prevail. It is worth $5,000 a year to perform the duties of the office of district attorney for the northern district of California. I held that office for many years myself, and I know something of the responsibility and labor connected with it. While I believe in this bill, and shall probably vote for it, I know that it is worth more than $4,000 a year to perform the duties of that office. I understand also that the Attorney-General recommended that the salary of that officer should be fixed at $5,000 a year. I yield the rest of my time to my colleague [Mr. MAGUIRE].

Mr. MAGUIRE. Mr. Chairman, the amendment offered by my colleague [Mr. HILBORN] should be adopted. The northern district of California is one of the busiest judicial districts in the United States. It is a district requiring a very high order of talent in the district attorney and taking the whole time of that officer. I think perhaps a more unfortunate year could not have been selected for taking the earnings of the office as a basis upon which to fix the future salary of the district attorney of that district than the year ended June 30, 1895. During that year the strike test case was on, which occupied nearly three months in its trial and incidental proceedings. I believe also that the Benson land survey fraud case was on trial that year, occupying nearly two months of the district attorney's time. As gentlemen will understand, the district attorney receives but a single fee for each of those long cases. The reasons that have contributed to make the earnings of other district attorneys in other districts small during that year also operated in the northern district of California. Never before, as I am informed by gentlemen who have held that office, did the earnings fail to yield to the incumbent the maximum salary of $6,000 per year and something over to be returned to the Treasury. It seems to me that a cut of $1,000 in the salary of the district attorney of the northern district of California ought to be enough, and that a cut of $2,000 is neither necessary nor reasonable.

As to the various practices against which this bill is aimed, and concerning which so much has been said, they have never been known in that district under any incumbent. Perhaps the reason for that is that the volume of legitimate business regularly arising yielded all that the district attorney could get under the law, and there was therefore no need of resorting to mercenary methods and persecutions complained of in other districts. Business expediency as well as justice suggests the adoption of this amendment.

The question was taken on the amendment of Mr. HILBORN; and on a division (demanded by Mr. MAGUIRE) there were—ayes 19, noes 51.

Accordingly the amendment was rejected.

Mr. CORLISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, in line 2, page 3, after the word "Michigan," the word "three," and insert the word "four."

Mr. CORLISS. Mr. Chairman, it is evident that the committee up to the present time have not been convinced of the fact that they made a mistake in the preparation of this bill. While I am very heartily in favor of this measure, I desire to ask for the adoption of this amendment, because of an injustice done to the eastern district of Michigan. I called the attention of the committee, or rather of the gentlemen having charge of the bill, the other day to the matter, and I was informed that the salary of the officer for the eastern district of Michigan was fixed at the low sum of $3,000 upon the recommendation of the Judicial Department. Believing that the Judicial Department were mistaken in making such a recommendation, I went to the Department, and I hold in my hand a letter from which I desire to read an extract addressed to these gentlemen having charge of this bill in this committee.

DEAR MR. UPDEGRAFF: At the request of Hon. JOHN B. CORLISS, of Michigan, I have gone over the data in the Department in relation to the marshal's office in the eastern district of Michigan, and I find, by looking at the emolument returns for the last five years, that the marshal's fees have averaged, net, $5,627.72.

The district attorney's emoluments, however, do not compare favorably with this, for the reason that there is so much civil business in the eastern district of Michigan. The marshal, from this business, of course, receives fees; while, as you know, the district attorney's emoluments increase as the criminal business in the district increases.

Detroit is an important point, and, for the reasons we spoke about, in Philadelphia, Boston, and other places the district attorney's salary should be increased. * * * I do not see any objection, and I think it would only be fair, if the salaries of the marshal and attorney in eastern Michigan were made $4,000.

Now, I desire to say with that information I went to every member of the committee, and I had the personal assurance of a majority of those members when this discussion commenced that they recognized the fact that a mistake had been made. Within this district, at the city of Detroit, is one of the largest customs ports of this country. It has a very large admiralty business. There are pending there the largest number of civil cases of any district outside of New York. Compare the business of the eastern district of Michigan with the other districts in the Great Lake States. Take Wisconsin; the eastern district is placed at $4,000 and the western district at $3,000. They have placed Minnesota at $4,000. They have placed Buffalo, which is relatively not as important a district as that of Detroit, at $4,000. They have placed in Tennessee three of these officers at $4,000, and both districts in Pennsylvania at $4,000.

Now, the business there is nothing as compared to the eastern district of Michigan, when you take into consideration the customs port and all the admiralty business that arises there, for which the district attorney gets no compensation whatever. I submit that in justice to the recommendation of the Department the chairman of the committee will see that I am right in saying in this instance a mistake was made, and that in all fairness this district is entitled to be placed upon a par with the districts surrounding Lake Michigan, when it occupies the most important point upon that chain of lakes. I ask the committee to consent that the House so amend this bill as to place the eastern district of Michigan at $4,000 instead of $3,000. [Applause.]

I yield one minute to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I ask unanimous consent that the gentleman be allowed one minute.

There was no objection.

Mr. MAHANY. Mr. Chairman, I merely wish to state that the city of Buffalo, to which the gentleman from Michigan has made reference, very heartily concurs in his request that the salary for the eastern district of Michigan be placed at $4,000. But I wish to state further that the city of Buffalo does not yield to Detroit in its claim to importance.

Mr. BAILEY. Mr. Chairman, I agree with the gentleman from Michigan that the salary fixed for the district attorney there is smaller, by comparison, than the salary of some others. I also agree with my friend from Virginia [Mr. SWANSON] that the salary of the district attorney in his district has not been fairly equalized with the salaries of the district attorneys in Illinois; but that, it occurs to me, is not the question for this committee to consider. If some salaries have been fixed too high, it does not seem to me a valid reason for making them all too high. The truth is, Mr. Chairman, that nearly everybody who is serving this Government to-day is receiving more than they could obtain for similar services from any other employer in the world.

Mr. DOCKERY. That is undoubtedly true.

Mr. BAILEY. I have some knowledge myself about the income of lawyers, and I must dissent from the statement of my friend from Illinois that all of them readily earn from $4,000 to $10,000.

I undertake to say that eight-tenths of the legal profession in America to-day are collecting less than $4,000 per annum. Not only will eight-tenths of them collect less than $4,000 per annum, but the best legal talent, the widest knowledge, the most thorough understanding of the law, is not found in the great cities or in those offices which command the highest income. Nearly every lawyer on this floor will bear me witness that the strongest men in our profession are frequently found in the smaller towns and are content with a professional income of $2,500 a year. In every district, Mr. Chairman, there are hundreds of capable men and honorable men who are glad to realize from their law practice one-half of the salaries provided for in this bill, and it does not seem to me wise in us to pay an attorney for the Government double what his equals can command when clients select their own attorneys.

Mr. BURTON of Missouri. Mr. Chairman, I desire to say, as one of the members of the subcommittee, that the placing of the salary of the district attorney of the Detroit district at $3,000 was predicated upon misinformation, and as one of the subcommittee I believe that it ought to go, along with similar districts, at $4,000. [Applause.]

The amendment was agreed to.

Mr. GRIFFIN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend line 6, page 8, of the printed bill, by striking out the word "three," wherever it occurs therein, and inserting in lieu thereof the word "four."

The CHAIRMAN. This amendment is not in order. That section is not now under consideration. The amendment refers to page 8 of the printed bill, which has not yet been reached.

Mr. GRIFFIN. Then I will offer another amendment, to come in on page 4.

The amendment was read, as follows:

Amend line 15, page 4, of the printed bill, by striking out the word "three," wherever it occurs therein, and inserting in lieu thereof the word "four."

Mr. GRIFFIN. Mr. Chairman, the object of this amendment is to increase the salary of the marshal for the western district of Wisconsin from $3,000 to $4,000 per annum.

The CHAIRMAN. Does the amendment refer to the salary of the district attorney?

Mr. GRIFFIN. It refers to the marshal.

The CHAIRMAN. No other amendments are in order at this time than those which refer to the district attorneys.

Mr. GRIFFIN. That was the amendment I first sent up.

The object of my amendment is to increase the salary of the district attorney for the western district of Wisconsin from $3,000 to $4,000 per annum. I am in full accord with the principle and with the object and purposes of the bill reported by the Judiciary Committee, but I regret to say that the arguments which have been presented here have proceeded upon lines that I do not approve of. I do not believe that this country ought to adopt a national policy on the single theory of economy. There is something higher and nobler than that. The proper enforcement of the law has more to do with the well-being of the American people than any question of economy, and I offer this amendment because in my estimation, knowing the business of the western district of Wisconsin as I do, $3,000 a year will not command the services of such a member of the legal profession to perform the duties of United States district attorney as we ought to have for the proper enforcement and administration of those laws. We ought, as a committee, to hesitate, we ought to pause and consider that we should have for these positions throughout the country men of first-class ability, men who can, by reason of their ability, their experience, and their good judgment, lessen the expenses of the courts in other directions aside from their own salaries; and unless we pay sufficient compensation to secure the services of men of good judgment and discrimination we shall defeat the very object of this bill by employing men who are not capable of properly discharging the duties of these offices.

Now, Mr. Chairman, $3,000 is a very small compensation for a lawyer of any ability in our section of the country, and I desire to see the compensation of the district attorney of the district increased as my amendment proposes, so that we may have a man capable of performing the duties of the office acceptably to the Government and to the people at large. We can better afford to pay for the proper administration of the law than we can afford to economize, and have poor administration as a result.

[Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, I most earnestly support the principle upon which this bill is constructed. The bill may not be perfect in all its details, and perhaps it does not go far enough in the direction of a more efficient administration, but obviously it makes a long step in the right direction. It abolishes the pernicious fee system in the main, with respect to the offices of marshals and attorneys, and substitutes instead fixed rates of compensation. It puts to open shame the organized greed of rapacious marshals, attorneys, and their subordinates by repealing the statutory enactments which invite frivolous indictments and petty persecutions. It speaks for honest, frugal reform in the administration of justice and for a discontinuance of organized oppression, pillage, and plunder under legal forms. It stops malicious prosecutions, while furnishing ample machinery for the prosecution of willful violations of the law. In short, it provides all necessary safeguards for an efficient prosecution of offenders, while at the same time forbidding avaricious Federal officials longer to harass and annoy honest citizens. Many, perhaps most, of the Federal officials have been honest and faithful, even under the existing system, but the law has been invoked in innumerable cases in the interest of malice and avarice. I therefore commend the pending bill as a beneficent instrument for the protection of the people and of the Treasury of the United States. [Applause.]

The question being taken on the amendment of Mr. GRIFFIN, it was rejected.

Mr. STRODE of Nebraska. I move to amend by striking out, after the word "Nebraska," in line 9, page 3, the words "thirty-five hundred dollars" and inserting "$4,000"; so as to read: "For the district of Nebraska, $4,000."

Mr. Chairman, I do not desire to criticise the Committee on the Judiciary for framing and presenting this bill. I am in full sympathy with the principle involved. I am in favor of abolishing the fee system and establishing salaries for United States district attorneys and marshals. But I think that this bill does an injustice to the district that I represent in part. I know of no better rule for fixing these salaries than to consider the business in which the people in the different districts are engaged. The people of the State of Iowa are mostly agriculturists. So they are in Missouri, in Kansas, and in South Dakota. The State of Nebraska borders upon these States. When we consider the population of these States, we find that Iowa has not by a long way twice as many people as Nebraska has; yet the committee has fixed the salary of the district attorneys in the two districts of Iowa at $4,000 each, and the salary for the district attorney for the district of Nebraska at $3,500. In the district of western Missouri, adjoining my State, the salary has been fixed at $4,000, as against $3,500 in the district of Nebraska.

In Colorado, lying west of and adjoining my State, with not half as many people, $4,000 is the salary fixed by this bill. In South Dakota, adjoining my State on the north, the salary is fixed at $3,500, although that State has less than one-half the population that we have.

Now, all the people in the districts I have named are engaged in substantially the same kind of business; they will have in the future substantially the same kind of litigation in the Federal courts of their respective districts, and the importance and volume of that litigation, so far as the district attorneys have to do with it, will be in the proportions of the population of these districts. While I do not complain of the committee's work in presenting this bill—I think it is in principle correct—yet the committee has done an injustice to the district of Nebraska. I believe that in fixing these salaries for the future we ought to fix them upon as nearly a correct and equitable a basis as possible, and it seems to me that the salaries in the districts I have named ought to be cut down or the salary in the district of Nebraska ought to be increased. While I do not say that $3,500 may not be salary enough for the district attorney of Nebraska, I say that if it is, it is enough for each of the Iowa districts; it is enough for the western Missouri district; it is enough for the Colorado district, and it is more than enough for South Dakota. The salaries in these districts ought to be equalized, and that is the purpose of my amendment.

It may be said in answer that the business in Nebraska last year has not shown that the district attorney there is entitled to as much as the attorney in each of the Iowa districts. I have not examined the records to ascertain the amount of business transacted by the district attorneys in these respective districts.

The volume of criminal business in the Federal courts depends largely upon the activity and conscience of the marshals.

If a marshal is disposed to hunt up trivial violations of the internal-revenue laws and Federal statutes he may swell the emoluments of his office as well as add business to the district attorney's office.

In the district of Nebraska the marshal, although a Democrat, is a most conscientious officer; he does not go out and hunt up business for the sole purpose of increasing the emoluments of his office. The district attorney is also an honest, conscientious officer, and does not encourage unnecessary prosecutions to increase the emoluments of his office. There may not have been as much business, therefore, in that district last year as in either of the Iowa districts; but if you will take the average of the business transacted there during the last five years I think you will find it equal to that in either of the Iowa districts or in the western district of Missouri or in the district of Colorado, and largely in excess of the business in the South Dakota district, and probably as much as in the district of Kansas. Yet the salary of the district attorney in the district of Nebraska is placed at $3,500, while in all the other districts I have named, except South Dakota, $4,000 salary is allowed. I insist that if this committee desires to fix the salaries of the district attorneys upon a just and equitable basis it must increase the salary named in this bill for the district attorney in the district of Nebraska and will adopt the amendment I have offered.

Mr. GROSVENOR. Mr. Chairman, I feel a great deal of interest in the result of this proposed change of system. I have not voted for any of these amendments, for I recognize that it is probable the Judiciary Committee has more knowledge than I have in regard to what ought to be the fixed standard of salaries in these districts. But I want to call the attention of the committee to a doubt that arises in my own mind about the working of this system. I am in favor of the attempt which the Committee on the Judiciary recommends shall be made, and shall therefore vote to put this amendment on the appropriation bill. But I think there is one matter perhaps overlooked by the committee, or else in their wisdom—and it is far greater than mine—they may not see the way to prevent it, to which I wish briefly to refer, and which may result in a complication that I think is possible or even likely to occur. Take, now, the case of a United States marshal whose fees during the last year were perhaps $6,000. You reduce him to a salary of $4,000, and what would be the result? I very much fear that his next year's fees that he turns into the Treasury will not amount to $6,000.

We have tried the experiment in Ohio, in the matter of sheriffs and in the matter of probate judges, and I think possibly with reference to the clerks of the courts, and we found, and I think it will be found on a much larger scale in this case, that these officers will fail to collect or even return the fees when certain friends of theirs are involved in the payment of them, and become indifferent in the payment, collection, and certification of the money into the Treasury, and will take their salary only, while the United States will find instead of a profit, I apprehend, a considerable loss in the transaction. I shall look with a great deal of interest, if I am alive in the next Congress, to see whether or not the aggregate collections will amount to as much as the aggregate salaries. I think the plan, though, is worth trying. I agree with all that has been said here in this discussion about the enormous wrongs which have been done by these officers in a good many of the districts of the country, and the experiment is worth trying to see if relief can not be afforded this way.

But if I had my own way about it I would at least have considered a proposition that the $4,000 and the $3,000 salaries should not be paid to these officers unless a sum equal to the salaries was collected and turned into the Treasury by the man holding the office. That would be a protection to the Government. I do not know that it is practicable; but I fear that there will be great laxity in the service in the collection of the fees. Yet the clerks are left out, and for wise reasons. It may be that they will operate to a certain extent to correct the trouble of which I speak; I hope so; and that by this means the evil may be remedied.

But, Mr. Chairman, notwithstanding these forebodings of mine, I am in favor of the amendment proposed by the Judiciary Committee to the bill and shall vote for it; and I trust that the committee is as wise in this particular as I think they have been in other particulars connected with this matter.

[Here the hammer fell.]

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. UPDEGRAFF. Mr. Chairman, I supposed when the gentleman from Ohio rose and addressed the committee that he was to speak against the amendment of the gentleman from Nebraska, but I understand now that he speaks for it.

Mr. GROSVENOR. No; I spoke in favor of the amendment of the committee.

Mr. UPDEGRAFF. I beg pardon; I did not hear the gentleman.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. UPDEGRAFF. I desire to be heard in opposition to the amendment of the gentleman from Nebraska.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent—the time for debate on this amendment having expired—to be allowed five minutes in opposition to the amendment of the gentleman from Nebraska [Mr. STRODE].

Mr. JOHNSON of California. I object.

The question being taken on the amendment of Mr. STRODE of Nebraska, there were, on a division—ayes 24, noes 74.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by adding at the end of section 2:

"*Provided*, That whenever in the judgment of the Attorney-General the salary of any district attorney is deemed inadequate for the services rendered or to be rendered, the same may, upon the recommendation of the judge of the district, be increased by the Attorney-General and fixed by him at an amount commensurate with the services rendered or required; but in no case shall the salary of any district attorney exceed the sum of $5,000 per annum."

Mr. TAWNEY. Mr. Chairman, it is very evident from the debate on the floor this afternoon that gross inequalities exist in this bill, and that in many instances injustice will be done and the efficiency of the judicial branch of the Government seriously impaired if these inequalities and admitted mistakes are not corrected. Thus far all attempts to correct these mistakes have failed. The Committee of the Whole House has proceeded upon the theory that in this matter the Judiciary Committee is infallible. Believing that the effort to amend the bill in respect to some of the salaries is made in good faith, and in the interest of securing competent men to discharge the duties of district attorney, I have offered this amendment, which, if adopted, will give the Attorney-General, upon the recommendation of the district judge, the power to fix the salary of the district attorney upon a just and equitable basis in those cases where the salary fixed by this bill is insufficient. There are no two men in the United States more competent to determine the value of the services of a district attorney in any given district than the judge before whom the attorney practices and the Attorney-General to whom he reports. The authority to increase is not unlimited, but limited to $5,000, or one thousand less than the maximum salary now fixed by law, so that there is no opportunity for abusing the discretion placed in the Attorney-General, and which can only be exercised upon the recommendation of the presiding judge.

If the Judiciary Committee had taken into consideration the character of the services to be rendered and then had based these salaries upon some well-defined rule by which a business man would determine the value of such services, there might be no necessity for my amendment. But the committee admits it has not done this. They have been forced to shift their position as to the basis on which these salaries have been fixed some three or four times in this debate. The difficulties with which the committee has contended arise largely from the fact that they have

attempted to fix these salaries arbitrarily. This can not be done without injury to the public service or injustice to individuals in certain cases.

If the House of Representatives, therefore, wants to correct the admitted mistakes in this bill, there will be no opportunity of accomplishing that end unless we leave the matter to the discretion of the Attorney-General. Then, if it becomes necessary to increase the salary of any district attorney in order to secure the services of a competent man, the interests of the Government will not suffer for want of authority to do so.

I am heartily in favor of the main purpose of this bill. I believe the fee system should be abolished. I have seen the evils of that system. I have seen the corridors and stairways of the public buildings in Winona, St. Paul, and Minneapolis, when the district court was in session, crowded with the professional witness, the professional informer, and the mercenary court commissioner. I have seen the accused, after a trial and technical conviction costing the Government hundreds of dollars, sentenced to imprisonment in the custody of the United States marshal until sundown, the sentence being imposed about 4 in the afternoon. So that there is no doubt in my mind about the wisdom of abolishing a system the abuse of which has furnished many men in my State their chief source of income for many years. But in accomplishing this reform we should be careful to not create a worse evil by impairing the public service.

It may be said by those opposed to this amendment that it clothes the Attorney-General with too much power, but a moment's reflection will show anyone that such is not the case.

There are other parts of this bill in which it is provided that certain moneys shall be expended by the district attorneys, upon the recommendation of the Attorney-General. The Attorney-General is given discretion in the matter of determining whether or not the district attorney is entitled to an assistant. The principle of my amendment is, therefore, clearly recognized, and there is no more danger of its abuse in the one case than in the other.

In the event this bill becomes a law and any salary fixed by it is found inadequate to secure the services of a competent man there will be no opportunity to correct that mistake for the next twenty years. No matter how great the injustice may be, no matter how much the public service or the enforcement of law and order in any district may be impaired, it will be absolutely impossible to secure an amendment to that law. The moment a member of Congress should attempt anything of the kind, every other member would demand a similar increase or his bill would slumber in the bosom of the Committee on the Judiciary till the end of that Congress.

Mr. MERCER. I notice that by this bill the State of Alabama receives $11,000; Arkansas, $9,000; Florida, $6,000; Georgia, $7,500; Kentucky, $5,000; North Carolina, $8,500; South Carolina, $4,500; Texas, $7,500; Virginia, $7,500; Mississippi, $6,000; Ohio, $8,000; Pennsylvania, $8,000; Illinois, $9,000; New York, $8,000; Massachusetts, $5,000; Indiana, $5,000, and Minnesota, $4,000. Has the gentleman been able to learn from the committee or from anybody else why it is that the great State of Minnesota should only receive $4,000, when Alabama receives $11,000?

Mr. TAWNEY. I do not know. I am not advised as to the method or rule which the committee followed in fixing these salaries. Mr. Chairman, I have here a statement prepared from the report of the Attorney-General which I desire to incorporate in my remarks. This statement shows how inconsistent the proposed bill is in respect to the several districts, and how grossly unequal are the salaries in certain cases. This statement shows the number of cases that have been disposed of and the number still pending, and if the committee will bear with me just a moment I will call attention to a few significant facts shown by this statement.

The number of cases disposed of in the district of Minnesota in 1895 was 213 and the number now pending is 124, while in the two districts of Ohio the total number of cases disposed of was 222 and the number pending 102, so that there are 22 more cases pending in the Minnesota district than in the two districts of Ohio, but the committee have allowed for the services of the district attorneys of that State $8,000 and for the district attorney of Minnesota $4,000. In the northern district of Illinois, where there are only 42 cases pending, the committee have allowed $5,000 annual salary to the attorney. I might enumerate a dozen or more cases just like those referred to, but my time is too short to admit of my doing so. An examination of the statement will disclose them.

Statement taken from the report of the Attorney-General, showing the number of cases, civil and criminal, pending in the district and circuit courts for the several districts of the United States on July 1, 1895, and the number of cases disposed of during the fiscal year ended June 30, 1895, together with the schedule of salaries allowed by the pending bill.

District.	Cases pending July 1, 1895.				Disposed of during year ended June 30, 1895.				Total pending.		Total disposed of.		Proposed salary.	
	Civil.	Total for State.	Criminal.	Total for State.	Civil.	Total for State.	Criminal.	Total for State.	Districts.	State.	Districts.	State.	Districts.	State.
Alabama		89		880		165		1,327		969		1,492		$11,000
Northern	32		442		46		591		474		637		$4,000	
Middle	19		383		49		535		402		584		4,000	
Southern	38		55		70		201		93		271		3,000	
Arkansas		34		381		16		1,109		415		1,125		9,000
Eastern	5		188		9		200		193		209		4,000	
Western	29		193		7		909		222		916		5,000	
Arizona	6	6	36	36	12	12	95	95	42	42	107	107		
California		133		119		29		143		252		172		7,000
Northern	105		74		23		79		179		102		4,000	
Southern	28		45		6		64		73		70		3,000	
Colorado	38	38	111	111	6	6	284	284	149	149	290	290	4,000	4,000
Connecticut	2	2	10	10	4	4	35	35	12	12	39	39	2,000	2,000
Delaware	4	4			5	5	10	10	4	4	15	15	2,000	2,000
District of Columbia	48	48	896	896	10	10	4,767	4,767	944	944	4,777	4,777	5,000	5,000
Florida		13		122		21		259		135		280		6,000
Northern	13		51		18		134		64		152		3,000	
Southern			71		3		125		71		128		3,000	
Georgia		72		812		119		929		884		1,048		7,500
Northern	59		732		116		836		791		952		5,000	
Southern	13		80		3		93		93		96		2,500	
Idaho	1	1	14	14	1	1	34	34	15	15	35	35	2,500	2,500
Indian Territory		85		609		53		1,741		694		1,794		
Northern	25		127		34		424		152		458			
Central	32		213		5		625		245		630			
Southern	28		269		14		692		297		706			
Illinois		192		18		374		574		210		948		9,500
Northern	30		12		34		231		42		265		5,000	
Southern	162		6		340		343		168		683		4,500	
Indiana	8	8	168	168	7	7	321	321	176	176	328	328	5,000	5,000
Iowa		8		238				548		246		548		8,000
Northern	5		17				232		22		232		4,000	
Southern	3		221				316		224		316		4,000	
Kansas	11	11	123	123	33	33	134	134	134	134	167	167	4,000	4,000
Kentucky	115	115	109	109	36	36	538	538	224	224	574	574	5,000	5,000
Louisiana		21		76		31		91		97		122		5,000
Eastern	18		35		29		57		53		86		3,000	
Western	3		41		2		34		44		36		2,000	
Maine	13	13	98	98	2	2	119	119	111	111	121	121	2,500	2,500
Maryland	12	12	15	15	9	9	86	86	27	27	95	95	3,000	3,000
Massachusetts*	64	64	116	116	70	70	567	567	180	180	637	637	5,000	5,000
Michigan		32		142		27		169		174		196		7,000
Eastern	25		98		26		109		123		135		4,000	
Western	7		44		1		60		51		61		3,000	
Minnesota	69	69	55	55	12	12	201	201	124	124	213	213	4,000	4,000
Mississippi		33		1,029		29		1,081		1,062		1,110		6,000
Northern			648		27		615		648		642		3,000	
Southern	33		381		2		466		414		468		3,000	

Statement taken from the report of the Attorney-General, showing the number of cases, civil and criminal, etc.—Continued.

District.	Cases pending July 1, 1895.				Disposed of during year ended June 30, 1895.				Total pending.		Total disposed of.		Proposed salary.	
	Civil.	Total for State.	Criminal.	Total for State.	Civil.	Total for State.	Criminal.	Total for State.	Districts.	State.	Districts.	State.	Districts.	State.
Missouri		27		149		43		465		176		508		$8,000
Eastern	5		31		10		153		36		163		$4,000	
Western	22		118		33		312		140		345		4,000	
Montana	133	133	34	34	12	12	99	99	167	167	111	111	3,500	3,500
Nebraska	11	11	74	74	2	2	187	187	85	85	189	189	3,500	3,500
Nevada	1	1	3	3	1	1	17	17	4	4	18	18	2,500	2,500
New Hampshire			16	16			21	21	16	16	21	21	2,000	2,000
New Jersey	11	11	70	70	6	6	83	83	81	81	89	89	2,000	2,000
New Mexico	32	32	271	271	16	16	231	231	303	303	247	247	4,000	4,000
New York		484		277		114		250		861		364		7,000
Northern	38		89		11		126		127		137		4,000	
Southern	446		174		*87		97		720		*184			
Eastern			14		16		27		14		43		3,000	
North Carolina		80		468		807		1,335		548		2,142		9,500
Eastern	31		101		19		255		132		274		4,000	
Western	49		367		788		1,080		416		1,868		4,500	
North Dakota	18	18	127	127			135	135	145	145	135	135	3,500	3,500
Ohio		29		73		22		200		102		222		8,000
Northern	5		16		2		130		21		132		4,000	
Southern	24		57		20		70		81		90		4,000	
Oklahoma	13	13	944	944	5	5	1,975	1,975	957	957	1,980	1,980	5,000	5,000
Oregon	25	25	56	56	16	16	142	142	81	81	158	158	4,000	4,000
Pennsylvania		280		141		55		219		421		274		8,000
Eastern	226		70		52		135		296		187		4,000	
Western	54		71		3		84		125		87		4,000	
Rhode Island	16	16	37	37	1	1	4	4	53	53	5	5	2,000	2,000
South Carolina	4	4	102	102	9	9	407	407	106	106	416	416	4,500	4,500
South Dakota	10	10	24	24	3	3	81	81	34	34	84	84	3,500	3,500
Tennessee		83		530		205		1,692		613		1,997		12,000
Eastern	25		175		67		639		200		706		4,000	
Middle	5		126		9		805		131		814		4,000	
Western	53		229		129		248		282		377		4,000	
Texas		23		735		6		737		758		743		11,500
Northern	2		119		1		49		121		50		3,000	
Eastern			503				444		503		444		5,000	
Western	21		113		5		244		134		249		3,500	
Utah	22	22			2	2	364	364	22	22	366	366	3,000	3,000
Vermont	1	1	64	64	1	1	47	47	65	65	48	48	2,000	2,000
Virginia		111		342		279		620		453		899		7,500
Eastern	7		24		24		55		31		79		3,500	
Western	104		318		†255		565		422		820		4,000	
Washington	76	76	23	23	64	64	225	225	99	99	289	289	4,000	4,000
West Virginia			1,167	1,167			925	925	1,167	1,167	925	925	4,000	4,000
Wisconsin		8		221		5		268		229		273		7,000
Eastern	4		78		2		137		82		139		4,000	
Western	4		143		3		131		147		134		3,000	
Wyoming	2	2	5	5	3	3	18	18	7	7	21	21	3,000	3,000

* 86 of these 87 continued or dismissed.

† 207 of these 255 continued or dismissed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARTMAN. I ask unanimous consent that the gentleman have five minutes more.

Mr. UPDEGRAFF. I shall have to object, as objections seem to be in order.

Mr. TAWNEY. Then, before the vote is taken, I ask that the amendment be again reported. It is not to increase the salary of any officer unless the Attorney-General of the United States deems it necessary.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. HENDERSON. Mr. Chairman, I rise to oppose this amendment. I regard it as a very dangerous amendment and one that ought not to be adopted. In the first place, let us fix these salaries now upon our best judgment. If the development of business hereafter requires changes, we shall still have the power to consider them; but this power should not be lodged in the hands of any one man.

What will be the practical working of it? The district attorney, surrounded by the bar of his district, will get up a petition to the judge, setting forth what he desires. The entire pressure of the bar will be brought to bear upon the judge, and upon his assent the recommendation will be made to the Attorney-General, and that pressure will constantly be brought to bear.

The remarks of the gentleman indicate that the committee have been confessing that they have made mistakes. That is wholly without authority. The gentleman from Nebraska [Mr. MERCER], by summing up the total of the districts in the various States, endeavors to aid the idea that we have made mistakes. When Congress makes an additional district in a State it is because there is additional business in that State requiring it. You can not add together the districts in a State, and their emoluments, and form a fair judgment of the situation. Take Minnesota. The emoluments of the United States district attorney were $3,485. How was it in the northern district of Iowa, where the gentleman in charge of this bill and I both reside? The emoluments in the northern district of Iowa were $7,783.43.

The committee fixed the salaries of the district attorneys for the northern and southern districts at $5,000. My colleague [Mr. UPDEGRAFF] and I asked unanimous consent to recur to the second section of the bill, and requested that the reduction be made to $4,000 in each of those cases, thus cutting off nearly $4,000 from the reported emoluments, while Minnesota is given the same rate, with emoluments at only $3,000. Why, then, should such an argument be made? Gentlemen, with two weeks spent by an earnest subcommittee, consisting of Judge UPDEGRAFF, Judge BURTON of Missouri, and Judge CULBERSON, sitting with two officers of the Department of Justice who for twenty years have had charge of the question of salaries and fees; with the full committee three several times reviewing this very section, the third and last time with the Attorney-General sitting in our midst, aided by Major Strong, the experienced officer of the Department of Justice, I say to you that if you should spend further weeks and weeks you could not tender to Congress a more equitable arrangement of compensation than we have put upon this bill. And I believe that the proposition of this amendment, to transfer it to the Attorney-General, is full of danger. We are the lawmakers. Let us make the law and fix the compensation, and let future experience test this question, as business may grow or recede, whether or not Congress should again change it.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. HENDERSON. With great pleasure.

Mr. TAWNEY. This amendment does not transfer to the Attorney-General the power to fix the salaries, but merely limits it between the amount fixed in this bill and $5,000.

Mr. HENDERSON. I understand.

Mr. TAWNEY. Is not $5,000, the maximum of this amendment, $1,000 less than the maximum under the existing law?

Mr. HENDERSON. It makes no difference. You do not give him power to reduce, but you give him power to increase, which is a dangerous power to lodge in one man. He has himself impressed his views on this bill; and when we went through it the last time the committee with great unanimity adopted the suggestions made by the Attorney-General as to this section, and I certainly hope the committee will not entertain the amendment. I believe it to be a very dangerous amendment.

The question was taken; and the amendment was rejected.

Mr. WELLINGTON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in line 25, page 2, after the word "Maryland," the words "three thousand" and insert the words "four thousand"; so that it will read: "For the district of Maryland, $4,000."

[Cries of "Vote!" "Vote!"]

Mr. WELLINGTON. I propose, Mr. Chairman, to be heard for one moment upon this amendment. I represent in part a State in this Union, and I have a right to be heard in favor of any amendment offered in justice to my State. [Applause.] I will not be choked off by the cry of "Vote!" I do not find fault with the work of this committee, but I think that they are not all wise in their recommendations. I know something about Maryland. I live there. I know that it contains the great city of Baltimore, with its varied interests, its commerce, its maritime relations, and in addition to the city a large territory extending westward to the Alleghanies. In this bill I find they have given to the district of Maryland $3,000.

I find, as has been suggested, that other cities and districts not having such interests as Baltimore, not having the interests at stake we have in our State, have larger provisions for salary. I have no wish to trespass upon the time of this committee, but I do wish to bring this matter before it, asking that justice be done to my State, saying here that I have no personal interest in the matter, as the incumbent of the office is a Democrat, but an able lawyer, a man who is well qualified to conduct such cases as arise in the district courts, cases that involve large amounts and take a great deal of time. If you are inclined to do justice, as you did in the case of the gentleman from Michigan [Mr. CORLISS] as to the great city of Detroit, I appeal to you, follow the sentiment further until you reach Maryland, and give us $4,000 for that district.

The question was taken on the amendment; and the Chairman announced that the noes seemed to have it.

Mr. WELLINGTON. Division!

The committee divided; and there were—ayes 40, noes 69.

Mr. WELLINGTON. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Maryland, Mr. WELLINGTON, and the gentleman from Iowa, Mr. UPDEGRAFF, will act as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 76.

So the amendment was rejected.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 2, line 9, after the word "thousand" insert the words "five hundred"; so as to make the clause read "two thousand five hundred."

Mr. WILLIS. Mr. Chairman, I am not making any complaint of the reduction which has taken place in the case of Delaware as not in proportion to the reduction which has taken place in other places, but when you put the salary for district attorney at $2,000 you are getting exceedingly low, and I asked a gentleman a little while ago what sort of a lawyer he thought they could employ for that. His answer to me was, "What kind of a lawyer have you had?" Well, of course I do not like to go into personalities. He informed me that his salary had not amounted to $2,000, and the probability is that the compensation of the men we put there never will amount to $2,000 if we have to take such as will accept the office upon such terms, and not such lawyers as we ought to have.

The same argument that holds as to this holds against the salary of the marshal as fixed in this bill. The marshal has been making $3,500 or $4,000 a year, but this bill reduces him to $2,000. The reduction is too great; the salary is too small. Gentlemen can see that themselves. If it had been put at $2,500 I should not have said a word, and I should have been glad to have seen a salary of $3,000 provided for the marshal, although he is now making more, and when the proper time comes I shall offer an amendment to make his compensation $3,000. Do not think, gentlemen, because Delaware is a State of small territory that we ought to have a two-thousand-dollar lawyer for our district attorney. [Laughter.] We ought to have the best lawyer in the State for that office, and if you would take some of the surplus which you expect to get from offices where you have reduced the compensation from $6,000 to $4,000 and give Delaware a few hundred dollars of it for the sake of justice you would be doing a good, sensible, solid thing. [Laughter.] If the district attorney has been getting only $1,850 a year, you ought to give him some of the surplus you save in other places and let us employ a lawyer for district attorney who will not serve for $2,000 a year because he can earn more and is entitled to have more, and so have the work properly done. I think it is a very modest request to ask you to increase this appropriation $500, and I hope you will do it, and that when you come to the salary of the marshal you will do the same thing for him. We in Delaware have no objection to being put at the foot of the class, but we do not want to be put entirely out of sight. [Laughter.]

Mr. UPDEGRAFF. Mr. Chairman, I desire to say on behalf of the committee that the compensation of the district attorney for the district of Delaware is $1,822 under the present very liberal system, and that this bill was not intended to increase anybody's salary, for none of these officials that I ever heard of claimed that they were not getting enough. I hope, therefore, that nobody's salary will be increased by this bill.

The amendment was rejected.

Mr. LINNEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend line 17, page 3, by striking out "three thousand five hundred" and inserting "five thousand."

Mr. LINNEY. Mr. Chairman, if I can get the attention of the committee for five minutes I think I can satisfy them that this amendment ought to stick, because it is right. I observe that the district attorney for the district of Maine gets only $2,500 a year, and it is said that the State of Maine has more brains and less brandy than any State in the Union. [Laughter.] Now, why is it that the district attorney of the district of Maine—this State with an intellectual power surpassing that of any State in the Union, if you take the organization of this House and of the Senate of the United States as evidence of the fact—why is it that the district attorney of that State gets only $2,500?

Mr. MEREDITH. Because they have not got the brandy. [Laughter.]

Mr. LINNEY. No, sir; that is not the reason. It is because there is little or no work for the district attorney to do. They have only about 56 cases altogether in that State, and the district attorney is paid for the work he does. Now, Mr. Chairman, I respectfully submit that this idea that it takes a very high salary to command the best talent for these positions will not do, for the reason that the distinguished attorney who will act as district attorney for the district of Maine will not be engaged in his official duties more than one-quarter of the time and will be free to devote the other three-quarters to his own private business. I have offered this amendment to enlarge the compensation of the district attorney for the western district of North Carolina for this reason. While Maine has only about 56 or 58 cases, this western district of North Carolina has over 1,100 cases. It is conceded by my colleagues here that the inequality in the work of the two districts is much greater than the inequality between the pay of the attorneys for the two districts. It is conceded by all of them that a district that has over 1,100 cases now pending will require all the time of the district attorney to attend to those cases, and therefore I claim that he ought to be paid according to the work that he has to do. Therefore, gentlemen of this committee, without detaining you any longer, I ask you to vote for this amendment, because it is founded in justice, as you must see when you take into consideration the amount of work done by the district attorney in this district in comparison with the amount done in the other districts throughout the country.

The amendment was rejected.

The CHAIRMAN. If there are no further amendments to this section the Clerk will read——

Mr. HAINER of Nebraska. Mr. Chairman, I move as a substitute for the entire section the following:

That the United States district attorney for each of the judicial districts in the United States shall be paid an annual salary of $4,000.

It is very evident, Mr. Chairman, from the discussion so far, that comparatively few members of the House are satisfied with the schedule of salaries which has been presented in this bill.

I do not see for myself why these discriminations to which attention has been called have been made nor how they can be sustained. We all recognize the fact that for the position of district attorney of the United States there should be selected men who are competent to transact the business of that high office. These district attorneys serve in courts each one of which is presided over by a judge who receives the same salary that every other Federal judge receives. We are seated here in the House of Representatives all of whose members receive exactly the same salary without any discrimination. We recognize no distinctions here or in the other branch of Congress in this respect. I know of no reason why there should be a discrimination made with respect to district attorneys of the United States. If we place them on the same level, giving each $4,000, we pay them a salary commensurate with the duties of the office and we do equal and exact justice to all.

Mr. LACEY. What does Nebraska pay its supreme judges?

Mr. HAINER of Nebraska. Two thousand five hundred dollars. Let me ask what is paid to the supreme judges of Iowa?

Mr. LACEY. Four thousand dollars.

Mr. HAINER of Nebraska. That, however, cuts absolutely no figure whatever. I want to say to my friend that the salary of

$2,500 is paid to our supreme judges under the old constitution, which we are endeavoring to amend. There is no citizen of our State who does not recognize the injustice done to the able gentlemen on the supreme bench of our State by the payment of so meager a salary as they are now receiving. But we make no invidious discriminations among our judges. We do not say one shall receive $2,500, another $2,000, and a third $4,000. We place them all on the same footing, and that is the correct principle.

No gentleman can give a good reason why the district attorneys of the two districts of the State of Iowa should receive $4,000 each, while the officer occupying precisely the same position in my State receives only $3,500. These are sister States. The population in each is purely agricultural. The conditions are the same. The population of Iowa is not double that of Nebraska. The business is not double that in Nebraska. The officer receiving the higher salary is not a man of any better ability; he does not try more cases; he can not try them any better. Neither can you give any reason why a gentleman up in South Dakota shall receive any more or any less. In the same way it would be impossible to show why a district attorney in the State of Colorado should receive $4,000 a year, when the able gentleman occupying a similar position in my State, and doing more business, as every well-informed person knows, receives only $3,500. The business of the courts grows in some States and recedes in others. We can not gauge the salaries by the amount of business. We ought to put all these officers on the same footing. Give each $4,000 and make no invidious discrimination. Then you will be right. It is insisted, however, that economy is the motive in this bill, and that $4,000 each would increase salaries. Then reduce the salary of each to $3,500 or $3,000. You propose to give assistants to these district attorneys. You can reduce salaries and still avoid discriminations. The truth is, as all lawyers know, an attorney who secures this position manages to keep private business which exceeds in value the business he had before appointment. You can make reductions all along the line and still enlist the best talent. I only ask you to be fair.

The question being taken on the amendment of Mr. HAINER of Nebraska, it was rejected.

The Clerk read as follows:

The Attorney-General is authorized to fix and declare the place of the official residence of the district attorney and of each of his assistants.

Mr. DOOLITTLE. I move to amend the paragraph just read by adding the words "save in the district of Washington." Mr. Chairman, in the State of Washington, as I said to-day, there are four places of holding court, the State being divided for Federal court purposes into four divisions. Now, if a man should be appointed district attorney from Spokane his official residence might be fixed under this bill at Tacoma or Walla Walla, which would evidently be unfair. I do not think the committee will object to an amendment of this kind, because there is evident reason why the district of Washington should be excepted from this provision.

Mr. DOCKERY. Will the gentleman be so kind as to state the financial effect of his amendment?

Mr. DOOLITTLE. The financial effect, of course, will be nil; it has nothing to do with finances.

Mr. HENRY of Indiana. How will this affect the district attorney in your State in regard to his expenses as provided for in the last part of the previous paragraph?

Mr. DOOLITTLE. It will not affect the expenses in any way.

Mr. HENRY of Indiana. If he has no official residence fixed, can he get any allowance for travel?

Mr. DOOLITTLE. Most assuredly he can, I think.

Mr. HENRY of Indiana. If he has no official residence, how can he get his allowance for travel from and to that residence, or for board while away from it?

Mr. DOOLITTLE. As I understand, his residence would be where his home is.

Mr. HENRY of Indiana. But by your amendment you propose to cut out the provision for fixing his official residence.

Mr. DOOLITTLE. Yes, sir; I do.

Mr. HENRY of Indiana. Then he could not collect any mileage nor any boarding expenses for the time he might be away.

Mr. DOOLITTLE. In view of the gentleman's suggestion, I will modify my amendment by adding to it the words "where his actual residence shall be considered his official residence."

Mr. HENRY of Indiana. I would like to ask the gentleman from Washington if that would now allow the appointee to live away from any one of the places where the court is held?

Mr. DOOLITTLE. Oh, he would not live away from there, because they are the principal cities of the State. There is no probability of that.

Mr. MCMILLIN. If the gentleman will allow me, I do not think that his amendment would accomplish the very thing he seeks to accomplish. This bill refers to the "official home" of the officer. That may be in one place, and the place of actual residence may be another, while the place of holding court would be entirely different from either, and the effect would be to give the marshal in Washington mileage wherever he may happen to go.

It strikes me that he ought to reside somewhere. There is no reason why he should have mileage in all of his peregrinations and the others be denied it.

Mr. DOOLITTLE. It is not at all likely that any man will be appointed to this position residing out of one or the other of these places.

Mr. MCMILLIN. But it is possible—altogether so.

Mr. DOOLITTLE. Oh, of course; everything is possible in the consideration of this bill. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Washington.

The amendment was rejected.

Mr. SWANSON. Mr. Chairman, I would like to ask the attention of the committee to section 3, on page 4, of this bill.

This section reads:

That whenever in the opinion of the district judge and the district attorney the public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General upon the written recommendation of such judge and attorney.

It seems to me the effect of that language is that the assistant district attorney will be compelled to be appointed upon the joint recommendation of the district judge and the district attorney. I do not think the committee intended the district judge should make the recommendation of the individual, and there is evidently a misuse of language.

I would like to ask the committee whether in preparing the section they intended that the appointment of the district attorney in these special cases should be on the joint recommendation of the district judge and the district attorney?

Mr. UPDEGRAFF. The effect of the section, as the committee understands, is that the judge and the district attorney shall unite in certifying to the Department of Justice the necessity for such additional official.

Mr. SWANSON. Then I propose to offer an amendment here that will make the language plain, so that there can be no misconstruction of it.

Mr. Chairman, I move to amend, on page 4 of the bill, in line 18, as follows: After the words "district attorney," in this line, insert the words "evidenced by writing"; and strike out, in lines 20 and 21, the words "upon the written recommendation of such judge and attorney," for that language refers back to the words "may be appointed"; and strike out the word "recommendation" and insert instead the word "opinion," in line 21.

The effect of the language as it stands in the bill will be that the district judge and the district attorney must unite in recommending an individual to the Attorney-General before he can make the appointment. The intention of the committee, I understand, is simply to make the district judge and the district attorney unite as to the necessity of the appointment. It seems to me that this language as it appears in the bill would imply that they must unite in the recommendation of the individual, and so my amendment is offered to cure that defect in the bill.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Virginia.

The Clerk read as follows:

In line 18, after the word "attorney," insert the words "evidenced by writing."

Strike out in line 20, after the words "Attorney-General," the words "upon the written recommendation of such judge and attorney"; and strike out in line 21 the word "recommendation" and insert "opinion"; so that it will read as follows:

"SEC. 3. That whenever in the opinion of the district judge and the district attorney, evidenced by writing, public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General; but such opinion shall state to the Attorney-General the facts as distinguished from conclusions," etc.

The amendment was adopted.

Mr. JOHNSON of California. I would like to ask the gentleman in charge of this bill whether it is clear that this section will allow the Attorney-General to appoint the assistants from among those who are not actual residents of the district? For instance, suppose a district judge in the northern district of California and the district attorney certify to the Attorney-General that the services of an assistant are needed, under this section can the Attorney-General appoint such assistant from the State of Iowa, or Pennsylvania, or New York to go out there?

Mr. UPDEGRAFF. I do not see that there is any restriction.

Mr. JOHNSON of California. Then I think there ought to be. I offer the amendment I send to the desk, for the purpose of imposing a restriction in that regard.

The Clerk read as follows:

Add at the end of section 3:

"*Provided*, That the said assistants must be residents of the district for which they are appointed."

Mr. JOHNSON of California. I do not think that there ought to be anybody sent out to fill such positions in the State or Territory unless he lives there.

Mr. UPDEGRAFF. I do not want to argue the matter, but simply suggest that there is no apparent objection to the amendment, nor is there any necessity for it.

There is, however, what I may call a possible objection, in this: There might be an important lawsuit, such as is now pending in the southern district of New York, where the whole aggregated capital of the railroad interests of the United States is a party, and the Attorney-General under the law has power to appoint a special assistant. But he may desire to appoint a special assistant other than from that district; and he ought to have permission to select a man who is suitable.

Mr. HYDE. Oh, give us home rule.

Mr. UPDEGRAFF. But the same rule might apply to another place.

Mr. JOHNSON of California. This is only for the regular deputies, not the special deputies. He has a right to employ special deputies at any time.

Mr. UPDEGRAFF. Then there is no objection.

Mr. COX. I desire to ask the gentleman in charge of this bill a question concerning section 3, the section under consideration. Suppose the district attorney comes to the conclusion that he desires to appoint an assistant to appear before a commissioner, and he does appoint him to go before a commissioner to examine a matter which, in his judgment, is very important. Now, does not the salary attach to that assistant district attorney? Let me make myself understood. If the district attorney can appoint an assistant to go before one commissioner or five commissioners, have you not conferred an authority upon him that is unlimited in its effect?

Mr. UPDEGRAFF. No assistant district attorney under this section can be appointed, except by the Attorney-General. It takes the consent of the judge, the district attorney, and the Attorney-General to appoint an assistant.

Mr. COX. Now watch:

That whenever, in the opinion of the district judge and the district attorney, the public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General.

Mr. UPDEGRAFF. Yes; but you have stopped at the comma.

Mr. COX. If the district attorney and the judge recommend the appointment of these assistants, there may be one, four, five, or a dozen. Now, do you not think that ought to be qualified?

Mr. UPDEGRAFF. We could not determine upon a safe limitation.

Mr. COX. I am trying to work with you all the way through.

Mr. UPDEGRAFF. For the reasons which I have stated, we left it to these three men—the judge, the district attorney, and the Attorney-General—and the only question with us was whether or not we ought to put in the limitations that now exist. The difficulties of appointment are now sufficient, and the responsibility is wholly with the Attorney-General.

Mr. COX. And your idea about that section of the bill is that the appointment of these assistants rests with the Attorney-General?

Mr. UPDEGRAFF. Undoubtedly.

Mr. CONNOLLY. That is where it always has been.

Mr. COX. I simply want to understand this.

Mr. UPDEGRAFF. The language of the bill is:

May be appointed by the Attorney-General.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. JOHNSON].

The amendment was agreed to.

Mr. LACEY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 4, line 21, after the word "attorney" insert "not exceeding the number provided by law during the last fiscal year."

Mr. LACEY. Mr. Chairman, I should like to give the committee a word of explanation. Under existing law there are assistant district attorneys appointed all over the United States. The highest pay of any of them is $3,000, in the city of New York, and New York is excepted from this bill. The salary ranges from $1,000 up to $2,500. The bill as now drawn eliminates all of those assistants from the rolls, and substitutes in lieu thereof the power which is given to the Attorney-General to appoint men in their places upon the recommendation of the local district attorney and the judge. To this I accord my own personal assent, but I think that there ought to be a limitation. There has been no complaint that under existing law there have not been enough of these assistants. This proposes to give to the Attorney-General of the United States unlimited power to appoint as many additional assistants as may be called for, and I only ask now that while this power be given this amendment should be inserted, which will limit the number to those of the last fiscal year. It seems to me that the committee ought to accept that, because it is in the line of their present purpose of not increasing the number of officials.

Mr. UPDEGRAFF. I am unable to agree entirely with my colleague, and I call the attention of the committee to this provision in the section:

But such recommendation shall state to the Attorney-General the facts as distinguished from conclusions showing the necessity therefor.

That is, the necessity for such appointment. Now, we do not intend to permit the judge and the district attorney to certify merely the ultimate fact that an appointment is necessary, but we have required them to state the very facts themselves upon which the appointment is recommended.

He is an officer here whom Congress can reach. He must for every appointment have the certificate of the judge and the district attorney certifying not merely that the additional assistant is necessary, but the condition, the fact, that makes that necessary, so that a committee of this House can examine every time whether or not it is necessary to appoint an assistant.

Mr. TATE. If the gentleman will allow me to interrupt him one moment for a suggestion, do you not think it would be well enough to add after "district attorney," in line 20, "upon the recommendation of such district attorney"?

Mr. UPDEGRAFF. That has already been fixed by an amendment suggested.

Mr. TATE. Your amendment does not leave it to the district attorney to recommend the man; your bill originally did. It means the recommendation of the appointment.

Mr. UPDEGRAFF. That is the way it is—to make the recommendation for the appointment.

Mr. TATE. I mean that he should recommend some person. The district attorney understands the situation better than anybody else.

Mr. UPDEGRAFF. I think it is better the way it is.

I want to add one thing more, in reply to my colleague, and that is this: The number is limited to those appointed during the last fiscal year or the present fiscal year; it is immaterial which. The next fiscal year, or ten fiscal years hereafter, it may be changed; the situation may be changed, and there may be a necessity for an additional officer in a particular district. The amendment would not be so dangerous if it limited the number to the aggregate, but to limit it to a particular district is dangerous.

Mr. LACEY. I desire to say in this connection that the complaint was made that last year there were too many, and I thought that making the highest number the limit would be safe.

Mr. DOCKERY. Will the gentleman allow me this suggestion? I confess that I am very favorably impressed with the amendment of the gentleman from Iowa [Mr. LACEY], but to cover possible danger that might result in the future, why not amend the amendment so as to read:

Provided, That it shall not exceed the number provided by law during the last fiscal year, except upon order of the President.

Mr. LACEY. I would not object to that. That would provide for some possible grave contingency that might arise.

Mr. DOCKERY. That would provide for not increasing the number except upon order of the President.

Mr. UPDEGRAFF. I do not see any harm in that.

Mr. LACEY. I accept the suggestion of the gentleman from Missouri.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Iowa, as modified at the suggestion of the gentleman from Missouri.

The Clerk read as follows:

On page 4, line 20, after the words "Attorney-General," insert "not exceeding the number provided by law during the last fiscal year, except upon order of the President."

The amendment as modified was agreed to.

Mr. LACEY. I offer another amendment.

The Clerk read as follows:

On page 5, line 2, after the word "annum," insert the words "nor exceeding the salary provided for such assistants during the last fiscal year."

Mr. UPDEGRAFF. I did not hear the amendment. Is this another amendment?

Mr. LACEY. On page 5 I have offered the following amendment:

After the word "annum," in line 2, insert "not exceeding the salary provided for such assistants during the last fiscal year."

The present provision of the bill is that the Attorney-General may appoint assistant district attorneys, who may be allowed such salaries as fixed by the Attorney-General, not exceeding $2,500. The salaries now range from $1,000 up to $2,500. Now, I think there ought to be a limitation, and if there be no limitation we may have too many twenty-five-hundred-dollar assistant district attorneys; in order to prevent which I move to amend by inserting "not exceeding the salary provided for such assistants during the last fiscal year"; so that if in a State last year the assistant district attorney got $1,500, he can not be advanced by the Attorney-General under this bill to a $2,500 grade.

The CHAIRMAN. The question is on the amendment.

Mr. UPDEGRAFF. I regret that I am unable to agree with my colleague. This provision was put in here on the express recommendation of the Attorney-General, after careful consideration, with as much desire on his part to effect the purpose of the bill as there was in the committee. Now, then, my colleague's amendment will inevitably create confusion. In some districts the assistant district attorney has been paid $600, and in hardly any of them has he received $1,200. In some of them $2,500 has been paid. Now, then, how can the Attorney-General tell, how can he determine, to which district this amendment shall apply?

Mr. HENRY of Indiana. All of them.

Mr. UPDEGRAFF. So that confusion and danger will come. And then there is another thing. Ten years from now there may be very different considerations.

Mr. LACEY. Then amend the law.

Mr. HAINER of Nebraska. Will the gentleman allow me?

Mr. UPDEGRAFF. Certainly.

Mr. HAINER of Nebraska. I suggest also to the gentleman that another very good reason against the amendment is, that there should be no assistants at all, because the gentleman in charge of the bill in fixing the preceding section has determined on the salaries in proportion to the labor; and since all of that is arranged for in advance there is no necessity for any assistants at all. [Laughter.]

Mr. UPDEGRAFF. That is quite true. I hope there will never have to be a single assistant appointed when this bill is in force. I fear the amendment, and hope it will not be adopted.

Mr. LACEY. I would like just a minute.

The CHAIRMAN. If there be no objection, the gentleman will be heard for the amendment.

There was no objection.

Mr. LACEY. It is suggested that circumstances may change so that the $1,200 salary provided for in the northern district of Ohio would not be sufficient five years hence. Well, Congress will be here five years hence, and if any official is not getting enough Congress will hear from him. There will be no trouble about that. Twelve hundred dollars was enough last year under the existing conditions and it is safe to leave it at that amount for the present.

The question being taken on the amendment, it was rejected—ayes 16, noes 53.

Mr. FLYNN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 18, page 4, after the word "judge," add the following: "Or the chief justice of any Territory."

Mr. FLYNN. I think the committee will accept this amendment, as it is merely designed to perfect the bill with reference to the Territories. The committee's bill provides that "whenever in the opinion of the district judge and the district attorney the public interest requires it," etc. Now, in the Territories there are from three to five district judges; in Oklahoma we have five. Now, I want to provide by this amendment some officer in the Territory who shall make these recommendations, so as not to leave the matter open to all the judges, and I think it best that the chief justice shall be required to indorse, with the district attorney. In that way you centralize the matter and avoid confusion.

The amendment was adopted.

The CHAIRMAN. The Clerk will read the next section.

The Clerk proceeded to read section 4. When the district of northern California was reached,

Mr. MAGUIRE. Mr. Chairman, does the same understanding as to offering amendments apply to this section as to the preceding one, that amendments may be offered after the reading of the section?

The CHAIRMAN. After the reading of the section.

The reading of the section was concluded.

Mr. McCALL of Tennessee. Mr. Chairman, I move that the committee rise.

Mr. CRISP. That will leave the section open to amendment?

The CHAIRMAN. It will leave it open to amendment.

Mr. OGDEN. Mr. Chairman, before the committee rises, I ask unanimous consent to offer a substitute for the entire section, so that it may be printed in the RECORD.

The CHAIRMAN. The gentleman from Louisiana [Mr. OGDEN] asks unanimous consent to offer a substitute for the entire section and have it printed in the RECORD. Is there objection?

Mr. HENDERSON. If it is simply for that purpose, and the substitute is to be subject to all points of order, I shall not object.

The CHAIRMAN. Then the substitute will be considered as offered, the points of order being reserved, and will be printed in the RECORD.

The substitute proposed by Mr. OGDEN is as follows:

That the United States marshal for each of the following judicial districts of the United States shall be paid an annual salary of $4,000, to wit: The northern district of the State of Alabama, the middle district of the State of Alabama, the Territory of Arizona, the eastern district of Arkansas, the western district of Arkansas, the northern district of California, the district of Colorado, the District of Columbia, the northern district of Georgia, the northern district of Illinois, the southern district of Illinois, the district of Indiana, the northern district of Iowa, the southern district of Iowa, the district of Kansas, the district of Kentucky, the district of Massachusetts, the district of Minnesota, the eastern district of Missouri, the western district of Missouri, the district of Montana, the district of Nebraska, the district of New Mexico, the northern district of New York, the southern district of New York, the eastern district of North Carolina, the western district of North Carolina, the district of North Dakota, the northern district of Ohio, the southern district of Ohio, the district of Oklahoma, the district of Oregon, the eastern district of Pennsylvania, the western district of Pennsylvania, the district of South Carolina, the district of South Dakota, the eastern district of Tennessee, the middle district of Tennessee, the western district of Tennessee, the eastern district of Texas, the western district of Texas, the eastern district of Virginia, the western district of Virginia, the district of Washington, the district of West Virginia, and the eastern district of Wisconsin.

That the United States marshal for each of the following judicial districts of the United States shall be paid an annual salary of $3,000, to wit: The southern district of the State of Alabama, the southern district of California, the district of Connecticut, the district of Delaware, the northern district of Florida, the southern district of Florida, the southern district of Georgia, the district of Idaho, the eastern district of Louisiana, the western district of Louisiana, the district of Maine, the district of Maryland, the eastern district of Michigan, the western district of Michigan, the northern district of Mississippi, the southern district of Mississippi, the district of Nevada, the district of New Hampshire, the district of New Jersey, the eastern district of New York, the district of Rhode Island, the northern district of Texas, the district of Utah, the district of Vermont, the western district of Wisconsin, and the district of Wyoming.

The motion of Mr. McCALL of Tennessee was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole on the state of the Union, reported that they had had under consideration the legislative appropriation bill, and had come to no resolution thereon.

NICARAGUA CANAL REPORT.

Mr. DOOLITTLE. Mr. Speaker, I ask that the order of the House, made on February 19 last, relating to the publication of the report of the Nicaraguan Canal Commissioners, so called, be modified in this: That the words "together with the accompanying papers" be stricken out of it; so as to leave the order for the printing of the report without requiring the printing of the maps, which would consume, probably, four or five months.

There was no objection, and it was so ordered.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following bills and joint resolutions were taken from the Speaker's table and referred as follows:

Joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto—to the Committee on Appropriations.

Joint resolution (S. R. 76) authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain—to the Committee on Foreign Affairs.

A bill (S. 2169) to regulate mail matter of the fourth class—to the Committee on the Post-Office and Post-Roads.

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals—to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 3982) granting condemned cannon, etc., to Lincoln Post, Grand Army of the Republic, Hope Valley, R. I.; Woman's Relief Corps, Taylorville, Ill., and town of Newton, N. J.;

A bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River;

A bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes;

Joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; and

A joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

The House then, on motion of Mr. McCALL of Tennessee (at 5 o'clock p. m.), adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, inviting the favorable attention of Congress to an estimate of appropriation transmitted to Congress December 15, 1894, relating to compensa-

tion due Winslow Warren, of Boston—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in appropriations on account of the Territory of Utah—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for purchase of land for target range for troops at Jefferson Barracks, Mo.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the excise board of the District for the year ending March 6, 1896—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Calumet Harbor, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Miami and Erie Canal, the Ohio Canal, etc.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Gettysburg National Park Commission, together with a copy of a proposed amendment of section 4 of an act entitled "An act to establish a national park at Gettysburg, Pa."—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PHILLIPS, from the Committee on Labor, to which was referred the bill of the House (H. R. 2919) providing for the adjustment and payment of the accounts of laborers and mechanics arising under the eight-hour law, reported the same with amendment, accompanied by a report (No. 623); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 53) to compile and publish the laws relating to street-railway franchises in the District of Columbia, reported the same with amendment, accompanied by a report (No. 624); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia, reported the same with amendment, accompanied by a report (No. 625); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box. (Report No. 616.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New. (Report No. 617.)

The bill (S. 247) granting a pension to Wallace McGrath. (Report No. 618.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell. (Report No. 619.)

The bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire. (Report No. 620.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4994) for the relief of Mrs. Sarah Martin. (Report No. 621.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3578) granting a pension to Elmira E. Dustin. (Report No. 622.)

By Mr. HEINER of Pennsylvania, from the Committee on Claims: The bill (H. R. 3715) for the relief of Capt. W. J. Kountz. (Report No. 627.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENDRICK: A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers—to the Committee on the Judiciary.

By Mr. MAHON: A bill (H. R. 6835) to procure a site and erect a peace monument at Appomattox, Va.—to the Committee on the Library.

By Mr. BINGHAM: A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880—to the Committee on Ways and Means.

By Mr. CURTIS of Kansas: A bill (H. R. 6837) to remove the limitation in the payment of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 6880) to amend the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"—to the Committee on Ways and Means.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 5959) for the relief of Jacob Copper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 6161) for the relief of Wilmina Gunn—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 6706) directing the Secretary of War to investigate the claim of John C. Phillips—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

Papers to accompany the bill for the relief of Paul H. Bahr—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Papers to accompany the bill for the relief of Garrett H. Wilbur—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Papers to accompany the bill for the relief of Harris Handshoe—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Papers to accompany the bill for the relief of John C. Richey—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

Papers to accompany the bill for the relief of Mrs. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 6838) granting an increase of pension to John Stewart—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 6839) granting a pension to Judith Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6840) to remove the charge of desertion against John McDonald—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 6841) granting a pension to George L. Benner—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 6842) for the relief of Bethena Brumley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6843) for the relief of John Pittman—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 6844) granting a pension to Paul Kempter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6845) granting an increase of pension to Maj. John H. Georkee, Iowa City, Iowa—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 6846) to correct the military record of Eli Wineman—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 6847) for the relief of Robert S. Moss, administrator of James A. Moss, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6848) for the relief of Daniel K. Shields—to the Committee on Military Affairs.

By Mr. HADLEY: A bill (H. R. 6849) for the relief of Hermann Knoefler—to the Committee on Military Affairs.

By Mr. HALTERMAN: A bill (H. R. 6850) granting a pension to Mrs. Anna Stewart—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 6851) to aid Wilberforce University, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 6852) for the relief of Andrew J. Whitcomb—to the Committee on Claims.

By Mr. KYLE: A bill (H. R. 6853) for the relief of James Sims, of Marshall County, Miss.—to the Committee on War Claims.

By Mr. LEFEVER: A bill (H. R. 6854) to pay for improving the street in front of the post-office site in the city of Poughkeepsie, State of New York—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 6855) granting a pension to Cyrus D. Johnson—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 6856) to pension Charles H. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6857) to pension Robert M. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6858) to pension James M. Adair—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 6859) for the relief of John H. McBrayer—to the Committee on Claims.

Also, a bill (H. R. 6860) for the relief of the heirs of John F. Logan—to the Committee on War Claims.

By Mr. McEWAN: A bill (H. R. 6861) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 6862) for the relief of William Knight—to the Committee on War Claims.

Also, a bill (H. R. 6863) for the relief of C. F. Swetman—to the Committee on Claims.

By Mr. MONEY: A bill (H. R. 6864) to place the name of Narcissa G. Short upon the pension roll—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 6865) granting a pension to Stephen Drane—to the Committee on Pensions.

By Mr. PICKLER: A bill (H. R. 6866) for the relief of Elizabeth B. Eddy—to the Committee on Claims.

By Mr. PUGH: A bill (H. R. 6867) granting an increase of pension to Eli Dean, late of Company H, Fifty-sixth Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 6868) for relief St. John's Lodge, Newbern, N. C.—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 6869) for the relief of Peter Duchane, late of Company G, Twenty-first Michigan Infantry—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 6870) granting a pension to Riley Wilson—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 6871) for the relief of the residuary legatees of Mark Davis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6872) granting a pension to Elfrida C. Lewis, widow of Col. George W. Lewis—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 6873) for the relief of James B. Treadwell, of Somerset, Pa.—to the Committee on War Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 6874) granting a pension to Anna B. Lloyd—to the Committee on Invalid Pensions.

By Mr. MAGUIRE: A bill (H. R. 6875) granting an increase of pension to Frederick Procter—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 6876) for the relief of the heirs of William H. Steele—to the Committee on War Claims.

By Mr. REEVES: A bill (H. R. 6877) granting a pension to Grace Gudgell—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 6878) granting a pension to Prudence E. Wyatt—to the Committee on Invalid Pensions.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 6879) for the relief of the vestry and church wardens of the Episcopal Church of the parish of St. Helena, in the State of South Carolina—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of J. Howard Cramer, of Burgettstown, Pa., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Resolutions of the joint executive committee on the improvement of the harbor of Philadelphia, in favor of a survey of the river Schuylkill—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: Fifty-one petitions, containing 615 signers, citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of Moses Lodge, No. 66, American Protestant Association, of Philadelphia, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BOUTELLE: Papers to accompany House bill to remove the charge of desertion against John McDonald—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Judith Plummer—to the Committee on Invalid Pensions.

By Mr. BULL: Petition of Columbia Council, No. 21, Order United American Mechanics, of Providence, R. I., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Petition of officers of Southern Illinois State Normal School, favoring the enactment of House bill No. 5969—to the Committee on the Public Lands.

Also, petition of Salem Ely, of St. Anne, Ill., favoring the passage of House bill No. 4566, relating to an amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Petition of members of the Methodist Episcopal Church in Champion, N. Y., in relation to amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of veterans of the Union Army residing in Oswego County, N. Y., in regard to pensions—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Greig, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Greig, N. Y., protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. CRUMP: Petition of Jacob Trip, as secretary, representing citizens residing in North Bradley, Mich., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Lescallette Council, No. 442, Junior Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DANIELS: Protest of the Woman's Christian Temperance Union of Wales Center, N. Y., against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, protest of the Woman's Christian Temperance Union of Wales Center, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. DAYTON: Petition of R. S. Moss, administrator of John A. Moss, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERDMAN: Memorial of a citizens' meeting in the city of Reading, Pa., favoring action on the part of this Government against the atrocities of the Turkish Government upon the Christian people of Armenia—to the Committee on Foreign Affairs.

Also, petition of citizens of Lehigh County, Pa.; also petition of citizens of Berks County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HANLY: Petition of Francis & Faulkner, of Michigan City, Ind., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HART: Petition of citizens of Northampton County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HADLEY: Petition of R. P. Boulton, of Litchfield, Ill., praying for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Mount Vernon Lodge, No. 10, Order United American Mechanics, of Somers, Conn., in behalf of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 6814, for the relief of John C. Burdette—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 4280, restoring the widow of William T. Tout to the pension rolls under her present name, Sarah E. Vice—to the Committee on Invalid Pensions.

By Mr. HICKS: Petition of Camp No. 643, of Blue Knob, Pa., also petition of Camp No. 629, of South Fork, Pa., also petition of Camp No. 80, of Manns Choice, Pa., Patriotic Order Sons of America, praying for the passage of the William A. Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Yellow Springs, Pa., to amend postal laws, to allow office rent for fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hopewell, Pa., protesting against the appropriation of public moneys for sectarian undertakings; also a petition urging the passage of a proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. HILL (by request): Petition of Joshua A. Boller, of New Milford, Conn., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of 66 citizens of Freeport, Ill., praying for an amended form of the preamble of the Constitution of the United States, "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

Also, petition of the president and professors of the Southern Illinois State Normal School, at Carbondale, Ill., for the passage of House bill No. 5969, introduced by Mr. CURTIS of Kansas, "to make an equitable adjustment of the grants of land to the several States of the Union for State normal schools, and for other purposes"—to the Committee on the Public Lands.

By Mr. HULICK: Petition of J. D. Tracy, master, and L. D. Truitt, secretary, in behalf of Homer Grange, No. 451, of Georgetown, Ohio, in favor of the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, petition of Henrietta L. Monroe, president, and Annie M. Clark, corresponding secretary, on behalf of the Woman's Christian Temperance Union of Ohio, in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Henrietta L. Monroe, president, and Annie M. Clark, corresponding secretary, of the Woman's Christian Temperance Union of Ohio, on behalf of said union, against war between the two leading Christian nations, and for a settlement of all matters of dispute by arbitration—to the Committee on Foreign Relations.

By Mr. LAYTON: Resolutions of the Historical Society of Pennsylvania, asking Congress to appropriate a sum of money sufficient to enable the Secretary of State to prepare the records and papers of the Continental Congress for publication—to the Committee on Printing.

Also, resolutions of the Ohio Telephone Exchange Association, representing 27 companies, with 8,000 subscribers, urging Congress to appropriate a sufficient sum of money to enable the Attorney-General of the United States to prosecute the suit now pending in the United States Supreme Court, wherein the United States is plaintiff and the American Bell Telephone Company et al. are defendants—to the Committee on Appropriations.

By Mr. LINTON: Resolutions adopted by the citizens of Philadelphia, Pa., protesting against the placing of the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. MAHON: Petition of B. F. Winger, of Greencastle, Pa., praying for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Washington Camp, No. 320, Washington Camp, No. 321, and Washington Camp, No. 346, Patriotic Order Sons of America, of Pennsylvania, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Tennessee: Papers to accompany House bill for a pension to Charles A. Rogers—to the Committee on Invalid Pensions.

By Mr. McEWAN: Memorial from the Direct Legislation League of New Jersey, on behalf of sundry associations, for the passage of resolution for a committee of inquiry on direct legislation—to the Committee on Rules.

Also, letter of the secretary of the Merchants' Protective Association of Jersey City, N. J., asking for the passage of House bill No. 2569—to the Committee on Public Buildings and Grounds.

By Mr. McLACHLAN: Petition of citizens of California, for the survey of El Moro Bay, California—to the Committee on Rivers and Harbors.

By Mr. PATTERSON: Petitions of the following chapters of the Daughters of the American Revolution for the relief of the granddaughter of Francis Scott Key, Miss Elizabeth Key, and her mother, Mrs. Key, now objects of charity, the mother being blind and almost helpless, neither being physically able to earn their bread: Watanga, of Memphis, Tenn.; Abigail Phelps, of Simsbury, Conn.; Chicago, of Chicago, Ill.; Dolly Madison, of Washington, D. C.; Dolly Madison, No. 2, of Memphis, Tenn.; Army and Navy, of Washington, D. C.; Shikelimo, of Leinsburg, Pa.; Old Colony, of Hingham, Mass.; George Washington, of Galveston, Tex.; Atlanta, of Atlanta, Ga.; Caroline Scott Harrison, of Indianapolis, Ind.; Colonial, of Minneapolis, Minn.; Milwaukee, of Milwaukee, Wis.; Mary Clap Wooster, of New Haven; Conn.; Lucretia Shaw, of New London, Conn.; Sarah Riggs Humphreys, of Derby, Conn.; Katherine Gaylord, of Bristol, Conn.; Pittsburg, of Pittsburg, Pa.; Green Mountain, of Burlington, Vt.; Saratoga, of Saratoga Springs, N. Y.; Paul Revere, of Boston, Mass.; Philadelphia, of Philadelphia, Pa.; Ruth Wyllys, of Hartford, Conn.; Rockford, of Rockford, Ill.; Wyoming Valley, of Wilkesbarre, Pa.; Elizabeth Wadsworth, of Portland, Me.; James Wadsworth, of Middletown, Conn.; Mahwenawasigh, of Poughkeepsie, N. Y.; Dubuque, of Dubuque, Iowa; Bonny Kete, of Knoxville, Tenn.; Chester County, of West Chester, Pa.; Hannah Winthrop, of Cambridge, Mass.; Harrisburg, of Harrisburg, Pa.; Frederick, of Frederick, Md.; Greysalonder Shut, of Duluth, Minn.; Flore Meade Darey, of Duluth, Minn.; Nathan Hale, of St. Paul, Minn.; Falling Waters, of Fall River, Mass.; Camp Middlebrook, of Boundbrook, N. J.; Samuel Elliott, of Lagrange, Ga.; Crawford County, of Meadville, Pa.; Muskingum, of Zanesville, Ohio; Ursula Wocott, of Toledo, Ohio; Catherine Greene, of Xenia, Ohio; Yorktown, of York, Pa.; Elizabeth Clark Hill, of Ansonia, Conn.; Mohegan, of Westchester County, N. Y.; Esther Stanley, of New Britain, Conn.; Hannah B. Carter, of New Canaan, Conn.; Dorothy Ripley, of Southport, Conn.; Abigail Wolcott, of Windsor, Conn.; Merion, of West Philadelphia, Pa.; Saranac, of Plattsburg, N. Y.; Cayuga, of Ithaca, N. Y.; Washington County, of Washington, Pa.; Springfield, of Springfield, Ohio; Quassaick, of Newburg, N. Y.; Nathaniel Mattis, of Chillicothe, Ohio; Delaware County, of Media, Penn.; Irondequoit, of Rochester, N. Y.; The Stamford, of Stamford, Conn.; Pawtucket, of Pawtucket, R. I.; Tuscarora, of Binghamton, N. Y.; Ondawa Cambridge, of Cambridge, N. Y.; Narragansett, of Kingston, R. I.; Rebecca Motle, of Charleston, S. C.; Huguenot, of Pelham Manor, N. Y.; Gen. William Montgomery, of Danville, Pa.; Valley Forge, of Montgomery, Pa.; Margaret Lynn Lewis, of Roanoke, Va.; Trent, of Trenton, N. J.; Jane Knox, of Columbia, Tenn.; Hugh White, of Lock Haven, Pa.; George Rogers Clarke, of Oak Park, Ill.; Jersey Blue, of New Brunswick, N. J.; George Taylor, of Easton, Pa.; Molly Stark, of Manchester, N. H.; Ke Res Rick, of Yonkers, N. Y.; Anna Wood Elderkin, of Willimantic, Conn.; Cumberland County, of Carlisle, Pa.; Wan-Wil-a-Way, of Hillsboro, Ohio; Raimer, of Seattle, Wash.; Sarah Ludlen, of Seymour, Conn.; Minneapolis, of Minneapolis, Minn.; Fanny Ledgard, of Mystic, Conn.; Beverly Manor, of Staunton, Va.; Seneca, of Geneva, N. Y.; Liberty Bell, of Allentown, Pa.; Berlin, of Berlin, Conn.; Molly Reid, of Derry, N. H.; Little Rock, of Little Rock, Ark.; Blue Ridge, of Lynchburg, Va.; John Marshall, of Louisville, Ky.; John Perier, of Morristown, Tenn.; The Oglethorpe, of Columbus, Ga.; Sergeant Newton, of Covington, Ga.; Thronatuska, of Albany, Ga.; Parkersburg, of Parkersburg, W. Va.; Anderson, of Anderson, S. C.; Campbell, of Nashville. Tenn.; Susanna Hart Shelby, of Versailles, Ky.; Nancy Ward, of Elizabethtown, Tenn.; Ketnah Moss Taylor, of Newport, Ky.: Cumberland, of Nashville, Tenn.; Elizabeth Benton, of Kansas City, Mo.; Chickamauga, of Chattanooga, Tenn.; Jamesville, of Jamesville, Wis.; Abigail Adams, of Des Moines, Iowa; Bloomington, of Bloomington, Ill.; Astenrogn, of Little Falls, N. Y.; Mary N. Thompson, of Buffalo, N. Y.; Huron, of Huron, S. Dak.; Shelby County, of Memphis, Tenn.; Elroy M. Avery, of Cleveland, Ohio; Mary Ann Green, of Providence, R. I.; Elizabeth Chandler, of Machias, Me.; Mrs. M. M. Pawner, of Omaha, Nebr.; Mary C. Prince, of Santa Fe, N. Mex.; Sallie M. Ewing Pope, of Louisville, Ky.; Jennie B. Clark, of Austin, Tex.; Louie Upson Sims, State regent of Mississippi; Mary McK. Nash, State regent, of Newbern, N. C.; Caroline F. Burlelegh, State regent, of Yankton, S. Dak.—to the Committee on Pensions.

By Mr. PHILLIPS: Petitions of the Pennsylvania State Grange, Patrons of Husbandry, in favor of equitable protection—to the Committee on Ways and Means.

By Mr. MOODY: Petition of Washington Council, No. 29, Order United American Mechanics, of Haverhill, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Twenty-four petitions of sundry citizens of the States of Ohio, Kansas, New Hampshire, New York, Pennsylvania, Rhode Island, West Virginia, Indiana, and Massachusetts, praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OTEY: Petition of the publisher of the Roanoke Times, Roanoke, Va., for the passage of House bill No. 4566, to amend postal laws regarding second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. POOLE: Petition of W. F. Morris Publishing Company, Baldwinsville, N. Y., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Baldwinsville, N. Y., asking that the

sale of beer be prohibited at certain military posts—to the Committee on Military Affairs.

Also, petition of citizens of Baldwinsville, N. Y., asking that the sale of beer and intoxicating liquors be prohibited on Ellis Island to immigrants—to the Committee on Immigration and Naturalization.

By Mr. POWERS: Petition of A. D. Bradford, of Jericho, Vt., praying for favorable action on House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of Washington Camp, No. 405, Patriotic Order Sons of America; also petitions of Cincinnatus Council, No. 116, and Greble Council, No. 1, Daughters of Liberty; also petition of Columbia Lodge, No. 94, and Schuylkill Falls Lodge, No. 108, American Protestant Association, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ROYSE: Petition of L. H. Beyerle, of Goshen, Ind., urging the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Petition of Fred. A. Wagner, of Scranton, Pa., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of Ohio Council, No. 9, Daughters of Liberty, of Dayton, Ohio, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHARLES W. STONE: Petition of Washington Camp, No. 607, Patriotic Order Sons of America, of Mount Jewett, McKean County, Pa.; also petition of Hopewell Council, No. 73, Junior Order of United American Mechanics, of Hopewell, N. J., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of E. Cowan's Sons, of Warren, Pa., in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Petition of Washington Camp, No. 497, Patriotic Order Sons of America; also petition of Vine Cliff Council, No. 83, and petition of Waverly Council, No. 159, Daughters of Liberty, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TAYLER: Memorial and resolutions of faculty and students of Mount Union College, Alliance, Ohio, praying for the establishment of a permanent court of arbitration—to the Committee on Foreign Affairs.

By Mr. TRACEY: Papers to accompany House bill No. 5812, relating to the pension of Ephraim Chalfant—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 4938, for the relief of Mary Wilkins—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of G. Oliver Frick, of Youngstown, N. Y., for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Virginia: Petition of Yardley S. Brown, of Hamilton, Va., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Massachusetts: Petition of Commonwealth Council, Order United American Mechanics, of Worcester, Mass., urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petitions of George Harrison, of Hulmeville, Pa.; also petition of Jesse O. Thomas, of Bristol, Pa.; also petition of J. R. Haldeman, of Harleysville, Pa.; also petition of Alfred Paschall, of Doylestown, Pa.; also petition of A. E. Dambly's estate, of Skippack, Pa., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Washington Camp, No. 600, Patriotic Order Sons of America, of Tylersport, Pa., with a membership of 52, indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WOOD: Petition of Adolph Sumerlin, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOMER: Petition of Harrisburg Lodge, No. 106, Order United American Mechanics, of Harrisburg, Pa., consisting of 127 members, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *March 5, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1896, made in the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," approved August 30, 1890, as required by section 5 of that act; which, with the accompanying report, was referred to the Committee on Education and Labor, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. IRBY presented a petition signed by sundry citizens of Fairview, Cripple Creek, Fountain Inn, Walkersville, and High Point, all in the State of South Carolina, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FAULKNER presented the petition of George W. Phillips and 14 other citizens of Wick, W. Va.; the petition of W. B. Evers and 4 other citizens of Martinsburg, W. Va.; the petition of John H. Crawford and 70 other citizens of Greenbrier, W. Va., and the petition of C. H. Taylor and 33 other citizens of West Virginia, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PALMER presented the petition of J. S. Davis and sundry other citizens of Laharpe, Ill., and the petition of Sarah J. Lynn and sundry other citizens of Illinois, praying Congress to submit to the States a revised preamble to the Constitution; which were referred to the Committee on the Judiciary.

Mr. WALTHALL presented the petition of W. D. Caulfield, editor and proprietor of the Valley Record, Gloster, Miss., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of sundry citizens of Nashville, Tenn., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. VILAS presented the memorials of H. H. Johnson and 123 other citizens of Milton; of E. M. Crandall and 113 other citizens of Milton; of James Murray and 193 other citizens of Berlin; of George Eldridge and 67 other citizens of Clear Lake; of J. W. Hancock and 157 other citizens of Ellsworth; of T. H. Frank and 110 other citizens of Oconto County; of Annie Fox and 238 other citizens of Flintville; of Mary T. Lawrence and 84 other citizens of Brown County; of H. F. Post and 95 other citizens of Sawyer County; of O. F. Cole and 38 other citizens of Pound; of Rev. H. T. Dirksen and 38 other citizens of Pound; of C. K. Ackley and 221 other citizens of Westport; of Charles Smith and 94 other citizens of Vernon County; of G. W. Sutherland and 150 other citizens of Vernon County; of I. B. Firman and 46 other citizens of Wood County; of A. F. Nunges and 50 other citizens of Madison; of M. J. Barthold and 20 other citizens of Rock County; of R. P. Nelson and 29 other citizens of Crawford County; of D. T. Bourdeau and 37 other citizens of Brown County; of R. B. Griggs and 88 other citizens of Baraboo; of R. L. Bohn and 73 other citizens of Lime Ridge; of I. Sanborn and 33 other citizens of Monroe County; of Ed. R. Franklin, jr., and 58 other citizens of Shawana County, and of C. C. Gittings and 55 other citizens of Racine, all in the State of Wisconsin, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the executive committee of the American Patriotic League, praying for the adoption of the proposed amendment to the Constitution of the United States prohibiting the appropriation of money for the use of sectarian schools; which was referred to the Committee on Appropriations.

Mr. CULLOM presented sundry petitions of citizens of Davis, Sparta, Ingraham, Rose Hill, Allendale, Havana, Freeport, Oakland, and Naperville, all in the State of Illinois, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented the petition of Albert N. Whitelaw and 49 other citizens of Wells River and Ryegate, in the State of Vermont, praying for the adoption of the proposed religious amend-

ment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of sundry citizens of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Young People's Society of Christian Endeavor of the Shawmut Congregational Church, of Boston, Mass.; a petition of 47 citizens of Middlefield, Mass., and a petition of 32 citizens of Westhampton, Mass., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. NELSON presented the petition of E. A. Werner and 38 other citizens of Gotha, and the petition of N. E. Bates and 48 other citizens of Winnebago City, Minn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. SEWELL presented petitions of Peter Cooper Council, No. 196, Junior Order United American Mechanics, of Newark; of Hope Council, No. 3, Junior Order United American Mechanics, of Bridgeton; of Livingston Council, No. 125, Junior Order United American Mechanics, of Atlantic City; of Peerless Council, No. 218, Junior Order United American Mechanics, of High Bridge; of Colonel Vredenburgh Council, No. 210, Junior Order United American Mechanics, of Turkey; of Anthony Wayne Council, No. 159, Junior Order United American Mechanics, of Newark; of Clinton Council, No. 18, Junior Order United American Mechanics, of Jersey City; of Golden Rod Council, No. 136, Junior Order United American Mechanics, of Rocky Hill; of Elberon Council, No. 85, Junior Order United American Mechanics, of Oakhurst; of Sunset Council, No. 34, Junior Order United American Mechanics, of Chatham; of Boonton Council, No. 188, Junior Order United American Mechanics, of Boonton; of Metuchen Council, No. 59, Junior Order United American Mechanics, of Metuchen; of Valley Forge Council, No. 2, Junior Order United American Mechanics, of Jersey City; of Trenton Council, No. 80, Junior Order United American Mechanics, of Trenton; of William Parker Council, No. 185, Junior Order United American Mechanics, of Paterson; of Charter Council, No. 106, Junior Order United American Mechanics, of Jacksons Mill; of Bayside Council, No. 107, Junior Order United American Mechanics, of Belford; of Onward Council, No. 98, Junior Order United American Mechanics, of Red Bank; of Olive Branch Council, No. 21, Junior Order United American Mechanics, of Paulsboro; of Success Council, No. 171, Junior Order United American Mechanics, of Millburn; of North Star Council, No. 222, Junior Order United American Mechanics, of Peapack; of Neptune Council, No. 217, Junior Order United American Mechanics, of North Long Branch; of Howell Council, No. 65, Junior Order United American Mechanics, of Farmingdale; of Henry Clay Council, No. 95, Junior Order United American Mechanics, of Newark; of Sherman Council, No. 61, Junior Order United American Mechanics, of Roselle; of George H. Adams Council, No. 36, Junior Order United American Mechanics, of Newark; of Arlington Council, No. 214, Junior Order United American Mechanics, of Arlington; of Jersey Blue Council, No. 22, Junior Order United American Mechanics, of Clayton; of Frame Council, No. 204, Junior Order United American Mechanics, of Millville, and of Walter Burdge and 12 other citizens of North Long Branch, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented the petition of Rev. Albert Reid and 24 other citizens of Bridgeton; the petition of Rev. J. L. Surtees, pastor, and 59 members of the Kaighn Avenue Methodist Episcopal Church, of Camden; the petition of J. D. Flock and 58 other citizens of Hackettstown; the petition of Rev. Joseph H. Bradley and 98 other citizens of Tuckertown, and the petition of Charles White and 50 other citizens of Cramer Hill, all in the State of New Jersey, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry miners and mine owners of Fremont County, Wyo., remonstrating against the enactment of legislation providing for the payment of assessment work on quartz lode claims; which was referred to the Committee on Mines and Mining.

Mr. HARRIS presented a petition of the Baptist, Lutheran, Methodist Episcopal Church South, and Presbyterian churches of Morristown, Tenn., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Alaka, Tenn., and a petition of 111 citizens of Pioneer, Tenn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented sundry papers to accompany the bill (S. 2384) for the relief of David O. Burleigh heretofore introduced by him; which were referred to the Committee on Military Affairs.

Mr. QUAY presented a petition of the council of the Historical Society of Pennsylvania, praying for the preservation and publication of the records of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of Washington Camp, No. 345, Patriotic Order Sons of America, of Philadelphia, Pa., remonstrating against the appropriation of moneys for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enrollment and organization of Naval Reserve forces; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the protection of American agriculture and shipping in the foreign trade; which was referred to the Committee on Commerce.

He also presented petitions of 93 citizens of Clearfield County, of 90 citizens of Bethlehem, of 20 citizens of Juniata County, of 125 citizens of West Middlesex, of 125 citizens of Mercer County, of 42 citizens of Willett, of 81 citizens of Moosic, of the members of the Reformed Presbyterian Church of Darlington, of 23 citizens of Emsworth, of 145 citizens of Knox, of 41 citizens of Saltsburg, of 30 citizens of West Lenox, of 43 citizens of Youngstown, of 89 citizens of New Park, of 103 citizens of Hoboken, of 105 citizens of McDonald, of 80 citizens of New Alexandria, of 26 citizens of Tarentum, of 51 citizens of Blairsville, of 54 citizens of Indiana County, of 69 citizens of Butler, of 116 citizens of Mercer County, of 92 citizens of New Brighton, of 33 citizens of Pottsville, of 29 citizens of Taylor, of 281 citizens of York, and of sundry citizens of Lattimer Mines, all in the State of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Milnesville, Pa.; a petition of sundry citizens of Lattimer Mines, Pa., and a petition of Washington Camp, No. 33, Patriotic Order Sons of America, of West Point, Pa., praying for the adoption of the proposed amendment to the Constitution of the United States, prohibiting the appropriation of moneys for sectarian purposes; which were referred to the Committee on Appropriations.

Mr. GRAY presented a petition of the Woman's Christian Temperance Union of Greenwood, Del., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GORMAN presented the petition of Sarah T. Miller and sundry other citizens of Sandy Spring, Md., praying for the enactment of improved Territorial divorce laws, and for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Joseph Shirley and sundry other citizens of Baltimore, Md., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented the memorials of A. G. Thomas and sundry other citizens of Sandy Spring; of Rev. Alfred Smith and J. W. Balderston, of Oxford; of Jonathan K. Taylor and sundry other citizens of Baltimore; of James Carey Thomas and sundry other citizens of Baltimore; of Thomas S. Stone, of Aquasco; of George A. Davis, of Westminster; of Alexander Chaplain and sundry other citizens of Easton; of Henry Wingate and sundry other citizens of Chaptico; of W. W. Brittingham and sundry other citizens of Snow Hill; of Edwin H. Brown and P. B. Hopper, of Centerville, and of the school board of Baltimore County, all in the State of Maryland, remonstrating against the enactment of legislation providing military training in the public schools of the country; which were referred to the Committee on Education and Labor.

Mr. PLATT. I present a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the establishment of an international court of arbitration between the United States and Great Britain. I do not know that the Senate can act in the way of appointing a commission, but the subject-matter of arbitration and the settlement of international difficulties by arbitration has my earnest approval. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GEAR presented a petition of the faculty of Amity College, College Springs, Iowa, and the petition of N. G. Evans and 55 other citizens of Atkins, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of sundry citizens of Harman,

Colo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 2) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 814) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

Mr. MANTLE, from the Committee on Education and Labor, to whom was referred the bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 2143) for the relief of Richmond College, located at Richmond, Va., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2187) to pension Thomas F. Leahy, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1011) for the relief of Capt. James Regan, United States Army, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant Thirty-sixth Massachusetts Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2367) to complete the military record of Dennis Whidly, to ask to be discharged from its further consideration, as it relates to the record of a sailor, and that it be referred to the Committee on Naval Affairs.

The report was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1816) for the relief of Michael Ryan, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2032) to grant right of way over the public domain for pipe lines, reported it with amendments.

Mr. CAFFERY, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 83) directing and authorizing the Secretary of War to appoint a commission to determine the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana, reported it with amendments.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. DANIEL on the 7th ultimo, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved that it be referred, with the accompanying papers, to the Committee on Appropriations; which was agreed to.

SECOND SPECIAL REPORT OF COMMISSIONER OF LABOR.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 additional copies, in cloth binding, of the Second Special Report of the Commissioner of Labor, being a report of the Committee on Interstate and Foreign Commerce of the House of Representatives, submitted July 20, 1892, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Department of Labor; and the Commissioner of Labor is hereby authorized to revise said report to include the labor legislation subsequent to the year 1891, and to annotate the report with reference to decisions of courts under the laws comprehended therein.

EULOGIES ON THE LATE SENATOR COLQUITT.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted yesterday by the Senator from Georgia [Mr. GORDON], to report it without amendment. I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the eulogies delivered in Congress upon the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, be printed, as required by law.

Mr. HALE. The committee report favorably upon this resolution as it was sent to the committee, but an examination of the printing act of January 12, 1895, leads me to believe that in this and any case of the kind no action on the part of the Senate or House is needed. It is there provided that in the case of eulogies upon any member of either body there shall be a certain number printed, with the form and style given, the distribution provided for, and all. I believe that there is no necessity for this resolution. I think all that is needed is that the subject-matter of the eulogies shall be furnished to the Public Printer and that he will then print the volume as the law directs. So I do not wish this to be taken as a precedent indicating that the committee need to intervene.

Mr. PASCO. With reference to this matter, I would state that the fact that no resolution of the sort had been passed was urged as a reason why the volume was not published. I called it to the attention of the Senator from Georgia [Mr. GORDON] yesterday morning, and upon my suggestion he offered the resolution. Upon inquiry at the document room we were told that the volume had never been issued, simply for the reason that such a resolution as is now pending had not been passed. It may be well that those having the direction of the matter should understand that such a resolution is not necessary, if the Senator from Maine is correct.

Mr. HALE. I made the explanation in order that the Senators from Georgia, who desired to have the eulogies printed and distributed, may understand how the matter rests at the present moment.

The concurrent resolution was agreed to.

EIGHTH SPECIAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring therein), That there be printed and bound in cloth 8,000 additional copies of the Eighth Special Report of the Commissioner of Labor, relating to the housing of the working people; 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Department of Labor.

BILLS INTRODUCED.

Mr. PRITCHARD (by request) introduced a bill (S. 2392) for the relief of J. U. Orr; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2393) for the relief of William E. Bond; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCBRIDE introduced a bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2395) to provide for the examination and classification of certain lands in the States of Oregon and Washington; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2396) to increase the pension of Patrick O'Neal; which was read twice by its title, and with the accompanying paper, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 2398) to refer the claims of Armstrong and others to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2399) to increase the pension of Ann Catherine Hull; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 2400) for the relief of James W. Morgan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2402) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 2403) for the relief of George J. Barnes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2404) defining and regulating proof in certain pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2405) empowering fourth-class

postmasters to administer oaths to pensioners; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2406) concerning the weight of evidence in pension claims; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2407) to supplement the act of June 27, 1890, as to pensions; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2408) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 2409) for the relief of Charles Brewster, and to place him upon the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2410) to amend section 2502 of the Revised Statutes of the United States; which was read the first time by its title.

Mr. ELKINS. I ask that the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Commerce, as follows:

Be it enacted, etc., That section 2502 of the Revised Statutes of the United States be, and the same is hereby, amended to read:

"SEC. 2502. A discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not belonging to citizens of the United States; and any and all clauses in existing treaties in contravention hereof, and all acts of Congress contrary thereto, are hereby abrogated and repealed."

SEC. 2. This act shall take effect fifteen months after its passage.

Mr. DAVIS introduced a bill (S. 2411) granting a pension to Adoniram C. Harper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITE introduced a bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 2413) to increase pension of Emily M. Tyler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2414) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2416) to prescribe and limit the power of judges and courts of the United States to punish contempts; which was read twice by its title, and ordered to lie on the table.

Mr. TELLER introduced a bill (S. 2417) to provide compensation to the reporter of the court of appeals of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. HILL. There being now a comfortable surplus in the Treasury, I ask unanimous consent to introduce a bill.

The bill (S. 2418) for the erection of a public building in the city of Elmira, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALLEN. I introduce a joint resolution, and I ask unanimous consent to submit some observations upon it at this time.

The joint resolution (S. R. 92) authorizing and requesting the President of the United States to issue a proclamation recognizing the political independence of the Republic of Cuba was read the first time by its title.

Mr. HALE. Let that go over, Mr. President.

Mr. ALLEN. I ask unanimous consent to submit some observations upon the resolution at this time.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent to submit some remarks upon the joint resolution at this time. Is there objection?

Mr. HALE. I will not object, but I call the attention of the Senator from Nebraska, who may be now considered an old Senator here, to the importance of observing the rule which requires imperatively that upon objection any measure shall go over. Unless the Senator believes himself that he has some distinctively good reason why he should submit remarks at present, I hope he will not ask unanimous consent to break the rule. I will not myself object.

Mr. ALLEN. I supposed the Senator from Maine would do me the courtesy of letting me make my request before he objected.

Mr. HALE. I do withhold my objection.

Mr. ALLEN. My mouth was open, I was making the request as speedily as I could, when the Senator, without paying any attention to me, I having the floor, interposed an objection. If the Senator wants to insist upon that objection I am perfectly willing he should do so, but I warn him now that there will be no unanimous consent for any measure he may bring in as long as I am here.

Mr. VILAS. The Senator from Maine says he does not object.

Mr. HALE. I do not think the Senator understood how good-naturedly I was interposing. Of course if the resolution was to go over the objection had to be made at once. I said if the Senator himself believes there is good reason why he should submit some remarks now, I do not interfere, I do not object, I do not propose to object. I leave that matter entirely to him. I do not make any objection.

Mr. ALLEN. I certainly supposed there was some reason for making the remarks or I would not have asked leave to make them.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. CHANDLER. I thought I heard the Senator from Nebraska say—he will correct me if I am wrong—that unless unanimous consent was agreed to there would be no other unanimous-consent agreements during this session. Was I right in my apprehension?

Mr. ALLEN. The Senator did not hear me say anything of the kind.

Mr. CHANDLER. I should like to have the Senator state what he did say.

Mr. ALLEN. I said to the Senator from Maine, who has now, I think, for the third time in two weeks objected to my addressing the Chair, and who is himself constantly out of order here and asking unanimous consent, that if he persisted in objecting to my submitting observations on this occasion, so far as I was concerned he should not have unanimous consent while I stay here.

Mr. CHANDLER. If the remark of the Senator from Nebraska was personal to the Senator from Maine the Senator from Maine will take care of himself; but I certainly should not be willing to give unanimous consent to any Senator to go on and make a speech who prefaced his request or accompanied his request by the statement that unless his request was granted there would be no other unanimous-consent agreements during the session.

Mr. ALLEN. The Senator from New Hampshire is altogether too suspicious.

Mr. CHANDLER. I only spoke from what I heard. The Senator sometimes speaks very loudly; at other times he speaks very feebly. It is not always possible to hear on this side of the Chamber exactly what the Senator says.

Mr. ALLEN. I give myself credit for possessing sense enough not to make a statement of that kind. I think the Senator may give me that credit.

Mr. CHANDLER. I accept the Senator's disclaimer. I only wish to say that I understood him that way.

Mr. ALLEN. I did feel incensed for a moment at the action of the Senator from Maine, because I think this is the third time within the last two or three weeks, when the Senator from Maine had just taken his seat from a violation of the rules of the Senate, asking unanimous consent for the introduction or the passage of measures that were not in order and receiving it, that he immediately rose and objected to the same request upon my part. It was from my resentment at that conduct on the part of the Senator from Maine that I said to him, and I repeat (I have nothing to apologize for or to take back), that if this kind of treatment is to continue, the Senator from Maine asking unanimous consent here for the introduction or for the passage of measures and the consideration of resolutions, and himself objecting when the same request is made upon my part, I shall establish an equality between us in some form by objecting to his measures.

Mr. HALE. Now, let me say to the Senator from Nebraska, he can not alone get up a vendetta between him and me. I shall utterly decline to be on relations with him that oblige me all the time to watch him and pay him off for something he has done. I think he and I could be in better business than that.

As to my being out of order in submitting a request for unanimous consent to consider bills, I do not know that I have done that except for the Committee on Printing, which from time immemorial passes its measures in that way. They are matters of no great importance; they are generally for the convenience of members; they involve but little money and but few questions, and it is for the convenience of the Senate that measures from that committee should be taken up and passed at once when reported. They are mainly concurrent resolutions to be sent to the other branch. It is not done for the convenience of the committee; and when I, as chairman of the committee, ask that, I do what all chairmen of the committee have done for years and years, all the time that I have been here; and I do not feel that I am putting myself upon the mercy of Senators, because if the Senator should,

as he can at any time, object to every one of the printing resolutions that we report and send them to the Calendar, I shall be well content. So I do not want the Senator, who, as I have said before when he and I have had perhaps some little controversy, is at bottom a good-natured man and does not want to be oversuspicious, to feel that I am watching for him. I am not.

When this morning he submitted a request to make some remarks, I called his attention, I thought in a kindly way, to the fact that it was an innovation of the rule; but I said to him that I would not object; that if he felt that he wanted to go on I was entirely willing that he should go on; and I can assure the Senator that if any other Senator had made the same request I should have called his attention to it as I did in his case. I think he ought to feel that in matters of this sort Senators may be allowed to invoke the rule in a pleasant fashion without there being carried with it anything whatever of a personal nature. I can assure him that I had nothing of that kind in my mind.

Mr. ALLEN. Mr. President, just one word, and I will let my speech go. I did not stand in need of any suggestion from the Senator from Maine as to whether I regarded my remarks as important or not. I had determined that in my own mind before I asked the unanimous consent of the Senate to deliver them; and it occurs to me that it came with entirely poor taste from the Senator from Maine to suggest that I was violating the rules of the Senate when I asked unanimous consent, and did not propose to attempt to proceed without that unanimous consent, and make the suggestion to me that he would not object if I regarded my remarks as of sufficient importance to insist upon delivering them at this time. They may not be important to the Senator from Maine; they may not be important to the Senate; they may not be important to the country, Mr. President; but they are important to me, and I so regarded them when I asked for unanimous consent.

The Senator's interruption, his suggestion, his question to me, was an insinuation of itself (whether it was designed to be such or not I do not know and do not care) that I was in some manner violating the rules of the Senate. I say to the Senator, and I say to him in all good nature, because I have no unkindly feelings for him, that the Senator has himself been in the habit of violating the rules of the Senate, as we all do from time to time, without anybody making a suggestion of a violation of the rules to him or calling his attention to it.

I simply wanted to remind the Senator, and I want to remind him in kindly words and in kindly feelings, that if he persists in violating the rules of the Senate and then calling my attention to what I am doing when I ask to follow his precedent and follow in his wake, I shall see, if I am around, that he observes the rules as far as I know them.

Mr. CHANDLER. I desire to say a word. Is the Senator through?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I desire to say a word to this effect: When the Senator speaks of a violation of the rules of the Senate by the Senator from Maine, I think he is mistaken. If he means that the Senator from Maine, like other Senators, frequently asks unanimous consent to take up some measure of business which is out of order unless unanimous consent is given, then he is right. But the expression of the Senator is very broad. I do not understand that any Senators are in the habit of violating the rules of the Senate in the sense in which the Senator from Nebraska speaks. The business of the Senate is done, I am happy to say, so far as forms are concerned, very much as a body of gentlemen, such as we are supposed to be, do business in their own parlors, by mutual consent and conference, and with a great deal of mutual forbearance, in order to keep the peace.

Mr. WOLCOTT. Mr. President, I desire to ask, if I may, what is the business before the Senate? This triangular interchange of mutual apology between the Senator from New Hampshire and the Senator from Nebraska and the Senator from Maine is of great interest, but I should like to know, if I may, what is the pending business.

The VICE-PRESIDENT. The Chair will answer the inquiry of the Senator from Colorado. The Senator from Nebraska asks unanimous consent to address the Senate upon a joint resolution which he has introduced. Is there objection to the request of the Senator from Nebraska?

Mr. ALLEN. Mr. President, let me suggest that I could have delivered my speech in about two minutes. The junior Senator from Indiana [Mr. TURPIE] desires to address the Senate upon another matter, and with the unanimous consent of the Senator from Maine, I withdraw my request for unanimous consent to address the Senate. Let the joint resolution be referred.

The joint resolution (S. R. 92) authorizing and requesting the President of the United States to issue a proclamation recognizing the political independence of the Republic of Cuba was read the second time by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MEMORIAL OF THE NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. SHERMAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 17 of the first session of the Fifty-fourth Congress, being the memorial of the National Wool Growers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

REPORT ON SALMON FISHERIES OF ALASKA.

Mr. TELLER submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies; 1,500 for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department.

REPORT ON NICARAGUA CANAL.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of the report of the Board of Engineers relative to the construction and completion of the Nicaragua Canal, without maps; of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

BOND REDEMPTION AND BIMETALLISM.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. ALLEN, that under existing laws all bonds and legal-tender notes are redeemable in gold and silver coins of the United States of the present ratio and fineness, and that any discrimination between such coins is in violation of the statutes of the United States and the traditions of the Government.

Mr. ALLEN. Let the resolution be passed over without objection.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. HARRIS. I suggest to the Senator from Nebraska that his resolution lie upon the table, subject to his call, so that the Chair may not be obliged to lay it before the Senate every morning.

Mr. ALLEN. That course will be satisfactory.

Mr. HILL. I simply suggest that the Senator from Nebraska had better call it up on one day's notice. Others are interested in the resolution as well as the Senator from Nebraska.

Mr. ALLEN. Very well; let that be the order.

Mr. HILL. On one day's notice.

Mr. ALLEN. I will call up the resolution after one day's notice.

The VICE-PRESIDENT. It is so ordered, in the absence of objection. The Calendar under Rule VIII is in order.

THOMAS CHAMBERS.

The bill (S. 306) for the relief of Thomas Chambers was considered as in Committee of the Whole. It proposes to pay to Thomas Chambers, of Mackinac, Mich., $3,654.56, in full compensation for the additional expenses incurred by him in carrying the Canada mails, as contractor on route No. 24413, from Sault de Ste. Marie, Mich., to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES P. CHOUTEAU.

The bill (S. 72) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, was considered as in Committee of the Whole. It proposes to pay to Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, $174,445.75, in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract of Charles W. McCord.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORRILL. I move to strike out the preamble.

Mr. BURROWS. There is no objection to that.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to strike out the preamble.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 98) directing the Secretary of War to cause Lieut. Col. Jared A.

Smith, Corps of Engineers, to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

A bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States; and

A joint resolution (H. Res. 17) for the erection of a statue of Francis E. Spinner at the Treasury Department building in Washington.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes;

A bill (H. R. 3982) granting condemned cannon, etc., to Lincoln Post, Grand Army of the Republic, Hope Valley, R. I.; Woman's Relief Corps, Taylorville, Ill., and town of Newton, N. J.;

A bill (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River;

A joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor, under the direction of the Secretary of War; and

A joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

IMPRISONMENT OF EUGENE V. DEBS.

The next business on the Calendar was the resolution introduced by Mr. CALL January 23, 1896, and reported February 4, 1896, by Mr. HILL, from the Committee on the Judiciary, with an amendment.

The VICE-PRESIDENT. The resolution originally submitted by the Senator from Florida will be read.

The SECRETARY read the resolution submitted by Mr. CALL January 23, 1896, as follows:

Resolved, That a special committee of seven Senators shall be appointed, who shall be charged with the duty of inquiring into the imprisonment of Eugene V. Debs for an alleged contempt of court, who shall report to the Senate and recommend such legislation as may be necessary for the just enforcement of the law and the protection of citizens from arbitrary and oppressive exercise of judicial power.

Mr. GORMAN. Let that go over.

Mr. CALL. There is no difficulty about the resolution with the amendment reported by the Senator from New York [Mr. HILL] from the Committee on the Judiciary, which covers the resolution I introduced for an inquiry into the Debs case as to his arrest and imprisonment under the order of the court. The amendment is satisfactory to me, and I hope it will be adopted and that the resolution as amended may pass.

Mr. GORMAN. I ask that it go over without prejudice.

The VICE-PRESIDENT. It will go over under the rule.

Mr. HILL. I will state to the Senator from Maryland that the Committee on the Judiciary had those two resolutions before them. One was to investigate the particular matter relating to the Debs case, the other was a general resolution to investigate the whole subject of contempts and to report by bill or otherwise. That is the resolution which it is now proposed to pass, and it is desirable that it should be passed, so that the committee may proceed. The subcommittee in that case has already been appointed and is awaiting action on this resolution. The Senator from Florida does not press his resolution.

Mr. CALL. No.

Mr. HILL. However, if the Senator from Maryland desires the resolution to go over, it may do so.

Mr. GORMAN. On the statement of the Senator from New York, I withdraw my objection.

The VICE-PRESIDENT. The amendment reported by the Senator from New York will be stated.

The SECRETARY. It is proposed to amend the original resolution by substituting the following:

Resolved, That the Judiciary Committee is hereby directed to investigate the law upon the whole subject of contempts of court as enforced by the Federal courts, and report to the Senate whether any additional legislation is necessary for the protection of the rights of citizens; and, if so, to report such legislation.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

DONATION OF CONDEMNED CANNON TO CUSTER POST, ETC.

The bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to add to the bill the following proviso:

Provided, That the condemned cannon herein mentioned are available for the purposes stated, and can, in the opinion of the Secretary of the Navy, be spared without detriment to the public interests: *And provided further*, That the Government shall not incur any expense in handling or transporting said cannon.

The amendment was agreed to.

Mr. GEAR. I wish to offer an amendment that two condemned cannon be also donated to Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

I wish to say in connection with this amendment that General Mathies, of my State, was a German, and he was the first man to offer his services to the Government during the civil war. He lies buried in a cemetery in my town, where there is a monument erected to his memory. I do not know where there is a Grand Army post that should have higher consideration at the hands of the Senate in this matter than Mathies Post. I therefore offer the amendment which I send to the desk.

Mr. BAKER. What is the amendment?

Mr. GEAR. That two condemned cannon be also donated to Mathies Post, at Burlington, Iowa.

Mr. BAKER. I have no objection.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the original bill, before the amendment just adopted, it is proposed to insert:

And that two condemned cannon be also donated to Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa."

JULIA A. HUMPHRIES.

The bill (S. 518) for the relief of Julia A. Humphries was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "10,000" and insert "5,215"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Julia A. Humphries, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,215 as a full indemnification for property taken by the United States Army for hospital purposes at Fredericksburg, Va., and for damages suffered at the hands of the Union forces, and for services rendered as hospital nurse during the war of 1861.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. CHANDLER. Before the bill is passed, I should like to have an explanation. I do not like the sound of the words "for damages suffered at the hands of the Union forces." It has not been customary in the few bills which have passed to use that language.

Mr. TELLER. I will say to the Senator that this is not for damages in the ordinary sense.

Mr. COCKRELL. Let those words be stricken out.

Mr. CHANDLER. There have been some bills passed for paying money to colleges and literary institutions, which, on the de minimis principle, no one cares anything about; but I do not remember the passage of a bill heretofore recognizing that principle.

Mr. TELLER. If the Senator from New Hampshire would wait a little while, and let me make a statement of the case——

Mr. CHANDLER. I did not want the Senator to answer my point until he knew what it was.

Mr. TELLER. This does not fall within the rule stated at all. It is not for damages; it is for supplies taken and used by the Army.

Mr. CHANDLER. It reads "damages" in the bill.

Mr. TELLER. The damage was to a house which the Government used for a hospital. The bill is to pay for rental and damage to the house. We have disallowed all the other items and they have been cut out of the bill. That is the reason the bill is amended, reducing the amount from $10,000 to $5,215.

Mr. CHANDLER. Damage done by military occupation?

Mr. TELLER. The damage was done by the Government taking possession of the claimant's store and using her groceries and provisions for the Army; and the bill is for rental and repairs

of the store which were required after the Government left it. The bill is strictly in accordance with the practice of the Senate and of the Committee on Claims for the last twenty years.

Mr. CHANDLER. If the Senator will have the words read which I have criticised I should be obliged.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

As a full indemnification for property taken by the United States Army for hospital purposes at Fredericksburg, Va., and for damages suffered at the hands of the Union forces, and for services rendered as hospital nurse during the war of 1861.

Mr. CHANDLER. "Damages suffered at the hands of the Union forces" sounds to me very much like paying for war damages.

Mr. TELLER. If the Senator desires to have those words stricken out, very well. There was a claim made for damages in the proper sense, but we disallowed that for fear that intention might be conveyed. Nothing is allowed except for such things as the Government took and used and for damage to the building by Government occupation.

Mr. CHANDLER. I suppose the amount is correct, and will not be objected to, but that clause is certainly objectionable.

Mr. TELLER. I move to strike out the word "damages," if the Senator objects to that word.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9, after the name "Virginia," it is proposed to strike out "and for damages suffered at the hands of the Union forces."

Mr. TELLER. The report will show that no allowance is made for damages.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL MEN FOR THE NAVY.

Mr. CHANDLER. I should like to ask the Senator from Maryland, who has given notice of a motion to reconsider the vote by which the Senate passed the bill (S. 1404) authorizing the Secretary of the Navy to enlist additional men for service in the United States Navy, and for other purposes, when it is his intention to have that motion taken up and considered by the Senate?

Mr. GORMAN. At any time after to-day. I desire to submit some remarks upon the subject.

Mr. CHANDLER. Is it the intention of the Senator to bring up the motion at an early day?

Mr. GORMAN. Yes; at an early day.

SENATOR FROM DELAWARE.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the privileged question touching the right to a seat of Mr. Henry A. Du Pont, of Delaware.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Oregon asks that the Senate now proceed to the consideration of the resolution named by him, which will be read.

The Secretary read as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate.

ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MITCHELL of Oregon. I hope that motion will not be carried.

The PRESIDING OFFICER. The Senator from Maryland moves that when the Senate adjourn to-day it be to meet on Monday next. [Putting the question.] In the opinion of the Chair, the ayes have it.

Mr. HANSBROUGH. A few days ago I gave notice that to-morrow at 2 o'clock I should ask the consideration of a certain measure on the Calendar. If it is the desire of the Senate to adjourn until Monday, I have no objection, and will ask that the special order go over until Monday next.

Mr. GORMAN. That is right.

The PRESIDING OFFICER. That will be the effect of the adjournment, the Chair thinks.

The Chair has not yet declared the motion to adjourn until Monday carried. The Chair thinks the motion is carried. In the opinion of the Chair, the effect of the adjournment to Monday would be to make the matter referred to by the Senator from North Dakota the special order for Monday next.

Mr. NELSON. Has the Chair decided as to whether or not the motion to adjourn over was carried?

The PRESIDING OFFICER. The Chair has decided that the motion was carried.

ART COMMISSION.

Mr. HANSBROUGH. I desire to ask the Senator from Oregon if he will not yield until I can ask unanimous consent for the consideration of a bill which I think will lead to no debate whatever?

Mr. MITCHELL of Oregon. I yield to the Senator from North Dakota, provided his bill does not lead to any debate.

Mr. HANSBROUGH. I do not think it will. I ask unanimous consent for the present consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HANSBROUGH. This bill has been read twice, and as I have an important amendment which is practically a substitute for the entire first section, I will ask that the substitute be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. It is proposed to strike out all of section 1 and insert in lieu thereof—

That there be, and hereby is, constituted and created a body which shall be known and designated as the Art Commission of the United States, to consist of five persons, other than artists or sculptors, who shall be citizens of the United States and eminently distinguished in literature and the fine arts. Selections for membership in said commission shall be made in the following manner, to wit: One member to be named by the President of the United States for a term of six years; two by the Senate, one for a term of two years and one for a term of four years; and two by the House of Representatives, one for a term of two and one for a term of four years; and after the expiration of the terms above prescribed the term of office of each commissioner shall be for six years. The said commission shall be invested with the duties and privileges hereinafter mentioned.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BUTLER. I desire to ask the Senator what is the necessity for this proposed law, and how it will operate?

Mr. HANSBROUGH. I think it must be evident to every Senator here, certainly to every Senator who has served on the Committee on the Library, that some such legislation as this is absolutely necessary. For my part, I think I should prefer not to be a member of the Committee on the Library if I am to be constantly beset almost day and night by people who are interested in the Government's purchase of works of art.

The purpose of the bill, as explained in section 1, is to establish an art commission, the duties of which are set forth in section 2 of the bill.

The action of this commission will not be final. The commission is simply advisory, and is to report to the two Houses of Congress, so that we shall have the benefit of their expert judgment in the purchase and management of works of art in this Capitol and in the new Library building.

I stated, when I asked the Senator from Oregon to yield for the consideration of this bill, that I would not ask its consideration if it led to debate. I think I fully explained to the Senator from North Carolina [Mr. BUTLER] the other day the purpose of this bill, and supposed that he had become reconciled to it. I hope the explanation I have now made will be satisfactory.

Mr. ALLEN. Let the bill be read in full, Mr. President.

Mr. BUTLER. I ask that the bill be read at length.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to have the bill read as originally reported, or as it will stand when amended?

Mr. ALLEN. As it will stand when amended.

Mr. HANSBROUGH. Let us proceed to perfect the bill by amendment, and then we may have it read in full.

Mr. MITCHELL of Oregon. If the bill is going to lead to a long discussion, I must interpose.

Mr. HANSBROUGH. I will withdraw the bill if it leads to discussion.

The PRESIDING OFFICER. The Senator from Nebraska asks for the reading of the bill as it will read if amended as now proposed.

Mr. HANSBROUGH. Let us proceed to have the bill amended first, and then it can be read as amended.

The PRESIDING OFFICER. That depends on whether the Senator from Nebraska withdraws his request.

Mr. ALLEN. I withdraw the request. Let the amendments first be acted upon, and then let the bill be read as amended.

The PRESIDING OFFICER. That course will be pursued. The question is on the amendment submitted by the Senator from North Dakota [Mr. HANSBROUGH], which has been read.

The amendment was agreed to.

Mr. HANSBROUGH. In line 6 of section 2, after the word "art," I move to insert "and valuable historical records and manuscripts."

The amendment was agreed to.

Mr. HANSBROUGH. In line 11 of the same section, before the word "report," I move to strike out the words "and complete," and insert after the word "report" the words "of their findings."

The amendment was agreed to.

Mr. HANSBROUGH. In the same section, line 12, I move to strike out the remainder of the section, and insert "Senate and House of Representatives."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 12, after the words "to the," it is proposed to strike out the remainder of the section, as follows:

President of the United States, a copy of the report to be submitted simultaneously with the report to the President of the United States to the Joint Committee on the Library of the two Houses of Congress.

And insert:

Senate and House of Representatives.

The amendment was agreed to.

Mr. HANSBROUGH. At the end of section 3, after the word "commission," in line 6, I move to insert "while the same is in session."

The amendment was agreed to.

Mr. HANSBROUGH. I move to strike out section 4, as follows:

SEC. 4. That all vacancies occurring in said commission shall be filled by appointment, as provided in section 1 of this act.

The amendment was agreed to.

Mr. HANSBROUGH. Now, if the Senator from Nebraska desires to have the bill read, it is perfected as the committee desire to have it laid before the Senate.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to have the bill read as amended?

Mr. ALLEN and Mr. FAULKNER. Let it be read.

The PRESIDING OFFICER. The bill will be read as it has been amended.

The Secretary read as follows:

Be it enacted, etc., That there be, and hereby is, constituted and created a body which shall be known and designated as the Art Commission of the United States, to consist of five persons other than artists or sculptors, who shall be citizens of the United States and eminently distinguished in literature and the fine arts. Selections for membership in said commission shall be made in the following manner, to wit: One member to be named by the President of the United States for a term of six years; two by the Senate, one for a term of two years and one for a term of four years; and two by the House of Representatives, one for a term of two and one for a term of four years, and after the expiration of the terms above prescribed the term of office of each commissioner shall be for six years. The said commission shall be invested with the duties and privileges hereinafter mentioned.

SEC. 2. That it shall be the duty of said commission to convene semiannually in the city of Washington for the purpose of examining the art collections in the Capitol and the Congressional Library buildings, and also to inquire into the condition and make inspection of the Congressional Library proper, and to examine all works of art and valuable historical records and manuscripts offered for sale or as a donation to the United States for use in the Capitol or Congressional Library buildings. Upon completion of such examination, inquiry, and inspection as aforesaid, it shall be the further duty of the said commission to make annually a full report of their findings, with such recommendations as the commission may deem proper, to the Senate and House of Representatives.

SEC. 3. That it shall be the duty of the Librarian of Congress to designate suitable rooms in the Library building as a permanent meeting place for the said commission and their successors. The Librarian shall also assign a page and a messenger to do duty in connection with the work and to be under the control of the commission while the same is in session.

Mr. MORRILL. I should like to inquire what the compensation will be.

Mr. HANSBROUGH. No compensation whatever is to be allowed to the members of the commission. It is supposed that there are in this country gentlemen who have pride enough in art to pass in an advisory way upon these matters without compensation.

Mr. MORRILL. I should think it very objectionable permanently to set apart a room in the Library building for the commission to meet only once or twice a year, when they might just as well meet at a hotel or in some committee room of the Capitol temporarily, or anywhere else.

Mr. HANSBROUGH. I suppose as they will meet but, say, twice a year, and there being but five of them, a room can be set aside for their temporary use for a short time at least. Probably the commission would not be in session more than a few days at a time, and as the works of art upon which they would have to pass would probably be displayed in the new Library building, it will be necessary for them to be there more or less. I do not think there will be any inconvenience in that.

Mr. ALLEN. I think the bill ought to go over and be considered some time when it can be debated.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. ALLEN] objects to the further consideration of the bill.

Mr. GEORGE. Let the bill be printed.

Mr. HANSBROUGH. I desire to have the bill printed as amended.

The PRESIDING OFFICER. The bill will be printed as amended.

Mr. HANSBROUGH. I shall not make further efforts to pass the bill at this time, but I desire to say that unless we have some legislation of this kind I shall postively object in future to the purchase of any paintings or statuary whatever for use in this building or other buildings upon the say so of anybody.

FRANK J. BURROWS.

Mr. QUAY. I shall be very greatly obliged to the Senator from Oregon [Mr. MITCHELL], if he will yield to me to secure the passage of a bill. If it evokes one word of discussion I will withdraw it.

Mr. MITCHELL of Oregon. The Senator from Pennsylvania made the request of me prior to that of the Senator from North Dakota [Mr. HANSBROUGH]. He assures me that the bill is very brief and that it will lead to no debate. If it leads to discussion I shall be unable to yield.

Mr. QUAY. If it creates any debate I will withdraw the request. It is the bill (S. 1183) for the relief of Frank J. Burrows. A similar bill once passed the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to cause the account of Frank J. Burrows, late postmaster at Williamsport, Pa., to be credited with the sum of $4,022 on account of loss incurred by robbery of that post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM DELAWARE.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the resolution in relation to the Senator from Delaware.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. MITCHELL of Oregon. Mr. President, yesterday, before yielding the floor, I had attempted to demonstrate, so far as I could, first, that under certain *express* provisions of the constitution of the State of Delaware each and every citizen of that State is prohibited from exercising simultaneously in that State the offices of governor and State senator. I had further attempted to demonstrate, and I think I did, certainly to my own satisfaction, that in virtue of various other provisions of the constitution of the State of Delaware there is an *inferential inhibition* placed upon each and every citizen of the State of Delaware from exercising at the same time the two offices of executive and legislator, on the plain ground, as it seems to me, as these several provisions of the constitution would seem to indicate, that those two offices and the functions of those two offices, respectively, are incompatible, and therefore can not be exercised at the same time by the same person.

I had then proceeded further to demonstrate, so far as I could before the adjournment of the Senate, that the question whether or not the governor of the State of Delaware had a right to enter the joint assembly of the members of the general assembly of the State of Delaware and vote for United States Senator is one that the Senate of the United States can inquire into, as claimed by the majority of the committee. I attempted to show, so far as I could, that that is a question that is not within the *exclusive* jurisdiction of the Delaware senate; that while in the first instance the Delaware senate has the right, and not only the right, but there is impressed upon that body by law a duty to pass upon that question, yet the decision of the Delaware senate upon such question, whatever it might be or may have been, if ever there was a decision—and I say there never was any—is one that is not binding on the Senate of the United States; but on the contrary it is a question that remains open, a question which the Senate of the United States has the right to determine for itself under the grant of power given it by that clause of the Constitution of the United States which declares that each House of Congress shall be the judge of the elections, returns, and qualifications of its own Members.

I then proceeded, before adjournment yesterday, to take up and review and answer, so far as I was able, the contentions of the minority of the committee, as presented in the views submitted by them and attached to and made a part of the report of the Committee on Privileges and Elections, and in doing that I had advanced so far before yielding the floor as to approach a consideration of the three cases cited by the distinguished Senator from Indiana [Mr. TURPIE] in his views, and on which, I understand, he and those who agree with him rely in the attempt to satisfy the Senate of the United States that it is utterly without power to inquire into the question as to whether or not the governor of the State of Delaware had on the 9th day of May, 1895, while exercising every function of the executive of the State, a right to leave his gubernatorial chair and go back into the chair of the speaker of the senate, enter the joint assembly of the members of the legislature of the State of Delaware met for the purpose of electing a United States Senator, there be counted as one of those members, and there and then cast his vote, and that, too, Mr. President, the casting vote, by which the election of a Senator should be determined.

I shall now proceed, Mr. President, to call further attention to the cases cited in the views of the minority.

The only question involved in that portion of the report of the committee in the cases of Clarke and McGinniss *vs.* Sanders and Powers, cited in the views of the minority, relates to the title of persons admitted to seats in the legislative body on certificates of election and before the *very right* of such persons has been adjudicated. The committee and the Senate in those cases very properly held that such certificates carried with them, not only a *prima facie*, but an *absolute title*, good for all purposes, until the house itself had adjudicated upon the question. There was no constitutional question involved as to whether any seat was or was not *open to occupation;* no *constitutional question* as to the right of a person to exercise the office of legislator after the happening of a certain contingency, admitted by all to have occurred, and when no question of fact is involved in a case where the Constitution declares that the happening of such event shall operate *ipso facto*, either to create a vacancy, temporary or otherwise, in the office of legislator, or to absolutely disqualify such person from continuing to exercise the office of legislator for and during the period that he exercises the functions of another office.

A careful reading of the last two pages of the views of the minority develops the fact that the minority proceed upon the theory that in considering this case and in determining the question as to the power of the United States Senate to inqure into the right of the governor of the State of Delaware to vote in the joint assembly of members of the legislature for a United States Senator, we are to close our eyes to everything relating to the accession of Speaker Watson to the exercise of the office of governor; that we are to be oblivious to all those provisions of the Delaware constitution upon this subject, and we are asked to believe that, no matter what may happen to a member of the Delaware legislature subsequent to his admission to a seat, provided his right to a seat has once been passed upon—whether he has become governor of the State, President of the United States, or been hanged by judicial process, all being in each case a matter of public record, notorious and conceded by all—the Senate of the United States must, in judging of the right of a claimant to a seat in this body, assume that, unless a record of the Delaware senate is produced showing that that body has passed upon the question and determined the seat vacant, he is still and must forever remain, at least until the expiration of the term for which he was elected, a member of that body. That is the claim of the minority of the committee.

In this connection it is well to keep distinctly in view the difference between what constitutes a constitutional or statutory qualification of a person entitled to a seat in a legislative body, and upon which certainly, in so far as all questions of fact are concerned, such body—I now speak of the Delaware senate—is to be the exclusive judge, and which judgment is binding on the Senate of the United States in the manner and to the extent I have stated, and that which, after his qualifications have been adjudicated and he has been admitted to a seat, operates to *oust* a Senator absolutely, or to suspend his right, either absolutely or temporarily, to exercise such office. As to the former, as I have stated—that is, as to the qualifications to a seat—of these, the Delaware senate is the exclusive judge; as to the others, such senate is *not* the exclusive judge. And whenever a question involving this latter, growing out either of the act of the member himself, the act of God, or the operation in a certain contingency of a constitutional provision, is involved in the consideration here, as to the right of a member to a seat in this body, then whether the Delaware senate has or has not adjudicated the question matters not. In either event, the Senate of the United States has the right to inquire into and adjudicate it for itself. And I here assert this proposition as the correct rule, growing out of the constitutional provision empowering a State senate to judge of the qualifications of its own members. When the constitution of a State prescribes a certain series of specific qualifications which a person must possess in order to entitle him to a seat in the Senate, the specification of these excludes all others, and it is only as to those specified that the State senate has a right to inquire, and its judgment as to these only is conclusive.

Mr. Justice Story, in discussing this subject, section 925, Story on the Constitution, says:

> It would seem but fair reasoning, upon the plainest principles of interpretation, that when the Constitution established certain qualifications as necessary for office, *it meant to exclude all others as prerequisites.* From the very nature of such a provision, the *affirmation of these qualifications* would seem to imply a *negative of all others.*

This language of Mr. Justice Story is cited and approved by Mr. Cooley in his Constitutional Limitations, page 64; also in Thomas *vs.* Owens, 4 Md., 189; also in Dorsey's case, 7 Port., 293.

The constitution of the State of Delaware prescribes four qualifications only for a State senator:

First. He must be 27 years of age;

Second. He must own certain property of a certain value;

Third. He must have been a citizen and an inhabitant of the State three years next preceding the meeting of the legislature after his election; and

Fourth. The last year of such term he must have been an inhabitant of the county in which he shall be chosen.

The power, therefore, of the Delaware senate to judge of every one of these facts, constituting, each of them, *constitutional qualifications*, subject to the exceptions and limitations I have stated, is, it is conceded (not perhaps by the present occupant of the chair [Mr. PLATT in the chair], judging from some remarks he made yesterday) *exclusive* in the State senate, and the determination of that body is binding as to the finding of such facts on the Senate of the United States.

Mr. GEORGE. Both as to the law and the facts?

Mr. MITCHELL of Oregon. I stated specifically that it is binding only as to the *facts*.

Mr. GEORGE. No right to judge of the law?

Mr. MITCHELL of Oregon. As to the finding of facts the judgment of the State senate is conclusive and binding on the Senate of the United States, but not as to the construction either of the fundamental law or of a statute. That is my position.

There is, however, no *exclusive* power to judge as to any other qualification, much less, *a fortiori*, may it be said, can such senate be the exclusive judge of any constitutional *disqualification*, still much less can the senate be permitted to determine *exclusively* any disputed question arising under the fundamental law of the State as to whether or not a certain seat in the senate is or is not *subject to occupation*, either *permanently* or *temporarily*. The oath which the constitution prescribes shall be taken by a senator before he enters upon his duties as such is not one of the constitutional qualifications for such office. It is but a part of the necessary machinery through and by which a person who has by the senate been adjudged qualified to occupy a seat in the senate is inducted into such seat. Therefore, the question as to whether this has been illegally or constitutionally done is not one which the State senate can exclusively determine, or which would be binding either here or in a court of justice. In such a case neither the United States Senate nor any court would be precluded the right or power of inquiring into that question and determining it for itself, respectively.

So, also, is it true when a question arises under the Delaware constitution not involving a consideration as to the constitutional qualifications of a person to a seat in the senate of that State, but on the contrary involving the entirely different question, as is the case we are now considering—that is, as to whether a person whose qualifications to a seat have been adjudicated by the senate, and the person so found to possess the requisite qualifications has been legally inducted into office, has either *permanently* or *temporarily*, by any act of his *resigned such office*, either by a direct resignation or by an *implied resignation*, or a *resignation in law*, which often occurs, by accepting an office, the duties and functions of which are incompatible with the office of senator—then that is *not* a question which the Delaware senate can *exclusively* determine, but it must be determined by the United States Senate, or any judicial court or other tribunal before which the question may properly arise.

Even had the Delaware senate attempted to decide the question, and it never did, and although it had, as a matter of fact, either expressly or constructively, decided the same, and it never did either, such decision would not and could not be binding on the Senate of the United States. It would not be a judgment as to the *constitutional qualifications* of Watson to a seat in the Senate. The question would not have been as to whether Watson possessed the four necessary qualifications to a seat in the senate, but the question would have been had Watson, although possessed of all the four qualifications, and although legally and constitutionally inducted into office, or *abdicated* or *resigned his right*, either *permanently* or *temporarily*, to exercise the functions of senator, by the acceptance of an incompatible office, which is *in law such resignation*.

Mr. GEORGE. Will the Senator from Oregon allow me to ask him a question as to his position?

Mr. MITCHELL of Oregon. Certainly.

Mr. GEORGE. I have not been able to ascertain whether the Senator's position is that Mr. Watson actually vacated the office or whether the office was merely suspended. I should like to know what the Senator's position is on that point, whether the office was vacant or whether it was merely suspended.

Mr. MITCHELL of Oregon. I have no hesitation whatever in stating to the distinguished Senator from Mississippi and the Senate, in answer to the inquiry, precisely what my individual position is on that question.

I will state frankly to the Senator from Mississippi and the Senate that if this were a case of first impression—that is to say, if this question were here in the early history of the government of the State of Delaware, when there had been no usage of any kind or precedents of any kind throwing light, as they properly may, upon any clause in the constitution of the State which may be of

doubtful construction—I would have no hesitation whatever in holding to the view that on the accession of the speaker of the senate of the State of Delaware to the exercise of the office of governor of that State, not only the office of speaker of the senate held by him, but also the office of senator held by him became *ipso facto absolutely vacant*.

Mr. GEORGE. Under the common law?

Mr. MITCHELL of Oregon. That undoubtedly is the result of the common-law rule. That, in my opinion as one of the members of the committee and as one Senator, *is the true and proper construction also of the Delaware constitution*.

Mr. FAULKNER. Mr. President——

Mr. MITCHELL of Oregon. Allow me. But while that is true, while that is my deliberate opinion and judgment, I frankly confess that there is some room for doubt upon that question, going to this extent, however, only, as to whether the office does become *absolutely vacant*, or whether only the right to exercise the functions of speaker of the senate and of senator *is suspended* and held in abeyance *during the continuance in the gubernatorial office* of the person who was speaker of the senate and who succeeded to that office.

I think, therefore, that that clause of the constitution and the two clauses which I have defined as the *express* provisions of the constitution, and all the clauses taken together, are subject to two constructions, and *only two*, the one being either that the offices of senator and speaker of the senate become *absolutely vacant* on the accession of the speaker to the exercise of the office of governor; the other, if that be not the proper construction, that the right to exercise the functions either of speaker of the senate or of senator is, by the plain and express provisions of the constitution and inferentially by various other provisions of the constitution, *absolutely held in abeyance* and *suspended for and during the time that this person continues in the office of governor*.

But I hold further that there is no room whatever for the construction, as claimed by the minority of the committee, to the effect that when the speaker of the senate succeeds to the exercise of the office of governor he not only remains senator and speaker of the senate, but that he has a right, while remaining in the office of governor and exercising the office of governor, at the same time to continue to exercise the office of speaker of the senate and of senator.

Now, I think the Senator from Mississippi understands my position and the position of the committee.

Mr. GEORGE. I do not. Will the Senator allow me just a word? The state of vacating an office which leaves the office without an incumbent and the state of suspending the duties of an office are fundamentally different in law. One leaves the office vacant so that it may be filled, and the other leaves an incumbent there who can not do anything. I want to know, being fundamentally different, whether the committee or the Senator has arrived at a conclusion as to which is the true meaning of the constitution of Delaware.

Mr. MITCHELL of Oregon. I have endeavored, so far as I have the capacity, I frankly confess, to define precisely, fully, frankly, and fairly, without any mental or other evasion or equivocation, precisely my own opinion and judgment as to the construction that should be placed on the constitution of the State of Delaware; and I have undertaken, also, in the same frank manner to define the position of the committee.

Mr. GEORGE. It is either vacation or suspension. It can not be both.

Mr. MITCHELL of Oregon. I say it is one or the other.

Mr. GEORGE. Oh, yes; all right.

Mr. MITCHELL of Oregon. And, so far as this case is concerned, it does not make one particle of difference which it is, because in either event Mr. Watson, while governor of the State of Delaware, had no more right to enter the joint assembly and cast a vote for United States Senator than had the Senator from Mississippi, or the President of the United States. So what is the use of getting up a controversy between the Senator from Mississippi and myself over a matter that is absolutely immaterial and which does not affect this case a particle, no matter which way it is decided? I do not care which way you decide it. I do not care whether you say that the seat becomes *absolutely vacant*, or whether the right to exercise the office of senator and speaker of the senate is merely suspended for and during the time that he exercises the office of governor. In either event he had no right there.

Mr. GEORGE. But they can not both be true, and I should like for the committee to decide which it is. The position of the committee seems to me about this: Heads I win; tails you lose.

Mr. MITCHELL of Oregon. Not at all, Mr. President. The Senator from Mississippi can make no capital before so intelligent a body as the Senate of the United States by any such suggestion or argument. I say, and the Senator admits, that the constitution of the State of Delaware is open to construction. I contend that it is open to *two* constructions, and *only* two, either one of which makes my case. That is all there is of it. The construction placed there by the Senator from Mississippi and those who contend with him makes his case. Now, which is right? If I am right in either of my constructions, then Mr. Du Pont is entitled to his seat. If the Senator from Mississippi [Mr. GEORGE] and the Senator from Delaware [Mr. GRAY] and the Senator from Indiana [Mr. TURPIE] and the Senators who support them are right, of course then we are wrong, and Mr. Du Pont should not be admitted.

But it makes no difference which of the two constructions we suggest is adopted. In either event Governor Watson had no right to be in the joint assembly or to cast a vote for United States Senator.

Mr. GRAY. In other words, if the Senator from Oregon will allow me, the Senator thinks he carries a double-barreled gun, and whether he brings down the game with the right-hand barrel or the left-hand barrel makes no difference.

Mr. MITCHELL of Oregon. No, not a particle; call it double-barreled if you like. I accept this characterization of my position.

Mr. THURSTON. Both barrels are loaded.

Mr. MITCHELL of Oregon. Yes, that is the fact.

Mr. GRAY. For bear.

Mr. MITCHELL of Oregon. Now, Mr. President, if I may be allowed after this digression, to which I do not object, I will proceed with my argument.

THE JOINT ASSEMBLY HAD NO POWER TO ADJUDICATE UPON THE QUALIFICATIONS OF THE GOVERNOR TO A SEAT IN THE STATE SENATE, DID NOT ATTEMPT TO DO SO, BUT PROTESTED AGAINST HIS RIGHT.

It will scarcely be contended by anyone, and I believe is not by the minority of the committee, that the joint assembly for the purpose of electing a Senator had any power to judge of the right of the governor to a seat in the State senate. No power whatever resided in that body to judge of his qualifications; and hence his presence there, voting and presiding, could not possibly have conferred any rights, even had there been acquiescence on the part of the joint assembly. As I have already shown, however, there was no acquiescence, but, on the contrary, a vigorous protest from fifteen members of the assembly. Even though Watson had been senator and speaker of the senate on May 9, 1895, *de jure* and *de facto*, he would not from these circumstances have had any preference right over that of any other member of the joint assembly to preside over that body. Even in such a case he would simply have had the right to be present as a senator to participate in the proceedings, without any authority whatever in virtue of any law, or in virtue of his position as speaker of the senate, to preside over such joint assembly, except by the consent of his associates.

Mr. GRAY. And the custom of that body.

Mr. MITCHELL of Oregon. Yes. This consent was not given, as I have said, but vigorously protested against.

THE DELAWARE SENATE NEVER ADJUDICATED AS TO THE RIGHT OF GOVERNOR WATSON TO EXERCISE THE OFFICE OF SENATOR WHILE EXERCISING THE OFFICE OF GOVERNOR.

Having demonstrated, as I believe, quite conclusively that it is wholly immaterial, so far as the question here is concerned, whether the Delaware senate did or did not, either actually or constructively, adjudicate upon the question as to the right of Governor Watson to a seat in the Delaware senate and the joint assembly while exercising the office of governor, I shall now proceed to show that the contention of the minority that it did so adjudicate has no foundation whatever in fact. And in determining this matter of fact, the first question presented is: How shall it be determined—whether by the journal entries of the senate supported by other evidence, or by *ex parte* affidavits tending to contradict the journal entries?

I insist, as do the majority of the committee, that it must be determined by the record—that is, by the journal entries. And while *ex parte* affidavits in corroboration and support of such journal entries may be properly received, *ex parte* affidavits contradicting such journal entries are absolutely inadmissible here, as they would be in any judicial court.

It is by this latter process that the minority and others who oppose the seating of Mr. Du Pont seek to convince this Senate that the Delaware senate adjudicated inferentially or constructively upon the right of Governor Watson to exercise the office of senator while exercising the office of governor. And in support of this proposition they present and file certain *ex parte* affidavits.

Before proceeding, however, to the question involved in this legal contention, I undertake to say that, conceding the right of the opposition to offer *ex parte* affidavits tending to contradict the record of journal entries, which right as a matter of law I emphatically deny, and giving to these affidavits all the credence and effect of competent testimony, taken in connection with the other testimony in the case, they fall far short of demonstrating that the Delaware senate did at any time adjudicate the question, either actually or constructively, as to the right of Governor Watson to exercise the functions of senator on May 9, 1895.

THE WELL SETTLED RULE OF LAW REQUIRES THAT THE QUESTION AS TO WHETHER THERE WAS OR WAS NOT AN ADJUDICATION BY THE DELAWARE SENATE, SHALL BE DETERMINED BY THE SENATE JOURNAL ENTRIES, AND THESE CAN NOT BE CONTRADICTED BY *ex parte* AFFIDAVITS.

It is a well-settled rule, established, supported, and sustained by more than 120 adjudicated cases in the courts of last resort in more than 20 States of the American Union, as also by the Supreme Court of the United States, that when a State constitution prescribes such formalities in the enactment of laws as a record of the yeas and nays on the journal entries, those journals are conclusive as against not only a printed statute published by authority of law, but also against a duly enrolled act. The principle, however, I am now contending for does not go to this extent, but, though included in it, falls far short of it. The question involved in the case we are now considering is not whether the legislative journals are conclusive against either a printed statute published by authority or a duly enrolled act, but simply whether they are conclusive as against *ex parte* affidavits by which such journal entries are sought to be contradicted. If the rule of the courts is as I state, and which I propose to sustain by numerous authorities, then *a fortiori* may it be said the rule for which I am here contending can not be otherwise than correct.

In support of the doctrine that when a State constitution prescribes such formalities in the enactment of laws as a record of the yeas and nays on the legislative journals, such legislative journals are conclusive as against a duly enrolled act, I, without stopping to read, attract the attention of the Senate to the following list of American authorities, State and Federal, which on careful examination will be found to sustain this doctrine:

Alabama.—28 Ala., 466; 43 id., 721; 48 id., 115; 54 id., 599; 57 id., 49; 58 id., 546; 60 id., 361; 77 id., 597; 77 id., 608; 78 id., 411; 78 id., 517; 82 id., 562.
Arkansas.—19 Ark., 250; 27 id., 266; 28 id., 317; 31 id., 701; 32 id., 496; 33 id., 17; 35 id., 237; 40 id., 200; 41 id., 471; 44 id., 536; 48 id., 370; 49 id., 325; 51 id., 559.
California.—8 Sawyer, 238; 54 Cal., 111; 69 id., 479; 80 id., 211.
Colorado.—5 Colo., 515; 11 id., 489.
Florida.—20 Fla., 407; 24 id., 293.
Illinois.—14 Ill., 297; 17 id., 151; 19 id., 283; 19 id., 324; 25 id., 181; 35 id., 121; 38 id., 174; 43 id., 77; 44 id., 91; 45 id., 119; 62 id., 253; 63 id., 157; 68 id., 160; 70 id., 166; 70 id., 659; 74 id., 361; 77 id., 11; 81 id., 288; 93 id., 191; 98 id., 156; 120 id., 332; 122 id., 420; 94 U. S., 260; 103 U. S., 683; 103 U. S., 697; 105 U. S., 667.
Kansas.—12 Kans., 384; 15 id., 194; 17 id., 62; 24 id., 700; 26 id., 724; 28 id., 243; 35 id., 545; 41 id., 200.
Maryland.—41 Md., 446; 42 id., 203; 48 id., 292.
Michigan.—2 Gibbs, 287; 1 Douglass, 351; 2 id., 191; 13 Mich., 481; 16 id., 254; 22 id., 104; 47 id., 520; 55 id., 94; 59 id., 610; 64 id., 385; 72 id., 446; 79 id., 59; 79 id., 595; 80 id., 598; 83 id., 13; 84 id., 408.
Minnesota.—2 Minn., 330; 24 id., 78; 31 id., 472; 38 id., 143; 45 id., 451.
Missouri.—60 Mo., 33; 71 id., 266.
Nebraska.—4 Nebr., 503; 9 id., 125; 9 id., 462; 17 id., 389; 18 id., 236; 20 id., 96; 21 id., 647; 24 id., 586.
Ohio.—5 Ohio, 358; 3 Ohio State, 475; 20 id., 1; 44 id., 348; 45 id., 254.
Oregon.—11 Oreg., 67, 71; 14 id., 365.
South Carolina.—2 S. C., 150; 11 id., 262; 12 id., 200; 13 id., 46.
Tennessee.—3 Lea, 332; 4 id., 608; 6 id., 549; 86 Tenn., 732; 87 id., 163.
United States.—94 U. S., 260; 103 id., 683; 103 id., 697; 105 id. 667.
Virginia.—79 Va., 269.
West Virginia.—5 W. Va., 85.
Wisconsin.—20 Wis., 501; 45 id., 543; 64 id., 323.
Wyoming.—1 Wyo., 85; 1 id., 96.

The constitution of Michigan contained the following clause:

No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

In People *vs.* Mahany (13 Mich., 481, 492) Mr. Justice Cooley, delivering the opinion of the court, said:

As the court are bound judicially to take notice of what the law is, we have no doubt it is our right, as well as our duty, to take notice not only of the printed statute books, but also of the journals of the two houses, to enable us to determine whether all the constitutional requisites to the validity of a statute have been complied with. The printed statute is not even prima facie valid, when other records, of which the court must equally take notice, show that some constitutional formality is wanting.

The constitution of California contained the following provision:

No bill shall become a law without the concurrence of a majority of the members elected to each house.

In the Railroad Tax Case (8 Sawyer, 238, 293) Judge Sawyer, with the concurrence of Mr. Justice Field, said:

On March 4, the house considered the senate amendment, and, upon a call of the yeas and nays, as required by the constitution, *thirty-nine* members voted for the amendment, and *thirty-two* against it, there being four paired and not voting; thus the votes, in favor of the amendment, were two less than a majority of members elected to the house, and the bill failed. * * * All this appears upon the journal. * * * The bill, therefore, was never constitutionally passed, and never became a law. Under the decisions of the courts, upon constitutional provisions in all respects similar to that in the present constitution of California, it is settled that the court, to inform itself, will look to the journals of the legislature.

In Spangler *vs.* Jacoby (14 Ill., 297, 300) the court said:

The act in question was signed by the speakers of the two houses, and it received the assent of the executive. *Prima facie*, therefore, it became a law. But the journal of the house of representatives fails wholly to show that it was ever put upon its final passage in that house; in other words, it does not appear that it passed with the concurrence of a majority of the members-elect of that body. The act did not become a law in pursuance of the provisions of the constitution, and it is therefore null and void. The judgment is reversed.

In Berry *vs.* Railroad Company (41 Md., 446, 463, 465) Judge Alvey, delivering the opinion of the court, said:

The question has repeatedly arisen, in several of the State courts of the highest authority, and in all cases, with but few exceptions, it has been held that neither the printed statute book nor the ordinary authentication of the statute after its passage would preclude the inquiry into the fact whether the statute, as published, had in truth passed the legislature; and, as evidence upon the question, the legislative journals and the bills as acted upon by the legislative assemblies have been consulted. * * * We can have no doubt whatever that the third section of the act in question, as that act was sealed and approved by the governor, is materially different from the third section of the act as it passed the two houses of the legislature, and we must therefore declare that particular section of the act to be null and void.

The constitution of the State of Delaware, Article II, section 17, contains the following clause:

No act of incorporation, except for the renewal of existing corporations, shall be hereafter enacted without the concurrence of two-thirds of each branch of the legislature.

This provision requires the yeas and nays to be recorded in the journals on the passage of every new act of incorporation.

I do not think that the principle for which I am contending will be denied by any lawyer on the other side. I pass, therefore, to a consideration of the disputed question of *fact* involved in this case.

The Delaware senate did not, either actually or constructively, judge of the qualifications of Governor Watson to a seat in the senate at any time subsequent to his becoming governor of the State.

It is conceded by those opposing the seating of Mr. Du Pont that whatever occurred in the Delaware senate subsequent to the date when William T. Watson entered upon the exercise of the office of governor, upon which it is claimed the senate adjudicated the right of Governor Watson to exercise the functions of a senator, took place on May 9, 1895, the day on which Mr. Du Pont claims to have been elected. It is not claimed, moreover, that there was on that day any formal or express adjudication of such right, but simply an *inferential*, a *constructive* adjudication, arising out of the presence of the governor in the senate and acquiescence by the senate. Such being the claim, it becomes of the first importance to ascertain precisely what occurred on that date.

What did Governor Watson do on that day in connection with the Senate and the joint assembly, and what did the Delaware senate and the joint assembly do? It is conceded by those favoring the seating of Mr. Du Pont, and I concede, that on May 9, 1895, a few moments only before 12 o'clock meridian on that day, he, Governor Watson, who from April 9, 1895, when he entered upon the exercise of the office of governor, had not exercised or attempted to exercise any of the functions or duties of either State senator or speaker of the senate, entered the senate chamber, and, the speaker *pro tempore* of the senate leaving the chair for such purpose, resumed such chair, all the business for that day and in fact for the entire session having been concluded; that he took no part in any of the legislative functions of the senate; that on taking the speaker's chair he immediately made this announcement:

The hour of 12 having arrived, the Senate will proceed to take part in the joint assembly.

That he then proceeded with the members of the senate to the hall of the house of representatives, where the members of the two houses met in joint assembly to vote for a United States Senator. In this joint assembly Governor Watson assumed to act and did act as chairman. Twenty-eight ballots were taken for United States Senator. Immediately after the last ballot was announced, Senator Alrichs, on behalf of himself and the 14 other members of the joint assembly who had voted for Mr. Du Pont, presented in said joint assembly the protest to which I have already called attention, and which I ask to again insert in my speech for convenience at this point. It is as follows:

After the last ballot had been taken in said final joint assembly and before the two houses separated I, on behalf of myself and the 14 other senators voting for the said Henry A. Du Pont, arose and presented the following challenge, protest, and demand:

"I very respectfully challenge the correctness of the announcement of this vote and divers preceding votes, and do now most respectfully insist and demand that Henry A. Du Pont be now declared elected Senator for the unexpired term of six years commencing on the fourth day of March, A. D. 1895, inasmuch as it is now respectfully insisted that this joint assembly consists of twenty-nine members, the honorable gentleman now undertaking to preside and participate therein being governor of the State, and not now a senator."

After the presentation of the foregoing challenge, protest, and demand, and without taking any further ballot, the joint assembly finally separated, with a declaration from William T. Watson that no person had been elected Senator in Congress for said term.

SAMUEL ALRICHS.

These are the facts, as verified by the journal entries and affidavits filed on behalf of Mr. Du Pont and in support thereof.

Those opposing the seating of Mr. Du Pont have presented the affidavits of Robert J. Hanby, a State senator; William T. Records, speaker *pro tempore* of the Delaware senate; Charles A.

Hastings, clerk of the senate; John B. Pennington and Edward D. Hearne, citizens of Dover, Del.; Cyrus Cort, chaplain of the senate, and Henry T. Watson, governor of the State.

The purpose of these *ex parte* affidavits, contradictory as they all are of the senate journal entries, and therefore not proper to be considered, is to prove that Governor Watson, after resuming the seat of speaker of the senate on May 9, 1895, exercised certain legislative functions, the senate consenting thereto, and that thus his right to act was *constructively* adjudicated by the senate.

To these several affidavits I wish to call particular attention. First, I call attention to the affidavits presented on behalf of Mr. Du Pont. These are affidavits of certain senators and others who were present on that day, and who in their affidavits state what they understand to have occurred on that day. The first to which I will call attention is the affidavit of State Senator John M. C. Moore. After stating that he is a senator, etc., and that he was present there on that day—I do not desire to encumber the record by reading the whole affidavit—he says:

That when the senate convened in the said final legislative session at 11 o'clock a. m., on the said 9th day of May, A. D. 1895—

It convened on that day at 11 o'clock a. m.—

William T. Records, speaker pro tempore, occupied the speaker's chair and presided over the session, received and put motions, and voted on bills; that the said *William T. Records, speaker pro tempore*, continued to occupy the speaker's chair *until near the hour of 12 o'clock, noon*, and until the senate was just about to proceed to the hall of the house of representatives to take part in the joint assembly for the purpose of electing a United States Senator; that while the said William T. Records, speaker pro tempore, occupied the speaker's chair as aforesaid, being from the beginning of the session at 11 o'clock until within a few minutes before 12 o'clock, noon, Governor William T. Watson did not receive and put motions, and did not vote on bills then pending before the senate, and did not in any manner participate in the legislative functions of a senator; that on the day of the said last session of the senate of Delaware, while William T. Records, speaker pro tempore, occupied the speaker's chair, near the hour of noon on that day, being, so far as I can remember, about fifteen minutes of 12 o'clock, Governor William T. Watson came into the senate chamber and occupied a chair beside me at my desk.

Now, according to this affidavit he came into the senate chamber 15 minutes or about that of 12 o'clock; he did not then resume the speaker's chair, but he came and occupied a seat beside Senanor Moore, who makes this affidavit:

The conversation which occurred between us was as follows: Governor Watson said to me, "Mr. Moore, I want to talk with you. I believe you will tell me just as it is. Is Mr. Massey out of this thing?

Mr. Massey was one of the candidates for United States Senator.

I said to him in reply, "Governor, he is; we are not going to cast another ballot for Mr. Massey nor no other man who has been balloted for except Henry A. Du Pont. He will be elected on the first ballot in the joint session." To which Governor Watson replied to me, "If that be the case, I shall take my seat."

In other words, if this senator tells the truth under oath, the question that was to determine the governor of the State as to whether or not he would resume his seat as senator and as speaker of the senate and enter the joint assembly was whether or not a certain man who had been voted for for Senator was in or out of the race.

Against this—

I now continue the reading of the affidavit of Senator Moore—

I remonstrated, and said to him, "Governor, I hope you will not do it. I think too much of you as a man for you to do it." That was the last of our conversation. He made no reply to my remonstrance. He arose and went over to the desk of George Fisher Pierce, a senator, and one of my colleagues from Sussex County, where I saw him take a seat near Senator Pierce.

It was only fifteen minutes before noon, it will be observed, when he came into the senate chamber, according to this affidavit, and took a seat beside Senator Moore. Then this conversation occurred. He did not then take the chair as speaker, but went over and took a seat beside Senator Pierce, one of Senator Moore's colleagues. I read further from Mr. Moore's affidavit:

That deponent remembers that William T. Records, speaker pro tempore, just about the hour of 12 o'clock noon—

"Just about the hour of 12 o'clock noon"—

on the said 9th day of May, A. D. 1895, left the speaker's chair.

He did not leave it at 11 o'clock, nor half past 11, nor fifteen minutes of 12, nor ten minutes of 12, nor five minutes of 12, but "*just about the hour of 12 o'clock noon.*"

Whereupon Governor William T. Watson proceeded to occupy the said speaker's chair.

According to this affidavit, then, it was *about the hour of noon*, and not until then, that Mr. Records, the speaker *pro tempore*, left the chair, and the governor of the State came in and took the chair of speaker of the senate. I read further from the affidavit of Mr. Moore:

And this deponent remembers that after the said Governor William T. Watson took his seat as aforesaid he took part in no legislative functions of the senate other than what related to proceeding to the hall of the house of representatives, by the senate, for the purpose of attending the joint assembly to elect a United States Senator; that Governor Watson announced, "The hour of 12 having arrived, the senate will proceed to take part in the joint assembly;" that the said deponent attended the session of the legislature of Delaware from the day on which it was convened, to wit, on the 1st day of January, A. D. 1895, until the day of its adjournment without day on the 1st day of May, A. D. 1895—

That is a misprint. It should be the 9th of May, 1895—

excepting a period covering about a week occurring during the lifetime of Governor Marvil, and excepting about one day during the period following the taking the oath of office as governor by William T. Watson; that after the said William T. Watson took the oath of office as governor at the time of the death of the then Governor Joshua Marvil, he never took part in the legislative functions of the senate; that he never joined the senators in the discharge of their duties except on the last day of the session, as hereinbefore set forth; that during the session of the legislature of Delaware, convened at Dover on the 1st day of January, A. D. 1895, and lasting until the 9th day of May, A. D. 1895, it was well known to Governor William T. Watson that this deponent had, with others, throughout the said session of the legislature, voted for George V. Massey for United States Senator.

That, then, is why he went and talked to him, to see whether he was going to continue to vote for Massey. If he were going to continue to vote for Massey, then, inferentially from what the governor said, he would not go into the joint assembly; but if he were not going to continue to vote for Massey, but was going to vote for Henry A. Du Pont, in that case he would do it for the purpose of defeating Mr. Du Pont and an election. I read further from this affidavit of Senator Moore:

And your deponent was led to believe by the acts and words of Governor William T. Watson, and does believe, that he, Governor Watson, would not have undertaken to participate in the election of an United States Senator on the last day of the session as above set forth if he had not assured himself that this deponent would not continue voting for the said George V. Massey, and that the said deponent was led to believe by the acts and words of Governor William T. Watson, and does believe, that he, the said Governor Watson, undertook to participate in the election of an United States Senator on the said last day of the session of 1895, to wit, on the 9th day of May, 1895, in order to prevent the election of Henry A. Du Pont as United States Senator from the State of Delaware.

I now call attention to the affidavit of Senator George F. Pierce, filed in the case and a part of it. The affidavit is in the third person, and not the first person. After stating that he is a senator-elect from Sussex County, that he took his seat, etc., he says:

That he was present in the senate at its final session, which convened at 11 a. m. on Thursday, May 9, 1895, and after a session of one hour, ended at noon on said day, when the senate, without motion, proceeded to the hall of the house of representatives and took part in the joint assembly then convened for the election of a United States Senator; that during said hour—from 11 until 12 o'clock—the senate was presided over by William T. Records, its speaker.

The senator says that from 11 until 12 o'clock the State senate of Delaware was presided over by Records, the speaker *pro tempore*. Consequently it was not presided over from 11 until 12 o'clock by the governor of the State, as contended.

That about ten minutes before the hour of noon William T. Watson, governor of the State of Delaware, being in the chamber, came and took a seat alongside of this deponent, and said to him: "I am going into the joint assembly and vote for a Senator." This deponent said: "You are going to do what?" He answered: "I am going to preside over the joint assembly to-day and vote for a United States Senator." This deponent then said: "Do you think that is right?" Governor Watson answered: "No, I do not; but my party has overruled me." This deponent answered: "Then I suppose there is nothing I can say now that would change your mind?" to which Watson replied: "No; my mind is fully made up."

So, then, Mr. President, according to this affidavit, which corroborates the affidavit of Senator Moore, the governor of the State came into the senate and took a seat beside this affiant at about 10 minutes to 12 o'clock, and that the speaker *pro tempore*, Records, occupied the chair from 11 to *about* 12 o'clock, when the governor took the chair. I will read further, however, from the affidavit:

Throughout the hour—

That is, the hour from 11 to 12 o'clock—

William T. Records presided as speaker, put all motions, and performed all the duties belonging to the office. Just as the hour of 12 arrived and the senate were about to proceed to the hall of the house of representatives to take part in the joint assembly, William T. Records left the speaker's chair, William T. Watson took it, and all he did, to the best of this deponent's recollection, as speaker, was to announce that, "The hour of 12 having arrived, the senate will proceed to take part in the joint assembly."

Senator Pierce further states in his affidavit:

On the day following, between the hours of 11 and 12, in the town of Milford, where we both reside, I met Governor Watson at the Central Hotel. Several persons were present; among them I recollect Napoleon Gray, though I can not remember who the others were. They were sitting in a room generally used by commercial travelers for exposing their samples. While the party was sitting there, William T. Watson took a paper out of his pocket, and without saying anything, handed it to me. I read it and handed it back to him without saying anything. The paper, as I recollect it, to the best of my knowledge and belief, read about as follows: "We, the undersigned, pledge ourselves to vote for John Edward Addicks, first, last, and all the time." I think there was a line or two more, but I can not recollect what it was. This paper was signed by Newell Ball, Charles Moore, John Robbins, and Robert J. Hanby. The first three were members of the house of representatives, and Mr. Hanby was a member of the senate.

I next call attention to the affidavit of Senator Samuel Alrichs, a member of the Delaware senate, who, after stating that he is a member of the senate, says:

That he was present at the final legislative session of the senate, held between the hours of 11 o'clock a. m. and 12 o'clock noon on the 9th day of May, A. D. 1895; that this deponent was present throughout the entire session; that he presented, as chairman of the committee on judiciary, a number of bills during that session, and that he voted on all bills and motions that were before the senate; that William T. Records was the speaker in the chair when the motions were put by this deponent on the bills aforesaid; that William T.

Watson entered the chamber shortly before the hour of noon, but did not take the chair until just after the legislative business was ended—

I call especial attention to this statement. This affidavit states that the governor did not take the chair until *after the legislative business of the senate was ended*, which is precisely the same thing stated by Senators Moore and Pierce. I read further from this affidavit—

and just as the senate was about to proceed to the hall of the house of representatives to take part in the joint assembly for the election of a United States Senator; that this deponent has no recollection that the said William T. Watson presided, or undertook to preside, over the senate during said session that morning, or that he put any motions, voted on any bills or other motions whatever as senator or speaker until just as the senate was about to proceed to the hall of the house of representatives to take part in the joint assembly, when he took the chair, and made the announcement that the hour had come for that purpose, and proceeded at the head of the senate to the hall of the house of representatives.

I now call attention to another affidavit as bearing upon this question, because it is claimed on the part of the minority—and that claim I am endeavoring to answer—that in virtue of what took place in the Delaware senate between the hours of 11 and 12 o'clock on May 19, 1895, the senate of Delaware adjudicated constructively, if not actually, upon the right of the governor of the State of Delaware to exercise the functions of a State senator, a claim which I deny, and which I am endeavoring to refute by the testimony to which I am now attracting the attention of the Senate.

Edgar T. Hastings was clerk of the house of representatives of the State of Delaware, and he makes an affidavit on the 14th of January, 1896, which is a part of the record in this case, in which he says:

I am the clerk of the house of representatives of the State of Delaware, having been elected thereto at its organization on the 1st day of January, A. D. 1895. As clerk of the house, I recorded the proceedings of the legislative sessions of that body, and also the joint assembly of the two houses of the legislature of the State of Delaware, as convened for the election of a United States Senator from the State of Delaware. Both the house of representatives and the senate held their last legislative session between the hours of 11 a. m. and 12 noon on Thursday, the 9th day of May, A. D. 1895.

From the time of the death of Governor Marvil, William T. Watson, theretofore speaker of the senate, took no part in its meetings, and did not preside in said body at any time that I was therein, nor did he take any part in the legislative proceedings until the reassembling of the joint assembly for the election of a United States Senator at noon on the 9th day of May aforesaid, when he appeared and presided and voted in said joint assembly until he declared it adjourned sine die at 3 p. m. During the hour between 11 a. m. and 12 o'clock noon on the 9th day of May I had occasion frequently to present to the senate various legislative messages from the house, as appears by the record of the senate for that hour and day. At no time during that hour when I was present did Governor William T. Watson occupy the chair as speaker or take any part in the business of the senate.

There were a great many bills pending at the time of the adjournment sine die of the legislature on that day, and a great deal of legislative business was left unfinished. The adjournment sine die took place by reason of a joint resolution of the two houses, passed a week or two previously. This left a great pressure upon each house on the part of those interested in legislation to get their bills passed before the meeting of the joint assembly at noon on that day, and each house was kept busy by legislative proceedings until the very moment of the meeting of the joint assembly. At no time during which I was present in the senate, conveying messages from the house of representatives as its clerk, from the beginning of the session of the senate at 11 o'clock on that day until the last time I was there previous to the joint assembly meeting, did I see Governor Watson in the chair or otherwise acting as speaker of the senate.

These are all affidavits of persons who were present and saw what took place in the Senate between the hours of 11 and 12 o'clock of May 9, 1895. There are some other affidavits as to the declarations of Governor Watson, to which I shall attract the attention of the Senate after I shall have first called the attention of the Senate to the affidavit of Governor Watson himself, and other affidavits filed in opposition to the seating of Mr. Du Pont.

I will say here, before taking up these affidavits, that every one of them—and I say they are not proper to be considered in this case, because they tend to contradict the journal entries—including the affidavit of Governor Watson, are entirely consistent with the affidavits which I have read as to the *time when the governor took the seat of speaker of the senate on that day*. They contradict these affidavits, however, or rather contradict the record, when one or two of them go a step further and declare that the governor of the State, while occupying the speaker's chair in the senate on that day, put motions and declared passed one or more bills. So far as the affidavits relate to those matters, they are in absolute contradiction of the record, and ought not to be and can not be considered by the Senate of the United States unless you reverse the rule of evidence as universally recognized in the judicial courts.

But not only so, even if they can be considered, and even if they are so considered by the Senate, I undertake to say that every one of the statements, in so far as relates to the question as to whether the governor while occupying the speaker's chair put motions or declared them carried, are contradicted, not only by the record in the case, but by all the evidence in the case, and by the case itself. Having said this much, I will now call attention to the affidavit of Governor Watson himself, and see precisely when he says he came into the senate and took his seat as speaker of the senate on the 9th day of May, 1895. His affidavit is brief, and I shall read the whole of it. It is as follows:

STATE OF DELAWARE, *Kent County, ss:*

Be it remembered that on this 28th day of January, A. D. 1896, personally came before me, William E. Riggs, jr., a notary public of the State of Delaware, resident in Kent County, William T. Watson, who, being by me duly sworn according to law, did depose and say that he was elected speaker of the senate on the 1st day of January, A. D. 1895, and on the 9th day of April of the same year, after the death of Joshua Marvil, the duly elected and qualified governor of the State of Delaware, assumed the exercise of the office of governor; that on the 9th day of May, A. D. 1895, *between the hours of 11 and 12 o'clock m.*, this affiant entered the senate chamber, whereupon William T. Records, speaker pro tempore, vacated the chair and he, this affiant, took the same and presided over the senate until the hour for the two houses to assemble in joint meeting arrived, and then announced the same and proceeded at the head of the senators into the hall of the house of representatives, where he presided over the joint assembly from the beginning to the end thereof and voted upon all questions which arose during the session, no objection having been made to his so presiding or voting until at or about the time the last ballot was taken, when *Senator Alrichs read a written protest against his right to so vote and preside;* that while he presided over the senate on that day in its chamber he voted upon one bill at least, and announced its passage by the senate; that he received and put motions made by senators and was addressed as speaker of that body, and that no objection from any quarter was made to his acting as presiding officer of the senate and otherwise participating in the proceedings thereof while in session during the hour aforesaid.

WILLIAM T. WATSON.

Sworn to and subscribed before me the day and year aforesaid.
[SEAL.] WILLIAM E. RIGGS, JR.,
Notary Public.

Mr. President, there is nothing in that affidavit from beginning to end which contradicts any one of the affidavits which I have heretofore read *as to the time* on that day when Speaker Watson, or Governor Watson, or whatever he may properly be called, took the chair as speaker of the senate. The affidavits which I have heretofore read say that he took the chair *about* the hour of noon, and *after all the legislation had ended.* What does Governor Watson say? He says—

That on the 9th day of May, A. D. 1895, *between the hours of 11 and 12 o'clock m., this affiant entered the senate chamber.*

"Between the hours of 11 and 12 o'clock m." Just when between those two hours the governor does not state. Did he enter at fifty-five minutes to 12 o'clock, or at one minute before 12? He might have done either, and still this affidavit be true as to that point. If, as a matter of fact, the governor of that State did enter and take the speaker's chair any length of time before noon, then he knew it; nobody knew it any better than he; and if he knew it, and he ought to have known it, why did he not in this affidavit state the hour that he took it—the time he took it—whether it was about fifteen minutes before, or a half hour before, or three-quarters of an hour before, or five minutes before?

He does not venture to state any time except between the hours of 11 and 12 o'clock. Not only so, Mr. President, but what further does he state?

That while he presided over the senate on that day in its chamber he voted upon *one bill at least* and *announced its passage by the senate.*

What bill, Mr. President? If he voted upon one bill, at least, then he, of all other people, ought to know what bill it was. He does not venture to state what bill it was. In direct contradiction to the other affidavits, to the effect that he voted on no bill, he says, "I voted upon one bill, at least," without stating what bill it was or the character of the bill. Furthermore, he says:

That he received and put motions made by senators, and was addressed as speaker of that body.

What motions did he put? He leaves us in the dark. So that, so far as the affidavit of Governor Watson is concerned in reference to the time he took the speaker's chair, it is not in the least contradictory of the affidavits filed here in support of the claim of Mr. Du Pont, which are to the effect that Governor Watson took the chair about the hour of noon, and after all legislative business had been completed, and all that he did after he took the chair was to make the single announcement "the hour of 12 o'clock having arrived the senate will proceed to the hall of the house of representatives for the purpose of electing a United States Senator."

Admitting, then, all that Governor Watson in his affidavit states to be absolutely true, is there any member of the Senate who can, for one moment, hold that there was an adjudication, constructively or otherwise, by the Delaware senate that he had a right to exercise the functions of a senator?

Certain other affidavits are presented in opposition to the claim of Mr. Du Pont and in support of the claim of the governor of the State. I will call attention to them. The first is State Senator Hanby, who, after stating that he is a member of the senate of the State of Delaware, says:

After taking six ballots for such senator without electing anyone the joint meeting separated to meet again at 12 o'clock noon of the same day.

That was May 9, 1895.

The members of the senate returned to their chamber and there resumed the exercise of their ordinary legislative functions.

Now, I call attention to this:

Some time between the hours of 11 o'clock a. m. of that day and 12 o'clock noon, and while the senate was in session in its own chamber attending to the regular legislative functions imposed upon it by the constitution of the State of Delaware, William T. Watson, speaker of the senate, and at that time exercising the office of governor, entered the senate chamber and resumed the speaker's chair, which was thereupon vacated by William T. Records, who had been elected speaker pro tempore of the senate during the absence of William T. Watson, speaker. No word of protest was heard from any senator questioning the right of William T. Watson to resume the speaker's chair and to exercise his functions as a senator. William T. Watson continued to preside as speaker of the senate until 12 o'clock noon of May 9, 1895, when he declared that the time had arrived for the reconvening of the joint meeting of the two houses, etc.

He continued to preside; but when does this witness state that Governor Watson took possession of the chair? He states it just as Governor Watson states it:

Some time *between the hours* of 11 o'clock a. m. of that day and 12 o'clock noon.

But what time? How long before 12 o'clock—fifty minutes, thirty, fifteen, ten, or one minute? He does not state. He states it just as Governor Watson states it, that he went there "some time between the hours of 11 o'clock a. m. of that day and 12 o'clock noon," but all the other witnesses say he never took the chair until about the hour of noon, after all the legislative business of the senate had been done; and the only thing he did was to say that the time had arrived to proceed to the hall of the house of representatives, and every affidavit here in opposition to the seating of Mr. Du Pont is to the same vague, indefinite effect as those of this affiant and Governor Watson. Everyone of them states that Governor Watson entered the chamber and took the chair some time *between 11 and 12 o'clock*, which, of course, does not contradict the affidavits filed in support of the claim of Mr. Du Pont, in which it is stated precisely when Governor Watson did take the seat, which was immediately before the hour of noon, a few moments perhaps before the hour of 12, about the hour of 12, and after all the business had been accomplished.

In this connection, I call attention to the affidavit of Charles A. Hastings, who was clerk of the Delaware State senate. He, like the balance of those volunteering affidavits in opposition to the seating of Mr. Du Pont, states that William T. Watson entered the senate chamber on the 9th day of May, 1895, *between the hours of 11 and 12 o'clock*—just what time between these hours he, like the other affiants, does not state. This witness, however, makes this statement:

That while the said William T. Watson so presided over the senate at least one bill was passed upon which a yea and nay vote was taken, and that Mr. Watson, upon the calling of the roll and the name "Mr. Speaker," voted in the affirmative.

This statement, Mr. President, of Charles A. Hastings is absolutely contradicted by the record. The record produced, and which I hold in my hand, is a complete record of the proceedings of the Delaware senate from 11 o'clock a. m., May 9, 1895, until the final adjournment of the senate at 12 o'clock. That record shows that during this time there were six roll calls on the passage of bills, the yeas and nays of senators being entered on the record, and in not a single instance does the name of either Speaker Watson or William T. Watson appear; but, on the contrary, in every one of them is the speaker *pro tempore* recorded.

I now call attention to the affidavit of Senator William T. Records, speaker *pro tempore* of the senate, filed in opposition to the seating of Mr. Du Pont. He, in this affidavit, after stating that he was a senator from Sussex County and had been elected speaker *pro tempore* of the senate April 9, A. D. 1895, says that—

Between the hours of 11 and 12 o'clock on the morning of the 9th day of May, A. D. 1895, William T. Watson entered the senate chamber, the senate being then in session, and took the chair as speaker of the senate; that he continued to preside over the senate until 12 o'clock meridian; that while he continued to so preside he voted in the affirmative upon at least one corporation bill and declared that the said bill had passed the senate, it having received the required constitutional majority.

This witness, like all the others, refrains from designating the exact time any more definitely than "*between the hours of 11 and 12 o'clock*," when Governor Watson entered the senate chamber and took the chair of the speaker *pro tempore* of the senate. This witness, however, volunteers a statement not borne out by any other witness, and absolutely contradicted by the record of journal entries, to the following effect:

"That he," Governor Watson, "continued to preside over the senate until 12 o'clock meridian; that while he continued to so preside he voted in the affirmative *upon at least one corporation bill, and declared that the said bill had passed the senate, it having received the required constitutional majority.*"

There is a provision in the Delaware constitution that a two-thirds vote on the passage of all new corporation bills is required. This of course necessitates a roll call, with yeas and nays entered on the journal.

This statement, as I have said, that Governor Watson, May 9, 1895, in the Delaware State senate voted in the affirmative, or in any other manner upon at least one corporation bill, or any corporation bill at all, is not only not borne out by any other testimony, but is flatly contradicted by the record of journal entries, which gives the yea and nay vote on every one of the six bills passed the senate on that date, in not a single instance of which does the name of Governor Watson, Speaker Watson, or Senator William T. Watson appear; while in each case the "*speaker pro tempore*," and not Records, is recorded as voting, the latter's name, "*speaker pro tempore*," being called and recorded as the person *last* voting, and not being recorded in the alphabetical call of the roll, which would have placed his name between those of Senator Moore and Senator Pierce.

The final round-up of the testimony in opposition to the seating of Mr. Du Pont is by Cyrus Cort, chaplain of the senate. He, like all the other witnesses, states:

Between the hours of 11 in the morning and 12 o'clock noon William T. Watson entered the senate chamber and resumed the speaker's chair, which was vacated by William T. Records, speaker *pro tempore*.

I now call attention to the affidavit of John S. Prettyman, jr., which bears very strongly upon the question as to the motives moving Governor Watson to leave the gubernatorial chair on May 9, 1895, enter the joint assembly of the members of the legislature, and by his vote control the election or nonelection of a United States Senator.

From this affidavit, as well as the affidavit of Senator Pierce, to which I have already attracted attention, it will very conclusively appear that it was not because Governor Watson believed he had any right to go into the joint assembly; and, furthermore, that it was not from any sense of public duty that he entered such joint assembly, but, on the contrary, that it was the direct result of pressure from political associates and of a partisan conspiracy, and for the *sole* purpose of defeating the election of a Republican United States Senator.

Mr. Prettyman states in his affidavit, sworn to January 14, 1896, and to be found in the report of the committee, page 78, that he is 35 years of age and upward and resides in the town of Milford, Sussex County, State of Delaware. He further states that on Thursday, the 9th day of May, 1895, upon the arrival of the 6.45 p. m. train—I now quote:

I walked from the railroad station at Milford, Del., into the center of the town, about one-quarter of a mile in distance, with William T. Watson, governor of Delaware. This was the day the Delaware legislature adjourned after the contest for the election of a United States Senator, in which the governor presided in the joint assembly as speaker. During this walk Governor Watson said to me that when he went to Dover on the morning of that day he did not expect to preside as speaker of the senate, believing that he did not have a legal right to act as governor and senator. After reaching Dover, in response to the influence of party leaders, he reversed this decision, and consented to enter the senate and claim his rights as speaker. In doing this, he said, he put aside his own judgment, and acted upon the judgment of those whom he regarded as well qualified to advise. He also said that if anyone would convince him that he had acted illegally in the matter that he would sign Mr. Du Pont's certificate of election.

On Friday, following this conversation, I met Governor Watson, about 11.30 a. m., in T. F. Hammersley's drug store, in Milford. I said to him that the fact of the Speaker of the United States Senate abandoning his functions as Senator upon becoming President of the United States might have some weight with the Senate in considering the seating of Mr. Du Pont. He seemed indignant, and blurted out in an angry manner, "What's that got to do with it? If you would read a little you might know something." I replied quietly that his remark was a very foolish one, that I did not know that he had ever been credited with superior wisdom or learning, and that neither of our opinions was worth very much in the matter. He then quickly and excitedly drew from his pocket a folded piece of writing paper and said "Read this." I took the paper and read the writing through. It was an agreement between Robert J. Hanby, Newall Ball, Charles Moore, and John Robbins, members of the Delaware legislature, signed with their names and to the effect that they would vote for J. Edward Addicks for United States Senator and that they would not vote for anyone else, even though no Senator should be elected. As I passed the paper back to the governor he said, "*Wouldn't you have acted as I did under such circumstances?*" I evaded his question by saying, "Are the signatures genuine?" and he replied, "Of course they are; look again," and he passed the paper to me for the second time. I read it through again and examined the signatures, remarking that I was not familiar with the autographs of these men, but that the names were in different handwritings. He said that he was not familiar with the autographs of the men, but that he was sure the names were genuine. *The governor also said that this agreement was brought to him to induce him to take part in the last joint assembly of the legislature, and, influenced by it, through the advice of others, he consented to preside as speaker of that body, and did so preside upon the day mentioned.* He further said that the Republicans had every opportunity to elect a Senator and had failed to do so, and of course he preferred that the Democratic party should have a representative in the United States Senate from Delaware rather than the Republican party.

J. S. PRETTYMAN, JR.

Sworn to and subscribed before me this 14th day of January, A. D. 1896. Witness my hand and official seal.

[SEAL.] PHILIP S. GRAHAM, *Notary Public.*

From this affidavit it is made apparent to all that Governor Watson, so far from entering the senate and the joint assembly on May 9, 1895, from any sense of public duty or from any belief that he had any right under the constitution of his State to exercise the offices of governor and senator at the same time, he was induced to do so by reason of an agreement entered into by certain members of the legislature to the effect that they would vote for J. Edward Addicks *only* for United States Senator and for no one else, even though no Senator should be elected, and through the advice and under the influence of partisan friends—for the sole purpose of defeating the election of a United States Senator.

Not only so, Mr. President, but we have here the record of every-

thing that took place on that day, the journal entries of every motion that was put, of every bill that was passed, of every vote that was taken. There were several yea-and-nay votes, and that record discloses the damaging fact that Mr. Watson's name was not mentioned once in any roll call on any motion made; not mentioned as speaker, not mentioned as having done anything. It does not appear that he was there; and, so far as the record is concerned, he never was there. On the contrary, the record shows that the person who presided that day, and all of that day, was Mr. Records, the speaker *pro tempore* of the senate, and not Mr. Governor Watson or Mr. Speaker Watson.

So whatever view is taken of this case, Mr. President, whether we stand by the record alone—and that is where we ought to stand—or whether we consider the affidavits only in support of the record, and they can properly be considered, or whether we go a step further, and break down all rules of law, and consider the affidavits filed in opposition to the claim of Mr. Du Pont—which tend to contradict the record—whether we do the one thing or do the other, in any view and in every view, we can come to but one conclusion, and that is, that the governor of the State did *not* enter the senate chamber *until about the hour of noon, and then, after all legislative business had been transacted;* and that, therefore, in the very nature of things, there could not possibly have been any constructive adjudication by the Delaware senate of his right to exercise the office of senator while exercising the office of governor. I leave that branch of the case, Mr. President, and come for a few moments to a consideration of the great American doctrine of the complete independence of the several departments of Government—Federal and State—which should not be lost sight of in the consideration of this case.

THE UNION OF EXECUTIVE AND LEGISLATIVE FUNCTIONS IS ABSOLUTISM OR DESPOTISM ON THE ONE HAND, AND SLAVERY ON THE OTHER, WHETHER UNITED IN ONE MAN OR THE MANY.

Dr. Lieber, in his work on Civil Liberty and Self-Government, says:

A principle and guaranty of liberty, so acknowledged and common with the Anglican people that few think of its magnitude, yet of really organic and fundamental importance, is the division of government into the three distinct functions, or rather the keeping of these functions clearly apart.

It is, as has been mentioned, one of the greatest political blessings of England that from a very early period her courts of justice were not occupied with "administrative business," for instance, the collection of taxes, and that her Parliament became the exclusive legislature, while the Parliaments of France united a judicial, legislative, and administrative character. The union of these functions is absolutism or despotism on the one hand and slavery on the other, no matter in whom they are united, whether in one despot or in many, or in the multitude, as in Athens after the time of Cleon the tanner. The English political philosophers have pointed out long ago the necessity of keeping the three powers separate in a "constitutional" government. Those, however, who have no other definition of liberty than that it is equality, discard this division, except, indeed, so far as the mere convenience of transacting business would require (pages 154, 155).

The court of errors and appeals of the State of Delaware, in the case of Rice *vs.* Foster (4 Harrington, 485–487), drew with clearness and distinctness the line of separation between the three branches of the government established by the constitution of the State of Delaware, among other things, in their opinion, saying:

If we consider the peculiar situation of the United States, and go to the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes shall terminate here in the same fatal effects which they produced in those republics. To guard against these dangers and the evil tendencies of a democracy, our republican Government was instituted by the consent of the people. The characteristic which distinguishes it from the miscalled republics of ancient and modern times is that none of the powers of sovereignty are exercised by the people, but all of them by separate, coordinate branches of government in whom those powers are vested by the constitution. These coordinate branches are intended to operate as balances, checks, and restraints, not only upon each other, but upon the people themselves; to guard them against their own rashness, precipitancy, and misguided zeal, and to protect the minority against the injustice of the majority. * * *

The legislative, executive, and judicial powers compose the sovereign power of a State. The people of the State of Delaware had vested the legislative power in a general assembly, consisting of a senate and house of representatives; the supreme executive powers of the State in a governor, and the judicial power in the several courts mentioned in the sixth article. The sovereign power, therefore, of this State resides with the legislative, executive, and judicial departments. Having thus transferred the sovereign power, the people can not resume or exercise any portion of it. To do so would be an infraction of the constitution and a dissolution of the government. Nor can they interfere with the exercise of any part of the sovereign power, except by petition, remonstrance, or address. They have the power to change or alter the constitution; but this can be done only in the mode prescribed by the instrument itself. The attempt to do so in any other mode is revolutionary. And although the people have the power, in conformity with its provisions to alter the constitution, under no circumstances can they, so long as the Constitution of the United States remains the paramount law of the land, establish a democracy, or any other than a republican form of government. It is equally clear, that neither the legislative, executive, nor judicial department, separately, nor all combined, can devolve on the people the exercise of any part of the sovereign power with which each is invested. The assumption of a power to do so would be usurpation. The department arrogating it would elevate itself above the constitution, overturn the foundation on which its own foundation rests, demolish the whole frame and texture of our republican form of government, and prostrate everything to the worst species of tyranny and despotism, the ever-varying will of an irresponsible multitude.

MR. WEBSTER'S VIEWS ON MAINTAINING CONSTITUTIONAL RESTRAINTS AND JUST DIVISIONS OF POLITICAL POWER.

Daniel Webster, in his great speech in the Senate of the United States on May 7, 1834, on "The Presidential veto," drew with clearness and power the distinctions to be observed between the several departments of the Government, and pointed out with great ability the necessity of maintaining just constitutional restraints and just divisions of political power in order that liberty, the first purpose of a free people, should be preserved. In that great speech he used the following language:

The first object of a free people is the preservation of their liberty; and liberty is only to be preserved by maintaining constitutional restraints and just divisions of political power. Nothing is more deceptive or more dangerous than the pretense of a desire to simplify government. The simplest goverments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions.

The spirit of liberty is, indeed, a bold and fearless spirit; but it is also a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachment, jealous of power, jealous of man. It demands checks; it seeks for guards; it insists on securities; it intrenches itself behind strong defenses, and fortifies itself with all possible care against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature, and therefore it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to illegal authority. Far otherwise. It seeks for duration and permanence. It looks before and after; and, building on the experience of ages that are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty, and this is *our* liberty, if we will rightly understand and preserve it. Every free government is necessarily complicated, because all governments establish restraints, as well on the power of government itself as on that of individuals. If we will abolish the distinction of branches and have but one branch; if we will abolish jury trials and leave all to the judge; if we will then ordain that the legislator himself shall be that judge, and if we will place the executive power in the same hands, we may readily simplify government. We may easily bring it to the simplest of all forms—a pure despotism. *But a separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea in the creation of all our constitutions; and doubtless the continuance of regulated liberty depends on maintaining these boundaries.* (Works of Daniel Webster, volume IV, page 122.)

And still further Mr. Webster proceeded—

Mr. President, the contest for ages has been to rescue liberty from the grasp of executive power. Whoever has engaged in her sacred cause, from the days of the downfall of those great aristocracies which had stood between the king and the people to the time of our own independence, has struggled for the accomplishment of that single object. On the long list of the champions of human freedom there is not one name dimmed by the reproach of advocating the extension of executive authority; on the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. To this end the spirit of liberty, growing more and more enlightened and more and more vigorous from age to age, has been battering for centuries against the solid butments of the feudal system. To this end all that could be gained from the imprudence, snatched from the weakness, or wrung from the necessities of crowned heads, has been carefully gathered up, secured, and hoarded, as the rich treasures, the very jewels of liberty.

To this end popular and representative right has kept up its warfare against prerogative with various success; sometimes writing the history of a whole age in blood, sometimes witnessing the martyrdom of Sidneys and Russells, often baffled and repulsed, but still gaining on the whole, and holding what it gained with a grasp which nothing but the complete extinction of its own being could compel it to relinquish. At length the great conquest over executive power in the leading western states of Europe has been accomplished. The feudal system, like other stupendous fabrics of past ages, is known only by the rubbish which it has left behind it. Crowned heads have been compelled to submit to the restraints of law, and the *people*, with that intelligence and that spirit which make their voice resistless, have been able to say to prerogative: "Thus far shalt thou come, and no farther." I need hardly say, sir, that into the full enjoyment of all which Europe has reached only through such slow and painful steps we sprang at once by the Declaration of Independence and by the establishment of free representative governments; governments borrowing more or less from the models of other free States, but strengthened, secured, improved in their symmetry and deepened in their foundation by those great men of our own country whose names will be as familiar to future times as if they were written on the arch of the sky.

Through all this history of the contest for liberty executive power has been regarded as a lion which must be caged. So far from being the object of enlightened popular trust, so far from being considered the natural protector of popular right, it has been dreaded, uniformly always dreaded, as the great source of its danger.

And now, sir, who is he, so ignorant of the history of liberty, at home and abroad; who is he, yet dwelling in his contemplations among the principles and dogmas of the Middle Ages; who is he, from whose bosom all original infusion of American spirit has become so entirely evaporated and exhaled that he shall put into the mouth of the President of the United States the doctrine that the defense of liberty *naturally results to* executive power and is its peculiar duty? Who is he that, generous and confiding toward power where it is most dangerous, and jealous only of those who can restrain it; who is he that, reversing the order of the state and upheaving the base, would poise the pyramid of the political system upon its apex? Who is he that, overlooking with contempt the guardianship of the representatives of the people, and with equal contempt the higher guardianship of the people themselves; who is he that declares to us, through the President's lips, that the security for freedom rests in executive authority? Who is he that belies the blood and libels the fame of his own ancestors by declaring that *they*, with solemnity of form and force of manner, have invoked the executive power to come to the protection of liberty? Who is he that thus charges them with the insanity or the recklessness of putting the lamb beneath the lion's paw? No, sir. No, sir. Our security is in our watchfulness of executive power. It was the constitution of this department which was infinitely the most difficult part in the great work of creating our present Government. To give to the executive department such power as should make it useful and yet not such as should render it dangerous; to make it efficient, independent, and strong, and yet to prevent it from sweeping away everything by its union of military and civil authority; by the influence of patronage, and office, and favor; this, indeed, was difficult. They who had the work to do saw the difficulty, and we see it; and if we would maintain our system we shall act wisely to that end by preserving every restraint and every guard which the Constitution has provided. And when we and those who come after us have done all that we can do and all that they can do, it will be well for us and for them if some popular executive, by the power of patronage and party, and

the power, too, of that very popularity, shall not hereafter prove an overmatch for all other branches of the Government. (Works of Daniel Webster, volume IV, pages 133, 134, 135.)

Montesquieu, in his Spirit of Laws, volume 1, page 152, says:

When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty; because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

There would be an end of everything were the same man or the same body, whether of the nobles or of the people, to exercise those three powers—that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

In determining the question at issue in this case it is quite immaterial what construction is placed on the language of Montesquieu when in his "Spirit of Laws" discussing the English constitution he declares:

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty, because apprehensions may arise lest the same monarch or senate enact tyrannical laws to execute them in a tyrannical manner.

Whether the construction placed upon this grand epigrammatic sentence of this illustrious writer by Mr. Madison in the Federalist, who in giving it construction paid its great author the high compliment of stating that the British constitution was to Montesquieu what Homer has been to the didactic writers of epic poetry, is correct or not, does not weaken its application to the case under consideration.

Mr. Madison held that Montesquieu, by the use of the language quoted, meant this, and only this: That where the *whole* power of one department is exercised by the same hands which possess the *whole* of another department, the fundamental principles of a free government are subverted. Conceding this to be the meaning of the great author, is it not true that the executive of the State of Delaware exercises the *whole* power of the executive department? No one, of course, will question this. And is it not also true that by virtue of various provisions of the Delaware constitution the whole controlling power of legislation is, or at least may be, under a variety of circumstances held, controlled, and exercised by a *single legislator?* If this can be so, even in a *single* instance, then the rule of Montesquieu, even as construed by Madison, applies, and *a fortiori*, is it not so when, as in the case under the Delaware constitution, there may be not merely *one* instance, but *numerous* instances, where this whole legislative power is *in the hands*, and *under the control*, and *subject to the will* of a *single member* of the legislature? To show this is so, it is only necessary to cite one or two cases—and there are many. For instance, the governor of the State may be impeached by the house of representatives. He must be tried before the senate. It requires a two-thirds vote to convict. That one vote of the governor, sitting as a senator and judge in his own case, may prevent the two-thirds vote necessary to convict.

So, too, by the one vote of the governor as senator, as we have seen, jurisdiction may be conferred on the governor to remove all the judges of the State. Surely, Mr. President, the language of Montesquieu just quoted, however considered, whether as indicated by Mr. Madison or otherwise, and also this further declaration of his, are directly applicable to the case under consideration.

Montesquieu says further:

Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor.

But no more apt illustration can be cited for the purpose of showing that, if the theory of the minority be correct, the *whole power* not only of the executive, but of the *legislature*, is, or *may be* frequently, under the Delaware constitution, exercised by the same hands, than the one presented by the very case under consideration. Governor Watson, it will be conceded, on the 9th day of May, 1895, exercised the *whole* power of the executive office. He leaves that office, enters the senate chamber, resumes the chair of the speakership, goes into the joint assembly met for the purpose of electing a United States Senator, and there, *holding the balance of control*, with the will of a despot, he exercises tyrannically and absolutely the *whole power of the legislature* of the State and the *joint assembly* of the members of that legislature, in whom rests the sole jurisdiction of the election of a United States Senator.

Had he remained away, refrained from any attempt to exercise the office of senator, as it was his duty to do, there would have been but 29 members of the legislature in joint assembly, and Mr. Du Pont, having received 15 votes of the 29, was duly elected.

The rule, therefore, of Montesquieu, as construed by Mr. Madison and as agreed to by the distinguished lawyers who have filed their briefs in this case in opposition to the seating of Mr. Du Pont, is directly applicable to the case now under consideration.

But not only so. If the theory of the minority of the committee be correct, then instances may occur, a situation may be brought about by the very vote and influence of the governor, if permitted to exercise the offices of senator and governor at the same time, wherein the governor may virtually exercise the *whole* power, not only of executive *and* legislative, but also of the *judicial* departments. This may occur under the provisions of the Delaware constitution, if the governor is permitted to exercise the office of senator, by his giving the casting vote that will enable him as governor to dismiss all the judges of the State—judges appointed by a predecessor—and thereby place the judiciary of the State in the hands and under the control of judges of his own choice.

CONCLUSION.

In conclusion, Mr. President, and begging pardon for having trespassed so long upon the patience of the Senate, I confidently submit this case to the calm, deliberate judgment of the Senate, trusting and believing, as I do, that the judgment rendered will fully vindicate the integrity of that great American doctrine which recognizes the complete independence of the different departments of the governments of the several States, and of the United States as well; and the preservation and perpetuity of which, against all undue encroachments of executive power, are so essential to the preservation and perpetuity of political and individual liberty in this country. If, unfortunately, the day should ever come when in an unguarded moment the Senate of the United States should give its sanction to a relaxation of the restraints which hold in proper subjection the executive prerogative, and which in the interest of liberty and good government disunite executive and legislative powers, and give its consent to a unity of exercise in the same person of the respective functions of two or more of what are now and ever should be the independent departments of national and State governments, then from that date will commence the decadence of political and individual liberty in this country.

The strife for the extension of executive power on the one hand, and for the curtailment of constitutional limitations and restraints upon the power of the people and the people's representatives on the other, has been a contest longer in duration than that of any war of either ancient or modern times. It has been the contest of ages, extending into all nations, and spreading throughout all Christendom. It has been the contest of liberty against prerogative; of the struggle for legislative independence against the grasping tendencies and unwarranted encroachments of executive power; a contest which at times, as we have been told, has "written the history of a whole age in blood," destroying with its consuming fires the brightest and best hopes of myriads of the hosts of freedom, and wrecking upon its devastating floods the worthiest and loftiest aspirations of the friends of individual and political liberty.

To hold that the governor of a State can exercise simultaneously the functions of executive and legislator is, unfortunately, to array the Senate of the United States on the wrong side of this mighty contest. Such a decision would, in my judgment, be a departure from one of the great fundamental principles of republican and democratic government, an unwarranted concession to the ever-grasping claims of executive power over the rights of the masses of the people and the people's representatives, and a dangerous stab at the very vitals of the great doctrine upon which our Government and the governments of the several States rest—that of the complete independence of their legislative, executive, and judicial departments.

MESSAGE FROM THE HOUSE.

During the delivery of the speech of Mr. MITCHELL of Oregon a message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendment to the concurrent resolution of the Senate in regard to the insurrection in Cuba; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky managers at the conference on the part of the House.

WAR IN CUBA.

Mr. SHERMAN. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolution of the Senate in respect to Cuba.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolution of the Senate (Con. Res. 19, part 5), having met, after full and free con-

ference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.
ROBERT R. HITT,
JAMES B. MCCREARY,
ROBERT ADAMS, JR.,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on concurring in the report.

Mr. HALE. I suppose the Senator from Ohio will not insist upon disposing of the report at this hour with so thin a Senate.

Mr. SHERMAN. I have no doubt that Senators are about the Chamber. It is important that the report shall be acted upon as speedily as possible. It is entirely within the power of the Senate and House as to when it shall be taken up, but I think it had better be acted upon this afternoon. Senators are about and can soon be called in. However, I do not wish to press a vote if the Senator from Maine desires to make any remarks upon the subject.

Mr. HALE. I presume the Senator from Ohio does not. There are some Senators who have not been heard upon this matter at all and who desire to submit some views to the Senate. They had no opportunity to do so when the resolution was originally passed. With the assistance of all of us, I may say, who were opposed to the resolution, an agreement was entered into on Thursday night to take the vote at 4 o'clock the next day. Overnight the Committee on Foreign Relations changed its ground and reported substantially a new provision, which nobody had expected, and which I may state if it had been expected no unanimous agreement would have been entered into to close the debate. So, when the resolution came up, as the Senator will remember (I am stating this accurately), on Friday last, there were but few hours left and they were nearly all taken up by the committee. The rest of the time had been preempted by one or two Senators, so that several Senators—I myself was one—who desired to make some statements and submit some remarks were cut off.

I have not supposed for a moment that the resolution would be attempted to be pushed through to-night; I think I am justified in using the words crowded through. It is hardly twenty minutes since the announcement was made here that the House had agreed to the conference, and that in the minds of Senators put it entirely out of the idea or contemplation of its being forced through to-night. I did not suppose it. I know one Senator who wanted to be here and vote consulted with me. I told him what the situation was; that the House had only just agreed, not to the report, but had just announced its agreement to the conference, and that undoubtedly nothing would be done to-night.

For one, Mr. President, if any reasonable opposition will carry the resolution over until there is an opportunity to be heard, I am not prepared now to agree that it shall be taken up and disposed of at this late hour. I am not ready myself to submit some remarks that I desire to submit upon this most important subject. I do not deem it an essential thing nor in the interest of good legislation that it should be crowded through to-night. I appeal to the Senator from Ohio whether he himself believes that with a bona fide purpose here of having an opportunity, if it is thought advisable, to submit some remarks it should be attempted to be forced through to-night.

Mr. SHERMAN. Mr. President, I have no desire at all to force this matter upon the attention of the Senate. If the Senator from Maine is inclined to debate this matter further, I will very cheerfully acquiesce. I may properly allude to the very large vote by which the resolutions were passed. There was but little difference between the House resolution and the Senate resolution, and after a careful examination the conferees agreed that we mgiht take the statement of facts as presented by the House of Representatives, and we agreed to that unanimously.

If the Senator says he desires to speak on the subject and the report ought to go over, I have no objection to its going over, only I think that upon a matter of this kind, owing to the nature of the controversy and the fact that it has been before the Senate the whole of this week and has been debated more or less, it should be disposed of at once. Still, if the Senator desires to speak, I will not cut him off, and therefore I am willing to let it go over and be made the special order, say, at 2 o'clock on Monday, if that will suit.

Mr. HALE. I have no objection to that course. That will give ample opportunity.

Mr. SHERMAN. That would probably cover more time than is needed.

Mr. HALE. No; the Senate has adjourned over.

Mr. SHERMAN. The Senate has adjourned over. Let the conference report be made a special order for Monday at 2 o'clock.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Ohio to the fact that one measure has already been made the special order for 2 o'clock on Monday.

Mr. SHERMAN. This is a privileged question. At any rate, it can be called up even pending a special order.

Mr. HALE (to Mr. SHERMAN). Announce that you will call it up at that time.

Mr. SHERMAN. I will call up the report at that time as a privileged question, no matter what is pending.

The PRESIDING OFFICER. The Senator from Ohio gives notice that he will call up the report of the committee of conference at 2 o'clock on Monday.

Mr. MITCHELL of Oregon. In connection with this matter, I give notice that I shall ask the Senate to proceed to the consideration of the Du Pont case immediately at the conclusion of the routine morning business on Monday.

Mr. SHERMAN. I have no objection to that, but at 2 o'clock on Monday I shall call up the conference report. It is a privileged matter.

Mr. CHANDLER. Mr. President——

Mr. HAWLEY. I should like to say a word.

The PRESIDING OFFICER. The Senator from New Hampshire first addressed the Chair and has been recognized.

Mr. CHANDLER. I yield to the Senator from Connecticut.

Mr. HAWLEY. I am glad that the Senator from Ohio has consented to this delay. I would not carry it over until Monday but that we have agreed to adjourn, I understand, until Monday. He says the committee have given this subject very careful consideration. That is precisely what the rest of us have not been able to do in the press of business here, and it is several days since anybody glanced at the resolutions. I am very glad indeed that the Senator from Ohio has agreed to let the report go over. I voted for the Senate resolution, but I reserve the right to do as I may see fit in regard to this matter.

Mr. CHANDLER. Mr. President, if I had known that this report was to be made to-day I should have opposed the adjournment over until Monday, to which I very cheerfully assented. I can understand that the request of the Senator from Maine under the circumstances is a reasonable one. If any considerable number of Senators wish, or any Senator, indeed, wishes, a little delay on a proposition so important as this, the request should be acceded to. I regret that the Senator from Maine did not speak on this question when it was before the Senate on a former occasion. I thought the Senator refrained from speaking on account of a disposition to see so important a subject speedily disposed of for the common interest not only of Cuba, but of the United States.

I myself refrained from speaking, although I was not satisfied with the resolutions. They were not strong enough, in my judgment. I am deliberately in favor of action by the United States for the recognition and maintenance of the independence of Cuba. If I could have my way, and have such action by Congress and the President of the United States as to my mind is required by the interests of humanity and the enlightened interests of the United States, I would see this country recognize and maintain, at the risk of war with Spain, the independence of the Island of Cuba.

France did that in our Revolution, and it is an undying glory in the crown of honor of that nation that she helped us attain our independence. I think that when the independence of Cuba is achieved, as I hope and believe it will be at no very distant day, we shall attach that island to us by undying gratitude growing out of the fact that we did declare and maintain at the risk of war with Spain or any other nation the independence of the island.

Mr. PLATT. What does the Senator from New Hampshire mean by attaching the island to us; that we shall annex it to the United States?

Mr. CHANDLER. I do not think my words could be mistaken. I said, attach with sentiments of gratitude to the United States from the independent Cubans for our timely and helpful action in her hour of need.

Mr. CALL. Mr. President, I hope the Senate will reconsider the vote by which it agreed to an adjournment over until Monday and that the Cuban resolution will be taken up for consideration to-morrow instead of Monday. It seems to me that if we have justification, as I think we have, to interfere and prevent the wholesale murder and destruction of a whole people, men, women, and children, we ought not to delay giving ample time for everyone to express his opinions and to attempt to influence others to his view. That we should adjourn over until Monday, leaving this matter in its present condition undetermined, I think is not becoming to the Senate or to the importance of the question.

I wish to say for myself that the resolution is not strong enough. I wish to see it passed in the form of a law that will be incumbent upon all the executive officers of the United States. I believe that there is justification and that the interests of Spain herself as well as of the civilized world demand that the bloody and

destructive war on human life, on property, upon free institutions, shall be determined and put an end to by the action of the people of the United States. There is no question about that action.

There is no doubt that the people of the United States, by a vast majority, are shocked at the condition of things in the adjacent Island of Cuba, and that it is far ahead of the action proposed by the Senate and the House. I should be very glad if there were an opportunity without delay to consider the conference report, allowing time to all Senators to express their own judgment upon the question.

Mr. HAWLEY. Is debate in order? If so, I should like to say a few words.

The PRESIDING OFFICER. The question before the Senate is the resolution reported from the Committee on Privileges and Elections on which the Senator from Oregon [Mr. MITCHELL] has addressed the Senate.

Mr. HAWLEY. As germane to this matter, I wish to say just a word.

The PRESIDING OFFICER. The Senator from Connecticut will proceed.

Mr. HAWLEY. I sympathize in general and very warmly with the popular view of this whole question. I think that the conduct of the war against the insurgents is abhorrent to the common sense of humanity of the world. I think that the government of Spain over Cuba, in which we can not help being interested, has been such as to provoke and deserve the very severest criticism.

But there are some other considerations that make me stop and think occasionally before voting upon this and similar matters.

We are giving offense to a power that is not the most considerable perhaps, but we have been giving offense—and some of it offense that we might rightly have given; I do not take it back—to many countries of Europe until we have involved ourselves in an unfriendly criticism. I do not wish to prophesy; prophets are without honor in their own country; but it is within the limits of possibility that we shall find ourselves involved in a war not with one nation, but with more than one. That is very possible. I do not dwell upon it any longer. I have no sympathy with the people who when war is spoken of say it will never come. It comes when you do not expect it. I have no respect for the judgment of those men who, when the defense of the country is spoken of, talk about the enormous physical power of this nation and the five or ten millions of freemen soldiers who are ready to come to its defense. What can they do without coast defenses? Will an army march down to the sandy beach of New Jersey and offer themselves as food for the enemy's cannon? They would be worth nothing else, and they would not stop a bullet as well as a mule.

I take it for granted that those gentlemen who are so ready to talk loudly and vigorously and eloquently and in many respects justly, and give offense so readily, will vote for the most liberal appropriations for coast defenses and for a very large increase of the Navy and a reasonable increase of the Army. I suppose they will. If not, I hope they will never have occasion to regret it. But they may have serious occasion to regret both their speeches and their refusal to so vote.

HOUSE BILLS REFERRED.

The bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a courthouse and jail at the county seat thereof was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 4804) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 17) for the erection of a statue of Francis E. Spinner at the Treasury Department building in Washington was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. HALE. If Senators desire to give an hour to unobjected cases on the Calendar, I will make a proposition that the Senate shall proceed for one hour to consider unobjected cases on the Calendar under the five-minute rule.

The PRESIDING OFFICER. And that the business before the Senate be informally laid aside.

Mr. BERRY. Beginning with the Calendar where we left off.

Mr. HALE. Yes; temporarily laying aside the unfinished business and beginning with the Calendar where we left off, taking up the business in its order.

The PRESIDING OFFICER (at 3 o'clock and 20 minutes p. m.). The Senator from Maine asks that the pending business be informally and temporarily laid aside, and that the Senate proceed for one hour to the consideration of unobjected cases on the Calendar. Is there objection?

Mr. TURPIE. Before the unfinished business is laid aside, I wish to be recognized, that I may take the floor on Monday.

The PRESIDING OFFICER. The Chair presumes there will be no objection. The Senator from Indiana is so recognized, and he gives way to the consideration of the proposition made by the Senator from Maine.

Mr. CALL. I move to reconsider the vote by which the Senate agreed to adjourn over until Monday.

Mr. SHERMAN. I should like to have the statement of the Senator from Indiana [Mr. TURPIE] repeated. I could not hear him.

The PRESIDING OFFICER. The Senator from Indiana has taken the floor upon the pending question and yields temporarily to the Senator from Maine for the consideration of the Calendar.

Mr. SHERMAN. I hope the Senator from Indiana will understand that at 2 o'clock on Monday I propose to call up the resolution in respect to Cuba. I hope he will not desire to interfere with that notice.

Mr. CALL. I have just been informed that quite a number of Senators have made engagements in view of the adjournment over for to-morrow, and I will not, therefore, press my motion to reconsider.

The PRESIDING OFFICER. The motion of the Senator from Florida is withdrawn. The Chair now submits to the Senate the proposition of the Senator from Maine that, the regular business having been informally laid aside, the Senate shall proceed for one hour to the consideration of unobjected cases on the Calendar. Is there objection? The Chair hears none.

Mr. SHERMAN. After conference with the Senator from Indiana——

The PRESIDING OFFICER. The Senator from Indiana has taken the floor for Monday.

Mr. SHERMAN. It is arranged that after the ordinary routine morning business on Monday I shall call up the conference report made a few moments ago, and that after that he will take the floor. That is understood between us, and I hope the arrangement will be accepted by the Senate.

The PRESIDING OFFICER. The notice given by the Senator from Ohio will be recorded. It is so ordered. The Senate now proceeds for one hour to the consideration of unobjected cases on the Calendar, commencing at the point reached this morning.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. CULLOM, the title was amended so as to read: "A bill donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., and for other purposes."

ESTATE OF MICHAEL KNIGHT.

The bill (S. 1464) for the relief of the estate of Michael Knight was considered as in Committee of the Whole. It proposes to pay to George Walker, administrator of the estate of Michael Knight, $7,714, in satisfaction of his claim against the United States allowed by the United States Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WOLFE.

The bill (S. 74) for the relief of William Wolfe, of Shelbina, Shelby County, Mo., was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated by the Quartermaster-General of the United States Army the circumstances, character, and extent of the claim of William Wolfe, of Shelbina, Shelby County, Mo., for the loss of the schooner *Anna Sophia*, belonging to him, and for freight, while on a voyage from New Orleans, La., to Indianola, Tex., and proposes to pay the amount, if any, so found, and awarded, to be due him from the United States, not to exceed $9,262.29.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA M. COLMAN.

The bill (S. 93) to permit Anna M. Colman, a widow, to prosecute a claim was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of Anna M. Colman, widow and sole legatee of Charles D. Colman, deceased, against the United States on account of the seizure by the United

States of certain moneys and securities in St. Louis, Mo., about February, 1865, held by the bailee as a special deposit theretofore made by Charles D. Colman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC STEAMBOAT COMPANY.

The bill (S. 1085) for the relief of the Potomac Steamboat Company was considered as in Committee of the Whole. It proposes to pay to the Potomac Steamboat Company $5,090, the amount paid by the Potomac Steamboat Company under a decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States, to the Baker Salvage Company, for services rendered to the steamer *Excelsior*, belonging to the Potomac Steamboat Company, when she was sunk by the United States steam tug *Fortune* in Hampton Roads, Virginia, on the 4th day of December, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALVIN GUNN.

The bill (S. 92) for the relief of Calvin Gunn was considered as in Committee of the Whole. It proposes to pay Calvin Gunn, of St. Louis, Mo., $700, in full compensation for the amount due him as informer, and ordered to be paid to him by the United States district court for the eastern district of Missouri, in the year 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. S. A. BROWN.

The bill (S. 1573) for the relief of Dr. S. A. Brown was considered as in Committee of the Whole. It proposes to pay $485.47 to S. A. Brown, of Sioux Falls, S. Dak., for services as passed assistant surgeon, United States Navy, during the years 1876, 1877, and 1878, the account having been allowed by the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNY B. RANDOLPH AND DORA L. STARK.

The bill (S. 690) for the relief of Fanny B. Randolph and Dora L. Stark was considered as in Committee of the Whole. It proposes to pay to Fanny B. Randolph, or her legal representative, $8,280, and to Dora L. Stark, or her legal representative, $8,280, making in all $16,560, the same being in full for, and the receipt of the same to be taken and accepted in full and final discharge of, their claim examined, investigated, and reported favorably by the Court of Claims of the United States, under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWBOAT ASSOCIATION OF NEW ORLEANS, LA.

The bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La., was considered as in Committee of the Whole. It proposes to authorize the Court of Claims of the United States to adjudicate the claims of the receivers of the Towboat Association of New Orleans, La., for the value of 50,000 barrels of coal, more or less, and for the value of other stores and supplies seized and taken possession of in the year 1862 by order of Maj. Gen. Benjamin F. Butler, commanding the United States Army at New Orleans, and wholly used and consumed by the military and naval forces of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECEIVERS OF INTERSTATE CORPORATIONS.

The bill (S. 331) providing that no person shall be eligible as assignee or receiver of a bankrupt corporation engaged in interstate commerce who shall have been a director, officer, or employee of such corporation at any time during the three years next preceding such bankruptcy, was next in order on the Calendar.

The PRESIDING OFFICER. The bill was reported adversely and goes over under Rule IX.

Mr. COCKRELL. Let it be passed over. It is an adverse report.

The PRESIDING OFFICER. The bill will go over under Rule IX, if there is no objection. It is so ordered.

CHRISTOPHER ELLIS.

The bill (S. 895) for the relief of Christopher Ellis was considered as in Committee of the Whole. It proposes to remove the charge of desertion and grant an honorable discharge in the case of Christopher Ellis, who was a machinist in the United States Navy, and who is charged with having deserted from the United States steamer *Nipsic* February 7, 1872.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF JOHN ROACH, DECEASED.

The bill (S. 1180) to pay the heirs of the late John Roach, deceased, $48,858.03, for labor and material furnished for the gunboat *Dolphin*, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, after line 7, to strike out all down to and including the word "three," the first word in line 9, and to insert "$28,160.25"; so as to read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Statutes, page 477), to pay to the legal representatives of John Roach, deceased, the sum of $28,160.25, for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin*, under the advice and assistance of the naval advisory board mentioned in said act.

The amendment was agreed to.

The next amendment was, at the end of the bill, in line 13, after the word "act," to insert "which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of John Roach, deceased."

E. R. SHIPLEY.

The bill (S. 67) for the relief of E. R. Shipley was considered as in Committee of the Whole. It proposes to appropriate $460 for the payment in full to E. R. Shipley for moneys paid, by direction of Post-Office Inspector Edgerton, to parties having money in registered packages stolen from the post-office in Springfield, Mo., on the 23d day of June, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOSES PENDERGRASS.

The bill (S. 66) for the relief of Moses Pendergrass, of Missouri, was considered as in Committee of the Whole. It proposes to settle and audit the accounts and claim of Moses Pendergrass, as contractor in carrying the mails in the State of Missouri, from July 1, 1887, to May 6, 1888, upon the basis and amount of $317 per annum as his bid for such service, under the advertisement of September 15, 1886, and of the orders of the Post-Office Department increasing the service thereon, and to pay him for such service an amount not exceeding $379.56, in full satisfaction therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELMUTH F. SŒCKEL.

The bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel was considered as in Committee of the Whole. It proposes to remove the charge of desertion now standing against the record of Helmuth F. Sœckel, late private Company C, Sixteenth Regiment Connecticut Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY W. MOSS.

The bill (S. 533) for the relief of Sidney W. Moss, of Oregon City, Oreg., was considered as in Committee of the Whole. It proposes to pay $7,000 to Sidney W. Moss, of Oregon City, Oreg., in full compensation for lots Nos. 2, 3, 6, and 7, in block No. 6,

in what was known as Pacific City, in Lewis County, then Territory of Oregon, now State of Washington, taken by the Government for military purposes, and included in Cape Hancock Military Reservation, Pacific County, State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF BONDS OF NEW MEXICO.

Mr. BRICE. I ask unanimous consent to make a statement, which will take but a minute, to which I call the attention of the Senator from New York [Mr. HILL].

Yesterday, when the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, was under consideration, the Senator from New York made the following statement:

Mr. HILL. Mr. CATRON, the Delegate from the Territory, was before the committee, and said it was a very proper and just measure and that it ought to be passed.

I desire to say that, as I understand the facts, Mr. CATRON, the Delegate from New Mexico, was before the committee. He heard the entire argument in favor of the amendment, but stated that he was present before the committee for the purpose of advocating the bill which passed the House of Representatives, and had no controversy whatever as to the amendment.

I state that in justice to the Delegate, so that he may not be misstated here, as though he had favored the amendment before the committee, which he did not undertake to state.

Mr. HILL. I think the statement of the Senator from Ohio is substantially correct. My recollection now is that Mr. CATRON spoke of the original bill, and stated that it was probably a just bill, but did not express any opinion upon the amendments proposed.

H. W. SHIPLEY.

The bill (S. 532) for the relief of H. W. Shipley was considered as in Committee of the Whole. It proposes to pay $2,487.38, in full compensation for work done and material furnished by H. W. Shipley in excess of that required of him by his agreement with the Indian Bureau in the construction of a gristmill and sawmill at the Nez Perce Indian Agency, in the Territory of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AND FOG SIGNAL, POINT ARGUELLO, CALIFORNIA.

The bill (S. 1820) for the establishment of a light-house and fog signal at or near Point Arguello, California, was considered as in Committee of the Whole. It proposes to establish at or near Point Arguello, about 12 miles northwest of Point Conception, California, a light-house and fog signal, at a cost not to exceed $35,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ART COMMISSION.

The bill (S. 1922) creating an art commission of the United States, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The Chair understands that bill was to-day under consideration and was passed over. It will be passed over now without prejudice.

KATE WINTER.

The bill (S. 789) for the relief of Kate Winter was considered as in Committee of the Whole. It proposes to repeal the provisions of the act of Congress entitled "An act supplementary to an act entitled 'An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia,'" approved January 19, 1891, so far as the same authorized the acquisition by the railroad of land for the business of the company in square No. 739, in the city of Washington and District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPREME COUNCIL OF THE THIRTY-THIRD DEGREE OF SCOTTISH RITE MASONRY.

The bill (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCOUNTS WITH PUBLIC-LAND STATES.

The bill (S. 474) fixing times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, was announced as next in order.

Mr. BERRY. Let that bill go over, Mr. President.

The PRESIDING OFFICER. Under Rule IX?

Mr. BERRY. No; let it be passed over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice, at the request of the Senator from Arkansas.

EDWARD N. FISH AND OTHERS.

The bill (S. 290) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service was considered as in Committee of the Whole.

It proposes to pay the amounts found due by the Court of Claims, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Burney, $3,534.76.

To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALL subsequently said: Mr. President, I observe that a bill passed a few minutes since making an appropriation of certain sums of money upon the findings of the Court of Claims. I should like to have an explanation of the bill if there is any Senator present who understands it. For myself, I do not like to have a bill of that kind relating to the Court of Claims passed without any explanation. It is putting the Treasury practically into the hands of three judges.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT], who reported the bill, was in the Chamber at the time it was passed. He has gone out temporarily.

Mr. CALL. I shall not ask that the vote by which the bill was passed be reconsidered, but I desire to say that I do not think this is a proper method of legislation.

WEIGHTS AND MEASURES IN THE DISTRICT.

The bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, after the word "defective," at the end of line 23, to insert:

The Commissioners of the District of Columbia shall prescribe the amount of tolerance to be allowed by the sealer of weights and measures, and all weights, measures, and balances that do not conform to the standards for weights and measures in this act provided for within the limit of tolerance so allowed may be seized by the sealer of weights and measures, and when so seized shall be destroyed by him, and a record of the same shall be duly entered on the books of his office.

The amendment was agreed to.

The next amendment was, in line 32, after the words "section or," to strike out "to pay" and insert "the use of any weights, measures, scales, or other instruments described in this section. before the payment of"; in line 36, after the word "failing," to insert "or using"; in line 38, after the word "recovered," to strike out "in any court of competent jurisdiction" and insert "in the police court of the District of Columbia"; and in line 39, before the word "court," to insert "said"; so as to read:

Failure to comply with the provisions of this section. or the use of any weights, measures, scales, or other instruments described in this section, before the payment of the fees fixed by the said Commissioners for examinations, shall render the person so failing or using liable to a fine of not more than $20 and costs of prosecution for each offense, to be recovered in the police court of the District of Columbia; and the said court may make a further sentence that the offender be imprisoned in the District jail for any period not exceeding six months, until the payment of such fine and costs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIER-HEAD LIGHT AT MILWAUKEE, WIS.

The bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to establish a pier-head light at or near South Milwaukee, in the State of Wisconsin, at a cost not to exceed $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN CITIZENS.

The bill (S. 265) extending relief to Indian citizens, and for other purposes, was announced as next in order.

Mr. COCKRELL. The Senator who reported that bill is not present. Let it be passed over without losing its place.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. CALL. I think the hour has expired which the Senator from Maine [Mr. HALE] asked should be devoted to the consideration of the Calendar, and I move that the Senate adjourn.

The PRESIDING OFFICER. The recollection of the Chair is that it was twenty minutes past 3 o'clock when the agreement was made, and that it was to last for one hour.

Mr. CALL. Very well; I will not insist on the motion. I think, however, there ought to be more Senators present when bills are being passed.

WELLS C. M'COOL.

The bill (S. 792) for the relief of Wells C. McCool was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, line 10, after the date "1863," to insert "less any amount said McCool may have received for pay or allowances for such period"; so as to make the section read:

That there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty-ninth Iowa Volunteer Infantry, from December 1, A. D. 1862, to April 30, 1863, less any amount said McCool may have received for pay or allowances for such period, to be paid by the proper officers of the United States to the said Wells C. McCool, his heirs, executors, administrators, or assignees: *Provided*, That the same be accepted as in full of all claims against the United States for the military services of said Wells C. McCool down to the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LICENSING OF BILLIARD TABLES.

The bill (S. 1232) to license billiard tables, and for other purposes, was announced as next in order.

Mr. PLATT. That bill had better be passed over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

ADDITIONAL LAND OFFICE IN MONTANA.

The bill (S. 1743) to establish an additional land office in the State of Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, to strike out all after the word "follows," as follows:

Commencing on the forty-ninth parallel of latitude at a point where the same is intersected by the summit of the main range of the Rocky Mountains; thence in a southerly direction, following the summit of said mountains, to a point where the same meets and is intersected by the eastern boundary line of Missoula County; thence south along said boundary line to latitude 47° 35'; thence west along said line of latitude to meridian 114° 35' west; thence north along said meridian to the sixth standard parallel; thence west and along said parallel to meridian 115° west; thence north along said meridian to the forty-eighth parallel of latitude; thence west along said parallel to a point where the same is intersected by the summit of the divide or watershed between the Kootenai and Clarks Fork of the Columbia River, the same being known as the Cabinet range of mountains; thence in a northwesterly direction, following the summit of said divide or watershed to the eastern boundary line of the State of Idaho; thence north along said Idaho line to the forty-ninth parallel of latitude; thence east along said parallel to the place of beginning.

And insert:

Beginning at a point on the national boundary line where the same would be intersected by the range line between ranges 14 and 15 west of the Montana principal meridian when projected (this line being the present boundary between the Helena and Missoula land districts); thence south on said range line between ranges 14 and 15 west to the southeast corner of township 22 north, range 15 west; thence west on township line between townships 21 and 22 north to the southwest corner of township 22 north, range 23 west; thence north on range line between ranges 23 and 24 west to the sixth standard parallel north; thence west on said standard parallel to the southwest corner of township 25 north, range 26 west; thence north on range line between ranges 26 and 27 west to northeast corner of township 26 north, range 27 west; thence west on township line between townships 26 and 27 north to the northeast corner of township 26 north, range 30 west; thence north on range line between ranges 29 and 30 west to northeast corner of township 27 north, range 30 west; thence west on township line between townships 27 and 28 north to the northwest corner of township 27 north, range 31 west; thence north on range line between ranges 31 and 32 west to the seventh standard parallel north; thence west along the seventh standard parallel north to the western boundary of the State; thence north on said boundary line to the northwest corner of the State on the national boundary line on the forty-ninth parallel, north latitude; and thence east on said national boundary line to the place of beginning.

So as to make the section read:

That all that portion of the State of Montana bounded and described as follows: Beginning at a point on the national boundary line where the same would be intersected by the range line between ranges 14 and 15 west of the Montana principal meridian when projected (this line being the present boundary between the Helena and Missoula land districts); thence south on said range line between ranges 14 and 15 west to the southeast corner of township 22 north, range 15 west; thence west on township line between townships 21 and 22 north to the southwest corner of township 22 north, range 23 west; thence north on range line between ranges 23 and 24 west to the sixth standard parallel north; thence west on said standard parallel to the southwest corner of township 25 north, range 26 west; thence north on range line between ranges 26 and 27 west to northeast corner of township 26 north, range 27 west; thence west on township line between townships 26 and 27 north to the northeast corner of township 26 north, range 30 west; thence north on range line between ranges 29 and 30 west to northeast corner of township 27 north, range 30 west; thence west on township line between townships 27 and 28 north to the northwest corner of township 27 north, range 31 west; thence north on range line between ranges 31 and 32 west to the seventh standard parallel north; thence west along the seventh standard parallel north to the western boundary of the State; thence north on said boundary line to the northwest corner of the State on the national boundary line on the forty-ninth parallel, north latitude; and thence east on said national boundary line to the place of beginning, be, and the same is hereby, constituted a new land district, to be called Flathead land district of the State of Montana, and the land office for said district shall be located at the town of Kalispell.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HILL. Mr. President, is it not a little unwise to take up these bills without the authors of the bills or the chairmen of the committees being present to explain them?

The PRESIDING OFFICER. The committee amendment has been adopted, the Chair will state.

Mr. HILL. There might possibly be other amendments if the author of the bill or the chairman of the committee reporting it were here.

Mr. PLATT. It occurs to me that this is a good time to adjourn.

The PRESIDING OFFICER. The agreement was that the consideration of unobjected cases on the Calendar should continue for one hour, the Chair will state. Does the Senator from New York object?

Mr. HILL. I do not object. I only make the suggestion, and leave it to the good sense of the Senate.

Mr. COCKRELL. I suppose there is no danger in this bill establishing a land office.

Mr. HILL. Possibly not.

Mr. PLATT. I should like to make an inquiry in regard to the pending bill. It proposes to establish a new land office. I should like to inquire of the Senator from Colorado [Mr. TELLER], who has been Secretary of the Interior, how many new offices have to be created when a new land office is established?

Mr. TELLER. Only two, a register and a receiver.

Mr. PLATT. Are they provided for in this bill?

Mr. COCKRELL. No; they follow under the general law.

Mr. TELLER. If the office is created, the general law authorizes the appointment of those officers.

Mr. PLATT. How long do they hold?

Mr. TELLER. They are appointed for four years, unless a change of Administration occurs, and then they are sometimes sooner removed.

Mr. PLATT. So that if we should get the Administration we should get the officers?

Mr. TELLER. The officers can be removed after the 4th of next March. [Laughter.]

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESERVOIR SITES.

The bill (S. 264) providing for the location and purchase of public lands for reservoir sites was announced as next in order.

Mr. COCKRELL. The Senator who introduced and reported that bill is absent, and it is quite an important bill. Let it be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over without prejudice, on the suggestion of the Senator from Missouri.

ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 1380) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole.

The Committee on Patents reported an amendment, to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the claim of Hyland C. Kirk, of Phelps, N. Y., and others, assignees of letters patent No. 101604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher, and assigned to said Hyland C. Kirk and others, for compensation for the use of said letters patent and the invention therein described by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1868, 1869, 1870, 1871, and 1872, be, and is

hereby, referred to the Court of Claims, and said court is hereby vested with power and jurisdiction, notwithstanding the statute of limitations, to hear, determine, and adjudicate the validity of said letters patent, the title of the assignees, respectively, to the same, and the amount of compensation, if any, which should in justice and equity be made to said claimants or any of them, respectively, for the use of such invention by the United States as aforesaid, and to render final judgment therefor. That upon the trial of the questions arising, said court shall receive as competent evidence the testimony in the case of Fletcher against United States, and the case of Solomon against United States, heretofore pending and decided in said Court of Claims and of record therein, together with such other evidence as may be presented upon said hearing. And from the judgment of said court either party may appeal to the Supreme Court of the United States, in the manner and within the time provided by statute for appeals from judgments rendered by said court.

Mr. HILL. Is not that rather remarkable legislation? Is there anybody here to explain it? The bill prescribes in a case before the Court of Claims exactly what evidence shall be received, etc., which is something unusual, it strikes me.

Mr. PLATT. There is nothing very remarkable about it, Mr. President. The committee have tried to do the best they could for some of the Senator's constituents, and if he does not desire to have his constituents taken care of I am sorry he did not make his application before the committee, to be heard there. I believe, however, the bill was introduced by the Senator's colleague [Mr. MURPHY].

This is a bill which has passed the Senate several times, and I think the parties are entitled to have the case decided in the Court of Claims.

The reason of the provision that the evidence taken in certain cases might be used was to prevent the necessity of going all over with the taking of the testimony again upon the exact point which will be before the Court of Claims. The parties desire that the case might be adjudicated upon the evidence in those records, but the committee changed that so as simply to make the testimony taken competent evidence there; of course, it is for the court to give it such weight as it chooses, it being left open on both sides—the United States and the parties plaintiff—to the production of such other evidence as they may present.

Mr. CALL. Other evidence is not excluded.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

The resolution submitted by Mr. PETTIGREW January 8, 1896, authorizing the Committee on Indian Affairs to continue investigations during the recess of Congress and to visit the several Indian reservations, etc., was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The resolution will be passed over without prejudice.

JENNIE M. HUNT.

The bill (S. 674) for the relief of Jennie M. Hunt was announced as the next business in order on the Calendar.

Mr. COCKRELL. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill will go over under Rule IX.

SOUTHWESTERN PRESBYTERIAN UNIVERSITY.

The bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn., was announced as the next business in order on the Calendar.

Mr. CHANDLER. I ask to have that bill go over. There is a thin Senate present, and I do not like the wording of the bill.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The order of the Senate has been executed, and the Senator from Missouri [Mr. COCKRELL] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 9, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 5, 1896.

CONSUL.

Samuel Comfort, of New York, to be consul of the United States at Bombay, India.

EXAMINER IN CHIEF, PATENT OFFICE.

Arthur P. Greeley, of Concord, N. H., to be an examiner in chief in the Patent Office.

PROMOTIONS IN THE NAVY.

Lieut. Commander George A. Bicknell, to be a commander.
Lieut. Nathan E. Niles, to be a lieutenant-commander.
Lieut. (Junior Grade) John A. Dougherty, to be a lieutenant.
Ensign Theodore C. Fenton, to be a lieutenant (junior grade).
P. A. Engineer Stacy Potts, to be a chief engineer.
Asst. Engineer Charles H. Hayes, to be a passed assistant engineer.
P. A. Engineer Henry T. Cleaver, to be a chief engineer.
Asst. Engineer Horace W. Jones, to be a passed assistant engineer.
P. A. Engineer John R. Edwards, to be a chief engineer.
Asst. Engineer Josiah S. McKean, to be a passed assistant engineer.
Commodore Thomas O. Selfridge, to be a rear-admiral.
Medical Inspector Thomas N. Penrose, to be a medical director.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. James Bradford Erwin, Fourth Cavalry, to be captain.

Second Lieut. Guy Henry Preston, Ninth Cavalry, to be first lieutenant.

Pay Department.

Lieut. Col. James Price Canby, deputy paymaster-general, to be assistant paymaster-general.

Maj. Frank Morrell Coxe, paymaster, to be deputy paymaster-general.

Infantry arm.

Second Lieut. William Alexander Campbell, Ninth Infantry, to be first lieutenant.

POSTMASTER.

George S. Wilson, to be postmaster at Malvern, in the county of Mills and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 5, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CUBA.

Mr. HITT. Mr. Speaker, a message came from the Senate yesterday that the Senate had disagreed to the House amendment to the concurrent resolutions of the Senate in regard to Cuba, and asking the House to agree to a conference. I move that the House insist on its amendment, and agree to the request of the Senate for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House insist on its amendment to the Senate concurrent resolution in reference to Cuba and agree to the conference asked by the Senate. Is there objection? The Chair hears none.

IMPROVEMENT OF CONNEAUT HARBOR, OHIO.

The SPEAKER laid before the House, with amendments of the Senate, the joint resolution (H. Res. 98) directing the Secretary of War to cause Lieut. Col. Jared A. Smith, Corps of Engineers, to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

Mr. NORTHWAY. I move that the House concur in the amendments of the Senate. They are merely verbal.

The amendments of the Senate were read and concurred in.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. GROSVENOR. I ask unanimous consent for the consideration of the bill (H. R. 175) authorizing the Secretary of War to make certain uses of the Chickamauga and Chattanooga National Park, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That in order to obtain practical benefits of great value to the country from the establishment of the Chickamauga and Chattanooga National Park, the park and its approaches are hereby declared to be a national field for military maneuvers for the Regular Army of the United States and the National Guard of the States.

SEC. 2. That the Secretary of War is hereby authorized, within the limits of appropriations which may from time to time be available for such purpose,

to assemble, at his discretion, in camp at such season of the year and for such period as he may designate, at this field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there. The Secretary of War is further authorized to make and publish regulations governing the assembling of the National Guard of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises.

The amendments reported by the Committee on Military Affairs were read, making the first section of the bill read as follows:

That in order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are hereby declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard of the States: *Provided*, That the said parks shall be opened for such purposes only in the discretion of the Secretary of War and under such regulations as he may prescribe.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. I should like to ask the gentleman from Ohio a question.

The SPEAKER. Reserving the right to object?

Mr. BARTLETT of New York. Yes, sir. Mr. Speaker, I observe that in this bill the words "National Guard" are used. Now, I suppose the manifest intention is to cover the militia of all the States. I would ask the gentleman from Ohio whether that is so?

Mr. GROSVENOR. This bill confers upon the Secretary of War authority to give permission to the National Guard to occupy this park for the purposes designated.

Mr. BARTLETT of New York. Is it not the intention to cover the militia of all the States?

Mr. GROSVENOR. Yes, sir.

Mr. BARTLETT of New York. Then the objection I suggest is this: That the term "National Guard" does not cover the militia of many of the States. In a number of the States the militia is not termed the National Guard; in some it is called the State guard. There are various designations applied to the State militia. I suggest that the word "militia" be substituted in the bill for the words "National Guard."

Mr. GROSVENOR. I have no objection to that amendment. This bill, however, has been drawn at the Office of the Secretary of War.

Mr. BARTLETT of New York. I have the report of the Secretary of War of last year on the militia of the various States, and that report says that in 17 States the militia is not termed the National Guard. I suggest the insertion of the word "militia" as being more generic.

Mr. GROSVENOR. The gentleman will allow me to say that there is no force in his objection. The term "National Guard" is a designation which covers all the troops recognized under the laws of the United States. The militia of the country are recognized as belonging to the National Guard. They are a part of the military force of the United States and under the orders of the President of the United States.

Mr. BARTLETT of New York. Can the gentleman show me the term "National Guard" in the Constitution? [Laughter.]

Mr. GROSVENOR. Oh, no; and I can not show the battle of Bunker Hill in the Constitution. [Laughter.] The gentleman had better let the bill go through in its present form, and if necessary a correction can be made in the Senate.

Mr. BARTLETT of New York. I desire to offer the amendment I have indicated.

Mr. GROSVENOR. Very well.

Mr. BARTLETT of New York. I desire to propose an amendment, to insert the words "militia and" before "National Guard" wherever that phrase occurs.

Mr. GROSVENOR. No; let "militia" be put after "National Guard," in line 10.

Mr. BARTLETT of New York. Before or after will suit me.

Mr. GROSVENOR. The word "or," not "and," should be used, because we do not want to recognize two classes of troops.

Mr. BARTLETT of New York. I assent to that suggestion.

Mr. GROSVENOR. I have no objection to the insertion of the words "or militia" in the tenth line, following the word "Guard." I presume the question will be first upon the committee amendments and then upon this.

The SPEAKER. Should there not be a change also in the eighth line of the first section?

Mr. GROSVENOR. Yes, sir; the same amendment should be made there after the words "National Guard."

There being no objection, the House proceeded to the consideration of the bill.

The amendments of the committee and the amendments proposed by Mr. BARTLETT of New York and Mr. GROSVENOR were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2003) for the relief of Mrs. A. C. Wagner, in the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

Mr. LOUD. I would like to hear the report read in this case.

Mr. MCCALL of Tennessee. Mr. Speaker, I must object.

Mr. ADAMS. I trust the gentleman will at least hear the report read before he makes objection.

Mr. DOCKERY. I think we had better go on with the regular order.

The SPEAKER. Objection is made.

Mr. MCCALL of Tennessee. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. Section 4 of the bill has been read and is now open to amendment.

Mr. MILNES. Mr. Chairman, I offer a substitute for section 4 of the bill.

The Clerk proceeded to read the substitute.

Mr. SWANSON. Mr. Chairman, I make the point of order that it is not in order now to entertain a substitute. As I understand it, this is a substitute for the entire section. Amendments under the rule would be first in order.

The CHAIRMAN. The gentleman is correct. No vote can be had until the text is amended.

Mr. MILNES. Very well; I will withdraw the matter temporarily.

Mr. SWANSON. I offer an amendment to this section of the bill. On page 8 of the bill, in line 2, I move to strike out "$4,000" and insert "$4,500."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Virginia.

The Clerk read as follows:

On page 8, line 2, strike out "$4,000" and insert $4,500"; so that it will read: "for the western district of Virginia, $4,500."

Mr. SWANSON. Mr. Chairman, I hope I can have the attention of the committee, and especially the members of the Judiciary Committee, for a very few moments while I explain the purpose of this amendment.

The purpose of the amendment is to fix the salary for the marshal of the western district of the State of Virginia at $4,500, instead of $4,000, as proposed by the bill.

Now, I hope that this Committee on the Judiciary, as all other committees ought to do when they ascertain that they have done anybody injustice, will be willing to agree to correct it. I hope the committee, therefore, will give attention to the suggestions I propose to make in support of the amendment, and I think they will be content to agree with me that the marshal of the western district of Virginia is entitled to the increase I ask.

I am confident that the committee has failed to look at this district in fixing the salary of the marshal, and I am further confident that it was an oversight on their part. On yesterday in fixing the salaries of the district attorneys we purposely discriminated in some instances in behalf of the large cities, in view of the fact that important cases might arise which would demand a special degree of ability and local talent. But this does not apply to marshals. They execute writs. I wish to say that the marshal of the western district of the State of Virginia is equally with others entitled to $4,500, and I am willing for the House and Judiciary Committee to make the test by any rule that they see proper to apply.

Now, take, in the first instance, the emolument account. I simply ask that the marshal for this district of Virginia shall have precisely the same salary that is by the committee assigned to the marshal of the southern district of Illinois, and I want to make a comparison between the two. In the southern district of Illinois (and it must be remembered that the great city of Chicago is not situated in that district) there are practically the same conditions existing as exist in the western district of the State of Virginia. We have cities equally as large in that district, we have conditions similar to those existing in the district of southern Illinois, and in all respects these two districts afford a fair subject for comparison. Now, let us compare the two. Last year the total gross emoluments of the marshal for the southern district

of Illinois were $22,876.51, while for the western district of Virginia for the same year they are $43,359.89. It will be seen that they will about double those of the southern district of Illinois. The total gross receipts of deputies, clerks, etc., for the southern district of Illinois were $16,018.90, and for the western district of Virginia $34,856.61, or more than double as much, and the two aggregates make the gross receipts of southern Illinois $38,895.41 and the western district of Virginia $78,216.50.

Now, look at the net salaries and emoluments of the two districts. Compare them. We find in the southern district of Illinois the total net salaries, $6,857.48; for the western district of Virginia, $8,643.66, or about 33⅓ per cent greater than the southern district of Illinois. Yet, taking the net returns from the western district of Virginia, they cut this salary down more than half, and they only reduce it for the southern district of Illinois about 25 per cent.

Thus, if taken on the gross receipts, the western district of Virginia should receive more. If taken on the net emoluments it should have more. Let us apply it to the work they did last year. Last year there were terminated in the southern district of Illinois 343 suits. That is, the marshal had to serve process and do work in that number of suits in the southern district of Illinois. In the western district of Virginia there were 565 suits, so that there was nearly double the work for the marshal for the western district of Virginia last year that there was for the marshal in the southern district of Illinois.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. Just one minute longer.

The CHAIRMAN. The gentleman's time has expired.

Mr. TUCKER. I ask unanimous consent that my colleague have three minutes.

Mr. BROWN objected.

Mr. SWANSON. I will get the floor later on.

Mr. UPDEGRAFF. Mr. Chairman, I rise to oppose the proposed amendment, and I only desire a minute. The gentleman says we could not have looked at the returns when we fixed this salary. The returns were carefully examined and they show a condition in that district which, as much as in any other district, indicates the necessity for the passage of this bill. The western district of Virginia took out of the United States in the year 1895, in fees, the sum of $43,500, and it was to prevent this and other things of this kind that this bill was introduced. That is all I desire to say.

Mr. SWANSON. Mr. Chairman, I wish to offer a substitute for my amendment, to insert "five thousand" instead of "forty-five hundred."

Mr. UPDEGRAFF. If the gentleman wishes to reduce the amount, we will accept his amendment.

Mr. SWANSON. I say, I offer a substitute proposing $5,000 instead of $4,500. If gentlemen wish to accept that, I will agree to it. I do not come here to ask for anything except fair, honest treatment between different officials of this Government. Now, we pay the marshal for the work he does, or we should do so.

Mr. MILNES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MILNES. The Chair ruled a few moments ago when I offered a substitute that substitutes at this time were not in order.

Mr. SWANSON. The gentleman offered a substitute for the whole section, but mine is simply a substitute for my amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. MILNES] is mistaken. The Chair did not rule that his substitute was not in order, but that action could not be had upon it until the text of the section was completed and until other gentlemen had had opportunity by amendment to perfect the text.

Mr. MILNES. Does not the same rule apply here?

The CHAIRMAN. No; this is a substitute for an amendment to a part of the section. The proposition of the gentleman from Michigan was a substitute for the whole section.

Mr. SWANSON. Now, Mr. Chairman, I was going on to say that I have no desire to increase the salary of any official of this Government unless it is justly and fairly due him. If the marshal for the western district of Virginia is compelled, when he accepts that office, to do double the work that the marshal for the southern district of Illinois has to do, then if he should not receive more compensation he certainly ought to receive as much. Now, take the work that he has got to do next year. That is a fair test. Take the processes that the marshal for the western district of Virginia is compelled to serve next year, and see whether this is fair and just or not. Whether I am potential in this House in getting amendments or not, I am certainly entitled to appeal to this House for fair, just, and honest treatment, and to prevent any discrimination or discrepancy in fixing these salaries; and that is all I ask. Take the work which must be done next year and put that test to it. Let every man, in a spirit of fairness and justice, say what is fair between the marshal of the western district of Virginia and the marshal of the southern district of Illinois.

Mr. MILES. Could you not prevent that discrimination by offering an amendment to reduce the salary of the marshal for the Illinois district?

Mr. SWANSON. If they reduce that, they ought certainly to give more to the marshal for the western district of Virginia than is given the marshal of the southern district of Illinois. If you will do that I will not complain. In the southern district of Illinois the criminal suits terminated last year were 343. That is, the marshal for the southern district of Illinois only had to serve processes and be responsible for 343 suits last year, while the marshal for the western district of Virginia had the responsibility and the work in 565 suits, or nearly twice as much work and responsibility.

Now, the suits pending to be executed by the marshal for the southern district of Illinois next year, on the 1st of July, were only 167. That gauges the work he has to do next year in the new suits. There were left of undecided suits for the marshal of the western district of Virginia to execute next year 318—twice as much work to do next year as must be done by the marshal of the southern district of Illinois; yet he is to receive a smaller salary. Now, I want to appeal to the fairness and justice of this House. Last year the emoluments of the district attorney for the western district of Virginia were $8,643.60, and the emoluments for the district attorney of the southern district of Illinois were only $6,857.48; so he received last year about 25 per cent less for work than the district attorney for the western district of Virginia, and yet they come in here and give him $500 more salary; and I ask this House to correct that inequality.

Mr. NORTHWAY. Mr. Chairman, is debate on this amendment exhausted?

The CHAIRMAN. It is not.

Mr. NORTHWAY. Mr. Chairman, I want to call the attention of this committee to certain matters relative to this bill not particularly pertinent to this amendment. I want also to address a few words relative to this amendment. I submit this: If there is a district anywhere in the United States where you can not get a good man to act as marshal for the sum of $4,000 we had better abolish the district. I want to call your attention to another thing: That the enormous fees named by the gentleman from Virginia as having been piled up in this district may be the very reason why we ought to pass this bill; and if the bill is passed it will serve the purpose of cutting down this very business out of which these enormous fees are created.

Mr. SWANSON. Will the gentleman allow me?

Mr. NORTHWAY. I have not time. I submit this: If there is any criticism that can be passed upon this section it is that the committee has placed too large sums opposite the names of these various districts. I believe the sense of the House would be to cut down the figures instead of increasing them. I desire to call particular attention to this fact: Here is a bill largely experimental, passed, if it shall be passed, for the first time in the history of our country, if I understand it, entering upon a new course of procedure, which has been investigated by one of the ablest committees of this House. That committee has devoted unceasing energy to the consideration of this matter. Now, if we are to believe each of these gentlemen who have certain interests that they are seeking to protect, never did a committee make so many blunders as did this committee. Everybody wants to amend the bill. This is a committee formed of able men, who have considered this bill with special reference to reform, and I submit it is our duty to stand by the committee. We can not take the statement of everybody here as against the statements of the committee, and I believe this Committee of the Whole ought to vote down these amendments just as fast as they come to them, and let us stand by the committee. I believe it is in the interest of reform. If we venture to amend every section, we wipe away the effect of the work of the committee. I therefore submit that we ought not to do that, but ought to stand by the committee and let this be executed into law.

Mr. SWANSON. I withdraw my substitute and put the sum at $4,500, the same as it is in southern Illinois.

The CHAIRMAN. Debate is exhausted on the amendment. The question is on the motion of the gentleman from Virginia.

The Clerk read as follows:

Insert "five hundred" after the word "thousand" in line 2, of page 8, so as to read, "$4,500."

The question was taken, and the Chairman announced that the ayes seemed to have it. [Cries of "Oh, no!"]

Mr. UPDEGRAFF and Mr. HENDERSON. Division.

The CHAIRMAN. The Chair was wrong. The noes seem to have it. [Laughter.]

Mr. SWANSON. Division.

The committee divided; and there were—ayes 25, noes 71.
So the amendment was rejected.
Mr. LOUDENSLAGER. Mr. Chairman, I offer an amendment.
The Clerk read as follows:

On page 7, line 3, strike out the words "twenty-five hundred" and insert "three thousand."

Mr. LOUDENSLAGER. Mr. Chairman, the effect of the amendment I sent to the Clerk's desk and had read is to increase the compensation of the marshal for the district of New Jersey from $2,500 to $3,000. It is manifest that the feeling of the members of this House is favorable to the passage of this bill. Yet I do not for a moment consider that that feeling is so deep rooted that they would hesitate to favor an amendment that would take out of the bill an inequality, an error, or a mistake made by the committee.

The district of New Jersey comprises the whole State of New Jersey, with a population of a million and a half. It may be truly stated that neither area nor population is the proper basis upon which to regulate the compensation of these officials, and I do not hesitate to say that a comparison of the business of the different districts in the United States would be a fairer basis upon which to ascertain whether the committee have acted equitably and with the fair hand of justice in fixing the compensation of the marshal of the district of New Jersey. By the report of the Attorney-General for 1895, containing a summary of the business of the different districts in the United States, it is shown that in the district of New Jersey 40 cases were disposed of and $1,895 collected. The committee have fixed the salary of the marshal of that district at $2,500.

Now, the same report of the Attorney-General shows that in the district of Nebraska only 24 cases were disposed of and $1,607 collected, yet the salary of the marshal for that district is put at $3,500. In the district of western Michigan only 18 cases were disposed of, the total reported collection was only $596, and yet the salary of the marshal for that district is put at $3,000. In the district of Maryland only 26 cases were disposed of, there was a reported collection of $5,380, and the salary of the marshal for that district is fixed at $3,000. In the district of Maine only 14 cases were disposed of, there was a reported collection of only $1,200, and yet the compensation reported in this bill for the marshal of that district is $3,000. In the northern district of Florida only 25 cases were disposed of, there was a reported collection of only $1,807, and yet the compensation of the marshal is fixed at $3,000. In the southern district of Florida only 33 cases were disposed of, there was a reported collection of $1,196, and the compensation of the marshal is put at $3,000. The district of West Virginia shows only 26 cases disposed of, with a reported collection of $2,048, yet the committee have reported the compensation of the marshal of that district at $4,000. In the eastern district of New York only 24 cases were disposed of, the amount collected was $726, and yet the compensation reported by the committee for the marshal of that district is $3,000. In the district of North Carolina only 24 cases were disposed of, the total collection was only $517, and yet the compensation of the marshal of that district is put at $4,000. The district of northern Texas shows only 10 cases disposed of and a collection of only $216, yet the compensation of the marshal of that district is put at $3,000. The southern district of Ohio shows only 30 cases disposed of——

Mr. MERCER. May I interrupt the gentleman?

Mr. LOUDENSLAGER. Yes, sir.

Mr. MERCER. I wish to ask him from what part of the House he expects to get any support for his amendment, as he is criticising every district but his own. [Laughter.]

Mr. LOUDENSLAGER. From that portion of the House where equity will reign. [Laughter.] I only want to show members that, according to the compensation reported by the committee for the marshals of other districts, the compensation which they fix for the marshal of the district of New Jersey is eminently unfair.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Chairman, I rise to oppose the amendment of my friend from New Jersey. If this bill be examined carefully, it will be found that we give to the marshal in that district $500 more than we give to the district attorney. We did that for the reason that the income of the marshal was $3,400, while the income of the district attorney was only $2,200. This is one of the few exceptions contained in the bill where we gave the marshal more than the district attorney.

Mr. LOUDENSLAGER. Let me ask the gentleman a question. If the district attorney's compensation had been $1,000, would you, therefore, argue that $1,500 would be ample for the marshal?

Mr. HENDERSON. No; but the compensation of the two officers in any given district is some guide to us in judging what is proper, and we gave the marshal $500 more in this case and in a few other exceptional cases. The general policy of the bill was to give the marshal about the same pay as the district attorney. That rule was resisted by some strong men on the committee, who believed that the district attorneys were men of a higher grade of ability, greater training, and that they ought to have a higher rate of compensation than the marshals; but while it was admitted that there were many men who could be marshals and but few who could be efficient district attorneys, yet the committee took into consideration the other fact that the marshal is a bonded officer while the district attorney is not, and they offset that against the other consideration, and generally acted upon the rule of fixing the compensation of the marshal and of the district attorney at the same figure. That was the rule except where some particular reasons cropped out. In this case of the district of New Jersey such particular reasons did appear, so it was made an exception.

Now, I would like to say this to the committee while I am on my feet. In the battle of yesterday we settled upon the lines for the compensation of United States district attorneys, and I believe it would be wise on the part of the Committee of the Whole to pass rapidly over this section and leave it as the committee reporting the bill fixed it, the compensation of the marshals being, in all but four or five cases, the same as that of the district attorneys. Another thought: We have, as a committee, been somewhat the butt of the witty and of those who were not satisfied with our work. We have taken that goodnaturedly; and we intend to do so. But I would like to impress upon the minds of our associates here that we have undertaken a work called for by this country—called for by ourselves. Nothing has been pressed upon us more than the necessity for this legislation; and while we are doing a work which brings upon us the shafts of those who do not find the bill in just the shape that suits them, I trust they will remember that we are doing a work for them as their agents, and unless they find that in doing this we have made some grave oversight or mistake we should have their kind cooperation.

They should realize that as a committee we are acting as their servants, trying to frame a measure for the benefit of the country and to enroll upon the statute books something that will be to the credit of every member of the House.

The question being taken on the amendment of Mr. LOUDENSLAGER, it was rejected; there being—ayes 25, noes 55.

Mr. BAILEY. Mr. Chairman, I desire for a moment the attention of the chairman of the committee and the chairman of the subcommittee, and also of the gentleman from South Carolina [Mr. ELLIOTT]. This section as it now stands provides no salary for the marshal of the eastern district of South Carolina, or the marshal of the western district; but it does provide a salary for the marshal of "the district of South Carolina"—an office which does not exist. Now, the committee ought to agree either to an amendment like that proposed by the gentleman from South Carolina [Mr. MCLAURIN] yesterday, in the case of the district attorney——

Mr. JOHNSON, of California. I rise to a point of order. As the committee, according to the statements made here, have been so careful, they can not have made such an error as the gentleman is now undertaking to point out; he must be mistaken.

Mr. BAILEY. I suppose that relieves the mind of the gentleman from California, but it does not touch the question.

Certainly neither the Judiciary Committee nor the House wants to make a mistake. If this bill should become a law in its present shape it provides compensation for an office that does not exist and leaves unprovided with compensation an office that does exist.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. BAILEY. Yes, sir.

Mr. WILLIAM A. STONE. As I understand the matter, while there are two districts in the State of South Carolina the service in both is performed by the same district attorney and the same marshal. Is that correct?

Mr. BAILEY. That is perfectly true. The law provides that the marshal of the eastern district of South Carolina shall perform the duties of the marshal of the western district. Thus the marshal of the one district has imposed upon him the performance of the duties in both districts. But he is not an officer of the "district of South Carolina" and is an officer of the eastern district of South Carolina.

Mr. WILLIAM A. STONE. Then the legal title is marshal and district attorney of the eastern district?

Mr. BAILEY. That is true.

Mr. WILLIAM A. STONE. If that is the case there ought to be no objection to making the necessary correction.

Mr. UPDEGRAFF. Will the gentleman from Texas allow me a word?

Mr. BAILEY. Yes, sir.

Mr. UPDEGRAFF. In all the reports and accounts of the Attorney-General for years these two districts have been treated as one. The committee, following these official documents of the Attorney-General, which have treated South Carolina as a single district, put the provision in this form.

Mr. BAILEY. Certainly I do not criticise the work of the committee, for I am partly responsible for that work.

Mr. BURTON of Missouri. The addition of the letter "s" will cure the difficulty.

Mr. BAILEY. That will perhaps correct it.

Mr. BURTON of Missouri. Then I offer that amendment.

Mr. ELLIOTT of South Carolina. One moment. I hope gentlemen will not act too hastily——

The CHAIRMAN. This debate is out of order, as there is no amendment pending.

Mr. BAILEY. The gentleman from Missouri [Mr. BURTON] has offered an amendment.

Mr. ELLIOTT of South Carolina. If I can have the floor a moment, I wish only to state——

The CHAIRMAN. Let the pending amendment be first read.

The amendment offered by Mr. BURTON of Missouri was read, as follows:

In line 17, page 7, strike out "district" and insert "districts"; so as to read: "For the districts of South Carolina, $4,500."

Mr. UPDEGRAFF. Mr. Chairman, I ask now, in order to make the bill symmetrical, that we turn to page 3, for the purpose of offering an amendment.

Mr. ELLIOTT of South Carolina. I hope the gentleman will not leave this matter pending, but that we may dispose of it now.

Mr. UPDEGRAFF. I understand the gentleman desires to be heard pending the amendment offered by the gentleman from Missouri?

Mr. ELLIOTT of South Carolina. Yes.

I think it would be quite unfortunate, Mr. Chairman, to make an amendment of this kind in reference to the existing law on the appropriation bill that may affect these districts in South Carolina in a manner not now contemplated.

Mr. BURTON of Missouri. Mr. Chairman, has consent been given to recur to the preceding paragraph?

The CHAIRMAN. The Chair will suggest that we had better proceed with the pending amendment first and at the conclusion of the consideration of the amendment the gentleman can submit his motion to return to that portion of the bill to which he refers.

Mr. UPDEGRAFF. Very well.

Mr. DOOLITTLE. Of course we will have an opportunity to offer amendments to this section.

Mr. BURTON of Missouri. Certainly; it is the pending section.

Mr. ELLIOTT of South Carolina. Mr. Chairman, I was proceeding to say that I think it quite unfortunate to undertake in this way to correct a matter that has certainly been proceeding without the slightest difficulty from the earliest history of the Government up to the present time. I do not suppose there has ever been an appropriation made for South Carolina in reference to judicial matters in that State that has not contained just what we find in the pending bill.

I applied to the chairman of the Committee on the Judiciary on yesterday, the gentleman from Iowa [Mr. HENDERSON], with reference to this very matter, and he said that in his opinion it had better be left as it is now until the committee could examine more carefully into it, and if it should be found to be necessary hereafter, corrections could be made as we proceed with the bill.

The law requires that all the duties of the two districts shall be performed by the district attorney and the marshal of the "eastern district of South Carolina." Here is the statute, if any gentleman wants to hear it read. Such being the law and such being the precedents heretofore with reference to the payment of these officials in South Carolina, I think it would be very dangerous to make the change without a careful consideration of all the facts and circumstances that are involved. I know that there are gentlemen here who are anxious to have two offices created, two district attorneys and two marshals, and it is well to guard against that being accomplished by this amendment. That matter is now pending under a special bill before the Committee on the Judiciary, and they can take such action upon it hereafter as may be deemed best. If the Judiciary Committee should determine that the change should be made—that there should be two district attorneys and two marshals—the changes in this bill thereby made necessary can be made in the committee of conference or in some other way.

Mr. CONNOLLY. Let me suggest to the gentleman from South Carolina that this does not change the law at all. The manner of the designation of this officer in the statute is the "district attorney for the eastern district," who shall also be the district attorney for the western district of South Carolina. The one official performs the duties of both. Now, in the bill before us we provide, in section 4, "that the United States marshal for each judicial district of the United States shall be paid an annual salary, as follows: "For the northern and middle district of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000"; and so on until we come down to line 17, on page 7, where it reads: "For the district of South Carolina, $4,500." As a matter of fact, there are two districts in that State, and but one district attorney and one marshal.

Mr. ELLIOTT of South Carolina. It has always been so since the formation of the Government, and why should the change be made now without proper examination or consideration?

Mr. CONNOLLY. But this does not change it. It still leaves the district attorney and the marshal for the "district of South Carolina," although the law provides for two districts.

Mr. ELLIOTT of South Carolina. The language has been just as it is in this bill, for the "district of South Carolina," for many years—ever since the formation of the Government.

Mr. CONNOLLY. The district attorney has been the district attorney for South Carolina, but performed the duties for both districts. But we have always recognized the plurality of the districts in that State, and the addition of the letter "s," as proposed in the pending amendment, simply recognizes the plurality of these districts just as they have been recognized since the Constitution was framed.

Mr. ELLIOTT of South Carolina. But if the matter has been proceeding all of these years without any friction or difficulty, why should we make a change now that may lead to some unforeseen complication hereafter?

Mr. CONNOLLY. But, my dear sir, it is not a change.

Mr. ELLIOTT of South Carolina. Oh, certainly it is.

Mr. CONNOLLY. Not at all; it simply provides that this shall conform to all those provisions that have passed heretofore in describing the two districts of South Carolina.

Mr. ELLIOTT of South Carolina. It has never been placed in the plural before. The gentleman is mistaken. This is the first time the change has been proposed.

Mr. CONNOLLY. Why, in 1790 the division was made of the two districts.

Mr. ELLIOTT of South Carolina. I know that; but the district of South Carolina embraced the two districts, and that reference was considered sufficient and satisfactorily descriptive. The appropriations have always been made that way, and I do not see any reason for the change.

Mr. CONNOLLY. But we are fixing the salary for the district attorneys and the district marshals in the two districts, and we want to recognize the fact of their existence.

Mr. BAILEY. I move as a substitute for the amendment of the gentleman from Missouri—if the gentleman from South Carolina has concluded——

The CHAIRMAN. The gentleman from South Carolina has the floor.

Mr. ELLIOTT of South Carolina. I think it very unfortunate that the change should be made in this way. I think the judgment of the gentleman from Iowa [Mr. HENDERSON] is better; that the matter be passed over now and let the Committee on the Judiciary look into it and recommend such change as may be necessary, if any change is deemed necessary. There is a bill pending before the committee, a special bill for this purpose, and I do not know whether the change in the phraseology here might not have some effect upon the object desired in that bill.

So, Mr. Chairman, I hope the amendment will be withdrawn and the matter left to the Committee on the Judiciary to make such recommendations as they shall deem necessary.

Mr. BURTON of Missouri. I discover from a careful reading of the section that my amendment may possibly involve us in some difficulties. In the beginning of the section it says—

That the United States marshal for each judicial district of the United States shall be paid an annual salary, as follows.

Now, it is contended by some gentlemen that if my amendment prevails it would give to each of the two districts $4,000. That certainly is not intended.

Mr. ELLIOTT of South Carolina. That simply exemplifies the force of the objection which I made.

Mr. HENDERSON. I hardly think a court would give that construction to it, but to leave no doubt, when the gentleman's amendment is disposed of I intend to offer the following:

To add after the word "for," in line 17, page 7, the words "one marshal for"; so that it will read: "for one marshal for the districts of South Carolina."

Mr. BAILEY. Let me suggest to the chairman of the committee [Mr. HENDERSON] that the easy way to do it is to say "for the eastern district of South Carolina"; and I now move to amend by inserting the word "eastern"; so that it will read:

For the eastern district of South Carolina.

Mr. HENDERSON. Is that the district in which the marshal lives?

Mr. BAILEY. It is. I call the attention of the committee to the fact that section 546 of the Revised Statutes divides the State of South Carolina into the eastern and western districts. That is as old as 1823; and I will suggest to my friend from South Carolina [Mr. ELLIOTT] that so far as I have been able to observe in a hasty examination of the laws every act relating to the judicial districts of that State does distinguish between the eastern and the western districts, and the fact that the committee was misled was due to the fact that the Department of Justice has heretofore been misled.

Mr. HENDERSON. All their reports were made on the other theory.

Mr. BAILEY. Certainly. Section 776 of the Revised Statutes provides that a marshal shall be appointed in each district, except in the middle district of Alabama, the northern district of Georgia, and the western district of South Carolina. After providing for Georgia and Alabama, the concluding sentence of that section is—

The marshal of the eastern district of South Carolina shall perform the duties of the western district of said State.

Mr. BURTON of Missouri. The gentleman's substitute will cover it.

Mr. BAILEY. I think undoubtedly it does.

Mr. BURTON of Missouri. I accept the gentleman's amendment in lieu of mine.

Mr. BAILEY. I suggest to my friend from South Carolina [Mr. ELLIOTT] that the vague fear that something might happen which he does not understand ought not to be a sufficient reason for asking either the Judiciary Committee or the Committee of the Whole to agree to a provision that is plainly imperfect under the law.

The CHAIRMAN. Does the Chair understand that the amendment of the gentleman from Missouri is withdrawn?

Mr. HENDERSON. The amendment of the gentleman from Missouri [Mr. BURTON] is withdrawn, and I suggest to the gentleman from Texas [Mr. BAILEY] that he write out his amendment.

Mr. BAILEY. Very well.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BAILEY. I move to amend by adding the word "eastern" before the word "district," in line 17 of page 7.

The Clerk read as follows:

Insert in line 17, page 7, before the word "district" the word "eastern," so that it will read "eastern district of South Carolina."

Mr. BAILEY. Now, Mr. Chairman, I ask unanimous consent of the committee to return to the provision as to district attorneys and make the same correction there.

Mr. UPDEGRAFF. If my friend from Texas asks unanimous consent to make the same change in section 3, I have no objection. We do not want to open that section to go over yesterday's performance again.

Mr. BAILEY. No; I recognize that. I ask unanimous consent to recur to that for the purpose only of making that change.

Mr. HENDERSON. Let us dispose of this amendment first.

Mr. WANGER. I object to recurring to the other section.

Mr. ELLIOTT of South Carolina. I have no objection to the adoption of the amendment. That is the amendment that I proposed to the chairman of the committee yesterday, and he said he would prefer to have it passed upon by the Judiciary Committee. I have no objection to the insertion of the word "eastern."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Texas, which has been read by the Clerk.

The amendment was agreed to.

The CHAIRMAN. Now, what was the gentleman's request?

Mr. BAILEY. I ask unanimous consent to return to section 3 for the purpose only of conforming it to the change just made by the House in section 4.

Mr. WANGER. Mr. Chairman, I object to that.

The CHAIRMAN. The gentleman from Texas [Mr. BAILEY] asks unanimous consent to return to section 3 for the purpose of inserting the word "eastern" before the word "district" in line 25, on page 3. Is there objection?

Mr. WANGER. I object.

Mr. WILLIS. I have sent an amendment to the desk which I wish to have read.

The Clerk read as follows:

Amend in line 25, page 5, after the word "thousand," by inserting the words "five hundred."

Mr. WILLIS. I would like to be heard for a few minutes on this. I hope the committee will give me its attention. I have offered an amendment to add $500 to the salary of the Delaware marshal. It has been reduced to $2,000. My amendment is based, first, upon the fact that the salary has been made comparatively too small. I do not contend for anything like a $3,500 salary or a $4,000 or a $4,500 salary. They would not claim any attention from me in a contest on this floor; but when the salary has been reduced to $2,000, from the fact that was given to me yesterday by the marshal himself, that that marshalship has been yielding $3,000 and even $4,000 sometimes, reduced to $2,000, my argument is not simply that it has been made relatively too small, but absolutely too small. That is the objection. Absolutely too small! A poor, little, measly, driveling salary of $2,000 for the Delaware marshal! [Laughter.] I suppose that suggestion was made by the committee upon the basis of territorial extent. Why, I have to acknowledge to-day that I live in a small State, but that does not make any difference with reference to the value of the people who inhabit that State nor the work that has to be done. Our State is a great deal like Greece in the time of Pericles and Palestine in the days of the prophets—she is the home of statesmen, of honest men, and devoted heroes. [Laughter.] She ought not to be turned out to grass with a poor little $2,000 salary for her marshal who has been in the time past earning at least $3,500.

Mr. POWERS. Will the gentleman permit me to interrupt him?

Mr. WILLIS. If the gentleman will not take up too much of my time.

Mr. POWERS. Make your amendment so as to put Vermont on the same footing.

Mr. WILLIS. Yes, I would. I will include Vermont and I will include Connecticut in my amendment. Those salaries are absolutely too small. Now, I am not one of the kickers. I am a loyal man; there is none in this House more so; none who has more legitimate reverence for the deliberations and conclusions of a committee than I have. This committee, I acknowledge, has made a good bill. I recognize the diligent labors which they have bestowed upon it, and yet, sir, I can not look upon it as a revelation from heaven. [Laughter.] I can not regard it as profoundly philosophic as the Uponishads nor as perfect as the golden rule. There have been enough encomiums pronounced upon it to canonize a saint. I have no such veneration for it as that. If it is one of the greatest creations of the wisdom of man, it was only made by man after all. However right they may be, when they touch a $4,500 or a $5,000 or a $3,500 salary; when they come down to a poor miserable driveling pittance of $2,000 for the Delaware marshal, who came here yesterday and told me that he had been earning from $3,500 to $4,000, it is manifestly not sufficient. I do not object to the relation between the fee system and the salary system; but when you cut a salary down to that standard I think it is going a little too far. Now, I beg of you to put this little $500 on to that, and put it on to Vermont, and put it on to Connecticut, and then there will be more shapeliness in your bill, and more wisdom in your conclusions.

Mr. UPDEGRAFF rose.

The CHAIRMAN. The gentleman from Iowa.

Mr. POWERS. Mr. Chairman——

Mr. UPDEGRAFF. I yield to the gentleman from Vermont.

Mr. POWERS. I second the suggestion of the gentleman from Delaware. He has given very cogent reasons why that State should have a higher-priced marshal, and I feel very kindly toward him for having accepted the amendment to add the State of Vermont, so that the salary of the marshal of that State should be increased, and I want to add——

Mr. BAILEY. Will my friend from Vermont allow me——

Mr. POWERS. If Delaware is entitled to this increase on the ground named by the gentleman, to wit, that she resembles Greece in the days of Pericles, and the Holy Land in the time of the prophets, I want to add that Vermont is several times larger than Delaware, and several times better entitled to this increase on the ground he names than Delaware is.

Mr. BAILEY. Will you permit me to state——

Mr. POWERS. In point of fact the salaries in our State ought to be increased to $3,500, but Vermont is always modest, and we will consent to accept an increase of $500, as the gentleman proposes. And I desire to see this amendment meet the approval of this committee unanimously.

Mr. NORTHWAY. How much do you pay your governor?

Mr. BAILEY. That was what I was going to ask.

Mr. POWERS. The very reason why we pay our governor a small salary is the fact that our people have waited for the time to come when they could increase the whole body of the salaries of that State, and that golden moment is here and now. [Laughter.] Let us begin by paying the marshal proper compensation for his services, and I have no doubt that will be immediately followed up at home by increasing the salary of our governor. [Laughter.]

Mr. BAKER of New Hampshire. Mr. Chairman——

The CHAIRMAN. Debate upon this amendment is exhausted.

The question being taken on the amendment, the Chairman declared that the noes seemed to have it.

Mr. WILLIS. Division.

The committee divided; and there were—ayes 14, noes 57.

So the amendment was rejected.

Mr. HYDE. Mr. Chairman, I offer an amendment which I send to the desk.

The amendment was read, as follows:

Strike out the word "four," in line 3, page 8, and insert "five" in lieu thereof.

Mr. HYDE. Mr. Chairman, with regard to this amendment I desire to say to the committee that the increase which it proposes is based upon the best possible grounds on which an increase could be asked for. In investigating this matter I visited the office of the Attorney-General, and in consultation with the experts there, including Major Strong and Mr. Perry, who have had immediate charge of this subject and are familiar with the figures and facts showing the work done and the earnings and responsibilities of the marshal's office, and found there the original bill, in typewritten form, drawn by those experts, and which was submitted by the honorable Attorney-General to the House committee as a basis for the framing of this bill, designed to make these offices salaried, and I there found that the salary fixed for the marshal of the State of Washington, based upon the facts of the case, was $5,000. I am aware, of course, that afterwards the whole subject was submitted to the scrutiny of the Committee on the Judiciary, and I can not say, and do not pretend to know, what considerations moved them in reducing the amount to $4,000.

Mr. Chairman, I am familiar with the duties of the office of marshal of the State of Washington. In addition to what was said by my colleague [Mr. DOOLITTLE] yesterday regarding the office of United States attorney, I have to say that the business of the marshal and of the United States attorney of that district is large. There are thousands of miles of shore and coast line under the revenue laws, and hundreds of miles of boundary line between the State of Washington and British Columbia to be guarded under the revenue and the Chinese exclusion laws. I have known instances where $5,000 or $6,000 was received by the Government in one lump from the sale of opium which had been captured from smugglers, recovery of which depends upon the vigilance and the industry of the marshal and his assistants.

Washington is a large State. The United States courts are held in four places. Seattle and Spokane, where courts are held, are 500 miles apart. From Tacoma to Wallawalla is 400 miles. The marshal must maintain offices in all of these places, and be responsible for the business in each of them. Washington, although a young State, does a great business. The maritime business is large. A greater tonnage passes through the custom-house at Port Townsend than any other custom-house in the United States save New York. There are 11 Indian reservations in the State of Washington, some of them a hundred miles across. The gentlemen who hold the offices of United States marshal and United States attorney, although I differ with them politically, I am bound to say, are learned, capable, and zealous officials.

Great executive ability has been shown in times past by these officers. During the term of the present marshal we have had the Coxey raid and the great strikes on the Northern Pacific and Great Northern railways. But a reason stronger, it appears to me, than any other, is that the marshal is required to serve all civil processes for private persons. He may be called upon to-day to libel a ship and to-morrow to serve an attachment 100 miles away, next to make an arrest in a remote part of the State, and in every case acts at his peril. He and his sureties on his official bond are liable at all times, yet the fees and emoluments of this work are to be turned over to the Government; but the Government will not share in the risk and responsibility upon his bond. I find in a table of the report made by the Attorney-General that the marshal of the State has received $4,390.07 fees from individuals for work done in that office. Under this bill that will be paid over to the Government. Indeed, the net emoluments of the marshal of the State of Washington for the fiscal year 1895 were $11,064.57. Out of this he was paid $6,000. For all that business the marshal and his sureties are responsible upon his official bond, and I remember a case recently decided in the court of appeals at San Francisco, where he was mulcted in damages, under that responsibility, for nearly $10,000. Under my amendment, Mr. Chairman, the salary of the office will be reduced $1,000. I think that is fair and I hope it will be adopted.

Mr. DOOLITTLE. Mr. Chairman, when the case was up for the district of——

The CHAIRMAN. Does the gentleman rise to oppose the pending amendment?

Mr. DOOLITTLE. No, sir; I am in favor of it.

The CHAIRMAN. The gentleman is not recognized for that purpose.

Mr. UPDEGRAFF. Mr. Chairman, I do not desire to consume time in discussing this matter. This marshal gets $4,000, the same as the district attorney of the district; he is provided with facilities for obtaining abundance of assistants and deputies; his expenses and subsistence are provided for; and I hope there will be no change made in the bill as it stands.

The amendment was rejected.

Mr. SPARKMAN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend section 4 by striking out "three thousand," after the word "each," in line 2, page 6, and insert "thirty-five hundred."

Mr. SPARKMAN. Mr. Chairman, I offer this amendment because, in my judgment, the amounts which the pending bill fixes as the salaries of the marshals of the northern and the southern districts of Florida will not compensate those gentlemen for the services which they are called upon to perform. The southern district of Florida, for instance, embraces 29 out of the 45 counties in the State, and extends from the southern line of the State of Georgia to the city of Key West, a distance of nearly 500 miles. There are in that district three places where circuit and district courts of the United States are held twice each year, Jacksonville, Tampa, and Key West. Those terms of court extend over a period of nearly eight months, usually from some time in October until the following June. Of course it is necessary for the marshal to be present during this entire time, because the United States statutes provide that he shall attend the sittings of the court to serve its mandates and execute its process. He has scarcely a moment at his own command during the session of the court, and even during its vacation, four months of the year, he is kept busy the entire time. The same thing may be said to a certain extent of the marshal of the northern district of Florida. It is true that he has not the same extent of territory to look after; but the records of the courts in his district show that his duties are equally burdensome. Neither of these officers has any time to engage in outside business, or to earn a dollar except their salaries. They are therefore compelled to rely upon the emoluments of their offices for the support of themselves and their families.

Now, sir, these officers earn more than $3,000 a year. A report of the Attorney-General, which I have before me, shows that the earnings of the marshal for the northern district of Florida for the year ended June 30, 1895, were $4,775, and of the marshal for the southern district, for six months of that year, $2,700, making more than $5,000 for the year. I submit, then, Mr. Chairman and gentlemen of the committee, that $3,000 is too small a salary in view of the amounts these officers are now receiving under the present system, the labors they are called upon to perform, and the responsibilities they assume.

I am not opposed to this bill as a whole. I, on the contrary, sympathize with the motives which prompted its introduction into this House. No one could listen to the statement made on this floor by the gentleman from Iowa, chairman of the Judiciary Committee, and of the gentleman who has charge of the bill here without coming to the conclusion that a change in the law should be made; and while there may be some doubt as to whether it will, in its present shape, make any great saving, yet it will tend in that direction and will tend to remedy the abuses which have arisen under the existing law. This measure is a step in the right direction, and if the necessary amendments are made, so that as little injustice may be done as possible, I should not hesitate to vote for the bill. I am under the impression that this committee has done the best it could under the circumstances. I know that it is not possible to perfect a measure embracing the features that this bill embraces in a day or a week or a month, because it is intricate in detail and far-reaching in its effects. But I think, when it is shown to the committee and the members of the House that injustice is being done or might be done by the bill as it stands, that marshals or other officers whose salaries are fixed in the bill will not receive under it sufficient compensation for their services, there should be a change. I think the committee should be brave enough to consent to the necessary changes.

Whenever this question of salary has come up in my own State I have always been in favor of properly compensating officers for what they are called upon to perform; because I know that the Government, whether State or national, can thus obtain the very best material to fill the respective offices. If salaries are cut too low, you can not obtain the best material, as the experience of the past has in many instances demonstrated. Hence, as I have said, I have always been in favor of paying a fair compensation for the services which public officers are called upon to render.

I therefore hope that the amendment which I have just offered may be adopted.

[Here the hammer fell.]

Mr. UPDEGRAFF. Mr. Chairman, of course it is ungracious to oppose these requests for advances in salaries in the several districts. I will only say with respect to Florida that under this bill she receives above the average in the amount of compensation accorded to the officers there.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida [Mr. SPARKMAN].

The question being taken, the amendment was rejected.

Mr. POWERS. Mr. Chairman, I move to amend section 4 by

raising the schedule of all salaries provided in that section 25 per cent.

The amendment of Mr. POWERS was read.

Mr. DOCKERY. I suggest that there is a substitute now pending for the section.

Mr. POWERS. I was not aware that there was any substitute pending.

Mr. HENDERSON. The substitute was read for information. There is no substitute formally pending.

Mr. BAILEY. This is an amendment—not a substitute. It merely takes the section as it stands and raises the salaries.

Mr. POWERS. Then it is in order.

The CHAIRMAN. The Chair thinks the amendment is not in order at this time.

Mr. POWERS. I understand it is conceded that the amendment is in order—that the other proposition was simply read for information. The chairman of the committee [Mr. HENDERSON] so states.

Mr. HENDERSON. But let us dispose of the other amendments first.

The CHAIRMAN. The Chair thinks the amendment is not in order in its present form.

Mr. POWERS. I rise to a parliamentary inquiry. If the amendment is not in proper form, I beg to inquire of the Chair what would be proper form?

The CHAIRMAN. The Chair scarcely thinks that is a parliamentary inquiry.

Mr. POWERS. If the Chair excludes the amendment in the form in which it has been offered, I think the Committee of the Whole is entitled to some reason, so that the proposition may be modified.

The CHAIRMAN. When the attention of the gentleman from Vermont is called to the amendment, the Chair thinks he will certainly see that it is not in proper form. It reads:

Amend section 4, raising the schedule of all salaries provided in section 4, 25 per cent.

Mr. POWERS. The substance may be bad; but I wish to inquire what is the trouble with the form.

The CHAIRMAN. How would the gentleman apply that?

Mr. POWERS. I would apply it just as it reads.

The CHAIRMAN. Where would the gentleman put it?

Mr. POWERS. I would apply it to every one of the salaries named in section 4.

The CHAIRMAN. Then it would certainly be out of order, because there would be too many amendments pending at one time.

Mr. POWERS. It is a single amendment, going to the whole section.

The CHAIRMAN. The Chair thinks it is out of order.

CUBAN AFFAIRS.

The committee informally rose; and the Speaker announced as conferees on the resolutions relating to Cuban affairs, Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee again resumed its session, Mr. HEPBURN in the chair.

Mr. TYLER. Mr. Chairman, I offer an amendment at this point.

The Clerk read as follows:

Strike out in line 1, page 8, "three thousand five hundred" and insert "four thousand"; so that it will read: "for the eastern district of Virginia, $4,000."

Mr. TYLER. Mr. Chairman, I do not propose to detain the committee with lengthy remarks in support of the amendment I have offered. I simply base it on what I claim to be just compensation to a faithful officer for work done for the Government.

If you take into consideration the large area comprised in the eastern district of the State of Virginia, I think you will reach the conclusion that the marshal, if he has anything to do at all, has very much territory to cover. Under the fee system the compensation of the marshal there amounted to $4,500. At one fell swoop it is proposed by the committee to cut him down to $3,500, a cut of $1,000. I do not know how I can use stronger language in regard to the propriety of increasing the compensation fixed by the Committee on the Judiciary for the marshal in this district than has already been used in reference to other districts in other States.

I think it would be only just under the system proposed by the bill of the committee, which system I heartily indorse, that the salary of this official should be estimated by the labor done, and when that estimate is made on the basis of the amount of work done in his office I am satisfied that the increase proposed will be granted.

I hope the committee will look favorably upon the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia.

The amendment was rejected.

Mr. MAGUIRE. Mr. Chairman, I have an amendment to offer at this point, which I send to the desk.

The Clerk read as follows:

Amend section 4, by striking out, in line 21, page 5, the word "four" and inserting "five," so that it will read "for the northern district of California, $5,000."

Mr. MAGUIRE. Mr. Chairman, this amendment is intended to raise the salary of the United States marshal for the northern district of California from $4,000 per annum, as fixed by the committee, to $5,000. The committee has reduced the salary of the marshal for that district $2,000 per annum. It seems to me that this is an unreasonable reduction.

The office is one of the most important in the Union, and has always made good the maximum salary of $6,000 per annum allowed by existing law. It seems to have fallen a little below that sum during the fiscal year ended June 30, 1895, probably owing to the circumstances that have been so frequently referred to in this discussion.

The marshalship of the northern district of California ranks in every respect with those for which the committee has allowed $5,000.

The work of the marshal in that district is constant and arduous. He has charge of the United States circuit court, of which there are now two judges, the United States district court, and the United States circuit court of appeals. He is under heavy bonds and has large responsibilities always resting upon him. In addition to his ordinary duties, the great bulk of the work under the Chinese exclusion act falls to his office. It requires a man of a high order of executive ability to fill the position satisfactorily.

His maximum salary as now fixed by existing law is $6,000 per annum, and when compared with the salaries paid to our corresponding State and local officers, even that salary appears to be low rather than high. For example, we pay to the sheriff of the city and county of San Francisco a salary of $8,000 per annum, and we pay the salaries of all of his deputies and clerks. The $8,000 per annum is the net salary allowed him, out of which he is not required to pay any of the expenses of his office.

This bill reduces the salary of the marshal, who performs similar duties and bears equal responsibilities, to $4,000 per annum—just half the amount that we pay our sheriff.

It seems to me that a cut of $1,000 in his salary—that is to say, from $6,000 to $5,000—is all that can be reasonably asked at this time. Indeed, the suggestion of the committee was that the great purpose of this amendment to the appropriation bill was to change from the odious, obnoxious fee system to a salary system. I am in accord with the change so proposed. I agree that salaries should be substituted for fees as speedily as possible in all branches of the public service. But the committee, in addition to this very excellent reform, have proceeded, on a sweeping horizontal plan, to reduce the salaries of district attorneys and marshals one-third, and I do not approve of that feature of their bill. It is said that a few exceptions have been made to this general rule of reduction, and the fact that those exceptions have not been satisfactorily explained makes this bill less satisfactory than it would otherwise be. Equality is the essence of justice, and the rule of equality fairly applied would raise the salary of the marshal of the northern district of California to $5,000 per annum.

All that I said on yesterday in favor of increasing the salary of the district attorney applies equally to the salary of the marshal. It has been suggested that the marshal's salary should not be higher than the district attorney's. I do not think that the one case should govern the other at all. I think both salaries should be increased. But regardless of the district attorney's salary, $4,000 is inadequate for the marshal.

Mr. UPDEGRAFF. A single word in response to the gentleman from California.

The northern district of California received in net emoluments $4,852. The net emoluments for the year ended June 30, 1895, reached that sum. The bill cuts that district to $4,000, and the members of the committee will see at a glance that it is a smaller cut than is ordinarily made with reference to the other districts, and much less than that made in the southern district.

Mr. MAGUIRE. I am speaking only of the northern district, not of the southern. But are you not reading from the returns of the district attorney's office?

Mr. UPDEGRAFF. No; the net emoluments for the fiscal year named amounted to $4,852. Now, California is under the double-fee system. That is, this marshal, in order to earn this $4,852, had to charge double the fees that are charged ordinarily by marshals, so that there is no earthly reason for changing it except to rednce the amount.

The CHAIRMAN. The question is on the motion of the gentleman from California [Mr. MAGUIRE], to amend line 4, page 5, by striking out the word "four" and inserting the word "five."

The amendment was rejected.

Mr. GAMBLE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend line 19, on page 7, by striking out the word "three" where it occurs in said line and inserting in lieu thereof the word "four."

Also strike out the words "five" and "hundred" where they occur in said line 19; so as to read: "For the district of South Dakota, $4,000."

Mr. GAMBLE. Mr. Chairman, the purpose of this amendment is to raise the salary proposed in the bill in the district of South Dakota from $3,500 to $4,000. It was my intention yesterday when the amendment was offered by my colleague [Mr. PICKLER] raising the salary of the district attorney to ask the indulgence of the House for a few moments. On account, however, of what appeared to me at that time a somewhat arbitrary disposition in the committee to unfavorably consider any amendment, it seemed idle to obtrude my judgment and I refrained from speaking. I feel there are inequalities in regard to the salaries named in the bill, and especially as it relates to my own district, and believe, as well as others, it should be corrected. Mr. Chairman, I most heartily indorse the proposed legislation, and believe if enacted into law it will result in a great saving to the Government and will promote the due and orderly administration of justice. I commend the wisdom and good judgment of the committee for presenting this bill for the consideration of the Committee of the Whole.

Mr. Chairman, I do feel that something aside from population, something aside from geographical extent, should be considered in this matter when fixing the salaries of these officers. If geographical extent alone were considered the State of South Dakota, which I have the honor in part to represent, embraces an area greater than the whole of the States of New England, New Jersey, and Delaware combined.

Being large in area, and as yet not fully developed, many localities are inaccessible, and it requires the constant attention of an able and competent officer. In the many violent, just, and bitter denunciations and criticisms indulged in before the committee in regard to the conduct of many of these officers, I have heard no criticism against either the United States marshal or the district attorney for South Dakota. These officers have faithfully discharged their duties. Their returns are not padded, but represent actual service to the Government, and their honesty should not work to their prejudice as a basis in fixing their salary. I am free to acknowledge the wisdom of the committee, but I hardly think their report should be considered as absolutely infallible, at least so much so that every amendment proposed of necessity should be voted down. It occurs to me the Representatives from the different districts have as intimate an acquaintance as to the character of the duties to be performed and as accurate a knowledge as to what is a just compensation to these officers as the members of the committee who have reported this entire schedule, at least as far as they relate to their particular districts.

I do not believe in too high compensation to officers, but I believe in that character of compensation that will give us the best service and in the end result in economy to the Government.

I would even go further in the reform, for which I believe there is the greatest need, than the measure proposed by the committee. I would have included clerks of the United States courts as well as the marshals and district attorneys. I would also have required, in cases where complaint is made before a commissioner maliciously and without probable cause, that the cost of prosecution in case of the discharge of the defendant be charged up against the complaining witness.

The duties of these officers in the district of South Dakota are very laborious. Their whole time is occupied. The area over which they have to travel in properly discharging their duties is very extensive. Diverse and varied conditions exist in our State. We have large and extensive Indian reservations, and the means of communication and travel in those particular localities are both unpleasant and sometimes have been dangerous. Much time is consumed, and in traveling from the place where the court is held in the southern division to the western it requires a journey of nearly 700 miles. As a rule the offenses for which prosecutions are brought are for the graver crimes, and not the trivial and less serious offenses. Mr. Chairman, I believe the committee ought to recognize the justice of the claim made in behalf of these officers in this district and grant the increase which we ask.

As I stated at the outset, it was my intention yesterday to indulge in a few remarks when the amendment was offered relative to the salary of the office of district attorney in this district, but I then felt delicate about obtruding my judgment, as I recognized the adverse position then taken by the committee. But observing the more careful consideration and friendly disposition displayed to-day, I feel constrained at this time to offer the amendment, and to submit it to the judgment of the committee. I wish simply to again say that among the many charges made as to excessive and corrupt charges by United States marshals none have been made against the marshal of the district of South Dakota, who is a most competent and able officer. The net emoluments of the office for the past year amounted to $5,974.50. It is proposed by this measure to strike this compensation down and reduce it nearly $2,500, which I think, considering the compensation proposed in other districts, is inequitable, unfair, and unjust. Did I not believe it was right I should not make the suggestions and urge them in good faith to the committee. This State is yet in its infancy, and has developed with remarkable rapidity. Even under the salary proposed by the amendment its growth will soon place the requirements of the position beyond what I have named as a just compensation for the responsibilities of the position. I respectfully ask the favorable consideration of the committee in behalf of the amendment.

Mr. UPDEGRAFF. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. GAMBLE], which has been read by the Clerk.

The amendment of Mr. GAMBLE was rejected.

Mr. POWERS. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 4, in line 25, on page 7, by striking out the words "two thousand" after the word "Vermont" and inserting in lieu thereof the words "twenty-five hundred"; so that it will read: "For the district of Vermont, twenty-five hundred dollars."

Mr. POWERS. Mr. Chairman, every member who has raised his voice in respect to this bill has been fulsome in his praises of this committee. I will not take the time to repeat what has been so well said upon that subject. I feel it all, but in connection with that feeling I have also the belief that this committee have done what every reform body are very apt to do when they start out upon a reformation.

They swing the pendulum a little too far the other way. The principle of the bill is all right, to establish salaries in place of fees for United States officials, but in their zeal to make the radical change which the bill proposes, they go altogether too far, and put these salaries too low. Now, then, every gentleman almost on this floor feels that in his respective district the committee has made a serious mistake, that they have fixed the salary at too low a figure. I can tell you, Mr. Chairman, how this matter can be remedied, and that is for every member that feels that way to vote for my amendment and then let them adopt a similar amendment in their cases, and we will all vote for them. In other words, while the Committee on the Judiciary has organized a "combine" to carry this bill through, let us, the suffering people, organize a "combine" to correct the evils which they are making. Now, then, gentlemen, all vote with us to put this amendment on, and you will every one get your salaries raised as you want them. [Laughter, and cries of "Vote!" "Vote!"]

The question was taken on the amendment; and the Chairman announced that the noes seemed to have it.

Mr. POWERS. Mr. Chairman, I desire a division.

The committee divided; and there were—ayes 11, noes 44.

Mr. POWERS. I am radically opposed to the enactment of legislation without a quorum of the House. It is a dangerous precedent.

The CHAIRMAN. Does the gentleman raise the question of no quorum?

Mr. POWERS. I raise the point that there is no quorum. I would like to see the Chairman count. [Pending the count.] In deference to the wishes of my friends here, I withdraw the point.

The CHAIRMAN. The point of no quorum is withdrawn; the noes have it, and the amendment is rejected.

Mr. STRODE of Nebraska. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, in line 25, page 6, after the word "Nebraska," the words "thirty five hundred" and insert the words "four thousand" in lieu thereof; so as to read "$4,000."

Mr. STRODE of Nebraska. Mr. Chairman, I do not care to say anything upon this amendment. I know, of course, that it ought to receive the support of the gentleman from the western district of Missouri [Mr. DOCKERY], who has been opposing all of these amendments. The marshal in his district gets $4,000 a year by this bill, and yet the net earnings of his office are only about $4,000 a year, while the net earnings of the marshal in the district of Nebraska were more than $7,000 last year. This bill provides for a salary of $4,000 for the western district of Missouri, and for the marshal of Nebraska only $3,500. That is certainly inequitable and unjust. A comparison of the salary provided for the marshal of Nebraska with the surrounding districts shows that it is inequitable and unjust. The two districts in Iowa, on the east; the district of South Dakota, on the north, and the district of Colorado, on the west of us, earn much less. The committee has fixed the salary at $4,000 in each of these, except South Dakota, and for the district of Kansas, on the south of us, $4,000. So that I insist that this salary ought to be increased to $4,000, to make it equitable and just in comparison with districts surrounding us.

Mr. DOCKERY. Mr. Chairman, I feel called upon to say this, in reply to the suggestion of the gentleman from Nebraska: That

I have never suggested to any member of the Committee on the Judiciary, either directly or indirectly, what the salary of this marshal or any other marshal should be, or what the salary of the district attorney of the western district of Missouri should be, or any other attorney, or anything directly or indirectly in connection with the preparation of this bill.

The question was taken on the amendment offered by Mr. STRODE of Nebraska, and it was rejected.

Mr. UPDEGRAFF. Will the Clerk please proceed with the reading?

Mr. CORLISS. Before that is done, I have an amendment I desire to offer.

The Clerk read as follows:

Strike out, in line 17, page 6, after the word "Michigan," the word "three" and insert the word "four."

Mr. CORLISS. Mr. Chairman, I am very proud of the fact that I represent the district in which the committee recognizes the inequality of the allowance in this bill. It is shown by the report of the Judicial Department that the marshal's fees for the five years immediately preceding the present amounted to $5,627 each year. The salary of the district attorney has been fixed at $4,000, and there is no place in this bill in which the marshal does not get an amount equal to that of the attorney, and in some cases the allowance to the marshal exceeds that to the attorney. I have the assurance, I believe, of the committee that that should be corrected. I therefore ask that this amendment be adopted.

Mr. UPDEGRAFF. Mr. Chairman, I just want to say a word. In the case of the Detroit district of Michigan the salary of the district attorney of Michigan was advanced a thousand dollars. That was done upon the advice of the Department of Justice, and the committee consented to it. The motion is now to make the bill symmetrical, and give the marshal an additional thousand; and that also I understand to be in accordance with the wishes of the Department of Justice. These wishes the Committee on the Judiciary have some knowledge of, but they do not entirely concur in them; but on the whole the committee thinks the Department of Justice was correct.

The amendment was agreed to.

Mr. FISCHER. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out, in line 6, on page 7, the word "three" and insert the word "four."

Mr. FISCHER. Mr. Chairman, this amendment relates to the eastern district of New York. The eastern district of New York comprises the whole of Long Island and Staten Island, and within its jurisdiction are the cities of Brooklyn and Long Island City. The population of the district is dense and amounts to one million and a half. In the city of Brooklyn are located 75 per cent of all the storehouses, both free and bonded, of the port of New York. Now, sir, it has been my pleasure, if I may call it such, to listen to the answers made by the different members of the Committee on the Judiciary to the various amendments that have been proposed by gentlemen upon this floor to sections of this bill, and I can only say that they remind me very much of a Wagnerian opera. Each member of the committee has been assigned to play a particular instrument, and while it seems that each instrument is out of accord with the other, yet, like the different parts of a Wagnerian opera, taken together they make up one harmonious whole. [Laughter.]

When some gentleman has risen and asked that the pay of the district attorney in his district be increased upon the ground of the importance of the business of that office, the answer has come from a member of the Committee on the Judiciary that the district in question is not an important one, and upon that ground the amendment has been voted down. In the case of another district another member of the committee has risen and said that the fees of the office in question were large because of the pernicious activity of the marshal and the district attorney, who had built up a system whereby these fees had gone beyond legitimate limits, and that it was for the purpose of cutting down the excess and curbing this pernicious activity that the compensation in the bill had been determined upon. In one district they have claimed that there is much territory to cover but little business, and in another they have claimed much business but a compact and small territory to cover, and yet they give the same salary to each.

Again, coming to the district which I have the honor in part to represent, we went on to show that the district was an important one and that the compensation provided in the bill should be increased, and the members of the committee when approached individually agreed that it ought to be so changed, but that, it appears, was "not for publication." [Laughter.] When we reached the question upon this floor, a member of the committee, assigned to play his particular instrument in the orchestra, arose and said that the earnings of this office were not large enough to justify the increase, and accordingly the proposition to change the amount in the bill was voted down. Then came the gentleman from Montana [Mr. HARTMAN], who wanted the compensation in his district raised on account of the earnings of the office, and the committee said, "Yes; your district is larger than the eastern district of New York, but we must cut you down as well."

Now, to be honest in this matter, Mr. Chairman, we take it that an important city like Brooklyn, which comprises only a portion of the eastern district of New York, is entitled to better treatment in this respect than it has received thus far in the pending bill. To show you how incorrectly the bill has been drawn with respect to amounts, I call attention to the fact that the committee has fixed the pay of the marshal in the northern district of New York at $5,000, and, apparently regarding the services of the attorney as of comparatively no value, they have fixed the marshal's salary at $1,000 more than that of the district attorney. The members of the committee have recognized some of these inequalities and have admitted that they ought to be changed, but, with the peculiar idea which committees sometimes possess, that that which is done in the committee room ought not to be changed on the floor, they are not willing to admit their faults in public. [Laughter.] The general tenor of this bill meets with the approbation of every member on this floor, but as I fear that some gentleman has already copyrighted that phrase, I think I shall omit it. [Laughter.]

However, the bill is a good bill, though some faults have crept into it with respect to the schedule of salaries fixed. In the eastern district of New York we have some of the best lawyers in this country, and I want to say to the committee now that it is false economy to fix the salary of the district attorney of that district at $3,000, because he may be called upon at any time to meet gentlemen who stand among the foremost lawyers in the land—men like Joseph H. Choate, James C. Carter, and others. It is, I say, false economy to fix the salary at this low rate, because when important issues arise the Government will be compelled to employ extra attorneys at enormous expense, when, by fixing a proper compensation for the district attorney in the first instance, the Government could secure the services of a man who would be competent to look out for its interests. Let me quote a few figures from the report of the Attorney-General.

[Here the hammer fell.]

By unanimous consent, the time of Mr. FISCHER was extended for five minutes.

Mr. FISCHER. Mr. Chairman, a gentleman behind me [Mr. BROWN] who is solicitous about the affairs in the committee [laughter] wants to know whether I am directing my remarks to the compensation of the marshal of the eastern district of New York. I have said something with regard to the district attorney's compensation, to show how unfair it is in that district and to give me an opportunity to present the facts with regard to the marshal. The marshal of the northern district of New York and the marshal of the southern district of New York are each given $5,000 a year. That is as it should be; but the marshal for the eastern district, a district with more than a million inhabitants, is put at $3,000 a year.

Now, the earnings are $8,200 in the northern district, $5,800 in the eastern district, and $5,200 in the southern district of New York. So that the marshal for the eastern district of New York, who earns $600 more per annum than the marshal for the southern district, is to receive $2,000 less salary. Now, I ask whether this is fair, just, and right? That is an important jurisdiction. Our city is upon the harbor of New York. True, it may be but a small place in the imagination of the members from the city, and the cost of living trifling, but we think this needs some attention.

Mr. BROWN. I want to correct the gentleman in regard to the fees of the district attorney of the southern district. According to the report of the Attorney-General the district attorney for the southern district receives $10,000——

Mr. FISCHER. I am talking about the marshal.

Mr. BROWN. Well, I will confine myself to the marshal. Now, for the southern district of New York the emoluments of that officer, as reported in the Attorney-General's report, are given for only six months——

Mr. FISCHER. Well, I will say to the gentleman I am not responsible for the printing of this paper. It has been used here by the committee as a basis in fixing these salaries; if the committee now disowns it, I am perfectly willing.

Mr. BROWN. But the report itself shows that the return is for only six months.

Mr. FISCHER. I am speaking of the net results.

Mr. BROWN. So am I.

Mr. FISCHER. I ask the gentleman to look at the end of the column. It is possible I may not be able to read these figures correctly; but I am referring to this statement for what it is worth.

Now, I appeal to gentlemen on this question in the interest of good government. The committee has taken this statement as the basis for its figures, and I am willing to accept it. If the committee now disowns it, I am also willing to do that.

As I was saying, the eastern district of New York is an impor-

tant jurisdiction, and I appeal to members of the committee in the interest of the administration of good government. I ask the Committee on the Judiciary to remember that sometimes equity may go with law; let them wipe out the impression sought to be given by the lines in Trial by Jury that "if you can not get justice you may get plenty of law." In this particular instance they should not ignore considerations of equity and rely on the law alone. My amendment asks simply that this salary be fixed at $4,000, which will still be $1,000 less than that paid to similar officers in two other districts in the State of New York.

The question being taken on the amendment of Mr. FISCHER, it was rejected, there being—ayes 25, noes 50.

Mr. OGDEN. Mr. Chairman, I now ask that the substitute which I offered yesterday afternoon for the section be read.

The CHAIRMAN. Are there any further amendments to be offered to this section? If not——

Mr. MILNES. I have a substitute pending for the section.

The CHAIRMAN. There is a prior substitute, which the Clerk will now report.

Mr. MILNES. I believe mine was the first substitute offered.

The CHAIRMAN. This substitute of the gentleman from Louisiana [Mr. OGDEN] was offered yesterday.

The Clerk read the proposed substitute of Mr. OGDEN, as follows:

That the United States marshal for each of the following judicial districts of the United States shall be paid an annual salary of $4,000, to wit:

The northern district of the State of Alabama, the middle district of the State of Alabama, the Territory of Arizona, the eastern district of Arkansas, the western district of Arkansas, the northern district of California, the district of Colorado, the District of Columbia, the northern district of Georgia, the northern district of Illinois, the southern district of Illinois, the district of Indiana, the northern district of Iowa, the southern district of Iowa, the district of Kansas, the district of Kentucky, the district of Massachusetts, the district of Minnesota, the eastern district of Missouri, the western district of Missouri, the district of Montana, the district of Nebraska, the district of New Mexico, the northern district of New York, the southern district of New York, the eastern district of North Carolina, the western district of North Carolina, the district of North Dakota, the northern district of Ohio, the southern district of Ohio, the district of Oklahoma, the district of Oregon, the eastern district of Pennsylvania, the western district of Pennsylvania, the district of South Carolina, the district of South Dakota, the eastern district of Tennessee, the middle district of Tennessee, the western district of Tennessee, the eastern district of Texas, the western district of Texas, the eastern district of Virginia, the western district of Virginia, the district of Washington, the district of West Virginia, and the eastern district of Wisconsin.

That the United States marshal for each of the following judicial districts of the United States shall be paid an annual salary of $3,000, to wit: The southern district of the State of Alabama, the southern district of California, the district of Connecticut, the district of Delaware, the northern district of Florida, the southern district of Florida, the southern district of Georgia, the district of Idaho, the eastern district of Louisiana, the western district of Louisiana, the district of Maine, the district of Maryland, the eastern district of Michigan, the western district of Michigan, the northern district of Mississippi, the southern district of Mississippi, the district of Nevada, the district of New Hampshire, the district of New Jersey, the eastern district of New York, the district of Rhode Island, the northern district of Texas, the district of Utah, the district of Vermont, the western district of Wisconsin, and the district of Wyoming.

Mr. OGDEN. Mr. Chairman, I am in thorough accord with the principle of this bill—that the expenses of the United States courts should be reduced by adopting fixed salaries for the United States district attorneys and marshals. But, sir, I think the committee has gone too far in extending classes, especially in reference to United States marshals. In this bill they provide for seven classes. In ten districts the marshals receive $5,000 each; in 4 districts, $4,500; in 26 districts, $4,000; in 6 districts, $3,500; in 15 districts, $3,000; in 4 districts, $2,500; and in 7 districts, $2,000, which (including the amendment in reference to the western district of Pennsylvania) makes the aggregate $262,000.

Mr. Chairman, it seems to have been the idea of the Committee on the Judiciary in framing this bill to base the salaries of the district attorneys and United States marshals upon the fees which have been earned under the present system. Following that line they provide for seven classes of United States marshals. The amendment which I propose divides the marshals into two classes. Those of one class will receive $4,000, and those of the other $3,000. This amendment will not add one dollar to the amount appropriated, for it figures out exactly the same result as the plan of the committee. The seven classes in the bill foot up $262,000. Under my substitute providing for 46 marshals at $4,000 and 25 at $3,000 the aggregate is $262,000.

I believe this amendment cures an evil to which many gentlemen on this floor have objected. For instance, the marshals in the districts of Montana, Nebraska, North Dakota, South Dakota, the western district of Texas, and the eastern district of Virginia would, under the classification of my amendment, receive $4,000, instead of $3,500. Those officers who are in the five-thousand-dollar class will be reduced to $4,000. Those receiving $3,000 under the bill will receive $3,000 under the substitute. Those receiving less than $3,000 will be increased to $3,000. Practically this amendment makes only two classes. It obviates the introduction in future Congresses of bills providing for a change in the pay of these marshals; it fixes for a long time to come the salaries of marshals at $4,000 or $3,000, respectively.

I commend it to the consideration of the committee. I am not making any assault on the Judiciary Committee for their action in preparing this bill. But no three-thousand-dollar places appear on the schedule of this committee for the members of it. There are 17 members, representing 13 States, 4 States having a dual representation. The committee have closed their ears to any appeal of gentlemen to change or modify in any degree the schedule that they have approved and brought in here with the exception of western Pennsylvania and Michigan.

Now, I believe this amendment of mine will prevent future legislation. When a marshal is paid $4,000 a year, as the bill provides, he is also allowed for necessary assistants, clerks, assistant marshals, and field marshals. His duties are in no wise increased; and why not, therefore, dignify the office of the other marshals, who give the same amount of time and labor, and who go into the field, bare their breasts to the work, and perform equal duties, perhaps often at the risk of their own lives if necessary? Why not dignify them?

I know that away up in New Hampshire they have probably little consideration; but New Hampshire is a prohibition State, and they are law-abiding citizens, and the same is also true of Vermont.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OGDEN. I would like to have a few minutes longer.

The CHAIRMAN. Is there objection to the gentleman from Louisiana proceeding for five minutes?

Mr. BROWN. I object.

Mr. OGDEN. Then I move to substitute $3,500 for the salary of the marshals——

Mr. UPDEGRAFF. Unless this substitute is withdrawn——

The CHAIRMAN. The gentleman from Iowa is entitled to the floor in opposition to the substitute.

Mr. OGDEN. I will only say that I have listened to the gentleman from Iowa, and he has occupied much of the time of the House, whereas I have not raised my voice in connection with this matter; and I hope I may proceed for five minutes longer.

Mr. HENDERSON. The "gentleman from Iowa" did not make the objection. And besides, having charge of the bill, it is his duty to be heard for the information of the committee.

Mr. OGDEN. I expect the gentleman to be heard, of course.

Mr. HENDERSON. The objection was made elsewhere. I knew that you were laboring under a misapprehension.

Mr. OGDEN. I bow to the objector, and yield the floor.

Mr. UPDEGRAFF. Mr. Chairman, I only desire to say a very few words in reference to the pending proposition.

The substitute proposed by the gentleman from Louisiana would seriously mar the bill, impair its value, and create such absurdity in the bill that all of us would be laughed at if we agreed to it.

I can easily see how some man mistaking himself, or living in the State of Louisiana, might wish to have the substitute adopted, especially when in one of the districts of Louisiana the marshal earned, net, $1,166, whereas this classification would give him $3,000. There are other absurdities, too, when you consider the proposition, but I have not the time to explain them all.

There are a few $5,000 salaries given in this bill. At Fort Smith, Ark., where they hang a man every morning for breakfast, pretty nearly, to which is attached a large portion of the Indian Territory, where there was at one time, as stated by the judge before the Committee on the Judiciary last year, 90 murder cases pending, where it requires a very superior man for marshal and to discharge the duties in such a place as that, as he takes his life in his own hands every hour in the day and every day in the year, a larger compensation was fixed.

Mr. FLYNN. Will the gentleman allow an interruption?

Mr. UPDEGRAFF. No; I decline to be interrupted in the short time I have.

Mr. FLYNN. I only wish to say——

Mr. UPDEGRAFF. I decline to be interrupted, and when I say I decline I mean it.

Again, in the eastern district of Texas, to which is attached also a portion of the Indian Territory for judicial purposes, there exists a condition similar to that at Fort Smith, Ark.

Now, the gentleman proposes to give to some State where the attorneyship is a sinecure, where from 1885 to 1890 one of the best lawyers in New England could only earn $400—he proposes to give $3,000 a year, and reduce the marshal at Fort Smith, Ark., and the eastern district of Texas to $4,000.

But I repeat I have not time to explain and do not think it necessary to explain the numerous inconsistencies in the proposed amendment. In one district, where the earnings last year were only $1,400, this classification would give the marshal $3,000. What an absurdity! I admit that it has the merit of simplicity. But so has capital punishment. We could make it even more simple by making all of the districts alike. But we would not accomplish justice thereby, nor make up a good bill or one that would be satisfactory to the people of this country. It is a little singular that the propositions for simple classifications come from places where those classifications would make the salaries double what they ought to be.

Mr. Chairman, how can we make an entire substitute for this classification in a five-minute debate in this committee? Is the

work of the Judiciary Committee of this House, extending over two or three months, to go for nothing, to be worked over here in a five-minute debate? I apprehend not. If it were to change some obvious mistake, if it were to change some simple matter in which the Judiciary Committee may have been mistaken, it would be quite a different thing; but this is a substitute for the whole marshals' classification, a work of weeks of inquiry at the table in the committee room, where everything can be considered, where documents can be examined. This is a reclassification which would destroy the symmetry of the bill, rob it of many of its merits, and make it, in respect to this section, a laughingstock.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Louisiana.

Mr. OGDEN. I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. OGDEN. Is not an amendment to the substitute in order?

The CHAIRMAN. The gentleman will remember the position of this whole bill. It is in itself an amendment.

Mr. HENDERSON. I ask unanimous consent that the gentleman be allowed five minutes.

The CHAIRMAN. Will the gentleman state his proposition again?

Mr. OGDEN. I move to amend by striking out the last word of the substitute.

The CHAIRMAN. The gentleman is in order.

Mr. OGDEN. Mr. Chairman, I have no word to say in reply to the gentleman from Iowa [Mr. UPDEGRAFF] in regard to the wisdom of this committee. I would not set up my own unaided judgment against all the wisdom of this great Committee on the Judiciary; but they are the servants of this House. On yesterday I heard strange words fall from the lips, I believe, of the very gentleman who last addressed the committee, charging conspiracy upon various members because they thought they had not been fairly treated in the projet of this bill. Why, to have heard the honorable gentleman from Iowa [Mr. UPDEGRAFF] one might have thought he was a second Cicero come to earth again and launching maledictions against some Catiline and his fellow-conspirators in this House instead of the Roman forum. And all this, forsooth, because some gentlemen in the far West, in Montana, or Nebraska, or South Dakota, or perhaps in the jungles of eastern Virginia [laughter] got up and asked a fair consideration at the hands of this Judiciary Committee. In charging them with conspiracy the gentleman made a serious charge.

A man guilty of conspiracy is false to American principles. He is false to the people whom he represents. I admit that all of these gentlemen went down, and no one answered. My genial friend from Texas [Mr. BAILEY], a member of the Judiciary Committee, did not rise and repel this foul charge. My friend from Missouri [Mr. BURTON], who is usually fair, did not rise in his seat. I looked around and did not see the gentleman from Massachusetts [Mr. BARRETT], who is usually quick to take down words that offend the dignity of this House. None of these gentlemen came to the rescue in defense of the charge of conspiracy made against these gentlemen.

Now, I should like to investigate this charge of conspiracy, with the consent of the House. I feel that it is a foul charge against other members who have asked that this bill be fairly considered. I do not find any member against whom this charge could be laid. Then the question entered my mind, against whom are they conspiring? Not against their constituents, not against the American people, not against the members of this House; then it must be against the Judiciary Committee itself.

The Judiciary Committee consists of 17 members, and we find that four States have a dual representation on that committee. We find in the project of this bill which they have brought in here that they have provided fairly well for their various States and districts. We find two members from Iowa on that committee, and they provide for both districts of Iowa with salaries of $4,000. Going to New York, we find $5,000 and $4,000. Going to Kansas, they have provided $5,000. In Massachusetts they give $5,000. Going to Ohio, they give two places at $4,000. Going to Illinois, they give two places, one of $4,000 and one of $4,500. In Missouri they give two places at $4,000. In Tennessee they give three places at $4,000. In Kentucky there is one place at $5,000. Texas seems to have got lost in the shuffle, but they have poor Lo down there, and they do give $5,000 in one place and $3,500 in another. Going to Arkansas, they give $5,000 and $4,000, but there they also have poor Lo. Those two places are properly brought into this bill.

The inquiry has naturally come to other members as to why their just claims had not also been fairly considered, and hence the many amendments offered to this bill.

In proposing this amendment, in the face of this charge of conspiracy against other members, and in presenting it to the attention of this committee, I do so because I believe that it will cover the case completely and will prevent future demands for legislation from coming to this House. It places marshals at $3,000 and $4,000 a year. The four-thousand-dollar marshals give no more of their time than the three-thousand-dollar marshals. They have their clerks, their assistant marshals, their field marshals, all paid by the Government. And in presenting this amendment in the face of the report of the committee, I have done it with the utmost deference to them and to this Committee of the Whole House, and I trust it will be adopted.

Mr. BAILEY. Mr. Chairman, this is not the first time nor is my friend the first gentleman who has suggested a sort of "blind pool" in the Judiciary Committee to take for their States and their constituencies what they have denied to other States and other constituencies. I think that I owe it to myself to repel this charge so far as it might relate to me, and I leave the other members of the committee to answer for themselves. More than once I have heard it whispered, as I was protesting against the increase of salaries, that Texas was well provided for. The truth is, Mr. Chairman, that I opposed every salary in that bill that is over $4,000, for I believe that $4,000 is a fair compensation for the service which any marshal or district attorney will render. The accusation that I am seeking, or that I have sought, for my people that which I do not freely and cheerfully accord to other people is entirely without foundation. The fact is, that in the judicial district which embraces two-thirds of my Congressional district, this bill fixes the salary of the marshal and district attorney at $3,000, which is lower than any similar district with similar business in the country; and yet I am drawn up in the presence of this House and charged with entering into a conspiracy with my colleagues on the Judiciary Committee to take for myself what I am not willing to give to others.

Mr. OGDEN. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. BAILEY. I do.

Mr. OGDEN. I made no charge against the gentleman, and if he will allow me to correct a statement, I will say that I listened to his speech yesterday, in which he said that he had voted consistently to reduce the salaries of all officials, and inadvertently that escaped my mind. I call attention to that fact, and after listening to his speech fully, I give him credit for being one member of this Committee on the Judiciary who has voted for and advocated the reduction of salaries instead of raising salaries.

Mr. BAILEY. That is entirely satisfactory, and restores the cordiality between my friend and myself. [Laughter.]

The CHAIRMAN. Does the gentleman withdraw the pro forma amendment?

Mr. OGDEN. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Louisiana.

The substitute was rejected.

Mr. HAINER of Nebraska. I offer a substitute for the section just read.

The CHAIRMAN. There is another substitute pending.

Mr. HAINER of Nebraska. I desire to be recognized, then, when the other substitute shall have been disposed of.

Mr. MILNES. I ask that my substitute be read.

The Clerk read as follows:

Strike out all of section 4 after the word "follows," in the third line, and insert the following: "each three thousand dollars, except the districts of Connecticut, Delaware, southern Georgia, Idaho, eastern Louisiana, western Louisiana, Nevada, New Hampshire, New Jersey, Rhode Island, and Vermont, to whom shall be paid an annual salary of $2,000 each."

Mr. MILNES. Now, Mr. Chairman, I do not intend to take up but a moment or two of the time of this House. I offer this amendment in good faith, and I believe that it ought to pass. The effect of the amendment or the substitute, if it should prevail, would be to fix the salaries of the larger districts or those fixed by the committee at over $3,000 at $3,000 per annum, and those districts fixed by the committee at a salary of less than $3,000 at $2,000. That is an entirely different substitute or amendment to that which has been offered to this bill and would save to the Government the sum of $60,000. The distinguished gentleman who has charge of this bill said upon this floor yesterday that he would consent to any reduction that might be made in the salaries, but would not consent to any increase. I am heartily in sympathy with the general principles of the bill and have supported the committee upon all their propositions, but I believe that the bill might yet be bettered. I believe that $3,000 is ample compensation for United States marshals. I believe they should be made as nearly uniform as possible. And where it is fixed at $2,000 the districts are very small and the business done in those districts not important. I therefore hope that the substitute will prevail. [Cries of "Vote!" "Vote!"]

Mr. HARTMAN. Mr. Chairman, I move to strike out the last word of the substitute. On the 3d day of March, in the city of New York, in Carnegie Hall, at a religious meeting, the President of the United States gave utterance, or is reported in the public press to have given utterance, to the language which I send to the Clerk's desk to be printed in the RECORD, certain portions of which I desire now to bring to the attention of the committee.

The President says:

But it is not only as your fellow-citizen, but as the Chief Executive Officer of your Government, that I desire to speak, for I am entirely certain that I serve well our entire people, whose servant I am, when I here testify to the benefit our country has received through home missionary effort and when I join you in an attempt to extend and strengthen that effort. * * *

It must also be confessed that removal from old homes and associations to a new and more primitive home has a tendency among honest and respectable settlers to smother scruples and to breed toleration of evils and indifference to christianizing and elevating agencies.

These conditions, if unchecked and uncorrected, fix upon the new community by their growth and expansion a character and disposition which, while dangerous to peace and order in the early stages of settlement, develop into badly regulated municipalities, corrupt and unsafe Territories, and undesirable States.

Mr. Chairman, whatever may be my individual opinion of the President of the United States matters not, and it would not be proper for me to state it here. For the high office of President of the United States I have a supreme regard. The legitimate functions of that office are limited to those enumerated in our Constitution and laws. Under the Constitution and laws, I deny the right of the Chief Executive to willfully and wantonly, in public address or otherwise, insult any of the citizens or any State of the Republic over whom he has been called to preside. I deny the constitutional authority of the President to give utterance, in public address or otherwise, to sentiments favorable or adverse to proposed legislation pending in either House of Congress. When the President made the foregoing remarks he knew there were pending in Congress bills for the admission of certain Territories into the Union of States. He had been advised that a majority of the citizens of those Territories were antagonistic to his peculiar financial and economic views, and, under the cloak of a supposed religious address, before a religious organization, and with gross impropriety, and for the purpose of preventing the achievement of the rights of statehood to which they aspire and are entitled, he gave utterance, as Chief Executive, to this unfounded slander against those citizens and States of the Republic whose interests he is sworn to protect and uphold.

Mr. POWERS. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman from Vermont rises to a question of order.

Mr. POWERS. If there is nobody on this floor that is related to the President by ties of affinity or consanguinity, social or political——

Mr. HARTMAN. Mr. Chairman, I want the point of order stated. I do not propose that my time shall be consumed in this way.

Mr. POWERS. The point of order, Mr. Chairman, is that it is not permissible here to reflect upon a coordinate branch of the Government. The President is a coordinate branch of this Government, and I think the language of the gentleman from Montana is not only——

Mr. HARTMAN. I am not reflecting upon the President, Mr. Chairman, I am reflecting upon the sentiments which the President utters, and I have a right to do it.

Mr. POWERS. I want a ruling on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair does not feel that he is called upon to rule on that point; that is to say, that the remarks of the gentleman from Montana come within the rule.

Mr. POWERS. I do not propose, however, to be classed as an Administration man. [Laughter.]

Mr. MILES. Mr. Chairman, I rise to a point of order. I make the point that the remarks of the gentleman from Montana are not relevant to the matter pending before this committee, and I call for the reading of the rule on that subject.

The CHAIRMAN. What rule does the gentleman desire to have read?

Mr. MILES. I do not remember the number of the rule, but it is the one which requires that remarks on this floor shall be relevant to the subject under consideration.

The CHAIRMAN. The Chair will state to the gentleman from Maryland that in the five-minute debate the largest liberty is accorded to gentlemen to discuss questions, and they are not held rigidly to the rule which he invokes.

Mr. MILES. Mr. Chairman, I desire to take an appeal from the decision of the Chair. This is a liberty which I do not believe has ever been countenanced in the American Congress before. [Derisive laughter.]

The CHAIRMAN. Discussion is unnecessary. The question is, Shall the opinion of the Chair stand as the judgment of the Committee?

The question being taken, the decision of the Chair was sustained.

The CHAIRMAN. The gentleman from Montana will proceed. [Laughter.]

Mr. HARTMAN (continuing). The percentage of crime in those States and Territories will not exceed that found in the State of New York, where the President seems to think all virtue resides. The per capita of wealth of the citizens of our State exceeds that of any State in the Union, save one. Our educational facilities are equal to those of any section of the Union, and if some of the patriotism of the people of the West had been possessed by the President and his friends, the citizens of this Republic would not have been called upon to witness the national humiliation of hauling down the American flag at Honolulu, of begging the bankers of Wall street and Great Britain to save us from financial ruin, and, under the behests of the powers behind the throne, of denying to the oppressed citizens of Cuba the recognition which the dictates of humanity and common right demand. [Applause.] It is true we do not get our patriotism from Wall street, where the President gets his. [Laughter.] It is true none of our citizens have possessed that particular style of patriotism which would enable them to save, by thrift and strict economy, five times as much as their entire income amounts to, and it is also true that the patriotism of these "corrupt and unsafe Territories and undesirable States" have never yet been able to rise to that lofty plane of supreme wisdom and virtue——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. HARTMAN. Mr. Chairman, I move to substitute the word "two" for the last word in the bill. [Laughter.]

The CHAIRMAN. The Chair thinks that motion is not in order.

Mr. HARTMAN (resuming). Which enables those who claim to occupy it——

The CHAIRMAN. The gentleman is not in order.

Mr. MILES. In the interest of decency, I object.

Mr. SULZER. I object, Mr. Chairman. There is another amendment pending.

Mr. HARTMAN. I ask unanimous consent for one minute more.

Several members objected.

Mr. GROSVENOR addressed the Chair, and was recognized.

The CHAIRMAN. Does the gentleman from Montana withdraw his formal amendment?

Mr. HARTMAN. I do.

Mr. GROSVENOR. I move to strike out the last two words, Mr. Chairman.

Mr. SULZER. I object, as there is another amendment pending.

The CHAIRMAN. The other amendment has been withdrawn.

Mr. RICHARDSON. The gentleman can not withdraw it without unanimous consent.

Mr. SULZER. Can a gentleman withdraw an amendment without unanimous consent? I object.

The CHAIRMAN. To what does the gentleman object?

Mr. SULZER. I object to the gentleman from Montana proceeding. He is out of order.

Mr. GROSVENOR. He is not going to proceed.

The CHAIRMAN. The Chair has said that debate is in order. If any gentleman objects to the withdrawal of the amendment, that objection would be pertinent.

Mr. SULZER. I object to that.

Mr. BAILEY. Then let us have a vote on the amendment.

The question being taken on the amendment to strike out the last word of the proposed substitute, it was rejected.

Mr. GROSVENOR. Mr. Chairman, I move to amend by striking out the last two words. I think, sir, that my friend from Montana [Mr. HARTMAN] overlooks one very important fact. When we get on our feet in a deep religious frame of mind [laughter], and it is a new field; when we are plowing in virgin soil, as it were [laughter]——

Mr. SULZER. I raise the point of order that the gentleman is out of order, because the other day he said on this floor that he had no religion. [Laughter.] Having no religion himself, I submit that he is incompetent to discuss the question of the religion of any other man.

Mr. GROSVENOR. I never said that I had no religion; but I would rather be without a very large modicum of religion than without the slightest intimation of common sense. [Laughter.] Now, Mr. Chairman, I have been so interfered with——

Mr. SULZER. I am sorry for a gentleman who has neither.

Mr. GROSVENOR. It is always unfortunate when a gentleman is possessed of such a knowledge of his own failures that he constantly advertises them to the public. [Laughter.]

Now, Mr. Chairman, I have been diverted from the serious argument that I was about to present [laughter]; and I yield the balance of my time to the gentleman from Montana.

Mr. HARTMAN. And it is also true that the patriotism of these "corrupt and unsafe Territories and undesirable States" has never yet been able to rise to that lofty plane of supreme wisdom and virtue——

Mr. ERDMAN. I object to the gentleman from Ohio yielding his time.

Mr. RICHARDSON. I believe it has never been done under the five-minute debate.

The CHAIRMAN. The Chair thinks it is often done. The Chair recognizes the right of the gentleman from Ohio to yield.

Mr. HARTMAN. And it is also true that the patriotism of

these "corrupt and unsafe Territories and undesirable States" has never yet been able to rise to that lofty plane of supreme wisdom and virtue which enables those who claim to occupy it to justify the sale of thirty-year Government bonds of a year ago for 104 when that very day ten-year bonds were selling to 116.

Mr. SULZER. I rise to a parliamentary inquiry. How many minutes has the gentleman left?

The CHAIRMAN. Two minutes.

Mr. HARTMAN. Mr. Chairman, on behalf of the citizens of the States and Territories thus slandered and maligned by the Chief Executive, I here and now repel the insult and respectfully suggest that the greatest need of this country for the work of the missionary, the schoolmaster, and the statesman will be found at the White House. [Laughter and applause.]

I append the extract from the President's speech as published in the Post of March 4:

But it is not only as your fellow-citizen, but as the Chief Executive Officer of your Government, that I desire to speak, for I am entirely certain that I serve well our entire people, whose servant I am, when I here testify to the benefit our country has received through home missionary effort, and when I join you in an attempt to extend and strengthen that effort.

IMPORTANCE OF WESTERN MISSIONS.

No one charged with the duties and responsibilities which necessarily weigh upon your Chief Executive can fail to appreciate the importance of religious teaching and Christian endeavor in the newly settled portions of our vast domain. It is there where hot and stubborn warfare between the forces of good and evil is constantly invited. In these days the vanguard of occupation in a new settlement is never without its vicious and criminal element. Gambling houses and dramshops are frequently among the first establishments in a new community. It must also be confessed that removal from old homes and associations to a new and more primitive home has a tendency among honest and respectable settlers to smother scruples and to breed toleration of evils and indifference to Christianizing and elevating agencies.

These conditions, if unchecked and uncorrected, fix upon the new community by their growth and expansion a character and disposition which, while dangerous to peace and order in the early stages of settlement, develop into badly regulated municipalities, corrupt and unsafe Territories, and undesirable States. These are serious consequences in a country where the people, good or bad, are its rulers, because the conditions to which I have referred would certainly menace, within a circle constantly enlarging, the safety and welfare of the entire body politic, if we could not hope that churches and religious teaching would from the first be on the ground to oppose the evil influences that are apt to pervade the beginning of organized communities.

These churches and this religious teaching were never more needed than now on our distant frontiers, where the process of forming new States is going on so rapidly, and where newcomers who are to be the citizens of new States are so rapidly gathering together.

For these instrumentalities at the outposts of our population, so vitally important in the view of the Christian men, as well as patriotic citizens, we must depend to a very great extent in home missionary exertion. How can we excuse ourselves if we permit this exertion to languish for the lack of proper support?

Mr. BURTON of Missouri. I call for the regular order.

Mr. MILNES rose.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. MILNES] rise?

Mr. MILNES. I rise simply to say that it is quite evident that during the religious discussion which has been going on my substitute has been lost in the shuffle [laughter], and therefore I withdraw it.

The CHAIRMAN. Has the informal amendment been withdrawn? The Chair understands that it has.

Mr. HAINER of Nebraska. I offer as a substitute the amendment which I send to the desk.

The Clerk read as follows:

Substitute for section 4:

"That the United States marshal for each judicial district of the United States shall be paid an annual salary of $3,000."

Mr. HAINER of Nebraska. Mr. Chairman, after the diversion of this morning, now just concluded, and which may not be without its useful phases, I desire to recall the attention of this committee to the section we are considering. My amendment proposes to place each of the marshals upon a salary of $3,000. Let me call the attention of members of the committee, and especially the lawyers of the committee, to the duties of these marshals. While reasonably familiar with their practice and duties, I have never yet seen a marshal perform any other function than that of bringing a prisoner into court and having him plead, visiting in his office with callers, and doing political work, most useful, I admit, to his party, but of no sort of use to the country which pays him. I never yet have seen or known a marshal of the United States to perform any of the real work out on the field. This, as we all know, is performed by deputies. If any one of them has ever risked his life in the capture of some person charged with a criminal offense, I do not know the name of such an officer; I do not know the color of his hair, or of his eyes. And I do not believe any gentleman on this floor can inform me.

Now, the marshals when they do the duty contemplated by the law simply perform duties similar to those that an ordinary sheriff performs throughout the country. Marshals are simply the executive officers of the court. They are supposed, either by themselves or by their deputies, to serve the processes or the writs of the court. They are supposed to devote their entire time to the business of the United States while engaged in its service. They can not engage in any other business. So the objection made to a corresponding reduction of the salaries of the United States attorneys do not apply in this case. I urged on yesterday, when making an amendment as to the district attorneys, that their emoluments derived from private business were not reduced and need not necessarily be reduced while they held the office as district attorney, but that in a majority of cases they received salaries drawn from private business which in some cases were even greater than before they assumed official duties. Their salary is clear gain.

Now, the marshals perform duties, as I have said, which are in no sense of the word of a higher order of ability than those performed by the ordinary sheriffs of our various counties. They are not required to possess an intelligence greater than that possessed by the ordinary school-teacher. They are not required to possess intelligence or more skill or require a higher quality of personal courage than possessed by an engineer on any of the railroads of this country who pulls the throttle valve of a locomotive. Three thousand dollars is a splendid salary for any person performing the duties of a marshal. The man who performs the duty of a marshal could not earn in the United States or anywhere in any other business requiring the same degree of ability and application that his duties as a marshal would require more than the sum of $3,000. Indeed, it is doubtful if he could earn so much.

Now, further, we find here 72 United States marshals, which, by the amendment, at $3,000 a year, would amount to $216,000 compensation annually. This bill as it stands carries for this purpose $262,000. In other words, my amendment proposes a reduction of exactly $46,000 from the salaries of the marshals, and still pays them amply for every particle of work that they do and for the time expended by them in the service of the Government.

Now, if gentlemen are bent on economy, if they propose to heed the petition in bankruptcy which has been transmitted to us by the President of the United States and his Secretary of the Treasury, this is a good time and a splendid place to accomplish this saving to which I have referred. We can save $46,000 right here; and we can do it without the slightest injury to any branch of the public service, and without impairing in any degree the efficiency of the men, who will perform the duties required of them by the law. No marshal will resign if this amendment becomes a law; and if he will, for every one so resigning a thousand bankrupt Democrats, but who are now capable men, knowing very much more than they did in November, 1892, will apply for the place.

Mr. Chairman, no gentleman on this floor can say that I am prompted by a desire to increase the salary of the marshal in my own district; for, as a matter of fact, that is fixed at $3,500 by this bill, and the amendment would reduce it. I want simply the fair thing to be done; that every man receiving the amount due to him by the Government shall render an equivalent service for it. There is no reason for saying that any marshal is of a higher order of ability than any other performing a similar duty, or that he performs more than his legitimate duty when he gives his entire time to the service of the Government for his pay. For he puts in no more of his time than is due, and all of his time may be claimed by and belongs to the Government if that time is demanded. If he can not by devoting his entire time do the necessary work, the bill makes ample provisions for deputies. We all know that in actual practice, with but few exceptions, the deputies are expected to and actually do the real work.

So, from whatever standpoint you may view it, work done, the responsibility attaching to the office, the ability and the courage required, I submit that the amendment should meet the approval of the committee.

[Here the hammer fell.]

The question being taken on the adoption of the substitute proposed by Mr. HAINER of Nebraska, the committee divided; and there were—ayes 16, noes 77.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, or subpœna, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual subsistence, not to exceed $2 per day; and he shall make and render accounts thereof as hereinafter provided.

Mr. MCRAE. Mr. Chairman, I propose the amendment I send to the desk to this section of the bill.

The Clerk read as follows:

Add to section 5 the following:

"*Provided, however*, That such office deputies shall not be required to serve writs or do the work of field deputies, as provided in section 6 of this act, except in cases of emergency when there are no field deputies available for that purpose."

Mr. MCRAE. I stated why this amendment should be adopted in the general debate upon this bill. It appears to me that there ought not to be any opposition to it. If we allow the office deputy

or the clerk to be ordered out by the Attorney-General we will find the office work will be neglected, and, as I think, there will also be a constant irritation and row between the Department of Justice and the marshals as to whether certain writs should not have been served by men in the office or the field deputies.

Men qualified to keep the books of account and attend to the work of the marshal's office proper are not, as a rule, the most competent men for the work in the field, and the men best fitted to do work in the field are not, as a rule, able to do the work required in the office. I think the amendment ought to be adopted so that the marshals would know just what to depend upon.

Mr. McMILLIN. I would like to ask whether there is not even a further objection to the clause as it stands, and a reason why it should be amended that the expense of the services of these men in the field and near the scene of action would be less by reason of the adoption of the amendment?

Mr. McRAE. Certainly; it would save mileage to send the writs to the field deputies. I intend to offer another amendment to reduce the compensation of deputies to $2 per day, and if we can adopt both, then the cost will be reduced to the lowest possible sum.

Mr. UPDEGRAFF. I regret, Mr. Chairman, that the amendment proposed by the gentleman from Arkansas could not be accepted by the committee. These deputies were denominated office deputies to distinguish them from the field deputies in dealing with them in the law and in the Department of Justice. But the office deputies provided in the bill are in fact nothing but the general deputies of the marshals, and I know of no reason why an office deputy should be kept by a warm stove and the field deputies be required to do the work. All the work of the marshal's office is to be done by the marshal and his deputies, and none of them are too good to do any part of the work when it is necessary to be done. There is, therefore, no reason to my mind for any change whatever in the bill. It was carefully considered by the Department of Justice, and is just as the Department of Justice wanted it in order to make the operations of the office efficient and convenient. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Arkansas [Mr. McRAE].

The amendment of Mr. McRAE was rejected.

Mr. SWANSON. Mr. Chairman, I want to offer an amendment. I should like to state to the committee that it also involves section 6. If it is in order, I will let the Clerk read the next section. My amendment goes to the two sections combined. It is to put field deputies on salaries instead of letting them have fees.

Mr. UPDEGRAFF. Let the amendment be offered in regular order, Mr. Chairman.

Mr. McRAE. If the gentleman from Virginia has a substitute for the two sections I want to state that I have an amendment to the text of the next section which will take precedence over a substitute.

The CHAIRMAN. The proposition of the gentleman from Virginia [Mr. SWANSON] is a substitute for sections 5 and 6.

Mr. SWANSON. I desire to ask the Chairman, if I permit this section to be passed and the next section to be read, will it still be in order to offer this as a substitute for the two sections?

The CHAIRMAN. The Chair thinks it would. It applies to both sections, and would not be applicable to either one alone. The Chair will suggest that the gentleman withhold it until the sixth section is read.

Mr. SWANSON. I was under the impression that unanimous consent was given that we should simply offer amendments to each section as we proceeded. I desired to know whether, if the fifth section was passed, it would then be open to amendment.

The CHAIRMAN. The Chair thinks that the gentleman's substitute for the two sections would be in order after the sixth section is read.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and who shall each, as his compensation, receive three-fourths of the gross fees, as provided by law, earned by him, not to exceed $2,500 per annum, or at that rate for any part of a year; and he shall hold his office during the pleasure of the marshal. The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney-General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney-General may at any time cancel any such appointment, as the public interest may require.

Mr. UPDEGRAFF. I have an amendment to that section. It is as follows:

On page 9, line 4, after the word "year," insert "And in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest under process a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage."

This is the amendment to which I referred in my general remarks, the necessity of which is stated by the Attorney-General in his letter.

The CHAIRMAN. The gentleman will allow the Clerk to report the amendment.

The Clerk read as follows:

On page 9, line 4, after the word "year," insert the following words: "And in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest under process a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage."

Mr. McRAE. Mr. Chairman, I desire to propose a substitute for the amendment offered by the gentleman from Iowa [Mr. UPDEGRAFF].

Mr. UPDEGRAFF. A substitute is not in order until the text of the bill is perfected.

Mr. McRAE. But this is a substitute for the amendment.

The CHAIRMAN. This is a substitute for the proposition just offered by the gentleman from Iowa, as the Chair understands it.

Mr. McRAE. It is a substitute for the amendment proposed by the gentleman from Iowa.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Arkansas [Mr. McRAE].

The Clerk read as follows:

Strike out the following words: "Three-fourths of the gross fees, as provided by law, earned by him, not to exceed $2,500 per annum, or at that rate for any part of a year"; and insert the following: "two dollars per day when engaged in the service or attempted service of any writ, process, or subpœna, and when necessarily absent from the place of his official residence on official business he shall be allowed his actual traveling expenses only and his necessary and actual subsistence, not to exceed $2 per day, and he shall make and render accounts thereof as hereinafter provided."

Mr. BURTON of Missouri. Mr. Chairman, I rise to a point of order. I understood the Clerk to read section 6 of the printed bill.

The CLERK. Section 6 of the printed bill, but section 12 as it will be if this whole amendment is adopted.

Mr. McRAE. I followed the numbers of the bill as they will be when the bill is completed.

The CHAIRMAN. What is the point of order made by the gentleman from Missouri?

Mr. BURTON of Missouri. I withdraw it upon the gentleman's explanation.

Mr. HENDERSON. The present occupant of the chair may not have been in the Hall when we commenced the consideration of this matter; but by unanimous consent it was agreed that when we referred to sections in the printed bill we should refer to the sections as numbered in this printed bill for purposes of amendment.

Mr. McRAE. I thought it was exactly the reverse. My amendment is proposed as a substitute for the amendment proposed by the gentleman from Iowa [Mr. UPDEGRAFF], and it makes no difference what may be the number of the section. This is the section I want changed.

Mr. DOCKERY. Before the gentleman proceeds, I desire to ask unanimous consent that the amendment offered by the gentleman in charge of the bill be now reported, and also the substitute, so that the committee can have both propositions before it.

The CHAIRMAN. If there is no objection, both the amendment and the substitute will now be reported.

There was no objection.

The amendment of the committee and the substitute of Mr. McRAE were reported.

Mr. McRAE. Mr. Chairman, in short, the difference between the amendment proposed by the gentleman from Iowa [Mr. UPDEGRAFF] and that which I propose is that, under his, deputies would receive three-fourths of the fees earned—not to exceed $2,500 per annum—and expenses, while under mine they would only receive $2 a day while in the discharge of their duties in serving or attempting to serve writs. The annual compensation under my amendment could not exceed $730 and expenses. I think both propositions allow the same subsistence and expenses. I think it is better that we should say just what these field deputies, located here and there over the district, will get, and that we should pay them all the same for similar work and not give so much power to the Attorney-General. You can get good men to do the business for $2 a day and expenses. That is the simplest and most equitable method of payment, requires less bookkeeping, and would, I think, be more satisfactory to everybody; certainly it ought to be to the Department, for then all it will have to do is to fix the number necessary for each district. The plan proposed by the committee will produce inequalities and in the end prove expensive and unfair.

Mr. CONNOLLY. Mr. Chairman, I see this trouble and this difference between the committee amendment and the amendment proposed by the gentleman from Arkansas: Under his amendment a deputy receiving a writ can take just as many days as he chooses to serve that writ, knowing the Government is paying him $2 every day and his subsistence at the rate of $2 a day. I would not like to leave it to the discretion of the deputies to fix their own fees in that way. Under the committee amendment it will be in the interest of the deputy to serve the writ as quickly as possible. Under your amendment it is to his interest to postpone the service

of that writ as long as he decently can, and thereby promote his own compensation.

Mr. McRAE. But the gentleman from Illinois must remember that under my amendment no deputy can get more than about $700 per annum, while under the committee bill he may get $2,500. You certainly will not object to my amendment for the reason that it is not in the interest of economy, whatever else you may say about it. You must also remember that I do not propose to interfere with the right of the Department to fix the number of field deputies.

Mr. CONNOLLY. Practically the difference between the working of your amendment and the working of the committee amendment would be this: It would multiply these deputies who would be getting this $700, so that as to the aggregate amount it would cost the Government a great deal more to pay these salaries than the amount that would be paid under the committee amendment. Each deputy will take all the time he needs. Now, the fact is the Government must have its writs served, and if deputies procrastinate the service, deputies must be multiplied in order to get a decent service of the writs of the Government. Gentlemen should remember that the effect of that very amendment will be to cripple the strong arm of the law, for if processes are not served the courts sit idle and crime will go unpunished. In our desire for economy we must not go so far as to practically close the doors of our courts and shut them up against the enforcement of the law.

Mr. UNDERWOOD. I move to amend the substitute by striking out the word "two" and inserting "one."

Mr. Chairman, I am in favor of the substitute offered by the gentleman from Arkansas. I do not think the reasons given by the gentleman from Illinois against the substitute are adequate. The other day, in his very able speech on this bill with reference to district attorneys, he said that the whole cause of the trouble had been at the head; that the cause of that trouble lay in the fact that the United States district attorneys did not attend to their business, and that if we would put them in a position where they would attend to their business we would have no more trouble. I can repeat the words of the gentleman and say that if you have a United States marshal who will attend to his business he will employ deputies and see that they attend to their business; that they will serve these writs with all due diligence. There is no necessity for undue delay in the service of these writs. Let them have the right man at the head, so as to see that they attend to their business; and if they do not attend to it, it lies in his power to discharge and remove them from their positions. The Attorney-General himself has the power to remove them, so that if any one of these deputies is found to be unnecessarily delaying the service of these writs, so as to make additional compensation, it remains in the power of the head to remove the man and put one in his place who will attend to those duties.

I withdraw the amendment.

Mr. McMILLIN was recognized, but yielded temporarily to Mr. UPDEGRAFF.

Mr. UPDEGRAFF. This provision for field deputies was inserted in the bill with very great reluctance by the Committee on the Judiciary. The reluctance arose from the fact that it was a limited departure from the principle of this bill. But when we came to look the actual business of the country in the face, we found ourselves obliged, in order to perfect our measure, to permit this limited departure. When we had agreed to the field deputies, we applied to the Department of Justice to say whether or not the bill would weaken the arm of the Government in the enforcement of the law, and the head of that Department said he could not conscientiously say that the bill, even with the field deputies in, without the amendment I have offered here, would not weaken the Government in the enforcement of the law and in the punishment of crime. Under such circumstances, the committee consented to the insertion of the field-deputy clause in the bill, and of the clause for their compensation for actual expenses in addition to the three-quarters of their fees.

Mr. TATE. May I ask the gentleman a question for information?

Mr. UPDEGRAFF. Yes, sir.

Mr. TATE. I understand that your committee framed this section on the idea that experience had demonstrated that it would not do to put these deputies upon a salary. The question I wish to ask is this: Why is it that the deputy collectors of internal revenue, who receive a salary of from $1,000 to $1,200, are among the most vigorous and efficient officers in the revenue service? How does the gentleman explain that fact if experience demonstrates that it will not do to put deputy marshals upon a salary?

Mr. UPDEGRAFF. The statement of the gentleman from Georgia [Mr. TATE] does not correspond with the experience of the Department of Justice. The amendment which I recently offered is in the words of that Department. Writing on this subject, the Attorney-General says:

> The committee commenced the consideration of this yesterday, but, at my suggestion, it was dropped, because I did not at the moment realize the necessity of this provision. By section 5, page 8, lines 15 to 21, this same provision is made for office deputies in addition to their salaries. There is no reason in natural equity why the same provision should not be made for field deputies in addition to their limited emoluments under section 6. But the chief reason is the fear, which is justified by experience, that field deputies will not be zealous in endeavoring to arrest persons charged with crime, if they have to risk not only their compensation, but also their expenses while engaged in the attempt. One of the questions which will undoubtedly be put when the bill is upon its passage is, whether there is any just reason to fear a relaxation in diligence on the part of the officers concerned by reason of the change made by this bill. Unless this assurance of actual expenses while honestly engaged in attempting to arrest criminals is made, I can not conscientiously say that the field deputies can be expected to display proper zeal.

Mr. McMILLIN. Mr. Chairman, I think it well to try any experiment which even promises well, looking to a diminution of the vexatious prosecutions which are instituted and carried on in our Federal courts. I earnestly advocate reform in that regard. I am not, however, one of those sanguine persons who can be brought to believe that the remedy proposed here will be entirely efficient to accomplish the object desired. We already have a large number of marshals and district attorneys, the receipts of whose offices amount to more than their salaries. I have in my hand a letter from the district attorney in the district in which I reside, Mr. Tully Brown. I think it is a clear statement, and is well worthy of consideration, especially as this officer does not desire to be classed among those who are responsible for the vexatious litigation that is instituted and complained of. I will ask that the letter be read at the Clerk's desk. Let us struggle by every possible means to so frame this bill as to reduce the hardships incident to Federal court prosecutions, and to diminish the number of petty and frivolous prosecutions.

Mr. UPDEGRAFF. Why not let your district attorney's letter be published without reading?

Mr. McMILLIN. Some of the suggestions in the letter concerning mileage and other matters are, I think, well worthy of attention, and I prefer to have it read. Before the Clerk begins the reading, I wish to say that upon the casual glance that I have been able to give this bill, not being a member of the committee which framed it, it strikes me that the marshals and the district attorneys may, if they are disposed to do so, largely increase the compensation proposed to be allowed by the bill. As will be seen by the letter which I send to the desk, there are fees now allowed by law for which the officers do not charge. I know the futility of offering any amendment concerning these salaries, because the half hundred already offered by others have been voted down. The majority are determined to pass the bill substantially as reported, evidently.

The Clerk read as follows:

OFFICE OF UNITED STATES ATTORNEY,
Nashville, Tenn., March 3, 1896.

DEAR SIR: I beg to call your attention to some facts connected with the administration of justice in this district bearing upon the pending bill to change from the fee system to salaries in the payment of district attorneys and marshals of the United States courts. The salary of the district attorney is now $200 per annum, and he is permitted to earn by fees a maximum annual compensation of $6,000. In the two years of my incumbency, 1894 and 1895, the emoluments here reached in 1894 about $10,000, and in 1895 about $12,000, and this without effort on my part to avail myself of the opportunities legally at my disposal to increase the business; but, on the other hand, everything has been done by me to keep down or restrain the constantly growing business of the United States courts. In carrving out this desire, I have resorted to very stringent rules, such as to approve but one warrant against the same party; requiring commissioners to look into the character of suits sought to be commenced and see if the proof to be offered is reliable and shows probable cause of guilt; limiting the number of witnesses in each case, and after trial before commissioners I carefully examine the proof filed in each case bound over, and where the same appears frivolous or doubtful of conviction I dismiss, with the sanction of the court, without docketing, thus saving much costs to the Government and depriving myself of the emoluments I could earn; these dismissals in the two years amounting to quite 100 cases. In addition to this, the law permits me to attend all commissioner's trials, for which I am allowed a per diem of $5 and mileage of 10 cents per mile traveled. The mileage is not embraced in the limit of $6,000, and in this district could easily be swelled to make it $7,500, thus making my compensation annually $13,500, but in my two years' service only two commissioner's trials have been attended by me or my assistant, and no charge was made for either case.

I recite these facts to refute, in so far as this district is concerned, the general charge against district attorneys and marshals made in the discussions reported in the RECORD on the bill under consideration. There are 38 counties comprising this district; it is one of the largest distilled spirits producing districts in the Union, and so long as there are internal-revenue laws to be enforced the business of the district will of necessity be large, and I submit whether it is just that the compensation of the district attorney and the marshal shall be limited to the amount fixed for districts in which the business will not amount to one-fourth of what it is and will continue to be in this.

I desire to further call your attention to the fact that we have had since my incumbency several very important cases, consuming weeks in their trial, of parties charged with wrecking national banks, for which no extra compensation has been claimed, and we have had also a large number of cases for violations of the pension and postal laws, for which no extra compensation was asked. All the emoluments charged for and allowed have been for cases tried in the court.

At the last term of our court we had about 550 cases on our trial docket, and there will be quite as many on the April docket. This entails a large amount of work upon me for which I get no compensation, as 400 cases per annum would more than enable me to earn my maximum of $6,000; hence all above that is "love's labor lost," except that I find violations which are numerous and flagrant, and I felt it my duty to prosecute them, regardless of my own personal comfort and convenience.

In these efforts to save the Government the needless costs, I am sure that

every Federal officer in this district has given his cordial aid. Another fact to the credit of the district that should not be overlooked is this: The cases are set so many per day for trial, and the witnesses are summoned for the day the case is set, appearing in the morning before the grand jury and in the afternoon before the court and trial jury, and in that way rarely get more than one day's attendance.

In other districts of the country, so I am imformed, all witnesses are summoned for the first day of the term and remain until the case is disposed of, and in some instances that amounts to as much as three weeks.

I take pains to give you these facts, because I see in the discussion in the RECORD on the proposition to include clerks of courts that it was said that "district attorneys and marshals are the fountain head of this corruption," and I don't care to stand branded under the general charge without a protest on my part.

I have no objection to the plan to make fixed salaries for these offices, but they should be based upon the services rendered, or to be rendered, and if made to take effect June 30, 1897, instead of 1896, it would give time to adjust the machinery to the new order of things and lose nothing to the Government. In the Stone bill, the instance is cited to show the bad workings of the present system, in so far as it applies to this office applies to the mileage charged. There is no necessity for the district attorney appearing before a commissioner, and if so, let him be paid actual mileage paid by him, as contemplated in the Stone bill, and it will remedy the whole trouble. Then the fees will be based upon the cases tried in court, with no "extras," and the district attorney, who has the work to do, will get the pay for it, and the one whose office is a sinecure will be paid as all sinecures should be.

Yours, most truly, etc.,

TULLY BROWN.

From my personal knowledge I know the facts stated in the above letter to be true.

JNO. W. CHILDRESS.

Hon. BENTON MCMILLIN, *Washington, D. C.*

Mr. BURTON of Missouri. Mr. Chairman, I was originally one of those who voted in the committee to put all these deputy marshals upon salaries. The Attorney-General, however, came before the committee and argued, first, that as a matter of fact, judged by experience, that system would not do. He informed us that this policy had been adopted in the Indian Territory and had resulted in the deputy marshals sitting down and absolutely failing to serve the process of the United States court. It was also stated that under the old system of spies and informers the deputy marshal, after he had spied out and worked up a case, would send word to the prosecuting attorney asking for an "O. K.," whereupon the district attorney, knowing that the prosecution would put money in his pocket, would "O. K." it, and the prosecution would be instituted. But we have taken the teeth out of that dragon. Now, there is no inducement on the part of the district attorney to "O. K." the prosecution, and none on the marshal to father it.

Mr. TATE. I will ask the gentleman whether, in the first place, the informer or reporter does not get $10 for finding the distillery?

Mr. BURTON of Missouri. He can not get that under this bill.

Mr. TATE. He can; the bill does not interfere with it at all.

Mr. BURTON of Missouri. The gentleman is talking about the internal-revenue collection.

Mr. TATE. I understand that.

Mr. BURTON of Missouri. Well, bring in your bill to amend that system. It has nothing to do with this bill.

Mr. TATE. But my question is this: After the property is found and seized, and the reporter has his $10, why should he not under this bill sit down, make out the usual affidavit, and forward it by mail to the district attorney; and how is that officer going to tell whether a warrant ought to be issued or not? When the information is furnished in that way, how is he going to determine the character of the reporter?

Mr. BURTON of Missouri. The gentleman from Tennessee, at the proper time, will introduce a committee amendment which will annihilate all the matter which is now troubling the gentleman from Georgia [Mr. TATE]. I ask for a vote.

The question being taken on the amendment of Mr. MCRAE, it was rejected; there being—ayes 41, noes 70.

The CHAIRMAN. The question is now on the amendment of the committee.

The amendment was agreed to.

Mr. DOCKERY. I desire to offer a formal amendment, so that where the text speaks of the calendar year it may be changed to the fiscal year.

The amendment of Mr. DOCKERY was read, as follows:

On page 9, in line 2, strike out the word "annum" and insert "fiscal year"; and in line 4 of same page insert before the word "year" the word "fiscal."

The amendment was agreed to.

Mr. DOCKERY. I now wish to offer an amendment which I hope the committee will agree to.

The amendment of Mr. DOCKERY was read, as follows:

After the word "require," in line 11, page 9, insert:

"No per diem for attendance on court shall be allowed to field deputies except when it is physically impossible for such attendance to be by the marshal or his office deputies; but this provision shall not apply to attendance before commissioners."

Mr. DOCKERY. I will only say in explanation of the amendment, Mr. Chairman, that this is suggested by a very competent authority in connection with the administration of justice, and it seems to me, so far as I have knowledge of the amendment, to be a proper one and in the line of reform contemplated by this bill. I hope, therefore, the committee will accept it, unless there be some objection to it which has not come to my knowledge.

Mr. CONNOLLY. I do not see the necessity for the amendment.

Mr. DOCKERY. The point is simply this: The amendment requires the office deputies to attend upon the court unless it be physically impossible for them to do so. Now, if the office deputy does not attend upon the court the field deputy will do so, and his compensation will be increased to the extent of such attendance.

Mr. CONNOLLY. But the field deputies only receive compensation for writs actually served by them, and get three-fourths of the amount of the fees.

Mr. DOCKERY. This amendment was prepared by a reliable gentleman and comes to me in this shape, and I think, therefore, there must be some mistake in the gentleman's suggestion that it is unnecessary. Are not the marshals allowed compensation for attendance on court?

Mr. CONNOLLY. The marshal is, but not the deputies.

Mr. DOCKERY. Not the deputy?

Mr. CONNOLLY. No. The marshal gets his pay, and the district attorney, but not the deputy.

Mr. DOCKERY. But does not the existing law allow the marshal and the deputy that attend upon court compensation for that service?

Mr. CONNOLLY. Not at all. The law allows the marshal $5 a day for attendance on the court. The marshal and the district attorney are allowed this compensation; but no assistant of the marshal or of the district attorney is allowed attendance fee.

Mr. DOCKERY. Then I understand the gentleman to claim that no deputy marshal is allowed anything for attendance on court?

Mr. CONNOLLY. No; none at all. There is only one per diem allowed, and that is allowed to the marshal. The accounting officers of the Attorney-General's Department regulated this section of this bill, I will say to my friend from Missouri.

Mr. DOCKERY. Then, if the gentleman is correct, and I do not question his statement, of course there is no necessity for the amendment. I am surprised that an officer of the Department should suggest an amendment of this character, and feel somewhat inclined to think that there must be an error somewhere in reference to the matter.

Mr. CONNOLLY. This bill went through the hands of the entire Department, and was pronounced to be satisfactory in that regard.

Mr. DOCKERY. A competent officer made the statement on which the amendment was prepared, but in view of the suggestion of the gentleman from Illinois I will withdraw the amendment.

Mr. ALLEN of Utah. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 9, line 3, strike out "$2,500" and insert in lieu thereof "$1,200."

Mr. ALLEN of Utah. Mr. Chairman, the whole theory of this bill is that fees shall be reduced where fees have been received heretofore, in order to make the service more perfect and to save dishonest transactions and unnecessary annoyance of the people by frivolous prosecutions. The marshals are put on salary on the theory that it will cut off present dishonest prosecutions which have been instituted in certain sections, but as I understand the bill they will be able to institute these prosecutions through the aid of the deputy marshals. It is said in answer to this that it can not happen, because the marshal and prosecuting officer are both on a salary. But a man who, working on fees, would prostitute his office and use it for the purpose of instituting prosecutions which are frivolous and not founded in justice for the purpose of obtaining fees would be willing to secure that same result through other channels if the opportunity were afforded.

The committee states to us that the average pay of the deputy marshals of the United States is about $100 per month. The amendment proposes that they may receive that amount provided they earn it. The original bill proposes that they may receive pay to the limit of $2,500, which is too much for the services of the men who, as a rule, hold these places, as compared with the salary and wages of men in other vocations. I am speaking, of course, of the great majority of them when I say this, nor do I refer to them as dishonest in the performance of public duty, taken as a class, because they are not. But they do not come from the ranks of life that can compel $2,500 a year as compensation, and should not be allowed to receive it from the Government of the United States.

I trust the amendment will therefore be adopted. in view of these facts.

Mr. CONNOLLY. Mr. Chairman, in reference to the amendment offered by the gentleman from Utah, to make the maximum compensation of field deputies $1,200 a year, I have but this to say: That this $1,200, for a large number of the deputies, would undoubtedly be a sufficient compensation, and more than they could possibly make under the bill. But there are many other

cases where deputy marshals of the right character could not be obtained if a salary of that limit is fixed. The purpose of the bill was to place it in such shape that the Attorney-General would hold a check all the time over the field deputies. None of them can be appointed, their salaries can not be fixed—the maximum amount—except with the approval of the Attorney-General. The Attorney-General, who is in touch with the actual, legitimate business in every district in the United States, knows better than any one member of this House can know, better than all the members of this House put together can possibly know, at one session of Congress, what the business is of a legitimate character and what should be the legitimate earnings of a deputy in the proper service of the processes of the Government.

Now, if you put it down to the limit of $1,200, you exclude the possibility of obtaining the services of the right character of men in very many districts, but probably in the larger number of districts in the United States $1,200 will be sufficient. Who shall judge, who shall fix this maximum, and say how much they shall earn? You will find it practically the case that, when a maximum is fixed, as the Attorney-General stated to the committee, he is clamored at from every district in the United States to give to those officials the maximum. He therefore desired that the maximum should be put as low as it was safe to put it, and he was invited to suggest, from the experience of his office, containing gentlemen who have been there settling these accounts, some of them for twenty-five years, what would be safe, considering the interests of the Government and the Treasury and of the service of our process. He said $2,500 would be the lowest figure he would feel safe in putting it at; not that there would be very many deputies that would require the $2,500, but that there would necessarily be some, and he felt, as I feel, that the Department of Justice, which controls and directs all the litigation of this great Government, is the safest place to lodge the discretion of saying to each of these deputies how much he shall have, provided the earnings amount to that much.

Mr. LACEY. This does not seem to give that discretion.

Mr. SHAFORTH. No; it does not.

Mr. CONNOLLY. Sections 5 and 6 must be taken together to determine the purpose in this field-deputy matter and the manner of paying them. Now, the committee strongly desired to fix a salary for these deputies, but we were met first with this difficulty: How many deputies are necessary in any given district?

[Here the hammer fell.]

Mr. ALLEN of Utah. Mr. Chairman, I move to substitute "$1,000" in the place of "$1,200." I do this for the purpose of obtaining the floor. What the gentleman has so well said simply accentuates what I so poorly said. He says that there are a few districts in the United States where deputies ought to have more than $1,200 a year. If that be true, then provide for those districts in a proviso. You can obtain good men, able men, to serve the United States at $100 a month. The Departments in this city prove it. Most of the men who are serving here receive not more than $1,200 a year, and the Government is well served, and it would be well served by men receiving that maximum compensation in this calling.

The gentleman says that this is within the control of the Attorney-General. There is not a provision in the fifth or sixth section of this proposed act which gives him that control. It leaves the whole question open, and we shall have the same evil that we have had in years past. Deputies will be seeking to lift up their compensation to $2,500 a year. Gentlemen have started in here to reform this service. Why not strike it at the root? We have said that attorneys shall receive $3,000, $3,500, $4,000, and $4,500 a year. Compared with their salaries, a salary of $1,200 a year for a deputy marshal is good.

I withdraw the substitute.

Mr. TRACEY. Mr. Chairman, I desire to say, in reply to the gentleman, relative to the matter of compensation of deputy marshals, that there is a very wide and emphatic difference between the services rendered——

The CHAIRMAN. The gentleman will suspend for a moment. Did the gentleman from Utah withdraw his substitute?

Mr. SHAFROTH. Yes, he did.

Mr. ALLEN of Utah. I withdrew the substitute.

The CHAIRMAN. Then debate on this proposition is exhausted. The question is on the amendment of the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. ALLEN of Utah) there were—ayes 30, noes 56.

Accordingly the amendment was rejected.

Mr. SHAFROTH. Mr. Chairman——

Mr. WANGER. Mr. Chairman, I move to amend by striking out the last sentence of this section. The Attorney-General, writing to the member of the committee [Mr. UPDEGRAFF] having this matter in charge, said:

Detroit is an important point, and, for the reasons we spoke about, in Philadelphia, Boston, and other places, the district attorney's salary should be increased.

Just why the Attorney-General recommended the increase of the salary of the district attorney at Philadelphia I confess to not having understood clearly yesterday, when the matter of the proposed increase of compensation of the attorney for the western district was under consideration. I supposed it was probably upon the basis suggested by the gentleman from Massachusetts [Mr. GILLETT], namely, the supposed higher standing of the Philadelphia bar. We who live in or near Philadelphia are always ready to concede that there is just as high an order of legal talent at Pittsburg as at Philadelphia, and therefore do not recognize that proposed difference as being any reason for giving to the district attorney at Philadelphia a higher rate of compensation than to the district attorney at Pittsburg. But upon looking at the business of the office, as shown by the reports of the Attorney-General for the last five years, it is very apparent why the Attorney-General recommended that the salary of the district attorney at Philadelphia be increased and why a difference in the compensation of these two officials should exist.

As this committee has done the right thing in raising the salary of the district attorney at Detroit, I take it that it will be entirely willing to follow in the same line when the facts are presented to the committee. Now, the committee was convinced yesterday that $4,000 was the right amount of compensation at Pittsburg, and in my judgment it was. Therefore I take the contrast between Philadelphia and Pittsburg as the basis for an appeal to the members of the committee to permit a return to the third section in order to increase the compensation of the district attorney at Philadelphia from $4,000 to $5,000.

I have a tabulated statement which, without objection, I shall print in the RECORD, showing the business done in the respective districts of Pennsylvania, and I present this brief summary. The number of civil suits terminated during the last five years, 1891, 1892, 1893, 1894, and 1895, in which the United States was a party, averaged per year, in the eastern district, 45; in the western district, 4. Criminal prosecutions terminated in the eastern district, 128; in the western district, 79. Judgments obtained, the average amounts per year, in the eastern district, $60,559.59; in the western district, $1,800. Fines, forfeitures, and penalties imposed, average per year, in the eastern district, $5,108.80; western district, $2,272.40. Civil suits terminated in which the United States was not a party, average number per year in the eastern district was 335; in the western district, 69. So that we have a showing of somewhere in the neighborhood of from three to seven times greater volume of business in the eastern district of Pennsylvania than in the western district; and on the basis of work done, as shown by the report of the Attorney-General, there is ample foundation for his recommendation, and for this committee, following the precedent which it set in the case of the eastern district of Michigan, to make the raise of $1,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. I offer, as a substitute, to strike out the entire section.

The CHAIRMAN. The gentleman can not retain the floor in that way.

Mr. SHAFROTH. I desire to submit an amendment.

The CHAIRMAN. The Chair understood the amendment of the gentleman from Pennsylvania to be a pro forma amendment.

Mr. WANGER. I propose to ask unanimous consent. I shall also withdraw the objection which I made some time ago if I can have just a couple of minutes.

The CHAIRMAN. The Chair understood the gentleman's amendment to be a pro forma amendment, to strike out the last sentence. Is it withdrawn?

Mr. WANGER. That is what it was really, a pro forma amendment.

The CHAIRMAN. Is it withdrawn?

Mr. WANGER. If the House will give me a moment to submit a request.

Mr. SPALDING. I ask unanimous consent that the gentleman have two minutes.

The CHAIRMAN. The Chair has recognized the gentleman from Colorado.

Mr. SHAFROTH. I am entirely willing to yield if it does not come out of my time.

Mr. WANGER. The amendment I introduced was merely a formal amendment.

Mr. SHAFROTH. I am entirely willing to yield if it does not come out of my time.

Mr. WANGER. I therefore ask unanimous consent to return to page 3 to offer an amendment, to strike out the word "four," in line 23, and insert the word "five."

And in further support of this amendment, I beg to call attention to the very important litigation arising under the customs laws and tried at Philadelphia. The hat-trimmings cases conducted by District Attorney Read were of national renown, and

the present district attorney left a position to become such in which the Government had been paying him, if my recollection is correct, $6,500 per annum.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 3 for the purpose of offering an amendment.

Mr. UPDEGRAFF. I object.

Mr. WANGER. Mr. Chairman, I am not animated by any spirit of unfairness or desire for retaliation, and am entirely willing to withdraw the objection I made some time since to the request of the gentleman from Texas [Mr. BAILEY]. I submit the following table:

Tables showing business in the district and circuit courts of the United States in the eastern and western districts of Pennsylvania.

[From the reports of the Attorneys-General.]

EXHIBIT A.

CIVIL SUITS TO WHICH THE UNITED STATES WAS A PARTY.

District.	Pending July 1, 1891.	Terminated during fiscal year ended June 30, 1891, and appealed.	Pending July 1, 1892.	Terminated during fiscal year ended June 30, 1892, and appealed.	Pending July 1, 1893.	Terminated during fiscal year ended June 30, 1893, and appealed.	Pending July 1, 1894.	Terminated during fiscal year ended June 30, 1894, and appealed.	Pending July 1, 1895.	Terminated during fiscal year ended June 30, 1895, and appealed.
Eastern district	389	49	276	35	259	51	243	41	226	52
Western district	54	5	56	6	60	5	----------	2	54	3

EXHIBIT B.

CRIMINAL PROSECUTIONS.

District.	Pending July 1, 1891.	Terminated during fiscal year ended June 30, 1891.	Pending July 1, 1892.	Terminated during fiscal year ended June 30, 1892.	Pending July 1, 1893.	Terminated during fiscal year ended June 30, 1893.	Pending July 1, 1894.	Terminated during fiscal year ended June 30, 1894.	Pending July 1, 1895.	Terminated during fiscal year ended June 30, 1895.
Eastern district	33	93	51	135	51	149	41	129	70	135
Western district	53	74	51	90	107	75	54	73	71	84

EXHIBIT C.

District.	Judgments obtained in civil suits to which the United States was a party during fiscal years ended June 30—				
	1891.	1892.	1893.	1894.	1895.
Eastern district	$247,694.37	$3,100.67	$3,008.42	$30,184.86	$18,809.59
Western district	----------	----------	----------	5,000.00	4,000.00

EXHIBIT D.

District.	Fines, forfeitures, and penalties imposed during the fiscal years ended June 30—				
	1891.	1892.	1893.	1894.	1895.
Eastern district	$3,555.00	$6,249.00	$3,905.00	$4,220.00	$7,615.00
Western district	1,390.00	6,900.00	2,681.00	271.00	140.00

EXHIBIT E.

CIVIL SUITS TO WHICH THE UNITED STATES WAS NOT A PARTY.

District.	Number commenced during the fiscal years ended June 30, 1891, 1892, 1893, 1894, and 1895.			Number terminated during the fiscal years ended June 30, 1891, 1892, 1893, 1894, and 1895.			Number pending July 1, 1891, 1892, 1893, 1894, and 1895.		
	Admiralty.	Other.	Total.	Admiralty.	Other.	Total.	Admiralty.	Other.	Total.
1891.									
Eastern district	100	152	252	87	198	285	63	837	900
Western district	18	139	177	9	76	85	36	1,587	1,623
1892.									
Eastern district	98	623	721	92	439	531	69	1,021	1,090
Western district	27	160	187	11	123	134	92	1,570	1,662
1893.									
Eastern district	127	280	407	107	354	461	89	943	1,036
Western district	6	128	134	22	69	91	75	1,630	1,705
1894.									
Eastern district	114	259	373	105	354	459	98	852	950
Western district	20	104	124	12	32	44	83	1,702	1,785
1895.									
Eastern district	125	234	359	103	333	436	120	753	873
Western district	15	95	110	14	43	57	9	124	133

The CHAIRMAN. What the Chair wants to understand is this: Was your amendment simply a formal amendment?

Mr. WANGER. I withdraw my amendment.

Mr. HENDERSON. Then I now renew the request of the gentleman from Texas [Mr. BAILEY] for unanimous consent to return to section 3 for the sole purpose of making that trifling amendment by adding the word "eastern" in the case of South Carolina, and I send the amendment up.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the committee return to page 3 for the sole purpose of offering the amendment he suggests, which was objected to.

The Clerk read as follows:

On page 3, line 25, after the word "the," insert the word "eastern"; so as to read: "for the eastern district of South Carolina, $4,000."

The amendment was agreed to.

The CHAIRMAN. Now the gentleman from Colorado is recognized.

Mr. SHAFROTH. I desire to offer an amendment.

The Clerk read as follows:

Strike out the words "deputy marshal," in the twenty-fourth line, page 8, and in lieu thereof insert the following: "temporary deputy marshals for a period not to exceed one month, and, upon the certificate of the district judge of such district that the same is necessary, may appoint one or more regular deputy marshals."

Mr. SHAFROTH. Mr. Chairman, the purpose of this amendment is to place a limit upon the power of the marshal to appoint deputy marshals. It gives him the power to appoint temporary marshals in case of necessity, but in the case of the appointment of regular deputy marshals it requires that the judge of the district court of that district shall certify that they are necessary. I submit to the committee that, although there are safeguards in this bill, we can not be too careful upon this point. The marshal has now a stated salary. There is no incentive upon his part to limit the number of deputies. He is in a position to have as many deputy marshals as he desires. The number does not cut at all into his salary.

Mr. CONNOLLY. No; he can not have any except those that the Attorney-General approves.

Mr. SHAFROTH. The marshal has in the first instance the right to make the appointments. Since he is upon a salary and since his salary can not be increased in any way by the emoluments of the deputies, there is no inducement upon his part to limit the number of deputies. Now, we all know that the marshal's office is a political office. We know that the marshal obtains his appointment by influential people procuring it for him. We know that he is under obligations to them, and therefore that when they desire the appointment of a deputy it is quite likely they will get it, especially if it does not diminish the marshal's own salary. It is true that there is a limit in the bill, that the Attorney-General may cancel the appointments of deputy marshals, but the difficulty with that is that the Attorney-General is often 2,000 miles distant from the district and does not and can not know whether the deputy marshals are needed or not, as the judge of the district court knows.

The judge of the district court does know the necessities of the office; he knows how many deputy marshals should be appointed to perform the duties, and consequently the safest plan is to vest in him the power to determine and certify how many deputy marshals are needed. With this power in the judge and with the power in the Attorney-General to cancel appointments, it seems to me that no abuses can arise. It must be borne in mind that when the marshal is provided with his salary he may desire to satisfy his friends by making numerous appointments, and in that way building up political power for himself. This unlimited power of appointment in the marshal, it seems to me, is liable to produce abuses which could not occur if the judge of the district court were permitted to indicate or to certify the number of the deputy field marshals that should be employed.

This amendment provides that in the case of temporary deputies the marshals shall have power to make the appointments without the concurrence of the judge, because sometimes an emergency arises when the judge is not conveniently at hand, and in such cases the power ought to be vested in the marshal to make the appointments.

The amendment was rejected.

Mr. UPDEGRAFF. Mr. Chairman, I now move that all debate on this section be limited to one-half minute.

A MEMBER. There is a substitute pending.

Mr. UPDEGRAFF. I will ask consent that debate on this section be limited to one-half minute.

Several members objected.

Mr. UPDEGRAFF. Then, Mr. Chairman, I make that motion.

Mr. DINGLEY. Mr. Chairman, if the gentleman in charge of the bill will pardon me, I desire to make a suggestion with reference to perfecting the bill. I have been thinking and conferring with other gentlemen with reference to this maximum amount of $2,500. I confess that it has troubled me somewhat, for this reason: My experience with maximum amounts as compensation for any class of officials is that all or nearly all of those officials finally reach the maximum by various devices. Now, the suggestion I desire to make is this: Would it not be wiser to make the maximum limit $1,500 and then to provide that in special cases the Attorney-General may allow an additional sum, not to exceed in the aggregate $2,500, in cases where the public interest seems to require it? In that way you will have the maximum of $1,500 for the great body of these officials, and then there may be a few cases, probably there will be, where a larger amount, perhaps even as high as $2,500, should be allowed, and in those cases you can give the Attorney-General power to allow up to the maximum of $2,500, the general limit being fixed at $1,500. In that way you will reach the few exceptions and avoid the difficulty of having a general pushing up of these salaries to $2,500. I know that the Committee on the Judiciary have carefully investigated this whole matter, but it occurred to me that this view might not have been thoroughly considered by them, and therefore I have ventured to make the suggestion.

Mr. UPDEGRAFF. I am willing to adopt that suggestion, Mr. Chairman. Now I ask that my motion to limit debate on this section to half a minute be put.

Mr. SWANSON. Mr. Chairman, I have been recognized to offer my substitute.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose. The question is on the motion of the gentleman from Iowa [Mr. UPDEGRAFF] to limit debate on this section to one-half minute.

Mr. SWANSON. Mr. Chairman, I rise to a point of order. I have been recognized by the Chair to offer my amendment, and I am entitled to five minutes in which to present it. Now, can I be taken off the floor by the gentleman from Iowa by a motion to close debate?

The CHAIRMAN. The Chair does not think the motion of the gentleman from Iowa interferes at all with the rights of the gentleman from Virginia. The gentleman from Virginia will be recognized for the purpose of offering his substitute.

Mr. WANGER. Mr. Chairman, I make the point of order that in Committee of the Whole debate can be closed only by unanimous consent; that the committee would have to rise and get the House to close the debate.

The CHAIRMAN. The point of order is overruled.

Mr. SWANSON. My point, Mr. Chairman, is that the effect of my being taken off the floor by the motion of the gentleman from Iowa is that I shall be given only half a minute upon my amendment, although I was recognized to offer that amendment, with the right to debate it for five minutes.

The CHAIRMAN. The motion of the gentleman from Iowa [Mr. UPDEGRAFF] does not affect the status of the gentleman from Virginia [Mr. SWANSON] a particle. He will be recognized to offer his substitute, and will then be entitled to five minutes.

Mr. SWANSON. That is all right.

Mr. UPDEGRAFF. We have no objection to the gentleman from Virginia occupying five minutes. In seeking to limit the debate, I am only acting in behalf of gentlemen who are impatient and desire to proceed with business.

The question being taken on the motion of Mr. UPDEGRAFF to limit debate, it was agreed to.

The CHAIRMAN. The gentleman from Virginia [Mr. SWANSON] will now be recognized to offer his amendment, and will then be entitled to five minutes.

Mr. SWANSON. I ask that my amendment, which has been sent to the desk, be read.

The Clerk read as follows:

Amend by striking out sections 5 and 6 and inserting:

"SEC. 5. That the Attorney-General may appoint, on recommendation of each United States marshal, one clerk and one chief deputy, whose salaries shall not exceed $1,500 per annum each. No clerk or chief deputy shall be appointed in any district unless the United States district judge shall certify and the Attorney-General be satisfied that such appointment is necessary for the efficient performance of the public business. The Attorney-General shall also appoint, on recommendation of the marshal, such number of deputy marshals for each district as he shall deem necessary for the efficient performance of the public business, whose salaries shall not exceed $1,200 per annum and their reasonable and necessary expenses of travel and subsistence actually incurred while on duty, such expense to be approved by the United States district judge of each district. But the Attorney-General shall in no case appoint for a district more deputy marshals than the United States district judge of each district shall certify to him as necessary for an efficient performance of the public business, and he may remove said deputies for cause or whenever he thinks there are more than the public business requires. In all cases, civil or criminal, where services are performed by marshals or their deputies and the costs are taxed against other parties than the United States, the amount of fees for such service shall be collected and paid to the Treasurer of the United States."

Mr. SWANSON. Mr. Chairman, this amendment abolishes absolutely and entirely the whole fee system in regard to marshals and deputy marshals. It is universally admitted that if this can be done in a safe way, without increasing expenses and without impairing the efficiency of the service, it will do a great deal toward perfecting this bill. If the deputy marshals are to be continued on fees, we are going to have the same difficulties that exist to-day. Every deputy marshal, if his maximum salary is fixed at $2,500, depending upon the amount of fees that he earns, will go to work and try and make that $2,500. My amendment provides that no deputy marshal shall receive a salary in excess of $1,200. These officers are to be appointed by the Attorney-General on the recommendation of the marshal. In order to prevent too many deputy marshals from being appointed, the amendment provides that the Attorney-General shall not appoint deputy marshals for any district in excess of the number certified by the district judge to be necessary for the economical administration of the law in that district.

Thus the marshal, being himself upon a salary, and having no inducement to swell his own fees needlessly, will not recommend the appointment of more deputies than may be required. Again, the district judge, a nonpartisan officer, will look simply to the proper execution of the power of the court. Then the Attorney-

General, supervising the recommendation of the marshal approved by the district judge, will have the power to limit any excessive number of appointments. He can not appoint any greater number than those recommended to him, though he may appoint a smaller number. And the salary may be limited, if it be thought proper, to $100 or $200, but it can not in any event exceed $1,200.

I believe that by this system we shall save money in the fees of the deputy marshals, the fees of witnesses, and the fees of jurors. I believe that there will not be appointed any more deputy marshals than there are deputy collectors. In reply to the objection that under the salary system the deputies will not render efficient service, I refer to the experience in connection with deputy collectors in the internal-revenue service. A few days ago we made an appropriation for 992 of these officers. Every district in the United States has a deputy collector on a salary, and these officers do their work efficiently and properly. The same number of deputy marshals would suffice for efficient performance of duty in connection with the United States courts.

The only reason as stated by gentlemen of the committee that induced them to change their first view in favor of the policy of my amendment was the experience in the Indian Territory. But, sir, there is an important difference between the administration of the law in the Indian Territory and its administration in the other districts of the United States. In the Indian Territory the United States courts administer the law with reference to all local matters such as in the States are under the administration of the State courts. There might be difficulty, therefore, in the Indian Territory in securing under this system efficient service with reference to all the local details in the administration of justice. But no such difficulties can exist in any of the States of this Union.

If the Committee of the Whole will adopt this amendment, it will make this bill perfect up to the present point. Reject the amendment, and you will pay as much for many jurors and witnesses next year as you have paid this year. The expense for witnesses and jurors in the United States courts during the last year amounted to $2,600,000. One-half of the entire expenditures in connection with the courts was for the payment of witnesses and jurors.

Mr. Chairman, if you can not trust this matter to the marshal, whose action is to be approved by the district judge, and the action of both of them supervised by the Attorney-General, then there can be no efficient means of providing any check upon the appointment of any officials. It affords a safer system than the requirements thrown around the deputy collectors; it is safer than is thrown around the appointment of any of the officials to-day in connection with the Government of the United States. I believe it will give us good, honorable, efficient men; that it will be better for the people, the officers, and for the Government, and decidedly in the interest of the public service.

Now, Mr. Chairman, if we are going to do right, and to present legislation which is perfect, let us complete the bill at this time and make it perfect. When you come in here by piecemeal in the future and undertake to perfect the legislation that we have begun to-day you can not do it. Mark me, if this bill becomes a law it will be years and years and years before further reforms can be added. And so, I repeat, if you want perfect legislation complete it now.

No objection can be urged against putting deputy marshals on the salaried list except the fear that too many will be appointed. That, however, I have guarded against in the amendment. Then, again, you can not pay in excess of $1,200 and expenses for any salary; and the Attorney-General can designate in those districts where little business is done what the salary shall be, whether it be $400, $500, or $800. In every respect, therefore, the amendment is guarded so as to protect the interest of the Government, the interest of the people, and to secure the efficiency of the service.

[Here the hammer fell.]

The CHAIRMAN. The time for debate has expired.

The question is on the substitute offered by the gentleman from Virginia for section 6.

The question was taken; and on a division (demanded by Mr. SWANSON) there were—ayes 28, noes 74.

So the amendment was rejected.

Mr. McRAE. Now, Mr. Chairman, I offer an amendment as an independent section, to be inserted between the last section read and the one following.

Mr. DOCKERY. I have not understood whether the last section has been adopted by the committee or not.

The CHAIRMAN. If there be no further amendment in reference to section 6, the Chair will submit it to the committee.

Mr. McRAE. This is not an amendment to section 6 or a substitute for the section. I propose to insert it as an independent section.

The CHAIRMAN. Following section 6?

Mr. McRAE. Yes.

Mr. DINGLEY. Mr. Chairman, inasmuch as I suggested an amendment to this section a few moments ago to the Committee on the Judiciary which would come in before the amendment of the gentleman from Arkansas, I wish to state that amendment now, with the understanding that I shall not undertake to offer it unless the committee in charge of the bill regards it as a wise provision. I will read it for the benefit of the committee.

First, in line 3, page 9, amend by striking out "two thousand five hundred" and inserting "one thousand five hundred," so as to make that the maximum of the compensation allowed under the law to the deputy marshal.

Again, at the end of the paragraph, or after the word "year," in the fourth line, insert this proviso:

Provided, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500, nor more than three-fourths of the gross fees earned by said field deputy.

This is to carry out the idea I suggested a few minutes ago, that as to the great body of the field deputies the maximum allowance ought to be $1,500, arising from the fact that ordinarily, where we fix the maximum of a salary of an official, no matter how it is guarded, by some process or other they always manage to reach the maximum. But the proviso declares that in special cases the Attorney-General may make an additional allowance not in any case to make the total compensation in excess of $2,500, or three-fourths of the gross fees earned by such deputy.

I am not going to offer the amendment unless the committee regard it as wise. They have of course studied the bill, and understand its provisions in the light of the circumstances surrounding them. They understand better than we do, who have not studied the matter, what is wise and proper in this regard. But it seems to me, on the superficial view I have been able to give to the question, that an amendment in this direction is altogether a wise one.

Mr. HENDERSON. I will say to the gentleman that we have cut the salary already from $3,000 to $2,500. It used to be $3,000.

Mr. WILLIAM A. STONE. I wish to ask a question, or make a suggestion, rather, to the gentleman from Maine in addition to what he has stated, that the commissioner who issues the warrant places it in the hands of a deputy for service, and the very purpose of the bill might be defeated by a zealous and active deputy combining with the commissioner. I think the suggestion of the gentleman is a wise one, and that the amendment ought to be adopted.

Mr. BAILEY. If the gentleman from Maine will permit me. Of course I have no authority to speak for the committee——

The CHAIRMAN. The Chair will state that this debate is proceeding only by unanimous consent.

Mr. DINGLEY. Let it be understood for the present that the amendment is offered. I will withdraw it if it does not meet the approval of the committee.

Mr. BAILEY. I was going to say that I presume the committee will disagree with me, but I fully agree with the gentleman from Maine. I would much prefer, however, for his amendment to leave out the exceptional cases. I know and other gentlemen here know the character of the men who are usually employed as deputy marshals; and while many of them are good men, few of them could earn in private pursuits anything like a compensation equal to $1,500. And, moreover, I believe that if we leave the deputy marshals to earn as high as $2,500 a year, the expectation of good results to be derived from the bill will probably be largely disappointed.

I should myself be glad to see the House adopt the suggestion of the gentleman from Maine, even without provision for the special cases.

The CHAIRMAN. Debate upon this section is exhausted.

Mr. McMILLIN. This, I think, is conceded by all to be a very important amendment, and I ask unanimous consent that debate be allowed upon it, in order that it may be explained. I think it would meet with the approval of both sides of the House.

The CHAIRMAN. Has the gentleman from Maine offered his amendment?

Mr. TRACEY. For purposes of discussion, I understand he has.

The CHAIRMAN. Will the gentleman from Maine give the Chair his attention?

Mr. DINGLEY. I will offer the amendment simply for the purpose of discussion, merely remarking that I shall withdraw it unless the committee in charge concur in the view that it is wise.

Mr. CANNON. I make the point of order——

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent that debate may be allowed upon this amendment. Is there objection?

Mr. CANNON. Well, I want to ask what is the amendment? Let us have the amendment read. I want to see whether there is to be any amendment or not.

Mr. DINGLEY. I move, with the conditions that I have suggested, to amend the bill in the third line of page 9, by striking

out "two thousand five hundred" and inserting "one thousand five hundred," and to add a proviso after the word "year," in the fourth line, which proviso I have sent to the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 9, amend by striking out "two thousand five hundred" and inserting "one thousand five hundred," and after the word "year," in the fourth line, insert:

"*Provided*, That in special cases where, in his judgment, justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent to rescind the order with reference to debate, as far as it applies to this amendment. Is there objection?

Mr. CANNON. How much debate is desired?

Mr. MCMILLIN. Upon this amendment only.

Mr. CANNON. For how long?

Mr. MCMILLIN. I will say fifteen or twenty minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate may be allowed upon this amendment for fifteen minutes. Is there objection?

There was no objection.

Mr. TRACEY. Mr. Chairman, I have so much respect for the judgment of the gentleman from Maine [Mr. DINGLEY] that I dislike very much indeed to disagree with the amendment offered by him; but experience has taught me that the amendment is in the wrong direction, and the bill as it is, having reduced the maximum which a deputy marshal may earn from $3,000 under existing law to $2,500 under this bill, is more than a sufficient reduction. No harm could ever come, under the operations of this bill, if the maximum had been allowed to remain at what it is under existing law. It is impossible for any gentleman to point out where harm can come in the practical workings of this bill should it become a law with the maximum fixed in it for the earnings of the deputy marshals in the field. On the other hand, the matter of economy, so to speak, may be carried entirely too far.

Now, it certainly is desirable—and I am sure that the gentleman from Maine will agree with me in this proposition—it certainly is desirable that the work shall be done as effectively in the future as in the past. What it is sought to accomplish by this bill is not to reduce the effectiveness of the service, but it is sought to take out of the courts a large class of cases which have produced more or less scandal for years. That is accomplished, and you do not restore that feature, so much animadverted upon, by permitting these field deputy marshals to receive three-fourths of their gross fees earned in the service up to a maximum of $2,500. You do not restore that feature that exists under the present law, because it does not begin with the deputy marshal in the first place; and I want to say for these men that the deputy marshals of the United States are not the thieves that some gentlemen think them to be. I know a large number of them personally, and they are generally a fair class of men, so far as I have known them. The evil is not in the man or the men. The evil has been in the system, which began above the deputy marshals and not with them. There is an evil, and we have taken that evil out of the law when we enact this bill.

Now, a further suggestion. When you come to employ deputy marshals under this bill, should it become a law, you want to employ an equally good class of men, certainly, to those employed at the present time, but unless you are able to offer the possibility of earning a fair compensation for the character of service performed you will not get that good class of men. This maximum fixed in the bill only offers the possibility of earning a fair compensation for the hardest service performed by any class of men in the United States outside of the Army in time of war. There is no other service performed by any other class of men in time of peace in the United States equal in severity and exposure and in arduous labor to the services performed by deputy marshals in the field. Therefore I say that it will be a most vital mistake if, when we have this bill almost perfected, a feature like this is ingrafted in it.

Gentlemen talk about this provision of the bill as though it left entirely open the door we are attempting to close; as though the deputy marshal in the field, having the same inducement as now, will continue to bring into court the character of cases it is sought to exclude. They evidently forget that the deputy marshal can not begin a prosecution. He can not begin it with the aid of the commissioner. He may file a complaint, but before a warrant can issue the approval of the district attorney must be had. When you have taken away from the district attorney the necessity to make cases in order to earn a fair compensation for his services, you have struck a very severe blow at the possible earnings of a deputy marshal. In addition to that, under an amendment to be offered by the committee, it will require the cooperation of an internal-revenue officer to begin a prosecution for a violation of the internal-revenue laws. That removes from his possible earnings another class of cases. Then you make his tenure of office dependent solely upon the pleasure of the marshal, who has no interest whatever in the size of the court docket. In spite of all these things, however, you regard him as so much the enemy of a decent dispensation of Federal justice, so arch an adept at breaking through legal restrictions, so conspicuous a success at the manufacture of fees without the raw materials, so skillful a maker of bricks without straw, that you propose to make it practically impossible to earn more than fifteen hundred dollars per annum for a service that has no counterpart for severity of exposure or arduousness of labor. When you do this, in my judgment you will seriously impair the service and seriously interfere with the enforcement of the laws.

You are not, as many gentlemen seem to suppose, offering these deputies $1,500 per annum, you are merely offering them a shadowy chance to earn that sum, surrounded by the restrictions to which I have called attention. The character of the men occupying that position now, with a maximum of $3,000, is often complained of; how, then, can you expect to improve their character by cutting the maximum in two and adding restrictions not now imposed. It should also be remembered that a large majority of the deputy marshals earn less than $1,500 per annum now. A few months of the practical workings of this provision would demonstrate the truth and justice of what I have said to the entire satisfaction of my distinguished friend from Maine, and all others who now disagree with me. If I had the same opinion of deputy marshals that I have heard expressed upon this floor, I would move to abolish them.

Mr. DOCKERY. Mr. Chairman, I dislike very much to differ with my colleague [Mr. TRACEY], who has had a very large experience in the administration of the marshal's office. Ordinarily in respect to such questions I would follow his judgment without hesitation; but I cordially concur with the gentleman from Maine in the amendment he has offered, except it does not go far enough. The amendment should, in my judgment, fix the salary at $1,500 per annum and, in the discretion of the Attorney-General, allow in extraordinary cases additional compensation to the extent of $500. In other words, I think that under all circumstances the maximum compensation of a deputy marshal should not exceed $2,000. Now, then, the issue is simply this, Mr. Chairman: What is the proper compensation for deputy marshals? In my judgment $2,000 will be ample compensation for a field deputy in any district of the United States. This as a maximum. Under ordinary circumstances $1,500, as proposed by the gentleman from Maine, will be adequate compensation. I trust this amendment will prevail, because, as has been well stated and as the experience of the members of this House will vindicate, wherever there is a maximum fixed by the law in some way or somehow that maximum is always reached. I am opposed to the proposition now in the bill, because I do not desire to pay $2,500 to field marshals. That is the maximum fixed by the bill, and I believe it will be reached in every case if it is allowed to stand. I believe that $1,500 is an ample salary.

Mr. SHAFROTH. Mr. Chairman, the statement of the gentleman from Missouri that competent men can not be employed as deputy marshals at $125 per month, it seems to me, is erroneous. I hold in my hand the letter of the Attorney-General of the United States, showing numerous statistics concerning the fees of marshals in this country. There is a column which shows the total amounts earned by the deputies during the fiscal year ended June 30, 1895. There is another column that shows the total number of deputies employed. Dividing one by the other gives the amount of compensation that the average deputy received for that year, and by figuring that I find it is $557.13.

Mr. BURTON of Missouri. Will the gentleman allow me to ask him a question?

Mr. SHAFROTH. Yes, sir.

Mr. BURTON of Missouri. What is the highest and lowest amount received by anyone?

Mr. SHAFROTH. The amendment offered by the gentleman from Maine covers that. In extraordinary cases it gives the Attorney-General the right to fix——

Mr. BURTON of Missouri. What is the highest amount received by any one particular deputy?

Mr. SHAFROTH. There is no table showing that. I have tried to ascertain the highest amount, and I can not find that there are any receiving over $100 a month. There may be exceptional cases. The amendment offered by the gentleman from Maine remedies that condition. If there is any extraordinary duties to be rendered, the Attorney-General can fix the compensation of that deputy. It seems to me, however, that the amendment ought to be for $125 a month instead of $1,500 a year, which would overcome the objection of the gentleman to my left, which was to the effect that these men would accept the positions and serve for six months, get the $1,500, and then resign; but if the deputy is paid $125 a month he would serve the whole year and devote all his time to the duties of his office. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Maine.

The question was taken; and the Chairman announced that the ayes seem to have it.

Mr. JOHNSON of California. Division.

The committee divided; and there were—ayes 82, noes 7.

So the amendment was agreed to.

Mr. McRAE. Now, Mr. Chairman, I ask for the reading of the section which I offer as an amendment.

The CHAIRMAN. The Clerk will report the section offered by the gentleman from Arkansas.

The Clerk read as follows:

SEC. 7. That in all writs of venire facias and of subpœna for witnesses summoned on behalf of the United States it shall be the duty of the clerk issuing the same, so far as practicable, to ascertain and insert therein the post-office address of each person named therein; and when the marshal shall receive any such writ, if the time is sufficient for service by mail, as provided in this section, he shall address to each person named in such venire or subpœna, whose post-office address is given or can be ascertained promptly by him, a notice requiring such person to be and appear at the time and place and for the purpose mentioned in the writ. The marshal shall sign such notice officially, mail and register it at the post-office, addressed to the person therein mentioned, with a request indorsed on the envelope in the usual form for the return of the letter to him if not delivered within ten days. The postmaster to whom any such letter shall be delivered, inclosed in a Department of Justice penalty envelope, shall transmit the same without charge for postage or registry fee. The receipt of such registered letter by the person to whom the notice was addressed shall be deemed valid service upon him of the subpœna or venire, and the return registry receipt card, signed by such person, or proof of the delivery of such registered letter on his order, in writing, to any other person for him, shall be taken as prima facie evidence of service, and the marshal shall make return accordingly. Whenever any such notice shall be returned through the post-office undelivered, the marshal shall serve it as other writs are served; and whenever practicable all such returned notices and all process and writs, the costs on which would be chargeable to the United States, other than writs of venire facias and subpœna for witnesses, shall be sent by mail, directed to the deputy marshal residing nearest the locality where such writs, process, or returned notices are to be served or executed, or to a special deputy appointed by him to serve the same in such locality, and such deputies shall make return of such writs, process, or notices to the marshal by mail; and in no case in which the United States would be chargeable with costs for the service of any writ, process, or notice of whatever character shall mileage be charged or allowed for travel from the place of issue to the place of execution or service thereof, if the same was sent or could have been sent by mail to a deputy marshal or other suitable person in the neighborhood of the place of service."

Mr. McRAE. Mr. Chairman, at the suggestion of the gentleman in charge of the bill, I ask leave to move this amendment as a proviso to the section which we have just passed instead of as an independent section.

Mr. UPDEGRAFF. It refers to nothing but venires.

Mr. McRAE. And witnesses.

Mr. CANNON. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The committee having passed away from the section, the Chair thinks it would require unanimous consent to make this in order as a proviso to that section.

Mr. BURTON of Missouri. I would like to see that amendment in print, Mr. Chairman.

Mr. McRAE. It has been in print four or five days.

Mr. BURTON of Missouri. Then I ask that it be passed over until it can be examined.

Mr. CANNON. I make the point of order that the amendment is not germane to this section or to this bill.

Mr. McRAE. I would like to be heard on that, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. McRAE. I would like first to hear what the gentleman from Illinois has to say in support of his point of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. CANNON. I can state it in a moment. This is a bill to abolish the fee system of compensating United States attorneys and marshals and to substitute the salary system. Section 6 provides what the salaries of these deputy marshals shall be, but this proposed amendment is part of a code which provides how subpœnas and writs and venires shall be served. It seems to me that it is not at all germane to this section or to the bill. If we go on in this way, the remainder of the session will be taken up in settling questions of legal practice. [Laughter.] The amendment is not germane. It does not come within the terms of the order.

Mr. McRAE. Mr. Chairman, the section to which I have proposed this as an amendment provides for what it calls field deputy marshals. The duties of these deputies will be—if they have any—to serve these processes, unless some other method is provided for in this bill. The bill appoints deputies to serve venires, while my amendment provides another and a very economical and satisfactory way—by using the mails. I know that this can be done, and I am satisfied that it is in order on this bill. As to these writs, it is only a difference in the method of service.

If the gentlemen in charge of the bill really mean to economize, they ought not to object to it. It deals directly with the subject that we have under consideration.

The CHAIRMAN. The section that we have just been considering is one relating to the compensation of these officials. The amendment proposed by the gentleman from Arkansas provides a method of serving judicial writs, an entirely different subject, it seems to the present occupant of the Chair, from the one contemplated by the section under consideration. Therefore the Chair sustains the point of order.

Mr. McRAE. Would such be the judgment of the Chair if the amendment were offered as an independent section? I at first offered it in that way, but agreed to offer it as a proviso at the suggestion of the gentleman in charge of the bill, so as to save him any confusion in the numbering of the sections, and I understood him to say that he would accept it.

Mr. UPDEGRAFF. Offering it as an independent section would not change its character.

The CHAIRMAN. So far as the Chair is advised of the general purpose of this bill, he is inclined to think that the amendment would not be germane. The Chair, however, is not familiar with every section of the bill and possibly the amendment might be germane to some sections.

Mr. McRAE. I offer the amendment as an independent section. That is the way I proposed at first to offer it, but I agreed, at the suggestion of the gentleman from Iowa in charge of the bill, to present it as a proviso to section 6. Now I propose to offer it as an independent section.

Mr. CANNON. But there is another wicked man who makes the point of order that it is not germane, no matter what may be the form in which it is offered.

Mr. McRAE. I will take the judgment of the Chair upon that without further argument.

The CHAIRMAN. The Chair is not prepared at this moment to rule upon that point, as there may possibly be some section to which it is germane.

Mr. UPDEGRAFF. There is no section in the bill that has any relation to the service of any process of any kind.

The CHAIRMAN. Then the Chair will sustain the point of order.

Mr. BURTON of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 19, page 9, strike out the words "the principal place" and insert in lieu thereof the words "one of the places"; so that the clause will read:

"The marshal's official residence shall be deemed to be at one of the places of holding court in the district," etc.

The amendment was adopted.

The Clerk read as follows:

SEC. 8. That whenever in this act an officer is allowed actual expenses the account therefor shall be made out quarterly, in accordance with rules and regulations prescribed by the Attorney-General. When made out the account shall be verified on oath before an officer authorized to administer oaths.

The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants when made out in accordance with this act shall be submitted to and examined by the circuit court or district court of the district and when approved by the court shall be audited and allowed as now provided by law.

Mr. COOPER of Florida (before the reading was concluded). Mr. Chairman, I rise to a point of order. I rose and endeavored to offer an amendment to the seventh section, but another gentleman was recognized. I have an amendment of some importance that I desire to offer to that section—an amendment touching civil services, which are largely affected by this bill.

Mr. UPDEGRAFF. To what section does that apply?

Mr. COOPER of Florida. Section 7, page 9.

Mr. UPDEGRAFF. That is already passed.

Mr. COOPER of Florida. I rose and tried to offer my amendment. I brought this amendment to the attention of the gentleman from Iowa [Mr. UPDEGRAFF]. It is an important amendment.

The CHAIRMAN. The gentleman from Florida was not recognized. He was not claiming recognition at the time that the reading of section 8 began, so that he is too late; and the Clerk will proceed with the reading.

Mr. COOPER of Florida. One moment——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Florida. I think the gentleman from Iowa [Mr. UPDEGRAFF] will permit me to offer my amendment. It is an amendment concerning civil services to which I called his attention. It is very essential to the civil administration in the United States courts. I rose and endeavored to offer the amendment in time.

Mr. UPDEGRAFF. I can not overrule the Chair.

Mr. COOPER of Florida. Mr. Chairman, I ask unanimous consent to offer this amendment. It relates to the civil business of the courts, which the committee in preparing this bill has not had in mind.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to offer an amendment to the seventh section. Is there objection?

Mr. CANNON. Let us hear it read.

Mr. COOPER of Florida. If I may be permitted to explain the necessity of the amendment, the point of order being reserved, I am sure there will be no objection to recurring to it.

The amendment of Mr. COOPER of Florida was read, as follows:

Amend by inserting after the word "*Provided*," in line 18, page 9, section 7, the following:

"That in any civil case or proceeding to which the United States shall be a party mileage or traveling expenses and subsistence, as the officer may select and as provided by law, shall be paid to the marshal or deputy making any service by the party to the litigation against whom the same shall be chargeable, and the same shall not be paid to the clerk of the court or covered into the Treasury of the United States."

Mr. COOPER of Florida. Now, permit me to occupy a moment in explaining the necessity of that amendment pending the point of order.

Mr. UPDEGRAFF. That is covered by existing law.

Mr. COOPER of Florida. Oh, no; it is not.

The CHAIRMAN. Debate is out of order.

Mr. COOPER of Florida. I understood that consent was given for me to make an explanation. This is an important matter; and we were assured that when the bill came up we would have the opportunity to present it.

The CHAIRMAN. Consent has not been given to revert to section 7 for the purpose of offering the amendment.

Mr. WASHINGTON. I ask unanimous consent that the gentleman be allowed five minutes to explain his amendment.

The CHAIRMAN. Unanimous consent being asked to offer the amendment, the right to object was reserved until the amendment had been read. Is there objection? The Chair hears none. The gentleman from Florida will proceed.

Mr. COOPER of Florida. Mr. Chairman, the first section of this bill provides that all costs and fees shall be covered into the Treasury. That provision applies to civil as well as criminal cases. Therefore, whenever we want a civil writ served, we shall have to pay mileage, which will go into the Treasury of the United States. Section 7 provides for the payment of traveling expenses and subsistence to marshals. Now, in view of those provisions, one of two things is inevitable, either we must pay mileage into the Treasury as well as subsistence and traveling expenses to the marshal, which makes us pay a double expense for the service of every civil process, or else there is no provision for paying to the marshal the necessary expense of travel or subsistence in serving a civil writ, and we shall have no means of having such process served.

The attention of the committee was directed solely to the service of criminal process; they did not take into consideration the service of civil process. I have, I presume, as much civil practice in the United States courts as most men here, and I am not concerned with the marshals, but with the fact that we shall have some adequate provision made for getting these civil processes served.

This, gentlemen, does not change existing law. It only provides that as to the mileage and expenses for serving process in civil suits they shall be paid to the marshal or the deputy as now, instead of being covered into the Treasury and making the party pay twice.

I submitted this matter to the gentleman from Iowa, Mr. UPDEGRAFF, the gentleman from Texas, Judge CULBERSON, and several other members of the committee, and, as I understood it, none of them differed with me as to the fact that they approved some proposition of this kind, that they recognized the defects existing, and that they ought to be cured. Now, to object to some provision at this time will not be a matter of reason or right, but I think will be unreasonable. I had understood the gentleman from Iowa in charge of the bill at least to say that he saw no objection to some such provision. If you pass the bill without some such provision I do not think you can make it into a law, because you interfere with civil processes all over the United States.

I ask unanimous consent, therefore, to return to that section of the bill in order to move the amendment.

Mr. BROWN. I object.

The CHAIRMAN. Consent has already been given to recur to the paragraph in question.

Mr. CANNON. Let us have this amendment read again.

The amendment was again reported.

Mr. COOPER of Florida. Now, if gentlemen wish to examine this amendment I hope it will be permitted to go over until to-morrow, and be printed in the RECORD, so that they can see and understand its provisions.

Mr. BURTON of Missouri. Our theory is altogether different from that of the gentleman from Florida. We propose that all of these fees, whether they be fees originating in criminal or civil cases, shall be taxed and collected and paid into the Treasury of the United States; and that the compensation in this bill shall be for all services both on behalf of the United States and private parties. That is the idea.

Mr. BROWN. That is correct.

Mr. COOPER of Florida. Will the gentleman allow me a question?

Mr. WILLIAM A. STONE. Let me make a suggestion.

Mr. BURTON of Missouri. I yield to the gentleman from Florida first.

Mr. COOPER of Florida. I wish to ask the gentleman this question: Are you going, by the bill, to make us pay mileage into the Treasury of the United States, and then the subsistence and traveling expenses of the officer who serves the civil process, and make no definite provision whatever for the expense of serving such civil process? You can not expect that the marshal's salary shall be used by him to pay his traveling expenses, on the one hand, or on the other you ought not to make a party to a civil suit pay the mileage of the officer into the Treasury of the United States and then pay again the expenses of the officer for traveling and incidental expenses in serving the writ.

I repeat, I think that if gentlemen will allow the amendment to be pending until to-morrow and look at it they will find it to be necessary, and I am satisfied there will be no objection to that or some other adequate amendment.

Mr. BURTON of Missouri. I now yield to the gentleman from Pennsylvania, who wishes to ask a question.

Mr. WILLIAM A. STONE. No; I do not wish to ask a question, but only to suggest that it is getting very late, and to know if it is the intention of the committee that this matter shall run all night.

Mr. BURTON of Missouri. The matter is in the hands of the chairman of the committee.

Mr. MCCALL of Tennessee. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union having had under consideration the legislative appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 167) for the relief of John O'Keane, of the State of Washington;

A bill (S. 1767) to provide for subports of entry and delivery;

A bill (S. 772) to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes;

A bill (S. 494) constituting Stamford, Conn., a port of delivery;

A bill (S. 2053) to provide better facilities for the Federal courts in New York City;

Joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River;

A bill (S. 490) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863;

A bill (S. 75) for the relief of St. Charles College;

A bill (S. 717) for the erection of a public building at Fergus Falls, Minn.;

A bill (S. 190) for the relief of J. M. Billings;

A bill (S. 728) to compensate Elihu Root for services rendered by direction of the Attorney-General; and

A bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West.

The message also announced that the Senate had passed with amendments the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 3964) to reorganize the customs collection district of Alaska.

The message also announced that the Senate had passed with amendments the bill (H. R. 162) regulating proof of death in certain pension cases; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment House concurrent resolution relative to printing additional copies of the Eighth Special Report of the Commissioner of Labor.

The message also announced that the Senate had passed without amendment House concurrent resolution relative to printing additional copies of Second Special Report of the Commissioner of Labor.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the eulogies delivered in Congress upon the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, be printed as required by law.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry.

Joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.; and

A bill (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.

RECONSTRUCTION OF ROCK ISLAND BRIDGE.

Mr. CANNON. Mr. Speaker, I desire to report a bill from the Committee on Appropriations covering an item of appropriation, and I should like to consider it at once.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the following bill, which he reports from the Committee on Appropriations.

The bill was read, as follows:

Be it enacted, etc., That the sum of $96,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the reconstruction of the Rock Island Bridge, as authorized by the act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, approved March 2, 1895.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRISP. We should like to have some explanation of this before consent is given for its consideration.

Mr. CANNON. I will say to the gentleman that the Rock Island bridge has to be reconstructed. It passes over the Rock Island Arsenal grounds. The rights of the Government, as between the Government and the railway company that passes over the bridge, are settled by agreement of many years' standing, each to pay half and half. In considering the last sundry civil bill, the railway company waived its rights, and agreed to pay 60 per cent, the Government to pay 40 per cent. The whole matter was fully looked into. The sum of $100,000 was appropriated, which leaves $96,000 yet to be appropriated. This important work must stop, or else this appropriation must be made. The gentleman from Texas [Mr. SAYERS] is thoroughly familiar with it, as are the other members of the Committee on Appropriations.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PROOF OF DEATH IN PENSION CASES.

Mr. POOLE. Mr. Speaker, I ask unanimous consent that the bill H. R. 162, to which there is a Senate amendment, be taken up and considered.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 162) regulating the proof of death in certain pension cases was read.

The Senate amendment, to substitute the word "act" for the word "proviso," was read.

Mr. POOLE. Mr. Speaker, the amendment of the Senate is merely a clerical one. It does not affect the bill. Therefore I move concurrence in the Senate amendment.

Mr. ERDMAN. I object to the consideration of that at this time.

Mr. PICKLER. I hope the gentleman will not object. It is simply to insert the word "act" where the word "proviso" is used.

Mr. ERDMAN. The bill itself is a bad one, and I object to the consideration of it now.

The SPEAKER. Objection is made. The bill can be presented in the regular order to-morrow morning.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to suggest a correction as to the reference of the bill (S. 1340) to repeal in part and to limit section 3480 of the Revised Statutes of the United States, which bill was referred to the Committee on Pensions, and should be referred to the Committee on the Judiciary. Without objection, that change will be made.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LIVINGSTON, for ten days, on account of sickness in his family.

To Mr. MCCLURE, for ten days, on account of important business.

To Mr. RUSK, for four days, on account of sickness.

To Mr. BOWERS, indefinitely, on account of sickness.

And then, on motion of Mr. MCCALL of Tennessee (at 5 o'clock and 18 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Steamboat Channel, California, and from junction thereof with Sacramento River to mouth of said river—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of an appropriation for the purchase of a piece of ground adjoining the Puget Sound naval station, Washington, for water-supply purposes—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, for the consideration of Congress, estimates of appropriations for the rental of the office now occupied by the agent of the Post-Office Department to supervise the distribution of stamps—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. WELLINGTON, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, reported the same without amendment, accompanied by a report (No. 634); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs: The bill (S. 61) for the relief of Frederick Gramm. (Report No. 628.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans. (Report No. 629.)

By Mr. MCCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 1890) granting a pension to Mary Martin. (Report No. 630.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 2373) granting a pension to Elvin Brown. (Report No. 631.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 2317) to increase the pension of Levi T. E. Johnson. (Report No. 648.)

The bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month. (Report No. 632.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman. (Report No. 633.)

By Mr. COX, from the Committee on Claims:

The bill (H. R. 506) for the relief of Stewart & Co., A. P. H. Stewart, agent, Weed, Witter & Co., and C. A. Weed & Co. (Report No. 635.)

The bill (H. R. 584) for the relief of Joseph H. Thompson. (Report No. 636.)

The bill (H. R. 6529) to carry out the findings of the Court of Claims in case of James H. Dennis. (Report No. 639.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 1100) granting a pension to Russell N. Reynolds. (Report No. 640.)

The bill (S. 1493) granting a pension to Mary Clare Kelly. (Report No. 641.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 1500) granting a pension to George W. Bagley. (Report No. 642.)

The bill (H. R. 3113) granting a pension to Margaret A. Kidwell. (Report No. 644.)

The bill (S. 1522) granting a pension to Catherine Smith. (Report No. 645.)

By Mr. DE WITT, from the Committee on Claims:

The bill (H. R. 3725) for the relief of Columbus F. Hayward and the executor of Charlotte G. Hayward. (Report No. 637.)

The bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn. (Report No. 638.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1435) granting an increase of pension to Nathan Kimball. (Report No. 643.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5050) for the benefit of and granting a pension to Ransom C. Hazelip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers. (Report No. 646.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 145) granting a pension to Maud Ardelle Bliss. (Report No. 647.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 6881) to prevent unjust discriminations in freight rates on agricultural products by common carriers by amending section 16 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved March 2, 1889—to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES: A bill (H. R. 6882) to provide for the erection of a monument to Gen. Thomas Sumter—to the Committee on the Library.

By Mr. DINGLEY (by request): A bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf—to the Committee on the Judiciary.

By Mr. WHEELER: A bill (H. R. 6884) for the relief of homesteaders—to the Committee on the Public Lands.

By Mr. CROWLEY: A bill (H. R. 6885) providing for the adjustment and payment of the accounts of laborers and mechanics arising under the eight-hour law—to the Committee on Labor.

By Mr. THOMAS: A bill (H. R. 6886) to provide for the commencement of increase of pensions for disabilities not permanent and specific, and to define the duties of the medical referee, and for other purposes—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6887) providing an appropriation for the improvement of bar and harbor of Tillamook Bay, in Oregon—to the Committee on Rivers and Harbors.

By Mr. OWENS: A bill (H. R. 6888) to amend section 5137 of the Revised Statutes—to the Committee on Banking and Currency.

By Mr. QUIGG: A bill (H. R. 6889) for the removal of the remains of Joel Barlow to the United States—to the Committee on the Library.

By Mr. GIBSON: A bill (H. R. 6890) for the relief of tobacco growers—to the Committee on Ways and Means.

By Mr. BROSIUS: A bill (H. R. 6891) to amend section 1 of an act entitled "An act granting pensions to army nurses," approved August 5, 1892—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 6892) to provide for the improvement of Grays Harbor, in the State of Washington—to the Committee on Rivers and Harbors.

By Mr. WELLINGTON (by request): A bill (H. R. 6893) to protect the first day of the week as a day of rest and worship in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HICKS: A bill (H. R. 6894) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons, and 24 cannon balls to the Grand Army of the Republic post and the borough of Everett, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 6895) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons, and 24 cannon balls to the Grand Army of the Republic post at Somerset, Pa., and the borough of Somerset, Pa.—to the Committee on Naval Affairs.

By Mr. PHILLIPS (by request): A bill (H. R. 6930) for restricting the jurisdiction of courts of the United States in proceedings for contempt—to the Committee on the Judiciary.

By Mr. GRISWOLD (by request): A bill (H. R. 6931) to transfer the Life-Saving Service from the Treasury to the Navy Department—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: A joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor—to the Committee on Rivers and Harbors.

By Mr. FENTON: A joint resolution (H. Res. 134) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HENDERSON: Memorial No. 3 of the Iowa legislature, favoring appropriations to insure the reconstruction and repair of the Muscatine Island levee—to the Committee on Levees and Improvements of the Mississippi River.

Also, memorial No. 10 of the Iowa legislature, favoring the trans-mississippi exposition to be held at Omaha, Nebr., in 1898, and appropriating money for a national exhibit at said exposition—to the Committee on Ways and Means.

By Mr. HULICK: A memorial of the general assembly of Ohio, asking that certain lands in the county of Auglaize and State of Ohio be ceded to the State—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Petition of the heirs of Alvin R. Baker, deceased, late of Walker County, Ala., praying reference of his war claim to the Court of Claims—Committee on Claims discharged, and referred to the Committee on War Claims.

The bill (H. R. 5933) for the relief of William Norris—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AITKEN: A bill (H. R. 6896) granting an increase of pension to Henry O. Briggs—to the Committee on Invalid Pensions.

By Mr. BENNETT: A bill (H. R. 6897) removing the charge of desertion from the record of Frederick Johnson—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 6898) granting a pension to Mrs. Ellen H. Jones, of Howard County, Md.—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 6899) for the relief of Robert Longwell, of Earnshaw, Wetzel County, W. Va., late private of Company C, Twenty-fifth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HALTERMAN: A bill (H. R. 6900) increasing the pension of Mary T. Young—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 6901) to relieve Jacob H. Ristine from the charge of desertion—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 6903) for the relief of the heirs of William H. Finch—to the Committee on Claims.

By Mr. LEISENRING: A bill (H. R. 6904) to increase the pension of Harriet E. Meylert—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 6905) authorizing the Secretary of the Navy to procure and present a suitable medal to John Coyle—to the Committee on Naval Affairs.

Also, a bill (H. R. 6906) for the relief of Peter Clark—to the Committee on Military Affairs.

Also, a bill (H. R. 6907) for the relief of Patrick Gavin—to the Committee on Naval Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 6908) for the benefit of Alexander D. Hamilton—to the Committee on War Claims.

Also, a bill (H. R. 6909) granting pension to Lydia Woner—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 6910) to remove the charge of desertion standing against James F. O'Sullivan—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 6911) to increase the pension of Mary Tate—to the Committee on Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 6912) for the relief of David Hogan—to the Committee on War Claims.

By Mr. MOZLEY: A bill (H. R. 6913) granting a pension to Frank Schnider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6914) granting a pension to James Crump—to the Committee on Invalid Pensions.

By Mr. POOLE: A bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon One hundred and fifty-seventh Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 6916) granting a pension to James D. Gay—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 6917) granting a pension to Charles Howard, late of Company F, Thirty-second Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 6918) for the relief of J. H. Alexander—to the Committee on War Claims.

Also, a bill (H. R. 6919) granting a pension to J. T. Burnham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) granting a pension to Isaac Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6921) granting a pension to Henry Gross—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 6922) to pension Catharine Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6923) to pension Frederica Kent—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 6924) for the relief of Mary Arnold, of Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 6925) to pension Mrs. Nancy Sandlin—to the Committee on Pensions.

Also, a bill (H. R. 6926) for the relief of James M. Hankins—to the Committee on Military Affairs.

Also, a bill (H. R. 6927) to place the names of Capt. B. A. Philpott and others on the muster roll of the United States—to the Committee on Military Affairs.

By Mr. WASHINGTON: A bill (H. R. 6928) for the relief of the La Grange Synodical College of Tennessee—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 6929) for the relief of Ami Simmons—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 6932) to grant a pension to Martha M. Helton, of Sevier County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6933) to grant a pension to Elizabeth H. Melton, of Loudon County, Tenn.—to the Committee on Invalid Pensions.

By Mr. GRISWOLD (by request): A bill (H. R. 6934) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 6935) for the relief of the personal representatives of Mitchell J. Childress—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Petition of citizens of Kane County, Utah, and petition of citizens of Coconino County, Ariz., praying for the annexation of a certain portion of Arizona to Utah—to the Committee on the Territories.

By Mr. BABCOCK: Remonstrance of S. R. Southerland and 156 other citizens of Wisconsin against the passage of the joint resolution proposing an amendment to the Constitution of the United States "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil affairs"—to the Committee on the Judiciary.

Also, remonstrance of Charles Smith and 94 other citizens of Wisconsin, against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of August Radele and 149 other citizens of Wisconsin, remonstrating against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, remonstrance of James Smith and 53 others, from Seneca, Crawford County, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of A. S. Hearn, of Dodgeville, Wis.; Henry E. Roethe, of Fennimore, Wis.: M. P. Rindlaub, of Plattville, Wis., and W. F. Hill, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of Maryland: Petition of Samuel M. Roeder and 225 other citizens of Maryland, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BENNETT: Petition of W. J. Hanan and others, urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BRODERICK: Petition of F. S. Haughanaut, of Onaga, Kans., and H. S. Hogan, of Highland, Kans., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of 77 farmers of Lancaster County, Pa., favoring the bill providing for export bounty on agricultural staples—to the Committee on Ways and Means.

By Mr. COFFIN: Petition of Council No. 150, Junior Order United American Mechanics, Baltimore, Md., favoring the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of the mayor and city council of Baltimore City, Md., asking for an appropriation by Congress to improve the Middle Branch of the Patapsco River—to the Committee on Rivers and Harbors.

By Mr. CONNOLLY: Petition of F. D. Mills, of Lanark, Ill., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWLEY: Petition of George S. Zeigler and 32 others, of Eagle Lake, Colorado County, Tex., against the passage of House bill No. 167—to the Committee on the District of Columbia.

By Mr. CURTIS of Iowa: Petitions of Henry Heinz, of Muscatine, and Swigart Bros., of Maquoketa, Iowa, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: Petition of W. B. Hearn, of Cadiz, Ohio, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Clair Council, No. 59, Order United American Mechanics, urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DINGLEY: Petition of the Woman's Christian Temperance Union of the District of Columbia, asking the appointment of a commission on arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. ELLIS: Memorial from the Chamber of Commerce of Astoria, Oreg.; also memorial from The Dalles Commercial Club, of The Dalles, Oreg., asking for additional appropriations to complete the work at the Cascades of the Columbia River—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT of South Carolina: Petition of F. Melchers, of Charleston, S. C., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER: Petitions of John G. Shreve, of Atlantic City, N. J., and James D. Flynn, of Bordentown, N. J., for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petition of Reno Post, No. 84, Grand Army of the Republic, of New Jersey, in favor of the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the New Jersey Library Association, asking for the republication of the catalogue recommended by the American Library Association—to the Committee on the Library.

Also, petition of citizens of Tuckerton, N. J.; also petitions of Lexington Council, No. 125; Pleasant Mills Council, No. 12; Jackson Council, No. 64; Salter Council, No. 202; Titusville Council, No. 128, Junior Order United American Mechanics, and Eagle Council, No. 18, Order United American Mechanics, all of the State of New Jersey, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Trenton Council, No. 90, Junior Order United American Mechanics, of New Jersey, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Petitions of C. C. Alford, of Bernardston, Mass., and Samuel Bowles, of Springfield, Mass., praying for the passage of House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. GRISWOLD: Petition of Clark D. Eckels, of Cambridgeboro, Pa., praying for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petition of C. E. Peoples, of Pomeroy, Ohio, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HART: Petition of A. K. Stone, of East Stroudsburg, Pa., and D. J. Godthaff, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: Resolutions of the faculty and students of Carleton College, Northfield, Minn., in favor of international arbitration—to the Committee on Foreign Affairs.

By Mr. HEINER of Pennsylvania: Petition of Council No. 407, Order United American Mechanics; also Council 397, of Brookville; also Council 362; also Council 337, of Leechburg; also Council No. 410, all of Pennsylvania, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of J. M. Morse, of Windsor Locks, Conn., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Indiana: Petition of William H. Schmidt and 85 other citizens of Indianapolis, Ind., asking for the passage of House bill No. 5729—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Remonstrances of citizens of Roseburg, Oreg., and residents of Clackamas County, Oreg., against sectarian appropriations—to the Committee on the Judiciary.

Also, memorial of Eugene City, Oreg., favoring legislation to secure the speedy completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: Petition of M. A. Edwards, Thomas M. Jones, Samuel H. Rhodes, and 60 other citizens of Morrellville, Pa.; also petition of L. E. Blackwelder, Levi Rondabush, officers, and 38 members of Washington Camp, No. 394, of St. Clairsville, Pa.; also petition of Jerry Coy and J. W. Moore, officers, and 102 members of Washington Council, No. 185, of Saxton, Pa.; also petition of Theodore Slack and A. J. Bowen, officers, of Washington Council, No. 421, Patriotic Order Sons of America, Schellburg, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, remonstrance of R. H. Overdorf, John Hancock, J. L. Rittman, and 10 other citizens of Johnstown, Pa., against the appropriation of public moneys for sectarian purposes—to the Committee on the Judiciary.

Also, petition of W. S. Davis, C. A. Dick, and 42 other citizens of Johnstown, Pa., asking the enactment of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of John E. Ott and J. D. James, officers, and 72 members of Washington Council, No. 412, of Rainsburg, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Barr Grange, No. 1121, of Cambria County, Pa., in favor of the passage of House bill No. 2626, relating to the protection of agricultural staples and export bounty on same—to the Committee on Ways and Means.

Also, petition of A. J. Kaylor, of Hastings, Pa., and Amos Claar, of Queen, Pa., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of Rev. A. J. Cromer and 160 others, citizens of Davis, Stephenson County, Ill., praying for an amended form of the preamble of the Constitution, "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

By Mr. HOOKER: Petitions of Fenn & Weber, of Salamanca, N. Y., and Ward Morton, of Franklinville, N. Y., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWE: Petition of America Lodge, No. 13, Order United American Mechanics, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Three petitions of citizens of New Jersey, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Remonstrance of E. S. Doolittle, of Ellsworth, Wis., and 500 others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil affairs"—to the Committee on the Judiciary.

By Mr. JOHNSON of California: Seven petitions of citizens of San Joaquin County, Cal., asking an appropriation for the improvement of the San Joaquin River, in California—to the Committee on Rivers and Harbors.

By Mr. KIEFER: Petition of R. M. Pope, of Ufora, Minn., favoring the passage of House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of St. Croix Lumberman's Board of Trade, of Stillwater, Minn., for the improvement of the St. Croix River and the lake front at Stillwater, Minn.—to the Committee on Rivers and Harbors.

By Mr. KULP: Petition of Exchange Grange, No. 65, Patrons of Husbandry, of Pennsylvania, for the protection of agricultural staples—to the Committee on Ways and Means.

Also, protests of citizens of Catawissa and Shunk, State of Pennsylvania, against the appropriation of public moneys for sectarian undertakings, and petitions of same, urging the passage of proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of Patriotic Order Sons of America, viz: Washington Camp, No. 619, of Shamokin, Pa.; Washington Camp, No. 684, of Mifflinville, Pa.; Washington Camp, No. 139, of Seven Points, Pa.; Washington Camp, No. 364, of Danville, Pa.; Montour Lodge, No. 167, Order United American Mechanics, of Danville, Pa.; Camp 30, Patriotic Order Sons of America, of Shamokin, Pa.; Washington Camp, No. 635, of Iola, Pa.; Washington Camp, No. 116, of Mount Carmel, Pa.; Washington Camp, No. 229, of Watsontown, Pa.; Washington Camp, No. 540, of Pennsylvania; Washington Camp, No. 105, of Berwick, Pa.; Washington Camp, No. 38, of Montandon, Pa.; Lodge No. 239, Order of St. George, of Shamokin, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of Rich Valley Free Home League of Oklahoma, favoring free-home bill—to the Committee on the Public Lands.

Also, petition of Ralph Robinson, of Newton, Iowa, praying for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Resolution of Meade Post, No. 44, Grand Army of the Republic, Department of Indiana, favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petitions of the following councils, Junior Order United American Mechanics: Welcome Council, No. 45; Salem Council, No. 203; Abraham Browning Council, No. 122; Newport Council, No. 199; Goshen Council, No. 91; Garden Council, No. 176; Jefferson Council, No. 138; Ateo Council, No. 117; America Council, No. 133; Rescue Council, No. 151; Greble Council, No. 112; Cumberland Council, No. 109; Pocahontas Council, No. 48; Perseverance Council, No. 30; Cedarville Council, No. 62; Æolian Council, No. 42; Batterworth Council, No. 183; Winona Council, No. 149; Protection Council, No. 145; Union Council, No. 82, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MAHON: Petition of citizens of Snyder County, Pa., praying for the passage of House bill No. 2626, for an export bounty for the protection of agricultural staples—to the Committee on Ways and Means.

Also, petitions of Washington Camp, No. 617, of Gapsville, Pa., Washington Camp, No. 603, of New Columbia, Pa., Washington Camp, No. 605, of Warfordsburg, Pa., Patriotic Order Sons of America, urging the passage of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of H. B. & C. F. Moyer, of Freeburg, Pa., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Resolutions of the Bostoniana Club, of Boston, Mass., favoring the passage of House bill No. 9 and Senate bill No. 301, restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. McCREARY of Kentucky: Papers to accompany House bill for the benefit of Alex. D. Hamilton—to the Committee on War Claims.

By Mr. McCLURE: Petition of W. H. Stoutt and Charles Dempster, of Uhrichsville, Ohio, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petitions of Hudson Council, No. 175; Garfield Council, No. 56; Industry Council, No. 35; Valley Forge Council, No. 2; Arlington Council, No. 214; Clinton Council, No. 18; Greenville Council, No. 114, Junior Order United American Mechanics, of Hudson County, N. J., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition containing 114 names from Fairhaven (Wash.) Fabian Society, asking the passage of House bill No. 184, favoring direct legislation—to the Committee on Rules.

Also, petition of Abe Lincoln Graham, of Jersey City, N. J., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Petition of E. A. Brown, of Nebraska City, Nebr., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: Resolution of the convention of the Nebraska Beet Sugar Association, held at Fremont, Nebr., February 5 and 6, 1896, asking for the passage of the transmississippi exposition bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of McNeal & Beebe, Wayne, Nebr., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Paper to accompany House bill No. 6862, for the relief of William Knight, of Garrisonville, Va.—to the Committee on War Claims.

By Mr. MILES (by request): Petition of the mayor and city council of Baltimore, Md., asking an appropriation to dredge, widen, and deepen the channel of the Middle Branch of the Patapsco River, commonly called Spring Gardens—to the Committee on Rivers and Harbors.

Also (by request), petitions of Athel Council, No. 8, also Marion Lodge, No. 6, Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MOODY: Petitions of Procter Bros., of Gloucester, Mass., and Fred. E. Smith, of Newburyport, Mass., in favor of

House bill No. 4566—to the Committee on the Post-Office and Post Roads.

By Mr. MORSE: Petitions of 59 citizens of Sheffield, Pa.; 104 citizens of Avon, Pa.; 35 citizens of Tamarack, Ill.; 19 citizens of Media, Pa.; 53 citizens of Ruby, Ga.; 91 citizens of Swanton, Ohio; 25 citizens of Fair Grove, Mich.; 46 citizens of Kokomo, Ind.; 145 citizens of Oakland, Ill.; 21 citizens of Lansdowne, Pa.; 60 citizens of Camden, N. J.; 80 citizens of Hillsdale, Iowa; 279 citizens of York, Pa.; 33 citizens of Pottsville, Pa.; 29 citizens of Taylor, Pa.; 35 citizens of Hendricks, W. Va.; 51 citizens of Cramer Hills, N. J.; 201 citizens of Westover, Pa.; 21 citizens of Brooklyn, N. Y.; 148 citizens of West Lebanon, Pa.; 87 citizens of Edenburg, Pa.; 100 citizens of Ingraham, Ill.; 64 citizens of Organ Cave, W. Va.; 39 citizens of Pillipsburg, N. J.; 29 citizens of Philadelphia, Pa.; 111 citizens of Milroy, Ind.; 119 citizens of Atoka, Tenn.; 40 citizens of Freeport, Ill.; 30 citizens of Sante Fe, N. Mex.; 78 citizens of Cumberland, Ohio; 18 citizens of Roxbury, Mass.; 59 citizens of Hackettstown, N. J.; 93 citizens of New Brighton, Pa.; 55 citizens of Atkins, Iowa; 46 citizens of Unionville, Va.; 74 citizens of Washington, Iowa; 25 citizens of Bridgeton, N. J.; 28 citizens of La Harpe, Ill.; 146 citizens of Apollo, Pa.; 179 citizens of Rochester, N. Y.; 21 citizens of Syracuse, N. Y.; 33 citizens of Gotha, Minn.; 42 citizens of Port Huron, Mich.; 49 citizens of Winnebago, Minn.; 46 citizens of Middlefield, Mass.; 30 citizens of Millbrook, Pa.; 84 citizens of Fordyce, Pa.; 7 citizens of Boston, Mass.; 52 citizens of Rose Hill, Ill.; 43 citizens of Barnegat, N. J.; citizens of Poughkeepsie, N. Y.; 90 citizens of Keewaydin, Pa.; 109 citizens of Rosedale, Kans.; 69 citizens of Emporia, Kans.; 45 citizens of Shoustown, Pa.; 37 citizens of Socorro, N. Mex.; 43 citizens of Hanna City, Ill.; 106 citizens of Fort Gay, W. Va.; 113 citizens of Slate Lick, Pa.; 65 citizens of Baxter, Pa.; 143 citizens of New York City; citizens of Martinsburg, W. Va.; 12 citizens of Garrison, N. Y.; C. H. Taylor, Freemansburg, W. Va.; 92 citizens of Towanda, Ill.; 104 citizens of Boalsburg, Pa.; 38 citizens of Morristown, Pa.; 97 citizens of Luzerne, N. Y.; 99 citizens of Colesville, N. J.; 58 citizens of Atlanta, Ga.; 121 citizens of Naperville, Ill.; 37 citizens of Waterman, Ill.; Rev. George A. Tewksbury, Concord, Mass., and others; 27 citizens of Everseth, Mass.; 108 citizens of Columbus, N. J.; 55 citizens of Harmony, N. J.; 39 citizens of Trenton, N. J.; 96 citizens of Friesburg, N. J.; 20 citizens of Rose, Wayne County, N. Y.; 49 citizens of Bowmans Bluff, N. C.; 18 citizens of Frackville, Pa.; 77 citizens of Shenandoah, Pa.; 25 citizens of Hummelstown, Pa.; 72 citizens of York, Pa.; 80 citizens of New Hope, Pa.; 196 citizens of Indiana, Pa.; 31 citizens of Annville, Pa.; 258 citizens of Delano, Pa.; 83 citizens of Allentown, Pa.; 62 citizens of Philadelphia, Pa.; 362 citizens of Deta, Pa.; 51 citizens of Tangier, Va.; 17 citizens of Crested Butte, Ill.; 32 citizens of Monston, Ill.; 83 citizens of Butler, Pa.; 126 citizens of Venice, Pa.; 40 citizens of Midway, Pa.; 50 citizens of Monaca, Pa.; 23 citizens of Shavertown, Pa.; 47 citizens of Hoboken, N. J.; 400 citizens of Leechburg, Pa.; 50 citizens of Bottonville, Vt.; 40 citizens of Fairview, S. C.; 111 citizens of Pioneer, Tenn.; 39 citizens of Westhampton, Mass.; Woman's Christian Temperance Union of Taunton, Mass.; 55 citizens of Sewickley, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PITNEY: Petition of Jenny Jump Council, of Hope, N. J.; Warren Council, of Washington, N. J.; Monitor Council, of Hackettstown, N. J.; Port Murray Council, of Port Murray, N. J.; Liberty Council, of Oxford, N. J.; Sussex Council, of Lafayette, N. J.; Musconetcong Council, of Stanhope, N. J.; Milton Council, of Milton, N. J.; Boonton Council, of Boonton, N. J.; Paul Revere Council, of Pompton Plains, N. J.; Sunset Council, of Chatham, N. J.; Peerless Council, of Highbridge, N. J.; Hunterdon Council, of Junction, N. J.; Flemington Council, of Flemington, N. J.; and Victory Council, of Frenchtown, N. J., all urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of William R. Caps, of Dovr, N. J., and William D. Grey, of Madison, N. J., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. O. Rusley and 91 other citizens of Sussex County, N. J., in favor of an amendment to the Constitution—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of R. E. Fleharty and 55 others, of Galesburg, Ill.; also petition of J. H. Lewis and 24 others, of Illinois, asking favorable action on House bill No. 1, to reclassify the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. REED: Petition of A. A. Melvin, of Westbrook, Me., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petitions of Windom Camp and Washington Camp, Patriotic Order Sons of America, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON: Petition of James B. Converse and others, asking for a Sunday law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROYSE: Petition of J. C. Colby, Kewanna, Ind., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Petition of Globe Council, No. 358, Order United American Mechanics, Madisonville, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petition of Orrin C. Whitney, of Caledonia, Mich., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of members of Kennedy Post, No. 490, Grand Army of the Republic, and citizens of Mount Holly Springs, Pa., in favor of a service pension to all veterans of the late war—to the Committee on Invalid Pensions.

Also, petition of Bowmansdale Council, No. 331, Order United American Mechanics, of Bowmansville, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Rev. J. Vrooman and sundry other citizens of Lewisburg, Pa., praying for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. THOMAS: Petition of the Chicago Board of Trade, Milwaukee Chamber of Commerce, and of the citizens of St. Joseph, Berrien Center, Benton Harbor, Cassopolis, and Berrien Springs, of the State of Michigan, and from the States of Indiana, Wisconsin, Minnesota, and Illinois, asking for the improvement of the St. Joseph Harbor, State of Michigan—to the Committee on Rivers and Harbors.

By Mr. TRACEWELL: Petition of G. F. Engelhauf, of Jeffersonville, Ind., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Papers to accompany House bill No. 5813, granting a pension to Abner Welch—to the Committee on Invalid Pensions.

By Mr. TRELOAR: Papers to accompany House bill to remove the charge of desertion from the military record of Joseph Doms—to the Committee on Military Affairs.

By Mr. TYLER: Petition of S. W. Rovdoll & Co., of Hampton, Va., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. TURNER of Georgia: Petition of E. Z. Byrd, of Blackshear, Ga., asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petitions of Samuel G. Sloane, of Charles City, Iowa; W. L. McEwen & Sons, of Rockwell, Iowa; F. G. & T. M. Atherton, of Osage, Iowa, and Dunlevy Bros., of Alamakee, Iowa, for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Paper to accompany House bill No. 743, for the relief of Margaret J. Parks—to the Committee on War Claims.

By Mr. WOOMER: Petition of Washington Camp, No. 614, Patriotic Order Sons of America, of Pillow, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 6, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of yesterday's proceedings was read and approved.

PAYMENT OF PENSIONS BY CHECKS.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 2921.

The bill was read, as follows:

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States.

Be it enacted, etc., That section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States, be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I should like to hear the report read, reserving the right to object.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions have had under consideration the bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other

purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States, and report as follows:

The only sections of the statutes that bear upon the method of payment of pensions are sections 4764, 4765, and 4784, Revised Statutes of the United States, all of which sections were part of the law of July 8, 1870, which provided for the execution of vouchers, and the quarterly payment of pensions, through the established agencies of the Government. The three sections are as follows:

"SEC. 4764. Within fifteen days immediately preceding the 4th day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for every person whose pension is payable at his agency, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on or after the 4th day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared, and at which the pension of such person is due and payable.

"SEC. 4765. Upon the receipt of such voucher, properly executed, and the identity of the pensioner being established and proved in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper assistant treasurer or designated depository of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension.

"SEC. 4784. Agents for the payment of pensions, and any clerks appointed by them and designated in writing for that purpose, which designation shall be returned to and filed in the office of the Commissioner of Pensions, are required, without any fee therefor, to take and certify the affidavits of all pensioners and their witnesses who may personally appear before them for that purpose, in which case the check for the pension, when due and payable, shall be given direct to the hand of the party entitled thereto, if desired, and not mailed to his address, as required by section 4765."

The evident intention of the law expressed in section 4784 was to accommodate those pensioners who resided in the cities at which the pension agencies were located, and until the passage of the act of June 27, 1890, few, if any, pensioners not residents of such cities appeared at the agencies and obtained payment in person.

Statistics furnished the committee, obtained by correspondence with the 18 agencies of the Government, disclose that but 10 per cent of all pensioners avail themselves of this provision of the law and obtain their pension payment in person at the agencies, and that of such number all but about 2 per cent are pensioners under the act of June 27, 1890, a large number of whom are soldiers' widows, who, influenced by the growing practice, seek the agencies in person, notwithstanding their expenses are largely increased by the necessity of two witnesses who must accompany them, at extra expense of transportation, and in many instances of compensation for their services as witnesses.

The custom of social intercourse that was at first occasioned by the meeting upon "pay day" has been displaced by the baneful practice of designing men and women, who prey upon the weaknesses of the veterans and surround them with pitfalls of vice and temptations, into which they frequently soon deposit the pittance which a grateful Government has provided for their support and the maintenance of their families.

The custom prompts thousands to visit the agencies from long distances, at greater expense than their incomes warrant, and leads to habits that are injurious to their morals and ruinous to their purses. The desire to be early "in line" to receive their pay keeps hundreds upon the streets or in shelter in the corridors of the agency. After a night spent in cold corridors or upon the streets, waiting for the pay day of the morrow, many fall easy victims to those who for a small fee cash their checks, or by poisonous politeness lead them to drink and debauchery, from which they emerge penniless into the presence of the police judge.

The proposed legislation will wholly abolish personal payment and establish the universal rule of payment by checks transmitted through the mail to the post-office of the pensioners, as now provided in section 4765, Revised Statutes United States, but in no particular disturb the business of the agencies as now established. The result will be that 100 per cent of the pensioners will be paid by check instead of 90 per cent.

The object of the proposed legislation is the protection of the veterans and the protection of their families, who sorely need the pension money of which they are too often robbed, and the protection of the honor of the veterans and their families, darkened as it is by the practices an abused law has permitted.

In view of the great good that will result to those pensioners who now suffer by the practices herein mentioned, and because such legislation will improve the system of pension payments without in any manner disturbing the established methods of the pension agencies, and resulting in a saving of expense to the Government, the committee recommend the passage of the bill.

Mr. DOCKERY. Will the gentleman allow me to ask him a question? If I caught the reading of the report right, this simply provides that all pensioners shall be paid by checks.

Mr. OVERSTREET. That is correct. Instead of 90 per cent of the pensioners being paid in checks, 100 per cent will be so paid.

Mr. MCCLELLAN. Is not this bill drawn in the line of the recommendation of the Assistant Secretary of the Interior, Mr. Reynolds, in his last annual report?

Mr. OVERSTREET. It is in the line of that report. This bill receives the approval of the entire Pension Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote last taken was laid on the table.

SOUTH CAROLINA CONTESTED-ELECTION CASE.

Mr. MCCALL of Massachusetts. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the sum of $50.90 be, and it is hereby, appropriated out of the contingent fund of the House for the pupose of paying the expense necessarily incurred by the Committee on Elections No. 3 in obtaining from the secretary of state of South Carolina certified copies of the returns of the election for member of Congress held in the city of Charleston, S. C., on the 6th day of November, 1895, the same to be immediately available.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MILES. Has the report been read, Mr. Speaker?

The SPEAKER. There is no report. The Clerk will again report the resolution.

The resolution was again reported.

The SPEAKER. Is there objection?

Mr. MCMILLIN. While this is a small sum, Mr. Speaker, the expenditure seems to have been incurred without direction of the House, and I think it is due that the House should know why any expense is made without its approval.

Mr. MCCALL of Massachusetts. Mr. Speaker, I would simply say that the Committee on Elections No. 3 found the record in one of the contested-election cases of South Carolina defective, and with the consent of both parties the committee unanimously decided that they should have certified copies of certain returns. The amount is small—only $50.90—but we thought the returns were necessary for us in order to properly consider the case, and I have therefore been requested by the committee to offer the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

BRIG. GEN. WILLIAM P. CARLIN, RETIRED.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 422) for the relief of Brig. Gen. William P. Carlin, retired.

The bill was read, as follows:

Be it enacted, etc., That Brig. Gen. William P. Carlin, retired, be, and he is hereby, relieved and discharged from any and all liability for the amount of $1,108.85, expended by Capt. J. McE. Hyde, assistant quartermaster, by his direction, while in command of the Department of Columbia, for expenses incurred in the search for, and rescue of, a party of citizens lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893.

The SPEAKER. Is there objection?

Mr. WILSON of Idaho. I object.

Mr. HULL. Before objecting, I wish the gentleman would wait one moment, for one word. It is a case where a party was lost in a canyon on the Bitter Root Mountains in a big snowstorm.

Mr. MCMILLIN. We can not hear a word that the gentleman is saying.

Mr. HULL. The Regular Army was brought into service to save the lives of some young students who were completely invested by snow, and without assistance from without they would have been lost. They were found snowed in in the canyon, entirely without food, without supplies, and without ability to still continue the struggle to reach the outside world. The General of the Army recommended the War Department to pay it, and if it could not be paid under the law, that Congress should be called upon; and the Secretary of War and General Schofield, then commander of the Army, both recommended this to Congress.

Mr. WILSON of Idaho. Will the gentleman allow me to ask him a question?

Mr. HULL. One moment. General Carlin simply acted from the dictates of humanity; and in addition to the $1,100 expended by the Army, he himself expended over $1,500, because he had a son in the party that was lost. Now I will answer a question.

Mr. WILSON of Idaho. Is not this the expedition where a son of General Carlin and four gentlemen from New York went on a hunting tour in the Bitter Root Mountains in Idaho?

Mr. HULL. I think it is.

Mr. WILSON of Idaho. And that same party deserted a citizen of Idaho whom they had taken along as a cook and left him there to die, leaving him in their health and strength and his misfortune to die in the mountains, and they came out?

Mr. HULL. I do not know anything about that. The War Department does not submit any case of that kind to us. This was a party of students led by a professor, who, in the fall of 1893, were snowed in. Several expeditions went out to rescue them. One expedition, forcing its way through the snow, rescued the party from death. I want to say to the gentleman from Idaho that it is no unusual thing for the Government to help people in distress.

Mr. WILSON of Idaho. But how about the statement that those young men had previously deserted one of their comrades?

Mr. HULL. There is nothing in the record to show anything of that kind, and we know nothing of it.

Mr. WILSON of Idaho. But it is a fact.

Mr. GROSVENOR. If that were so, how would it affect this case?

Mr. HULL. Does the gentleman object?

Mr. WILSON of Idaho. I have not heard a satisfactory explanation from the gentleman.

The SPEAKER. Objection is made.

CHANGE OF REFERENCE.

Mr. PITNEY. I ask unanimous consent that the Committee on Printing be discharged from the further consideration of the reso-

lution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto, and that the resolution be referred to the Committee on Appropriations. Both committees consent to this change.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

DISTRICT JUDGE, SOUTHERN DISTRICT OF FLORIDA.

Mr. COOPER of Florida. I ask to take from the Speaker's table and immediately consider, by unanimous consent, the bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West. A similar bill has been favorably reported by the House committee.

The bill was read, as follows:

Be it enacted, etc., That section 553 of the Revised Statutes, requiring the United States district judge for the southern district of Florida to reside at Key West, be, and the same is hereby, repealed.

Mr. COOPER of Florida. A House bill corresponding in its provisions with this has been favorably reported from the Judiciary Committee by the gentleman from New Hampshire [Mr. BAKER].

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. COOPER of Florida, a motion to reconsider the last vote was laid on the table.

Mr. COOPER of Florida. I ask unanimous consent that the bill H. R. 3742, corresponding in its provisions with the Senate bill just passed, be laid on the table.

There being no objection, it was ordered accordingly.

PENSIONS.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 162) regulating proof of death in certain pension cases.

The amendment of the Senate was read, as follows:

Strike out, in line 10, the word "proviso" and insert "act"; so as to read: "And any pension granted under this act shall cease," etc.

Mr. POOLE. I move that the House concur in the amendment of the Senate, which changes but a single word and does not affect the substance of the provision.

The amendment of the Senate was concurred in.

ISSUE OF BONDS BY NEW MEXICO.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory; in which the concurrence of the House was requested.

The bill and amendments were read.

Mr. PERKINS. I move that this bill and the amendments of the Senate be referred to the Committee on the Territories.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. MCCALL of Tennessee, the House resolved itself into Committee of the Whole on the state of the Union (Mr. HEPBURN in the chair), and resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The CHAIRMAN. The pending amendment is one offered by the gentleman from Florida [Mr. COOPER].

Mr. COOPER of Florida. Mr. Chairman, the Committee on the Judiciary have consented to offer to a subsequent section of the bill an amendment which they think will meet the objection which I urged yesterday to the bill as it stands and which I was endeavoring to cover by my amendment. I therefore withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

The Clerk read as follows:

The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants, when made out in accordance with this act, shall be submitted to and examined by the circuit court or district court of the district, and when approved by the court shall be audited and allowed as now provided by law.

Mr. SWANSON. Mr. Chairman, I desire to put an inquiry to the chairman of the Committee on the Judiciary in reference to this clause of the bill:

The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals.

In connection with this provision, the marshal of the western district of Virginia has suggested to me that it is not quite clear from the language used whether the marshal must pay these expense accounts before they are audited or allowed by the Department at Washington, or whether he must wait until such action of the Department. It is a serious question whether he must take the risk of their being favorably acted upon by the Department here at Washington. He requested me when this portion of the bill should come up to call the attention of the committee to the difficulties that might arise in connection with this language. I do not know whether the committee has considered the question or not. If not, I would like to offer an amendment, to add to the clause I have just read the words, "when audited and allowed as now provided by law." Without some amendment of this kind the marshal must take the risk of auditing and paying these expense accounts himself, and then sending them to the Department here, which might not allow them, in which event he must look to the field deputies and others to pay back what they have received.

Now, I have not read the bill carefully enough to know whether that exception would lie or not, but I think it will. If it would, I can see how the marshal might be placed under a great disadvantage and probably in a position that would involve a serious personal risk in these matters. So I offer the amendment, after the word "marshal," in line 5, for the purpose I have suggested.

Mr. DOCKERY. If the gentleman will allow me, Mr. Chairman, I would like to make this suggestion: Some confusion arises in my own mind in respect to this paragraph, and for the purpose of determining the matter I called at the Department of Justice this morning for information. The understanding there is that these deputies will be paid as now provided by law. That is, that the marshal is a disbursing officer under the law, and will be able to advance certain sums of money, placed in his possession to cover these expenses, under the general authority of law. That is the view taken by the Department.

I suggested that perhaps there was a little confusion and that the provision itself was not exactly clear, but the Department thinks that this will give ample opportunity under the existing law in all cases that may arise.

But let me suggest to the gentleman from Virginia that the amendment he proposes ought not to be adopted in the specific form he presents it, for its provisions are not by any means clear. The amendment would require the accounts of the marshals and the deputies to be audited first. Now, these men are on salaries, as I understand the bill, and under the law there is no occasion whatever for salaries to be audited before being paid.

Mr. TATE. But this refers to the expense account, not the salary.

Mr. DOCKERY. That, of course, would present a different feature.

Mr. SWANSON. Mr. Chairman, my objection to this provision as it now stands in the bill is that the field deputies by the operation of this bill are to be paid 75 per cent of the fees. Now, the fees under the present law must be audited and allowed by the officers of the Department before they can be paid. This, however, would make it imperative on the marshal to pay them in advance. The marshal does not know under this provision of the law whether he shall pay them before or after their allowance. In that respect the bill is confusing, and for that purpose the amendment has been suggested with a view to making clear that which is not otherwise intelligible. If this amendment is adopted, it will make it entirely clear as to when these payments should be made.

Mr. UPDEGRAFF. Mr. Chairman, a word in reply, by way of explanation, to the remarks of the gentleman from Virginia. The expense accounts of the marshal and the field deputies under the provisions of this bill are to be paid by the marshal. A sum of money is to be advanced to the marshal for the purpose of their expenses, and he pays the accounts of the field deputies——

Mr. TATE. Right there will the gentleman permit a word of explanation?

Mr. UPDEGRAFF. I prefer to finish my explanation first and then will yield to the gentleman. The bill provides as follows:

The expense accounts of the marshals and their office deputies, and the accounts of the field deputies, shall be paid by the marshals.

He pays them their accounts. Now, then, the bill goes further and provides:

Said accounts, and the expense accounts of the district attorneys and their assistants, when made out in accordance with this act, shall be submitted to and examined by the circuit court or district court of the districts—

But that is not final. It goes on and provides:

And when approved by the court shall be audited and allowed as now provided by law.

Now, these accounts are made out at brief periods. If the marshal in paying the deputies pays them more than they are entitled to, he is not credited against his advance for anything more than the law authorizes him to pay, and he must take these chances; because these accounts must pass the auditing offices of the Government before they are officially and conclusively settled.

Mr. SWANSON. Now, if the gentleman will permit me, it

seems to me that this language is unfair, and that the responsibility put upon the marshals is unreasonable.

Mr. UPDEGRAFF. It puts no more responsibility upon them than they have now.

Mr. SWANSON. The marshal, as I understand it, under the present law makes no advances to the field deputies, but only pays jurors and witnesses when a specific sum is allowed and the amount of the account is made out and ascertained by the court and the clerk who gives a certificate of the amount. It is simply a cashing of what may be called an order of the court to pay the allowance to the witness or the juror. As the marshal of the western district of Virginia has said to me: "There will be thousands of dollars that I will have to pay for the field deputies, their expense accounts and other expenses involved under the pending bill; I do not know whether I will get credit for a cent of it until it is sent to the auditing department and allowed. I may be entirely out of all the amount I pay on this account." Suppose, for instance, the marshal has paid the account and it is disallowed by the Department. He is compelled to bring suit against the field deputy and against other people to recover the amounts allowed them for their expense accounts. And so it seems to me that we should allow the field deputies and those other parties, as now provided by law, to send, at regular intervals, the expense accounts to Washington and have them audited and allowed, and then authorize the marshal to make the payment.

Mr. PERKINS. Now, Mr. Chairman, I think it is true that it has been the regular, uniform practice among United States marshals to make advances to their deputies as they think prudent; but these accounts are always subject to the final auditing in the Department of Justice. That may involve a period of years, covering, in fact, the term of the marshal; and therefore he is compelled to so carefully scrutinize these accounts, and to take such action within his own office as will in all probability result in favorable action by the Department of Justice. All these accounts are dependent upon the final auditing in the Department. It has, within my knowledge, been the practice of United States marshals to carry the accounts of their deputies within reasonable limits, so as to secure themselves in the final adjustment.

Mr. SWANSON. As I understand the law, the marshal——

The CHAIRMAN. Debate on this amendment is exhausted. The question is on the amendment offered by the gentleman from Virginia.

Mr. UPDEGRAFF. Let us have a vote.

Mr. UNDERWOOD. There has been so much confusion, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment of Mr. SWANSON was again read.

The amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 12. That the foregoing sections of this act shall not be so construed as to prevent or affect the taxation of costs against the unsuccessful party or against defendants convicted of crimes or misdemeanors.

Mr. UPDEGRAFF. Mr. Chairman, to that section there is a committee amendment on page 10. It is as follows:

On page 10, line 24, after the word "the," insert the words "amount of or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, in line 24, after the word "the," insert the words "amount of or."

The amendment was agreed to.

Mr. UPDEGRAFF. Now, on page 11, in line 1, after the word "party," I move to insert the words "in civil proceedings."

The amendment was read, as follows:

On page 11, line 1, after the word "party," insert the words "in civil proceedings."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 14. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1896; and it shall be the duty of the district judge of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district judge; and no person shall at any time be a clerk of a United States court and a United States commissioner: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

Mr. BROWN. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee.

Mr. BROWN. I yield to the gentleman from Iowa [Mr. UPDEGRAFF].

Mr. UPDEGRAFF. I have a committee amendment to the section just read. On page 11, at the end of line 23, insert the words "and notice thereof shall at once be given by the clerk to the Attorney-General."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, in line 23, after the word "courts," add the words "and notice thereof shall be at once given by the clerk to the Attorney-General."

The amendment was agreed to.

Mr. BROWN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert in line 6, page 12, after the word "at" the following words: "Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

Mr. McRAE. Mr. Chairman, a point of order. Is that amendment germane to this bill under the ruling made yesterday?

Mr. BROWN. Mr. Chairman, this section of the bill provides——

The CHAIRMAN. The Chair will hear the gentleman from Arkansas upon his point of order.

Mr. McRAE. Under the decision of the Chair made on yesterday, nothing except matters that relate to salaries or the change from the fee to the salary system is in order.

Mr. BROWN. In section 14, lines 19 and 20——

The CHAIRMAN. The Chair is inclined to think that this so inheres in the duties of these deputy marshals that the point of order is not well taken.

Mr. BROWN. The amendment, Mr. Chairman, is a committee amendment. It has been submitted to the Internal Revenue Commissioner and approved by him.

Mr. SWANSON. What is the amendment? I should like to have it read.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. McRAE. I propose a substitute for the amendment.

The substitute was read by the Clerk, as follows:

That no fees shall be paid to any United States commissioner on any warrant issued, or any other fees, in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been approved either before or after arrest of the defendant by a circuit or district judge, or the attorney of the United States in the district where the offense is alleged to have been committed, and unless said prosecution shall have been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney or his assistant, a collector or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief.

The CHAIRMAN. The question is on the adoption of the substitute.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. McRAE. Division.

The committee divided; and there were—ayes 27, noes 72.

So the substitute was rejected.

Mr. BARTLETT of New York. Mr. Chairman, I have an amendment which I desire to offer.

Mr. BROWN. I call for a vote on my amendment.

The CHAIRMAN. The amendment of the gentleman from New York is not now in order.

The amendment offered by Mr. BROWN was agreed to.

Mr. BARTLETT of New York. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk, to be inserted after the word "act," in line 6, page 12.

The Clerk read as follows:

Insert at the end of line 6, after the word "act," page 12, the words: "*Provided*, That the provisions of this section shall not apply to the circuit court of the United States for the southern district of New York, the district judge of the southern district of New York, the commissioners of the circuit court, or the clerks of the United States courts in or for the southern district of New York."

Mr. BARTLETT of New York. Mr. Chairman, I offer that amendment, to be inserted after the word "act," in line 6, and I ask unanimous consent that I be allowed ten minutes, on the ground that I am a member of the committee.

The CHAIRMAN. The gentleman asks unanimous consent that he be permitted to address the committee for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT of New York. Mr. Chairman, the object of the amendment which I have offered is to exempt the southern district of New York from the general provisions of this section. In other words, we in New York City desire to have our commissioners of the circuit court remain commissioners of the circuit court; and we desire also to have the clerks of our district and circuit courts remain masters in chancery and committing magis-

trates. You will remember that on this Committee on the Judiciary there is no representative from the city of New York, and the representative from another part of the State of New York naturally, it must be assumed, knows little about the practice of our bar in the southern district of New York. I think I can safely assert that in this request I make I have the hearty indorsement of the Federal judges in our city and county, that is to say, for the whole southern district of New York, and that I have the approval of all the members of our Federal bar. You must remember that the commissioners of the circuit court in our district are only 23 in number, and the circuit court in the southern district of New York is by express statutory provisions differentiated from the circuit courts throughout the United States; by special provisions of statutes in the chapters concerning the organization and concerning the sessions of the circuit court trial terms of that court for the exclusive trial and disposal of criminal cases are provided to be held seven times a year within the southern district of New York.

Mr. BROWN. Is the clerk of the circuit court also the clerk of the district court of the southern district of New York?

Mr. BARTLETT of New York. No, sir. The clerk of the circuit court is John A. Shields; the clerk of the district court is——

Mr. BROWN. He is a United States commissioner?

Mr. BARTLETT of New York. The clerk of the district court is Samuel H. Lyman. They are both United States commissioners.

Mr. BROWN. Then you are asking a change in the bill for two men?

Mr. BARTLETT of New York. I am asking a change in this bill in the interest of the whole city and county of New York, in the interest of our judiciary, and in the interest of our litigants, not in the interest of one or two men, but in the interest of hundreds and hundreds of thousands of men. Now, why should these commissioners in the southern district of New York remain commissioners of the circuit court? It is because that court transacts all our criminal business. It is urged that a change should be made; that is, that the power of appointment of these commissioners, which has been vested in the circuit courts of the United States ever since February 20, 1812, should be taken away and given to the district judge. I care very little about that for the rest of the United States; but I say that it should be vested in our district in the court which has the transaction not only of the criminal business, but of the great volume of the civil business.

Now, what is the other thing which I ask? And I must say that it seems to me to be only fair that we should have some voice about the matters within our own district. I wish to allude later for a moment or two to the mode of this report, and to show that it has been impossible for us to secure that full and careful consideration to which we are entitled, considering the enormous volume of business transacted in our Federal courts. There are special reasons why the clerks of the circuit court and district court for the southern district of New York should be commissioners. The reasons are based upon the necessities of our litigating community, upon the interest of the great mass of litigants who come before the district court or before the circuit court. The judges of those courts are in favor of the existing system. I call attention to the fact that you can not get a man of first-class ability and of the requisite capacity who will take one of these positions without the additional emoluments of the other.

The two gentlemen who hold these offices in New York, Mr. John A. Shields, clerk of the circuit court, and Mr. Samuel H. Lyman, clerk of the district court, are able, efficient, honest public servants, although they are Republicans in politics. Now, what is the reason that these clerks should be commissioners? It is because they act in a twofold capacity. They act either as masters in chancery, or as committing magistrates in extradition cases or criminal causes, and in civil cases it is a great convenience to have all the exhibits, cumbrous often, at other times frail in their nature and easy of destruction or liable to destruction—it is a great convenience to have those exhibits kept within the walls of our Federal Building and in the custody of the clerk, who at the same time has to act as a commissioner. In criminal cases it is of vital importance that the committing magistrate should be in the same building as the judge, and it is of general interest to the public of New York that we should have one or more commissioners easy of access in the Federal Building. The only way to secure that is to have the clerk of the district court and the clerk of the circuit court continued as commissioners.

Now, Mr. Chairman, one word as to this mode of legislating. I think it is a very sad spectacle to behold this great Committee on the Judiciary, composed of leading lawyers from all parts of the country, asking this House to legislate in a wrong and improper manner. I for one protest against salient changes in existing law being incorporated in appropriation bills. Gentlemen are aware that the Committee on Rules, headed by the distinguished lawyer from Iowa [Mr. HENDERSON], has enormous, arbitrary, and coercive powers. Why did not that Committee on Rules bring in a rule providing that the Updegraff bill should be taken up for consideration and considered immediately? Why did it not bring in that rule before the consideration of this appropriation bill? I call the attention of members of this committee to the fact that when, on the 11th day of January last, we were considering the rules, when the distinguished gentleman from Iowa brought up the twenty-first rule for consideration, and when, in the House, we were considering the last clause of the second section, containing the provision, "nor shall any provision changing existing law be in order in any general appropriation bill," the distinguished gentleman from Pennsylvania [Mr. DALZELL], also an able lawyer and one of the leaders on that side of the House, gave this reason for the adoption of that salutary rule. He said, in substance: "If this House desires to legislate upon any subject, let it be done—how? Out in the open, and in a manly way," so that the Senate and the Executive shall be free to consider the legislation without the burden which would be imposed upon them by being obliged to consider it in connection with an appropriation bill. Now, Mr. Chairman, is not the real motive for tacking——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. I ask unanimous consent to have three minutes more.

A MEMBER. I object.

Mr. QUIGG. Mr. Chairman, I desire to be recognized for a few minutes upon the amendment offered by my colleague.

The CHAIRMAN. In opposition to the amendment?

Mr. QUIGG. No, sir; in support of it.

The CHAIRMAN. Debate upon that side of the question is exhausted.

Mr. QUIGG. Is there any procedure by which I can be recognized?

The CHAIRMAN. Only by unanimous consent.

Mr. QUIGG. Then I ask unanimous consent that I may be heard three minutes in support of this amendment.

There was no objection.

Mr. QUIGG. Mr. Chairman, I desire to call attention, especially the attention of gentlemen who are members of the Committee on the Judiciary, with whose bill, in the main, I am in thorough sympathy, to some passages of a letter that I have received from Judge Lacombe, of New York, bearing upon this question. Gentlemen will recognize the fact that the conditions of the public business in the courts of New York City are entirely exceptional, and it has been the policy of Congress and is the policy of this bill, as its author very well knows, to except the southern district of New York from many of its provisions.

Mr. UPDEGRAFF. The district attorney's office.

Mr. QUIGG. Yes; I appreciate that fact, and am not in the least disposed to impose upon the kindness of the committee. I desire, however, to present these considerations which have been urged by Judge Lacombe, and they are so much better stated by him than they could be by me that I will read a portion of his letter. He says:

It is essential, of course, to the proper and efficient dispatch of this volume of business——

Mr. SULZER. Will the gentleman kindly inform me what he is reading?

Mr. QUIGG. A letter from Judge Lacombe.

Mr. SULZER. Ah! I have one of a similar nature.

Mr. QUIGG. Judge Lacombe says:

It is essential, of course, to the proper and efficient dispatch of this volume of business with entire satisfaction to the litigants, who are, I conceive, the persons first entitled to consideration, to have the office of clerk filled by a man of more than ordinary capacity, industry, and application. It goes without telling that it is and always will be more practicable to secure such an incumbent of the office in this city, where the expenses of living in the most quiet manner are so high, if he be allowed to supplement his salary by the doing of some other remunerative work of a character which will not interfere with a thorough and efficient discharge of his duties as clerk. He can, of course, do nothing which will take him away from his office, where his constant attendance is required every day in the year, except a brief vacation in summer, from an early hour in the morning until late in the evening. A narrow restriction of the hours when the office is open to outsiders for business is not practicable here, and has never been attempted. The conditions of practice at the bar are such that lawyers and clerks from the different offices necessarily have frequently to present themselves at the clerk's office in the United States circuit court for the transaction of such business as is necessary at an hour long subsequent to that at which the outer doors of most public offices are closed.

The clerk of the circuit court, however, can very well, and without interfering in any way with the discharge of his clerical duties, discharge as well those of a master in chancery or of a commissioner of the circuit court. Moreover, there are other circumstances which make it extremely desirable that in particular cases such functions should be discharged by the clerk. There are no quarters available in the Federal Building in this district for a United States commissioner or for a master in chancery, as such. Nor will there be any, even should the bill which you have yourself so kindly introduced become a law. There are, however, very many causes in equity where it is extremely desirable that the testimony taken before the master should be given in the Federal Building. Expensive and cumbrous exhibits, and other exhibits which are not cumbrous, but frail in their character and liable to destruction or material alteration by frequent transportation, are on file in the circuit court or int he circuit court of appeals (also held in this building) and ought to stay here, as some branch of the case is still being considered by the circuit court or by the circuit court of appeals, while at the same time testimony as to damages or profits under some interlocutory decree, requiring

the presence of the exhibits, is being taken before a master. Under these circumstances it would cause no end of delay, inconvenience, and trouble to litigants and counsel, and frequent embarrassments to the court itself, if no master in chancery could be found to whom the case might be sent except one whose office was in some private building, which might not be a fireproof structure, as this one is, and between which and this building the exhibits would have to be repeatedly transported to and fro. Again, it is not an infrequent occurrence during the examination of witnesses for counsel, disagreeing as to some line of testimony, to present themselves informally before the circuit judge, when he happens to be sitting in his private chambers, to settle some point of difference between them as to procedure or the taking of proofs. And this, of course, can be done with less interruption to the proceedings, less waste of time to the counsel, and in consequence less expense to the litigants, if the judge is to be found in the same building as that in which the testimony is being taken.

This port is also the principal focus of immigration, and, while I do not profess to know anything with regard to other Federal districts, I infer that the number of extradition cases is larger here than it is in most of the others. And there is, of course, by reason of its large population, a very large number of criminal prosecutions in which the commissioner of the circuit court sits as a committing magistrate. Past experience has shown me, at least, that it is convenient for all concerned to have the commissioner near the chambers of the judge who is to sit in review of him. Repeatedly within my experience persons who have been held to bail by the clerk of this court, when sitting as commissioner, have, with their counsel, come at once to the judge's chambers, and, with no delay or incarceration overnight, have had the amount of bail fixed at some sum sufficient to insure attendance at the trial and not in excess of their ability to procure.

Mr. CONNOLLY. Mr. Chairman, I was somewhat surprised at the gentleman from New York who first spoke on this amendment [Mr. BARTLETT], who announced that New York was without a representative on the Judiciary Committee——

Mr. BARTLETT of New York. Will the gentleman permit me to interrupt him for a moment?

Mr. CONNOLLY. Certainly.

Mr. BARTLETT of New York. What I did state, if I mistake not, was that the city and county of New York, the southern district of New York, was without a representative on the committee.

Mr. CONNOLLY. Oh, yes. It is in the same fix in that respect as Cook County, Ill., and the city of Chicago. That county and that city have no representative on the committee who resides within the limits of the city or the county. In fact, Mr. Chairman, it would be practically impossible to constitute a committee made up of one member from each city in the United States that regards itself as entitled to be placed outside the pale of the law which applies to every other city and to all the rest of the country.

Mr. FAIRCHILD. May I interrupt the gentleman?

Mr. CONNOLLY. Not at present. From the letter of Judge Lacombe, read by the second gentleman from New York [Mr. QUIGG], it is clear to me, as I suspected to be the case when the first gentleman was on the floor, that neither Judge Lacombe nor the first gentleman from New York [Mr. BARTLETT] understands the effect of this bill as prepared by the committee. Judge Lacombe in his letter, which evidently furnished the basis of the argument of the gentleman from New York, says it is highly important to the dispatch of business to the satisfaction of litigants that the master in chancery and the taking of testimony and hearings of causes in equity shall be in some office convenient to the court, and shall be conducted by some one learned in the law. Will the gentleman from New York undertake to say that the taking of evidence by a master commissioner or by a master in chancery is affected in any manner at all by this bill?

Mr. QUIGG. I undertake to say so.

Mr. CONNOLLY. That may be; but the leading lawyer from New York will not undertake to say so. [Laughter.]

Mr. QUIGG. Will the gentleman yield to me for a moment?

Mr. CONNOLLY. I have not time. I prefer to address myself to the leading lawyer from New York.

Mr. SULZER. There are others. [Laughter.]

Mr. BARTLETT of New York. I will answer the gentleman if he will allow me.

Mr. CONNOLLY. I have not time now.

Mr. BARTLETT of New York. I just want to answer the gentleman's remark.

The CHAIRMAN. The gentleman from Illinois declines to be interrupted.

Mr. BARTLETT of New York (to Mr. CONNOLLY). Will you yield to me for a moment?

Mr. CONNOLLY. If you want to ask me a question.

Mr. BARTLETT of New York. No; I want to tell you something about the law. [Laughter.]

Mr. CONNOLLY. I am too old to go to law school now.

Mr. BARTLETT of New York. Well, I ask the gentleman to allow me a moment to——

Mr. CONNOLLY. To instruct me as to the law, and I decline to allow you to do it. [Laughter.]

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. CONNOLLY. I do not.

Mr. BARTLETT of New York. I ask the gentleman to allow me to ask him a question.

Mr. CONNOLLY. Very well.

Mr. BARTLETT of New York. Are you not aware that in the original act of February 26, 1812, under which these commissioners of the circuit court were created, power in civil causes is given, and also by various amendatory acts? So I am of opinion that if this bill were passed in its present form it might well interfere with jurisdiction in civil cases.

Mr. CONNOLLY. Are you through with your question? Please mark it with an interrogation point, so that I may know where it ends. [Laughter.]

Mr. BARTLETT of New York. Are you not convinced?

Mr. CONNOLLY. I am not. This bill undertakes to provide that these United States commissioners, whose business it is to deal with criminals that are brought before them for violation of Federal law, shall be appointed by the district judge, the judge of the court that is given original criminal jurisdiction to try causes arising under the Federal law. It provides that these commissioners, who are to act as the fingers and hands of the court outside of the court, shall be appointed by the district judge. They are appointed for the purpose of holding preliminary examinations in criminal causes.

Mr. SULZER. Will the gentleman kindly inform me——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. CONNOLLY. If the gentleman desires to ask a question, and needs the information, I shall be glad to yield for that purpose. [Laughter.]

Mr. SULZER. Why do you not provide in this bill that the circuit court shall have the right to appoint the clerk for the circuit court?

Mr. CONNOLLY. We do not do that because the law already provides for that.

[Here the hammer fell.]

The question being taken on the amendment of Mr. BARTLETT of New York, it was rejected; there being—ayes 16, noes 66.

Mr. SULZER. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "commissioner," in line 15, page 12, insert:
"That nothing herein contained shall apply to the clerk of the United States circuit court for the southern district of New York."

The CHAIRMAN. The section to which this amendment applies has not yet been reached, and the gentleman's amendment is not in order.

Mr. SULZER. I will ask the Chair to recognize me when the proper section is reached.

Mr. TATE. Mr. Chairman, the present manner of paying fees to officers of the United States should be changed. If the objectionable reve nue laws now in force are to be retained to perplex and harass the people, they should not be rendered more odious by allowing fees to the officers who execute them. The present fee system is a direct inducement for the officers to increase to the utmost the number of criminal cases, so as to make their fees as large as possible.

The unscrupulous deputy marshal has all the advantage under this miserable system over the marshal who will not resort to questionable methods to make fees. Petty prosecutions are instituted by him, and persons arrested on frivolous charges taken for examination or trial by the longest route from their homes to the commissioner's court—and for what purpose? Solely, Mr. Chairman, to make fees and mileage, and to secure larger accounts against the Government. In this way the rights and liberties of our people are outraged and disregarded for the purpose of enlarging the fees of the officers.

We are told that it will not do to put these officers on a salary; that we must perpetuate this indefensible system so far as the deputy marshals are concerned; we are assured that putting the marshals and district attorneys on a salary will prevent frivolous prosecutions being instituted to make fees and put a stop to arrests for petty offenses.

Under the present system the district attorneys and marshals are powerless to stop these abuses, and those who believe that putting these two officers in each district on a salary, and leaving deputy marshals and United States commissioners still on the fee system, will stop this abuse will find that the making of frivolous cases for the sake of securing fees will continue to exist.

It is urged that deputy marshals, if put on a salary, will not be active in the discharge of their duty, and for that reason this system, which is admitted to be a reproach, must be perpetuated. Why, Mr. Chairman, what officer is more vigilant than the deputy collector? He is paid a salary and in most instances he is more active than the average deputy marshal. In a few instances, I have been reliably informed, they set fire to and burn up everything in the distilleries they seize, thus violating the law themselves. Had I the power, such a stretch of authority would cost the officer doing it his position. But under this oppressive system the people are forced to submit. I refer to deputy collectors only to show that there is nothing in the argument that deputy marshals would not discharge their duties if put on a salary.

All prosecutions begin in the commissioners' courts and by the

deputy marshals, and to correct this much-abused system you must commence where the prosecutions originate, for as long as you pay fees to deputy marshals so long will every prosecution that will make fees be brought forward, for the greater the number of cases made the larger will be the fee account of the deputy marshal.

Instead of apologizing for this bill by saying that it is a step in the right direction, let us put all these officials on salaries and stop this miserable practice. You can not do it unless you put the deputy marshals upon salaries. They are the men interested in originating all these idle or malicious prosecutions.

You give one of these men $2 a day for hunting for a fellow and 6 cents a mile while he is looking for him; you pay him $2 for arresting and 10 cents a mile for taking him to court, and mileage for the spy or reporter, that the deputy employs as a "guard," who is also, when he gets to court, used as a witness and paid as such; and do you expect to break up this system while you continue to pay the deputy marshals by fees in this way? The spy or reporter gets his $10 for reporting, his pay as a guard, his fees as a witness, and the deputy marshal his fees, as set out in the fee bill, and yet we are told that by merely putting the district attorney and the marshal on salaries and leaving the deputy marshals to get their compensation by the same fees and to employ the same "guards" and spies and informers this miserable system is to be broken up. You can not break it up in that way.

I grant you that, under the change made in this bill, the district attorney will probably attempt to stop some of these prosecutions, as many of them have heretofore done, by not approving warrants; but when a complaint is filed with him and when an oath is taken that a certain person has violated the law who may be living 100 miles away, how is the district attorney going to determine whether the person making the affidavit is a reputable citizen, or whether the complaint itself is well founded or not? The only way that you can cure these evils is by wiping out this whole miserable fee system.

There is no use in talking about "steps in the right direction." Let us go to the bottom of the matter and abolish the entire system. It is this system, Mr. Chairman, which develops that creature that has been and will continue to be the despised of all men—the reporter, the informer, the spy. The professional informer is usually one who has violated every law known to the revenue service. He is a daily attendant at commissioners' courts and is never happier than when being used as a witness or a guard. He can not look honest men in the face. He has the appearance of the most hardened criminal, and a stranger entering one of these commissioners' courts would invariably take him for the prisoner instead of a witness or a guard. All that is necessary to prove any desired fact is to intimate to him what evidence is wanted or needed and he can always be relied upon to give it. To put deputy marshals on a salary will elevate these positions and remove those holding them from contact with such degrading influences as the professional informers. These officers, if put on a salary, will not be subject to the criticism of arresting and prosecuting people for the purpose of making fees. Their testimony for the Government in criminal cases would not be questioned, because their pay would not be increased by committing and imprisoning any party they might testify against.

I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after the word "act," on page 12, line 6, the following:

"*Provided further*, That in all cases where a prisoner is brought before a United States commissioner charged with a crime punishable by fine and imprisonment for less than one year, or when in the opinion of such commissioner the facts in any case only make a crime punishable by fine and imprisonment for less than one year, such prisoner may waive in writing a trial by jury and file a plea of guilty, which shall be entered of record, and in such cases authority is hereby given United States commissioners to sentence such prisoner; and in the event of imprisonment such prisoner shall be confined in the nearest jail where such prisoner can be safely and economically kept, and all fines assessed and collected shall be paid into the Treasury of the United States."

Mr. BROWN. I make the point of order that this amendment is not germane to the bill.

Mr. TATE. I trust I may be heard a moment on the point of order.

Mr. Chairman, this is a bill which, among other things, defines the duties of the United States commissioners. The fact, therefore, that there is a law already applicable to circuit-court commissioners does not have any application in this case. The very section to which I offer the amendment defines the duties of these officers.

The CHAIRMAN. The Chair is inclined to think that the amendment is in order. The pending section contains this language:

Which United States commissioners shall have the same powers and perform the same duties that are now imposed upon commissioners of circuit courts.

This language defines the duties of these officers; and the amendment is germane to that general provision of the section.

Mr. WILLIAM A. STONE. This is an important matter, and I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. HENDERSON. Mr. Chairman, I move that debate on this section and all amendments thereto be limited to three minutes.

Mr. TATE. Mr. Chairman, I think I have the floor. I hope the gentleman will not undertake to deprive me of my five minutes.

Mr. ADAMS. I hope that will not be done.

Mr. HENDERSON. I modify my motion so as to close debate in five minutes.

Mr. TATE. All right, if I can be recognized.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. HENDERSON] that debate on the pending amendment be limited to five minutes.

The motion was agreed to.

Mr. TATE. I offer this amendment for two reasons. In the first place, it will relieve the district courts of a large number of cases, and, in the second place, it will allow a prisoner, if he so desires, to plead guilty and to enter at once upon the service of his sentence in his county jail without being sent to some distant jail. Every one familiar with the practice of these courts knows that at the opening of a term the court resembles very much a police court. Men are there in large numbers for the purpose of filing pleas of guilty. Under this bill commissioners are allowed 75 cents for taking a bond and 50 cents for committing a prisoner, but if the case is disposed of by him under this amendment he gets neither of these fees. The amendment also reduces the fees of the deputy marshal, because if the prisoner is committed the marshal gets his fee for commitment and if he is carried to jail the marshal gets his mileage.

Mr. TAWNEY. Does not the gentleman think that this amendment is likely to afford an opportunity for marshals or others interested in the prosecution to bring influence to bear upon ignorant men who may be brought before the commissioner to induce them to plead guilty, thus depriving them of the right of trial by jury?

Mr. TATE. Not at all. That can be done just as well by inducing the man to plead guilty in the district court as before the commissioner, and, besides, this amendment cuts down the fees of the marshals, and he would not likely use his influence against his interest and to reduce his pay.

Mr. TAWNEY. But the prisoner has then an attorney to represent him.

Mr. TATE. He may not have.

Mr. TAWNEY. At any rate, he has the court to protect his rights.

Mr. TATE. There is no danger; the deputy marshal will have every reason to oppose a plea of guilty, for it cuts down his fees.

Mr. BROWN. Will not this amendment dignify and make more important these cases before commissioners, instead of making them less important, as the bill undertakes to do?

Mr. TATE. Well, suppose it does; it relieves the United States of the expense of paying a large number of witnesses for their attendance at court, and the expense necessarily involved in trials by jury and otherwise, and lets a poor prisoner plead guilty, be sentenced, as soon as he is arrested, if he desires to, and also allows him to serve out his sentence in his local jail. This will save the trial of many of these cases, and will be the cause of saving more for the Government than any other feature of this bill.

I send to the Clerk's desk the recommendation of the President, in his annual message, on this subject, which I ask him to read.

The Clerk read as follows:

The report of the Attorney-General contains the usual summary of the affairs and proceedings of the Department of Justice for the past year, together with certain recommendations as to needed legislation on various subjects. I can not too heartily indorse the proposition that the fee system, as applicable to the compensation of United States attorneys, marshals, clerks of Federal courts, and United States commissioners, should be abolished with as little delay as possible. It is clearly in the interest of the community that the business of the courts, both civil and criminal, shall be as small and as inexpensively transacted as the ends of justice will allow.

The system is therefore thoroughly vicious which makes the compensation of court officials depend upon the volume of such business, and thus creates a conflict between a proper execution of the law and private gain, which can not fail to be dangerous to the rights and freedom of the citizen and an irresistible tempation to the unjustifiable expenditure of public funds. If in addition to this reform, another was inaugurated which would give to United States commissioners the final disposition of petty offenses within the grade of misdemeanors, especially those coming under the internal-revenue laws, a great advance would be made toward a more decent administration of the criminal law.

Mr. TATE. There is the direct recommendation of the President of the United States, asking that an amendment similar to this should be adopted, and going further and recommending that the commissioners may be permitted to try persons in cases of this kind. If this amendment is adopted, this will allow certain persons to plead guilty before the commissioner and waive trial by jury, and thus avoid the expense of bringing witnesses, going through the form of commitment, and in other ways will save to the Government a great deal of expense that is now involved in keeping prisoners who can not give bail and are forced to remain in jail until the courts convene. In addition to that, it will save a poor man from lying in jail two or three months waiting for court to meet to plead guilty. He can file his plea, if he desires, before the com-

missioner, and actually serve out his sentence in the same time he is required to remain in jail waiting for the district court to meet.

I regret that this bill does not put both the deputy marshals and United States commissioners on salaries, for in this the committee's substitute differs from the bill introduced by me. This would be better for the people, better for the officers, and a saving to the Government. The expenses, under the present system, have been gradually growing until they have increased from $3,210,000, in 1885, to the enormous sum of $6,461,600, paid last year, under the present fee system, to United States marshals, their deputies, district attorneys, clerks, and United States commissioners alone.

There were 2,750 civil suits tried in which the United States was a party, and 1,691 were decided for the Government and 1,061 against the Government. During last year 25,949 criminal cases were disposed of in United States courts, and a conviction was had in 15,421 cases, while in 10,521 cases the Government failed to convict. This shows that almost half of these cases should never have been instituted, and that the Government, under the present fee system, paid the marshals, their deputies, district attorneys, and commissioners $225 in each case tried, and for every conviction it cost the Government in fees to marshals, deputy marshals, district attorneys, commissioners, and clerks alone $377.60.

The President, Attorney-General Olney, and Attorney-General Harmon have recommended the abolition of this system in the following words:

[President Cleveland's message to Congress, December, 1885.]

The present mode of compensating United States marshals and district attorneys should, in my opinion, be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within the fixed limit as to their annual aggregate. This is a direct inducement for them to make their fees in criminal cases as large as possible in an effort to reach the maximum sum permitted. As an entirely natural consequence unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime, and transporting them to distant places for examination and trial for the purpose of earning mileage and for fees.

The district attorneys uselessly attend criminal examinations far from their places of residence for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government. Thus the rights and freedom of our citizens are outraged and public expenditures increased for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

[Attorney-General Olney's report for 1893.]

The system by which United States district attorneys, marshals, clerks, and commissioners are paid by fees has been so often and so emphatically condemned, is so indefensible in principle, and works such gross injustice in practice that its survival to this time is nothing less than a wonder and a reproach. In recommending its summary abolition I merely indorse a change of policy which has received the earnest advocacy of every Attorney-General for the last twenty years.

[Attorney-General Harmon.]

THE FEE SYSTEM.

Great vigilance has been exercised and every effort made to keep down the expenses connected with the Federal courts. Excessive and illegal charges can in some measure be avoided by watchfulness and laborious investigation, but arrests and prosecutions on frivolous charges and flimsy proof, to which part of these expenses is due, can not be prevented by this Department. This can be accomplished only by abolishing the system which, by making the fees of commissioners, marshals, clerks, and attorneys the source of their compensation, presents a constant inducement to unnecessary arrests and litigation.

The 40 per cent of unsuccessful prosecutions during the past year, which is less than usual, does not, of course, include the cases wherein persons arrested are discharged on preliminary hearing, or those wherein the charges are ignored by grand juries. Not only do the fees of commissioners, and those of marshals and witnesses, with mileage, in these cases, cause a large annual expense to the Government, but annoyance and loss of time are inflicted on those involved as parties and witnesses, which indirectly work both material and moral injury to the public. Besides, a class of professional witnesses and informers grows up in many sections, to the scandal of the administration of justice.

The discovery in northern Alabama of a widespread conspiracy among commissioners and deputy marshals to defraud the Government by means of fraudulent charges of fees, and the recent conviction of such of the conspirators as failed to escape, only call renewed attention in a striking way to the evils of the fee system. These have been so often mentioned to Congress by different Presidents and Attorneys-General that anything I might say would be mere repetition. I will simply refer to the report of Attorney-General Olney for 1893 (page xxiii), where the subject is fully and forcibly discussed.

Considerations of mere economy should not prevail when the tone of such an important branch of the public service is involved; but as such considerations are always of weight, I wish to call attention to the fact that little if any additional expense need be involved in the change from payment by fees to payment by salaries. Indeed, that change may well be hoped eventually to prove a measure of economy, as I think the experience of many of the States has shown.

The Attorney-General says it is "indefensible in principle." So it is. It works gross injustice in practice.

That a law so indefensible and grossly unjust should have so long survived is certainly a wonder and a "reproach," and I appeal to this House to abolish it; and, I repeat, if you intend to continue the present objectionable and odious internal-revenue system, let the officers who execute this law be free from the criticism of using the power of the Government to enrich themselves, and let them be paid a stated salary, so that, uninfluenced by fee reward or the hope thereof, they will do equal and exact justice between the Government and the people. Thus the officers and the people will be equally benefited.

Mr. Chairman, in the discussion of this indefensible system, I am carried back through the years of suffering, humiliation, and hardships imposed on a brave, honest, and true people. In their name I appeal to this House to wipe out this system; a system under which innocent people have been dragged from their homes and robbed of their liberty by the testimony of the miserable wretches used as reporters, informers, and spies. The tears of the wife and the cries of the innocent children go unheeded as the husband and father is dragged from his home. Under this system prosecutions have been inspired by hatred and malice and sustained for the sole purpose of making fees, while the honest and just officer, who should be commended for his manly action in refusing to be a party to such prosecutions, makes no fees.

Mr. Chairman, why should this powerful and just Government longer tolerate this indefensible system; a system that has wrought so many wrongs; so much misery, injustice, and terror; a system that encourages petty and frivolous prosecutions, pays a premium on perjury; breeds strife among neighbors and communities, and causes so much misery, want, and wretchedness? The people demand that it be abolished. Let us respond to that demand by wiping out this entire system. [Applause.]

The question was taken; and on a division (demanded by Mr. TATE) there were—ayes 41, noes 60.

Mr. TATE. I ask for tellers on this vote.

Tellers were ordered.

The Chairman appointed Mr. TATE and Mr. UPDEGRAFF as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 78.

So the amendment was rejected.

Mr. ADAMS. Mr. Chairman, I offer the amendment I send to the desk.

Mr. SULZER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. Does the gentleman offer this amendment to section 14?

Mr. ADAMS. Yes, sir.

Mr. SULZER. As I understood it, a motion was made and carried that all debate on this section should cease at the expiration of the consideration of the amendment proposed by the gentleman from Georgia?

Mr. ADAMS. That was only on a pending amendment.

The CHAIRMAN. The gentleman is correct. The Chair understood the request to be on the pending amendment.

The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

On page 12, in line 7, after the word "commissioners," add the words "and clerks of United States courts"; so that it will read:

"United States commissioners and clerks of United States courts are hereby authorized to administer oaths."

Mr. ADAMS. Mr. Chairman, I ask the attention of the committee for a moment to the amendment. It carries nothing but simply an authorization to facilitate the practical operation of the law by allowing the clerks of United States courts to administer oaths generally. When litigation is going on in the several courts anyone can understand how important it is that these officials shall be authorized to administer oaths immediately——

Mr. HENDERSON. Mr. Chairman, I rise to a question of order. I thought the debate had been limited on this question.

The CHAIRMAN. The motion was on the amendment offered by the gentleman from Georgia.

Mr. HENDERSON. My motion was on section 14 and amendments thereto.

The CHAIRMAN. The Chair did not so understand it, and the motion which was put to the House and adopted was to limit debate on the amendment of the gentleman from Georgia.

Mr. ADAMS. On the contrary, I made the inquiry at the time whether that would cut off debate on other amendments and was assured by the Chair that it would not.

This amendment, if adopted, would confer on the clerks of the United States courts authority to administer oaths generally, in order to facilitate the litigation before the court. It carries nothing else with it. It is important that litigants before the courts shall not be compelled to go outside of the court in order to secure affidavits or other documents necessary in the trial of a cause.

I do not think the committee will object to the amendment when the purpose is understood.

The question being taken on the amendment of Mr. ADAMS, there were on a division—ayes 44, noes 4.

So the amendment was adopted.

Mr. FLYNN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 14, page 11, after the word "courts," the words "and all other United States commissioners."

Mr. FLYNN. I desire to state for the information of the committee that the commissioners in the Territories are not circuit court commissioners. In Oklahoma we have 35 commissioners, who drew last year $32,000. I assume that the intention is to reg-

ulate all of these officers acting as commissioners. I have consulted with the Department of Justice in relation to the matter and it meets their approval.

Mr. UPDEGRAFF. There is no objection to the amendment.

The amendment was adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 15. That no marshal or deputy marshal, clerk of the circuit or district court, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States Commissioner.

Mr. SULZER. I offer the amendment which I have sent to the desk.

The Clerk read as follows:

In line 15, page 12, after the word "commissioner," insert: "But nothing herein contained shall apply to the clerk of the United States district court for the southern district of New York."

Mr. HENDERSON. A point of order. That has already been voted upon. Action of the committee has been had upon it.

Mr. SULZER. I beg the gentleman's pardon. This amendment has not been voted on.

Mr. DOCKERY. The substance of it has.

Mr. SULZER. It is an entirely different amendment from the one which the gentleman from New York [Mr. BARTLETT] offered, and it is to a different section.

The CHAIRMAN. The Chair thinks this is not the same amendment.

Mr. HENDERSON. In substance the same, as I understood it.

Mr. SULZER. Mr. Chairman and gentlemen of the committee, just a few words in regard to this amendment. The United States circuit court for the southern district of New York does more civil and criminal business than any three other courts in the United States. It does the largest extradition business. It has the entire charge of a very large number of intricate and complicated patent cases and copyright cases. There is more immigration to the southern district of New York than to any other port in the United States. The commissioner for the circuit court for the southern district of New York, Mr. John A. Shields, has been the clerk of this court and its commissioner for over twenty years, and there is not a man to-day in the country, in the judgment of many, who can take his place and discharge its duties in the same expeditious and satisfactory way in which he discharges them. Besides that, I am informed the Attorney-General of the United States, or some one representing him, has recommended to the committee this amendment, and has asked that the clerk of the circuit court of the southern district of New York be exempted from the provisions of this bill, in accordance with the proposed amendment I offer.

The bill as a whole, in my opinion, is a good bill in many respects; but this amendment should prevail in the interest of the facilitation of business of that court. If it does, it will be a better bill. This is requested by the circuit judges. That request should command respect and consideration. It is requested by the bar of the southern district of New York, and it is requested by every man who transacts business in that office. The commissioner's office is adjoining the office of the judge. If this bill should pass in its present shape, and a new commissioner should be appointed, not by the circuit court judge, who should have the right to appoint his own clerk and commissioner, but by the district judge, he would have no office in the Federal Building in the city of New York. It would therefore cause great waste of time, great delay, and great inconvenience to litigants, lawyers, and, in fact, to everybody having business in that court. Besides this, the clerk of the court has all of the models, all of the exhibits, and all of the papers in an iron safe in the Federal Building, which is fireproof. They can not be destroyed or taken from that building.

If a new commissioner is appointed, with an office in some other building in the city of New York, we do not know what will become of these valuable exhibits, all the models, and we do not know what will become of all the papers. Echoing the sentiment of the entire bar, echoing the request of the judges, echoing the wishes and demands of everybody who transacts business in that court, I respectfully urge the adoption of this amendment. It is fair, it is honest, it is in the interest of economy, and it should prevail. If it is voted down, I say to you as a lawyer from the great city of New York, knowing something about that court, having practiced in it, that its civil and its criminal administration will be crippled, and the cause of justice delayed, hindered, and retarded. I hope the committee will sustain this amendment.

Mr. BURTON of Missouri. The gentleman makes a misstatement when he says that the Attorney-General came before the Judiciary Committee and recommended this change.

Mr. SULZER. I said that the Attorney-General or some one representing him.

Mr. HENDERSON. Nobody representing him made any such representation.

Mr. SULZER. Then did he not write a letter requesting it?

Mr. BURTON of Missouri. No; he did not write a letter requesting anything of the kind. He simply said that the judge of the southern district of New York desired it, and we put the question to him, why should that judge be favored more than all the other judges in the United States? Why is it that one man should hold a multiplicity of offices in that particular circuit when it is not necessary in any other circuit?

Mr. SULZER. Because there is more business done there.

Mr. BURTON of Missouri. That is right, and you need more men to do it. Now, if my friend's argument is true, if that paragon of perfection should die, then they would have to shut up court in that southern district of New York.

Mr. BARTLETT of New York. Will the gentleman allow me one question?

Mr. BURTON of Missouri. Yes.

Mr. BARTLETT of New York. In reference to the matter of multiplicity of offices, is the gentleman not aware that by express provision of statute, in a number of districts in the United States the office of clerk of the circuit court and the office of clerk of the district court are held by one man?

Mr. BURTON of Missouri. Yes.

Mr. BARTLETT of New York. Is not that a multiplicity of offices?

Mr. BURTON of Missouri. Yes, we have found some places in which the clerk of the circuit court is also clerk of the district court, is jury commissioner, is commissioner of the United States circuit court, is janitor of the building, is inspector of the bicycle brigade, and the Lord knows what, and he gets paid for the whole thing. Now, there is no more reason why the judge of that district should have a pet and put him in half a dozen places than there is why any other judge in the United States should do the same thing. I sincerely hope this amendment will be voted down.

Mr. BARTLETT of New York. Will the gentleman allow me?

Mr. BURTON of Missouri. I hope the amendment will be voted down.

Mr. BARTLETT of New York. Will the gentleman allow me one question?

Mr. BURTON of Missouri. No, pardon me; I will talk it over with you after we have voted it down. [Laughter.]

The question was taken on the adoption of the amendment, and the Chairman announced that the noes seemed to have it.

Mr. SULZER. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 50.

So the amendment was rejected.

Mr. BARTLETT of Georgia. I have an amendment to this section I desire to offer.

Mr. HENDERSON. I move to close debate on this section and all amendments thereto in five minutes.

Mr. BARTLETT of Georgia. I have the floor, I believe.

Mr. HENDERSON. The gentleman will be recognized. That will let the gentleman have five minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate upon this section be limited to five minutes.

Mr. HENDERSON. I move to amend that by making it one minute, as I understand the gentleman in charge of the bill will accept the amendment.

Mr. BARTLETT of Georgia. I do not yield the floor. The Chair had agreed to recognize me.

Mr. WILLIAMS. A parliamentary inquiry. How can the gentleman from Iowa take the gentleman from Georgia off his feet without his consent?

Mr. HENDERSON. The committee accepts the gentleman's amendment. Does he want to debate it after that?

Mr. BARTLETT of Georgia. No, sir; there are two amendments there. If the committee accepts them, I have nothing further to say.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

First. Amend section 15, page 12, by inserting after the word "clerk," in the ninth line, the words "or deputy clerk."

Second. Amend by adding at the end of section 15 the following words: "And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may hereafter be brought in the courts of the United States."

Mr. UPDEGRAFF. Both of these amendments are accepted by the committee.

The CHAIRMAN. The Chair desires to make a correction. The gentleman from Georgia had been recognized, and the Chair ought not to have recognized the gentleman from Iowa to make a motion. The gentleman from Georgia will proceed.

Mr. BARTLETT of Georgia. I have nothing to say, Mr. Chairman. I am glad the amendments have been accepted. I introduced these amendments to correct an evil that exists in some portions of this country, and that in my district has cried out for the relief suggested by me. I am glad that, as they are offered, they have been accepted. [Cries of "Vote!"]

The amendments were agreed to.

The Clerk read as follows:

SEC. 16. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and

jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court, and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $3 a day for the time necessarily employed.

Mr. UPDEGRAFF. Mr. Chairman, it will be more convenient, if there be no objection, to make a committee amendment in line 14, just read, by striking out the word "three" and inserting the word "five."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to offer an amendment at this time. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "three," in line 14, and insert the word "five."

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. UNDERWOOD. Division.

The committee divided; and there were—ayes 42, noes 13.

So the amendment was agreed to.

The Clerk read as follows:

Provided, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court.

Mr. UPDEGRAFF. There is another committee amendment at that point which it will be more convenient to consider right here. After the word "court," in line 19, page 13, insert the words "*Provided further*, That no more than one per diem shall be allowed for any one day."

The object of that amendment is obvious; so that a commissioner can not try a half dozen cases in a day and charge $5 for each.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that this amendment may be considered at this time. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, in line 19, after the word "court," insert the words: "*Provided further*, That not more than one per diem shall be allowed for any one day."

The amendment was agreed to.

The Clerk read as follows:

Provided further, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $1.50.

Mr. UPDEGRAFF. There is another amendment suggested by the Department of Justice, in page 14, line 5, which I ask unanimous consent to propose now.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to propose a committee amendment at this time.

Mr. MCMILLIN. Is that just as it is read through?

The CHAIRMAN. The section has not been read.

Mr. DOCKERY. This is a long section.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. UPDEGRAFF. The amendment is, on page 14, in line 5, after the word "therewith," to strike out "$1.50" and insert "$3."

The amendment was read, as follows:

On page 14, line 5, after the word "therewith," strike out the words "one dollar and fifty cents" and insert the words "three dollars."

Mr. MCMILLIN. Will the gentleman explain the amendment?

Mr. UPDEGRAFF. The committee thought that $1.50 would be enough, but the Department of Justice, on examining the bill, said that we had already reduced the commissioners' fees very largely, and they thought that ought to be $3 instead of $1.50.

Mr. MCMILLIN. Does the gentleman think the Department is right in this?

Mr. UPDEGRAFF. I do. From the best information that the committee could get they believed that it was right to make this $3 instead of $1.50 a day.

Mr. MCRAE. Mr. Chairman, I hope the amendment will not be adopted. One dollar and fifty cents a day for this service is ample. You have, over my objection, just raised the per diem for taking testimony under this bill from $3 to $5 a day, and now it is proposed to increase the compensation fixed by the committee for this service 100 per cent. One dollar and fifty cents a day, I repeat, is ample; and if this bill is intended to be in the interest of economy I hope that the compensation in the remaining parts of it will not be increased.

The amendment was rejected.

The Clerk read as follows:

For taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $3 a day for the time necessarily employed.

Mr. UPDEGRAFF. Mr. Chairman, I desire to offer a committee amendment, as follows: In line 23, page 14, strike out "three" and substitute "five."

This is a committee amendment, proposed under the advice of the Department of Justice, and I think it ought to be adopted. We have already cut commissioners' fees very largely, and I have no reason to believe that the Department is otherwise than in entire sympathy with the reduction of these expenses generally.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for the consideration of this amendment at this time. Is there objection?

Mr. MCRAE. I have no objection to voting upon it now, but I am opposed to the amendment. This is a proposition to increase the compensation of these officials from $3 to $5 a day, and I hope it will not prevail.

Mr. UNDERWOOD. Mr. Chairman, I am opposed to the amendment for this reason: The commissioners of the United States whose fees the committee now seek to raise by this amendment are, many of them, shown by the official reports to be getting $4,000 a year in fees. Men who under the fee bill can now make $4,000 a year, as much or nearly as much as a United States district judge receives, certainly have been getting ample compensation for their services. This amendment would largely increase the expenses of people who come into the Federal courts, and I think that $3 a day, the amount fixed by the committee, is sufficient compensation for men of the class of ability of these commissioners.

Mr. CONNOLLY. Do gentlemen understand that this per diem relates only to hearings in extradition cases arising under the treaties with France and England, and that it may be five years before a single hearing will be had under either of those treaties?

Mr. UNDERWOOD. But it is the principle I am objecting to. Men who can make $4,000 a year under the fee system are, I think, amply compensated for that kind of service.

Mr. CONNOLLY. Mr. Chairman, I simply desire to say that this committee has already fixed the per diem for commissioners for hearings in United States criminal cases at $5 per day. Now, here are two exceptional cases, hearings for extradition under the treaties with France and England, and why should not the commissioners receive the same per diem for those hearings as they do for hearings under the criminal laws of the United States; especially when the probability is that very few commissioners will have one such case in five years? Why should we discriminate against commissioners hearing these cases? Why give the commissioner $5 a day for hearings under the general criminal law, and only $3 for hearings under the extradition clause of these treaties? Furthermore, it should be remembered that this provision affects only a small portion of the country. Probably the commissioners in New York, Chicago, Boston, and New Orleans will be all that will have any business of this kind, so that this provision will not affect more than a dozen commissioners in the whole United States. It seems to me that we ought to be consistent. If we have fixed the compensation for hearings of cases arising under the criminal laws of the United States too high, it is done, and the same committee ought to give the same amount for hearings under these extradition treaties.

The amendment was rejected.

The Clerk read as follows:

Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out all that part of section 16, beginning with the word "entitled," in line 17, page 12, down to and including the word "employed," in line 24, page 14, and insert the following: "paid such salary as the Attorney-General may from time to time determine, which shall in no case exceed $2,000: *Provided*, That the necessary subsistence actually paid, not exceeding $4 per day, and actual and necessary traveling expenses of commissioners while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court shall be allowed, as hereinbefore provided for the allowance of accounts of marshals."

Mr. UNDERWOOD. Mr. Chairman, the effect of the amendment is simply this: It wipes out the fee system as far as the United States commissioners are concerned and puts them on a salary

basis. I have taken up the time of this committee once before on this subject, and I do not desire to weary it, but I believe this is the most important paragraph in this whole bill.

No scourge that can be laid on the back of a suffering people will inflict more torture upon them than a dishonest and corrupt judiciary.

Mr. CONNOLLY. Why does the gentleman want to give the United States commissioners mileage? They do not do any traveling.

Mr. UNDERWOOD. These commissioners are required to leave their homes and go to the circuit court every time the court meets.

Mr. CONNOLLY. If so they go as witnesses and get witness fees. Their duties as commissioners do not require them to go.

Mr. UNDERWOOD. The bill requires them to go and take their dockets, as I understand. But I do not care anything about that part of the amendment. I am willing to strike that out. I wish, however, to say that this committee now has an opportunity to do justice where our present system has committed wrong for years to the people of the United States. There is not a gentleman on this floor who does not know that hundreds of innocent people are dragged before the courts of the United States and prosecuted, simply to put fees into the pockets of the commissioners and deputy marshals. Every gentleman here knows this fact. The bill in its present form will not remedy that evil. It still leaves in operation a premium to induce the commissioner to bind over persons who are brought before him. He receives more compensation if he commits a defendant to the grand jury of the circuit court than if he finds him not guilty. I do not say that all men would be influenced by such a consideration; I do not think that all these commissioners are dishonest; but we know that many of them are dishonest and corrupt.

Mr. BROWN. Does the United States commissioner get any larger fee if he binds over the accused than if he discharges him?

Mr. UNDERWOOD. Yes, sir; he does, as I understand this bill. As I understand, he will, under this bill, get additional fees for issuing the commitment to the grand jury. That is the way I read the bill.

[Here the hammer fell.]

Mr. UPDEGRAFF. Mr. Chairman, we would have been glad to introduce into this bill all the reforms that the human mind might be able to suggest if we had had the time to prepare such a measure and if we had thought it could be passed. A bill to reduce the commissioners to the salary system will require long and patient preparation. We have not been able in the time at our command to bestow upon such a measure the necessary labor. As soon as there is a probability that we can get a hearing, the process of reform will be continued.

Mr. UNDERWOOD. I congratulate the gentleman on that.

Mr. HENDERSON. I believe this amendment would largely increase the expenses of the commissioner system.

The question being taken on the amendment of Mr. UNDERWOOD, it was rejected.

Mr. BARTLETT of Georgia. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of section 16, on page 15, add the following:

"No person related to a justice or judge of the United States circuit or district court within the fourth degree of consanguinity or affinity shall be appointed to act as United States commissioner or to act as master in chancery or receiver in any case pending or hereafter brought in the courts of the United States in which the justice or judge to whom such person may be so related may preside."

Mr. BROWN. I make a point of order on that portion of the amendment relating to the appointment of receivers in certain civil cases. This bill does not relate to the appointment of receivers at all.

Mr. BARTLETT of Georgia. I do not understand the gentleman.

Mr. BROWN. I make the point of order that this does not relate to the pending section of the bill at all.

Mr. BARTLETT of Georgia. I understand that the gentleman makes a point of order. That is all I could hear.

The CHAIRMAN. The gentleman from Georgia will be heard on the point of order.

Mr. BARTLETT of Georgia. I did not hear the point of order that the gentleman made. All I could hear was that he made some point of order.

The CHAIRMAN. The point of order is that the amendment is not germane to the section.

Mr. BARTLETT of Georgia. It is certainly germane. The committee accepted an amendment that I offered to the section preceding this, which provided that no one of the officers mentioned in that section should be appointed to act as a receiver in that court. That amendment was accepted by the committee. Now, this amendment declares that no person who is related to the judge of that court shall be appointed commissioner. I apprehend that part is germane, because we are now discussing the question of commissioners. The other part of the amendment provides that no person thus related to the judge shall be appointed receiver or shall act as master in chancery. Until the Chair rules this amendment out of order I insist that it is germane. I insist that the committee by accepting the other amendment is committed to the proposition that this amendment is germane.

Mr. Chairman, before this point of order is decided and before it shall be determined that the reform sought to be accomplished by the amendment shall not be accomplished, I desire to call the attention of the committee and the House to the fact that if the appointments in some of the United States courts of this country are examined it will be found that there exists a system of nepotism that ought to be corrected; and it is that system which this amendment seeks to correct.

I could call the attention of this committee to a court where the father of the district judge is the standing master in chancery, and where references of cases in equity are made to him, although he does not reside in the district in which he acts as master in chancery cases pending before that judge; and parties and their counsel have to appear before the father as master in chancery to argue their cases, and then appear before the son, who is the judge, to argue exceptions to findings of the father, who is the master in chancery, and the son passes upon and fixes the fees in such cases that are paid to the father. If the Congress of the United States, when that matter is brought to its attention, stand ready to sanction such a practice as this; if, under the circumstances, the gentleman who has made the point of order stands ready to permit that condition of affairs to continue and keep out of the bill an amendment that will cure it, why, then, we must of course submit.

But I appeal to him, when this statement is made, when the facts are brought to the attention of Congress, and when an effort is presented in this manner to correct such an evil, which must and does affect the proper administration of justice, and which can not be speedily corrected in any other way—I appeal to him not to interpose and prevent by the technical rule of "a point of order," but to at least permit the sense of the committee to be taken upon it. I ask him not to make the point of order now when it was not made upon a similar amendment which was offered and accepted some time ago. Let us vote upon it, and I am satisfied it will be adopted.

Now, Mr. Chairman, I say to the committee that this reform is one that ought to be made and made promptly. We have had receivers, receivers, and receivers ad nauseam in the country where I live, and in many parts of the country receivers and masters in chancery have been appointed who have been closely related to the judges of the United States courts by whom they are appointed. I ask the House, therefore, now, when it is making a reform in this matter of abuses that are admitted to exist, to carry their reform a step further and relieve us from the conditions that exist to a very large extent in some of the courts of the United States. We should cure the abuse of judicial power wherever it exists.

Mr. BROWN. I must insist upon a point of order.

The CHAIRMAN. The Chair thinks a portion of the amendment is clearly in order; the latter portion, however, is not, and under the rule, "that when any portion of a proposition reported or submitted is out of order, either as an entirety or by way of an amendment, it is a sufficient ground for the rejection of the entire proposition," the Chair is compelled to hold that the point of order is well taken.

Mr. BARTLETT of Georgia. I ask permission to modify the amendment and withdraw it for that purpose.

Mr. McMILLIN. Will the Chair allow me just a moment——

Mr. UPDEGRAFF. Mr. Chairman, this is already an amendment in the second degree. There is an amendment pending, and I must object to it.

Mr. BARTLETT of Georgia. No; it is an amendment to a section of the bill.

Mr. McMILLIN. I ask the Chair to have reported, for the benefit of the committee under the rule invoked by the Chair, that part of the amendment which is held to be not in order. I am not sure, if the Chair will permit me, that it is not all in order in view of the action of the committee heretofore.

The CHAIRMAN. The Clerk will report the amendment—that portion of it to which the objection refers.

The Clerk read as follows:

Or to act as master in chancery or receiver in any case pending, or hereafter brought, in the courts of the United States in which the justice or judge to whom said persons may be so related may preside.

The CHAIRMAN. The gentleman from Georgia asks consent to offer the portion of the amendment not subject to the point of order.

Mr. BROWN. I object.

Mr. McMILLIN. If the Chair will withhold the ruling for a moment, I would like to be heard on the point of order.

Mr. BARTLETT of Georgia. I ask to withdraw the amendment, and will endeavor to correct the matter to which I have referred in another way.

The CHAIRMAN. Objection has been made to the withdrawal of the amendment.

The Chair will have to sustain the point of order against the amendment.

Mr. McMILLIN. I think the Chair, in that ruling, did not, perhaps, remember the fact that to this section there has already been made an amendment, by consent of the committee, which makes it a part of the bill, and which, I think, would make the amendment of the gentleman from Georgia in order in the following words: "It shall not be lawful to appoint any officer named in the section receiver or receivers in any cause or causes now pending in that court," etc.

The bill already provides, therefore, for the appointment of receivers, and anything pertaining to that, it strikes me, the Chair will conclude is in order when we take into consideration the fact that the bill provides for them already. It is already provided that one class of people shall not be receivers. It is legitimate, therefore, to hold that another class shall not be receivers.

I send to the desk a provision I want to add when the amendment comes up again.

The CHAIRMAN. The Chair has already made his ruling on the point of order, and the amendment is not before the committee.

Mr. BARTLETT of Georgia. I withdraw the amendment.

Mr. BROWN. I object.

Mr. McRAE. Mr. Chairman, I desire to offer the amendment I send to the desk, to come in at the end of this section of the bill.

The Clerk read as follows:

Insert the following:

"That every person who carries on the business of a retail liquor dealer without having paid the special tax as required by law shall for every such offense be fined not less than one hundred nor more than five hundred dollars and be imprisoned in jail not exceeding six months. That the judges of the circuit courts of the United States and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. All United States commissioners are hereby constituted inferior tribunals, with jurisdiction for final determination and judgment on any complaint for the offense of retailing liquors without payment of the special tax required by the laws of the United States. The trial of such cases by commissioners shall be without indictment, and a traverse jury of twelve men, when demanded by the defendant, shall be summoned from the bystanders. From any judgment of the commissioner in any such case the defendant may appeal to the district court. In all proceedings in and about the trial of such complaints the commissioner shall conform to the rules for criminal procedure prescribed by the Revised Statutes, so far as the same are applicable, and in matters not provided for by the laws of the United States the commissioner shall follow the rules of procedure and the practice in trials of misdemeanors by justices of the peace or other courts of limited jurisdiction, under the laws of the State where the complaint is tried. United States commissioners shall receive for their services such fees as may be provided by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest and $1 for a recognizance or bond for cost, including affidavits of sureties and acknowledgments, and for all other writs and processes issued, for all oaths administered, for docketing and trying the same, and for all services performed the sum of $3, and no more, for each case, but where two or more charges are preferred against any person at the same time the commissioner shall be allowed only for a fee in one case. In preliminary examinations where there is probable ground to believe the defendant guilty, the commissioner shall bind him over, if he shall give the bail required, to appear for trial before the court having jurisdiction nearest the place where the offense was committed; and if he can not give the required bail, the commissioner shall commit him for trial to the nearest jail where prisoners can be securely and most economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, in writing, be removed to and tried at that place in the judicial district where the court will be held next after his commitment. Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district to be submitted to the court for approval. It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance. Jurors shall be allowed for attending a commissioner's court, as provided in this section, 50 cents each, to be paid by the marshal on the certificate and order of the commissioner."

Mr. UPDEGRAFF. Who offers that amendment?

The CHAIRMAN. The gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. All I desire to say about that amendment is, it will result in a great saving to the Government, and a great convenience to people brought before the courts on criminal charges. It is in the right direction, and I hope the amendment will be adopted.

The amendment of Mr. McRAE was rejected.

Mr. DOCKERY. Mr. Chairman, I desire to offer a separate section, to come in before section 17 of the printed bill.

The proposed new section was read, as follows:

SEC. 17. The Attorney-General shall, in his annual report to Congress each year, include a statement in detail showing for the preceding fiscal year the number of assistant district attorneys employed, the salaries of each; the number of clerical assistants employed for each district attorney, the salaries of each; the amount expended for necessary subsistence, and actual and necessary traveling expenses of each district attorney and his assistants; the number of office deputies and clerical assistants employed for each marshal, the salaries paid to each; the amount expended for necessary subsistence and actual and necessary traveling expenses of each marshal and his office deputies, and the number of field deputy marshals employed by each marshal, and the amount of fees earned by and the compensation paid to each of them out of such fees.

Mr. DOCKERY. Mr. Chairman, inasmuch as authority has been given the Attorney-General to make certain appointments and incur certain expenditures, it seems that he ought to report his action under such authority to Congress each year. It is in the interest of efficient administration, and I hope the amendment will be adopted.

Mr. UPDEGRAFF. I should like to have that come in as a proviso at the end of section 16.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Missouri [Mr. DOCKERY].

Mr. BARTLETT of New York. I rise to a parliamentary inquiry. Is this to come in as a proviso?

The CHAIRMAN. The Chair understands that it is offered as an independent section.

Mr. BURTON of Missouri. We have no objection to that.

Mr. BARTLETT of New York. I think it is better that it should be independent.

The amendment of Mr. DOCKERY was agreed to.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 17. That all acts and portions of acts inconsistent with this act are hereby repealed: *Provided*, That none of the provisions of this act shall apply to the Indian Territory or Territory of Alaska; nor shall any of the provisions of sections 1, 3, 10, 11, and 12 herein apply to the office of the United States district attorney and his assistants for the southern district of New York.

Mr. UPDEGRAFF. Mr. Chairman, I want to offer a substitute for that section. I understand a new section has been added.

The CHAIRMAN. An additional section, to be section 17. This will be section 18 of this bill.

Mr. UPDEGRAFF. What section will it be of the legislative bill?

The CLERK. Section 24.

Mr. UPDEGRAFF. I wish to offer this as a substitute for section 17 of the printed bill:

SEC. 23. That all acts and portions of acts inconsistent with this act are hereby repealed: *Provided*, That none of the provisions of sections 7 to 23, both inclusive, of this act shall apply to the Indian Territory or Territory of Alaska, and said sections shall take effect and be in force on and after June 30, 1896: *Provided further*, That none of the provisions of sections 7, 9, and 16 of this act shall apply to the office of the United States district attorney and his assistants for the southern district of New York.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

SEC. 23. That all acts and portions of acts inconsistent with this act are hereby repealed: *Provided*, That none of the provisions of sections 7 to 23, both inclusive, of this act shall apply to the Indian Territory or Territory of Alaska, and said sections shall take effect and be in force on and after June 30, 1896: *Provided further*, That none of the provisions of sections 7, 9, and 16 of this act shall apply to the office of the United States district attorney and his assistants for the southern district of New York.

Mr. BINGHAM. Do I understand this is in lieu of section 17?

The CHAIRMAN. A substitute for section 17 as numbered in the printed bill.

Mr. BINGHAM. I desire to amend by striking out the last word. I simply desire to state that when the committee were considering section 2 of the bill, with reference to the compensation of the district attorney for the eastern district of Pennsylvania, fixing the compensation at $4,000, I regarded that compensation as too small; but recognizing the temper of the House, I had no desire at that time to make an amendment, believing that the amendment which I would offer, increasing the compensation either to $5,000 or $6,000, would not prevail. However, for future use, I desire that the Clerk may read a letter which I send to the desk, from the United States attorney for the eastern district of Pennsylvania, to be incorporated as a part of my remarks.

OFFICE OF UNITED STATES ATTORNEY,
Philadelphia, March 5, 1896.

MY DEAR SIR: Replying to your telegram, I beg to say that, in my judgment, the United States attorney's office at Philadelphia is the second of importance in the country, because, outside of New York, it is the most important port of entry in the United States. I think the statistics will show that a larger volume of business is done through the Philadelphia custom-house than at Boston. It stands to reason that a seaboard port of entry requires more work on the part of the United States attorney in matters of greatest importance to the revenue than could possibly be required from the same officer in the interior.

From the fact that Philadelphia is a port of entry there naturally arises on the criminal side of the courts a large number of cases connected with the revenue department which do not arise in places not frequented by mariners, etc. There is also, in consequence of this fact, a number of cases under the admiralty jurisdiction in which the United States is interested. In addition to these cases, there is in the eastern district of Pennsylvania the ordinary amount of criminal business such as would be likely to arise from a great city like Philadelphia and in the mining and manufacturing counties, many of which are located in this district.

On the civil side of the court I have, during my term of office, had in charge a number of very important cases involving large amounts of money and important principles of law. These cases are partly derived from the collection of customs, partly from the internal-revenue department, and partly from the proceedings upon officers' bonds and the like. In addition to this, we have several cases under the interstate-commerce law, and, as you know, a number of important proceedings for the condemnation of land—for example, the new

mint and on the Gettysburg battlefield. There are also cases similar to the bill in equity filed by me against the sugar trust, and I think I am entirely warranted in saying that no district in the country outside of the southern district of New York is of more importance to the Government or requires more earnest and intelligent activity upon the part of the United States attorney.

To place Philadelphia below Boston or Chicago would, in my judgment, be an outrage, and not only an outrage, but a positive loss to the Government in preventing attorneys of sufficient ability to seek the office. I express myself with more freedom on this subject because my term of office expires this month and my successor will be a Democrat.

I earnestly request that you and all members of the Pennsylvania delegation will use your utmost efforts to prevent the passage of any act which will reduce the salary of the United States attorney in this district to any amount below $5,000—it ought to be $6,000. It is poor economy in a great country like the United States by cheeseparing salaries to prevent lawyers of the first ability from acting for the Government in litigations involving important and complicated questions of law and vast amounts of money.

Very truly, yours,

ELLERY P. INGHAM,
United States Attorney.

Hon. H. H. BINGHAM, *Washington, D. C.*

Mr. STEWART of New Jersey. I offer an amendment to the last section.

Mr. UPDEGRAFF. There is a committee amendment pending.

The CHAIRMAN. Is the pro forma amendment withdrawn?

Mr. BINGHAM. I withdraw the pro forma amendment.

Mr. STEWART of New Jersey. I offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

On page 15, line 11, after the word "Alaska," amend by adding "or the State of New Jersey."

[Laughter.]

Mr. STEWART of New Jersey. I insist, Mr. Chairman, that it was an inadvertence on the part of this committee to put New Jersey in as a fifth-class State. Now, we can not get a competent district attorney for $2,000 a year; and I think the committee will join in admitting that New Jersey was inadvertently passed over. New Jersey ought to be excepted with Alaska and the other Territories. [Laughter.]

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the committee.

The substitute was agreed to.

Mr. DOCKERY. Now, Mr. Chairman, I desire to offer an amendment for the purpose of correcting an error in the consular and diplomatic appropriation bill.

Mr. HENDERSON. Before that is put, we will have to adopt our amendment.

The CHAIRMAN. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. HENDERSON. A wise committee, and we thank you all.

Mr. DOCKERY. I desire to offer an additional section, to correct an error in the consular and diplomatic appropriation bill, having consulted with the chairman of the Committee on Foreign Affairs, who is not now present.

The Clerk read as follows:

That the appropriation for relief and protection of American seamen which was made in an act entitled "An act making appropriations for the consular and diplomatic service for the fiscal year ending June 30, 1897," approved February 27, 1896, and which appears in the printed copy of said act, on page 12, be amended so that it will read:

"Relief and protection of American seamen: Relief and protection of American seamen in foreign countries and shipwrecked American seamen in the Territory of Alaska, $50,000, or so much thereof as may be necessary."

Mr. DOCKERY. I only wish to say that the word "shipwrecked" was omitted in the act sought to be amended. It was an oversight. The Chairman of the Committee on Foreign Affairs desires the correction made.

The amendment was agreed to.

Mr. McCALL of Tennessee. Mr. Chairman, we passed over the section in the original bill on page 107 during the consideration of the amendment of the Judiciary Committee; and I ask that we return to page 106 of the original bill and move to strike out lines 21, 22, 23, and 24 on page 106, and lines 1 to 8 on page 107.

The Clerk read as follows:

Strike out lines 21, 22, 23, and 24 on page 106, and lines 1 to 8, inclusive, on page 107.

The question was taken.

The CHAIRMAN. The ayes seem to have it; the ayes have it, and the amendment is agreed to.

Mr. PICKLER. I call for a division.

The CHAIRMAN. The gentleman is too late.

Mr. PICKLER. We ought to have an explanation of it.

Mr. McCALL of Tennessee. I will explain it to the gentleman.

The CHAIRMAN. The gentleman is too late; the vote had been announced.

Mr. McCALL of Tennessee. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that as amended it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 6248, and had directed him to report the same back with sundry amendments and with the recommendation that as amended the bill do pass.

Mr. JOHNSON of California. Mr. Speaker, I ask for a separate vote on the amendment in reference to the pay of deputy United States marshals. It is the amendment introduced by the gentleman from Maine [Mr. DINGLEY]. I can not tell the exact page.

Mr. DINGLEY. I suppose it could not be separated. It was an amendment to the amendment.

The SPEAKER. The vote will have to be taken on the whole amendment.

Mr. JOHNSON of California. Am I not entitled to a separate vote on that particular amendment?

The SPEAKER. On that particular amendment, yes.

Mr. HULL. Is not that an amendment to an amendment? It was adopted as an amendment to the amendment pending to the bill; and does it not become a part of that amendment?

The SPEAKER. The Chair understands there was a bill, No. 6654, adopted as an amendment by the Committee of the Whole. On that there can be a separate vote.

Mr. JOHNSON of California. Can there not be a separate vote on the amendment in reference to the United States deputy marshals?

The SPEAKER. The Chair thinks not.

Mr. DINGLEY. That was an amendment to an amendment.

The SPEAKER. That was an amendment to an amendment.

Mr. JOHNSON of California. Well, then, I ask for a separate vote on this amendment, H. R. 6654.

The SPEAKER. Is there a request for a separate vote on any other amendment?

Mr. GROSVENOR. I ask for a separate vote on the amendment fixing the salary of the private secretary of the President at $3,500 a year.

Mr. DOCKERY. That is not an amendment. It went out on a point of order.

Mr. GROSVENOR. I was not present and supposed it was an amendment.

Mr. DOCKERY. I desire to ask if the gentleman in charge of the bill asks for a separate vote on the increase of salaries in the Architect's Office.

The SPEAKER. The question is on the other amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the pending amendment, relating to the fee system.

Mr. JOHNSON of California. On that I ask for the yeas and nays.

The question was taken; and the yeas and nays were refused.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCALL of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1767) to provide for subports of entry and delivery—to the Committee on Ways and Means.

A bill (S. 772) to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes—to the Committee on Public Buildings and Grounds.

A bill (S. 494) constituting Stamford, Conn., a port of delivery—to the Committee on Ways and Means.

A bill (S. 2053) to provide better facilities for the Federal courts in New York City—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River—to the Committee on Rivers and Harbors.

A bill (S. 490) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863—to the Committee on War Claims.

A bill (S. 75) for the relief of St. Charles College—to the Committee on War Claims.

A bill (S. 717) for the erection of a public building at Fergus Falls, Minn.—to the Committee on Public Buildings and Grounds.

A bill (S. 190) for the relief of J. M. Billings—to the Committee on Claims.

A bill (S. 728) to compensate Elihu Root for services rendered by direction of the Attorney-General—to the Committee on Appropriations; and

Concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the eulogies delivered in Congress upon the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, be printed as required by law—

To the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 306) for the relief of Thomas Chambers;

A bill (S. 72) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle;

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans.;

A bill (S. 518) for the relief of Julia A. Humphries;

A bill (S. 1183) for the relief of Frank J. Burrows;

A bill (S. 1464) for the relief of the estate of Michael Knight;

A bill (S. 74) for the relief of William Wolfe, of Shelbina, Shelby County, Mo.;

A bill (S. 93) to permit Anna M. Colman, a widow, to prosecute a claim;

A bill (S. 1085) for the relief of the Potomac Steamboat Company;

A bill (S. 92) for the relief of Calvin Gunn;

A bill (S. 1573) for the relief of Dr. S. A. Brown;

A bill (S. 690) for the relief of Fanny B. Randolph and Dora L. Stark;

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 1180) to pay the heirs of the late John Roach, deceased, $48,858.03 for labor and material furnished for the gunboat *Dolphin;*

A bill (S. 67) for the relief of E. R. Shipley;

A bill (S. 66) for the relief of Moses Pendergrass, of Missouri;

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel;

A bill (S. 533) for the relief of Sidney W. Moss, of Oregon City, Oreg.;

A bill (S. 532) for the relief of H. W. Shipley;

A bill (S. 1820) for the establishment of a light-house and fog signal at or near Point Arguello, California;

A bill (S. 789) for the relief of Kate Winter;

A bill (S. 290) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service;

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin;

A bill (S. 792) for the relief of Wells C. McCool;

A bill (S. 1743) to establish an additional land office in the State of Montana; and

A bill (S. 1380) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States;

A bill (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon;

The message also announced that the Senate had passed with amendment the bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans.; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HULL in the chair).

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. LOUD. Mr. Chairman, the report that accompanies this bill explains in nearly every particular the substance of the bill. I will, however, briefly review some portions of it and state the motives that have governed the committee in changing from the usual form, to a certain extent, the Post-Office appropriation bill now presented for consideration, and will at the same time briefly allude to the amounts of the estimates and of the appropriations made in the bill. The total estimates of the Department amount to $94,817,900. This bill recommends $91,943,757.88, or $2,874,142.12 less than the estimates. The sum recommended by the committee, however, is $2,397,760.02 more than the amount carried by the appropriation bill for the current year, a fact which will help members to grasp the magnitude of the increase of expenditures in the Post-Office Department.

Passing along to the item of free-delivery service—for that is the first item in which any change is made from the Post-Office appropriation bill as presented to Congress heretofore—your committee found that the Department estimated $12,960,300 for the maintenance of that service. In the opinion of your committee that was too large a sum of money to be appropriated in bulk, because the items could well be segregated. I do not desire, Mr. Chairman, to cast any reflection upon the present administration of the Post-Office Department. On the contrary, I take occasion to say that I believe the Department to-day is managed as well as it ever has been, and that, if possible, better business methods have been brought into play in the management of the First Assistant's office than have ever been adopted before. But your committee thought it was dangerous to appropriate nearly $13,000,000 in a lump sum which could be used at the will and discretion of the First Assistant Postmaster-General, and hence they have segregated the items so far as, in their judgment, was consistent with practical administration, as will appear by the following:

For pay of letter carriers, $12,254,300. This is $41,017 more than the estimates submitted for 1896, and $6,000 less than the amount estimated for 1897.
For horse hire allowance, $330,000.
For car fare and bicycles, $100,000.
For street letter boxes, $15,400.
For package boxes, $10,250.
For 12 mechanics in the 5 largest cities, employed in repairing, etc., at $900 per annum, $10,800.
For incidental expenses, repairs, etc., $24,000.

Going on to the Second Assistant Postmaster-General's Department we found, as we thought, some room for improvement there. We found that in the star-route service, for the increase of which our friends from the interior have fought so persistently and I might say constantly on this floor, there was no increase proposed; and there can not be legitimately any increase in the star-route service, because that service is disappearing. But that service has been apparently increasing, because they had been diverting, and I do not know perhaps that I should use the word "diverting," because the expenditures were properly under the same head, but they have been using a large amount, some $670,000, for other purposes than what would be strictly star-route service. So that the increase in the appropriations for star-route service during the last five years has arisen from the fact that money was taken from that service and devoted to regulation screen or other wagon service. In other words, while you gentlemen from the country have been persistently increasing appropriations for the star-route service, all of that increase has been used in the larger cities. We believed that the House should know where this money was being used.

In the Fourth Assistant Postmaster-General's department we have also made some segregations and some changes. We found that in the Fourth Assistant Postmaster-General's department we had been for years appropriating some $300,000 under the head of "Mail depredations and post-office inspectors." When we called for a segregation of the estimates, we found that only $180,000 was used for salaries. That, of course, caused us to search farther; and as the result of our search we have presented to this House a segregation of items in that branch of the Department. We propose a certain amount of money for clerk hire, a certain sum for per diem allowance, and other amounts for incidental expenses. We thought that in this case, too, the House should know exactly where this money is being used.

In the item for transportation by railroad routes——

Mr. QUIGG. Will the gentleman yield for a question?

Mr. LOUD. Certainly.

Mr. QUIGG. Speaking of the segregation of items under the Fourth Assistant Postmaster-General, I should like to inquire whether the gentleman understands that his bill as now drawn will permit the continuance of what has come into ill fame as the spy system in that branch of the Department.

Mr. LOUD. No, I do not think so.

Mr. QUIGG. Will the gentleman say assuredly that he understands the bill will not permit it?

Mr. LOUD. I think if the gentleman had followed my argu-

ment closely in relation to the First Assistant Postmaster-General——

Mr. QUIGG. I tried to do so.

Mr. LOUD. He would have seen that there is only $24,000 that could possibly be used for any "spy" service, adopting the gentleman's designation. There is but $24,000 that could possibly be diverted to such a purpose; and under that appropriation of $24,000 the Department is compelled to cover all its incidental expenses, including repairs, painting, freights, straps, twine, cards, maps, directories, furniture, etc. So I do not think there is much leeway there for the injection of many special agents.

Mr. QUIGG. I understand that part of the bill, but let me say—I do not wish to interrupt the gentleman in his argument——

Mr. LOUD. The gentleman is not interrupting my argument, because I had gone through the main portion of it.

Mr. QUIGG. What I wish to get at is precisely this: The Post-Office Department during the last two years has sent out spies in various directions to spy upon the letter carriers in the delivery of their mail, and has paid for that service from the lump sum which was heretofore appropriated to the First Assistant Postmaster-General for the free-delivery service.

Mr. LOUD. That is correct. But I hope the gentleman is not going to make a speech now on that subject.

Mr. QUIGG. No, sir; I shall not do so. I shall be very brief. The gentleman from California in this bill has, as it seems to me, with great wisdom and good sense segregated the items under the First Assistant Postmaster-General's department, so that it is conceded that the continuance of the spy system under the appropriations here made for the First Assistant Postmaster-General will be impossible. But when we come to the Fourth Assistant Postmaster-General, concerning whose appropriation the gentleman is now enlightening us, we find that while he segregates the items there also, he provides a sum considerably larger than the amount last appropriated——

Mr. LOUD. Thirty-two thousand dollars.

Mr. QUIGG. Thirty-two thousand dollars larger, the last sum being $300,000 and this being $333,000.

Mr. LOUD. In round numbers.

Mr. QUIGG. Yes, sir; $333,000 for the post-office inspector's department. Now, as I understand the facts, the post-office inspectors heretofore, until these spies were miscalled inspectors, were detectives engaged in the investigation of crime, and the office of the Fourth Assistant Postmaster-General sustained those detectives and paid them for their work.

Now, the question which I address to the gentleman from California is this: Whether under his segregation of items and by the processes that he now outlines for the expenditure of this money, any sum will be available to the Post-Office Department, whether under one Assistant Postmaster-General or under another, for the continuance of the spy system?

Mr. LOUD. Mr. Chairman, I will say that this is a phase of the question that I had not anticipated entering upon at the present time. But I think the gentleman from New York is entitled to a fair answer, and I will give an answer from my own standpoint as fair and full as I possibly can.

The gentleman of course understands that we did not attempt to change any existing law or conditions that now surround the force of inspectors of the Post-Office Department. I assume that the force of inspectors to-day can be used, as it has been used, for any legitimate service within the Post-Office Department to which the same may be directed. But I will enter further into the question and give the committee, as far as I can, the motives that have impelled us to increase the amount of money allowed for the post-office inspectors. I had preferred not to enter upon that field, unless drawn into it, for I confess that I may be compelled to assume a position in the argument in which perhaps some of my friends may not agree with me.

But, Mr. Chairman, I will state my opinions fairly and fully and as plainly as I can, and I trust without bias or prejudice of any kind. Your committee did not believe that any officer of the Government should be allowed to embark in any new enterprise, if you may so term it; at least that he should not be allowed to engage men in the post-office service to perform any work not contemplated by law. These were the motives that first impelled us to segregate this item.

Now, we found in that segregation $140,000 estimated for special agents in the First Assistant Postmaster-General's department, and I am free to say, right here, sir, that in the principle enunciated I thoroughly and firmly agree with the First Assistant Postmaster-General. I believe that while the execution of the system may have been pernicious, although I will not admit that, the motives that governed it were for the benefit of the whole service. The committee indeed had thought seriously of allowing the First Assistant Postmaster-General a sum of money, and providing in this bill for the employment of special agents denominating them special agents, because we have about 13,000 carriers in this country, and I do not believe that they are such a class of men as would put them above all other classes of men engaged in business in this country. I will put them upon the same level, or on the same standard, but I do not admit that they are better. There is no business man in this country but exercises supervision over the men in his employ.

It will be argued, perhaps, as against my position that the local postmasters can supervise the carriers themselves. I am somewhat familiar with post-offices throughout the country. I know that the principal motive that governs postmasters is, first, to give the greatest satisfaction to the greatest number of people, who may, perhaps, some time in the future, support him for political purposes, or possibly have already done so in the past. The average postmaster can have no direct interest in reducing the expenses of the local post-office; and even if he had such interest the postmaster at New York, for instance, has not the time and can not properly supervise the carriers himself.

Now I will return to the position where we had agreed to recommend, under the First Assistant Postmaster-General, the employment of special agents. We were then confronted with this condition: We found that there was a regular force of post-office inspectors organized under the Fourth Assistant Postmaster-General. We found that the services of these men might, in many instances, be engaged in delicate cases endeavoring to locate fraud and robbery at local post-offices, and while engaged on this work there comes another force of inspectors to the city or town where the first inspectors were working up the cases. The presence of the new set becomes immediately known to the parties pilfering or robbing the post-offices, and the work ceases. We found that by having the two sets of officers engaged in this business we were liable to destroy the usefulness of both.

Now, one of the motives that governed us after that, having admitted among ourselves the fundamental proposition which was sustained and constantly adhered to throughout, that the Post-Office Department, as well as every other branch of the service, should supervise its own service by the aid of carefully selected men for that purpose, we then determined to increase the force of inspectors. I will be frank to say that the principal motives that governed us was that there might be a sufficient force of inspectors to perform the supervisory work over the carriers.

Now, let me say to the gentleman from New York and to every other gentleman here that this is no new departure. The post-office inspectors until two years ago had always performed the work and with satisfaction to all the people. The force of inspectors, permit me to say, is composed of a superior class of men. That Department is managed and governed to-day outside of any political influence that may be brought to bear, and the men are selected and retained for their eminent fitness for the positions they fill.

The almost universal custom in the selection of post-office inspectors is to take clerks in the Railway Mail Service or clerks in post-offices who have there become proficient in their several branches, who have shown by their industry and perception that they are particularly fitted for this promotion. They are picked out and given, as a rule, special examinations to become post-office inspectors. They are a class of men who I think have the confidence of the entire country to-day. Your committee inject nothing into that force. We propose to continue the force. That is, we do not touch it all; but in our bill the force will continue exactly as it has been continued in all the days gone by. Permit me to say that for a number of years there has been a demand for an increase of the number of post-office inspectors, and the result of our work, if it be adopted by this House, will give you 30 additional inspectors under the Fourth Assistant Postmaster-General, and he must determine for himself what class of work these men shall be engaged in.

Mr. QUIGG. Will the gentleman permit a question?

Mr. LOUD. Certainly.

Mr. QUIGG. If I understand the gentleman from California, he has simply prevented the employment of these spies by the First Assistant Postmaster-General, but increases the sum at the service of the Fourth Assistant Postmaster-General, so as to enable the employment of 30 more of them. Is that correct?

Mr. LOUD. Thirty more inspectors. If the gentleman will add that to his question, I will say yes. That is the sum and substance of the result of the provision, simply an increase of the force of post-office inspectors. They may be used for this purpose. I assume that they will be used the same as they were always used up to two years ago. When a post-office inspector went to inspect a post-office, he looked over the carrier service, and I assume that he will do that in the future.

Mr. QUIGG. The gentleman from California will admit that this is a new departure, as he said a moment ago?

Mr. LOUD. I think the gentleman is mistaken if he understood me to say that this is a new departure. It is simply and plainly, permit me to say, an increase of the force of inspectors. I gave the gentleman the motive that governed us in increasing that force.

Mr. BINGHAM. Will the gentleman allow an inquiry?

Mr. LOUD. Certainly.

Mr. BINGHAM. As I understand, the present appropriation for the force of inspectors for the current year is $300,000?

Mr. LOUD. Yes.

Mr. BINGHAM. These inspectors, as I further understand, are under the civil-service rules?

Mr. LOUD. Yes.

Mr. BINGHAM. Your bill proposes to increase that force to the extent of $32,000?

Mr. LOUD. Yes.

Mr. BINGHAM. Will this increased force be under the civil-service rules?

Mr. LOUD. We do not touch the law governing that.

Mr. BINGHAM. The Post-Office Department can assign their inspector force for any line of work, can they not?

Mr. LOUD. They can, yes, as they have always had the power to do. Now, Mr. Chairman, I do not know but what it is as well that that portion of this subject is off my mind and off my stomach. But I did not propose in my introductory remarks here to enter into a general discussion of that question, because I rather feel that we shall have to go over this ground again possibly before we get through.

Mr. BINGHAM. There is one question further I want to ask the gentleman, for my own information. Under the act of March 3, 1891, with which the gentleman is familiar, the allowance for foreign mail service is determined?

Mr. LOUD. Yes.

Mr. BINGHAM. Does this bill cover all the contracts of the Department under the act of 1891?

Mr. LOUD. We have cut the estimate a little, I will state to the gentleman from Pennsylvania.

Mr. BINGHAM. But have you cut the estimate so as to impinge upon existing contracts?

Mr. LOUD. I do not think we have, Mr. Chairman. I think this will meet all the contracts in existence. But the gentleman of course understands that this is a contract service, which you can not pinch, because the contract runs for ten years.

Mr. BINGHAM. There is no change in this bill that impinges upon those contracts?

Mr. LOUD. No. We have, as usual, cut that fund off a little, but if there is a deficiency, which there never has been before, and I do not think there will be now, it will have to be met by a deficiency appropriation. The gentleman well knows, of course, that we can not disturb these contracts that have been entered into for a term of ten years.

Mr. HEPBURN. I should like to ask the gentleman a question.

Mr. LOUD. Certainly.

Mr. HEPBURN. I find on page 2, at the head of the page, an item for compensation for clerks in post-offices. What I want to know is, whether a portion of that is available for the payment of clerk hire in third-class offices. The reason I ask the gentleman is this: As I understand, the Department has recently held that clerk hire in offices of this class can only be allowed for the purpose of separation, and where there is but little of that, although the office may approach very nearly to a second-class office, for which they make an allowance of $1,000 or more for clerk hire, they refuse to allow anything except that which will compensate strictly for the labor of separation. In an office that I am familiar with, where the receipts very nearly reach a sum sufficient to constitute it a second-class office, they have cut down that allowance, which has been $800, to $80, because that would be probably a fair compensation for the mere work of separation. For an office of that character there ought to be a clerical force supplied. Now, can any portion of this be used for that purpose?

Mr. LOUD. I will say to the gentleman, Mr. Chairman, that of course we appropriate for clerical hire in a lump sum, and the Post-Office Department is guided entirely by statutory law, which confines them in the case of third and fourth class post-offices to an allowance simply for separation purposes.

Mr. HEPBURN. But if the gentleman will permit me, I do not understand that to be statutory law, but simply a regulation——

Mr. DOCKERY. It is a statute.

Mr. HEPBURN (continuing). Long ago adopted, but only enforced recently.

Mr. LOUD. I think the gentleman is mistaken about that. I understand that it is a statute, and if not, it is so old a regulation that it has whiskers, and must be accepted as having the force of a statute.

Mr. HEPBURN. But it has not had observance until this Administration.

Mr. LOUD. Let me say to the gentleman, in all candor, that he is entering upon another branch, and we shall have it opened up when we come to it.

Mr. HEPBURN. I shall strive to open it when we come to it.

Mr. LOUD. The First Assistant Postmaster-General is rearranging the allowances for third and fourth class offices. I have taken great pains and great care to go over his list, and I find this condition has grown up under former Administrations. A Senator or Congressman who had the greatest influence here got the largest appropriation for separation purposes. That was an abuse of many years' standing. There never has been a change in the allowance until under the present Administration. Now this condition of affairs has grown up: Here was a town at the terminus of a railroad. It was a separating office for many star routes. In the last twenty years changed conditions have come over it, and it is no longer a terminal point. The terminal point is somewhere else. While the business of that office when the allowance was made was great, and probably it would properly have been allowed $400 or $500 a year for this separation purpose, in many instances the separating had entirely disappeared in that office and had been transferred to some other office that was either not getting a cent for separating purposes or the nominal sum of $40.

Now, then, the First Assistant Postmaster-General has entered in good faith on an effort to correct that evil, and I want here, on the floor of this House, to commend what he has done in that direction. He has taken those officers who had an allowance of $700 or $800 and did nothing in that service, and the money has been taken away from them and brought down to the nominal sum of $40, $60, or $80, and distributed to such officers as are performing the service. That, gentlemen, is the whole fact, which any of you can ascertain on investigation. While I understand he may cut down my friend's constituent in his compensation, or some other gentleman in his, he is pursuing a course of justice and equity, and one which is not hurtful to the service. And I say that after an investigation from the beginning to the end of what has been done in that direction.

Mr. LITTLE. Will the gentleman allow me to ask him a question for information?

Mr. LOUD. Certainly.

Mr. LITTLE. Is there anything in the bill under consideration which seeks to make any change in regard to the rates of postage?

Mr. LOUD. There is not. As a matter of course, we can not take that matter up in this bill. It would be subject to the point of order.

Mr. BARRETT. I should like to recur to the question of the gentleman from New York [Mr. QUIGG] and ask the gentleman in charge of the bill in the same line of inquiry a different proposition. I understand that of those so-called spies he has reduced the number from 100, under the Fourth Assistant Postmaster-General, to 30. Now I will ask the gentleman if he will accept an amendment at the proper time providing that these 30 extra inspectors shall be appointed after civil-service examination from the ranks of those who have served for five years in the Post-Office Department in some capacity? The reason I ask that question is this: However much may be said about the civil-service examination, the fact remains that these inspectors, as gentlemen know, have been appointed from political considerations, and I ask the gentleman if he will accept an amendment so that no one hereafter shall be appointed as an inspector who has not served five years in the Department and in that way become generally acquainted with the work and prepared to act efficiently as an inspector?

Mr. LOUD. I will say, Mr. Chairman, frankly, that I would not. I think the law is sufficient at present. These men can not enter the service except through the civil service. I would not be willing to accept any proviso of that character. I do not think there is any necessity for it. Let me here say that of the 105 inspectors to-day 58 are known to be Republicans and 47 are known to be Democrats. Gentlemen, let us not raise a partisan issue upon the inspectorships, for there is nothing in it.

Mr. SWANSON. Is not the superintendent of the inspector's force a Republican?

Mr. LOUD. The chief inspector is known to be a Republican. He has not denied that he is, and has no necessity for denying it. Colonel Wheeler is understood to be a Republican.

Mr. BARRETT. The chairman of the committee will allow me to say that I made no reference whatever to any partisan question, and politics was not mentioned by me, but was brought in by the gentleman, apparently to give force to his objection. I wish to keep politics out of this matter by insisting that no man shall be appointed an inspector who has not served five years in the Department; and the reason I asked him the question is this: The people in my district, the letter carriers, object that they have been put under surveillance and have had unfair representations made concerning them by men who knew nothing absolutely about the working of the Department, and that they have been brought into discredit and their names held up for official scrutiny upon matters upon which the men who made the report had no special knowledge.

I therefore ask him whether, in the interest of civil-service re-

form and in our opposition to any partisan administration of the Post-Office Department, he is willing that these inspectors, in whose hands rests the fate of honest and honorable men, shall be selected from those who have served for a term of years in the Department and therefore are qualified to pass judgment upon the work of those whom they are set to supervise. If the gentleman will not accept this proposition, I give notice that at the proper time an amendment will be offered by which these inspectors shall be obliged to serve a certain length of time in the Department before they can be put over the heads and in control of men who have served many years and whose positions are perhaps all they have in the world.

Mr. LOUD. Of course we can attend to that matter when we reach it.

Mr. BINGHAM. Permit me a word. As I understand this proposition, it is simple and plain. The sum of $300,000 has been appropriated for the present fiscal year for the payment of the inspectors' force. That force exists to-day. It is the result either of continuance in the service or of vacancies filled under civil-service rules. The head of that department has been there many years and is a Republican. I know that the gentleman who, as the representative of that service, is in control of the whole of Pennsylvania and New Jersey is a Republican and has been in that service from sixteen to twenty years. The force to which the gentleman has reference is an appointed force that has been paid under what is called the lump sum of appropriation for free-delivery service. That force has numbered from 50 to 75 men during the present year. Those men have made the inspections which have resulted in the removal, suspension, or reduction of many of the carrier force.

Now, this committee by the provisions of this bill takes from that force the authority to do this line of work that it is now doing, and it increases the general inspectors' force by an additional appropriation of $32,000. The additional force will have to be appointed under civil-service regulations. Now, the gentleman from Massachusetts [Mr. BARRETT] proposes to incorporate in the bill a provision that, in addition to the other requirements of the civil-service regulations, the applicant shall have had five years' experience in the postal service. I do not understand any reason for that. What the gentleman wants to reach is the wiping out of this temporary force that makes inspection of the carrier forces in the cities of the country.

Mr. BARRETT. Let me answer the gentleman.

Mr. LOUD. Well, Mr. Chairman——

The CHAIRMAN. Does the gentleman from California yield further?

Mr. BARRETT. Just one sentence.

Mr. LOUD. I think I have sufficiently embellished the speech I am going to have printed by the injection of the speeches of these eminent gentlemen. [Laughter.]

Mr. BARRETT. Will the gentleman allow me a word?

Mr. LOUD. I will if the gentleman will confine himself to a question. These gentlemen are leading me away from the line of discussion which I was pursuing.

Mr. BARRETT. Just this single remark in answer to the gentleman from Pennsylvania [Mr. BINGHAM]: Knowing that 100 extra spies are going to be legislated out of office, I want to make it impossible for any one of them to be appointed to any of these 30 new places; and I propose to accomplish this purpose by providing that no man shall receive any of these appointments who has not been employed five years in the postal service.

Mr. BINGHAM. No man can be appointed unless he passes the civil-service examination.

Mr. BARRETT. Nor, if my amendment be adopted, unless he has been five years in the postal service.

Mr. BINGHAM. Why make a change of the general law which has been running for years and has been acceptable? The whole point is reached by this bill. These men can not be appointed upon the mere ipse dixit of the Postmaster-General or his assistants. The applicants for these positions must undergo the civil-service examination. This addition of $33,000 is simply increasing the general "mail-depredation" fund.

Mr. BARRETT. There is not a grammar-school graduate in my State who can not pass these civil-service examinations.

Mr. BINGHAM. Good for your State, then.

Mr. QUIGG. What possible objection can there be to requiring that these appointees shall have had some experience in the postal service?

Mr. BINGHAM. Why not apply the same rule throughout the administration of your civil-service law? Why make it applicable just here and nowhere else? Why not make a similar requirement in regard to inspectors in the Treasury Department and the Indian Department and every other Department of the Government?

Mr. QUIGG. I feel that we are not treating the gentleman from California quite fairly——

Mr. MILES. We all feel that way. [Laughter.]

Mr. QUIGG. I am glad you sympathize with the gentleman.

Mr. BINGHAM. Let me be understood. I am not defending the policy of the Department in this matter. I am simply saying that this bill meets every possible objection.

Mr. LOUD. I think I shall have to resume the floor.

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. LOUD. We shall have to go over this ground again, at any rate.

Let me say that if I thought an amendment such as that suggested would benefit the service I would accept it with pleasure; but I think the service is now abundantly protected. There is another item to which I desire to call the attention of the committee for a few moments. We have cut the item of transportation by railroad routes one and one-half million dollars. On the one hand, it has become a custom that has grown up in this House to cut this item. I recognize that fact, but the committee in this instance have cut it with the object in view, sir, that this House, if it will diligently discuss the matter, can not fail to pass some measures now pending before Congress which will tend to reduce the expenditures of the Department in this respect; and I refer to a bill, to which many of you have no doubt had your attention called, known as House bill 4566.

But this item of railroad transportation, permit me to say, is one of the most remarkable instances in connection with needed reforms in the post-office business that can be brought to the attention of the American people. It has grown or is growing to the extent of more than $2,000,000 a year, and the growth, let me say, is not a normal growth, but an abnormal one. It is a growth arising from a class of matter which investigation must show was never intended to be transmitted through the mails.

I will refer briefly to some of the figures, which, I think, will impress themselves upon your mind. When you realize the fact that in 1887 but 126,000,000 pounds of second-class matter were transported through the mail, and that in 1895 it had grown to 312,000,000 pounds, any person who investigates these figures must concede at once that that growth has not been a legitimate one. That growth, I shall attempt to show, and I think I can prove to the satisfaction of the House, is from a class of matter that was not intended to be transmitted through the mails at pound rates. Sometimes the enormity of an offense will appeal to the sense of justice of men where no other proposition or presentation of the case will have any effect. And permit me to say, Mr. Chairman and gentlemen, that we have donated to the so-called educational purposes—and that is the plea on which admission to the mails of second-class matter has been largely founded—more than $108,000,000 in eight years. That is not a large amount, of course, to those who are in the habit of talking of and handling millions of dollars daily, but to the average man it is considered a pretty large sum, and is taken by direct taxation from the sweat of the faces of the masses of the people all over this country. That is to say, the masses of the people in this country are supporting the postal service and paying for transmitting through the mail and handling four times what it costs in comparison to the second-class matter.

Now, I desire to refer very briefly to these facts, which are not really pertinent to the subject at issue, but to sustain the position we have taken in reducing the amount appropriated for railroad transportation.

Let us see now how the deficiencies have increased in this service, with what rapidity they have increased in the last few years. In 1887 we find a deficiency on transportation of second-class mail matter of $8,000,000, in round numbers, and in 1894 this had grown to nearly $19,000,000. I have been asked to explain how this condition arises. In 1879 there was enacted the "sample-copy" law. In 1885 the pound rate was reduced to 1 cent, and from 1885 dates the abnormal growth of second-class mail matter. We did not begin to feel the full influence of these modifications of the law until two years afterwards, because the masses of our people who have since engaged in the publication of serials, novels, and a large class of advertising journals, which have no circulation and could have no existence except for the sample-copy law, could not get their business into operation until 1887, or about that time; and you can see how assiduously they have plied their vocation since.

Mr. McMILLIN. If it will not interrupt the gentleman, I would like to make an inquiry just there. I would like to ask whether the committee had made any calculations as to the rate that would require to be placed on this class of matter to make its carriage self-sustaining?

Mr. LOUD. Well, that is a question, I will say to the gentleman from Tennessee, that is to a certain extent problematical. My own impression I can give. Many persons and many papers in the country have assumed to criticise our position on this subject. I want to say to the House that the committee have not entered into the field of handling, but confined ourselves exclusively to the subject of transportation. When you enter the field of handling you enter a field unknown to all of us. It costs us as

much per pound to transmit a box shipped by the Department here, which has been done in some instances, weighing 1,700 pounds—it costs as much per pound to transport that as it would a pound of letters. So we have confined ourselves exclusively to that subject; and my eminent friend from New York, in answer to my argument, has fallen right into that hole that I dug for him.

They have, then, figured the profit on first-class matter, taking a basis of 8 cents, and assuming that everything above 8 cents per pound was net profit, when, as a matter of fact, we dealt simply with the question of transportation. Any child 5 years old can figure that proposition out satisfactorily. In round numbers there was transported in 1895, we will say, 450,000,000 pounds of matter. We know just the weight that was transmitted. That cost in round numbers $37,000,000, which we paid for transportation. Now, multiply the number of pounds by 8 and you will have within a million dollars of the result. So that is a clear, plain field to enter. But when you enter the field of handling you can not charge the proper cost to each class of mail matter, because we all must admit that it costs more to handle first-class matter than it does to handle second-class matter, more to handle first-class matter than it does fourth-class matter; I do not think perhaps as much more as we anticipate, though, because fourth-class matter, as a rule, is very difficult matter to handle with rapidity.

Mr. QUIGG. Is there anything in this bill changing existing law on the subject?

Mr. LOUD. Nothing whatever. I simply entered into this field to define the position we have taken here in reducing the amount of money appropriated for the transportation of mails. If the bill to which I have referred shall not become a law, if it shall not pass this Congress, this amount that we have reduced here will be met by a deficiency, just the same as it has been met for the last twenty years. This present Congress has to meet a deficiency, handed down by the last Congress, of about a million and a half of dollars. It is a legacy transmitted from one session to another. It is a system that I have always condemned, Mr. Chairman. I believe that we should be honest and frank, and appropriate the amount of money that we know the service is going to cost; but knowing average legislators as I do, I am satisfied that when this subject is brought before them they will enact into law measures that will take from the second class sufficient to cleanse it, to purify it, and benefit that which remains, and reduce the amount paid to railroad companies by about $1,500,000 a year.

Mr. BINGHAM. Will the gentleman allow a simple inquiry?

Mr. LOUD. Certainly.

Mr. BINGHAM. The gentleman has referred to legislation that he has proposed, but not a part of this bill?

Mr. LOUD. Not a part of this bill.

Mr. BINGHAM. Is it the gentleman's purpose to bring that legislation up at this session of Congress?

Mr. LOUD. I will state, in answer to the gentleman's question, Mr. Chairman, that it is my intention to press that bill to as early a conclusion as possible.

Mr. BINGHAM. Without reference to any other postages or any other divisions of matter?

Mr. LOUD. I do not really understand the drift of the gentleman's question. I understand what he says.

Mr. BINGHAM. Your only adjustment is going to be on second-class matter, without any reference to general newspaper matter?

Mr. LOUD. That is correct.

Mr. BINGHAM. That is all the gentleman proposes to do?

Mr. LOUD. Of course we simply propose to revise the second-class matter privilege.

Mr. BINGHAM. I had submitted several bills to the gentleman's committee covering other matters, and therefore I made the inquiry.

Mr. LOUD. I will reply to the gentleman that I should have liked to enter upon a complete revision of the whole subject from beginning to end.

Mr. BINGHAM. That is the only way you can do it.

Mr. LOUD. But let me say to the gentleman that one man can not accomplish everything, and neither can one session of Congress. This was the most radical and grievous evil that confronted us—that and the transmission through the mails of supplies for the Department and bulky matter. Those were the two most grievous conditions that confronted us, and we thought the good sense of this Congress would grasp those questions and pass those bills.

Mr. McMILLIN. Mr. Chairman, if it will not interrupt my friend——

Mr. LOUD. Not at all.

Mr. McMILLIN. I do not wish to interfere with the line of remarks which the gentleman proposes making, and I realize the difficulties he has had to contend against. And I may say, too, that I have admired the courage that he has shown in entering upon them. What I wish to know is, whether this bill is framed upon what will be required for the public service under existing law, if the other measure to which he refers is not passed, or does it apply to what will be required by the service if the measure which he proposes is passed?

Mr. LOUD. I will state to the gentleman what I thought I said as plainly as I could, that this is the only item we have cut which could possibly be affected by the bill to which I have referred.

Mr. McMILLIN. And you make the cut with the view of passing those bills?

Mr. LOUD. I will say to the gentleman that that was the motive which satisfied my conscience.

Mr. McMILLIN. I have no criticism to make of that. Now, what I want to know is, what is the amount that is thus cut that will have to be appropriated for hereafter, in the event that the reformatory bills to which the gentleman refers do not become laws?

Mr. LOUD. Probably a million and a half, possibly more. I will say, from my experience in investigating the figures of the Post-Office Department, that I think the weighing which is to take place this fall will astonish the people of this country, and will probably go away beyond the estimates of the Department, but, as I have stated, we have cut that item $1,500,000.

Mr. DOCKERY. Will my friend state to the committee the reduction made by the last Congress and the estimates submitted to the committee then?

Mr. LOUD. The reduction in the last Congress?

Mr. DOCKERY. The appropriation for 1896 was $26,500,000. Now, what was the estimate?

Mr. LOUD. The estimate this year was $29,000,000.

Mr. DOCKERY. Last year?

Mr. LOUD. I can not give you the estimate without looking for it; but we appropriated $26,500,000, I think it was, for last year. That is my recollection.

Now, there is but one other thought that I desire to bring to the attention of the House, and that is in connection with the very subject I was discussing. Of course Postmasters-General for a number of years have in their reports to Congress figured out the receipts and expenditures as approaching nearer to a point. Postmaster-General Wanamaker had a great deal to say, and showed easily that in a short time the receipts of the Department must necessarily exceed the expenditures. Postmaster-General Bissell did not take it up with the fervor of his predecessor, because I think he saw that it was an impossibility. But Postmaster-General Wilson, who is well known to you, brings these figures much closer together. Now, I am free to admit that I am not in a position to be as well informed as they are, but I want to present to the House this one condition, and from that I base my statement: In 1888 the deficiency, in round numbers, was $5,000,000. I am now speaking of the deficiency in the receipts in the whole Department and not relating to second-class matter. Now, in good times and in bad times, from 1888 to 1895, notwithstanding the argument of some of the ablest business men of this country, that deficiency has steadily and insidiously increased year by year until we were confronted last year with a deficiency of about $10,000,000. Now, I make this statement——

Mr. BINGHAM. That is, June 30, 1894.

Mr. LOUD. June 30, 1895. I make this statement, and I think I will demonstrate it as a fact. Unless you change the conditions now existing in the Post-Office Department, you may argue receipts and you may argue expenditures, but the deficiency will continue to increase from year to year. I have to sustain me simply the conditions that have existed; and I assume that the future will show a greater proportionate increase in this deficiency than it has been for the last eight years. Now, then, gentlemen, that is all I had anticipated saying in regard to the bill, and unless some gentleman wants information upon some subject I have not touched on I will yield the floor.

Mr. DOCKERY. I desire to ask the gentleman what is his purpose in regard to closing general debate. Does he ask that it be closed?

Mr. LOUD. I will say that the gentleman from Arkansas [Mr. McRAE] asked for some time. How much time do you desire?

Mr. McRAE. I would like about ten minutes.

Mr. LOUD. I do not desire to cut off debate at all. I will allow the gentleman from Arkansas to proceed, and then I will yield the floor and see what arrangement can be made about closing debate.

Mr. DOCKERY. There is an item in this bill I desire to discuss. Possibly I may ask for twenty or thirty minutes, but may get through in less time.

Mr. QUIGG. I ask for order.

The CHAIRMAN. The committee will be in order.

Mr. DOCKERY. I desire twenty or thirty minutes when the item is reached. I do not desire to occupy any time in general debate. I desire the assurance that I can have time when the item is reached.

Mr. LOUD. I desire to assure the committee that there is no desire on the part of the committee to cut off legitimate debate on this bill. I will suggest before general debate is closed that it be not closed upon one or two propositions in the bill.

Mr. KYLE. I suggest that general discussion on the bill be continued until the time for taking a recess this evening.

Mr. LOUD. If any member of the Committee on the Post-Office and Post-Roads desires the floor I will yield to him; if not, why, I will yield the floor.

The CHAIRMAN. Does the gentleman move that general debate be closed at 5 o'clock?

Mr. KYLE. No; I do not want to move that it be closed at 5 o'clock, but I suggest that we let it continue until 5 o'clock, and probably we may want some general discussion of the bill in the morning, but I hardly think it probable we will.

Mr. McRAE. I ask that the Clerk read the two amendments which I intend to propose at the proper time.

The Clerk read as follows:

Strike out the following words in lines 13 and 14, page 1: "Sixteen million two hundred and fifty thousand dollars" and insert "seventeen million dollars. That there shall be allowed and paid to each postmaster of the fourth class $5 for each quarter in addition to the compensation allowed under existing law."

Strike out the following words in lines 9 and 10, on page 4: "Five million three hundred and fifty-four thousand" and insert "six million."

Mr. McRAE. Mr. Chairman, I have had these amendments read at this time for information and as the basis for some observations which I desire to submit (1) on the compensation of fourth-class postmasters, and (2) the inland transportation by star routes, including temporary service to newly established offices. When the bill is read for amendment I will offer them, and I hope no objection will be made to their consideration.

The first amendment increases the appropriation for the compensation of postmasters so as to give the Post-Office Department the full amount estimated for, and also provides for a small increase in the compensation of those of the fourth class. The proposition gives them $5 a quarter or $20 a year each in addition to the compensation they now receive. There is no class of officials so poorly paid for the work performed as the country postmaster. The increase is proposed in a simple form that can be easily put in operation by the Department. It does not interfere with the method of payment now prevailing; it does not interfere with the compensation based upon the percentage of cancellation; the proposition, in short, is to give $20 a year in addition to that now based on cancellations. To illustrate, if a postmaster now gets $10 a year—and they are quite common in some parts of the country—this amendment would give him $30 a year. If he has heretofore received $30, he would under this get $50, and so on. In many cases postmasters who receive from $10 to $50 per annum are required to open two mails each day except Sundays. The people in the country expect and the Department regulations require that the postmasters shall deliver their mails when they call for them. It is no uncommon occurrence to have offices discontinued because no one will serve as postmaster on account of the meager compensation. These men deserve better treatment, and they will continue to make their appeal to Congress until some measure of relief is accorded them. The people expect faithful service of the postmasters and the Government should pay for it.

The other amendment is to allow more money for our star routes. The people are not satisfied with the present service in many parts of the country. On many routes where the people now have mail two and three times a week it ought to go six times. The practice of establishing "special offices" ought to be abolished because it is worse than nothing. I believe that to every community where the people will agree to maintain the office by furnishing a competent postmaster the Government should carry the mail without regard to the cost.

Mr. Chairman, there is nothing that Congress can do that will so much aid and promote the advancement and prosperity of a new and undeveloped country as good mail facilities. It identifies the people with the Government and arouses a spirit of inquiry and good feeling. Newspapers follow the mails, and they are the best educators of the common people, and it should be a source of great pride to us to know that a majority of all the newspapers of the world are in the United States. Here is the strength of our Republic. I trust that Congress will do nothing to interfere with the cheap newspaper rate, and that every facility will be allowed their circulation.

Congress should not refuse the people any reasonable demand for such service. The little schoolhouse and church follow soon after the mail route and the post-office. A patriotic feeling is aroused and respect for the Government increased. Other people come, towns are laid out, railroads constructed, and cities in time are organized, and then the revenue exceeds the expense. It is not satisfactory to the people to say to them that they have as good service as they had last year; they want better service. The country is growing and its wants are increasing. I make no complaint against the present administration of the Post-Office Department. It is as good and in some respects better than it ever was, but there is still room for improvement in the remote settlements. We must not let the fast mails to and the free delivery in our great cities eclipse, destroy, or weaken that part of our star-route service intended for the pioneers, who must and do suffer the hardships of frontier life in sections of the country where the roads are bad and comforts few.

These people ought not to be required to contribute practically, as they do, to the postal fund of the Government for the purpose of securing mail facilities for themselves and their families. Our Government is too great and the mail facilities too important to be denied any community.

Mr. HEPBURN. Mr. Chairman, I want to direct attention more particularly to the fourth clause of this bill, which will be found on page 2. There is there an appropriation of $10,350,000 which will be used very properly to a great extent in paying clerk hire in first and second class offices. But I want to remind gentlemen that more than 50 per cent of the people of the United States receive their post-office facilities from third-class and fourth-class offices. When the last census was taken it was developed that a fraction above 36 per cent of the people of the United States lived in cities having a population of 12,000 or upward. The towns where the third-class offices are located have usually a population of about 5,000; the average would be that or below it. So that I know I am not in error when I say that the great mass of the people are interested in the third and fourth class post-offices of the United States.

Now, I want to call attention to the fact that the Committee on the Post-Office and Post-Roads seems to have lost sight of these offices entirely. More than two-thirds of the millions that this bill carries are to be expended in the interest directly of the first and second class offices that accommodate less than one-half of the people of the country.

Mr. LOUD. The gentleman is drawing that rather too strong.

Mr. HEPBURN. I think not. I have not figured it out carefully; but I believe I am making my statement within proper limits. Every improvement, every change that has been made in the last twenty years has been in the interest of this minority of the people. Every change in this bill giving additional facilities, in the street car railways, in the bicycle service, and in all these other proper improvements, with which I am not quarreling, is in the interest of these first and second class post-offices, and those alone.

Mr. LOUD. The gentleman will allow me to say that in the matters he mentions we make no increase in the service, because those matters appear for the first time.

Mr. HEPBURN. The gentleman will not understand that I am criticising or carping at this bill; but I am calling the attention of the committee to the trend of legislation in late years upon this subject.

Now, I think it is time we should have some legislation with regard to the other classes of offices—those classes that the constituents of a great majority of the members of this House are interested in—the third and fourth class offices.

Mr. LOUD. May I ask the gentleman a question?

Mr. HEPBURN. Certainly.

Mr. LOUD. Does not the gentleman know that the fourth-class post-offices, which cover a very large percentage of this country, retain every cent they receive from cancellations?

Mr. HEPBURN. I am not quarreling with that idea at all. I am perfectly willing to agree that that is so. But I want to call the attention of the gentleman to the fact that Congress has never made appropriations upon the hypothesis that it was to get returns for this service. That is not the basis upon which we legislate in reference to the postal service. We recognize the necessity of making appropriations in this direction for the benefit of the people, whether that service pays in dollars and cents or not.

Mr. LOUD. Now, will the gentleman permit me to call his attention to the fact that the appropriation for salaries of postmasters, 85 per cent of which goes to third and fourth class postmasters——

Mr. HEPBURN. That may be true——

Mr. LOUD. That the appropriation of seventeen millions for this purpose is not a little item. Let me remark also that third-class offices are not allowed clerk hire proper under the law, because they retain nearly all their receipts; whereas in the larger offices no portion of their receipts are retained, but the officers are paid a salary.

Mr. HEPBURN. That does not answer at all, in my judgment, the proposition I am making. This appropriation is made for the benefit of the people. The postal service is not an enterprise on the part of the United States to make money; it is not one of its sources of revenue. It is expected to be a matter of expenditure

of revenue raised in other ways; and I want to call the attention of the House to that fact.

Now, the point to which I want to direct attention particularly is this: In this item there is an appropriation of $10,350,000 for compensation to clerks in post-offices. I do not claim that this is any too much for these offices. Heretofore a small portion of this appropriation—I think $500,000—has been by the action of the Department used in the payment of clerk hire in third and fourth class offices that were separating offices. This allowance has been made simply for the duty of separating; that is, I suppose, making up or separating for the purpose of making up the star-route mail from the particular office.

Now, in cases that I know—I think in every third-class office in my district—that allowance, comparatively little heretofore, has been by the present First Assistant Postmaster-General almost entirely cut off or withheld. He says that it is his policy to limit those payments to the duty of separating the mail—to pay clerks engaged in that kind of labor alone. For the ordinary duties of the clerk, the necessity for which we all know, he will not make compensation at all out of this fund.

Mr. LOUD. Because, as the gentleman understands, the postmaster is paid a salary sufficient to cover clerk hire.

Mr. HEPBURN. That is the theory of the present Postmaster-General, but it has not been the theory of others. These allowances have been made from time to time and increased from time to time as the importance of the office grew and the necessity for additional clerk hire presented itself.

Mr. KYLE. Will the gentleman allow me to ask him a question just there?

Mr. HEPBURN. Certainly.

Mr. KYLE. On what theory would you adjust the payment of these clerks? The postmaster is paid a salary, and the clerks employed in a third-class post-office are simply there to distribute the mail sent out on star routes. Now, the First Assistant allows pay for that work already, and therefore what necessity is there for making other provision such as the gentleman suggests?

Mr. HEPBURN. Why, the gentleman from Mississippi has certainly never been in a third-class post-office. He no doubt lives in a metropolitan district.

Mr. KYLE. The gentleman is mistaken. I have some in my own district, and am thoroughly familiar with the workings of them.

Mr. HEPBURN. These clerks do not do that duty alone, the gentleman must remember. It is only an inconsiderable portion of their duty. They perform all of the duties of post-office clerks that are required of them. In one case that I have in mind, where $800 was allowed for clerical services for many years, three clerks are necessarily employed from 6 o'clock in the morning until 9 or 10 o'clock at night to receive the mail. They do not simply do the mere star-route business that enters into the making up of the star-route mail, but all the clerical duty necessary to the office. They distribute the mails that arrive, prepare the mails for departure, gather it in, make it up in packages, and, in fact, perform al lof the duties of clerks in a post-office, whatever the duties may be.

Now, it is true that the postmaster might compensate them for this service out of his own salary, but it would leave him a very small fraction, and these allowances for this service have been heretofore made. But in the opinion of the reformers, or in the effort to secure a so-called economy, the gentlemen in charge of this matter now propose to limit the payment for such services solely to compensate for separating the mail that enters into the star-route service. I do not think it right; I do not think it is a proper plan to pursue, and, Mr. Chairman, at the appropriate time, when this bill is open for amendment, I shall offer an amendment which I trust will commend itself to the chairman of the committee, and to the members of this body, and to which I call your attention now——

Mr. BARTLETT of Georgia. Before the gentleman proceeds, will he permit me to interrupt him just there for a question?

Mr. HEPBURN. Certainly.

Mr. BARTLETT of Georgia. I agree fully about the proposition which the gentleman makes, but I wish to ask if he has been able to get this additional compensation for the postmasters in his district? I have not been able to do so.

Mr. HEPBURN. I have not been able to succeed. I have failed, and I think other members have failed on the floor who have made the same application. And I will say further to the gentleman from Georgia that I believe every third-class post-office in the district that I represent has been cut from $800, $400, and $300 down to $80 and $40 for this service to compensate strictly for the labor of separating the mail for star routes.

Now, in further reply to the inquiry of the gentleman from Mississippi as to what plan I would adopt, I would say that I would leave that to the discretion of the Postmaster-General, letting him understand that it was the will of Congress that the appropriation should not be limited in the way it is now proposed to limit it.

He is doubtless willing to make the allowance as heretofore, and I am perfectly willing to trust his discretion in regard to that matter, but I want something in the bill that will instruct him that that is our will, that it is the intention of Congress that the allowances should be continued as they have been heretofore, and that they shall be made by him in the future as they have been in the past.

But, as I have said, Mr. Chairman, at the proper time I shall offer an amendment, which I will read for the information of the committee, to add at the end of line 2, on page 2 of the bill, the words "five hundred thousand dollars of which, or so much as may be necessary, to be used in payment of clerk hire in third-class post-offices."

Mr. LOUD. Why, the Department now requires, under the present estimate, over $580,000 for that very purpose, and they are using more than that. The gentleman's amendment, therefore, would cut it down.

Mr. HEPBURN. Let me suggest to the gentleman from California that out of the appropriation that was heretofore made the Department has allowed $500,000 for this purpose.

Mr. LOUD. No; $580,000.

Mr. HEPBURN. Well, have you not limited it to $500,000?

Mr. LOUD. The amount is something over $580,000.

Mr. HEPBURN. That is easily cured; and to adjust the amendment to suit the views of the gentleman from California, when I submit it I will make the amount $600,000.

Now, Mr. Chairman, I think this ought to be done. It is only justice that it should be done if we are to have an efficient service.

In no instance, allow me to state, in my own judgment, has there been an overallowance for clerk hire. This is true with reference to all the classes of offices of which I am familiar. In all of these offices two, and in some instances three, clerks are essential to perform the services required. Of course, if their salary is paid out of the compensation of the postmaster, he would have nothing left. They are not as a rule very high-priced clerks. They do not get the compensation that is paid to clerks in the large cities who are performing the same service, and when they are efficient the largest sum any of them draws usually does not exceed $500 a year.

Mr. LOUD. What is the salary of your postmaster?

Mr. HEPBURN. Eighteen hundred dollars.

Mr. LOUD. He has a pretty good job, too, has he not?

Mr. HEPBURN. And he is required to pay more than the allowance of $800 to the clerks.

Mr. LOUD. That is because he does nothing himself.

Mr. HEPBURN. Well, I do not think the gentleman can say that in view of the facts.

Mr. LOUD. What is the town?

Mr. HEPBURN. The town of Clarinda. But all of the county seats, let me say to the gentleman, in my district have been affected in the same way, and I am told by other gentlemen that the reform wave has also struck the other towns, and affected them in the same way, throughout the State.

I earnestly hope, Mr. Chairman, that the amendment when offered at the proper time will commend itself to the approval of the committee.

Mr. LOUD. Let me say to the gentleman from Iowa that there is not a post-office in the country where the salary of the postmaster is $1,800 but that one person can do all of the work in the office with simply a relief to go to his meals.

Mr. HEPBURN. Mr. Chairman, if I may be permitted to say it, that simply indicates the absolute unfitness of the gentleman for the high position which he now occupies; because if he had the intimate knowledge that he says he has, he would know that that was a misstatement. I know of an office where men are required to be present to receive mail at 6 o'clock in the morning and at 9 o'clock at night. That makes fifteen hours of service. Could the postmaster do that alone? Would you ask him to do that? Is that the measure of compensation that the United States pays to its officers? I do not believe that the House wants to demand that kind of service.

Mr. LOUD. The gentleman is overdrawing the statement, that is all.

Mr. HEPBURN. No; I know what I am talking about.

Mr. JOHNSON of California. Mr. Chairman, I do not know much about this, and I should like to inquire of the chairman of the committee if there is any classification of the compensation of clerks in post-offices, or any system in reference to the payment of clerks in post-offices, in this bill?

Mr. LOUD. Oh, no; that would not be in order in this bill, I will say to the gentleman.

Mr. SETTLE. There is a separate bill pending before the committee covering that point.

Mr. JOHNSON of California. How is this money paid out? How does it get to the clerks?

Mr. LOUD. It gets to the clerk under statutory law. We could not change existing law in this bill, and of course the statute now provides for the payment of post-office clerks. We could not change it upon a Post-Office appropriation bill. Neither do we ever assume to say, on the Post-Office appropriation bill, how much money any person shall receive.

Mr. COOKE of Illinois. If the gentleman from California will allow me, I should like to ask concerning the item for rent of canceling machines, $40,000. The amount estimated was $60,000. I should like to ask if there is any other information before the committee which justifies the reduction of the appropriation from $60,000, as recommended by the Postmaster-General, to $40,000, as set forth in the report of the committee, except the statement of the First Assistant Postmaster-General, a portion of which is given in the printed report of the committee?

Mr. LOUD. I will state to my friend, in answer to his question, that the discussion of that would properly come up on that item when it is reached; but I will say to the gentleman that the argument of the First Assistant Postmaster-General arrives at but one logical conclusion, which is that he has made a saving of 50 per cent, and hence we should have appropriated only $30,000 if we had followed that statement; but I will present this other fact to the gentleman, that I do not believe, and I do not think the First Assistant Postmaster-General himself to-day will claim, that business methods are now practiced as regards the use of canceling machines. There are 40 machines now in the office at Boston, for which the Government is paying $200 a year each. This canceling-machine business is yet an experiment. My city has not one. It had but two, and under the new system they were taken out. The main office in Boston has 40 canceling machines. I assume to say that that number is 30 or 35 more than Boston could profitably use. There are in the office at New York 29 machines, for which we are paying $200 a year each. I say if the Department will take those machines and distribute them over the country fairly and equitably, we have sufficient machines, under the appropriation of $40,000.

Mr. COOKE of Illinois. I will ask the gentleman if he does not recognize that in the large cities, such as Boston and Chicago, the amount of mail matter handled is enormously out of proportion to that handled in the smaller cities?

Mr. LOUD. Let me say to the gentleman that I recognize it well, but my own city of San Francisco handles about as much as the city of Boston, and two machines did all the work in that office that could possibly be done by any machines.

Mr. LACEY. In that connection, I will ask the gentleman if he remembers that in the last appropriation bill it was provided that this money should be applied to the purchasing of canceling machines?

Mr. LOUD. Oh, yes.

Mr. LACEY. Has any attempt been made to carry out that provision?

Mr. LOUD. No, and it would be injudicious. The machine has not been perfected. It is now, and must be for a number of years a matter of trial, and no office can afford to discharge clerks, and depend wholly upon machines. They have this great number of machines in an office because the machines break down; and I say that in the present condition of the canceling machines, we should simply have a few in these offices until they have arrived at that stage of perfection where they will do away entirely with clerk hire, and where they can be depended upon.

Mr. BELKNAP. Mr. Chairman, I desire to ask the gentleman a question.

Mr. LOUD. I do not know that I have the floor.

Mr. BELKNAP. I would like to ask the gentleman one question for information. I note that under the head of "Free-delivery service" for "car-fare and bicycle allowance" the amount appropriated is $100,000. As the gentleman no doubt knows, last year there was expended for that purpose $158,000; and, to well inform myself, as this is a matter which will affect the city which I in part represent, I would ask the gentleman what is the purpose of that reduction?

Mr. LOUD. I will say, Mr. Chairman, in reply to that, that car-fare allowance is one of the most iniquitous provisions that have ever been put in this bill, if I may be permitted to use that word without using it in its offensive sense. The city which I have the honor in part to represent has never had a cent allowance for car fare. The theory upon which we base our reduction of the estimate was that we have inaugurated or propose to inaugurate an electric-car service, and that we propose when these street-car companies contract for carrying the mails on the street cars that they shall carry the carriers free; and we have made that reduction merely upon that basis. Should that not be adopted, I shall ask to recur to the section and insert "$70,000."

Mr. HERMANN. I desire to know whether the committee have retained in the present bill the past policy of providing for experimental free-delivery system in small towns?

Mr. LOUD. I will state, Mr. Chairman, that we have not. It is not asked; but, on the other hand, is condemned as impracticable, unless Congress desires to go into it in such a manner that it can make it practicable by appropriating several million dollars to demonstrate whether it can be made practicable.

Mr. HERMANN. I am not referring to what is known as rural free delivery, but as to that experimental free delivery which was originated some few years ago, and which was confined to small towns, probably in all 42 of them throughout the nation. I will ask my friend again in reference to that.

Mr. LOUD. That system has entirely disappeared, generally on the request, and, if not on the request, with the unanimous consent, of the parties who were receiving this rural free delivery. They did not want it any more.

Mr. HERMANN. Again, with regard to rural free delivery, of which we have heard much in discussion upon this floor, I desire to ask whether the committee have considered the policy of entering upon that?

Mr. LOUD. We have not considered it practicable, unless Congress appropriates $5,000,000 or $10,000,000 for that service.

Mr. COOKE of Illinois. Have the committee taken into consideration the fact that the city of Chicago has a territory now covering 200 square miles, and that its delivery by carrier is so extensive that the service could never be performed if the letter carriers were required to walk long distances to get to their routes?

Mr. LOUD. That can be obviated to a great extent by the establishment of stations. But, primarily, let me say to you here in all sincerity and honesty that the railroads did carry the carriers free, the same as they carried the policemen. Chicago, I think, was the first city that got "hoggish," if I may use the expression, in this matter and demanded pay from the letter carriers. The practice has now, I am willing to admit, spread out almost over the whole country, except in my own city, where the street-car companies, I will say, carry the carriers free.

Mr. COOKE of Illinois. Does the gentleman know any way in which a street-car company can be compelled or induced to carry carriers free? If he does, we will be glad to know it in Chicago.

Mr. LOUD. Under the proposition, when we enter into the electric car or cable car service, we would put it in the contract, and if they accept that service they would have to carry the carriers free.

Mr. COOKE of Illinois. Would it not be time enough when they have accepted the contracts, instead of striking down the carrier system in this way in advance of making such contracts?

Mr. LOUD. You will not strike down anything, I will say to the gentleman.

Mr. BELKNAP. In Chicago $24,000 is spent for carrier car fare and bicycle allowance.

Mr. HENRY of Indiana. Mr. Chairman, I make the point of order that there is so much confusion that we can not hear gentlemen even at this distance.

The CHAIRMAN. The committee will be in order, and gentlemen desiring to ask the gentleman having the floor a question will first address the Chair.

Mr. BELKNAP. Mr. Chairman, we will expend during the year $24,000. In this distribution it would reduce the amount given that city 40 per cent, as it does every other, cutting down our amount $9,000, which would certainly cripple our service very seriously. As the gentleman knows, the carrier is allowed a car ticket when his territory is over 1 mile from where he receives his mail. We cover there by our postal service 120 square miles, and it is absolutely necessary that we have this amount for the purpose of getting our men to their territories with dispatch. I say emphatically and without fear of contradiction that the Chicago post-office under the management of the present postmaster has a most economical administration, and I trust that when the time comes, when we reach that point, that the amount will be increased, and I will take the liberty of offering an amendment for that purpose.

Mr. LOUD. Well, Mr. Chairman, as Chicago is so persistent, I am free to say that I think there is no fear that it will not be taken care of. Let me say that, so far as Chicago is concerned, we have evidence in our possession that goes to prove conclusively, not in a single instance, but in more than one instance, that letter carriers of the city of Chicago have paid street assessments with car tickets. I say that this is one of the most provoking and pernicious questions that confronts us, and I hope we will not have to go over it until we come to it.

Mr. LORIMER. What does the gentleman mean when he says that street assessments have been paid by car tickets?

Mr. LOUD. As a result of giving car tickets, I say that car tickets have been procured in Chicago, and have not been used for the purpose for which they were given to the carriers. The result is that the carriers get car tickets and do not use them for the

purpose for which they were given. That is the substance of the statement.

Mr. LORIMER. What do you mean by the statement? What do we understand by the statement that street assessments are paid in car tickets?

Mr. LOUD. Well, the statement is correct as made, and the evidence is on file with the First Assistant Postmaster-General.

Mr. LORIMER. Does the gentleman mean that they pay their special assessments for street improvements with car tickets?

Mr. LOUD. Not perhaps with car tickets, but with the results.

Mr. LORIMER. If the gentleman understands anything about street-car fares in the city of Chicago, he understands that a car ticket is worth 5 cents; and that if the letter carrier having to travel over a mile from the post-office undertakes to walk to his route and return three times a day, as he would be compelled to do under the rules of the department in Chicago, it would take him about four hours of his time to walk back and forth from the post-office.

Mr. LOUD. Not four hours to walk 6 miles, I hope.

Mr. LORIMER. Nine miles. And a great many of the districts to which the carriers are compelled to travel are 3 or more miles from the post-office. If the carrier fails to use his car ticket he must pay 5 cents for his fare.

Mr. LOUD. Not necessarily.

Mr. LORIMER. If he fails to ride on the street car he can not do the work required of him by the Department. So that it is impossible for him to save the car ticket, as the gentleman suggests, for the purpose of paying the special assessment required by the city of Chicago to improve the street in front of his house. I do not believe the gentleman, in the statement he has made, undertakes to say that special assessments are paid with car tickets.

Mr. LOUD. That is the evidence on file in the Post-Office Department. That is as far as I undertake to state.

Mr. LORIMER. Will the gentleman give the names of any persons who have paid their special assessments with car tickets?

Mr. LOUD. The names can be discovered.

Mr. LORIMER. Does the gentleman know the names?

Mr. LOUD. I do not recall them now. I have seen the names.

Mr. LORIMER. Will the gentleman give his authority for the statement he has made?

Mr. LOUD. I say the papers are on file in the office of the First Assistant Postmaster-General.

Mr. PICKLER. I wish to ask the gentleman from California whether the committee have made any provision for additional compensation in any way to fourth-class postmasters?

Mr. LOUD. We do not appropriate for any particular class of postmasters. We simply appropriate a gross sum for the salaries of postmasters.

Mr. PICKLER. But this matter, Mr. Chairman, has been generally discussed, I believe, throughout the country, and the proposition has certainly come to Congress—I presume to every member of this House—as to the propriety and the justice of Congress providing some increase of compensation for fourth-class postmasters.

Mr. LOUD. They get now all that they collect.

Mr. PICKLER. I do not think that is any answer. As the gentleman from Iowa [Mr. HEPBURN] has well said, the post-office service is not run as a money-making affair, but for the accommodation of the people.

As I understand, provision is made in this bill for electric-car service, for the enlargement of the city delivery service, for the extension of service to the suburbs of the cities. For these purposes large additional appropriations are made. For such purposes new features are added to this bill. But, as I understand, nothing is done for the rural districts; nothing for the fourth-class postmasters. Yet, Mr. Chairman, the fourth-class postmasters do more work for nothing than any other Government officials of this nation. There certainly ought to be some additional allowance to these officers. While gentlemen here are providing all these appliances and improvements for the convenience of the cities it does seem to me that something ought to be done for the great body of our constituents, those who live in the rural districts.

Now, I want to ask the gentleman further whether anything is being done in order, for instance, to furnish the thickly settled farming districts with a free-delivery system?

Mr. LOUD. No.

Mr. PICKLER. Has the committee had that matter under consideration?

Mr. LOUD. The gentleman is now branching out into the field of statutory law, over which this committee has no supervision. If any provision on that subject were introduced into our bill it would be subject to a point of order. That matter has never been presented in any appropriation bill.

Mr. PICKLER. That is exactly what I think we ought to do.

Mr. LOUD. Will the gentleman let me answer his question? He has criticised us for submitting an item for electric-car service——

Mr. PICKLER. I was not criticising the committee at all; but I mentioned that as one of the new items.

Mr. LOUD. It is a new item; but permit me to say that, though we have submitted that item for $150,000, we have reduced the appropriations in the bill $250,000, which amount we are satisfied will be saved by the introduction of the electric-car service. We have provided for this, in the line of economy, not in the line of the extension of the service.

Mr. PICKLER. Well, Mr. Chairman, that may be true, and I would not for a moment criticise the committee or stand in the way of any new departure that they may choose to make in the way of improving the mail service of this country. But the gentleman knows in his interest for economy how this bill will starve the fourth-class postmasters. It is the old system that has been pursued for many years.

I do not know why it is, as was so forcibly presented to the committee recently by the gentleman from Iowa [Mr. HEPBURN]—I do not know why it is that the cities and the rural districts adjoining them should have the advantage of all the money expended in the postal service and the people who happen to live in the country or in the villages shall have no accommodations. It seems that there is no effort to improve their service, and yet from year to year immense amounts of money are expended in the cities in the way of improving the carrier service, getting new carriers, opening new routes, employing street cars for the transmission of mails, bicycles, and all new appliances that seem practical. But nothing is furnished to the people in the country, who must do with the old service that has been in existence among them ever since the Post-Office Department began its operations. Nothing is done to furnish the country people with better service or quicker delivery. We hear nothing of paying the fourth-class postmasters a dollar more for their services, although they richly earn on an average five times the amount paid to them. I do not think that is an extravagant statement. I am satisfied that they do more work in proportion to the pay accorded to them than any other class of people in this country. It is in fact a low estimate, and the time is coming when we should take that matter up and see to it that Congress shall begin and do something for the rural districts as well as the metropolitan.

I hope the gentleman from California in charge of this bill, when we come to pass upon the amendments to it, will not make a point of order against an amendment helping to pay the fourth-class postmasters something like a fair compensation for their services. Certainly since the passage of the last appropriation bill, where another committee brings in a bill of 16 sections and attaches it to the appropriation bill, we ought not to be very particular about points of order, especially when it is a matter of simple justice to these people that the change shall be made. It is in the direct interest of the people of this country that something of the kind shall be done.

Mr. LACEY. If the gentleman will allow me to interrupt him, House bill No. 5473, on the Calendar, is a bill for the purpose of providing rural delivery, such as the gentleman speaks of. That bill is pending now.

Mr. PICKLER. Ah, Mr. Chairman, let me call the attention of the committee to the fact that the Judiciary Committee of this House undoubtedly could have had time to bring in the salary bill that we have been discussing here for the last four or five days, and yet it seems that they were not so certain that they could have the consideration of the bill in the House but what they regarded it as necessary to bring in a rule to permit them to attach that bill to an appropriation bill, a most unheard-of thing.

Now, let me say to the gentleman from Iowa that there are probably eighty out of one hundred chances that that bill will never be reached. I think it almost certain that it will not be reached. It is the tendency in this House and in Congress, and we have seen it exhibited during the sessions of Congress, and it is more apparent every session, that about all the legislation we can expect is to be attached to the appropriation bills. There is no other way, apparently, of getting it through the House. And that is directly in point here. There is no consideration of questions possible which will right the matters that are necessary to be modified in the pending bill. The only way we can do it is by amendments to the bill itself. Our only hope, then, to do something for the fourth-class postmasters is to take the matter in our own hands and do it now, and make a step at all events in the right direction of this and in favor of rural delivery.

Mr. CANNON. Does my friend want to increase the salaries of the 60,000 fourth-class postmasters throughout the country?

Mr. PICKLER. I do.

Mr. CANNON. How much?

Mr. PICKLER. Well, the gentleman from Arkansas [Mr. MCRAE] has offered an amendment to increase the salary $5 a quarter; that amounts to $20 a year each. How many postmasters did the gentleman say there were?

Mr. CANNON. About 60,000.

Mr. PICKLER. Very well; that will amount to $1,200,000. Now, I am emphatically in favor of that increase.

Mr. CANNON. Is my friend also in favor of what is evidently to be done, so far as you can tell, some time either shortly before November or between next November and the 4th of the coming March, of putting all of the fourth-class postmasters under the civil-service rules? [Laughter.]

Mr. PICKLER. Ah, Mr. Chairman, "sufficient unto the day is the evil thereof." I only know this much, and that is the only question that we are to deal with now, that these fourth-class postmasters are not to be starved to death.

Mr. KYLE. Will the gentleman from South Dakota allow me to ask him a question?

Mr. PICKLER. I yield to the gentleman for that purpose.

Mr. KYLE. The gentleman has intimated that there is some discrimination in this bill against the fourth-class postmasters. Now, I wish to ask him if this bill has not been drafted on the same lines with the bills heretofore passed with reference to the fourth-class postmasters? And if there is anything in the bill that discriminates against them I hope he will point it out.

Mr. PICKLER. I will be glad to answer the gentleman from Mississippi. I am satisfied that the gentleman has ten fourth-class post-offices, and perhaps twenty, to one of any other kind in his district, and he knows of these petitions which come up here with reference to salaries of these postmasters. The Committee on Post-Office and Post-Roads has had these petitions which have been placed before the committee by the fourth-class postmasters, and they have had the same opportunity of investigating the matter as the rest of us. They have had letters, too, on the subject.

Now, it does not do for the gentleman to say that there is no discrimination in this bill. If you let it go as you have reported it, it is a settled fact that they will get nothing more. You know the necessity of it, the justice of it, and it seems to me you ought to have reported a provision doing something for these fourth-class postmasters. Let the economy come somewhere else. Let the cities bear some of these economies. Let there be something done there to cut down the bill, if that is the great trouble about this. Let the economy come in somewhere else.

Mr. KIEFER. On the Pacific railroads, for instance.

Mr. CANNON. Does my friend think that for the last five or six years or longer the fourth-class postmasters have been paid altogether too small salaries?

Mr. PICKLER. Yes. I think the gentleman from Illinois, with his fairness, will not for a moment insist, even when he is trying to keep down appropriations, that the fourth-class postmasters have received compensation enough. I think he will not state that. He knows all about the fourth-class postmasters, and that they are required to exercise just as much care in regard to their offices, that they are required to make the same reports, that they are liable to the Government for losses, that they get into trouble for omissions to make proper and prompt reports. In other words, they are liable to all the regulations, and it is necessary for them to be as careful in the administration of their offices as the postmasters of other offices. But they get next to nothing for it in a large majority of cases. Now, it is a great accommodation to the people to have these post-offices, and these postmasters ought to be paid something. They are paid scarcely a pittance now.

Mr. CANNON. If my friend will allow me, I do not know how it may be in South Dakota, but in Illinois, when a Republican Administration has come in, from time to time, touching these fourth-class postmasters, sometimes when there have been ten, a dozen, or perhaps twenty applicants for a post-office, I have many times thought—

How happy could I be with either,
Were t'other dear charmer away!

[Laughter.]

Mr. PICKLER. I am familiar with that delectable experience myself, but that illustration is one which the gentleman ought not to bring in here any more. I do not doubt that there are four or five hundred gentlemen in his district who would be willing to serve the district in Congress at $2,000 a year. And simply because the strong arm of the Government can be brought down upon these officials, because it can say to them, "You can have no more," it is not fair to them to do so.

Mr. SWANSON. Will the gentleman allow me to interrupt him for a moment?

Mr. PICKLER. Yes.

Mr. SWANSON. The gentleman knows that a point of order lies against any legislation on an appropriation bill. Has the gentleman introduced any separate bill at this session for the relief of fourth-class postmasters?

Mr. PICKLER. Plenty of bills have been introduced.

Mr. SWANSON. Have you done it?

Mr. PICKLER. I have no ambition to introduce all the bills in this House.

Mr. SWANSON. Have you ever introduced one such bill while you have been in Congress?

Mr. PICKLER. The gentleman, who is a member of the Committee on the Post-Office and Post-Roads, must know that a number of such bills have been introduced.

Mr. MILES. Have you been before the Post-Office Committee in the interest of any one of these measures?

Mr. PICKLER. No, I have not. A Post-Office Committee which has not heard from the fourth-class postmasters of this country and which pleads ignorance of the injustice that is done to them could not be enlightened, even by as able a gentleman as myself. [Laughter.]

Mr. SWANSON. We should like to have the gentleman suggest to us on what line we should base their compensation.

Mr. PICKLER. Mr. Chairman, that is a matter that should be formulated by the Post-Office Committee. The suggestion of the gentleman from Arkansas, to give them $20 a year additional, is better than nothing. That seems to me very small indeed, and I should like more, but it is a suggestion in the right direction. I do not want to detain the committee, but I hope, when we come to the amendment of the gentleman from Arkansas, the committee will favorably consider it. I am not criticising the committee. I know this white street car, which runs up and down Pennsylvania avenue, looks very nice. I do not know how much good it accomplishes. It is a thing of beauty, and a thing of beauty is a joy forever. I know it looks well, and I am heartily with the committee in any improvement they may make; but, gentlemen, I do insist that it is not fair to leave out the country districts eternally.

Mr. LOUD. Mr. Chairman, I will now ask that general debate be closed on this bill, except as to the paragraph suggested by the gentleman from Missouri [Mr. DOCKERY].

Mr. SWANSON. I insist that the debate shall proceed in the regular order, and that when general debate is closed we proceed under the five-minute rule.

Mr. LOUD. Then I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, and had come to no resolution thereon.

Mr. LOUD. Mr. Speaker, I move that the House now take a recess until 8 o'clock.

GRANTING CONDEMNED CANNON TO NATIONAL GUARD, NEW YORK.

Mr. HOOKER. Before that is done, Mr. Speaker, I would like unanimous consent to pass a small bill. It will not take more than a minute.

Mr. LOUD. I have no objection.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company National Guard of State of New York.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Thirteenth Separate National Guard of the State of New York, for their armory at Jamestown, N. Y., two condemned cannon and sufficient cannon balls: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. DANIELS. Mr. Speaker, the minority of the Committee on Elections No. 1 report their inability to file their answer or minority report to-night, and desire to do so to-morrow. I ask unanimous consent that they may have that time.

The SPEAKER. The gentleman from New York asks unanimous consent that the minority in the contested-election case of Aldrich *vs.* Robbins may have permission to file their views to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. I move that the House now take a recess until 8 o'clock.

The SPEAKER. Pending the motion of the gentleman from California, the Chair desires to present a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3964) to reorganize the customs collection district of Alaska;

A bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; and

Joint resolution (H. Res. 98) directing the Secretary of War to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON, for five days, on account of important business.

To Mr. STEELE, for ten days, on account of important business.

To Mr. MAHANY, for ten days, on account of important business.

To Mr. STRAIT, indefinitely, on account of sickness in family.

The SPEAKER. The gentleman from California moves that the House now take a recess until 8 o'clock.

The motion was agreed to.

The SPEAKER. The House will now take a recess until 8 o'clock, and the gentleman from Iowa [Mr. HEPBURN] will please take the chair at that time.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. HEPBURN as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XVI.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar under the special rule.

Mr. TALBERT. Mr. Speaker, before that motion is put, I desire to submit a remark or two, not, however, opposing the motion of the gentleman from South Dakota to go into Committee of the Whole, because I shall vote for it myself, notwithstanding the fact that there is not here now and there never has been here on a Friday night session a sufficient number to make up a quorum before going into Committee of the Whole. I do not propose to call a quorum upon any of these questions, but just to say that it seems to me from the various reports that are coming in here daily from the Committee on Invalid Pensions that there is too much of a disposition at least to report favorably upon every claim without regard to its merits, without regard to information upon the claim, without regard to certificates, without regard to affidavits, without regard to the testimony, or anything of the sort.

I judge of this from the reports brought in here; not that I have any quarrel whatever with the Committee on Invalid Pensions. I admire their zeal and earnestness in this matter; but I just desire to call the attention of the House to the fact that it may be better, as the question has been raised by gentlemen on the other side of the House, by gentlemen not from the South but from the North, that they are rushing in too great a hurry in passing claims such as are not meritorious. For instance, on several nights we have passed claims here for widows who have remarried; and we have repeatedly passed bills here to remove charges of desertion. Possibly some of them were just and the charges ought to have been removed. But I desire before we go into Committee of the Whole to call the attention of the House, especially gentlemen on the other side, to the fact that I think it would be very much better if they would put in the background such claims as these and bring forward those which are meritorious. I stand ready to support any meritorious claim, and I voted for every claim except one last week, and that was the claim of a remarried widow. I stand ready to advocate what I think is a just and honest claim, and I think it proper before we go into Committee of the Whole to suggest to the chairman of the committee and to gentlemen on the other side if it would not be better for them to put aside such claims as those to which I have referred and let us pass on claims which are meritorious; and having said that, I do not propose to raise the question of no quorum, or to vote against the motion to go into Committee of the Whole, but only desire to enter my protest against unjust claims.

The SPEAKER pro tempore. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

The question was put; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills under the special rule.

ISAAC N. WILLIAMS.

The first business on the Private Calendar was the bill (H. R. 1104) granting a pension to Isaac N. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Williams, Company F, First Regiment Eighth Michigan Engineers, of Newburg, Mich., and pay him a pension of $12 per month.

Mr. THOMAS. Mr. Chairman, the report in this case is very explicit. I ask that it be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1104) granting a pension to Isaac N. Williams, having carefully considered the evidence, respectfully report:

The reports from the records of the War Department show that this soldier served in Company F, First Michigan Engineers and Mechanics, from August 21, 1864, to June 6, 1865, when he was honorably discharged. On November 7, 1877, he filed a claim for pension under the general pension laws, alleging that while in the service he received an injury causing hernia, and that he contracted a disease of the skin. That claim was rejected April 6, 1892, on the ground of "No record" and claimant's inability after special examination to prove origin in the service and in line of duty. The soldier appealed from the action of the Pension Office, but the rejection was sustained by the Secretary of the Interior.

On May 7, 1892, a claim was filed under the act of June 27, 1890. A medical examination was made August 10, 1892, by a full board of surgeons at Kalamazoo, Mich., who reported that he was four-eighteenths disabled by disease of digestive system, four-eighteenths by rheumatism, six-eighteenths by disease of the heart, and ten-eighteenths by eczema, making an aggregate of twenty-four eighteenths. On this he was allowed a pension of $6 per month. When he indicated that he was dissatisfied with his rating he was informed through his attorney that he could file a new declaration. Having received a pension of only $6 for a twenty-four-dollar disability, he was naturally reluctant to submit the matter again to the Pension Office, and asks that he be pensioned at a rate proportionate to the degree of his disability by special act of Congress.

Your committee believe from the evidence as set forth in this report that he is justly entitled to $12 per month, and they recommend that the bill be amended by striking out, in line 5, the words "pension laws," and inserting in lieu thereof the words "act of June 27, 1890," and that as so amended the bill do pass.

Mr. THOMAS. Mr. Chairman, I move that the bill be amended by striking out the word "Eighth," in the seventh line, and inserting the word "First," as I believe there was no Eighth Regiment of Engineers in Michigan. It was the First. That seems to be an error.

The CHAIRMAN. The Chair will state that the bill reads "the First Michigan Engineers."

Mr. THOMAS. The copy I have before me reads "the Eighth."

The CHAIRMAN. The question is on the amendment to strike out the word "Eighth" and insert the word "First." Without objection, that will be considered as agreed to.

There was no objection.

The CHAIRMAN. The question recurs upon the amendment proposed by the committee.

The amendment of the committee was agreed to.

Mr. THOMAS. Mr. Chairman, I also ask to have stricken out the words "of Newburg, Mich."

The motion was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I do not think this is a bill that we ought to pass. I think the report clearly shows it. If anybody has listened to the report, or has taken the trouble to read it, I think he ought to be reasonably satisfied that this is not a bill for this House to take favorable action on. A part of it reads:

Having received a pension of only $6 for a twenty-four-dollar disability, he was naturally reluctant to submit the matter again to the Pension Office, and asks that he be pensioned at a rate proportionate to the degree of his disability by special act of Congress.

That is, the applicant, in a petulant fit, says, "I will not go to the Pension Bureau any more. I will go to another authority, and I will get my pension there."

It seems that General Bussey and General Raum were the officials to whom he took special exception; they seem to have so irritated him that he will make no further application at the Pension Office. Now, if we are going to begin the policy of pensioning people by special acts when they can probably be pensioned in the Pension Office, the sooner we know that such is to be the policy the better. I trust that this bill will not be pressed, because if it is I shall be constrained to ask that a quorum vote for it.

Mr. THOMAS. Mr. Chairman, the criticism made by the gentleman from Pennsylvania [Mr. ERDMAN] on this case is hardly just, because, as he will remember, the evidence was reviewed in the Committee on Invalid Pensions and showed that the board of

examining surgeons rated this man at $24 a month; that the medical referee, an officer of the Pension Bureau—not Colonel Bussey—Colonel Bussey's decision was not upon the amount of the rating, but upon the previous application which was rejected years before—the law of 1890 for this disability would have given this man $12 a month, but the medical referee in his wisdom saw fit to allow only $6 a month.

Mr. ERDMAN. Who ruled upon the question on May 7, 1892?

Mr. THOMAS. That was no ruling. The application was simply rejected by the action of the medical referee of the Pension Bureau.

Mr. TALBERT. Mr. Chairman, it seems to me this is a very singular case. According to the report, the "full board of surgeons" who examined this man's case "reported that he was four-eighteenths disabled by disease of digestive system, four-eighteenths by rheumatism, six-eighteenths by disease of the heart, and ten-eighteenths by eczema, making an aggregate of twenty-four eighteenths." Certainly, as these figures show more than a total disability, the man must be dead; he must have gone clear over. [Laughter.] I think the bill ought to be passed so as to help pay his funeral expenses. [Laughter.] I shall vote for the pension.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The question being taken, there were—ayes 67, noes 3.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of no quorum. [Cries of "Count!" "Count!"] The Chair suggests that there be a count by tellers.

Mr. THOMAS. I call for tellers. [Cries of "Oh, no!"] Well, I withdraw the call for tellers.

The CHAIRMAN. The Chair will have to sustain the point of no quorum. The Clerk will call the roll.

Several MEMBERS. Count! Count!

The CHAIRMAN. The Chair can not count members who are in the cloakroom. A count by tellers would probably have developed the presence of a quorum without any trouble. The Clerk will call the roll.

Mr. PICKLER. Since the adoption in this Congress of the rule making 100 a quorum in Committee of the Whole, it has been the custom when the point of no quorum has been made for the Chair to count and see whether there is a quorum present.

The CHAIRMAN. The Chair counted, and there was not a quorum in the Hall. Probably there would have been a quorum if members in the cloakroom had come in, and therefore the Chair suggested that there be a count by tellers. The Clerk will proceed with the call of the roll.

The roll was called, and the following-named members failed to answer to their names:

Abbott,	Crisp,	Hulick,	Newlands,
Acheson,	Crowley,	Hurley,	Noonan,
Adams,	Crump,	Hutcheson,	Odell,
Aldrich,	Culberson,	Johnson, Cal.	Ogden,
Allen, Miss.	Cummings,	Johnson, Ind.	Otey,
Allen, Utah	Curtis, Iowa	Johnson, N. Dak.	Otjen,
Anderson,	Dalzell,	Jones,	Owens,
Arnold, Pa.	Danford,	Joy,	Patterson,
Arnold, R. I.	Dayton,	Knox,	Payne,
Atwood,	De Armond,	Kulp,	Pearson,
Babcock,	Denny,	Kyle,	Pendleton,
Baker, Md.	De Witt,	Latimer,	Perkins,
Bankhead,	Dingley,	Lawson,	Phillips,
Barham,	Dinsmore,	Lefever,	Powers,
Bartlett, N. Y.	Dovener,	Lester,	Price,
Beach,	Downing,	Lewis,	Quigg,
Belknap,	Draper,	Linton,	Ray,
Berry,	Ellett, Va.	Lockhart,	Reyburn,
Bingham,	Elliott, S. C.	Loud,	Richardson,
Blue,	Fitzgerald,	Low,	Robbins,
Boatner,	Foote,	Maguire,	Robertson, La.
Boutelle,	Foss,	Mahany,	Robinson, Pa.
Bowers,	Fowler,	Mahon,	Rusk,
Brewster,	Gillet, N. Y.	Marsh,	Russell, Conn.
Bromwell,	Griswold,	McCall, Mass.	Russell, Ga.
Brosius,	Grow,	McCall, Tenn.	Sayers,
Brumm,	Hadley,	McCleary, Minn.	Scranton,
Buck,	Hall,	McClure,	Settle,
Burton, Ohio	Halterman,	McCormick,	Shafroth,
Calderhead,	Harmer,	McCreary, Ky.	Shannon,
Cannon,	Harris,	McDearmon,	Shaw,
Catchings,	Harrison,	McEwan,	Sherman,
Chickering,	Hart,	McKenney,	Shuford,
Clardy,	Hartman,	McLachlan,	Simpkins,
Clark, Iowa	Heiner, Pa.	McLaurin,	Skinner,
Clark, Mo.	Hemenway,	McMillin,	Smith, Ill.
Cobb, Ala.	Henderson,	Meiklejohn,	Smith, Mich.
Cobb, Mo.	Hendrick,	Mercer,	Sorg,
Cockrell,	Hermann,	Meredith,	Southwick,
Codding,	Hicks,	Meyer,	Sparkman,
Colson,	Hilborn,	Milliken,	Spencer,
Cooke, Ill.	Hill,	Miner, N. Y.	Sperry,
Cooper, Fla.	Hitt,	Minor, Wis.	Stahle,
Cooper, Tex.	Hopkins,	Mondell,	Stallings,
Cooper, Wis.	Howard,	Money,	Steele,
Corliss,	Howe,	Moody,	Stephenson,
Cousins,	Howell,	Morse,	Stewart, N. J.
Cowen,	Hubbard,	Moses,	Stokes,
Cox,	Huff,	Murphy,	Stone, C. W.
Stone, W. A.	Towne,	Walker, Va.	Willis,
Strait,	Tracewell,	Walsh,	Wilson, N. Y.
Strong,	Tucker,	Washington,	Wilson, Ohio
Strowd, N. C.	Turner, Ga.	Watson, Ind.	Wilson, S. C.
Sulzer,	Turner, Va.	Wheeler,	Woodard,
Swanson.	Van Horn,	White,	Woodman,
Taft,	Wadsworth,	Wilber,	Woomer,
Terry,	Walker, Mass.	Williams.	Wright.

Mr. PICKLER. Mr. Chairman, the gentleman from Kansas [Mr. BLUE] was called away——

The CHAIRMAN. Excuses are not in order on this call.

The roll call being concluded, the committee, under the rule, rose; and Mr. HEPBURN having resumed the chair as Speaker pro tempore, Mr. GROSVENOR reported that the Committee of the Whole on the Private Calendar having found itself without a quorum, he had thereupon directed the roll to be called (which disclosed the presence of a quorum), and he now reported the names of the absentees to the House.

The SPEAKER pro tempore. The names of the absentees will be entered on the Journal. The roll call shows 111 members present. A quorum having been disclosed, the Committee of the Whole, in accordance with the rule, will resume its session.

Mr. PICKLER. I rise to a parliamentary inquiry. When will excuses be in order for members who are not present?

A MEMBER. They ought to be here.

The House, in accordance with the rule, again resolved itself into Committee of the Whole on the Private Calendar, Mr. GROSVENOR in the chair.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan [Mr. THOMAS], that the pending bill be laid aside to be reported to the House with a favorable recommendation.

Mr. NORTHWAY. I should like to know whether any remarks or an inquiry would be in order now before we take the vote?

The CHAIRMAN. The Chair is of the opinion that it is now too late for debate.

Mr. PICKLER. The vote had been announced.

The CHAIRMAN. The vote had been taken on the motion of the gentleman from Michigan to lay the bill aside with a favorable recommendation.

Mr. NORTHWAY. Mr. Chairman, I would like to make an inquiry, if it be proper at this time. I should like to be permitted if possible to make some remarks upon the bill if now in order.

The CHAIRMAN. The Chair thinks it can only be done now by unanimous consent, but will submit the request of the gentleman. Is there objection to permitting the gentleman from Ohio to address the committee at this time?

Several MEMBERS. Regular order.

The CHAIRMAN. The question is on the motion to lay the bill aside with favorable recommendation.

The motion was agreed to.

SAMUEL BURRELL.

The next business on the Private Calendar was the bill (H. R. 2320) for the relief of Samuel Burrell.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Samuel Burrell, late first lieutenant of Company M, Fifth Illinois Cavalry Volunteers, and grant him an honorable discharge, to date from November 26, 1862.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2320) for the relief of Samuel Burrell, having had the same under consideration, report that a similar bill, with the proviso hereinafter mentioned and recommended, was reported favorably upon and passed the House in the Fifty-first and Fifty-third Congresses.

In the Fifty-second Congress the Committee on Military Affairs submitted the following report:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 2517) for the relief of Samuel Burrell, having had the same under consideration, beg to report that this applicant was mustered into the service in December, 1861, as first lieutenant of Company M, Fifth Illinois Cavalry, and was dishonorably discharged for absence without proper authority by sentence of a commission under date of April 3, 1863.

"The evidence shows that Lieutenant Burrell, being disabled, did, under the advice of the surgeon of his regiment, tender his resignation in September, 1862, and at the same time received a leave of absence.

"The leave of absence was renewed once and the surgeon's certificate forwarded. His colonel, from time to time, informed him that he need have no apprehension, that his resignation would be accepted, and that it was not necessary for him to return to his regiment. He, however, did return to his regiment as soon as he was able to travel, still suffering from extreme disability caused by chronic diarrhea, and he was again returned to his home, receiving proper passes to go through the lines and an order for transportation, with the authority of the colonel of his regiment—said papers being still in existence. He again returned to his regiment, but was not placed on duty, the evidence showing that he was unfit for it, but no report had as yet been made upon his resignation. He was then called before a commission, which found that he had been technically guilty of being absent without leave, the authority derived from the colonel of his regiment not being sufficient under military law, and he was accordingly dishonorably discharged for absence without proper authority.

"Your committee believe that Lieutenant Burrell did all a man could do to avoid violation of military law, but was too ill to properly appreciate technicalities and avoid them, and that he evinced a desire to perform duty

and retain rank in the position he held; they therefore recommend the passage of the bill, amended by adding that 'he shall receive no pay or allowance by virtue of the passage of this act.'"

Which report was adopted and approved by the Committee on Military Affairs of the Fifty-third Congress, and which last committee further reported that—

"On the 12th of March, 1863, the officer in the temporary command of the regiment sent a report to the War Department stating that Mr. Burrell had absented himself without leave, and recommended his discharge, while on the 25th of March, 1863, thirteen days after making the above recommendation, the officer in command of the regiment wrote Mr. Burrell at his home, stating that his resignation had not yet been acted upon and advising Mr. Burrell not to return until they received notice of the action of the War Department; that during the time Mr. Burrell was absent he was advised from time to time by the commanding officer that it was not necessary for him to return until notified, and that Burrell was acting in good faith during his absence; that he returned to his command of his own accord before he was really able to do military duty, and was in the service at the time his discharge was ordered; that the evidence here presented has never been heard or considered by any commission."

The records of the War Department, as furnished to accompany S. 3051, Fifty-first Congress, first session, show that the dismissal from the service was of date April 13, 1863, and that the bill should be amended accordingly.

Your committee adopts and approves the reports of the several Committees on Military Affairs of the Fifty-first, Fifty-second, and Fifty-third congresses, and recommends that the bill H. R. 2320 do pass, with the following amendments, viz:

Strike out all of line 8 and insert in lieu thereof the words: "April 13, 1863"; also by adding thereto the following: "*Provided*, That he shall receive no pay or allowance by virtue of this act."

Mr. TALBERT. Mr. Chairman, I raise the point of order that this bill does not come properly before the committee to-night under the rule. I make objection to it because the bill states in substance that the man has been before a military commission or court-martial and has received a sentence of the court. I submit, therefore, that it does not come before the committee under the rule. It says in the report:

He was then called before a commission, which found that he had been technically guilty of being absent without leave. The authority derived from the colonel of his regiment not being sufficient under military law, he was accordingly dishonorably discharged for absence without proper authority.

There is the sentence of a military commission, which amounts to a sentence of a court-martial. I submit, therefore, that it is not in order under the rule to-night.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that this is a bill to remove a charge of desertion and comes clearly within the rule.

Mr. TALBERT. I know that it is a bill to remove the charge of desertion; but this man having been before a military commission, amounting to a military tribunal, and having been sentenced under the authority of that commission, I claim that it takes it out of the jurisdiction of the committee.

The CHAIRMAN. The Chair overrules the point of order.

The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JAMES P. HURLEY.

The next business on the Private Calendar was the bill (H. R. 3216) granting an increase of pension to James P. Hurley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James P. Hurley, private Company G, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, to $30 per month in lieu of that he now receives.

Mr. ERDMAN. Let us have the report in that case read.

The report by (Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3216) granting increase of pension to James P. Hurley, have carefully considered the same and respectfully report:

James P. Hurley enlisted in Company G, Twenty-eighth Regiment Massachusetts Volunteer Infantry, on October 8, 1861, and was discharged therefrom on surgeon's certificate of disability August 29, 1862. On September 1, 1864, he enlisted in Company C, Thirteenth Veteran Reserve Corps, and was discharged on surgeon's certificate of disability October 17, 1864.

The evidence shows that during the early part of August, 1862, the soldier was injured in the spine, ribs, and head by reason of a collision, which took place near the mouth of the Potomac River, between a transport on which he was and another vessel. He received hospital treatment near Alexandria, Va., on August 15, 1862, and fourteen days afterwards was discharged on account of "obscure disease of the heart, with great debility and shortness of breath," but the records show no diagnosis of his case. At the date of his enlistment in the Veteran Reserve Corps he was, according to the records, suffering from "the effects of fever, contracted in line of duty," and his discharge of October 17, 1864, was because of "valvular disease of heart and general debility; unfit for the Veteran Reserve Corps." The discharge certificate further states that "said soldier has been of no use whatever since enlistment, and, in my opinion, never will be." The evidence as to prior soundness is unusually full.

The soldier made application for pension December 31, 1879, but the claim was rejected in 1883 on the ground of no pensionable degree of disability from injury to ribs, back, and kidneys since discharge. In recent years, however, his infirmities have rapidly been growing worse, and now, at the age of 63, he is totally disabled. He can get around only on crutches; has an ulcerated limb, partial paralysis of right arm, and passive congestion of the brain, causing mental confusion and difficulty in articulating. His wife is 60 years old, and very feeble. His only child, a son of 26, is in the last stages of consumption. They have no property of any kind, and are wholly dependent on a pension of $12 granted the soldier for total incapacity under the act of June 27, 1890.

In view of all the facts, your committee respectfully report the bill back to the House with the recommendation that it do pass.

Mr. NORTHWAY. Mr. Chairman, at the risk of being subjected to criticism, I want to offer a few suggestions with reference to this bill and with reference to pensions generally. I wanted to be heard on the other bill, proposed by the gentleman from Michigan [Mr. THOMAS], but under the rule could not obtain the floor at that time.

Now, if it is to be the policy of the Committee of the Whole to venture on the consideration of bills where the claimant is entitled to obtain a pension or an increase of pension under the general law, and fails to make out his case to the satisfaction of the Department, and we are to introduce bills here to grant pensions or increase pensions for any such reason as that, then we might just as well resolve that this Congress shall be turned into a pension bureau at once, for we will do no other business. I have written to at least a hundred constituents of mine since this Congress opened, in response to inquiries, that if a party is entitled to a pension under the general law, even though he does not get what he desires to get, that Congress would not pass special bills for their relief. I believe that ought to be the policy, and I understand that to be the policy on which we have been acting.

Now, take the case of a claimant who presents on his own behalf an equitable and a strong case, presents it under the general law to the Bureau, and receives some pension. He is not satisfied with the rating allowed him and wants more, and can not get it under the general law, but comes here, asks some one to introduce a special bill for his behalf, expects Congress to take the case out of the hands of the Department, and grant him that increase of pension. That is, he asks us to grant what was refused by the Department; or where it failed to grant a pension according to the idea of the claimant, a pension bill is to be introduced and we are asked to give it our sanction and allow it to pass this House. I submit if that is to be the policy, we ought to proclaim it at once. But I do not believe, Mr. Chairman, that this House will place itself in that position. I submit that we ought to define our status with reference to these bills clearly, that we should have a general rule of action with reference to them all, and stand on that principle before the House and before the country. If it becomes known that this Congress will undertake to pass bills to grant pensions simply because the Pension Bureau will not grant a pension, or where a claimant has failed under the general law, and where his only claim is under that law, then we will have a hundred thousand of them as fast as they can be introduced, and each one of us might just as well employ a clerk at once to write them.

Private pensions ought to be granted only for technical reasons, when the Pension Bureau can not grant them under the law. We ought not to stand up here and say the Department and the administration of that Bureau is not of our faith, and that is the reason that we will pass these bills. I submit that I feel myself as much outraged as anybody can feel with reference to the action of the Bureau in pension cases. But that does not afford any ground for taking the position that we are to overrule the Bureau in all cases.

In the speech that I had the honor to make before this House some time ago I called the attention of the House to a case where a man was drawing $27 a month for a number of years and was cut off by the Department on the ground that his proof did not sustain the claim. I submit that if the bill which was just passed here at the instance of the gentleman from Michigan [Mr. THOMAS] is rightly passed, then I ought to introduce a bill to pension my man Hood at the rate of $27, and I ought to introduce a hundred bills which I have declined to introduce at this session of Congress. I favor pensions as much as any human being can. The man or woman does not live who dares to challenge my loyalty to pensions; but I submit that before I vote upon these matters I want some well-defined principle, some well-defined rule that we can stand by here and stand by before the country. I submit that the very question here is one where, although the Pension Department may have outraged the claimant, yet his case is under the law, and we ought not to take it out and make it special.

I make these remarks, not because I think I will not be criticised, but because I want to call the attention of the committee to the fact there is some point at which we must stop. We must not pension every claimant who presents a private bill here on the principle that we are pensioning all. We should have some well-defined policy. Now, if this case falls under the rule for granting private pensions, let us understand it, so that every member of Congress can pension his friends, if possible, although it will take one hundred and fifty years to pass all the private bills that might be introduced in cases just like this. I submit we ought to call a halt

upon this matter. I submit we ought to adopt rules upon which we can stand here and stand before the country, rules which we can urge upon our constituents and the hundreds of claimants who are all the time presenting their appeals to us to aid them in pension matters.

Mr. PICKLER. Mr. Chairman, I regret that the gentleman from Ohio [Mr. NORTHWAY] does not feel it in consonance with his conscience to vote for this bill. Now, the Committee on Invalid Pensions are under obligations to all these gentlemen who have so much advice to give. We take it in good part. I think the Committee on Invalid Pensions always get a great deal of advice from Congress.

The gentleman wants a well-defined policy. I want to know how a case could present a more equitable appeal to Congress than this case? Note the last paragraph of the report. I will only detain the committee for a moment. Here is a man who, having done the best he can at the Pension Office under the law of 1890, gets $12 a month. This soldier made an application for a pension on December 31, 1879, but the claim was rejected in 1883 on the ground of no pensionable degree of disability from injury to ribs, back, and kidneys since discharge. In recent years, however, his infirmities have rapidly been growing worse, and now, at the age of 63, he is totally disabled. He can get around only on crutches; has an ulcerated limb, partial paralysis of right arm, and passive congestion of the brain, causing mental confusion and difficulty in articulating. His wife is 60 years old and very feeble. His only child, a son of 26, is in the last stages of consumption. They have no property of any kind, and are wholly dependent on a pension of $12 granted the soldier for total incapacity under the act of June 27, 1890. The committee reported favorably on this bill. We reported in favor of $30 a month. That is what the law says any man who is totally incapacitated from earning a living by manual labor shall have. The man is 63 years old. His wife is 60 years old. They have a consumptive son. He gets $12 a month, and yet the gentleman from Ohio [Mr. NORTHWAY] criticises the Invalid Pensions Committee because we allow a pension in such a case as that. If the Republicans of Ohio are not in favor o, pensioning such a man as that, I think they need a little education, and I hope my friend will go back and give it to them.

Mr. NORTHWAY. Will the gentleman answer a question?

Mr. PICKLER. Yes.

Mr. NORTHWAY. Are there not tens of thousands of men who under the act of 1890 can get only $12 a month, and yet who are totally disabled?

Mr. PICKLER. No, I think not.

Mr. NORTHWAY. Well, I can count you hundreds of such cases.

Mr. PICKLER. Mr. Chairman, if the gentleman has any such constituents—I know his fairness and I am not criticising him, and we want the views of the members of this House and their opinions on this pension legislation. We do not want to be bringing bills here if it is not the will of this House that such pensions shall be granted. We are only the servants of this House. But, Mr. Chairman, in my opinion the gentleman will not find five cases in his district like that of this man.

Mr. NORTHWAY. I can find you a hundred.

Mr. PICKLER. No, not where the man is sick and on crutches; where he is 63 years old; where he is utterly helpless; where he has an ulcerated leg; where he seems to be debilitated in every way; but if the gentleman has fifty such cases and will bring them before the committee, this House will say "Amen" to the proposition to grant them pensions, and they ought to have them. [Applause.]

Mr. NORTHWAY. Mr. Chairman——

Mr. MILES. Will my friend permit me?

Mr. PICKLER. I yield to the gentleman on my left.

Mr. GILLETT of Massachusetts. I want to ask the gentleman this question for information: I want to know when a man is totally helpless, so that he can absolutely do nothing, and comes in under the law of 1890, as he does in this case, will the committee raise it to $30? I ask that because I have several cases of that kind.

Mr. THOMAS. Not under the law of 1890.

Mr. NORTHWAY. That is the very law under which this man has come in.

Mr. PICKLER. Well, of course, gentlemen——

Mr. THOMAS. He was entitled under the other law.

Mr. PICKLER. Under the law of 1890, of course, gentlemen all understand they can get but $12 a month. As I understand, and as I have always understood, it is the province of the Committee on Invalid Pensions, when you find such a case as the gentleman describes, that can not be helped in the Pension Office, that especially appeals to Congress; and this is one of those cases. Now I yield to the gentleman from Iowa.

Mr. HULL. I would like to ask the gentleman from South Dakota if there is not a reasonable probability that these injuries were the result of his service?

Mr. PICKLER. That is practically conceded.

Mr. HULL. I would ask if the committee has not in considering these cases, where there is a simple lack of proof and the Pension Office is not able to act, considered that a case for relief?

Mr. PICKLER. That is the way we have understood.

Mr. HULL. There is another question I would like to ask the gentleman, and that is, if the Committee on Invalid Pensions would consent to give $30 to a man whether his injuries were received since the war or not? The act of 1890 relates to their condition since the war.

Mr. PICKLER. The Committee on Invalid Pensions has no rule as to that. There may be cases where the disabilities have not perhaps been incurred during the war, and yet that a man is in a helpless condition, when he is on his bed, with his family dependent on him, where he has been a soldier in the defense of his country, and has everything to appeal to our hearts and humanity, when we do not think we can reject such a case as that; and this is a case of that kind. Now I will yield to my colleague on the committee for a question.

Mr. MILES. Then hear me make one point.

Mr. PICKLER. I yield for a question.

Mr. MILES. Then address yourself to that, because I do not want to talk. I think I have done too much of that already. I just want to ask you if you have not jumped the main question, to wit, that there has never been anything to show that this man's disease is of service origin?

Mr. PICKLER. That is what the Pension Office thought; but we deny it.

Mr. MILES. Now, just discuss that point.

Mr. PICKLER. That is going too far. The Pension Office does not deny, that I know of, and I do not know that they raise that question. They thought there was no pensionable degree of disability in 1883, and possibly not in 1890, and this committee says that many years have passed and this man is probably in a great deal worse condition than when his claim was rejected in 1883.

Mr. MILES. Would it not have been better to make an application at some time during all these years since 1883?

Mr. PICKLER. He did make an application in 1879 and in 1883, and was refused.

Mr. MILES. But 1883 is thirteen years ago.

Mr. PICKLER. But he made the application under the act of 1890. Now, Mr. Chairman, if there ever was a righteous case in this Congress at this session, I believe this is one.

Mr. FISCHER. Will the gentleman permit me to ask him a question?

Mr. PICKLER. Certainly.

Mr. FISCHER. An impression has gone forth, I know, with reference to the number of pension bills that have been reported and passed. Will you kindly tell how many bills have been introduced and how many have been favorably reported?

Mr. PICKLER. Between 1,600 and 1,700 have been introduced, and I think about 100 have been reported favorably. I believe we are reporting what we ought to. Now, I yield to the gentleman from Ohio, if he wants to say anything.

I yield to the gentleman from Massachusetts [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, the applicant in this case, James Hurley, is personally known to me. This bill was introduced by myself. I can say that this man is injured to such a degree that he is, and has been for years, totally incapacitated for any manual labor. I have here a letter signed by the officers of the John Hancock Veteran Union and by Past Grand Commander of the United States J. H. Roberts of that order, of which no man is allowed to become a member unless he has served in some of the pitched battles of the war, stating that they know of their personal knowledge that this man is and has been for a long time totally incapacitated from any manual labor.

Mr. Chairman, twice he enlisted. When he first entered the Army his condition physically was as good as that of any man in the military service. Twice he was discharged for disability. From the time that he returned to his home in 1864 until the present moment he has been suffering, becoming gradually worse and worse until reaching his present condition.

In regard to his application in 1883, I wish to say that he applied then for a pension on certain narrow grounds which the examining surgeons found not to be justifiable; but if he had based his application at that time on the broader grounds given by the surgeons at the time of his discharge from the service, his pension would have been granted.

Mr. Hurley is a proud man, an honorable man, a man who stands high in the community in which he lives. He is not a man to apply for a pension which he does not deserve. He did not go to the front to serve for a short time. He was in the service of the country from 1861 up to 1864. I say that if any man or his wife or his household or those around him are deserving the re-

spect and confidence of this House, we have in the case of James Hurley one deserving of the highest consideration.

I trust that the gentleman from Ohio [Mr. NORTHWAY], however much he may object to other cases less deserving, will not oppose the application of this man, who is entirely helpless and entirely dependent on the meager sum which he gets from the Government, who is to-day suffering for want of the necessaries of life because of his inability to work. I hope my friend from Ohio will spare the chastening rod in this case, and apply it in some direction more worthy and where less injustice will be done.

Do justice to this man, and correct the general law, if need be, later.

Mr. NORTHWAY. Mr. Chairman, I should not feel at liberty to address myself to the committee again were it not for the fact that the chairman of the Invalid Pensions Committee has seen fit to go outside this case and speak of the loyalty of the members from the State of Ohio. I am not a member of that committee, but in these matters I trust it is not necessary for me to file an affidavit to show that I am as loyal as the gentleman from South Dakota. I will not stand here and have my motives impugned because I honestly raise a question upon these pension cases. I care not what the gentleman from South Dakota may say, I am not here objecting except on a fair consideration of the circumstances of the case.

The gentleman from Massachusetts [Mr. BARRETT] has seen fit to appeal to me because he is acquainted with this man and believes his claim to be equitable. I am assuming that the claimant in this case is an honorable man and was a brave soldier. But when I say that, I must concede that there are many hundreds of thousands of men who in the service were as brave as he; and I will add that there are many, very many, thousands of men whose appeals to Congress upon the ground of humanity rest upon as strong ground as his. I can name two gentlemen in my own village whom I have known for years, who are getting only $12 a month and who ought to have as much as may be granted to this man. If this bill is to pass, I see no reason why I should not at once introduce bills to increase their pensions from $12 a month to $30 or $40 a month. I see no reason why hundreds of bills of that kind should not be introduced.

There is one case of a man who lives at Norfolk, Va., a man absolutely bedridden and helpless, who is receiving only $12 a month. I do not see why he should not receive $72 a month, for he was a captain. His case appeals strongly to the sympathies of the people and of Congress. Give me time and I could name a hundred other cases making an appeal equally strong with that which this man presents.

This is not a question of humanity altogether. It is not a question whether we shall now pay thirty, forty, or fifty dollars a month to a man to whom a previous Congress has seen fit to grant $12 a month. If such a man as that should have $30 a month pension let us then pass a general law giving every man who can make the same proof a pension of $30, and then take the whole matter out of the House, where we will have trouble with it no more.

Mr. LOUDENSLAGER. Let me ask the gentleman this question: Did the persons to whom the gentleman refers have certificates of discharge which certified that they were subject to that disability when discharged?

Mr. NORTHWAY. I do not know whether they have such a discharge or not. Most soldiers have not. I know that in the case of one of those I named, where a man applied under the general law, he simply failed to show that the disability was of service origin, just as 200,000 other applicants are failing to show to-day. Now, if we pension one of these under such circumstances, where he can not show the service origin of the disability, I say let us pass a general law pensioning all of them. These men are now disabled; and if under the law of 1890, although they fail to show that the disability was of service origin, they can have the pension increased to $30 or $50 a month by Congress—I say if they can do that, let us have a general pension law; let the Committee on Pensions report a general act increasing the pensions of all of them to $30 or $50 a month, and I will vote for it; I will vote for every just pension bill; I am in favor of pension legislation, but I only ask that we have uniformity in this matter; that we treat all alike. If we pass this bill, is there any reason for not having a general act, a law covering every one of these cases, instead of having Congress pass here and there a special case, making a special exception in favor of some man?

Mr. Chairman, I think that where we have a general act covering pensions, and a man gets a pension under it, we ought not to extend that general pension act to cover one or two cases only, to increase a pension here and there, and let all of the rest go under the general law. Where is the justice in such a proceeding as that?

But, sir, when I took my stand on this question I said I expected criticism. I did not expect the gentleman from South Dakota to challenge my loyalty in order to carry his point against me.

Mr. PICKLER. If the gentleman will permit me, the gentleman himself brought in politics in connection with the matter. But I desire now to withdraw everything I said in reference to the gentleman. [Applause.] I know that the Republicans of Ohio are loyal, and I had no idea of doing more than stirring the gentleman up on this question.

Mr. NORTHWAY. But even that, the gentleman will see, does not settle the matter. We ought, as reasonable, as sensible men, to advance some principle, to adopt some rule, that will reach the largest number of cases, and ought not to place ourselves in a position before the country by special act favoring one or two men, giving them a pension of thirty or fifty dollars a month, where a general law could reach everyone who is entitled to it under the same conditions. I repeat, I will vote for a general act covering all of these cases, but I am not in favor of passing special acts that are already covered by the general law.

I do not believe that a pensioner ought to be permitted to go to the poorhouse or to be buried in the potters' field. I think this Government is great enough and strong enough and rich enough, and it ought to be generous enough, to take care of every man who served it in time of its need, and they should be so taken care of that no old soldier need ever be sent to the poorhouse or die and be buried in the potters' field. But I submit that whatever relief we give in these cases ought to be done under some general act that would appeal to the sense of justice of our fellow-citizens, and not present what might be regarded properly as special favoritism in isolated cases. If we are to pass special acts we will never get through with the consideration of this matter. Only here and there a worthy soldier will be pensioned, and the other thousands and tens of thousands and hundreds of thousands will go to paupers' graves because they can not be pensioned by Congress for want of time.

I am not here, Mr. Chairman, questioning the rights of our pensioners to a pension, but I only insist that common justice demands that there shall be regularity about the granting of pensions, and when we pass a general act covering all of these cases we can stand by our action, we can justify ourselves to our consciences, to our constituents, to the worthy pensioners throughout the country, and to all the claimants throughout the land who are looking to us for justice in these matters.

Mr. HEPBURN. Mr. Chairman, the gentleman from Ohio, who has just taken his seat, seems to be seriously perturbed because a general law can not be framed, or has not been framed, to affect this particular case. To my mind, sir, this is just such a case as ought to be here. It is here for the purpose of correcting an error on the part of the Pension Office, and this is the only tribunal in which that error can be corrected. I submit to the gentleman from Ohio that this is the court of appeals from the Pension Office, and of necessity it must be so, or else there can be no remedy for wrongs committed. [Applause.]

Is it true that all the blunders committed there should go without repair or without remedy because there is no tribunal? I insist that if this was a case at law, and if that gentleman was sitting as the court of appeals upon it, he would not hesitate to say as a lawyer that the lower court had been guilty of a blunder, and that such a condition of things was disclosed by the record as demanded redress.

Mr. NORTHWAY. Now, if the gentleman will permit me a question.

Mr. HEPBURN. Certainly.

Mr. NORTHWAY. Is it not true that every claimant who applies for a pension and is rejected because the Department sees no pensionable disability, can appeal on the same ground to Congress and obtain a pension on precisely the same principle?

Mr. HEPBURN. Certainly he can. Every man can appeal here; but every man can not get relief unless he makes out his case. Seventeen hundred cases are pending in that committee, and yet, after a lapse of three months, only a hundred or a hundred and fifty cases have been reported by the committee so much criticised by the gentleman from Ohio; not one in ten of all those that have been brought here has been considered by the committee. Just let me call your attention to the proofs that show so clearly that an error has been committed, that an appeal should be had, and that this is the tribunal in which to try that appeal.

Mr. Chairman, you will bear in mind that the committee have found that the evidence as to the prior soundness of this soldier was unusually full. He was a hale, stalwart, able-bodied man when he entered the service of the United States. Now, was his disability incurred in the service? See what the proofs show:

The evidence shows that during the early part of August, 1862, the soldier was injured in the spine, ribs, and head by reason of a collision, which took place near the mouth of Potomac River, between a transport on which he was and another vessel.

In the line of duty this hale man received these serious injuries after his enlistment. But again the proof shows that—

He received hospital treatment near Alexandria, Va., on August 15, 1862—

Another evidence of incurring disability in the service.

But further—

And fourteen days afterwards was discharged on account of "obscure disease of the heart, with great debility and shortness of breath."

There is not a complete diagnosis of his case, but here it is in proof that this stalwart, able-bodied man was so diseased——

Mr. MILES. Will my friend answer a question right there?

Mr. HEPBURN (continuing). And diseased in such a way that we may well infer that it resulted from this collision, where he was injured in the ribs, back, and head.

Mr. MILES. The gentleman has inadvertently stated that there was "no complete record." The statement in the report is:

But the records show no diagnosis of his case.

Mr. HEPBURN. Very well, but there is a certificate showing his disability, showing for what cause he was discharged, and that certificate was made undoubtedly by a medical officer, or by some competent proof to the discharging officer. That language could never have gotten into his certificate of discharge unless there had been a medical certificate there guiding the officer who gave him his discharge. But to go on a little further, Mr. Chairman. He again went into the service, as many other men did, into the veteran reserve corps. It was made up of men who had suffered from disease, men who were not sound, not able to do duty in the field, but used for the purpose of garrisoning forts and performing other duty of that kind. His enlistment and acceptance in the reserve corps was almost a guarantee that he was unfit for the other duties of a soldier. He went into that corps, and at the date of his enlistment in the veteran reserve corps he was, according to the record—

suffering from "the effects of fever, contracted in line of duty," and his discharge of October 17, 1864, was because of "valvular disease of heart and general debility; unfit for the Veteran Reserve Corps."

Mark you, Mr. Chairman, there are the same diseases mentioned in this certificate of discharge as are found in the other. This hale, hearty man entered the service in the fall of 1861 and was discharged twice for the same causes. But again:

The discharge certificate further states that "said soldier has been of no use whatever since enlistment, and, in my opinion, never will be." The evidence as to prior soundness is unusually full.

What better evidence could you have that a mistake has been made by the Pension Office—a mistake that ought to be corrected somewhere? And there is no other tribunal than this that can correct it. Gentlemen prate about their affection for the soldier, get up here and deliver homilies declaring how anxious they are upon all occasions to do justice to this band of veterans, and yet they indulge in these carping, petty, miserable criticisms when the occasion comes for them to vote, always asking for some impossible thing—a general pension law that they say they are the most earnest of all men to support. I say that the time to support the old soldier is when his bill is pending. [Applause.] Then is the time when he wants your support. If the gentleman is so swift in his zeal, why does he not prepare the character of bill that he wants? Why criticise the committee? Why put himself upon this pedestal of superior virtue and try to lecture the whole Republican party as represented here for fear that they will do some injustice in the way of favorable reports and favorable action in pensioning the old soldiers. [Applause.]

Mr. MILES. Mr. Chairman—— [Cries of "Vote!" Vote!"] Gentlemen, I hope you will be patient with me a moment. I am a member of this Invalid Pensions Committee, and I do not want to say anything that will damage this case. I hope I approach the question in a judicial frame of mind, and I want to do justice to this soldier. I want to ask the gentleman a question. I think he has very ably cleared up one branch of his case, at least to the satisfaction of most of the members of this House. Now, all I ask is this: It does not appear from this report that there has been any application for a pension which would entitle this man to $30 a month since 1883. He applied, as I understand it, under the act of 1890 and got a pension of $12 a month. Now, does it not occur to the gentleman and to the other side of the House that in these thirteen years during which time his condition has been so bad, according to the report, and during which time he has taken no appeal to the higher court, he might have gone to and made his case before the Pension Office? That is a singular thing.

Mr. HEPBURN. I can only say in response to that inquiry that he has tried it in 1879, and again unsuccessfully he tried it in 1883, and then he made his application under the act of 1890, challenging attention to the old case that he had made before——

Mr. MILES. No, sir.

Mr. HEPBURN (continuing). And failing to receive anything more than the pension under the act of 1890 he might well distrust the justness of the tribunal. [Cries of "Vote!" "Vote!"]

Mr. COFFIN. Will the gentleman allow me to ask him a question?

Mr. MILES. Yes, sir.

Mr. COFFIN. I ask you if you have had any experience in regard to getting pensions through the Pension Department; and if you have, do not you think that the chances are in favor of this man dying before the pension will be granted? That is my experience.

Mr. MILES. I really do not know, sir. I have found the people of the Pension Office very considerate. I have found them as clever to me as the average Washington official.

Mr. COFFIN. I think they are very deliberate, if considerate.

Mr. MILES. Now, I want to say to my friend from Maryland, that is not a very weighty suggestion you have made. That has nothing whatever to do with what I want to impress upon my friend, who made a very able argument, and I congratulated him on it; and I here and now congratulate him upon his entire speech. Upon one branch of this case he showed great power of analysis. He analyzed one branch of this case to my entire satisfaction. With perfect candor and frankness, and in a spirit of fair play, I ask him to analyze another part of this case. It is not the practice of the Pension Office to go back to a case that is thirteen years old and take the evidence in that case and apply it to the case of a man who applies under the act of 1890 for a pension under that act.

Mr. BARRETT. Will the gentleman allow me to ask him a question?

Mr. MILES. I will, with pleasure, in a moment. What I wanted to say is this, that it does seem to me that if this soldier were to apply to the Pension Office, or had applied to the Pension Office, and had shown the condition that he has shown in this record, he would have gotten a pension of $30 a month. But this record does not show that he has ever done it. It is a bad practice, it is a bad precedent for us to establish, if we fail to say that this soldier must first go to the Pension Office. That is the point I understand the gentleman from Ohio to make. There are thousands of soldiers in this category, and the remark of the gentleman from Iowa [Mr. HEPBURN] only shows that it is true that there are thousands of soldiers in this country who can not hope to get relief in this way. The fact that this Pension Committee have only reported 100 cases, as was stated by the gentleman from Iowa, only proves that these soldiers can not get relief in this way and is an argument on the other side of the question. It is absolutely impossible for the thousands of soldiers that are in the category of this man to get relief by Congress. Now I will hear my friend's question.

Mr. BARRETT. Mr. Chairman, I want to say to the gentleman from Maryland that one reason why this man has not presented his claim was that his son, who is 26 years of age and dying with consumption—in the years gone by this boy has worked for the support of this old man and his wife. Having had some experience in getting business through the Pension Office, and knowing how rapidly they got along through all these cases, and knowing the consideration they receive, under all the circumstances I thought, while this claimant had this invalid son and this weak and decrepit wife, that I would try to see what justice and good feeling there was in the representatives of the American people in this House when it was compared with the rapid speed with which I have seen cases of similar merit disposed of in the Pension Office. I state of my own personal knowledge that this man deserves a pension. I have here the recommendations of the best officers who served during the war from the State of Massachusetts who indorse it, and because the man is in so bad a condition——

Mr. MILES. I yielded to the gentleman for a question, not for a speech.

Mr. BARRETT. Because of the feeble condition of his wife, and because of his invalid son, I ask for the passage of this bill.

Mr. MILES. I was willing to yield to the gentleman for a question; I wanted to treat him kindly.

Mr. BARRETT. You asked me a question, and I asked if you would allow me to answer it.

Mr. MILES. I did not understand it that way. I thought the gentleman wanted to ask a question. [Cries of "Vote!" "Vote!"] Gentlemen, is this fair? Of course I shall have to cease to undertake to perform my duty as a member of the Invalid Pensions Committee if I am to receive this treatment at the hands of this House. I must ask the Speaker to relieve me. I am trying to apply my best judgment as a man and as a lawyer to these cases; I am trying to do justice; but if I am to be cried down with the demand, "Vote!" "Vote!" when I am endeavoring to get at the facts of a case like this, I think I had better get out of this business; that is all there is about it.

Now, I want to say that in 1879 this soldier applied for a pension, and in 1883 his application was rejected. Upon what ground? On the ground of no pensionable degree of disability. What becomes, then, of this talk of this man's disability being of service origin?

Mr. NORTHWAY. Since I have been charged with dragging in politics, and since it has been insinuated that I was trying to aid the present Administration, I wish to call attention to the fact

that the rejection in this case was under a Republican Administration.

Mr. MILES. It would not do for me to say that. The gentleman can say it. [Laughter and applause.] There is unfortunately in this House a spirit which makes it impossible—now, gentlemen, you will bear me out in this statement, those of you who have been here from Friday night to Friday night—there is a spirit in this House which makes it impossible for a man to serve on this Invalid Pensions Committee and at the same time keep his temper [laughter], for the reason that if he is a Democrat your treatment of him and his remarks on these Friday nights is such as to make him believe that by virtue of his politics he is unfit for service on the Pensions Committee. This is all I have to say.

Mr. GARDNER. Allow me a single suggestion. [Cries of "Vote!" "Vote!"]

I simply want this case to be understood. I have supposed that this House meets on Friday nights under the rules to consider special pension cases—cases which are in the nature of appeals from the decision of the Commissioner of Pensions. This case has been tried before the Pension Office and twice rejected. Now, this court of appeals proposes to rehear it. All the argument that the gentleman from Maryland presents, as I understand, is this question: Why do you not send the man back to the Commissioner of Pensions? [Applause.]

Mr. MILES. I do not admit that this House is a court of appeals from the decisions of the Pension Office; but if I should admit that I would not admit that there is any precedent for entertaining an appeal when the party has waited thirteen years before presenting his case to the appellate court.

Mr. PICKLER. Mr. Chairman—— [Cries of "Vote!" "Vote!"]

Mr. MILES. I yield to the gentleman from South Dakota, of course. I always want to be clever to him, because every Friday night he extends to me that same kind of courtesy which he has extended to-night to my friend from Ohio [Mr. NORTHWAY]. [Laughter.]

Mr. PICKLER. I am very much obliged. [Laughter.]

But I want to put this question to the gentleman: You talk like this man ought to have made a new application later on. Now, you know what the law is and the practice in the Department is, and you have seen every one of the old papers from 1873 to 1889 right there, which under the law must be taken into consideration for a pension under the act of 1890. Now, if you review the whole case, then why do not they allow the pension on that old claim?

Mr. MILES. I am sure I do not know.

Mr. PICKLER. They had all the papers before them, and I claim that you ought not to send it back now.

Mr. MILES. But what I do know is that if he were to make a new application and go to the office and file his affidavit establishing the facts set forth in this report he could have the case made special and could get it through in thirty days.

Mr. PICKLER. Yes; and they would find that he had no pensionable disability and grant him nothing.

Mr. ERDMAN. Mr. Chairman, the gentleman from Ohio [Mr. NORTHWAY] has found his road no doubt a very rough and troubled way. Any gentleman on that side who will dare to speak his mind on this subject will be ostracized, and must expect to be ostracized or dragooned by an endeavor to bring him back into the fold. He has my sympathy.

As to the remark of the gentleman from Massachusetts that this man did not make application to the Bureau for a pension because he was proud, I say no. Proud people never beg, and now he begs Congress for something. Proud people take their right and due. It is his right and his due to take what the Pension Office gives to him.

Now, this rejection took place after a four-years consideration and in the days of President Arthur. Have you anything to say against that Administration? Are you here to say, as was said in the report made in the case that we have just passed upon, that the applicant is reluctant to apply again before that Administration? Why do not you say so? Why did not I hear the other side declaiming against the Administration of Mr. Arthur as unfair and unjust to the old soldier as they do of the present Administration? Where is the distinction?

Now, if this soldier had been disabled in a pensionable degree, I assert here that the Pension Bureau in the days of President Arthur would have said so and granted him a pension; but it rejected his claim. You propose now without any evidence to overrule the decree of the Pension Bureau made in 1883. It is true that the gentleman making the report says that he has been growing rapidly worse. But where is the evidence of that fact? If he has been growing rapidly worse why has not he applied to the Bureau for relief and not to us? Fairness, justice, and equality are equity; law and equity are justice; favoritism in the legislative or the judicial branch of the Government is an inequity, and for one I propose to stand up here to protest against inequity.

I want to say to gentlemen on the other side of the House that if you propose to come in here and endeavor to drive your bills through the House—bills of this character—you will have to have your quorum of 179 men here before you can go into the Committee of the Whole at all. I am willing to treat fairly with you; I am willing to vote for bills that are right and just; but if you are going to cut off legislation of the soldiers and for the soldiers, legislation that is right and just, by endeavoring to get in bills of this character and legislation like that you now contemplate putting through this House over our protest, upon your own heads be the penalty.

Mr. CROWTHER. Will the gentleman allow me to ask him a question?

Mr. ERDMAN. Yes.

Mr. CROWTHER. Are you willing to vote, as I understand you to say, for every bill that is fair and just?

Mr. ERDMAN. Yes; I am.

Mr. CROWTHER. Then who is to be the judge of the fairness and justice of the bill—you or the 120 men on this side who dissent from your view?

Mr. ERDMAN. I will answer your question. If the other side stood here untrammeled, giving expression to their fair and honest judgment, I would be willing to accept it.

The CHAIRMAN. The question is on the motion to lay the bill aside with favorable recommendation.

The question was taken; and on a division (demanded by Mr. ERDMAN) there were—ayes 96, noes 9.

So the bill was laid aside with a favorable recommendation.

A. H. M'LAWS.

The Clerk read the title of the bill (H. R. 5083) granting an increase of pension to A. H. McLaws.

Mr. LOUDENSLAGER. Mr. Chairman, I think that bill has already passed the House. I have a copy of it here signed by the Clerk as having passed the House.

The CHAIRMAN. There is a mistake in the Calendar. The Chair understands that the bill has already passed the House.

HENRY V. ANDREWS.

The next business on the Private Calendar was the bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Andrews, of Fulton County, Ill., and to pay the said Henry V. Andrews a pension of $25 per month from the date of the passage of this act.

The Committee on Pensions recommended an amendment, as follows:

In line 7 strike out the words "twenty-five" and insert the word "eight."

Mr. MCCLELLAN. Let us have the report read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2605) granting a pension to Henry V. Andrews, have considered the same, and respectfully report as follows:

The claimant made application under the Indian war act of July 27, 1892, declaring that during the Black Hawk war of 1832 he lived in the family of David W. Barnes, by whom he was raised; that Barnes enlisted in Captain Sain's company, Odd Battalion Mounted Rangers Illinois Volunteers, and that he, Andrews, served in the place of Barnes and answered to his name at roll call.

The following is the report of the War Department relative to the claimant's service:

"RECORD AND PENSION OFFICE,
"*War Department, December 27, 1894.*

"Respectfully returned to the Commissioner of Pensions. It has this day been determined by this Department that Henry V. Andrews was accepted into the service of the United States on or about August 4, 1832, as a private in Captain Sain's company, Odd Battalion Mounted Rangers, Illinois Volunteers (Black Hawk war); that he assumed the name of David W. Barnes, who was discharged the service on or about the same date; and that he took Barnes's place in the company and was mustered out with it September 4, 1832.

"By authority of the Secretary of War.

"F. C. AINSWORTH,
"*Colonel, United States Army, Chief of Office.*"

The service is also shown by parol evidence of the highest character, and a special examiner of the Pension Bureau, who investigated the case, reported that it is one of unquestioned merit, and its allowance was recommended. The Bureau, however, rejected the claim on the ground that enlistment is a prerequisite condition of title to pension under the said act of July 27, 1892, and the fact that he was accepted into the service can not, under the rulings of the Secretary of the Interior, be accepted as an enlistment.

Mr. Andrews is now about 81 years old, and in the natural order of things can not long survive as a charge upon the bounty of the Government. There is no question that he served as alleged, as it is a matter of record at the War Department and conceded by the Pension Office, and there appears to be no reason whatever why he should not receive the same pension as is allowed by the general law to other Black Hawk war survivors. The man Barnes, in whose place the claimant served, is shown by the evidence to have died several years ago without having drawn a pension.

Your committee return the bill with the unanimous recommendation that it do pass, amended, however, by striking out the word "twenty-five," in line 7, and substituting in lieu thereof the word "eight," so as to allow a pension rated at $8 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be reported to the House with the recommendation that it do pass.

EUNICE IDA RHOADES.

The next business on the Private Calendar was the bill (H. R. 5749) to increase the pension of Mrs. Eunice Ida Rhoades.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase to the sum of $50 per month the pension of Mrs. Eunice Ida Gallup Rhoades, widow of William W. Rhoades, late lieutenant-commander, United States Navy, said pension to be in lieu of pension numbered 13993, now drawn by her.

Mr. McCLELLAN. Let us have the report read.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3749) granting an increase of pension to Eunice I. Rhoades, have considered the same and respectfully report as follows:

The claimant is the widow of the late Lieut. Commander William W. Rhoades, United States Navy, who died September 30, 1893, from disease originating in the service and line of duty.

Commander Rhoades entered the volunteer naval service as an acting ensign August 19, 1864, and served as such with great distinction aboard the *Susquehanna* and *Nipsic* until April 2, 1866, when he was promoted to the rank of acting master. On March 12, 1868, he was appointed ensign in the regular naval service, and was subsequently promoted through all the grades to commander—he having attained the last-named rank on May 15, 1893, only a few months before his death.

The following extracts from official reports on file at the Navy and Treasury Departments show the arduous nature of the services rendered by the officer, and also the estimation in which he was held by his superiors in command:

"UNITED STATES SQUADRON ON COAST OF BRAZIL,
"FLAGSHIP SUSQUEHANNA, FIRST RATE,
"*Harbor of Montevideo, January 10, 1866.*

"SIR: * * * Acting Ensign W. W. Rhoades, of this ship, has been ordered to the *Nipsic* to fill the vacancy caused by Mr. Pierce's detachment.

"I take this occasion to express my satisfaction with the conduct of Mr. Rhoades since he has been attached to this ship—now nearly eighteen months.

"Whether under fire of the enemy or with the regular duties of the ship or service, he has always proved himself efficient, as I have previously stated to the Department.

"I should be pleased to receive an order for his examination for advancement.

"I am, sir, very respectfully, your obedient servant,
"S. W. GODON,
"*Rear-Admiral, Commanding Brazil Squadron.*

"Hon. GIDEON WELLES,
"*Secretary of the Navy, Washington, D. C.*

"True extract from Admiral Godon's letter.
"BENJ. MICOU, *Chief Clerk.*"

—

Acting Ensign W. W. Rhoades, United States Navy, attached to United States Frigate Susquehanna, Battle of Fort Fisher.

The *Susquehanna* was most effective in her fire, and was fortunate enough to obtain the right position, though much bothered by a vessel near her that had not found her right place. (December 24, 1864, David D. Porter; see Navy Reports for 1865, page 7.)

From my position on the wheelhouse, overlooking my entire battery, I had every officer and man under my observation, and I have sincere pleasure in testifying to the fine bearing, zeal, and gallantry of the division officers, viz, Lieutenant Bartlett and Acting Ensign Rhoades, of the first division, etc. (S. W. Godon to Rear-Admiral Porter; see Navy Reports, 1865, page 21.)

On the 15th we drew into action at 11 o'clock, and fired slowly or rapidly, as occasion required. We landed in our boats about one hundred sailors and marines, under command of Lieutenant-Commander Blake. Lieutenant Bartlett, Acting Ensign Rhoades, and Acting Master's Mate Cooper commanded detachments of sailors. I inclose Lieutenant-Commander Blake's report and notice of Lieutenant Bartlett and Acting Ensign Rhoades, who, after the repulse of our men, entered the fort with the Army. (S. W. Godon; see Navy Reports, 1865, page 107.)

The officers who accompanied me (in the assault on Fort Fisher, January 15, 1865) were Lieut. J. R. Bartlett, Acting Ensign William Rhoades, and Acting Master's Mate M. Cooper, with First Lieutenant of Marines William Wallace. Sent Mr. Rhoades with 10 men to report to Lieutenant Preston, who was engaged at the front in digging rifle pits. Mr. Rhoades rendered most valuable service in the rifle pits, which were dug under the fire of the enemy's sharpshooters, and occasionally a discharge of grape. When the Army made the assault, accompanied by one brave fellow, James Shannon, he followed into the fort. Shannon carried a flag and placed it on the parapet. (F. B. Blake; see Navy Reports, 1865, pages 107 and 108.)

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TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, D. C., July 11, 1892.

SIR: The Board takes this occasion, upon your being detached from duty as inspector of the Thirteenth light-house district, to express its appreciation of the very thorough and efficient manner in which you have performed the duties of inspector during the last three years, and to state that, should it be possible for you to serve under the Board again, it will be most agreeable.

Yours, respectfully,
JAS. A. GREER,
Rear-Admiral, U. S. N., Chairman.

Lieut. Commander W. W. RHOADES, U. S. N.,
Inspector Thirteenth Light-House District, Portland, Oreg.

There are many precedents for the allowance of the increase of pension to the widows of officers of the rank of this claimant's husband, and in view of the fact that, as your committee is reliably informed, Mrs. Rhoades has but little aside from her pension by which to maintain herself in comfort, and as she is well advanced in years and able to do but little to aid in her support, the passage of the bill is respectfully recommended.

Mr. HULL. Mr. Chairman, as I stated last Friday night, it is an unpleasant duty to oppose increases of pensions, but it seems to me that the House of Representatives, in Committee of the Whole, should draw the lines between the increase of a pension to the soldier who performed the duty and the increase of pensions to the widows of soldiers. There is a law that fixes the pensions of the widows of the different soldiers of the Army and the Navy. There can, in the very nature of things, be no special reason why one widow should have a pension larger than another of the same class, under the law, unless we are ready to go into the business of increasing the pensions of widows on account of their disabilities or their poverty.

Mr. McCLELLAN. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. McCLELLAN. On Friday night last, as I see by the RECORD, on page 2288, the following occurred:

Mr. HULL. A widow is pensioned on account of the service of her husband.

Should we not make some distinction as to what the service has been?

Mr. HULL. I suppose that the members of the House will agree with me in this, that there are hundreds and hundreds of officers who fought during the civil war, who were of the rank of lieutenant in the army or ensign in the navy, who performed brave and distinguished services in their different ranks. There is nothing in the career of this soldier that is specially distinguished over his fellows. I am willing to concede that $25 a month will not support any widow in comfort. I am willing to concede that it will not even purchase the necessaries of life, as one in that position would consider the necessaries of life. But I want to say that even $25 a month is much better than $8 a month, and in considering the question of widows it is certainly easy, Mr. Chairman, for this Congress to pass a general law, if the pensions are not sufficiently liberal, by which all widows will be advanced. The proposition of this bill is to make this pension $50 a month. If it was the case of a soldier before Congress showing that he was suffering from the results of disease or wounds, I should be in favor of giving this soldier $50 a month; but I want simply to preserve my consistency and to say that I, as an individual member of this House, will oppose the granting of large pensions to widows, no matter what may be the circumstances of a widow.

Mr. CURTIS of New York. Mr. Chairman, I hope the committee will excuse me for making a reference to a case with which I am somewhat familiar and have personal knowledge. My friend from Iowa [Mr. HULL] has stated what perhaps may be true as a general principle, and it may be worthy of the attention of the House, but in this case I think there is something to be said that will even justify the gentleman from Iowa in supporting this bill. This officer started out as a volunteer in the Navy. He was, during the entire war, a volunteer officer, and because of the valor, skill, and ability which he displayed was appointed in the Regular Navy, but he had to start in the lowest grade in the Navy. If he could have had the advantage of his volunteer service, he would have reached a grade that would have satisfied my friend [Mr. HULL] as to the justice of this pension. I think those who served as volunteers during the war and went into the Army or the Navy after the war, ought to have consideration for their services as volunteers. I do not care to enter into any particular explanation of the general services performed by this officer, but I will say that I had an opportunity to observe his services on one particular occasion where it cost a man something to be there, and within reach of the enemy's guns. He was one of the officers who led in the assault by the Navy on the sea bastion at Fort Fisher; and there has never been in the history of war an incident where men were under a hotter fire or where men displayed greater valor than on that occasion. I will not now speak of the Army, but of the Navy, as I had an opportunity to observe it.

Mr. KEM. Will the gentleman allow me to ask him a question?

Mr. CURTIS of New York. Certainly.

Mr. KEM. Is it not true that there were hundreds and thousands of privates in the ranks in hot places during the war?

Mr. CURTIS of New York. I think there were. And do you know of privates in the ranks making special headway without commanding officers?

Mr. KEM. No, sir; and I never knew of any officer making special headway where there was not a good private.

Mr. CURTIS of New York. And privates rendered good service because officers did their duty.

Mr. KEM. I will ask the gentleman if he proposes, or if it is the proposition of this House, to pension the widow of every soldier who did a meritorious act in the war over and above that which she is entitled to have under the law?

Mr. CURTIS of New York. That question is not before the House, and when it is I will give an answer.

Mr. KEM. That question is before the House, and that is the only question before the House.

Mr. MOSES. Will you allow me a question? In order to ascertain the views of the gentleman from Nebraska, I would ask him this question: Under the general pension laws I understand that you would give the same pension to all persons, without regard to rank?

Mr. KEM. Why, certainly.

Mr. MOSES. Have you introduced any such bill as that?

Mr. KEM. I have not.

Mr. MOSES. Why do you not do that?

Mr. KEM. The gentleman is asking a question that is not at all pertinent to what we are discussing. I want to say, Mr. Chairman——

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. CURTIS of New York. I will hear the gentleman through.

Mr. KEM. I want to say that it is well known to the older members of this House that in a service of five years here I have not objected to the passage of a pension bill. It is well known here that I favor just and equitable pensions, and that I have a record of attending these Friday evening sessions which will compare favorably with that of any gentleman on this floor for the last five years. But it seems to me we have reached a point in this pension legislation when in justice to the widows of the privates who served in the ranks during the war this sort of legislation ought to cease. And I want to say that in my opinion the widow of an officer in the Army who did his duty is no better and is not entitled to any more consideration than the widow of a private who lay in the trenches and slept on brush and faced the enemy and took his fire and his shot.

I say that there should be no distinction made here, and that the widow of a private in the ranks who did his duty is entitled to as much consideration as the widow of an officer who did his duty. Yet, notwithstanding this plain statement of common justice, this House is passing bills of this sort, discriminating against the widow of the private and in favor of the widow of the officer. And I say that the Republican party, if it persists in going on record in this way, will have to meet the widows of the common soldiers of this country in the near future upon this proposition, because it is coming upon every hand, all over this country, and the widows and the common soldiers will not quietly and supinely submit to this sort of legislation.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. CURTIS of New York. Mr. Chairman, I think I have presented claims which will be satisfactory to this House. The service which this officer rendered as a volunteer and then commencing at the bottom of the ladder in the Regular Navy fully justifies the recognition that is now proposed, and this bill ought to pass. His services were of peculiar merit, and I hope the House will regard the bill with favor.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. CURTIS of New York. Certainly.

Mr. TAWNEY. If the House passes this bill and it becomes a law and the pension is allowed, the payment, as I understand, is not from the Treasury of the United States, but from the prize fund created for the benefit of the Navy. Is not that the fact?

Mr. CURTIS of New York. That is the fact, and this officer served in a squadron that captured more prizes than any other during the war.

The bill was ordered to be laid aside with a favorable recommendation.

HELEN A. JACKMAN.

The next business on the Private Calendar was the bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers, at the rate of $12 per month, subject otherwise to the provisions and limitations of the pension laws.

Mr. MCCLELLAN. Let us have the report read, Mr. Chairman.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4968) granting a pension to Helen A. Jackman, have carefully examined all the evidence in the case and respectfully report as follows:

William Jackman, late first lieutenant Company I, Fourteenth Maine Volunteer Infantry, enlisted February 24, 1863, and was killed in battle at Winchester, Va., September 19, 1864. His widow, Nancy W. Jackman, was pensioned at $17 per month from the date of his death to December 12, 1892, the date of her death, as shown by the records of the Pension Office. She also received pension for four minor children from July 25, 1866, until they severally became 16 years of age.

The petitioner, Helen A. Jackman, was never on the pension roll, and has no title under existing law, as she was 16 years of age at the date of her father's death. She was, however, as shown by the evidence before your committee, an invalid, and more helpless and dependent than her younger brothers and sisters who were pensioned. The evidence shows that she is, and always has been, an invalid; that she has a severe form of lateral curvature of the spine, which produces great deformity, and to some extent impairs the functions of the organs of respiration. She is frail, very much emaciated, shows lack of blood and a general lack of nutrition, is incapacitated for earning her own living, and weighs only 80 pounds.

The testimony of the selectmen of the town where she lives shows that she has no property, and that her only income or means of support is the small sum of $8 per month, which her State, recognizing its duty to her as the helpless and dependent daughter of a brave officer who was killed in battle while fighting for the Union, allows her.

This bill asks for but $12 per month, which is less than she would receive under the general law if she had title thereunder.

Your committee consider the case as an eminently meritorious one and earnestly recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a favorable recommendation.

MICHAEL H. J. CROUCH.

The next business on the Private Calendar was the bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, on the pension roll at $30 per month.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5140) granting a pension to Michael H. J. Crouch, respectfully report as follows:

The soldier is pensioned at $8, under the general laws, for fracture of left elbow. February 6, 1890, he filed a claim for additional pension on account of hemorrhoids, as of service origin. This was rejected December 23, 1895, on the ground of "No record or other satisfactory evidence of origin, and claimant's inability to furnish the evidence necessary to establish his claim for said disability." On the same day a claim which was filed under the act of June 27, 1890, March 14, 1893, was rejected on the grounds of "No ratable disability under the act of June 27, 1890." This rejection was based on a medical examination made by the Princess Anne (Md.) board of United States examining surgeons in November, 1893, more than two years ago, and at that time he was shown to have, in addition to the fracture of arm, for which he is pensioned at $8, both internal and external hemorrhoids, with congestion and prolapsus of the rectum. This disease of rectum was rated by one of the Washington (D. C.) boards at twelve-eighteenths as long ago as 1890.

Dr. E. S. Miles, on May 20, 1895, testified as follows:

"I made an examination for him about three or four years ago and treated him for hemorrhoids. He appeared before me May 15, 1895, and I made another examination. Found him suffering from the same trouble in an aggravated form, which prevents him from doing any hard work at all."

On September 4, 1895, he again testifies:

"I find from the present examination that he is in a worse condition than when I first made my examination. The claimant has a very bad case of hemorrhoids, which gives him a great deal of trouble and incapacitates him from all manual labor."

Claimant is now in the Maryland University Hospital under treatment.

Your committee are convinced from a careful consideration that a full measure of justice has not been done the soldier by the rejection of his claim under act of June 27, 1890, and therefore recommend that the bill be amended by striking out, in line 6, the words "thirty dollars" and inserting in lieu thereof the words "$12, subject to the provisions and limitations of the act of June 27, 1890," and that the bill as so amended do pass.

The amendment of the committee, stated in the concluding paragraph of the report, was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. HOOKER. I have a request to make. I ask unanimous consent that the bill which I send to the Clerk's desk to be reported may be considered out of its regular order.

Mr. GIBSON. I object.

Mr. HOOKER. I hope the gentleman will not object. When the report is read——

Mr. MCCLELLAN. Let us have the report.

Mr. GIBSON. I object.

Mr. HOOKER. If, when the report is read, there is a single objection I will withdraw the bill.

Mr. MCCLELLAN. Let us have the report, the right to object being reserved.

Mr. BAKER of New Hampshire. I object. I think the proper method of proceeding is to go on in the order of the Calendar.

The CHAIRMAN. Objection is made.

MARY B. HOUK.

The next business on the Private Calendar was the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to pay Mary B. Houk, widow of Col. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, a pension of $30 per month in lieu of the pension she is now receiving.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4606) granting an increase of pension to Mary B. Houk, respectfully report:

The facts in this case are as follows:

Mary B. Houk is the widow of Hon. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, and who died in May, 1891, while a member of Congress.

Mr. Houk was drawing a pension for chronic diarrhea at the time of his death and had suffered from this disease for many years, in consequence of which he had become very much debilitated. While in this condition he accidentally drank a dangerous liquid to get which out of his stomach an emetic was necessary. But his weakness was such that he died of heart failure, resulting directly from his vomiting, but indirectly from the debility arising from the diarrhea.

Mrs. Houk applied for a pension under the general law, but her claim was rejected on the ground that her husband's death did not result directly from his disability, but from heart failure, as already stated. She thereupon applied for a pension under the act of 1890, and was granted a pension as a widow without other means of support than her own daily labor.

Mr. Houk left no property except an average amount of house furniture. His widow has a daughter about 12 years old, and no means of support, as the Pension Bureau has adjudicated.

Under these circumstances the committee feel amply justified in recommending the passage of the bill to increase her pension from $8 a month to $30 a month.

The amendment reported by the committee to strike out "fifty" before the word "dollars" and insert "thirty" was read.

Mr. ERDMAN. Mr. Chairman, this seems to be a rather extraordinary report, and I ask the gentleman in charge of this bill to give us a little fuller explanation of the causes of death in this case.

Mr. GIBSON. I will state for the information of the gentleman that the husband of Mary B. Houk was Leonidas C. Houk, long a member of this House. He was for many years a sufferer from chronic diarrhea. I am personally familiar with the facts. Judge Houk was my law partner. When he was very much debilitated he, by accident, drank the contents of a tumbler supposed to contain water, but which, in fact, contained some deleterious drug. To avert the injurious effect of this drug, an emetic was administered, which of course brought on violent vomiting, and in Judge Houk's debilitated condition from chronic diarrhea, he being at the time scarcely able to go around, the shock to his system was so great that he died that night from heart failure, a few hours after taking the emetic. The direct cause of his death was heart failure, but the indirect cause was his debilitated condition. If he had been a robust, healthy man he could easily have relieved his stomach through the agency of the emetic.

Judge Houk entered the Army as a quartermaster of the first regiment of Union soldiers that was raised in the State of Tennessee during the war of the rebellion. He afterwards raised the Third Tennessee Regiment, of which he was colonel. All that his widow asks is a colonel's pension, $30 a month. She is not asking anything extra, but just that pension which the law allows to the widow of a colonel. This House has time and time again voted $50, and often $100, to the widows of colonels.

The amendment reported by the committee was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ELIZA WILSON.

The next business on the Private Calendar was the bill (H. R. 4265) granting a pension to Eliza Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Wilson, widow of the late Nathaniel Wilson, late of Company M, Second Regiment Iowa Cavalry Volunteers, at the rate of $12 per month.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4265) granting a pension to Eliza Wilson, have had the same under consideration and submit the following report:

Claimant filed her application for pension as dependent widow of Nathaniel Wilson, late private in Company M, Second Iowa Cavalry, which application has been rejected by the Pension Office on the grounds that there was no pathological connection between the cause of death, as set forth in the return of the attending physician to the district court clerk, and the disabilities of service origin.

Nathaniel Wilson, late husband of the claimant, died at Maquoketa, Iowa, on April 5, 1893. At the time of his death he was drawing a pension of $17 per month, by virtue of pension certificate 172154, on account of chronic diarrhea and resulting dyspepsia and debility and disease of the rectum.

Now, it appears that the physician, Dr. D. N. Loose, who attended the soldier at the time of his death, was not the family physician, and in making a return of the death to the clerk of the district court, in accordance with the laws of Iowa, attributed the cause of death to Bright's disease of six months' standing, and to an injury that he had received to his left hip by a fall on the sidewalk.

The records on file show that said soldier on his return from the Army was conveyed in an ambulance, and his condition was such that he had to be carried into the house. His disease then was chronic diarrhea and dropsy. A few years later other diseases appeared, and he was greatly troubled with his kidneys, bowels, and bladder, which continued up to the time of his death. Many years prior to his death said soldier became terribly emaciated, so much so that the greater part of his time was spent in bed. For years before his death he had no control of his urine, and had to be changed very often. The testimony shows that his kidney disease was brought on by chronic diarrhea and resulted therefrom. Owing to his feeble condition his eyesight failed, and for years before his death he was nearly blind. The last year of his life he could but totter around, some days better and some days in bed, and could do no work, and required constant care and nursing. A few days before his death he seemed better than usual and walked out. In doing so he fell and fractured the femur of his left leg.

Dr. D. N. Loose, on whose certificate of death hinged the rejection of claimant's pension case, and which certificate, by the way, is said to be a mere form intended largely to show the date of death, subsequently made affidavits to correct the error he had made, stating that the causes set forth were only a portion of the complications which resulted in said soldier's death.

Your committee are of the opinion that said Dr. D. N. Loose made omissions in filling out the certificate of death of said soldier. The widow is now 70 years old and poor; she has spent thirty years of the best of her life in caring for a soldier who was an invalid on account of diseases contracted in the service, and she has, at the best, but a few more years to live. They therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

MARIA E. WILSON.

The next business on the Private Calendar was the bill (H. R. 1181) for the relief of Maria E. Wilson.

The bill was read, as follows:

Whereas Matthew Wilson, late first lieutenant Company M, Fourteenth Pennsylvania Cavalry Volunteers, died a prisoner of war November 5, 1864; and

Whereas a vacancy existed in the rank of captain of said Company M from September 19, 1864, and said Lieutenant Wilson was next in rank and entitled to be commissioned from and after said date, and his commission as such captain, to date from September 19, 1864, was issued January 18, 1865, a date subsequent to his death, and by reason of his death prior to the issuance of such commission the Pension Office can not recognize his widow, Maria E. Wilson, as entitled to a pension by reason of her husband's death as of the rank of captain: Therefore

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria E. Wilson, widow of Matthew Wilson, late captain Company M, Fourteenth Pennsylvania Cavalry Volunteers, and pay her a pension of $20 a month in lieu of her present pension. And the sum of $1,119 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying said Maria E. Wilson the arrears of pension due her since the 5th day of November, 1864.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1181) granting a pension to Mrs. Maria E. Wilson, as the widow of a captain instead of first lieutenant, having carefully considered the evidence, respectfully report:

In a communication addressed to Hon. FRED T. DUBOIS, United States Senate, under date of June 18, 1895, Colonel Ainsworth, Chief of Record and Pension Office, in referring to this claim, said:

"I am directed by the Secretary of War to inform you that the records of this Department show that although a vacancy as captain existed in Company M, Fourteenth Pennsylvania Cavalry, from September 19, 1864, the date of the rank given in the commission of Matthew Wilson, as of that grade, to November 5, 1864, the date of his death, he can not be recognized as a captain for the reason that his commission was not actually issued until January 18, 1865, a date subsequent to that of his death. This case is one in which no relief can be afforded under existing law."

In a letter addressed to Hon. EDGAR WILSON, House of Representatives, by Colonel Ainsworth, under date of July 19, 1895, referring to this subject, it is stated:

"All the conditions that are essential for the recognition of Lieutenant Wilson under the law appear to be complete, except that, having died before a commission as captain was issued in his name, he was not 'duly appointed and commissioned,' as the act in question requires. It will be seen, therefore, that the only source of relief in this case, which is evidently a meritorious one, lies in further legislation by Congress."

The following affidavit by Col. James M. Schoonmaker, of the Fourteenth Pennsylvania Cavalry, with regard to this bill, is self-explanatory and shows the justness of the claim:

"COMMONWEALTH OF PENNSYLVANIA, *County of Allegheny, ss:*

"James M. Schoonmaker, being first duly sworn, deposes and says: That Matthew Wilson, late of Company M, Fourteenth Pennsylvania Cavalry Volunteers, entered the service as second lieutenant in said company in 1862; that December 31, 1862, he was made first lieutenant; that August 27, 1863, he was taken prisoner at the battle of White Sulphur Springs, Va.; that therefrom until November 5, 1864, the date of his death, he was a prisoner of war in the enemy's hands; that I was colonel commanding the Fourteenth Pennsylvania Cavalry at the battle of White Sulphur Springs, and prior thereto; that I was well acquainted with Lieutenant Wilson and knew his record in the Army; that this record was first-class in every respect; that he rendered distinguished services on said battlefield, and was complimented therefor in the report of General Averell, who commanded the Union forces, as "among those who particularly distinguished themselves in action for gallantry and ability." (See War Records, volume 29, series 1, pages 38 and 39.)

"That said Lieutenant Wilson served ten months in Libby Prison, was afterwards in prison at Macon, Ga., and Charleston, S. C.; that he escaped from prison at Charleston on the 30th day of October, 1864, and died in the house of a colored man in the city of Charleston on November 5, 1864; that a vacancy existed in the rank of captain of said Company M on September 19, 1864, and Lieutenant Wilson was next in rank and entitled to be commissioned as captain of said company on said last-mentioned date; that owing to no fault of Lieutenant Wilson's, but owing to delays incident to the issuance of said commission, the same was not formally made out and executed until January 18, 1865, but that when it did issue said commission dated from September 19, 1864, a date prior to the death of said Lieutenant Wilson; that said unfortunate delay in the issuance of said commission denied Lieutenant Wilson his proper rank as captain and his widow the pension of that rank; that this has occasioned a manifest wrong and injustice to a worthy, valiant, and faithful officer, and denies to his widow that which in equity and good conscience is her due; that a bill (H. R. 1181) has been introduced by Mr. WILSON of Idaho in the House of Representatives intended to correct this error and right this wrong. I have read said bill and am familiar with the contents thereof and know the equities which exist in this case, and therefore earnestly recommend the passage of said bill.

"JAMES M. SCHOONMAKER,
"*Late Colonel Fourteenth Pennsylvania Cavalry Volunteers.*

"Subscribed and sworn to before me this 6th day of January, 1896.
"[SEAL.] ROBERT C. MOORE,
Notary Public."

Your committee recommend that the bill be amended by striking out all between the title and enacting clause.

Strike out all after the word "pension," in line 9, page 2, and add the following:

"And that her pension be rated from the date of the soldier's death as the widow of a captain instead of first lieutenant."

That so amended the bill do pass.

Mr. ANDREWS. Mr. Chairman, a word only in addition to what appears in the report. I desire to read an extract from a letter from Colonel Ainsworth, received since the report was prepared, and which adds some new evidence to that already in possession of the committee. He says:

This case appears to be one that is peculiarly meritorious, because a captain's commission was actually issued for Lieutenant Wilson, who had been captured by the enemy, and he would undoubtedly have been mustered into the service as a captain if he had lived.

It is shown further that he died inside the Confederate lines, in the State of South Carolina, while in hiding from the Confederate authorities, from whom he had made his escape. He died while in the house of a colored man in Charleston after his escape from the Confederate prison.

The bill contemplates a correction of a mistake, and gives the widow what she would be entitled to receive as the wife of a captain if he had lived to return to the Union lines.

Mr. BAKER of New Hampshire. Mr. Chairman, this bill presents several peculiarities, to which I desire to call the attention of the committee.

In the first place it proposes to pension the widow of an officer at a rank that the officer never held and to which he was never commissioned, and to grant her a pension at a rank to which he was never mustered. Secondly, it makes the pension retroactive, making it date from the time of the soldier's death instead of the date that this bill may possibly become a law.

Certainly, in these several respects, the bill is contrary to any legislation which has ever been enacted by this House, or any other, so far as I know, in any previous Congress, and no reason has been given why these exceptions should be made in this case, or why either of the things proposed by the bill should be done. The soldier was unquestionably a good soldier; he did faithful service, and died while a prisoner of war; but there is nothing anywhere in the papers to show that his command had the number of men, the maximum number, permitting him to be mustered; and as a matter of fact he never was mustered and never held the commission which it is claimed under this bill ought to regulate the amount of the pension to his widow.

Mr. ANDREWS. Will the gentleman permit a single remark?

Mr. BAKER of New Hampshire. Yes.

Mr. ANDREWS. The communication from Colonel Ainsworth states that he would have been mustered had it not been for the unfortunate circumstances connected with his death, dying as he did virtually a prisoner of war. And in view of all the facts set forth in the reports of the War Department, it occurs to me that the case as presented is so strong and so plain and the equities so great that any man who desires to do justice to the widow of a worthy soldier must give his voice and vote in support of the bill.

Mr. BAKER of New Hampshire. I thank the gentleman very much for his criticism, but there is nevertheless that state of affairs to which I have already referred. While Mr. Ainsworth points to the one reason mentioned in Colonel Schoonmaker's affidavit, he does not state that the facts exist, and that this man could have been mustered as captain at any time.

Again, this is not a very singular case; it is not a peculiar case. Hundreds of such cases exist all about us. There were thousands of officers in the Army who were not mustered for identically the same reason, because their commissions were not issued in season for them to be mustered. Then, again, this pension makes it retroactive, which is contrary to all pension legislation in this House or in any previous Congresses, so far as I know.

Now, while on my feet in regard to this matter, I wish to state that I have had some calculations made in respect to the pensions and the pension bills pending before the House, and I find up to this date that there have been 446 bills introducad in the House to pension widows and women in some way related to soldiers, and that there are pension bills introduced to pension soldiers to the number of 679, making 1,125 in all; that the committee have reported bills in favor of pensioning widows to the number of 94, and soldiers to the number of 49. In other words, seven-twelfths of all the bills introduced here have been in favor of old soldiers, while two-thirds of the bills reported have been in favor of widows.

Now, that is a state of affairs which I do not believe this House, or the old soldiers, or the people of this country will justify. Out of the 679 cases of soldiers, there are unquestionably very many who present righteous claims, and I appeal to the committee to pick those out and bring them before this House.

Mr. TALBERT. I understood the gentleman to say that no commission had ever been issued to Lieutenant Wilson as captain?

Mr. BAKER of New Hampshire. I said that no commission had ever been issued to him during his lifetime.

Mr. TALBERT. There is an affidavit here of Colonel Schoonmaker, of the Fourteenth Pennsylvania Volunteers, which says that a vacancy existed in the rank of captain on September 19, 1864, which was prior to the death of Lieutenant Wilson. As I understand, this bill only asks for the arrears of the difference between the pension of a widow of a captain and a widow of a lieutenant. Now, it seems to me it has justice and merit in it.

Mr. BAKER of New Hampshire. If the gentleman will look at the report he will see that the commission was issued in January, and dated back to September, while the soldier died in November.

Mr. ANDREWS. That was the fault of the Government.

Mr. PICKLER. The gentleman from New Hampshire [Mr. BAKER] comes in with his weekly installment of advice to the Committee on Invalid Pensions. He is complaining now that the committee are reporting a large number of bills in favor of widows, and he wants to know why we do not bring in the others. Let me inform the gentleman that the Committee on Invalid Pensions, through the subcommittees into which it is divided, consider and bring in exactly the bills that the members of the House ask them to consider and bring in. We take up such bills as members say they want presented first. The members of the House make the choice of what bills shall be presented.

Mr. BAKER of New Hampshire. Mr. Chairman—— [Cries of "Vote!" "Vote!"]

You will not get a vote any sooner when I have the floor by crying "Vote!" This case comes exactly within the criticism which I have made, and shall continue to make so long as I attend these sessions of the House, and that is, that it is not based upon justice or right to the Union soldier or to the people; that it is contrary to all the precedents of the past in this, that it makes a pension retroactive; and that is done by the special amendment of the committee itself. As to the statement that these bills are passed upon by the committee at the request of members of this House, I wish to say that it seems to me that the Pensions Committee should adopt some rule which it can stand upon in regard to the consideration of these cases, and withstand the importunities of those who try to get special cases passed in a special way. I hope you will proceed in a straightforward line, and get the pensions of the old soldiers who deserve them passed as quickly as possible. There is not an old soldier who knows me who does not know that I am his friend. I stand here upon this floor as a friend of the pensioner, and I simply ask of the Committee on Pensions that they bring in bills to pension these old soldiers and let doubtful, unmeritorious cases remain in the committee, where they ought always to sleep.

Mr. BLUE. Mr. Chairman——

The CHAIRMAN. The question is on the amendment recommended by the committee.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is upon the motion that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. ERDMAN. I want to say that I am going to vote for this bill, but I want to call the attention of the other side to the fact that they are voting indirectly to grant back pensions here, something that they have never done.

Mr. PICKLER. I think not.

The CHAIRMAN. Without objection, the bill will be laid aside, to be reported to the House with a favorable recommendation.

There was no objection.

Mr. BLUE. Mr. Chairman, as I understand, this measure——

The CHAIRMAN. There is no question before the House. The bill has been laid aside with a favorable recommendation.

And then, on motion of Mr. PICKLER, the committee rose; and Mr. HEPBURN having resumed the chair as Speaker pro tempore, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration the bills H. R. 1104, 2320, 2605, 5140, 4606, and 1181, and had recommended said bills to be favorably reported to the House with amendments thereto; also that the committee had had under consideration the bills H. R. 3216, 3749, 4968, and 4265, and had directed him to report the same favorably to the House.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, under the rule the Chair declares the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs proposing certain legislation in behalf of certain Chippewa Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Owen against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State asking for an appropriation for the employment of a watchman to care for the monument now being erected at the birthplace of Washington—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting additional estimates of appropriations for the use of the War Department for the ensuing fiscal year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a report of the disbursements for the fiscal year ending June 30, 1896, under the provisions of the act of Congress of July 2, 1862—to the Committee on Education, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the Inspector-General, with appendixes thereto, of an inspection of several branches of the National Home for the Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia, reported the same with amendment, accompanied by a report (No. 649); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1703) to establish a military post at or near Des Moines, Iowa, reported the same without amendment, accompanied by a report (No. 655); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PITNEY, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 5563) to amend an act entitled "An act to regulate and improve the civil service of the United States," reported the same without amendment, accompanied by a report (No. 664); which said bill and report were referred to the House Calendar.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals, reported the same without amendment, accompanied by a report (No. 666); which said bill and report were referred to the House Calendar.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5682) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, reported the same without amendment, accompanied by a report (No. 671); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: The bill (H. R. 997) for the relief of Michael Kries. (Report No. 650.)

By Mr. BISHOP, from the Committee on Military Affairs:

The bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey. (Report No. 651.)

The bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle. (Report No. 652.)

By Mr. GRIFFIN, from the Commitee on Military Affairs:

The bill (H. R. 4872) to correct the military record of Homer C. McCuskey. (Report No. 653.)

The bill (H. R. 365) to fix the date of the discharge of Thomas Johnson. (Report No. 654.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 3514) granting an honorable discharge to John J. Johnson. (Report No. 656.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 3152) granting a pension to Charlotte A. Welton. (Report No. 657.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3890) granting a pension to George William Hodgdon. (Report No. 658.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6808) granting a pension to Sarah A. Boyd. (Report No. 659.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 3306) to increase the pension of Theodore V. Purdy. (Report No. 660.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6466) to increase the pension of George V. Barnard. (Report No. 661.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3877) granting a pension to Henderson Marple. (Report No. 662.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis. (Report No. 663.)

By Mr. CURTIS of New York, from the Committee on Military Affairs: The bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army. (Report No. 665.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased. (Report No. 667.)

The bill (H. R. 4283) granting a pension to Delia A. Marsh. (Report No. 668.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky. (Report No. 669.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter. (Report No. 670.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KIRKPATRICK: A bill (H. R. 6937) granting a condemned cannon to McPherson Post, Grand Army of the Republic, No. 4, Independence, Kans.—to the Committee on Military Affairs.

By Mr. WELLINGTON: A bill (H. R. 6938) to permit the Home Telephone Company of Washington, D. C., to install, maintain, and operate a telephone and telegraph plant and exchange in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 6939) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians," approved July 26, 1892—to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 6940) to provide for the improvement of the Tennessee River and some of its tributaries in Tennessee—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: A bill (H. R. 6941) donating a condemned cannon and some shells to the John S. Marsh Post, No. 85, Grand Army of the Republic, Department of Minnesota, at Redwood Falls, Minn.—to the Committee on Military Affairs.

By Mr. STALLINGS: A bill (H. R. 6983) to grant all of the public lands in Alabama to the State for the use of the State normal schools, University of Alabama, and agricultural experimental schools in Alabama—to the Committee on the Public Lands.

By Mr. DOOLITTLE: A bill (H. R. 6993) for the improvement of Grays Harbor, in the State of Washington—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A concurrent resolution (House Con. Res. No. 26) to print additional copies of Bureau of Education circulars of information relating to Thomas Jefferson and the University of Virginia—to the Committee on Printing.

Also, a concurrent resolution (House Con. Res. No. 27) to print additional copies of Bureau of Education circular of information relating to Benjamin Franklin and the University of Pennsylvania—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6632) to increase the pension of Mrs. Matilda Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4856) granting an increase of pension to John Walters—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AVERY: A bill (H. R. 6942) granting pension to Sarah Crippen, as dependent mother—to the Committee on Invalid Pensions.

By Mr. ALDRICH (by request): A bill (H. R. 6943) for the relief of Sarah Friedman—to the Committee on War Claims.

By Mr. BELL of Colorado: A bill (H. R. 6944) granting a pension to John J. Lockrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6945) for the relief of G. W. Seaman, late postmaster at Red Mountain, Colo.—to the Committee on Claims.

By Mr. BOUTELLE: A bill (H. R. 6946) granting a pension to Maria Kinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6947) to remove the charge of desertion from the military record of Charles H. Rollins—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 6948) for the relief of H. T. Cox—to the Committee on War Claims.

Also, a bill (H. R. 6949) granting a pension to Mary Chambers, of Scott County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6950) for the relief of the heirs of W. H. H. Price, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 6951) to grant a pension to Dicy Jones, of Sevier County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6952) for the relief of Mrs. Sarah E. Cox—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 6953) granting a pension to Edmund C. Bailey—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 6954) granting a pension to Lucinda Andrews, of Essex, Vt.—to the Committee on Pensions.

By Mr. HADLEY: A bill (H. R. 6955) for the relief of Sergt. James W. Kingon—to the Committee on Military Affairs.

By Mr. HALTERMAN: A bill (H. R. 6956) to complete the military record of William S. Russell, late fifth sergeant of Company C, Ninety-ninth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 6957) increasing the pension of Charles D. Miller, of Company D, Capt. W. H. Rodgers, Powell's Battalion, Missouri Volunteers—to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 6958) for the relief of Michael Naugle—to the Committee on War Claims

Also, a bill (H. R. 6959) for the relief of William M. Schrock—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 6960) for the relief of Don Carlos Buell—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 6961) to pension Cecilia Dougherty, widow of John Dougherty—to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6962) granting a pension to Dennis B. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6963) granting a pension to Deborah Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6964) granting a pension to Zebediah Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6965) granting a pension to T. B. Limbocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6966) granting an increase of pension to William T. March—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6967) granting a pension to William T. Buckner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6968) granting a pension to John Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6969) to remove the charge of desertion against George C. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6970) granting a pension to James W. Dotson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6971) granting a pension to Mary E. Bucklew—to the Committee on Invalid Pensions.

By Mr. LINTON: A bill (H. R. 6972) granting an increase of pension to David J. Neuman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6973) granting a pension to Mrs. Sarah A. Lyon—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 6974) granting a pension to Amanda E. McQuiddy—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 6975) for the relief of Benjamin J. Roberson—to the Committee on Pensions.

Also, a bill (H. R. 6976) for the relief of Benjamin J. Roberson—to the Committee on War Claims.

By Mr. MOODY: A bill (H. R. 6977) granting a pension to Isadora N. Towle—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 6978) granting an increase of pension to Mary Von Kusserow—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 6979) for the relief of J. M. Carney, of Franklin County, Tenn.—to the Committee on Claims.

By Mr. TRACEY: A bill (H. R. 6980) granting a pension to Bettie W. Pace—to the Committee on Invalid Pensions.

By Mr. WILSON of Ohio: A bill (H. R. 6981) for the relief of Kate Winter—to the Committee on the District of Columbia.

By Mr. WOOMER: A bill (H. R. 6982) to correct the military record of John Snyder—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 6984) to correct the military record of Edward Daniels—to the Committee on Military Affairs.

Also, a bill (H. R. 6985) to correct the naval record of Robert A. Russell—to the Committee on Naval Affairs.

Also (by request), a bill (H. R. 6986) for the relief of the trustees of Cumberland Presbyterian Church of Syracuse, Mo.—to the Committee on War Claims.

By Mr. BURRELL: A bill (H. R. 6987) granting a pension to William Langley—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 6988) for the relief of Sarah E. Massey, of Sevier County, Tenn.—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 6989) to increase the pension of Robert A. Roberts—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 6990) granting a pension to Henrietta Gottweis—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 6991) to pension Mary E. Daugherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6992) for the relief of R. A. Driskill—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of John M. Wakley, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Resolutions of the Philadelphia Bee Keepers' Association, in favor of the passage of a joint resolution to appropriate money to print 5,000 copies of Mr. Frank Benton's Honeybee book—to the Committee on Printing.

By Mr. AITKEN: Petitions of T. W. Smithson & Co., E. J. Bauman, and Davis D. Thorp & Son, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. AVERY: Papers to accompany House bill granting a pension to Sarah Crippen—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Remonstrance of John T. Wood and 51 other citizens of Town Bluffs, Wis.; also remonstrance of Genous Evans and 103 others, of Star, Wis.; also remonstrance of R. L. Bohn and 73 others, of Sauk County, Wis.; also remonstrance of R. P. Nelson and 79 others, of Crawford County, Wis.; also remonstrance of W. H. Pearsoll and 53 others, of Elroy, Wis.; also remonstrance of R. B. Griggs and 88 others of Baraboo, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, 13 petitions, containing a total of 173 names of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, petition of C. J. Ninman, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Resolutions suggested by Albert P. Schack, of Denver, Colo., for Cuban independence—to the Committee on Foreign Affairs.

Also, resolutions of citizens of Ouray, Colo., respecting the treatment of the Armenians by the Turkish Government—to the Committee on Foreign Affairs.

Also, petition of citizens of Pueblo, Colo., and vicinity, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BERRY: Petition of E. A. Gullion, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Resolutions of the Bee Keepers' Association of Philadelphia, Pa., asking Congress to appropriate the necessary funds to pay for the issue of 5,000 copies of Mr. Frank Benton's book on the Honeybee—to the Committee on Printing.

By Mr. BISHOP: Petition of Perry L. Powers, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Papers to accompany House bill to remove the charge of desertion from the military record of Charles H. Rollins—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Maria Kinney—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Petition of 36 citizens of Lancaster, Pa., in favor of amending the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Bainbridge Council, No. 231, Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of the Providence Washington Insurance Company, of Providence, R. I.; also resolutions of the Board of Trade of Providence, R. I., asking for an appropriation for widening the stone bridge over Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Protests of certain citizens of Racine, Milton, Fulton, and Janesville, State of Wisconsin, against a proposed amendment to the Constitution providing for the recognition of the Deity in the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of George Ziegans, W. G. Weeks, and E. D. Coe, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY (by request): Petition of L. T. Moulton,

asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER (by request): Petition of George W. Phillips and 14 others, of McKim, W. Va., proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. EDDY: Resolutions of the Civil Engineers' Society of St. Paul, Minn., asking for the appointment of a civil engineer on the commission of public architecture—to the Committee on Public Buildings and Grounds.

By Mr. EVANS: Petition of H. M. Gwan, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of Paul M. Moore, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT of Massachusetts: Petition of Harmony Council, A. O. U. M., of Springfield, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HARMER (by request): Twelve petitions of citizens of Washington, D. C., urging the passage of House bill No. 5220, relative to the Eckington and Soldiers' Home Railway Company—to the Committee on the District of Columbia.

Also, petition of 250 members of Lodge No. 100, Order Sons of St. George, Philadelphia, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HADLEY: Petition of Horace L. Martin and Buya P. Smith, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HALTERMAN: Memorial of Grace Council, No. 147, Daughters of Liberty, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Petition of Carleton College and students and citizens of Northfield, Minn., relating to the Turko-Armenian question—to the Committee on Foreign Affairs.

Also, petition of citizens of Lesueur County, Minn., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Petition of Tom C. Pettit, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HICKS: Petition of H. E. Reeves, E. E. Sanderson, B. F. Grove, Harvey Abbott, J. C. Stapleton, W. S. Cremer, and 60 other citizens of Saxton, Pa., praying for restricted immigration and the enactment of the William A. Stone bill—to the Committee on Immigration and Naturalization.

By Mr. HOOKER: Petition of E. P. Harn, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTER: Petition of C. Y. Smith, P. H. Davis, and 19 other citizens of Elkton, Todd County, Ky., for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. JENKINS: Remonstrance of F. F. Morgan, of Cumberland, Wis., and 200 others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. KERR: Petition of F. A. Rowley, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. KULP: Resolutions passed by the Shamokin (Pa.) city council, in behalf of the belligerent rights of Cuba—to the Committee on Foreign Affairs.

Also, protest of citizens of Rebuck, Pa., against the sectarian appropriations of the Indian appropriation bill; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Engle & Son and George W. Friend, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles C. Johnson and 100 other citizens of Oklahoma, asking for the passage of the free-home bill—to the Committee on the Public Lands.

By Mr. LEFEVER: Petition of Beacon Light Council, No. 52, of Matteawan, N. Y., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LONG: Petition of Bacon Post, No. 451, Grand Army of the Republic, Bluff City, Kans.; also petition of McGorney Post, No. 356, Grand Army of the Republic, of Clear Water, Kans.; also petition of citizens of Barton County, Kans., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUD: Petitions of W. Krippenstapel, Thomas Thomson, G. E. Taylor, O. P. Finkhouser, W. H. H. Ely, W. R. Finch, and others, publishers, praying for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petition of George W. Schoch, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY: Petition of T. F. Poynter, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of Edward Meagher, John J. Boeger, Charles Dana, Andrew S. Sine, R. M. Sanders, and Peter Meagher, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: Petition of Andrew Tesdall, Walt. Older, and 75 other citizens of Brunswick, Nebr., for the construction of a railroad from Sioux City, Iowa, in a southwesterly direction to a point on the main line of the Union Pacific Railway at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

By Mr. MORSE: Petitions of 38 citizens of Clio, Ohio; 158 citizens of Ray, Ind.; 33 citizens of Steuben, N. Y.; 63 citizens of Burtville, Pa.; 60 citizens of Lenoro, Tenn.; 18 citizens of Boston, Mass.; 54 citizens of Livermore, Pa.; 33 citizens of New Orleans, La.; 104 citizens of Rosemark, Tenn.; 17 citizens of Congonity, Pa.; 32 citizens of Sparta, Ill.; 102 citizens of Kingman, Kans.; 42 citizens of Roxbury, Mass.; 50 citizens of Hillsdale, Iowa; 165 citizens of Fairpoint, Ohio; 50 citizens of Gaithersburg, Md.; 34 citizens of Vernon, Wis.; 68 citizens of Harmon, Colo.; 30 citizens of Mount Jackson, Pa.; 64 citizens of Pinehill, Ohio; 116 citizens of Theakleville, Pa.; 45 citizens of Knoxville, Ohio; 36 citizens of Canonsburg, Pa.; 69 citizens of Butler, Pa.; 253 citizens of Etam, W. Va., and 505 citizens of Armstrong County, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OTEY: Resolutions of Randolph-Macon College, urging the establishment of a permanent court of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. PITNEY: Petitions of Liberty Council, No. 15, Newton Council, No. 20, and Dover Council, No. 6, Order United American Mechanics, of the State of New Jersey, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. PHILLIPS: Petition of the White Ribbon Women, signed by Frances E. Willard, president, L. M. N. Stevens, vice-president at large, Katharine L. Stevenson, corresponding secretary, Clara C. Hoffman, recording secretary, Frances E. Beauchamp, assistant recording secretary, and Helen M. Barker, treasurer, asking for arbitration between England and the United States—to the Committee on Foreign Affairs.

By Mr. POOLE: Petition of 35 members of Order United American Mechanics, citizens of Syracuse, N. Y., asking for favorable action on the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. QUIGG: Memorial of the Chamber of Commerce of New York, in favor of the construction of a new custom-house in New York City on the present site—to the Committee on Public Buildings and Grounds.

By Mr. RANEY: Petition of citizens of the Thirteenth Congressional district of Missouri, asking certain immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of citizens of the Thirteenth Congressional district of Missouri, asking certain pension legislation—to the Committee on Invalid Pensions.

By Mr. REYBURN: Petitions of Fredonia Council, No. 41, and Relief Council, No. 47, Order United American Mechanics; also, petition of West Philadelphia Lodge, No. 4, A. P. A., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Resolutions of Francis S. Long Post, Grand Army of the Republic, of Willimantic, Conn., in favor of a service pension of not less than $8 per month to all honorably discharged soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. SAUERHERING: Protest of M. F. Stillman and 76 citizens of Madison, Wis., against the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of Ilion Lodge, No. 56, Order United American Mechanics, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of Rowell Post, Grand Army of the Republic, of Waterville, N. Y., relative to a design for the American flag—to the Committee on the Library.

Also, petition of the Woman's Christian Temperance Union of Frankfort and Verona, N. Y., protesting against the sale of beer to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Verona, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of Clark Briggs, the Utica Deutsche Zeitung Company, and J. B. & H. B. Sykes, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Paper to accompany House bill No. 4758, to correct the military record of William R. Cox, private Company I, Fourteenth Indiana Regiment—to the Committee on Military Affairs.

By Mr. STEWART of Wisconsin: Resolution of the Commercial Club of Superior, Wis., relative to reorganizing and adjusting the affairs of the Union Pacific Railroad Company—to the Committee on Pacific Railroads.

Also, protests of 56 citizens of Spencer, 19 citizens of Merritt, 32 citizens of the State of Wisconsin, 51 citizens of Halder, 110 citizens of Loyal, 37 citizens of Knowlton, 86 citizens of Dancy, 31 citizens of Wausau, 40 citizens of Moon, 168 citizens of Lena, 111 citizens of Underhill, 75 citizens of Pound, and 55 citizens of Eland, all of the State of Wisconsin, against an amendment to the Constitution to recognize Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

Also, petition of A. A. & H. H. Hartson, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. STRODE of Nebraska: Petition of Esser & Schaal and J. W. Barnhart, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Protests of citizens of Mount Jewett, Pa., against the sectarian appropriations of the Indian appropriation bill; also, petitions urging the passage of joint resolution amending the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TURNER of Georgia (by request): Petition of John A. Cox and 52 others, of Irwin County, Ga., praying for an amendment to the Constitution acknowledging Almighty God—to the Committee on the Judiciary.

Also, petition of John W. Greer, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petition of farmers residing in the vicinity of Brighton, Mo., asking for seeds from the Agricultural Department—to the Committee on Agriculture.

By Mr. VAN VOORHIS: Petition of T. B. Mendenhall and 49 other citizens of Ohio, asking favorable consideration of House bill No. 2626—to the Committee on Ways and Means.

Also, petition of Valley Council, No. 78, Order United American Mechanics, located at Cumberland, Ohio, urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Henry J. Martin and 20 citizens of Ohio, praying for the recognition of God in the Constitution—to the Committee on the Judiciary.

Also, petition of E. B. Hutchison and John M. Amos & Sons, asking for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Resolution of Washington Camp, No. 267, Patriotic Order Sons of America, located at Ironbridge, Pa., having a membership of 48, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WARNER: Memorial of citizens of Dewitt County, Ill., praying that a law be enacted granting each Union soldier, sailor, and marine held by the enemy as a prisoner at any time during the war of the rebellion a per diem pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6489, to grant a pension to Samuel L. Busick—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6488, for the relief of John B. Ford—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 7, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of yesterday's proceedings was read, corrected, and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 306) for the relief of Thomas Chambers—to the Committee on Claims.

A bill (S. 72) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle—to the Committee on War Claims.

A bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans.—to the Committee on Naval Affairs.

A bill (S. 518) for the relief of Julia A. Humphries—to the Committee on War Claims.

A bill (S. 1183) for the relief of Frank J. Burrows—to the Committee on Claims.

A bill (S. 1464) for the relief of the estate of Michael Knight—to the Committee on War Claims.

A bill (S. 74) for the relief of William Wolfe, of Shelbina, Shelby County, Mo.—to the Committee on War Claims.

A bill (S. 1085) for the relief of the Potomac Steamboat Company—to the Committee on Claims.

A bill (S. 92) for the relief of Calvin Gunn—to the Committee on Claims.

A bill (S. 1573) for the relief of Dr. S. A. Brown—to the Committee on Claims.

A bill (S. 895) for the relief of Christopher Ellis—to the Committee on Naval Affairs.

A bill (S. 1180) to pay the heirs of the late John Roach, deceased, $48,858.03 for labor and material furnished for the gunboat *Dolphin*—to the Committee on Claims.

A bill (S. 67) for the relief of E. R. Shipley—to the Committee on Claims.

A bill (S. 66) for the relief of Moses Pendergrass, of Missouri—to the Committee on Claims.

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel—to the Committee on Military Affairs.

A bill (S. 533) for the relief of Sidney W. Moss, of Oregon City, Oreg.—to the Committee on Claims.

A bill (S. 532) for the relief of H. W. Shipley—to the Committee on Claims.

A bill (S. 1820) for the establishment of a light-house and fog signal at or near Point Arguello, California—to the Committee on Interstate and Foreign Commerce.

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin—to the Committee on Interstate and Foreign Commerce.

A bill (S. 792) for the relief of Wells C. McCool—to the Committee on War Claims.

A bill (S. 1743) to establish an additional land office in the State of Montana—to the Committee on the Public Lands.

A bill(S. 1380) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—to the Committee on Claims.

DISTRIBUTION OF MEDALS AND DIPLOMAS OF WORLD'S COLUMBIAN COMMISSION.

Mr. PITNEY. Mr. Speaker, I am directed by the Committee on Appropriations to report Senate joint resolution 78, authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto, and to ask unanimous consent for its immediate consideration.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to distribute the medals and diplomas of the World's Columbian Exposition to the several exhibitors entitled thereto, as designated and certified by the report of the executive committee on awards to the Bureau of Engraving and Printing and the Bureau of the Mint, and to this end the Secretary of the Treasury may adopt any method, or create any and all agencies, which to him may seem proper and necessary for the distribution of said medals and diplomas. But in case any of the exhibitors can not be found who may be entitled to medals and diplomas, then, in every such case, such medals and diplomas shall be retained by the Secretary of the Treasury until they are called for by the exhibitors entitled thereto, or by persons authorized to receive the same. And the said Secretary in the distribution of the medals and diplomas may transmit the same through the mails free of charge. And the sum of $15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out this resolution, and for the purposes hereof the said Secretary may temporarily employ, under such regulations as he may prescribe, the force now engaged in the Bureau of Engraving and Printing in connection with the preparation of said diplomas, or so much of said force as may be necessary, said appropriation to be immediately available.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none. The question is on the third reading of the Senate resolution. It has been engrossed by the Senate and the engrossed copy is not at the desk.

Mr. PERKINS. Mr. Speaker, I would say that that resolution was referred to the Committee on Printing, and on yesterday the reference was changed. I have that resolution in my committee room, if it is desired.

The SPEAKER. The gentleman will please send for it, as it is the engrossed copy.

Mr. PITNEY. Is there any objection to considering it and having the RECORD changed if any error is found in the printed copy? I supposed the engrossed copy was upon the table.

The SPEAKER. Perhaps the matter can be suspended until the engrossed copy is found.

Mr. SAYERS. I ask that the matter be suspended until the engrossed resolution can be found.

The SPEAKER. If there is no objection, the joint resolution will be laid aside informally until the engrossed copy is found.

Subsequently,

The SPEAKER said: The engrossed copy has been found, and the Clerk will now report the resolution.

The resolution was again reported.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PITNEY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FREE AND ACCEPTED MASONS OF INDIAN TERRITORY.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5633) to incorporate The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Indian Territory.

The bill was read, as follows:

Be it enacted, etc., That Joseph Samuel Murrow, of Atoka; Patrick Joseph Byrne, of Muscogee; Harvey Lindsey, of Checotah; Edmond Henry Doyle, of South McAlester; Florian Haraden Nash, of Fort Gibson; John Rennie, of Lehigh; Leo Edmond Bennett, of Muscogee; Andrew Hardy, of Ardmore; John Coyle, of Bailey; Silas Armstrong, of Grand River; Henry Clay Nash, of Antlers, and James Jackson McAlester, of McAlester, all in the Indian Territory, being permanent members and officers of The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Indian Territory, and their successors, be, and they are hereby, incorporated and made a body politic and corporate in the Indian Territory, by the name and title of "The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Indian Territory," and by that name it may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal and change the same at pleasure, and be entitled to use and exercise all the powers, rights, and privileges within the Indian Territory incidental to fraternal and benevolent corporations within the State of Arkansas, as provided by sections 1023 to 1034, inclusive, of chapter 29 of Mansfield's Digest.

SEC. 2. That the said corporation shall have the same power to take, acquire, and hold real and personal estate, not exceeding in value $100,000, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the benevolent and fraternal purposes of the corporation.

SEC. 3. That all claims, accounts, debts, things in action, or other matters of business of whatever nature now existing for or against the present Grand Lodge of Ancient Free and Accepted Masons of Indian Territory, mentioned in section 1 of this act, shall survive and succeed to and against the body corporate and politic hereby created: *Provided*, That nothing contained herein shall be construed to extend the operation of any law which provides for the extinguishing of claims or contracts by limitation of time.

SEC. 4. That said corporation shall have a constitution, and shall have power to amend the same at pleasure: *Provided*, That such constitution or amendments thereof do not conflict with the laws of the United States now or hereafter to be put in force in said Territory.

SEC. 5. That said corporation shall have power to provide in its constitution for, and to organize and charter constituent lodges thereof within the Indian Territory, which lodges shall be branches of the parent body, but without corporate power in themselves.

SEC. 6. That said corporation shall not engage in any business for gain, the purposes of said corporation being exclusively fraternal and benevolent.

SEC. 7. That Congress may at any time amend, alter, or repeal this act.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were read, as follows:

Insert the word "same" before the word "power," in line 1, section 2, and the words "as citizens of the United States" after the words "power aforesaid."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM B. ISAACS & CO.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Isaacs & Co., out of any money in the Treasury not otherwise appropriated, the sum of $16,987, the same being the amount found by the Court of Claims to be the proportionate part belonging, when taken by the United States, to the Bank of Virginia of certain gold coin taken possession of by the United States on or about the 23d day of August, A. D. 1865, and which coin has ever since been, and now is, held by the United States, and to which moneys, by the findings of said court, the said William B. Isaacs & Co. are now, in law and justice, entitled as assignee, the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by the joint resolution of Congress of the 3d day of January, A. D. 1887 (volume 24, United States Statutes, page 644), to be instituted in said court against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I reserve the point of order until I can hear what this is.

Mr. SWANSON. I will make a statement in regard to it.

Mr. HEPBURN. Mr. Speaker, I want to interpose an objection to considering this bill at this time.

Mr. CANNON. Let us have the regular order, Mr. Speaker.

The SPEAKER. Objection is made.

THE DEATH PENALTY.

Mr. UPDEGRAFF. Mr. Speaker, moved by the pressure of many eminent gentlemen here, I ask unanimous consent to take up for present consideration the bill (H. R. 878) "to reduce the cases in which the penalty of death may be inflicted."

The bill was read, as follows:

Be it enacted, etc., That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARRETT. I object.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to submit a report from the Committee on Agriculture.

The report was read, as follows:

The Committee on Agriculture beg to report back to the House the Agricultural appropriation bill with the recommendation that the House concur in the Senate amendments numbered 3, 7, 8, 11, 12, 16, 18, 20, 21, 22, 25, 27, 28, 29, 30, 31, 32, 36, 42, 44, 45, 47, 48, 49, 51, and 52 and nonconcur in all the others, and ask the appointment of a committee of conference with the Senate.

Mr. WADSWORTH. Mr. Speaker, I move that the House concur in the Senate amendments indicated in the report just submitted.

Mr. MCMILLIN. Mr. Speaker, if it will not inconvenience the chairman of the Committee on Agriculture, I should be glad if he would make an explanation of the amendments that we are asked to concur in.

Mr. WADSWORTH. I will give the gentleman the details if he desires them. The first amendment, numbered 3, in which we recommend concurrence, is simply a correction of a typographical error. The word "four" was left out by inadvertence. The amendment is found on page 2, line 23, of the printed bill. The next is on page 4, line 13, which is a mere change in the wording of the bill. On page 6, line 13, the amendment numbered 11, we agree to an increase of the amount for the Division of Chemistry from $5,000 to $10,000, making the total appropriation for that division $17,000 instead of $12,000. On page 7, line 22, we agree to one assistant chief for the Bureau of Animal Industry, at a salary of $2,500. That is the item that was stricken out in the House on a point of order. For botanical investigations we agree to an increase from $10,000 to $15,000, and in the laboratory department of the agricultural Division of Chemistry we agree to an increase of $2,500. We agree to a change in the phraseology of the bill in the Division of Forestry Investigations, adopting the wording of the old bill instead of the language in the bill as reported by the committee. The other agreements are not at all important. They relate to changes of language and not of amounts, until we reach the irrigation item on page 17, amendment 38. The House inserted an appropriation of $15,000 "to enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation." The Senate strikes that out and inserts a provision to enable the Director of the United States Geological Survey to continue gauging the streams and determining the water supply of the United States, etc., $4,500, to be immediately available.

Mr. MCMILLIN. Mr. Speaker, I get from a member of the committee near me the purport of the amendments, so I do not ask the chairman to continue his explanation further.

Mr. CANNON. I should like to know what they propose to do with that irrigation item.

Mr. CURTIS of Kansas. Under this amendment, if the House agrees to it, will any part of the money be spent for irrigation investigations in western Kansas, or is it left wholly to the Geological Survey to determine where the money shall be spent?

Mr. WADSWORTH. I will read the gentleman the language of the Senate provision. It is as follows:

Geological Survey: To enable the Director of the United States Geological Survey to continue gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, to June 30, 1896, $4,500, to be immediately available.

Mr. CURTIS of Kansas. I understand from that it leaves the matter wholly to the discretion of the Geological Survey? The House amendment provided that the $15,000 be spent in behalf of irrigation.

Mr. WADSWORTH. It is left to the Geological Survey.

Mr. PICKLER. Does the House agree to that?

Mr. WADSWORTH. The committee recommend agreement to the Senate amendment.

Mr. CURTIS of Kansas. Would it not be advisable to recommend nonconcurrence and have a conference on the subject? In that way the House amendment may be restored. While we have no objection to the Senate amendment, yet we should insist on the restoration of the provision placed in the bill by the House.

Mr. WADSWORTH. I will say to the gentleman that, as I understand it, that item as passed by the Senate was satisfactory to the gentleman from Kansas, Mr. BLUE, and also to the gentleman from Kansas, Mr. LONG.

Mr. BLUE. Not with the House provision left out.

Mr. CURTIS of Kansas. I think the gentleman will find that the Kansas delegation are not satisfied to have it take the place of the provision placed in the bill by the House and stricken out by the Senate.

Mr. LONG. I was not willing that that Senate provision should be adopted in place of the House provision, but I did not object to it in addition to the House provision.

Mr. WADSWORTH. I beg the gentleman's pardon, I thought the members from Kansas were satisfied with the provision as amended by the Senate.

Mr. BLUE. If the gentleman will permit me to interrupt him, I will say that what we wish in this matter is that there shall remain in this bill a distinct recognition of the right of the Agricultural Department to continue to investigate along the lines of irrigation, whatever may be added.

Mr. PICKLER. That is right.

Mr. BLUE. This Senate amendment leaves out irrigation entirely. We are willing that that Senate provision shall stay in the bill for the purpose of enabling the Geological Survey to continue the gauging of the waters that fall and flow into the streams in that region and elsewhere, as we understand that this appropriation of $4,500 is necessary to complete that work. But we wish, in addition to that, some appropriation that shall distinctly recognize the right of the Agricultural Department to still further continue the investigation of the subject of irrigation.

Mr. CURTIS of Kansas. I suggest to my colleague that we have no assurance that one cent of this money will be spent in Kansas. It is likely some will be, but the House provision would be better for Kansas.

Mr. BLUE. Well, I do not know in regard to that; possibly some of it will be. As I understand, they are gauging the waters of the streams in Kansas as well as elsewhere in the United States.

But what we wish in this matter is that the whole item for irrigation shall not be stricken out. In preparing the bill this provision was left out by the committee upon the suggestion of the Secretary of Agriculture; but it was inserted in the bill by the action of the House. Now, rather than dispute about the matter while the present Secretary remains in office, we might consent to a less appropriation than $15,000; but we will not consent that this provision shall be wholly eliminated.

Mr. WADSWORTH. Mr. Speaker, as there seems to be some question about this matter, I will ask that the report be amended so as to propose that the House disagree to amendment 38, so that the matter will go to conference.

Mr. CANNON. Now, as this matter is going to conference, I want to call the attention of the gentleman to this language inserted by the Senate:

Geological Survey: To enable the Director of the Geological Survey to continue gauging the streams in determining the water supply of the United States, including, etc., to June 30, 1896.

Does not the gentleman think that on a bill of this kind the Appropriations Committee of the Senate had better content itself in its amendments with making appropriations for the next fiscal year, and that, in addition to putting almost the whole earth in this bill, they should not put in deficiencies for the current year?

Mr. WADSWORTH. I will say to the gentleman that this is not a deficiency. The clause which he has just read is simply to continue the work; the Department has caused no deficiency as yet.

Mr. CANNON. Precisely.

Mr. WADSWORTH. But there is no money to continue this work. They should be allowed to continue the work till June 30 of the present year, or else we should stop it altogether.

Mr. CANNON. There can be no deficiency in the sense which the gentleman implies without a violation of the law.

Mr. WADSWORTH. Very well. They do not propose to violate the law, as I understand.

Mr. CANNON. A deficiency bill is merely a bill covering appropriations for the remainder of the current year. We have already at this session passed one such bill, an urgent deficiency bill, carrying $6,000,000, the largest ever passed in the history of Congress, and that is to be followed by the regular deficiency bill.

Now, if we are to keep track of these bills we shall have to observe the rules of the House; and if the Senate will not observe its own rules and has no regard for the rules of the House, I want to call attention to the matter, so that this bill, in addition to being an Agricultural bill, and a highway bill that does not improve the national highways, may not become also a deficiency bill. I think we had better observe proper parliamentary rules in the preparation of these bills.

Mr. WADSWORTH. I have moved a modification of the report so as to disagree to this amendment and send it to conference. In conference this matter will be taken up and considered.

Mr. CANNON We can not in the House get rid of an improper Senate amendment upon a point of order; and I merely mention this matter now to emphasize it, hoping that I may strengthen the arm of the gentleman from New York in demanding of the Senate that they observe their rules.

Mr. WADSWORTH. I am sure that my arm is much strengthened by the remarks of the gentleman from Illinois.

Mr. CANNON. It should be understood that if the Senate will not observe its own rules it will not prevent us from observing ours.

Mr. PERKINS. May I be permitted a single observation?

Mr. WADSWORTH. I yield to the gentleman.

Mr. PERKINS. Mr. Speaker, there is one Senate amendment creating an additional chief of bureau. As to the necessity for this officer I know nothing; I only know in a general way that the disposition of Congress is to multiply these chiefs of bureaus. Now, when we come to the printing for Congress we find that the expenditure is constantly increasing. Each of these chiefs of bureaus must print, and a large part of the expense of the creation of these offices is in the additional printing which results, because much of the technical and difficult work that goes into the Printing Office is from these chiefs of bureaus. In this fact we find very largely the explanation of the constantly increasing expenditure on account of the Printing Office, and unless Congress will maintain a guard on this matter we must expect to make increasing expenditures for the Printing Office. This expense runs not only in the mere printing, but we find that the building accommodations and other facilities at the disposition of the Public Printer are proving far short of being adequate, and we are obliged to make a provision in large appropriations for the extension of the Printing Office plant. This is a matter deserving the serious consideration of Congress.

Mr. DOCKERY. Is it understood that the House Committee on Agriculture recommends concurrence in the increase of force which has been suggested?

Mr. PERKINS. So I understand.

Mr. WADSWORTH. It is not, I will say to the gentleman, an increase of force. The man has been employed under a lump appropriation; the provision under consideration simply makes the place statutory. That is all.

Mr. DOCKERY. Will the gentleman state the duties of the officer?

Mr. WADSWORTH. Mr. Speaker, as there seems to be some question in regard to concurrence in a number of these amendments, I will ask to modify the report so as to send all the amendments of the Senate to the committee of conference.

Mr. CANNON. The gentleman will save time if he will run through these amendments and let us understand what they are.

The SPEAKER. The present motion of the gentleman from New York [Mr. WADSWORTH], as the Chair understands, is that the House nonconcur in the amendments of the Senate.

Mr. WADSWORTH. Yes, sir.

Mr. PICKLER. I desire to move concurrence in three amendments, Mr. Speaker.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

Amendment No. 44: Insert in line 16 of page 20 the words "to be immediately available, and to be disbursed by the Public Printer"; so that it will read as follows:

"For the publication of 75,000 copies of Special Report on Diseases of the Horse, of which there shall be 25,000 copies for the Senate and 50,000 copies for the House, $42,500 (44), to be immediately available, and to be disbursed by the Public Printer."

Mr. WADSWORTH. That, Mr. Speaker, is an amendment the committee have agreed to concur in.

Mr. PICKLER. But I move to concur in it now. The amendment simply makes the money immediately available and to be disbursed by the Public Printer.

Mr. WADSWORTH. I have no objection to that.

The amendment was concurred in.

Mr. PICKLER. I now move to concur in the next amendment on the same page, amendment No. 45.

The Clerk read as follows:

For the publication of 60,000 copies of the Special Report on Diseases of Cattle and Cattle Feeding, of which there shall be 20,000 copies for the Senate and 40,000 copies for the House, $40,000, to be immediately available, and to be disbursed by the Public Printer.

Mr. WADSWORTH. That is an amendment the committee have also recommended concurrence in.

Mr. PICKLER. I do not understand the gentleman. He has moved to nonconcur in all of the amendments, I understand.

The SPEAKER. The Chair will suggest that that is merely a matter of convenience.

Mr. PICKLER. Well, it will take no more time to concur in it now than to let it go to the conference. Our committee understand that we want the books. I move concurrence.

Mr. CANNON. I want to ask a question before that is done. This seems to be an appropriation of $40,000 for 60,000 copies of this report. Now, when was the report made?

Mr. WADSWORTH. Several years ago. This is a republication of the old report.

Mr. CANNON. How many volumes?

Mr. WADSWORTH. Twenty thousand for the Senate and 40,000 for the House.

Mr. CANNON. I understand. But how many volumes are there in the publication?

Mr. WADSWORTH. Only one volume.

Mr. CANNON. I have understood from members around me that there were two or three. Now, which is correct?

Mr. PERKINS. There is only one.

Mr. CANNON. How large a volume?

Mr. PERKINS. About the size of the Agricultural Year Book.

Mr. CANNON. Do you regard this as a wise publication?

Mr. WADSWORTH. I do. It is important for the interests engaged in this business throughout the country.

Mr. CANNON. And it was made four or five years ago?

Mr. WADSWORTH. No; two or three years ago.

Mr. PITNEY. It was published in 1892.

The question being taken on the motion of Mr. PICKLER, the amendment was concurred in.

Mr. PICKLER. I also move concurrence in the next amendment, No. 46. I ask to have it read.

The Clerk read as follows:

(46) For the publication of 25,000 copies of the Special Report on Cattle and Dairy Farming, of which there shall be 8,000 copies for the Senate and 17,000 copies for the House, $65,000, to be immediately available and to be disbursed by the Public Printer.

Mr. CANNON. Let us have some explanation of this matter.

Mr. WADSWORTH. This is an amendment that the committee do not want the House to concur in, and I send to the desk a letter on the subject from the Department of Agriculture, and ask to have it read.

The letter was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., March 6, 1896.

SIR: Permit me to call your attention to the pending proposition to reprint a book entitled Cattle and Dairy Farming, which was issued as a public document from the Department of State about ten years ago.

This work, which is of great size, is simply a collection of reports from United States consuls in various foreign countries upon the subject at large, thrown together in geographic groups, but without editing or revision of any kind.

Some of these consular reports were made by men acquainted with or, at least, interested in the subject, and are very good of their kind. With these few exceptions, the material composing the book is crude, inaccurate, very much out of date, and largely obsolete.

The only feature of real value which the book has at the present time, and which renders it attractive, is a large number of tinted plates of cattle, etc. About one-third of these are very fair drawings, but as to the rest, breeders of the stock thus represented would be very loath to rest their reputations upon these illustrations.

This book should certainly not be republished without revision of a heroic character, and it seems to me that the money which a small new edition would cost could be put to very much better use in the compilation and publication of recent and accurate data upon the same general subject.

Very respectfully,

HENRY E. ALVORD,
Chief of Dairy Division.

Hon. CHARLES W. DABNEY, Jr.,
Assistant Secretary of Agriculture.

I concur in above opinions.

D. E. SALMON,
Chief, Bureau of Animal Industry.

Respectfully referred to Hon. JAMES W. WADSWORTH, chairman Committee on Agriculture, House of Representatives.

I am reliably informed that eight-tenths of the dairy breeds illustrated are insignificant and unknown in this country—moreover, will never be known among us—and that those breeds we have would never be known by the pictures in this book, so much have they improved since this book was published, nearly ten years ago.

Respectfully,

CHAS. W. DABNEY, Jr.,
Assistant Secretary.

Mr. PERKINS. Mr. Speaker, I simply desire to say that in my judgment this letter ought to be sufficient warrant to the House to settle this proposition at once. At the same time this illustrates, in my judgment, the heedlessness with which requests for printing are made in both branches of Congress, involving enormous expenditures of the public money. I can say further, that I do not know of one single, solitary request from any quarter that has reached the Committee on Printing for this document.

Mr. RICHARDSON. Mr. Speaker, I desire to say that I concur most fully in what my colleague on the committee, the gentleman from Iowa, has said. This book was published eight or ten years ago in a large edition and distributed, and I am quite sure that the facts stated in the letter which has been read from the desk are sufficient to satisfy the members of the House that the document ought not to be again printed.

Mr. PICKLER. Mr. Speaker, this amendment was debated in the Senate at length, and the economists there took the same position and talked just as they do here upon the subject.

Now, I want to read the testimony, in a short paragraph, with reference to this book that is worth a hundred such documents as the one read from the desk. They want another book. They want to edit another book over at the Agricultural Department. They want to get up some other book, and have the credit of editing it and making it a book from the Agricultural Department. That is what that letter shows.

Now, I want to read the statement of Senator KNUTE NELSON, of Minnesota, a man who knows as much about this business of dairying and farming as any man in either branch of this Congress, and a great deal more than the gentleman who wrote this letter for the Department. Now, I call your attention to Senator NELSON'S testimony about this book. It is on page 2379 of the RECORD:

Mr. NELSON. I desire to say, with the permission of the Senator from South Dakota, that I have examined that book and I say to the Senator having this bill in charge that the book referred to in this amendment was issued some years ago. I do not recall at this moment whether it was published under an order of the Senate or the House, but it is a most valuable report in two volumes upon dairy farming in the United States, and also in foreign countries. It is a work in great demand. I know that all the agricultural interest of the country will be immensely interested in the work and that we could not publish a work at this juncture when grain farming is so depressed that would be more interesting and more appreciated by the agricultural classes. I therefore trust that the amendment may be adopted.

Mr. RICHARDSON. Who signed that letter?

Mr. PICKLER. It is the statement of Senator KNUTE NELSON.

Mr. RICHARDSON. I understood it was a letter.

Mr. PICKLER. No; it is his speech in the Senate. I know that you can not suggest printing a page in this House but that you have the Printing Committee on your back in a minute and a half. Now, there is the evidence of Senator KNUTE NELSON, a man who is better qualified to speak than any other man with whom I am acquainted in either branch of Congress. He is a practical farmer, a practical dairyman, and knows what he is talking about. He says that it is a very valuable work and a work in great demand.

Now, gentlemen, I am especially interested in this at this time for the reason given by Senator NELSON. Our grain growing has been paying so little and we have been getting such a small amount for our grain under the present Administration that our people are looking for other branches of farming in which to engage, and especially dairying. We have a country especially adapted to dairying. Dairies are being established all over that section of the country west of the Missouri River, and the attention of the people is attracted to it at this time. Now is the time when we want these books, and if you put this matter aside and shove it out on the recommendation of the Agricultural Department the result will be that you will get no books; you will get nothing on dairying.

Let me say to the members of the House that there was an extensive debate in the Senate on this book. The objections which have been made here were brought up; but after an extended debate the Senate adopted this amendment without a division, and it seems to me we ought to concur in it. We want these books for distribution, and on the best authority that can be brought here, as I have read from this RECORD, it is reported to be a valuable work. Has there been any great change in dairying in the last seven years? What are the changes? This is a book concerning dairying in this country and in foreign countries, and I want to say to gentlemen, especially those who have no great amount of literature to distribute, that here is something valuable to your constituents, and inasmuch as it is provided that it shall be immediately available, the book will be published at once, and you will get it in time for distribution, much earlier than you will get other matter.

Now, one word generally in regard to printing. I admire the economy of my friend from Iowa [Mr. PERKINS], the chairman of the Committee on Printing, and I respect his judgment. The gentleman from Tennessee [Mr. RICHARDSON] is a veritable watchdog of every syllable that we try to print anywhere. But it is a strange notion to me that, after the Government has gone to the expense of all these investigations, after it has expended a large amount of money for the original publication of the work, we should hesitate in the small expense of a new edition. Here we publish the CONGRESSIONAL RECORD day after day, and I have a resolution introduced and before our friends of that committee asking for a few more copies of the CONGRESSIONAL RECORD for distribution.

The plates of all these publications are down there, ready for the printing, and the cost would be nothing more than the paper and the sewing the sheets together. I say it is beyond my comprehension, after we have gone to great expense to prepare these plates—the results of these investigations along all these lines and in different scientific investigations—why the gentleman in charge of this matter should object to printing them.

Why do they refuse our constituents what they want and what they are entitled to? It is a matter of economy, it is something we owe our constituents, to distribute this knowledge. We have a great demand for these things. You are talking about helping different parts of the country. Here is a chance to practically help the men who are studying dairying and seeking to embark in that enterprise as they are now, extensively, in my State.

It was shown in the debate in the Senate and by other evidence besides this which I have produced here that this is a valuable work.

I move to concur in this amendment, because I think the chairman of the Committee on Agriculture [Mr. WADSWORTH] in the House, judging from an intimation I had from him the other day, is not very much in love with this book. I believe it is the business of the House to concur now and let us have these publications.

This will give us a fair supply, and you can say to your farmer constituents that you have tried to do something. Here you have the horse book for distribution, the cattle book for distribution, and now let us have this book on dairy farming. Why should they not have it?

I want it for my constituents. We have the richest grasses and the finest facilities for dairying that can anywhere be found in this country. Our people are recognizing this, engaging in the business, and I want this book to aid them in their labors.

Mr. TERRY. What about the book on the honeybee? [Laughter.] That is a valuable publication that my people are very much interested in.

Mr. PICKLER. We do not engage in that kind of dairying in my State.

Mr. TERRY. But my people want that book and I want them to have it.

Mr. PERKINS. Now, Mr. Speaker, if the gentleman is through——

Mr. PICKLER. I will yield to the gentleman. How much time do you want? [Laughter.] I believe I am entitled to an hour in my own right, Mr. Speaker.

The SPEAKER. The Chair decides that the gentleman is entitled to an hour in his own right.

Mr. PERKINS. If the gentleman has not concluded, I will wait until he does.

Mr. PICKLER. I reserve the balance of my time, Mr. Speaker. How much time have I?

The SPEAKER. The gentleman has forty minutes.

Mr. HENRY of Connecticut. Mr. Speaker, the gentleman from South Dakota has been pleased to refer to the discussion in the Senate. I chanced to be on the floor of the Senate when this debate took place, and while I would not reflect upon the wise and reverend Senators, although they are not supposed to possess encyclopedic knowledge on all things, on this particular matter they certainly are in error. As a practical dairyman, I know that this publication is of no value—no present value to the dairymen of this country. Any gentleman can obtain the book down in the file room. It is a compilation of consular reports, made some ten years ago, with the smallest possible amount of practical dairy information. It comprises plates or prints of the different breeds of cattle illustrated, as my friend from South Dakota has said, by many fine cuts.

Mr. PICKLER. It is the Agricultural Department that says that.

Mr. HENRY of Connecticut. The book speaks for itself.

Mr. CANNON. Will the gentleman allow me? Does he not believe if this book was published they might cut out and frame and hang up some of these pictures if they wanted to do so?

Mr. HENRY of Connecticut. That is all there is of value in the publication. The consular reports are obsolete. The dairy information is really of no value. There is more practical information to be obtained in one single bulletin published in the last year by the Agricultural Department than in this whole publication.

It is a most foolish expenditure of money; and, personally, I never would circulate my own quota of the books. I should be ashamed to send such a book to those of my constituents who are practical dairymen.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. HENRY of Connecticut. Certainly.

Mr. PICKLER. Has the gentleman examined this book?

Mr. HENRY of Connecticut. I examined it to-day and yesterday afternoon, and also at the time of its publication. The Senator from my State sent me a copy of it at that time.

Mr. PICKLER. Your examination is of to-day?

Mr. HENRY of Connecticut. I have a copy of the book in my desk.

Mr. PICKLER. If it is such a large book, how could you have examined it this morning?

Mr. HENRY of Connecticut. I examined it yesterday.

Mr. PICKLER. The witness changes his answer.

Mr. HENRY of Connecticut. I stated I examined it yesterday and to-day and at the time of publication.

Mr. PICKLER. The gentleman says these consular reports are obsolete. We publish consular reports in regard to trade, commerce, and everything else, and do not we take these consular reports to be the best literature we have in any of the Departments? Why does the gentleman reflect on the consular reports?

Mr. HENRY of Connecticut. There are plenty of them, tons of them, of ancient date down in the basement of the Capitol, of value equal with those, and the gentleman can get them for circulation.

Mr. PICKLER. By no means. That shows that the gentleman is not posted on documents.

Mr. HENRY of Connecticut. I am certainly posted on dairying.

Mr. PICKLER. And I am posted somewhat on documents.

Mr. HENRY of Connecticut. And I can assure the members of this House that there is nothing of value in this book.

Mr. PICKLER. What is the trouble with the book?

Mr. HENRY of Connecticut. There is nothing of practical value in it.

Mr. PICKLER. The gentleman says that this book has no information in it. That is too radical.

Mr. HENRY of Connecticut. I still make the assertion that it is of no practical value.

Mr. WADSWORTH. I demand the previous question.

The previous question was ordered.

Mr. PICKLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. PICKLER. I wanted about five minutes of my time. [Laughter.]

The SPEAKER. The Chair is sorry to say that the entire forty minutes has departed. [Laughter.] The question is on concurring in the amendment which has just been read.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PICKLER. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 73.

Mr. PICKLER. The yeas and nays.

The question was taken.

The SPEAKER. Thirty-three gentlemen have risen—a sufficient number.

Mr. DOCKERY, Mr. RICHARDSON, and others. The other side.

The SPEAKER (after counting). Ninety-nine gentlemen in the negative—a sufficient number, and the yeas and nays are ordered.

Mr. WADSWORTH. I demand tellers on ordering the yeas and nays.

Tellers were ordered.

The SPEAKER. The gentleman from South Dakota [Mr. PICKLER] and the gentleman from New York [Mr. WADSWORTH] will please take their places as tellers.

Pending the count,

Mr. WADSWORTH said: I withdraw the demand for tellers on the yeas and nays.

The SPEAKER. The demand for tellers is withdrawn; the ayes have it, and the yeas and nays are ordered.

The question was taken; and there were—yeas 108, nays 118, not voting 129; as follows:

YEAS—108.

Allen, Miss.	Doolittle,	Kiefer,	Russell, Conn.
Allen, Utah	Dovener,	Kirkpatrick,	Russell, Ga.
Andrews,	Eddy,	Knox,	Settle,
Arnold, R. I.	Elliott, S. C.	Kulp,	Smith, Ill.
Avery	Ellis,	Latimer,	Sorg,
Baker, Kans.	Fenton,	Layton,	Southard,
Baker, N. H.	Fletcher,	Lefever,	Spalding,
Barney,	Gamble,	Leisenring,	Stallings,
Belknap,	Gardner,	Leonard,	Stewart, Wis.
Bishop,	Gibson,	Linney,	Sulloway,
Broderick,	Graff,	Little,	Talbert,
Brumm,	Griffin,	Lockhart,	Tawney,
Burton, Mo.	Grosvenor,	Long,	Tayler,
Calderhead,	Grout,	Lorimer,	Terry,
Catchings,	Hadley,	Marsh,	Thomas,
Coffin,	Hager,	McCall, Tenn.	Towne,
Connolly,	Hardy,	McLachlan,	Tracewell,
Cook, Wis.	Hatch,	McRae,	Tyler,
Cooper, Tex.	Hepburn,	Mercer,	Updegraff,
Cooper, Wis.	Hermann,	Meredith,	Van Voorhis,
Cousins,	Howell,	Miller, Kans.	Walsh,
Crowley,	Hunter,	Ogden,	Watson, Ohio
Crowther,	Jenkins,	Pitney,	Wilson, Idaho
Crump,	Johnson, Cal.	Poole,	Wilson, S. C.
Curtis, Kans.	Johnson, N. Dak.	Pugh,	Wood,
Danford,	Kendall,	Reeves,	Woodard,
De Witt,	Kerr,	Royse,	Woodman.

NAYS—118.

Abbott,	Crisp,	Kem,	Quigg,
Babcock,	Curtis, Iowa	Kyle,	Raney,
Bailey,	Daniels,	Lacey,	Richardson,
Barrett,	De Armond,	Leighty,	Robbins,
Bartlett, Ga.	Dingley,	Lester,	Robertson, La.
Bartlett, N. Y.	Dinsmore,	Linton,	Robinson, Pa.
Bell, Colo.	Dockery,	Loud,	Sauerhering,
Berry,	Downing,	Maddox,	Sayers,
Bingham,	Erdman,	McCall, Mass.	Scranton,
Black, Ga.	Evans,	McClellan,	Shafroth,
Black, N. Y.	Faris,	McCulloch,	Shaw,
Blue,	Fischer,	McDearmon,	Simpkins,
Brewster,	Gillet, N. Y.	McMillin,	Spencer,
Bromwell,	Gillett, Mass.	Meyer,	Stephenson,
Brown,	Griswold,	Milnes,	Stokes,
Buck,	Hainer, Nebr.	Money,	Stone, W. A.
Bull,	Hanly,	Moses,	Strowd, N. C.
Burrell,	Harrison,	Mozley,	Taft,
Burton, Ohio	Hart,	Neill,	Tate,
Cannon,	Hemenway,	Noonan,	Tracey,
Chickering,	Henry, Conn.	Northway,	Treloar,
Clardy,	Henry, Ind.	Odell,	Tucker,
Clark, Iowa	Hooker,	Overstreet,	Turner, Ga.
Cobb, Ala.	Howe,	Owens,	Wadsworth,
Cobb, Mo.	Huff,	Patterson,	Warner,
Cockrell,	Hull,	Pendleton,	Wellington,
Codding.	Hutcheson,	Perkins,	Wright,
Cooke, Ill.	Johnson, Ind.	Pickler,	Yoakum.
Cooper, Fla.	Jones,	Price,	
Cox,	Joy,	Prince,	

NOT VOTING—129.

Acheson,	Fairchild,	Mahon,	Smith, Mich.
Adams,	Fitzgerald,	McCleary, Minn.	Snover,
Aitken,	Foote,	McClure,	Southwick,
Aldrich,	Foss,	McCormick,	Sparkman,
Anderson,	Fowler,	McCreary, Ky.	Sperry,
Apsley,	Grow,	McEwan,	Stahle,
Arnold, Pa.	Hall,	McKenney,	Steele,
Atwood,	Halterman,	McLaurin,	Stewart, N. J.
Baker, Md.	Harmer,	Meiklejohn,	Stone, C. W.
Bankhead,	Harris,	Miles,	Strait,
Barham,	Hartman,	Miller, W. Va.	Strode, Nebr.
Bartholdt,	Heatwole,	Milliken,	Strong,
Beach,	Heiner, Pa.	Miner, N. Y.	Sulzer,
Bell, Tex.	Henderson,	Minor, Wis.	Swanson.
Bennett,	Hendrick,	Mondell,	Turner, Va.
Boatner,	Hicks,	Moody,	Underwood,
Boutelle,	Hilborn,	Morse,	Van Horn,
Bowers,	Hill,	Murphy,	Walker, Mass.
Brosius,	Hitt,	Newlands,	Walker, Va.
Clark, Mo.	Hopkins,	Otey,	Wanger,
Clarke, Ala.	Howard,	Otjen,	Washington,
Colson,	Hubbard,	Parker,	Watson, Ind.
Corliss,	Hulick,	Payne,	Wheeler,
Cowen,	Huling,	Pearson,	White,
Culberson,	Hurley,	Phillips,	Wilber,
Cummings,	Hyde,	Powers,	Williams,
Curtis, N. Y.	Lawson,	Ray,	Willis,
Dalzell,	Lewis,	Reyburn,	Wilson, N. Y.
Dayton,	Livingston,	Rusk,	Wilson, Ohio
Denny,	Loudenslager,	Shannon,	Woomer.
Dolliver,	Low,	Sherman,	
Draper,	Maguire,	Shuford,	
Ellett, Va.	Mahany,	Skinner.	

So the amendment was nonconcurred in.

Mr. RICHARDSON. Mr. Speaker, I ask that my colleague [Mr. WASHINGTON] be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Speaker, I ask for a recapitulation of the vote.

The Clerk recapitulated the vote, and several members changed their votes.

Mr. MONDELL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MONDELL. I was not.

The SPEAKER. The Chair can not entertain the gentleman's request.

The following pairs were announced:

On this vote:

Mr. MEIKLEJOHN with Mr. MCCREARY of Kentucky.

Mr. HUBBARD with Mr. CULBERSON.

Mr. WASHINGTON with Mr. ANDERSON.

The result of the vote was then announced as above recorded.

Mr. PICKLER. Mr. Speaker, I desire to enter a motion to reconsider.

Mr. WADSWORTH. I move to lay that motion on the table.

Mr. PICKLER. On that I demand the yeas and nays.

Several MEMBERS. Oh, no.

The SPEAKER. The gentleman from South Dakota [Mr. PICKLER] moves to reconsider the vote by which the House nonconcurs in the amendment, and the gentleman from New York [Mr. WADSWORTH] moves to lay that motion on the table. On that the gentleman from South Dakota calls for the yeas and nays.

Mr. PICKLER. I withdraw the demand for the yeas and nays, Mr. Speaker.

The SPEAKER. Does the gentleman desire a vote?

Mr. PICKLER. I want a vote on the question.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. PICKLER. I ask for a division.

The House divided; and there were—ayes 93, noes 34.

So the motion was laid on the table.

The SPEAKER. The question now is on nonconcurrence in the remaining amendments.

Mr. WADSWORTH. Mr. Speaker, I ask for a committee of conference.

Mr. PICKLER. Mr. Speaker, I desire to ask a question——

The SPEAKER. No debate is permissible, the previous question having been ordered.

The question being taken, the remaining amendments were nonconcurred in.

Mr. WADSWORTH. Mr. Speaker, I move that a committee of conference be asked.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. WADSWORTH, Mr. WARNER, and Mr. WILLIAMS.

REPRINT OF A BILL.

Mr. WILLIAM A. STONE, by unanimous consent, obtained an order for a reprint of House bill No. 58.

ALDRICH VS. ROBBINS.

Mr. DINSMORE filed the views of the minority in the contested-election case of Aldrich *vs.* Robbins.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the Post-Office appropriation bill. Before that motion is put, however, there are one or two matters that I would like to have adjusted in the House. I give notice that I shall ask consent or move to close general debate on this bill at an early hour, but I desire first to see whether we can not arrive at some agreement as to the time. Before proceeding with that, however, I ask unanimous consent that a reprint of this appropriation bill be ordered, as I am informed that the file is entirely exhausted.

There was no objection, and the reprint was ordered.

Mr. LOUD. Now, Mr. Speaker, I ask unanimous consent that general debate on this bill be closed in forty-five minutes.

Mr. SWANSON. How does the gentleman propose to divide the time?

Mr. LOUD. The object of our committee is to accommodate everyone, within the bounds of reason. I do not know that we can suggest any division except such as the Chairman of the Committee of the Whole may see fit to make. I have suggested forty-five minutes because that covers all the time that has been asked for.

Mr. SWANSON. I understand that at least one appropriation in this bill will be fought; and if so I think gentlemen who favor it as reported in the bill ought to have equal time with those who antagonize it.

The SPEAKER. Is there objection to the request of the gentleman from California that general debate on this bill close in forty-five minutes?

Mr. SWANSON. I object, until we can make some arrangement as to time.

Mr. LOUD. Mr. Speaker, I ask consent that general debate be closed in one hour, and that the time be equally divided.

Mr. QUIGG. An hour on both sides?

Mr. LOUD. Half an hour on each side, if there are two sides. I was not aware that there were.

Mr. QUIGG. I think if the gentleman will state frankly whether he intends to attack any portion of this bill——

Mr. LOUD. I have exhausted my time upon this bill, and I am now simply seeking to accommodate other gentlemen who desire to debate it.

The SPEAKER. Is there objection to the request of the gentleman from California that general debate on this bill be limited to one hour?

There was no objection.

The motion of Mr. LOUD was then agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. HULL in the chair.

The CHAIRMAN. On this bill general debate has been limited to one hour. The Chair will recognize the gentleman from California [Mr. LOUD] to control the time on the one side, and would like to know if there has been any arrangement as to who shall control the time on the other side.

Mr. LOUD. I suggest that the gentleman from Virginia [Mr. SWANSON], if acceptable to the rest of those gentlemen, control the time on that side.

The CHAIRMAN. Then the gentleman from California and the gentleman from Virginia will be recognized to control the time.

[At this point Mr. LOUD conferred with several gentlemen in regard to occupying time in debate.]

Mr. LOUD. Mr. Chairman, I reserve my time. I can not find anyone who wants to speak in favor of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. As I am in favor of the general provisions of this bill, I do not desire to dispose of my time now.

Mr. QUIGG. Will the gentleman from California [Mr. LOUD] give me a few minutes upon a part of the bill which is probably not so much in controversy——

Mr. LOUD. I have agreed to yield to the gentleman from Missouri [Mr. DOCKERY] fifteen minutes. The remainder of the hour I will endeavor to distribute among my friends as equitably as possible.

Mr. BROMWELL. If the gentleman from California and the gentleman from Virginia are both in favor of the bill, it seems to me that some time ought to be given to those of us who wish to criticise the bill. As a member of the committee, I should like to have ten minutes for some general criticisms on the bill.

The CHAIRMAN. The Chair, not knowing who were in favor of the bill or against it, appealed to the chairman of the committee [Mr. LOUD] to suggest who should control the time; and it was agreed that the time should be controlled by the gentleman from California and the gentleman from Virginia. The chairman of the committee unquestionably controls half the time.

Mr. BROMWELL. I am not objecting to that; but I am objecting to the gentleman from Virginia, who is on the same side as the chairman of the committee, saying he does not care to dispose of his time. The other members of the committee may want to say something on the bill. I for one wish to occupy a few minutes; and it does seem to me that the division of time ought to be between the gentleman from California and myself or some other member who is not heartily in sympathy with the bill in all its features.

The CHAIRMAN. To whom does the gentleman from California yield?

Mr. LOUD. I yield fifteen minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I am obliged to the gentleman in charge of this bill for his courtesy.

I have always opposed the special facility item which has heretofore been carried in this bill. I am yet opposed to that appropriation, and also to the new items which appear for the first time, but I do not desire at this moment to enter upon a discussion of the merits of these propositions. I will say, however, that if the policy of special appropriations is to be inaugurated, my district should receive proper recognition. The consideration of this bill will probably not be concluded until Monday, and I desire therefore to submit some facts in order that gentlemen may reach a proper conclusion in respect to the proposed special facility service.

Paragraph 27½, on page 8 of the bill, provides:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22.

That provision, or a provision in substantially similar terms, has been carried in the Post-Office appropriation bill since 1877. It first made its appearance on that bill in the form of a Senate amendment carrying $250,000, which was reduced in conference to $150,000. This appropriation is in addition to the statutory compensation allowed to railroads for the transportation of mails. I now desire to state the expenditures from this fund for the last fiscal year. On page 20 of the report of the Second Assistant Postmaster-General I find the following:

The annual rate of expenditure for this service on June 30, 1895, was $171,238.75, and the sum was expended as shown in the following statement:

No. of route.	Termini.	Railroad company.	Miles.	Pay per annum.
109004	New York, N. Y., to Philadelphia, Pa.	Pennsylvania	90.65	$11,331.25
113001	Philadelphia, Pa., to Washington, D. C.	Philadelphia, Wilmington and Baltimore.	137.53	17,191.25
114002	Washington, D. C., to Lynchburg, Va.	Southern	173.13	21,755.00
114016	Lynchburg, Va., to Danville Junction (n. o.), Va.	do	65.52	8,217.50
114038	Danville Junction (n. o.), Va., to Charlotte, N. C.	do	142.29	17,850.00
121001	Charlotte, N. C., to Atlanta, Ga.	do	267.71	33,463.75
121003	Atlanta, Ga., to West Point, Ga.	Atlanta and West Point.	86.32	10,790.00
124001	West Point, Ga., to Montgomery, Ala.	Western Railway Co. of Alabama.	86.40	10,800.00
124012	Montgomery, Ala., to New Orleans, La.	Louisville and Nashville	318.72	39,840.00
	Total			171,238.75

Mr. Chairman, it will thus be seen that the total amount expended during the last fiscal year from this appropriation for the line beginning at New York and terminating at New Orleans was $171,238.75.

Now, if I remember aright, this appropriation was originally made on the theory that it would subserve the interests of the postal service to establish a line from New York to Tampa, Fla., which was originally the southern terminus of this line, with the view of expediting the mails to Cuba and the West Indies.

I come now, Mr. Chairman, to the next items in the bill, which are new items. The first carries an appropriation of $81,700 "for necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans." The next item is "for necessary and special facilities on trunk lines from Chicago, Ill., to Council Bluffs, Iowa, via Burlington, $100,000." In connection with these paragraphs, because I do not propose at this moment to discuss them, I want to call the attention of the committee to the compensation now allowed by law to railroads, inasmuch as an additional appropriation is proposed to be given to certain roads.

This question, Mr. Chairman, is a very important one, and as preliminary to its proper solution it may be well, as I have already stated, to know what compensation the law now provides for railways carrying the mails of the United States. The railways are now paid on the basis of weight, on the basis of space occupied, and on the basis of distance run. These are the three elements that enter into the compensation allowed under existing laws. On the basis of weight the compensation is regulated as follows: To railroads carrying 200 pounds of mail matter the compensation per mile per annum of $42.75 is allowed; carrying 500 pounds, they receive $64.12 per mile per annum; carrying 1,000 pounds, they receive $85.50 per mile per annum; carrying 1,500 pounds, they receive $106.87 per mile per annum; carrying 2,000 pounds, they receive $128.25 per mile per annum; carrying 3,500 pounds, they receive $149.62 per mile per annum; and carrying 5,000 pounds they receive $171 per mile per annum; and for every additional 2,000 pounds over and above 5,000 pounds they receive $21.57 per mile per annum.

Then, in addition to this, there are intermediate weights, which entitle the companies to receive $1 additional per mile per annum. The weight is ascertained by reweighing the mails. The United States is divided into four geographical divisions for this purpose, and in each of the four divisions the mails are reweighed every four years; so that at the beginning of each four-year period the railroad companies receive the pay allowed by law on the basis of the increased weight during the preceding four-year period.

The railroads are also paid for car service, in addition to the compensation for weight. The pay for that service depends upon the length of the car as well as the number of miles the car is hauled. Railway post-office cars 40 feet in length are paid for at the rate of $25 per mile per annum; cars 45 feet in length, $30; 50 feet in length, $40, and from 55 to 60 feet, $50 per mile per annum.

Now, Mr. Chairman, let us look to the net result, so far as it appears as a charge against the public Treasury. In 1893 the Government paid the railroads for the transportation of mails, including post-office cars, $96,181,228. In 1894 the amount paid was $28,710,000; in 1895, $29,435,000. In 1896—that is, for the fiscal year ending June 30, 1896—there was appropriated $29,705,000. It was stated, however, by the chairman of the Post-Office Committee on yesterday that there will be a probable deficiency on account of this service for the current year of from a million to a

million and a half dollars. So that the cost of the transportation of mails for the present fiscal year will exceed thirty millions.

Mr. LOUD. Probably thirty-three millions.

Mr. DOCKERY. Thirty-three millions, the chairman suggests, and it is probable that he is correct in this opinion, as he usually is in respect to matters of which he speaks.

Let me say further that the amount estimated for this service for the fiscal year 1897 is $32,411,000, and there is recommended by the pending bill $30,900,000. I have now briefly given, Mr. Chairman, not only the beneficiaries under the special facility items, but have also stated the rates of compensation under the statute for the general transportation of mails by railroads, and the total cost of that transportation. Relatively, the most expensive service of the Government is the transportation of our mails by railways. In this view the question becomes material in considering whether or not we are to inaugurate the new departure proposed by the pending bill. If these propositions are to receive the approval of the House, I must insist that the people I have the honor to represent shall also be beneficiaries under the new system.

Mr. Chairman, in connection with these remarks, I wish, in conclusion, to submit the following printed schedule of rates for railway mail transportation:

Schedule of rates for railway mail transportation.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum. Rates allowable under act of Mar. 3, 1873.	Rates allowable under acts of July 12, 1870, and June 17, 1874.	Rates allowable to land-grant railroads, being 80 per cent of allowance to other railroads, under act of July 12, 1876.	Intermediate weight warranting allowance of $1 per mile under the custom of the Department, subject to acts of July 12, 1876, and June 17, 1874.
				Pounds.
200 pounds	$50.00	$42.75	$34.20	
200 pounds to 500 pounds				12
500 pounds	75.00	64.12	51.30	
500 pounds to 1,000 pounds				20
1,000 pounds	100.00	85.50	68.40	
1,000 pounds to 1,500 pounds				30
1,500 pounds	125.00	106.87	85.50	
1,500 pounds to 2,000 pounds				20
2,000 pounds	150.00	128.25	102.60	
2,000 pounds to 3,500 pounds				60
3,500 pounds	175.00	149.62	119.70	
3,500 pounds to 5,000 pounds				60
5,000 pounds	200.00	171.00	136.80	
For every additional 2,000 pounds	25.00	21.37	17.10	
Over 5,000 pounds				80

No allowance is made for weights not justifying the addition of $1.

Rates allowable per mile per annum for use of railway post-office cars when authorized: Railway post-office cars, 40 feet, $25 per daily line; railway post-office cars, 45 feet, $30 per daily line; railway post-office cars, 50 feet, $40 per daily line; railway post-office cars, 55 to 60 feet, $50 per daily line.

To constitute a "line" of railway post-office cars between given points, sufficient railway post-office cars must be provided and run to make a trip daily each way between those points.

Mr. LOUD. I will reserve the balance of my time for the present, Mr. Chairman.

Mr. SWANSON. Mr. Chairman, I yield five minutes of my time to the gentleman from Ohio [Mr. BROMWELL].

Mr. LOUD. And I will state that I will yield five minutes of my time to the gentleman, in accordance with my agreement, so that he can proceed for ten minutes, if he so desires.

Mr. BROMWELL. Mr. Chairman, that is a very convenient arrangement, because I think I am about equally divided in my support of this bill and my objections to it, and it is perfectly proper that I should get time from both these gentlemen.

I want first, and with a great deal of reluctance, too, as a member of the committee, to call attention to those features of this appropriation bill to which I object.

This bill, and the other appropriation bills which have been before this House at this session, it seems to me have been hurriedly put together and hurriedly passed, on the theory that this Congress has nothing to do but to pass the appropriation bills and adjourn; and upon the further theory that every appropriation bill must cut down—not only to the lowest legitimate point, but far below the legitimate point—the expenditures of money for the various Departments.

This bill, it seems to me, comes here prematurely. It comes ahead of other bills which should first have been considered by the Post-Office Committee, reported to this House, and acted upon, so that we might intelligently make the appropriation for the ensuing year in the Post-Office appropriation bill.

As an illustration of that, I want to call the attention of the House to the fact that there are now bills before the Committee on Post-Offices and Post-Roads—bills for the reclassification of the railway-mail service, the postal clerks, and the mail carriers. It is impossible to say what the result of the action of this House will be upon those bills. It is estimated that if all three of them pass in their present form they will involve an additional expenditure of $4,000,000. This appropriation bill makes no provision for that. It assumes that none of those bills will pass this House. If they do there will be a deficit of $4,000,000 in this appropriation.

Another thing. The so-called Loud bill, for the purpose of increasing the rate on postage on certain second-class matter, has been reported back to this House and awaits its action. In the preparation of this appropriation bill the assumption has been made that the Loud bill is going to pass this House, and that as a result, in the increase of the postage on certain portions of the second-class matter, the Government will derive an additional revenue, and therefore the appropriation bill is framed with that in view. In other words, there have been two assumptions which will very materially affect the expenditures for the Post-Office Department, one to increase it and the other to decrease it. An increase of $4,000,000 will be necessary if the reclassification bills pass, and a decrease might be necessary if the Loud bill should be passed.

I want to enter my protest against the theory on which this House seems to have been acting upon these appropriation bills. I do not believe that it is our sole duty to cut down the legitimate expenses of the Government. I do not believe that we were elected to this House for that purpose. I believe that every legitimate expense that will assist in the proper carrying out of the functions of Government will be satisfactory to the people of this country, and as Republicans I believe we are making a great mistake on this side of the House in cutting down the absolutely necessary expenses of the Government in order to keep within the income which has been furnished to us by our Democratic predecessors in the shape of the Wilson bill.

I believe that we ought to expend judiciously and carefully, not wastefully, but prudently; but at the same time I believe that not a dollar ought to be taken away from any department of this Government as the result of which its usefulness will be impaired; and I believe as Republicans we ought to stand upon the platform that we propose to give this Government enough income to pay these expenses legitimately.

Now, Mr. Chairman, there are one or two items of this bill to which I shall offer my opposition at the proper time, and which I think, as a member of the Committee on the Post-Office and Post-Roads, I ought to explain now.

One of the items of this bill provides for the compensation of 30 additional inspectors. To that I am opposed. It developed in the investigation of the items of this bill that the First Assistant Postmaster-General's Office had been detailing, for the purpose of spying upon letter carriers, a force of men who were not under the civil-service rules, who were political appointees, for political purposes largely, it was claimed, and whose duty it was, without warning and without any responsibility, to report upon alleged derelictions of duty upon the part of mail carriers. As a result of that, carriers have been suspended, in many instances without fault on their part.

They have had no opportunity to make defense; and these men, these so-called "confidential agents," have been nothing more than a political machine used for the political benefit of that Department of the Government. Now, it is proposed that instead of calling them "spies," instead of calling them "spotters," to call them "inspectors," and put them upon the regular force of inspectors. Now, I would not object to the expenditure of money for the appointment of these additional inspectors if it could be shown to me that the services of these additional men were necessary for the legitimate work of inspection; but how should it come that, when the work of inspection heretofore has been thoroughly and satisfactorily done—that is, the legitimate work of inspection—that all at once, in this year, there should be a demand for 30 additional men. It seems to me that a much less number would be a legitimate increase, if these men were to be used for legitimate purposes; and until it is shown to me that these additional men, or any part of them, are necessary for the actual work of inspection of this Department I shall vote against the appropriation which calls for these men.

The gentleman from Missouri [Mr. DOCKERY] has referred to another feature of this bill to which I wish to call attention, that is the subsidy which has been granted to the Coast Line, or the Southern Railroad, I believe, and its connections with other lines. I shall not at this time express my views upon this question of subsidy, but I do want to call attention to the fact that there are other cities in this country to which a subsidy of this kind, if any is granted, is of as much importance to them as to the cities favored by subsidies reported in this bill.

Mr. DOCKERY. Will the gentleman permit me to congratulate him upon the use of the word "subsidy"? That is what it is.

Mr. BROMWELL. Well, that is what it is; we all understand that. I live in a city in this country which also has important manufacturing and commercial interests, which would be perhaps helped by a subsidy for a fast mail train down south from Cincinnati. I shall at the proper time offer an amendment providing for a fast mail train south, or rather for a subsidy for a fast mail train south, from the city of Cincinnati to the city of New Orleans, and an additional one from the city of Washington to St. Louis by way of Cincinnati. If it is to the interests of the country that this Coast Line should be subsidized $196,000 to bring fast mails from New England and New York by way of Washington to New Orleans, it seems to me that it is important to our Western interests that a fast mail should be sent over what is really the shortest route from Washington to New Orleans by way of Cincinnati railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. I yield ten minutes to the gentleman from Connecticut [Mr. SPERRY].

Mr. SPERRY. Mr. Chairman, the remarks which I shall make here this afternoon concerning this bill are on that portion which refers to the so-called inspectors, or additional inspectors, claimed to be for regular inspectors' work, when in fact it is the spy system continued. Mr. Chairman, I remember the time when we had but six inspectors in the United States; and I do not know but what the work was as well performed then as now; and if there is anything in this idea that we are to send publications over the country at pound rates, that we are to send supplements everywhere at the cost of millions to the Government for the purpose of enlightening and Christianizing the people of the United States, tell me where, in heaven's name, have we been benefited, if it is now found after this large expenditure, that 30 additional men are needed to catch alleged criminals in the postal service.

We started with a force of six or seven men. To-day we have 110, with about 90 in the field, and now we are asked to add 30 more to that service. I say to you as one who has had some experience in postal affairs for about thirty years that I never saw a time in my life, when I asked for an inspector, that I could not get one within twenty-four hours. There is no person so good an inspector as the postmaster himself. There is no man who can tell when wrong is being done within his own domain so quickly as the postmaster himself; and when wrong has been done, if any, that postmaster can call the clerks and call the carriers before him and ask them what is the cause of the trouble. I could settle that matter in ten minutes. I never have had an average of one inspector a year during the time that I was postmaster of New Haven. Aye, and I had time not only to inspect my office and run my own office, but the Postmaster-General would say, "Mr. Sperry, look over the offices in your county, and see how things are going along there. What these men want is kindness; what they want is proper instruction how to perform their duties. Go to them as an experienced postmaster may, and where no wrong has been committed, if they are not properly transacting their business from lack of knowledge or experience, kindly teach them and kindly tell them how." Do not send down a myriad of men upon the poor letter carriers as they are going from door to door, carrying messages of business, love, and mercy, as spies and detectives, and put an assassin's dirk, so to speak, in their official backs.

I tell you, gentlemen, it is un-American; it is unworthy of the name of the American Government to have men acting as spies upon employees against whom no complaint has ever been made. I know these men, at least some of them. Why, the postal clerks, the clerks in the post-offices, the carriers, are fit to sing to-day in the choir of the New Jeruselam as compared with the spies that are put upon their backs to destroy their character and occupation on frivolous charges and pretenses. And I say to you, having had for years 110 men on my pay roll, a purer, a more honest set of men than these same clerks and carriers and postal employees never trod the face of God's earth. And now it is proposed to have 30 additional so-called inspectors—really spies—to continue such work as was done last fall, when they went about seizing upon this man and that man and hanging them up without letting them know for what reason it was done, keeping them for weeks and for months deprived of their pay, and leaving them to-day, so far as I know, without any reason to expect that they are to retain their positions. And it was done to intelligent men, honest men, American citizens, who were doing their duty. If, forsooth, a carrier stopped a minute with a letter in his hand to wave an adieu to the girl to whom he was delivering the letter [laughter], that was an offense which was punished by suspension or removal.

Let us do justice to these men. Let us treat them as they ought to be treated. This abuse is one of the worst, one of the most un-American that can exist, and, in my judgment, it is one of the most efficient methods of demoralizing the force. I have observed these men in the postal service for thirty years as clerks and carriers, and I repeat it, sir, that a better, a more faithful, a more honest, a more efficient set of men as a whole never trod God's green earth. Now, do you propose to put this stigma upon them and permit what was done last fall to be continued? I do not believe this House will consent to it. I do not believe this House will do anything that will aid in the infliction of such an outrage upon one of the most earnest, faithful, and honest bodies of workers in the public service. [Applause.]

Mr. QUIGG. Mr. Chairman, I desire to congratulate the gentleman from California [Mr. LOUD] and the Post-Office Committee upon what seems to me to be the most intelligent Post-Office bill that I have ever read, and I have had occasion to examine the Post-Office appropriation bills very carefully for the last ten or fifteen years. This segregation of items is the point to which I particularly refer as an intelligent, orderly, useful proceeding; and as a result of that segregation of items it may be conceded that this detestable spy system is to a slight extent affected for the better. That is to say, the inspectors who are to do the spy business will now have to be appointed under the civil-service rules, and thus a guarantee will be afforded that they can at least read and write. But that is all there is in the way of an improvement.

The gentleman from California admits that he proposes in this bill to increase the force of spies. Now, I want to tell you, gentlemen, how these spies work and how they will work even after they are put under civil-service rules. A force of them is sent without the knowledge of the local postmaster into a given city, and of course without the knowledge of the letter carriers; they swoop down upon the city and proceed to "spot" the letter carriers. Let me give an illustration, which I undertake to say is a fair illustration of nine-tenths of the complaints that have resulted in the dismissal or suspension—not the temporary, but the indefinite suspension—of letter carriers. In my neighborhood a letter carrier called at a house to deliver a letter. With the servant who answered the bell came a woman who was visiting at the house and whose husband was absent in Europe. She began to inquire of the letter carrier as to the departures of the European mails. Of course, if he had been a learned lawyer as well as a gentleman he would have told her that the place for her to get the information she wanted was at the post-office, but being simply a gentleman, he proceeded to reply to her question, and he remained on that door-step in conversation with this lady about the departure of the European mails for several minutes. Six weeks later an information was lodged against this carrier for dereliction of duty, in that he had "loitered upon his route" in or about such a neighborhood. The carrier was suspended and for a period of nine weeks he lost his salary. Subsequently he was reinstated, but the outrage upon him was infinite none the less. He denied the offense. He did not remember the occurrence; and it took all those nine weeks to straighten out the facts in the case, ultimately to the vindication of the carrier. Now, I want to say that that is the general way in which this system operates, for the reason that these "spotters" sent to a city are under the necessity of proving that the letter carriers do not do their duty. That is what they are sent there for. They are "inefficient" if they do not bring "results."

Mr. LACEY. Does not the postmaster when he desires to get rid of a Republican subordinate make complaint and then send for one of these inspectors to look the matter up?

Mr. QUIGG. Oh, yes; there are partisan phases of the matter, but I do not care to allude to them now further than to say to my Democratic friends that of course this is a kind of game which, if people are mean enough to indulge in it, whether they are Democrats or Republicans, can be played by both sides. But I prefer to overlook that phase of the subject now and to assume that the Postmaster-General has not been guilty of that kind of offense, and that his men have not been guilty of it, although 90 letter carriers were dismissed as a result of this kind of investigation in the city of New York, and I believe it is almost true to say that the 90 were all Republicans. That, however, is an incidental phase of the case. The injustice is done, whether they are Republicans or whether they are Democrats; and the sense to which I am appealing here in this committee is the sense of justice of every member of it.

Now, I submit to the gentleman from California that if, in his opinion, a system of inspection is required different from that which has already been maintained by the local postmasters in all the cities, which I undertake to say has always been efficient and sufficient, for if a man is competent to be a postmaster in any of our large cities he is competent to take care of the letter carriers and see that they do their duty; that is what he is there for, and if he is not competent to do that without a force of foreign spies and spotters he is not fit for his job; but independently of that consideration, if a scheme of inspection is required, in the opinion of the gentleman from California, let him adopt some such system as is employed in all the great cities for the supervision of the fire department and the police department and all other such departments. Let him prepare a scheme which will provide a system of roundsmen for the carriers. Roundsmen would be the proper inspectors of the carriers. This is a system that can be devised with perfect ease; and if the purpose of the Department in this

kind of spy business was not simply that of getting rid of men without the responsibility of saying how it got rid of them or why, it would adopt such a system of roundsman inspection.

One moment more. This bill increases the force of spies. I propose to offer an amendment by which the sum appropriated in this bill for this business of inspection will be reduced to the amount provided in the old act. I hope the gentleman will agree to this, and that between now and Monday he will so segregate the items or will so apply the $300,000 to the various items of expenditure under the Fourth Assistant Postmaster-General as to make my amendment operate equitably among all the items. If the gentleman will do that there will be no objection whatever to the force of inspection, and there will be every praise to the gentleman from California for his excellent scheme of civil-service appointment which he has embodied in this bill. I thank the Committee of the Whole for its indulgence.

Mr. SWANSON. I yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Chairman, so much has been said by the gentleman who has just taken his seat and by the distinguished gentleman who preceded him concerning the appointment of inspectors in the Post-Office Department that I think it but proper and just to give to the Committee of the Whole what has been the result of the work accomplished by that force. In order that the statement of the Department may go out along with the charges which have been made in regard to the employment of this force, I ask the reading of a portion of the report of the First Assistant Postmaster-General.

The Clerk proceeded to read the following:

SPECIAL INVESTIGATIONS.

Before submitting a detailed statement of the results that have been obtained during the past eight months by the investigation of the free-delivery service at a number of offices, it is proper to review the special conditions that made closer departmental scrutiny of the service necessary, and the disclosures that compelled the employment of confidential agents.

When the present Administration assumed charge of the Post-Office Department it found in the files of the free-delivery division of this Bureau fully 4,000 overtime claims of letter carriers, aggregating over $1,500,000, and overtime accumulating at the rate of $250,000 per annum. Five years have passed since the enactment of the eight-hour law, May 24, 1888, and the appropriations for the intervening years, notably that of the fiscal year 1888-89, had been especially increased to enable the Department to meet the requirements of the law; yet no appreciable decrease in the annual accumulation of overtime had been made. The efforts made by former administrations to obtain a strict compliance with the law resulted in its evasion. This alarming condition at once attracted the attention of Postmaster-General Bissell, who, on April 4, 1893, issued the following order prohibiting overtime and calling on postmasters to strictly comply with the eight-hour law:

"APRIL 4, 1893.

"SIR: In relation to the subject of overtime services and claims of letter carriers under the act approved May 24, 1888, you are advised that the judgment of the Court of Claims, rendered March 7, 1892, construing certain phases of that law, has been affirmed by the Supreme Court of the United States, from which it appears that 'the carrier is entitled to eight hours' work and to his pay if work is not furnished to him. For any excess on any day he is entitled to extra pay. The only offset that can be maintained is when he is absent from duty without leave. The Department is at liberty to keep a carrier employed eight hours every day, but not to give him a deficit of work one day and an excess another.'

"It appears, further, that for any 'overtime' actually made by a letter carrier on any day in the performance of any kind of duty in connection with the postal service to which he may be assigned by the postmaster he is entitled to additional pay pro rata.

"Under this decision a full day's pay is allowed for not exceeding eight hours' service in any one day. This service may or may not be in consecutive hours. It is not to be construed, however, as deciding that overtime may be allowed in any case unless for an excess of eight hours' actual service in a day.

"Postmasters will pay no claims for overtime services until they shall have been submitted to and approved by this Department.

"The accumulation of vast indebtedness for overtime services in the face of liberal allowances for free-delivery service is an evil which must be abated.

"Section 614 of the Postal Laws and Regulations (issued under date of February 2, 1893) prescribes the duties of letter carriers, and no deviation whatever from this rule will be allowed at any office where any letter carrier makes overtime.

"Moreover, any letter carrier found loitering or unnecessarily consuming time on his route, or absent from duty without permission in the absence of justifiable excuse, will be at once recommended for removal (postmasters can not appoint, remove, reinstate, or promote letter carriers), and at every free-delivery post-office where any carrier is working over eight hours a day, and the Department upon application refuses the allowance of additional carriers, the postmaster will at once rearrange his free-delivery service so as to bring his carriers' time within the eight-hour limit, either by curtailing the exterior boundaries of his free-delivery districts or by reducing the frequency of his deliveries or collections, as in his judgment may seem best for the interest of the service.

"And any postmaster who permits overtime to be made by any letter carrier, in the performance of work prohibited by the Postal Laws and Regulations, or in violation of this order, after May 1, 1893, will be liable to removal for cause.

"Very respectfully,

W. S. BISSELL,
"*Postmaster-General.*"

Even after this order had been sent to all postmasters a disposition was discovered on the part of a number of them to require letter carriers to record eight hours daily for any and all service performed, regardless of the correct time. One office might be mentioned in which letter carriers were required to work in excess of eight hours per day, and were threatened by one of the subordinate officers with dismissal from the service if they made a correct entry of time on their trip reports.

All doubt that the practice prevailed among letter carriers of falsifying trip reports or official time records, with the approval of their immediate superiors, was dispelled soon after the Post-Office Department, acting in cooperation with the Department of Justice, began a systematic investigation of overtime claims. Prior to the beginning of this Administration practically nothing had been done toward a settlement of these claims, although the letter carriers, through their association and attorneys, had persistently urged official action of some kind. Early in 1894 the Postmaster-General selected two competent persons, experienced in the free-delivery service and familiar with the duties of letter carriers, to visit free-delivery offices, and, in the capacity of commissioners of the Court of Claims, to personally examine the time records and receive oral testimony of letter carriers and others for the purpose of expediting the settlement of claims for which suit had been commenced.

From the very first the commissioners reported that no reliance could be placed on the letter carriers' trip reports and official time records, because they did not show the facts; that the Government could build no defense on them; and that the carriers, by their oral testimony and that of others, could impeach the very records made by their own hands and prove their claims for overtime in spite of the official records. I quote extracts touching this point from some of the commissioners' reports:

"An examination of the time records of the station during this period (May 24, 1888, to April, 1893) discloses the same condition of affairs as existed at all the post-offices at this time, diminishing the value of the records as evidence of the exact overtime made by the men."

Also:

* * * "But the records do not show the time consumed in routing mail before and after each trip."

Again:

* * * "The imperfection of the records prevents any exact test of the witnesses' statements.

"In addition to the time shown upon the records, the carriers at this station claim they made overtime which did not appear of record."

And from a recent report:

"The time records were found to be in the usual deficient state in respect to showing the entire daily service rendered. The following witnesses were relied on as to showing the deficiency of the time records," etc.

It is fair to presume that if the practice of uniformly recording eight hours daily had concealed overtime at some offices, it also prevented the Department from knowing that at other offices much was being lost in "undertime" or unused time within the eight hours.

For the purpose of making carriers' trip reports records of facts which would stand in the Court of Claims, and to give the Department full knowledge of the exact time daily consumed by carriers in the performance of their official duties, I issued the following order, dated August 23, 1894:

"AUGUST 23, 1894.

"Postmaster,
"——, ——.

"SIR: Investigations recently conducted at several post-offices show that it has become a custom among letter carriers to enter on their daily trip reports schedule time, instead of the actual time consumed by them. I have reason to believe that this practice has become general. If it prevails at your office it must be stopped at once. The daily trip reports and carriers' time record must show the exact time consumed by them in the performance of their duties.

"You will forward to this office, as soon as practicable, a statement showing the actual time consumed by each of your carriers on each day during a period of ten days following the date of the receipt of this letter.

"Yours, very respectfully,

"F. H. JONES,
"*First Assistant Postmaster-General.*"

The suspicions of the Department were fully confirmed, for the ten-day statement showed overtime at some offices and a large amount of "undertime" at many others. Careful computations show that the Department was losing at the rate of $500,000 per annum in "undertime" and superfluous carriers. Add to this the amount of annual overtime, and $750,000 may safely be estimated as the annual unnecessary cost to which the Department had been subjected.

The saving of this enormous annual loss could be effected only by properly enforcing the eight-hour law and so reorganizing the service as to equalize the force of letter carriers, reducing here, increasing there, and in that manner obtaining for the Department more nearly a full return for the immense sum annually expended for free delivery.

To this end the order of April 4, 1893, was renewed on January 1, 1895, and a copy of it transmitted to every postmaster in the following letter:

"JANUARY 3, 1895.

"Postmaster,
"——, ——.

"SIR: The attention of postmasters at free-delivery offices is directed to the order of April 4, 1893, respecting overtime of letter carriers. It is believed by certain officials of this Department that in some of the post-offices evasions of this order are in contemplation; that overtime is in fact being made by letter carriers, not recorded at the post-offices, and no claim is made for the same at present, but it is supposed that such overtime will perhaps be made the subject of claim at some future time. It is not supposed that the postmasters are cognizant of this fact, but it can hardly be the fact and escape the knowledge of the superintendents of free delivery.

"The order of April 4, 1893, has been and will remain in full force and effect, and I shall hold postmasters officially accountable for any omission to enforce it. The distinct purpose of that order was, and is, to prevent overtime being made, and not merely to prevent or postpone the making of claims for overtime.

"I inclose a copy of my order of April 4, 1893, herewith.

"Very respectfully,

"W. S. BISSELL,
"*Postmaster-General.*"

To aid postmasters to effectually enforce the Postmaster-General's order, I issued the following special instructions at the same time:

"JANUARY 1, 1895.

"*Important.*

"To postmasters at free-delivery offices:

"Immediately upon receipt of this notice you will post in a conspicuous place in the carriers' working room at the main office and at each of the stations copy of the following rules:

"1. Carriers are strictly prohibited from reporting prior to schedule time, either for morning arrival or for the beginning of any subsequent trip during the day.

"2. Carriers must not remain at their desks or in the working room of the office during any interval or "swing" between trips or during the dinner intervals; nor must they remain in the post-office after reporting from the last trip of the day.

"3. Carriers must record the exact time consumed by them each day, specifying the beginning and closing of each trip and the time spent in routing

mail and looking up and marking undelivered matter. Only the actual time employed is to be recorded, but all service rendered must be recorded.

"4. Carriers will continue to make their daily trip reports, making their entries at the beginning and end of each trip. The practice of filling out the entire report at close of day must be discontinued, and any carrier found continuing such practice will be promptly removed.

"5. Under no circumstances must carriers or superintendents conceal the fact that overtime—even to the least extent—is being made. Any attempt to do this will result in the removal of the offender regardless of his rank. It will be equally contrary to this order for any carrier whose route requires less than eight hours to expand the actual working time thereon, or attempt to record unnecessary time in order to have his trip reports show eight or approximately eight hours' work per day.

"6. Where collections are made prior to morning report, the first entry to the left on the trip report must cover the time so expended, and be accompanied by this note: 'Including collection.'

"7. Men detailed exclusively in collection service should not be allowed to enter the workroom of the office except to deposit their collections.

"8. The performance of clerical work by carriers is absolutely prohibited. Their work must be confined to the collection and delivery of mail, the routing of their mail for delivery, the marking up or 'logging' of undelivered matter, and the facing up of mail by collectors upon their return to the office. All other work, except the duty at the delivery windows, must be discontinued by carriers. All other work is clerical, and must be performed by clerks alone.

"*Special.*

"All carriers, superintendents, and assistant superintendents of carriers, superintendents of stations, and all clerks charged wholly or in part with recording carriers' time will be expected to acquaint themselves with these rules within one month from date or within one month from date of their respective appointments, so as to be able to quote them substantially to any agent or inspector of the Department, or to anyone delegated by the postmaster. Failure of ability to do this will be considered sufficient cause for removal."

In order to ascertain if these orders were understood and properly enforced, and to obtain exact information relative to the condition of the service at each office, that this office might proceed intelligently in the work of reorganization and readjustment, I required each postmaster to answer fully certain questions in a letter of January 1, 1895, hereto subjoined:

"1. Population of your town, according to the latest State, school, or police census.

"2. Estimated population served by carriers.

"3. Number of square miles within the corporate limits, according to municipal records.

"4. Number of square miles served by letter carriers.

"5. Does the free-delivery service extend beyond the city limits? If so, give the extent of territory, estimated in square miles.

"6. Number of carriers assigned exclusively to delivery service.

"7. Number of carriers assigned exclusively to collection service.

"8. Number of carriers mounted.

"9. Number of delivery trips made daily.

"10. Number of collection trips made daily.

"11. Do the letter carriers record actual time made by them? (See order of August 25, 1894.)

"12. Are the letter carriers, or any of them, making overtime?

"13. Have you, your assistant, or superintendent of carriers, ever tested the carriers' routes to ascertain if the territory is properly districted and the carriers distributed to the best advantage, and if they are performing their work properly?

"14. Do any of your carriers perform clerical work of any kind? If so, state fully the class of work performed and the time daily consumed in such work. (See section 614, Postal Laws and Regulations.)

"15. How many substitute letter carriers are employed at your office?

"16. Have carriers discontinued the use of twine since straps were furnished for tying up mail for delivery?

"17. Are the carriers properly uniformed and numbered? Do they wear complete uniform?

"18. How many street letter boxes in use at your office?

"19. Are the street letter boxes supplied with time cards showing the hours of collection?"

The replies to these searching inquiries enabled me to compile very exhaustive data (such as had never before been secured) relative to the entire service, namely, to compare the service of one office with that of another, to point out to postmasters irregularities disclosed by their own statements, to suggest to them methods by which the service could be improved and made to conform more closely to the postal laws and regulations, and in that way to establish a more uniform system throughout the service in so far as the topographical and other conditions of the various offices would permit.

After replies had been received from all postmasters I called for a statement, early in February, 1895, showing the time consumed by each carrier during a period of ten days. This statement differed from the ten-days statement of September, 1894, in that it showed the time daily consumed in the office as well as upon the carriers' routes. The information afforded by this last statement disclosed an unexpected lack of system, great differences appearing in the time allotted for office work at the various offices. For instance, at one office three-trip carriers would require but two hours per day for office work, while at another office, similar in most respects, three-trip carriers would consume nearly four hours in the same class of work. Then a case might be cited of a post-office serving a population of 10,000 people in an area of 4 square miles maintaining four deliveries per day in the business and two in the residence portions of the city, with five letter carriers working eight hours per day, while another office with a smaller population in a smaller area could provide only three business and two residential trips daily with an equal number of carriers.

There appeared to be no reason why the service at these offices should not be equal in every respect, and steps were promptly taken to effect the desired changes. Similar cases were dealt with in the same manner. All this led to correspondence which betrayed on the part of many postmasters a lack of knowledge of the regulations, the requirements of the service, their own duties and those of letter carriers. The attempt to correct irregularities by correspondence, however, did not prove effective or satisfactory, and it was decided to begin a systematic investigation of the service through special agents.

The agents obtained a record of the conduct of each carrier, the manner in which he performs his duties, take account of the exact time consumed by him on his route, test the efficiency of the collection and the delivery service, report the condition of letter boxes and whether or not they are supplied with proper time cards, and, in short, collect information that can not be gathered in any other way. When they are detailed for service in a city they are supplied with the letter carriers' schedule and route cards so that they may have no trouble in locating carriers at any point on their respective routes at any time during the schedule. At the close of each investigation they prepare a general report on the condition and requirements of the service, stating whether an increase of force is necessary or a decrease possible.

The persons to whom this work is intrusted are men of intelligence and integrity, many of them having had experience in the postal service. They are not permitted to make themselves known to postmasters, are especially warned against interfering with or attempting to entrap letter carriers, and are required to report only the acts and doings of the letter carrier in his delivery of mail, giving the record of the faithful and efficient carrier as well as that of the negligent and slothful. In all cases reflecting upon the conduct of the letter carrier force each carrier is furnished with a verbatim copy of the charges and given ample opportunity to submit such explanation as he may have before final action is taken by the Department.

A letter carrier's efficiency record is now being prepared from the data supplied by these agents as well as postmasters. When completed it will contain the individual record of each letter carrier in the service.

The work of the agents has been systematically prosecuted during the past eight months. The results of the work during this period may be found in the following statements, the first dealing with the personnel of the service, the second showing the actual saving to the Department, and the third giving the number of offices at which improvements have been made without additional cost:

Personnel.

Whole number of offices investigated	151
Total number of carriers employed at these offices	4,075
Carriers reprimanded for various irregularities	208
Carriers suspended for falsifying trip reports	57
Carriers suspended for failure to collect from street letter boxes	49
Carriers suspended for drinking while on duty and loitering	302
Carriers dismissed for drinking while on duty and loitering	55

The personnel of the carriers' force at 60 of the 151 offices examined was found to be above the average, the carriers being faithful and energetic.

Savings effected.

Reductions of the force at first-class offices between January 1, 1895, and October 1, 1895, equal to 157 carriers, at $1,000 per annum, making a saving at the rate per annum of	$157,000
Reductions at second-class offices between January 1, 1895, and October 1, 1895, equal to 61 carriers, at $850 per annum, making a saving at the rate per annum of	51,850
Total reduction of 218 carriers, at	208,850
Applications for additional carriers refused, equal to 132 carriers, at $600 for the first year	79,200
Gross saving	288,050

Under the practice in vogue before the establishment of the secret service, and depending upon imperfect data at hand, the Department would have made these additional appointments upon the showing submitted by the postmasters.

From this amount deduct the cost of the secret service from the date of its establishment, February 1, 1895, to October 1, 1895	75,000
And the service may be credited with a net saving of	213,050

Improvements ordered.	Offices.
Extension of service ordered at	68
Overtime stopped at	11
Letter boxes painted and collection cards supplied at	58
Carriers required to wear proper uniform at	23
Additional street letter boxes erected at	4

Besides the actual saving effected, the improved efficiency of the service in the offices investigated must be credited to this service. At every office the discipline of the force and efficiency of the service have been much improved, the work more equally distributed among the letter carriers, and at many offices extensions made and facilities increased without additional cost.

Several postmasters have acknowledged in letters to this office that they have been able to make the improvements and extensions suggested by the Department without the additional carrier or carriers previously requested, and several cities might be named in which the patrons of the post-office have thanked the Department for providing a better service than they have ever before enjoyed.

About one-fourth of the 604 free-delivery offices have been investigated, and by the close of the current fiscal year fully two-thirds will have been examined. I am confident that the results to be obtained will be even better than those reported herein, for the service is now more perfectly organized than it was at first, and its work more effective and expeditious.

The benefits derived from these investigations may be summed up as follows:

Securing the data and necessary details of the service to enable the Department understandingly and justly to consider all applications for increase of force.

To weed out the habitual loiterers and drinkers who bring discredit upon the service and upon the carriers.

To secure eight hours' honest work, with prompt delivery of mail.

Saving of overtime claims at the rate of $250,000 or $300,000 a year.

Saving, by stopping undertime and preventing the employment of superfluous carriers, $500,000 a year.

Establishing the fact that the continuance of carriers in the service depends only upon themselves and the proper discharge of their duties, without reference to any outside influence, political or otherwise.

Mr. McMILLIN (before the reading was concluded). There is not time to finish the reading of the entire statement which I wish inserted in the RECORD; but I will ask that the remainder be published without reading.

The CHAIRMAN. Without objection, that order will be made.

Mr. McMILLIN. What I may have to say on this subject, Mr. Chairman, I will say in the course of the five-minute discussion.

Mr. LOUD obtained the floor.

Mr. SWANSON. Before the gentleman from California [Mr. LOUD] proceeds, I want to yield to him the remaining five minutes of my time.

Mr. LOUD. Mr. Chairman, I do not think I shall use more than five minutes; and I think I have about ten minutes of my own time remaining. I believe the general debate has gone about far enough.

I desire to thank my friend from New York [Mr. QUIGG] for the bouquets which he has so kindly thrown at me in relation to

this bill; and I am thankful that he criticises only one portion of the measure.

In relation to the remarks of the gentleman from Connecticut [Mr. SPERRY] and a portion of the remarks of the gentleman from New York [Mr. QUIGG], I can understand, of course, that such remarks sound well at home; but they are not relevant to the bill which the House is now about to consider. Of course, Mr. Chairman, most of us have played whist; and most of us have anticipated the pleasure of "post-morteming" every hand after it is played. Really, this is a post-mortem of the spy system—a system which this bill absolutely wipes out. I do not desire particularly to discuss and rediscuss a question which is dead. But it seems that some gentlemen are so full of this subject that, even though we have (if I may be permitted to use the expression) strangled it beyond any possibility of resurrection, they must in the fullness of their hearts pour a little of their sentiment upon this House.

This bill carries no spy system. I stated frankly in my opening remarks the considerations which had guided and governed the committee in the preparation of the bill; and I may say I am surprised to hear the objections raised by members of the committee on this floor, because it is substantially the first time I have heard them, and this bill was considered in our full committee for two days.

Let me repeat what I said yesterday, that a supervision over every Department of the Government is actually necessary, and over the carrier service more than over any other branch of the service to-day. While I know, Mr. Chairman, that I shall give utterance to some remarks which will not, perhaps, sound pleasantly upon the ears of some gentlemen, I will state the views which have been gathered by me during months and months of close investigation and examination.

Now, while I am willing to admit that there may have been abuses in the spy system, as I said on yesterday, the result of that system has been not only to greatly benefit the carrier service itself, but has been of great benefit to the people of the country, who have some rights as well as the Government employees.

I may say here, Mr. Chairman, that in my humble opinion the American people have run free-delivery mad. I will repeat it, that the American people have run free-delivery mad. We are now in the great cities of the country, in the business portions of them, giving six and seven deliveries daily to business men. There is not a well-regulated business house in the country having its box at the post-office that will assume to go to that box and collect its mail more than four times a day.

Mr. ARNOLD of Rhode Island. What proportion of the business men avail themselves of the free-delivery service in the cities?

Mr. LOUD. That I can not say.

Mr. ARNOLD of Rhode Island. Do you think that more than one-half of them do?

Mr. LOUD. Now, so far as the residence portions of the cities are concerned, we are giving them, as a rule, four and five deliveries a day; and I say that it is the most absurd of the absurd. This system was inaugurated for the very purpose of cutting down the free-delivery service, which has run on from an insignificant sum a few years ago to an expenditure of $13,000,000. The deficit in the Post-Office Department has constantly been increasing, and I believe the fact that the Post-Office Department to-day is run by the Government is the most serious menace to our republican institutions. It is the most extravagantly managed Department in the Government. The spy system was inaugurated to put the system as far as possible on business principles. I assume, and I will undertake to make the statement, Mr. Chairman, that there is not a good, practical business man in this country to-day who could not, if he were to have the contract for ten years to run the Post-Office Department with the present appropriations, make from thirty to forty millions of dollars clear by the operation.

Mr. SPERRY. Let me ask the gentleman a question.

Mr. LOUD. I will yield for that purpose.

Mr. SPERRY. Does not the free-delivery system to-day, as a whole, more than pay for itself?

Mr. LOUD. I do not think it does.

Mr. SPERRY. Then it did. I do not know what it does now; but it once did.

Mr. LOUD. In 1892, I will say in response to the gentleman, it did pay; but we have been running into extravagance ever since. I believe that if that service were curtailed and brought within its legitimate intent, if you were to give the people of the large cities such free-delivery service as justice demands, that the free-delivery service would not only pay for itself, but would return a liberal revenue to the Government.

Mr. TERRY. Let me ask the gentleman a question.

Mr. LOUD. I prefer not to yield for interruptions.

Mr. TERRY. I only want to reenforce the point the gentleman is making by suggesting that the free-delivery service cuts off the box-rent system and thereby decreases the revenues of the Government.

Mr. LOUD. Well, that is outside of my point. I desire to get back to the statement of the gentleman from Connecticut. He has condemned a system to which I have already referred in this debate. But your committee, and the chairman of the committee, I will say, was not willing to put the inspectors under the First Assistant Postmaster-General. For reasons advanced on yesterday I do not think that advisable.

Now, we have proposed to increase the force of inspectors, not to spy on the letter carriers, because you use that word in an offensive sense, but for the purpose of providing some supervision not alone over the letter carriers themselves, but over the whole Post-Office Department in the country.

Permit me to say that there are some 70,000 post-offices in the United States—correctly stated, the number is 70,014—and besides those detailed for service in the Money-Order Department, to be paid out of the money-order fund, there are 75 post-office inspectors to examine and supervise the work in the various post-offices.

Mr. SPERRY. What are the auditors for? These men were not sent around to make inspections until the last few years. They were employed for other purposes. The auditors did that work.

Mr. LOUD. What "men" does the gentleman refer to?

Mr. PICKLER. I would like to ask the gentleman a question.

Mr. LOUD. Well, I think the gentleman is probably going into the rural, or free-delivery service, and I do not want to get off into that field just at the present time.

Mr. PICKLER. I know I should not have any help from the gentleman, anyway.

Mr. LOUD. Oh, yes; you would. I am always ready and willing to help the gentleman when he is in a just cause.

Mr. PICKLER. Unfortunately we do not agree as to the justness of it. Now, what is the complaint against the letter carriers?

Mr. LOUD. I will say that there is the same complaint against letter carriers that there would be against this very body of men, if they were hired to perform certain service. The natural desire of the average man in this world is to do no more than he is compelled to do. That is human nature. Now, with these 13,000 men there is no supervision. Of course the gentleman from Connecticut [Mr. SPERRY], when he was postmaster, did supervise not alone his own office but the whole county. But you must remember, Mr. Chairman, that we have very few men in this country who are imbued with those high principles and who have that activity and honesty and earnestness that the gentleman from Connecticut has, so we are dealing with the average honest man. I hope, Mr. Chairman, that this is the last that will be heard during the consideration of this bill relating to this so-called "spy system."

Mr. QUIGG. Well, it is not the last that will be heard of it.

Mr. LOUD. For, permit me to say—and I will not say it in any offensive sense—this tirade against the "spy system," which is not carried in this bill, is nothing in the world but the merest buncombe.

The CHAIRMAN. General debate is exhausted. The Clerk will report the bill by sections.

The Clerk, proceeding with the reading of the bill, read as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

Third. For compensation to postmasters, $16,250,000.

Mr. MCRAE. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to paragraph 3.

The Clerk read as follows:

Strike out the following words in lines 13 and 14, page 1: "Sixteen million two hundred and fifty thousand dollars," and insert in lieu thereof "seventeen million dollars; that there shall be allowed and paid to each postmaster of the fourth class $5 for each quarter, in addition to the compensation allowed under existing law."

Mr. LOUD. I make the point of order against that, Mr. Chairman, that it is new legislation. I will withhold the point, if the gentleman desires to speak upon this amendment.

Mr. MCRAE. I yield to my colleague [Mr. TERRY].

Mr. TERRY. Mr. Chairman, it is not often that I consume the valuable time of this House, but I rise to support the amendment offered by my colleague [Mr. MCRAE]. I have conferred with him upon this subject and I think this amendment is one that is eminently just and proper. I agree with the statement made by the chairman of this committee, that a great number of the people in our great cities seem to have run crazy upon the question of "free delivery." Year after year we are asked to spend millions of the people's money to increase the efficiency of that branch of the postal service. It is now costing the Government many millions of dollars. I read from the report, which states that for the free-delivery service the expenditure is $12,139,092. I am not opposed to free delivery within reasonable limits. In some of these great cities of this nation the letters and papers are carried five or six times a day and dumped into the laps of the patrons of the office.

Now, here is a proposition to make a small increase for that class of the American people who realize less benefits from the appropriations made by this Government than any other class of individuals in it. The so-called "business interests" of this country are constantly looking out for themselves. They are constantly clamoring for legislation in their particular interests. The golden streams of the Treasury are constantly going out to them. But the people who live in the rural districts of these United States, who constitute the bone and sinew of our population, rarely have their interests looked to in making the adjustment of these appropriations.

I propose to submit to this committee a few facts upon this subject, and if I can not finish in five minutes, I hope I shall be allowed five minutes more in order to complete my remarks.

To show you some of the expenses of this system, and how it operates, I submit the following facts and figures:

The total number of Presidential post-offices in the United States is 3,504. The average salary paid to these Presidential postmasters is $1,689. In addition to that, on account of the free delivery, there is paid out for letter carriers $12,139,092. The compensation of clerks in post-offices, most of them in the Presidential offices, amounts to $9,414,135. For salaries, Presidential postmasters, $5,897,200. Then for lights and fuel in these Presidential offices there is expended $1,324,695. Total for this branch of the service, $28,775,122, that is, for the sums paid out in that line.

Now come to the fourth-class postmasters: The total number in the United States is 66,560. The amount paid to them is, in round numbers, $10,182,308, or an average of about $152 each. Many of them, however, in our Southern and Western country are paid only five or six dollars, and some of them as low as $3 a year; and the great trouble that I have in my district is to get men to accept these post-offices and perform the duties. From time to time these offices have to be abolished; and what is the result? The people complain, and then we have to go to work to find some man who is willing to take the office, at such scanty pay, and then be hauled up by some red-tape post-office inspector for not keeping his office in first-class shape. Time and again, Mr. Chairman, I have had to appoint as many as half a dozen men in a year for one of these post-offices.

I hope I may be permitted to conclude my remarks.

Mr. PATTERSON. I hope the gentleman's time will be extended for five minutes by unanimous consent.

There was no objection.

Mr. TERRY. I thank the gentleman from Tennessee and the committee for their courtesy. Mr. Chairman, many a time I have been called upon to recommend, and have appointed as many as five or six persons in one year in one of these fourth-class post-offices, because a man could not afford to conduct it at what is paid. Pretty soon the office is abolished, and straightway I am besieged with petitions from the patrons of the office to reestablish the office. It means a great deal to those people out in the country. They do not write many letters, it is true; but when one of those people does write a letter it is a very important matter to the man who writes it, and he wants to mail that letter and get an answer without riding 10 or 15 miles to do it.

Now, while we are spending many millions of the people's money for free delivery and fast mails, and everything else, in God's name let us do something for those people. They are the men who, after all, are the basis of our national wealth and our national glory. From their ranks came the hardy pioneers that have pushed the outposts of your civilization across the plains and beyond the mountains. They are the men, sir, who swung their axes in the unbroken forests and blazed the pathway and leveled down the highway along which the chariot of your civilization has been rolled. [Applause.] Let us do something for them, sir, and let us not raise these petty points of order every time there is a proposition to do something for the plain people of these United States. [Applause.]

Mr. NEILL. Mr. Chairman, I desire just a few minutes to express my approval and hearty support of the amendment offered by my colleague from Arkansas [Mr. MCRAE]. I did hope that my friend from California in charge of this bill would forego the point of order, but of course he must be governed by what he sees to be his duty in this matter.

Mr. Chairman, I can not hope to express to this House in as forceful and I may say in as eloquent a manner as has been done by my colleague [Mr. TERRY] who preceded me the reasons which in my judgment should impel this House to adopt these amendments. It is sometimes said that the Post-Office Department ought to be self-sustaining. I heard that argument when I was a boy—that those who used the post-office ought to pay for it.

Well, Mr. Chairman, if that rule were applied all the way through, then the people who use the Army and the Navy and for whose benefit we maintain the Army and Navy should be taxed with the expense; but that is not the case. The people of the whole Union pay the tax in proportion to their ability, if we have just taxing laws. There is no class of servants of the people of the United States so poorly paid as are the fourth-class postmasters in the rural districts of this country. I know full well—as I have had some of the experience of which my colleague has spoken—of the difficulty in keeping postmasters in the small offices in the rural districts. The people there need post-offices. The rising generation—the boys and girls, young men and young women—need these post-offices for the dissemination of knowledge. They are the sons and daughters of the pioneers, they who carried the domain of empire of this country westward, across arid deserts, over streams and mountains, and who planted the American flag on the Pacific Coast.

They are people, Mr. Chairman, who do not get very much at the hands of the American Congress. I have been told that to adopt this amendment will cost $1,500,000. An increase of a million and a half dollars for postal facilities for the patrons of the 60,000 fourth-class post-offices in the United States is a small sum. My only objection to the amendments of my colleague [Mr. MCRAE] is that they do not go far enough. I would prefer the bill introduced by the gentleman from New York [Mr. CUMMINGS] to regulate the salaries of these fourth-class postmasters. The postmasters at these small post-offices should be paid more, so that competent men and women could afford to give more time to them in the proper discharge of the duties of those offices, which are for the benefit of the people who live in the rural districts of this country. Those people are entitled to this amount of consideration at the hands of the American Congress. It is not a matter of grace and of favor we are asking in their behalf at your hands; it is a matter of right.

We are asking in these amendments what it is said would increase expenditures a million and a half dollars, which is held up as a piece of amazing extravagance, and yet the report of the Postmaster-General shows that over $12,000,000 was paid for the maintenance of the free-delivery system in the cities of the country last year.

I believe the present temper of this House is to grant this increase if allowed to vote on the subject, and I again appeal to the chairman of the Committee on the Post-Office and Post-Roads to withdraw the point of order.

[Here the hammer fell.]

Mr. LOUD. I insist on the point of order.

The CHAIRMAN. The amendment is clearly a change of existing law, and would be clearly out of order. That part of the amendment which increases the appropriation, if offered as an amendment, would be in order.

Mr. MCRAE. I will take the judgment of the House on that portion of the amendment increasing the appropriation. If we get the money now, perhaps we can get the other hereafter.

Mr. LOUD. That is a new amendment.

Mr. MCRAE. I insist upon that part of my amendment which the Chair holds to be in order.

The CHAIRMAN. That part which increases the appropriation would clearly be in order if introduced as a new amendment. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the following words in lines 13 and 14, on page 1, "sixteen million two hundred and fifty thousand dollars" and insert "seventeen million dollars."

Mr. LOUD. I will just say that I hope that that amendment will not be adopted. That can not accomplish the object that the gentleman has in view.

Mr. MCRAE. But is not that the amount the Department asks for this purpose?

Mr. LOUD. It is.

Mr. BROMWELL. Mr. Chairman, this is one of the items in this bill that I think I give my approval to in the shape in which it comes from the committee, and in connection with it I desire to call attention to the gradual increase in the amount of expenditures for this purpose, as shown at the bottom of the first page of the report. The statement shows that the expenditures for 1890 for this purpose were $13,761,749.72, and then follow the figures of the expenditures for each succeeding year. There has been a gradual growth from year to year, not following any definite rule, but each year exceeding by a little the expenditure for the preceding year. The expenditure for 1891 exceeded that for 1890 by $812,000; 1892 exceeded 1891 by nearly $676,000; 1893 exceeded 1892 by nearly $648,000; 1894 exceeded 1893 by only $20,000, while 1895 exceeded 1894 by only $61,000.

Now, assuming that the increase for the next year will follow, approximately, the increase for the year preceding, the expenditure would be less by nearly $100,000 than the amount recommended in this bill. In other words, if we let the appropriation stand, as recommended by the committee, at $16,250,000, we are providing for an increase over the expenditures of the preceding year of about $170,000, which is nearly three times what the increase was for the year before. It seems to me, therefore, that the allowance made by the committee in this item of the bill has

been liberal enough to prevent any deficiency if we appropriate $16,250,000, as recommended.

Mr. BELKNAP. Mr. Chairman, I wish to say only a word. While I come from a city, I agree entirely with what the gentlemen on the other side [Mr. TERRY and Mr. NEILL] have said about these fourth-class postmasters. I have lived in country districts, and I know these postmasters. I know that they are a worthy, sturdy class of men, and I believe they ought to receive this additional compensation. So I trust that the amendment will pass.

Mr. DINGLEY. Mr. Chairman, I ask that the amendment be read.

The amendment was read, as above.

Mr. DINGLEY. How would this amendment give these postmasters any more compensation than they are now receiving? Their compensation is fixed by law, and simply increasing the appropriation would not increase their compensation.

Mr. MCRAE. If we get the money for the salaries we will trust to Congress to give us the legislation necessary to pay them the additional compensation.

Mr. DINGLEY. I think it would be as well to wait until we get the legislation before we vote the money.

The question being taken on the amendment, the Chairman declared that the noes seemed to have it.

Mr. MCRAE. I ask for a division.

The committee divided; and there were—ayes 44, noes 55.

So the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

In lines 13 and 14, page 1, after the word "postmaster," strike out the words "sixteen million two hundred and fifty thousand" and insert the words "seventeen million," and add the following: "That there shall be allowed to all postmasters where the pay under existing law does not exceed $100 per annum the sum of $10 per quarter, which shall be paid them quarterly, in addition to their present compensation."

Mr. LOUD. Mr. Chairman, I make the point of order that that amendment changes existing law.

Mr. LITTLE. I hope the gentleman will not insist upon the point of order. I desire to make a brief statement.

Mr. LOUD. This ground has been fully covered already, but I will withhold the point of order for a few minutes.

Mr. LITTLE. Of course I understand, Mr. Chairman, that this amendment is open to the same objection as the prior one, so far as the point of order is concerned, but I want to say to the gentleman in charge of this bill that I hope he will find it consistent with his views of public duty to withdraw the point. I want to say to him—and I suppose I voice the sentiment of almost every gentleman who represents a rural district—that in my district, as in all such districts, there are a large number of postmasters whose compensation does not exceed ten or twelve dollars, and some who do not get more than three or four dollars. The country is sparsely settled; a post-office has perhaps from ten to twenty-five patrons, and it is impossible to get a farmer to devote his time to attending to the office for the small pittance that he receives. It would not pay a man to do the mere clerical work for the amount of money some of these postmasters get.

I have put this amendment at the very lowest point to which I think it ought to go, so as to embrace none whose salaries exceed $100, but if the gentleman will not accept that, I would be willing to reduce the limit to $50, or even to $25. Now, I do appeal to the gentleman in charge of this bill, without buncombe or anything of that kind, to consent that this change be made. We can not expect a farmer to give up a corner of his house for post-office purposes without some compensation, and in many cases they have to go 3 or 4 miles and carry the mails upon their backs simply for the accommodation of their neighbors. This amendment would not increase the appropriation very largely. I do not know just what the increase would be, but the money need not be used unless it is found necessary.

I say to the gentleman, in all candor and sincerity, that it seems to me a simple matter of right to adopt this amendment. If we want to serve these people and give them their mails at least once a week, we certainly ought to provide means whereby they can have postmasters. It should be remembered also that these postmasters, even in the most remote districts, are required to file quarterly statements with all the accuracy and precision that would be required of a man in a Presidential office. They can not be expected, it seems to me, to do this without compensation, although many of them do so. Almost daily there comes to me information of the resignation of some one of these fourth-class postmasters, whose salary is perhaps $10; and there come to me applications from people wanting the office continued; but no one is willing to assume the responsibility of the position. People of that class are as much entitled to their mails as the best man in the largest city in the country. They are just as good citizens; they pay their taxes; they are patriotic in their devotion to the country.

I see that in this bill the appropriation for the free-delivery service is increased nearly $5,000,000 above the amount appropriated last year. If my amendment be adopted, it will not raise this appropriation above the amount recommended by the Postmaster-General.

I do hope that if it is in the heart of the committee to help this service in the least they will do so. The Postmaster-General is powerless without legislation of this kind, which I believe he would welcome. In conversation with me the other day he said:

Our Department is overrun with these matters. As quickly as we appoint a man as fourth-class postmaster and he finds out the duties incumbent upon him he resigns, and thus we are forced frequently to discontinue the offices and deprive the people of the service.

I do appeal to the chairman of the committee to withdraw his point of order and let us at least take the sense of the Committee of the Whole on this question. I believe that it is in the heart of this Congress to give the pittance which my amendment asks. The amendment is to apply only to postmasters who under the present law receive less than $100. I urge and beg the gentleman from California, out of consideration to those plain, honest people who under existing circumstances are deprived of proper mail facilities, that he withdraw his point of order and let us take the sense of the Committee of the Whole upon my amendment.

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. A point of order is reserved upon the amendment.

Mr. DINGLEY. I make the point of order; there is no need of taking up time in this discussion.

Mr. LOUD. I think the matter has been sufficiently discussed. I state emphatically that I shall not accept any proposition of this kind. If gentlemen want that sort of legislation, let them bring it before the House in the regular way. I insist on the point of order.

Mr. TALBERT. I hope I may be allowed a few minutes.

Mr. LOUD. The gentleman can make his remarks on the next paragraph.

The CHAIRMAN. The Chair sustains the point of order on the ground that it is new legislation.

Mr. PICKLER. I desire to offer an amendment which puts the matter in a somewhat different form.

The proposed amendment of Mr. PICKLER was read, as follows:

Add to the appropriation these words:
"Of which amount there shall be allowed to all postmasters whose pay under existing law does not exceed $100 per annum the sum of $10 per quarter, which shall be paid them quarterly, in addition to their present compensation."

Mr. LOUD. That amendment is subject to substantially the same point of order as the one just ruled out.

Mr. PICKLER. Will the gentleman allow me to explain my amendment?

Mr. LOUD. I dislike to insist upon the point of order; but let me say to the gentleman that he will have ample opportunity before this bill is concluded to get in his speech on this subject.

Mr. PICKLER. I am not anxious to make a speech.

Mr. LOUD. I state emphatically that I shall not accept any amendment of this character.

Mr. PICKLER. This amendment is in different form from the last.

Mr. LOUD. I know it is; but I shall not accept it.

The CHAIRMAN. The gentleman from California, the Chair understands, insists on the point of order.

Mr. PICKLER. I understand the gentleman to say, then, that these fourth-class postmasters shall have no show in this bill if he can avoid it.

The CHAIRMAN. The Chair is ready to rule on the point of order. In the opinion of the Chair the point of order is well taken. This amendment proposes new legislation, the provision being in substance the same as that of the two amendments already ruled out.

Mr. PICKLER. I move, then, to amend by striking out the last word.

Mr. Chairman, I regret, as I said yesterday, that it seems impossible to do anything in this bill for the fourth-class postmasters or for the country districts. It appears that the chairman of the committee, in his wisdom, has found it necessary to insert in the bill a great many innovations, involving large expense, for the benefit of the city districts; yet he absolutely refuses the appeals, in whatever shape they may come or from whatever source, of gentlemen who want something done for the rural districts.

I do not wish to detain this committee by saying anything further in favor of the claims of these fourth-class postmasters. The gentleman from California well knows the merits of this matter; but he lives in a city district, and I know that he has no sympathy with the men who live on the prairies and away from the larger post-offices. I know that he has no sympathy with the fourth-class postmasters or their patrons. I know that he has no sympathy with the people who have to go a long distance for their

mails because they can not get anyone to serve as fourth-class postmaster without pay. The gentleman in every way possible has shown his antipathy to the interests of that class of people. It seems to me I have never seen a more just appeal made to a gentleman in charge of any bill than has been made to the gentleman from California this morning for help in this bill for the fourth-class postmasters. If the gentleman will even concede the right of this Committee of the Whole to express its judgment on this question, that is all we ask. Let us take the sense of the Committee of the Whole. Let us see whether the majority of members on this floor are not in favor of helping these fourth-class postmasters.

The amendment which I offered, and which the Chair has just ruled out of order, did not propose one dollar of increase in the appropriation; yet the gentleman in charge of this bill, representing a city district, and having no sympathy for our people in the rural districts, having no sympathy for fourth-class postmasters, having no sympathy for the people who are so unfortunate as to live away from the large cities, like San Francisco, refuses, stolidly refuses, to listen to any measure of relief for these people.

I regret the action of the gentleman very much. I regret that while this bill is loaded down with innovations there can not be something done for the rural districts. It seems to me that when so much is done for the city districts, at least this little bit might be done for the rural districts. Even here, this morning, the House refused to take a step to help the farmers of the country. Now, here is a proposition which must be slaughtered also, because the gentleman takes the same position on it that was taken with reference to the other. I regret it very much.

I withdraw the formal amendment.

Mr. TALBERT. Mr. Chairman, I move to strike out the last word.

I wish to say that I am in favor of the amendment just offered. According to my information and knowledge an appropriation was made in the Fifty-second and also in the Fifty-third Congress. A sum of money, I forget the exact amount, but I think about $20,000, was appropriated for the purpose of experimenting in the matter of free delivery in the rural districts of the country. This amount was not expended as it should have been done. The Postmaster-General, in his annual report at the beginning of the Fifty-third Congress and Fifty-fourth Congress, I believe, stated that he found it impracticable to establish such a service. In this opinion I do not concur, but such are the facts in the case. Therefore, Mr. Chairman, in view of the fact that it is impracticable, according to the opinion and ruling of the Postmaster-General, to establish a free delivery in the rural districts, it seems that it would be nothing but simple justice and fairness that the same result might be accomplished in some other way, and these advantages ought to be accorded to these people; and in view of the fact that the House can not do this in any other way it should increase the salaries of fourth class postmasters, a majority of whom are in the rural districts—at least we ought to proceed in some way to give the people in the country the benefit of this mail service.

In behalf of the district I represent, which is almost entirely an agricultural district, and of course a rural district, an increase in the salary of these fourth-class postmasters is the only way that we can reach the class of people who live throughout that region and secure for them the advantages which the post-office is supposed to secure for the people of this whole country. It does seem to me that if the House will stop for a moment and consider this question, and not seek to override and vote down or destroy by points of order every measure that is brought in here for the interest of that class of people—I say that if they would stop to reflect for a moment, after that reflection I am convinced they would be willing to do this small act of justice to this class of people in the rural districts. They can not be reached in any other way, and unless we afford them relief in this manner in many parts of the country it would be utterly impossible to reach them at all throughout the whole of the country districts.

Therefore, Mr. Chairman, I am entirely in favor of the proposition of the gentleman from South Dakota, to increase the salary of these officials, and indorse the eloquent words spoken by the gentleman from Arkansas and the gentleman from South Dakota with reference to them. I see no reason why the people in the country should not receive the same privileges with people of cities and towns.

I withdraw the formal amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Sixth. For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, $150,000: *Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters of said offices to expend the fund he may allow them for such purposes without the written consent of the Postmaster-General.

Mr. JOHNSON of California. Mr. Chairman, I offer the amendment I send to the desk to this paragraph of the bill.

The Clerk read as follows:

Amend by adding after line 16, of page 2 of the printed bill, the words: "For necessary miscellaneous and incidental items directly connected with third and fourth class post-offices, including furniture, $100,000."

Mr. LOUD. Mr. Chairman, I will ask that the point of order be considered as pending upon this amendment for the present. I will look the matter up. I do not think it is authorized by law.

Mr. JOHNSON of California. Mr. Chairman, I agree entirely with what has been said by gentlemen around me, both on the left and right of the House, in reference to taking care of the third and fourth class postmasters of this country. I understand that points of order have been raised on all the provisions of this bill which have been offered here in the shape of amendments looking to the increase of the salaries of fourth-class postmasters, because it was an increase of salary and not authorized by existing law, and therefore that it could not be done legitimately on the appropriation bill.

But this amendment does not raise or interfere in any way with a salary. It is an appropriation in the exact terms of the bill itself and relates to necessary and miscellaneous expenses in the third and fourth class post-offices; whereas the paragraph in the bill just read refers to necessary and miscellaneous expenses in the first and second class post-offices. If one is germane to the bill the other certainly is.

Now, if we have a right to expend $150,000, as the bill provides, for these necessary and miscellaneous items, including furniture, without naming them, for first and second class post-offices we have an equal right to expend a hundred thousand dollars for third and fourth class post-offices; and that amount will enable the Postmaster-General, in the exercise of his discretion, to take care of these poor places in the country and accomplish that which we are all anxious to accomplish, namely, to assist the country districts in the matter of mail service.

I live in a city myself, but in my district there are a large number of country post-offices also. I have means of knowing the amount of work done in the country post-offices, and I am aware of the fact that the allowance made by the Post-Office Department for carrying on that work is not enough. This will enable the Postmaster-General to allow a reasonable amount of miscellaneous expenditures, items of furniture, and other matters of that kind connected with the work of the offices, and will meet the point argued so ably by the gentleman from South Dakota, the gentleman from Arkansas, and the gentleman from South Carolina.

I hope the amendment will be adopted, because it is just what we have been saying we wanted to do. If a man is getting only a small salary, and in addition to that gets some money to pay the expenses of his office, it is the same as an increase of salary. You give a man $20 a year salary and then you provide a sum for the expenses of his office. It is equivalent to raising his salary, for at the time you are keeping him within the salary fixed by the law you allow him something for the rent of his office, for fixing it up and other matters of that kind, which involve an expense to him, and this would practically amount, in the long run, to an increase of his salary.

I hope my amendment will prevail, because it is simply an act of justice, and certainly these third and fourth class postmasters need justice at our hands.

Mr. LOUD. Mr. Chairman, I insist upon the point of order. This is an item that has never been carried before, and I am satisfied that it is not warranted by law, even if the other one is.

Mr. JOHNSON of California. I understand the gentleman to say that it has never been in the bill before, and that that is a reason why it is amenable to the point of order.

Mr. LOUD. Oh, no.

Mr. JOHNSON of California. As I understand, the appropriation for bicycles is something new, and according to that it would be subject to the point of order.

Mr. LOUD. The gentleman is mistaken about that.

Mr. JOHNSON of California. Well, it has not been very long; it is since the gentleman and I were born, and that was only a few years ago.

Mr. LOUD. This is an expenditure not authorized by law.

Mr. JOHNSON of California. I submit that the mere fact of a point of order being raised does not of itself make the point of order good. The mere fact that it is said to be opposed to existing law does not of itself make the point of order good. If this is amenable to any law or any rule I hope it will be pointed out, because it is an appropriation in the exact language of the item in this bill, found in lines 9 to 16, inclusive, in which the money is appropriated for first and second class post-offices. If we have a right to appropriate money for first and second class post-offices, in the name of all that is reasonable and right, why have we not the right to appropriate money for third and fourth class post-offices?

Mr. BARTLETT of Georgia. What is the point of order?

Mr. JOHNSON of California. The gentleman states that it is a point of order; that it is subject to a point of order, and that is all.

Mr. LOUD. There are some gentlemen in the House who understand what they say, perhaps, as well as the gentleman from California, my colleague, understands them. I raised the point of order, Mr. Chairman—and if the gentleman did not hear me I will repeat it—that this is an appropriation not authorized by existing law.

Mr. JOHNSON of California. Where is the law?

The CHAIRMAN. The Chair understood the gentleman from California [Mr. JOHNSON] to be discussing the point of order.

Mr. JOHNSON of California. Yes, and I will ask, where is the provision of law with which this is in conflict?

Mr. BARTLETT of Georgia. Where is the rule?

Mr. JOHNSON of California. Where is the provision of law? I yield to no man in my respect for the intelligence and learning of the gentleman from California, my colleague [Mr. LOUD], the chairman of this committee; but at the same time I am in the condition of the gentleman from Missouri the other day when he said that precedents were sometimes bad. Now, I should like to know where the law is. The very fact that this has never been in an appropriation bill before does not of itself prove anything. Is it possible that an appropriation bill in this House is tied down to the narrow rule that nothing can be put into it except what was in the appropriation bill of the preceding year? Are we carrying on the business of this Government upon that rule? I thought this country increased in size, in wealth, and population——

Mr. WILLIAM A. STONE. And in Treasury deficiencies.

Mr. JOHNSON of California. And, as the gentleman from Pennsylvania says, in deficiencies. I do not know exactly what he is referring to, but it must be a good thing or he would not call my attention to it. [Laughter.] Now, I understand that this House has a right to appropriate money to carry on the post-office business of the United States, and we have a right to appropriate money for anything necessary to carry on the Post-Office Department. If we find it necessary to hire or buy a bicycle or a canceling machine, we have the right to do it. If we find it necessary to appropriate an immense sum of money—$12,300,000—to have a free-delivery service in the cities of the United States, in the name of equity and justice, why have we not the right to appropriate $100,000 to assist the third and fourth class postmasters in doing their work, for the benefit of the farming population of the United States?

Mr. SPERRY. Will the gentleman allow me to ask a question?

Mr. JOHNSON of California. Why, certainly; a hundred of them.

Mr. SPERRY. My point is that in places where the free-delivery system is established the citizens pay for their own delivery 2 cents for every letter that they mail, while the farming towns pay only 1 penny for some classes of letters. The cities themselves pay enough for the delivery of those letters to make free delivery self-sustaining.

Mr. JOHNSON of California. Of course, if the gentleman from Connecticut says so, it is so [laughter]; but I always understood until this moment that it cost 2 cents to send a letter, whether you mailed it in San Francisco, in Hartford, or in Red Gulch.

Mr. SPERRY. The gentleman needs further instruction.

Mr. JOHNSON of California. Certainly, certainly!

Mr. SPERRY. Speaking now of the 2 cents which is paid on the delivery of the letter in the town where free delivery exists——

Mr. PERKINS. Drop letters.

Mr. SPERRY. On what are called in post-office parlance "drop letters," and it is these drop letters in the cities where their letters are delivered that pay the expenses of these drop letters and the free delivery.

Mr. JOHNSON of California. Do I understand, Mr. Chairman, that the gentleman means that when you mail a drop letter in a city you pay 2 cents on it, and on a drop letter in the country you pay 1 cent?

Mr. SPERRY. That is it.

Mr. JOHNSON of California. So far as I have ever been advised there never yet was a drop letter put into any country post-office. [Laughter.] The farmer sends his letters through the post-office because he wants to send them to his relatives and to his business connection.

Mr. SPERRY. If the gentleman will allow me a word?

Mr. JOHNSON of California. Why, a dozen.

Mr. SPERRY. I will tell him that any letters dropped in the country post-office for a part of that country town where it is dropped pays but 1 cent.

Mr. JOHNSON of California. Well; if that be true——

Mr. SPERRY. I merely stated that to the gentleman because I saw that he needed information.

Mr. JOHNSON of California. Well, if that be true, then I have learned something; and I am going to move to the country so as to reduce my postage from 2 cents to 1 cent. [Laughter.] Heretofore I have been swindled by Uncle Sam, and I propose to introduce a relief bill for my own benefit before this session closes. [Laughter.]

Mr. SPERRY. I hope the gentleman will not do that until he has destroyed his use of the franking privilege.

Mr. JOHNSON of California. You will vote for my bill, will you not? As I understand the franking law, I can only frank my official business. If the gentleman from Connecticut can tell me how I can frank letters to my relatives and friends I will be obliged to him. I have been paying postage and swindling myself again. [Renewed laughter.]

Mr. SPERRY. I will be glad to inform you that you can frank those letters according to law; and the law is very plain, I think.

Mr. JOHNSON of California. Then I have learned something. "Never too late to learn." [Laughter.] As I was saying, when interrupted in a very pleasant and instructive manner by my very pleasant and instructive friend from Connecticut, I see no reason on earth why we can not appropriate money for giving postal facilities to the poor as well as to appropriate money for the rich people. We should legislate for the farmers as well as the banker and the speculator on Wall street, as I think we are spending altogether too much money at the wrong end. They have got money enough to pay for their postage if it was $100 a letter, while the farmer needs to be given all the advantage he can. And I was saying it does not make any difference how this money is to be spent. If it is spent for the benefit of the Post-Office Department it is certainly legal. Would it be out of order to have a paragraph in this bill providing for the purchase of a new kind of canceling machine? I have read in the newspapers something about mail bags and how people were injured or demoralized in making mail bags. Would it be out of order if I introduced an amendment to appropriate money here to buy a patent self-acting double-extension mail bag that would cure itself of all injuries? [Laughter.]

Now, I repeat, Mr. Chairman, that if it is out of order it must be out of order because it interferes with some law; and I respectfully ask the chairman to call our attention to the part of the law or the section of the law that this amendment violates, because if it be true that we may not legislate and can not appropriate money in a bill to pay the expenses of the Post-Office Department except for the first and second class post-offices, the sooner we find it out the better, and then commence to pass bills that will enable us to legislate for the poorer post-offices that really need legislation as well as the rich and powerful post-offices.

Mr. BINGHAM. Mr. Chairman, I merely desire to state that the gentleman's amendment is not germane to this paragraph. This paragraph is distinctively for the compensation of postmasters. That compensation is positively fixed by law with reference to the first, second, and third class postmasters, and with reference to the fourth-class postmasters the amount of the cancellation of their stamps as adjusted quarterly, each year determines it. The amendment is not in any wise germane to this paragraph.

Mr. LOUD. Of course the gentleman from California [Mr. JOHNSON] is a good enough lawyer to know that in a case of this character the onus of proof should be upon him——

Mr. JOHNSON of California. No, sir.

Mr. LOUD (continuing). But I will cite the authorities for the gentleman, if he will possess his soul in patience for a moment.

Mr. JOHNSON of California. I never could do that. [Laughter.]

Mr. LOUD. Try; and if you fail, try, try again. [Laughter.] Section 1415 of the Postal Rules and Regulations covers this exact subject. It is as follows:

The Postmaster-General may allow to the postmaster at New York City and to postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices—that is to say, the excess of box rents and commissions over and above the salary assigned to the office—a reasonable sum for the necessary cost of rent, fuel, light, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts; and no such allowance shall be made except upon the order of the Postmaster-General.

That is as far as the law goes, and we have no power to appropriate beyond the first and second class post-offices.

Mr. JOHNSON of California. Is that the law, or is it a regulation of the Department?

Mr. LOUD. That is the Revised Statutes, section 3866.

Mr. JOHNSON of California. Mr. Chairman, the gentleman from California, like all men from California, is a good man and an able man [laughter], but, as I understand, he is not a lawyer and does not practice law, and he has fallen into the error, which I think is common among men who are not lawyers, of citing a law that does not apply to the case. This statute says that:

The Postmaster-General may allow to the postmaster at New York City and to postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices—that is to say, the excess of box rents and commissions over and above the salary assigned to the office—a reasonable sum for the necessary cost of rent, fuel, light, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts; and no such allowance shall be made except upon the order of the Postmaster-General.

Now, that does not, in express terms, provide that the United States Congress shall not appropriate any money for third and fourth class offices, and it is a well-known rule of law that when a statute is legislating upon a particular subject it exhausts itself

upon that subject and does not inhibit or prohibit legislation upon other subjects. This is simply an expression of opinion by the legislative department that for that particular class of service and for that particular class of post-offices certain money may be used out of a certain fund. But, Mr. Chairman, if the gentleman's law is good, then his whole paragraph is amenable to a point of order and is without any warrant of law, because the paragraph does not confine this expenditure to the surplus revenues of the respective offices, but takes it out of the Treasury of the United States, and this law that he cites——

Mr. LOUD. Will the gentleman allow me?

Mr. JOHNSON of California. Certainly.

Mr. LOUD. If the gentleman will read a little more carefully—of course I understand that he is a good lawyer and I am a shoemaker—but nevertheless if he will read the law a little more carefully, he will find that in no case can this allowance be made under that statute unless it be made out of the surplus revenues of the office. Now, the fourth-class post-offices have no surplus revenues, the postmaster absorbing the whole revenue in his salary.

Mr. JOHNSON of California. Mr. Chairman, again the gentleman is incorrect in citing a proposition of law, because this bill does not appropriate any money out of any surplus revenue, but does appropriate it out of the Treasury of the United States, and if his point of order is good, then this whole paragraph is amenable to that objection, because it says that you can pay this only out of the surplus revenues. But, Mr. Chairman, I thank the gentleman for citing me this law. The very next paragraph reads as follows:

The Postmaster-General may hereafter allow rent, light, and fuel at offices of the third class in the same manner as he is now authorized by law to do in the case of offices of the first and second classes.

That would certainly permit the amendment so far as third-class post-offices are concerned.

Mr. LOUD. So far as the law applies to the third-class offices, if the gentleman will peruse it a little more carefully, he will find that it applies only to rent, light, and fuel, and we have no power to go, in third-class offices, beyond those three items of light, rent, and fuel, for which we provide in a preceding section of this bill.

Mr. JOHNSON of California. But you do not make any provision for rent, light, and fuel.

Mr. LOUD. Oh, yes, we do. We have already passed that item.

Mr. JOHNSON of California. It does seem to me, Mr. Chairman, that the law cited by the gentleman from California does not apply; that it does not in any way show that this amendment is out of order. I hope the Chairman will overrule the point of order, because I believe that in so doing he will decide in exact accordance with the law and as he would do if he were a judge hearing and acting upon argument in this matter.

The CHAIRMAN. The Chair is ready to rule upon the question. The law which has been cited by the gentleman from California [Mr. LOUD] authorizes the Postmaster-General to make allowances for rent, light, fuel, etc., to postmasters in second and third class offices; and the act passed March 3, 1893, provides for the payment of first-class postmasters. The amendment of the gentleman from California [Mr. JOHNSON], even if in order, would not be germane to the pending paragraph, but if offered to the preceding paragraph, in connection with which this subject was under consideration, it would be liable to a point of order, because it changes existing law; it proposes a radical departure from the law now upon the statute book—both the act cited by the gentleman from California [Mr. LOUD] and also the act applying especially to fourth-class postmasters, which provides for determining their compensation entirely with reference to the cancellation of stamps. The Chair sustains the point of order.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent—and I address myself especially to the chairman of the committee [Mr. LOUD]—that we may go back to the fourth paragraph. I was necessarily out of the House when that paragraph was read and had not opportunity to offer an amendment which I very much desire to offer.

Mr. LOUD. At present I think I must decline to accede to the gentleman's request, but perhaps later on——

Mr. HEPBURN. Let me say to the gentleman that I do not expect to be in the House on next Monday, and if I can not bring forward my proposition now I can not do it at any time. It will be a favor to me if it may be done now.

Mr. LOUD. I suppose the gentleman from Iowa is aware that there is another gentleman pressing a similar request in regard to another amendment.

Mr. HEPBURN. Well, this is not very much of a favor. It is almost always granted when requested. I ask unanimous consent that we may go back to that paragraph, so that I may offer an amendment.

The CHAIRMAN. Unanimous consent is asked to return to paragraph 4.

Mr. DINGLEY and others. Let the proposed amendment be read.

The CHAIRMAN. The request is made that the amendment of the gentleman from Iowa be read; which will be done, if there is no objection.

The Clerk read as follows:

At the end of line 2, page 2, after the words "for compensation to clerks in post-offices, $10,350,000," insert "$600,000 of which shall be available and shall be used in payment of clerk hire in third and fourth class post-offices."

Mr. DINGLEY. That would be new legislation and subject to a point of order.

Mr. HEPBURN. I think not.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the Committee of the Whole return to paragraph 4. Is there objection? The Chair hears none.

Mr. HEPBURN. I want to call attention——

Mr. LOUD. Does the gentleman from Iowa offer an amendment?

Mr. HEPBURN. I do.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk again read the amendment.

Mr. LOUD. Let it be understood that a point of order is pending upon that.

The CHAIRMAN. The gentleman from California reserves a point of order.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the Committee of the Whole to the fact that this amendment can be adopted without any increase of the appropriation. I suppose gentlemen are aware of the fact that it has been the habit of the First Assistant Postmaster-General to apportion a large sum—$580,000 last year—to the payment of the clerical service named in my amendment. He has stopped that; and now he allows only a sum sufficient to compensate for the labor of separating at separating offices. That will probably require $80,000; so that $500,000 that has heretofore for years been used for clerk hire in third-class offices will not be used for that purpose unless some such provision as that which I offer be adopted.

Mr. Chairman, I notice that the appropriation, notwithstanding this curtailment of the service, is increased nearly $300,000; and it is increased in the face of the fact that the committee report a saving in 1895 of $285,000, the sum which was not expended from this appropriation, which in that year was but $9,700,000. Now, this bill increases the appropriation some $250,000 above the last appropriation, so that there is in the bill, available for this purpose, even if this were a new use or purpose, $535,000. I submit that this is an important matter—important to all of us who have a large number of third-class offices in our district.

I want to repeat what I said yesterday, that the whole trend of improvement in the Post-Office Department is in the interest of that fraction of the people that live in the large cities. There is no proportionate expenditure made or proposed for that class of people living in the villages. Yet more than half of all the people of the United States that are served by the Post-Office Department are served by the third and fourth class offices.

Let me call your attention, as a proof of this, to one or two facts. For compensation of clerks in post-offices the amount asked for by the Department is $10,500,000. This bill provides for $10,350,000. Now, all of that, save and except about $100,000, is to be appropriated and used in the first and second class offices, and only about $100,000 or less will be used in the second and third class offices, where the great masses of the people receive their mail.

Again, let me call your attention to another appropriation here—that is, for letter carriers. There was appropriated—and I can not find in the report now the exact amount—something like $10,000,000 for this purpose. Every dollar of that will be expended in the first and second class offices. But, Mr. Chairman, I am not complaining of this. I believe it to be absolutely right. I want to see the improvement of the mail facilities continued and extended to the third and fourth class offices, but I do not want to see the curtailment that the Department is engaged upon in reference to any of these third and fourth class offices, for it is just as important that at the third and fourth class offices mails should be expeditiously distributed as it is in the first and second class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIGG. I ask unanimous consent that the gentleman from Iowa be permitted to proceed for five minutes longer.

There was no objection.

Mr. HEPBURN. The gentleman in charge of this bill on yesterday said that there was not a postmaster who had a salary of eighteen hundred a year at a third-class office who could not do all the work of the office himself. He is mistaken in that.

Mr. LOUD. That statement was qualified to a certain extent.

Mr. HEPBURN (continuing). The gentleman was mistaken in his statement. But suppose that it could be done; suppose it was a fact that the postmaster at such an office could perform

all the work; suppose that from 6 o'clock in the morning to 9 o'clock at night some office had to be kept open to meet at any time during those hours the arrival and departure of the mails; suppose the postmaster could, in the fifteen hours, perform the labor of distributing the mails. Is it not also true that when the mail comes in the people of the third-class office are just as anxious to have it distributed as they are in the cities? They do not want that the whole day shall be consumed by the postmaster in performing alone the duty of receiving the mail. They want it distributed as well.

And, Mr. Chairman, it is not right that men should be compelled to do this work. It is the purpose of the Government to facilitate the business of the people by the rapid movement of the mails and the rapid handling of the mails. We recognize the rightfulness of this service, and there is no member, I take it, who grudges to the business man the superior facilities that are accorded to him in some of these places. Now, here are $23,000,000 that are appropriated for this service, and yet all of that, with the exception of $80,000 or $100,000, will be expended in the first and second class offices. All we ask is that out of one of these appropriations of more than $10,000,000 there may be reserved $600,000 to be used, as heretofore it has been used, in facilitating the delivery of mail matter to people who live at third and fourth class offices. It is justice that it should be done, and I urge on the members the proposition I have submitted with the hope that this will be done.

I thank the committee for its courtesy.

Mr. SPENCER. Mr. Chairman, it may appear to be a work of supererogation to add a word to what has been so well said this afternoon along the line of this discussion. I doubt not that it is "love's labor lost," but still it is in the line of progress.

What the gentleman from Iowa [Mr. HEPBURN] has said and what the gentleman from Arkansas [Mr. LITTLE] has said are in the line of progress to demonstrate the true principles of the postal service of the United States and the relation of the legislation of this body toward that service. It is not a service for the purpose of raising revenue for the Government, any more than your appropriations for the Army, for the Navy, or for any other Department of the Government. It is an appropriation for educational purposes, if it may be so expressed. It is for the purpose of disseminating throughout the rural districts those opportunities for general information that by liberal appropriations are now accorded to the urban populations. There is no line of thought suggested nor is there a line of thought entertained by me or by my constituents that would antagonize appropriations of the most liberal character for the urban population.

I am in full accord with the principles and with the purposes expressed and conveyed by the amendment of the gentleman from Iowa [Mr. HEPBURN], as also other amendments along this line, although I doubt not it is all lost, as the chairman of the committee has on this floor enunciated the fixed determination to "rule out" such proposed changes, and states that such changes and reforms as we seek for the benefit of third and fourth class post-offices can only be accomplished by direct legislation. But where will the general legislation come from? It will never come from out the burial chamber of the Committee on Post-Offices and Post-Roads. I say that without casting any reflection upon them or impugning either their patriotism or their sincere interest in all classes alike of the American people, but make the assertion based upon results of all such efforts tending toward innovations or remedial legislation. I doubt not but what every word that has been said this afternoon will apparently be lost. But it will not be really lost.

All efforts toward remedial legislation is accomplished by agitation and by such discussion as this, attracting the attention of legislators and the people at large toward a true interpretation of the mail system and its possibilities for general welfare and for the upbuilding of rural populations. It only accentuates that record that was made thousands of years ago, when it was stated that "the dogs may eat the crumbs that fall from the children's table." With all due deference, the dogs of fourth-class post-offices are deprived of the crumbs that might fall from the table that is spread with such bountiful profligacy for the children of the urban districts.

I contend, and shall contend, not only in this Congress, but wherever I may have an opportunity, for the improvement of facilities in third and fourth class post-offices, and am in full accord with the remarks of the gentleman and with the amendment of the gentleman from Iowa [Mr. HEPBURN].

Mr. KYLE. Mr. Chairman, in order that the House may understand exactly what we are voting on, I ask the Clerk to report the amendment again.

The amendment was again read.

Mr. LOUD. I suggest I do not think the point of order would hold in this case.

Mr. DINGLEY. I insist upon the point of order. This provides that $600,000 shall be used. I understand that as the law stands now that would not be used.

Mr. LOUD. If the word "shall" is in there, it does change existing law.

Mr. HEPBURN. I will ask unanimous consent to modify the amendment by substituting the word "may" in the place of the word "shall." I think if we have this declaration in here on the part of the House, that it will be used as it has been used heretofore; so I shall be glad to modify the amendment by substituting the word "may."

The CHAIRMAN. So that it will read "the amount of $600,000 may be used."

Mr. DINGLEY. But does not that change existing law? If the law as it exists now does not allow the use of so large a proportion for this purpose the word "may" does not change the relation of it to the point of order.

Mr. HEPBURN. I should like to suggest to the gentleman from Maine that for years the money has been used in the way I am seeking to have it used.

The CHAIRMAN. Does the gentleman from Maine insist on the point of order?

Mr. DINGLEY. I am taking the statement of my friend from Iowa [Mr. HEPBURN] that this would allow a larger proportion to be used for third-class offices than the law now provides for them.

Mr. HEPBURN. The law, as I am advised, does not in any way separate this gross sum in its application to offices of a particular class.

Mr. BINGHAM. Oh, yes, it does.

Mr. HEPBURN. I think not.

Mr. LOUD. With the modification which the gentleman from Iowa suggests, I do not think this is subject to the point of order.

Mr. BINGHAM. The law is this:

That the Postmaster-General may designate offices at the intersection of mail routes as distributing and separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

That is the act of July 12, 1876, upon which this appropriation has always rested and been disbursed. Now, he has the discretion under this act, but his discretion is confined to distributing and separating offices, and under that he has disbursed the amount.

Mr. HEPBURN. I am perfectly willing to meet that by a modification of the amendment.

Mr. BINGHAM. My judgment is that the distribution of this large amount, upward of $10,000,000, is far better left in the hands of the Post-Office Department, which is always in sympathy with a good administration of the service, than to be left in the haphazard judgment of Congress as to whether the amount used for this purpose shall be five hundred, six hundred, or seven hundred thousand dollars. You have no right to make it obligatory upon the Postmaster-General that he shall take so much from this fund, unless those offices, under the statute, are distributing or separating offices.

Mr. HEPBURN. I have said to the gentleman, and I say again, that I am entirely willing to modify my amendment in harmony with his views.

Mr. BINGHAM. I have no antagonism to fourth-class post-offices.

Mr. HEPBURN. I see you have not.

Mr. BINGHAM. Because they are the feeders of the great offices.

Mr. KYLE. I will ask the gentleman from Iowa, if he modifies his amendment in accordance with the suggestion he has made, then the only effect of it is to increase the amount of this appropriation, is it not?

Mr. HEPBURN. No; it does not increase the amount of the appropriation. I ask to insert the word "separating" before the word "offices"; so that it will read "third and fourth class separating offices."

Mr. BINGHAM. Distributing also?

Mr. HEPBURN. "Separating" is the word they use in the Department.

Mr. BINGHAM. The law says "distributing and separating."

Mr. KYLE. Then, if I understand the gentleman, the effect of the amendment will be to limit the amount that the Postmaster-General is to use in this distribution to $600,000. Is that the effect of it?

Mr. HEPBURN. That would be the effect of it.

Mr. KYLE. Mr. Chairman, I desire to say something with reference to the merits of this amendment, and to call the attention of the House to this fact: The Post-Office Department when the estimates were made up for the amount necessary to carry on this department of the postal service put it at $10,500,000. This bill appropriates $10,350,000. The law as it now is permits the Postmaster-General, at his discretion, to take whatever is deemed an amount sufficient to pay whatever may be necessary for the distribution of the mails for these offices about which we are talking. Now, I submit that if there is anything in the gentleman's amendment except to increase the amount of the appropriation it

is to take away from the Postmaster-General that discretion which he now has; and I submit to the good judgment of this House that that ought not to be done. He of all officers in the Post-Office Department knows better, and keeps up with whatever is necessary to be done in these offices. He knows the amount of work. He knows the number of the different offices. He knows the amount of work and the number of clerks needed to carry on the distribution. He knows where the mail is to be sent out to the star routes, and is fully informed on that subject; and I say again if there is anything in the gentleman's amendment except to increase the amount of this appropriation it is to take away from the Postmaster-General that discretion.

Now, as to the merits of the proposition to increase this appropriation. The committee took this item and went carefully over it when we had an opportunity to sit down in our committee room and carefully consider what was necessary.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. KYLE. Yes, sir.

Mr. HEPBURN. The gentleman says that they had an opportunity to carefully consider what was necessary. Did you observe the fact that there was an unexpended balance of $285,000 from the appropriation of 1895. I think the appropriation was $9,700,000, or $650,000 less than the appropriation of to-day. So that you have appropriated $650,000 and $280,000 more than was expended in 1895. Now, will you account for that? Why did you do that? Here is substantially a million dollars more appropriated this year than was used in the year 1895 for this very same purpose.

Mr. KYLE. The answer to that, Mr. Chairman, is that the service of the Postal Department is growing. It is true that we appropriate more money than was appropriated in the preceding year. We do not appropriate, however, as much as was asked by the Department; but we do appropriate $250,000 more than was appropriated in the preceding year, and we propose to leave this matter in the sound discretion of the Postmaster-General to distribute this money where his judgment dictates it is necessary. That is all there is about this proposition.

Mr. QUIGG. Does not my friend think that $10,000,000 is a very large sum of money to be left to the discretion of anybody to distribute? Was not almost every member of the Post-Office Committee during the argument on the clerks' classification bill in favor of taking the distribution of this money out of the hands of the Postmaster-General?

Mr. KYLE. In reply to that, Mr. Chairman, I will say that this does not change the discretion that has been left in the Postmaster-General heretofore.

Mr. QUIGG. I know.

Mr. KYLE. There has been no criticism along that line.

Mr. QUIGG. That is what we have been objecting to all the time. It is an enormous sum to leave within the discretion of one man to distribute.

Mr. HEPBURN. If I can have the indulgence of the House one moment more, I want to call the attention of the gentleman who has just spoken in regard to the discussion in the committee. Why is it——

Mr. KYLE. I beg the gentleman's pardon.

Mr HEPBURN. It was not to ask a question. Why is it, and what does your committee have to say in regard to this matter? Here they have proposed $300,000 of an appropriation more than is used. I do not know how it is for this year, but they had $285,000 for the last fiscal year. Now, then, why is it that they are insisting upon this change in the use of this money, a use that has been going on for very many years and that Congress has acquiesced in from year to year by making the needful appropriation? What is said upon that subject by the Department? What is the Department going to do with this money? Here is a sum sufficient, and more than sufficient, for them to continue these expenditures. You have increased the sum that was sufficient by $250,000. What is to be done with the money? Now, the Postmaster-General will not use it in the way that it has been used heretofore. I insist that if $500,000 is to be saved, then this item is $500,000 too much.

Mr. LOUD. Mr. Chairman, I would like to ask how this question stands and whether a point of order is pending?

The CHAIRMAN. The Chair was in doubt whether the gentleman from Maine made the point of order or not.

Mr. DINGLEY. I made the point of order, but the amendment has been modified since; and I would like to hear the amendment read as it stands now.

The amendment as modified was reported.

Mr. LOUD. I do not think the point of order will hold.

Mr. DINGLEY. I think as the amendment has been modified it is not subject to the point of order.

Mr. BINGHAM. I would like to ask the gentleman from Iowa why it is that he would not limit it to $600,000?

Mr. HEPBURN. Five hundred and eighty thousand dollars, I think, was what our friend from California told us.

Mr. BINGHAM. Then the gentleman means that they may not need it?

Mr. HEPBURN. The gentleman apparently does not understand its purpose. The Department, as I understand, desires to limit to a very inconsiderable extent the sum which has heretofore been used in the payment of clerk hire.

Mr. BINGHAM. That I did not understand. Then the Department has changed its policy?

Mr. HEPBURN. For example, take an office where $800 was allowed, they have cut it down to $80, and where $400 was allowed, to $40, and that amount of appropriation can not be used for any purpose under this clause, except to compensate for the labor engaged in the actual separating for star routes.

Mr. BINGHAM. Does the gentleman think his amendment will reach that?

Mr. HEPBURN. I think so. I think that if there is an amendment of this kind adopted, expressing the will of Congress in the matter, the old allowances will be continued.

Mr. DINGLEY. The gentleman designs this as a mere indication of the will of Congress?

Mr. HEPBURN. That is all I ask. Under the rule I can not get the legislation I desire. If I could, I would like to make it imperative.

Mr. LOUD. Mr. Chairman, the gentleman's amendment, if adopted, can only result in injury to his case, if it can result in anything. There was expended in 1894 for this service $578,000. It is a service as to which the Department is restricted. Allowances can be made only for separating purposes. I have no figures since 1894, but I should say that for the year ending June 30, 1897, they would probably need more than $600,000. Now, permit me to say that the gentleman is seeking to accomplish something that he never can accomplish by this method. I think his intent is to defend the postmaster at Clarinda and to secure this clerk-hire allowance of $800, but I want to say in behalf of this service—and I would like the attention of the committee on this point—that the Post-Office Department is not pursuing the course of reducing this allowance. There has been no revision of this system for fourteen years. The amounts allowed to distributing offices fourteen years ago are being allowed to-day, and the First Assistant Postmaster-General has sent to every separating office in this country a strip, such as I hold in my hand, requiring them to send back to the Post-Office Department the amount of work they perform under these heads: Number of routes—times per week, number of offices pouched on; indirect service—number of routes, times per week, number of offices pouched on; separating labor—pieces of mail separated daily, registry transmits handled monthly, amount paid per annum for clerk hire.

On the return of these slips the First Assistant Postmaster-General readjusts these allowances. There are several offices which have become large distributing offices that have been heretofore allowed no clerk hire whatever, and when the First Assistant Postmaster-General sought to investigate this matter he found there was a condition of things existing that ought to be remedied. Let us take the office at Clarinda, to which the gentleman from Iowa refers. Of course, it may be that the postmaster there has to work until 9 o'clock at night and he may have to be up at 2 o'clock in the morning. For argument's sake, I will admit that. But under the amendment which the gentleman has offered he can not get any money for that office except for separating purposes. Now, let me tell the gentleman what the business of separating is at the office of Clarinda.

Mr. HEPBURN. Mr. Chairman, there is no possible contest between the gentleman and myself on that point; but he does not appear to understand the situation.

Mr. LOUD. Well, that is probably owing to my dullness; but I hope the gentleman will not take up all my time explaining it to me. [Laughter.]

Mr. HEPBURN. If the gentleman understood the subject he would know that under this authority to employ clerical labor at separating offices they have made allowances far beyond the demands for simple separating.

Mr. LOUD. Perhaps not beyond the demands at the time when they were made.

Mr. HEPBURN. There are a couple of star routes that take 40 or 50 letters out of that general mail, and the Postmaster-General does now make an allowance of $80, which is sufficient to cover that service, but the point is that the Department heretofore, exercising its discretion, has allowed for "separating" a sum of money that has been applied in the general clerical management of the office. That practice has been universal. It is found in every one of your second-class offices now, and it is to secure the continuance of that system that I offer this amendment.

Mr. PICKLER. We want that continued.

Mr. LOUD. Mr. Chairman, have not my five minutes about expired?

The CHAIRMAN. They have expired. [Laughter.]

Mr. HEPBURN. I yield the gentleman my time. [Laughter.]

Mr. LOUD. I ask unanimous consent that I may have five minutes.

There was no objection.

Mr. LOUD. Now, let me say to the gentleman from Iowa that

even if his amendment prevails he can not help his postmaster at Clarinda, because the present Administration, I think, is going to enforce not merely the intent, but the letter of the law. Let me explain to the committee how much work there is now being done at this post-office at Clarinda and why this allowance for clerk hire is being cut off. This is what the Department says:

On January 13, 1896, the postmaster at Clarinda reported to me that he separates daily 386 pieces of mail from these star routes and railroads, which would take him probably thirty minutes a day, and also has 54 registry transmits monthly; that is, during the month 54 registered letters will come into his office for other points and he is obliged to make a record of it and send it on. This would be an average of a little over two a day for this service. For some reason the postmaster at Clarinda has been drawing for several years $800, and on February 3, 1896, I reduced that amount to $80 a year, in the belief that he was not entitled to any more under the law and to make it fair and just to other offices that do more work, etc.

There is the milk in the cocoanut so far as Clarinda is concerned.

Now, let me cite another office where there are 2,377 pieces of mail handled daily, and registry transmits per month 645 in number, and where the clerk-hire allowance is only $480. Now, then, the First Assistant Postmaster-General is endeavoring to equalize this matter. This office was allowed only $80 under the conditions stated. The Second Assistant Postmaster-General did not desire to run this appropriation for clerk hire beyond a reasonable amount, and he has sought to cut down such offices as Clarinda. He has endeavored to expend a reasonable proportion of the appropriation upon the offices where it properly belongs. I beg to say that his course in this direction meets my hearty approval, as I think it meets the hearty approval of the people of the country. It is business, Mr. Chairman, that the First Assistant Postmaster-General is trying to do.

As to the gentleman's amendment, he can accomplish nothing by it. If the amendment should accomplish anything, it might be in the direction of injuring the very interest that he is seeking to advance, because the effect of the amendment is to limit the appropriation, which would perhaps necessarily cut down some of these amounts below those which would be allowed under proper conditions without the amendment.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word, for the purpose of saying to the gentleman that he has entirely misapprehended the purpose which I have had in view in this matter. I have tried my best to enlighten him, but for some reason or other the effort seems to be unsuccessful.

I have not claimed for one moment that the compensation for the labor of distribution was not ample. The gentleman has read correctly the returns from this particular office in regard to the labor of separating, but he has not read the returns from that office showing that there are eight or ten mails received daily, that there are thirty or forty sacks of mail matter daily, that there are hundreds and hundreds of packages received there for distribution, so that the services of three persons are required.

Now, this $800 has been appropriated heretofore for that clerical labor, and this is what I want continued; this is what every gentleman here who is interested in this class of offices wants to have continued. The Postmaster-General, however, proposes to limit the expenditure in such offices to $80, which, while it might be sufficient for the labor of distribution, allows nothing for increased facilities and more rapid distribution; and the money saved in this direction the Postmaster-General would expend in expediting the business of the great cities. That is what I do not want.

The CHAIRMAN. Does the gentleman from Iowa withdraw his pro forma amendment?

Mr. HEPBURN. Yes, sir.

The question being taken on the amendment of Mr. HEPBURN, it was agreed to; there being—ayes 59, noes 15.

The Clerk read as follows:

FREE-DELIVERY SERVICE.

Eighth. For pay of letter carriers, $12,254,300.

Mr. PICKLER. I think it will save the time of the Committee of the Whole if the gentleman from California will indicate what there is of new legislation in the provision for the free-delivery service.

Mr. LOUD. Mr. Chairman, there is a desire on the part of several gentlemen that the House should now adjourn. I shall give the fullest explanation in reference to this matter; but it is a question whether at this hour we had better go on with the bill or accede to the wish of many members that the Committee of the Whole should now rise. This is a question which is liable to cause us a great deal of discussion; and I think the House is uneasy, or it would not have determined as it did on the last vote. I move that the committee rise.

Mr. PICKLER. I have the floor, I believe. I wish to say that I may not be here on Monday, and I desire now to enter a point of order against any new legislation that there may be in the provisions with reference to free-delivery service. I want that point of order to be pending.

The CHAIRMAN. The gentleman from South Dakota raises a point of order. The gentleman from California [Mr. LOUD] moves that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, and had come to no resolution thereon.

And then, on motion of Mr. LOUD (at 4 o'clock and 40 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. S. Curtin, administrator of Lewis Curtin, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the printing and binding of the Eleventh Census reports—to the Committee on Appropriations, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a copy of a letter of the Surgeon-General of the Army respecting an increase in the number of copies in the edition of the index catalogue of the library of his Bureau—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred House bill No. 3344, reported in lieu thereof a bill (H. R. 6994) relating to the sale of gas in the District of Columbia, accompanied by a report (No. 672); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred House bill No. 6348, reported in lieu thereof a bill (H. R. 6999) authorizing towns and cities in the Territory of Oklahoma to purchase certain reserved lands for county and educational purposes, accompanied by a report (No. 673); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RANEY: A bill (H. R. 6995) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T.—to the Committee on Indian Affairs.

By Mr. HARRISON: A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK (by request): A bill (H. R. 6997) to provide for the appointment of five police magistrates for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 6998) to provide for completing the system of sewage disposal and protection against floods in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MOODY: A bill (H. R. 7000) granting condemned cannon and balls to General James L. Bates Post, No. 118, Grand Army of the Republic, Swampscott, Mass.—to the Committee on Military Affairs.

By Mr. HOWE: A bill (H. R. 7001) to provide for the dredging and widening of Wallabout Channel, in the State of New York—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A joint resolution (H. Res. 135) in reference to the employment of enlisted men in competition with local civilians—to the Committee on Labor.

By Mr. VAN VOORHIS: Concurrent resolution (House Con. Res. No. 28) directing the Secretary of War to proceed to make plans, profiles, and estimates for the building of a ship canal, pursuant to the report of the special board of engineers, between Marietta, Ohio, and Lake Erie—to the Committee on Railways and Canals.

By Mr. BARRETT: Memorial of the Commonwealth of Massachusetts, relative to veterans of the Mexican war—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: Memorial adopted by the legislature of Massachusetts, in favor of increasing the pension of veterans of the Mexican war—to the Committee on Pensions.

By Mr. ALLEN of Utah: Memorial of the governor and legislature of the State of Utah, praying for the adoption of the metric system of weights and measures by the United States—to the Committee on Coinage, Weights, and Measures.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 519) granting a pension to Ira Harris—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 3165) granting a pension to Henry W. Schroder—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROWN: A bill (H. R. 7002) for relief of William H. Copehart, of Warren County, Tenn.—to the Committee on Pensions.

Also, a bill (H. R. 7003) for relief of James M. Grubb, of Meigs County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7004) for relief of William Miller, of Walker County, Ga.—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 7005) for the relief of the estate of William A. Nally, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7006) for the relief of the estate of Adelaide B. Stewart, widow of Edward S. Stewart, deceased—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 7007) granting a pension to Charles Wilson, alias Mike Noonan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7008) to pension Rhoda L. Day—to the Committee on Pensions.

By Mr. FLYNN: A bill (H. R. 7009) for the relief of Roland Burnett—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7010) granting a pension to Mary A. Bird, of Fox, Sevier County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7011) for the relief of P. C. Culvahouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7012) for the relief of Samuel E. Gass—to the Committee on Military Affairs.

Also, a bill (H. R. 7013) for the relief of Philip Schlosshan—to the Committee on Military Affairs.

Also, a bill (H. R. 7014) for the relief of the personal representatives of Horace L. Bradley, deceased, of Knoxville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7015) for the relief of Miller E. Rosier—to the Committee on Military Affairs.

Also, a bill (H. R. 7016) to carry out the findings of the Court of Claims in the case of the estate of Robert McIntyre, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7017) to restore the name of Pleasant Sharp to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7018) for the relief of James H. Bunn, of Oliver Springs, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 7019) for the relief of D. H. Rosier—to the Committee on Military Affairs.

Also, a bill (H. R. 7020) for the relief of Henry B. Jones—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7021) increasing the pension of A. Marcellus, Company F, Fifty-ninth Regiment New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 7022) granting a pension to John P. Sinsher—to the Committee on Invalid Pensions.

Also a bill (H. R. 7023) granting a pension to Spotswood Foster—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 7024) granting increase of pension to Henry Campbell—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 7025) for the relief of the estate of William I. Way—to the Committee on War Claims.

By Mr. LINTON: A bill (H. R. 7026) amending the record of Daniel McGraw—to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 7027) for the relief of Michael Kries—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 7028) to authorize the payment of the accrued pension due Sarah E. Knapp, deceased, to her legal representatives—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 7029) granting an increase pension to Nathaniel Bates, late of Company H, Fourteenth Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 7030) granting an increase of pension to John M. Berkey, of Denver, Colo.—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7031) to award a medal of honor to John S. Carpenter—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7032) for the relief of Fannie Solari—to the Committee on War Claims.

By Mr. TAYLER: A bill (H. R. 7033) granting an increase of pension to Thomas Gibson—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: A bill (H. R. 7034) to increase the pension of Robert O. Lehman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7035) to restore Peter Hembaugh to the pension roll—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 7036) granting an increase of pension to S. P. Brockway—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 7037) for the relief of Samuel T. Morris—to the Committee on Military Affairs.

By Mr. WELLINGTON: A bill (H. R. 7038) to refund to corporate authorities of Frederick City, Md., the sum of $200,000 exacted of them by the Confederate army in 1864—to the Committee on War Claims.

Also, a bill (H. R. 7039) for the relief of Jeremiah Everly, of Cumberland, Md.—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7040) to increase pension of James A. McGaughey—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7041) for the relief of R. S. Wilshire, of Anderson County, Tenn.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Sundry petitions of citizens of Ogden, Utah, praying for the passage of House joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Press Publishing Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Protests of Joseph Benton, J. B. Logue, Benjamin Judson, and others, all citizens of Richland County, Wis.; also protests of C. Crary, J. J. Butcher, Walter Sidman, and other citizens of Vernon County, Wis.; also protest of Clinton Cardey and others, of Grant County, Wis.; also protest of W. Bigham and others, of Adams County, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, eleven petitions of citizens of Washington, D. C., containing 101 names, urging the passage of House bill No. 5220, or some similar measure requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, petition of A. Carter, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: Petition of ex-soldiers of the Union Army residing in Franklin County, Mo., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BERRY: Petition of Anna M. Sweet, for increase of pension—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Petition of Thaddeus Stevens Lodge, Order United American Mechanics, of Pennsylvania, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BOUTELLE: Petition of the Border News Publishing Company, J. P. Bass & Co., and C. C. Harvey, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petition of Waldron, Wightman & Co., of Providence, R. I., for an appropriation to widen and deepen the drawway at stone bridge, Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. COOK of Wisconsin: Letter of David Holbrook, pastor of the Congregational Church of Fond du Lac, Wis., together with petition indorsed by said church and congregation, numbering 600 persons, asking for the enactment of a Sunday-rest law for the District of Columbia equal to the most efficient State Sunday law—to the Committee on the District of Columbia.

By Mr. COOPER of Florida: Petition of S. Powers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWTHER: Resolution of students of Tarkio College, Missouri, respecting the formation of a permanent court of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. CURTIS of Iowa (by request): Petition of citizens of Davenport, Iowa, against more stringent immigration laws—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Philadelphia Bee Keepers' Association, in favor of joint resolution No. 92, for the printing of The Honey Bee: A Manual of Instruction in Apiculture—to the Committee on Printing.

Also, petition of Glenshaw Council, Daughters of Liberty, of Pennsylvania, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DANIELS: Petition of J. B. Rodgers and 36 other citizens of New York, asking for special admiralty terms in Buffalo, N. Y.—to the Committee on the Judiciary.

By Mr. DANFORD: Remonstrance of the Ohio Yearly Meeting of the Religious Society of Friends, against the spirit of war and some of its modern manifestations—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of citizens of Irvington, Iowa, favoring the establishment of an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. DOVENER: Resolutions of Pride of Wheeling Council, No. 2, Daughters of Liberty, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Resolutions adopted by the New England Historic Genealogical Society, in favor of an appropriation for publishing the records and papers of the Continental Congress—to the Committee on Printing.

By Mr. GROSVENOR: Petition of J. F. McMahon, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of 1,500 members of the Woman's Christian Temperance Union of Oregon, by the State officers of said union, protesting against the passage of any law for compulsory military training in public schools—to the Committee on the Judiciary.

By Mr. HARMER: Memorial and communication relative to House bill for the relief of Mrs. Olivia Betton, widow of the late Thomas S. Betton, surgeon in the United States Army—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition of citizens of the State of New York and representatives of the Woman's Christian Temperance Union, protesting against the sale of beer at Bedloes Island and at Fort Wadsworth, on Staten Island—to the Committee on Military Affairs.

Also, petition of citizens of New York and representatives of the Woman's Christian Temperance Union of New York, protesting against the sale of beer at Bedloes Island and at Fort Wadsworth, on Staten Island—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of Thomas Mason and Stephen Bermington, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Remonstrance of H. G. Chichester and 80 others, of Chippewa, Falls, Wis., against appropriating directly or indirectly public moneys for sectarian purposes, and also petitioning Congress for the passage of joint resolution No. 11, to amend the Constitution of the United States, prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. KIEFER: Petition of the Civil Engineering Society of St. Paul, Minn., for the amendment of House bill No. 1470, introduced by Mr. ALDRICH, relating to the architects for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. KULP: Petition of E. P. Gilger and 46 other citizens of Pennsylvania, protesting against sectarian appropriations, and urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Washington Camp, No. 186, Patriotic Order Sons of America, of Pennsylvania, in support of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petitions of J. P. Davidson, D. P. Stark, R. S. McBride, N. B. Deford, W. A. Ward, and many other citizens of Oklahoma Territory, for the passage of the free-home bill—to the Committee on the Public Lands.

By Mr. LOUD: Petition of Pescadero Grange, No. 32, of Pescadero, Cal., urging the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of publisher of the Upholsterer, Choppell & Hale, T. W. Broudgurt, Charles Hutt, W. Stearns, L. M. Gurnsey, publisher of Evening Journal, Gazette Printing Company, Eagle Publishing Company, Kansas City Publishing Company, A. M. Louis, J. L. Staker, the Akron Democrat Company, B. C. Simmons, J. R. Jolley, Frank Crichton, and the American Silk Journal, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Resolutions of the New England Historic Genealogical Society, in favor of the publication of the Revolutionary records—to the Committee on Printing.

Also, resolutions of the general court of Massachusetts relative to veterans of the Mexican war—to the Committee on Pensions.

By Mr. McEWAN: Petition of the Central Labor Union of Lockport, N. Y., asking for the passage of House resolution No. 184, relating to direct legislation—to the Committee on Rules.

By Mr. MEIKLEJOHN: Three petitions of citizens of Antelope County, Nebr., asking for the construction of a railroad from Sioux City, Iowa, in a southwesterly direction, to connect with the main line of the Union Pacific Railway at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

Also, resolution from the Congregational Club of Doane College, Crete, Nebr., praying for the recognition of the belligerent rights of the Cubans—to the Committee on Foreign Affairs.

Also, petitions of Hammond Bros., B. W. Wood, and J. H. Lohmann, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the publishers of the Sentinel, Indianapolis, Ind., the Daily Post, Houston, Tex., and others, for a transmississippi international exposition—to the Committee on Ways and Means.

By Mr. MINOR of Wisconsin: Protests of 96 citizens of Sawyer, 96 citizens of Seymour, 236 citizens of Flintville, 58 citizens of Portage County, and 47 citizens of Wood County, all of the State of Wisconsin, against any amendment to the preamble to the Constitution of the United States—to the Committee on the Judiciary.

Also, protest of the Commercial Club, of Superior, Wis., against any reorganization of the Pacific roads by the Government unless proper relief is afforded the Northwest, as was originally contemplated—to the Committee on Pacific Railroads.

Also, petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., asking for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of H. L. Fontaine and Frank Long, praying for favorable action on House bill 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post Office and Post-Roads.

Also, petition of 20 ex-soldiers and ex-sailors of the late war who are now residents of Greenleaf, Brown County, Wis., asking for a pension of $8 per month to all soldiers and sailors who served in the late war for a period of ninety days—to the Committee on Invalid Pensions.

Also, petition of marine engineers of Sturgeon Bay, Wis., asking for passage of Senate bill No. 735—to the Committee on Rivers and Harbors.

Also, remonstrance of 23 owners and masters of steam vessels residing in Green Bay, Wis., against the passage of House bills No. 4331 and 5813, providing for the better manning and equipment of lake vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORSE: Petitions of 133 citizens of Thompsonville, Conn.; 113 citizens of Huntingdon, Pa.; 19 citizens of Long Island City, N. Y.; 26 citizens of Bryan, Ohio; 81 citizens of Oberlin, Kans.; 14 citizens of Independence, Mo.; 58 citizens of Almont,

Mich.; 21 citizens of Craig, Miss.; 158 citizens of Salem, N. J.; 132 citizens of Airville, Pa.; 97 citizens of Nelson, Nebr.; 50 citizens of Mount Pleasant, Pa.; 46 citizens of Bernardston, Mass.; 156 citizens of Wilkesbarre, Pa.; 324 citizens of Uniontown, Pa.; 182 citizens of Amesville, Ohio; 42 citizens of Foosland, Ill.; 66 citizens of Mount Clare, Nebr.; 51 citizens of Schuyler, N. Y.; 16 citizens of Johnstown, Ohio; 64 citizens of New Philadelphia, Ind.; 40 citizens of Carbondale, Ill.; 90 citizens of Ramseys, N. J.; 84 citizens of Mayville, N. Y.; 61 citizens of Richmond, Pa.; 230 citizens of Utica, Ohio; 76 citizens of Sandifer, N. C.; 116 citizens of West Alexander, Pa.; 90 citizens of Siloam Springs, Ark.; 47 citizens of Ewing, Nebr.; 60 citizens of Hope, Ind.; 32 citizens of Montgomery, Ohio; 35 citizens of Baltimore, Md.; 72 citizens of Sterling, Kans.; 47 citizens of Ryegate, Vt.; 47 citizens of Monmouth, Ill.; 39 citizens of Alexandria, Pa.; 61 citizens of Rosemark, Tenn.; 65 citizens of Cross Fork, Pa.; 72 citizens of East Liverpool, Ohio; 103 citizens of Goodland, Ind.; 117 citizens of Stafford, N. Y.; 92 citizens of Newcastle, Pa.; 86 citizens of O'Kean, Ark.; 30 citizens of McCains, Tenn.; 156 citizens of Reading, Pa.; 59 citizens of Birmingham, Mich.; 83 citizens of Marion, Iowa; 36 citizens of Kasbur, Ill.; 32 citizens of Hill City, Kans.; 134 citizens of East Liverpool, Ohio; 117 citizens of New Wilmington, Pa.; 68 citizens of Hollisterville, Pa.; 37 citizens of Whinchendon, Mass.; 54 citizens of South Denver, Colo.; 25 citizens of Veblen, S. Dak.; 21 citizens of Barton, Miss.; 115 citizens of Allegheny, Pa.; 32 citizens of Mouston, Ill.; 30 citizens of Verona, Pa.; 183 citizens of Mount Auburn, Iowa; 7 citizens of Jamaica Plain, Mass.; 38 citizens of Pardor, Pa.; 61 citizens of Bloomington, Pa.; 52 citizens of Dunbar, Nebr.; 255 citizens of Gibson County, Ind.; 120 citizens of Crisfield, Md.; 24 citizens of Mohns Store, Pa.; 205 citizens of New Athens, Ohio; 101 citizens of Traer, Iowa; 96 citizens of Blairstown, N. J.; 36 citizens of Hobart, N. Y.; 41 citizens of Spencer, Wis.; 16 citizens of Blue Rock, Pa.; 51 citizens of Calumet, Pa.; 220 citizens of New Galilee, Pa.; 22 citizens of Indianapolis, Ind.; 21 citizens of Pittsburg, Pa.; 86 citizens of Cotton Plant, Miss.; 5 citizens of East Smithfield, Pa.; 18 citizens of Canterbury Depot, N. H.; 43 citizens of Cave Spring, Mo.; 52 citizens of Pittsburg, Pa.; 95 citizens of Kendall Creek, Pa.; 120 citizens of Adams, Nebr.; 40 citizens of Annapolis, Ohio; 44 citizens of Prairie Farm, Wis.; 112 citizens of Almeda, N. Y.; 17 citizens of Boston, Mass.; 40 citizens of Sparta, Ill.; 72 citizens of White Cottage, Ohio; 86 citizens of Reedy, W. Va.; 121 citizens of Martin, Mich.; 62 citizens of Garfield, N. J.; 44 citizens of Leemon, Mo.; 176 citizens of College Springs, Iowa; 67 citizens of Roslyn, Wash.; 103 citizens of Memphis, Ind.; 26 citizens of Grady, Ark.; 47 citizens of Bonaparte, Iowa; 33 citizens of Brooklyn, N. Y.; 65 citizens of Armstrong, Iowa; 68 citizens of Centerville, Pa.; 43 citizens of Aspinwall, Pa.; 44 citizens of Markletown, Pa.; 86 citizens of St. Andrew, N. Y., and 28 citizens of Philadelphia, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PITNEY: Petition of Climax Council, Junior Order United American Mechanics, State of New Jersey; also petition of Charles L. Scripture and 42 other citizens of Morris County, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of S. S. Garrison and John Carpenter, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of citizens representing various church denominations and other interests in the city of Brooksville, Ky., favoring the passage of bill for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of B. H. Rutledge, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of New York and representatives of the Woman's Christian Temperance Union of Deposit, N. Y., protesting against the sale of beer at Bedloes Island and at Fort Wadsworth, on Staten Island—to the Committee on Military Affairs.

Also, petition of citizens of New York and representatives of the Woman's Christian Temperance Union, protesting against the sale of beer at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of officers of the Woman's Christian Temperance Union, Broome County, N. Y., against the sale of beer at Ellis Island, N. Y.—to the Committee on Immigration and Naturalization.

Also, petition of officers of the Woman's Christian Temperance Union, Broome County, N. Y., against the sale of beer at Bedloes Island and Fort Wadsworth, N. Y.—to the Committee on Military Affairs.

Also, petition of officers of the Woman's Christian Temperance Union of Deposit, Broome County, N. Y., protesting against the sale of cider, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. SAUERHERING: Protests of H. D. McQueen, S. Scribner, W. R. Pierce, A. C. Allen, A. Anderson, and other citizens of Columbia County, Wis.; also protest of L. B. Green and other citizens of Hebron, Jefferson County, Wis.; also protest of William Edwards and other citizens of Watertown, Wis.; also, protest of Ernest Siggelkow and others, of Dane County, Wis., against the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: Resolutions of the United Labor League of Philadelphia, concerning the interests of seamen—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Bee Keepers' Association, favoring the printing of Benton's publication on the honeybee—to the Committee on Printing.

Also, petition of Thomas Boundy, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMPKINS: Resolutions of the New England Historic-Genealogical Society (through George A. Gordon, secretary), favoring the preparation and publication of the records and papers of the Continental Congress by the Secretary of State—to the Committee on the Library.

Also, resolution of the Boston Society of Architects, urging the passage of House bill No. 1470—to the Committee on Public Buildings and Grounds.

Also, resolution of the legislature of Massachusetts, urging increase of pension to veterans of the Mexican war—to the Committee on Pensions.

By Mr. SHAFROTH: Petition of John F. Kline and 12 other ex-soldiers and ex-sailors, requesting the grant of $8 per month for every man who served not less than ninety days in the Army and Navy during the rebellion, and a pension of not less than $12 to all widows of such who have died—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of 82 citizens of Grand Rapids, Mich., favoring the passage of House bill No. 354, for the establishment of a national university—to the Committee on Education.

Also, petition of citizens of Grand Rapids, Mich., favoring the passage of joint resolution No. 11, amending the Constitution of the United States—to the Committee on the Judiciary.

By Mr. STAHLE: Petition of the Philadelphia Bee Keepers' Association, praying for the passage of joint resolution No. 92, for an appropriation for the publication of a book on the honeybee—to the Committee on Printing.

Also, petition of Washington Camp, No. 309, Patriotic Order Sons of America, located at York, Pa., urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEPHENSON: Petition of Lodge No. 263, Order Sons of St. George, of Norway, Mich., consisting of 67 members, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Tribune Publishing Company, James B. Knight, Charles Brebum, and Charles E. Mason, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Protest of citizens of Emporium, Pa., against sectarian appropriations of public moneys; also, petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TYLER (by request): Petition of J. E. Booker, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. YOAKUM: Petition of J. E. Rawlins, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WELLINGTON: Petition of the Junior Order of United American Mechanics of Maryland, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Petition of the Herald Publishing Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *March 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. HARRIS, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior of the 5th instant, submitting an amended estimate of appropriation for rent of buildings, Department of the Interior, fiscal year 1897, contained in the legislative, executive, and judicial appropriation bill now pending, increasing the item for rent for the Indian Office from $6,000 to $6,500, and recommending that the $500 additional be made immediately available; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 31, 1895, a statement containing a copy of each obligation issued by the Government since March 4, 1789, with a reference by title and date to the laws respectively authorizing such issues, and showing the amount of each issue and the amount now outstanding, properly classified, and including Treasury notes of every kind, bonds, and certificates for currency, silver, and gold; and also a letter from the Register of the Treasury, dated February 25, 1896, upon the subject; which were referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, dated February 28, 1896, respecting an increase in the number of copies in the edition of the index catalogue of the library of that Bureau; which, with the accompanying paper, was referred to the Committee on the Library, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs proposing legislation in behalf of certain Chippewa Indians, permitting them to retain the lands upon which they have resided for many years, and upon which they have made improvements, instead of being compelled to remove to the diminished Red Lake Reservation, under the provisions of the act of Congress approved January 14, 1889, and inclosing a draft of a bill in behalf of these Indians and recommending its passage; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a joint communication from the Secretary of the Treasury and the Secretary of the Interior, transmitting, in response to a resolution of the 2d instant, the originals of the sworn statements of the 65 persons in the State of Arkansas, made between August 4, 1894, and February 22, 1895, as to the value of the public lands in their respective counties, which affidavits accompanied a report of Burton T. Doyle, representing the Secretary of the Treasury, and George C. Ross, representing the Secretary of the Interior, under the act of Congress approved August 4, 1894, entitled "An act to authorize and compromise a settlement with the State of Arkansas"; which was read.

Mr. BERRY. I ask that the communication be printed and lie on the table. Senate bill No. 502, to which it relates, has already been reported, and has been made the special order for the 16th instant.

The VICE-PRESIDENT. The communication will lie on the table and be printed.

POTOMAC RIVER FLATS.

The VICE-PRESIDENT laid before the Senate a communication from the judges of the supreme court of the District of Columbia, transmitting, pursuant to an act of Congress approved August 5, 1886, a report of the findings of the supreme court of the District of Columbia in the matter of the right, title, or interest of any person or corporation adverse to the complete and paramount right of the United States in the Potomac River flats; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate numbered 44 and 45 to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897; disagreed to the residue of the amendments of the Senate to the said bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. WARNER, and Mr. WILLIAMS managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 162) regulating proof of death in certain pension cases.

The message further announced that the House had passed the following bill and joint resolution:

A bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West; and

A joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

A bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company, National Guard of State of New York;

A bill (H R. 5633) to incorporate The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Indian Territory;

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; and

A bill (H. R. 6936) for the reconstruction of Rock Island Bridge.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.;

A bill (H. R. 3964) to reorganize the customs collection district of Alaska;

A bill (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897;

A joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry;

A joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.; and

A joint resolution (H. Res. 98) directing the Secretary of War to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the faculty and students of Guilford College, North Carolina, and a petition of the faculty and students of Randolph-Macon College, of Ashland, Va., praying for the establishment of a permanent court of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of Council No. 75, American Protective Association, of Youngstown, Ohio, remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented sundry petitions of citizens of Cumberland, Annapolis, Montgomery, Clio, Fairpoint, Johnstown, Utica, Knoxville, Pinehill, Amesville, Milnersville, Sugartree, and New Athens, all in the State of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Maine, through its officers, praying for the establishment of a permanent court of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of 183 citizens of Mount Auburn, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States, acknowledging God as the source of all power in civil government, etc.; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of sundry citizens of Amherst, Mass., praying for the enactment of legislation for the protection of Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a petition in the form of resolutions adopted by the house of representatives of the Commonwealth of Massachusetts, praying for the enactment of legislation increasing the pensions of the few remaining veterans of the Mexican war; which was referred to the Committee on Pensions.

He also presented the petitions of Rev. W. H. Steck, pastor of Trinity Lutheran Church, of Coatesville, Pa.; of Gensor Corbett

and 7 other citizens of Jamaica Plain, Mass.; of Duncan Ritchie and 102 other citizens of Boltonville, Vt.; of Rev. Lewis Philips, pastor, and 84 members of the Methodist Protestant Church of Fordyce, Pa.; of George F. Jewett and 21 other citizens of Roxbury, Mass.; of Susan S. Fessenden, president of the Massachusetts Woman's Christian Temperance Union, and 12 other citizens of Massachusetts; of Rev. George A. Tewksbury, of Concord, Mass.; of Isadore L. Montgomery, president, and 120 members of the Woman's Christian Temperance Union of Taunton, Mass.; of Elizabeth Gray and 126 other citizens of Pennsylvania; of Simon Ball and 17 other citizens of Massachusetts, and eight petitions of sundry citizens of Massachusetts, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. SEWELL presented a petition of Bayard Post, No. 8, Grand Army of the Republic, Department of New Jersey, praying for the passage of the bill to revive the grade of Lieutenant-General in the Army; which was referred to the Committee on Military Affairs.

He also presented petitions of Rockaway Council, No. 195, Junior Order United American Mechanics, of Rockaway; of Admiral Farragut Council, No. 16, Junior Order United American Mechanics, of Jersey City; of Ringoes Council, No. 165, Junior Order United American Mechanics, of Ringoes; of Royal Council, No. 139, Junior Order United American Mechanics, of Monmouth Junction; of *Vigilant* Council, No. 155, Junior Order United American Mechanics, of Kearny; of Windsor Council, No. 108, Junior Order United American Mechanics, of Windsor; of George A. Halsey Council, No. 192, Junior Order United American Mechanics, of Newark; of Eureka Council, No. 54, Junior Order United American Mechanics, of Hamilton Square; of American Eagle Council, No. 190, Junior Order United American Mechanics, of Little Falls; of Ivanhoe Council, No. 72, Junior Order United American Mechanics, of Somerville; of Climax Council, No. 124, Junior Order United American Mechanics, of Warren Paper Mills; of General Custer Council, No. 130, Junior Order United American Mechanics, of Newark; of Wallkill Council, No. 144, Junior Order United American Mechanics, of Hamburg; of Allentown Council, No. 51, Junior Order United American Mechanics, of Allentown; of Passaic City Council, No. 147, Junior Order United American Mechanics, of Passaic; of Lincoln Council, No. 1, Junior Order United American Mechanics, of Camden; of Wenonah Council, No. 173, Junior Order United American Mechanics, of Wenonah; of Social Council, No. 213, Junior Order United American Mechanics, of Fairton; of Bayonne Council, No. 119, Junior Order United American Mechanics, of Bayonne; of Diamond Council, No. 14, Junior Order United American Mechanics, of Swedesboro; of General U. S. Grant Council, No. 168, Junior Order United American Mechanics, of Jersey City; of Franklin Council, No. 41, Junior Order United American Mechanics, of Plainfield; of Raritan Valley Council, No. 150, Junior Order United American Mechanics, of Raritan; of William G. Holton Council, No. 55, Junior Order United American Mechanics, of Dunellen, and of General John A. Dix Council, No. 215, Junior Order United American Mechanics, of Newark, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. MILLS presented a petition of sundry citizens of Austin, Tex., praying for the adoption of the proposed religious amendment to the Constitution of the United States, acknowledging God as the source of all power in civil government, etc.; which was referred to the Committee on the Judiciary.

Mr. GRAY presented a petition of 84 citizens of Wilmington, Del., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Delaware Peace Society, of Wilmington, Del., remonstrating against the adoption of military training in the public schools of the country; which was referred to the Committee on Education and Labor.

Mr. HARRIS presented petitions of 30 citizens of Belfast, of 60 citizens of Shelby County, of 63 citizens of Rosemark, and of 104 citizens of Rosemark, all in the State of Tennessee, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALLEN presented sundry petitions of citizens of Alexandria, Bruning, Burchard, Stromsburg, and Ewing, all in the State of Nebraska, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented the petition of M. C. O'Ham, of Bloomfield, Nebr., and the petition of Vickers Goodwin, of Madison, Nebr., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Congregational Club of Crete, Nebr., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a letter and affidavit of Col. Milo Smith, of Clinton, Iowa, to accompany the bill (S. 2119) for the relief of John Breitling; which were referred to the Committee on Claims.

He also presented a letter signed by John A. Davies, mayor, and sundry other citizens of South Sioux City, Nebr., acknowledging his action in regard to the presentation of their petition for the protection of the bank of the river at that point; which was referred to the Committee on Commerce.

Mr. BERRY presented the petition of J. N. Cardwell and 86 other citizens of O'Kean, Ark., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented the petition of F. Lanenstein, publisher of the Democrat, of Evansville, Ind., praying for the enactment of legislation to amend the postal laws relating to second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of New Philadelphia, Ind., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. M. Miller and sundry other citizens of Indiana, remonstrating against the establishment of a bureau of military education, etc.; which was referred to the Committee on Education and Labor.

Mr. LINDSAY presented the petition of W. R. Thompson and 71 other citizens of Whitecottage, Ohio; the petition of Hiram Moore and 147 other citizens of Salem, N. J., and the petition of A. G. Thompson and sundry other citizens of Whitecottage, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PASCO presented the petition of J. S. L'Engle and 8 other citizens of Jacksonville, Fla., praying that the St. Johns River project be placed on the continuous-contract list of river and harbor improvements; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a petition of Post No. 396, Department of Michigan, Grand Army of the Republic, of Harlan, Mich., praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented the petition of Jennie A. Wilson and sundry other members of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Port Huron, Mich., praying for the recognition of God in the preamble of the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1186, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. WOLCOTT presented the petition of Willis H. Clark and 124 other citizens of Greeley, Colo., and the petition of H. A. Norton and 49 other citizens of South Denver, Colo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. DAVIS presented a petition of the Commandery of the Loyal Legion of Minnesota, praying for the establishment of a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Stillwater, Minn., praying that an appropriation be made for the protection of the harbor and lake front of that city; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented a petition, in the form of resolutions adopted at a meeting of the Board of Trade, Business Men's Union, Chamber of Commerce, and Jobbers' Union, of Duluth, Minn., praying that there be incorporated in any measure looking to the reorganization or adjustment of the affairs of the Union Pacific a provision for the relief of the Northwest by the construction of a northeast and southwest connection in substantial accordance with the original plan and design of the Government; which was referred to the Committee on Pacific Railroads.

He also presented a memorial of sundry citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented two memorials of sundry citizens of Minnesota, remonstrating against the adoption of the proposed religious

amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. CANNON presented a petition of the legislature of the State of Utah, praying for the passage of House bill No. 2758, to fix the standard of weights and measures by the adoption of the metric system of weights and measures; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

Your memorialists, the governor and legislature of the State of Utah, would respectfully petition your honorable body to pass H. R. No. 2758, a bill to fix the standard of weights and measures by the adoption of the metric system of weights and measures, introduced by Representative HURLEY December 26, 1895.

The superiority of the metric system over the old system of weights and measures is as great as the superiority of the United States system of coinage of dollars, dimes, cents, and mills over the British system of pounds, shillings, and pence.

The advantages of a system of such simplicity as the metric system are too well known to require to be enlarged upon; but in addition to the natural advantages of such a system (advantages that have caused its adoption by all the enlightened nations of continental Europe), it has to the Government and people of the United States the additional advantage of furnishing them with a system already adopted and in use or required to be used during the present year by every other Republic in both North and South America.

All governmental action within the last one hundred years has been in the direction of the adoption in all accounts of the decimal system of notation, which is the underlying principle upon which the metric system is established.

The framers of the constitution of our new State incorporated in said constitution an article requiring the metric system to be taught in the public schools of the State, and the people will gladly welcome such action of Congress as will allow the entire Union to require by legislative enactment the use of the system with the knowledge that such legislative enactment is in line with the provisions of Congress on the same subject.

And, as in duty bound, your memorialists will ever pray.

GEORGE M. CANNON,
President of the Senate.
PRESLEY DENNY,
Speaker of the House.

Approved March 21, 1896.

HEBER M. WELLS,
Governor.

Mr. PALMER presented a petition of 419 citizens of Illinois, praying for a revised preamble of the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. KYLE presented the petition of Rev. J. K. Freeland and sundry other citizens of Wessington Springs, S. Dak., the petition of sundry citizens of Aberdeen, S. Dak., and the petition of 45 citizens of Huron, S. Dak., praying for the adoption of the proposed religious amendment to the Constitution of the United States recognizing the Deity; which were referred to the Committee on the Judiciary.

He also presented a memorial of the State corresponding secretary of the Woman's Christian Temperance Union of Woonsocket, S. Dak., remonstrating against the establishment of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented the petition of Miss Frances E. Willard and sundry other members of the White Ribbon Society of the United States, praying for the appointment of an international board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. BAKER presented a petition of sundry citizens of Oberlin, Kans.; a petition of 130 citizens of Olathe, Kans., and a petition of sundry citizens of Hill City, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States, acknowledging Almighty God as the source of all power and authority in civil government; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented the memorial of F. H. Smith and 7 other citizens of Waterbury, Vt., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of 148 citizens of Vermont, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of the Ministers' Alliance of Denver, Colo.; a petition of sundry citizens of Lajunta, Colo., and a petition of sundry citizens of Denver, Colo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented the petitions of Mrs. Jennie M. McClurkin and 24 other citizens of Fairgrove, Mich.; a petition of 157 citizens of northern Indiana and southern Michigan; the petition of Thomas Shepherd and 120 other citizens of Martin, Mich.; the petition of Rev. O. N. Hunt and 38 other citizens of Edwardsburg, Mich.; the petition of Rev. J. McCracken and 58 other citizens of Birmingham, Mich., and the petition of Rev. Luther McCampbell and 57 other residents of "Scotch Settlement," near Almont, Mich., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PEFFER presented the petitions of Rev. Samuel Ward and 78 other citizens of Emporia, Kans.; of Rev. C. A. Hendershoot and 57 other citizens of Kingman, Kans.; of Rev. H. B. Spears and 74 other citizens of Springhill, Kans.; of Rev. Joseph Kohout and 35 other citizens of Cuba, Kans.; of Rev. Orin A. Chapman and 28 other citizens of Ransom, Kans.; of J. W. Quay and 87 other citizens of Kingman, Kans.; of Smith Curry and 53 other citizens of Winchester, Kans.; of H. A. Pasley and 62 other citizens of Jackson County, Kans.; of C. S. Freark and 111 other citizens of Rosedale, Kans.; of James T. McCaslin and 49 other citizens of Hoyt, Kans.; of A. M. Mitchell and 88 other citizens of Dunavant, Kans.; of C. N. McKee and 20 other citizens of Lane County, Kans., and of Charles Moline and 50 other citizens of Oklahoma and Kansas, praying for the adoption of an amendment to the preamble of the Constitution of the United States, "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil affairs"; which were referred to the Committee on the Judiciary.

Mr. PEFFER. I have here a matter that I wish to call the attention of the Committee on Finance to. All the petitions—and I will state who they are from in a moment—pray for the enactment of Senate bill 239, which is a bill to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors in the several States.

First, I present the petition of A. H. Vance and 393 other citizens of Topeka, Kans., including the governor of the State and other State officers, the county officers, prominent citizens of the place, professional men, business men, and all classes of the people.

Second, from the officers of the State Temperance Union, which recently held a session. Then I present petitions of a number of ministers. Here are the petitions of Rev. M. E. Goddard and 55 others, of Lowman Hill; Mrs. Rev. L. Blakesley and 57 others; Rev. M. F. McKirchehan and 42 others; William Frederick and 35 others; Rev. Harry J. Bodley and 22 others; Rev. Edward R. Smith and 24 others, and a mass meeting of 200 persons of Kincaid.

Then I have a number of petitions from preachers and others who have taken a vote upon the subject. They present their petitions in the form of a vote of their congregations. Here are the petitions of Rev. F. Durham and 21 others, of Girard; of Thomas J. Thompson and 41 others, of Girard; of Rev. D. C. Smith and 48 others, of Axtell; of Rev. H. W. Chaffee and 192 others, of Girard; of S. E. Pendleton and 90 others, of Doniphan County; of Rev. W. E. Jenkins and 47 others, of Cuba; of L. R. Elliott and 238 others, of Manhattan; of J. F. Briggs and 24 others; of Mrs. Mary Mullins and 67 others; of Rev. O. L. Utter, of Axtell; of Rev. Edith Hill, of Pittsburg; of Rev. P. B. Knepp, of Neosho Falls; of Rev. R. P. Hammons, of Baldwin; of J. C. Bernhard, of Beattie; of Rev. J. I. Hughes, of McCune; of Rev. Edward Gill, of Manhattan; of Rev. J. J. Caldwell, of Virgil; of Rev. M. F. King, of Iola; of J. M. Milligan, of Clay Center; of Rev. John Endacott, of Leavenworth; of Rev. James Boicourt, of Glenwood; of Rev. Fred. S. Allman, of Okelo; of Rev. Thomas Field, of Stanley, and of George D. Mitchell, of Ottawa.

I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. GEAR presented the petition of W. T. Dick and 46 other citizens of Bonaparte, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States recognizing the supreme authority of Almighty God in civil affairs; which was referred to the Committee on the Judiciary.

Mr. NELSON presented the petition of John Spallin and sundry other citizens of Glenwood, Minn., and the petition of Mrs. Phebe B. Elsey and 98 other citizens of Glenwood, Minn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented the memorial of A. T. Hoffman and sundry other citizens of Minnesota, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the memorials of Robert Anderson and 61 other citizens of Bath, Minn.; of S. C. McClellan and sundry other citizens of Minnesota; of Mrs. P. D. Getty and sundry other citizens of Minnesota; of Lysander Cook and sundry other citizens of Good Thunder, Minn.; of W. L. Nesbett and sundry other citizens of Minnesota, and of H. J. McReady and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Business Men's Association of Duluth, Minn., and resolutions adopted at a meeting of the Board of Trade, the Business Men's Union, the Chamber of Commerce, and the Jobbers' Union, of the city of Duluth, Minn.,

relative to the reorganization of the affairs of the Union Pacific Railroad Company; which were referred to the Committee on Pacific Railroads.

He also presented a petition of the Minnesota Commandery of the Military Order of the Loyal Legion of the United States, praying for the establishment of a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

Mr. BRICE presented the petition of Allen Cowan and sundry other citizens of Morgan County, the petition of A. J. McCall and sundry other citizens of Morganville, and a petition of sundry citizens of East Liverpool, all in the State of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition, in the form of resolutions adopted by the faculty and students of Mount Union College, Alliance, Ohio, praying for the establishment of a permanent court of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Fultonham, Ohio, ex-officers and ex-soldiers of the war for the Union, for the enactment of a service-pension law; which was ordered to lie on the table.

Mr. MARTIN presented a petition of sundry citizens of Charlottesville, Va., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. CULLOM. I present a large number of petitions from citizens of Randolph, St. Clair, and Washington counties, all in the State of Illinois, praying for an amendment to the Constitution of the United States so as to recognize Almighty God as the source of all power and authority in civil government. These petitions are all of the same nature, and I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALTHALL presented the petition of J. W. Moffatt and 27 other citizens of Marshall County, Miss., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. CALL presented a petition of sundry citizens of Florida, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BROWN. I present resolutions adopted by the Utah Society, Sons of the American Revolution, approving the efforts of the United States Government to secure the rights of belligerents to the revolutionary party in Cuba. I move that the resolutions lie on the table and be printed in the RECORD.

The resolutions were ordered to lie on the table, and to be printed in the RECORD, as follows:

Resolutions passed by the Utah Society, Sons of the American Revolution.

Whereas we, as descendants of the men and women who submitted to every hardship and sacrifice in order to secure for themselves and their children civil independence and self-government, have noted with pleasure that many patriotic societies have extended sympathy to the patriotic party in Cuba, whom we believe to be now engaged in a desperate but honorable struggle to wrest from the Spanish Government those same rights which our ancestors deemed so precious; and

Whereas we believe that the Government of the United States, born out of the necessities of a similar struggle, and now become the greatest and most powerful exponent of government by the people, owes to the cause of civil liberty everywhere its ready sympathy and the utmost recognition and aid which is consistent with the demands of justice as between nation and nation: Therefore,

Be it resolved, That we do hereby express our earnest sympathy with the patriots of Cuba, and extend to them our sincere best wishes; and

Resolved, That we will give to the cause of Cuban independence all the aid and comfort consistent with our duty as law-abiding citizens of the United States; and

Resolved, That we heartily approve the efforts of the United States Government to secure the rights of belligerents to the revolutionary party in Cuba; and that we earnestly hope that our authorities at Washington may find it possible to extend to them other and more effective assistance, to the end that civil liberty and self-government may be speedily established in Cuba.

Resolved, That a copy of these resolutions be sent to the secretary of each State society of the Sons of the American Revolution and to the Senators and Representative of the State of Utah, at Washington.

Adopted February 22, 1896.

NAT M. BRIGHAM, *President*.
EDWARD H. SCOTT, *Secretary*.

Mr. PLATT presented the petition of R. L. Warnock and 132 other citizens of Thompsonville, Conn., praying for the adoption of the proposed religious amendment to the Constitution of the United States recognizing Almighty God as the source of all civil authority, etc.; which was referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of the Congregational Club of Crete, Nebr., praying for the recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition, in the form of resolutions adopted by the Northeastern Nebraska Press Association at its semiannual meeting held at Randolph, Nebr., and a petition, in the form of resolutions adopted by the city council of Omaha, Nebr., March 3, 1896, praying for the enactment of legislation giving national recognition to the proposed transmississippi and international exposition to be held at Omaha, Nebr., in 1898; which were ordered to lie on the table.

He also presented the petition of Rev. L. Proudfit, pastor, and 51 other members of the United Presbyterian Church of Dunbar; a petition of 65 citizens of Mount Clare; a petition of sundry citizens of Adams, and a petition of 97 citizens of Nelson, all in the State of Nebraska, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 559) for the relief of Bvt. Col. Thomas P. O'Reilly, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2262) to provide for the further distribution of reports of the Supreme Court and of the circuit courts of appeals, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1944) to provide for the further distribution of reports of the Supreme Court, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2034) to provide for the distribution of the official edition of the United States circuit courts of appeals reports, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 319) for the relief of telegraph operators during the war of the rebellion, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 589) for the relief of C. B. Bryan & Co., reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Public Lands, to whom was referred the bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., ten years within which to make a final homestead entry upon certain land, reported it with amendments.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 26th ultimo, intended to be proposed to the Indian appropriation bill, the amendment proposing an appropriation for the support and civilization of the Ponca Indians, etc., reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations with the accompanying report; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 27th ultimo, concerning the Indian school at Genoa, Nebr., intended to be proposed to the Indian appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo., reported it with amendments.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2039) to authorize the private use of water power of the Coosa River, in the State of Alabama, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1994) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian

Territory, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLATT. From the same committee I report favorably an amendment submitted by myself on the 27th ultimo, in relation to payments to freedmen, Shawnee citizens and Delaware citizens of the Cherokee Nation, intended to be proposed to the Indian appropriation bill, with various documents attending it, which I ask may be referred to the Committee on Appropriations. The documents need not be printed; the amendment is already printed.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Indian Reservation, in the State of Oregon, reported it without amendment.

Mr. SHOUP, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH (for Mr. GALLINGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2408) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890;

A bill (S. 2407) to supplement the act of June 27, 1890, as to pensions;

A bill (S. 2406) concerning the weight of evidence in pension claims; and

A bill (S. 2405) empowering fourth-class postmasters to administer oaths to pensioners.

Mr. HANSBROUGH (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 1880) to increase the pension of Thomas J. Haughey, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the Library, to whom was referred the bill (S. 1609) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter Day Saints, reported it with an amendment.

TOWBOAT ASSOCIATION OF NEW ORLEANS.

Mr. CAFFERY. On Thursday last the Senate passed the bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La. The bill is still in the possession of the Senate and I wish to correct a clerical error. The error consists in referring the claim to the Court of Claims under the provisions of the Bowman Act instead of under the provisions of the Tucker Act. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate and open to amendment.

Mr. CAFFERY. In line 6 of the bill I move to strike out "three" after "eighty," and insert "seven"; so as to read: "the act of March 3, 1887."

The amendment was agreed to.

Mr. CAFFERY. In the same line, after the word "to," I move to strike out "afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and to insert "provide for bringing suits against the United States."

Mr. HOAR. What is the proposition? To bring suits against the Government of the United States? It ought not to go through without the Senate understanding it. I think I am justified in saying that there is no member of this body who knows what that means except the Senator who has offered the amendment.

Mr. CAFFERY. I will state to the Senator from Massachusetts that the Committee on Claims authorized me to report this bill to the Senate favorably, referring the claim of the Towboat Association of New Orleans to the Court of Claims under the Tucker Act. By a clerical error the bill was reported favorably, referring it to the Court of Claims under the Bowman Act. The amendment is to change the reference under the Bowman Act to a reference under the Tucker Act. The bill passed the Senate with this clerical error, and I simply move to correct the error in the body of the bill.

Mr. HOAR. Very well.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the receivers of the Towboat Association of New Orleans, La., providing for the bringing of suits against the Government of the United States."

OFFENSES ON THE HIGH SEAS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1871) to provide for the punishment of offenses on the high seas, to report it favorably without amendment.

Mr. FRYE. That is an important bill, and it ought to be acted upon promptly. It has been reported twice in the Senate and in the other House unanimously by the Judiciary Committees; it has passed both Houses; it went to the President, and it was recalled on account of a clerical error, but recalled too late to be enacted into law in the last Congress. I ask unanimous consent that it be now acted upon.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. MITCHELL of Oregon. I make no objection to the present consideration of this bill, but I desire to state that hereafter until further notice I shall object to the present consideration of any bill reported from a committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MILLS. I desire to ask the Senator from Maine what is the meaning of the words used in the bill as to vessels "owned in whole or in part" by the United States. Does the United States own vessels in copartnership with anyone else?

Mr. FRYE. No; it does not.

Mr. MILLS. I do not understand that expression in the bill.

Mr. FRYE. I did not notice what the expression is. The Senator from Massachusetts reported the bill from the Judiciary Committee.

Mr. HOAR. If the Senator from Texas will allow me, I will read the phrase, and I think the reading will satisfy the Senator from Texas. It reads, "on board any vessel belonging in whole or in part to the United States or any citizen thereof." Of course the words "in part" would be applicable only to the last clause—to vessels belonging in part to citizens.

Mr. MILLS. It seems to me it would be better to say "belonging to the United States or in whole or in part to any citizen thereof." The words there would seem to imply that the United States is owning vessels jointly with some other Government.

Mr. HOAR. I do not think it is open to that construction.

Mr. FRYE. The bill has passed the scrutiny of four Committees on the Judiciary in both Houses.

Mr. MILLS. I make no objection to the bill. I simply called attention to the phraseology because I did not understand it.

Mr. HOAR. It is a bill that has passed both Houses in this shape, and I think it is better to leave it as it is.

Mr. CALL. Mr. President, I shall not object to the passage of this bill, but I wish to state for myself, whether anyone agrees with me or not, that I dissent from the enactment of laws carrying with them imprisonment and fines which deal in general terms without specifying particular acts, but which submit to the discretion of a judge, a single individual, the personal liberty of the citizen. There are various phrases in this bill which submit it entirely to the discretion of a judge as to what shall be the offense—what act is aiding, abetting, encouraging, inciting to an assault, or to violence, or to a breach of the peace, or to any of the offenses enumerated here.

It was not the policy of the law in former times to submit to the discretion of a judge the question of the criminality of a particular act, but to specify it so that every man might have notice before he violated the law that a particular act was a crime. This bill really submits the entire liberty of the citizen to the discretion of the judge. The man may be perfectly innocent and unconscious of committing any violation of the law, and yet he may be adjudged to have aided, abetted, incited, or encouraged the act. It is a dangerous practice, because the judicial power is most despotic and absolute, and most dangerous to the liberties of the citizen.

Mr. HOAR. If this bill were liable to the criticism which the Senator from Florida has made I trust no member of the Senate would vote for it. But I think the Senator in hearing the bill read misapprehended its terms.

Under the existing law the crews of vessels plying to and from ports in the United States or to ports in the United States from any other country, owned in whole or in part here, are liable for the offenses described in the bill, which are mutiny, disobedience to lawful commands, assaults, and other breaches of the peace. There is an existing statute of the United States which covers all that, but there is no provision of law punishing passengers who do the same thing or who aid or incite the crew to do the same thing. The consequence is that, especially on the eastern coast, where excursion parties, parties of sporting characters, sometimes persons of dissipated character, go on little excursions along the coast, from Nova Scotia or New Brunswick or the islands of the British provinces to Maine or Massachusetts or New York, there is no law by which any disorderly passenger can be punished. The intent of the proposed statute is to extend to the passengers the existing law which applies to a crew. It does not, as the Senator from Florida supposes, leave to the judge to determine what the offense is. It describes the offense in the ordinary common-law phrase which describes accomplices—that is, persons who aid, abet, or incite the action.

Mr. MITCHELL of Oregon. It uses the precise words that are used in the present law as to persons who are members of the crew.

Mr. HOAR. Yes; it uses the precise words used in the old law, as the Senator from Oregon suggests, applicable to persons who are members of the crew. If this were a common-law offense, everybody who aids and abets a misdemeanor is a principal. There is no question of principal and accessory in common-law offenses of this class, and persons who did what this proposed act describes would be punishable, as of course, as principals. But there is not any United States common law, and there is not any offense of this kind at common law, if there were. So this proposed statute merely says that a person who would be a principal offender in one of these misdemeanors, if it were a common-law misdemeanor, committing it on the high seas, shall be punishable as the principal now is punishable, and it does it by extending the old law to this description of persons.

I can not myself conceive of any legislation which could more carefully limit the discretion of the court and describe more carefully and perfectly and exactly a crime beforehand than this proposed statute does. The penalty, as was suggested in the committee in its consideration, is possibly a little severe, but there is no minimum penalty in the act at all. So if it is a trifling affray a man may be fined a dollar or 50 cents, in the discretion of the judge. But that is true in regard to all assaults. You can not make a legal definition which will distinguish accurately between every degree of assault and battery or breach of the peace, from the man who touches the cheek of another in hostility or by way of insult to the man who commits an assault which brings the victim to the point of death. That must be left to the discretion of the court in the matter of punishment, as in cases of all assaults the discretion exists with the judge. I think if my friend will read the bill, he will see that it is not liable to his objection, he having heard it read hastily at the desk.

Mr. CALL. I do not wish to prolong the discussion, but I would ask the Senator, whose opinion is very valuable on this subject, what is "inciting a person to an assault?" What is the limitation upon it? What is "encouraging a person to assault?" A multitude of circumstances or facts may be included in those phrases.

Mr. HOAR. It is the same thing which has prevailed from time whereof the memory of man runneth not to the contrary. Inciting or encouraging murder makes a man an accomplice before the fact. That is the legal definition under which, from time as old as the common law itself, men who are accomplices before the fact in murders have been punished capitally. It is the old common-law phrase.

Mr. CALL. Accomplices before the fact and principals are not in question here. The question is, whether the discretion of a judge—perhaps an unlearned one, perhaps an arbitrary one—may not improperly construe the phrase "conspiring or encouraging." If I remember aright, all of the commentators upon the common law, the law of England, charge and caution against the use of vague and indefinite terms in criminal acts.

I wish to say that there is in the western portion of this country, in the State of California, three men who have been confined for eighteen months upon the opinion and judgment of a single judge for alleged contempt of court for which, so far as my opinion is concerned, there was no sufficient justification.

Mr. WHITE. Will the Senator from Florida permit me to correct him?

Mr. CALL. Certainly.

Mr. WHITE. The three parties to whom the Senator alludes are imprisoned on the verdict of a jury.

Mr. CALL. I am not informed: it may be so.

Mr. WHITE. If the Senator will consult the decision of the Supreme Court of the United States, recently rendered, he will there find that statement of fact, which I myself now make from personal knowledge.

Mr. CALL. Very well. That, however, does not concern the point to which I was referring. I had not that impression. But however that may be, the thought I had in my mind was in relation to "conspiracy," to crimes which rest on acts undefined in the law creating the offense, but which the judge may construe and as to which he must charge a jury. These words conspiracy, encourage, incite, aid, abet, and contempts, are all of this character—uncertain and resting in the breast of the judge.

Mr. HALE. If the pending matter gives rise to further debate I must object.

Mr. FRYE. I should not have asked for unanimous consent for the consideration of the bill, if I had dreamed of debate. I hope the Senator will let the bill pass now.

Mr. CALL. Very well.

Mr. HALE. Otherwise I must object.

The VICE-PRESIDENT. Does the Chair understand the Senator from Maine to object to the consideration of the bill at this time?

Mr. HALE. With the understanding that it will not give rise to further debate, I will not object. There are other matters pressing. If, however, the bill gives rise to further debate, I must insist that it go over.

Mr. FRYE. The Senator from Florida has withdrawn further opposition.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1871) to provide for the punishment of offenses on the high seas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARIZONA SCHOOL LANDS.

Mr. DUBOIS. I am unanimously directed by the Committee on Public Lands to report the bill which I send to the desk. I will not ask at this time unanimous consent for its consideration, but will do so at an early day. It is a bill meeting the objections of the President of the United States and citizens of Arizona to a bill recently passed, which was vetoed by the President. I shall, on an early occasion, ask for its consideration.

The bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona was read twice by its title.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2420) to regulate the pay of noncommissioned officers in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2421) granting a pension to Helen Booth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2422) for the relief of Jasper B. Mann; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2423) for the relief of Elias M. Gibbs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN (by request) introduced a bill (S. 2424) to provide for the appointment of five police magistrates for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2425) to authorize purchase of lot for dispensary and hospital in District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians," approved July 26, 1892; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DAVIS introduced a bill (S. 2427) granting a pension to Martha A. McWhorter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2428) granting an increase of pension to Jacob P. Fletcher;

A bill (S. 2429) granting a pension to Charles R. Collins;
A bill (S. 2430) granting a pension to James W. Whitney;
A bill (S. 2431) granting a pension to James Craven;
A bill (S. 2432) granting an increase of pension to Augustus Eckhartt;
A bill (S. 2433) granting a pension to William F. Gowdy;
A bill (S. 2434) granting a pension to Simon D. Kohl;
A bill (S. 2435) granting a pension to Adam Kemper;
A bill (S. 2436) granting a pension to Henry H. Richards;
A bill (S. 2437) granting an increase of pension to Ambrare Megrue;
A bill (S. 2438) granting an increase of pension to Ellen Brown;
A bill (S. 2439) granting a pension to Jackson Lucus;
A bill (S. 2440) granting an increase of pension to George West;
A bill (S. 2441) granting a pension to George D. Noble; and
A bill (S. 2442) granting a pension to Daniel Cressman.

Mr. HOAR introduced a bill (S. 2443) to correct the military record of Daniel Coonan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 2444) to provide for completing the system of sewage disposal and protection against floods in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of $30 per month; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2446) to restrain and regulate the sale of vinous and spirituous, malt, or brewed liquors, or any admixture thereof, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. FRYE introduced a bill (S. 2447) to establish the department of commerce and manufactures; which was read twice by its title.

Mr. FRYE. The bill was recommended unanimously by the National Board of Trade, lately in session in Washington. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. TELLER introduced a bill (S. 2448) for the relief of the legal representatives of Mrs. A. Shirley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2449) granting an increase of pension to William Wells; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2450) granting a pension to John C. Fitnam; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2451) granting a pension to Jacob D. Walter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2452) for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PUGH introduced a bill (S. 2453) granting two townships of land to State normal colleges at Florence and Troy, Ala.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 2454) restoring the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapaykoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2455) granting to the incorporated town of Valentine, in the county of Cherry and State of Nebraska, certain lands, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 2456) granting a pension to Oliver P. Gooding; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 2457) granting a pension to E. Bierer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2458) granting a pension to Thomas B. Roark; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2459) for the relief of Lieut. William P. Hogarty, United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 2460) increasing the rate of pension of certain disabled veterans of the United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a joint resolution (S. R. 93) authorizing the wearing of the distinctive badge adopted by the Sons of Veterans, United States of America, upon all occasions of ceremony; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL (by request) introduced a joint resolution (S. R. 94) to provide for the purchase of the painting by J. Walker, representing the capture of the City of Mexico, September 13, 1847; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. MANTLE submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the claim S. 2304, granting a pension to Daniel Coonan, referred to the Committee on Pensions, be, and the same are hereby, withdrawn, and the said papers be referred to the Committee on Military Affairs.

CONSIDERATION OF CUBAN RESOLUTION.

Mr. HOAR submitted the following resolution; which was ordered to lie over and be printed:

Resolved, That the consideration of the report of the conference committee on the Senate concurrent resolution 19, relating to Cuba, be postponed until Monday, April 6, and that the Committee on Foreign Relations be directed before that time to report to the Senate the facts which, in their opinion, justify the passage of said resolution, together with the evidence thereof.

AFFAIRS IN CUBA.

Mr. HOAR. I offer a resolution, to which I hope there will be no objection. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested, so far as in his opinion may be compatible with the public interest, to communicate to the Senate all facts which may be in his possession relating to the existing conflict in the Island of Cuba, and especially such as affect the interests and duty of the United States in the premises.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. Let it go over.

Mr. HOAR. It is merely a resolution asking for information.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the question is on agreeing to the resolution.

The resolution was agreed to.

WASHINGTON GAS LIGHT COMPANY.

Mr. CALL. I ask leave to present a resolution, by request, relating to the Washington Gas Light Company, which I ask may be printed and go over under the rule.

The resolution was read and ordered to be printed and lie over, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement under oath showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also a statement of the money received from consumers of gas; also how much money received from other sources; each to be given separately; also the disbursements of money, and for what purpose; also the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere.

PACIFIC RAILROADS.

Mr. MORGAN. I offer a resolution of instructions to the Committee on Pacific Railroads, which I ask may be printed and lie on the table. At a future day I shall call it up and submit some remarks upon it.

The resolution was read, and ordered to be printed and lie on the table, as follows:

Resolved by the Senate, That the Committee on Pacific Railroads, to whom Senate bill No. 1131 was heretofore referred, are instructed to report the same to the Senate, with such amendments, if any, as they choose to offer thereto to carry out in better form or to accomplish more effectually the purposes thereof. Said bill is as follows:

"A bill relating to the jurisdiction of the court of appeals of the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the court of appeals of the District of Columbia is hereby given jurisdiction over any and all suits that may be brought by the United States to enforce or obtain other relief upon any lien or liens on any railway or railways or on any property belonging to one or more railway corporations, wherever such property may be situated.

"SEC. 2. That separate liens upon different railways or railway properties may be enforced by the United States in the same suit when such railways constitute or were intended to constitute together a through line, or are part of or connected with a through line or general system of railways. The court shall have power to make such orders concerning the sale of said property as may be just and proper for the protection of the interests of all parties concerned.

"SEC. 3. That said court shall have power to issue process, mesne and final, which shall run into any district and be served as other like process by the marshal of such district, and to enter all proper orders, decrees, and mandates, including orders, decrees, and mandates for the payment to the United States of any deficiency arising upon a sale under such lien.

"SEC. 4. That holders of liens on any such railways or property may be made parties to such suit, or may intervene if not made parties, and said court may order any and all proceedings by any party or parties in other courts having jurisdiction of part only of the property involved to be discontinued or stayed until the termination of such suit by the United States."

And said committee is further instructed to report, in connection with said bill, an original bill, or amendments to the foregoing bill, which will embody substantially the following provisions:

First. A provision for refunding the outstanding bonds, held by bona fide owners who are not indebted to the United States on legal or equitable demands, that have been heretofore issued by the United States to the Union Pacific Railroad Company or any of the branch railroads of said company, or to the Central Pacific Railroad Company or any of its branch railroads. And also for refunding the first-mortgage bonds, held and owned in like manner, that are a first lien upon the railroads or the said branches thereof, and upon any other property of either of said railroad companies.

Second. That said bonds shall be refunded in the bonds of the United States to mature after thirty years, at the option of the Government, and subject, at any time after ten years, to be called in and paid by the United States; and to bear interest, payable quarterly by the United States, at a rate not exceeding 3 per cent per annum.

Third. That the bonds so refunded shall be taken up and held in the Treasury of the United States and shall be registered as the same are so substituted by bonds issued under this act; the said bonds to be exchanged, dollar for dollar of their face value, not to include interest thereon that may have accrued.

Fourth. The bonds so taken up to remain secured by and attended with all the liens and priorities by which their payment, or the payment of the interest thereon, are now secured, and by all other liens that may be created by law to secure the same, as statutory liens and priorities in favor of the United States; to all of which liens now existing the United States shall be fully substituted as each of said bonds is exchanged for bonds issued under this act.

Fifth. A sinking fund will be provided for the payment of the principal of the bonds issued under this act, at the rate of 6 per cent per annum thereon, payable quarterly, to be paid into the Treasury of the United States and invested and reinvested in good interest-bearing securities. The sinking fund to be raised from the income of said companies, respectively, over and above the actual current expenses of operating their respective railroads, the interest on bonds issued under this act, and the sums paid quarterly or annually to salaried officers, which current expenses shall also include all necessary outlay for repairs of the railroads and their appurtenances and for the purchase or repair of rolling stock; but shall not include the payment of any unsecured debt or damages claimed against either of said railroad companies, except such as are owing to the United States.

Sixth. If the interest on the bonds issued under this act is not paid out of the income of said railroads or other sources of revenue derived from the assets of either of said railroad companies, as the same falls due, it shall be paid out of any money in the Treasury not otherwise appropriated.

Seventh. The treasurer of each of said companies shall file in the Treasury Department of the United States within the first five days of each quarter of the fiscal year after the first quarter a sworn statement of the amount of money in his custody that is applicable to the sinking fund and to the interest payable on bonds issued under this act for the preceding quarter, and shall pay the same into the Treasury of the United States, and the interest on said bonds for such preceding quarter shall be payable on the 10th day of each quarter.

Eighth. And to provide further, directing that the Secretary of the Treasury, in accordance with section 5 of the act approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," shall take possession of the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description in possession of the Union Pacific Railroad Company and also of the Central Pacific Railroad Company, belonging to or being a part of each of the railroads, and equipments of every sort, that were built under the provisions of said act of Congress, or any amendment thereof, together with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to and belonging to either of said railroad companies that have not been conveyed to bona fide purchasers, which possession, so taken by the Secretary of the Treasury, shall be for the use and benefit of the United States. And, until Congress shall otherwise direct, the said property of every kind and description, whether in action or possession, shall be held and controlled as the property of the United States, to be administered, as is provided in this act, in conformity with the general uses and purposes for which said railroad companies were instituted, and under the laws regulating and controlling said companies, respectively, as the same are amended in this act, or may be hereafter amended.

Ninth. Amend the acts under which said railroad companies were chartered and organized, and all acts amendatory thereof, if necessary, so as to create for said railroad companies a board of directors to control and manage both of said companies, who shall supersede the existing boards of directors in each of said railroad companies, and shall be substituted for each of said boards of directors, in the full direction and control thereof, in the exercise of all the powers heretofore conferred upon such directors, not inconsistent with this act.

Tenth. Said board of directors shall consist of nine citizens of the United States, to be appointed by the President, by and with the advice and consent of the Senate. They shall be competent business men, four of whom shall reside in States lying east of the Mississippi River, and four of them in States or Territories west of that river, the President of the United States to designate and commission one of said appointees as president of said board of directors, and he may be appointed from, or reside in, any part of the United States.

Eleventh. The members of such board of trustees shall each hold his office for the period of four years, except as is hereinafter stated, and shall be subject to removal by the President of the United States, and no person shall be qualified to fill said office who is now an officer, director, employee, or stockholder in either of said railroad companies, or a member of Congress, or an officer of the Government of the United States, or who is an officer, employee, or stockholder in any other railroad company or transportation company by land or water, or in any telegraph or telephone company, or in any telegraphic cable company. In the first appointment four of said directors and the president of the board shall be appointed for two years, and their successors shall be appointed for the term of four years.

Twelfth. The President, by and with the advice and consent of the Senate, shall appoint a general treasurer for each of said companies, who shall be a citizen of the United States, a competent accountant and business man, one of whom shall have his office at San Francisco, Cal., and the other at Omaha, Nebr. They shall each give bonds conditioned and payable in such amount as the Secretary of the Treasury shall prescribe, such as other accounting officers of the United States are required to give, and they shall each be under the direction of the board of directors, within the powers conferred by this act upon said board, as to all money, or rights, credits, or other assets of the company for which each of them is appointed, as such general treasurer: *Provided, however*, That as to any money that either of said general treasurers shall be liable to account for or to pay to the United States under this act, they shall discharge their duties in that behalf under such rules and regulations as the Secretary of the Treasury shall prescribe.

Thirteenth. The general direction and the control of both said railroad companies and of all the property thereof is confided to the board of directors instituted under this act, who shall manage the same as one through line of transportation, including all the branch roads belonging to either company, between the eastern and western termini of said railroads. And for this purpose said board of directors shall have power, subject to law, to fix and regulate the rates of freight and passage on any part of said lines of railroad and to appertion the income, as between said companies, according to justice, when such income is derived from freight or passengers transported from one of said railroads over any part of the line of the other. The board of directors shall adjust all claims for loss and damages and concerning current expenses and the use of rolling stock as between said companies.

Fourteenth. The branch lines that belong to each of said railroad companies, or in which either of them holds the majority of the stock thereof or has the right of control at the date of this act, are to be subject to the authority of the board of directors constituted by this act as to all rates of freight they shall prescribe, and they shall receive such pro rata allotment of the income from such sources as said board of directors shall adjudge to be just.

Fifteenth. The lands granted to each of said railroad companies and remaining unsold, and all lands acquired by either of said companies and held by them under legal title or any equitable right, either of property or possession, not needed or used for the use, convenience, or advantage thereof, shall be set apart and the proceeds thereof when sold or leased shall constitute a fund to be applied to the betterment of the said railroads, or to the building of such other lines or branches as Congress shall authorize to be constructed to connect with the main lines of the said railroads.

Sixteenth. No dividends shall be paid to the holder or owner of any stock in either of said companies until such stockholder shall register such stock in books kept for that purpose and shall sign an agreement, to be set forth in such book, that the excess of such stock above the percentage that it bears to the value of all the property belonging to such company, and to the whole sum of the stock issued by such company, is surrendered. The entire property less the unsecured indebtedness of each of said railroad companies shall be valued by the board of directors, by the 1st day of December, 1896, and shall be compared with the amount of stock issued and outstanding by said companies, respectively. And the whole amount of stock in each of said railroad companies shall be reduced to correspond with the whole value of its property, of every kind and condition, so ascertained and determined. When certificates of stock heretofore issued are surrendered, new stock shall be issued for the amount to which the holder is entitled under this act, and no other stock shall be recognized as being valid for any purpose.

Seventeenth. The offices of president, vice-president, and treasurer, as they now exist in each of said companies, are suspended as to the present incumbents and as to all their functions, and the president of the board of directors and the general treasurers, as provided in this act, shall exercise respectively such duties as appropriately belong by law, or by the by-laws of said companies, to the present presidents or vice-presidents or treasurers of said companies. And the board of directors are empowered to alter said by-laws. All other officers and employees of each of said companies appointed by authority of said corporations, respectively, are continued in office and employment until they are removed by authority derived from this act; and the president of the board of directors is empowered to remove any officer or employee in the service of either of said companies except the directors and general treasurers.

Eighteenth. All books, papers, documents, and letters belonging to the business or direction of each of said railroad companies, and all contracts or deeds relating thereto, and all money, rights, credits, notes, drafts, exchange, or other assets of either of said railroad companies, in the custody of or under control of any person holding possession thereof as a bailee of either of said companies or in any fiduciary capacity, shall be turned over to the president of the board of directors or to the general treasurer of the company to which the same belong. Any person who shall willfully refuse so to deliver such property on demand shall be guilty of a misdemeanor, and on conviction thereof in any court of the United States having jurisdiction of like offenses shall be fined in a sum not less than $500 and shall be imprisoned for not less than thirty days for each offense. And if any such person who has in his or her keeping, as the agent or officer of either of said companies, any book, record, paper, letter, or document, filed or kept as belonging to said company, shall willfully and corruptly alter, deface, or destroy the same, he shall suffer such punishment as is provided by law for those who alter or deface or destroy books, papers, records, letters, or documents on file or belonging to any bureau of the Treasury Department of the United States.

Nineteenth. The board of directors appointed under this act shall have all the powers conferred upon the directors of either of said companies under any laws or acts of Congress that now apply to either of said railroad companies or shall hereafter apply to them, but they shall preserve the corporate rights and property of each of said companies and the income and all expenditures for account of each company distinct from the other. They shall have separate headquarters and separate books of accounting, and separate reports shall be made for each company.

Twentieth. The Government of the United States preserves the charters and all the rights and powers of the Union Pacific Railroad Company and the Central Pacific Railroad Company, except as the same are repealed, altered, or amended by this amendatory act; and nothing herein contained shall be so construed as to affect any right of any person or corporation which is not divested lawfully by its provisions, or to affect any jurisdiction of any court as to suits or actions by either of said companies, or against either of them, except in cases where the United States are a necessary party to the suit or proceeding, or would be a proper party if the Government should choose to become a party therein. In the cases so excepted, no court shall have jurisdiction of such matters other than the court of appeals of the District of Columbia, and no receiver for either of said railroad companies shall be appointed or continued in office by any court.

Twenty-first. The United States is not responsible for any debt created or any damages incurred by either the Union Pacific Railroad Company or the Central Pacific Railroad Company heretofore or hereafter not provided for by the issue of bonds under this act; and, as to such debts, the liability of the United States is regulated by the terms and provisions of this act, and is limited to the means and method of payment and security that is herein expressly provided.

Twenty-second. No stockholder in either of said railroad companies shall

receive any dividend on his stock until the debts of such company the payment of which is not secured by this act shall have been paid, nor shall such stockholder receive any dividend on his stock in either of said companies until the interest is paid which falls due, as provided in this act, upon all bonds for which the United States or the company that issued such stock is liable, and until the sinking fund is fully paid for the fiscal year in which or for which such dividend is declared.

Twenty-third. The Government of the United States hereby declares that it stands seized and possessed in its own right of all the property to which this act relates, the control and administration of which is provided for in this act and in the laws which are herein amended; that it holds said property as a means and instrumentality of National Government and of interstate and international commerce; that it is necessary, in the present condition of said property, and for the execution of the original purposes of the grants of property, credits, and powers to the Union Pacific Railroad Company and the Central Pacific Railroad Company, these said companies should be hereafter consolidated and conducted as a through line from the eastern terminus of the Union Pacific Railroad to the Pacific Ocean, and in such manner as Congress shall hereafter provide; that it is necessary for the accomplishment of these purposes of Government and for the welfare of the people that the authority of the United States over said through line of railway should be maintained as it has heretofore existed and is enlarged and confirmed by this amendatory act; that the Government will preserve, as far as is consistent with justice and the general welfare, this property for the payment of all lawful demands of the creditors of either of the said railroad companies, and when the same is freed from debt, will admit the owners of stock in each company, upon their compliance with this act, to share according to the just value of said property and in proportion to the stock held by each shareholder, after the same has been adjusted in the manner provided in this act; and that when the said companies are consolidated equal justice shall be done, as far as may be, to all shareholders in each of them.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the following acts:

An act (S. 103) relating to final proof in timber-culture entries; and

An act (S. 879) to amend an act entitled "An act to grant to the Gainesville, McAlester and St. Louis Railroad Company a right of way through the Indian Territory."

The message also announced that the President of the United States had on the 6th instant approved and signed the following acts:

An act (S. 141) granting a pension to Julia A. Hill; and

An act (S. 259) granting to the Columbia and Red Mountain Railway Company a right of way through the Colville Indian Reservation, in the State of Washington, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM. I ask that the action of the House of Representatives on the Agricultural appropriation bill may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives agreeing to some and disagreeing to other amendments of the Senate to the bill (H. R. 5061) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments disagreed to by the House and agree to the conference asked for.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. QUAY, and Mr. CALL were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company, National Guard of State of New York, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 5633) to incorporate The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 6936) for the reconstruction of Rock Island Bridge was read twice by its title, and referred to the Committee on Commerce.

LEGAL REPRESENTATIVES OF LIEUTENANT FOULKE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was ordered to lie on the table and be printed:

To the Senate:

I transmit herewith, in answer to the resolution of the Senate of the 24th ultimo, a report from the Secretary of State in relation to the claim of the legal representatives of Lieut. George C. Foulke against the Government of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1896.

DISCRIMINATION AGAINST AMERICAN PRODUCTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was ordered to lie on the table and be printed.

To the Senate:

I transmit herewith, in response to the Senate's resolution of February 6, 1896, addressed to the Secretary of State, copies, in translation, of the decrees or orders of the Governments of Germany, France, Belgium, and Denmark, placing restrictions upon the importation of certain American products.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 9, 1896.*

THE REVENUE BILL.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the report of the committee of conference on the concurrent resolution in relation to Cuba.

Mr. COCKRELL. Will the Senator permit me to make an announcement?

Mr. SHERMAN. Certainly; but I would say that the motion to proceed to the consideration of a conference report is always privileged.

Mr. COCKRELL. It is always in order, and I am not objecting to it; but I simply wanted to say to the Senate that it would be exceedingly agreeable to me if I could have the privilege to-morrow, immediately after the disposition of the routine morning business, to address the Senate upon the question of the amendment of the revenue bill.

The VICE-PRESIDENT. The request of the Senator from Missouri will be noted.

WAR IN CUBA.

Mr. SHERMAN. I renew my motion that the Senate proceed to the consideration of the report of the committee of conference on the Cuban concurrent resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, to proceed to the consideration of the conference report indicated by him, which will be read.

The Secretary read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolution of the Senate (Con. Res. 19, part 5), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
Managers on the part of the Senate.

ROBERT R. HITT,
JAMES B. McCREARY,
ROBERT ADAMS, JR.,
Managers on the part of the House.

The motion was agreed to.

The VICE-PRESIDENT. The conference report is before the Senate, and the Senator from Maine [Mr. HALE] is entitled to the floor.

Mr. HALE. Mr. President, I was one of the few Senators who a week ago last Friday voted against the Cuban resolutions then submitted by the Committee on Foreign Relations. I have seen no reason since to regret my action, and I will to-day, or whenever a vote shall be taken, vote against adopting the report of the committee covering the resolutions which are reported by the committee of conference. All of the reasons which at that time seemed to me pressing and conclusive against any such action as was then contemplated and as is contemplated here have grown in strength in my mind since that day.

I did not feel then that upon so important a matter, closely involving relations with a hitherto friendly power, the Senate possessed information to justify a recognition of belligerency against a friendly government and in favor of the insurgents upon the Island of Cuba. I did not believe that the inflammatory appeals that were made to this body by Senators in favor of the proposition, based upon alleged statements of atrocities and horrors on the Island of Cuba, were sufficiently backed up as facts for the Senate to act upon; and that feeling, Mr. President, has become greatly strengthened by events that have occurred and other information which has been brought to light since the day when the resolutions were passed.

I voted "nay" also because the question of the treatment that should be given to insurrection in the Island of Cuba against the Spanish Government is no new subject. President Grant once

alluded to these outbreaks as "periodical," and I well remember that in the Forty-first Congress, in my early service in the other House, in the year 1870, a condition of affairs largely like the present was then brought before Congress, and a deliberate purpose made known and urged to involve this country in possible conflict with the Government of Spain by recognition of belligerency to the then Cuban insurgents.

The matter was before both Houses of Congress. In the House of Representatives it had been considered at length by the Committee on Foreign Affairs of that body, presided over by General Banks, a Representative from the State of Massachusetts, and that committee stood ready to report, and did report, the conclusion which I hold in my hand in a document coming over from that Congress, going almost as far as the resolutions now before the Senate.

Fortunately for the country, fortunately for the interests of peace, there was then in the President's chair a man whose love of liberty and whose patriotism certainly were equal to those possessed by the Senate Committee on Foreign Relations and who knew a great deal more about belligerency and war than they do, or than any of us do—General Grant. On the 13th of June, 1870, General Grant from the Executive office sent to Congress the message which is in the book that I have before me. I shall ask the Secretary to read from it, not the whole text, for I do not want to prolong the debate, and my part in it will mainly be citing certain papers, communications, and documents bearing upon this most important question. It will be interesting to Senators who listen to the utterances of General Grant in 1870 upon the question now before this body, as to recognizing the belligerency of the insurgents in Cuba, to notice how that message sounds as though it had been written for to-day, as though all the considerations that then presented themselves to General Grant were considerations upon a condition of affairs that exist in this year 1896 instead of the year 1870; and the application of law that he makes to the circumstances is just as pertinent, is just as directly in the line of international law upon the subject, as though the message had come in to-day from the President and lay freshly written upon our desks.

Mr. GRAY. May I ask the Senator from Maine what was the action of the House or of the Senate or of both bodies at that time with regard to the resolutions of which the Senator speaks?

Mr. HALE. I proposed to state that as a result of the message. I will say now in answer, before having the message read, that the whole recognition proposition in the presence of the message from the President fell to nothing, came to nothing. The message was so clear and distinct in its statements of the situation and propounded such an unanswerable proposition of law that, subordinated to the utterance of the calm-browed man who sat in the Executive office, all the excitement disappeared, and the resolutions reported to the House of Representatives went for nothing. I ask the Secretary to read from the message the parts I have marked, though the whole document is worth careful consideration. I ask the attention of Senators to this message.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities carried on by small and illy armed bands of men, roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection had not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side a contest has been conducted and is still carried on with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

Mr. HALE. Now, will the Secretary read what is within the next bracket?

The Secretary read as follows:

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping from the island and avoiding the risks of war; congregating in this country at a safe distance from the scene of danger, and endeavoring to make war from our shores, to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency.

It is stated, on what I have reason to regard as good authority, that Cuban bonds have been prepared to a large amount, whose payment is made dependent upon the recognition by the United States of either Cuban belligerency or independence. The object of making their value thus contingent upon the action of this Government is a subject for serious reflection.

Mr. HALE. As I have said, if any dispassionate man were to-day to make a review of present conditions in the Island of Cuba, the flight of the Cubans to this shore, avoiding participation in danger there and seeking to foment and increase the war feeling, no language could be selected that would portray the situation better than that which has been read from the message of General Grant written in 1870.

I shall not take up the time of the Senate by having the entire message read, although there is nothing in it that is not good, sound, practical sense. The message is stamped with the good sense, the patriotism, the discernment characteristic of General Grant, and at last he lays down the proposition touching belligerency that is as clear a guide for us to-day, or ought to be, as it was then for Congress, which accepted it without question, and the subject passed for the time being from the consideration of men in or out of Congress.

I ask the Secretary to read President Grant's conclusion upon the subject of belligerency, on page 801 of the message.

Mr. GRAY. Is that a special message or an annual message?

Mr. HALE. A special message.

Mr. WHITE. What is the date of it?

Mr. HALE. June 13, 1870.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent State and the insurgents must amount, in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc., and to justify a recognition of belligerency there must be above all a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a State among nations capable of discharging the duties of a State, and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried, or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of the legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce, no trade, either internal or foreign, no manufactures.

Mr. HALE. That again is an exact picture of the condition of the insurrection in Cuba to-day. The insurgents have no government except on paper. They have no legislature. It is not pretended that they have. They have no courts to administer justice. That is not claimed. They hold no ports. Their power is seated, as General Grant described it in 1870, in the straggling bands that occupy straggling camps, and to the present day not only has the insurrection not won a battle, but it has hardly fought what deserves the name of battle. It is, as suggested by the Senator from Connecticut [Mr. PLATT], a case of clean, outright guerrilla warfare. I ask Senators who voted for this resolution before, or what is nearly the same resolution, to contrast for a moment the condition of the insurrection in Cuba as entitling it to a recognition of belligerency, with the status of the great rebellion in the South, when European nations in most guarded fashion, and not by offensive resolutions, but simply orders which established neutrality, saw fit in that modified form to accord a kind of belligerency to the Southern Confederacy.

At that time when this was accorded to the Southern Confederacy that Confederacy was in undoubted possession and occupation of more than a million square miles of territory. With three or four exceptions, there was not within its confines or on its coasts a single post held by the Federal Government. Resolutions of secession preliminary to the establishment of the Confederacy had been passed after the test of popular elections and after the deliberate actions of State legislatures. The sentiment which had for a time prevailed for Unionism against secession had apparently been utterly destroyed and the States had set up a new government. They had met together and established a Confederacy with legislative powers in full force, with a department of the army and the navy, with regular officials recognized at the capital, with great armies in the field, and with courts of justice established throughout the whole length and breadth of the Confederacy. Not one detail that I am giving as applying to the Confederacy in the early months of 1861 can be claimed for or is claimed for the insurrection on the Island of Cuba. And yet, notwithstanding that, the European powers hesitated long, and the State Department, presided over by Secretary Seward, implor-

ingly, entreatingly urged upon European powers the injustice of even so limited a recognition as was then proposed, and never ceased, after that limited recognition, to insist, as the volumes of diplomatic correspondence show, upon the rescinding of that recognition.

Mr. MITCHELL of Oregon. Spain did not hesitate.

Mr. HALE. I am glad the Senator from Oregon has said that, because it will be worth the while for him or any Senator who believes that Spain at that time was less favorable and less friendly to us than were other powers, to read the volumes of diplomatic correspondence as I have read them within the last week.

There was no European power that through the early years of that war, when these questions came up and when other nations were on the point of proceeding from recognition of belligerency to recognition of independence, showed the friendliness to us that the Kingdom of Spain showed. Spain never allowed a British built and equipped privateer to remain in her ports for one hour beyond stringent and necessary supplies, and when the British built and equipped privateers with prisoners taken from Union vessels entered the ports of Spain, those prisoners were at once released by the Spanish authorities. The diplomatic correspondence shows that after this limited recognition, far less than what is sought by the Committee on Foreign Relations now, had been accorded by certain European States, the labor, the anxiety, the tremendous strain that fell upon those who were at the head of the Government to prevent further recognition did not apply to Spain, and there was no danger from that source. The correspondence with our minister at Madrid shows this most clearly. The danger came from France and from England, and I am glad that the Senator from Oregon interrupted me by calling attention to the action of Spain. I had forgotten, before reading the correspondence—as the Senator has evidently forgotten—that the record discloses that no European power, excepting Russia, gave us less trouble during the war than Spain.

Now, Mr. President, if this be so; if there is so little basis for the action now sought to be taken by the committee; if so little reason exists, in the light of precedents, in the light of the law as laid down by General Grant, I have said to myself how is it accounted for that there is so much apparent public sentiment in favor of action on the part of the United States—some such action as the veteran Senator from Ohio [Mr. SHERMAN] has reported to this body? Why is it that such a portion of the newspaper press of the country is continually urging and seeking to drive Congress forward to inflammatory action? Why is it that when the question came up last Friday week so large a vote was found in this body and in the other body for the belligerency resolutions, and so meager a vote against them? I have asked myself that question, and I have concluded that more than anything else which accounts for the apparent sentiment of so many people, so many newspapers, and so many members of this body and of the other branch of Congress is the fact that the country and Congress have been impressed falsely and mendaciously with a condition of things in the Island of Cuba that does not exist.

When the Senator from Ohio [Mr. SHERMAN], on the day when the vote was taken here, read, from what he supposed was an authority, recitals of Spanish atrocities that would make the blood of any natural man leap hotly in protest, it did not fail to have its influence upon this body. It did not fail to have its influence in the other body. In the hurry and the clamor of the debate, almost all upon one side, Senators lost sight of the fact that here was an ingenious attempt not to show excesses and murders and outrages at present characterizing the conduct of war upon the part of Spain in Cuba, but to connect the Spanish authorities of to-day and the commanding general of the island with atrocities or alleged atrocities that took place fifteen or twenty years ago.

The Senator from Ohio [Mr. SHERMAN] read from a book, giving the name of the author——

Mr. SHERMAN. I read from a newspaper translated.

Mr. HALE. The Senator read from what he believed and we believed to be a contemporaneous account of certain almost indescribable atrocities committed by the Spanish military authorities in the old insurrection, and of barbarities on the part of the Spanish commander, and the direct allegation was made that the present commander, General Weyler, was then and there the author and finisher of those atrocities; that they were committed under his eye. Certainly I got the impression, as I believe every other Senator here did, that the chairman of the Committee on Foreign Relations was reading to us from a document, with some pretense to authority, statements which involve as a part of that document or of that volume the presence, the order, and the directing hand of the present commanding general of Spanish affairs in Cuba in the old revolt.

Now, Mr. President, I know there is no man in the Senate who would resent such an imposition being played upon him more than would the Senator from Ohio. His long experience and the confidence the country has in him as a conservative leader ought to make him sensitive under such imposition. I know that the Senator himself supposed he was reading from good authority. It turns out that a newspaper assumed this most remarkable statement that General Weyler was the author of the atrocities in the old rebellion and responsible for them, and that for that reason he had been selected by the Spanish Government to put down the insurrection now, which in itself implied a desire on the part of the present Spanish Government to return to the outrages and atrocities which the Senator had read here.

Now, Mr. President, it turns out that the book by the author given by the Senator, who, by the way, had the wrong name, was only a pamphlet of about 40 pages, written by a fugitive from the island, opposed to the Spanish Government, and that even he did not claim that in any way General Weyler was responsible for or connected with or present when the alleged outrages were committed.

I am glad that for one, not knowing things to the contrary, but believing that there was another side, I voted "nay" against the resolution. If I had voted "yea" for the resolution last Friday week, in view of what has been disclosed since, the facts that have been brought to light, the manner in which they have been brought to light, and the impositions disclosed and open to the light, I would be most glad to change my vote and vote "nay" now. I would do it, as the lawyers say, and gladly do it, upon the newly discovered evidence.

Mr. President, I have here the very moderate, respectful, and dignified statement of the minister of Spain, brought out by the recitals which so swayed the Senate when this subject was before them, brought out most properly, brought out most naturally. I do not wonder that the representative of that Government, finding his people and his administration and his nation arraigned in the manner that they were in this body, thought it advisable and right and fitting, and even diplomatic, to present the facts in this case to the American people, so that they might consider them and Congress might take advantage of this new light. I ask the Secretary to read from what I send to the desk, the Spanish minister's statement.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> I read with the deepest regret the statement made in the Senate by some of the most influential Senators of the United States, knowing that the facts which were stated by them were incorrect; that their good faith, of which I have no doubt, had been imposed upon, and that it would be very easy for me to prove with a little time that the Senators had been misinformed by persons interested in bringing a misunderstanding between the two countries.

Mr. DAVIS. I object to a communication from a foreign minister on any matter of international relations, especially one censuring the Senate and the members thereof, being read in this body.

Mr. HALE. Well, Mr. President, this seems to me a most remarkable objection.

Mr. DAVIS. Remarkable in what respect?

Mr. HALE. In the first place, there is nothing whatever in the language of this communication that in any degree censures any member of the United States Senate. The language is singularly guarded. It imputes no malice, no falsehood to any Senator, but it is accompanied by expressions of profound respect. The whole tone of the communication is deprecating and not defiant.

Mr. MITCHELL of Oregon. May I ask the Senator from Maine a question?

Mr. HALE. Yes.

Mr. MITCHELL of Oregon. The question I desire to ask the Senator from Maine is if this communication is not in direct contravention of the well-understood and well-established rule that no foreign minister shall discuss in the country to which he is accredited in the public press any of the political questions then agitating that country?

Mr. HALE. No, sir; I do not understand anything of the kind.

Mr. MITCHELL of Oregon. It is.

Mr. HALE. It is not.

The VICE-PRESIDENT. The Chair desires the attention of the Senate. Objection is made by the Senator from Minnesota [Mr. DAVIS]. The rule is as follows:

> When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

That is Rule XI.

Mr. HALE. I am entirely willing that the question (and I will not say another word) shall be submitted to the fairness and good sense of the Senate whether this statement of the Spanish minister, couched in this language, shall be forbidden to be cited here in this body.

Mr. GRAY. Published in the newspapers and not addressed to the Senate.

Mr. HALE. Not addressed to the Senate at all, as the Senator says, but simply published in the newspapers.

Mr. TELLER. I do not understand that the objection goes to the point that the matter is offensive in any way, but upon the general principle that we are not to listen here to any communication, directly or indirectly, from a foreign Government, except it comes through the regular channels. That, I understand, has ever

been the rule in the Senate, and since I have been in the Senate this is the first time I have ever seen an attempt made to violate it.

Now, I do not object; the objection, as I understand it, is not made on the ground that it is disrespectful or that it attacks anyone, but upon the general principle that we shall have no communication with them; that we will not listen to anything from them. If they have any communication they desire to send to the public they must send it through the State Department. That is the principle upon which we have to act.

Mr. MORGAN. I was about making the same point that was made by the Senator from Colorado, that a question of order lies behind the question of the reading of the paper. That is for the Chair to decide. Whether the paper is in order and can be read here is the first question. Then the next question would be upon the objection made to its reading, whether the Senate desire to have it read. I think the first question in the case is one that the Chair must decide; that is to say, that the paper either is or is not in order. I make the point that the paper is not in order.

Mr. HALE. Mr. President, if this had been a communication sent by the minister from Spain to the Senate and not to the office of the Secretary of State there is no doubt whatever that there would be force in the point, but is it asserted that I can not have read here as furnishing facts in the discussion the statement that the Spanish minister has made in the newspapers, not pretending to approach us through diplomatic channels.

Mr. HOAR. Officially.

Mr. HALE. Not pretending to approach us by the avenues in any degree, as the Senator from Massachusetts says, officially; not claiming to be official, but simply as an indignant citizen of his own country filing a statement of facts. It is a most remarkable fact that Senators here are so sensitive, after having occupied days and days, and I may say weeks, in every form of denunciation against the Spanish Government and its course in Cuba, that when I, almost the first in the debate, have broken ground upon the other side, are so sensitive that they will not let the facts coming from this source—which is undoubted and unimpeachable, be put before the body. I am willing for the Senate to decide the question of order.

Mr. HOAR. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that this is not calling for the reading of a paper contemplated by the rule. That applies to a case where a Senator demands to have a bill read over again or a resolution or a report. In this case the Senator from Maine is simply reading something in the course of his remarks and asking the Secretary to read it merely to relieve him from the physical labor of reading it. So the rule which has been called to the attention of the Senate does not apply to this question at all. The question is whether the Senator from Maine is in order in citing an unofficial newspaper communication as a part of his remarks when such communications have been cited on the other side a hundred times.

Mr. LINDSAY. I will ask the Senator if this paper is addressed to any officer of the Government or any official connected with the Government?

Mr. HALE. None whatever.

Mr. LINDSAY. Is it not in the nature of a résumé of the history of past events?

Mr. HALE. Precisely.

Mr. LINDSAY. Is there any greater reason for objecting to the reading of this paper than there would be if this gentleman in his private capacity had written a history of the events to which the paper refers?

Mr. HALE. It would be precisely like that. The Senator from Kentucky has struck at the root of the matter. It would be precisely in order as it would be if I asked to have read a page from some current history of events, or a page from Bancroft, or from McMaster, or from a newspaper, or from the message of President Grant on this subject.

Mr. FRYE. I hope the point of order will be withdrawn, and that after this is read the reply to it which was contained in this morning's Post from a prominent Cuban will also be read.

Mr. HALE. Certainly, after I am through if any Senator upon the other side desires to read what my colleague is pleased to term the reply to the Spanish minister's statement, I shall not object, because I have read it myself and I am entirely willing that it shall go for what it is worth here. If the point is insisted upon by the Senator from Minnesota, I can read this myself.

Mr. FRYE. I hope the Senator from Minnesota will withdraw his point of order.

Mr. DAVIS. I will withdraw the point of order in deference to the wishes of Senators.

Mr. HALE. Now, let the Secretary proceed with the reading.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Senator SHERMAN, in the sitting of February 28, quoted freely, among other things, from an article published in a New York morning paper of Sunday, February 23. He said, giving in very strong language his opinion of the present commander-in-chief of the Spanish army in Cuba, the following: "A book was published in Spanish, which I am very sorry I can not get from the library, written by a Spaniard by the name of Enrique Donderio, who came over from Spain with the Spanish troops to see the war of 1872, and who was so horror-stricken with the high crimes that he saw committed that he flew to the United States, and there published his manuscript. Telling is this evidence, and it shows General Weyler," etc.

I have made an investigation about that book, and I have found that the name of the author is not Enrique Donderio, as originally printed, but Enrique Donderis. For this reason probably the Senator was unable to find the book in the Congressional Library. Should he have found it, he would have seen that in the book, which is a small pamphlet of 43 pages, not a single time the name of General Weyler is mentioned.

I have carefully read, and have had the pamphlet read by other persons, and I see in it that many horrors are described attributed both to the Spaniards and to the rebels, but in it, as I said before, and as I most emphatically affirm again, the name of General Weyler is not mentioned one single time. I have the book at the disposal of anybody who would like to controvert my statement.

Mr. MITCHELL of Oregon. I ask the Senator from Maine to yield to me for a moment, as the hour of 2 o'clock has arrived.

Mr. HALE. I yield to the Senator from Oregon.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, that Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. MITCHELL of Oregon. I presume that the resolution just read, as well as the conference report which is being discussed by the Senator from Maine, are privileged questions. I am of course anxious to proceed with the debate in the Delaware election case.

Mr. SHERMAN. I hope the conference report may be proceeded with.

Mr. MITCHELL of Oregon. I should like to understand what is the intention of the chairman of the Committee on Foreign Relations.

Mr. SHERMAN. This Cuban matter has been debated three or four days, and I hope we may finish it to-day. I take it as a matter of course that it will be disposed of to-day.

The VICE-PRESIDENT. What is the request of the Senator from Oregon?

Mr. MITCHELL of Oregon. I ask that the unfinished business be temporarily laid aside for the present, subject to call at any time.

Mr. GRAY. Without losing its place.

Mr. MITCHELL of Oregon. That it shall not be displaced, and with the understanding that I am at liberty to call it up at any moment, hoping, however, that the pending matter may be brought to a close within some reasonable time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. GEORGE. I make a modified objection. I am very willing for the pending business to be laid aside to enable the Senator from Maine who is addressing the Senate to conclude his remarks, but I object to it any further.

Mr. FRYE. This is a privileged question. It is a conference report. No objection can be made.

Mr. HOAR. The Senator-elect from Delaware has a right to be here and vote on this privileged question. His title to a seat is a matter of higher privilege of the two.

Mr. FRYE. Both are privileged.

Mr. MITCHELL of Oregon. Both are privileged.

The VICE-PRESIDENT. The question is not presented to the Chair in a way to be submitted to the Senate.

Mr. MITCHELL of Oregon. I modify my request, and ask that the unfinished business be laid aside temporarily until the Senator from Maine shall have concluded his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

Mr. SHERMAN. I wish it understood that at the close of the remarks of the Senator from Maine I shall insist upon this matter being disposed of.

The VICE-PRESIDENT. The Chair has submitted to the Senate the request of the Senator from Oregon. That is all the Chair can do at this time in regard to the matter.

Mr. HALE. The Secretary will proceed with the reading.

The VICE-PRESIDENT. The Secretary will continue the reading.

The Secretary read as follows:

I have been told that that person, Enrique Donderis, was a Spanish officer who fought in Spain against the Government, and was sent to Cuba. He fought there in the Spanish side, then deserted, and afterwards fought in the rebel ranks. But, although this fact has been stated by a Cuban sympathizer, it can not be vouched by me, and it is of no consequence.

What is important is that the honorable Senator from Ohio said in good faith that all the crimes that he related were attributed by Spanish authorities to General Weyler, and that his good faith has been imposed upon. General Weyler went to Cuba as a lieutenant-colonel in 1869, and returned to Spain as a brigadier-general in 1873. A part of the campaign he held the position of staff officer, he being one of the general staff, and some time later he held the position of colonel of a regiment of volunteers, which was made up and paid by the merchants of Habana. He defended the town of Holguin,

being commander-general of that jurisdiction, but he has never had in Cuba other position than that of a subordinate officer.

In my investigations I have read many pamphlets written by Cubans during the war from 1868 to 1878, with all the natural bias when a contest is standing, and have failed to see the name of General Weyler recorded as responsible for the horrors that now, when he is at the head of the army against the rebels, are attributed to him.

MR. MORGAN AND HIS AUTHORITY.

Senator MORGAN, in the sitting of February 24, said that, according to official reports forwarded from Madrid by the United States minister, "13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners, whom the Spanish minister admitted to have been put to death."

Senator MORGAN said that his authority was the American Cyclopedia. A friend of mine addressed Messrs. D. Appleton & Co., publishers of the cyclopedia, inquiring as to the authority of the book quoted by Senator MORGAN. In reply to his inquiry, Mr. Rossiter Johnson, associate editor of the American Cyclopedia, says that the article was written by Mr. Antonio Bachillery Morales, a Cuban, who was a decided and partial enemy of Spain, and that he presumes that it will be easy to get access to the official reports in the Department of State at Washington. I have accepted the advice, and in the State Department the following answer has been given me: "The minister of the United States to Spain, on the date of August 16, 1872, quoted from the Imparcial, described as a semiofficial journal of Madrid, of which the colony minister was the director until he entered the present cabinet, the following: 'From the beginning of the hostilities in Cuba 13,600 insurgents have been killed in battle, and 43,500 taken prisoners,' the minister adds, 'as it is believed that all prisoners of war taken are shot or garroted.'"

It is plain that the American minister, who was General Sickles, read the statement in a paper. The paper (El Imparcial) was owned by a cabinet minister (Señor Casset y Artime). General Sickles said, in a general way, that it was believed that the prisoners were all shot or garroted. Of course, that is not true; that simply is a belief, an opinion. From the expression of a belief an official report is made; from the statement in a newspaper that the prisoners were taken the conclusion that they were executed is derived, and because the Imparcial was the property of a minister of the cabinet the assertion is advanced that a cabinet officer admitted that they have been put to death. That has been said in the United States Senate and indorsed by a vote of that high body.

MR. LODGE AND A GARBLED INTERVIEW.

Senator CABOT LODGE, in a speech made on the 25th of February, quoted from the Liberal, of Madrid, an interview sent by telegraph from Cadiz in the moment in which General Weyler embarked for Cuba. The translation which has been given to the Senator from Massachusetts is a fraud. My attention was called to it by a telegram from Mr. Taltavull, correspondent in the United States of the Liberal, from Madrid, and a former member of the Cortes. This distinguished gentleman wired to me: "General Weyler never said, in any interview or conversation published in the Liberal, that he would exterminate the filibusters. What he said was that he would clean out the western provinces of Cuba of filibusters, and that he would exterminate the small bands of bandits." I have now before me the text of that interview. I will not stop to discuss the historical importance of a nonauthorized interview. But, even taking as granted that General Weyler said what is printed, the words that the person who has furnished documents to Senator CABOT LODGE have made him pronounce are not exact. The exact translation of what General Weyler said is: "On my arrival to Cuba I propose in the first place to clean out of filibusters the provinces of Habana, Pinar del Rio, and Las Villas; be it well understood that I refer for the moment to the large bands which have invaded them. Then will remain the small bands of bandits, which I will exterminate gradually."

Nobody can believe that General Weyler in the word "exterminate" meant to put to death; but even if that sense is applied to his words, it is necessary to understand what those bands of bandits in Cuba are and have been. I would like to know the opinion that the American planters, respectable, law-abiding citizens, who are working for their own interests and for the prosperity of Cuba, have in that respect; what would be done in this country with the people who have been kidnaping and blackmailing the honest toilers living out in the country. What treatment do they think deserve people like Manuel Garcia, Mirabal, Matagas, Perico Delgado, and others? The paper to which I refer is at the disposition of the Senator from Massachusetts, and of anybody who wants to see it.

CRUELTIES OF WAR.

I can not understand how all rules of war that have been given by all civilized nations are so criminal, so cruel, and so tyrannical when they are applied to Cuba. I have before my eyes a summary of charges of inhumanity in connection with the war of the rebellion in the United States to both sides, taken from American history. I am sure that many of them are false, most of them exaggerated, some necessary, and others unavoidable. But, taking only as an illustration and for the sake of argument what I see in that list, I can not understand how people who are familiar with those necessary evils of war have been able to use such harsh, unjust, and offensive language against Spain.

Mr. HALE. The Secretary may read the extracts which are cited there from contemporaneous literature about the struggle in America, which show how unreliable these are.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

In an English paper of those days I read the following opinion of the American civil war: "Stripped of its trappings, it is a mere quarrel for territory. The antagonists are acting like Delawares and Pawnees. War to the knife, pushed to absolute extermination, is what they have resolved on, and people breathe a language of massacre and extermination."

Mr. HALE. I will not ask the Secretary to read further.

Mr. SHERMAN. I think the Secretary had better read the remainder.

Mr. DAVIS. He had better read the remainder.

Mr. HALE. Very well. I have no objection to any of it being read. The Secretary may go on and finish all that is there.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

This charge was no more justified than the charges which are brought now against Spain. I said nothing when that language was used in the press, but I believe it is my duty, although against the conventionalities of my position, to appeal, as I have said, to the honest common sense of the American people when those words are uttered from the Capitol of the United States.

Nothing is now done in Cuba that has not been done and has not been deemed necessary in other countries when at war. It would be possible and easy for me to quote many facts not different from those which now arouse public sentiment against Spain. I will only ask persons wanting an impartial and honest opinion to read what the commanders in chief of the American armies on both sides and what those of the armies of France and Germany have deemed necessary for the protection of their soldiers and the carrying out of the war.

Mr. HALE. Mr. President, as bearing upon the actual condition——

Mr. MORGAN. Will the Senator allow me to interrupt him for a moment?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. I will yield for a question. I do not want the thread of my remarks broken into by anything.

Mr. MORGAN. No; I will state to the Senator what I want him to yield for. Under the unanimous-consent agreement just entered into, I understand that this debate is to close with the remarks of the Senator from Maine.

Mr. SHERMAN. Oh, no; not at all. There was no such agreement made.

Mr. HALE. There will be ample opportunity, of course, for debate.

Mr. MORGAN. My purpose was to ask the consent of the Senator in his time, while he is on the floor, to read the reply of some of the representatives of Cuba here to that statement.

Mr. HALE. That may well come in when any Senator on the other side chooses to discuss the question.

Mr. MORGAN. The Senator declines to let it come in now, then? I wanted it to go along with the accusation.

Mr. HALE. As bearing upon the actual condition in Cuba, I have here a piece of testimony not concocted in the offices of the organ or organs of the insurrection, but coming from the Cuban correspondent of a great newspaper whose sympathies have been pronounced from the beginning in favor of the insurgents. That great metropolitan newspaper is the New York World, and here is the last utterance of its well-known correspondent. Some Senators here and others know the writer well. He is Mr. William Shaw Bowen, and writes from the Island of Cuba, and his communication appears in one of the last issues of the World. This is to be said for the World, that in its desire to make a great and complete newspaper it admits statements and testimony from both sides. Here is the last statement of Mr. Bowen, written to the World from Cuba, bearing upon the situation there, and I ask the Secretary to read it carefully.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. HALE. This is a witness taken from the other camp, who is compelled by his character and his duty to his newspaper to tell the truth.

The Secretary read as follows:

General Weyler has, in my opinion, been grossly traduced. I should add I feel confident that it is owing to misinformation, to an erroneous prejudice, to systematic attacks on him personally by interested enemies that the people of the United States and their public representatives have formed a monstrously erroneous opinion about the governor-general. The question of loyal politics does not enter into the subject. No matter whether a man is an ultra-Spanish Monarchist, a Liberal, a Home Ruler, or a Separatist rebel, there is no occasion to speak untruly about an individual who is in opposition to his views.

Campos spoke kindly of Gomez personally and I have yet to hear that General Weyler does otherwise. I see that the American newspapers publish charges that prisoners are ill treated and killed by summary execution. Here again is an incorrect representation of facts. I have been striving for autonomy for many years. I have ardently labored in the Cortes to secure all possible reforms and benefits that could ameliorate the condition of Cuba. I love my country, Cuba, and I will do all in my power to advance her interest. When I speak as I do I think I do so disinterestedly and fairly.

I am astonished to perceive how unacquainted with the true conditions are the public men in Washington. When Cuba lies so close to the borders of the United States it would be supposed a much wider intelligence concerning the internal affairs of the island would exist. If the book said to have been quoted in Congress against General Weyler was by Enrique Donderis, I never heard of its author. I fancy it is a nom de plume.

WILLIAM SHAW BOWEN.

Mr. HALE. I will put that testimony, from a witness in Cuba, and its statement of the lack of real information that we have on the subject, against anything that was written or will be produced here by any Cuban who is at present in Washington seeking to answer a fair, cool, calm, and dispassionate statement of the Spanish minister.

Mr. MORGAN. Is the dispatch just read from Cuba?

Mr. HALE. From a correspondent.

Mr. MORGAN. From Cuba?

Mr. HALE. Sent from Cuba.

Mr. MORGAN. That does not appear from what has been read.

Mr. HALE. It went through the New York World, as the Senator knows very well.

Mr. MORGAN. I know how they get there, of course.

Mr. HALE. There is a great deal that pretends to come from Cuba of a different kind. This is the utterance of a conservative, well-known man, who does not strain his statement through the authorities, but sends it direct to his newspaper, and the paper publishes it.

Mr. CHANDLER. May I ask the Senator whether it came by telegraph or by mail?

Mr. HALE. I do not remember the date. I think it came by telegraph, though I am not certain.

Mr. CHANDLER. If it came by telegraph it would be under censorship; if it came by mail it would not.

Mr. HALE. I do not know. It is a late communication selected from the World. I have not the least doubt that it is exactly as the correspondent of that enterprising paper wrote it.

Mr. President, while a large part of this creation of excesses, outrages, and atrocities on the side of the Spaniards and the Spanish Government has fallen, I have here a piece of testimony, taken from a Cuban sympathizing newspaper in New York, giving what purports to be—and giving it exultingly—an account of certain operations by the insurgents on their side. I ask the Senate's careful attention to it when a little later I will have it read.

Mr. President, I do not suppose that any warfare is conducted on the Island of Cuba as it would be in the United States. I do not suppose that either side is guiltless. I know that the provocation to the constituted authorities is great. The raids of the insurgents, the destruction of property, their wanton disregard of every rule of law is such that it undoubtedly has provoked extreme, urgent, forcible, severe action upon the other side. If my friend from Minnesota [Mr. DAVIS], who is in the habit of reading good history, and brings the wealth of its illustrations into his speeches here, will read anew the history of the peninsula campaign under the conduct of Wellington upon the British side, and one and another of the defeated marshals of Napoleon on the other side, he will find constantly all the way through this guerrilla warfare on the part of those whom France considered guerrillas and insurgents against the existing Spanish Government. It was after Joseph Bonaparte had been crowned at Madrid and recognized as King on a throne upon which he would have remained as firmly seated as the Hapsburgs, or the Brandenburgs, or the Romanoffs, if it had not been for the war between England and France and the English army, which did the real fighting. The Spanish guerrillas would never have made headway against the French.

I do not claim that everything goes on in the Island of Cuba and in the conflicts there as it would go on under an Anglo-Saxon people. We are dealing with another race, and I now come to the piece of testimony showing the manner in which the insurgents are doing their fighting, if indeed it can be called legitimate fighting, struggling for liberty—if that is the phrase—taken from the New York Journal. The heading is:

Maceo's great raid—The insurgent general has devastated the whole of Pinar del Rio.

That is the name of a province. The next heading is:

Thirteen towns burned—All the tobacco crops destroyed and people wandering about without clothing.

What is the next heading?

Spain beaten everywhere.

That is the method, Mr. President, that the insurgents are taking to beat Spain everywhere—"thirteen towns burned; all the tobacco crop destroyed"—"people wandering about without clothing." Here is the report in full, with further heading:

The true story of the result of the raid made by Antonio Maceo into Pinar del Rio is beginning to crop out. So effectual was the work of the insurgent general that 13 towns held by the Spaniards have been destroyed and the rich tobacco lands throughout the province have been laid waste. Practically all of the island west of Habana is a wilderness. This news has heretofore been suppressed by the Spanish censors, and it is believed that matters are much worse than the news depicts.

HABANA, *March 5.*

The reopening of telegraphic communication with the region of Pinar del Rio brings the first detailed information of affairs in that province for several weeks.

This is where the insurgents had been with their bands in possession of this territory for several weeks, and were at last driven out, when the Spanish troops occupied the territory, and then, as this Cuban organ says, for the first time light was let in on the situation. Now, let us see how these patriots in their struggle for freedom dealt with this province:

The condition of affairs disclosed is little less than appalling. The rich Vuelto Abajo tobacco district seems to have been put to the torch and is apparently reduced to a wilderness.

Whole towns have been obliterated or reduced to a heap of ashes, and their inhabitants are wandering helpless over the face of the country, without a place to lay their heads or wherewithal to be clothed, and many of them starving.

TOWNS DESTROYED.

The villages and towns of Cabanas, Bahia Honda, San Diego de Nunez, Santa Cruz de los Pinos, Los Palacios, Piso Real de San Diego, and San Diego de los Banos are known to be reduced to ashes, and reports of others will bring the number destroyed up to thirteen. All of these were important and thriving centers of population and business.

The last town which has succumbed to the insurgents' torch is San Juan y Martinez. The tobacco from this town is famous the world over to all connoisseurs for its matchless flavor. Its cultivation brought great wealth to the people of the district and gave material for a large commerce in the town and support to over 1,000 families.

San Juan de Martinez is, however, no more.

WAITING FOR HELP.

When the first column of Spanish troops arrived on the site of the town they found only débris and smoking ashes, and all around a seemingly limitless sea of fire. A hundred desolate families had taken refuge in poor huts outside of what was once the town and were waiting helplessly for any assistance that would save them from starvation. They were without clothes and without food and saw no prospect ahead in their despair of securing either.

San Juan y Martinez is erased from the map. The adjoining town of San Luis had a narrow escape from the same fate, but escaped almost by a miracle. The inhabitants had already fled outside, seeking a refuge from the flames which the torch was ready to apply, when General Cornell, at the head of a detachment of troops, made his appearance on the scene, and the insurgents evacuated the town.

Such is the result of Maceo's raid.

A committee representing the Chamber of Commerce and the Spanish Casino called upon Captain-General Weyler to-day and assured him of their patriotic adhesion to him in his policy.

WEYLER'S PROCLAMATION.

In consequence of the distribution of a circular containing General Weyler's proclamation requiring the concentration of all country people within the limits of the towns for protection, there have been many delegations of farmers coming to Santiago de Cuba to inquire of the military authorities how far the requirement applies to them and for an interpretation of its provisions. The consuls of foreign governments are seeking the same information.

Generals Bernal and Vicuna have arrived here for a conference with Captain-General Weyler.

That is announced by a Cuban organ as the way in which "Spain is beaten everywhere."

Mr. SHERMAN. I should like to ask my friend just there, if it does not interrupt him, whether that is not a state of belligerency, as stated in the resolution?

Mr. HALE. I am coming to that. I knew what the Senator would say.

That recital of the way in which "Spain is beaten everywhere," to use the language of this communication and of this organ, is something horrible. I do not take it from a hostile paper; I take its exulting details, with the headings, from a paper sympathizing with the insurrection and getting reports from its own correspondents.

Mr. President, liberty does not fight its battles in that way.

Freedom has risen
Oft from prison bars,
Oft from battle flashes,
Oft from heroes' lips,
Oftenest from their ashes.

But it does not rise from the horror and conflagration and devil's work that is recited by this Cuban organ. Men turn from this with disgust and shame. The blood that is stirred, the pulse that leaps, at the story of Bannockburn and Sempach and Worcester and Bunker Hill and Yorktown turn with loathing from this mass of horrors.

Mr. President, it is not even war; it is not even battle; it is incendiarism; it is the torch of destruction; it is pillage; it is murder; it is outrage. It is what Faulconbridge calls "the wildest stroke of savagery." If I vote alone, I shall vote for no resolution which gives aid and comfort to the red-handed foray of this guerrilla leader whose exploits are so exultantly chronicled as I have read them here.

I had in the headings or catch words of what my remarks follow, for I have no written speech, the very point suggested by the Senator from Ohio [Mr. SHERMAN] just now—"Is this belligerency, and ought the Spaniards to suppress it?" That is a fair question. I anticipated it would be asked. It is in my notes as a thing to be answered.

Senators will say, with this condition in the Island of Cuba unsuppressed, unexterminated by Spain, how long shall the United States wait and allow it to go on? That very question was put to the United States over and over again by the diplomatists of England and France during the years of our war for the suppression of the rebellion, and there, Mr. President, was the real danger line which the great men who stood at the head of our affairs always dreaded. There was no end to the men that we raised; our credit was illimitable; our commanders disclosed and developed tactics and mastery of strategy in the battlefield that entitled them to rank with Frederick and Wellington and Napoleon; in all these we had no lack; but the weak point all of the time was the danger of foreign intervention to recognize the independence of the Southern Confederacy upon the ground that a condition of warfare existed and that it was the duty of the United States to suppress the rebellion; and that, if it did not, these powers would interfere. Early and late—I have the volume of correspondence here, and it is most interesting to read—the foreign offices at Paris and at London, whenever any reverse attended our arms, at once asked the question which the Senator from Ohio has asked me, whether the news which had come by telegraph across the ocean did not disclose a condition of obdurate, unconquerable resistance, and whether the United States was prepared to say when it would suppress the rebellion. This burden, Mr. President, was what rested most heavily upon the heads of those who were at the front of our affairs at that time. It was this danger which gave that added stoop to the tall form of Abraham Lincoln; it was this that

caused the optimism of Seward to take on a sadder turn than it ever had before; it was this danger and the vigils depending upon it that broke down the lion-hearted Stanton and left him a wreck when peace came; it was the anxiety lest foreign powers, asking the same question the Senator from Ohio has asked me, would interfere, and the answer is found in the dispatches that Secretary Seward sent to the French foreign office and to the British foreign office.

Mr. SHERMAN. If my friend will allow me, before a single battle was fought in that civil war of ours Spain, England, and France acknowledged the belligerency of the Confederacy in the very language contained in this resolution.

Mr. HOAR. Were they acting rightly?

Mr. SHERMAN. No; I do not think they were acting rightly.

Mr. HALE. I do not think they were.

Mr. SHERMAN. But we have waited year after year and seen this tyranny and oppression almost on our shores, and have never yet raised a single helping hand nor said a single kindly word to the struggling people of Cuba.

Mr. HALE. I am not talking about belligerency now; I am talking about what the Senator suggested by his question, of the danger in 1861–1865 that foreign powers would interfere further; and they asked the same question. The dispatches sent from the foreign office at Paris through Lord John Russell and the communications with Lord Lyons and Sir Frederick Bruce, and those of the French office to its minister here, are full to teeming with the statements that the war was being so prolonged and had continued so many years, as the Senator says about this outbreak, that humanity called upon the European powers to further recognize the independence of the Confederacy.

What was the answer? It is found in this volume [exhibiting]; it is found in more than one place; and it amounts to simply this: The answer that Secretary Seward made is the answer that I now make to the Senator from Ohio. Mr. Seward said: "The United States is engaged in the herculean task of attempting to suppress the greatest rebellion in the history of man; it is able to do it." But he said further to our minister in Paris, Mr. Dayton, and our minister in London, Charles Francis Adams: "I desire you in the most respectful manner to communicate to the foreign office this attitude of the American Government upon this question: The United States will suppress the rebellion; but it must do it in its own way. The method under which it shall be done must be selected by us, and no matter what complications may arise, no matter what dangers may environ us from further complications with foreign powers, no foreign power will be allowed to interfere with the United States in their method of suppressing the rebellion." And that is the answer to-day. This must be left to Spain. She sent troops there by the thousand and tens of thousands; she sent skilled commanders. She has to deal with the most difficult guerrilla warfare the world has ever seen. The condition of the island, its topography, everything in relation to it, is such that it encourages guerrilla warfare. As we waited, and as Europe waited, the United States, by every precedent set by our Government in its relations with European powers, must let Spain have a fair opportunity of suppressing this rebellion. It is not the first one. General Grant said they were "periodic." They are. The message which I quoted from General Grant, in 1870, was followed by another message just like it in 1875; and we are taught there the self-restraining lesson that in some of these things we must do what the European powers did when Mr. Seward answered that the United States would settle the rebellion in its own manner.

The British diplomatists and the French diplomatists retired grumblingly and mutteringly; but they kept hands off, Mr. President.

With interruptions and otherwise, I am taking more time than I intended, but I should like to address myself briefly to Spain's attitude in this matter toward the United States in this present matter. I have here—and it is another instance of the New York World's enterprise—a communication from the premier, Castillio del Canovas, in which he announces the Spanish policy. He does not hide in the darkness and lurking places of cabinet closets, but he comes forth boldly, manfully, and bravely, and announces to the world, to Congress, to the Senate, what the Spanish policy is. I have rarely seen a more composed and self-respecting statement than this. Even in view of the denunciations to which Spain has been subjected here and elsewhere, the Spanish minister preserves his dignity and self-respect; and the communication which I hold here is to the credit of the Spanish Government under sore temptation to be querulous and complaining, and to use retaliatory language. There is nothing of it here. He says:

THE POLICY OF SPAIN DECLARED.

[Cable message from the prime minister at Madrid to the people of America, through the World.]

MADRID, *March 6.*

To JOSEPH PULITZER, *World, New York:*

We have as yet no official notification of the intentions of the American Government, and can not, therefore, take cognizance of or protest by note against any of the proceedings of the Senate and House of Representatives of the United States. We have taken no official notice whatever of the proceedings and speeches in Washington during the past week.

Nor have we sounded the European powers or courts regarding their support in any form. All we have done is to show to the American Government and to Minister Taylor that we have endeavored to enforce respect for the American legation and consulates, repressing so sternly the disturbances that we have ordered the Madrid, Granada, Barcelona, and Valencia universities closed, and we will close all universities, schools, and establishments whose students dare to make demonstrations hostile to the United States. We will send to prison and prompt trial all the authors and promoters of such disturbances. We believe they are prompted by the advanced republicans.

Nothing will be omitted on our side to show our desire to preserve cordial relations with America. And I am convinced that we possess sufficient means to quell any hostile demonstrations.

That is what Seward told the minister of Louis Napoleon and the British cabinet in the years between 1861 and 1864.

The Government of Spain regrets and has made all the amends possible for the manifestation already made of the indignation which the speeches at Washington naturally excited among the ever-loyal people of Spain.

Does any Senator desire more? One can understand the passionate outbreak of Spanish blood on finding their country denounced as it has been and the emeutes and risings that took place, not significant, indeed, and which were at once put down by the Spanish Government in a friendly spirit to the United States.

The situation—

Says the prime minister—

now is one of extreme delicacy. Indeed, I can not define how far it is possible for the Government of Spain to permit amicable and careful mediation of a foreign power, however honorable and disinterested it may be, without incurring the grave risk of being accused of submitting to outside interference, pressure, and dictation in the midst of a civil war.

There are portions of Mr. Seward's dispatches to the foreign offices of England and France using almost exactly the precise language used here by the Spanish premier.

Mr. GRAY. Does the Senator observe that the prime minister apparently admits a state of public war when he talks about a "civil war"?

Mr. HALE. Of course the phrase "civil war" is a general phrase used, descriptive, perhaps, of a conflict that entitles to belligerency, and quite as likely to a conflict that does not entitle to belligerency. It is conflict; it is outbreak. I have shown what form it takes in Cuba.

The United States—

says the prime minister—

are a great power, and until they recognize the object and encourage the aims of the insurrectionists in Cuba they are friendly to Spain. After the recognition of the belligerents in Cuba by the United States it would be impossible for the Government of Spain to accept the good offices of President Cleveland, or to permit any interference whatever.

There, Mr. President, is the danger of these resolutions; there is where the Senate should have called a halt when it voted before. Therein lurks the ever-present danger.

Says the prime minister further:

Nevertheless, I still hope some means will be found by the President to avoid alienating the friendly relations with the United States, which Spain has shown this week that she prizes highly.

I am fully alive to the significance and the possible consequences of the vote of the United States Congress to the rebels as well as to Spain in her relations with the United States, especially in connection with the right of search on the high seas and in the matter of privateers and filibustering expeditions.

The only new and seemingly warlike preparations yet made by Spain are made simply with a view to equipping a fleet of war ships and transatlantic steamers to chase filibusters and to guard the coasts of Cuba. That is the sole object in view. General Weyler having said that he has had enough troops, only the usual reliefs will be sent to Cuba until autumn, and no naval demonstration is contemplated.

The elections will not interfere with the action of the Government, as it intends to conduct them in a tolerant spirit for all parties, fair representation being arranged for even the West Indian constituencies. Besides, in every imperial and international question the Spaniards have always shown a patriotic spirit.

The misapprehension concerning General Weyler's character and methods as a soldier originated in a misstatement of facts in his career and of his assignments and instructions. Both in Cuba twenty years ago and in the Philippine Islands since then Weyler has only carried out the orders of his chiefs.

Before he left for Cuba the last time I saw and spoke to him and approved his views. Consequently, he has simply acted in harmony with the requirements of this war, in which the insurgents have not only set at defiance the rules of civilized warfare, but have violated the provisions of the treaty of 1795 between Spain and the United States, and of the protocol of 1877, respecting the lives and the property of all real and alleged American citizens in Cuba.

I am determined to carry out the administrative political reforms already voted by the Cortes as soon as the pacificaton of the island permits, and even such economical tariff reforms as may be consistent with the interests of both the colony and the mother country.

But it is impossible to attempt reforms during a civil war or under any foreign pressure in the present condition of the island.

When Marshal Campos was sent to Cuba as governor-general the Government would certainly have allowed him to institute the reforms if he had deemed them advisable. But he soon discovered that it was impossible to do so.

We can not admit that the slightest ground exists for the recognition of the belligerency of the Cuban insurgents, whose so-called President, the Marquis of Santa Lucia, and the members of his executive council are nomads, like the rebel bands, ever on the move. For instance, they were nearly surprised and captured this week by a Spanish column in the province of Las Villas.

CANOVAS DEL CASTILLO.

I have no admiration for many things that have taken place in the course of Spain's history. I know that history is deformed by persecution, by bigotry. The world knows that; but it is an old, high-spirited, resentful nation; and the utterance there made candidly by the prime minister ought to give us pause before we pass resolutions declaring in terms the belligerency of the insurgents and their equality with the Spanish Government before the law.

There is one man in Spain, Mr. President, who has held a warm place in the affections of the American people and in the affections and respect of civilized peoples throughout the globe. He has made effort and suffered for freedom. He is in politics a republican and not a monarchist. He has been connected with significant events in Spanish history, representing and leading the patriotic republican movement. He is Emilio Castelar, and this emergency is such that it has brought him from his private life. The heart of this old man is warm to the present danger of the situation, and he has felt that, from his place of retirement, where he had gone, as he believed, forever from public affairs, and it may be from public notice, he should address a fervid but candid remonstrance.

Numberless Americans—

He says—

have cabled to me asking my opinion, as you have done. I beg that all of them will consider this as an answer in reply to your questions.

I may say that I consider any negotiations respecting Cuba between Spain and the United States would be impossible from the moment that the belligerency of the insurgents should be declared.

Mr. GEORGE. Whose language is that?

Mr. HALE. Castelar's, the great Spanish republican.

I judge the situation serious, but if the insurgents are not recognized as belligerents the Spanish revolutionary republican party can do nothing internally, as they are completely disorganized, but in case an international conflict should be provoked, I should give all the assistance in my power to the Government.

The old man becomes earnest in his appeal.

You say America hears me. I believed so once, but advancing age has dispelled the illusion.

There is something pathetic in this old lion of republicanism, who had retired from public life, with all his great record of services to the cause of liberty in the past, and the sacrifices that he has made, saying that he believed once that the American people would listen to him, but under the light of the events that have taken place in the last fortnight here, that belief, he says, has fled from his breast. He touches upon what has been alluded to in the debate—the failure of Spain to put into effect the provisions of the treaty granting reform to Cuba.

With permission of the Senate I will insert a further portion of the address in my remarks, and it will follow here:

You do not, and I affirmed you would not, recognize the insurgents. I still believe President Cleveland will not do so, and that you will support him.

You will not violate international law, as your Parliament has done, with a declaration for recognition of belligerency, which attacks the principle of nonintervention proclaimed by your democratic traditions.

It is impossible to subject Cuba to your rule, as Cuba is fevered with the spirit of independence. It would be impossible for you to keep Cuba, for she is as democratic as Spain. I say this—I, who belonged to the generation that suppressed the slave trade, slavery, religious intolerance, the old colonial régime, and proclaimed the liberties the world admires.

The Cuban insurrection broke out at the instant when the unanimous vote of all parties had just given Cuba liberal laws, and we were preparing to give her wide decentralization, self-government, and all possible free trade.

You were born to clear the skies of the thunder of war. Let us have peace. You can not expel Spain from America because, even though America were submerged under the ocean, the wakes of the caravels of our discoverers would shine across the waves and the winds would forever sound eternally the name of the creatrix—Spain.

EMILIO CASTELAR.

Mr. HALE. I will not contrast the tone of these communications of these great men representing Spain, with the interest and fate of her Government and her future depending, and with much temptation to exacerbation of spirit—I will not contrast the language in which they are couched or the spirit that pervades them with certain other declarations to which some of us have listened. I say that under all conditions, under present circumstances, the attitude of Spain, as disclosed by all the communications that I have brought before the Senate to-day, is one of dignity and proper self-asserting respect.

Mr. President, it is not a gracious nor an easy task to stand up and oppose, or even question, the conduct of any people or any cause that claims to be acting under the sacred desire for human liberty. I realize that. I am fully aware how natural it is, especially for the people of the United States, to sympathize with struggling communities seeking to go free. I should hope, sir, that this will never be changed. I should hope that the American breast will beat responsive to the real cause of any struggling people who essay to accomplish freedom.

But, Mr. President, I can not help being possessed with the gravest doubt as to whether the condition in Cuba to-day discloses any such struggle. The sacred name of freedom, the desire of liberty are of course invoked. I do not deny that there has been misgovernment in Cuba, but misgovernment is not applied to and is not localized alone in Cuba. There is the gravest mismanagement and misgovernment in all South America, in Central America, in Turkey, and in other States, and we are not wholly free from misgovernment in the United States. There are communities, there are municipalities, there are States that furnish instances of misgovernment, and the United States, great and powerful as it is, has not yet assumed the mission to go forth and correct every form of human misgovernment. Much of that must be left to the curative effects of time.

Out of this imperfect presentation of the case I discover one real danger, and that, Mr. President, is possible war. I am not ready for war. I deprecate it. I do not believe the people of the United States desire war. While there is a great deal of what is called war sentiment pervading the country, occupying it, possessing the columns of newspapers, and finding utterance here and in the other branch, the sober common sense of the American people, depend upon it, sir, is not for war. I do not think we are prepared for war. I hope we are sufficiently prepared for war to command peace, but I do not think that in case of actual conflict, war being declared within three months from now, the United States could go into war with any great advantage. I am not in favor of seeking opportunities to inflame friendly powers even under the attempt to establish a belligerent condition of a people who are said to be struggling for liberty. I am not in favor of inciting war, and I do not think the American people believe in it.

Mr. President, the struggle of the American Revolution and the successful emergence of the colonies from that Revolution and the setting up here of the Republic of the United States gave to this country eighty years of peace accompanied by a prosperity that was the exemplar and the wonder of the world. The minor conflicts that took place in those eighty years were so light that they never touched the life of the people or its conditions and do not need to be mentioned. Speaking generally, it was a time of profound peace that we had earned by the American Revolution of 1776. At the end of that period of peace there fell upon the United States a conflict so vast, so appalling that the sceptics who doubted whether the Government could maintain itself almost overcame in numbers those who believed the United States could maintain the integrity of the Republic. But out of four years of destructive and devastating war at last the Republic emerged with its standards floating everywhere over successful battlefields and a rebellion crushed. That most mighty and superhuman effort entitles the United States to another eighty years of profound peace and prosperity. No higher wish, no greater benediction could be invoked upon us than that there should follow, as did follow the American Revolution, this period of nearly three generations of peace and the thrift and prosperity that come with peace for the United States.

I for one have been disturbed and made anxious by the growth of what I may call the aggressive spirit as shown particularly within the last year, not only here but elsewhere, the desire to aggress, the desire to incite trouble, the desire to make difficulties with foreign powers, the dealing with the discussion, the imagery of war rather than of peace, the turning aside of the plowshare and the pruning hook and giving men's attention to the sword and the rifle. It is what the books call "militarism," and I for one deprecate it. It is unsound in its foundation. It is a dangerous plant. It has but one result. When militarism takes possession of the mind and of the imagination of a great, powerful, chivalric people there is but one result—it absorbs all other things. The interests and the arts of peace become neglected, and the attention and the ambitions of men are directed in another line, and some day or other, no matter whether it be a Republic or what it be, a people dominated by militarism are open to the grasp of the strong hand of some great military chieftain.

I do not believe that this is present to us as a near danger, but certainly the events of the last few months were well described by the senior Senator from Massachusetts [Mr. HOAR] in one of those trenchant phrases with which he is in the habit of entertaining us when he said that "every morning somebody feels that he ought to fire off a loaded cannon against somebody else." Out of it I believe the good sense of the American people will assert itself. It will show that it loves peace—this people—and not war. So, notwithstanding the danger that I am trying to avert, notwithstanding war stands in my mind as a possible danger, I believe that we shall come out of it without war, and that there will be for us that long period of peace and prosperity that we deserve.

We have many things that Congress should turn its attention to besides foreign affairs. Under the leadership of some of the oldest and hitherto most conservative Senators we have given large attention to foreign complications in the present Congress. I do not believe that this is going to obtain in the future. I believe that the American honor will always be asserted. I believe that every doctrine that is necessary for our preservation as a great nation and which is necessary to patriotism and to love of liberty will be asserted and maintained with a calmness and serious strength that will impress every foreign power so that there never will be need for war. I do not expect to see, or that anyone here will see, war.

Mr. President, in looking at this bright future as I forecast it for the United States, I think of that magnificent apostrophy to peace which Shakespeare puts into the mouth of Archbishop Cranmer when he predicted the future of the royal babe, she who became England's great Queen Elizabeth.

I can but hope that the glowing words will apply to this Republic in the years to come as they were meant for Elizabeth and for England:

> She shall be lov'd and fear'd; her own shall bless her:
> Her foes shake like a field of beaten corn,
> And hang their heads with sorrow; good grows with her;
> In her days every man shall eat in safety,
> Under his own vine, what he plants; and sing
> The merry songs of peace to all his neighbors.
> God shall be truly known; and those about her
> From her shall read the perfect ways of honor,
> And by those claim their greatness, not by blood.

Mr. President, when the last of us shall close his eyes in death I hope and believe that those eyes will rest on a scene such as the greatest of English poets has thus so loftily pictured.

Mr. SHERMAN. Mr. President——

Mr. MITCHELL of Oregon. I ask that the unfinished business be laid before the Senate.

Mr. SHERMAN. I have no objection.

The PRESIDING OFFICER (Mr. PASCO in the chair). The unfinished business will be considered as being laid before the Senate.

Mr. SHERMAN. I wish to consult——

Mr. TURPIE. I believe I am entitled to the floor on the unfinished business.

The PRESIDING OFFICER. The Senator from Ohio was recognized by the Chair in reference to the order of business.

Mr. MITCHELL of Oregon. If the Senator will allow me——

Mr. SHERMAN. I will do anything the Senator from Indiana [Mr. TURPIE] desires. If he wishes to speak this evening I will yield to him, although I do think it is not exactly according to the ordinary course of business, because the report of a conference committee is especially privileged and overrides even the claim to a seat in the Senate.

Mr. MILLS. I ask the Senator from Ohio not to insist upon proceeding with the Cuban matter this evening. There are some others who wish to discuss it. I have something to say myself, and I should like to be heard to-morrow.

Mr. SHERMAN. I yield to the Senator from Indiana, and will retain the floor on the Cuban resolution.

Mr. MITCHELL of Oregon. I will state that so far as I am concerned I am absolutely indifferent as to which of these privileged questions is proceeded with for the remainder of the day, whether it be the Delaware case or the Cuban matter. Whichever course is agreeable to the Senator from Ohio [Mr. SHERMAN] and the Senator from Indiana [Mr. TURPIE] will be satisfactory to me. If they can arrange the matter to suit themselves, I shall be satisfied.

Mr. HOAR. There are some Senators who would like to speak upon the Cuban question who do not wish to proceed to-day, and I hope, therefore, that that question will not be further proceeded with to-day. I should like to have read—though I do not understand any point is now to be decided, as the Senator from Ohio has alluded to what he considers to be the parliamentary law—the rule in regard to proceeding with a claim to a seat.

The PRESIDING OFFICER. The first paragraph of Rule VI will be read.

The Secretary read as follows:

RULE VI.

PRESENTATION OF CREDENTIALS.

1. The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

Mr. SHERMAN. I ask to have the other rule read.

Mr. HARRIS. Let Rule XXVII be read. It refers directly to this question.

Mr. MILLS. I suggest that the Senator from Indiana be permitted to proceed. We are all willing to allow him to proceed with his remarks.

The PRESIDING OFFICER. Rule XXVII will be read.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

SENATOR FROM DELAWARE.

The PRESIDING OFFICER. The unfinished business is before the Senate, which is the resolution for the admission of Mr. Du Pont as a Senator from the State of Delaware.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. TURPIE. Mr. President, the minority of the Committee on Privileges and Elections have taken the position, and will maintain it, that the claimant in this case, Henry A. Du Pont, was not chosen a member of this body, and is not entitled to a seat therein. The majority of the committee have the affirmative of the issue. They have the burden of proof. The record in the case contained in the journal, both of the senate and the house of the State of Delaware, shows that on the day and date when it was claimed the petitioner was elected a United States Senator there were 30 members of the legislature of Delaware present in joint convention who took part therein; that there were 30 votes cast for United States Senator; that the claimant received 15 votes; that an equal number, 15 votes, were given to other gentlemen named at that time as candidates, and that there was no election. Such is the record.

The claim of the petitioner in this case is a contradiction, clear, unequivocal, of the record—a record which imports absolute verity. The pretension in this case is an impeachment of the record, which in its very nature is capable neither of denial nor impeachment. Such is the position of the claimant, and such is the burden of proof which the supporters of his pretension in this case have assumed.

It is set up as a reason for maintaining the position of the majority that Mr. William T. Watson, a senator of the State of Delaware from the county of Kent, and speaker of the senate, voted and acted in joint convention; and it is alleged against his right to do so that some time before, about a month before that time, the governor of the State of Delaware had died and that the exercise of the duties of the office had devolved upon said William T. Watson, speaker of the senate and a senator from the county of Kent. It is claimed by the majority that by reason of the devolution of the exercise of the office, by the death of the governor, upon this member of the State senate and speaker of the State senate, he ceased at that time either to be a senator or speaker of the senate, and was not, therefore, entitled to act and vote as a member of the joint assembly.

This temporary provision for the exercise of executive authority is found in section 14, page 29, of the edition I have of the constitution of the State of Delaware. It reads as follows:

> Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Now, sir, I think if any man of ordinary understanding or intelligence (and the constitutions of our States were made by such men and for such men) were asked upon whom devolved the exercise of the executive office of the State upon the death of the governor, he would answer upon the speaker of the senate. If he were asked how long this devolution lasts, he would say until a governor was elected by the people and qualified. If he were asked on the first day of this temporary period, the day the governor died, who is to exercise the executive office, he would answer, the speaker of the senate. If he were asked in the middle of such temporary interim who is to exercise or does exercise the office, he would answer, the speaker of the senate. And if at the very close, on the day before the new governor was inaugurated, such person were asked who was exercising the office of executive now, or who is entitled to exercise it, he would answer, the speaker of the senate.

The future expression in this phrase "shall exercise" demands special attention. The phrase is not only imperative, but it is a future imperative looking beyond the present, and especially when you use the next word in the collocation, "shall exercise until," it will be seen that the whole scope of the temporary power—of the exercise of the power—of him who is speaker of the senate is in the future.

Necessarily, then, the speaker must be and continue for that future period the officer as he is first designated. The speaker must remain speaker; he does remain speaker. It is because he is speaker and remains speaker that he exercises the executive authority, for if, as is contended for by the other side, at the very beginning of the exercise of the executive authority he ceases to be speaker or is suspended from the office of speaker or the office of senator, how can the speaker, be said to exercise the office for the future? How can it be said of him in any way he "shall exercise"; the speaker must exercise *eo nomine* for that future period the office of governor. If he ceases to be speaker, if he is suspended from his functions as speaker, he would then be no longer the officer designated by the constitution *ipsissimis verbis*, he would no longer be the official designated in the words and

letter of the constitution to make the temporary supply in the exercise of the executive office.

Mr. MITCHELL of Oregon. I will not interrupt the Senator at all if he dislikes it or if it disturbs him, but if it does not disturb him I wish to ask him a question right at this point.

Mr. TURPIE. I heard the Senator for six hours——

Mr. MITCHELL of Oregon. I shall not interrupt the Senator from Indiana if it will disturb him. I concede that the Senator did not interrupt me once.

Mr. TURPIE. And I never interrupted the Senator. I do not believe that interruptions lead at all to a correct discussion of a question.

Mr. MITCHELL of Oregon. The Senator will bear me out, however, in the statement that I was interrupted a great many times by his colleagues.

Mr. TURPIE. That may be; but if the Senator was interrupted he permitted it.

Mr. MITCHELL of Oregon. I will not interrupt the Senator. I will answer what he has to say later on, if I can.

Mr. TURPIE. That was my course.

Mr. MITCHELL of Oregon. And I think it is the proper course.

Mr. TURPIE. Yes, sir; I have no doubt the Senator can interrupt the Senators who interrupted him in discussing this question, but as I am to open the discussion it will be seen that it ought to be made as plain, as clear, and as consecutive as possible upon our side. I will read the section again:

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

I ask now, is there any limitation of time in this section, and to what does it apply? I think I can answer the question very clearly. There is a limitation of time. The limitation applies to the temporary exercise of the office of the governorship. It is said that it shall continue until a governor elected by the people shall be duly qualified. Is there any limitation upon the time of the senatorship? Is there any limitation of time upon the speakership? Is there anything said about a limitation of time upon either of those offices, upon either of those positions? The constitution is entirely silent. The term of a speaker is unaffected by this section. The length of time for which he serves as speaker is unaffected by it. The term of Senator Watson is unaffected; it is unchanged. He remained speaker, he remained senator; there is no limitation either upon the power or upon the time as to the speaker or senator; there is no suspension of the power; there is no limitation of the time. The limitation of the time plainly expressed in the section is upon the temporary exercise of the governorship.

I do not think the mere silence of the constitution can authorize construction. What interpretation can there be; what explanation can there be; what construction can there be of the total silence of the constitution; its failure to make any limitation upon the term of the speakership or of the senatorship? There is no room for any explanation. There is nothing to explain; there is nothing to interpret; the interpretation of the claimant becomes interpolation.

Now, Mr. President, I ask again with reference to this construction. The constitution in its text in this section 14 does not provide that the speaker of the senate or the speaker of the house in either instance shall be or become governor of the State. Neither officer is anywhere called in this section the governor of the State. Let us look now at the different clauses:

> Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

He is there called the speaker of the senate who exercises the office; he is not called governor. He is distinguished in the most emphatic manner from governor, as I shall show in the future.

The next clause refers to the speaker of the house, and in that case the officer designated is called the speaker of the house of representatives exercising the office of governor.

The next clause provides that—

> If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution the secretary of state shall exercise the same until the next meeting of the general assembly.

There is a solid sentence; no comma, no semicolon, no stop at all. The secretary of state shall exercise the office until the meeting of the general assembly. There is a plain limitation on the time he shall exercise the office. It is shorter than the other time; until the meeting of the general assembly. There is no limitation on how long he shall be secretary of state.

But I ask with reference to this single sentence in three lines, where the temporary power is conferred upon the secretary of state, how could the secretary of state exercise it unless he was secretary of state, and where is there the slightest intimation, the most intangible hint, that he does not continue to be secretary of state while he is in the temporary exercise of the executive authority? But he is not called the governor; he is called the secretary of state, who exercises the executive authority.

Again, there is another contingency:

> If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office until a governor elected by the people shall be duly qualified.

There is another person designated to exercise the office by a very high method in a very high manner, selected in the same manner as the members of this body, by a joint ballot of the general assembly. Is he governor? Is he called and designated governor? No, sir; he is called a person to exercise the office. That is all he is called. He is not even named by inference the governor. How easy it would have been to have said, "Who shall proceed to elect, by joint ballot of both houses, a person to exercise the office until his successor shall be elected by the people." That is interpolation. Until a governor shall be elected by the people is the language of the constitution. Is not this person who exercises the office a governor? No; he is not. He is not called such. He is not in the gubernatorial succession. He is not in the rank, order, and dignity of governor. He is a person who exercises the office of governor by virtue of the choice of the joint assembly of the State of Delaware.

Who, then, may be governor? The constitution is perfectly plain upon that subject:

> The supreme executive powers of the State shall be vested in a governor. The governor shall be chosen by the citizens of the State.

Is it possible, then, that a governor of Delaware should be any other person than one chosen by the citizens of the State? Certainly not; he can not be. No person can be governor of Delaware unless he be chosen by the citizens of the State. Can not the senate choose a governor? No, sir. Can the house of representatives choose a governor? No, sir. Can both houses choose the governor? No, sir. Both houses put together can only select "a person to exercise the office of governor."

Now, it may be said, and perhaps by anticipation it was said by my honorable and learned friend from Oregon, that these are refinements. They are refinements of a very classic and elevated character. They are not mine; they belong to the text of the constitution of the State of Delaware. Here are five clauses in section 14 relating to temporary dispositions of the executive authority. In each of these clauses the person so designated is not once called governor. For five times *ex industria*, with exceeding care, the framers of this constitution and the people who adopted it have avoided calling the temporary occupant of the chair governor. They have refused to recognize him as governor. They have declared that he should not be known or recognized as governor, and have taken most extraordinary pains to see that in the text of the law he is not known, recognized, or declared governor of the State.

I was very much surprised then by the statement of the learned Senator from Oregon with reference to what he claims to be a well-known maxim of common law, that the acceptance of one office, an incompatible office, vacates an office formerly held by the same man. I am not now questioning that law, though I might question some construction put upon it by the honorable Senator; I will not do that in passing, but the question I ask is, When did he accept the second office of governor? How could he accept it? A man may accept a thing that is offered to him. He may even accept or decline a thing that is offered to him. A person is elected by the citizens of Delaware governor of the State. That person can accept, that person can decline. Was Mr. Watson ever elected by the citizens of the State to the office of governor? No. The maxim of common law has nothing to do with the question in the case. There was indeed no second office and no acceptance of any second office.

But, Mr. President, I pass now to the case where it is claimed that the speaker of the house may under certain conditions become a governor, to show also the same contrast, that in the exercise of the office of governor he can not become a governor, and that he never does become a governor. Here is the next section:

> If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office.

The speaker of the house of representatives is a very high dignity. It belongs to a very high order, both in the law and in the history of the State. But the speaker of the house of representatives is not the governor; he is not called or declared to be the Governor. He is only a *pis aller;* he is only a makeshift, he is only a substitute for the governor, and he is only that substitute until a governor be elected by the people. The speaker of the senate is a substitute until a governor be elected by the people, and qualified. This person, who is chosen on joint ballot, is simply a substitute to whom the temporary exercise of executive authority is committed, and in direct contrast with him, distinguished from him, different from him in rank and in order, and especially in the method of his choice until a governor can be *elected*, the

only way a governor can be made, until a governor can be chosen by the citizens of a State, the only way in which a governor can come into existence. This substitute exercises the executive office until there has been such an election by the people of a governor.

Mr. GRAY. The election can only come from the people?

Mr. TURPIE. Yes, sir. Now I pass on to another section which we of the minority think bears a great deal upon this question. I am going to read the sections consecutively, both together, because in that way I think we can get a better interpretation, a more perfect interpretation, a closer interpretation. They are now separated in the text by reason of the collocation, but if they were both together they would read this way:

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

* * * * * * *

Each house shall choose its speaker and other officers, and also each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*.

Those two sections belong together. They are to be interpreted together. It needed no additional provision to authorize the election of a speaker *pro tempore*, upon the construction of the claimant that the speaker already elected had ceased to be a senator when the exercise of executive authority had befallen him, because this very first clause of this section says "Each house shall choose its speaker and other officers."

It is contended on the other side that the speaker so chosen when the executive authority has devolved upon him ceases to be speaker and ceases to be senator. Then the first clause of the section is ample; all they have got to do is to choose another speaker. What was then and is the office of the second clause in section 5, "and also each house, whose speaker shall exercise the office of governor may choose a speaker *pro tempore*?" That is an additional authority. That is a very necessary authority, because the speaker being absent and continuing speaker while he is absent, and being the one speaker of the house duly chosen, it not being possible that there could be two, it is provided in the constitution of Delaware that a speaker *pro tempore* shall be elected by either house whose speaker may be so engaged in the office of executive service *pro tempore* for the time during which such speaker may be absent. If the regular speaker elected were no longer a senator, he could not be a speaker. They could immediately elect under the first clause, "each house shall choose its speaker and other officers." It was because the speaker first chosen still remained speaker and still remained senator, and because there could not be two speakers, that authority became necessary to elect a speaker *pro tempore*, a speaker for the time during the absence of the speaker, like a President *pro tempore* of this body. The speaker *pro tempore* is a constitutional officer. It is named in the constitution of the State of Delaware. It is a permanent provision for a temporary occasion for any and all occasions when the speaker is not present.

My honorable friend from Oregon lays a great deal of stress upon the word "may;" may choose a speaker. He insists that it shall have an imperative construction; that it shall be construed to mean "must." Well, I do not think so. I think it means just exactly what it says, to give the discretion to the house or senate whether they shall elect a speaker *pro tempore* or not. There might be circumstances in which a permanent officer for this purpose would not be needed. For instance, the governor might die the day before they adjourned, three days before, or a very short time before they adjourned. Without any constitutional provision at all, without either of these provisions, the house or the senate of Delaware, as well as of every other State in the Union where free government obtains, would have the right to make a presiding officer for the day to call some one to the chair, to move him to the chair, and take the sense of the house upon it. This "may" is inserted here so that when circumstances are such that the legislature do not wish to make a permanent appointment of a speaker *pro tempore* on that occasion they may from day to day call in one of their number to the chair and so proceed in the brief and closing days of a session.

But why, I should like to ask my honorable friend from Oregon, should we discuss the "may" at all in this case? "May choose." Is there any room for discussion? There would be some room if it were all in the subjunctive, if it were all in contingency, all in *posse*, and nothing in *esse*. But what do the facts in the case show? They show that this whole discretion has disappeared. The condition is gone. The senate of Delaware traveled over from the condition of hypothesis into the province of actual fact. It is not what they might do, but what did they do? They did elect a speaker *pro tempore*. That is the solution of it. They did it because although they had a permanent speaker, he might be absent. They did it because the speaker might not return until the term for the exercise of the executive authority expired, or it would be inconvenient for him to return; and therefore, when he was present, by both the sections his right to preside is recognized, because you can not have two permanent speakers—his right to preside is recognized, because there has been one speaker and one speaker *pro tempore*. Whenever he is present, or might be present or might return, he is recognized as speaker, and continues to be recognized as the regular speaker by the fact, not that they might, but in this case that they did, choose a person to act as a temporary substitute in his absence.

There has been a good deal of discussion about two general propositions in the constitution—one, section 12 of Article II, and another, section 5 of Article III. One provides that no person holding an office under the State shall be a senator. No person holding any office under the State shall be a senator. I admit that the governor is an officer of the State, but I say that Watson never was governor and never could be governor. He may be sometime, but when he becomes governor it will be after he is chosen by the citizens of the State to that office, in the language of the constitution. He will never become governor before that time. He can not be governor before that time. No other power can choose him. No other constituency can elect him. The governor of Delaware is chosen by the people. Watson was holding no other office under the State then—none whatever. He is a senator, and continues to be a senator.

I admit that the governor is an officer, but, for sufficient reasons already given, it is plain that Watson never was governor, and could not be governor. The right devolved upon him only to exercise the office. That is the extent of his authority; but this right was not an office, it was simply a right; it was not an office; it was simply the exercise of an office; it was a right appurtenant, not to Watson, nor to any person; it was a right appurtenant to the speakership, to the senatorship. It was a right inherent in no person, appertaining not to Mr. Watson; but it was a right inhering in and pertaining to the speakership of the senate of Delaware, and to a member of the senate of Delaware, by consequence.

Then there is another provision, a second of these sections, which provides that no "person holding any office under the United States, or this State, shall exercise the office of governor." I wish to turn to that section.

Mr. GEORGE. It is section 5 of Article III.

Mr. TURPIE. It provides:

No member of Congress, nor person holding any office under the United State, or this State, shall exercise the office of governor.

That evidently refers to the case of the office of governor chosen by the citizens of the State. It is in the same section, on the same page, and follows directly afterwards; and it does not refer, and could not refer, to the temporary exercise of the office of governor. Here is room for an interpolation, a very small one, which would support the construction given by the other side.

"No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor, or shall have devolved upon him the exercise of such office."

Thus there would have been a plain conflict; but it has been the care of the framers of the constitution and of the people who adopted it to avoid a conflict. Neither of those sections, neither section 12 of Article II, nor section 5 of Article III, has any reference to the temporary provision contained in the constitution for the *ad interim* exercise of the executive authority. They both refer in the first instance to the full elective term of the governor, and in the next to the full elective term of the senator, and provide that these terms, these offices, shall not be held by the same person at the same time. That is the totality of the provision.

This constitution was made sixty years ago. If it were redrafted we should perhaps have more modern terms. These sections simply provide that the person named shall be ineligible to the office of governor by the people, and that the other person named shall be ineligible to the office of senator by the people. That is the whole meaning and extent and intendment of the two sections quoted by the honorable Senator upon the other side. They are in perfect harmony with the other provisions of the constitution. There is no possible conflict or collision between them. But if there were an apparent conflict what would be the consequence? It would be the duty of this Senate to reconcile the language of the constitution so that all these sections might stand together and have effect. That would be the duty of the Senate, not to seek a conflict nor to make one, not to nurse a collision, but to harmonize, as they may be harmonized, all these provisions in the constitution of the State of Delaware. That is the duty of a court even in the case of an ordinary contract. It is the first law with respect to the construction of contracts where there seems to be an ostensible or apparent contradiction between one provision of a contract and another, or others, the first duty of the court is to construe all the provisions so as to reconcile them and give effect to each. If that be the duty of a court in any instance with respect to a contract, it is much more our duty with respect to

the constitution of a sovereign State, a State paper of the highest dignity and of the gravest character. I can not believe that there is any conflict between these sections. I know there is none under the construction of the minority of the committee, or in the actual usage of them by the people of Delaware.

I now come more seriously, perhaps I ought to say a little more at length, to consider the maxim quoted by my honorable friend with respect to the common law. At common law it was held that two offices, one incompatible with the other, could not be held by the same person at the same time; and the Senator goes on to say that Mr. Watson accepted the office of governor. Mr. Watson could not accept the office of governor, as I have already stated, because it was never tendered or offered to him. He only had devolved upon him the temporary right of exercising the executive authority. Did he accept that? Did he accept anything? Was there anything he could accept? Was there anything he could decline? Nothing. He was in this condition: He was in the exact condition of an heir of an intestate as to real property. The heir, upon whom the law at the death of an ancestor casts immediately the estate, the heir does not accept it; he can not decline it. His birth, his race, his lineage, and the law take and designate the heir. It is not a matter of his volition. It was not a matter of the volition of the speaker of the senate under the constitution of the State of Delaware. He does not accept the right to exercise the executive authority temporarily; he does not accept any office in doing that. The constitution devolves it upon him unconditionally, designates him as the person temporarily to exercise this right. He can not help himself; and he stands in the same relation that the heir does. Of course the heir may not enter upon his estate; he may use his discretion as to whether he will use or make use of what has fallen to him; but he can not refuse the heirship; he must take the estate; then he can dispose of it. What a person *must* take, can he accept? How can he accept it? What a person *must* take, how can he decline? What duties have befallen a person who is compelled by law and designated by the constitution of his own State to perform, he can not escape. He can not escape his constitutional inheritance of temporary power. He may indeed refuse to exercise it.

Mr. GRAY. It is attached to the speaker of the senate.

Mr. TURPIE. Yes, sir; attached to the speakership and appurtenant to the speakership. He is designated as speaker of the senate, as the object of this devolution, as the constitutional heir of this authority, as the delegated depositary of this authority, and whatever he may choose to do afterwards, he can do nothing less nor more than to accede to the devolution which has befallen him. There is no escape for him.

What then? What application has this common-law maxim which the honorable Senator has quoted? None at all. All the cases he cited are those of very ordinary occurrence. Here was a man high in the custom-house who was appointed as a judge of the exchequer court. Of course, the exchequer court deals in nothing else except the rates of customs and internal duties; but for a man to be a judge in that court and at the same time an executive officer under any of the laws is entirely incompatible. There is no devolution in any such case. The acceptance is voluntary. It is an act of the person, but devolution is an act of the law. Here were two distinct offices made by the British statute cited. In this case there is one office, a senator from Delaware made by the constitution of the State of Delaware, and one appointment, that of the speakership of the senate, made by the senate, and no other office, only the right temporarily to exercise an office, a right appurtenant to the office which he already held.

I may be perhaps indulged in making a few remarks here. This whole system of a temporary use of executive authority seems very strange to us; it did to me on first reading it, because most of the States now elect an officer, a lieutenant-governor, who, upon the death of the governor, succeeds to the governorship; but I wish to say that, as familiar as that thing is to us, it is not at all familiar to the people of the State of Delaware. This is a very old provision in the constitution of the State of Delaware, that the speaker of the senate or the speaker of the house, shall, on the death of the governor, succeed temporarily to the exercise of the office. It is contained in the present constitution, which is sixty years old; it is contained in the constitution preceding it, now seventy or eighty years old, and it is contained in the constitution of 1776. I name it in honor of the noble State of Delaware, that she made a constitution for the State in August, 1776, only a calendar month after the Declaration of Independence. She is a charter member of that grand lodge of liberty since established, and she certainly had the right to say not who should have the office of governor, but who should exercise the office in case the governor chosen by the people died. She has said it. It may not suit the Senator from Oregon; many of us might think we could draft a better constitution; many of us might think this is antique, this is old-fashioned. I love it more upon that account. I do not think the institutions of the people of the several States should be subjected to change, borne about by every wind of doctrine. Such as the provision was made in 1776 it remains to-day; and it has frequently received, not only legislative construction, but actual, positive construction, recognized by the legislature of the State, and concurred in and acquiesced in by all the citizens of the State of Delaware. Repeated has been that acquiescence.

Sir, the honorable Senator from Oregon took a great deal of time to tell us in respect to the anticipated horrors—is that too strong a word?—calamities which would befall the State of Delaware for having committed temporarily to a legislative officer the exercise of executive authority. He instanced the case of where he could remove judges, go into the senate and vote for the removal, and then appoint; he instanced another case of what seemed to be extreme harshness. It was that where the governor was impeached, he could go in and vote on the question of his impeachment. I wish to say in general to all this reasoning, that these subjects were all fully considered not only by the convention which framed the constitution of the State of Delaware, but also by the people who adopted it, and we have details of even more perfect consideration than that. John M. Clayton was a member of the convention which framed the constitution; and there is an extract from his speech in an argument made, too, on the side of this claimant, in which he goes on to say that he has great confidence in senators of the State of Delaware, but he wishes to warn the convention against transferring to any member of the legislature any portion of the executive authority for any time. It is a very grave warning, made in most serious language, and doubtless enforced by that great historic induction which Mr. John M. Clayton would draw upon such a subject, upon such a theme. The convention heard him; the people of Delaware heard him; they heard him as we have heard the honorable Senator from Oregon—carefully, gravely, earnestly—and they decided against him and against the theory and against the policy, and they held to the ancient system of delegating to the speaker of the senate the temporary exercise of executive authority.

Besides all this, I must say that, after all, the Commonwealth of Delaware has got along very well. We have never heard of any very serious calamities which befell her on account of this temporary disposition of executive authority. However monstrous it may look to the Senator from Oregon, or to anyone else, dealing in the ordinary language of constitutions to-day, it certainly has proven well for the people of Delaware. There never has arisen with respect to it any trouble in actual fact, and none in the construction which we have given to these sections of the constitution in argument.

The Senator also devotes a good deal of his time to a consideration of the matter of the inextinguishable incompatibility existing between the office of governor, as he calls it—I shall call it the exercise of that office—and the office of senator. The Senator has found a method of creating a governor of Delaware without election, and without his being chosen by the people. He states that there is a great incompatibility between the exercise of the executive authority and the exercise of the authority of a senator by this constitution, while the laws of all the several States are full of such incompatibilities. They are full of even greater incongruities. Take the instance, for example, of the Chief Justice of the United States serving to-day or at any other time. He has assigned to him a circuit, and goes out and holds court around the circuit, and decides a case one way—one case or several cases—the parties are not satisfied and prosecute an appeal. That appeal comes up here to the court in banc, all the judges sitting together. The Chief Justice is one of them. He has a right to sit there, and he has a right to sit in judgment upon his own determination, upon his own decision. He has the right to vote to affirm it if he wishes to, to argue, to debate the correctness of the decision. It it true this right is not often exercised. Usually we find in the reports, "Fuller, Chief Justice, absent," indicating that he has tried the case below and did not wish to take any part in the discussion or decision above. But that is simply a voluntary renunciation of his right. The right remains.

Mr. MITCHELL of Oregon. If the Senator will allow me right there the Delaware constitution provides that in cases of that kind the governor shall appoint a judge *ad litem*.

Mr. GRAY. Oh, no.

Mr. GEORGE. Where the judge is interested.

Mr. MITCHELL of Oregon. Where he is interested in the cause.

Mr. GRAY. Yes; where he is interested in the cause.

Mr. TURPIE. Where he has a pecuniary interest; not where he has given an opinion.

Mr. MITCHELL of Oregon. I supposed that was what the Senator was referring to.

Mr. TURPIE. I did not say interested in the cause; I did not make any such proposition. I said here was a judge acting in the first instance, and then reacting in his own favor. It is an incompatibility; it is an incongruity; it is anomalous. The Senator from Oregon said it was against common law, against common

reason. However that may be, it is provided for by the Constitution of the United States and by the statutes of the United States.

Mr. GRAY. And by the constitution of Delaware.

Mr. TURPIE. And by the constitution of Delaware.

Mr. MITCHELL of Oregon. Nothing of the kind.

Mr. TURPIE. And by the constitution of Ohio it is also provided. There they have a court in banc, the judges of which hold circuit. I was at one of them last summer, and I was struck with the incompatibility, because we have no such thing in Indiana. It struck me, as it would the Senator from Oregon, as being radically incompatible that a judge should be allowed such a privilege, such a right; but the constitution of Ohio provided for it. One of the powers of the people, the sovereign people of the State of Delaware, or any other State, is to make an incompatible constitution if they wish. That is one of their express powers implied in their sovereignty. The legislature may, and frequently does, make laws in contravention of the common law—in direct contravention of it. Take, for example, the subject of testimony. When many of us here commenced to practice law no person having the slightest pecuniary interest in a case could testify in it. A whole day I have seen taken up with arguing the question of pecuniary interest, because depended upon the decision the question whether the witness was allowed to be sworn, and especially was no party in a suit allowed to testify. All those witnesses were excluded. They were excluded because the common law said that the position of a party to a suit and a witness in a suit were incompatible—wholly incompatible—just as the honorable Senator from Oregon says. A man ought not to be allowed to swear money into his own pocket; a man ought not to be allowed to swear away some liability which he had incurred; it was wrong that the law should tempt a man or place him in a position where he should be both a witness and a party interested—it was reprobate, wholly wrong—and yet now in a great majority of the States pecuniary interest is no disqualification; everybody is heard no matter how much he may be interested; the parties to suits themselves are heard; the defendant in a criminal case is heard, if he wishes to be heard, as a witness.

So that these provisions, incompatible by the common law, are entirely abrogated by the statute. If an ordinary statute can abrogate and erase incompatibility of this character, why may not the constitution of the State of Delaware be gifted with the same power and the same authority?

I do not admit that there was the slightest incompatibility between the office of senator and the office of speaker and the temporary exercise of the executive authority—not the slightest; granting to my honorable friend from Oregon, for the sake of argument, that there was any incompatibility, that is the very thing the State of Delaware might destroy, the very thing that the constitution of Delaware might abrogate. They have abrogated it; they have swept away this common-law incompatibility, and have said that they would make their own rules. It is not, therefore, any more a competent question; it is hardly a reasonable question, if the honorable Senator will allow me to use the remark, to ask in this case what offices are compatible at common law.

Mr. MITCHELL of Oregon. If the Senator will allow me, he, of course, does not understand that in anything I have said, I have claimed for one moment that the men who framed the constitution of Delaware could not, if they so desired, have made the offices of governor and of legislator so that they could be exercised by the same person simultaneously. I have admitted from the start that they had the perfect right to do it, but what I have claimed, and what I do insist on, is that they did not do it, but, on the contrary, they, by the provisions of this constitution, expressly prohibited it. That is my position.

Mr. TURPIE. Yes, that is your position on one limb of your case.

Mr. MITCHELL of Oregon. That is my position on all limbs of it.

Mr. TURPIE. No, sir, it is not. You devoted not less than an hour to the consideration of compatibility and incompatibility of the executive office with that of senator.

Mr. GRAY. Inherent incompatibility.

Mr. TURPIE. Yes, inherent incompatibility, quoting the incident of impeachment, quoting the removal of judges, quoting the instance of the approval of acts of the legislature, quoting the instance of being in the legislature and holding an executive office. All this was done for the purpose of urging upon your limb and branch of the argument that the Senate might conclude that there were two offices one incompatible with the other. Upon that other branch of the argument which you now state, I will meet you there. You convince me that, by any reasonable construction of the constitution of Delaware, Watson was ever governor, or could be governor, then there will be another question to argue in this case.

Mr. MITCHELL of Oregon. I think he was governor.

Mr. TURPIE. The constitution says he was not. He was only a person to exercise the office. The constitution does not call him governor, or name him governor; does not even inferentially permit or allow him to be called governor. I know the Senator calls him governor; the Senator called him governor fifty or sixty times in the course of his address, but I suppose that was a mere matter of courtesy.

Mr. MITCHELL of Oregon. So does the legislature of Delaware call him governor.

Mr. TURPIE. So they might. It is like the case of the distinguished Senator who sits on my left [Mr. HILL]. They call him governor. He was governor of the Empire State two terms, and he was for part of the time lieutenant-governor of the State. It is a common courtesy where a man has held a distinguished position, or is even not holding it, even long years after he has left it, and even a lieutenant-governor of a State is called "governor" who never has been governor, and probably never will be governor; and in my State they call a defeated candidate for governor "governor." [Laughter.] They call him that more than anything else. You can not make Watson a governor by calling him so.

Mr. MITCHELL of Oregon. They have no governor in Delaware, then?

Mr. TURPIE. Of course not, and will not have until a governor is chosen by the people.

Allow me to ask the Senator, how does it come that we are discussing the question here of incompatibility, and especially the question about whether there is anything incompatible in the governor as claimed going into the senate and voting on his impeachment? The honorable Senator says this is a case of rancorous incompatibility; and he says that as if everybody acquiesced in the action of the governor as claimed which is imputed to him. My notion is this, sir, that at the common law *nemo debet esse judex in sua causa.* I think that is a wiser maxim than any one the Senator has quoted, much broader, more universal. No one can be a judge in his own cause. How, then, could the governor as claimed sit as a judge in his own cause and vote in his own cause? In my opinion, the legislature of the State of Delaware would correct that instantly with a rule if a rule were necessary. But how do we happen to be sitting in consideration of that question at all here? May we not take some comfort in the reflection that this question about the governor as claimed presiding in Delaware on the occasion of his own impeachment is a very remote one? At what day in the future shall we be called upon to consider or decide it? Can the learned Senator give a date, or an approximate day or date, when we shall take jurisdiction of this question for the purpose of determining it? Allow me to ask with respect to that question now in argument, How ought we to be enlightened by a long series of contingencies ending with a query *de hoc?* Allow me to state to the honorable Senator that the Government can not be administered upon conundrums of this kind, and neither the organization of the Senate nor its membership can be aided or assisted by this species of conundrums. Sufficient unto the day are the questions of to-day. The questions of to-morrow may be better dealt with when the morrow comes.

I was going on, sir, to remark about the competency of an ordinary statute, and more especially of the constitution of a State, to abrogate incompatibility at common law. There is another instance well known. At common law husband and wife were one, and that one was the husband. All she had, all she earned, even the sweat at the washtub of the laboring woman was taken and applied in payment of the debts of the husband. That was the doctrine of the common law. Now, by constitution and partly by statute in our State, and I think in almost every other State in the Union, this incompatibility existing formerly in the married state is destroyed, and it is expressly provided in contravention of the common law and in contradiction to common law, in denial of common law, that what is the wife's is the wife's; that she owns it separate and apart from her husband; that it is not liable in any manner for the payment of his debts. That is an entire contradiction of the common law, made by statute and constitution. In the same manner, in the constitution of Delaware, the makers and the adopters of it had the power to do away with incompatibility if official incompatibility occurred in the provisions which they made in this instance.

I might call attention to a very severe case of this kind with respect to the United States officer just mentioned, the Chief Justice of the United States, who becomes the presiding officer in the Senate in the case of an impeachment. The language is the same as in the Delaware constitution. The operative verb is in the same mood and tense. The Constitution of the United States provides that in such cases the Chief Justice of the United States "shall preside" in the Senate. He does not take it in that case. It takes him. The constitution of the State of Delaware provides that on the death of the governor the speaker of the senate "shall exercise" the office. This right to exercise the office is not taken by the speaker. It is attached to the speakership. It is not accepted; it is not received. It is thrown upon the speakership.

So I say with respect to the presidency of the Chief Justice of the United States in case of impeachment. He is required to preside here. When he does preside he is the same as any other President of the Senate. He decides all questions, parliamentary questions, questions of law; he performs all the functions of a presiding officer in the Senate. Does he thereby vacate his seat in the Supreme Court of the United States? Is he suspended from any function as Chief Justice of the United States, or is it simply the fact that the presidency during impeachment is attached to the office of Chief Justice? Is it not the case in the other instance that the exercise of the executive authority is attached to the speakership? It is not taken, not seized; but it is involuntarily cast in one case upon the Chief Justice, and in the other case upon the speaker of the senate.

But, Mr. President, I spoke of a practical construction which had been given to these clauses of the constitution in the history of the State of Delaware. This construction is practical; it is contemporaneous, very near the time when the constitution was framed and adopted, and it is continuous, unbroken. There has been no breach under its practice. There are at least four persons now noted here in argument—conceded in argument—who as speakers of the senate have succeeded temporarily to the exercise of executive authority.

Mr. GRAY. Five.

Mr. TURPIE. Five; excuse me. Mr. Cooley, that very distinguished author, says that this kind of construction, practical construction, when near or approximating the time of the constitution, and when the precedents in respect to it are unbroken, overrides every other consideration. No court will set it aside. No tribunal will reject it. The whole profession acquiesces in that practice, recognized by the people, acquiesced in and acknowledged by the people of a State when they are in the business of transacting their public affairs. Of these five persons who have hitherto exercised temporarily the executive authority under the section of the constitution just read, Mr. Polk is one, and I name him especially because he is one to whom the exercise of the executive authority came, upon whom it devolved during the lifetime of the present constitution, which was adopted in 1830. He was speaker of the senate, and had devolved upon him the exercise of the executive office in 1834. He served until a governor was elected by the people, filling exactly the language of the constitution, and when a governor had been elected by the people and qualified, Mr. Polk went to the senate of the State, whence he had been temporarily absent, and served out his time in the senate.

Every one of the persons who has served either as speaker of the senate or as speaker of the house, without a single exception, after the expiry of the time limited for the temporary exercise of executive authority, went into the senate and completed his term as senator without protest, without objection.

Mr. MITCHELL of Oregon. If the Senator from Indiana will pardon me, unless I misunderstand him he is certainly wrong in his facts. I understand the Senator to say that in every case where a speaker of the senate has succeeded to the exercise of the office of governor, that after he has gotten through with the governorship he has gone back and finished out his term as senator. Is that the statement?

Mr. TURPIE. No, sir.

Mr. MITCHELL of Oregon. Then I misunderstood the statement.

Mr. TURPIE. I said in five cases there was such a condition of affairs. Of course there were some cases in which the senatorship had expired.

Mr. MITCHELL of Oregon. Yes.

Mr. TURPIE. There were some cases in which the senatorship and the speakership ceased.

Mr. MITCHELL of Oregon. There are at least five or six cases where the senatorship expired before the parties could cease to exercise the office of governor.

Mr. TURPIE. Yes. I had on my notes four cases, but the Senator from Delaware [Mr. GRAY] corrected me and said there were five persons who served temporarily in the exercise of executive authority, not as governor. They were not authorized to serve as governor.

Mr. MITCHELL of Oregon. There were four——

Mr. TURPIE. They were not authorized to serve as governor by anything in the constitution. That authority comes only from the Senator from Oregon [Mr. MITCHELL]. It has no authority in the State of Delaware.

Mr. MITCHELL of Oregon. To what authority does the Senator refer?

Mr. TURPIE. There are five senators who temporarily exercised executive authority, who went into the senate after they had so exercised it and served out their terms as senators without protest and without objection. Mr. Polk, the person I named, was a very prominent gentleman in Delaware at that time. He was president of the convention that framed the present constitution in 1830. Did he not know what it meant? Did he not have an understanding about its meaning?

Mr. MITCHELL of Oregon. Not one of them ever——

Mr. TURPIE. Did he not understand in reading those sections that the speaker of the senate, notwithstanding the temporary exercise of the executive office, remained speaker of the senate and remained a senator? He must have understood it. There is contemporaneous authority. There is a practical construction, made by one of the makers of the constitution of Delaware, of the two sections to which I have called the attention of the Senate, and that practical construction, as I said before, is without any breach in precedent. Some persons designated speakers of the senate took the same course and went into the senate afterwards and served out the remainder of their senatorial terms.

Mr. MITCHELL of Oregon. But not one of them ever undertook to exercise both offices at once.

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. Not one of them.

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. Except Watson.

Mr. TURPIE. All of them. All of them retained the exercise of the functions of both offices at once.

Mr. MITCHELL of Oregon. Never.

Mr. TURPIE. Every one of them.

Mr. MITCHELL of Oregon. Never in a single instance.

Mr. TURPIE. In every instance they retained the exercise of the functions of both offices at once. If not, how could they afterwards go into the senate without a reelection?

Now, the Senator says that for one hundred and four years this precedent has been unbroken. He mentions this to show the strength of refraining. He says all these people *refrained*, and he says that for one hundred and four years this one *refrained*, that one *refrained*, they all *refrained*.

Let me call the attention of the Senate to the fact that the person in the exercise of this office remains a senator; and I am glad that we have precedents running through such a long time. It shows that the person so remains; that his seat is not subject to occupation by another; that it is not vacant; that the devolution of the right, not being itself an office, does not disqualify him; that there is no suspension or abeyance or interim of his term as senator except as occasioned by his voluntary absence and action. That is all shown by the history of the State of Delaware for one hundred and four years, as the learned Senator well says.

I know it is said that these gentlemen refrained, and I am very glad the Senator used the word "refrain." I understand the word "refrain" to be indicative of the action where a man or a woman having a right to do a thing and an opportunity to do it, forbears to do it, voluntarily foregoes doing it. How, then, can it be said in any sense——

Mr. MITCHELL of Oregon. A man may refrain from doing a thing he has no right to do.

Mr. TURPIE. Yes; he may, but the position of the honorable Senator is that he is compelled, prohibited, forbidden from exercising the speakership because he has the exercise for a time of the office of governor; that he is forbidden to be a senator and to exercise the executive office; that he is prohibited from exercising the executive office at the same time continuing to be a senator. But when he comes to speak of the precedent, when he comes to speak of the actual construction, when he comes to speak of the interpretation put upon this provision by Mr. Polk, the maker of it, then he says "this gentleman refrained and Mr. Watson had better have refrained." That is the force of his position. It would have been better for Mr. Watson if he had refrained.

I am very glad the Senator used the word, because it is plain that in the view of the senator himself Watson had a perfect, right, a perfect opportunity, and was in full exercise of the functions of the executive office while he was senator. I will repeat, what I repeated to the Senator, he was in full possession of the functions of the speakership, competent to discharge them, but he voluntarily forbore to exercise them. He voluntarily refrained from exercising them. That is the meaning of "refraining" according to the English language and according to the most approved dictionaries. I should dislike very much to have it said in the old fable that the fox refrained from eating the grapes, very sour, beyond his reach. That is not a case of refraining. But that is the case of the Senator from Oregon, according to his construction. He says that Mr. Watson refrained. That is true. That is exactly what he did do. He forbore. That is exactly what he did do. While he might have exercised it and when he might have exercised it he declined to enter the senate and to take part in the legislative business. But the other limb of the honorable Senator's conclusion is that he was forbidden to do it. If he was forbidden, if he was prohibited, if it was unlawful, if it was unconstitutional, why talk about refraining?

It appears, then, from the Senator's own statement and account of this historical precedent that Mr. Watson had a perfect right

both in law and morals to be in, to vote, and to preside in the senate. His right to do so was recognized and acknowledged by his peers, by his brother senators, by both houses of the legislature, and by an unbroken stretch of precedents for one hundred and four years. That, I think, is practical construction of the highest character. I do not see how construction could be more practical; how it could be more contemporaneous.

Mr. PEFFER. Will the Senator from Indiana allow me for a moment? It will assist me very much in arriving at a conclusion if he will answer a question. Under our law, in case of the death or other disability of the President of the United States the Secretary of State first and afterwards certain other officers are authorized and required to exercise the office of President. In that case would the officer so succeeding keep the office that he now holds?

Mr. TURPIE. I think he would.

Mr. GRAY. Unless the statute provides it.

Mr. TURPIE. Unless there is a law against it; but the Presidential function may be temporarily added to it. The Presidential functions were formally added by law to the President of the Senate. The old law provided for that succession; that the President of this body should, on the death or inability of the President of the United States and the Vice-President of the United States, succeed to the Presidency, and there was actually one President *pro tempore* of the Senate who served one day as President of the United States, David R. Atchison, of Missouri. But did he vacate his Senatorship?

Mr. PEFFER. He did not vacate his office.

Mr. TURPIE. No; this right temporarily to exercise the office of President or of Vice-President, or any other office except the one which the party holds, is only a right; it is not another office; nor a second office. It is nothing which he can acquire. It is something that he is obliged to take, compelled to take.

Mr. President, I ask the indulgence of the Senate to conclude my remarks to-morrow.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 10, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1896.

UNITED STATES ATTORNEY.

James M. Beck, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania, vice Ellery P. Ingham, whose term will expire March 28, 1896.

UNITED STATES MARSHAL.

James B. Reilly, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania, vice Alexander P. Colesberry, whose term will expire April 4, 1896.

CONSULS.

Clement J. Dietrich, of Maryland, to be consul of the United States at Nantes, France, to fill a vacancy.

Richard L. Miller, of Virginia, to be consul of the United States at Hull, England, to fill a vacancy.

Ethelbert Watts, of Pennsylvania, to be consul of the United States at Horgen, Switzerland, to fill a vacancy.

APPRAISER OF MERCHANDISE.

R. Loper Baird, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania, to succeed Charles E. Ingersoll, resigned.

INDIAN INSPECTORS.

John Lane, of Spokane, Wash., to be an Indian inspector, vice Paul F. Faison, deceased.

J. George Wright, of South Dakota, to be an Indian inspector, vice John W. Cadman, deceased.

INDIAN AGENT.

Charles E. McChesney, of Hartington, Nebr., to be agent for the Indians of the Rosebud Agency, in South Dakota, vice J. George Wright, nominated to be an Indian inspector.

POSTMASTERS.

Mary Bryce, to be postmaster at Winters, in the county of Yolo and State of California, in the place of George W. Hemenway, whose commission expired December 16, 1895.

Lizzie M. Calder, to be postmaster at Willow, in the county of Glenn and State of California, her commission having expired February 29, 1896.

Thomas Fox, to be postmaster at Sacramento, in the county of Sacramento and State of California, in the place of William S. Leake, resigned.

Josephine J. Gaffney, to be postmaster at Los Gatos, in the county of Santa Clara and State of California, in the place of Anna F. C. Gaffney, deceased.

Laura Goodfellow, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas. Her commission will expire March 21, 1896.

Matthew F. Conroy, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in the place of Henry A. Talbot, whose commission expired February 16, 1896.

Edward A. Ellis, to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts, his commission having expired December 16, 1895.

Edmund H. Gates, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1894.

Junius Q. Hatch, to be postmaster at Northboro, in the county of Worcester and State of Massachusetts, in the place of Asa B. Fay, whose commission expired December 16, 1895.

William F. Rooney, to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts, in the place of Timothy Leary, deceased.

James B. Lucas, to be postmaster at Romeo, in the county of Macomb and State of Michigan, in the place of George G. Hartung, whose commission expired February 8, 1896.

John R. Manahan, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota, in the place of George Andrus, whose commission will expire March 21, 1896.

Joseph E. Schmuke, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri, in the place of Nathan C. Harrison, whose commission expired January 19, 1896.

Daniel H. Brooks, to be postmaster at Bozeman, in the county of Gallatin and State of Montana, in the place of Frank J. Nesbitt, whose commission expired February 15, 1896.

Mary F. Ballantine, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska. Her commission will expire March 21, 1896.

Charles D. Deshler, to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey, in the place of Robert Carson, whose commission expired January 6, 1896.

William Burns, to be postmaster at Salineville, in the county of Columbiana and State of Ohio, in the place of Henry Nixon, whose commission expired December 17, 1895.

Frank P. Dunlap, to be postmaster at Salem, in the county of Columbiana and State of Ohio, in the place of Hiram J. Halderman, whose commission expired February 8, 1896.

Elmer E. France, to be postmaster at Kent, in the county of Portage and State of Ohio, in the place of Walter W. Patton, whose commission expired February 8, 1896.

A. M. Kissinger, to be postmaster at New Carlisle, in the county of Clark and State of Ohio, in the place of Horace N. Taylor, whose commission expired December 17, 1895.

Oella C. Munch, to be postmaster at Yellow Springs, in the county of Greene and State of Ohio, in the place of Thomas B. Jobe, whose commission expired December 17, 1895.

Catherine Riley, to be postmaster at Franklin, in the county of Warren and State of Ohio, in the place of John M. Dachtler, whose commission expired February 8, 1896.

Daniel Randall, to be postmaster at Mechanicsville, in the county of Bucks and State of Pennsylvania, in the place of William E. Wilson, whose commission expired December 17, 1895.

Martin Gerard, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota, in the place of Mary B. Thomas, resigned.

John H. Fryer, to be postmaster at Whitewater, in the county of Walworth and State of Wisconsin, in the place of Edwin D. Coe, whose commission expired February 15, 1896.

PROMOTIONS IN THE ARMY.

To be second lieutenants, infantry arm.

Candidate Sergt. Joseph Drips, Troop D, Eighth Cavalry, March 5, 1896, vice Dashiell, Eighth Infantry, promoted.

Candidate Sergt. William F. Creary, Company C, Third Infantry, March 5, 1896, vice Helmick, Second Infantry, promoted.

Candidate Corpl. Edward T. Hartmann, Company H, Seventh Infantry, March 5, 1896, vice Jameson, Fifteenth Infantry, appointed first lieutenant in the Ordnance Department, who resigns his regimental commission.

Candidate Corpl. Howard W. French, Troop I, First Cavalry, March 5, 1896, vice French, Twenty-fifth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 9, 1896.

POSTMASTERS.

Joseph Sullivan, to be postmaster at Fort Benton, in the county of Choteau and State of Montana.

Louis Schalk, to be postmaster at Rawlins, in the county of Carbon and State of Wyoming.

Peter Bradshaw, to be postmaster at South Pittsburg, in the county of Marion and State of Tennessee.

Michael J. Green, to be postmaster at Watertown, in the county of Middlesex and State of Massachusetts.

E. P. Kimball, to be postmaster at Virden, in the county of Macoupin and State of Illinois.

E. Prentiss Bailey, to be postmaster at Utica, in the county of Oneida and State of New York.

Samuel W. Gould, to be postmaster at Skowhegan, in the county of Somerset and State of Maine.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 9, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. HENDRICK to fill a vacancy on the Committee on Banking and Currency.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this being the day set apart under the rules for the consideration of District of Columbia business, I desire, if it be now in order, to call up——

Mr. PERKINS. Will the gentleman withhold that motion for a few minutes? I wish to present a couple of privileged reports from the Committee on Printing.

Mr. BABCOCK. Very well.

CONGRESSIONAL RECORD FOR SENATE AND HOUSE LIBRARIES.

Mr. PERKINS. I am directed by the Committee on Printing to report back with an amendment to the title Senate joint resolution No. 72.

The joint resolution was read, as follows:

Joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD.

Whereas the number of copies of the CONGRESSIONAL RECORD provided for the Senate library by section 73 of the act in regard to public printing, approved January 12, 1895, has proved insufficient to supply the needs of the Senate: Therefore,

Resolved, etc., That section 73 of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents, which reads: "To the Senate and House libraries, 10 copies each," be so amended as to read: "To the Senate and House libraries, 20 copies each.

The report of the committee was as follows:

The Committee on Printing, having had under consideration Senate joint resolution directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD, report the same back with the recommendation that it be agreed to, the title to be amended in the second line by striking out the word "twenty" and inserting "ten."

It is represented to your committee that the 10 copies authorized to each library by the act of January 12, 1895, have proved insufficient to answer the demands of Senators and Representatives upon the respective libraries.

The cost is estimated at $500 per each Congress.

Mr. PERKINS. I move the previous question.

The previous question was ordered; and under the operation thereof, the joint resolution was ordered to a third reading, read the third time, and passed.

The question being taken on the amendment reported by the Committee on Printing, to strike out in the title the word "twenty" and insert "ten," it was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 789) for the relief of Kate Winter—to the Committee on the District of Columbia.

A bill (S. 690) for the relief of Fanny B. Randolph and Dora L. Stark—to the Committee on War Claims.

A bill (S. 93) to permit Anne M. Colman, a widow, to prosecute a claim—to the Committee on War Claims.

A bill (S. 290) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service—to the Committee on Claims.

BULLETIN ON APICULTURE.

Mr. PERKINS. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of the work on apiculture compiled by the Department of Agriculture; the same to be in paper covers, 10,000 copies of which shall be for the House of Representatives and 5,000 for the Senate.

Mr. PERKINS. Mr. Speaker, the committee offers an amendment to the resolution, which is set forth in the report. I will ask for the reading of the amendment. There is no necessity for the reading of the entire report.

The Clerk read as follows:

Strike out "fifteen thousand" and insert "twenty thousand," and strike out the word "and" after the word "Representatives," and add at the end of the resolution the words "and five thousand copies for the use of the Department of Agriculture."

The amendment recommended by the Committee on Printing was agreed to.

The concurrent resolution as amended was agreed to.

The title of the resolution was amended to conform to the increase in the number of copies.

MUSTER ROLLS, THIRD AND FOURTH KANSAS INFANTRY.

Mr. BLUE. If the gentleman from Wisconsin will yield to me for a moment, I desire to ask unanimous consent for the consideration of House joint resolution No. 99. This is a House resolution with reference to furnishing copies of the rolls of Lane's Brigade of Kansas Infantry Volunteers.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Joint resolution to supply the State of Kansas with copies of the muster rolls of the Third and Fourth Regiments of Kansas Infantry.

Whereas the Third and Fourth Regiments of Kansas Infantry, composing what was known as Lane's Brigade, were by independent action of the War Department consolidated into the Tenth Kansas Infantry; and

Whereas the State of Kansas has no record of this action and no rolls of said regiments; and

Whereas all records of said regiments and said action of the War Department consolidating the same are in the archives of the War Department at Washington, D. C.: Therefore,

Be it resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Kansas copies of the muster rolls of the Third and Fourth Kansas Infantry and copies of the records pertaining to their consolidation into the Tenth Kansas Infantry; and the sum of $150, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of War to provide said copies and carry out the provisions of this resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DINGLEY. Before consent is given, Mr. Speaker, I would like to ask the gentleman from Kansas as to the necessity of the appropriation embodied in this resolution. This work, if authorized to be done at all, will be performed by the clerks in the Department, and I do not see why there should be a special appropriation made for the purpose.

Mr. BLUE. I will answer the gentleman by stating that the letter appended to the report accompanying the resolution, from Colonel Ainsworth, shows the necessity for this work. This is a special report, and Colonel Ainsworth states that the cost will be about $142. It can not be done by the regular force.

The gentleman from Maine will understand that this particular brigade was known as Lane's Brigade, and was enlisted independent of the regular call on the State for troops by Colonel Lane and President Lincoln. The two regiments composing the brigade were the Third and Fourth Kansas Infantry——

Mr. DINGLEY. I know; but as I understand it, the transcript can be furnished by the regular clerks of the War Department.

Mr. BLUE. No; this is an exception to the ordinary cases; and Colonel Ainsworth says that an appropriation will be necessary to pay the expense.

Mr. DINGLEY. If the gentleman will permit me, I would like to inquire if the facts in this case are exceptional, so that we will not have a precedent established for making appropriations of this character hereafter, when such information is required.

Mr. BLUE. The facts, I am informed, are entirely exceptional.

In the early days of the conflict, Senator Lane and President Lincoln, without any State interference and without the State of Kansas participating at all, organized what was known as Lane's Brigade. The two regiments composing the brigade were afterwards consolidated into the Tenth Kansas Infantry. There is no record in the Adjutant-General's Office of the rolls of this command, and this is simply to obtain a copy from the Record and Pension Division of the War Department. I made application to the Department for the transcript, and was informed that under the general law it could not be furnished.

This resolution carries an appropriation of $150 to meet the expense; so much to be used as shall be necessary.

Mr. MCMILLIN. Has this matter been submitted to the Secretary of War?

Mr. BLUE. No; it has been submitted to Colonel Ainsworth, as his letter accompanying the report shows.

Mr. McMILLIN. I think, in all cases of this kind, Mr. Speaker, that such requests (and I say it with all due respect to the gentleman) should be submitted to the Secretary of War or head of the Department. While I have the greatest confidence in the officer the gentleman speaks of, still the proper thing to do is to go to the Secretary, the head of the Department, for such information. He has charge of these matters.

Mr. DOCKERY. If the gentleman will permit me, before objection is made, I would like to say——

The SPEAKER. Does the gentleman from Tennessee object?

Mr. McMILLIN. I was endeavoring to find out, Mr. Speaker, the status of this question before interposing an objection.

Mr. DOCKERY. As I understand the gentleman from Kansas, he says that this bill has been submitted to and received the approval of Colonel Ainsworth?

Mr. BLUE. It has.

Mr. McMILLIN. The suggestion I was making was that matters of this kind should always be referred to the head of the Department.

Mr. DOCKERY. But this has already been referred to the Chief of the Record and Pension Office, who has charge of these files.

Mr. McMILLIN. Of course; but when you come to make an application, for instance, to the Commissioner of Pensions for information, that application should go through the Secretary of the Interior.

Mr. DOCKERY. This officer is an exceedingly efficient one.

Mr. McMILLIN. I have already admitted that he is, and have no objection to make on that account. But I think the proper course in all of these cases should be to call upon the Department head—the official having charge of the rolls in the first instance.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being upon the passage,

Mr. BLUE said: Mr. Speaker, it has been suggested that the report of the committee had better be printed in connection with this resolution, and I ask that it be inserted in the RECORD.

There was no objection.

The report (by Mr. HULL) is as follows:

The Committee on Military Affairs have considered the resolution (H. Res. 99) to furnish the State of Kansas copies of muster rolls of the Third and Fourth Regiments of Kansas Infantry, and recommend that it do pass.

These regiments were consolidated into the Tenth Kansas Infantry by the War Department independent of the State of Kansas. Kansas has no record of either the Third or Fourth Regiment. They were known as Lane's Brigade, and were enlisted independent of regular calls on the State for troops, and the only record of such enlistment is in the War Department.

The adjutant-general of Kansas writes:

"I have had correspondence with the Secretary of War relating to these records, and Col. F. C. Ainsworth, Chief of the Record and Pension Office, informs me that it will cost the State about $142 to have copies of these records made. We have no appropriation to pay this expense. Could you not, by resolution or otherwise, require these records to be furnished the State gratis. You will understand that this consolidation was made by the arbitrary action of the War Department, and the records should have been furnished the State at the time. The organization of Lane's Brigade was, I believe, under direct authority of the War Department, given Senator J. H. Lane to raise and command a brigade, and the returns must have been made direct to Washington, as neither muster-in rolls or anything else was ever in possession of this office. Please take this matter in charge.

"The following is the indorsement on my application for duplicate of the muster-in rolls, dated June 28, 1895:

"RECORD AND PENSION OFFICE,
"*War Department, Washington, D. C., July 6, 1895.*

"Respectfully returned to the adjutant-general of Kansas, State of Kansas, Topeka, Kans.

"Copies of the muster rolls of the Third and Fourth Kansas Infantry, referred to within, can be furnished to the governor of the State of Kansas, upon application therefor, under provisions of War Department orders of April 4, 1895, a copy of which is herewith inclosed.

"The cost of making the copies in question will probably be $142.

"By authority of the Secretary of War.

"F. C. AINSWORTH,
"*Colonel, United States Army, Chief of Office.*

"I am unable to give further information. You no doubt have some recollection of the matter yourself.

"Very respectfully, S. M. FOX, *Adjutant-General.*"

The joint resolution was passed.

On motion of Mr. BLUE, a motion to reconsider the last vote was laid on the table.

SALE OF PRINTED COPIES OF PATENTS.

Mr. DRAPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents.

The bill was read, as follows:

Be it enacted, etc., That section 493 of the Revised Statutes be, and the same hereby is, amended by striking out the words "within the limits of 10 cents as the minimum and 50 cents as the maximum price," in lines 3 and 4, and substituting in lieu thereof "*Provided*, That the maximum cost of a copy shall be 10 cents"; so that the section so amended shall read as follows:

"SEC. 493. The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents: *Provided*, That the maximum cost of a copy shall be 10 cents."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let us have the report read, Mr. Speaker.

The report (by Mr. DRAPER) was read, as follows:

The Committee on Patents, to whom was referred House bill 6195, have had the same under consideration and report as follows:

The Commissioner of Patents states that there is required by the needs of the Patent Office and of the public to be printed at least 102 copies of every patent, and that this is the case whether any of them are sold or not. There is a large accumulation of these copies, from which sales are made every day. Last year there were sold 608,392 copies, producing an income of about $60,000.

If this measure passes the price will be fixed by rule of the Commissioner, under the approval of the Secretary of the Interior, and the judgment of the committee is that the price might properly be 3 cents each for copies of patents if ordered by classes or subclasses; that is, if ordered in classified sets of perhaps 100.

The effect of this would be, in the Commissioner's judgment, to take out of the office a considerable amount of material which might better be in the hands of the public; that useful information would thereby be disseminated as to the industrial arts; the convenience of inventors and attorneys much promoted, and finally the receipts of the Government from this source considerably increased. The needs of the attorneys are such that at the moderate cost of 3 cents whole subclasses would probably be ordered in many cases where but single copies are now ordered.

The committee recommend that the bill do pass.

Mr. McMILLIN. I understand this has the approval of the Commissioner of Patents?

Mr. DRAPER. It has, and is unanimously reported by the Committee on Patents.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the last vote was laid on the table.

S. W. PEEL.

Mr. McRAE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2684) for the relief of S. W. Peel, for services rendered the Old Settlers Cherokees.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay S. W. Peel $5,000, out of the unexpended balance of the 35 per cent of the amount due the Old Settlers or Western Cherokee Indians of the Indian Territory, said 35 per cent being heretofore set aside by said Cherokee Indians to defray the expense incurred in and about the prosecution and collection of their claim against the United States; this amount to be paid Peel in full for professional services rendered said Indians in defending the contested claims of various attorneys against the fund of said Indians known as the 35 per cent, which contest was before the honorable Commissioner of Indian Affairs and the honorable Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, before consent is given, I should like to hear some statement about this bill. It seems to be a proposition to pay $5,000 to some attorney.

Mr. McRAE. The gentleman from Washington [Mr. DOOLITTLE], who reported the bill, can, I think, make an explanation which will satisfy the gentleman.

Mr. DOOLITTLE. Mr. Speaker, this bill was reported favorably and unanimously by the Committee on Indian Affairs, after an investigation of all the facts. The amount was provided for under contract with these Indians, and there is no doubt about the character or value of the services. They were for the preservation of the Cherokee moneys. There is no doubt about the propriety of the passage of the bill. The report states all the facts.

Mr. McRAE. I will state in addition to what the gentleman from Washington has said that the House has already passed a bill identical in terms, except, perhaps, as to the amount, for other attorneys who represented the Indians in this matter.

Mr. DOOLITTLE. Yes; the Van Voorhis and Jones bill was identical with this in character. This meets with the approval of everybody concerned.

Mr. DINSMORE. I wish to state that all the parties are agreed that the money is due.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

HARBOR AT CLEVELAND, OHIO.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 133.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to report to Congress, as soon as possible, what repairs are necessary to be made to the piers and breakwater in the harbor at Cleve-

land, in the State of Ohio, to preserve the same, and what would be the cost of making such necessary repairs; and also to report what changes, if any, should be made in the location of said piers, and what would be the cost of the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

Mr. DANIELS. Mr. Speaker, we should like to have some understanding as to the time when the case of Aldrich *vs.* Robbins shall be considered. A minority report has been filed, and I suggest that on Wednesday, as early as practicable after the meeting of the House, this case be taken up for debate.

Mr. DINSMORE. I should like to say to the chairman of the committee that our colleague [Mr. TURNER of Virginia] is ill and confined to his bed at this time, and it would be appreciated as a courtesy if the matter might be laid over for a day or two, until he can be present.

Mr. DANIELS. In reference to that, Mr. Speaker, the members of our committee have all examined this case very thoroughly, and they desire to be heard. Certainly three hours and a half would be consumed on the part of the majority of the committee in the discussion, and that will carry the matter over until Thursday, when the gentleman from Virginia [Mr. TURNER] can be present, no doubt. I should think that would be sufficient to meet the suggestion of the gentleman from Arkansas. That will give the gentleman from Virginia an opportunity to discuss the matter on Thursday.

Mr. DINSMORE. I do not insist upon the delay as a matter of right at all.

The SPEAKER. The gentleman from New York gives notice that he purposes to call it up at that time.

Mr. DANIELS. I anticipate calling it up as early as the case may be taken up after the session commences on Wednesday.

Mr. DINGLEY. You give notice that you will call it up then?

Mr. DANIELS. That it will be brought up at that time.

CHRISTOPHER SCHMIDT.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 521) for the relief of Christopher Schmidt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $40 a month to Christopher Schmidt, of St. Paul, Minn., for injuries received from accidental shot on the rifle range at Fort Snelling, July 14, 1892, in quarterly payments, upon such vouchers as the Secretary of the Treasury may prescribe.

Mr. BLUE. Mr. Speaker, I would like to hear the report on that bill read.

Mr. KIEFER. This bill passed the Senate twice, in the Fifty-third Congress and the last time some ten days ago, and has passed the House Committee on Claims twice unanimously; and I now ask the Clerk to read the report.

The report (by Mr. HEINER of Pennsylvania) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 521) for the relief of Christopher Schmidt, have carefully considered the same and report it back to the House with the recommendation that it do pass.

Mr. BLUE. I want to ask a question about that bill.

Mr. CRISP. That report does not throw much light upon the bill.

Mr. KIEFER. I have a report here, if the gentleman will permit it to be read, from the colonel commanding at Fort Snelling, and also the report of the post surgeon at the fort. I will ask that that be read.

The SPEAKER. The report will be read, without objection.

The Clerk read as follows:

FORT SNELLING, MINN., *October 28, 1892.*

SIR: I have the honor to inclose herewith a copy of a report by the post surgeon on the nature of the wound received by one Christopher Schmidt, a civilian, on the target range at this post last summer, together with the subsequent history of the case.

The circumstances of this occurrence and the subsequent proceedings are as follows:

The target range at this post is located so that the line of fire is crossed by two roads—the Bloomington road crossing the range diagonally in front of the targets and the Richfield road passing in a direction perpendicular to the line of fire in rear of targets. These two roads join at a point about 200 yards from the range. At this point a flagstaff was erected, with a high platform, on which a man was stationed with instructions that when any person or vehicle approaching on either road was not less than 100 yards from the range the flag was to be lowered and all firing must then cease.

These instructions were written out and posted in a conspicuous place at the lookout station. On the 14th of July Private Eugene T. Fay, Company D, Third Infantry, was detailed for duty at the lookout station, and, in addition to the written instructions, received verbal instructions, before being posted, to be particularly careful to keep a sharp lookout on the Richfield road. At about 11 o'clock on the morning in question Christopher Schmidt passed the lookout station on foot and walked along the Richfield road, in full view from the lookout station. When nearly across the range he was struck by a rifle bullet and wounded as described in the report of the post surgeon. As soon as the fact was reported, a board of officers was convened to investigate the matter. This board, after a thorough investigation, reported that in their opinion the accident was due to the gross neglect of Private Fay in failing to lower the flag, as directed in his instructions. Private Fay was placed in confinement and brought to trial before a general court-martial. He was acquitted by the court, but the finding was disapproved by the department commander.

Very respectfully, your obedient servant,

EDWIN C. MASON,
Colonel Third Infantry, Commanding Post.

The ADJUTANT-GENERAL DEPARTMENT OF DAKOTA.

—

FORT SNELLING, *October 25, 1892.*

SIR: A civilian, Christopher Schmidt, German, aged 32 years, was accidentally shot on the rifle range at Fort Snelling, July 14, 1892.

He was passing the line of fire with his head bent forward; the ball, apparently en ricochet, entered about the center of the left supraorbital arch, implicating the foramen, lacerated the eyeball, passed diagonally inward and downward, grazed the right tonsil and lodged on the right side of the neck beneath the great vessels, slightly behind the sternocleidoastoid muscle in the superior triangle.

When admitted to the hospital he was in a condition of intense shock; between the time of admission and 10 p. m. vomited blood in considerable quantities, accompanied with nasal hemorrhage, mostly from the left nostril. The wound was antiseptically dressed. His general condition being fairly satisfactory, the wound was not re-dressed until July 19.

As the left eye was irretrievably injured, the propriety of its removal before any symptoms of sympathetic inflammation occurred in the other eye had been most evident from the first. As the case was an important one not only in itself, but also on account of a probable suit against the United States for damages, the opinion of an expert oculist was deemed advisable by myself. Dr. McDavitt, of St. Paul, saw the case with me, coincided in the treatment which had been pursued, and recommended immediate enucleation. I had proposed operating myself, but, in consideration of the courtesy of Dr. McDavitt, the operation was offered to and accepted by him.

The patient convalesced without an unfavorable symptom, but being poor was retained in the hospital until October 18, when he was discharged. In addition to the loss of his eye, he has, owing to the injuries of certain nerves, entirely lost the sense of smell on both sides; he has ptosis or inability to raise the left eyelid, together with partial paralysis of the forehead and neuralgia of left forehead. As the ball is apparently encysted, no operation for its removal is considered advisable at the present time.

Very respectfully, your obedient servant,

C. K. WINNE,
Surgeon, United States Army.

The POST ADJUTANT,
Fort Snelling, Minn.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, one moment before that is given. I understand this is a proposition to pension at the rate of $40 per month a civilian who came within range of rifle practice. Is that what it is?

Mr. KIEFER. Yes, sir; I will explain in just one minute.

Mr. DINGLEY. Is there any allegation that there was carelessness on the part of those engaged in the target practice?

Mr. KIEFER. Absolute proof of that fact. The danger flag that was usually stationed at this position at Fort Snelling when target shooting was practiced was not at that time hauled up. The man who was injured knew nothing about it, and while walking upon the public highway, where he had a perfect right to walk, he was shot; one eye was taken out, his hearing was destroyed, and his sense of smell destroyed; and here is a photograph of that poor man as he lies on his back as the result of his injury. The bill has passed the Senate, and has twice been passed by the Committee on Claims of the House.

Mr. DINGLEY. Is it fully established that it was in consequence of carelessness on the part of those who had charge of the rifle practice?

Mr. KIEFER. Absolutely.

Mr. DINGLEY. Is there any report from the War Department?

Mr. KIEFER. There is in that report which I have had read. The colonel commanding the fort at the time has made a statement and so has the post surgeon. In fact, the authorities there have made such statements that no more could be asked to establish the fact that the man was absolutely innocent so far as he was concerned.

The SPEAKER. Is there objection?

Mr. BLUE. Since I have heard this statement, Mr. Speaker, I do not believe this precedent ought to be established; and until I can get some further light than has yet been offered, I shall have to object.

TERMS OF COURTS IN NORTHERN DISTRICT OF CALIFORNIA.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 270) to detach certain counties from the judicial districts of California, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That section 3 of the act of August 5, 1886, chapter 928, relating to the terms of the circuit and district courts of the United States for the northern district of California, to be held at San Francisco, be amended so as to provide that the holding of terms of said circuit and district courts shall be as follows: Beginning on the first Monday in March, the second Monday in July, and the first Monday in November in each year; and so much of such section 3 as is inconsistent with this provision is hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. GILLETT of Massachusetts. I move that the title be amended in accordance with the recommendation of the committee.

The Clerk read as follows:

Amend title so as to read: "A bill changing the time of holding terms of the circuit and district courts of the United States in the northern district of California."

The SPEAKER. Without objection, the title will be considered as amended.

There was no objection, and it was so ordered.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONVENTION OF PROTESTANT EPISCOPAL CHURCH OF DIOCESE OF WASHINGTON.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill H. R. 6407.

Mr. ODELL. I desire to substitute for the House bill the bill S. 1825.

The SPEAKER. The gentleman from New York asks unanimous consent to substitute Senate bill 1825 for the House bill 6407.

Mr. DOCKERY. I understand the bills are identical in terms.

Mr. DINGLEY. What is the bill?

Mr. BABCOCK. It is the same bill as passed the Senate.

Mr. McMILLIN. Has the bill been read?

The SPEAKER. The Clerk will read the House bill and then the Senate bill which is proposed to be substituted.

The bill H. R. 6407 was read, as follows:

A bill (H. R. 6407) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington.

Whereas it hath been represented to the Congress of the United States by a committee appointed by the primary convention of the Protestant Episcopal Church of the diocese of Washington, whereof the Reverend John H. Elliott, D. D., was president, and the Reverend Arthur S. Johns was secretary, convened in the city of Washington on the 4th day December, A. D. 1895, which diocese comprises the District of Columbia, together with the counties of Montgomery, Prince George, Charles, and St. Mary, in the State of Maryland, and the convention whereof is composed of clergymen of said church canonically resident within said diocese, and entitled to seats in said convention, and laymen duly chosen to represent the parishes and congregations in said diocese; and as such committee, charged with the duty and authority for and on behalf of said convention and diocese to present and procure the passage by Congress of an act incorporating the said convention with provisions and powers suitable and proper to the religious, missionary, charitable, and educational objects of the church and the organizations aforesaid; and

Whereas it is further represented that members of the church aforesaid have subscribed for and have raised funds especially for the permanent support of the episcopate of said church in said diocese, as well as to defray the necessary expenses of the said convention from year to year, and to carry on religious, missionary, charitable, and educational work in said diocese, and to aid in the support of its disabled, aged, or superannuated clergy, but that the convention of said church in said diocese, though intrusted and charged with the administration of its affairs, has no legal capacity to receive, invest, manage, or dispose of said fund or any proceeds or property resultant therefrom; and

Whereas it is also represented that the convention of the diocese of Maryland has resolved to transfer to said diocese of Washington its agreed portion of the funds of the former so soon as said new diocese has legal capacity to receive the same: Now, therefore,

Be it enacted, etc., That the aforesaid Rev. John H. Elliott, D. D., and Rev. Arthur S. Johns, and their associate members of said primary convention, and their successors who may hereafter constitute the Convention of the Protestant Episcopal Church of the Diocese of Washington be declared, and they hereby are, incorporated and made a body corporate and politic, by the name and style of "The Convention of the Protestant Episcopal Church of the Diocese of Washington," and by that name they, and their successors hereafter to be elected, appointed, made, and qualified, according to the form and effect of the constitution of the said church for the time being, shall have perpetual succession, and by such name be capable of suing and being sued in any court of law or equity, and shall have and use a common or corporate seal, and the same break, alter, and renew at pleasure, and shall have and exercise all such other powers as shall or may be necessary or proper to carry into effect the objects of such incorporation.

SEC. 2. That the said corporation shall have full power and authority to take and hold subscriptions, contributions, donations, grants, devises, or bequests, in money or otherwise, for the purpose of creating a permanent fund or endowment for the support of the episcopate in said diocese, which heretofore have been made, or which may be made for such purposes, or to, or in behalf of the various associations and societies for religious, missionary, charitable, or educational purposes now existing or hereafter to exist under the jurisdiction, control, or sanction of said convention within the limits of said diocese, and the same to invest and the proceeds thereof to apply for the purposes aforesaid as may from time to time be deemed most expedient; and to appoint in its discretion an executive committee, or other trustees, boards, or agencies, by whatever name or names they may be designated, to administer such funds or property in such manner and form and with such authority as the said corporation shall from time to time prescribe: *Provided, however and always*, That in such administration the respective funds shall be kept distinct and separate; that each fund shall be held liable only for obligations that may have been incurred in its own proper behoof; and that the principal sum or amount of subscriptions, contributions, donations, grants, devises, and bequests for permanent endowment of the episcopate shall be at all times invested in some safe and profitable stocks, mortgages, deeds of trust, or other securities; and the expenses of administering the same, the salary of the bishop, and other charges shall be payable and paid only out of the annual interest, dividends, or profits thereof.

SEC. 3. That the convention of said diocese may by resolution thereof adopt such rules and regulations in regard to such funds and their administration, and the same thereafter alter, amend, or abrogate, as to the said convention may seem expedient.

SEC. 4. That nothing herein contained shall enlarge, restrict, or in any manner affect the power or authority which said convention now hath, or may exercise or claim over said church in said diocese, or the members thereof, but all such powers and authorities which are or may be claimed or exercised shall remain in like condition, and none other, as if this act had not been passed.

SEC. 5. That unless this act shall be accepted by resolution of the convention of said diocese at its next annual meeting and a copy of such resolution of acceptance, certified by the secretary of the convention, be filed for record with the recorder of deeds of the District of Columbia within sixty days thereafter, the same shall thereupon be void and of no effect.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the reading of the Senate bill 1825 be dispensed with, as it is exactly the same as the House bill.

The SPEAKER. The Chair understands there is some difference between the two bills.

Mr. BABCOCK. There is no difference in the effect of the bills. The provisions of the bills are the same, and the Senate bill has been considered by the House committee since its report was made on the House bill.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the Senate bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I want to ask the gentleman a question. Will the property held by the proposed corporation be subject to taxation under the District laws?

Mr. ODELL. I think not.

Mr. CANNON. You think not?

Mr. ODELL. No, sir.

Mr. CANNON. Does the gentleman think that wise?

Mr. ODELL. This is a religious corporation, and this bill does nothing more nor less than divide up the property which now is controlled by the Diocese of Maryland.

Mr. CANNON. I understand that this is a religious corporation and that its property would be exempt from taxation.

Mr. ODELL. Only property used for purely religious purposes.

Mr. CANNON. Precisely. I make this inquiry for the purpose of stating that I am reliably informed that the property in the District of Columbia used for religious purposes and exempt from taxation amounts to over $25,000,000.

Mr. ODELL. Substantially the same is true in every State of the Union.

Mr. CANNON. I understand that; but I wanted to make the statement at this time publicly in the House without offering any criticism or undertaking to say whether the state of things is proper or improper.

Mr. ODELL. Has the gentleman made any effort to have this class of property brought under taxation?

Mr. CANNON. No; not since the revision of the District laws, in 1878, when the law provided, in spite of what objection I could make, that certain property should not be subject to taxation. But, Mr. Speaker, I wanted to make this statement for another purpose. I desired that the House should know and that the country should know that there was $25,000,000 worth of property in the District of Columbia used for exclusively religious purposes and exempt from taxation, and that this bill adds to it.

Mr. ODELL. The gentleman is mistaken. This bill does not add to it, because it merely divides up property that is now held by this religious corporation.

Mr. CANNON. Well, there is $25,000,000 worth of property used for religious purposes in this District that is not subject to taxation. Now, I do not propose at this time to offer any amendment to this bill, but I think the bare statement that I have made will suggest to a dozen gentlemen here provisos and amendments to this bill, because after all this looks to me very like taxing the public to promote religion.

Mr. BABCOCK. Does not the gentleman think that it is greatly to the credit of the city of Washington that it has $25,000,000 worth of church property?

Mr. CANNON. Certainly; but I recollect the extract from Thomas Jefferson read by the gentleman's colleague from Wisconsin [Mr. COOPER] a few days ago, speaking of the impropriety of taxing anybody to support a religion that his mind and conscience did not concur in; and, therefore, without desiring to make any motion at this time, I find here this camel—not a gnat—that goes through without challenge, and I want to call attention to it while it is passing.

Mr. ODELL. Mr. Speaker, I ask for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ODELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAWS RELATING TO STREET-RAILWAY FRANCHISES IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the House joint resolution No. 53, and I ask that it be considered in the House as in Committee of the Whole.

The joint resolution was read, as follows:

Joint resolution to compile and publish the laws relating to street-railway franchises in the District of Columbia.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 500 copies of the same shall be furnished for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 2,000 copies for the use of and distribution by the Commissioners of the District of Columbia; but the usual number shall not be printed.

Amendments recommended by the committee were read, as follows:

Strike out the words "joint resolution."

Strike out the resolving clause, which contains the words "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*," and insert the words "*Resolved by the House of Representatives (the Senate concurring)*."

These changes simply make the resolution concurrent instead of a joint resolution.

In line 6, page 1, strike out the word "five" and insert the word "two," and in line 7, same page, strike out the words "one thousand" and insert the words "four hundred."

In lines 8 and 9 strike out the words "two thousand copies," and in lieu thereof insert the words "two thousand five hundred copies."

In lines 10 and 11, same page, strike out the words "but the usual number shall not be printed."

Mr. RICHARDSON. The report of the committee proposes to amend the resolution so as to make it a concurrent resolution.

The amendments recommended by the committee were agreed to.

The concurrent resolution as amended was then adopted.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the concurrent resolution was adopted was laid on the table.

DAYS OF GRACE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That on all notes, drafts, checks, acceptances, bills of exchange, bonds, or other evidences of indebtedness made, drawn, or accepted by any person or corporation after this act shall take effect, and in which there is no expressed stipulation to the contrary, no grace, according to the custom of merchants, shall be allowed in the District of Columbia, but the same shall be due and payable as therein expressed, without grace.

SEC. 2. That this act shall take effect and be in force from the date of approval of the bill.

Amendments recommended by the committee were read, as follows:

In lines 5 and 6 strike out the following words, "this act shall take effect," and insert in lieu thereof, after the word "after," in line 5, the following words, "the 1st day of January, 1897."

Strike out section 2.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States, and other consumers in the District of Columbia, at the rate of not exceeding $1 per thousand cubic feet: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1.25 per thousand cubic feet for the gas furnished to said consumer during said month.

SEC. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect, after passage of this act, for illuminating gas furnished to and paid for by the Government of the United States, and other consumers in that part of the District of Columbia, at the rate of not exceeding $1.25 per thousand cubic feet: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1.50 per thousand cubic feet for the gas furnished said consumer during said month.

SEC. 3. That section 1 of an act entitled "An act regulating gas works," approved June 23, 1874, is amended so as to read as follows: "That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 22 candles by the Bunsen photometer, using the English parliamentary standard Argand burner, having 15 holes and a 7-inch chimney, consuming 5 cubic feet of gas per hour; and such gas shall not contain more than 20 grains of sulphur in any form in 100 cubic feet, nor more than 5 grains of ammonia in any form in 100 cubic feet, and shall be free of the impurity known as 'sulphureted hydrogen,' said impurity to be determined by passing the gas through a glass vessel containing strips of bibulous paper moistened with a solution of the acetate of lead, and if any discoloration of the test paper is found to have taken place this is to be held conclusive as to the presence of sulphureted hydrogen in the gas. When the illuminating gas supplied by any company, person, or persons in the District of Columbia shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of $100, to be recovered before the proper tribunal and paid into the treasury of the District of Columbia aforesaid for each and every day during which such violation shall continue: *Provided, however*, That if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable causes, then the said penalty shall not be enforced."

SEC. 4. That any gas company or person placing a gas meter in service in the District of Columbia that has not been inspected, proved, and sealed, as provided for by the act of March 3, 1873, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes," for each and every such violation of said act shall be subject to a penalty of $100, to be recovered before the proper tribunal of the District of Columbia.

SEC. 5. That a clerk shall be appointed by the Commissioners of the District of Columbia to perform clerical services and assist generally in the work required in the laboratories of the inspector of gas and meters, and his compensation shall be $1,000 per annum. That an additional inspector of lamps shall be appointed by said Commissioners, and his compensation shall be $900 per annum.

Mr. DOCKERY. Mr. Speaker, I desire to ask the gentleman in charge of this bill the reason for fixing the price of gas furnished by the Georgetown Gas Light Company at $1.25 per thousand instead of at $1, the price authorized to be charged by the Washington Gas Light Company in the first section of the bill.

Mr. BABCOCK. Mr. Speaker, in reference to the bill under consideration, the committee has taken a different method of getting at the facts from that heretofore pursued by Congress. The question considered by your committee has not been what gas might cost in Denver, or in Kansas City, or in Boston. The question that we have investigated is, how much does gas cost the companies here delivering it to their consumers? Some weeks since I addressed a letter to the Washington Gas Light Company asking them for a sworn statement of their business affairs for the year 1895, showing, first, the amount of cash and assets on hand on January 1, 1895; second, the total receipts during the year 1895, and the total disbursements for the same period.

That statement was rendered under oath by the secretary of the company, and from the statement the committee found that the total receipts for gas sold by the cubic foot for the year 1895 was $999,510.42; receipts from park lamps, street lamps, and from offal, added to that, made a total of $1,137,219.01. This was the amount of the total receipts of the company for their product for the year 1895. On the other hand, the statement shows that the disbursements were: For permanent improvement, $198,305.86; for interest paid on bonds, $72,000, and for dividends, $600,000.

Now, here comes the question that interested the committee and which is of interest to the people of Washington; that is, how much did this gas, for which the company received $1,137,219, cost the company, delivered to the consumers? The company show by their statement that for oil, coal, taxes, and all general expenses of manufacture and distribution they paid out $623,579.94. The amount of gas made by the company was about 900,000,000 cubic feet. It costs them, delivered to the consumers, 69.28 cents per thousand. This, according to the sworn statement of the company, is what it costs, all expenses paid, delivered to the consumers. The committee think that $1 per thousand feet is a fair price to be charged for gas in the city of Washington.

Now, to answer the inquiry of the gentleman from Missouri. By this bill we fix the price in the city of Washington at $1 per thousand feet, and in what was formerly known as the city of Georgetown at $1.25 per thousand feet. The Georgetown Gas Company made in 1895 38,000,000 feet of gas; the Washington company 900,000,000 feet. The statements submitted by the Georgetown company, covering a period of years, show that gas has cost them more than $1 per thousand. The cost has been at least 25 cents per thousand in excess of the cost of gas to the Washington company. Owing to the limited output of the Georgetown company, and the limited sale of the gas, it has cost them more delivered to their consumers than that manufactured by the Washington Gas Light Company. The statement of that company for a series of years also shows that they have not been able to earn quite enough to pay the fixed dividend of 8 per cent on their stock, without any surplus being accumulated.

Mr. GROUT. In this estimate of the cost of gas to the Washington company—69.28 cents per thousand—there is reckoned the interest which appears in this statement, $72,000, is there not?

Mr. BABCOCK. No, sir.

Mr. GROUT. What is meant, then, where the statement says that the total disbursements were as follows—permanent improvements, $198,305.86; for interest paid on bonds, $72,000.

Mr. BABCOCK. I explained that matter fully, but I will again call the gentleman's attention to the fact that the item of $623,579.94 for oil, coal, taxes, and all general expenses of manufacture and distribution does not include the item of $72,000 for interest.

Mr. GROUT. No; but this item of $72,000 for interest stands independent in the sworn statement. That must be, I presume, interest on the cost of the plant.

Mr. BABCOCK. That is the amount that the company paid last year as interest on their bonds.

Mr. MILNES. Bonds amounting to $1,200,000.

Mr. BABCOCK. If you add that amount paid as interest to the cost of the gas, it would be an addition of about 8 cents per thousand feet.

Mr. GROUT. I simply wanted to understand the statement. I believe it does not specify that $72,000 was interest on bonds.

Mr. BABCOCK. The cost per foot—69.28 cents—covers all money necessarily expended for salaries, taxes, distribution, material, manufacture, etc.—all expenses necessary in order to deliver the gas to the customers. Let me say further to the gentleman from Missouri that the present price of gas in Georgetown is $1.50 per thousand feet as against $1.25 in the city of Washington.

This bill proposes to raise the candlepower of the gas furnished from 16 to 22. The test of the Government inspectors for 1895 shows that the candle power of the gas was about 19; so that this bill would raise the illuminating power about 15 per cent. The committee has been able to figure up how much it will reduce the income of the company to make this reduction of 25 cents per thousand—about $200,000 a year; but it has been impossible for us to say how much this improvement in the quality of the gas—this increase of illuminating power—would cost the company, whether it will add 5 per cent, 10 per cent, or 15 per cent to the cost of the gas. Taking the business of 1895 as a basis and figuring the gas at $1 per thousand, the company would still be left in such a position that they could pay the dividend of 10 per cent on their capital stock, unless the increased cost of gas on account of the increased illuminating power should make a material reduction in the amount of profit realized by the company.

Mr. RICHARDSON. I would like to ask my colleague on the committee as to the necessity for the last paragraph of section 5, in the following words:

That an inspector of lamps shall be appointed by said Commissioners, and his compensation shall be $900 per annum.

I wish to ask because the inquiry was propounded to me by several gentlemen, and I was not able to answer it. Is this a new tax on the District of Columbia revenues, or is it already provided for by law, and provision made for it in one of the general appropriation bills?

Mr. BABCOCK. This is for an additional inspector of lamps in the District of Columbia. The Commissioners have asked for it, stating that their force at present available is not sufficient for the purpose, and that when complaints were made about the quality of the gas and the conditions of the lamps they were unable to give proper attention to them because of the lack of force.

Mr. DOCKERY. I would suggest to my friend from Wisconsin that section 5 ought to go out of the bill, because the regular appropriation bill provides the force necessary for the District of Columbia. I make no comment now as to the merits or demerits of the proposition, but only suggest that an ample force is provided, and can be provided, in the regular appropriation bill; and I think the gentleman in charge of the bill should consent that this provision be stricken out and the force provided for in the usual way.

Mr. RICHARDSON. Let me ask my friend from Missouri if there is such a provision in the legislative bill or any other appropriation bill, for an inspector of lamps for the District of Columbia?

Mr. DOCKERY. There is. It is provided in the regular appropriation bill.

Mr. BABCOCK. There is one, I know, but it is not sufficient, and the Commissioners ask this increase.

Mr. RICHARDSON. Still, if my friend will allow me, if another is required, it will be only regular to provide for it in the annual appropriation bill, instead of on this bill, and I think the suggestion of the gentleman from Missouri is a proper one.

Mr. DOCKERY. I suggest, therefore, at the proper time, that the gentleman allow the provision to go out of the bill, and if necessary the Commissioners can present this question to the Senate Committee on Appropriations, and provision can be made for it in the regular bill.

Mr. BABCOCK. I have no objection to that.

Mr. RICHARDSON. There is only one question, and that is this: I will ask my friend from Missouri whether such a provision, if it comes from the Senate, would be obnoxious to the point of order in the House?

Mr. DOCKERY. It would not, because a force of inspectors is carried in the appropriation bill now.

Now, Mr. Speaker, I was absent from the Hall a few moments, when the gentleman from Wisconsin was explaining the bill. There was a point with reference to the price of gas in Georgetown to which I called his attention.

Mr. RICHARDSON. I will say to the gentleman from Missouri that while he was out my colleague made a statement and explanation with reference to the price of gas in Georgetown as compared with that in Washington.

Mr. DOCKERY. Then, Mr. Speaker, I desire to amend at the proper time the first paragraph of the bill, and hope the gentleman in charge will accept the amendment.

Mr. BABCOCK. What amendment does the gentleman suggest?

Mr. DOCKERY. After the word "feet," in line 8, in the first section of the bill, insert:

Except that gas consumed in public lamps for lighting the streets, highways, and public grounds in the District of Columbia shall be paid for at such rates as Congress may from time to time prescribe.

In other words, I wish to except from the operation of the first section public lamps, so as to bring this bill in harmony with the District of Columbia appropriation bill.

Mr. BABCOCK. But if the gentleman will permit me, this is not proposed to cover street lighting at all.

Mr. DOCKERY. It does not cover the street lighting?

Mr. BABCOCK. No.

Mr. RICHARDSON. It strikes me that the amendment would be wholly unnecessary. Congress has the right, of course, when it makes the appropriation, to fix the rate at which street lighting shall be done.

Mr. BABCOCK. This has no reference whatever to street lamps. They are not paid for by the thousand feet. They are paid for at an annual rate, and this is not intended to cover street lighting at all.

Mr. BAKER of New Hampshire. Line 7 in this first paragraph covers it—"the rate of not exceeding," etc. Of course you can change that rate as you please.

Mr. DOCKERY. Very well.

Mr. BABCOCK. At the request of several gentlemen on the floor, Mr. Speaker, the committee consents to strike out section 5 of the bill.

Mr. RICHARDSON. I think only the last item in section 5, not all of the section. But beginning with line 5 of section 5.

Mr. BABCOCK. Well, beginning with line 5, the provision in the following words:

That an additional inspector of lamps shall be appointed, etc.

Mr. PITNEY. I think you had better strike out the whole paragraph.

Mr. DOCKERY. Certainly, let the entire paragraph go out, because all of it is properly and should be included in the District of Columbia appropriation bill.

Mr. BABCOCK. Very well. Then I move to strike out the entire section.

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

FREE PUBLIC LIBRARY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill S. 1247, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. DOCKERY. Is that the free-library bill?

Mr. BABCOCK. Yes.

Mr. DOCKERY. Mr. Speaker, I think it would be better to consider it in the usual way.

The SPEAKER pro tempore (Mr. GROUT). The gentleman from Missouri objects.

Mr. BABCOCK. Then I move that the House resolve itself into the Committee of the Whole for the consideration of this bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, with Mr. PAYNE in the chair.

The bill was read, as follows:

Be it enacted, etc., That a free public library and reading room is hereby established and shall be maintained in the District of Columbia, which shall be the property of the said District and a supplement of the public educational system of said District. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the District of Columbia, and the Commissioners of said District are authorized on behalf of said District to accept and take title to all gifts, bequests, and devises for the purpose of aiding in the maintenance or endowment of said library; and the Commissioners of said District are further authorized to receive as component parts of said library collections of books and other publications that may be transferred to them.

SEC. 2. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto.

SEC. 3. That the said library shall be in charge of a board of library trustees, who shall purchase the books, magazines, and newspapers, and procure the necessary appendages for such library. The said board of trustees shall be composed of nine members, each of whom shall be a taxpayer in the District

of Columbia, and shall serve without compensation. They shall be appointed by the Commissioners of the District of Columbia and shall hold office for six years: *Provided*, That at the first meeting of the said board the members shall be divided by lot into three classes. The first class, composed of three members, shall hold office for two years; the second class, composed of three members, shall hold office for four years; the third class, composed of three members, shall hold office for six years. Any vacancy occurring in said board shall be filled by the District Commissioners. Said board shall have power to provide such regulations for its own organization and government as it may deem necessary.

SEC. 4. That the said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board shall deem necessary to the proper conduct of the library. The said board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

SEC. 5. That said library shall be located in some convenient place in the city of Washington to be designated by the Commissioners of the District of Columbia upon the recommendation of the trustees of said library: *Provided*, That in any municipal building to be hereafter erected in said District suitable provision shall be made for said library and reading room sufficient to accommodate not less than 100,000 volumes.

SEC. 6. That the expenses of the maintenance of said library, including salaries of employees, shall be treated as among the current municipal expenses of said District, and it is hereby made the duty of the Commissioners of the District of Columbia to include these expenses in the annual estimates of the District of Columbia, transmitted by them to Congress, in accordance with the provisions of the act of June 11, 1878, regulating the transmission of said estimates and the appropriations by Congress to meet the same.

Mr. WELLINGTON. Mr. Chairman, on behalf of the Committee on the District of Columbia of this House, we favorably report this bill. It is a Senate bill, to take the place of the House bill first reported. This bill is different from the House bill only in the additions that are made in line 13, page 2, to line 16, and then the striking out of the section numbered 6 in the original bill. The committee favor this bill because they think it is the better of the two.

We would impress upon the members of the House that it is a bill which is of great importance to the citizens of this District. The Congress of the United States has, to a certain extent, undertaken to be a common council for the District of Columbia, and for that reason it must take care of measures such as this.

This public library is necessary for the city of Washington, because we all know that it is one of the great cities of the country, the capital of our nation, and many millions of dollars have been expended in beautifying its surroundings and ornamenting its public buildings; but in this one matter of a public library the city is entirely deficient. It may be said, concerning books in the District of Columbia, that in the midst of plenty there is great want; or, as the mariner said when in mid ocean—

Water, water, everywhere,
Nor any drop to drink.

You have here the great Congressional Library, the departmental libraries, and private libraries to the number, possibly, of 50, but there is not in the city of Washington a single library which the common, average citizen can use at his discretion, taking therefrom books at such hours as he can devote to such purposes, taking the books home to inform himself upon such things as the citizens of this District and of this country ought to be informed upon.

This want is sought to be met by this bill. If gentlemen will take the trouble to examine the report of the Senate committee and the report made by the House committee, they will find that all the citizens of the District seem to be unanimous in favor of the passage of such a bill. The Commissioners of this District strongly recommend its passage. The labor organizations of the District are unanimously in favor of it. Thirty-five thousand school children over the age of 12, who need books such as will be provided in this way, demand the passage of such a bill. The public press of the District is unanimous in favor of it. It is a want which can be met only in this way.

It is a singular fact that Washington is the only great city of the country in which there is not a free public library maintained at the public expense. A year ago some of the public-spirited citizens of Washington created a public library, which they are maintaining by private subscriptions. If this bill is passed we have the assurance of General Greely, the president of that association, that the library so constituted will be transferred to the trustees, and that will be the foundation of the great library which is to result in the future.

The report also gives us statistics as to the various libraries throughout the country. In the great neighboring city of Baltimore Mr. Pratt met the want existing there, and established a great free library; but that library is maintained at the public expense; and there are in this great country of ours over 600 towns smaller than Washington which have libraries maintained at the public expense, by public taxes. Now, as the Government is joint administrator with the District in its own affairs, we think it no more than proper that this bill should be passed, that the matter of maintaining such a library should be an item of public expense, to be provided for according to the usual manner of such expenses.

Mr. CANNON. Let me ask the gentleman a question. I have hastily read the bill as it passed the Senate. I understand the gentleman proposes now to ask the House to pass the Senate bill?

Mr. WELLINGTON. Yes.

Mr. CANNON. As I understand from the reading of it, I fail to find any appropriation, definite or indefinite, in it.

Mr. WELLINGTON. There is no appropriation in the bill, and no appropriation can be made unless it comes before Congress and is a part of the public expense of the District, and then it would be appropriated for in the appropriation bill as are all other items of the annual expenses of the District.

Mr. CANNON. It does provide that this library board, to be appointed by the District Commissioners, shall have authority to appoint a librarian, and that that librarian shall have power to appoint as many assistants as the board may deem necessary. However, I take it that staff is practically not to be appointed, or the librarian to be appointed either, until estimates have been submitted and Congress shall have appropriated the money, either in bulk or in detail, for that expense. Is that the gentleman's understanding?

Mr. WELLINGTON. That is the idea, and that in the meantime such public subscriptions as are given may be received. There already have been accumulated, as I understand, $9,000 subscriptions by the citizens of the District, which will be transferred and handed over to these trustees as soon as they organize the library.

Mr. CANNON. I fail to find any provision in the bill, and therefore I would ask the gentleman if there is such, as would enable this library board, being the creature of Congress, if the bill is enacted, to expend any money, however the money may be obtained, until it is first authorized by Congress.

Mr. WELLINGTON. I think no expenditure can be made of the public money unless it is authorized by Congress in an appropriation bill.

Mr. CANNON. I suppose if the bill should be enacted there is time in which to make a roster and make such appropriation as might be necessary?

Mr. WELLINGTON. Oh, yes.

Mr. CANNON. The gentleman has answered the question as I supposed he would, and it seems to me that we agree as to the legal effect of the bill.

Mr. BABCOCK. I want to say a word to the gentleman. I have been informed that quite large sums of money have already and will be contributed to the board of trustees that this bill creates from private sources as well as a large number of books?

Mr. CANNON. I suppose without legislation, however, that the board, administering a trust of this kind, created by Congress, estimates will have to be submitted as other estimates are submitted to Congress for final legislation. And I take it that the donations that have been made can be utilized until they are used or other provision is made.

Mr. BABCOCK. There will be nothing in the bill to prevent the receiving of subscriptions.

Mr. CANNON. The subscriptions might be received. I believe, as a matter of fact, they are authorized.

Mr. WELLINGTON. They are authorized to receive the subscriptions and books.

Mr. CANNON. I find on first page, line 10:

The Commissioners of said District are authorized on behalf of said District to accept and take title to all gifts, bequests, devises for the purpose of aiding in the maintenance or endowment of said library; and the Commissioners of said District are further authorized to receive as component parts of said library collections of books and other publications that may be transferred to them.

It seems to me that these subscriptions and gifts may be received at once; but if the bill is enacted into law, it seems to me that then you must get an appropriation before there can really, practicably, be a step taken that would look toward opening the library so as to make any expenditure of money.

Mr. WELLINGTON. I think that would be the idea—that no positive steps would be taken until Congress made the appropriation.

Mr. DOCKERY. I desire to ask the gentleman if he will accept this proviso to the last section:

Provided, That no liability shall be incurred under this act unless Congress shall have first made an appropriation for the objects herein stated.

Mr. WELLINGTON. I think that would be agreeable to the committee. It certainly is to me.

Mr. MCMILLIN. Then the committee will accept the amendment?

Mr. WELLINGTON. I see no objection to it. The committee adopts the amendment the gentleman proposes.

Mr. MCMILLIN. Have it considered as accepted.

Mr. DOCKERY. I ask unanimous consent to offer this amendment at this time.

Mr. RICHARDSON. Move it as an amendment.
The CHAIRMAN. General debate has been closed.
Mr. DOCKERY. I offer the following proviso to section 6.
The Clerk read as follows:

Provided, That no liabilities shall be incurred under this act unless Congress shall have first made appropriation for the objects herein stated.

Mr. DOCKERY. That comes in after the word "same," in line 10 of page 4.
Mr. WELLINGTON. That is an amendment to the last section of the bill.
Mr. DOCKERY. It is a proviso to the last section of the bill.
Mr. POWERS. Mr. Chairman, if it is in order, I submit the following amendment in place of the amendment proposed by the gentleman from Missouri.
The CHAIRMAN. The gentleman from Vermont proposes a substitute for the amendment offered by the gentleman from Missouri.
The amendment was read, as follows:

Amend by striking out section 6, on page 4, and inserting in lieu thereof the following:
"SEC. 6. That all the expenses of maintenance of said library, including salaries of the employees, shall be charged upon the revenues of the District of Columbia."

Mr. DOCKERY. I withdraw my amendment for the time being.
The CHAIRMAN. The amendment of the gentleman from Vermont is offered as a substitute for the section. The question will be first taken on the amendment of the gentleman from Missouri in order to perfect the text.
The amendment of Mr. DOCKERY was adopted.
Mr. POWERS. Mr. Chairman, I yield to no man in my desire to see the national capital become the Mecca of the scientific and fashionable world all over this planet. I fully appreciate everything that has been said by the ardent friends of this measure in behalf of the establishment of a public library in this city, but I am inexorably opposed to having the people of Vermont and of all the States in this Union taxed for a purpose here in the city of Washington such as no man on this floor would be bold enough to advocate in his own district.
Mr. WELLINGTON. If the gentleman will yield to me a moment, I wish to say that he seems to be mistaken when he says that the State of Vermont will be taxed for this library under this bill, because in effect, when the Government assumes to pay one-half of the expenses of the District of Columbia, it is not as a gift to the city of Washington or to the District. As the gentleman probably knows and understands, if the property in this District were to be taxed as it would be under a municipal government, where the people had a right to govern themselves, we would have to contribute about as much as we do now, and this bill only proposes to treat the expense of this library as a portion of the municipal expenses of the District.
Mr. POWERS. Mr. Chairman, the explanation of the gentleman from Maryland does not touch the point that I raise. This question is not a new one. It has been here before, and the older members know exactly what it means. This is nothing but the entering wedge to the expenditure of millions of money for the erection of a mammoth public library in the future, with thousands and thousands of expense every year to be incurred in maintaining that library.
Now, what is the necessity for this library that is prayed for, as we are told, by all the people of this District? It is asked for by the Commissioners; it is asked for by the Confederation of Labor; the gentleman in charge of the bill says that the public press asks for it, and, in fact, I have no doubt that every man, woman, and child in the District of Columbia is clamoring to have this expense incurred, one-half of which will ultimately be a charge upon the people of these United States, and the constituents of every member on this floor will have to pay his portion thereof. Now, the argument that the people of this District ask for this means just as much as it would mean if the gentleman, or if I, should ask to have somebody else assist us in paying the portion of an expense that we had chosen to incur for some purpose of our own. Let me inquire what would be thought of a member of the State legislature of South Carolina who should rise in his place and propose to tax the people of that State for erecting a library building for the residents of the State capital? What would be thought of a member of the legislature of Vermont who should rise in the legislature and ask to have the people of the State taxed to build and maintain a public library in the town of Montpelier, the State capital, for the use of the people of Montpelier? Has any such proposition ever been made in any of our States at home? Never.
Mr. GROUT. If my colleague will allow me to interrupt him, I will say that just such a proposition has been made in the State of Vermont—a proposition for the people of Vermont to contribute out of the State treasury to the erection of a library in the town of Montpelier and in every other town in the State.
Mr. POWERS. Exactly. We have a law in our State, as they have in many of the States, by which the State treasury appropriates a uniform sum for all the towns in the State to aid them in maintaining libraries, and if this bill was broad enough, catholic enough, sensible enough in its spirit and its language to provide for the establishment of libraries in the several States as well as in the District of Columbia, my colleague's criticism would be exactly in point. But it is not. The proposition here is to tax the people of the United States—for doing what? Not for paying a part of the municipal expenses of the District of Columbia incurred for the maintenance of their streets, lights, water, and other necessary municipal expenses, but for the creation of what may be termed a luxury in this city. What demand is there for this, Mr. Chairman? The reports show that the city of Washington to-day has more books per capita than any other city on the face of the globe.
Mr. WELLINGTON. Will the gentleman allow me to ask him a question?
Mr. POWERS. I will answer that question that you are going to ask in a moment. [Laughter.] As I have said, this city has more books per capita than any other city on the face of the globe, and all that it is necessary to do in order to accommodate the public demand for a library is to pass a bill opening the Congressional and the other existing libraries in Washington to the public. But what are the facts?
The CHAIRMAN. The time of the gentleman from Vermont [Mr. POWERS] has expired.
Mr. POWERS. I ask a little further time.
Mr. DOCKERY. I ask that the gentleman from Vermont be allowed time to conclude his remarks.
There was no objection.
Mr. POWERS. Now, Mr. Chairman, all that Congress has to do in order to provide books for every man, woman, and child in the city of Washington is to open the doors of the libraries we now have. We are told that the Congressional Library, containing seven or eight hundred thousand volumes, is not open to the common people of the city of Washington. Why not? Because Congress has authorized such regulations as practically close it to them. But the power remains in our hands to remove those regulations and to open the doors of that Library to the people. What guaranty have we that this new library will not be locked up in the same way that every other library in the city of Washington has been locked up?
We have been told that the libraries in the several Departments of the Government here are not available to the clerks in those Departments because the clerks are kept busy until 4 o'clock p. m., and at that time the doors of the libraries are closed. Very well. Then pass a vote that will keep the doors of those libraries open until 5 o'clock. That will not cost the people of this country anything; it will not cost the people of the District of Columbia anything. In that way those books will be open to the employees of the Departments. Now the common people, the laboring men of the city of Washington, can get access to all the libraries we have here, provided Congress has the good sense to resolve by legislation that it will open the doors of these libraries to those people. That is all that is required.
In this day of economy, when this Republican Congress is pledged to an economical administration of public affairs, I wish to remind my Republican friends that they can not afford to open a gap here for the expenditure of millions of money that will come hereafter. I want to point out to the country that the representatives that they send here are doing for the people of this city what never would be done for their people at home. We are told, Mr. Chairman, that the act of union which made the District of Columbia and the Government of the United States copartners in the administration of affairs in this city obligates Congress to make these generous appropriations. I deny it. There is nothing in the act of 1878, there is nothing in any legislation upon this subject anywhere, that obligates Congress to spend a copper in this way unless it sees fit to do so. It was never contemplated that the people of the nation should be taxed for every conceivable luxury or extravagance that the people of this city might demand at their hands.
Again, it is said that the Government owns a large amount of property in this District which is not taxed and that therefore it ought to contribute to various expenses of the District. What are the facts about that? The property that is owned by the Government of the United States in this District is a class of property that is nontaxable the world over. Who ever heard of taxing Government property for the payment of local expenditure? Who ever heard of taxing, for instance, a statehouse in the capital of one of the States for the maintenance of the government of the city where it is located?
Mr. WILLIAMS. Montpelier does not tax your capitol building in Vermont.
Mr. POWERS. No, sir; Montpelier does not tax our State capitol, and Montpelier does not tax any public property that belongs

to the State of Vermont. Such a thing has never been heard of. All the authorities on this subject lay it down as a fundamental proposition that public property can not be taxed for private ends.

But this act of union that was inaugurated by a ring of real-estate speculators at the outset, and has been kept on foot by the same agencies since, provided that the United States Government should go to bed with the District of Columbia and incur one-half of the expenses of running this city and District. Now, whether that was a wise or an unwise scheme at the outset, it has proved an eminently unwise one in practice. The people of this District are continually clamoring for more and more out of the public Treasury. They are not content to have us educate their children, maintain their streets, light their city, provide them with water, and do everything of that sort; but we have been called upon recently to appropriate money to support their private charities, to pay out any sort of voluntary contribution which they may see fit to demand at our hands. And there are plenty of gentlemen in Congress only too willing to open the pocketbook of the Government for this purpose.

As I was saying, Mr. Chairman, public property is nowhere, except in the city of Washington, subject to taxation for local benefit, and why should it be here? The location of the capital at this point and the erection of the various public buildings that have been put up here since the capital was located here have enhanced the value of the property of the residents of this District a hundredfold or more. Why, then, in justice should gentlemen insist that we should go beyond the fair limit and scope of the original act of union and be made to contribute to all these extravagant expenses? True, they ask for it; and they do so for the very good reason that they want these things and do not want to pay more than 50 cents on the dollar for them. Mr. Chairman, with all due respect to the good people of this District, I say that they are asking of this Congress too much, and the time is close at hand when they will be driven back to take care of themselves. The people of this country will never stand this extraordinary demand, this extravagance of expense, that is continually pressed upon us here in Congress.

This public property ought not to be taxed; but we have agreed that it may be to a reasonable extent. Now, let us live up like men to that agreement. It is the law of the land. And it is no answer to say, "Why don't you bring in a bill to repeal the law?" That is an old chestnut that has been cracked on this floor for the last ten years. It amounts to nothing. It is begging the question. We are repealing the law so far as this proposition is concerned if we adopt this amendment. We are putting the expenses of this public library upon the people who are to have the benefit of it. The people of the nation are to have no advantage from this library unless they come here to live. Many members of Congress in both Houses are residents in the city of Washington and taxpayers here. They are directly interested in having this bill passed. But, sir, if I owned property in this District I should feel myself disqualified from voting on this question on the ground that I had a present, personal, financial interest in it.

But I do not care anything about that. The simple fact is that it is one of the extravagances that the people of the District of Columbia desire to indulge in for themselves. If they must have a library let them pay for it. I have pointed out the fact that there is no need for one, that the claim is the veriest nonsense in view of the conditions existing here, with the number of libraries accessible, and that if such a necessity does exist it can be met by legislation opening the libraries already here to the public. I have pointed out the fact that if the library is to be built by anybody at all it should be built by the people themselves who are to be benefited by it, and not by the people at large, who have no interest in the matter whatever.

Now, Mr. Chairman, if the library is such a good thing as is claimed by the advocates of this measure, why not allow an amendment, such as that already proposed, to place the expense of maintaining it altogether, with the salaries of the officials in charge of it, on the revenues of the District of Columbia?

But, I will venture to assert that the moment that amendment is adopted the bill will fall to the ground; the gentleman in charge of the measure will withdraw it, as was done on a similar occasion a year ago. They do not want the bill at all unless the people of Maryland, the people of Vermont, and other States of the Union are taxed to maintain it. I do not believe in a doctrine that would entail such an expense upon the people of the United States outside of the District. I believe in living up to the strict letter of the agreement made by the Government with the people of the District of Columbia, and then stopping right there. I do not believe it will be best even to repeal the act of union; but we ought to put our foot down on the expenditures which are inaugurated here and carried out to such an extravagant extent.

Why, Mr. Chairman, only a few days ago a bill was considered on this floor for the benefit of the people of the District of Columbia where an appropriation of $102.50 was made for every arc light burning in the streets of this city, and according to the bill it was to provide an illuminating standard of 1,000 candlepower, and yet in my own little town in Vermont we are paying for 2,000-candlepower arc lights $50 a year, and in the town of my colleague, the strongest friend of the bill, they are paying the same price. Why should we come here and, for the benefit of the people of the District of Columbia, pay just double the money for lighting the streets of the city that is paid elsewhere?

Mr. Chairman, the only sensible thing for Congress to do is to put this expenditure proposed in the pending bill on the treasury of the people of this District, who are to have the exclusive benefit of it, and then you are doing exact justice and equal justice to your own constituents.

Mr. DOCKERY. Will the gentleman consent to my amendment to his proposed amendment?

Mr. POWERS. I have no objection to the amendment of the gentleman from Missouri, which has been passed upon already, and I will modify my amendment accordingly.

The CHAIRMAN. The gentleman from Vermont moves, as a substitute to the pending amendment, a modification of his amendment in the form which the Clerk will now read.

The Clerk read as follows:

SEC. 6. That all the expenses of the maintenance of said library, including salaries of the employees, shall be charged upon the revenues of the District of Columbia: *Provided*, That no liability shall be incurred under this act unless that Congress shall have first made appropriation for the objects herein stated.

The CHAIRMAN. The question is on agreeing to the substitute which has just been read.

Mr. GROUT. Mr. Chairman, my colleague from Vermont, the gentleman last upon the floor, is troubled in his mind about this "arrangement," as he calls it, between the people of the whole country and the people of the District of Columbia. I hardly look upon it as an arrangement, in the meaning of the term as the gentleman expresses it. The people of the United States, Mr. Chairman, are governing the District of Columbia, and that fact should not be lost sight of; and they are doing it in their own way.

I do not understand that there is any union between the people of the District of Columbia and the General Government. The General Government is supreme here, and has inaugurated a system. This system commenced in 1878, by which Congress provided that there shall be an equal division of the municipal expenses of the District of Columbia between the people of the District and the people of the whole country, each bearing one-half. The Congress of the United States takes exclusive charge of this arrangement and controls the expenditure of every dollar of money in the District.

In other words, the people of the District have no voice whatever in the government of the District, but are under the control of Congress. So I object to calling this arrangement "a union," as the gentleman expresses it. It is not. The arrangement exists because of the sovereign power of Congress in the premises. The people of the District had no voice in the matter and have not now. Congress made the arrangement to suit itself, and it ought now to be willing to stand by that arrangement. And my colleague also says let us live up to that agreement. In the first place, he stigmatizes it as an agreement foisted upon the people of the country by a "ring of land speculators" in Washington by which the people of the whole country got into bed with the people of the District of Columbia, and so forth. Mr. Chairman, I must object to this characterization of the organic act of 1878, but of this a little later.

After having thus stigmatized the origin of this act, he says let us live up to it, and a little later we will see how he proposes to live up to it. He says the idea of appropriating money in any of the towns of Vermont, for instance Montpelier, the capital of the State, for a library like this would be considered preposterous by the people of the State. But I reminded him that just exactly that thing is done in the State of Vermont, for we have a law to the effect that when a town or village appropriates money for a public library the State itself, in aid of the same purpose, will give a fixed sum or an equal sum, I do not recollect exactly. Many towns in Vermont are availing themselves of this provision, so that it is true the State treasury does contribute to the support of libraries in the several towns of the State, and because the people of Vermont believe that public libraries form a part of the public education.

Mr. POWERS. It is $100 from the State treasury for every $100 appropriated by the town; but the question I ask is this: Did the legislature of Vermont ever tax the statehouse, or any other State property, to pay that?

Mr. GROUT. It is not proposed to do it here. But I am obliged to the gentleman for calling my attention specifically to that.

Mr. Chairman, everybody knows that a State government is a small affair compared with the Government of the United States, consisting, as it does, of 45 States. The statehouse at Montpelier, which is a very respectable one, cost only $140,000 or thereabouts. It is built of Barre granite, the best that the country affords, and

there is also an addition in which is the State library, and this is all the public building or buildings belonging to the State that there are in Montpelier; and everyone will see at a glance that with that single building the capital of Vermont does not furnish a parallel case with Washington, when more than one-half of the real estate here belongs to the United States Government. Of course the whole State does not bear one-half of the municipal expenses of Montpelier, and the reason is obvious. The situation is entirely different from what it is here.

There is no sort of parallel between the case supposed by the gentleman as to Vermont and the case which we are considering here. The gentleman is so filled with a strange sort of spirit—I hardly know what to call it—that he all the time keeps attacking this half-and-half system of expense and saying in substance it is unfair, and then he will say, "Let us live up to the contract," and, Mr. Chairman, from it all I am quite unable to understand what he really means.

The time of Mr. GROUT having expired, by unanimous consent (on motion of Mr. WELLINGTON), he was allowed to continue his remarks.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question right there? He is stating that the Government owns more than one-half of the property in this District.

Mr. GROUT. Yes.

Mr. MCMILLIN. In making up that computation, do you not include the very streets of the District and the parks, which exist for the benefit of the city, rather than of the Government?

Mr. GROUT. I do not think the streets are included. Whether the parks are included or not, I can not say. Possibly they may be. I should suppose, upon the whole, they would be; but not the streets.

Mr. MCMILLIN. Then I think the gentleman is mistaken in his figures.

Mr. GROUT. Consider the vast amount of money in the public buildings in this District, which are exclusively for the use of the General Government. It is an immense amount, and upon a fair valuation it is said to be more than one-half. There is no parallel between Montpelier and Washington on that line. Probably the value of the statehouse, as compared with other taxable property in Montpelier, is not more than one to twenty or thirty, and perhaps a larger number even, and I submit to my friend and colleague whether it is at all fair to make the comparison.

A word as to this "ring performance" in 1878, by which the gentleman says speculators foisted this plan of government upon the unsuspecting people of the country. I want to say to the gentleman that it had the approval of some of the most eminent men ever in Congress. I am speaking now to my colleague [Mr. POWERS], because I can not help but feel that he does not represent properly the feeling of the State from which we come when he criticises and pitches into the people of the District of Columbia at every opportunity. I say this in all kindness. Mr. Chairman, that "ring performance" in 1878, of which the gentleman spoke, by which the land speculators put the people of the District and the people of the country into bed together, had the approval of such men as Edmunds and MORRILL in the Senate, pretty good names not only in Vermont but throughout the whole country; and in the House of such men as Judge Poland and C. W. Willard, if I am not mistaken as to the time when he served, and Governor Hendee, pretty good names, all of them, throughout our State. And these are the men from Vermont who, at the dictation of this ring of land speculators, approved of the act of 1878. And, Mr. Chairman, it has always had the approval of the Representatives from Vermont on this floor, and has never been criticised by any of them except the gentleman. It really has the approval also of the people of Vermont, who are willing, nay, want, the people of Washington as well provided for as they themselves are, especially as the people of Vermont are undertaking to help govern the people of Washington. And this is just what this library bill proposes to do.

It is not a proposition to make this city a fashionable Mecca, as my colleague has said, a resort for people from all parts of the habitable globe, but it is to establish a free public library for the benefit of the masses. Such a library has been termed by some one "the university of the working man." It is proposed to establish it, as was stated by the gentleman from Maryland [Mr. WELLINGTON], for the benefit of the 33,000 children of the public schools, many of whom are from the families of Members and Senators, and who will be profited by a public library; for the 20,000 Government employees who want it, and for the 23,000 workingmen of the District, thousands of whom have petitioned for it. And my colleague spoke of the indorsement of this project by the Federation of Labor. Of course they would. They would approve it, because they are a class of men who feel the necessity for and desire information, and our people in Vermont want the people of the capital city of our country to have just as good advantages as they have themselves. You have seen what they do. They provide that every town that will raise money for a free library shall have money out of the public treasury in support of the enterprise. They provide that every town may, out of its municipal fund, establish a public library—and there is every reason for it, if not greater reason for it, in this city—and when they have done that they shall have $100 as a premium out of the public treasury. Every town is allowed to provide for itself and assess its taxable property precisely as is proposed in this case.

The gentleman speaks about the arrangement for opening the Congressional Library. He says that all that is to be done is for the Committee on the District of Columbia to do it. Ah, Mr. Chairman, that is not an easy problem. Let the gentleman himself propose to open the Congressional Library every night and he will find it not so easy a matter. But suppose that were done. It is not located in the central part of the city. Neither is the new Library building, nor the library connected with this House, in this building, located so that it would be accessible for the laboring people. It is not centrally located for the people of the District. It should be located within reasonable reach of the people who would be its patrons. Mr. Chairman, I think this proposition for a free library every way a worthy one. In no place is it so necessary as an antidote and offset to the diversions of a great city as in the great city itself.

Mr. MCMILLIN. Will the gentleman permit me? The last Congress refused to inaugurate a library which should be supported one half by the Government and the other half by the District of Columbia. Does the gentleman now propose to reverse that action?

Mr. GROUT. No, Mr. Chairman; I do not propose to reverse any action of the former House, because that which the gentleman alludes to was not the action of the former House. It was simply a failure to act. They did not approve it; but, if the gentleman will allow me, he does not state the case correctly. The House did not approve the bill—the last House—because it was mixed with another question. The bill then brought in proposed to take a portion of the public building being erected on the Avenue—which, I think, could well enough have been appropriated to that use—and that prevented action on the bill. My friend from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, and my friend from Texas, Governor SAYERS, neither of whom has had a word to say against the bill as now framed, were, I think, unnecessarily sensitive as to the bill of last session on the ground that it was to invade this building on the Avenue. They had been instrumental in appropriating the money to erect that building, and it was wise economy to make ample room or a large amount of room for public purposes.

Mr. SAYERS. The gentleman has referred to me. Let me put this question to the gentleman.

Mr. GROUT. Very well.

Mr. SAYERS. The public building on the Avenue known as the post-office building was authorized by Congress in order to provide for the Departments of the Government.

Mr. GROUT. Yes.

Mr. SAYERS. Now, does the gentleman contend that the gentleman from Illinois and myself were wrong in opposing its use for library purposes?

Mr. GROUT. Mr. Chairman——

Mr. SAYERS. Now, do not wince.

Mr. GROUT. I am not wincing. I am only anxious to answer you——

Mr. SAYERS. Does the gentleman contend that we were wrong in insisting that that building should only be used for the purposes for which it was erected?

Mr. GROUT. Mr. Chairman, I did not say you were wrong. I said that I thought you were unduly sensitive on the point of having a portion of that building used for a public library.

Mr. SAYERS. Do not you think that gentlemen should be sensitive on questions of expenditure?

Mr. GROUT. Yes, sensitively just, if you please. That is what I would have every man be in the expenditure of public money. But I thought then, and I think now, that the necessary space in that building for this library could not have been put to a better purpose than to have so appropriated it. But I say to the gentleman from Tennessee [Mr. MCMILLIN] that neither of those gentlemen now object to the bill and I infer they are for it.

Now, since the gentleman has interposed this question, let me say that I think this library ought to go right into that building. It is where the people will go for their mails, it is centrally located, and the library would be more convenient of access there than anywhere else. But at the same time this bill does not so provide. As I said a moment ago, the gentleman from Tennessee did not correctly state the action of the House a year or so ago, because he did not state it fully.

Mr. MCMILLIN. But the gentleman does know that, independently of the question of location, Congress refused to shoulder one-half of the expense of this proposed library upon the people of the United States.

Mr. GROUT. Mr. Chairman, neither I nor the gentleman know any such thing, for the statement is not correct. I do not

think the gentleman could have been present when that bill was discussed in the last Congress, because his memory is usually correct, but gentlemen who are present now and who were present on that occasion will remember that the principal stumbling block then was that the library proposed to invade this new building on the Avenue.

Mr. McMILLIN. I was present and I remember what occurred.

Mr. GROUT. Then, Mr. Chairman, I can not account for the obliquity of the gentleman's memory. [Laughter.]

Mr. McMILLIN. There are a great many things for which the gentleman from Vermont can not account.

Mr. GROUT. That is a fact. Now, Mr. Chairman, I will not detain the committee longer. I believe that this library is something which the people of Washington ought to have. There is one more question that I want to touch upon before I sit down. It is connected with the proposition of my colleague from Vermont [Mr. POWERS], and it is this: He says let us carry out the contract. He calls it a contract; I do not. I call it the sovereign act of the American people by their representatives in Congress, as I have already stated. But he says let us carry it out.

Now, that act provided that the municipal expenses of the District of Columbia should be equally divided between the people of the whole country and the people of the District, and the only question in that connection is, whether this proposed library is properly an item of "municipal expense." The only way to determine that question is by referring to the practice throughout the country.

Now, a large number of cities have been referred to by the committee where the maintenance of libraries is regarded as a legitimate item of municipal expense. I have here a list of cities, over fifty in number, as I am told, in which the maintenance of public libraries is treated as an item of municipal expense. And this fairly brings this proposition fully within the provisions of the act of 1878, beyond all possible question, and, as I have already said, every community, every State, which believes in libraries; which believes in education; which believes that intelligence, not ignorance, is the foundation on which the pillars of this Government rest, ought to favor this bill.

Mr. PITNEY. Mr. Chairman, the proposition contained in the sixth section of this bill is that the total expense of the maintenance of this proposed public library for the District of Columbia shall be included in the regular annual estimates of the Commissioners of the District and paid, one-half out of the National Treasury and one-half out of the District revenues. The amendment of the gentleman from Vermont [Mr. POWERS] proposes that the total expense of the library shall be paid out of the District revenues. I am in favor of that amendment and I hope it will prevail. I think I can show that the amendment will do no injustice to the citizens of the District of Columbia, and that if it does not prevail an injustice will be done to the public Treasury.

The contract, so called, between the District of Columbia and the National Government contained in the act of 1878, which divides the expenses of the District government equally between the District and the National Treasury, has been much discussed and more or less misunderstood, but it is not necessary for me to say a word about it at this moment. There is some doubt raised also as to whether this public library is called for, and as to whether this particular method of providing for it is wise. But I simply insist, Mr. Chairman and gentlemen of the committee, that if there is a public demand for this library, it is a demand for something which will be peculiarly beneficial to the District of Columbia, and that the District revenues are adequate for the purpose of maintaining it and should be devoted to that purpose. I hold in my hand a table showing the estimate of the Commissioners of the District of Columbia of the revenues of this District for the fiscal year ending June 30, 1897. Their estimate is that those revenues will amount to $3,225,081.56. I have the figures here showing the revenues of the District of Columbia from the year 1890 down to the present time, and I find that they have never been less than $2,434,750.91. That was in the fiscal year 1891; but in 1894 and 1895 they were over $3,000,000 per annum.

The revenues of this District are the result of an assessment, the rate of which is fixed by law. The law provides that 1½ per cent shall be levied, as a fixed rate of assessment, upon all the taxable property of the District of Columbia, and therefore as private property increases in value the necessary consequence is that the District revenues increase from year to year. Now, gentlemen of the committee will observe that under the act of 1878 these District revenues bear only one half of the general expenses of the District government, the other half coming out of the National Treasury. What are the annual expenses of the District of Columbia, as shown by the annual appropriation bills? The amount appropriated for the fiscal year 1896 was $5,559,263.97. The amount reported to the House in the District appropriation bill for the fiscal year ending June 30, 1897, was only $5,225,365.97. One-half of that comes out of the revenues of the District. What is one-half of that? It is $2,612,683. What are the estimated revenues of the District for the fiscal year ending June 30, 1897? They are $3,225,081; leaving a surplus of $612,398. That is the amount by which the revenues of the District for the next fiscal year will exceed the share of the District of the public burdens of the District under the contract, so called—the act of 1878. Therefore, Mr. Chairman and gentlemen of the committee, the District revenues fixed by law will be so far in excess of the District burdens fixed by law that there will be ample money in the District treasury out of which to support and maintain this proposed public library.

Mr. GROUT. The District revenues, in other words, are just what Congress makes them.

Mr. PITNEY. They are just what Congress has made them.

Mr. GROUT. The matter is entirely under the control of Congress.

Mr. PITNEY. So is any law under the control of the law-making power; it can be changed or repealed at any time. The law that one-half of the expenses of the District of Columbia shall be paid out of the public Treasury is also repealable.

Mr. GROUT. Certainly; but let an act be brought in for the repeal in a manly fashion.

Mr. PITNEY. Why does not the gentleman bring in a bill of that kind? We are now acting upon a definite proposition—to inaugurate a public library here to be supported out of some public fund. Out of what public fund shall it be supported? Shall it be supported entirely out of the public funds raised by local taxation, which are ample for the purpose—funds raised under a law which in this respect is fixed, so that the rate of assessment can not be reduced without a change of the law—a change which no one proposes? Or shall this public library be supported out of a fund one-half of which is raised by taxation upon citizens of the whole country?

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DINGLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. QUAY, and Mr. CALL as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 1699) for the relief of William Loring Spencer; in which the concurrence of the House was requested.

FREE PUBLIC LIBRARY, DISTRICT OF COLUMBIA.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. TALBERT. Mr. Chairman, when this question came up in the last Congress I opposed the passage of a measure providing for the establishment of a free library in this District to be paid for one half by the Government and the other half by the citizens of the District, contending that it was a luxury and not a necessity. I opposed that measure on the same grounds as I do this. In the first place, Mr. Chairman, I took the ground which my friend from Vermont [Mr. POWERS] has taken to-day, that there does not exist any necessity for this library from the fact that the Congressional Library is here, easily accessible to every citizen within the limits of the city—its benefits subject to his use, either directly or indirectly. In addition to that, there is in nearly every Department of the Government here a library for the benefit of the employees of the Department; and these libraries are easily accessible to residents of the District if they desire to avail themselves of the privilege.

Mr. WILLIAMS. Or can be made so.

Mr. TALBERT. Or, as my friend from Mississippi suggests, if they are not so accessible, they can easily be made so by a little legislation.

Now, my friend from Vermont [Mr. GROUT] says that the Government owns over one-half of the property in the District of Columbia. Even if that were a fact, which I do not at all admit, does that property read books? Does it want a library?

This library if established will be solely for the benefit of the citizens or residents of the District of Columbia; the Government property can not be benefited by it either directly or indirectly, so that to tax it for that purpose would be wrong.

Again, whence comes the demand for the establishment of this free library? I have seen no petition which has come to members of this House from citizens or residents of this District in favor of the establishment of this institution. It seems to me that these demands come from members of Congress and from Senators who own property here, especially those who live here and who expect to live here the remainder of their lives, not from residents or citizens of this District. Now, there seems to me, without making any charge, to be a little selfishness along with this demand.

Then, Mr. Chairman, it has been said on this floor that the employees of this Government come here from every nook and corner of the nation to reside. That is a fact which can not be denied. But let me tell you, Mr. Chairman, that twenty-odd million dollars is paid every year to these employees; and they are the best paid laborers on the face of God's green earth, receiving salaries anywhere from $1,000 to $2,000, $2,500, and $3,000 a year, salaries which ought to enable them to buy books if they need them. They are more able to do so than the laborers all over this broad nation, who are getting, many of them, not more than 50 cents a day, many of them less. Then, is it right to tax even these poor people for the benefit of others so much better paid?

I say, then, it would be a great injustice to tax the great mass of the people in this case for the benefit of the few. Such a measure is against the theory of the Government under which we live. I say this bill is wrong in theory and wrong in practice. It is based upon a wrong principle; and consequently I am heartily in favor of the amendment offered by the gentleman from Vermont, which places the matter where it properly belongs, so that those who wish to dance must be made to pay the fiddler.

Then, again, it has been argued here that there has been a union between the General Government and the District of Columbia, and that the District of Columbia has no representative on this floor. This was done in 1878. That is a fact. It is said that under the circumstances they can not without our assistance establish a free library. Then, Mr. Chairman, let us wipe out this provision in regard to a division of expenses, one-half to be paid by the Government and the other half by the people of the District. Let us give these people a charter of their own. Let them go ahead and establish a free library and pay for it out of their own pockets, as other citizens do throughout the length and breadth of this nation.

It has been argued here that the legislatures of various States appropriate money for free libraries at the capitals of the respective States. Admitting that such is the case, I say that it is wrong in principle, and we should not encourage any such thing here. Two wrongs do not make a right. By following so bad an example we can not give any sanction of justice or right to such a proceeding. I shall support the amendment offered by the gentleman from Vermont, which requires the residents of the District of Columbia to have a free library, if they like, but requires them to do as other people do all over this broad land, pay for it out of their own pockets.

Mr. WELLINGTON. Mr. Chairman, I hope the House will disagree to the amendment offered by the gentleman from Vermont [Mr. POWERS]. In the first place, sir, I want to say a word or two in answer to the charge made twice on the floor of this House—first by the gentleman from Vermont [Mr. POWERS] and next by the gentleman from South Carolina [Mr. TALBERT], I believe—that the demand for this library does not come from the citizens of the District of Columbia, but that it seems to emanate from members of Congress who are members of this committee and have interests in the District of Columbia in the way of real estate.

Mr. POWERS. I beg to say——

Mr. WELLINGTON. I do not wish to be interrupted.

Mr. POWERS. I made no such statement as the gentleman imputes to me.

Mr. WELLINGTON. Well, the gentleman from South Carolina made that statement, and the gentleman from Vermont intimated the same thing.

Mr. TALBERT. I said that these demands seem to come from that direction; but I made no charge.

Mr. WELLINGTON. If it was not stated, it was insinuated.

Mr. TALBERT. If the shoe fits you or anybody else, you will have to wear it.

Mr. WELLINGTON. The statement was not as manly as if it had taken the form of a direct charge. Insinuation or innuendo of that kind is no more defensible than a direct statement. I want to say for myself that I own no property in the District of Columbia.

Mr. TALBERT. I did not say you did.

Mr. WELLINGTON. But you intimated that the members of this committee, the Congressmen supporting this proposition, were not backed up by the sentiment of the District of Columbia—that they were influenced in supporting the measure by a desire to benefit themselves.

Mr. TALBERT. If the gentleman will allow me just a moment, I want to say that I have a right, as a member on this floor, to believe exactly what I please in reference to these matters.

Mr. WELLINGTON. The gentleman has not a right to "think so loud," then.

Mr. TALBERT. And in reply to that, sir, I am like the gentleman whose lawyer did not talk to suit him; I have a right to think my own thoughts.

Mr. WELLINGTON. Do not think them too loud.

Mr. TALBERT. When he rose in court and asked, as he could not be permitted to say anything, if he might just think a little, the judge said "Yes," and the man said: "Well, then, I think you and all these lawyers are a set of damned rascals." [Laughter.] I have a right to think just as I please, and I think that there is some selfishness in this matter, as I stated on the floor, and I now repeat it.

Mr. WELLINGTON. Well, the gentleman may think as he pleases; but as a member of this committee, I wish to state to him that there is no selfishness in connection with the proposition pending here. I am a member of this committee, and I voice the sentiment of the committee and the people of the district and of Washington when I say that this proposition is one that meets the hearty approval of all of the people of the District, and that there is no such "speculation" in it as the gentleman seems to imply. I hold in my hand a document signed by 13,000 organized laborers of the city asking for this thing. I hold here the recommendations of the Commissioners of the District of Columbia in favor of it. All recommend it, and all of them apply for this privilege.

Now, Mr. Chairman, a word in reference to another matter which is not personal. It has been said that this bill should pass, if at all, with the amendment suggested here that the expense shall be paid exclusively from the revenues of the District of Columbia. I do not believe in doing it that way. If Congress entered into a contract, as has been said, with the people of the District of Columbia and became liable for one-half of the expense of the District, Congress ought to carry out its agreement in good faith; and I think the library is just as much a necessity for the people of this District as the public school system. It is an educational matter. What, in this country, must we depend on in the future for the perpetuation of our republican system of government? The patriotism of the people. How will you make them patriotic? By circulating knowledge among them. I want to educate our people. I want to educate them not only in the public schools but in libraries throughout the country, and I want to give every man an opportunity, when he goes home at night, to be able to go to the library and take with him such books as he may desire to read for his enlightenment or pleasure in the evenings at his home.

This library is established, as I understand it, for all the working people of this city. I think, and I believe it is the judgment of all men who give impartial consideration to the matter, that the great capital of the nation should not be without a circulating library; further, I believe that such a library should be established here and conducted at the public expense. The circulating libraries in all of the great cities of this Union are so conducted, at the expense of the State.

The gentleman from Vermont [Mr. POWERS] said that in his State they do nothing of the kind; and yet a moment after his colleague [Mr. GROUT] rises to remind him that in that very State of Vermont they do exactly what is proposed by Congress to do in this case; that is to say, that when they establish public libraries in the towns, they pay one-half of the cost from the State treasury. I know that in the State of Maryland, and in all the school districts, dollar for dollar of the expenses incurred for libraries is paid by the State, and it is right that it should be done. I believe that Congress could do no better thing for the people of this country than to bear one-half of the small expense supposed to be incurred here. It may not amount to very much in the future. It is a small amount now. I am sure that so far as I have knowledge of the people of this District, and so far as the matter has come under the consideration of the Committee on the District of Columbia, the people here will give such donations and assistance to the library in future as will make the expense of maintaining it a small amount in the end.

I call for a vote on the amendment.

Mr. CROWTHER. Will the gentleman answer this question?

Mr. WELLINGTON. I will if I can.

Mr. CROWTHER. Why not open up the great public library here, under proper regulations, to the people?

Mr. WELLINGTON. The gentleman can answer that as well as I can. A proposition of that kind is now before Congress. It is not proposed that the Congressional Library shall be used for this purpose. Besides that, even if that were done, how many workingmen could reach it; how many will be benefited by it; how many will be allowed to take books home; how many will go there at all?

Mr. CROWTHER. Under regulations in vogue elsewhere in the country they can have a proper use of the library, I should think.

Mr. WELLINGTON. Well, the people of the District are entitled to something of the kind. In all great cities of the country they have these libraries and we ought to have one here. I believe that you could do no greater good to the people of this District than to have such a library, giving to the workingman, to the workingwoman, to every school child, to every man who is employed in the Departments, the right to go every night and get such volumes as may be desired, to read.

Mr. PITNEY. I move to strike out the last word. I make that formal motion in order to complete the statement I was making when I had the floor a few moments ago.

In answer to the gentleman from Maryland [Mr. WELLINGTON], I will say that this amendment proposed by the gentleman from Vermont [Mr. POWERS] does not propose to defeat the public library; it does not propose to deprive any man who is entitled to the benefit of that library of the full benefit of it. What it does propose is, the proposed library being a local benefit, which will inure to the people of the District of Columbia, that local taxation alone shall contribute to the support of it. Nobody at this time is proposing to repeal what is called the contract of 1878.

Mr. WELLINGTON. But you do, in this manner.

Mr. PITNEY. No; we do not. The contract of 1878 applied to all public purposes then authorized by law——

Mr. GROUT. All municipal expenses.

Mr. PITNEY. Very well. If it was a contract at all, it could not be an unlimited contract. It must apply to definite objects, and the objects to which it did apply were those which then existed, and Congress held at the same time the power to say that those objects should not be extended without limit and without the voice of Congress being heard upon the question.

But my point is, that there is money enough in the District revenues to support this library and a dozen others like it, without calling on the National Treasury for one cent. The District revenues for years past have exceeded the amount of District expenditures under the annual District appropriation bills by about half a million of dollars. There was an old debt due from the District of Columbia to the National Government, amounting in the first place, I think, to more than a million of dollars, and there has been an annual provision that the surplus District revenues should be applied, to the extent of $300,000 a year, to liquidate that debt. There is a provision to the same effect in the District of Columbia appropriation bill for the year 1897, and if that becomes a law, as it will undoubtedly, it will liquidate almost the last vestige of that debt due from the District to the National Treasury, so that for the year following there will be an available surplus of half a million or more in the District revenues. I think that surplus ought to be applied in part to the support of this public library, if a public library is needed.

Mr. TALBERT. If the gentleman has concluded what he wishes to say, I desire to say one more word in regard to this matter. As I understand it, the adoption of the amendment offered by the gentleman from Vermont [Mr. POWERS] means simply this, and nothing more—that the Congress of the United States proposes to give to the residents of the District of Columbia the right to establish a free library if they desire to. They claim that they can not do it without a guaranty from Congress. The adoption of this amendment gives them the right to do so if they wish, and they can pay their money or take their choice and let it alone. That is my idea of it.

Mr. GROUT. I move to strike out the last word. I wish to reply with just a word to what the gentleman from New Jersey [Mr. PITNEY] says about the District revenues. Mr. Chairman, the revenues of the District are always just what Congress makes them. Of course they are now determined by a law which is upon the statute book and will operate until Congress sees fit to change it.

Mr. PITNEY. Does anyone propose to repeal that part of the statute which fixes the rate of assessment at 1½ per cent per annum?

Mr. GROUT. By no means now, Mr. Chairman; but the time may come when that rate should be changed. That is not an unalterable thing, like the laws of the Medes and Persians. It is the amount which Congress has thought would raise sufficient revenue for necessary expenses for the District and to liquidate its indebtedness.

Mr. PITNEY. Will it not be a perfectly simple matter, if the rate is ever reduced, to reduce it by so much only as will leave sufficient to provide for this library?

Mr. GROUT. Why, certainly, we can change it so as to place this burden wholly upon the District. We can change it so as to place on the District several other burdens which it has been proposed to do first and last, by members of this House who are constantly attacking, not squarely in the front, but upon the flank, the act of 1878, which divides the District expenses, as before explained.

Of course it is competent for Congress to change that act at any time, but we ought to do it in a manly and square way. The language of the act of 1878 provides that the "municipal expenses" shall be divided half and half between the General Government and the District of Columbia.

Mr. PITNEY. Will the gentleman permit me to interrupt him?

Mr. GROUT. Not now; I will in a moment. If the expense of this library is not municipal in character, then it should not be divided. But if municipal it should be divided. Kill the bill outright if you want to; but do not undertake by this niggardly, this indirect, this cheeseparing method to kill it and then say you are simply trying to place the burden where it belongs. Is it a municipal expense? Here are 58 or 59 towns enumerated at random, including Boston, Mass.; Nashua, N. H.; New York, San Francisco, Chicago, St. Louis, Minneapolis, Newark, N. J., from the gentleman's own State, where $48,511 are appropriated annually for the public libraries. In all these and many other places it is borne as an item of municipal expense, the city making appropriations therefor; and it is a proper local municipal expense.

If it is not a municipal expense, then put it out of this bill, and vote down the bill squarely, like men. That is the way to treat it. Do not pretend to be carrying out the spirit of the act of 1878 and yet run a knife under the fifth rib of that act every chance you get. This is a municipal expense, as I have given it from fifty-odd cities, which demonstrates the fact so that every man of common sense can see that it is a municipal expense. Why, you provide a jail, but have no library. Place a library over opposite the jail. You license a dram shop and saloon, so that the victims may go through the dram shop and saloon to the jail. Place a library over opposite the dram shop and saloon. It is economy for the people of the whole country as well as for the people of the District to do this. Besides, to say that we have in this the capital city of the Republic no free circulating library which the plain, common people can reach is a scandal upon the intelligence of the American people.

Mr. Chairman, I now yield to my friend the gentleman from New Jersey [Mr. PITNEY] for a question.

Mr. PITNEY. I believe that every one of the cities which has a public library, according to this list, has also a Government building owned by the Government of the United States——

Mr. GROUT. The city of Boston has expended almost $2,000,000 on a library building. I do not know whether or not there are Government buildings in all those cities or——

Mr. BAKER of New Hampshire. Nashua, N. H., has not a Government building.

Mr. PITNEY. You did not wait until I finished my question.

Mr. GROUT. I thought I did.

Mr. CONNOLLY. Mr. Chairman, I presume no member on this floor would deny the proposition that a free public library for the use of the citizens of the District of Columbia is most desirable, and that everything that this House can properly do to promote so worthy an object should and would most cheerfully be done. This bill, however, proposes not only that there shall be a free public library, but that the people of my district and your district, and of every other district on this floor, shall pay one-half of the expense of that public library. Now, sir, in my district we have not less than six or eight free public circulating libraries, and we do not ask anybody out of the cities in which they are established to maintain the expense of any of them. It is argued, however, that the District of Columbia is a ward of the nation; that we own a large amount of property here, and therefore we should, because of the act of 1878, whereby we agreed to pay one-half of the necessary expenses of the government of the District, extend it to a free public library. Why not also extend it to free public baths? They are quite as necessary as a library.

Mr. GROUT. Mr. Chairman, we have done so. We established the bathing pool on the Potomac at the public expense.

Mr. CONNOLLY. Very good. That simply shows the fact that the District of Columbia is one which has a hundred members on this floor representing it while every other district in the country has but one.

Mr. WELLINGTON. Does the gentleman think that every member of this House should not feel some interest in the great capital of his country? I think that this District ought to have every member of this House to represent it.

Mr. CONNOLLY. Is this to come out of my time?

Mr. WELLINGTON. Yes, sir; or it can come out of my time. [Laughter.]

Mr. CONNOLLY. Now, Mr. Chairman, if that is a good reason why this Congress should vote to establish this public library, one-half of it at the expense of the people of the United States, then tell me this: The city of New York has public buildings belonging to the Government of the United States worth, I apprehend, from $50,000,000 to $100,000,000, and yet when the city of New York paves the streets around those public buildings the Government of the United States does not make provision to pay one penny of the expense.

Mr. BAKER of New Hampshire. Oh, yes, it does.

Mr. CONNOLLY. It does, provided they come to Congress and beg through a law authorizing it, but there is no general law authorizing it.

Mr. GROUT. Why, it is a matter of constant practice. The appropriation bills show it every session.

Mr. CHICKERING. It is not a matter of constant practice. There has not been such an appropriation for years.

Mr. CONNOLLY. For many years there has been no such ap-

propriation, and there is no general law authorizing it. Now, if the property owned by the Government in the District of Columbia is to be made a pack horse to carry the burdens for all the property of this District, why not put part of the load borne by the city of New York, part of the load borne by the city of Chicago, part of the load borne by the city of St. Louis, by Boston, by Philadelphia upon the Government of the United States, because all those cities have their public libraries? In fact, however, they maintain those libraries at their own expense. Mr. Chairman, after having investigated these laws, I say that the greatest frauds imposed upon the people of the United States are imposed by means of these District of Columbia laws, whereby one-half the expenses of this District are borne by the Treasury of the United States. You gentlemen who come from rural districts and from the interior parts of this great country, think of it! The law limits the rate of taxation on real estate in this District to $1.50 per $100 of valuation, and there is no law or regulation made by Congress to determine how the valuation shall be made, and I venture to say that property in this city worth $10 a square foot is not assessed at exceeding 25 cents per square foot.

[Here the hammer fell.]

Mr. GROUT and Mr. POWERS rose.

The CHAIRMAN. The question is on the amendment. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. I will yield to my colleague if he desires to make a statement.

Mr. GROUT. I shall take but a moment. Here is an appropriation in the current appropriation bill "for macadamizing Federal street, running between two main inclosures, also used as a highway by the city of Springfield, but the property of the United States, $3,000." I cite this simply to show that it is customary for the Government to bear its share of the local expense of street improvements where it has property.

Mr. CHICKERING. I think that is the only case on record in five years. It is not the custom.

Mr. HARDY. Mr. Chairman, I am heartily in favor of the United States bearing its pro rata share with the District of Columbia in establishing a public library in this great city, and if it could be made the largest library in the world I would still vote for the proposition. The gentleman from Vermont in his argument a few moments ago said that the people of the United States were going to bed with the people of the District of Columbia. He can speak for himself, but he has no right to speak for the balance of the people of the United States. Mr. Chairman, gentlemen talk of opening up as a circulating library the great library now in this Capitol. That is an absurd proposition, because, as I understand it, every book that is copyrighted finds a resting place in that library, and there are thousands and hundreds of thousands of volumes there that can not be duplicated, that are out of print, and that never will be put in print again. Therefore, I say it would be absurd to contemplate for one moment opening up that great library as a circulating library for the use of the people of this District. Furthermore, the location of it, where it is now and where it will be, is not suitable for the convenience of the toiling thousands of this District, who have access to libraries only after working hours, after 4 o'clock or after 6 o'clock in the evening.

Mr. Chairman, I have had no protests from the State of Indiana against this legislation—a State that has a public library in every school and in every township, supported by the State, a State that has such a large school fund on hand that the interest upon it pays the expense of conducting the schools throughout the State. I am in favor, sir, of voting, if you please, the people's money, in conjunction with the money of the people of this District, to make this the most beautiful capital in the world. We have as much right to appropriate money for a public library in this city, where the people can feed their intellectual souls, as we have to appropriate money for the care of the public parks, which are the breathing places for the people of this city, and, Mr. Chairman, I repeat that I will cordially vote for this bill as it was reported.

Mr. POWERS. Mr. Chairman, I have listened very patiently to the various gentlemen who have submitted remarks in favor of the original proposition, but I have not yet been favored with a single argument that should commend itself to an impartial legislator upon this floor. My colleague [Mr. GROUT] holds up the printed report of the committee and says that it contains a list of 50 or more cities that are supporting public libraries at the public expense. Supposing that were true, what does it prove? It is not true in point of fact, because the total number named is only 29, and in that number are included cities in England, in Scotland, and elsewhere. But supposing it were true that there are 50 cities supporting public libraries, that is simply an argument in support of my amendment.

Mr. WELLINGTON. The statement is true. I have the list here.

Mr. POWERS. I took only the printed report. But assuming it to be true, I repeat that the fact is simply an argument in support of my amendment. What I am contending for is that the city of Washington, in harmony with the practice of these other 50 cities, or whatever the number may be, should support its own public library. The city of Boston, in the State of Massachusetts, does not come up to Vermont, or Maine, or New Hampshire, or elsewhere and ask for contributions to support its public libraries. It pays for them itself.

Mr. GROUT. Will the gentleman permit an inquiry?

Mr. POWERS. With the greatest pleasure.

Mr. GROUT. If this is a proper municipal expense, why should it not, under the act of 1878, be divided between the people of the District and the General Government?

Mr. POWERS. That is the point I was coming to. I say it is not a proper municipal expense within the contemplation of the framers of the act of 1878. My colleague has said that our own representation from Vermont on this floor and at the other end of the Capitol favored that legislation. That is undoubtedly true. Senator Edmunds and Senator MORRILL and the representation of Vermont on this floor undoubtedly supported that bill. But I want to say that at that time nothing was held up in either House as an expenditure of money to which the people would be called upon to contribute except the ordinary, legitimate, natural, necessary municipal expenses. That proposition was supported by the men of that day. But now "incorruption has put on corruption," and a different order of things has come about.

Mr. RICHARDSON. I should like to submit to the gentleman from Vermont this question: Is it not a proper municipal expense for Montpelier, Boston, and other cities containing these public libraries to tax their people to maintain them?

Mr. POWERS. I say most unhesitatingly, yes.

Mr. RICHARDSON. Then is not this a proper expense for the people of Washington—to have a public library?

Mr. POWERS. Exactly; that is just what I am contending for.

Mr. RICHARDSON. And the act of 1878 having provided for this division of these legitimate expenses of the District, how is the gentleman going to get away from that?

Mr. POWERS. I am going to get away from it on this basis, that the people of Washington should take care of their own library in the same way that they take care of their own horses and buy their own clothes. A library is in the nature of a luxury.

Mr. TAWNEY rose.

The CHAIRMAN. To whom does the gentleman from Vermont [Mr. POWERS] yield?

Mr. POWERS. Oh, I yield to everybody.

Mr. TAWNEY. Can the gentleman state what proportion of the population of the city of Washington are legal residents of the various States?

Mr. POWERS. I can not give the exact proportion.

Mr. TAWNEY. Is not that a factor that should enter into the consideration of this question?

Mr. POWERS. It is said that the city of Washington has 275,000 inhabitants. Now, if the gentleman can tell me how many officeholders there are here, he can easily answer his own question. I suppose there are 25,000, 30,000, or 40,000 officeholders in the city of Washington.

Mr. GROUT. If there are 40,000, and each of them the head of a family, would not that make 200,000 on the ordinary basis of calculation of five persons to a family?

Mr. POWERS. Does the gentleman claim that there are 200,000 officeholders in this city?

Mr. GROUT. No; I said that 40,000 heads of families would represent, according to the ordinary basis of calculation, 200,000 people.

Mr. POWERS. The gentleman did not apprehend my statement. I did not say that there were 40,000 heads of families. I said there were 40,000 officials here.

Mr. GROUT. Well, they ought to be heads of families.

Mr. POWERS. Perhaps they ought to be. But then why does not the gentleman "go and do likewise"? [Laughter.]

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. POWERS. I have a few more propositions I should like to submit. Having offered this amendment, I think I am entitled to a few moments to close the debate upon it.

The CHAIRMAN. The gentleman has consumed five minutes.

Mr. GROUT. I ask that my colleague [Mr. POWERS] have five minutes more to complete his argument.

The CHAIRMAN. Is there objection?

Mr. WELLINGTON. I object.

Mr. POWERS. Well, if they object to having discussion of this matter, we will object to the passage of the bill.

A MEMBER. We expect you to do that.

The question being taken on the amendment of Mr. POWERS, it was agreed to, there being—ayes 74, noes 41.

Mr. BABCOCK. I move that the Committee of the Whole rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the

Whole on the state of the Union had had under consideration the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, and had directed him to report the same back with several amendments and with the recommendation that it be passed as amended.

The question being taken on agreeing to the amendments, they were agreed to—ayes 79, noes 37.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 162) regulating proof of death in certain pension cases;

A bill (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon; and

A bill (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 167) for the relief of John O'Keane, of the State of Washington—to the Committee on Claims.

A bill (S. 1699) for the relief of William Loring Spencer—to the Committee on Invalid Pensions.

CARE AND CURE OF INEBRIATES.

Mr. BABCOCK. I call up for consideration the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to establish and maintain within said District a hospital for inebriates for the treatment and cure of persons suffering from the habitual excessive use of alcoholic liquors, which said hospital shall be a public institution of the District of Columbia and under the control of said Commissioners.

SEC. 2. That the officers and employees of the said hospital for inebriates of the District of Columbia shall be as follows: One medical superintendent, who shall be paid an annual salary not exceeding $1,800; 1 hospital steward, whose annual compensation shall be a sum not exceeding $600; 1 male attendant, at an annual compensation not exceeding $480. The hospital steward and the male attendant shall be appointed as special police officers during their term of service in said hospital. One matron, at an annual salary of not to exceed $360; 1 cook, at an annual compensation not greater than $180; 1 laundress, at an annual compensation not exceeding $144; 1 female servant, at an annual compensation not greater than $120. All employments for said service in said hospital shall be by resolution of the Board of Commissioners of the District of Columbia, who may at any time remove any person so employed.

SEC. 3. That all supplies for the hospital for inebriates of the District of Columbia shall be obtained by requisition upon the Commissioners of the District, and all such requisitions and all accounts and vouchers thereof shall be subject to the inspection of the superintendent of charities of the District of Columbia, who shall have full powers of inspection and report over said hospital and all the transactions thereof. Annual and quarterly reports shall be made to said superintendent, who shall recommend annually such appropriations as may be necessary to carry on the work of said hospital. The said hospital shall also be at all times subject to the inspection of the health officer of the District of Columbia.

SEC. 4. That the Commissioners of the District of Columbia shall have authority to lease premises for the use of the hospital for inebriates, at an annual rental not exceeding $1,800, and to expend for the furnishing and maintenance thereof such sums as may be necessary and from time to time be duly appropriated therefor.

SEC. 5. That the hospital for inebriates of the District of Columbia shall have care of persons of the following classes to the extent of its capacity to receive and treat them:

First. Such persons as may be committed to said hospital by the police court or criminal court of the District; and the judges of said courts shall have power to commit to said hospital for a period not to exceed ninety days any person who may be convicted of the habitual excessive use of alcoholic liquors, who might otherwise be amenable to commitment to the workhouse, and any person so committed may be at any time discharged from such hospital upon proof that he has been cured, and the certificate of the medical superintendent of said hospital may be accepted as evidence in such proceedings.

Second. Such persons as may be recommended for treatment in said hospital by the Commissioners of the District of Columbia.

Third. Such persons as may voluntarily apply for admission in said hospital and pay for treatment and support therein not exceeding $10 a week for every such patient.

Payment in full or in part may be received from patients of the second class, and shall be secured whenever practicable, according to the means of the patient. All moneys received from patients for treatment or support shall be forthwith turned over to the proper officer of the District of Columbia for deposit in the Treasury of the United States under such regulations as the Commissioners of the District may prescribe; and said Commissioners shall have authority to make and to change all regulations concerning the management of said hospital and the system to be pursued therein.

SEC. 6. That this act shall take effect immediately.

The amendments reported by the committee were read, as follows:

In line 7 of section 1 insert after the words "alcoholic liquors" the words "opium and cocaine."

In line 9 of section 5 insert after the words "alcoholic liquors" the words "opium and cocaine."

After the word "moneys," in line 24 of section 5, strike out "received" and insert "due."

After the word "shall," in line 25, section 5, insert "be collected by the superintendent, who shall give a bond not to exceed $2,500, and by him shall."

Mr. PITNEY. Mr. Speaker, I think this bill ought to be considered in Committee of the Whole, and I make the point of order that under the rules it must be so considered, as it involves an expenditure by the Government.

The SPEAKER. Will the gentleman from New Jersey point out the provisions liable to his point of order?

Mr. PITNEY. Without looking further, I refer the Chair to section 2, authorizing the appointment of certain officers at certain salaries.

The SPEAKER. The Chair thinks the bill is unquestionably liable to the point of order and must be first considered in Committee of the Whole.

Mr. ODELL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DINGLEY in the chair), and proceeded to the consideration of the bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill H. R. 818, which the Clerk will report.

Mr. RICHARDSON. Mr. Chairman, this bill has just been read, and I ask consent to dispense with the formal reading of it now.

The CHAIRMAN. Without objection, the first reading will be dispensed with.

There was no objection.

Mr. ODELL. Mr. Chairman, this bill is intended to provide for the establishment of a hospital for the care of inebriates in the District of Columbia. It has been reported with sundry amendments by the committee and with the approval of the District Commissioners.

It proposes to create a hospital for inebriates, and establishes certain conditions in connection with the management of the same. It carries with it no appropriation, but is subject to the Committee on Appropriations for such funds as may be required to carry it on.

Mr. DOCKERY. If the gentleman will allow me, I would like to offer an amendment by way of a substitute to section 2. I notice quite a number of officers are authorized by this section of the bill. It may be that all are necessary; but upon further investigation it may be found that some are unnecessary, and therefore, as a substitute, at the proper time I shall offer the following:

The officers and employees of said hospital for inebriates in the District of Columbia shall be such as Congress may from time to time authorize.

The CHAIRMAN. The general debate has not yet been concluded upon the bill.

Mr. ODELL. I ask unanimous consent to close the general debate now.

Mr. PITNEY. I would like a little further explanation as to what the maintenance of this hospital is to cost and where the funds for such maintenance are to come from.

Mr. ODELL. It comes from the appropriations for the District of Columbia.

Mr. PITNEY. Is there any estimate as to its cost?

Mr. ODELL. None whatever, except as to the salaries which are fixed here by the bill.

The CHAIRMAN. Is there objection to closing the general debate?

There was no objection.

Mr. DOCKERY. Now, I ask the gentleman in charge of the bill if he will not accept this amendment?

I propose instead of establishing a fixed roster, which experience may show to be in excess of the actual needs of the institution, to submit the clause which I have already read, and which leaves it to the Committee on Appropriations to determine from year to year, as the necessities of the institution appear, what the force of employees shall be. Of course, the District Commissioners will submit estimates from time to time.

Mr. ODELL. I see no objection to that amendment. As far as I am concerned, I am willing to accept it.

Mr. DOCKERY. Then I move to strike out section 2 and insert in its place the substitute I send to the desk.

The CHAIRMAN. The Chair thinks the committee amendments had better first be disposed of.

The committee amendments for the several sections as they were reached were read, as follows, and agreed to:

Insert on page 1, line 7, after the word "liquors," the words "opium and cocaine," also, after the word "liquors," in first subdivision of section 5, line 9, page 3, the words "opium and cocaine," also, in same subdivision, on page 4, line 20, after the word "not," strike out the words "less than" and insert "exceeding" in lieu thereof; strike out, in line 24, page 4, the word "received" after the word "moneys" and insert in lieu thereof the word "due," and in line 25, same page, after "shall," insert "be collected by the superintendent, who shall give a bond not exceeding $2,500, and by him shall."

Mr. DOCKERY. Now, Mr. Chairman, I offer the following sub-

stitute for the second section. I understand the gentleman in charge of the bill consents to its acceptance.

The Clerk read as follows:

Strike out section 2 and insert as a new section as follows:
"That the officers and employees of said hospital for inebriates in the District of Columbia shall be such as Congress may from time to time authorize."

Mr. ODELL. There is no objection to the substitute.

The substitute was adopted.

Mr. LITTLE. I wish to offer an amendment to section 5 of the bill.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

At the end of section 5, page 4, after the word "thereof," add the following:
"*And be it further enacted*, That it shall hereafter be unlawful for any person to sell, dispense, or otherwise dispose of any intoxicating liquors of any kind within the Capitol building in the District of Columbia, or on the public grounds upon which the same is situated, under a penalty not exceeding a fine of $500 for each separate offense."

Mr. ODELL. I make the point of order that the amendment is not germane, being entirely on another subject to that under consideration.

Mr. LITTLE. Mr. Chairman, on the point of order I desire to be heard briefly.

The truth of the matter is that my short experience in this body teaches me that the point of order is a very effective weapon, in fact, often the most effective way to dispose of important legislation without allowing a direct vote. It is sometimes very pleasant to avoid making a record to go back home to your constituents. The management of this building, which should commend itself to the moral sentiments of our people, has become the object of their attention and scorn.

I for one believe it to be a public disgrace, sir, that liquors are permitted to be disposed of and sold in the Capitol building of this great nation. This bill seems to be dealing with drunkards. I think it is legitimate to cut off the source of supply that makes drunkards. In fact, I think it would be germane to this bill to prohibit the sale of liquor in the District of Columbia, because if it is a competent matter to treat drunkards who have become complete inebriates, it seems to me it is entirely proper to so amend the bill as to cut off the cause that creates the necessity for the asylum provided for in this bill.

In all earnestness I appeal to the chairman of the committee to permit this amendment, which I offer in good faith, to be voted upon. I do think that every member of this House ought to be interested in driving from this Capitol the sale of liquor. It is not a question of prohibition, but of decency, and I do think it is a public disgrace to have open saloons in the Capitol building. They are nothing short of that. There is no use in concealing it or attempting to hide it. We simply ought to face the situation and say whether we are willing to tolerate it or not. I insist that the amendment is germane and that there is no parliamentary law with which I am acquainted that shuts it out.

I desire, Mr. Chairman, to take this opportunity to bear testimony to the personal sobriety of the members of this House. Out of the large number of Representatives it is rare indeed to see one intoxicated. And while it gives me much pleasure to say this, it pains me that this public disgrace should be allowed to continue. You may rule out this amendment, but I warn you that I shall introduce an independent bill for this purpose and press it to a decision. Let us have our Capitol building so managed that we can welcome the visits of patriot or saint, of our wives and children, without the blush of shame.

The CHAIRMAN. The Chair sustains the point of order against the amendment.

Mr. LITTLE appealed from the decision of the Chair, but subsequently withdrew the appeal.

The Clerk resumed and completed the reading of the bill.

Mr. DOCKERY. I offer the following substitute for section 6.

The Clerk read as follows:

No liability shall be incurred under this act unless Congress shall have first made appropriation for the objects herein stated.

Mr. ODELL. We accept that.

The substitute for section 6 proposed by Mr. DOCKERY was agreed to.

And then (on motion of Mr. BABCOCK) the committee rose; and the Speaker having resumed the chair, Mr. DINGLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 818, and had directed him to report the same to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

And then (on motion of Mr. LOUD) the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Post-Office appropriation bill, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the paragraph against which a point of order was raised.

The Clerk read as follows:

FREE-DELIVERY SERVICE.

Eighth. For pay of letter carriers, $12,254,300.

The CHAIRMAN. The Chair understands that a point of order was raised against that paragraph. The Chair will overrule the point of order.

Mr. PICKLER. I move to strike out the last word.

Mr. LITTLE. I should like to offer an amendment to that section, if my friend from South Dakota will yield for a moment.

Mr. PICKLER. I will yield to the gentleman from Arkansas.

Mr. LOUD. I will state that the committee have an amendment to offer to that paragraph, which should be submitted first.

Mr. LITTLF I withhold my amendment, then.

Mr. LOUD. I should like to state, Mr. Chairman——

Mr. PICKLER. I do not desire to be taken off the floor, Mr. Chairman. I yielded to the gentleman from Arkansas. I do not wish him to yield to the chairman of the committee.

The CHAIRMAN. The gentleman from Arkansas has sent an amendment to the desk.

Mr. LITTLE. I ask that it be read.

Mr. LOUD. I think we could get along better by proceeding in the orderly way.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. LITTLE].

The Clerk read as follows:

In line 21, page 2, after the word "dollars," add the following:
"For the delivery of mail matter at fourth-class post-offices, where the postmaster does not receive exceeding $100 per annum under existing law, he shall be paid, in addition to his present compensation, $10 per quarter for delivering the same to the patrons at his said office. A sufficient sum to carry into effect the provisions of this section is hereby appropriated."

Mr. LOUD. Mr. Chairman, I raise the point of order against that. It is unwarranted by existing law.

Mr. LITTLE. Mr. Chairman, I desire to be heard upon that question. This is a matter about which I feel considerable interest, and if I understand anything about the question that we have under consideration in this provision it is the proper delivery of the mails to the patrons of the various offices in the United States. I discover in this bill, just following the provision that I seek to amend, a provision appropriating for horse hire $130,000. I find also a provision for car fare and bicycle allowance, $100,000. I claim that there is no existing law for any such provisions. This is our first bicycle experience, and if we are going to embark upon that in this bill, I think it is just as legitimate that we should pay the fourth-class postmasters, the kind designated in the amendment, for the trouble of delivering their mail to the people.

The amendment does not seek to require them to ride over the country to deliver the mail, but to remain in their offices and deliver it. It seeks simply to provide compensation in that direction. Now, if I understand the point of order against this amendment, it has been raised in the interest of economy. It is a matter that is amusing to the country to see the great spasm of "economy" that seems to have seized the majority on the floor of this House. The fact of the business is that the "grand old party" never has in this country been known or designated as a party of economy. You have always been known and recognized throughout the country as a party that could raid the Treasury quicker than any other party in existence. The fact of the business is, since the Democrats gave you a genuine thrashing in 1892 it has in a measure made political cowards of you, and you have through fear adopted a do-nothing policy. You all know that; and I say this in good nature, because I like my friends personally upon the other side. This conversion to economy reminds me, however, of a familiar couplet that is doubtless known to all of you:

The devil was sick,—the devil a monk would be;
The devil was well,—the devil a monk was he.

[Laughter.]

That reminds me of your claim of economy. Your repudiation by the people in 1892 made you sick, but if you succeed in deceiving the people in 1896 you will soon get well. This amendment is a proposition to give sufficient payment to these men in the country, who are required to do this service in order to bring the public service to the doors or put the mail into the hands of the rural patrons of the post-office.

The fact is, Mr. Chairman, I insist that this amendment is not in violation of the rule, and in offering it I do it, as I believe, in the interest of the brawny-armed, big-hearted, and sun-tanned patrons of the soil. This bill increases the appropriation for free delivery, I believe, more than $5,000,000 over that of six years ago, and yet this small pittance that I ask in this direction is refused

upon a point of order. The points of order seem, so far as this discussion has gone, to be turned peculiarly in the interest of my distinguished friend from California, the chairman of the committee.

Mr. LOUD. Will the gentleman allow me to interrupt him? I know he wants to be accurate in his speech that he may send his constituents. The increase in the appropriation for the free-delivery service is $84,000 instead of $5,000,000, which is quite a difference.

Mr. LITTLE. I may be wrong in the figures. The increase from the appropriation made six years ago is about that amount.

Mr. MADDOX. Only four million nine hundred and odd thousand dollars.

Mr. LITTLE. Simply for horse hire the appropriation is $330,000, and for car fare and bicycles it is $100,000. How much you will pay for the service of the men who do this work I do not know; but I think, Mr. Chairman, if we can do this for the men of the cities, surrounded by the comforts of city life, put carriers on bicycles and fine horses, you ought, at least, to pay the honest plebian for the trouble of standing in his office and delivering the mail to the patrons of his office, who must now attend to all his official duties without any compensation scarcely. There are, sir, some 12,000 of these postmasters whose pay does not exceed $15 per annum; and it seems to me just as legitimate, just as competent, to say that they should be paid for that service as it is for you to pay for bicycles and horses in the cities to deliver the mail from three to seven times a day.

It may please the committee and be in the interest of the public service that this has been adopted, and I have no objection to it as far as it is right, but I do demand that every section of the country shall be treated with equal justice in the matter of the delivery of the mails. If there are but 12 men receiving mail in a rural district, they are as much entitled to their mail as 12 of the richest men in a great city, and I have the right to demand it for them. I do insist that the amendment is entirely within the rule. It does not increase the appropriation beyond the recommendations of the Postmaster-General, and I take it that this is a time where every man ought to be willing to grant the small allowance that this amendment calls for.

If you will make it as much as you pay for bicycles and horses for the service elsewhere, I will accept it; but if you insist on cutting us off without any allowance for this service, the people, in my judgment, will remember you. It is true, as my distinguished friend from South Carolina [Mr. TALBERT] sometimes says, that the farmer has but few representatives here. While I am not very much of a farmer at this time, I do know those people; I know them in my own district and in many other portions of the State which I have the honor in part to represent. I know them in the back districts, where the neighborhoods are sparsely settled, and I say that they ought to have an opportunity to receive their mail at least once in seven days. You give a mail delivery to the rich seven times in one day; in the name of justice, give it to these honest and patriotic citizens once in seven days, and if you do even that they will be satisfied.

It seems that the wealthy can always find friends upon this floor. But when anything is asked for the benefit of the plain country people, the chairman of the committee raises a point of order, which is readily sustained by the Chairman. The Republican majority is still joined to its idols, and still adheres to its time-honored motto, "God bless the rich; the poor can beg." [Laughter and applause.]

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. The Chair does not desire to hear further discussion on the point of order. The Chair sustains the point of order.

Mr. TALBERT. I would like to be heard a few minutes.

The CHAIRMAN. There is no amendment pending.

Mr. LOUD. Mr. Chairman, I intended to submit an amendment at this point on behalf of the committee. I desire to get back to where we left off Saturday evening. The gentleman from South Dakota [Mr. PICKLER] raised a point of order against this whole provision, or so much of it as might change existing law, and he said he desired an explanation of the bill—of the segregated items. Now, if this Committee of the Whole desires a statement of the motives which governed the committee in making this segregation, I think they are entitled to it.

Mr. PICKLER. I made the point of order against all paragraphs that were new legislation.

The CHAIRMAN. The gentleman could hardly make the point of order against a paragraph until it was reached.

Mr. PICKLER. I could have it pending, however.

The CHAIRMAN. So far as paragraph 8 is concerned, the Chair is ready to rule on the point of order now.

Mr. LOUD. Mr. Chairman, I was saying that the gentleman from South Dakota had asked an explanation of the reasons which governed the committee in segregating these items, and that I thought it was right that the Committee of the Whole should understand those reasons, and if it is agreeable I will proceed in that line now.

Mr. PICKLER. And I trust the gentleman will state as he goes along which are new provisions.

Mr. LOUD. Certainly. But I can hardly make the explanation in five minutes, Mr. Chairman.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the gentleman have as much time as he requires.

There was no objection, and it was so ordered.

Mr. LOUD. Mr. Chairman, I assume at the outset that this House ought to act intelligently upon all matters that confront it. I may be assuming a great deal when I say that the action of the Committee of the Whole on Saturday evening was wholly without reason, and that if any investigation had been given to the subject, or if gentlemen could have listened and understood what they were doing at that time, probably not three members would have been opposed to the proposition as it stood in the bill. Now, I ask gentlemen to give me their attention, so that we may have an intelligent bill going out of this House to the other end of the Capitol, so that we may not send a bill over to the Senate (about which we complain so much at times) and have to rely upon them to send us back an intelligent measure.

On Saturday evening the gentleman from Iowa [Mr. HEPBURN] was seeking by his amendment to force the First Assistant Postmaster-General to pay clerks in third and fourth class offices more money than they are now receiving. The only thing accomplished by the amendment adopted, however, was to circumscribe the First Assistant, limiting him to $600,000; whereas, after a close investigation, I find that the Department will need from six hundred and twenty to six hundred and twenty-five thousand dollars during the fiscal year 1897 to properly carry on this service. So that by the amendment adopted on Saturday evening the Committee of the Whole simply curtailed the very item that they desired to extend. I warned gentlemen at the time, but the fact is they were talking to one another and did not understand the full import of the amendment of the gentleman from Iowa.

Now, I ask members to pay attention while I state the reasons which governed the committee in making this segregation. I will say to the gentleman from South Dakota that there is nothing new in this item except that there is a segregation made in the appropriation bill. I have here a portion of First Assistant Postmaster-General's reports running back to 1891 and 1892. The gentleman from Pennsylvania [Mr. BINGHAM] can bear me out, because he is familiar with the subject, in saying that the First Assistant Postmaster-General has generally, in his reports, segregated to a great extent these items, but the estimates coming to us from the Secretary of the Treasury have come every year down to and including the present "For free-delivery service" a lump sum, so much money. Any gentleman can examine the report of the First Assistant Postmaster-General for himself, but I will now bring the committee down to 1896–97 and show them the segregation presented. Here are the items:

ESTIMATE IN DETAIL.

The estimated expenditure on account of the free-delivery service for the fiscal year beginning July 1, 1896, and ending June 30, 1897, is itemized as follows:

1.	500 letter carriers, at $600 per annum	$300,000
2.	874 letter carriers, at $800 per annum	699,200
3.	4,632 letter carriers, at $850 per annum	3,937,200
4.	6,800 letter carriers, at $1,000 per annum	6,800,000
	12,806	11,730,400
5.	For promotion of letter carriers (act of August 2, 1892)	200,000
6.	For substitutes for regular letter carriers on vacation (act of June 27, 1894), 12,806 carriers, at $25 each	320,150
	Total fixed by law and admitting of no reduction	12,256,550
7.	For additional letter carriers for extension of service at established offices and for establishment thereof at new offices, equal to 150 carriers for full year	90,000

That is the total increase that the Department asks for for the free-delivery service in the whole country during the fiscal year 1897—

8.	For substitutes for additional letter carriers on vacation	$3,750
9.	For temporary carriers at summer resorts, for holiday emergencies, and to serve the routes of letter carriers employed on local civil-service boards	10,000
10.	For horse-hire allowance	330,000

I beg to call the attention of gentlemen to the fact that there is no new item in the segregated estimates of the Department, but it is new in the bill—

11.	For car-fare allowance	$165,000
12.	Bicycle allowance	5,000

Permit me to say that this item goes away back to the years 1891 and 1892—as far as I have the segregated estimates from the Department. Then comes—

13.	All other incidental expenses, including salaries and expenses of confidental agents, letter boxes, posts, furniture, satchels, straps, repairs, etc.	$200,000
		13,060,300
	Estimated credit by change of grade	100,000
	Which is carried every year—	
	Leaving a net estimate of	12,960,300

Now, your committee thought that these segregations should properly be carried in the bill, because we found that there was in this car-fare allowance, the bicycle allowance, horse-hire allowance, and incidental allowance the vast sum of $715,000. This amount of money was at the disposal of the Post-Office Department, to be expended in such manner as the judgment of the Department might dictate. We thought this too large a sum to be thus left in its expenditure to the discretion of the Department. Hence, following out the course that had been followed in the original intent of the bill years ago, we thought it proper to present a segregation, and the bill now before the Committee of the Whole is the result.

We then called upon the Department for a segregation of the item of $200,000 for incidental expenses. The committee thought it fair that they should be put in possession of the items for which this money was to be expended; and if the Clerk will read what I send to the desk the members of the House will see what that money was intended to be used for.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 5, 1896.

Hon. E. F. LOUD, M. C.,
House of Representatives.

SIR: In compliance with your request of the 1st instant, I have the honor to submit segregated estimate of expenditures to be made under item 13, free-delivery estimate, 1896-97, namely, "All other incidental expenses, including salaries and expenses of confidential agents, letter boxes, posts, furniture, satchels, straps, repairs, etc., $200,000." At the time the estimate was prepared, in October, it was proposed to expend the $200,000 as follows:

1. Salaries of 50 confidential agents	$80,000
2. Expenses of confidential agents	60,000
3. Furniture and repairs (carriers' routing tables, stools, etc.)	3,000
4. Street letter boxes, equal to 4,000 small size, at $2.60 each	10,400
5. Package boxes, 1,000, at $10.25 each	10,250
6. Letter-box posts and pedestals	5,000
7. Repairing and erecting street letter boxes and package boxes	7,000
8. Freight on letter boxes, package boxes, posts, and pedestals	1,000
9. Painting letter boxes and package boxes	4,000
10. Carriers' satchels	
11. Repairing carriers' satchels	1,500
12. Straps	1,000
13. Time cards for street letter boxes	2,000
14. Maps and city directories	3,500
15. 12 mechanics in the 6 largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum	10,800
16. All other incidental expenses	1,500
	200,950

Mr. LOUD. Now, Mr. Chairman, in pursuance of the policy which we adopted, we have simply provided in this segregated form an appropriation of $12,254,300—substantially what the Department estimated—there being a slight reduction in the item for the pay of letter carriers of about $6,000. We have provided for horse-hire allowance $330,000, the amount estimated for that branch of the free-delivery service. If the gentleman from South Dakota will pay close attention, as I believe he is doing, he will see that there is nothing new in this bill except to designate for what purpose this money is to be used.

The next item carried in the bill is $100,000 for car-fare and bicycle allowance. The estimate for bicycle and car-fare allowance was $170,000—$165,000 for car fare and $5,000 for bicycle allowance. As I stated on the floor the other evening, this is a somewhat aggravating subject. We should have been glad to cut it out entirely, if possible; but we see here on the floor the feeling that is created even by the reduction we have made. But I vindicate the reduction upon changes contemplated by street-car service (and when we reach that item I shall ask that it be passed over, because our reduction depends wholly upon another portion of the bill). We have cut this item down to $100,000; and in another portion of the bill providing for electric-car service we provide that the companies carrying the mails on street cars shall carry the letter carriers free where the distance is more than a mile. We thought we would reduce the amount to be used for car fare $70,000. We may have been mistaken in doing this; but we have used our best judgment; and permit me to say that the committee have spent many and many a weary hour in making the segregations here presented. While we may have made mistakes, we have presented them according to our best thought and judgment.

Now, you will find that the estimate for street letter boxes, posts, and pedestals is $15,400, and we thought it should be an item by itself. For package boxes, $10,250; and in reference to that we also thought it ought to be a segregated item. Also for the pay of twelve mechanics in the larger cities, exclusively employed in repairing boxes and locks, erecting boxes, etc.

Now, that brings us to the incidental expenses, including repairs, painting, freight, straps, etc. There were several items, you will see, of $1,000 and $1,500 which we included all together, and they foot up $24,000 in the incidental account. We struck from the estimate $140,000, which was the estimate of the Department for the special agents, because we did not intend to consider that item in connection with the free-delivery service at all, and the result of the labor gives us a total of the several amounts of $12,744,750.

The gentleman from Arkansas assumed that we were making an increase here of several millions of dollars. As a matter of fact, though, the appropriations this year for this service was $12,790,000—that is to say, $46,000 in round numbers in excess of what is proposed by the present bill. We appropriate for the next fiscal year that amount less than is carried in this bill, which will allow a liberal increase in carriers, but of course the principal reduction is $140,000 for the special agents. I will say, however, that the First Assistant Postmaster-General subsequently reduced by $60,000 his estimate, stating that he could probably run it for $80,000, but we eliminated the system altogether from the bill.

Now, if the gentleman from South Dakota desires to make any further inquiry——

Mr. PICKLER. As I understand the gentleman from California, there are no new items of legislation in this bill under the head of the "free-delivery service"?

Mr. LOUD. Not one.

Mr. PICKLER. And the object is simply to lump the expenditure of this amount?

Mr. LOUD. That is all.

Mr. PICKLER. What is this bicycle service that you refer to here?

Mr. LOUD. Well, it is a service where the carriers are delivering a long distance from the office, 1, 2, 3, 4, and sometimes 5 miles away, in cities, and I might cite Chicago as an illustration, where carriers are allowed the use of a bicycle on these long routes. He gets an allowance, but let me say that that is just about sufficient to provide for the grease of the machine, and would hardly meet wear and tear. Otherwise, if this was not allowed, he would have to ride on the cars.

Mr. PICKLER. Would not it be better to have more horses and fewer bicycles?

Mr. LOUD. Well, a carrier can not successfully in the delivery of the mails use a horse. He might of course, in delivering in the country districts, but not in the thickly settled portions of a city. It would hardly be a proper thing to have a horse to carry him from door to door on a route the total extent of which would be perhaps a couple of miles.

Mr. PICKLER. The gentleman may have explained this before. I did not have the pleasure of hearing all of his speech in the general debate.

Mr. LOUD. It was directed expressly to you. [Laughter.]

Mr. PICKLER. But the gentleman is so accommodating today that I am sure I can get all the information I need. If you would tell us something about the improvement in the position of the fourth-class postmasters, it will be very much more interesting.

May I ask the gentleman how many deliveries a day there are in the large cities; take, for instance, Chicago?

Mr. LOUD. I would not like to specify the number in any special city. I should suppose in Chicago they may get as many as six a day in a portion of the city. There are one or two or three cities in the country where I think they get seven deliveries in the business centers.

Mr. PICKLER. How many in the gentleman's own city of San Francisco?

Mr. LOUD. I am not able to say exactly; possibly six in a limited portion of the city; five in some portions; four in others, and two in others.

Mr. PICKLER. How many in Washington?

Mr. LOUD. That I can not tell. That is detail work that I can not get down to in every post-office in the United States, but if the gentleman had listened to a few remarks I made on the floor the other day——

Mr. PICKLER. Does the gentleman mean to say that he knew something then that he does not now?

Mr. LOUD. Well, if the gentleman will just possess his soul in patience, and not misinterpret my remarks, or endeavor to put words in my mouth, he will get the information he wants. The gentleman is frequently on the floor presenting himself as the one defender of the common people of the country, and I think he is as honest and sincere as the average man who assumes to speak for the people. But the gentleman has repeatedly gotten up here as the defender of the masses of the people, appealing for an increase of salary for a few Government officials, claiming that it is in the interest of the masses of the laboring people, and that is about the ultimate result of the efforts of the special defenders of the masses. They want to get their hands and arms into the Treasury up to the shoulders, to see how much they can pull out for some favored officeholder. Now, I will come back. The gentleman referred to me the other day upon the floor as being a resident of a city.

Mr. PICKLER. I thought the gentleman yielded to me to ask a question.

Mr. LOUD. I thought you had got through. I will answer that question.

Mr. PICKLER. I certainly will not let you go on in that way if I can think of any other question. [Laughter.]

Mr. LOUD. I think I have the floor. The gentleman alluded to me in his usual earnest manner, and, looking at me with profound disdain, in a tone of voice which I should under ordinary circumstances have resented, said I was a resident of a city, and was looking out for the interests of city people alone, and would not listen to any amendment upon this bill, or advocate any proposition that was in the interests of the masses. I will come now to what I was going to present before.

I said upon the floor the other day that I thought this country had run free-delivery mad, and we in this bill are seeking to remedy that condition. We do not appropriate in this bill as much money for the support of the free-delivery service as was appropriated the preceding year. The natural growth of the service, of course you must assume, is something. Now, I assume that the people of the cities are getting more deliveries than they ought to have, and while I do not know that it hurts my feelings much—because we all understand that the gentleman from South Dakota is not in earnest, he is simply talking to his constituents; it is getting pretty near the time to nominate members of Congress—but still to have that thing constantly pumped into me, Mr. Chairman, is somewhat boring, at least. On Friday nights, when I perhaps rise in my place—and I assume that I am as honest in my convictions as the gentleman is, and that is assuming a great deal—when I rise and assume the right to oppose any individual pension claim upon the floor of this House, the gentleman says I am against the interest of the common people; hence the conclusion is that the only person who is in favor of the common people is he who can get the most money out of the public Treasury. Now, I assume that the common people are not particularly interested in this matter of increasing the salaries of Government officials, in order that they may be taxed to support them.

My friend from California [Mr. JOHNSON], too, said the other day that I was not a lawyer. That thing has been said, not concerning me alone, but it is a position in which every layman upon this floor has been put time and time again. I raised a point of order against a proposition which my colleague advanced upon this bill. The gentleman immediately arose in his place—as many a member has done before—and said with great disdain, "Of course the gentleman is not a lawyer," and then halted there, trying to convey the impression that because a man is not a lawyer, therefore he is not gifted with ordinary common sense. When I first came to Congress I heard a story which seemed amusing to me at the time. No doubt the gentleman himself has heard it. Of course the story was made to apply to a particular Congressman, but no doubt it has been applied to many others. It was the story of the man who, when he was first elected to Congress, came here and wondered how the devil he ever blew into Congress, and then proceeded to wonder how the other fellows got here. Many of us have experienced this feeling.

Possibly the innate modesty of my colleague from California—and I know he has a great sense of modesty—may have led him to feel the same sentiment. The gentleman graduated, I see, in 1862, while I did not study law until some years subsequent to that, because I was down here in Virginia holding a consultation with some of my friends from the South at that time. No doubt when the gentleman was presented for examination for admission to the bar, and after he had passed that ordeal, the great sense of modesty in him said, "How the devil did I ever happen to become a lawyer?" But he is a lawyer, and he is a pretty good one. He studied law in 1862. He has practiced it almost continually ever since; but permit me to say, so far as the profession is concerned, that when they look at a statute—and this is without disrespect to the profession—when the average lawyer looks at a statute he looks to see if it can not be broken down rather than that the intent of the law be carried out. Now, permit me to say to the gentleman from Sacramento that, although I am not a lawyer, that although there are many men upon this floor who are not practicing lawyers, we may possibly be gifted with ordinary common sense, and possibly can understand plain English words, and plain English words put into sentences. Now, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 2, in line 21, strike out "fifty-four" and insert "forty."

Mr. LOUD. Now, if I can have the attention of the House, I will state that the intent of this amendment is simply that we propose to take from this first item, and carry to the second, the sum of $14,000.

Now, after this bill was framed the Department informed us that if we would put a little more money, $14,000, to horse-hire allowance, that they could retrench expenses; that is, if they could get horses for use in the collection, and give them to the carriers, that they could benefit the service without any increased amount, and they asked us to simply transfer that amount to the next item, and that is what we intended to do. It is simply a transfer from one item to another.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I move to strike out the last word of the amendment. I think that is as far as we have gone.

Mr. LOUD. We have another amendment to offer.

Mr. PICKLER. I do not care to detain the committee any length of time, and I am under renewed obligation for my friend's lecture, and also for my friend from California, to whom the chairman of the committee has also paid his attention.

Mr. LOUD. I owe you several yet.

Mr. PICKLER. My friend from California informs me that he owes me several yet. I hope he will not pay the debt. I do not really appreciate all that he says in that line; but, Mr. Chairman, I do not intend, if I can help it, that the gentleman, by a little ridicule and throwing in propositions before the committee that I am trying to pose in behalf of some special people, to allow him to escape the odium that this bill heaps upon himself in regard to the fourth-class postmasters and rural deliveries in this country. The gentleman says we have struck oil. He says that this is part of the continual talk about these fourth-class postmasters, and he is tired of it. Well, he will hear more of it. That is what we intend. The gentleman talks like this is the first time that I had stood up here asking something more for the fourth-class postmasters.

Mr. LOUD. Oh, no.

Mr. PICKLER. You talk like that. You said the elections and nominations were coming on pretty soon.

Mr. LOUD. But we have had so many elections.

Mr. PICKLER. I did not interrupt you.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. PICKLER. Now, the gentleman has been advising me in a low voice to possess my soul in patience. I hope he will do the same. [Laughter.]

I do not intend that the gentleman shall escape the odium that the bill heaps upon himself. I have no criticism of the gentleman; I have no criticism of the Committee on the Post-Office and Post-Roads further than their bill criticises them. That is what I complain of. Now, you can not throw me off the track with these little pieces of ridicule, at which the gentleman is an adept. I am proud that I do try to stand up for the rights of my people. We have no cities where bicycles and all that sort of thing are furnished in my State; and what I am talking for is that my people should have such facilities and accommodations given them as can be given to them reasonably. There is one thing, Mr. Chairman, among many other things, I would not be charged with doing. There is one thing I want to avoid and intend to avoid if possible, and that is that I could be charged by my constituents with sitting still and seeing their rights trampled upon and never entering a protest. I intend to stand up for my people's rights whenever and wherever their rights are involved, whether in this committee or in this House. And the gentleman's ridicule and his unreasonable obstinacy against any allowance for mail facilities to people in the country districts will not deter me.

Now, the complaint I made the other day, that seems to have stirred the gentleman, was in regard to these fourth-class postmasters. I want to say to the gentleman and to this committee that whatever I may say now, and whatever objection I may have to this bill now or in the future, or to other parts of it, is simply to emphasize the inequalities of this bill and to emphasize the fact that this Committee on the Post-Office and Post-Roads, year by year, as I have said here before, has disregarded the interests of the rural districts and of these fourth-class postmasters, treating them as if they have no being whatever. Year after year, as the gentleman from California knows, in this bill they have introduced new schemes and new appliances, electric cars, bicycles, and all that kind of thing, for the people living in the cities, but nothing for the country. That is what I charge you with; that you neglect, disregard, and trample upon the rights of my constituents, because you say you are in the line of economy; and every year you come in here with some new accommodation for the people who are crowded in the different large cities. If anything has been emphasized in this House in the past few years it is the great necessity of trying to keep such aggregations of people out of the cities and persuading them to go the country and engage in rural pursuits, engage in agriculture; and it seems to me that the gentleman ought to think something even about that proposition, because it is conceded by all that one of the dangers of the hour is this great aggregation in the large cities and the people leaving the agricultural districts and deserting the country to go to the cities.

Now, the gentleman talks about my wanting to run my hand into the Treasury and pay officeholders. The men that I am contending for are the men out in the rural districts, in the back districts, where the salary is not $50, probably, a year, and sometimes $25; and if anybody wants a letter to go in or a letter to go out, the postmaster must go to his little store, or remain at his

home if the office is there kept, and attend to the patrons of the office.

He must be there at 7 o'clock, at 8 o'clock, and at 9 o'clock, and at 10 o'clock in the morning, and at dinner time, and he must be there until 9 o'clock at night, and he gets nothing for it.

The gentleman from California does not see any injustice in that, but thinks it is a terrible thing for me to want to pay reasonably that poor fourth-class postmaster, who must be at his office more continuously than any city postmaster; who must make out the same kind of reports; who is held to the same responsibilities; who incurs the same penalties if he violates the law as the postmaster in any large city. I contend that it is unfair; that it is unjust to treat those men in this way. I have been contending so for years, even when it was not a Congressional year. [Laughter.] And I have not been alone in that contention; I have been seconded, I think, always by a majority of the House. All that I ask of the gentleman in charge of this bill now, all that the gentlemen from Arkansas [Mr. LITTLE and Mr. MCRAE] asked the other day, all that any of us ask of the gentlemen in regard to this matter, is to agree to submit it to a vote. Take the voice of this Committee of the Whole as to whether these fourth-class postmasters ought not to receive more than they are now receiving. But the gentleman stands here and makes his points of order at every step that we try to take to help these men, and it is to emphasize that fact, to emphasize this unfairness to the country districts, that I am making my objections to this bill. My purpose is to emphasize the inequalities and injustices of the bill——

[Here the hammer fell.]

Mr. PICKLER. I would like a little more time, Mr. Chairman.

Mr. BINGHAM. How much more time does the gentleman want?

Mr. PICKLER. About five minutes more.

By unanimous consent, Mr. PICKLER's time was extended five minutes.

Mr. PICKLER. Mr. Chairman, I am interested in this proposition of mine for another reason even more than because it will benefit the postmasters. Out in my country oftentimes you can not get a man to serve as postmaster because there is no pay for it, and he is unwilling to do the work and incur the responsibility for nothing, and I do not blame him. But the consequence is that the little post-offices there are so far apart that the people sometimes have to go from 10 to 15 miles for their mails, and that, too, in the winter time, when they have to travel through all kinds of weather and incur all kinds of hardship and lose a great deal of time, and all this because we can not have more post-offices near them—because postmasters do not want to serve—as we would have if the postmasters could be paid for the labors and responsibilities they would have to incur.

Now, that is not fair. It is not fair to my people to compel them to travel such distances for their mails. It is not fair to the people of the sparsely settled portions of the country.

I ask the gentleman in charge of this bill about the number of deliveries in the cities, and I think he is purposely ignorant this afternoon as to the number of deliveries in his own city. We all know, however, that there are five or six or seven deliveries a day in the cities, the mail brought to the doors and deposited in the boxes. That is the kind of service that this Government is giving to the people in the cities, while the people in my country and many other portions of this country must go from 10 to 15 miles for their mails, and the consequence is that if they get mail once a week or every ten days they are doing pretty well. That is what I am complaining of. That is where the injustice and the wrong come in. That is the unfairness of these post-office appropriation bills, continually making increasing appropriations for the extension of the service and for new appliances for mail delivery in cities, while in the country districts the people are placed at such a disadvantage. That is what I am complaining of now, and I propose to reiterate the complaint and to do everything I can to emphasize it as far as I can. I do not do this in any factious spirit. I do not want to delay the deliberations of this body, but I dwell upon this subject because I am in earnest about it, because I intend to try to emphasize it so that some time in the sweet by and by the country districts will have some attention from the Committee on Post-Offices and Post-Roads, so that some time the members of that committee will come to understand that there are other people who should have mail accommodations besides those who live in the great cities.

Mr. SPERRY. Mr. Chairman, I——

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. Yes, sir; for a question.

Mr. SPERRY. Mr. Chairman, I am one of those who are unfortunate enough——

Mr. PICKLER. I thought the gentleman wanted to ask a question.

Mr. SPERRY. Then, I do want to put this question: I hear you constantly making a discrimination between the large cities and the small towns and the country.

Mr. PICKLER. Yes, sir; I do.

Mr. SPERRY. Now, let me say to you, my dear friend, that in the free-delivery system, where a 2-cent postage stamp is used on the local routes, the Government receives a surplus from that free delivery in those places in which it exists——

Mr. PICKLER. Oh, that is the same speech the gentleman made on Saturday. [Laughter.]

Mr. SPERRY. Why do you seek to draw a line between the people of the cities and the people of the country towns? I will go as far as you will——

Mr. PICKLER. Oh, no; you will not. You are on this committee. [Laughter.]

Mr. SPERRY. I will go as far as you will to help the people in the country——

Mr. PICKLER. No; you will not go any distance at all. You have not in this bill where you had the opportunity. [Laughter.]

[Here the hammer fell.]

Mr. PICKLER. Mr. Chairman, I want a little more time. I move to strike out the last three words.

Mr. OGDEN. Mr. Chairman, I would like to know from the gentleman from South Dakota how many Congresses he has been here?

Mr. PICKLER. Look at the Congressional Directory, my friend, and you will readily find out.

Mr. OGDEN. How many bills have you introduced to remedy this evil?

Mr. PICKLER. You have bills before the committee; why do you not report them? Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The Chair can not entertain that motion.

Mr. PICKLER. I move to strike out the paragraph.

The CHAIRMAN. If the gentleman desires, he can ask unanimous consent for more time. The Chair will recognize him for that purpose.

Mr. PICKLER. Can not I offer another amendment?

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. PICKLER. It is a strange thing if, when I yield for a question, I am to be taken off the floor this way. [Laughter.]

Mr. LITTLE. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes additional.

There was no objection.

Mr. PICKLER. Now, let me say to the gentleman who has just taken his seat [Mr. SPERRY], a member of this committee, and who now promises so much that I would like him—not in my time—to answer the question whether he will go around to the chairman of this committee and get him to accept something, some amendment, for the benefit of the fourth-class postmasters. We have failed ignominiously in all our attempts with him. As the gentleman tells us of what he is going to do, let him now do something.

Mr. SPERRY rose.

Mr. PICKLER. No, I do not yield to the gentleman now. He has put to me the same question to-day that he put to some gentleman here on Saturday afternoon. He brings up that old matter of drop letters in the city post-offices. Sir, who makes it possible for you to have cities? Who makes it possible for you to have these postal accommodations in your cities? Who makes it possible for you to put in your drop letters? Who makes it possible for you to have your cities of 100,000 people and 500,000 people? It is the people who live in the country who are subjected to all these discomforts. It is upon their labor that you live, and by it you are enabled to have your cities; yet their interests are made tributary to those of the cities which they help to build up.

I want the gentleman to understand that the post-office business of the cities is not to be segregated from the business of the country. This great post-office system is for the whole people—for the cities as well as the country. Because the cities have received from Congress advantages which have not been granted to the country, it must not be forgotten that these cities have grown up at the expense of the people of the country—that my constituents and the constituents of other gentlemen from rural districts have contributed their share of these advantages for the cities. Yet the constituents of gentlemen coming from these cities are not willing to reciprocate by granting any advantages to the constituents of gentlemen who come from the rural districts. That is just the difference. The people of the country have contributed in taxes for all these accommodations and appliances for the benefit of the cities; but under the reports of your Post-Office Committees the people of the cities are not willing to grant anything in return to the people in the country. That is the answer to the gentleman's question; that is the reason I am persistently in earnest about this matter. We do not ask any great advance in behalf of the country districts; but it is time that this committee and this Congress should do something for the rural districts. That is what I am seeking to emphasize.

Mr. SPERRY. And I am with you.

Mr. PICKLER. My friend says that he is with me, but he is not with me to the extent of a dollar in the bill. Why did he not do something for us in the bill?

Mr. SPERRY. We have got a bill——

Mr. PICKLER. You have a bill, but you may be pretty sure that bill will never come before the House for action. The time to get cakes is when the cakes are passing around. The time for us to get something for these fourth-class postmasters is when the city districts are getting their electric-car service, their bicycle service, etc. Why did not the gentleman do something for us when the committee was putting on the provision for these electric cars? As I said the other day, those cars look very nice, they are things of beauty; I do not know how much advantage they are. I am not here to talk against anything in the shape of progress or advancement in the cities. But I am seeking to call attention to this fact, that while you are making advances in behalf of the cities you should make some for the country. I do not believe that all these advances for the benefit of the cities should be made at the expense of the country districts.

Mr. BINGHAM. Mr. Chairman, allow me to say to the gentleman from South Dakota [Mr. PICKLER] that the question of compensation of postmasters was with great care and after mature deliberation adjusted in 1883 when the 2-cent postage rate went into effect. The prior law, basing compensation upon the cancellation of stamps, etc., made it necessary when the 2-cent rate of postage took effect that there should be a change in the adjustment of the compensation of postmasters. Those of the first, second, and third classes were adjusted upon the gross receipts of their offices. The compensation of the class of postmasters to which the gentleman now refers (and this shows the care with which the law was drafted) was based upon the cancellation of stamps, postal cards, stamped envelopes, official stamps, box rents, etc. I want the gentleman to understand what compensation postmasters of this class receive. On the first $50 or less per quarter, 100 per cent. The postmaster receives the whole of the first $50 for each quarter.

Mr. PICKLER. But suppose the business does not come to the office?

Mr. BINGHAM. Then, of course, he does not receive compensation upon it. On the next $100 or less the postmaster receives 60 per cent for each quarter. On the next $200 or less per quarter, 50 cer cent; and on all the balance 40 per cent. When the Auditor for the Post-Office Department adjusts his accounts and they show an excess of $250 for the four quarters of the year, your fourth-class postmaster goes at once in the third class. This was done after a careful and critical consideration by the committee and consultation with the Department, and there has been a general acceptance and acquiescence on the part of the people of the whole country as to the wisdom of the legislation.

Mr. PICKLER. When was this done?

Mr. BINGHAM. In 1883.

Now, in reference to the segregation or division of the paragraphs of the pending bill, that, let me say to the gentleman from South Dakota, is done with the purpose of securing a better administration as to the adjustment of the accounts and expenditures of the money of the Department. Under the one item for letter carriers, for which there is appropriated upward of $12,000,000, the Post-Office Department does pay to-day, and has been for twenty years past paying, for the car fare, horse hire, and similar expenses of the carrier; and the only new incident to it is that incident which is new to us all, the use of the bicycle for purposes of expedition. I have no doubt to-day that the Post-Office Department pays for the use of bicycles for that service. They can pay for it out of the general fund.

Why, twenty-seven years ago I remember when, under my administration of the post-office in the city of Philadelphia, for the first time in the history of the Department, in order to make quick intercourse between the stations of that great city, car fare for the carriers was allowed. In the present instance the committee has done this in the appropriation here for the better administration of the accounts of the Department, while closely holding to the general appropriations.

Mr. LOUD. If the gentleman will allow me to make a suggestion to him, if it does not interfere with the line of argument he is pursuing, all of the money—the millions of profit the Post-Office Department receives—comes from the great cities.

Mr. BINGHAM. I am just coming to that in a moment, and was about to call the attention of the gentleman from South Dakota to the fact.

Now, Mr. Chairman, in reference to the fourth-class post-office, let me say a word to the gentleman. There are about 3,500, I think, of the first, second, and third class offices. There are a little exceeding 70,000 post-offices in all throughout the country, and therefore some 66,500 of them are fourth class. From the first, second, and third class offices upward of $60,000,000 of revenue comes. Seventy-eight and some odd per cent of the entire revenue of the postal service comes from these offices, and of necessity you are improving and must improve them.

The gentleman speaks of going to the post-office for the mail. He seems to think the people ought to be required to do that. Does he think it possible for the people of the great cities of New York, Philadelphia, Chicago, and other large communities to go to the post-offices for their mails? Why, you could not build on a quarter section a house big enough for a post-office in either of these cities that would accommodate the people under such conditions.

Now, as to the free-delivery service, let me tell him this: That system applies to all cities having a population of 10,000 people or upward, or where the gross revenues of the office amount to $10,000 a year. They number a little over 600. The profits of the free-delivery offices to the Government—I have not the exact figures here—but they run from one to two and upward of two million dollars a year. But what do the free-delivery offices do? Let me tell him.

[Here the hammer fell.]

Mr. DOCKERY. I hope the gentleman will have additional time. I ask that he have five minutes longer.

There was no objection.

Mr. BINGHAM. Now, what do the free-delivery offices do? They pay a profit to the Government on what is called local postage; that is, the commingling and intercourse of letter communication within the limits of the free delivery. It costs as much to deliver a letter in my city a distance of two squares as the Government charges to carry it from Maine to California. These carriers and that service pay this enormous revenue to the Government. But what else? It pays all of this and takes every letter and paper that comes from all sections of the country into the great cities and delivers these letters to the homes and business places of the people without the charge of a fraction of a cent additional. Free-delivery offices for this service pay their own expenses and do all of this additional work.

The whole drift and current of postal administration, the whole force of your enactment that requires railroads to carry the mails on their fastest trains, the whole tendency is in the direction of expedition. You have even gone into what you call your 10-cent expedition stamp, your special-delivery stamp, because the people of the country want expedition, quick delivery. That is the purpose of bicycling, of horse renting and horse purchasing, of every expedient that will deliver letters more quickly than in the general routine way.

Mr. PICKLER. Will the gentleman allow an interruption?

Mr. BINGHAM. Yes.

Mr. PICKLER. I am not complaining about anything of that kind.

Mr. BINGHAM. I grant the gentleman is not complaining.

Mr. PICKLER. The gentleman was on this committee a long time. I do not know whether he did anything any more than this committee does now——

Mr. BINGHAM. When I was on this committee we gave to every member representing fourth-class offices whatever was desired.

Mr. PICKLER. The gentleman's argument is in favor of greater facilities in the cities. What is being done there is all the stronger reason why we should have some facilities in the country.

Mr. BINGHAM. You do not ask for further facilities.

Mr. PICKLER. I know what you are doing in the cities. What are you doing for us in the country?

Mr. BINGHAM. We give you facilities in fast mail trains and a greater number of daily mails.

Mr. PICKLER. You give us nothing.

Mr. BINGHAM. We give you facilities in fast mail trains and a large number of mail deliveries. The gentleman is asking for a larger compensation for postmasters; that is not a mail facility.

Mr. PICKLER. I suggest to the gentleman that if you will give to the postmasters some little respectable stipend we can have a great many more post-offices in the sparsely settled country, which will save our people miles of travel; whereas we can not get them now.

Mr. BINGHAM. You have the right to make an application for a post-office every 2 miles.

Mr. PICKLER. Oh, I have instituted more such new post-offices than the gentleman has, I think.

Mr. BINGHAM. You do not want any more liberal provision than for a post-office every 2 miles; and if you can show that the business exists for such an office you can get it.

Mr. PICKLER. You can not get men to serve. They do not want to assume the responsibility for so small salaries.

Mr. BINGHAM. I can not help that. If you do not have the mail to be carried you do not deserve any more post-offices.

Mr. PICKLER. What I am saying is that the Post-Office Committee do not try to help us.

Mr. BINGHAM. I do not know where the gentleman wants any more help.

Mr. PICKLER. You have been planning facilities in the cities. What I complain of is that the country is getting no facilities.

Mr. BINGHAM. I want to tell the gentleman with reference to this horse-hire matter—because it is very important to the people in the cities—that since they have established the package boxes, these large boxes at the street corners for the reception of packages, it has become a physical impossibility for the carriers or collectors to make collections on foot of the mail on their routes. In lieu of that they have little one-horse wagons which make the tour of the city very frequently, both day and night. Therefore, there is an absolute necessity for that character of conveyance from the boxes to the city post-office.

Mr. PICKLER. I think that is a good thing.

Mr. BINGHAM. The Department recognizes every improvement that comes along, recognizes it in the sense that it is a greater benefit and a larger convenience to the people, and I merely want to say to the gentleman from South Dakota that every convenience you give to the people in the great cities is of benefit to himself and his constituents, and every expedition you give to the mails from his section is a benefit to all the people.

The gentleman is mistaken in supposing that there has not been a fair consideration in the allowances made to postmasters of the fourth class. I will say to the gentleman that no more critical or careful adjustment, with a due regard for the labor performed by fourth-class postmasters, was given to any paragraph than to that paragraph of the bill of 1883, which I helped to frame and which is now law. I was a member of the committee at the time, and I remember with great distinctness the care which we bestowed upon that piece of legislation, and how generously and acceptably it was received by the House.

Mr. PICKLER. Can the gentleman tell us in how many post-offices in the United States the salary of the postmaster is less than $50 a year?

[Here the hammer fell.]

Mr. BINGHAM. I do not know. I can not tell that.

Mr. PICKLER. Can the chairman of the committee tell that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TALBERT. I desire to offer an amendment, to come in at lines 24 and 25.

The CHAIRMAN. We have not reached that paragraph yet.

Mr. LOUD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 21 insert "For marine free-delivery service, $3,500."

Mr. LOUD. I will state to the committee that in this segregation the Department did not take into consideration the marine free-delivery service which is now in operation at Detroit, and under this segregation it was held that they probably would not be allowed to continue this service without a special item of appropriation. The people of the Northwest, of course, understand what this means. There has been a free-delivery service established at Detroit to supply the great mass of vessels passing through the Detroit River up into the lakes. It has grown to be a great accommodation, and I think it should be continued.

The amendment of Mr. LOUD was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For horse-hire allowance, $330,000.

Mr. LOUD. I have an amendment to offer there, which takes the money we took out of the pay of carriers and puts it into the horse-hire item. It simply replaces what we took out.

The Clerk read as follows:

In line 22 strike out "thirty" and insert in lieu thereof "forty-four."

The amendment was agreed to.

Mr. LOUD. Now, I ask that the item of car-fare and bicycle allowance may be passed over temporarily, until we have passed over that portion of the bill relating to electric-car service.

The CHAIRMAN. Unanimous consent is asked that the item for car-fare and bicycle allowances be passed over temporarily. Is there objection?

Mr. BELKNAP. I have a proposition to offer concerning that, at the proper time.

Mr. PICKLER. The right to make points of order will be considered as reserved.

The CHAIRMAN. Does the gentleman desire to reserve a point of order?

Mr. PICKLER. Not until we reach the section.

The CHAIRMAN. Does the gentleman from South Dakota desire to reserve a point of order against the paragraph?

Mr. PICKLER. Yes; I will reserve it.

The CHAIRMAN. The gentleman from South Dakota desires to have a point of order pending against the paragraph. Without objection, it will be so ordered.

There was no objection.

Mr. TALBERT. I will ask permission that the Clerk read an amendment which I have sent up, so that it can be printed in the RECORD and pending when we come back to that.

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] asks to have the amendment which he has sent up read for information. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all of lines 24 and 25 and insert in lieu thereof "For fourth-class mail service in carrying mail, $100,000."

Mr. LOUD. Is that read for information?

The CHAIRMAN. That is read for information.

Mr. BINGHAM. Let the Clerk read it again. We did not hear it.

The CHAIRMAN. Without objection, the Clerk will again read the amendment proposed by the gentleman from South Carolina [Mr. TALBERT].

The amendment was again read.

Mr. TALBERT. I desire that it may be pending when we return to the paragraph.

The Clerk, proceeding with the reading of the bill, read as follows:

In all, $12,744,750.

Mr. LOUD. I wish to offer an amendment simply to make the total of that item correspond with the change that has been made.

The Clerk read as follows:

Page 3, lines 12 and 13, strike out "$44,750" and insert "$48,250."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Ninth. For stationery in post-offices, $50,000.

Mr. COOKE of Illinois. I offer an amendment to this sixteenth clause.

The Clerk read as follows:

Amend line 3, page 4, by striking out, after the word "machines," the word "forty," and inserting in lieu thereof the word "sixty"; so as to read "sixty thousand dollars."

Mr. COOKE of Illinois. Mr. Chairman, the chairman of the Committee on the Post-Office and Post-Roads stated a few days ago, in answer to my question, that the reasons given for the reduction of the appropriation as recommended by the Post-Office Department from $60,000 down to $40,000 were stated in the report of the committee; and he referred us to the statements made by the First Assistant Postmaster-General and his report as the foundation for the conclusion to which the committee came.

I submit, Mr. Chairman, that the reduction of this appropriation from $60,000 down to $40,000 will fall most heavily upon the large cities, like that of Chicago, whose rapid delivery depends upon the rapid cancellation of the stamps and the marking of the letters before they are sent out. I submit further, Mr. Chairman, that the report and the remarks made by the First Assistant Postmaster-General carry no such conclusion as the chairman has stated to be derived therefrom. The remarks and the statement made by the Assistant Postmaster-General show that business principles of the highest order have been exercised in making up the estimate for this appropriation. The chairman stated that a reading of the face of the report itself will show that good business methods have not been adopted. On the contrary, I submit to this House that the best business methods are there exhibited.

The substance of the First Assistant Postmaster-General's report shows the following facts: The appropriation for canceling machines for the year ending June 30, 1896, is $60,000. This was excessive, but unavoidably so. The contract for 100 Hey & Dolphin machines at $400 each expired June 30, 1895. That contract was dropped and 100 Barry machines were substituted, at $150 each—a saving on the 100 machines of $25,000. The cost of those substituted for the 100 machines is $15,000. In addition to the Barry machines there are in use 134 machines of the Postal Machine Company, at $200 each—a total cost of $26,800. Additional machines arranged for will cost not to exceed a total of $18,200 for 91 machines, at $200 each. The total cost of 325 machines to be in use as against 213 machines in use for the present fiscal year, $60,000.

Mr. PICKLER. Is that rental or purchase of machines?

Mr. COOKE of Illinois. That is for the rental of the machines. They are patented machines. They do an enormous amount of work in a very short space of time. And I will say to the gentleman that in the city of Chicago, which handled 700,000,000 pieces of mail matter last year, much of this mail matter comes in at such an hour of the day that to dispatch the mail so that it may get out on the trains and into the city it can not be done except with the use of these machines.

To deny this appropriation of $60,000 and to reduce the same to $40,000, as provided in the pending bill, will not only prevent the continued use of the 234 machines, but will prevent the addition

of the 91 machines as now needed. Requisitions have been made throughout the country for 107 additional machines, although the appropriation, as recommended by the Department, only contemplates and will allow an increase of 91 machines. In other words, an increase of 112 machines can be made without increasing the amount of the appropriation of last year for that purpose.

Now, Mr. Chairman, I will not detain the committee any further, but I would like to call their attention to the enormous business which is transacted in the city of Chicago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOKE of Illinois. I would like to have about three min utes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOKE of Illinois. The Chicago post-office is the distributing center of one-seventeenth of the total inhabitants of all the States of the United States. It is the postal center of nearly 5,000,000 people; it contributes one-fifteenth of the postal revenue of the United States; its total receipts are about $5,000,000; showing an increase of 235 per cent within the last ten years. It contributes to the Government as much as do the cities of St. Louis, Cincinnati, San Francisco, Brooklyn, and Pittsburg together. New York covers 40 square miles and Chicago covers 125 square miles of territory by carriers.

Now, Mr. Chairman, in view of the enormous business thus transacted at that enormous postal center, it seems to me that the committee is quite in error in making such a reduction in this item for the canceling machines as will cause not only a reduction of 15 per cent of the number of machines which can there be used, but will also deprive them of the necessary increase which is so much needed in order to do the business in the office. I hope the chairman of the committee, in view of these facts, and in view of the statement made by the First Assistant Postmaster-General, can see his way to let this amendment be adopted.

Mr. LOUD. Mr. Chairman, I will not detain the House long. I think the older members of the House will know the position I have always taken in regard to these canceling machines. I have consistently stood on the floor here and fought against the striking out of this appropriation. I believe it is a service that will eventually become a great assistance to the Post-Office Department. We carried $60,000 in the bill of last year, I know, but that was on the basis of 100 of these machines—I do not remember the name, but I think Hey & Dolphin—and I think there was some other machine, what is known as the Postal machine.

Mr. COOKE of Illinois. I think the chairman of the committee understands the fact that they are reducing the cost of these machines every year. They are coming down in price.

Mr. LOUD. Now, as to this policy of the First Assistant Postmaster-General, about these rapid canceling machines, which would cancel 25,000 or 30,000 an hour, he supplemented them with other machines. Now, I am willing so far as I can, as a member of Congress, to encourage this industry of canceling machines, but it is simply a trial so far.

There is no post-office in this country that can afford to reduce the number of clerks it employs by reason of having the machines, because no one can tell what hour they are going to get out of order. They can not be depended upon. I am willing to encourage this industry to a reasonable extent, and I am satisfied that the time will come when we shall have a perfect machine. What machine it may be, I do not care. The other day I stated that these machines were concentrated in a few offices. As a matter of fact, in Boston there are more than 40; in the main office there are more than 40; and in New York City there are 29. Probably it requires 40 machines in Boston to do the work, because they get out of order; but if the machine had reached such a state of perfection that it could be depended upon and clerks could be discharged, I assume that five machines would probably perform all the work of the Boston office.

Mr. CANNON. I do not know much about the state of the industry that the gentleman speaks of, but I do recollect spending parts of two days in the Chicago post-office and seeing these machines at work, not on dress parade, and it seemed to me from the amount of work they were doing that if you could keep even two of them in working order their work would more than compensate for the rent of them all. It seems to me, therefore, that if the machines are as imperfect as the gentleman thinks, then there ought to be more rather than less money appropriated for this purpose.

Mr. LOUD. Mr. Chairman, let me say that $40,000 will carry 200 machines, and I think that is enough to have on trial. I assume that if these machines were properly distributed—if they were distributed among the cities of two or three hundred thousand inhabitants each—there would be as many machines as they could take care of, and we would be encouraging this industry to advantage. I do not think they have as many machines in the Chicago office as they have in Boston.

Mr. COOKE of Illinois. There are 40 in Chicago.

Mr. LOUD. Well, Chicago is a city three or four times the size of Boston, and that shows that these machines are not distributed around uniformly. I think 200 of them is a sufficient number for us to have on trial.

Mr. CANNON. Forty machines in Chicago, with how many pieces of mail matter?

Mr. COOKE of Illinois. Seven hundred million pieces of mail matter per annum.

Mr. BINGHAM. That is the number of pieces the office handles, but this machine touches only letters and circulars.

Mr. CANNON. It seems to me that with $25,000 increase in this item the gentleman could not have any embarrassment in these great offices.

Mr. LOUD. This item as it stands will not embarrass any office that has the machines now. It will not embarrass Chicago.

Mr. CANNON. Well, I talked two or three days ago with the postmaster at Chicago, who is a pretty careful man, and he told me that if we made a reduction when there ought to be an increase, it would not only embarrass, but would greatly injure the service at that point.

Mr. LOUD. I do not think it will. I think it will maintain the machines now in use, substantially at least. One kind of machine that they are now paying for they are not using, because it is practically useless.

Mr. BINGHAM. How much do you pay under this bill for machines by way of rent?

Mr. LOUD. They are paying $200 for one and $150 per annum for the other. I think the allowance carried in the bill is sufficient for this purpose. If I had not thought so, I should not have agreed to cut it down, but I am not very particular about it.

Mr. COOKE of Illinois. The chairman of the committee recognizes the fact that the report made by the First Assistant Postmaster-General shows a large decrease in the cost of the several machines.

Mr. LOUD. Oh, yes, and he assumes that one machine is as good as the other, but it is not.

Mr. COOKE of Illinois. Without increasing the appropriation beyond the $60,000 that the bill of last year carried, there may be in use this year 325 machines, as against 213 in use last year.

Mr. LOUD. I understand; but the machines are not distributed. In my own city they had machines under the old contract, but they have none under the present contract. There has been no distribution. The machines are concentrated.

Mr. COOKE of Illinois. I hope the gentleman does not disapprove the recommendation of the Postmaster-General simply because he thinks he has made an unfair distribution of machines.

Mr. LOUD. Oh, no.

Mr. LORIMER. Mr. Chairman, I hope the chairman of the committee will not object to this amendment for this reason: I called upon the First Assistant Postmaster-General one day last week, and he informed me that if the appropriation stands as it is in the bill, at $40,000, he will be compelled to take at least 20 machines out of the Chicago post-office, and at the same time he stated that if 20 machines were taken out of that office then, in order to do the work that is done there after 4 o'clock in the afternoon and to do it as rapidly as is done by the machines, it would be necessary to appoint at least 50 men. Now, I do not advocate this amendment solely in the interest of Chicago, because the mail that is taken to and from the Chicago post-office is not to any considerable degree delivered within the city limits. Chicago is only, as my colleague [Mr. COOKE] has stated, a distributing point for at least 5,000,000 of people. I have in my hand a report of the postmaster at Chicago, Mr. Washington Hesing, in which he gives a statement of the workings of that office for six days:

Letters and postal cards originating in Chicago for delivery in Chicago	1,220,652
Newspapers, circulars, and packages originating in Chicago for delivery in Chicago	459,306

Carrying out this statement for the balance of the week upon mails received at and delivered from the post-office at Chicago for points outside of the city, the aggregate is 12,246,564 pieces, of which just a little over one in ten are delivered in the limits of the city.

Now, the great bulk of the mail received at that post-office is collected after 3 o'clock in the afternoon and delivered at the post-office between 3 and 6 o'clock. You may go into that office between 8 o'clock a. m. and 3 o'clock p. m., and you will find probably a dozen or fifteen of the machines lying idle; but from 3 o'clock until after 7 o'clock every one of the 40 machines in that office is working constantly. In that way the stamps on every piece of mail taken into the office are canceled, so that the mail is placed in bags and put on the cars before 10 o'clock in the evening.

Now, if you take out 20 of those machines it will be impossible to get more than one-half of the mail deposited in that office carried out by the 10 o'clock trains of the same night, and almost all the trains carrying mail from Chicago leave on or about 10

o'clock in the evening. The remainder of the mail not going out by those 10 o'clock trains will be held over for the mail trains leaving the next morning between 10 and 11 o'clock.

Mr. LOUD. I think I can compromise this matter with the gentleman. I am willing to accept an amendment increasing this amount to $45,000, which will cover 225 machines and will not disturb any condition now in existence. Personally, I am willing to accept that amendment.

Mr. LORIMER. Five thousand dollars, I will say to the gentleman, would of course take care very nicely of the city of Chicago.

Mr. LOUD. And permit me to repeat, it would not disturb any existing condition. It would provide 225 machines. Let me say to the gentleman that although rent is being paid on these machines, they are not to any extent in use.

Mr. BINGHAM. The statement of the First Assistant Postmaster-General has been cited here to the effect that carrying this appropriation at $40,000 instead of $60,000, as asked by the Department, would deprive Chicago of 20 machines, and would require for doing the work 50 additional persons in the subordinate force. Now, if this reduction operates upon the Chicago office, it operates upon the offices of all the large cities of the country where the machine is used. I wish to ask the gentleman from California whether, in view of the statement of the gentleman from Chicago [Mr. LORIMER], he has considered the additional clerical force that would be required if this appropriation should be made in the sum of $40,000. That is a matter of very great significance.

Mr. LOUD. A 33 per cent reduction in the appropriation would not, of course, force a 50 per cent reduction in the number of machines. That is perfectly plain. The gentleman ought to be aware of the fact, and I presume he is, that there is no allowance made in the post-offices to-day for reduction of force by reason of the use of these machines, because they can not be depended upon. Take, as an illustration, my own city. The two machines which were introduced there (and permit me to say two were sufficient for the city of San Francisco) were taken out and six clerks were immediately appointed to do the work which the machines had been expected to do, and those clerks remain there. They will remain. That condition has been existing throughout the whole country. I am satisfied that an appropriation of $45,000 will disturb no existing condition. If I thought it would, I would not recommend it.

Mr. LORIMER. I have simply the statement of the First Assistant Postmaster-General——

Mr. LOUD. Well, he is mistaken.

Mr. LORIMER. Who said that if the whole 40 machines should be taken out it would necessitate the employment of at least 100 more clerks to do the work. Calculating upon that basis, if 20 machines should be taken out the employment of 50 additional clerks would be necessary.

Mr. LOUD. I can guarantee the gentleman that under the $45,000 appropriation his office will not lose a machine that is in use to-day. Is my proposition acceptable to the gentleman?

Mr. COOKE of Illinois. It would not be acceptable to us for the reasons already stated. The chairman of the committee has not met the arguments or the facts which have been advanced here. It is clear that this reduced appropriation would result in the reduction of the number of machines in use in the Chicago office. And it would be obviously unfair to the other large cities of the country which are also distributing points if the entire amount of the addition which the gentleman's concession proposes should go for the benefit of the single city of Chicago.

We would not wish to be placed in that position. And with regard to the statement of the gentleman that he would practically guarantee that it would not result in a reduction there, I would only say that while he is the chairman of the Committee on Post-Office and Post-Roads of this House he is not the Postmaster-General. He may perhaps become so a little later on, but he does not now hold the office.

Mr. BELKNAP. Mr. Chairman, I fully agree with my colleagues on this question. All we want is the number of machines we have now in use. We do not ask anything more. We do not want to take any away from any other place——

Mr. LOUD. I have just stated that this would give 225 machines, every machine in use to-day.

Mr. LORIMER. I only wish to state for the benefit of the chairman of the committee that the Postmaster-General says that if the appropriation remains as now he proposes to distribute the machines about the country in such a way as to take from Chicago twenty.

Mr. LOUD. Then we must assume, I suppose, that if we give him the $60,000 he will keep them just as they are.

Mr. LORIMER. We assume, if we give him $60,000, that the number of machines we have in Chicago—and this is on his statement—will remain there, and the balance of the appropriation will be used to hire machines in places where he would send the machines under this arrangement.

Mr. LOUD. Will you accept $50,000?

Mr. COOKE of Illinois. It would not be sufficient.

Mr. LOUD. Well, then, let us have a vote.

The question was taken on the amendment of Mr. COOKE of Illinois, and it was agreed to.

Mr. LACEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 3, page 4, after the word "rental," insert the words "or purchase"; so as to read: "for rental or purchase of canceling machines," etc.

Mr. LACEY. The same amendment, I will say to the gentleman from California, was in the last appropriation bill, authorizing the purchase as well as rental.

Mr. LOUD. I hope the gentleman will allow this to go over until to-morrow.

Mr. LACEY. Very well. I have no objection to that.

Mr. LOUD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

Mr. LOUD. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. ODELL, for five days.

To Mr. FENTON, for one week, on account of important business.

Mr. STEWART of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1699)——

Mr. LOUD. What about the motion to adjourn?

The SPEAKER. The Chair did not understand that the gentleman had submitted a motion to adjourn.

Mr. LOUD. I promised several gentlemen to adjourn at this time, and feel compelled to keep my promise.

The SPEAKER. The Chair did not understand the gentleman, and will of course submit the motion.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5487) to allow superintendents of national cemeteries to keep domestic animals for their own use and benefit, reported the same with amendment, accompanied by a report (No. 678); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott. (Report No. 677.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 4361) to pension William H. Nesbitt. (Report No. 680.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen. (Report No. 681.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2405) granting a pension to Maria Gibbons. (Report No. 682.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing. (Report No. 683.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers. (Report No. 684.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5711) granting a pension to Richard P. Pilkington. (Report No. 685.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds. (Report No. 686.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlain. (Report No. 687.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 1866) authorizing a reappraisement of the steam transport boat *Planter*, captured by Robert Smalls, and for a distribution of proceeds thereof. (Report No. 688.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 7042) to repeal section 714, Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. TRACEY: A bill (H. R. 7043) to fix the head of navigation at Longs Ferry, on White River—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 7044) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 7045) to amend section 5198 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. BROMWELL (by request): A bill (H. R. 7046) to regulate duties on diamonds—to the Committee on Ways and Means.

By Mr. CROWLEY: A bill (H. R. 7047) to open to free inland navigation the channel through West Galveston Bay to the Brazos River—to the Committee on Railways and Canals.

By Mr. HUNTER: A bill (H. R. 7048) for the erection of a public building at Bowling Green, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. HOWE: A bill (H. R. 7049) to provide for the dredging and widening of Wallabout Channel, in the State of New York—to the Committee on Rivers and Harbors.

By Mr. FAIRCHILD: A bill (H. R. 7050) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of Sing Sing, N. Y.—to the Committee on Naval Affairs.

By Mr. CULBERSON: A bill (H. R. 7051) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A bill (H. R. 7052) to provide for the erection of a monument to Robert Morris at Batavia, Genesee County, N. Y.—to the Committee on the Library.

By Mr. WHEELER: A bill (H. R. 7081) to grant two townships of land for the use of the Normal and Industrial School at Normal, Ala., and the State Normal College at Florence, Ala.—to the Committee on the Public Lands.

By Mr. MOSES: A bill (H. R. 7082) to complete the United States post-office at Columbus, Ga.—to the Committee on Appropriations.

By Mr. LITTLE: A bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 7084) granting to Charles C. Baker Post, No. 16, Grand Army of the Republic, of Wickford, R. I., 5 condemned cannon and 25 cannon balls—to the Committee on Naval Affairs.

By Mr. CROWLEY: Resolution (House Res. No. 194) asking that the act to open to free inland navigation the channel through West Galveston Bay to the Brazos River be referred to the Chief of Engineers of the United States—to the Committee on Railways and Canals.

By Mr. HERMANN: Resolution (House Res. No. 195) to increase the salary of Harris A. Walters, now on the folders' roll in department of the Doorkeeper—to the Committee on Accounts.

By Mr. MERCER: Resolution (House Res. No. 196) providing for the employment of 10 additional pages during the present session of Congress—to the Committee on Accounts.

By Mr. CATCHINGS: Resolution (House Res. No. 197) directing the Committee on Appropriations to provide for paying certain sums to L. B. Cook and others—to the Committee on Appropriations.

By Mr. SIMPKINS: Memorial of the legislature of Massachusetts, favoring increase of pension to the veterans of the Mexican war—to the Committee on Pensions.

By Mr. UPDEGRAFF: Memorial of the general assembly of the State of Iowa, in favor of House bill 306, providing for special pensions for prisoners of war—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Memorial of the Iowa general assembly, in support of House bill 306—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AITKEN: A bill (H. R. 7053) to correct the military record of Lewis F. Morgan—to the Committee on Military Affairs.

By Mr. BAKER of Maryland: A bill (H. R. 7054) for the relief of Robert E. Morgan—to the Committee on War Claims.

By Mr. COFFIN: A bill (H. R. 7055) increasing the pension of Anna G. Valk—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 7056) granting a pension to Mrs. J. O. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7057) granting a pension to C. T. Cooper—to the Committee on Pensions.

Also, a bill (H. R. 7058) granting a pension to Thomas R. Roark—to the Committee on Pensions.

Also, a bill (H. R. 7059) granting a pension to John W. Draper—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 7060) granting a pension to Henry J. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7061) granting a pension to Stephen F. Hammond—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 7062) granting a pension to Wilson H. Farnham, of Portsmouth, Ohio—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 7063) to remove the charge of desertion standing against John A. Westlake—to the Committee on Military Affairs.

By Mr. HAGER: A bill (H. R. 7064) to correct the military record of Sidney Newton—to the Committee on Military Affairs.

Also, a bill (H. R. 7065) granting a pension to Ransom L. Harris—to the Committee on Invalid Pensions.

By Mr. KIEFER: A bill (H. R. 7066) for the relief of John Berrisford—to the Committee on Military Affairs.

By Mr. LAYTON: A bill (H. R. 7067) granting a pension to Joseph B. Arbaugh—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7068) for the relief of Benjamin J. Roberson—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 7069) to pension Robert M. Reed—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7070) to give the Court of Claims of the United States jurisdiction of the claims of Oscar A. Stevens and Goodwin Y. At Lee, trustees, and all others claiming, as creditors or assignees of the Alexandria and Washington Railroad Company, compensation for the use and occupation of the railroad of said company by the United States or the military authorities thereof—to the Committee on Claims.

By Mr. MILNES: A bill (H. R. 7071) for the relief of Mrs. Alma Mansfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7072) for the relief of George W. Freeman—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 7073) to increase the pension of Solomon Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7074) to correct the military record of Charles Hollis—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 7075) granting a pension to D. L. Malicoat—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7076) to carry out the findings of the Court of Claims in the case of the estate of William C. Herston, deceased—to the Committee on War Claims.

By Mr. WRIGHT: A bill (H. R. 7077) to amend the military record of Edwin F. Vinton—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 7078) granting a pension to Mrs. Annie Trace, of Louisville, Ky.—to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 7079) to increase the pension of Henry O. Hyre—to the Committee on Invalid Pensions.

By Mr. KIEFER: A bill (H. R. 7080) granting a pension to William L. Quinn—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Petition of W. M. White, publisher, of Murray, Utah, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. AITKEN: Affidavits and other testimony in support of House bill for the relief of Lewis F. Morgan from the charge of desertion—to the Committee on Military Affairs.

By Mr. AVERY: Petition of W. A. Eddy, John P. Runyan, Otis T. Palmer, and 50 others, of Morley, Mich., asking for a pension of $8 per month to all soldiers and sailors who served in the late war for a period of ninety days—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Petition containing 79 signers, citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, petitions of A. T. Potter and 74 others, John Gunderson and 83 others, Arna Arnison and 85 others, Anna Slaght and 73 others, all of Vernon County, Wis.; also petition of L. V. Craw-

ford, of Elroy, Wis., W. H. Canfield, of Sauk County, Wis., against the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of John Behnken and 125 citizens of Waukesha County, Wis., protesting against joint resolution proposing amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BEACH: Petition of E. D. Peebles, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: Petition of L. R. Lawson, administrator of Russell Lawson, deceased, of Polk, Bradley County, Tenn., asking that his claim be presented to the Court of Claims under the provisions of the act of March 3, 1883—to the Committee on War Claims.

By Mr. BRUMM: Protests of citizens of Donaldson and Ouraysburg, Pa., against sectarian appropriations of public moneys; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of citizens of Donaldson, Pa.; also petition of Camp No. 43, Camp No. 72, Camp No. 183, Camp No. 86, and Camp No. 266, Patriotic Order Sons of America; also petition of Lodge No. 134, Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Missouri: Papers to accompany House bill No. 6757, granting a pension to Andrew J. Molder—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: Petition of D. C. Bollinger and other attorneys of the Waco bar, Texas, protesting against the passage of House bill No. 2273, relating to time of holding United States and district courts in the northern district of Texas—to the Committee on the Judiciary.

Also, petition of J. E. McFarland, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Wisconsin: Petition of C. H. Ellsworth, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of Dr. James Murray and 197 other citizens of Berlin; Hans P. Nelson and 126 other citizens of Pine River and Roysippi; Samuel Crockett and 166 citizens of Westfield, Liberty Bluff, and Rickford; C. M. Stark and 102 other citizens and George A. Barton and 97 other citizens of Hancock; L. S. Walter and 91 other citizens of Plainfield; S. G. Manchester and 53 other citizens of Oxford; J. S. Bergh and 37 other citizens of Wautoma, all of the State of Wisconsin, against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. COUSINS: Resolutions of the commandery of the Iowa Military Order of the Loyal Legion, favoring the proposed national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. CROWLEY: Petitions of Albert D. Rust, jr., C. F. Lehmann, E. Goeth, and C. H. Hanson, publishers, favoring the passage of House bill No. 4566, relating to an amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Belmont, Tex., representing various church denominations and other interests, favoring the passage of bill for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of E. J. Kilmer and others, of Corpus Christi, Tex., favoring the service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Memorial of the New York Historical Society, favoring the preparation and publication of the records and papers of the Continental Congress by the Secretary of State—to the Committee on Printing.

Also, petition of Desbecker, Weill & Co. and other firms of Buffalo, N. Y., protesting against the passage of a bill introduced by Mr. SULZER, "to raise additional revenue for the support of the Government"—to the Committee on Ways and Means.

By Mr. DANFORD: Memorial of Excelsior Lodge, No. 90, Order United American Mechanics, of Barnesville, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DENNY: Petition of N. P. Bonney, of Summit, Miss., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Franklin Lodge, No. 47, Order United American Mechanics, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ERDMAN: Petition of Washington Camp, No. 417, of Birdsboro, Pa.; also, of Washington Camp, No. 595, Patriotic Order Sons of America, of Lyons, Berks County, Pa., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, protest of D. B. Linderman, Nicholas J. Kutz, and 66 other citizens of Fleetwood, Pa., against sectarian appropriations in the Indian appropriation bill and other bills, and petition in favor of the passage of an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. FLETCHER: Resolution of the Board of Trade of Minneapolis, Minn., favoring the construction of railway from Sioux City to the main line of the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. GILLET of New York: Petitions of the Woman's Christian Temperance Union, of Chemung County, Schuyler County, North Cohocton, Catharine, Post Creek, Fifth Ward of Elmira, Elmira, Millport, Havana, North Chemung, Avoca, and Erin, all in the State of New York, protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of Woman's Christian Temperance Union, of North Cohocton, Catharine, Post Creek, Elmira, Millport, Havana, North Chemung, Avoca, and Chemung, in the State of New York, protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. GRIFFIN: Eight protests, signed by numerous citizens residing in the State of Wisconsin, against the passage of joint resolution amending the preamble to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HADLEY: Petition of George R. Graybill, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petitions of Chamberlin Lodge, No. 2; Fontonino Lodge, No. 23, and Cuter Lodge, No. 85, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HART: Petition of citizens of East Stroudsburg, Bangor, and South Easton, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HATCH: Papers to accompany House bill No. 3149, relating to the pension of Frank Hight—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Petition of L. C. Starks, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Petition of Parlor Rock Council, No. 68, of Long Hill, Conn., and Waldemere Council, No. 6, of Bridgeport, Conn., Order United American Mechanics, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the New England Historical-Genealogical Society of Boston, for the publication of records of the Continental Congress—to the Committee on the Library.

By Mr. HILBORN: Petition of J. Hollister and many others, of Alameda County, Cal., in favor of the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, memorial of the San Francisco Chamber of Commerce, asking for early legislation in behalf of the Hawaiian cable—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of John C. Benton and 136 citizens of the United States, for the appropriation to aid in constructing a building at Eureka Springs, Ark., for the General Assembly of the Blue and the Gray of America—to the Committee on Military Affairs.

By Mr. HULING: Petition of the Ansted Lodge, No. 36, Order United American Mechanics, consisting of 84 members, asking for the passage of a bill to inspect immigrants by United States consuls—to the Committee on Immigration and Naturalization.

By Mr. HOWE: Memorial of the New York Historical Society, asking Congress to make an appropriation to cover the cost of preparing for publication in full the manuscript journals, documents, reports, letters, etc., of the Continental Congress—to the Committee on Appropriations.

By Mr. JENKINS: Remonstrance of Mrs. E. D. Smith, of Amery, Wis., and 106 others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. JOHNSON of California: Petition of Grace Atwood, president of the Woman's Christian Temperance Union, of Lodi, Cal., and Mary A. Brown, secretary, for a Sunday-observance law

in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KERR: Petition of Golden Rule Grange, Patrons of Husbandry, in favor of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. KIEFER: Resolutions of the Minnesota Commandery of the Military Order of the Loyal Legion of the United States, in support of bill No. 4339, for the establishment of a military park at Vicksburg—to the Committee on Military Affairs.

By Mr. KULP: Petition of citizens of Elysburg, Northumberland County, Pa., protesting against the appropriation of public moneys for sectarian undertakings; also a petition urging the passage of a proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. LACEY: Petition of John A. Rutter and 118 others, H. G. Hamilton and 24 others, John Shields and 26 others, all citizens of Oklahoma, favoring the passage of the free-home bill—to the Committee on the Public Lands.

Also, paper to accompany House bill to fix the head of navigation at Longs Ferry, on White River—to the Committee on Rivers and Harbors.

By Mr. LAYTON: Resolutions of the Georgia Historical Society of the State of Georgia, the New York Historical Society of the State of New York, and the New England Historic Genealogical Society of Boston, asking Congress to appropriate a sufficient sum of money to enable the Secretary of State to prepare for publication in full the manuscript journals, documents, reports, letters, and other papers of the Continental Congress now in his office—to the Committee on Appropriations.

By Mr. LEONARD: Petition of members of Post 357, Grand Army of the Republic, Lawrenceville, Pa., praying for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. LEISENRING (by request): Petition of Washington Camp, No. 144, Patriotic Order Sons of America, Eckley, Pa.; also, petition of Wilkesbarre Lodge, A. P. A.; also, petition of Lodge No. 9, Sons of St. George, Wanamie, Pa.; also, petition of Thomas Thebeden, of Wanamie, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petitions of George S. Corbit, of St. Johns, Mich.; L. J. Harris, of Burwell, Nebr., and J. B. Barnes, of Peoria, Ill., praying for favorable action on House bill 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Tennessee: Petition of Redmond Parker, of Henderson County, Tenn., asking Congress to refer his claim to the Court of Claims, under the provisions of the act of March 3, 1883—to the Committee on War Claims.

By Mr. McRAE: Petition of James Crooks, of Wilton, Ark., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Benjamin J. Robison and the evidence of A. G. Henry and John A. Hughes, of Howard County, Ark., to accompany House bill No. 7068—to the Committee on Pensions.

Also, testimony of W. J. Blake, Ira E. McMillion, and P. C. Hamilton, in support of House bill No. 6769 to pension Lilla Thomasson—to the Committee on Pensions.

By Mr. MILLIKEN: Petition of Orange Lodge, No. 211, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MINOR of Wisconsin: Protests of citizens of New London, Towne, Fish Creek, Almond, Forestville, Baileys Harbor, Champion, Green Bay, Roylton, Lind, and Fremont and vicinity, all of the State of Wisconsin, against amending the preamble to the Constitution of the United States—to the Committee on the Judiciary.

Also, protest of steamboat and vessel men, against House bills Nos. 4331 and 5815, respecting the manning and equipment of vessels and steamboats—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Will. M. Barnum, of New London, Wis., and H. W. Meyer, of Appleton, Wis., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of city council of Omaha, Nebr., in favor of transmississippi exposition at Omaha—to the Committee on Ways and Means.

Also, resolutions of the Congregational Club of Crete, Nebr., in favor of recognizing the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. MORSE: Petitions of 27 citizens of Frankford, Pa.; 189 citizens of Beaver Falls, Pa.; 80 citizens of Atlantic, Pa.; 417 citizens of Houston, Ill.; 36 citizens of Cuba, Kans.; 48 citizens of Fort Dodge, Iowa; 42 citizens of Hansen, Nebr.; 110 citizens of Northwood, Ohio; 49 citizens of Quincy, Ill.; 20 citizens of Amesville, Ohio; 50 citizens of Huntsville, Wash.; 125 citizens of Evans, Colo.; 51 citizens of Clearfield, Iowa; 38 citizens of Austin, Tex.; 90 citizens of Burchard, Nebr.; 11 citizens of Mount Jackson, Va.; 110 citizens of Oakdale, Ill.; 9 citizens of Stromburg, Nebr.; 148 citizens of East Craftsburg, Vt.; 40 citizens of Baldwin, Ill.; 99 citizens of Glenwood, Minn.; 30 citizens of Houston, Ill.; 109 citizens of Shedd, Oreg.; 23 citizens of Aberdeen, S. Dak.; 84 citizens of New Kingston, Pa; 44 citizens of Coin, Iowa; 60 citizens of Troy, N. Y.; 169 citizens of Harrisville, Pa.; 14 citizens of Elders Ridge, Pa.; 35 citizens of St. Louis, Mo.; 134 citizens of Silver Creek, Wash.; 6 citizens of Brooklyn, N. Y.; 121 citizens of Hopkinton, Iowa; 214 citizens of Glenwood, Minn.; 109 citizens of Kingman, Kans.; 77 citizens of Wyman, Iowa; 23 citizens of Le Claire, Iowa; 26 citizens of Seattle, Wash.; 46 citizens of Lowellville, Ohio; 191 citizens of Olathe, Kans.; 17 citizens of Millbrook, Pa.; 65 citizens of Wilkinsburg, Pa.; 14 citizens of Genesee, Idaho; 650 citizens of Sparta, Ill.; 136 citizens of Newcastle, Pa.; 46 citizens of Huron, S. Dak.; 102 citizens of Red Lodge, Mont.; 3 citizens of Lonsdale, R. I.; 26 citizens of Alexandria, Nebr.; 32 citizens of Kenneth, Pa.; 40 citizens of Mankato, Kans.; 37 citizens of Kingsville, Md.; 155 citizens of McKeesport, Pa.; 113 citizens of Denver, Colo.; 454 citizens of Parnassus, Pa.; 103 citizens of Blanchard, Iowa; 12 citizens of Cottonwood Falls, Kans.; 19 citizens of Louisville, Ky.; 493 citizens of Coulterville, Ill.; 183 citizens of Halstead, Kans.; 175 citizens of Marissa, Ill.; 27 citizens of Barton, Miss.; 57 citizens of Cassville, Ohio; 31 citizens of Athens, Ill.; 177 citizens of Brockwayville, Pa.; also petition of the Ministerial Alliance of Denver, Colo., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of A. J. Aikens, representing the Evening Wisconsin Company, Milwaukee, Wis., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. Hinkley and 200 others, of Milwaukee, Wis., against appropriations for sectarian purposes, and petition in favor of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

Also, protest of C. A. Scholl and 43 others, T. B. Snow and 81 others, Almon Clark and 88 others, D. M. Christie and 116 others, all of the State of Wisconsin, against amendment of the Constitution relating to the Supreme Being—to the Committee on the Judiciary.

Also, petition of Rev. A. C. Jett and 30 others, of Pierceville, Wis., asking for an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PITNEY: Petitions of Ringoes Council, No. 165, and Rockaway Council, No. 195, Junior Order United American Mechanics, praying for the passage of the William A. Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of High Bridge Printing Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. POOLE: Petition of H. C. Beauchamp, of Fayetteville, N. Y., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of 250 members of General Murray Lodge, No. 68, Order of United American Mechanics, of Syracuse, N. Y., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ROYSE: Petition of John Cornell and other veterans of the Union Army, relating to amending the pension laws—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: Petition of citizens of Connecticut, against the passage of House bill No. 167, relative to Sunday observance—to the Committee on the District of Columbia.

Also, petition of Mother Bailey Council, No. 29, Daughters of Liberty, of New London, Conn., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of the New England Historic Genealogical Society, in favor of the publication of the records and papers of the Continental Congress—to the Committee on Printing.

By Mr. SAUERHERING: Petition of John Kelley, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of John Clark and other citizens of Story, Dane County; also protest of A. Mellish and others, of Dane County, Wis.; also protest of Mrs. Cora B. Findlay and others, of the State

of Wisconsin, against any amendment to the preamble to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of sundry citizens of Oneida County, N. Y., in favor of the service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the New York Historical Society, asking Congress to appropriate a sum of money sufficient to enable the Secretary of State to prepare the records and papers of the Continental Congress for publication—to the Committee on Printing.

By Mr. SOUTHARD (by request): Petition of E. P. Ames, of Ottokee, Fulton County, Ohio, and vicinity, urging the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of Huronia Marine Engineers' Beneficial Association, favoring the passage of House bill No. 1659, to amend section 413 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of A. Mead and Moosbrugger Bros., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Protests of 100 citizens of Granton, 67 citizens of North Crandon, 102 citizens of Marinette, 120 citizens of Antigo, 42 citizens of Chat, 48 citizens of Moon, 175 citizens of Antigo; 122 citizens of Birnamwood, 17 citizens of Irma, and 164 citizens of Langlade County, all in the State of Wisconsin, against an amendment to the preamble of the Constitution of the United States recognizing Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

Also, memorial of 64 citizens of the Ninth Congressional district of Wisconsin; also memorial of citizens of Clark County, Wis., favoring the further improvement of the harbor at Manitowoc—to the Committee on Rivers and Harbors.

Also, petition of publishers of Iron County Republican, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of Mayflower Lodge, No. 33, Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Red Lion Lodge, No. 125, Order United American Mechanics, of Red Lion, York County, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHARLES W. STONE: Resolutions of the Republican committee of Cameron County, Pa., asking the intervention of the United States to prevent the murder of Cuban prisoners of war and noncombatants—to the Committee on Foreign Affairs.

By Mr. STRODE of Nebraska (by request): Petition of Ed. Eaton, of Verdon, Nebr., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STRONG: Petition of Frederick Becktel and others, for an increase of pension to Henry O. Hyre, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. TAFT: Memorial of old soldiers representing various Veteran Legion encampments and Grand Army posts in Hamilton County, Ohio, against the reinstatement of deserters—to the Committee on Military Affairs.

Also, memorial of Cincinnati Chapter, American Institute of Architects, in favor of the passage of the Aldrich bill, No. 1470—to the Committee on Public Buildings and Grounds.

By Mr. TRACEY: Papers to accompany House bill No. 7075, granting a pension to Daniel L. Mallicoat—to the Committee on Invalid Pensions.

By Mr. TRELOAR: Papers to accompany House bill granting a pension to William Callaway—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Petitions of E. J. Medary, of Waukon; V. W. Sabin, Export; C. C. Contant, Decorah, and A. K. Bailey & Son, Decorah, all of the State of Iowa, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of representatives of the Woman's Christian Temperance Union of West Barre, N. Y., protesting against the sale of beer at Bedloes Island and at Fort Wadsworth, on Staten Island—to the Committee on Military Affairs.

Also, petition of representatives of the Woman's Christian Temperance Union of West Barre, N. Y., protesting against the sale of beer and liquors at Ellis Island—to the Committee on Immigration and Naturalization.

Also, protest of the Woman's Christian Temperance Union of Pavilion, Genesee County, N. Y., against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, protest of the Woman's Christian Temperance Union of Pavilion, Genesee County, N.Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. WOOMER: Protests of citizens of Onset, Pa., against sectarian appropriations of public moneys; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 10, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION—WAR IN CUBA.

Mr. LODGE. Mr. President, I rise to a question of personal privilege. I saw in the New York newspapers of Sunday an interview attributed to the Spanish minister. There was nothing in that circumstance particularly remarkable, as the Spanish minister communicates very largely through the newspapers with the people of the United States. But in this interview he took occasion to criticise words uttered in debate in the United States Senate, and the portion which relates to me and on which alone I propose to touch I ask to have read.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. LODGE. I ask the Secretary to read the headline which I have marked and the short paragraph which I have marked below.

The Secretary read as follows:

DE LÔME ON THE SENATORS.

HE CHARACTERIZES THEIR ARRAIGNMENT OF SPAIN AS MOST UNJUST—WOULD SHOW SENATORS SHERMAN AND LODGE TO BE UTTERLY IN ERROR—NO FOUNDATION FOR GENERAL WEYLER'S ALLEGED CRUELTY.

* * * * * * *

In Senator LODGE'S speech there was a translation from a Spanish paper giving an interview with Weyler on leaving Cadiz to take command in Cuba, regarding his intention to pursue a policy of extermination. Señor de Lôme says he had all the papers, and is prepared to demonstrate to Senator LODGE that some one has imposed upon him a maliciously fraudulent report. In fact, in the minister's opinion, that is where most of the trouble lies.

Mr. LODGE. Mr. President, it will be observed in the sentence that has been read that I am accused of having read to the Senate a report which the Spanish minister could not find, he says, in any Spanish newspaper. He says he had them all and that I had imposed upon me a malicious and fraudulent misrepresentation.

I hold in my hand the cutting from El Liberal, of Madrid, from which the interview was taken. It states at the head of the first column that it is the newspaper having the largest circulation in Spain. How true that may be I do not know. I know as a matter of fact that it is a widely circulated newspaper in Madrid. The interview is here in the original Spanish. I will have it printed in the RECORD, and Senators who are better Spanish scholars than I can pretend to be can compare it with the translation which I printed the other day and see whether that translation is not substantially correct.

WEYLER Á CUBA.

[Por telegrafo Cadiz, 28 (6.35 t.).]

El general Weyler recibió á las autoridades en el suntuoso despacho dispuesto á bordo del trasatlántico.

Se encontraba despachando multitud de cartas y telegramas.

La misma operación le habia tenido en vela hasta las dos de la madrugada.

Está algo afónico, pues se le ha recrudecido el catarro que tenia.

Dijéronle las autoridades:

—Venimos á darle el último adiós.

—El último . . . en la presente temporada—contestó el general.

Todos hicieron votos por la pronta terminación de la campaña.

PALABRAS DE WEYLER.

—No será fácil—contestó el general—realizar lo que ustedes y todos los españoles deseamos.

Me contentaria con terminarla pasados dos años.

En la guerra anterior, que tuvo menos importancia, se invirtieron diez anos.

Voy en pésimas condiciones.

Después de los refuerzos que se enviarán en Febrero, es imposible enviar nuevas fuerzas hasta el invierno próximo, como no fuera movilizando las reservas.

También se necesita mucho dinero, y el pais está haciendo ya los últimos sacrificios.

La cuestión necesita un especial estudio, con objeto de no gravar más los intereses públicos.

Me anima la reacción que se opera en la opinión y la actitud de las familias cubanas que marchan a Tampa, al solo anuncio de mi marcha á la isla.

Supongo que algún motivo tienen, cuando huyen.

Ansio verme en Cuba, porque me pesa, como á los fanáticos religiosos, cuanto pesa sobre mi cargo.

No descanso hasta cumplirlo satisfactoriamente.

Y no temo mi porvenir.

Recuerdo las predicciones que me hicieron antes de ir á Cataluña.

Entonces me dijeron que concluirian conmigo los anarquistas.

Ha sucedido todo lo contrario, pues hasta me capté el cariño de todos. Lo prueba la despedida que me han hecho al salir de Barcelona, la cual me conmovió de tal manera como nunca he sentido.

Al llegar á Cuba me propongo, en primer término, limpiar de filibusteros las provincias de la Habana, Pinar del Rio, Matanzas y Las Villas, entendiéndose que me refiero, por ahora, á las gruesas partidas que las invaden.
Después me quedan las pequeñas partidas de bandidos, que exterminaré paulatinamente.
De todos modos, en las presentes circunstancias se necesita mucha actividad.
Despues le preguntó el capitan del buque si podian zarpar.
—Si—contesto el general Weyler—vamos, y que la fortuna nos acompañe.

I think there can be no doubt of the fact that this interview appeared in a well-known Madrid paper.

Mr. SHERMAN. Of what date?

Mr. LODGE. It is of the 29th of January. I looked over the translation this morning, with a view particularly to one passage which I have seen criticised in the newspapers that I translated one word "exterminate" which did not mean "exterminate." It occurs near the end of General Weyler's interview. He says, "limpiar de filibusteros." "Limpiar" means to clean, or scour, or purify. To "clean out" is what it means—that he was going to "clean out" the filibusters. I used in the translation, perhaps improperly, the word "exterminate." I was led to do so because in the next sentence he refers to the small bands, "que exterminare," about which, I think, there can be no question. He was going to exterminate the small bands and clean out the large ones. But I have submitted the original document to be printed in the RECORD.

Mr. President, I can understand the sensitiveness of the Spanish people. A people who have dissipated in the course of three hundred years a great empire naturally feel sensitive over their exploits in so doing. But I do not think that that is any excuse for the diplomatic representative of that nation to adopt the course he has adopted. He was referred to here yesterday, if the debate was correctly reported in the newspapers, as a historical authority. His statements are the ex parte statements of the agent of the Spanish Government; that is all they are. They are entitled to just that much weight; and anyone who has followed his very numerous statements, I think, will agree that they have confused the sum of human information in regard to Cuba perhaps as much as any others.

Mr. President, I think it is a pretty well established custom and a pretty well established fact that the debates in the Senate and the House are domestic matters with which no foreign nation has concern. The proper channel for a diplomatic representative who wishes to make representations on any subject is through the State Department, not through the newspapers. If an American diplomatist were to criticise in a European country the debates in the representative body of that country in the newspapers published in that country he would be sent home, and we all know it. If the ambassador of Turkey had gone into the London papers with an interview denouncing what Lord Rosebery said about Armenia in the House of Lords or what other Englishmen said about Armenia in the House of Commons, do you suppose that it would have passed unrebuked, or that he would have been allowed even to remain in London?

No, Mr. President, we well know what the custom is, and we know that our diplomatists regard it. The able lawyer and distinguished author who now represents the United States in Madrid, you may be very sure, has made no representations through the newspapers as to the relations of the United States and Spain. And yet the report this morning in the dispatches in the New York papers is that Mr. Taylor has sent his wife and family and papers out of Madrid, because he thought it was safer to do so.

Mr. President, I have called attention to this matter because I do not think that there is any propriety in a diplomatic representative discussing what is said in the Senate. We have not been discussing diplomatic negotiations in this Cuban matter. We have been discussing a great question in regard to a war raging close by the boundaries of the United States. We have the right to discuss it with the most entire freedom.

I wish to call the attention of the Senate to the language used by Mr. Webster when the representative of Austria undertook, in a diplomatic note sent through the proper channels, to find fault with language used in a communication from the President to the Senate in response to a request for documents relating to the question then existing about Hungary. Mr. Webster said:

With respect to the communication of Mr. Mann's instructions to the Senate and the language in which they are couched, it has already been said, and Mr. Hülsemann must feel the justice of the remark, that these are domestic affairs, in reference to which the Government of the United States can not admit the slightest responsibility to the Government of His Imperial Majesty. No State deserving the appellation of independent can permit the language in which it may instruct its own officers in the discharge of their duties to itself to be called in question under any pretext by a foreign power.

Fault has been found with the language used in regard to this Cuban question. One would suppose that it was the first time in the history of the United States that strong language had been used in regard to the struggle of a neighboring people for their freedom. In the case when the Hülsemann letter was written it was simply the sympathy of the United States for the Hungarians and for Louis Kossuth. There is talk about rough language being used now. Let me read the language of Daniel Webster in his reply:

The power of this Republic at the present moment is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Hapsburg are but as a patch on the earth's surface. Its population, already 25,000,000, will exceed that of the Austrian Empire within the period during which it may be hoped that Mr. Hülsemann may yet remain in the honorable discharge of his duties to his Government.

That was the language of Mr. Webster in reply to a letter criticising the domestic action of the United States.

Mr. President, I have thought it desirable, as my name was called in question, to show that what I quoted in the Senate stands printed in a Spanish paper as I quoted it, and the charge of the Spanish minister that I introduced a maliciously fraudulent report falls to the ground. Whether the paper had that interview or not I do not know, and neither does the Spanish minister. I quoted it as it was reported, and there it is.

I desire at the same time to enter my protest against having any diplomatic representative using as a channel for communication the newspapers of the United States to criticise language uttered in debate. The Constitution of the United States protects each one of us for the language uttered in debate. It is one of the earliest safeguards of the freedom of the English-speaking race, and I do not think it is proper that such criticisms should be made by a foreign representative accredited to this country. It gives rise to, it renders inevitable just such affairs as this, which ought never to occur. I for one wish to protest against it. I know very well what any other country would do under similar circumstances, and I know very well what many previous Administrations would have done under similar circumstances. I do not think there is any doubt what Daniel Webster would have done if any foreign representative in his time had undertaken to behave as this one has done.

Mr. GRAY. Mr. President, I am very sorry that the matter of the adoption of resolutions expressing the sympathy of the two Houses of Congress for the struggling patriots in Cuba should have taken the form of a personal controversy between the Senator from Massachusetts and the Spanish minister. I do not see why we can not pursue the even tenor of our way undisturbed by emeutes in Valencia or Madrid or the excesses of exuberant youthful feeling in the universities of Spain, and accomplish our purpose as a great, strong, dignified, and self-respecting nation should accomplish its purpose, or why we should be led aside to discuss a difference in the interpretation or translation of a word in a Spanish newspaper between the Senator from Massachusetts and the minister from Spain.

Mr. President, I should be as quick as anyone to resent an infringement upon the privileges of a member of this body, but I must say, in all common fairness and in that sense of fair play which ought to find a place in the breast of every American, that it is hardly worth our while to stretch the prerogatives of the Senate and strain the interpretation of its privileges in order to attack a gentleman who has no chance to reply to the strictures that are made upon his conduct.

I do not agree with the minister from Spain. I sympathize with the Cuban cause, as it is called. But that sympathy will be better directed, it will find a wider currency, if we do not attempt to take undue advantage of everyone who has or chooses to express an opinion different from ours, and especially one situated as the minister from Spain is situated in this exceedingly delicate crisis for him in his country's affairs.

Mr. President, as to the criticism upon the propriety of that communication in the newspaper, I do not care to discuss it upon very strict lines of diplomatic usage. I am willing to concede something to the provocation, something to the stress of circumstance in which that gentleman found himself, and not be overcritical or overnice in drawing the lines of diplomatic usage and diplomatic propriety around him. I do not think that it becomes us to find fault with him after what has occurred in the Senate, when he in courteous phrase and in carefully guarded language points out that there may probably have been a mistake in the translation of a Spanish newspaper, or that the history of an outrage attributed to the officers and soldiers of his own country may have been unauthenticated and derived from a source unworthy of credit.

I am not indorsing what the Spanish minister said; I rather prefer to take, perhaps, the statement made in reply to it by the secretary of the Cuban junta in this country, Mr. Quesada; but I want to treat fairly and I want to treat generously an antagonist, if he is to be an antagonist, and not be found here quarreling over point no point in regard to that communication.

The statement read by the Senator from Massachusetts from Mr. Webster's celebrated Hülsemann letter does not apply at all to the case we have in hand. That celebrated letter of Mr. Webster to Baron Hülsemann, who was the Austrian envoy at Wash-

ington, had its occasion in a note considered to transgress diplomatic proprieties addressed by Hülsemann to the Secretary of State, finding fault with a statement made in a communication from the President of the United States to the Congress of the United States. That is very different, Mr. President, from a statement made to correct what the Spanish minister thought errors of fact, not to Congress, not to the President, finding fault with no official utterance, not attacking the Senator from Massachusetts, so far as I could understand what was read from the desk, but pointing out in courteous phrase to the public press what he thought was a mistake in fact in regard to history cited by him, charging no intention on the part of the Senator from Massachusetts that was discreditable to him, but calling his attention merely to sources of information which might correct the history that had been cited upon the floor of the Senate.

Mr. President, that was not the case that Mr. Webster was dealing with. That was not an interference on the part of a foreign minister with any of the privileges either of the Senate or of the House of Representatives, nor was it an impertinent interference or a protest addressed to the Executive through any of its Departments. This case differs entirely from what Mr. Webster was dealing with in the celebrated letter to which the Senator from Massachusetts has referred.

If, then, Mr. President, we are to conduct this discussion of the resolutions in which we think proper to express our sentiments in regard to the unfortunate condition of things in the Island of Cuba, I pray that we may not be put in the attitude of unfairly crowding the Spanish minister from any opportunity even to protest against what he considers a statement mistaken in the facts which it attempts to relate. I think that our position will be stronger, that it will be more satisfactory to the American people, if we do not attempt to close the mouth of anyone who is interested upon the other side of this question.

Mr. TELLER. Mr. President, it has been the unbroken rule in diplomatic affairs that the accredited agents of foreign Governments should not interfere with domestic affairs.

Mr. GRAY. That is right.

Mr. TELLER. There should be no comment made by any foreign minister upon the parliamentary proceedings of the country to which he is accredited. Yesterday, when an objection was made, the Senator from Maine [Mr. HALE] seemed to think it was made because of sensitiveness on the part of those who made the objection; that is, that they did not desire to get the facts and the truth. I think I suggested yesterday what the rule is. It is not a question whether the communication is an offensive communication. It might be a laudatory and an approving one. The rule is that the foreign minister must not interfere at all in domestic affairs. He must not be heard except in an official way through the proper department of the Government; that is, the State Department.

It was said yesterday that this is like a matter of history. Mr. President, that is most absurd. If the rule is worth anything that he can not address us directly, neither can he address us through a newspaper. Twice in the history of this country have we sent home the minister of a great country—one of France and one of Great Britain—for a very much less offense than the one the Spanish minister has been guilty of. For fear that some one will say that I am criticising the Administration for not sending him home, I want to say that under the circumstances, considering the friction that has arisen in Spain, if I had been the President of the United States I should not have sent him home, but I should have suggested very kindly to him through the Secretary of State that a repetition of that conduct would necessitate his leaving this country.

This is not a technical rule. It is not one of those things that has grown up without a cause. Yesterday we had a debate as to the facts that this man had stated. You can see now the impropriety, to say nothing further and giving it no harsher term, of bringing the Spanish minister into the debate and raising a question of veracity between him and a member of the body. Its impropriety ought to be so apparent to everyone that that thing ought never to be again repeated in the Senate. Not only that, but we had a communication read here from the prime minister of Spain in utter defiance of every rule that heretofore has governed this body, and rules, I repeat, that are made for the maintenance of peace and order between the nations of the earth.

Mr. President, we can not safely in this body discuss such questions. We ought not to discuss them. There is great reason why we should not discuss them. If I should say of the Spanish minister what I might think (and I do not mean any reflection on him, because I do not know him) it might be very harsh, and might compel on his part a retort, and thus there might spring up an unseemly and indecent controversy. All this comes from not maintaining a well-settled and well-established reasonable rule that if a foreign minister has anything to say to us he must say it officially through the State Department that is provided for communications with him and with his Government.

We have discussed here in the Senate, I admit, some things touching the question of belligerency that need not to have been touched on. It is absolutely immaterial how that war is being carried on. The question is not whether it is being carried on wickedly, savagely, contrary to the laws of nations. When you come to determine the question of the recognition of their belligerency, that has nothing in the world to do with it. The question is what is the fact that exists in Cuba, not how they are carrying on the war. When we come to consider another question, whether there may be such a condition there as to require intervention on our part, then the question how they are carrying on the war becomes a legitimate and proper subject of discussion, and not until then.

Yesterday the debate went off upon the disputed facts. The Senator from Maine challenged the statement that had been made here that the war was carried on contrary to the laws of civilized warfare, as if when it should be established that the Spaniards were carrying on the war according to civilized warfare then the Cubans would not be entitled to belligerent rights. The Senator would not make that statement; he would not found his case upon that, and yet that is where the debate went off yesterday entirely, it being asserted that the Cubans are very wicked on their side, and that the Spaniards are not so wicked as had been asserted.

Mr. President, the only way to deal with these subjects is to deal with them in accordance with the well-established and well-regulated laws that have governed deliberative bodies and have governed international intercourse among nations. That is the only way that it can be done, and not by creating unnecessary frictions and disturbances.

There is a good deal of a row in Spain. The people of Spain are very much excited. Now, that is not to be wondered at, and it is not, in my judgment, a source of grievance that we ought to complain of. We would have a right to complain if the Spanish Government did not take proper means to put it down; but up to the present hour it does seem that the Spanish Government has done everything that any decent Government could do to maintain quiet and peace at home. Therefore that ought not to be brought in, and there ought to be no friction engendered because the students there have been excited any more than because of the action of students, irresponsible people, in burning the Spanish flag here.

If those people have maintained an existence as a nation to a certain extent and war has become flagrant, as we know it has, then they are entitled to certain rights that the civilized countries of the earth recognize, and when we recognize those rights it is no cause of offense to Spain. Spain has no right to complain. She may feel hurt. We felt exceedingly hurt when some foreign powers early recognized the belligerency of the Southern Confederacy. And yet it is not a cause of war. There is no more probability that the Spanish nation as a nation will assert in an offensive way their dislike of our action than that they will declare open war against us, because the Spanish officials know very well that by international law we have a right to recognize a state of war in Cuba and extend to those people belligerent rights. They know more than that. When a war has existed for months, as it has, we have a right to intervene in a friendly way, and they have no right to complain of it.

Mr. HOAR. May I ask the Senator, if he will allow me at this point, if there is not another reason, and that is, that they have no right to treat a concurrent resolution as binding or affecting the American people in any way whatever?

Mr. TELLER. The declaration of the Senate of the United States is a declaration that will attract the attention of the world, and I do not suppose——

Mr. HOAR. My proposition is, whether the declaration of the Senate of the United States is not precisely the declaration of an individual Senator, without any force whatever?

Mr. TELLER. I do not suppose those people over there stop to consider that question, and I do not propose to stop to consider it.

Mr. HOAR. Nobody seems to do so.

Mr. TELLER. They have treated it as a declaration of the American people. They had a right to so treat it, whether legally so or not. If they take offense, which they have done, they have a right to take offense, just as we took offense; but they have no right to go to war; they have no right to insult our flag; and I am glad the Spanish nation recognizes its duty to protect the flag which floats over our consulates there from outrage, and is doing that as well as it can do it.

I am an ardent sympathizer with the fight for independence in Cuba, and I should be delighted to hear to-day that Habana is in the hands of the insurgents. [Manifestations of applause in the galleries.] I should be delighted to know that those people had run the Spanish forces into the sea. But, Mr. President, I have

not the slightest feeling against the Spanish Government. I have not the slightest feeling of impatience or hatred because of the conduct of their irresponsible students. I look upon those outbreaks just as I should look upon similar outbreaks if they occurred here.

Spain, a great and powerful nation, once very powerful, is hardly able to recognize the fact that it is not so great as in early days, full of pride, believing that the maintenance of this island is to them absolutely indispensable, and that by its loss she would be greatly disgraced. Nobody can wonder that the Spaniards want to hold that island; nobody can wonder that they are somewhat impatient at our action. On the other hand, here is an island right by our side. We know, no matter what may be said about it, that the people there are struggling to obtain a better government. We know very well that there is reason why they should have a better government. We know very well that there is absolutely no probability that they will ever get it under the Spanish flag. How can it be otherwise than that the American people will sympathize with them in this contest? I am ashamed of any man who does not sympathize with them. I do not say because we sympathize with them that we should do things not proper under international law. I do not say that we should intervene to protect them and to establish their government; but we can not help sympathizing with them; and yet, in sympathizing with them, we should pursue a course which gives no needless offense to the people who are endeavoring to maintain the control of that island. No unnecessary offense should be given to Spain; and I do not myself think in the resolutions which we have passed that there is any occasion for Spain to have anything more than the same identical feeling which we had when Spain recognized the Southern Confederacy; that it was after all an unfriendly act and indicated sympathy with the combatants on the other side; that we did not like to see, and that is all there is of it.

Mr. President, I did not rise to discuss the Cuban question. I rose to enter my protest against bringing into the Senate, contrary to what I understand to be the rules of the body, the sayings and doings of a foreign minister. I rose to enter my protest against a foreign minister, no matter from what nation he comes, taking any part in our affairs, and I say again, no matter who he is, if I were President of the United States, and the offense were repeated, I should give him his walking papers and send him home. I would have it distinctly understood that the American people would submit to no interference, no suggestion, no criticism of a foreign minister accredited to our Government.

Talk about maintaining the dignity of a nation. You can not do it if you allow those things to be done. If they are proper criticisms, if they are justifiable from the facts, that is to say, if we abuse Spain unnecessarily, nevertheless the Spanish minister has no right to complain of us, unless he complains through the State Department. That he has a right to do, and that he is justified in doing.

Mr. CHANDLER. Mr. President, I wish to speak on this subject before the point made by the Senator from Massachusetts [Mr. LODGE], which has been replied to with some expressions of dissent by the Senator from Delaware [Mr. GRAY], passes from the consideration of the Senate.

I think the Senate should understand precisely what the action of the Spanish minister has been. I am prepared myself to make many allowances for his peculiar position, but I do think that what he has done was entirely unbecoming in a minister from Spain to the United States. The communication to which the Senator from Massachusetts has alluded I have in my hand. It is contained in the Sunday New York Herald, of March 8. It is dated at "The Spanish Legation, Washington, D. C., March 7, 1896," and is signed with the facsimile signature of the minister. The headnotes are as follows:

THE SPANISH MINISTER CRITICISES AND REFUTES STATEMENTS MADE BY UNITED STATES SENATORS IN CONGRESS—DEFENDS GENERAL WEYLER—WAR METHODS IN CUBA NOT DIFFERENT FROM THOSE IN FORCE IN OTHER REBELLIONS.

In the course of the article thus signed by him are the following statements. He says that "the Senators have been misinformed," and that it is easy for him to prove that they have been misinformed. He further says:

I did not believe then that my work would be so easy and so short.

And proceeding to a deliberate and elaborate refutation of statements made upon the floor of the Senate, he quotes as follows:

Senator SHERMAN, in the sitting of February 28, quoted freely, among other things * * *

In another place he says:

Senator SHERMAN in his speech said—

Then he states what the Senator from Ohio said.

In another place he says:

Senator MORGAN, in the sitting of February 24, spoke the following words—

Then follows what the Senator from Alabama said.

Further on the Spanish minister says:

Senator HENRY CABOT LODGE, in a speech made February 25, quoted, etc.—

Then follows what the Senator from Massachusetts said; and the Spanish minister says:

The translation which has been given to the Senator from Massachusetts is a fraud.

Mr. MORGAN. I wish to say that in the letter which I have seen—I do not know that it is the same one from which the Senator is reading—the remarks which are attributed to me are misquoted from the RECORD and not truly quoted.

Mr. CHANDLER. That illustrates the point I am making.

Elsewhere the Spanish minister says:

Senator LODGE also said that the treaty of Zanjon had been violated—

And he kindly says in this communication:

The paper to which I refer is at the disposal of the Senator from Massachusetts and of anybody who wants to see it.

He undertakes to make a direct communication with the Senator from Massachusetts, and then, after defending Spain for the alleged atrocities in the Island of Cuba, he refers to the late American civil war, and uses this language:

In an English paper of those days I read the following opinion of the American civil war: "Stripped of its trappings, it is a mere quarrel for territory; the antagonists are acting like Delawares and Pawnees. War to the knife, pushed to absolute extermination, is what they have resolved on, and the people breathe a language of massacre and extermination."

Then he goes on to say:

This charge was no more justified than the charges which are brought now against Spain.

Mr. President, it must be manifest, I think, to the Senator from Delaware that that communication ought not to have been written. If the minister from Spain is to sit down and write at the legation every morning an answer to what has been said by Senators and members of the House of Representatives the day before in the two Houses of Congress, manifestly the Senators and members of the other House will take occasion to reply to the minister the next day. Then we shall have the unseemly situation that Senators and members of the other House are criticised daily by foreign ministers in the newspapers of the country and the Senators and members are making replies.

Mr. GRAY rose.

Mr. CHANDLER. Before the Senator interrupts me, I will ask him what he would think if Ambassador Bayard had written a communication, addressed to the editor of the London Times, in which he had selected statements made by Lord Salisbury, Mr. Chamberlain, and others in debate upon the Venezuelan question and had replied to them under his own signature, dating his reply from the embassy? Would not the Senator from Delaware think that would be an improper proceeding, for which the ambassador ought to be recalled?

Mr. GRAY. I was only going to say to the Senator from New Hampshire that he misunderstood me if he thought I said that the minister from Spain could not be convicted of a technical violation of that diplomatic usage and diplomatic law which forbids the attempt to make an expression of opinion otherwise than through the ordinary channels.

But I did want to say, and intended to say—I do not know whether I expressed myself clearly or not—just what the Senator from New Hampshire said at the outset, that great allowances ought to be made for the Spanish minister in the present case; and feeling as I do in regard to this whole matter of Cuba, feeling the sympathy which I can not restrain the expression of in regard to what is going on there in that island to achieve independence, I also feel that magnanimity and forbearance on the part of the citizens and on the part of the Government of the United States toward Spain would be becoming and strengthen the attitude of those who really feel that Cuba ought to be free and hope that she may be free.

Mr. CHANDLER. I agree entirely with what the Senator from Delaware says; but I do think that there is a little too much of this kind of criticism of the debate in Congress. We were deluged yesterday, not merely with this formal and carefully prepared reply of the Spanish minister, but we had a communication from Minister Castillo, we had a communication from Castelar; and I see in the New York Journal of March 3 the president of the council of ministers of Spain sends a communication to the United States, in which he takes occasion to express the disgust which Spain feels at the proceedings of the American Congress. I do not know whether the Senator from Maine put that communication in his speech or not, or whether he referred to it, but I do say to the Senator from Delaware that the question that is now before the Senate can be discussed with more dignity, with more propriety, and with more forbearance if the United States Senate is not to be drawn into a debate, first on the floor of this Chamber, and again in the newspapers of the country, between themselves and the minister of Spain accredited to the United States.

Mr. GRAY. That is just what I deprecate, Mr. President.

Mr. HALE. Mr. President——
Mr. FRYE. Mr. President, I desire——
Mr. HALE. I did not know that the Senator from New Hampshire [Mr. CHANDLER] was through. I was going to call his attention to a matter.
Mr. FRYE. If my colleague will allow me, I simply wanted in that connection to call to the attention of the Senate an incident which illustrates exactly the opposite course pursued by a foreign ambassador to that pursued by the Spanish minister.
Mr. HALE. I yield to my colleague.
Mr. FRYE. There was a bill pending before the Committee on Commerce which affected the commercial interests of Germany very seriously. I did not know whether they had an attorney here or an agent or not, and therefore I communicated directly with the ambassador, informed him that such a bill was pending affecting the interests of his country, and asked him if he wished to have anything to say in relation to it through himself or through any agent or attorney. He very promptly replied to me that he could not, with any propriety whatever, directly address the committee, or Congress, or any member of the committee, or any member of Congress, but that he had some views which he desired to express, and that they would be presented through the Secretary of State of the United States, and the next day I received a communication from the Secretary of State with the views of the German ambassador.
Mr. HALE. Mr. President, I do not know that I need say a word after what has been so calmly, so discriminately, and so well said by the Senator from Delaware [Mr. GRAY]; but all that has taken place this morning, all that has been said here, arises from the fact that yesterday, in discussing this most important question, I saw fit to introduce into the debate a statement made in the public press by the gentleman who is now the representative of the Spanish monarchy to this Republic. I do not regret that I had the opportunity to do that, and that I acted upon it. I had sat here day after day and had heard inflammatory discussion and censure of a nation with which we are at peace, based not upon one single official report, upon nothing coming from the State Department, that has in charge the relations of this Republic with other nations and with other Governments, not one report, but simply extracts from papers and alleged documents the authenticity of which nobody could account for and nobody could state. In answer to those, I looked about for what I could find in current literature. I am glad that I found the statement of the minister from Spain as published in the New York and in the Washington newspapers.
Mr. President, I do not agree in any censure which may be visited upon that official for what he did. It is not like the case cited by my colleague. The Spanish minister did not attempt by communication with the State Department to make any comment upon a coordinate branch of the Government, as he would perhaps have had no right to do; but he found himself here, as everybody finds himself or herself, reading every day the great newspapers and the little newspapers. and all the newspapers which record current events; and when the Spanish minister made the New York World and the Washington Post the depositaries of his views on this subject he simply did what was natural under the circumstances, and instead of raising any issue of veracity—I take the word from what the Senator from Colorado [Mr. TELLER] said—with any Senator here, nothing of that kind was done; instead of unkindly censuring anybody in the Senate, the Spanish minister had that sense of fitness of things, which I hope will always characterize his intercourse here, to make the entire tone of his communication as careful and as nice in its observance of courtesy and in its deference to Senators as it is possible for human language to make it. Any Senator who will read the communication which he made will see that it is couched not even in terms of criticism. He was desirous in a fair way to correct errors. He sought to remove impressions which existed in the minds of Senators through the press that he believed they would thank him for removing.
Mr. President, Senators have all at once become impressed with the dignity of this body to the extent that it must not in any way consider newspaper communications. That day has passed. It is said that no foreign minister has a right to go to the newspapers to make his statement. I deny it. That is not the way in which to-day the world is conducted. The great newspaper, the newspaper which is read and properly influences public sentiment, has invaded realms which thirty years ago would have been considered sacred and with which no newspaper pretended to deal. The great men of the earth are proud to make their position known, not only on literary or legal questions, but on pending questions of amity, of commerce, of relations in their own Government and with other countries. Mr. Gladstone writes communications to the newspapers and the magazines on both sides of the Atlantic touching great questions of American policy, and everybody is glad to read them. Nobody complains because Mr. Gladstone wrote an eloquent communication, taking the other side upon what some of us believe, in reference to the tariff.
Mr. GRAY. Let me put this case to the Senator from Maine: Suppose some member of Parliament in his place in the House of Commons or the House of Lords had said that it was a matter of history, quoting from some supposititious writer, or real writer, that when Major Andre was executed, or before he was executed, he was tortured by General Washington, had his eyes burned out with red-hot irons, do you suppose that the American ambassador at London might not, with perfect propriety, point out either that the history was an unauthentic one or that a mistake had been made in the reading of such a grewsome and false statement?
Mr. HALE. I suppose on the next morning every reader of the London Times would have found on his table a polite and courteous letter from Mr. Bayard to the editor of the London Times, setting right the error of history and of fact. We never will live in a time when, under circumstances which so aptly have been presented by the Senator from Delaware, a foreign minister will not do that.
Mr. TELLER. May I ask the Senator a question?
Mr. HALE. Yes.
Mr. TELLER. That is not a case at all analogous to the present. That would be with reference to something that has passed into history, but this action of the Spanish minister is intended to influence pending proceedings in this body. That is where the offense comes in.
Mr. HALE. All debate is illustrative, and the instance given by the Senator from Delaware would have arisen in the British Parliament upon some debate on a pending question, and not upon some question of how the Revolutionary war was conducted, and the American ambassador would have had a right to correct history and correct facts.
Mr. President, I am glad that Canovas, the prime minister of Spain, saw fit to send that calmly-worded, discreet, and wise dispatch to a great New York paper. I was glad a few months ago, when the public was in some condition of excitement with reference to a controversy with another country, that the heir-apparent to the British Crown and a near relative of his thought it advisable to send a kindly and propitiatory message to a great New York newspaper, and I did not consider that even royalty had abated any of its dignities because the Prince of Wales saw fit to do that.
The truth is that it has become the fashion, it has become the practice—it will never recede—for all public men to go to the newspapers, to the magazines, and to the reviews, and there write themselves down fully upon any subject-matter which pertains to the present, and that is discussed either by their own parliament, or in diplomatic circles, or whatever it may be; and until the Spanish minister shall, by his language or by false criticism, or by invidious statement, overstep the bounds which any gentleman may observe in his communications, I believe he is not entitled to our censure or our reproach.
Mr. LODGE. Mr. President, I agree entirely with the proposition which has been advanced here by the Senator from Delaware [Mr. GRAY] and by other Senators, that it is not seemly that we should be discussing in the Senate with the representative of a foreign power; but it is he who began the debate. I did not bring the utterances of the Spanish minister into the Senate. They were brought in here by the Senator from Maine [Mr. HALE], and among those utterances the Spanish minister said that I had been imposed upon by a malicious and fraudulent misrepresentation.
That is a pretty serious charge, Mr. President. I think I was justified in replying to it. If it was a malicious and fraudulent misrepresentation, it was my duty to withdraw it; and if it was not, it was my duty to show that it was not; and I have shown it, and shown by the original document that the statement of the Spanish minister in that respect was not correct.
Mr. President, these eloquent defenses of the Spanish minister I find no fault with; but I think that even a United States Senator is entitled to some rights; and I think when he is accused of doing things like that, he has the privilege, at least, of showing that he is right and that his accuser is wrong.
I am not going to enter into the subject of carrying on diplomatic negotiations by newspaper, which the Senator from Maine has so eloquently described, citing as examples of diplomatists the Prince of Wales and Mr. Gladstone, neither of whom hold diplomatic positions. I am not going into that large question. I am going to call the attention of the Senate merely to this fact: In the first place, I did not allude in the remotest way to the disturbances in Spain, nor did I allude to past history. I do not think the Senator from Delaware knew exactly what it was that I was correcting. I read an interview of General Weyler's about six weeks ago, before he left Spain, as to his future policy in Cuba, which I think was pertinent. The authenticity of that interview was denied by the Spanish minister. I have produced the Spanish newspaper containing it. That is all I can do.

Now, Mr. President, there is one other point. The Senator from Maine thinks that this is an admirable thing that the Spanish minister has done. At the end of his interview the minister says:

I said nothing when that language was used in the press, but I believe it is my duty, although against the conventionalities of my position—

Even he admitted that—

to appeal, as I have said, to the honest common sense of the American people when those words are uttered from the Capitol of the United States.

He takes an appeal from the representative body of the United States to the people. As we are talking of history, Mr. President, I should like to ask Senators if they have forgotten the case of Genet? He was a minister of the French Republic to the United States. He appealed from the Government to the people of the United States, and George Washington turned him out of the country. Now, Washington, I suppose, would be called a jingo and would be taken to task to-day for his untimely action; but he was considered in his day and generation a man of good judgment; and when the French minister appealed from the action of the Administration to the people of the United States Washington thought it was sufficient to justify asking for his recall.

Mr. HALE. If the Senator will allow me, the Spanish minister has taken no such action.

Mr. LODGE. He has appealed from the Congress of the United States——

Mr. HALE. He has not appealed from the Congress of the United States, I say to the Senator.

Mr. LODGE. I beg your pardon.

Mr. HALE. He has appealed not from the action of the Government——

Mr. LODGE. I beg your pardon.

Mr. HALE. He has appealed to the American people for the opportunity to state what he considers is the truth, which he alleges was not covered in the statements made in the Senate.

Mr. LODGE. That is precisely what Genet tried to do, although he appealed against the administrative branch to the people. He appealed against what he thought had been done.

Mr. HALE. He appealed from the Administration.

Mr. LODGE. Did the Administration state that the Senate had no right?

Mr. HALE. No, but the Senate is not the Government, though it is an important part of the Government.

Mr. LODGE. I did not pretend to say that it was the Government.

Mr. GALLINGER. Neither is the Administration the Government.

Mr. LODGE. The error Genet made was in taking an appeal to the people against the Government of the United States.

Mr. HALE. Against the action of the Government.

Mr. LODGE. Against the action of the Government of the United States, if you please.

Mr. HALE. Not against statements of fact.

Mr. LODGE. Against both what had been said and done by Washington; and Washington asked for his recall.

Mr. GRAY. I was going to remind the Senator, in regard to the interesting illustration of our past history of Washington and the French minister, Genet, that that person undertook to enlist men and fit out ships of war in this country to aid the Republic of France.

Mr. LODGE. I am perfectly aware of that; but that was not the ground on which the recall was finally asked. Washington waited through all that period when he was trying to do those things, until he made that appeal, and on that ground particularly he asked for his recall.

Mr. President, only a few years ago another diplomatic representative who was conducting negotiations through the newspapers advised an American citizen how to vote. He did not interfere with the Senate or with Congress or with the Government. He simply offered his opinion, and the present President and the present ambassador to London united in insisting on his recall.

Mr. TELLER. I should like to suggest to the Senator from Massachusetts that it was a private letter which the minister wrote, and it got into the newspapers. It was not intended for publication.

Mr. LODGE. Precisely; and that makes the case only so much stronger.

Mr. HALE. In relation to issues then pending before the American people in the November elections.

Mr. LODGE. Very well.

Mr. HALE. An entirely different case.

Mr. LODGE. And issues are pending now in Congress.

Mr. PALMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I will sit down in a moment and give way for morning business. I desire to finish what I was saying.

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. PALMER. I insist upon the point of order.

The VICE-PRESIDENT. What is the point of order?

Mr. HOAR. I ask unanimous consent for my colleague to finish his statement.

Mr. PALMER. The point of order is that morning business should be proceeded with.

Mr. LODGE. How can I be taken off the floor at this stage?

Mr. PALMER. There is nothing before the Senate.

Mr. HOAR. Will the Senator from Illinois allow me to ask unanimous consent that my colleague may finish his remarks? Certainly no Senator will object to that.

Mr. PALMER. Unquestionably; I would do more than that; but it occurs to me that this subject is exhausted and the morning hour is passing away.

The VICE-PRESIDENT. Does the Senator from Illinois insist upon the point of order?

Mr. PALMER. I make no objection to the request of the Senator from Massachusetts [Mr. HOAR].

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts [Mr. HOAR]? The Chair hears none. The Senator from Massachusetts [Mr. LODGE] will proceed.

Mr. LODGE. I am indebted to the Senate for their kindness in allowing me to finish. I merely wish to say that I had no desire to bring in this matter of the Spanish minister. I think the whole debate is a result of the misfortune of the Spanish minister's undertaking to correct the Senate as to words uttered in debate and as to Senators bringing in his utterances. I have set the point right on which he assailed me, and I have nothing more to say. My own views are very clear as to the propriety of his conduct. I have said sufficient on that point, and that is all I desire to say this morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington.

The message also announced that the House had passed the following bill and joint resolution, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia; and

A joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 15,000 copies of the work on Apiculture compiled by the Department of Agriculture, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

A bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia;

A bill (H. R. 2684) for the relief of S. W. Peel for services rendered the Old Settler Cherokees;

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6994) relating to the sale of gas in the District of Columbia;

A joint resolution (H. Res. 99) to supply the State of Kansas with copies of the muster rolls of the Third and Fourth Regiments of Kansas Infantry; and

A joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 162) regulating proof of death in certain pension cases;

A bill (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon; and

A bill (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of 298 citizens of Wellsville, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented sundry petitions of citizens of Merissa, Towanda, Sparta, and Quincy, all in the State of Illinois, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of 35 citizens of Colon, Nebr., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Colfax and Spokane, in the State of Washington, remonstrating against the passage of the Pacific railroad funding bill; which was referred to the Committee on Pacific Railroads.

He also presented the petition of E. A. Gerrard, of Monroe, Nebr., praying for the reopening of certain post-offices and also of certain telegraph offices in the State of Nebraska which have been closed by an order of the Union Pacific Railroad; which was referred to the Committee on Pacific Railroads.

Mr. ALLISON presented the petition of James A. Black, of Wyman, Iowa; a petition of 42 citizens of Hopkinton, Iowa; a petition of 32 citizens of Cotter, Iowa; a petition of 25 citizens of Leclaire, Iowa; a petition of 45 citizens of Louise County, Iowa; a petition of 48 citizens of Webster County, Iowa, and a petition of 124 citizens of Delaware County, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. MORRILL presented a petition of 46 citizens of Ryegate, Vt., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. GEAR presented a joint resolution of the Twenty-sixth general assembly of the State of Iowa, in relation to the 5 per cent funds due that State from the sale of Government lands; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

JOINT RESOLUTION NO. 13.

A joint resolution and memorial in relation to the 5 per cent funds.

Be it resolved by the general assembly of the State of Iowa, That in the opinion of the general assembly the State of Iowa is entitled, under and by virtue of the proposition made thereto by the Congress of the United States, by an act supplemental to the act for the admission of the States of Iowa and Florida into the Union, approved March 3, 1845, and an act of the general assembly of the State entitled "An act and ordinance accepting the proposition made by Congress on the admission of Iowa into the Union as a State," approved January 15, 1849, to 5 per cent on the Government price of all land sold in this State by the United States for military land warrants and scrip since January 15, 1849; and

Be it further resolved, That the governor of this State be, and he is hereby, advised to transmit a copy of this joint resolution and memorial to each of its Senators and Representatives in Congress, with the request that they lay the subject before their respective bodies and use all and every appropriate means to secure present provision for the payment of the 5 per cent aforesaid

OFFICE SECRETARY OF STATE, *Des Moines, Iowa, March 6, 1896.*

This certifies that the foregoing joint resolution No. 13 was passed by the Twenty-sixth general assembly of Iowa and certified to this office on the 6th day of March, A. D. 1896.

W. M. MCFARLAND,
Secretary of State.

He also presented the petition of J. K. Alexander and 324 other citizens of Morning Sun, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a joint resolution of the general assembly of the State of Nevada, relative to the indebtedness of the Central Pacific Railroad Company to the United States; which was referred to the Committee on Pacific Railroads.

Mr. PEFFER presented a petition in the form of resolutions adopted by Eggleston Post, No. 244, Grand Army of the Republic, of Wichita, Kans., praying for the enactment of a service-pension law allowing $8 a month to all honorably discharged soldiers who served ninety days or more; which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Newton, Kans., praying that an appropriation be made providing a fast-mail service from Kansas City, Mo., to that city; which was referred to the Committee on Interstate Commerce.

He also presented the petition of L. F. Cochran, of Wichita, Kans., together with sundry petitions signed by railway postal clerks, all in the State of Kansas, praying for the enactment of legislation providing for a reclassification of the employees of the railway postal service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of J. A. Julien and 38 other citizens of Johnson County, Kans.; the petition of R. G. Carnahan and 182 other citizens of Halstead, Kans.; the petition of Lizzie Johnson and 11 other citizens of Cottonwood Falls, Kans.; the petition of Rev. Orim A. Chapman and 28 other citizens of Ransom, Kans., and the petition of J. R. Tippin and 39 other citizens of Jewell County, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Bostoniana Club, of Boston, Mass., praying for the passage of Senate bill No. 301, designed to restrict immigration to the United States; which was referred to the Committee on Immigration.

He also presented a petition of 16 citizens of Boston, Mass., and a petition of 47 citizens of Bernardstown, Mass., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented the petition of William J. Davis and 32 other citizens of Boston, Mass., praying that religious matter, including tracts, be given improved postal facilities under the act of July 16, 1894, regulating second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented a petition of sundry citizens of Fayetteville, N. C., representing various church denominations, praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. HOAR presented a petition of 34 citizens of Boston, Mass., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 110 citizens of Boston, Mass., praying for the establishment of a permanent board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of 62 citizens of Massachusetts; a petition of sundry citizens of Ohio; a petition of 300 citizens of Iowa; a petition of 19 citizens of New York; a petition of 7 citizens of Alabama; a petition of 9 citizens of Oregon; a petition of 28 citizens of Wisconsin, and a petition of sundry citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Grafton, N. Dak., and a petition of sundry citizens of Drayton, N. Dak., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. VEST presented a petition of the faculty and students of Tarkio College, Tarkio, Mo., praying for the establishment of a permanent court of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of Horace C. Stanton and sundry other citizens of Kansas City, Mo.; the petition of S. M. Sider and sundry other citizens of Girardeau County, Mo.; the petition of James F. Watkins and sundry other citizens of Butler, Mo., and a petition of sundry citizens of St. Louis and Independence, Mo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. BATE presented resolutions adopted at a meeting of the bishops of the African Methodist Episcopal Church held at Baltimore, Md., January 22, 1896, favoring the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which were referred to the Committee on Claims.

Mr. MITCHELL of Wisconsin presented a petition of the officers of the Woman's Christian Temperance Union, of Racine, Ashland, and Shawano, all in the State of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented sundry memorials of citizens of Cassville, Burton, Beetown, Hurricane, Westport, Excelsior, Vernon, Dodges Corners, and Richland, all in the State of Wisconsin, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a memorial of the common council of Superior, Wis., remonstrating against the completion of a bridge between the cities of Duluth and Superior, in that State, and also against allowing the Duluth-Superior Bridge Company to charge a toll to foot passengers; which was referred to the Committee on Commerce.

Mr. GORDON presented a petition of sundry citizens of Augusta, Ga., praying for the adoption of the proposed religious

amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. HILL presented a petition of the Chamber of Commerce of New York, praying for the construction on the present site of a new building for the custom-house in New York City; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the faculty of Colgate University, Hamilton, N. Y., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy, etc.; which was referred to the Committee on Naval Affairs.

Mr. MARTIN presented a petition of sundry citizens of Unionville, Rhoadesville, Granite Springs, and Moormans River, all in the State of Virginia, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. MCMILLAN. I present the memorial of John B. McCarthy, of Washington, D. C., in relation to an increased supply of water for the District of Columbia. I move that the memorial be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MCMILLAN presented a petition of the East Washington Citizens' Association, praying for the issuance of bonds to complete the sewerage system of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, praying for the municipal ownership of gas and electric light plants in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MCBRIDE presented a petition of sundry citizens of Moro, Oreg., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BRICE presented a memorial of W. H. Lytle Post, No. 47, Grand Army of the Republic, representing various Veteran Legion encampments, Grand Army posts, and other organizations of soldiers, of Hamilton County, Ohio, remonstrating against the enactment of legislation to remove the charge of desertion from the record of enlisted men, unless sustained by ample and undoubted testimony; which was referred to the Committee on Military Affairs.

Mr. ELKINS presented the petition of Rev. A. Tuttle and 27 other citizens of Hardy County; the petition of Rev. J. J. Mason and 42 other citizens of Jackson County; the petition of W. M. Slaughter and 51 other citizens of Mason County; the petition of John H. Spragg and 36 other citizens of Monongalia County; the petition of Isaac Wagner and 49 other citizens of Pleasants County; the petition of Rev. G. C. Bedford and 253 other citizens of Preston County; the petition of J. B. Phelps and 28 other citizens of Ritchie County; the petition of L. C. Collett and 35 other citizens of Tucker County; the petition of L. D. Bryan and 100 other citizens of Wayne County; the petition of S. W. Stephens and 49 other citizens of Wood County; the petition of Ira Stafford and 58 other citizens of Preston County, and the petition of F. C. Neptune and 86 other citizens of Roane County, all in the State of West Virginia, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. DAVIS presented a memorial of sundry citizens of Minnesota, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States, and also against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the Judiciary.

Mr. CARTER presented a petition, in the form of resolutions adopted at a union mass meeting held in Helena, Mont., February 9, 1896, praying for the enactment of legislation providing for the protection of Americans in Turkey, and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a petition of the board of county commissioners of Helena, Mont., praying for the passage of House bill No. 3339, to create a special commission on highways and to make appropriation therefor; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. KYLE. I am directed by the Select Committee to Establish the University of the United States, to whom was referred the bill (S. 1202) to establish a university of the United States, to report it with amendments, and to submit a report thereon. The papers accompanying the report will be presented to the Senate to-morrow.

Mr. WALTHALL subsequently said: Just as I came into the Chamber I noticed that the Senator from South Dakota [Mr. KYLE], from the Select Committee to Establish the University of the United States, reported favorably a bill to establish a national university. I desire to say that there are several members of the committee, myself included, who do not unite in that report, and I ask leave at a later day to submit the views of the minority.

The VICE-PRESIDENT. It will be so ordered.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 1679) for the relief of Helen Larned, reported it with amendments, and submitted a report thereon.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2461) to grant land to the State of Alabama for the use of the Industrial School for Girls of Alabama, and of the Tuskegee Normal and Industrial Institute; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2063) to grant land to the State of Alabama for the use of the Industrial School for Girls of Alabama, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2107) to grant land to the State of Alabama for the use of the Tuskegee Normal and Industrial Institute, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. 461) for the relief of the trustees of the German Evangelical Church of Martinsburg, W. Va., reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties, in the year 1892, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1548) for the relief of Alexander Stoddart, of New York, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 605) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 601) granting a pension to Clara R. Rodgers, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 1565) granting a pension to Benjamin F. Howland, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 519) for the relief of Marshall R. Hathaway, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 688) for the relief of Thomas S. Lutterloh, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard, reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL. I am directed by the Committee on Finance, to whom was referred the bill (S. 1004) for the relief of Mrs. Alice M. Walsh, to submit an adverse report thereon. I desire to call the attention of the senior Senator from Florida [Mr. CALL] to this bill, as he introduced it.

Mr. CALL. I ask that the bill may be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CHANDLER. From the Committee on Privileges and Elections I desire to present the report of that committee upon the resolution submitted on January 7, 1896, by the Senator from Nebraska [Mr. ALLEN], proposing an inquiry concerning the election in Alabama in 1894. The resolution was reported by me on the 3d instant with an amendment, and is now on the Calendar. The views of the minority will be presented later. I ask that the report may be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (S. 662) for the relief of William S. Grant, reported it without amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1854) removing the charge of desertion from the name of Thomas Collins, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2462) to provide for making of allotments of pay by officers of the Navy and Marine Corps; which was read twice by its title.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2251) to authorize the construction of a bridge across the Calumet River, reported it without amendment.

Mr. CULLOM. The bill just reported by the Senator from Missouri [Mr. VEST] is one of importance, and it is very desirable that immediate action should be taken. It is a bridge bill about which there is no controversy whatever. I ask that it may be taken up and put on its passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois for the present consideratiom of the bill?

Mr. SHERMAN. Let us get through with the morning business.

Mr. CULLOM. It is merely a little bridge bill. It will take but a moment to pass it.

Mr. SHERMAN. Let us get through with the morning business.

Mr. CULLOM. Very well. I have no objection if I can get up the bill after the morning business shall have been concluded.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2463) to regulate certain prosecutions in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2464) granting a pension to John Eckland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 2465) granting a pension to Hattie Woodmansel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2466) to pension Hester A. Bostwick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2467) to provide for the erection of a public building in the city of St. Cloud, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2468) granting a pension to Ann Connolly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2470) for the relief of D. M. McEacheran; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2471) to provide for the publication of the Revolutionary archives in the Department of State; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 2472) to repeal an act entitled "An act to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia," approved April 30, 1892, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANTLE introduced a bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2474) to provide fees for the officers of the Federal courts in the States of South Dakota, Montana, Wyoming, and Washington; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PRITCHARD (by request) introduced a bill (S. 2475) for the relief of Soloman S. Crosswhite; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2476) granting a pension to Sarah E. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2477) granting an increase of pension to Robert P. Wild; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2478) granting a pension to certain East Tennesseeans engaged in the secret service of the United States during the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2479) for the relief of the widow and children of Dr. Lemuel H. Draper; which was read twice by its title, and referred to the Committee on Claims.

Mr. CANNON introduced a bill (S. 2480) to enable claimants to mineral lands to obtain patents; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON introduced a bill (S. 2481) granting a pension to Charles Edson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a joint resolution (S. R. 95) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the Naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WILSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

STATEMENT OF CUBANS IN ARMS.

On motion of Mr. SHERMAN, it was

Ordered, That the letter of Hon. T. Estrada Palma to Hon. Richard Olney, Secretary of State, of the date of December 7, 1895, and accompanying documents, be reprinted for the use of the Senate.

PUBLIC-LAND SURVEYS IN INDIAN TERRITORY.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate at the earliest date possible the progress and result of public-land surveys in the Indian Territory under direction of the Geological Survey, together with the acreage or mileage surveyed and the cost per acre or per mile; also the character and frequency of the monuments marking said surveys, and whether such monuments conform to those heretofore prescribed by the Commissioner of the General Land Office in the survey of public lands; also the character of paraphernalia and equipment required to execute said survey and the expense of same; also whether experienced deputy surveyors of public lands have been called in to assist in the work under the Geological Survey; also whether the persons who are in immediate charge of the survey in the Indian Territory are under bonds for the faithful performance of their work in a practical and efficient manner, in accordance with the rules and requirements pertaining to public-land surveys.

HEARING BEFORE COMMITTEE ON WOMAN SUFFRAGE.

Mr. CALL. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That there be printed, for the use of the committee, the usual number of copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1896.

Mr. HOAR. Was the resolution correctly read, that the document is to be printed for the use of the committee? Should it not be for the use of the Senate?

Mr. CALL. It ought to be for the use of the Senate. I did not observe that language. I will modify the resolution in that respect.

There was a request made on the part of the woman's suffrage convention held here that the number of copies of the hearing had before the committee should be largely increased. I suggest that the resolution may be made a joint resolution so as to provide for the additional number of 5,000 copies. However, I withdraw the suggestion for the present.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

IMMIGRATION REGULATIONS.

Mr. LODGE. I desire to give notice that on Monday next, after the conclusion of the routine morning business, with its permission, I shall address the Senate in regard to the bill (S. 2147) establishing additional regulations concerning immigration to the United States.

CONSIDERATION OF CUBAN RESOLUTION.

Mr. HOAR and Mr. CULLOM addressed the Chair.

Mr. CULLOM. I rose, on the supposition that morning business had been concluded, for the purpose of calling up the bill for which I asked consideration a while ago.

Mr. HOAR. I ask that the resolution which I submitted yesterday may be laid before the Senate as a part of the morning business.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Massachusetts [Mr. HOAR], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That the consideration of the report of the conference committee on the Senate concurrent resolution 19, relating to Cuba, be postponed until Monday, April 6, and that the Committee on Foreign Relations be directed before that time to report to the Senate the facts which, in their opinion, justify the passage of said resolution, together with the evidence thereof.

Mr. CULLOM. I inquire of the Senator from Massachusetts whether he desires to occupy the attention of the Senate at this time on the resolution?

Mr. HOAR. I should like to take the floor on the resolution, to which I am entitled, and then, if the Senate has no objection, it would be agreeable to me to have the resolution go over until to-morrow with the same right which it has to-day. I am not in very good health (of course I would not ask that it be laid over on that account alone), and if I were to proceed beyond 2 o'clock I would interrupt the Senator from Indiana [Mr. TURPIE], who is already in the middle of a speech on the election case.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. SHERMAN. I shall object to the resolution at every stage in which it is presented. I regard it as a reflection upon the Committee on Foreign Relations, which spent one month laboriously considering the question now under debate. Now, after the two Houses have by overwhelming majorities adopted such resolutions, I am decidedly opposed to having a resolution introduced here to postpone the subject until April 6 next to be discussed in a mock debate. I therefore object.

Mr. HOAR. Does my friend object to the usual courtesy of a postponement of the resolution until to-morrow?

Mr. SHERMAN. If the Senator wishes to give his opinion upon the Cuban question it is before him—upon the action of the two Houses of Congress—and he can at any time when the question is up move to postpone its consideration until the 6th of April. This is a resolution introduced to divert the argument and debate from the consideration of the action of the two Houses into a mock debate such as we have had here recently in the morning hour. I therefore object to it.

Mr. HOAR. Mr. President, if I may be pardoned a word, the Senator from Ohio is a man of marvelous penetration and of great scientific attainments, but I doubt whether he has so mastered the new discovery of the X rays that he can penetrate into my brain through a pretty thick skull and know what was my motive in introducing the resolution.

Mr. SHERMAN. Well, I think I can. [Laughter.]

Mr. HOAR. I wish to say that I have no such motive or purpose. I wish to call the attention of the Senate not to the merits or demerits of this Cuban resolution, but to a practice which seems to be growing up in the Senate in regard to dealing with our foreign relations. I wish to point out that the Committee on Foreign Relations, instead of taking the ordinary method of action by the Government prescribed by the Constitution, have carefully avoided and shrunk not only in this, but in another important matter connected with our foreign relations from the ordinary constitutional method of having the American people act, which is by Senate, House, and President, and the whole thing is nothing but a moot debate. If there is a moot debate anywhere it is when the Senate of the United States is asked, or the two Houses by concurrent resolution are asked, to declare something which has no significance whatever when it is declared. The American people are not bound, Congress is not bound, the President is not bound, no individual American is bound by the resolution which is now before the Senate on the report of the committee of conference. If it is a reflection on any honorable committee of this body to like another measure or another method of proceeding rather than that which they prefer, it is a reflection which is cast every time a measure of any sort is debated. I respect the Committee on Foreign Relations, but I respect them quite as much when I express an honest difference from their method of proceeding as when I agree with them.

Now, here is another thing to which I wish to call the attention of the Senate.

Mr. MORGAN. Will the Senator from Massachusetts indulge me for a question?

Mr. HOAR. If the Senator will let me just make my reply to the Senator from Ohio first, then I will hear him.

Mr. President, I object to this doing business with one-half of our pair of scissors. If we have any diplomatic knots to cut, let us have the two halves together, as the Constitution provided for cutting them, and not Congress without the President, or the President without Congress.

Now, there is another thing. The smallest pension claim, the smallest claim for a hundred dollars against this Government, is always accompanied by the committee that reports in its favor by a report of the evidence and a report of its finding of the facts.

Mr. SHERMAN. If the Senator will allow me, I have given to the Senator from Massachusetts all the information——

Mr. HOAR. Let me make my point, if the Senator pleases.

Mr. SHERMAN. Very well.

Mr. HOAR. The Senator gets up and attacks my resolution and states what my motives are, and that I mean to reflect on the committee, before I have been heard, and when I begin to state my point he gets up again and demands that he shall state further.

Mr. SHERMAN. I am willing the Senator from Massachusetts shall go on in the way he is proceeding.

Mr. HOAR. I did not precipitate this debate. I asked that the resolution might go over until to-morrow. The Senator got up and made his attack on the resolution in the first place.

Mr. President, is it not true that you can not pass a measure giving $50 to the claimant against this Government without a written report, a finding of facts, which every Senator has the right to have read at the desk? Yet here is a grave foreign complication, in regard to which the former chairman of the Committee on Foreign Relations said he brought into the Senate a sword which Spain was at liberty to take up if she chose, and that he made his report, or the person who was the representative of the Committee on Foreign Relations in presenting this measure stated that it was done with the full understanding that it would not be unlikely to bring on war.

Mr. MORGAN. Mr. President, does the Senator from Massachusetts say that I——

Mr. HOAR. If the Senator will allow me.

Mr. MORGAN. I demand that you shall allow me, because you have misquoted me.

Mr. HOAR. Then I shall be very glad to have the Senator correct the statement; but I wanted to finish the sentence.

Mr. MORGAN. I did not say that I brought into the Senate a sword and offered it to Spain, and she could take it up if she chose. I made no such statement. What I stated was this: When this subject first came up in committee, after we had under consideration more than a thousand petitions from the people of the United States, including a joint resolution from the general assembly of the State of New York, I said to the committee that we would have to do one of two things, report back those petitions, memorials, and resolutions adversely, and ask to be discharged from the consideration of them, or turn our face in the other direction, and that whenever we did so I was conscious that the folly and overstrained pride of Spain would force her into improper and wrongful belligerency toward us, and that we would have to be prepared to engage in war; and in such a case as that I drew my sword and laid it upon the table of the committee, and Spain could take it up if she chose to do so.

Mr. HOAR. Very well; that is it.

Mr. MORGAN. I did not say what the Senator stated.

Mr. HOAR. I accept the Senator's version of what he said. If there is any difference between his and mine I do not yet see it. It may be different, however.

Here is this grave matter in regard to which the honorable Senator used the figure which he has just again stated, which I understand to be that he had laid down his sword on the table and which Spain might take up if she chose, and we have no finding of the facts brought before the Senate in any authentic way. We have a message of the President of the United States addressed to the House of Representatives and containing merely the correspondence of consuls and nothing else. Now, the Senator from Ohio, for the first time since my resolution was introduced, brings in what he says was before the committee and printed by them, and that Senators might have had if they had known it.

Mr. WOLCOTT. Printed for the exclusive use of the committee.

Mr. HOAR. Printed for the exclusive use of the committee.

Mr. SHERMAN. I wish to correct the Senator. That paper was used in the debate here. I read from it page by page. The Senator was absent for a week. He does not know what has been going on here the last week.

Mr. HOAR. This document never was printed for the use of the Senate. It has never been laid before the Senate in any formal way. It has been printed by the committee; and as to the mere fact that the chairman of the committee quoted from it at some

time, I am sorry to say it is the case that even the wise and admirable speeches of my honorable friend from Ohio are not listened to by all Senators who are here, and I dare say that he may have quoted some document which Senators who were present did not know about. But at any rate, it does not contain the conclusions of the committee. It is the statement of the agent of the Cuban belligerents or insurgents made to our State Department. Whether there is any answer to it anywhere, whether it is true or untrue, whether the Committee on Foreign Relations believe it or not, nobody knows at this moment. Is that the finding of a fact on which the Senate of the United States is to proceed in a grave matter affecting our foreign relations? Now, I do not like this constant meddling with our diplomatic affairs.

Mr. MORGAN. Will the Senator allow me to ask him if he can devise any means by which the Senate of the United States, or even the President of the United States, can get agents sent into Cuba to-day for the purpose of gaining the information?

Mr. HOAR. Does the Senator mean therefore we should act without information because of the difficulty of getting it?

Mr. MORGAN. Without that information we had to act.

Mr. HOAR. I understand. My point is, that we ought to have a finding of the conclusion, and the proof formally and officially and in print, coming from this committee.

Mr. MORGAN. We have the consular reports that have been sent to the House formally and officially, and they sustain the case.

Mr. HOAR. That is what the Senator now says, but no committee of this body have done what the committees do in the case of a fifty-dollar claim; and we do not know whether those consular reports are true, whether they contain the whole case, whether this statement of the belligerent counsel is true, whether that contains the whole, or whether there is any answer to that case, and what the Committee on Foreign Relations believe on this subject except from the impassioned speeches of some of its members.

Mr. President, I do not think this is the way for the people of a great country to conduct their foreign relations. I do not think it is the way to deal with subjects which may lead us into a great complication and bring on war. I think we ought to let our diplomatic agencies alone and not be discussing this question in the Senate, or very much either in the press or in the pulpit, as we have been doing of late days.

Mr. MORGAN. Will the Senator allow me to ask him where we got the information upon which we acted in regard to Armenia, which he so earnestly sustained here?

Mr. HOAR. What I proposed to do in regard to Armenia was exactly this: I proposed to say to the President that the Senate were ready to sustain him in any measures he might see fit to take for the protection of the property and life of American citizens in Armenia. It did not require any other information.

Mr. CHANDLER. Will the Senator allow me to read the dispatch which he sent to the President in reference to Armenia? It is dated November 25:

To the PRESIDENT, *Washington:*

You may depend on my support in the Senate, both by speech and vote, of the most vigorous action you may take to prevent further cruelties toward the Armenians in Turkey, even if you determine to treat the persons who commit them as pirates or common enemies of the human race.

GEORGE F. HOAR.

Now, what sort of an investigation did the Senator make? And I wish to ask the Senator whether he wanted to attach a provision to that, "provided you do not do it before April 6 next"?

Mr. HOAR. Mr. President, I had investigated that subject thoroughly and to the bottom. That was my individual action as an individual citizen, and as an individual Senator, and I was prepared to state anywhere the conclusions of fact upon which I rested. That is just what I want the Senate of the United States to do in this case. I want it to have the conclusions of fact upon which it acts made formally, so that we can know what it is that governs our action.

The VICE-PRESIDENT. The Senator from Massachusetts will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. HOAR. I should like very much to proceed with my remarks either now or to-morrow.

Mr. SHERMAN. The resolution goes over.

Mr. HOAR. The Senate will bear in mind that I stated to the Senate that I was out of health this morning, and the Senator from Ohio arose and undertook to attack in advance the resolution that I had introduced, and to impute to me very improper motives, which he imputed in a very improper way. I ask that my resolution may keep its place to-morrow morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 818) to provide for the care and cure of inebriates in the District of Columbia;

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia; and

A bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 2684) for the relief of S. W. Peel for services rendered the Old Settlers Cherokees was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 99) to supply the State of Kansas with copies of the muster rolls of the Third and Fourth regiments of Kansas Infantry was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor was read twice by its title, and referred to the Committee on Commerce.

DISTRICT STREET RAILWAY FRANCHISES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *March 9, 1896.*

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 200 copies of the same shall be furnished for the use of the Senate, 400 copies for the use of the House of Representatives, and 2,500 copies for the use of and distribution by the Commissioners of the District of Columbia.

PRINTING OF BULLETIN ON APICULTURE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution of the Senate to print 15,000 copies of the work on apiculture compiled by the Department of Agriculture; which were referred to the Committee on Printing.

THE CONGRESSIONAL RECORD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD; which was referred to the Committee on Printing.

FREE PUBLIC LIBRARY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1247) to establish and provide for a free public library and reading room in the District of Columbia.

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. HANSBROUGH, and Mr. WETMORE were appointed.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. TURPIE. Mr. President, just at the close of my remarks yesterday I was asked a question by the honorable Senator from Kansas [Mr. PEFFER] as to the devolution of the Presidential office under the act of Congress dated January 19, 1886. I was asked a question with respect to that devolution when the exercise of the right of the functions of the Presidential office devolve upon the Secretary of State, whether the Secretary of State ceased to be such, and I answered that he did not, that he continued yet to be the Secretary of State. I wish now to call the attention of the Senate especially to the act of Congress which I have just mentioned, for two reasons. One is that I may notice the very close analogy between that act and the provisions of the Delaware constitution in respect to the devolution of the governmental authority; the other is that I may give to the honorable Senator from Kansas the reasons which I have for the answer which I made yesterday to the question he put. The act reads as follows:

"That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death,

resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War," or in the same contingency, the Attorney General, and in case of the death, resignation, or inability of the Postmaster-General, to go in with the same conditions to the Secretary of the Navy and afterwards to the Secretary of the Interior, "shall act as President until the disability of the President or Vice-President is removed, or a President shall be elected."

Under the construction given to this section by the majority in this case there might be in an ordinary Presidential term seven Presidents of the United States within the four years. It is very clear that such was not the intention of Congress. Congress does not make the officer succeeding to the Presidential functions, the President. This section does not provide that the Secretary of State shall cease to be Secretary of State on the assumption of the Presidential duties, or that he shall become President on the assumption of Presidential duties, but the act plainly enough intends that he shall not be President, and therefore imperatively implies that he continues to be Secretary of State.

Sir, I wish to call your attention to the proviso not yet read which is attached to the first section, at the end of it, and especially to the expression used by Congress in designating the person to whom this devolution of Presidential functions shall fall:

Provided, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

It would have been much briefer to have said "it shall be the duty of the President to issue a proclamation," but instead of designating this person as the President, Congress used a very long circumlocution, consisting of many words, the phrase "person upon whom said powers and duties shall devolve." In the same way it is provided in the constitution of Delaware. There is an expression very similar where the speaker of the house or where the speaker of the senate has died, where the secretary of state has performed or exercised the office of governor, and he is directed to summon the legislature in order by joint ballot to elect a substitute who shall discharge the functions of governor. That person is called not the governor, but a person to exercise the office of governor, and in the same section that person who can exercise said office is spoken of where a contingency occurs, if the governor-elect die, or become disqualified before the commencement of his term. It is not said "no governor," but "no other person who can exercise said office," and it is not said in the other section no governor, but it is said that "the person who shall exercise the office" shall do such and such things. So Congress have used the same refimenent of language (if the opposition see fit to call it so), in the act approved January 19, 1886, as the framers of the constitution of Delaware did in the fourteenth section of the third article.

Again, sir, let me call the attention of the Senate to the fact of the reasons why the Secretary of State does not become President. In the first place, it is directed that if the President and Vice-President both die or resign, the Secretary of State shall be invested with the Presidential functions. The constitution of Delaware provides that the governor shall appoint the secretary of state. Here is the section of that constitution:

A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well.

The statutes of the United States, provide that the President shall appoint the Secretary of State, so that the duty of the executive, both in the State and the United States, with respect to the Secretary of State is the same.

We will suppose, then, that the President and the Vice-President being both dead, the Secretary of State has devolved upon him the office of the Pesidency. If he be really the President, he can appoint his Secretary of State; he is authorized to appoint his Secretary of State. If the Secretary of State, upon whom first devolves these Presidential functions, dies, then the person whom he has appointed Secretary of State succeeds to the Presidency, and the person who succeeds to the Presidency being actually the President, under the construction of the majority, appoints another Secretary of State; and if he himself dies, this appointee of his succeeds to the Presidency. The chain is thoroughly broken, and if it was intended by this act to provide that the Secretary of State should cease to be Secretary of State and should become President, under this enactment the rest of the section is mere waste paper; the Attorney-General and the Secretary of War and the Secretary of the Navy and the others who are named subsequently in the section can never exercise the office of President. It is an utterly senseless provision. They will never come inside of the White House. They will never even get a scent of the Presidential flavor.

Sir, I wish to call attention again to certain things in grammatical analogy between the act of Congress of 1886 and the constitution of the State of Delaware. It will be seen here that the same language is used in this section which is used in the constitution of the State of Delaware in this phrase—seven times repeated: "Or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury," shall succeed the Secretary of State.

That same language occurs in five different places in section 14 of the constitution of Delaware. For example:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability.

The same language, the same thought, and the same words are repeated five times in the Delaware constitution, and seven times in the act of Congress of 1886.

What does the pronoun "his" refer to in those clauses? Take the first one here:

In case of removal, death, resignation, or inability of both the President and the Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, etc.

"His" in that clause certainly refers to the Secretary of State, in case of his death. Who is it that dies? It is the Secretary of State. Although he is in the performance of the Presidential function, the duties of the President have devolved upon him—expressly devolved upon him by virtue of the statute—yet he is, while performing the duties of President, Secretary of State; and if he dies during that performance, he dies as Secretary of State.

Let us take the same language in the constitution of the State of Delaware:

If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Who is referred to when it is said "his death?" Certainly the death of the speaker. The majority of the committee claim that the speaker dies; that the speaker was dead when he assumed, and by the very act of assuming, the exercise of the functions of governor. The speaker was dead; the speakership was dead; the senatorship was dead. It had no existence. That is what is claimed by the majority of the committee, but the constitution of the State of Delaware declares that it is the speaker who dies. Whether he lives or dies while he is in the exercise of the executive function, he is yet the speaker of the senate, or the speaker of the house, or the secretary of state, or the person elected on joint ballot by the legislature, but he is never the governor.

I call the attention of the Senate also to the doctrine of incompatibility, as stated by the majority of the committee at great length in the written report, and at still greater length in the oral argument made by the able Senator who preceded me. They say it is incompatible that a State senator, the speaker of the senate, should at the same time exercise executive functions. They say that it is the English rule; they say that it is the American rule. Sir, what becomes of the doctrine of incompatibility, even if there ever was an ancient rule of this kind? This is the act of January 19, 1886, an act of Congress, passed by both Houses, approved by the President, and it provides for incompatibilities a thousandfold more harsh than anything in the constitution of the State of Delaware. For example, the Attorney-General under this act may succeed to the Presidential functions. The same officer at the same time may have employed months, perhaps years, in bringing to justice, either by the infliction of capital punishment or the judgment of felony upon some offender against the laws of the United States. As Attorney-General he may have done this, directed it, executed it, and yet in the exercise of the Executive function of the Presidency, which has devolved upon him under this law, the same Attorney-General, or the same person, has to look through the record and determine whether a pardon may not after all be granted to this offender. I can not conceive, I do not think any person can conceive, of two acts of any two functions more distinct, more incompatible, than is here provided for in the act of Congress of 1886.

Mr. GRAY. We all voted for that act.

Mr. TURPIE. Yes, sir; many members of Congress, in both branches, voted for the act of 1886.

Mr. GRAY. Including the Senator from Oregon.

Mr. TURPIE. Including the Senator from Oregon, as I am reminded by the honorable Senator from Delaware. It is a great deal stronger incompatibility than anything provided for in the constitution of the State of Delaware.

What is the reason of this? Mr. President, when a State undertakes the task of providing for the devolution of the duties of its chief executive, when a great nation undertakes the same task, they are not concerned with such trifles as have so long occupied the attention of the learned and honorable Senator from Oregon. What is the meaning of the term "devolution of the executive functions of

a nation or a State"—devolution of the functions of the magistracy? It is the greatest, the most important act always; it has been in all the ages of the world, Who shall succeed the present executive? All the great wars of the world have been wars of succession. I do not except our own. The great question in that war was whether Abraham Lincoln, elected under the forms of law, should peaceably and quietly exercise the duties of the Presidency. He was not allowed to do so, and a war followed. It was a war of succession, the exact succession, the devolution of the executive authority, and when a question so utterly overshadowing and overpowering is to be disposed of in America by a State convention or by an act of Congress, those in council do not listen to the suggestion with reference to incompatibility. They say, as has been so often said, *De minimis non curat lex;* the highest law does not regard these smaller improprieties; they are subordinate to the public necessity and to the supreme power. The majority of the Committee on Privileges and Elections take the position, under the constitution of the State of Delaware, that the senatorship and the speakership became vacant, or were suspended, while Senator Watson exercised temporarily the executive authority.

Further on the honorable and learned gentleman who preceded me in this argument said that either construction of the constitution would suit him. He does not care whether we read into it that the senatorship and the speakership became vacant or whether we rewrite it so that it shall say "the speakership and senatorship were suspended," absolutely suspended—either construction suits him. I was very much grieved. I did sincerely regret to hear such language from the learned Senator, a gentleman usually very guarded in his expressions, and especially in argument upon a law question. I can not conceive how we can deal in such a free and easy manner with such a grave paper as a State constitution; and when it is proposed seriously in argument here when two constructions are offered of the paramount law of a State, of the supreme law of a Commonwealth, and it is proposed by those who offer the two constructions that either may be taken, I do not think that such an alternative adds much to the constructions or adds much to the sincerity or good faith of the person who makes such an overture. I think that in such a paper as this there can be but one line of construction, but one construction, and the interpreter who undertakes to propose two, and says he is indifferent which is adopted, was certainly construing something else than the constitution of a sovereign State of the Union.

Sir, I know it would be a very usual thing in respect of an ordinary contract between individuals, frequently framed in the hurry of business, frequently framed in haste, often to be afterwards repented of, and it might be said in the construction of a last will or testament, that central focus of litigation in the civilized world, or it might be said with respect to an ordinary statute, describing how a stray pig should be advertised, sold, or disposed of—if it were such a matter as this, I should say there might be two constructions offered, and that a person might take whichever he chose, but when it comes to the supreme law of a country, I do not think that two constructions can be offered, with the liberty of taking either by the person who offers them.

Mr. MITCHELL of Oregon. Will the Senator allow me to interrupt him?

Mr. TURPIE. Of course, two constructions may be offered, but it is the indifference of the offer that I am objecting to. It is of that sort which deprives it of any importance.

Mr. MITCHELL of Oregon. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Indiana yield to the Senator from Oregon?

Mr. TURPIE. Yes, sir; for a question.

Mr. MITCHELL of Oregon. I do not desire to interrupt the Senator unless he is perfectly willing, but I will simply state to the Senator from Indiana that if there can be but one construction of the constitution of the State of Delaware, then there is no room for any controversy here between the Senator from Indiana and myself. The Senator must concede that the constitution of the State of Delaware is open to at least two constructions. Otherwise there would be no room for any controversy at all between the Senator and myself. I suggest, and I have said in my report and in my speech, that the constitution of the State of Delaware is open to any one of three constructions, and I do not care which of two of those constructions is given the constitution, it makes my case; while, if the third construction that possibly may be placed upon it, and which the distinguished Senator from Indiana insists must be placed upon it, is correct, then that makes the Senator's case; and that is all there is to it.

Mr. TURPIE. Mr. President, I do not concede that there can be two constructions to the constitution of the State of Delaware, nor to any other constitution. There can be but one in the very nature of things. The supreme law is one; the supreme executive is one. I do concede that a person might offer two constructions or three constructions, or any other number of constructions, but a person who had offered a second construction in the true spirit of interpretation would certainly not conclude his overture by saying, "I am utterly indifferent as to which you accept." He would never arrive at anything in that spirit of interpretation. There is but one construction, and there can be but one correct construction, of this constitution.

Mr. MITCHELL of Oregon. I do not dispute that. Of course there can be but one correct construction.

Mr. TURPIE. I have no confidence in an attempted exposition of a grave state paper which proposes two several interpretations, with the accompanying corollary that you can have and take which you please. I wish to express my utter lack of confidence in that method of hermeneutics.

The honorable Senator from Oregon made a very elaborate and very ingenious and very learned commentary upon the law as contained in the provisions of the constitution of the State of Delaware in argument of this case, and I have merely attempted to set over against the commentary of the honorable Senator the text of the instrument itself; that is all that I have contributed to this discussion, and I would not have done this much, unless it had been that, as the honorable Senator opened this discussion, and in his hands it took the course which I have indicated—the construction of the constitution of the State of Delaware—I felt bound, in deference to the majority of the committee and bound in deference to the chairman of that committee, of which I am a member, at least to pay some attention, and indeed very serious attention, to the views with which he has so ably entertained the Senate; but it was only out of deference to the course taken by the Senator from Oregon, it was only out of respect to the one who had the presidency of our committee, that I have at all noticed these constructions of the constitution of the State of Delaware, because I think the real question is, not in respect to any differences of opinion concerning the provisions of the constitution of Delaware, as to whether they be right or whether they be wrong, but the question in this case is, who shall judge and determine what these provisions are?

The question rather is, has the Senate of the United States any right or power to adjudge and decide these questions? In my view we have not. We have no power to adjudge or decide, but the whole question is *coram non judice.* The senate of the State of Delaware is made by the constitution of that State the judge of the elections, returns, and qualifications of its own members. That is the law of this case, and of all others. There is no other legislation respecting this subject-matter; there can be none. There is no body which can make laws or change laws with reference to the jurisdiction is such cases.

Now, in the case in argument, the case of Senator Watson, there is no question made as to his return as a senator of the State of Delaware; no question is made upon his credentials; there is no question made about his election; there is no question made about his qualifications at the time of his election; but it is claimed that, by some act done or suffered by him, he became disqualified as a senator and speaker of the senate to discharge those duties. Who is to judge whether he became disqualified or not? The judgment upon qualifications necessarily includes the judgment upon disqualifications, as a jury in a criminal case has submitted to it the question of guilt or innocence, and the verdict itself of guilty says not innocent, and the verdict of not guilty includes the question of guilt. The whole question of qualification or disqualification, or a man's being qualified or not qualified, is adjudged by the senate of Delaware. They have exclusive and original jurisdiction.

It is charged—and I believe there is no dispute here about the facts in the case—that Senator Watson was absent from the senate from the day after the governor died until the last day of the session. That is what the record shows; he was not in the senate during that period; and it is all that the record shows. It shows his absence. Was this a disqualification? Did this render him unqualified? Did he thereby become not qualified to act when he chose and to vote as he chose as speaker of the senate and as senator?

Absence, I grant you, Mr. President, if it be long continued and contumacious, may be a cause for expulsion, for ouster, but it never can be, and never can be equivalent to, a judgment, order, or resolution of the house for expulsion or vacation. The cause of judgment is not judgment. I may have a promissory note in my pocket of some Senator present, to which he admits there is no defense, no set-off, upon which I may take a judgment without question. Is the note a judgment? There is a case in the Senate. The honorable Senator from Florida [Mr. CALL] will very well recollect where a member of this body, about the middle of the full term of six years, left it, was absent that long. What he was doing while he was away I do not know, and no one else knows, and it is no concern of the Senate nor of any Senator what he was doing; but he was absent three years from this body.

Mr. FAULKNER. And paired all the time.

Mr. TURPIE. Yes, and absent much longer than Mr. Watson

was from the senate of Delaware. Was he thereby expelled? Did he thereby become disqualified?

Mr. MITCHELL of Oregon. He was not exercising the duties of another office.

Mr. TURPIE. I do not know and no one knows what he was doing while he was absent. Was he not qualified? Did it affect him at all? The Senator could return at any time he wished and vote. It was a case for which he might have been reprimanded or expelled, or had his seat vacated; but so long as his constituency made no complaint, and so long as there was no record, or a notice of his absence, it does not affect his functions as a Senator, and there is no record in the case of Watson of even an objection or cause of objection founded upon his absence; and, similarly, Mr. Watson's rights and functions as a senator and speaker were not affected by his absence.

There are only three ways in which the functions and rights of a sitting member of a legislative body can be affected: One is by death; that is very nearly self-operative. There is simply a notice given, and the fact is entered. Another is by resignation—very nearly self-operative. The resignation is merely filed or noted on the journal, and an order made to fill the vacancy. The third is—and it is the only remaining method of disqualifying a Senator or preventing him from exercising his rights or functions—a judgment, order, or resolution of the house of which he is a member, which must be shown by the journal of that house, either for his ouster or for his expulsion—death, resignation, an order of the house vacating the seat, or expelling him from the body.

I said death was very nearly self-operative. So it is. Resignation approaches it very nearly, though both of these circumstances are noted always briefly upon the journal. But as to ouster, how can that be self-operative? Can a man expel himself from a body? Is it not necessary to convey a conception of ouster or expulsion that some person should act, and act adversely, to his further performance of senatorial functions?

There is a very old punishment referred to by the learned Senator from Oregon, called suspension. Is that self-operative? Can a man suspend himself? No more than he can expel himself; no more than he can oust himself. Suspension has always been by judgment, and by judgment of the most technical character; but it is not an American practice at all. I have examined legislative history very carefully upon this point, and I find that no member of the United States Senate has ever been suspended; no member of the House of Representatives of the United States has ever been suspended; no member of any legislature of any of the States in this Union has ever been suspended. Perhaps it is a practice that might have prevailed during the time of the colonial assemblies, but the history of those assemblies is so meager that no question of that kind has come down to us; but in looking back three or four hundred years in the history of the English Parliament—there is no recent case—it will be found there that suspension by judgment, order, or resolution of the House of Commons was one of the penalties inflicted by parliamentary sentence. This suspension, however, was always by a written order and record, and a written order and record of the most technical character. A judgment of suspension against a member of the House of Commons—and they were very rare; there are very few instances of it, and no recent instances—was made upon complaint against him, and entered upon the journal of the House. It described, in the first instance, the time of suspension—not longer than forty days. It described, in the next instance, the functions which were suspended, to which I wish to call particularly the attention of the Senate. These functions are suspended: The franking privilege, the privilege of attending upon committees, the privilege of accepting the Chiltern Hundreds—in other words, preventing his resignation; he must stand and take punishment, something like the rule of the Army, where an officer under charges is not permitted to resign—the privilege of debate in most instances. These were affected and were named specially, and specially recited in the order, resolution, or judgment of the House for the suspension of a member. They were called parliamentary privileges, personal privileges. These were suspended. The House always made the distinction, and it is noticed in argument. The constitutional privileges of a member were never suspended; they could not be. The right to vote, the right to be present, the right to make motions, were never the subject of an order or judgment of suspension, because the House said, "All this is irrational; there is no reason why a constituency should be punished for the personal delinquency or dereliction of the member. We can not disfranchise the constituency. He must vote; he must attend; he must exercise his constitutional privileges; but we will suspend his personal parliamentary privileges."

What, then, does this ancient punishment called suspension amount to, as the learned Senator applied it in this case? Even if there had been an order of the senate of Delaware suspending Senator Watson, describing, as it would have done, the things as to which he was suspended—if he had been suspended—if there had been such an order, it could not have affected his right to attend the senate and to cast his vote in the joint convention as a senator. His constitutional privileges could not have been affected by such a suspension.

The learned Senator says Mr. Watson was self-suspended. That is the expression of the Senator. I do not see how he could be self-suspended any more than he could be self-expelled, or self-ousted. I am certain there is no penalty anywhere in Great Britain or any other country where parliamentary government obtains of a member who has ever been self-suspended or self-expelled or self-ousted. Mr. President, ouster is something, expulsion is something; suspension is nothing; it is not in the American practice at all. It is a mere shadow; it is a mere ghost raised up here, without flesh or blood in order to help out a case yet more ghostly and ghastly in its character.

Mr. Watson was absent—I am now going back to the absence—because he chose to remain away in the same way as in the instance of the Senator from Florida which I have noted. Was any action of the senate taken upon this absence? None whatever.

There have been a number of affidavits filed here with respect to what Mr. Watson said or did, or what he wished, or what he would not have done if it had not been for some other things there related. For my part, I do not think there is anything in the affidavits filed on either side of much importance. I regard them as of very little materiality to the settlement of this case. It is certain that the absence of Mr. Watson, however he might have been employed, could not and did not disturb his functions as a senator, or as speaker, unless there was a judgment, order, or resolution of the Delaware senate against him, adverse to him, on that account.

Why, sir, a member of this body might go and take his chair by the Vice-President, and might say, day after day, "I am no longer a member of this body; I do not intend to act any further with it; I do not desire to have any further part in your proceedings; I am going abroad; I am going home; I am going to sea." He might repeat it and repeat, and what notice could be taken of it? So might Mr. Watson have said, or any member of the senate of Delaware have said, the same thing in much more multifarious form, in much more expressive terms than any of these affidavits. What notice could the senate of Delaware take of such expressions? What notice can we take of them in the case I mention? None whatever. Here the Vice-President, finally considering the man was a bore, might say to him, "Why do you not file your resignation? We will be glad to accept it." That would end it.

It is useless for a man to say, "I am not a Senator; I am not going to vote; I am not going to take any part in your proceedings, and have no further functions here and no further duties here." At the same time he is here unchallenged, without resignation, and without charges against him. I care not what may be his condition elsewhere, unless there has been voluntary action on his part severing his connection with the body by a written resignation filed, and noticed in the journal, or by the adverse action of the body itself, he remains a Senator, notwithstanding his disclaimer, and he can vote, he can debate, he can make motions; he has all the powers and functions of any other member of the body.

It is the record which must disclose his disqualification, whether it be of resignation or of expulsion or of ouster.

There is another phrase used by the learned and honorable Senator from Oregon in describing what he is pleased to call the condition of Senator Watson after the executive function had devolved on him. He does not use it as often as he does the phrases "vacation" and "suspension," but once or twice he said "or held in abeyance." The functions of the Senator were either vacated, suspended, or held in abeyance. I have here a very large work on parliamentary law to which I shall refer afterwards. I have looked at a good many of them, and I do not find the term "held in abeyance" in any work on that subject. It is a total stranger. I do not now conceive what the meaning of it was, nor with what purpose the honorable Senator from Oregon used it. A state of abeyance existing in the State of Delaware! One expression is plain enough, but the other is nothing but obscurity, darker and darker. What is meant by a state of abeyance? Is it some mysterious missing link between ouster and expulsion? Has this state of abeyance some occult connection with the cathode rays, or is it related to the system of the lost Pleiades? It is a pure invention of the very rich and fertile imagination of my friend, the learned and honorable Senator from the State of Oregon. Whatever may affect our judgment in this case, I hope the judgment will not be affected by the dreamy invention of the Senator or of any of his coadjutors upon the question, but that it will be decided upon the law without shadows, and upon the evidence undeniable, without doubt.

Mr. President, the jurisdiction of the Delaware senate to decide whether Senator Watson had lost any of his functions as a senator or as speaker of the senate in performing the executive duties

which under the constitution of the State devolved upon him—in other words, whether he had lost by the performance of his duty as a loyal citizen under the constitution of his State that office and those functions which the people of the county of Kent had given him under the hand and seal of their approval—that question is one of which the senate of the State of Delaware has jurisdiction original and exclusive. It is provided that they shall be the judges of the elections, qualifications, and returns of their own members. Mr. Watson was undoubtedly a member of the Delaware State senate. This provision means not only they are the judges of these things, but that nobody else is or can be the judge. It is exclusive. No committee of this Senate can be the judges. No court composed of United States Senators can be the judges. There is no tribunal possible which can be the judges of the fact or law whether he had lost any of the functions of a member of the senate of the State of Delaware.

I might for the sake of argument, and only for the sake of argument, admit everything stated or claimed by the honorable and learned Senator from the State of Oregon, and yet when you have the best of causes you must have a court which has the jurisdiction to determine it. Here is a counsel who might be furnished to-day with briefs and evidence in a case of divorce, absolutely insuperable, one in which the relief must be granted upon the facts and upon the record, one in which the relief of divorce could not be denied. But suppose he takes this case before a justice of the peace. Could he have relief? Could a divorce be granted? And here may be another eminent counsel with a bill in chancery, of perfect character, without flaw, without fault, without blemish, also entitled to complete relief. Can he file his bill in a court-martial? Would not the officer state to him immediately, "Sir, you have a good case; you undoubtedly have a right to recover, but we have no jurisdiction in such cases. We are not judges in such matters. The law does not authorize us to hear or determine such an affair.

Now, sir, a justice of the peace under our system of jurisprudence is not more absolutely denied and prohibited from hearing a divorce and granting it, a court-martial is not more absolutely denied and prohibited from hearing the depositions in a case in chancery and making a decree than the United States Senate is denied and prohibited from making any judgment in the case of Mr. Watson. We have no jurisdiction.

Senators might desire to act differently. They might desire to afford relief; they might desire to review a judgment or to make an original judgment in the case, but the senate of Delaware has original jurisdiction, exclusive jurisdiction, and the case whether good or bad must begin and end in the senate of Delaware.

Mr. MITCHELL of Oregon. Will the Senator from Indiana allow me to ask him a question?

Mr. TURPIE. With very great pleasure.

Mr. MITCHELL of Oregon. The question I desire to ask the Senator from Indiana is this: Suppose Mr. William T. Watson, instead of having succeeded to the exercise of the office of governor of Delaware, had been elected President of the United States, and had entered upon the exercise of the office of President of the United States, and pending the exercise of the office of President of the United States he had returned and taken his seat in the State senate of Delaware, and had voted for United States Senator, and had been recognized in the joint assembly as a member of the senate; does the Senator from Indiana mean to tell the Senate and to argue before the world that the Senate of the United States in a case like that, which is a parallel case, in my opinion, would be estopped from inquiring into his right to a seat in that body?

Mr. TURPIE. Of course I do. That is the very position I take.

Mr. HOAR. May I ask the Senator a question on the same line?

Mr. TURPIE. Yes, sir.

Mr. HOAR. Suppose Mr. Watson were dead and somebody else had come there (such cases happen often in popular elections) and said, "I am Mr. Watson, and am going to vote," and they let him, under the great temptation of getting a United States Senator or defeating him; would that have bound us also?

Mr. TURPIE. Yes; by all means.

Mr. HOAR. I think that is equally——

Mr. TURPIE. Allow me to call the attention of the Senator from Massachusetts to the last part of the question, "Would that have bound us also?" I did not say we were bound by the hypothetical case of the Senator from Oregon.

Mr. HOAR. I beg pardon.

Mr. TURPIE. Neither case would have bound us. I will suppose that this man who is to be elected President of the United States under the hypothesis of the Senator from Oregon had been sentenced to the State prison and put in the garb and was serving there, and there had been no record of the Delaware senate with respect to his conviction. That would not in case of his escape have prevented him from appearing in the senate and voting for United States Senator.

There is an express case in the English Parliament upon that subject where a man had been committed under sentence of a capital charge. We must take the doctrine, no matter where it lands us. It might as well be settled here now. Who shall judge of the qualifications of individual members of State legislatures? If the State legislatures can not themselves judge, and judge exclusively, whether they judge right or wrong, the independent representation of the State government is abolished and all is centralized here in the Senate of the United States.

There is no longer any independence; there is no autonomy; there is no safety for the government of a State; there is no longer any representation of any State. They have a right to judge of the representation and of the representative. Your position is that they shall not; that we must judge of it.

Mr. HILL. Will the Senator from Indiana allow me for a moment?

Mr. TURPIE. Certainly.

Mr. HILL. Carrying the illustration a little further, suppose it should be claimed here that Watson was dead, or that some other senator was dead, and that another man had come in and impersonated him, could we take evidence of the fact of death, or would the Delaware senate be the judge?

Mr. TURPIE. The Delaware senate would be the judge. We could not hear evidence on the false impersonation if there had been a judgment or recognition below.

Mr. HOAR. That presents the issue fairly, I think, on the two sides.

Mr. TURPIE. Yes, sir.

Mr. GRAY. Let me ask the Senator from Oregon [Mr. MITCHELL] if his contention goes so far, and it would seem that it does, that if there had been a judgment of the senate of Delaware that William T. Watson was ousted from the office of senator by exercising the office of governor, and that therefore there were only 29 persons in the joint assembly, it would be competent for the Senate of the United States to dispute that judgment and aver that there were 30?

Mr. MITCHELL of Oregon. As to any question of fact that the State senate have the right in the first instance to pass upon, if they do pass upon the question of fact, I concede, as I did in my speech, that it would be binding on the Senate of the United States. In other words, if in the case I put, suppose the senator in the State of Delaware, instead of having succeeded to the exercise of the office of governor had been elected President of the United States and had entered upon the exercise of the office of President of the United States; suppose that question of fact had been submitted to the Delaware senate and the Delaware senate had decided that no such fact existed. Then whether it existed or not we perhaps would be bound by it.

Mr. GEORGE. Perhaps.

Mr. TURPIE. That fact would be very apparent, and it would be adjudged the moment the man came to vote.

Mr. MITCHELL of Oregon. In this case there is no question of fact. The fact is open, notorious, admitted by all parties to the controversy, that this State senator, this speaker of the senate, did succeed to the exercise of the office of governor, and was exercising the office of governor on the 9th day of May, 1895, when he went into the joint assembly and voted for United States Senator.

Mr. TURPIE. There is no dispute about that.

Mr. MITCHELL of Oregon. And then he went back to the gubernatorial office.

Mr. TURPIE. There is no dispute whatever about that fact.

Mr. MITCHELL of Oregon. None at all.

Mr. TURPIE. I am glad the Senator says so. All the predecessors in these instances, speakers of the senate, succeeding to the exercise of the governorship, went into the senate, acted as such, after the temporary term of executive authority had finished, showing that they remained senators during the duration of that interim.

Mr. MITCHELL of Oregon. The Senator from Indiana has been kind enough to yield to me and I thank him very much. Right on this point, because all parties want to get at the truth on this question, I presume, I should like to hear the Senator from Indiana. I do not think he has touched it as yet. Perhaps he intends to do so, however, before he gets through. The Senator from Indiana has argued, and argued ably, that the speaker of the senate who succeeds to the exercise of the office of governor continues to be, not governor—he never does become governor——

Mr. TURPIE. No.

Mr. MITCHELL of Oregon. But he continues to be senator.

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. He continues to be speaker of the senate during the whole of the time that he exercises the office of governor.

The history of this case shows that in several of the ten instances that have occurred where either the speaker of the senate or the speaker of the house has succeeded to the exercise of the office of governor, their terms as senator and speaker for which they were

elected had expired by law long before they ceased to exercise the office of governor. This question I wish to ask the distinguished Senator from Indiana: In the case of a speaker of the senate who has succeeded to the office of governor, and whose term as senator and speaker of the senate has expired, when he then continues to exercise the office of governor, does he do it as speaker of the senate and as senator, or does he do it as governor?

Mr. TURPIE. He does not do it as either. He does it by virtue of a statute and the constitution of the State of Delaware, which give him the right, as a person upon whom has devolved the duties of the executive office, to exercise and to hold over it until a governor—that is the word always; until a governor, not this person—is elected by the people.

Mr. MITCHELL of Oregon. Mr. President——

Mr. TURPIE. The Senator from Oregon will excuse me. He asked a question and I have answered it.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. TURPIE. He does not do it as speaker or governor in that case.

I was a little surprised by one of the positions taken by the honorable and learned Senator from Oregon. Although many of his positions were fanciful, there was one very strange one. I never before heard it taken by any other Senator in debate. It was that the legislature of a State in respect to the qualifications, elections, and returns is a judge of the facts, the exclusive judge of the facts; but that the Senate of the United States is judge of the law. Now, I do not see anything in the constitution of any State, in the constitution of Delaware, or in the Constitution of the United States which justifies such a position. In both sections of the constitution the phrase is "shall judge." When a court tries a case it tries all the case. There is no jury. This would reduce the State house or senate to the position of a jury sitting only on and finding only facts. But when the court, this court, the Senate of the United States, judges of the elections, qualifications, and returns of its own members, it judges absolutely and exclusively all the facts, all the law, and if there are any other elements in the case other than facts and law, it would judge of those elements also. It is the judge, the one appointed, the one designated, the one to whom the power is delegated under the Constitution to hear, to determine, to decide every fact, every law, and every third element if there can be one imagined, which is necessary to decide the question as to the returns, elections, and qualifications of its members.

Mr. GRAY. Juridical facts as well as others.

Mr. TURPIE. Yes, sir. Mixed questions of law and fact; every conceivable question. The State house or senate is just as sovereign in its jurisdiction as the Senate of the United States is sovereign in its jurisdiction with respect to judging those questions of fact and law, or of mixed law and fact.

The Senator from Oregon in the debate read from a case in Kansas which the learned Senator informed us had been decided by Judge Brewer, now a very distinguished member of the Supreme Court of the United States. I wish, now, with respect to this doctrine, to read also from the case in Kansas, and by a fortuitous coincidence it is a case decided by Judge Brewer. I may say, as the honorable Senator did, that he is a very distinguished justice of the Supreme Court of the United States. He has acquired a new title to our regard as president of the Venezuelan Commission. I wish to read from his opinion about the nature of judgment as used by State legislatures, the power, the authority, the scope, the extent of it.

This was a case in which a member of the legislature was impeached for alleged drunkenness under a statute of the State of Kansas in an era of red-hot prohibitory legislation. The judge admits in the case that the member might be liable to impeachment under the section quoted, but he also says that he must be impeached in the house of which he is a member. He can not be impeached in any other court, and it is to the opinion and reasoning of the judge upon that subject that I wish to call the attention of the Senate.

The constitution declares, Article II, section 8—

That is, the constitution of Kansas—

that "Each house shall be judge of the elections, returns, and qualifications of its own members." This is a grant of power, and constitutes each house the ultimate tribunal as to the qualifications of its own members. The two houses acting conjointly do not decide. Each house acts for itself and by itself, and from its decision there is no appeal, not even to the two houses. And this power is not exhausted when once it has been exercised and a member admitted to his seat.

That is the first adjudication, when a man's credentials are read and he is admitted to a seat. That is the first adjudication of the house upon credentials.

And this power is not exhausted when once it has been exercised and a member admitted to his seat. It is a continuous power.

This absolute power, this ultimate power of decision—

It is a continuous power, and runs through the entire term. At any time, and at all times during the term of office, each house is empowered to pass upon the present qualifications of its own members.

"The present qualifications," the qualifications of to-day, no matter how long the man has been here. Each house is authorized and qualified to pass upon the present qualifications of its own members.

By section 5 of the same article, acceptance of a Federal office vacates a member's seat. He ceases to be qualified, and of this the house is the judge. If it ousts a member on the claim that he has accepted a Federal office, no court or other tribunal can reinstate him. If it refuses to oust a member—

Although he holds a Federal office in direct contradiction to the constitution of his own State—

If it refuses to oust a member, his seat is beyond judicial challenge.

That would be a very great abuse of power in the legislature of Kansas. It would be a very great misuser; it would be a gross abortion of this great prerogative, but no power can challenge it.

This grant of power is, in its very nature (and so as to any other disqualification), exclusive; and it is necessary to preserve the entire independence of the two houses. Being a power exclusively vested in—

The two houses—

it can not be granted away or transferred to any other tribunal or officer.

This was in the supreme court of Kansas, the highest court in that State. This case of Watson is in the Senate of the United States, the highest court in the Union; let me add, the highest court in the world. Not even to this supreme court of parliamentary decision can the question of the membership of a State legislature be transferred or delegated.

It may appoint a committee to examine and report, but the decision must be by the house itself. It, and it alone, can remove. Perhaps, also, it might delegate to a judge or other officer outside of its own body power to examine and report upon the qualifications of one of its members. But neither it nor the two houses together can abridge the power vested in each house separately of a final decision as to the qualifications of one of its members or transfer that power to any other tribunal or officer. And an act which purported to grant to the district court power to remove from office must be construed as not embracing members of the legislature; or if its language specifically names or necessarily includes them, then as to them the act is unconstitutional.

There is an unconvicted felon seated in the legislature of Kansas that the house may refuse to oust. Nobody else can oust him. He is a felon; he is simply unconvicted; this man in the case named was an unconvicted felon. I know the desire of the Senator from Oregon [Mr. MITCHELL] for justice, his desire for right; but the jurisdiction of this Senate as a court can not be extended, nor can the jurisdiction of any State legislature be excluded by the desire of the Senator no matter how warm, how zealous, how well purposed, or disposed. What is needed is an amendment to the Constitution of the United States declaring that we shall not only be the judge of the elections, qualifications, and returns of our own members, but of all the members of the legislatures who vote for the persons who sit here.

Mr. MITCHELL of Oregon. May I ask the Senator a question for information? In the case to which he has just referred, what did the legislature of Kansas do in passing upon the question? What did they find? Does the case show that?

Mr. TURPIE. They found nothing.

Mr. MITCHELL of Oregon. Did they pass upon the question as to whether or not this alleged disability existed?

Mr. GRAY. They refused to pass upon it.

Mr. TURPIE. They refused to pass upon it, but allowed him to stay there and vote and act as a member.

Mr. MITCHELL of Oregon. It was an adjudication that the disability did not exist?

Mr. TURPIE. It was a constructive adjudication, not an actual one. When they found they could not unseat him in the house they brought a suit in the district court, that is, the inferior court of Kansas, and that court decided that he was not a member.

Mr. MITCHELL of Oregon. That is where the case came up?

Mr. TURPIE. Yes; because he had taken a Federal office, violating his oath of office. Then it went to the supreme court and the supreme court decided that he was a member and nothing could unseat him as a member except a judgment of the house of which he was a member.

Now I come to the Kansas cases cited by the honorable and learned Senator from Oregon. I do not know that they have the most remote relation to the case in argument, but out of deference, as I said before, to the person in the presidency of our committee, and to the course he has given to this discussion, I shall notice the Kansas cases.

The first is that of a person who was elected State printer by the legislature of Kansas on joint ballot of that body. In that legislature at the time there were four senators in the senate who were admitted to the Kansas State senate and qualified and acted as such, three of whom voted for this person who claimed to be elected State printer without which 3 votes he could not have been elected. It seems from the facts stated by the judge in making his opinion that these four senators were elected from districts (the names are given) which were not entitled under the apportionment act of the State to elect or choose senators. They were entitled under a resolution of the senate. The court then goes on to say and decide that they were not members of the legislature,

not entitled to vote for State printer, and this pretended State printer was not elected. They took jurisdiction of the case because these people were not members of the legislature, never had been, and never could be. To allow them to be considered as members of the legislature would be to allow the apportionment act of the State to be amended by a senate resolution—the resolution of one branch of the legislature. To allow such people as these to be considered as members of the legislature would be to allow that there could be a member of the legislature without any constituency authorized by law and without any seat subject to occupancy, to use a phrase very much used and very often repeated by the honorable and learned Senator from Oregon. Yes, there must be a seat subject to occupancy; there must be a constituency which is entitled to send a senator, and there must be a law creating the senatorial district authorizing the constituency to be represented. These are the elementary principles of parliamentary representation. None of them existed in this Kansas case and it is entirely foreign to any question in this case.

Now I pass on to the second Kansas case. A law was passed at the special session of the legislature called for some reason on some subject—I have forgotten the subject. In that case there were 4 members of the house of representatives who acted and voted as members of the house of representatives and they all 4 voted for this law. Without their votes it was no law; it could not have been passed. The constitution of Kansas provided at that time that the house of representatives should consist of 125 members. The 4 members who voted for this law, declared to be void, were supernumeraries; fictitious, spurious; they were there; they were recognized; they voted pro and con; but their presence made the house of representatives of Kansas to consist of 129 members, when under the constitution of the State there could be only 125 members of the house. The court had no trouble in disposing of that case, in claiming jurisdiction of it and deciding it. Why? Because these people had never been members of the house. There was, therefore, no adjudication and no action, no order, no resolution, no recognition of the house which could make them members. There were no seats for them in the house. No such seats existed. There were no constituencies; there were no districts. The whole thing was fabulous, fictitious. I do not see any difficulty in that case, in the decision of it, or in the reason of it, but I do see a good deal of difficulty in applying it to the case of Mr. Watson.

The legislature in the Kansas cases I have spoken of attempted to adjudge the rights of a person as a member when there were no seats subject to occupation. Now, this is involved in the case of election, that very ordinary phrase used, "Each house shall be the judge of the elections, returns, and qualifications of its own members." When the house judges of elections it judges of whether there are any seats subject to occupancy at the time the elections occur, but it can not increase the number beyond what the constitution provides, or beyond the district created by law because its adjudication in such case has no subject-matter.

This is decided by Judge Brewer in relation to a State printer, and concerning the validity of a law, but when the same judge came to decide the question directly of a member's seat and title he declined the jurisdiction as in the case already cited, and says that the house itself has the sole jurisdiction in such cases.

There are three things necessary to make a court. One is the judge, another is the plaintiff, another is the defendant. There are three things necessary to make a judgment in a case. One is the court, another is the parties, and another is the subject-matter to which the judgment applies. Where there is no seat there can be no judgment respecting a seat.

Then the Senator supposes a case where the State senator is 27. The constitution requires that he should be 30 years of age, and the record on its face shows that he is only 27, and yet he was seated. He asks can we revise this? He asks why we may not revise this; why can we not declare that he ought not to be seated and that he is not seated, that he was not seated; why can we not declare that the judgment of the house of representatives in such case in a State legislature was void, was null; why we do not act as a court of errors and correct the error, especially upon a question of mere fact? Why, sir, in such a case as the one put by the honorable Senator from Oregon, I assume that the error, the plain error, is gross, but that does not give a court or tribunal jurisdiction which has no power to hear and determine the case. The grossness of the error can not give jurisdiction to a tribunal which by law has none, and especially the grossness of the error can not give the power to judge where the power does not exist.

Mr. MITCHELL of Oregon. The Senator does not wish to misstate my position I take it. I think the Senator misstates my position.

Mr. TURPIE. I do not think I have misstated it.

Mr. MITCHELL of Oregon. Upon that point.

Mr. TURPIE. No, sir.

Mr. MITCHELL of Oregon. I stated in giving that illustration that in the case of the Delaware constitution a person to be eligible to a seat in the State senate must be 27 years of age. I stated that if a person who was but 20 years of age should apply for a seat in the senate and the senate of the State of Delaware should pass upon the question of fact as to his age and admit a person who as a matter of fact was but 20 years of age and there was nothing on the record to show that fact in that case, the judgment of the Delaware senate would be conclusive upon the Senate of the United States, and we would have no power to inquire into that question of fact which had been determined by the Delaware senate, nothing appearing upon the face of the judgment to show that the court had no jurisdiction. But I stated furthermore if it should appear on the face of the judgment rendered by the senate that the person who was admitted was not 27 years of age, but was only 20 years of age——

Mr. TURPIE. Mr. President——

Mr. MITCHELL of Oregon. Let me get through.

Mr. TURPIE. No, I beg the Senator to allow me to interrupt him.

Mr. MITCHELL of Oregon. That he was only 20 years of age——

Mr. TURPIE. Mr. President——

Mr. MITCHELL of Oregon. That fact appearing upon the face of the record, the United States Senate would not take——

Mr. TURPIE. I think the Senator ought to yield to me. He has interrupted me very frequently. Can I not interrupt him once?

Mr. MITCHELL of Oregon. Certainly the Senator will allow me to finish my sentence. The Senator very kindly and courteously yielded to me to correct a statement of the Senator who was, as I thought, misrepresenting me.

Mr. TURPIE. No; I was not.

Mr. MITCHELL of Oregon. Not knowingly.

Mr. TURPIE. I do not admit any such thing, either knowingly or unknowingly.

Mr. MITCHELL of Oregon. The Senator was doing it, all the same.

Mr. TURPIE. No, sir; I was not, and I do not abate anything from the statement made. The Senator can make another if he wishes, but I adhere to the original statement made. He makes now two hypotheses very different.

Mr. MITCHELL of Oregon. It is just what I stated in my speech.

Mr. TURPIE. They are wholly alien and foreign to the case before the Senate. I ought not to have noticed it at all; that was a mistake. One is favorable to the hypothesis which he entertained. A man was only 20, and the record did not show it. I did not say anything about that; but of the other branch of the hypothesis, where the man was 20, and the record did show that he was of constitutional age—that is the case I stated. The first, the worst case against our position, and the best case that the Senator took, I stated. I did not state the other. Is that any misstatement? Where a man undertakes to make a statement of a position taken by the honorable Senator from Oregon, must he state all his positions?

Mr. MITCHELL of Oregon. He should state all the elements that enter into the statement.

Mr. TURPIE. The elements are not at all material. I care nothing about your first case stated. That is a case which you say yourself and admit yourself we could not inquire into.

Mr. MITCHELL of Oregon. The Senator, however, failed to state in the statement he made that it appeared on the face of the judgment that the man was but 20 years of age.

Mr. TURPIE. No, sir; I stated it with emphasis. It is the particular point I wish to make. I stated it then, I state it now. This person is a senator only 20 years of age. The constitution of Delaware requires that he shall be 30, but the journal shows that he is only 20. That is the statement I made originally.

Mr. MITCHELL of Oregon. Now the statement is correct.

Mr. TURPIE. Yes, sir; it was correct in the first instance. The Senator is not correcting it and can not correct it.

Mr. MITCHELL of Oregon. The Senator from Indiana has corrected it himself.

Mr. TURPIE. No, sir; I am not correcting it; I am simply repeating it. The last case is the one which I stated originally, where the journal of the senate contradicts the constitutional provision with respect to the age of a senator. I say that the judgment of the senate is just as binding in that case as it is in any other. There is no possible state of facts or of law which can give to the Senate of the United States jurisdiction to adjudge the rights of an individual member of a legislature, I do not care what they are. That is the position assigned to us under the Federal Constitution. Let us take it, live up to it, stand by it, go with it wherever it may lead us.

Mr. GRAY. That is what Judge Brewer says in the case the Senator read.

Mr. TURPIE. Yes, sir; he says the same in more eloquent

language. This statement of mine, which I have committed to writing in pencil and which seems to grit like sawteeth upon the auditory nerves of the honorable Senator from Oregon, I shall take pleasure in repeating. I have got it here in pencil.

Mr. MITCHELL of Oregon. That is right.

Mr. TURPIE. Supposing a case where a Senator by the constitution must be 30 years old, and the record shows on its face that he is only 20 (I am reading now just what I did before), yet he is seated, can we revise the judgment? No; we can not. The error is plain, gross, but this fact does not give a court or tribunal jurisdiction which has no power to hear and determine the question. The grossness of the error can not constitute such grant of power. Such error is irremedial. There is no remedy for it. It is an incurable error. It may be thought that such errors are very strange, but they are not. They are not common, but they are not uncommon. We have in the profession, sir, to which you and myself have so long devoted our attention, a book which is called Bigelow's Overruled Cases. It has a list of over a thousand cases, decisions of courts of last resort in the different States of the Union, and in the Supreme Court of the United States, cases in which there was an error in the judgment as delivered, cases in which the courts overruled their former decisions and corrected the error. Now, I ask what is the condition of one who has been adjudged against wrongfully in such a case as these thousand parties were. He is not relieved by the overruling; he is not reached in the ruling of a subsequent case not his own.

Mr. GEORGE. In another case.

Mr. TURPIE. In another case. He is not reached. There is no remedy. There is no redress. The best known volume in the profession shows that there are at least one thousand irremedial errors committed without corruption, and I might say without fault, by the highest courts of the country. It is not strange, it is not uncommon, that these State legislatures should occasionally commit an irremedial error, as I have no doubt they have and would in the case put by the Senator.

But what has all this to do, allow me to ask, with the question in argument? In the State of Delaware the apportionment of members of the legislature and the number of members of the legislature are both fixed in the constitution, the fundamental law of the State. In most States of the Union the number of members is fixed by an act of the legislature, and in most States of the Union the districts which elect are apportioned by an act of the legislature, but apportionment and the fixation of numbers in Delaware is made in the constitution. It was made there sixty years ago, and stands just as it was made. Delaware, like Gaul, is divided in three parts—Kent, Sussex, and Newcastle, three counties. Each county of the three counties is entitled to three senators. That is a constitutional provision; and each county is entitled to 7 representatives. That is a constitutional provision; and the whole number of members of the legislature is 30. That is a constitutional provision.

Now, with respect to the case of Watson, was there a seat subject to occupancy at the time of his election? Unquestionably there was a seat subject to occupancy, for the county of Kent was entitled to elect three senators, and it appears from the journal Mr. Watson was one of them. Of course, afterwards one of these seats may become vacant, but that does not assimilate to the doctrine of the Kansas cases. A vacant seat is yet a seat, just as an empty basket is a basket. There was a seat, then, subject to occupancy. There were seats subject to occupancy from the county of Kent, and eligible by the constituency of the county of Kent at the time when Mr. Watson was elected. He was not chosen from a district which was not in existence; he was not a supernumerary. He was not chosen by a constituency not authorized by law to send a senator. He was not a tenth senator, then, who would come within the Kansas rule, for under the constitution of the State there can be only nine. He was not a senator from the State at large, for that is no district. He represented a legitimate, lawful constituency, and it took him, with the other two gentlemen, to make up the three senators of which the delegation from Kent was composed, and to make up the nine senators of which the senate of this State was composed. There were seats subject to occupancy in the case of all those senators, and they voted and acted as members, without once being subjected even to the suspicion that they were there without seats behind them, or without having legitimate constituencies which had sent them.

The learned and honorable Senator from Oregon says that there may be a time in which the legislature of Delaware shall consist of 29 members. This hypothesis is put in such a purely cloudy and ethereal manner that I am inclined to admit it. There may be a time when the legislature of the State of Delaware may be composed of only 29 members; certainly there may be. Whenever the constitution of the State of Delaware is amended so that there shall be but 8 senators and 21 representatives, that time will come. That hypothesis is perfectly comprised within the limits of such time. But while the constitution of the State of Delaware remains as it is, providing for 9 senators and 21 members of the house of representatives, there can not, during that time, ever be a period when the legislature of the State of Delaware will be composed of less than thirty members. Some member may be absent; he may not attend; more than one—two or three—may be absent; but the composition of the body does not depend upon attendance or nonattendance. It depends upon the fundamental law of the State, fixing the number at 30. Without a change of the fundamental law of the State it could be no less and no more.

When a seat is filled by the election of a member, it is no longer subject to occupancy, and it can not become so unless by death, resignation, or adjudication, resolution or order of one of the houses, declaring it to be vacant by the expulsion, ouster, discharge, or dismissal of one of its members. The action, adjudication, and recognition of Mr. Watson as a senator was as to who should occupy a seat lawfully existing. It was therefore perfectly within the power of the legislature; they had full jurisdiction to decide whether he should occupy it or not. It binds the United State Senate as it binds all the world. The pretended action, judgment, and resignation in the Kansas case concerned the occupant of a seat which had no existence, and could have none; the thing likely never was, is not, and can not be. The adjudication, order, and recognition of the State senate as to its own members, for whom seats are by law created, is conclusive and exclusive; and Watson was such a member.

Sir, I wish to examine, as briefly as I can, the law of the United States Senate, the law of our own body upon this question. None of these questions are new; they have often been adjudicated, and the law is well settled. There is no feature of this case which presents a question which has not been repeatedly adjudicated by the Senate of the United States sitting as a court. The Senate of the United States has often adjudged, ordered, and decreed, as to two bodies, each claiming to be the lawful legislature of the State, which was the lawful legislature, and entitled to elect a United States Senator. That has been repeatedly the subject of judgment by the Senate. Again, the United States Senate has very often decided as to which of the two houses of a State legislature, each of which claimed to be the genuine house or the genuine senate, was in fact the genuine house or the lawful senate. That has been very often decided here; but the United States Senate has never decided, and has always refused to decide; it has never adjudged; it has always refused to take jurisdiction for the purpose of adjudging in any case as to the right of an individual member of a legislature to vote and act as such either in joint convention or elsewhere. The Senate of the United States has never adjudged in any case respecting such right of an individual member.

Sir, I refer to the case of Sykes against Spencer, decided in 1873, and I wish to call the attention of the Senate to some parts of the opinion delivered there.

Mr. HOAR. In what year was that?

Mr. TURPIE. In 1873. In Sykes against Spencer, page 521, Taft's Senate Election Cases, the following is the opinion of the majority:

> In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature which is conceded to have a quorum in both houses of legally elected members. But, undoubtedly, the Senate must always inquire whether the body which pretended to elect the Senator was the legislature of the State or not, because a Senator can only be elected by the legislature of a State.

I quote that in support of the position taken by me, that the Senate may lawfully adjudge, and always adjudge, as to which body, where a contest arose, was the genuine legislature; and I quote it also to show that, as to the right of an individual member to sit in the legislature, the committee is of the opinion "that it is not competent for the Senate to inquire." It is stronger than I had thought it was. I thought the opinion rendered by the committee was that it is not competent for the Senate to judge as to the right of individual members to sit in the legislature; but the text of the opinion, very celebrated and very fully discussed, never questioned since, is:

> In the opinion of your committee it is not competent for the Senate to inquire as to the right of individual members to sit in a legislature——

Mr. GRAY. And the Senate adopted the opinion of the committee in that case.

Mr. TURPIE. Yes, sir; they adopted the opinion in that case unanimously.

I now read from the minority opinion in the same case. This was an Alabama case:

> Each house of the general assembly of Alabama is the exclusive judge of the election, returns, and qualifications of its members, and any inquiry into such question by the Senate of the United States would be as unwarranted by precedent as it would prove dangerous in practice.

This case happened twenty-two years ago, and a committee of the Senate of the United States decided that the inquiry into the right of individual members to sit in the legislature was unwarranted by precedent; that there had been no precedent for such an inquiry. This body is now over one hundred years old, and in

its whole history there is no precedent for an inquiry into the right or title of an individual member of a legislature; there had been no precedent for it at the time this report was made, which, as I say, was twenty-two years ago. I read further:

In a contest like the one now under consideration, between two persons elected to the Senate by different bodies, each claiming to be the legislature of the State, the Senate may look into the constitution and laws of the State to ascertain which of the two bodies, if either, has been organized in conformity with their provisions, but it can not rightfully inquire into the election returns and qualifications of the members of either body.

Mr. GEORGE. Is that the Sykes case?

Mr. TURPIE. Yes, sir; the case of Sykes against Spencer, decided in 1873, and found on page 521 of Taft's Senate Election Cases. They did decide between these two bodies, which was the legislature, and seated Senator Spencer accordingly.

But with respect to the question now in argument, this is what is decided, that—

It can not rightfully inquire into the election, returns, and qualifications of the members of either body.

Either the genuine body or the spurious body. They will not inquire about the right of individual members:

If the Senate could enter upon such inquiry, where would be the limitation upon its prerogatives?

The committee goes on with reasoning in support of its opinion:

Could it not as legitimately inquire into the manner in which any election officer had performed the duties of his office, and even into the qualification of the electors who had voted for members of the State legislature?

Certainly. If we once enter into the field of inquiry into the right and title of an individual member of the legislature, we shall have to take jurisdiction of the whole body of laws in the 45 States, and the duties of inspectors and judges of elections, and of the qualifications of the voters at the polls, in the first instance. Sir, we are not competent for such labor; we have no time for such labor; it is totally inconsistent with the duties of this body that it should ever be assumed. That is one of the reasons, one of the very smallest reasons, why this jurisdiction has never been assumed, why it is expressly forbidden and prohibited.

Take a similar case founded upon such hypotheses as those of the honorable and learned Senator from Oregon, founded upon supposed constructions of the constitution of the State of Delaware. We would have to acquaint ourselves and be familiar with the constitutions of the whole number of States in the Union, with the decisions of the supreme courts of those States upon constitutional provisions, with the first decisions and the later decisions, whether this one or that one had ever been overruled, questioned, or doubted. This would be a laborious duty for a court which had no other imposed upon it.

Mr. GRAY. May I make a suggestion there?

Mr. TURPIE. Certainly.

Mr. GRAY. I wish to ask the Senator from Indiana, by way of suggestion, whether, if the contention of the Senator from Oregon be admitted, that the judgment of the senate of Delaware in regard to Mr. Watson's seat is not final, exclusive, and binding upon this body, upon what reasoning or upon what philosophy is the finding or judgment of this body in regard to Mr. Du Pont's seat to be considered final, binding, and exclusive?

Mr. TURPIE. The finding or the judgment which we may make in this case is not at all conclusive except for the same reasons that the finding and judgment or order of the State senate of Delaware would be conclusive in a like case.

Mr. GRAY. And under a similar provision of the constitution of the State of Delaware and the Constitution of the United States in the same words.

Mr. TURPIE. Yes, sir.

Mr. GRAY. Making each house the judge of the election, returns, and qualifications of its members.

Mr. TURPIE. Yes, sir.

That celebrated section of the Federal and State constitutions to which the Senator from Delaware has just alluded is a statute of peace, is a statute of repose. Its object is to make an end to controversies, and finally to determine and permanently finish questions with respect to the qualification, election, or return of any member of a legislative body within the United States. I think it is one of the most beneficent provisions in the Federal Constitution, as it is in the State constitution, that there should be such a finality provided, and that peace somewhere and the end of controversy somehow should be reached in such cases.

I read further from the opinion of the committee in the case of Sykes *v.* Spencer:

The undersigned would not restrict the Senate in its constitutional right to judge of the election returns and qualifications of its own members, but would regret its assumption of powers belonging exclusively to the two houses of the State legislature. (Sykes *v.* Spencer, p. 528.)

I wish to put that opinion of the Senate, delivered twenty-two years ago, unquestioned, never doubted, against the opinion of the honorable and learned Senator from the State of Oregon.

The honorable and learned Senator from the State of Oregon said—he has said many things—that the legislature of the State, the State senate, or the State house of representatives, can judge only of questions of fact; that questions of law must be determined elsewhere. Mr. President, this committee of the United States Senate says—

Would regret its assumption of powers belonging exclusively to the two houses of the State legislature.

All other jurisdiction is excluded. I care not what may be the subject-matter of it, whether it be law, whether it be fact, or whether it be any other third element, it is excluded, shut out by the ordinance of each State providing that these qualifications, elections, and returns shall be solely adjudged by the members of the respective houses of each legislature. Their jurisdiction is sole. All the power, all the judgment, all the jurisdiction of any other tribunal is foreclosed; it is impossible; it is barred; and it never can lawfully enter.

Mr. MITCHELL of Oregon. If the Senator will allow me at that point, in order to test the question as to which of us is correct on the proposition as to whether or not the senate of the State of Delaware is to be the exclusive judge of the law bearing upon the qualifications of a person to sit, I wish to ask him a question. My question is this: The constitution of the State of Delaware, of course, undertakes to fix the number of persons who shall constitute the State senate. The Delaware constitution may fix it in terms, so that it is perfectly plain and there is no room for any misunderstanding as to the number. Then, again, the constitution might so phrase it as to leave the matter open to construction as to whether the Senate should consist of nine members or ten members. But suppose it to be plain—as it is in the case of Delaware, I admit—that the senate of the State shall consist of nine members, and suppose the Delaware senate declares that it shall consist of ten; in other words, the Delaware senate, in construing the constitution of the State of Delaware, construes it wrongly, as everybody will admit. The Senator from Indiana says that is a question which is within the exclusive jurisdiction of the Delaware senate, and whether they construe the law right or construe it wrong the hands of the Senate of the United States are absolutely bound. To come back to my question, suppose in this case the Delaware senate should say that "the senate shall consist of ten members," and the constitution on its face, in clear and unequivocal terms, says "there shall be but nine," would the distinguished Senator from Indiana hold that the Senate of the United States was bound by that adjudication? If we are not bound by it, then we are not bound by it in a case where there is a question as to the construction; and here there is a question. We, upon this side, claim that pending the exercise of the office of governor by the speaker of the senate and one of the senators, the number of the senate of the State of Delaware shall be but eight, while the Senator from Indiana and the Senators on the other side say it shall consist of nine.

Mr. TURPIE. I decline to yield further, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana declines to further yield.

Mr. TURPIE. The Senator is just repeating for the thirtieth time the position which he took in his first argument I yielded to the Senator to ask a question. He asked it, and I think the Senator ought not to have gone beyond.

Mr. MITCHELL of Oregon. I beg pardon. I went perhaps a little further than I should have gone, but I should like to have an answer to the question.

Mr. TURPIE. I do not know whether I shall grant the pardon or not, but I will recommend that executive clemency be granted to the Senator. [Laughter.]

Now, I want to get at the question of the Senator. The only thing I regret is the waste of time in determining the philosophy of conundrums. The Senator seems to be infested with conundrums, and I told him yesterday we could not administer the Government in that way. I think the question is this: Supposing the constitution of Delaware as it is provides that there should be 9 members and the senate of Delaware should decide that they should have 10 members, the honorable Senator wants to know if the United States Senate would be bound by that adjudication.

Mr. MITCHELL of Oregon. That is the question.

Mr. TURPIE. I do not think that question could come here. That is the Kansas cases stated over again. Where there is no subject-matter, there can be no adjudication, but we have no power to decide it. What was done in the Kansas case? If such a question were raised in the State of Delaware, there are many ways of deciding it, first, in the circuit, and then in the supreme court of that State. It never would become a Federal question at all, and never would come here as this court is not a court of errors in any case, and the reason that I am now taking this position in this case, and those who are acting with me, is this: You say *you* have raised the question. I admit it. You have been raising it for three or four days; I admit it, but it is the Senator from Oregon who is raising it here now. It is not raised by any

action of the senate of Delaware, and could not be—their own action is final—if by the courts of Delaware, and it still remains without our jurisdiction.

The Senator from Oregon thinks that a small error in the State senate is binding, but a very gross error is not binding. There is no error large or small that we can revise.

The case of Sykes and Spencer was decided, as I said, in 1873. In that case no actual judgment or adjudication had taken place upon the contested cases of individual members subsequent to their admission, and the decision of the minority and the majority both rested upon the action and recognition of persons voting in the joint convention as members of either the senate or the house, and consequently of the legislature. There was no formal action or adjudication in the Sykes and Spencer case. The opinion of the committee was delivered upon the fact that they had acted and voted as members of the legislature, and that was taken to be a constructive adjudication of their right to do so; and that right having been exercised, the Senate of the United States would not inquire into or question the right of individual members to have acted as members of the joint convention.

In the next case which I wish to cite, there is an express adjudication, that is an Indiana case, usually called the Turpie case, decided here in May, 1888. In that case there was a contest in the State senate. One member was ousted and another member seated. That contest was sought to be transferred here. It was claimed that the member who was ousted had been lawfully elected, and that the member who was seated had been wrongfully seated; that he was a mere usurper; that the seat was taken away from the incumbent and given to another, merely for the purpose of electing a United States Senator. That is the remonstrance in the Turpie case. Of course it was not well founded, but that was the fact stated in that remonstrance. The United States Senate was asked not to decide, but to hear. This is what the committee unanimously reported in that case, a very able opinion by the distinguished Senator from Massachusetts who sits near me [Mr. HOAR]:

> The committee are of the opinion that the facts offered, if proved, will not warrant the Senate in declaring the sitting member not entitled to his seat. There can be no doubt that the body in question was the constitutional senate of Indiana.
>
> The journals of both houses of the legislature of the State have been submitted to us. It appears that the body was recognized as the senate by the governor and by the house of representatives. Statutes to which its constitutional assent was necessary were enacted and have become part of the law of the State.
>
> We also think that the judgment of the senate of Indiana as to the title of Messrs. Branahan and McDonald, the two members in question, to their seats is binding upon the Senate of the United States. This body is made by the Constitution the judge of the election, qualifications, and returns of its members. The senate of Indiana is likewise the judge of the election, qualifications, and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the characters of electors is to be determined by the legislative body of the State.

Now, where, upon the hypothesis of the remonstrance in that case, could there be such circumstances and facts more imperiously demanding relief? Here was one person lawfully elected and sitting in actual occupancy of his seat, and another, who they claimed not to have been elected at all, was given that seat and the lawful incumbent ousted for the express purpose of affecting the election of a person as a member of this body. Where shall relief be given if not in such a case? If relief was refused in that case where shall we grant it? Was there ever a more monstrous case, violative of every principle of morality, of propriety, than this case as made, than this case as given? Yet the Senate of the United States decided that they would not inquire into that judgment. I read further:

> We can not inquire into the motives which control its judgment. In rendering that judgment, whether it shall give a hearing to parties, permit debate, examine witnesses, act upon evidence or without evidence, are matters within its own discretion. If that discretion were exercised in the manner charged by the remonstrance, a majority think that a public crime was committed, for which the offenders are responsible to the people of Indiana. But we can not try the question.

Now, the impossible and imposing dilemmas of the learned and honorable Senator from Oregon, these gigantic conundrums with which he has interrupted the deliberations of the court in the conduct of this case, these most fanciful, dreamy, cloudy reveries which he has made public upon so many occasions, are any of them crimes? Do they approach the dignity of offenses, or even misdemeanors? But here is a case where it is said that if the legislature adjudged as stated they committed a crime. No fable, no fiction, but a high crime, a misdemeanor against the people of a sovereign State; but it is also said that we, the Senate, will not inquire into the same, just as Gallio, after hearing the criminations and recriminations of the Jews before him, "cared for none of those things." The Senate can not care for them. It is not our province; it has not been made our concern. We have no jurisdiction either of crime or of misdemeanor or of incompatibility, or of any of the things stated or imagined or all of them, not because the senate of Delaware may have passed upon them or may not have passed upon them, whether they have passed upon them or not, we have in either case no power to pass upon them. Here there was an adjudication, a very harsh adjudication, a cruel, unfeeling adjudication under the case made. Yet the Senate of the United States is bound by that adjudication no matter how wrongful.

What is the imaginary case stated by the honorable and learned Senator from Oregon about a man being 20 years of age when he ought to be 30 and about the representation from a county being 9 when it ought to be 10? What are any of those things compared to this crime, this felony in the case put here committed against the franchises of the people of Indiana? Can we not inquire into this? No, the Senate of the United States is not a court of errors; it is not a criminal court of appeals; it has no jurisdiction in such cases.

I ought to say, by way of explanation, perhaps, as to what I related about the member of the House of Commons who had been sentenced by penal judgment and was afterwards seated there, that at the time it was not officially known that the judgment existed. As soon as it was known the House expelled him by an order and judgment.

When a member of a legislative body presents his credentials and is sworn in and seated, his title to membership is absolute, and continues until the records of the house of which he is a member show that he has been disqualified, that he is not entitled to a seat there further, or that some other person is entitled thereto. Such an entrance into a deliberative body, such an admission upon credentials, has all the effect of a formal adjudication. It is a judgment by confession.

The honorable and learned Senator is always talking about adjudication, as if it included a trial and hearing. There are judgments rendered without trial and without hearing. A judgment by confession is just as binding as any other sort of a judgment, and when a member is introduced into this body, carrying in his hand credentials which are placed on file, and he is sworn in and is admitted and takes his seat, that is a judgment by confession in his favor against all claimants and all challengers of his right. It is a solemn admission of every member of the Senate, of every member of the body, that he is a fellow-member, and entitled to all its franchises, privileges, and functions.

Now, sir, I wish to read something, because I have not in the whole course of this argument taken a single position which is not supported by the written opinions and judgment of this body, this court. I wish to cite another case, that of Clark and Maginnis against Sanders and Power, page 637 of Taft's Election Cases:

> The majority of persons having a right to seats in the House of Representatives—

This was concerning a seat in the house of representatives in the State of Montana, and there was a question between two sets of people as to which had the right to be considered as representatives in that house, and consequently which had the right to vote for United States Senators. This is the opinion:

> The majority of persons having a right to seats in the house of representatives have a right to organize that house and to transact all its lawful business, including the enactment of laws and the election of Senators. Persons who have the certificates of election have such right to seats.

The possession of credentials carries with it the right to a seat unless it is questioned.

> Every act of the assembly in which they take part, and to which their consent is necessary, has as absolute validity as if their title had been affirmed by an adjudication of the house itself.

That is the position which I have just taken. The moment a member is admitted on his credentials, that is as formal as if an adjudication had been made in the case.

> Their title is not—

The opinion of the Senate goes on to say—

> as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place.

That is another written decision in favor of my position. It is not only an absolute adjudication—this admission upon credential—but it is a continuous adjudication, and keeps the title and functions of the representative or senator alive until there has been an adverse action or adjudication by the house of which he is a member.

> This adjudication—

that is, an adjudication made adverse to a member after he has been seated—

> is only operative for the future, and has no retroactive effect whatever. When the house makes the inquiry on the merits, it may treat the credentials as prima facie evidence upon that question. But until the house tries the case the credential is conclusive to all the world.

It is "conclusive ot all the world." The Senate of the United States is a very great body, but it is comprised, I think, in that expression. It is a part of the world, and what concludes all the world must conclude us. The credential of a member of a State legislature, whether of the senate or of the house, concludes the Senate of the United States. It not only concludes it for the day he is admitted, but it continues to conclude us. It is an adjudication continuous. It continues until there has been an adverse

action by the house of which he is a member. Then the authority of that adjudication ceases.

Now, sir, I wish for a moment to call the attention of Senators to the credentials of William T. Watson, one of the senators from the county of Kent in the State of Delaware, and I will ask the Secretary at the desk to read the credentials with the signatures.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

STATE OF DELAWARE, *Kent County, ss:*

Be it remembered that at the general election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety-two, for Kent County, according to the constitution and laws of the State of Delaware, William T. Watson was duly chosen senator for said county in the general assembly, which is manifest by calculating and ascertaining the aggregate amount of the votes given for each person voted for, according to the provision made by law in this behalf.

In testimony whereof we, the sheriff of the said county and the inspectors of the several hundreds and election districts of said county, who have this day met and ascertained the state of the said election throughout the said county, as the law requires, have hereunto set our hands, at the court-house in said county, on Thursday, the tenth day of November, being the Thursday next succeeding the day of the election aforesaid in the year aforesaid.

Amos Cole, sheriff; J. C. Stockly, inspector for eastern election district of Duck Creek Hundred; Samuel J. Reynolds, inspector forwestern election district of Duck Creek Hundred; R. E. Carsons, inspector for Little Creek Hundred; John F. Bell, inspector for Kenton Hundred; Edward R. Knotts, inspector for election district No. 1 of East Dover Hundred; James A. Kerin, inspector for election district No. 2 of East Dover Hundred; Charles A. Garton, inspector for third election district of East Dover Hundred; Alfred G. Sturdevant, inspector for West Dover Hundred; William R. Postles, inspector for eastern election district of North Murderkill Hundred; George W. Walheater, inspector for west election district of North Murderkill Hundred; Robert H. Sipple, inspector for election district No. 1 of South Murderkill Hundred; George C. Mason, inspector for election district No. 2 of South Murderkill Hundred; Nathan F. Raughley, inspector for election district No. 1 of Mispillion Hundred, J. R. K. Miller, inspector for election district No. 2 of Mispillion Hundred; Luther F. Cubbage, inspector for eastern election district of Milford Hundred; William A. Truitt, inspector for western election district of Milford Hundred.

Mr. TURPIE. That certificate is accompanied by the certificates of judges, of the officers and judges, so as to make it evidence under the act of Congress. I wish to offer the credentials as evidence of the fact that Mr. William T. Watson was admitted and sworn in as a member of the State senate upon such papers, unobjected to and not protested against.

I offer at the same time an extract from the journal of the State senate of Delaware, which I will read in connection with this credential and having direct relation to it. This is the record:

By the returns of the officers of Kent County, appointed by law judges of election, it appeared that on the Tuesday next after the first Monday in the month of November last, at the several and respective places appointed by law for holding the election in and for said county, Thomas T. Lacey was duly chosen to represent the said county in the senate of the State of Delaware to fill out the unexpired term of the late John W. Hall, terminating on the first Tuesday of January, A. D. one thousand eight hundred and ninety-five; and also that William T. Watson was duly chosen to represent the said county in the senate of the State of Delaware for the ensuing term of four years.

That is the record of the qualification, of the election, and the return of Senator Watson in that body. It is a judgment. It shows that he has all the functions of a State senator and that the term for which he was elected was four years. The election was held in November, 1892, and his term will expire in November, 1896. He was then and is now and will continue to be a senator from the county of Kent, in the State of Delaware, unless the journal shows in some other place, on some other page, and under some other title that he has been disqualified, that his seat has been vacated, that he has been ousted or expelled. That does not depend upon our resolution. It does not depend upon any argument about the constitutional point, nor about the existence of any constitutional point. It depends upon whether there is upon such point—the one stated here, or the ten stated here, or any point stated here—any order, resolution, or judgment of the State senate of Delaware.

Mr. HOAR. Does not the same journal show that somebody else was elected speaker *pro tempore* because this man had become governor?

Mr. TURPIE. It shows that some person else was elected speaker *pro tempore*.

Mr. HOAR. Because Mr. Watson had become governor?

Mr. TURPIE. No, sir; it does not say because he was governor

Mr. HOAR. I did not know. I only asked for information.

Mr. TURPIE. This shows that somebody else was elected speaker *pro tempore*. But it is a constitutional provision that somebody else shall be elected speaker *pro tempore*. It does not show any effect as to the gubernatorial function devolving upon him as speaker of the senate. There is no effect given to that in the journal. That is a constitutional question. You take one ground of it; I take the other; and I do not care which side you take nor what side I take, unless there be an order or resolution of the State senate of Delaware in that journal upon that question, his seat remains unquestioned and unchallenged until November, 1896.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Indiana yield to the Senator from Delaware?

Mr. TURPIE. Certainly.

Mr. GRAY. With the permission of the Senator from Indiana, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 11, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 10, 1896.

POSTMASTERS.

Scott W. Carney, to be postmaster at Downs, in the county of Osborne and State of Kansas.

George R. Fitzsimmons, to be postmaster at Reading, in the county of Hillsdale and State of Michigan.

Ferris S. Fitch, to be postmaster at Pontiac, in the county of Oakland and State of Michigan.

Robert M. Todd, to be postmaster at Halstead, in the county of Harvey and State of Kansas.

Joseph M. Young, to be postmaster at London, in the county of Laurel and State of Kentucky.

Martin V. B. Smith, to be postmaster at Morrison, in the county of Whiteside and State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 10, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DEATH PENALTY.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 878) to reduce the cases in which the death penalty may be inflicted.

The bill was read, as follows:

Be it enacted, etc., That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to, or in any way affect, any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ADAMS. Mr. Speaker, before consent is given, I wish to ask a question of the gentleman. Is this to do away with capital punishment under the statutes of the United States?

Mr. CURTIS of New York. Only in nineteen offenses.

Mr. ADAMS. Will the gentleman explain the cases? I withhold my objection for an explanation.

Mr. SAYERS. It is understood that the objection is reserved?

The SPEAKER. Objection is reserved.

Mr. CURTIS of New York. Mr. Speaker, the bill H. R. 878 was reported by the Committee on the Judiciary of the House and is in the same language in which a similar bill was reported from the Committee on the Judiciary of the Senate in the last Congress.

In the Fifty-third Congress a bill was introduced defining murder in the first and second degrees. The Committee on the Judiciary unanimously reported it and it passed the House of Representatives. While pending in the Senate, the Attorney-General of the United States, Mr. Olney, was of the opinion that murder should not be defined as of the first and second degrees, and members of the Committee on the Judiciary of the Senate were also of the opinion that as the practice of the Federal courts is that of the common law, it was not advisable to introduce the question of definition into the statutes, and that it was preferable to repeal such sections prescribing capital punishment for offenses which the committee thought it desirable to have abolished.

In view of that fact, it was the unanimous sentiment of the committee of the Senate that the bill should be reconstructed so as to take out the penalty of death without changing definitions. The bill failed of consideration in the Senate, because of the objection of one Senator who wished to discuss it, and therefore objected to its consideration. Had it been considered, there is no question but that it would have passed the Senate and that the amendments would have been concurred in by the House.

In this Congress the bill was introduced in the same language it was reported by the Committee on the Judiciary of the Senate in the last Congress. It leaves the sections of the law relating to the administration of justice in the Army and in the Navy as they now are. They are section 1342 of the Revised Statutes, prescribing articles of war for the government of the Army, and section 1624, prescribing articles of war for the government of the Navy.

This bill takes out of the statute the authority of United States consuls to inflict the punishment of death upon citizens of the United States, or those who may serve under the flag of the United States, in those countries where Congress has authorized (section 4102) consuls to exercise extraterritorial jurisdiction. It also takes out of the statutes of the United States the death penalty as prescribed for sixteen offenses for which we have had no convictions or executions for more than ninety years.

In respect to the crimes of murder and rape it preserves the death penalty, but it permits, as is provided in the State of Louisiana in express terms and in many other States in principle, that the jury may, in bringing in their verdict, decide whether capital punishment shall be inflicted or not by allowing the jury to add the words "without capital punishment" to their verdict. If that clause is added, the court will sentence the accused to imprisonment for life; and if there is no recommendation, then the death penalty will be inflicted, as now provided for those crimes. On page 1 of the report on this bill (Report No. 108) will be found a communication from Mr. S. Taliaferro, United States district attorney for the eastern district of Texas.

Mr. SAYERS. Before the gentleman proceeds to read that communication, I should like to know from him whether, where robbery is attempted and death follows, this bill modifies the punishment inflicted?

Mr. CURTIS of New York. Wherever death follows the death penalty may be inflicted, as I understand. The matter has been carefully reviewed by the Committees on the Judiciary of the House and Senate and the Department of Justice.

Mr. SAYERS. In the case which I mention is the death penalty preserved, without reduction to a lighter punishment?

Mr. CURTIS of New York. The bill allows the reduction of the penalty in every case. The jury decide in each case.

The letter from the district attorney for the eastern district of Texas, in urging the passage of this bill, is in the following language:

PARIS, TEX., *December 23, 1895.*

SIR: While in Washington in July last I requested the Attorney-General to have introduced and passed by this Congress a bill amending the law as to murder. He inclosed me a copy of bill introduced by you designed for this purpose, which permits the jury to return a qualified verdict finding the party guilty of murder, but "without capital punishment." This bill, in my judgment, covers the question very fully, and I trust very earnestly you will have it passed as soon as possible. I have on the docket of this court for trial at the next term, commencing in April, 73 murder cases, where parties are either in jail or under bond. In many of these cases the facts will not permit the court to submit the question of manslaughter to the jury, and the only question to be determined will be that of murder, which is now punishable only by death, and the severity of the penalty in many cases, where the parties are undoubtedly guilty and should be punished, prevents the juries from either reaching a verdict or leads them to acquit the defendant.

I hope you will succeed in passing the bill at the present term, as it is very necessary to the administration of justice in this court. If you think it will be of any assistance to you, it will afford me great pleasure to write the Texas delegation in Congress and urge them to lend you their help.

I have the honor to be, very respectfully,

S. TALIAFERRO,
United States Attorney.

Hon. N. M. CURTIS,
House of Representatives, Washington, D. C.

In a communication addressed to me by the same gentleman on the 3d day of this month, which I will read, he refers to that letter, and urges the importance of the passage of this measure in the following language:

GALVESTON, TEX., *March 3, 1896.*

SIR: I herewith inclose you a copy of the printed calendar showing criminal cases to be tried at the April term, A. D. 1896, of United States circuit and district courts at Paris, Tex.

As heretofore stated to you in my letter of December 23, 1895, in many of these cases the defendants, because of the commission of the crimes, as well as for the protection of society, should undoubtedly be punished, but after the examination of the cases I am prepared to say that in but comparatively few of them will the facts justify the court in submitting to the jury the question of manslaughter. Therefore the only proposition which will be submitted to the jury will be, Is the defendant guilty of murder? As this offense under the United States laws is now punishable only by death, and as in many of these cases there will be circumstances which will weigh upon the mind of the jury to prevent the verdict of murder, I can only expect, in many instances, hung juries or acquittals. I therefore write to urge that you will do all in your power to have passed and have put in operation, prior to the 6th day of April next, the bill introduced by you entitled "A bill to reduce the cases in which the penalty of death may be inflicted."

I know of no amendment of the criminal law of the United States which will have so deterring an effect upon the criminal classes of the Indian Territory as the one presented by your measure. These criminals are fully aware of the fact that juries, except in extreme cases, are very loath to see the death penalty inflicted, and the whole strength of the defense is usually directed for the purpose of obtaining some witness or witnesses who will testify to some fact which will lead the jury to conclude that the death penalty should not be inflicted. If they can secure such testimony, the result, of course, always is either a hung jury or an acquittal of the defendant.

Having a thorough knowledge of the practical working of the law as it at present is, and appreciating the great benefits which will result from the passage of the bill introduced by you, I most earnestly request that you urge Congress to take action in the matter at once.

I have the honor to be, very respectfully,

S. TALIAFERRO,
United States Attorney.

Hon. N. M. CURTIS,
House of Representatives, Washington, D. C.

That letter I took to the Department of Justice and met the Attorney-General just as he was about to take a carriage to leave the city. He expressed his hearty approval of the measure, as he has heretofore done in communications upon the subject addressed to me, and sent to the Solicitor-General a memorandum expressing his views upon the bill in the following words:

The passage of this bill, H. R. No. 878, will promote the administration of justice, and I recommend its speedy enactment.

HOLMES CONRAD,
Acting Attorney-General.

I am sorry, I frankly say, that this is not a bill totally abolishing capital punishment. I wish it did contain such a provision and that the House could give it sober consideration and give it its approval. The bill as it stands simply provides that the courts of the United States may administer justice and may impose some penalty for the great crime of murder, which is done now in but few instances. In the United States at large murders have been increasing and executions have been decreasing, so that in the last year we have had less than 2 per cent of the persons indicted for murder convicted and executed. This measure has the approval of many of the high judicial officers of the Government, many of the district attorneys, and has the hearty approval of the Department of Justice, on the ground that it is desirable to punish crime and protect the lives of the innocent. If other explanations are desired, I shall be glad to make them.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. ADAMS. I object.

DIVORCE.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, H. R. 5217, making one year's residence in a Territory a prerequisite to obtaining a divorce there.

The bill was read, as follows:

Be it enacted, etc., That no divorce shall be granted in any Territory for a cause which occurred elsewhere, unless the party applying for the divorce shall have resided in the Territory for one year next preceding the application.

An amendment recommended by the committee, inserting the word "continuously" after the word "resided," in line 5, was adopted.

Mr. GILLETT of Massachusetts. Mr. Speaker, I think that in fairness to the House, I ought to say just a word by way of explanation. In the report of the committee I made inadvertently a misstatement of fact, which I wish to correct. The report says that there is but one State in which a year's residence is not now required as a prerequisite to divorce. It should say that there is but one State in which only three months' residence is required. There are also five States in which only six months' residence is required. I simply want to make that correction to set myself right before the House. [Cries of "Vote!"]

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN FINN.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 227) to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Auditor for the War Department be, and he is hereby, authorized and directed to permit John Finn, of St. Louis, Mo., claimant of 371 quartermaster's vouchers, aggregating $6,363.95, more or less, to sign the receipts upon the said vouchers, which said vouchers it is alleged were presented by the said Finn to the Quartermaster-General, and are now alleged to be in the office of the Auditor for the War Department; and the receipts so signed shall be accepted as a sufficient compliance with the laws and rules regulating such cases: *Provided*, That it shall be found, upon examination, that the said vouchers were duly issued by the legally constituted authorities and came rightfully and for value into the hands of said

Finn and that they have not heretofore been audited and paid: *Provided further*, That all original payees who do not present claims for payment on said vouchers within thirty days from the date of approval of this act shall be forever barred from presenting such claim, and said John Finn shall after said thirty days be entitled to receive the amounts found to be due thereon upon the conditions aforesaid.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. Let the report be read, Mr. Speaker, reserving the right to object.

The report (by Mr. COX) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 227) for the relief of John Finn, having had the same under consideration, beg leave to report the same with the recommendation that it pass.

The Senate report on this bill (No. 79, Fifty-fourth Congress, first session) fully sets forth the facts, and your committee adopt the same and make it a part of this report.

Your committee further recommend that the bill H. R. 1281, on the same subject, lie on the table.

[Senate Report No. 79, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 227) entitled "A bill to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney," having had the same under consideration, beg to submit the following report:

The substitute herewith recommended by your committee passed both Houses of Congress at the last session, but failed to reach the President in time for his signature. Based on reports heretofore made in favor of this claim, notably Senate Report No. 690, Fifty-third Congress, second session, your committee report back the bill S. 227 with the following amendments, and with said amendments recommend its passage:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Auditor for the War Department be, and he is hereby, authorized and directed to permit John Finn, of St. Louis, Mo., claimant of 371 quartermaster's vouchers, aggregating $6,363.95, more or less, to sign the receipts upon the said vouchers, which said vouchers it is alleged were presented by the said Finn to the Quartermaster-General and are now alleged to be in the office of the Auditor for the War Department; and the receipts so signed shall be accepted as a sufficient compliance with the laws and rules regulating such cases: *Provided*, That it shall be found, upon examination, that the said vouchers were duly issued by the legally constituted authorities and came rightfully and for value into the hands of said Finn, and that they have not heretofore been audited and paid: *Provided further*, That all original payees who do not present claims for payment on said vouchers within thirty days from the date of approval of this act shall be forever barred from presenting such claim, and said John Finn shall after said thirty days be entitled to receive the amounts found to be due thereon upon the conditions aforesaid."

Amend the title of the bill so as to read as follows:

"A bill to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo."

Mr. CANNON. I have heard the report, and I am just as wise as I was before it was read.

Mr. COBB of Missouri. Mr. Speaker, I will state to the gentleman that this bill was up for consideration in the last Congress, and was thoroughly discussed by the gentleman from Maine [Mr. DINGLEY] and others, and was unanimously passed. These vouchers of the quartermaster came into Mr. Finn's possession from other citizens. The vouchers were exchanged for goods, and some of them were imperfectly transferred; and hence the quartermaster would not pay them. The matter has been thoroughly investigated by the Department, and it has been found that the goods were furnished and that Mr. Finn is entitled to his money.

Mr. CANNON. Why were they not paid?

Mr. COBB of Missouri. Because there was an imperfection in the transfer. The people who furnished these supplies to the Quartermaster's Department received the vouchers and gave them to him for goods and money; and they were not all properly transferred.

Mr. CANNON. When were they issued?

Mr. COBB of Missouri. I do not know when they were issued; some time during the war, or immediately after the war, when the troops were in possession of the States, or during hostilities.

Mr. CANNON. I see the gentleman bars the men to whom they were issued unless they present their claim within thirty days.

Mr. COBB of Missouri. They will never present them. These claims were paid for by Mr. Finn in exchange for goods, and came into his possession in that way. Some of them were imperfectly transferred, and hence the quartermaster would not pay them.

Mr. CANNON. This comes from a committee of the House?

Mr. COBB of Missouri. It comes from the Committee on Claims, and has passed the Senate.

Mr. CANNON. Is there a favorable report from the Committee on Claims of the House?

Mr. COBB of Missouri. There is a unanimous report.

Mr. CANNON. Who is the chairman of that committee?

Mr. JOY. The gentleman from Pennsylvania, Mr. MAHON.

Mr. COBB of Missouri. I hope the gentleman will not object. I have been through it thoroughly, and am satisfied it is a just claim.

Mr. CANNON. I have a great deal of confidence in the gentleman from Missouri, and would like to accommodate him personally; but it is the first time I have ever known a bill to be passed on account of what the report did not contain.

Mr. COBB of Missouri. I think the report explains the matter.

Mr. SAYERS. Mr. Speaker, I will say to the gentleman from Illinois and to the House that the gentleman from Missouri [Mr. COBB] was recognized to call up this bill in the last Congress and I stopped it, and after a careful investigation I came to the conclusion that the bill ought to pass, and did not object when he was recognized again to call up the bill.

Mr. CANNON. The gentleman is familiar with it and has gone through it?

Mr. SAYERS. Yes, sir.

Mr. CANNON. And there is no question of disloyalty in it?

Mr. SAYERS. I think not.

Mr. CANNON. Has it been passed on by the Quartermaster-General and rejected?

Mr. COBB of Missouri. No, sir; it never has been rejected.

Mr. CANNON. It is not of that class of claims?

Mr. COBB of Missouri. And it has been acknowledged to be a just claim.

Mr. CANNON. And if the bill passes it would have to go to the accounting officers to be certified for appropriation, or there is an appropriation made available?

Mr. SAYERS. The appropriation was available in the bill that passed last Congress, but I do not know whether it is in this.

Mr. COBB of Missouri. It carries no appropriation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

W. J. KOUNTZ.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3715) for the relief of Capt. W. J. Kountz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to release and discharge Capt. W. J. Kountz from charges aggregating $22,845.51, resulting from a contract dated the 12th day of March, 1878, between the said Capt. W. J. Kountz and the quartermaster's department of the United States Army at St. Paul, Minn., for the transportation of troops and supplies on the Yellowstone River.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TURNER of Georgia. Mr. Speaker, I would be glad if the gentleman would give some explanation, as this is quite a large claim.

Mr. WILLIAM A. STONE. Mr. Speaker, this grows out of a contract made between the Government and Captain Kountz in 1878. The contract required him to transport supplies for the Army on the Yellowstone River, between one point and another, covering a distance of 306 miles. He had his boats ready to transport the supplies; but, owing to the delay of Congress in passing the appropriation bill, the supplies were not ready for shipment until the water had fallen in the river, in June and July, to such an extent that he simply could not do it by river transportation, and under a provision in the contract the quartermaster hired wagons and transported the supplies by wagon, and then turned around and charged the cost of that transportation up to Captain Kountz. The quartermaster himself certifies that the fault was not with Captain Kountz, because he had his boats ready to transport the supplies, and it was wholly the fault of the delay in not getting the supplies ready until after the water went down. It is simply to relieve him from that charge that the bill is reported. This bill has been reported from the Committee on Claims in every one of the last six Congresses. It does not carry any money at all.

Mr. LOUD. I should like to ask the gentleman why the Government has never proceeded in this case, and what is the object sought to be obtained by the bill?

Mr. WILLIAM A. STONE. Mr. Speaker, the report contains several extracts from reports of quartermasters and other officials, reciting the fact that it was wholly impossible for Captain Kountz to transport these supplies by river, and it has been recognized as such a hard case that the Government has never collected the money. I do not know of any special reason other than that.

Mr. COBB of Alabama. Why were not the goods transported before this difficulty arose from the condition of the river?

Mr. WILLIAM A. STONE. The Government could not buy the supplies until the money was appropriated for them, and therefore could not get them ready earlier for shipment.

Mr. COBB of Alabama. Did the Government have to make the purchase?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. COBB of Alabama. Then this man only transported them?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. LOUD. I do not know that I shall object at this late day to relieving this gentleman. I had supposed that possibly he might now have become wealthy, and the Government might be able to collect this claim. But according to this report this gentleman agreed in his contract to deliver these supplies during the

months of May, June, July, and later—the great bulk of them in the month of July, at which time the river was so low that he could not make the delivery. He perhaps simply made a mistake; perhaps when he bid for the transportation of the goods he anticipated that the river might be high at that time. Unfortunately the river was low. Still he knew when he took the contract that he must transport these five million and odd pounds during the month of July and a great many pounds during the months of August and September. That is in the gentleman's own report.

Mr. WILLIAM A. STONE. I know that. Still the man ought to be relieved. Perhaps he was unwise in making the contract; but this is not the first time that persons have been relieved from the consequences of their mistakes. The Government has not suffered anything in the matter, and will not suffer. The bill has been reported favorably by every committee that has acted on it during the last six Congresses. But the difficulty has been to reach it on the Calendar. It does not carry an appropriation.

Mr. DINGLEY. While the bill does not carry any appropriation, yet as a matter of fact does it not impose an additional charge of $22,000 upon the Treasury?

Mr. WILLIAM A. STONE. I do not so understand.

Mr. DINGLEY. Why not?

Mr. WILLIAM A. STONE. Here is a charge against this man of $22,000, from which this bill seeks simply to relieve him. The amount has never been collected.

Mr. DINGLEY. But the Government has paid out $22,000 on account of this contractor, and it has the right to enforce payment against him, having done for him the work which he ought to have done. The bill certainly imposes $22,000 additional liability on the Government.

Mr. WILLIAM A. STONE. I do not so understand.

Mr. DINGLEY. Why not?

Mr. WILLIAM A. STONE. The Government has never collected anything on account of this claim, and never will.

Mr. DINGLEY. If the gentleman from Pennsylvania puts the claim on that ground, that the contractor is not good for anything, and that the money can not be collected, that puts the question in another form.

Mr. WILLIAM A. STONE. The Government has not been able to collect it during the last sixteen or eighteen years.

Mr. DINGLEY. It seems to me clear that while the bill carries no appropriation, yet its passage will waive a claim of the Government to the amount of $22,000 and thereby impose that much additional liability upon the Government.

Mr. RICHARDSON. We could not hear the answer which the gentleman from Pennsylvania made just now to the gentleman from Maine. Did the gentleman from Pennsylvania say that this claimant is insolvent and the claim is not good?

Mr. WILLIAM A. STONE. I can not speak by the book as to that. I can only say that the claim has never been collected.

Mr. DINGLEY. Did not the contractor give bonds for the performance of his contract?

Mr. WILLIAM A. STONE. I suppose he did.

Mr. DINGLEY. Has there been any inquiry by the War Department to ascertain whether that bond is good?

Mr. WILLIAM A. STONE. I presume so. The committee has made some inquiries in connection with this case which the report does not fully set forth.

Mr. DINGLEY. I observe that there are no references in the report to any official information.

Mr. WILLIAM A. STONE. This bill may relieve a charge against this man on the books, but there is no money appropriated by the bill; it will not result in an appropriation.

Mr. DINGLEY. I understand that; but the bill will release an obligation of this contractor to the Government for $22,000.

Mr. COX. When the Government transported these supplies the cost to the Government was a little over $22,000; and that sum has been charged up against the contractor. Of course, if he is allowed credit to that amount, it relieves him to that extent.

Mr. WILLIAM A. STONE. If the gentleman desires the report read, that can be done.

Mr. DINGLEY. I have glanced over the report; but I think it contains no facts in addition to those which have been stated by the gentleman.

Mr. WILLIAM A. STONE. The quartermasters and all the other officers concerned join in saying that there was no fault on the part of this man and that he ought to be relieved.

Mr. LOUD. This is an old report; the case has been handed down from year to year. I remember that it came under my observation when I was on the Committee on Claims. I never thought that it had any special merit. But I do not feel like objecting to the case. The gentleman from Pennsylvania is so persistent and fascinating that I can not do it. [Laughter.]

Mr. WILLIAM A. STONE. Thanks!

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Insert in line 3, on page 4, after the word "rental," the words "or purchase."

The question being taken, the amendment was rejected.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

Seventeenth. For inland mail transportation, namely: Inland transportation by star routes, including temporary service to newly established offices, $5,354,000.

Mr. PICKLER. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 10, page 4, add:

"*Provided*, That the postmasters of all newly established offices and other offices supplied with mail under the provisions of this paragraph shall, where their compensation was during the fiscal year ending June 30, 1896, less than $50 per annum, receive 50 per cent additional to their present salary for the year ending June 30, 1897, and those receiving more than $50 and less than $100 shall receive 25 per cent additional salary, and the postmasters of newly established offices so supplied shall receive a salary proportionately the same in accordance with the business done."

Mr. LOUD. Mr. Speaker, I must raise the question of order on that amendment. It has no reference to this paragraph, and is contrary to existing law.

The CHAIRMAN. The Chair is ready to rule upon the point of order unless the gentleman from South Dakota desires to be heard.

Mr. PICKLER. It seems to me, Mr. Chairman, that the Chair, if he will observe the language of this provision, will find that it appropriates a certain sum of money, including also "temporary service" in newly established post-offices. The amendment relates to the newly established post-offices. The amendment prescribes what the officers at newly established post-offices and other postmasters at similar offices supplied with mail by this service shall receive as their compensation, and it seems to me that it ought to be admissible under the rule.

In this connection, I would like to have read a letter that I have just received bearing upon this subject.

The CHAIRMAN. The Chair has simply heard the gentleman on the question of order.

Mr. PICKLER. If the gentleman from California will reserve his point of order for a few moments and allow this letter to be read——

Mr. LOUD. I will reserve the point of order. The gentleman has not spoken on this question, I believe.

Mr. PICKLER. I have a letter which I received this morning from a postmaster in the State of West Virginia, and I would like to have the attention of the gentleman from California while it is being read. It shows that virtue is its own reward. A few of us have been trying to stand by these fourth-class postmasters, and I commend this letter to the attention of the committee.

The CHAIRMAN. The Clerk will read the communication sent up by the gentleman from South Dakota.

The Clerk read as follows:

A LETTER FROM A WEST VIRGINIA POSTMASTER.

MARCH 9, 1896.

DEAR SIR: Allow me to thank you, Mr. HEPBURN, and others for your noble defense of "fourth-class postmasters," (of whom I am one).

Every word you say is emphatically true.

I have been postmaster here for many years. 'Tis a central point, and as far as I know no one else wants the office, and I might add there is no other place, all things considered, exactly suitable.

I receive much more mail than any half dozen perhaps, and it is to my interest to have the mail properly cared for, else I could not tolerate the present arrangement.

For instance, I have, for four months in the year, the mail bag to open and letters to assort six times every day except Sunday, and on that day twice; the remainder of the year, four times each day.

For all this, and for the furnishing of a room, desk, etc., and for my constant attendance—for I never think of leaving the house for fifteen minutes, except to go to church on Sunday—my compensation for the whole of last year was $87.57.

The Hon. Mr. LOUD says we retain all we receive. What a feeble argument for a great mind!

And even when receiving this pittance I was interrogated by the Department why it was that in one of my "quarterly returns" my cancellations exceeded by a trifle the stamps sold, making an indirect attack upon my honesty. To be scrutinized and impugned is as much as one can bear when thousands are justly realized.

The additional $20 a year spoken of would be very acceptable. By adding $20 to that amount I would get some one to assist and relieve me a portion of the time.

Surely no reasonable gentleman who knows whereof he speaks will oppose that.

I have been reading with deep interest the CONGRESSIONAL RECORD (kindly sent me by our Representative, Mr. S. S. TURNER), and find nothing in it that interests me more than the matter referred to except the war in Cuba.

Hoping you will excuse me for the liberty I have taken, I am, yours, gratefully,

——— ———.

Hon. Mr. PICKLER.

Mr. PICKLER. Now, Mr. Chairman, I hope the gentleman from California—and I think this will probably be my last appeal to him, because I am quite certain that it will be a successful one this time—I hope the gentleman from California in charge of the bill, in view of the fact that this paragraph appropriates $5,354,000 to this service, will withdraw his point of order and allow the amendment, which will involve an expenditure of a mere bagatelle, to be adopted. It simply provides that these fourth-class postmasters, when they receive less than $50 a year, shall get an increase of 50 per cent on their present compensation, which means an addition of $25 dollars a year salary, and that those who receive between fifty and one hundred dollars shall receive $25 more.

As this postmaster whose letter I have caused to be read says, the mail is opened six times a day except on Sunday, and then it is opened twice a day. You can well understand the time that it takes a man to attend to this work, and yet for all of this service this man received last year only $87.57 for his services.

I do not think the gentleman, and I say this in all candor, should object to this slight increase. It seems to me that the point of order, at all events, is not well taken, because under this paragraph which provides for new offices supplied with the mail for which payment is provided in this paragraph of the bill, the compensation of the postmasters could properly be fixed by a provision appended here.

I hope, however, that the gentleman will not insist upon the point of order. It will not affect this bill, because by reference to page 12, line 15, of the bill you will find it is provided that any deficiencies in the revenue of the Post-Office Department may be drawn from the Treasury.

Now, this is a very small amount, but it touches a large number of people. It simply does an act of justice, and I hope the gentleman will not insist upon the point of order. It seems to come properly and naturally under this paragraph of the bill, and I think that the slightest consideration of the question will convince anybody of the justice of the proposition.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. LOUD. I am compelled, Mr. Chairman, to insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COOPER of Texas. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after the word "dollars" on page 4, line 10, as follows: "Hereafter no contract for carrying the mail on routes known as star routes shall be let to any person or persons other than actual bona fide residents of the State or States through which said mail routes, or a part thereof, run or extend."

Mr. DINGLEY. Mr. Chairman, I reserve the point of order against that amendment. It is a change of existing law.

Mr. COOPER of Texas. Mr. Chairman, this amendment is designed to correct an evil now existing in the letting of contracts for the star-route service. The adoption of this amendment, I believe, will result in more efficient service for the people of this country who are dependent upon star-route service. Under the prevailing system the practice is for a syndicate to bid for this star-route service, and as a rule the contract is let to them. They virtually discourage competition. Their bids are usually accepted, and when accepted they sublet these routes to contractors in the remote parts of the country where the star routes exist. They let them at such rates that the people are unable to carry the mails properly, and hence the star-route service is impaired in that section.

This amendment limits the letting of contracts to persons residing in the States in which these routes exist. It provides that only those persons shall be contractors who reside within the States where the routes or parts of routes exist. Persons residing in the vicinity are acquainted with the topography of the country, its physical conditions, and are better able to know what to bid. I believe this will lessen the cost to the Government if this amendment is adopted, and I know it will improve the service and be a benefit to the people who are served by it.

Mr. DINGLEY. This would be a very important change of existing law. Whether it would be a wise change or not, of course we can not very well determine in this way, in the discussion of an appropriation bill. It certainly would largely increase the cost of this star-route service.

Mr. COOPER of Texas. In what way?

Mr. DINGLEY. If there is to be any legislation on this subject it should be carefully prepared, more carefully than a hasty amendment to an appropriation bill can be.

Mr. COOPER of Texas. In what way would the adoption of this amendment increase the expense?

Mr. DINGLEY. It would undoubtedly increase it. Everyone knows that. Contracts are awarded under the present system to the lowest responsible bidder, whether residing out of the State or in the State in which the star route lies. Therefore this amendment, which provides that the bid of a person residing in the State must be accepted notwithstanding the bid of a person outside of the State is lower, must inevitably increase the expense.

I can see some advantages growing out of confining these contracts to bidders within the State where the route lies, and yet I can see a probable great increase of expense. If there is to be any legislation in that direction, I should prefer to have it carefully considered in a bill properly considered and not legislated upon an appropriation bill. I do not like hurried legislation upon appropriation bills, and hence I insist upon the point of order.

Mr. COOPER of Texas. Do you not think you ought to insist upon the efficiency of the service?

Mr. DINGLEY. Let the matter be properly considered by the appropriate committee and be carefully investigated in all its parts, and not thrown in hastily to be adopted here after five minutes' consideration, when we can not know all the facts.

Mr. COOPER of Texas. May I inquire what existing law this changes?

Mr. DINGLEY. Obviously it changes existing law or the gentleman would not offer his amendment. The existing law, as the gentleman is very well aware, is that the contract shall be let to the lowest responsible bidder, whether he lives in the State or not. The law is easily referred to, if the gentleman wishes to have it produced. The gentleman's amendment proposes to prohibit the awarding of the contract to the lowest bidder, provided he does not live in the State where the route lies.

Mr. BINGHAM. If the gentleman desires the law, it is easily read to him. It is a very well defined law, and is as follows:

ADVERTISEMENT OF MAIL LETTINGS.

SEC. 750. *Notice of mail lettings; how given.*—That before making any contract for inland mail transportation, other than by railroads and steamboats, except for temporary service, as provided for in (sections 767, 768, 769) an act approved August 11, 1876, amendatory of subsections 246 and 251 of section 12 of an act approved June 23, 1874, the Postmaster-General shall cause to be published, in not exceeding 10 newspapers published in the State or Territory in which such service is to be let, one of which shall be published at the seat of government of such State or Territory, once a week for six consecutive weeks preceding the time of letting, a notice in displayed type, not to exceed 6 inches of space in one column of a newspaper, of the following purport:

MAIL LETTINGS—NOTICE TO CONTRACTORS.

POST-OFFICE DEPARTMENT,
Washington, D. C., ———, *18—*.

Proposals will be received at the contract office of this Department until — a. m. of ——— ———, 18—, for carrying the mails of the United States upon the routes, and according to the schedule of arrival and departure, specified by the Department, in the State (or Territory) of ———, from ———, 18—, to ———, 18—. Lists of routes, with schedules of arrivals and departures, instructions to bidders, with forms for contracts and bonds, and all other necessary information, will be furnished upon application to the Second Assistant Postmaster-General.

———,
Postmaster-General.

And no other advertisement of miscellaneous lettings shall be required: *Provided*, That said contracts for mail letting shall not take place in less than sixty days after the first publication. (Act of May 17, 1878, section 1, 20 Statutes, 61.)

Then it goes on to give the form of the contract and the proposal, and then it says "the Postmaster-General shall in each case"——

Mr. LOUD. The gentleman admits that the point of order is good.

Mr. BINGHAM. This is the Revised Statutes, 3941, and part of the act of March 1, 1881, and section 874. The whole detail is gone into. It simply opens to competition the bidding for all star-route service.

Mr. COOPER of Texas. I admit the point of order can be made, but I did not think it well that it should be interposed.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Eighteenth. For inland transportation by steamboat routes, $400,000.

Mr. McRAE. Mr. Chairman, I desire to offer an amendment to the paragraph, not the one just read, but the one just before that.

The Clerk read as follows:

Strike out the following words in lines 9 and 10 on page 4: "five million three hundred and fifty-four thousand," and insert "six million."

Mr. LOUD. Mr. Chairman, we had passed that proviso.

Mr. McRAE. We had just passed it.

The CHAIRMAN. The gentleman from Arkansas rose when the Clerk had read the paragraph.

Mr. LOUD. We had passed the steamboat proviso, and were about entering upon the messenger service.

The CHAIRMAN. If the gentleman insists upon the point of order, the Chair will be obliged to sustain it.

The Clerk read as follows:

Nineteenth. For mail-messenger service, $1,130,000.

Mr. BROMWELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "dollars," on page 4, line 14, the words, "and the Postmaster-General may, in his discretion, use not exceeding the sum of $35,000 of this amount for experimenting in the transportation of mail by pneumatic tube or other similar devices."

Mr. BROMWELL. Now, Mr. Chairman, that amendment is offered at the suggestion——

Mr. CANNON. I reserve the point of order.

Mr. BROMWELL. This amendment is offered at the suggestion of the Second Assistant Postmaster-General. The provision which it is intended to insert in the nineteenth paragraph will follow the word "dollars," in line 16, twenty-fourth paragraph, and in that connection, with the permission of the House, I will read a portion of a letter addressed by the Second Assistant Postmaster-General to the chairman of the committee, requesting a transfer of that item from the twentieth paragraph to the nineteenth.

Mr. LOUD. If the gentleman will permit me, we have come to the proviso in the bill which I desire to transpose right at this point.

Mr. BROMWELL. I did not understand the gentleman.

Mr. LOUD. The amendment I propose to offer transfers this proviso in the twentieth section to the nineteenth section.

Mr. BROMWELL. My amendment is of the same effect as the amendment of the chairman of the committee, but it also increases the amount from $25,000, provided in line 18, in the twentieth paragraph, to $35,000. It not merely transposes the sentence from the twentieth paragraph to the nineteenth, but also increases the amount to $35,000.

Mr. LOUD. That is so.

Mr. BROMWELL. And in connection with that I would like to read a portion of the letter which was addressed by the Second Assistant Postmaster-General to the chairman of the committee:

The following sentence of the same paragraph, relating to pneumatic tubes, should, in my judgment, be omitted from this paragraph and inserted in paragraph 19, immediately after the word "dollars," so that it may be paid out of the mail-messenger fund rather than out of this fund; and I would suggest an additional allowance of $10,000. In other words, that paragraph 19 should read:

"For mail-messenger service, $1,130,000; and the Postmaster-General may, in his discretion, use not exceeding the sum of $35,000 of this amount for experimenting in the transportation of mail by pneumatic tubes or other similar devices."

I make this suggestion based upon information received and an investigation made by a committee composed of experienced postal men since my conversation with you, showing the possibility of an immediate adoption of important lines of tubing which would relieve us of a corresponding amount of expense for mail-messenger service.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. BROMWELL. Yes, sir.

Mr. PICKLER. Is this legislation with reference to pneumatic transportation new legislation?

Mr. BROMWELL. I am under the impression that it is not, but the chairman of the Committee on the Post-Office and Post-Roads can probably give you the information. I think that experiments have been made with these pneumatic devices before, and they have been provided for in former bills. The chairman of the committee can probably give you definite information as to that.

The CHAIRMAN. The question is on the amendment.

Mr. PICKLER. Mr. Chairman, I want to interpose a point of order against this, if it is to be considered here. I was waiting until we should reach the paragraph in the bill. This is a proposition to transfer from the twentieth paragraph to the nineteenth.

Mr. BROMWELL. Oh, no. The amendment proposed merely adds to the nineteenth paragraph that which is in the other paragraph. If this amendment is adopted, we will move to strike out the sentence in the twentieth paragraph.

Mr. PICKLER. I make the point of order that this is new legislation—so much of it as reads:

And the Postmaster-General may, in his discretion, use not exceeding the sum of $25,000 of this amount for experimenting in the transportation of mail by pneumatic tube or other similar devices.

The CHAIRMAN. The gentleman makes the point of order against this new language.

Mr. PICKLER. I must make it against this paragraph now, because it is proposed to transfer it to the nineteenth paragraph.

Mr. BROMWELL. As I have said, I do not know whether I have correct information in regard to this, and I would like to have the chairman of the committee state whether or not this proposition has been carried in former bills?

Mr. LOUD. There have been similar provisions in former appropriation bills. I was engaged in conversation with gentlemen here and may have been derelict in noticing what was done, and did not ask to make this change; but I will now ask that these two paragraphs be passed over, because they are so closely intertwined. I had proposed to take one and put it into the other, and one of the items depends upon the adoption of the electric-car service.

We have made a reduction in regulation screen or other wagon service of $70,000, and if the electric-car service item be not adopted, we will ask to return and increase this item. I therefore ask unanimous consent that paragraphs 19 and 20 be passed over until we shall have dealt with the electric-car service item.

The CHAIRMAN. Without objection, the paragraphs will be passed over.

Mr. LOUD. Mr. Chairman, I promised the gentleman from Arkansas [Mr. MCRAE] that I would make a brief explanation in relation to the item to which he proposed to offer an amendment when I raised the point of order. I will state that while the item for inland transportation for star routes appears to be less than the amount of the estimate, nevertheless we give every dollar that the Department asks for that purpose. After submitting the estimate they reduced the amount by $200,000. We took from that service $570,000, which the Department said they had been using for regulation wagon service, and put it into the other item, because we thought the items should be segregated, so that in fact we gave every dollar that they asked for.

The Clerk read as follows:

Twenty-sixth. For railway post-office clerks, $7,639,000, of which sum not to exceed $15,000 may be used to pay necessary traveling expenses of chief clerks and railway postal clerks traveling on duty under order of the Postmaster-General.

Mr. BROMWELL. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out the word "six," on line 17, page 5, and inserting the word "seven."

Mr. BROMWELL. The effect of that amendment will be to increase the appropriation provided for in the twenty-sixth paragraph $100,000. I offered the amendment in accordance with the suggestion of the Second Assistant Postmaster-General, who says:

Referring to paragraph 26, the sum recommended by the committee for railway postal clerks is $100,000 less than our estimate. The estimate was based on the probable percentage of increase, which is less than the actual increase thus far in the current fiscal year has proved to be. The probable annual rate of expenditure for this class of service on the first of the next fiscal year is $7,485,000; and even if the entire amount of our estimate is appropriated, this would leave us only $254,000 for increased service during the next fiscal year, which is a very small amount for the extension of service and additional help on lines where the mails are increasing in quantity, for the promotion of clerks who are entitled to advancement by reason of the termination of the probationary period for which they are appointed, for the development of the service of the suburban lines, and for the extension of the scheme of preparing mails in transit for immediate city delivery. Therefore it seems to this office a matter of special importance that the full sum estimated for the item of railway postal clerks be allowed.

Mr. PICKLER. I will ask the gentleman whether the Committee on the Post-Office and Post-Roads have concluded their deliberations on the bill to increase the salaries of the railway mail clerks?

Mr. BROMWELL. I will reply to the gentleman that we have ordered the bill on that subject, which was referred to the committee, to be reported to the House with the recommendation that it pass.

Mr. PICKLER. Does your amendment now offered contemplate any advance for that purpose if that bill should become a law?

Mr. BROMWELL. It does not. As I stated the other day, this appropriation bill has come in ahead of the time when it should have been presented. The bill for the reorganization of the railway postal clerk service should have been acted upon by the House before this appropriation bill came in. If that bill passes the House it will add to this item $1,043,000, which is not provided for in any way in this bill.

Mr. PICKLER. I think that Railway Mail Service bill ought to pass, and I hope the committee will see that it comes up for consideration.

Mr. LOUD. Mr. Chairman, I am a little surprised at the position taken by my colleague on the committee [Mr. BROMWELL]. This is the first time I have heard of any objection to this item, which was very carefully considered in committee. Of course the Department asks for the hundred thousand dollars additional. There never was a Government official who did not, as a rule, want all that he thought he could possibly use in his Department, but in this instance we have allowed $306,000 additional to what is carried in the appropriation bill for the present fiscal year. In certain portions of this bill we did take off amounts of money because we thought the amounts estimated for were too great an increase, and I think that the fair judgment of any gentleman

upon this floor will lead him to assume that in the Railway Mail Service for the fiscal year 1897 $306,000 is a sufficient increase to meet the growth of the service. Hence, I hope the amendment will not be adopted.

The question being taken, the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

At the end of paragraph 26, line 21, after the word "general," insert:
"*Provided*, That the Postmaster-General shall request of all railway companies carrying mail under contract or otherwise transportation for railway postal clerks to and from the termini of their respective runs to their homes when on the line of such railway."

Mr. LOUD. I will reserve the point of order on that amendment.

Mr. TAWNEY. Mr. Chairman, members of this House who served in the last Congress will recall the fact that after a very bitter fight the House succeeded in practically abolishing an order made by the Post-Office Department requiring railway mail clerks to move onto the line of their runs by May 1, 1895. Through the efforts of certain members of the House an amendment was incorporated in the Post-Office appropriation bill practically abolishing that order and railway clerks not residing upon the line of their runs were allowed to continue to live at their previous places of residence.

Now, in order to defeat this act of the Fifty-third Congress, the Postmaster-General immediately demanded of all the railway postal clerks in the United States that they return the transportation which had been previously obtained by the Post-Office Department from the several railroad companies and given to the railway mail clerks. The result is that the railway postal clerks have been required to pay their transportation or railroad fare from the termini of their runs to their homes or else to move upon the line of their runs. In this way the Post-Office Department has in effect carried out the order which the Fifty-third Congress said should not be enforced. I trust the chairman of the committee will not insist upon the point of order.

Mr. LOUD. I suggest to the gentleman that his proposition is farther reaching than he may possibly anticipate. Does he assume that if I were a postal clerk, with Washington as the terminus of my run, and should take up my residence in Baltimore, going there every night and coming back in the morning, the Government should pay my transportation daily because I find it agreeable to live over there?

Mr. TAWNEY. No, sir; I do not. And this proposition does not contemplate anything of that kind.

Mr. LOUD. Substantially it does.

Mr. TAWNEY. No, sir; it does not. The gentleman from California, the chairman of the committee on the Post-Office and Post-Roads, was, I remember distinctly, very active and earnest in his opposition to that order which required the railway mail clerks to move onto the lines of their runs, and it was due largely to his efforts as a member of the conference committee that the amendment I have referred to was retained in the bill.

Mr. LOUD. Oh, yes. I do not believe in compelling any man to live at any place which he does not find agreeable or convenient; but I do not think the Department should pay a man transportation because he chooses to live somewhere else than on the line of his run.

Mr. TAWNEY. The Department will not be required to pay the transportation of these clerks. The only object of the amendment is to require the Postmaster-General to request the railroad companies carrying the mails to furnish these men transportation free of charge. The railroad companies are perfectly willing to do it. There is no railroad company in the United States that is not willing to carry these men free. Their transportation was taken from them by the Postmaster-General, not by the railroad companies.

Mr. LOUD. I have heard that statement made before; but I am not in possession of the facts.

Mr. TAWNEY. I am in possession of the facts. I have seen letters addressed to the railway postal clerks requiring them to return their transportation.

This will cost the Government nothing, while it will enable men who live beyond the terminus of their runs to get to their homes without paying traveling expenses.

The Department has gone so far, in order to defeat the action of the Fifty-third Congress, as to compel these clerks to ride in coaches; it has gone so far as to deny railway mail clerks the privilege of riding in the cars of the company except when actually on duty, the Department evidently fearing that without some regulation of this kind the purpose of the Department might be defeated and the clerks be enabled to get to their homes without paying transportation.

I will add to the amendment, if it will satisfy the chairman of the committee, the words "without expense to the Government." Let the words be inserted wherever they will be proper. This is simply a direction to the Postmaster-General to request transportation from the railroad companies.

Mr. LOUD. I understand that; but I do not believe we should put a great officer of the Government in the position of asking a favor from the railroad companies. I believe we should stand upon our rights.

Mr. TAWNEY. The gentleman knows that the Postmaster-General for a great many years followed that practice. He always did until the Fifty-third Congress repudiated an order which he had made requiring railway postal clerks to move onto the lines of their runs.

Mr. LOUD. If I were in possession of official information that the course stated by the gentleman had been pursued, I might possibly accept some proposition for adjusting this matter. But this amendment is in such a shape that I do not think it advisable to accept it at the present time. The matter can be attended to, if necessary, at the other end of the Capitol.

Mr. TAWNEY. Will the gentleman consent that this matter be passed over for the present until it can be further considered?

Mr. LOUD. We can not get any information until to-morrow, I suppose.

Mr. TAWNEY. I do not suppose the bill can be disposed of to-day.

Mr. LOUD. I insist on the point of order. The matter can be attended to, if necessary, at the other end of the Capitol.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Twenty-seventh. For transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $150,000: *Provided*, That——

Mr. PICKLER. I want to interpose a point of order (I do not know whether this is the right place to do so) against all these provisions beginning with this paragraph, paragraph 27, on page 5, and extending through pages 6 and 7 and down to line 13 of page 8. I desire to make a point of order against these provisions as being new legislation.

The CHAIRMAN. The Chair has not read the proposition, but will ask the chairman of the Committee on the Post-Office and Post-Roads if it is a new proposition.

Mr. LOUD. I will be very frank, Mr. Chairman, and will say that in my opinion one portion of the proviso may possibly be subject to the point of order, but that part which has been read is not subject to it. It is really divisible into two parts and one part could stand without the other, and if the gentleman will reserve his point of order, I will endeavor to explain the full intent of the provisions.

Mr. PICKLER. I am not particular about that. I only desire to reserve my right. I will reserve the point of order on the parts I have suggested.

Mr. LOUD. In the first place, Mr. Chairman, I would like to explain the motives that actuated the committee in the preparation of this portion of the bill. This is a very important proposition, and I would like the attention of the committee for a few moments.

As regards the first proposition, it is a bare, naked proposition, which, standing by itself, could not possibly be subject to the point of order; that is that the Government now has power under the general law to direct the transmission of its mails by such means as it may select. I think no man will successfully deny that proposition or undertake to deny it. It has been the practice for many years and is unquestioned.

We have, as a matter of fact, been carrying the mails under the rulings of the Attorney-General's Department for some time by means of electric and cable cars. The only new proposition, then, is the one, or the paragraphs of the one, following the appropriation. Possibly the proviso, which covers two pages, may be stricken out on the point of order; in fact, I would be willing to admit that it is subject to the point of order, if it be insisted upon. But the question that the House is to determine is as to whether the electric-car service and the cable-car service shall be continued under such special regulations as the Department may prescribe, or whether in future you shall prescribe the limit—the maximum amount of money to pay for the transportation of the mails in this manner.

The Department, after a long investigation, has found serious difficulty in entering into contracts with the street railway companies in various cities, because in one city they want two or three times as much as in another, and hence, as I have said, they have very serious difficulties in instituting this service in some of the cities. In view of these facts it has been suggested with great force by the Department that Congress should fix a maximum limit to which all of these roads should be confined, and that provision is incorporated in the various paragraphs of the proviso here, which, if adopted, will enable the Department without difficulty to enter into these contracts, and I may say that it is just the same proviso as is inserted in the general law with regard to the transportation on the steam railroads.

Now, I will say to the gentleman from South Dakota that, while

by raising his point of order he may strike out the last portion of this provision, which provides the maximum limit to be paid to the railroad companies, he can not, I presume, strike out the provision itself, because there is abundant provision under existing law to authorize the transmission of the mails on the street cars if the Post-Office Department shall so desire.

Mr. BROMWELL. Mr. Chairman, I desire to offer an amendment at this point.

The CHAIRMAN. Perhaps the point of order had better be disposed of first. Does the gentleman from South Dakota desire to be heard upon the point of order?

Mr. PICKLER. I desire to say only, Mr. Chairman, that this is clearly new legislation on an appropriation bill, and the gentleman in charge of the bill admits it himself. It provides—

For the transportation of the mails by cable and electric cars on routes not exceeding 20 miles in length, $150,000.

Now, this provision can not be separated from what follows in the shape of a proviso. I do not agree with the gentleman when he says it can be separated. I think not. It is all one and the same proposition. It goes on with a proviso descriptive of the manner in which this money shall be expended, and runs down through all of the letters by paragraphs from *a* to *h* inclusive. It is one single proposition, and, besides, there is no such provision as this in the law. It is entirely new legislation from the very beginning, providing that the Postmaster-General shall have power to contract for the mail service on electric and cable car routes not exceeding 20 miles in length, and so on. as to how he may make these contracts. That is all a new provision. There is nothing in the law to warrant it, and the proposition is out of order on this bill. I do not suppose it will be disputed that such is the case.

The CHAIRMAN. The gentleman in charge of this bill states that the general law authorizes the Post-Office authorities to transport the mails on any kind of car. Does the gentleman from South Dakota dispute that proposition?

Mr. PICKLER. I do not know whether that is so or not. But I do not think there is any law authorizing the transportation of mail on electric cars.

Mr. BINGHAM. They have authority now on the electric lines.

Mr. PICKLER. Then why do you want any legislation on that point?

The CHAIRMAN. This is simply the appropriation for the purpose of paying for the service, not the authorization of the service itself.

Mr. PICKLER. I ask the gentleman from Pennsylvania if there has been heretofore such an appropriation?

Mr. BINGHAM. I do not know that there has been such an appropriation before, but the service has been carried on.

Mr. PICKLER. No, sir; there is no appropriation for it and no authority for it.

Now, what does this propose? That the Postmaster-General is authorized to transport the mails by electric or cable cars, and a fund is provided for the expenditure. There is no such provision in the general law. Nothing of the kind has ever been done before, and following that we have a number of provisions here in the following pages which specify how this money may be spent.

The CHAIRMAN. That is a limitation on the appropriation, that is all.

Mr. PICKLER. It is new legislation all the same.

Mr. BINGHAM. If the gentleman will allow me to make a statement, I will submit that in all the large cities of this country to-day a United States mail car is run as the rear car on some of the trains of electric street cars. Perhaps the gentleman has observed such a car on Pennsylvania avenue. The transportation of the mail by what is called the trolley-car system is paid for out of the inland mail transportation fund. The Department is now doing that. They can continue under the general law. But the Post-Office Department has determined this as a system of wise, economical policy——

Mr. PICKLER. Determined what?

Mr. BINGHAM. The details of this bill. They are putting on these cars the same force as they put on in the Railway Mail Service for the distribution of matter. This simply limits the allowance that the Department is willing to pay for the transportation of these electric cars. For distances over 20 miles they pay under the general statute. In this proposed legislation there is a lower limit, because the cars are smaller and the service is less. It is simply a limitation under the general statute, wherein the appropriation is made under inland mail transportation. That is all there is in it.

Mr. PICKLER. This is, then, restricting the powers of the Postmaster-General?

Mr. BINGHAM. In lines of economy.

Mr. PICKLER. But it is restricting his power.

Mr. BINGHAM. If he did not have this restriction he would have to pay the full price. It is a limitation in expenditure under the general law.

Mr. PICKLER. That is just what I contended, Mr. Chairman, that it changes existing law.

Mr. BINGHAM. If the gentleman objects to economy in the administration of the Department, all right.

Mr. PICKLER. The gentleman from Pennsylvania says that under existing law the Postmaster-General could not avail himself of the provisions as they are set forth here. The gentleman admits that it is a change of existing law. It is a change in the powers of the Postmaster-General. That is what the gentleman has said in so many words. Therefore, it is a change in existing law. It changes the powers of the Postmaster-General in regard to electric cars and electric-car service. The gentleman confesses my whole contention.

Mr. BINGHAM. It is simply a limitation.

Mr. PICKLER. I insist that it is new legislation, that it has no place on an appropriation bill, and it ought to take the same course as the bills for the payment of railway mail clerks and the bills for the payment of fourth-class postmasters and for rural free delivery. It has no place on an appropriation bill, as the gentleman from California [Mr. LOUD] and the gentleman from Pennsylvania [Mr. BINGHAM]—but especially the gentleman from Pennsylvania—concede. It confers different powers so far as the Postmaster-General is concerned. It gives him different power than he had here before. I insist upon my point of order, that it is a change of existing law.

The CHAIRMAN. The Chair is ready to rule. The Chair holds that the paragraph down to the word "*Provided*" is not subject to the point of order; that the point of order is not well taken on the language down to the word "*Provided.*"

Mr. PICKLER. I move to strike out that section, down to "*Provided.*"

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota to strike out the paragraph.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. PICKLER. Division. [Pending the count.] I withdraw the demand.

The CHAIRMAN. The demand is withdrawn. The noes have it, and the amendment is rejected.

Mr. BROMWELL. I call for the reading of my amendment.

The Clerk read as follows:

Amend by striking out line 24——

Mr. PICKLER. It is understood that my point is pending to that—the balance of the paragraph.

The CHAIRMAN. The gentleman will raise the point of order as we proceed with each paragraph. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amend by striking out in line 24, page 5, the words "one hundred and fifty" and insert the words "two hundred."

Mr. BROMWELL. Mr. Chairman, in offering this amendment I do so in reference to the provision which we will have to pass upon in the paragraph marked H, on page 8, and commencing with the words "*And provided further,*" on the eighth line of that page. I call attention to it now, through this amendment, so that when these paragraphs are passed, or if the paragraph should go out of the bill on a point of order, the provision contained in that section marked H, on page 8, may be covered with the necessary increase in the amount of the appropriation provided for generally in section 27; and in that connection I wish to read again from the Second Assistant Postmaster-General:

Twenty-seventh. For transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $150,000. The estimates for this service were made very carefully, and it is believed that the $200,000 is an absolute necessity and that the service can not be performed without that amount of money with which to carry it on; in addition to which the estimates for other branches of the service were cut down from the natural increases that would occur under the ordinary circumstances because of this service. A curtailing of this important branch of the service will necessitate an increased expense in the wagon service, and I would particularly request that the original amount be granted, that is, the $200,000 in place of the $150,000.

We now, however, beg to call your attention to the most important feature of this item, which is on page 8, beginning at line 8, reading "*And provided further*, That all street-railway companies carrying mails under the foregoing provisions shall furnish free transportation to letter carriers to and from the post-office and their respective routes, when such distance shall exceed one-half of a mile, as the Postmaster-General may direct." Permit me to state that the $200,000 asked for has been clearly demonstrated to cover only the necessities for moving the mails—that is, the space provided by the street-railway companies, or the special car that is provided, and the transportation of the weight and the clerks handling the mail. This item covers only new and additional service and service that they have never rendered or contemplated rendering before. However, you gentlemen have included in this item (which you reduced to $150,000) a service that the street-car companies are now rendering and receiving at the rate of $163,387 per year for—that is, the transportation of letter carriers, etc.—under certain conditions.

I beg to state that the passage of this bill, as it now stands, upon the above showing, will absolutely not only stop any additional service of this class, but will also wipe out of existence that which we have already inaugurated, because it is not possible to expect people to take $13,387 less per annum and furnish double the service. If the service which is now in operation should be abandoned, which was contemplated to be covered by the $200,000, it will necessitate a greater expense, or at least an equal expense, being incurred by

wagon service being substituted for it, while the estimates for the wagon service, as explained to you, were made less, expecting the additional money which is provided for in the request for the $200,000. I am also satisfied that to abandon this service and to return to the former wagon service would create a great amount of dissatisfaction in the communities where the changes have already been made and a disappointment to those who are waiting for improved facilities in their cities.

Yours, respectfully,

C. NEILSON,
Second Assistant Postmaster-General.

In other words, we propose by this bill——

Mr. PICKLER. Will the gentleman allow me a question?

Mr. BROMWELL. Yes, sir.

Mr. PICKLER. How does it come that the Committee on the Post-Office and Post-Roads brings in a report for $150,000 with such a letter as that?

Mr. BROMWELL. This letter, as I have said before, was received before this appropriation bill came in and before it ought to have come in here.

Mr. PICKLER. Whose fault is that?

Mr. BROMWELL. I have no comment to make on the action of the committee of which I am a member. I was not personally responsible for it.

Mr. PICKLER. It is certainly not the fault of the House.

Mr. BROMWELL. It is not my fault as a member of the committee.

Mr. LOUD. Mr. Chairman, I desire to say that I am somewhat surprised that the opposition should come from our committee. I understand that, of course, we can all get letters from heads of Departments asking for increased appropriations. I know that the Second Assistant Postmaster-General does not want this item to go in in its present shape. We thought it advisable to recommend for the electric-car system this year $150,000. We thought that was a reasonable amount to start with for this year under the present conditions, and the proviso put upon that bill, permit me to say, is what was practiced by the street-railroad companies of this country almost unanimously until two years ago. They do it in my own city now, where we are ridden and burdened down by the octopus, a great monopoly; nevertheless they carry the letter carriers free out to their routes, and I am satisfied, Mr. Chairman, that if this provision be enacted into laws when Congress has once enunciated this policy and principle, that the street-railroad companies of the country would gladly and willingly accept the provisions of this act.

We did have to adopt the suggestions of the Second Assistant Postmaster-General in relation to maximum rates without being in possession of the proper information, for it would have taken months and months of investigation to ascertain what would be a proper rate. Some of the street-car companies' representatives have come to me and said that they could not carry the mails for these rates, but the maximum rate under the bill is equal to the rate allowed to the steam railroads for hauling a 40-foot car, and I believe that these street-railroad companies can afford to haul one of these little cars that they hitch on to the end of a train as cheaply as the great steam railroads haul a 40-foot car full of mail; and I believe further that if this proviso be once enacted into law it will settle this vexed question of dealing out car tickets to the mail carriers.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. PICKLER. As the Chair has held this provision to be in order, it seems to me almost ridiculous to appropriate only $150,000. The gentleman from Ohio [Mr. BROMWELL], a member of the Committee on the Post-Office and Post-Roads, says that this is positively against his judgment, and, as I understand, it is against the judgment of other members of the commttee.

Mr. LOUD. What right has the gentleman to understand that?

Mr. PICKLER. I understand that the chairman of the committee arbitrarily cut down this item, as he did others, in the face of the opposition of members of the committee.

Mr. LOUD. You are mistaken about that.

Mr. PICKLER. I am not. Some of your committee——

Mr. LOUD. Whoever gives you that information informs you of that which is false.

Mr. PICKLER. Well, that is what I understand. I understand that not only on this item, but on others, the gentleman arbitrarily bore his committee down—that he did it on several of these items. He wants to cut this appropriation down to $150,000 in the face of the Postmaster-General's recommendation, and he does not adduce one fact in reply to the reasons given by the Department. All he says is that he believes that this will be sufficient and that it will cut off tickets to mail carriers. Where are his facts and his evidence? It seems to me that the gentleman from Ohio [Mr. BROMWELL] is right, and the letter which he reads makes it clear beyond peradventure that this service will be entirely crippled unless we appropriate the amount asked for by the Postmaster-General. The chairman of the committee adduces no facts in support of his view, but simply says, "I believe."

Mr. LOUD. I would ask the gentleman what motive prompts him to try now to increase this appropriation, which he has used every means in his power to strike out?

Mr. PICKLER. Just this. I still think it is out of order notwithstanding the opinion of the Chair; but if this item is to remain in the bill I want it to be of some service. The chairman of the committee undertakes to justify his view by adducing as an argument a comparison between the charge for hauling one of these street postal cars 2, or 3, or 5, or at most not to exceed 20 miles and the charge of a steam railway for hauling a car on a run of a thousand miles, and he thinks both can be done for the same rate.

That is the way the gentleman calculates and reasons upon this subject. My opinion is that the gentleman from Ohio [Mr. BROMWELL] is right. My opinion is that the Postmaster-General is right. If the Department has been paying $163,000 for this service, and if it is true that the service is required to be doubled, it seems to me it would be ridiculous to cut down the appropriation to $150,000.

Mr. LOUD. The gentleman is mistaken again. They have not used any such amount of money as $163,000.

Mr. PICKLER. It is proposed to double the service, as I understand from the gentleman from Ohio, a member of the committee, and still to require these railroads to do the work for $13,000 less than they received last year. I repeat, Mr. Chairman, that if this item is to remain in the bill it ought to be made serviceable and of some effect, and I think this House ought to pay some regard to the recommendations of the Postmaster-General on this subject. The gentleman from Ohio, a member of the committee, has asserted on this floor that this bill has been brought in prematurely, that it has not been digested, but has been brought here in advance of some other matters that are pending before the committee. I take it as a verity that the gentleman from Ohio knows what he is talking about and that the Postmaster-General knows what he is talking about, and I repeat that if we are to adopt this item at all I believe we ought to make it effective. Unless we do that, let us strike it out.

Mr. OGDEN. Mr. Chairman, as a member of the Committee on the Post-Office and Post-Roads, I desire to say that the gentleman from South Dakota travels entirely out of the record in making the statement he has made in regard to the action of that committee and of the chairman of the committee. His statement is entirely untrue and unjustifiable.

Mr. PICKLER. I can prove it by the members of the committee themselves.

Mr. OGDEN. No, sir; you can not. I decline to be interrupted.

Mr. PICKLER. By more than one of them, too.

Mr. OGDEN. I am a member of that committee, and I state, in regard to what the gentleman has said about the arbitrary action of the chairman of the committee, that no such arbitrary action has ever been taken in the committee, at least while I have been a member. On the contrary, the chairman has been fair. He has had his own views in regard to what would be a proper appropriation bill to bring into the House, and he has presented those views to the committee, but in no instance has any such arbitrary action been taken as the gentleman from South Dakota states, and I repudiate all such charges against the chairman of the committee and against the committee as absolutely false.

The question being taken on the amendment, the Chairman declared that the noes seemed to have it.

Mr. BROMWELL. I ask for a division.

The committee divided; and there were—ayes 16, noes 36.

So the amendment was rejected.

The Clerk read as follows:

(*a*) The Postmaster-General is authorized and directed to adjust the compensation to be paid for the transportation of mails on electric-car and cable-car routes upon the conditions and at the rates hereinafter mentioned.

Mr. PICKLER. Now, Mr. Chairman, I raise the point of order against this paragraph.

The CHAIRMAN. The Chair suggests to the gentleman that this paragraph seems to be connected with and conditioned upon the following paragraphs. The Chair therefore thinks that the point of order should be taken at the end of the whole proposition. It will be in time then.

The Clerk read as follows:

(*b*) For full railway post-office cars, to be used for postal purposes only, to be operated independently of other cars, and to be not less than 16 feet in length, inside measurement, not to exceed 12 cents per mile traveled.

(*c*) For compartment post-office cars, to be operated independently of other cars, the compartment used for postal purposes to be not less than 10 feet in length, inside measurement, and full width of car, or not less than 13 feet in length and 5 feet in width, inside measurement, not to exceed 7 cents per mile traveled.

(*d*) For trailer post-office cars, to be run with regular passenger cars, and to provide space for postal purposes not less than 16 feet in length, inside measurement, and full width of car, not to exceed 5 cents per mile traveled; or if under 16 feet but not less than 12 feet in length, inside measurement, and full width of car, not to exceed 4 cents per mile traveled.

(*e*) All of the post-office cars mentioned in the preceding sections shall be of such style and character, furnished in such manner, run with such fre-

quency and speed, and on such schedules, as shall be required by the Postmaster-General, and shall be constructed, fitted up with the necessary furniture and fixtures for the proper handling and distribution of mail, maintained, heated, and lighted by gas or electricity, by and at the expense of the railroad companies; and clerks in charge of the mail shall be carried without additional charge therefor.

(*f*) When post-office car service shall be authorized on any route by the Postmaster-General, as provided herein, no additional compensation shall be allowed on account of the weight of mail carried on said route; and it shall be the duty of the railroad company operating said route to carry additional mail in closed pouches in charge of its employees on other than the post-office cars, when so directed by the proper officers of the Post-Office Department, without further compensation.

(*g*) For routes upon which no post-office cars are authorized by the Postmaster-General, but on which mails are carried in closed pouches in charge of employees of the railroad company, the pay per mile of route per annum on routes carrying their whole length an average weight of mails per day of 800 pounds or less shall not be to exceed $75; over 800 pounds, the rates to be as provided by existing law for transportation of mails on railroad routes; the average weight to be ascertained as provided by law; the service to be performed with such frequency and speed and by such a schedule as will be satisfactory to the Postmaster-General.

(*h*) The compensation herein provided shall apply only to electric and cable car routes not exceeding 20 miles in length; the compensation for carrying the mails on electric and cable car routes longer than 20 miles to be as provided by existing law for the transportation of mails on (steam) railroad routes.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment——

Mr. PICKLER. A point of order is pending.

The CHAIRMAN. Does the gentleman from South Dakota make a point of order?

Mr. PICKLER. I have been trying to do that all the morning.

The CHAIRMAN. The gentleman will state his point.

Mr. PICKLER. I make the point on all of pages 6 and 7 and all of page 8 down to the word "routes," in line 8.

Mr. CANNON. May I make a suggestion to the gentleman from South Dakota?

Mr. PICKLER. Certainly.

Mr. CANNON. The rate of payment contained in the provisions to which the gentleman makes his point of order is, I think, too large. It is, however, a maximum rate. Even this rate, however, would in my judgment give better service and reduce the compensation now paid to these railways. Saying nothing about the point of order, I believe that the provision ought to stay in the bill and that the maximum rate of compensation should be reduced from 12 cents to 10 cents. The truth is, that the rate named in the bill is higher than that paid to steam railroad companies, though in fact these street-car lines can afford to do the service for less.

I am not speaking of the gentleman's point of order; I do not know whether it is well taken or not; but I suggest that the provisions—with the amendment I have suggested—would give better service and cheaper service than if no such provisions were adopted. Having said this much, I have said all that I desire to say about the matter.

Mr. PICKLER. I do not know as to the merits of these provisions. But the chairman of the committee [Mr. LOUD] has informed us that all these matters are safe with the Postmaster-General—that the matters in regard to fourth-class postmasters, rural delivery, etc., are entirely safe with that officer. The chairman assures us that the Postmaster-General will properly take care of those matters. Now, I think that if he can take care of those he can take care of this. I insist on my point of order that the provisions embraced in the portion of the bill I have cited are new legislation—wholly new.

Mr. LOUD. What part of the bill does the gentleman leave in?

Mr. PICKLER. I leave in the proviso—

That all street-railway companies carrying mails under the foregoing provisions shall furnish free transportation to letter carriers to and from the post-office and their respective routes, when such distance shall exceed one-half of a mile, as the Postmaster-General may direct.

Mr. BINGHAM. Why does the gentleman except that from his point of order?

Mr. PICKLER. Because that can go with the other provision retained in the bill.

The CHAIRMAN. Does the gentleman from California [Mr. LOUD] desire to be heard on the point of order?

Mr. LOUD. No, sir; I have nothing to offer. I am free to admit that this part of the bill may possibly be subject to a point of order. I had supposed we might rely on the good sense of every member of the House to recognize the necessity of these provisions in view of the extension of this class of service.

Mr. QUIGG. I call the attention of the Chair and of the gentleman from South Dakota to the economy in the public service which is contemplated by the provisions against which the point of order has been made. I also call attention to the fact that the proviso against which the gentleman has not made his point of order relates directly to the provisions to which his point applies. If the gentleman presses his point of order, it defeats the economy which the proviso seeks to accomplish.

Mr. PICKLER. The gentleman from New York can make a point of order against that proviso if he wishes to do so. I have thought it a good thing to have these railroad companies transport the letter carriers free. I have thought that a measure of economy.

The CHAIRMAN. The Chair feels constrained to sustain the point of order.

Mr. PICKLER. This claim of economy is merely technical.

Mr. LACEY. I ask the Chair with what law do these provisions interfere?

The CHAIRMAN. They create new law.

Mr. LACEY. These paragraphs only make appropriation for carrying out the purpose of the old law.

Mr. MILLER of Kansas. Mr. Chairman, I think the chairman of this committee [Mr. LOUD] has gone further than members generally would be willing to go in conceding that these provisions are subject to a point of order. The fact is, these paragraphs simply make a specification in detail of the manner in which an entire appropriation shall be expended. They simply designate the manner in which the Postmaster-General shall parcel out this money. It seems to me that where there is a detail of this kind, which is very important to the proper disbursement of the appropriation, and where the chairman of the committee simply says that he is in doubt whether the provisions are in order, that it ought not to be accepted as a concession that the point of order is good, but the Chairman of the committee in his ruling should cast the doubt in favor of the proper administration of the appropriation.

Now, sir, the carrying of the mails is a matter of vital importance, and should be done with regularity. This appropriation is a large one, and I submit that it ought to be expended under the rules prescribed here. Where you are making a limitation simply on an appropriation already made I hold that it is not subject to the point of order where the principle of the appropriation is already embodied in the bill.

Mr. LACEY. Unless the Chairman has made a final ruling——

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. LACEY. In the first place, the point of order can not be made halfway down in a paragraph of the bill. I hold that it must be made on the whole of the paragraph or none of it. You can not by a point of order make a bill senseless——

The CHAIRMAN. The Chair does not know whether the gentleman from Iowa was present or not when the first paragraph *a*, of this part of the bill was read and the gentleman from South Dakota made the point of order upon it. The Chair suggested then, by permitting this paragraph, or this portion of the bill, to be read, the gentleman from South Dakota would not lose his right to make the point of order upon them all. The Chair suggested to the gentleman that the point of order should be made at the end of the paragraphs.

Mr. LACEY. I understand that, Mr. Chairman, but the gentleman proposes to divide this paragraph, making a point of order upon a part of it.

Mr. LOUD. He proposes to segregate paragraph *h* from the rest of it.

Mr. LACEY. That is the point that I suggest to the Chair can not be done. It leaves the bill a mere jargon by leaving the balance of the provision in an incomplete and uncertain condition. If the gentleman from South Dakota desires to make the point of order against a particular part of the bill, he must take the whole of the paragraph, and not segregate a portion from the rest. You can readily see where such a principle would lead. He can not single out a portion of a paragraph that would make the bill senseless or ungrammatical.

The CHAIRMAN. Does the gentleman think that a proviso to a paragraph might not be stricken out?

Mr. LACEY. But aside from that, here is a method pointed out for the distribution of the funds already appropriated by the bill. There is no law forbidding the use of money for the transportation of mails on electric cars. Suppose an electric line be put on the Baltimore and Ohio Railroad from here to the city of Baltimore, and next year, when the appropriation bill comes up, a provision is inserted to carry the mail over the electric line between Baltimore and Washington. Could it be held, as the gentleman from South Dakota proposes in this case to hold, that this is new legislation? It is simply a change in the motive power of the route. We make an appropriation to carry the mails on street cars drawn by horses, for instance. Next year the motive power of the car is changed, and they use either a cable line or electric cars. Could it be claimed that it was new legislation to make an appropriation for continuing the service on that line simply because the motive power was changed?

It is perfectly clear that without inaugurating new legislation the House has a right to appropriate the money necessary to carry the mails between any two points or to distribute the mail at either one of the points; and because there is a change in the motive power and the method of the distribution of the mail, and the change is recognized, it is not a change, and can not be held to be a change, in existing law. In this case there is no change of law

and no modification of the law. It is not even the enactment of a new law. It is simply a matter of detail in regard to the carrying of the mails already authorized by law.

With all due respect to the Chair, therefore, I suggest that the Chair should reconsider the ruling; because if we can not make a provision of this character we can not provide for carrying the mail in a manner that would not be objectionable from one end to the other.

Mr. CANNON. If the Chair will permit me, I wish to make a suggestion that may possibly accomplish the object the gentleman from California has in view and what the committee would be glad to do, probably, or would make the point of order untenable or unavailing.

My suggestion is in effect—and I will move an amendment, if necessary, commencing on the top of page 6, in line 1, to insert before the words "the Postmaster-General" as follows: "In making the expenditure of the money appropriated in this paragraph, the Postmaster-General is authorized," and so on. I would also propose to strike out the words "and directed," in line 1, on this page. Then along in the bill——

Mr. PICKLER. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. PICKLER. Is the gentleman offering an amendment now?

The CHAIRMAN. He is not, but simply calling attention to one that he proposes to offer if the opportunity arises.

Mr. CANNON. Well, I will offer it when I get a chance. I am giving notice.

Further along in the bill I propose to reduce 25 per cent the maximum compensation allowed.

It seems to me that that would make the limitation for which the money provided in this paragraph should be expended. It is given under the law, but in expending the money certain limitations are placed upon it.

The Chair is quite familiar with the power to place limitations on the expenditures of the money appropriated within the law. It is the same power exercised when you refuse to appropriate in pursuance of law, or when you appropriate a less amount than the law provides. In other words, in giving the money you place the limitations within the law on the expenditure.

Mr. PICKLER. Mr. Chairman, I have nothing to say about what amendment the gentleman from Illinois [Mr. CANNON] may offer hereafter. I only want this point of order ruled upon.

In answer to the very vigorous and demonstrative argument of the gentleman from Iowa [Mr. LACEY], that leaving this proviso in here would make this matter senseless, let us see how far the gentleman has examined it. He evidently did not examine it at all.

The CHAIRMAN. The Chair does not think that is pertinent to the point of order.

Mr. PICKLER. I want to address myself to the point of order. The Chair has ruled that item 27 is legitimate, and we have left that in the bill. That reads:

Twenty-seventh. For transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $150,000.

Now, turn over to the proviso which the gentleman says is senseless, and you will see that it reads connectedly. It says:

And provided further, That all street railway companies carrying mails under the foregoing provisions shall furnish free transportation to letter carriers to and from the post-office and their respective routes, when such distance shall exceed one-half of a mile, as the Postmaster-General may direct.

If that does not make sense, I should like to know what would make sense. The gentleman from Iowa [Mr. LACEY] can not connect two propositions in any more legitimate and reasonable way than these two connect. I insist upon my point of order.

The Chair certainly has no doubt of this point of order being good. The chairman of the committee confesses it. Everybody confesses it except the gentleman from Iowa. There are provisions for the length of cars in this paragraph *b*, which reads as follows:

(*b*) For full railway post-office cars, to be used for postal purposes only, to be operated independently of other cars, and to be not less than 16 feet in length, inside measurement, not to exceed 12 cents per mile traveled.

Then in the other paragraphs there are other provisions. These matters are all new propositions and changes of existing law.

Mr. LACEY. What existing law fixes the length of postal cars?

Mr. PICKLER. If there is no law then this is new law.

Mr. TALBERT. I wish to say a word, Mr. Chairman, in advocacy of the gentleman's point of order. It seems to me it is just simply a question of common sense. Does existing law provide bicycles and electric cars and all that kind of thing for carrying the mails?

Mr. PICKLER. No.

Mr. TALBERT. If it does not, it seems that it is a question of common sense to determine that the adoption of this paragraph does change existing law. I am reminded of what I saw the other day in one of my papers——

Mr. TAWNEY. I should like to ask the gentleman what existing law this changes.

Mr. TALBERT. Why, there is a change all round, and, as I say, I am reminded of what I saw in a paper the other day. A gentleman in the Northwest wrote to a friend in this city to know if he could dispose of a carload of fine horses in the city of Washington. His friend replied to him very promptly that he could not; that the men and women in Washington rode bicycles; that the street cars are run by electricity and motors, and that the Government is run by donkeys; and in consequence there is no demand for horses. [Laughter.]

Now, it does seem to me that this committee desires to change the whole system of delivering the mails in this country. I think, sir, under these circumstances, that this point of order ought to be sustained, and let this appropriation to buy bicycles and street-car tickets be applied to some better purpose.

Mr. LACEY. Suppose that heretofore the custom has been to carry the mail or run the Government by a donkey. What existing law is there that requires that custom be perpetuated?

The point that I seek to make, and that I failed to make clear to my friend from South Dakota, is that this is simply a recognition of improved machinery, of different methods. For instance, a pneumatic tube is put in between two cities. Why can not the mail be carried through that tube? Why can they not make a contract for carrying the mail in this way? This is merely a limitation on the expenditure of money, without a change of any existing law and without creating any new law.

Mr. PICKLER. There is no law for it, and the gentleman seeks to get a law for it. That is the point.

Mr. BINGHAM. I should like to say a word, unless the Chair is ready to rule.

The CHAIRMAN. The Chair thinks this plainly creates new law where none exists, and it is therefore obnoxious to the point of order.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

Mr. LOUD. Mr. Chairman, I would like to know if that took out the proviso?

The CHAIRMAN. The point of order, if the gentleman will give his attention, was raised against that part commencing with the proviso on the bottom of page 5, down to the end of "*Provided further*," in line 8, page 8.

Mr. LOUD. Can the gentleman divide the simple proviso in that way? That is under the head of letter H. Can the point of order be raised against one portion of the paragraph and not the other? Must not the whole go?

The CHAIRMAN. The point of order is on that portion on which the gentleman raises it.

Mr. TAWNEY. Mr. Chairman, before the point of order was made I offered an amendment at the end of line 13.

The CHAIRMAN. The gentleman from Illinois is recognized to offer an amendment.

Mr. TAWNEY. My amendment was offered before the point of order.

Mr. CANNON. At what portion of the paragraph?

Mr. TAWNEY. At the end of line 13, after the word "direct," on page 8.

Mr. CANNON. Well, my amendment is before that.

Mr. TAWNEY. This is striken out.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. LOUD. If it is not too late, I would raise the point of order against that "*Provided further*." Let it go out altogether. If any of it is to go out, let it all go out together.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PICKLER. I would like to know what the chairman of the committee makes his point of order against?

The CHAIRMAN. Against the remaining part of the paragraph.

Mr. PICKLER. I would like to have it reported, so that I may know what it is.

The Clerk read as follows:

And provided further, That all street-railway companies carrying mails under the foregoing provisions shall furnish free transportation to letter carriers to and from the post-office and their respective routes, when such distance shall exceed one-half of a mile, as the Postmaster-General may direct.

Mr. PICKLER. I understand the chairman of the committee makes the point of order against that paragraph.

The CHAIRMAN. There can be no doubt about that.

Mr. TAWNEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. As I understand it, pages 6 and 7, and down to line 13 on page 8, are now stricken out of the bill?

The CHAIRMAN. The gentleman is correct.

Mr. CANNON. I now offer my amendment.

Mr. TAWNEY. My parliamentary inquiry is this: Can I not, therefore, offer as an amendment to paragraph 27, at the bottom

of page 5, at the end of line 25, the amendment which I offered at the end of that paragraph which is stricken out?

The CHAIRMAN. In the opinion of the Chair the gentleman can when he gets the floor for that purpose. The gentleman from Illinois is recognized to offer an amendment.

Mr. CANNON. I move to insert after the word "that," on line 25, page 5, the words which I will ask the Clerk to read. I will just state it to the committee before the Clerk reports it, and that will possibly do away with the necessity of reading. I propose to move to put back these words stricken out literally, with the following additions. In line 25, after the word "that," on page 5, insert:

In making the expenditure of the money in this paragraph mentioned (*a*) the Postmaster-General is authorized to adjust the compensation to be paid for the transportation of mails on electric-car and cable-car routes upon the conditions and at the rates hereinafter mentioned, not exceeding the rates now authorized by law.

Mr. PICKLER. I make the point of order that it is too late for that. We have passed that section.

Mr. TAWNEY. No; we have not.

Mr. PICKLER. Yes, Mr. Chairman; the whole of paragraph 27, on the bottom of page 5, is a separate and distinct proposition, and it was kept in the bill on that ground. Now, we have gone on over two pages, and I make the point that the gentleman can not go back now to amend that proposition.

The CHAIRMAN. The Chair understands the gentleman to make the point of order that the amendment comes too late?

Mr. PICKLER. And that it is new legislation, too.

The CHAIRMAN. That is another consideration.

Mr. PICKLER. I make both points of order.

The Clerk read as follows:

On page 5, line 25, after the word "that," insert:
"In making the expenditure of the money in this provision mentioned (*a*) the Postmaster-General is authorized to adjust the compensation to be paid for the transportation of mails on electric-car and cable-car routes upon the conditions and at the rates hereinafter mentioned, not exceeding the rates now authorized by law."

Mr. CANNON. I will state what I offer puts it under the proper head with all the words that have been stricken out put in with an addition. In other words, I take the words that have been stricken out and add to and amend them so as to make it a different proposition and move it as an amendment.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order that this is new legislation?

Mr. CANNON. I only desire to say one thing. It seems to me that in appropriating $150,000 under the law—and it is admittedly under the law—for transportation upon street-railway lines, it is perfectly competent to place a limitation upon the expenditure of the money thereby appropriated for the coming year. That I seek to do, and I do this upon the ground, or rather upon the principle, as I stated a while ago, that you can withhold appropriations entirely, you can withhold them in part, or you can place limitations upon the expenditure, so as to leave a part of the law inoperative. That is what I have sought to do by this amendment.

Mr. LACEY. Mr. Chairman, appropriation is made in various appropriation bills for carrying the mails over certain lines of railway, without any limitation as to the character of the cars or without any limitation, for instance, as to gas. There is a provision put into the law designed to preserve the lives of the men who are attending to the mails on those cars, but that does not change existing law. It simply provides that the railway companies that accept the money under this appropriation shall not heat the mail cars with coal oil or with stoves, but shall heat them by electricity. That, I say, is not a change of existing law? There is no existing law upon the subject. Neither can it be said to be new legislation. It simply imposes a condition upon this appropriation, subject to which this appropriation shall be accepted. It provides a method of carrying out this legislation, a means by which the Government can avail itself from time to time of the best class of service. It might occur that on a given route there are two lines, either of which could carry the same mail, but one of which would do the work under certain conditions and with certain provisions for the protection of the mail carriers and the expedition of the mails. We certainly can put into the law a provision that the line which accepts the contract under this appropriation shall comply with certain conditions and requirements. Such a provision does not change existing law in any respect, nor can it be said to make new law, because it does not go any further than the disposition of the particular fund hereby appropriated.

Mr. DINGLEY. Is not that a law for one year?

Mr. LACEY. Simply with reference to this particular appropriation.

Mr. DINGLEY. But that is legislation for one year.

Mr. LACEY. But there is no existing law on the subject.

Mr. DINGLEY. That does not make any difference. You are making law on the subject.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Twenty-seven and one-half. For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. BROMWELL. Mr. Chairman, I ask to have read the amendment which I send to the desk.

Mr. LOUD. Mr. Chairman, before that amendment is offered, I desire to raise the point of order against this paragraph. First I will state that I regret very much that I feel called upon to raise the point of order upon this provision of the bill, because it, perhaps, puts some of my very close friends in a peculiar position. But, sir, if this proviso be in order, then you can put upon this bill any number of subsidies extending through this whole country. There are in the bill, as you understand, two following this. The point of order that I make is that this is new legislation, not warranted by existing law. The act of 1876 and previous acts, which you will find in the postal laws, prescribed the limit of money that could be paid for the transportation of the mails by rail, and here now Congress is seeking to pay an increased amount of money for the transmission of mails.

Now, I admit that this item has been in appropriation bills heretofore, but I hold that the fact that an item has been in an appropriation bill for one or more years does not give it the status of a law, and I call the attention of the Chair to a ruling which he made himself some few days ago upon the item relating to the salary of the private secretary of the President of the United States. In that case the appropriation bills for a number of years had carried $5,000 as the salary for that secretary, but the Chair held, very properly and justly as I think, that while the appropriation bills for a number of years might have carried a given amount of money for a given purpose, that fact did not change the existing law, and I hold that although this pending item may have been in the appropriation bills for a number of years, that fact does not give it any existence as a statute—an existing law.

Mr. CRISP. Mr. Chairman, the gentleman from California makes a point of order against the provision for special facilities on trunk lines from Boston to New Orleans via Atlanta. For many years, eighteen years, I believe, there has been carried in the general appropriation bill for the Post-Office Department a provision for a sum to facilitate this fast-mail service. Frequently the point of order has been made against it, though perhaps never before by the chairman of the committee reporting the bill. That, I believe, is a novelty which we now have for the first time. Ordinarily the gentleman who reports a bill is supposed to be in favor of it, and if there are provisions in a bill coming from his committee which he does not favor he usually turns it over to some gentleman who does favor those provisions, so that the bill may be reported and managed by a member who favors it, and not by one who opposes it.

Mr. LOUD. I hope the gentleman does not desire to do me an injustice. This is no new phase of the case. His colleague from Georgia assumed the same position. So far as management is concerned, I do not assume to represent the committee upon this proposition, and I will yield to any gentleman who desires to present the opposite view.

Mr. CRISP. But the gentleman puts himself in the attitude of being the director, mover, and controller of a bill in the House to which he is himself opposed, and he makes points of order against his own bill. That is a novelty, and I call attention to it only as a novelty.

This provision, however, is not new or novel. It has been in the Post-Office appropriation bills for many years. In 1893 a point of order made against this identical language was determined adversely by the Chair, an appeal was taken from the decision of the Chair and the decision sustained; so that the law of the House was settled on this question. I take it for granted a decision when so made is binding upon the Chairman and the House.

The language carried in these bills for many years was simply "For necessary and special facilities on trunk lines," marking out no particular trunk lines to which the appropriation should apply. In 1893 this identical provision was incorporated in the Post-Office appropriation bill. It will be found in the RECORD of February 18, 1893, page 1807:

For necessary and special facilities on trunk lines from Springfield, Mass., via New York and Washington, to Atlanta and New Orleans.

A point of order was raised against the provision—against that part of it designating particular trunk lines over which these facilities should be afforded. It was argued that such designation was new legislation and therefore obnoxious to the point of order.

Mr. LOUD. Will the gentleman permit me a suggestion?

Mr. CRISP. Yes, sir.

Mr. LOUD. I know the gentleman wants to be correct historically. The remarks he has made would leave the impression that this appropriation had mentioned no particular places until 1893. Permit me to say that the appropriation as carried in these

bills for a number of years designated the Atlantic Coast Line and named Tampa, Fla., as the terminus. In 1893 a point of order was made that the provision included at this time in the bill was a change of law because the application of the sum was changed bodily from one railroad line to another. On that point the gentleman's remarks might convey a wrong impression.

Mr. CRISP. Was that line named in the bill?

Mr. LOUD. Oh, yes; the Atlantic Coast Line was named, and so was the terminal point, Tampa, Fla.

Mr. SWANSON. The appropriation simply named certain points; it did not provide that the appropriation should be expended upon any special railroad.

Mr. LOUD. It was in the same form as this appropriation.

Mr. CRISP. In 1893 this point of order was elaborately argued. The decision of the Chairman of the Committee of the Whole at that time will be found on page 1813 of the volume of the RECORD to which I have referred. I will not read the decision, because it covers a column and a half of the RECORD, and I presume it is not necessary to occupy time in reading the whole of it. The final statement of the Chair is:

The Chair feels constrained to overrule the point of order, holding that the paragraph is not obnoxious to the rule, in that it is for a public object already in progress, and the words indicating the cities between which the special mail facilities are to be had are a mere limitation upon the discretion of the Postmaster-General in the distribution and expenditure of the fund.

Mr. DICKERSON. Mr. Chairman, I want to ask to appeal from that decision.

Mr. KYLE. I offer the amendment now, Mr. Chairman, to strike out.

The CHAIRMAN. The gentleman from Kentucky, the Chair understands, desires to appeal from the decision of the Chair.

Mr. DICKERSON. I do.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 98, noes 23.

So the decision of the Chair holding that this identical provision was in order on this identical appropriation bill was sustained by a vote of the Committee of the Whole. If any question is settled, if any matter is to be regarded as res adjudicata, it seems to me that it is this question.

Mr. BINGHAM. I wish to call the attention of the Chair to page 474 of the report of the Postmaster-General, where the Second Assistant Postmaster-General details this service from the New York starting point to New Orleans, making an exhibit of the expenditure for the last fiscal year of $171,000. Since 1889 the proviso in connection with the fast-mail service has been in these words:

That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.

This has been the proviso attached to this appropriation since 1889; and the Post-Office Department, believing that it was for the promotion of the interest of the postal service, have made the expenditure.

The first appropriation in connection with what is called the fast-mail service was made in 1877 in this language:

For inland mail transportation, namely, $150,000. The same may be used by the Postmaster-General to obtain proper facilities from the great trunk lines of railroad for the railway post-office service during the fiscal year ending June 30, 1878.

This proviso in this very or similar form has been in every Post-Office appropriation bill from that date up to the bill now before us. The Post-Office appropriation bills passed in 1881, 1882, 1883, 1884, 1885, 1886, 1887, and 1888 have simply this provision:

For necessary and special facilities on trunk lines.

In 1889, as I have already stated, the provision was inserted giving the Postmaster-General discretion for the promotion of the postal service.

Mr. Chairman, the rulings have been, I think, uniform in almost every Congress. The point of order has been raised again and again against this provision. I believe that at one session the provision was not reported in the bill by the Post-Office Committee, but an amendment was offered in the Committee of the Whole upon which a point of order was taken on which the Chairman declined to rule, because he desired the decision of the House, and by the express act of the House the amendment was inserted as proposed, although not reported by the committee.

The language of the rule is "unless in continuation of appropriations for such public works and objects as are already in progress." That is the language of Rule XXI, clause 3, under which the point of order is made. Mr. Chairman, the word "object," which has been referred to so much in discussing this point of order, is defined by Webster as "that on which we are employed." Certainly we are employed on this work. This service is by a train wholly and absolutely under the control of the Post-Office Department. It does not come under the general statute with regard to inland mail transportation, to which reference has been made and in which are specified amounts to be allowed for weight and space. It is a special train which the Department controls as to its hour of departure, as to its speed, as to the points at which it shall stop, and as to the time at which it shall reach the end of its route. It is a train wholly under the control of the Department.

Mr. BROMWELL. Do I understand the gentleman to say that this subsidy given to this Coast Line or this Southern Railroad line is the only pay that the line receives from the Government for carrying that mail?

Mr. BINGHAM. They get weight.

Mr. BROMWELL. They get weight just as the other lines do?

Mr. BINGHAM. Of course.

Mr. BROMWELL. So this $196,000 is a subsidy in addition to what they would get by weight for the service?

Mr. BINGHAM. Yes; and the route is of that importance to the service, I will state to the gentleman, that it is the only way that train can be controlled and made subject to the orders of the Department.

Now, an examination of this provision or rule will show that it was adopted as early as in 1838, and until the Forty-fourth Congress was always and universally construed as authorizing the appropriation for a purpose previously appropriated for, provided it was of a character that might properly be continued, and there are numerous rulings to this effect prior to the Forty-fourth Congress. There are also rulings subsequent to that Congress. For instance, we have the ruling of Mr. Wellborn, Chairman of the Committee of the Whole, on February 19, 1885, at the second session of the Forty-eighth Congress. We have also the ruling of Mr. MCCREARY of Kentucky in the second session of the Forty-ninth Congress, the ruling of Mr. Cox of New York in the Fiftieth Congress, and of Mr. BLANCHARD, which is quoted by the gentleman from Georgia [Mr. CRISP], on February 18, 1893, all of which sustain the holding of this paragraph in all of the Post-Office appropriations bills.

Volume 65 of the CONGRESSIONAL RECORD, Forty-eighth Congress, first session (1884), shows that the same point was raised and under consideration, and I will give the gentleman some good authority in connection with the discussion which then took place. I quote from the argument presented on this floor at that time:

Mr. CANNON. I wish to say simply a word, to call the attention of the committee to clause 3 of Rule XXI. It provides:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress."

Now, there was an appropriation made last year and for several years prior for these special mail facilities, and the point of order has been raised before. The ruling of the Chair has been uniformly, according to my recollection, that an amendment such as this now proposed is in order, because it is only a continuation of the objects for which the prior appropriation was made, and of which the Chair will take official notice.

Mr. REED. It seems to me that the point of order can not be sustained against such an amendment, and that it can be put upon broader grounds, because it is a part of the very work or business of appropriating money to carry on the mails in which we are now engaged. In making such appropriations we have the right to appropriate the money for any purpose deemed necessary to carry the mails, unless of course such appropriation shall be in contravention of some existing law. Nothing of that sort can be said by any possibility in opposition to the proposition made here.

It was my purpose, Mr. Chairman, to quote also the ruling of Mr. BLANCHARD in the last Congress; but the gentleman from Georgia has already given that. Mr. Springer made a similar ruling in the second session of the Forty-eighth Congress, in which he overruled the point of order, but finally submitted the matter to the judgment of the House.

Since 1877 a paragraph of this character has been carried in every Post-Office appropriation bill, and the rulings are largely in the majority for its remaining in the bill. It is a continuing work, and has been so held. The train was equipped and the road has been arranged for the accommodation of this service. The train has been run under the control of the Department, and it is the only way the Department can have the service and control it.

I think the conclusion has been reached by every Chairman, when this question has been under consideration, that the paragraph is properly in the bill, that it has been there for all of these years, and that, as reported to-day by the Committee on the Post-Office and Post-Roads of this House, it should remain.

Mr. SETTLE. Mr. Chairman, I desire only a word or two in reply to the point of order made on this proposition by my colleague, the gentleman from California, chairman of the Committee on the Post-Office and Post-Roads. I am aware, as is the House, of the constant opposition of the gentleman from California to this proposition. It has been carried, however, by the Post-Office appropriation bills for a number of years past, and against it points of order have been repeatedly made, and every time, I believe, overruled.

When the provision was being considered by the Committee on the Post-Office and Post-Roads there was a proposition submitted, which immediately follows this one, and also one immediately following that, of a similar character—that is to say, an appropriation for the other roads named in the bill to supply mail facilities for other sections of the country. It was the opinion of the committee, after discussing the matter, that they should be put into

the bill as separate items, for the very reason that if a lump sum were put in, covering all of these roads, the entire paragraph would be obnoxious to the point of order; and in order that this provision, which has been in the bill for so many years, should not be ruled out or become obnoxious to the point or order, if raised, the committee voted that it should be inserted as a separate item, and that the other provisions which might, perhaps, be subject to the point of order should stand as independent items in the bill.

I wish to say to the committee and my colleague that there are certain provisions of the bill that did not meet with my hearty approval; but inasmuch as it was the act of the committee, I have indorsed and supported the bill as a whole, and I understood from a question propounded to the chairman a day or two since by the gentleman from New York [Mr. QUIGG] and the response thereto that the chairman himself, while he had consistently opposed this provision, was not going to make a point of order against it now or to oppose it; but having reported the bill and being in charge of it that he would not make this point of order.

Mr. LOUD. Let me say that the gentleman never said anything of the kind.

Mr. SETTLE. I read from the RECORD, page 2561:

Mr. LOUD. Mr. Speaker, I ask consent that general debate be closed in one hour, and that the time be equally divided.
Mr. QUIGG. An hour on both sides?
Mr. LOUD. Half an hour on each side, if there are two sides. I was not aware that there were.
Mr. QUIGG. I think if the gentleman will state frankly whether he intends to attack any portion of this bill——

At that point the gentleman from California [Mr. LOUD] interrupted and said:

I have exhausted my time upon this bill, and I am now simply seeking to accommodate other gentlemen who desire to debate it.

I may have misunderstood the impression intended to be conveyed by the gentleman, but the impression left on my mind by the manner in which he responded to the interrogatory of the gentleman from New York was that the gentleman, notwithstanding his personal opposition to certain features of this bill which had been put into it, not by his act, but by the act of the committee, that he, being in charge of the bill, was going to stand by it. If it is understood that, this bill being the joint product of the committee, we are not bound by it as a committee upon this floor, I should like the chairman of the committee to announce that policy, because there are certain other provisions in the bill on which I should like to submit amendments.

Mr. LOUD. Will the gentleman submit to a question right there?

Mr. SETTLE. Yes.

Mr. LOUD. I will ask the gentleman if he did not stand up here the other day and vote in favor of an amendment offered by the gentleman from Iowa [Mr. HEPBURN]?

Mr. SETTLE. Yes; because, as stated by the chairman of the committee himself, the effect of that was not to change conditions actually in existence, but was rather to direct the discretion which was already conferred upon the Postmaster-General, so that it was a mere matter of form and not a matter of substance.

Mr. LOUD. I do not question the motive of the gentleman, but he reserved the right to oppose certain portions of this bill, as I understand it. I opposed this portion in the committee, and the gentleman did not oppose in the committee the provision that was voted upon the other day.

Mr. SETTLE. I understand the gentleman has consistently opposed this provision throughout his term in Congress.

Mr. LOUD. But you did not oppose the other provision in the committee.

Mr. DOCKERY. Will the gentleman allow me to ask him a question?

Mr. SETTLE. Yes.

Mr. DOCKERY. I understand the gentleman to say that in the opinion of the committee these three items stand upon a different footing in so far as points of order are concerned?

Mr. SETTLE. That was the opinion entertained by a number of gentleman, and expressed.

Mr. DOCKERY. In the committee?

Mr. SETTLE. Yes.

Mr. DOCKERY. I desire to know the judgment of the gentleman on that question.

Mr. SETTLE. I do not know that that would shed any light upon the subject, and certainly it would not guide the gentleman in his action.

Mr. DOCKERY. If the New Orleans proposition is in order, the second or Kansas City proposition, which is fully as meritorious, if not more so, should be retained in the bill.

Mr. SETTLE. The gentleman must draw a distinction between an appropriation carried in a regular appropriation bill for a series of years and a new proposition to extend to other routes and other territory.

Now, Mr. Chairman, this provision in this bill authorizes the Postmaster-General, for special mail facilities, to pay this amount. As said by the gentleman from Pennsylvania [Mr. BINGHAM]—and I want to invite the attention of my colleague, the gentleman from Ohio [Mr. BROMWELL], to this fact—the schedules of these trains on the roads receiving these moneys are fixed by the Post-Office Department. One of these trains leaves New York City at 4 o'clock in the morning, receiving at that time mail from Boston and other sections. Leaving at that hour, it can not receive much passenger traffic. It is not allowed to stop where the railroad officials would like to stop it for the purpose of passenger traffic, but its stops are regulated by the Post-Office Department. Its schedule is fixed by the Post-Office Department, and the entire control of it is under the government of that Department.

Now, this road can not run a train for the purpose of increasing the mail facilities from Boston to Washington via New York, then from here via Lynchburg, Danville, Charlotte, and through the entire South, connecting with New Orleans, close connections, and supplying Mexico with its mail, connecting with steamers for Cuba at Tampa. All of this schedule is with a view of putting mail into that mail schedule, and the schedule, as I said, is arranged by the Post-Office Department. I respectfully submit to the Chair that the precedent stated where this point has been frequently made and each time overruled is one that should govern in the present case. [Applause.]

Mr. MILLER of Kansas. Mr. Chairman, I shall not stop now to discuss the merits or demerits of these various provisions in this bill for special facilities. Upon this point of order such a discussion is not germane. I submit to this House that these various items which follow in this bill, against which the gentleman who has just taken his seat stated some objections, are equally meritorious with those proposed in the item now under consideration.

Mr. SETTLE. The gentleman will permit me to say, in order to put myself straight, that I am not opposing these propositions, but shall vote for them.

Mr. MILLER of Kansas. But, Mr. Chairman, in the discussion of this proposition he states something as the action of this committee, of which he is a member, which I deny, and that is that the committee said by any vote or otherwise that the two following provisions are subject to a point of order and this is not. It is not fair to submit what takes place in the committee room, but I say a discussion arose there as to what questions would be raised, and it was thought better by all that they be submitted as separate propositions; but that the committee said that the following items would be subject to points of order or anything of that kind—no such ruling was made.

Now, Mr. Chairman, at some time in the history of these appropriation bills this item under consideration was a new item, and at that time the point of order was made against it, and what was the ruling of the Chair? Simply that it was in pursuance of "an object already in progress," that of carrying the mails throughout the United States. That item has been in every single Post-Office appropriation bill for sixteen years. It is true that in 1893 a ruling was made by the Chair that has been quoted here. It was a new item. Previous to that time they had not fixed the termini of the road. Previous to that time the lines were not designated over which it was then designed for it to go. So that at that time the ruling which the gentleman from Georgia says is conclusive upon this committee was conclusive as to each one of the items in this bill, on the ground that it was carrying out "an object already in progress," to wit, carrying the mails throughout the United States.

Now, sir, there is in this bill an item of $27,000,000. Will any gentleman here presume to state that if this committee had seen fit to separate these items into detailed statements of the roads over which the mails should be carried, that it would be subject to the point of order? Not at all. I say that under the general provisions of law the Postmaster-General may designate these very routes over which it is proposed to carry these mails here now under existing law and appropriations that are made, if the appropriations for inland mails are sufficient. But they say, as did the gentleman from California [Mr. LOUD], that that would be against the existing law in regard to the weighing of the mails. I want to call the attention of the Chair to the proviso that is added to each one of these items, and that is that it shall be made in accordance with the discretion of the Postmaster-General. He may require, in the expenditure of this money, that it shall be done at the pound rates or at the ton rates as provided by law now, so that in making these expenditures he may pay simply so much of this money as is required to carry the mails, and he may make it on the exact items of cost now provided by the law in regard to the transportation of mails throughout the various lines in this country. So I say, Mr. Chairman, that this item is not subject to the point of order, because any provision of law carrying with it this appropriation is in order when it is for the transmission of the mails throughout this country.

Now, the gentleman from Pennsylvania read here a statement made by the present Speaker of this House upon this very appro-

priation. He laid down the rule that it was not subject to the point of order because it was carrying out a general provision for carrying the inland mails of the country; and I say, further, that it can not be claimed here that it is subject to the point of order because it changes any existing law, for the reason, as I have said, that it is within the power of the Postmaster-General, to carry out the provision of the law, to make this cost exactly in accordance with the law now provided for carrying the inland mails; and it has been ruled in this House, and I think by this very Chairman, that the point of order made here, that there is an existing law, cuts no figure, because all of these items enumerated in the bill expire with the fiscal year for which the appropriation is made. So I say that every one of these items stands upon precisely the same footing and neither one of them can be subject to the point of order.

I say, gentlemen, further, that these items following the one that is now under consideration ought each to be allowed by this House; and I say that the same reasons apply to the item from Kansas City to Newton that apply to the southern line to New Orleans. Over that line of mail to Texas and California it will make a saving of twelve hours' time, and I submit to this House that in those Southern and Western districts these special mail facilities are necessary for the accommodation of the people. Gentlemen must remember that in that part of the country we do not have mail trains six and eight times a day, as you do through the East, and when you can make a saving of twelve hours in the transportation of your Southern, Southwestern, and Western mails, it is an object that you ought to be eager to attain so as to give the people of the West and South the advantage of such additional mail facilities.

There is another item in the bill that I wish to bring to the attention of this committee, though I do not know that I ought to do so upon this point of order. A mail train leaves Kansas City upon the Santa Fe route at night, and there is another at 10 o'clock in the morning. Now, the train contemplated here is to leave at 3 o'clock in the morning. The mail in Kansas City is gathered at 6 o'clock in the evening, and all matter deposited after that is left over until 10 o'clock the next day. That 10 o'clock train is carrying the general mail, but the train leaving at 3 o'clock, which this item provides for, will overtake it at Newton. As a result of that, the general mail now being paid for by the Department in the general service will go on this train running to Texas and California, and the figuring out of the proposition is that this item of $81,000 really will not cost the Government to exceed $15,000 or $20,000, while there will be a saving of twelve hours on all the mail for Texas and California over the Santa Fe system.

So, Mr. Chairman, I say that upon these different propositions the merit is with the subsequent items as well as with the first, and they are no more subject to the point of order than the first is, and they ought to be retained in the bill because they constitute good legislation in the interest of the people who need these special mail facilities.

Mr. DINGLEY. Mr. Chairman, this is a very important point of order that has been raised, not because of the few paragraphs to which it may be applicable here, but because of what may result in the future if it shall be held that there may be reported by the Postals Committee, or moved as an amendment on a postal appropriation bill, a proposition giving to any particular railroad of this country an extra compensation for carrying the mails. All the railroads of this country carrying the mails, except the special line mentioned in the first paragraph, are now paid at one uniform rate, dependent upon the weight of mail that they carry. That is the law without exception.

Our rules provide that no appropriation shall be reported in a general appropriation bill, or moved as an amendment thereto, unless authorized by law, unless in continuation of a work or object previously so authorized. The paragraph against which the point of order has been raised has, since 1878, varied that rule of compensation established by law in the case of one particular line of railroad. That paragraph went into the bill originally without the point of order being raised against it, on the plea that it was important to have this fast mail running from Boston to Tampa, Fla., and that such extra compensation ought to be given, in order that we might secure close mail communication with Habana, Cuba. The provision was put into the bill originally for the purpose of expediting our foreign mail service to Habana. It has been in the bill every year since that time. Points of order have been raised against it since it was first put on an appropriation bill on at least two occasions, and the paragraph has been sustained as being in order, on the ground that it was for the continuation of an object already in progress, to wit, the running of this particular train expeditiously, and therefore, as held, an object already authorized by law—the law, however, being only the appropriating clause for each year. It has never been held to be in order except upon that ground.

This paragraph, therefore, stands on a very different basis from that on which the paragraphs following it in the bill stand. The object authorized by law has always been held to be the expediting of this line of mail, not the mere general indefinite object of furthering mail facilities throughout the country. Now there have been ingrafted upon the pending bill, as might have been expected, two additional paragraphs of like nature, without, of course, even the pretense of being an object heretofore authorized by the so-called law of an appropriation. Of course, if this sort of business is to be initiated, and is to go on, every railroad in this country is likely to reach out for this additional subsidy or additional compensation not authorized by law.

I remember that in Postmaster-General Wanamaker's administration he stated in his report that the appropriation made by this paragraph did not expedite or improve even this particular service, and that it caused a great deal of trouble in arranging with other railroads. He said, in substance: "You have given extra compensation to one line of road; now give it to all or to none." He said that this special compensation to this one line acted as an obstruction to the Department in dealing with the railroads throughout the country.

As I have said, at least twice this particular paragraph has been held in order because it was in continuation of an object previously authorized by law—and two years ago the House in committee sustained the decision—and if it is to be held in order now it must be so held on that and no other ground. Now, this point does not apply at all to the two paragraphs that follow, because it is not claimed that they are in continuation of an object authorized by any existing law, not even by a provision in an appropriation bill.

Mr. MILLER of Kansas. I will ask the gentleman whether at the time when the ruling was made by the gentleman from Louisiana [Mr. BLANCHARD], which was read by the gentleman from Georgia, this was not a new item? Was it not an item fixing the termini at different places from those named in preceding bills?

Mr. DINGLEY. Oh, certainly. There was a variation of the Southern terminus, but he held that the paragraph was in continuation of an object authorized by existing law, the facilitation of the service on this particular line. I thought the ruling made at that time was improper; I still think so, notwithstanding the Committee of the Whole sustained it.

In this connection I may say an "object previously authorized by law" had always previously to that ruling, so far as my observation extended, been construed to cover objects authorized by permanent law—not objects authorized for a single fiscal year by an appropriation in an appropriation bill. The mere placing of a particular appropriation in an appropriation bill for any particular fiscal year, beginning with the year and ending with it, does not make permanent law, and the object referred to in such a provision is not a continuous object. But I admit the contrary was held with respect to this item, and because this improper decision was sustained by the Committee of the Whole on that occasion, the present Chairman may feel himself constrained to follow that bad ruling on the first paragraph.

Mr. LINNEY. Allow me to ask this question: In all matters of doubt, is it not always the safer course to follow precedent?

Mr. DINGLEY. Personally, I do not think there is any doubt in the mind of any gentleman who has judicially examined the ruling referred to. Let me say to my friend from North Carolina that if it should possibly be ruled that new items of this character may be placed on this appropriation bill from year to year, giving to any particular railroad company a subsidy or additional compensation not authorized by law, there is not a railroad company in the country that would not come in and ask for such a subsidy. And gentlemen representing any district where there is such a railroad would be obliged to present an amendment for this purpose. And when such amendments are held to be in order, nobody can tell what would happen, especially if all the railroad companies interested in the matter should combine.

Gentlemen must see what such a ruling would open up, with all the railroads of the country claiming a subsidy or additional compensation for carrying the mails. There is no trouble now in securing the best possible mail service from all railroads for the compensation provided by law. That transportation is being satisfactorily provided throughout the country, and all the railroad companies are satisfied with the compensation fixed by law. If we begin giving additional compensation to one line other lines will want it.

Hence I say, that while I think the ruling made twice in this House on this first paragraph has been wrong, yet if that ruling is to be sustained in this case on the ground that it has been held that here is an object previously authorized by law, because it has been provided for in an appropriation bill for several years, still that principle must not be held to apply to the new items that appear in this bill, for no one pretends that they are objects heretofore authorized by law.

Mr. BROMWELL. The gentleman from Maine has said, as I understand, that the original object of this appropriation was to expedite foreign mails.

Mr. DINGLEY. Yes, sir; the mail to Habana, by way of Tampa.

Mr. BROMWELL. And the terminus of this subsidized route has now been changed?

Mr. DINGLEY. Yes, sir.

Mr. BROMWELL. Does the gentleman from Maine see any difference between the right of the roads constituting the route as now changed, and furnishing only inland transportation—the appropriation being practically for expediting fast mails between New York and New Orleans—does the gentleman see any difference between the right of that line to demand a subsidy and the right of the Baltimore and Ohio Company to demand a subsidy for carrying the mails from Washington to St. Louis, or the right of the Cincinnati Southern Railroad to demand a subsidy for carrying the mails from Cincinnati to New Orleans?

Mr. DINGLEY. Not at all. As I have already said, I believe the whole thing is wrong. But it must be borne in mind that this change has not been made in this bill; it was made in previous bills. I think that even this provision ought to be held out of order; yet I can see some force in the claim that has been made for ruling it in order from the fact that it has been in previous appropriation bills. I can see how it may be contended, as my friend from Philadelphia has contended, that this is "an object previously authorized by law." I think such a construction does not come within the intention of the rule. I think the intention of the rule is that the object should be authorized by permanent law—not simply by a temporary appropriation operating for a single fiscal year.

But the point to which I am now calling attention particularly is that even if that view be taken it should not be held to apply to any new authorization.

Mr. QUIGG. It is quite true, is it not, that these lines which formerly connected at Tampa still make mail connection with Habana?

Mr. DINGLEY. Oh, I assume that they do through other lines.

Mr. QUIGG. So far as the connection with Habana is concerned there is simply another terminus.

Mr. DINGLEY. My own belief is that the mere fact that this provision has been carried in the appropriation bill from year to year, even for seventeen years, is not an authorization of the object by permanent law within the contemplation of the rule. Certainly there is not even this slight peg on which to hang a decision that the subsequent paragraphs making appropriations for additional compensation to new lines never before mentioned in appropriation bills are not new legislation.

Mr. GROUT. Why, of course, it would last only for the current appropriation.

Mr. DINGLEY. That is my idea. But I have in mind the fact that the Chairman of the Committee of the Whole in the last Congress held that because this appropriation had been in the bills for some years previously it came within that class of appropriations previously authorized by law and was, in other words, a continuing object. I disagreed with him at the time in that position, and I have seen no reason to change my judgment since. [Applause.]

Mr. CANNON. If the gentleman will allow me a moment, I understand the gentleman to say that an appropriation for the current year, while it would be legal to expend it, does not constitute law or authorize, in the language of the rule, an appropriation for the coming year?

Mr. DINGLEY. That is my view. I think that with the exception of the decision on this particular paragraph referred to that has been the uniform trend of decisions.

Mr. GROUT. It is not law beyond the life of the appropriation bill.

Mr. CANNON. I only wanted to get the matter clearly before the committee.

Mr. LACEY. Mr. Chairman, the present rules of the House were adopted with reference to the previous decisions of the House and of its presiding officers in the past, and when it is conceded that for seventeen years this provision has been held to be admissible under the rules of the House on an appropriation bill, when the rules were substantially as they are now, that seems to me to be a confession that this provision is not amenable to the point of order.

Mr. BINGHAM. It has certainly been a continuing object.

Mr. LACEY. In the last Congress this question came up before the Chairman of the Committee of the Whole, Mr. O'Neil, of Massachusetts, then presiding, on an amendment to the Indian appropriation bill, and there was a discussion covering this same point. A proposition was inserted in the bill for the disposition of some of the Indian lands. Modifications were made in the existing law as to their disposition, and a point of order was made upon the provision. It was said that there was a general law covering the matter and that the House could not change the general law upon the appropriation bill. The Chairman of the committee, however, said in ruling against the point of order:

The Chair finds, upon looking at the matter, that it is the universal custom in considering these treaties to modify and change them just as is now being done in the present bill, and that it is not only true of Indian treaties, as the Chair understands, but it is also true of other treaties.

In other words, that if this had been an original proposition he might have held differently, but he found that similar propositions had been held in order for consideration in the House on previous occasions, and that such being the case, and the rules of the House being the outgrowth of the construction placed by the House itself and by its presiding officers on questions of this character, he would hold the proposition to be in order. And it was held to be in order, because as the law is made with reference to the decisions of the courts, so the rules of the House are made with reference to the previous construction given to them by the House itself.

Now, here is a proposition that the gentleman from Maine is discussing with reference to its propriety, as to why it is a good thing to give to the Atlantic Coast Line, which supplies the South and Southwest with speedy mail communications, the appropriation provided in the bill. But that is not the question with which the Chair has to deal. The question is whether we are infringing upon existing law; and in view of the precedents heretofore established it seems to me it is the duty of the Chair to overrule the point of order and to follow the precedents which have become the rules and practice of the House.

When the question as to the wisdom of the appropriation comes up it will be within the power of the House to strike out that portion of the bill, if it sees proper, and a motion to strike out will be entirely within the rule for consideration.

Mr. SWANSON. Mr. Chairman, I desire to make simply a statement with reference to the point of order raised.

As has been well stated by the gentleman from Iowa [Mr. LACEY], we must consider that our rules were adopted with reference to the precedents that the House itself has established in regard to them. It will be improper for the Chair to overrule the previous decisions interpreting the meaning of a specific rule, because it is presumed that the House concurred in that interpretation by reason of the fact that the rule has not been changed in that regard.

The CHAIRMAN. The Chair is ready to rule upon the question of order.

The point of order is raised upon this provision of clause 2 of Rule XXI, which contains two propositions:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

On the last proposition in that clause of the rule the Chair would be in no doubt whatever but that the point of order was well taken, because the Chair finds that the general law upon the subject is that the pay per annum per mile shall not exceed the following rates, which are specified, and this appropriation is in excess of the amount provided by the general law. Now, this appropriation has been in the appropriation bills for the last seventeen years, an excess over the amount limited by the general law, for substantially this route; and it is claimed——

Mr. LOUD. Not substantially the same route until two years ago.

The CHAIRMAN. Well, for this exact route for two years, and substantially this route for a large portion of the time; but the general proposition has been in the bill for seventeen years.

Now, it has been claimed heretofore—perhaps not so strenuously to-day—that placing that item in the appropriation bill for the year changed the existing law not only for the time the appropriation took effect, but for all time thereafter. The present occupant of the chair has expressed himself upon that question before, that such appropriation only changes the law for the year for which the appropriation is made; that it does change the law as to that year, but for no subsequent year; and if this was the only clause in the rule the Chair would feel constrained, notwithstanding the decisions of previous Congresses—so plain is the law and the rule in that regard—to sustain the point of order upon this second proposition.

But there is another provision in the rule, to which the Chair will call attention:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The Chair has examined the decisions made upon this question in former Congresses. There are three or four distinct rulings, and generally the ruling of the Chair has been based upon the first proposition in this second clause of Rule XXI, that this was in continuation of objects already appropriated for. That may be a strained construction of that clause of the rule. If it was an original proposition, and there never had been any decision by any previous House, the present occupant of the chair would be inclined to view the second clause of that rule as applying to all cases:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The Chair would be inclined to hold that that second clause covered every case; but after consideration by different members of the House who have occupied the chair, and the reasons that have been given after full debate, and also in view of the fact that the committee has on one occasion at least, by a large majority, sustained the Chair in that ruling, the Chair is inclined to follow the precedent thus set, and to hold that this paragraph is in order under the first proposition of the second clause of Rule XXI, as being in continuation of an object already appropriated for and authorized by law, although that authorization is limited to the present fiscal year. The Chair therefore overrules the point of order upon that ground.

Mr. LOUD. I move to strike out the paragraph; and in support of that I desire to be very brief, because I have gone over this ground very thoroughly heretofore.

Before going into the matter, I desire to call the attention of the Chair to one point or one difficulty that possibly may confront him hereafter in his ruling.

Mr. BROMWELL. If the gentleman will allow me, I have an amendment at the desk which should be considered before the gentleman's motion is considered, and I ask the gentleman to withhold his motion until my amendment can be offered and voted upon.

Mr. LOUD. Very well, Mr. Chairman; I will yield for the purpose of allowing the gentleman to offer his amendment.

The amendment of Mr. BROMWELL was read, as follows:

Strike out in lines 17 and 18 the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents"; and insert after the word "Orleans," in line 17, page 8, the following words:

"And from Cincinnati, Ohio, by way of Chattanooga, Tenn., and Birmingham, Ala., to New Orleans, La.; and from Washington, D. C., by way of Cincinnati, Ohio, to St. Louis, Mo.; and from Kansas City, Mo., to Newton, Kans.; and from Chicago, Ill., to Council Bluffs, Iowa; and from Chicago, Ill., to Minneapolis, Minn., seven hundred thousand dollars."

Also, strike out the words commencing with the beginning of line 23, page 8, and ending with the last word in line 11, page 9.

Mr. CRISP. I make the point of order against that amendment.

Mr. DINGLEY. The last part of that is inapplicable.

Mr. CRISP. I make the point of order on that under the ruling and decision just made by the Chair. I hope the gentleman will not seek to embarrass this matter.

Mr. BROMWELL. Mr. Chairman, this matter of the point of order upon this proposition has been so thoroughly discussed that I do not care to make any argument upon it. I merely wish to say this, that I can conceive of no reason in the world why this one line should be given a subsidy of $196,000 while other lines are now carrying fast mails without any appropriation from the Government and many of them are carrying mails for which they are not paid at all.

Mr. MEREDITH. I think the gentleman is not speaking to the point of order.

Mr. BROMWELL. Well, I think I have the right to talk as I please upon the point of order—for a few moments anyway. [Laughter.] Why should we give this subsidy exclusively to this one line, to the exclusion of every other line in this country equally meritorious? Now, I propose by this amendment to tap this line to which this subsidy is given, the Coast Line, at Washington City, and see that a fast mail goes West as far as Cincinnati and St. Louis for distribution, and also to tap it again at Cincinnati, so that a fast mail may go through the Southern States to the Gulf. Now, Mr. Chairman, I shall speak to the point of order.

Mr. MEREDITH. I do not want to be discourteous to my friend.

Mr. BROMWELL. I have endeavored with all the intelligence at my command to try to master the meaning of these two provisions which have been quoted from our rules in the points of order that have been raised. I can not understand, and I do not desire to reflect upon the Chair, how the ruling of the Chair on the point of order which has just been raised and decided was made. It seems to me that they are two independent rules, and if an amendment which is proposed to a bill comes within the meaning and the provisions of either one of these rules, that it is subject to the point of order. I can not understand how the Chair can say that if that second rule alone had been in existence and the first had not been there he would have decided the point of order well taken, and afterwards say, in spite of this second rule, which prohibits any new legislation on an appropriation bill, in spite of that, because his predecessors sitting in the chair as Chairmen of the Committee of the Whole have so decided that under the first section of that rule the point of order is not well taken against this particular subsidy.

These are two entirely distinct and separate rules; and if this amendment is subject to the point of order under either one of them it ought to go out now. Then, if the Chair can sustain this, that is, the provision which is now in the bill reported by the committee, and say that the point of order can not be raised against it because it was in last year's appropriation bill, it seems to me that there can be no reason given why this amendment I propose may not go into this bill. As I say, I have been listening to all that has been said, and I have been trying as intelligently as I could to apprehend what is meant by this rule in question; and I can not but feel that the statement of the rule as given by the gentleman from Maine [Mr. DINGLEY] is a correct one; that the mere fact that this subsidy for the Southern Line was in the last year's appropriation bill is no reason in the world why it should go in again. If it be true that no new legislation is now proposed in this subsidy, then I can not understand what objection there should be to our proposition to give subsidies to other lines equally meritorious.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LOUD. Mr. Chairman, I desire to call your attention to one thing here which may be a little embarrassing in relation to the ruling the Chair made on the preceding paragraph. The only ground that the Chairman had to stand upon there was "in continuation of appropriations for such public works and objects as are already in progress." Although the work in progress may be a public building or the improvement of river and harbor works, of course the Chair does not mean to assume that we can go on in an appropriation bill beyond the amount of money that has been provided by statute. As as illustration, if we appropriate for the construction of a public building and limit the cost to $250,000, the Chair can not assume, "for the continuation of a work already in progress," that we can in an appropriation bill—in the sundry civil appropriation bill—go beyond the limitation fixed. Now, then, I have stated the first proposition of the Chairman. Of course you can not reverse yourself, but you see you may get tangled up in these propositions before you get through.

The law provides that railroad companies shall receive such an amount of money for mail pay. Within that, of course, Congress has the power to appropriate, but beyond that it is exactly a parallel case with a public building. You have no power, except by special legislation, to go beyond the proviso contained in the statute enacted. I think, Mr. Chairman, that if the preceding provisions were in order this amendment must be. I can not see how it can stand upon any different plane, because it is subtantially the same character of work. The Chair himself gives no force to the argument that it has a standing before this House because it was in a previous appropriation bill, but only recognizes it as in continuation of work already in progress. Now, that consideration must necessarily apply to this as well as to the other paragraph; it is in furtherance of the work of expediting the mail.

Mr. COUSINS. Mr. Chairman, I would like to ask the gentleman in charge of the bill, Who is responsible for the paragraphs which have been discussed during the last four or five minutes? On whose recommendations were these several subsidies inserted in the bill? Have they been recommended by the Post-Office Department?

Mr. LOUD. I will say to the gentleman frankly that the Postmasters-General for years have condemned this system in unmeasured language. Even the present Postmaster-General, though perhaps he may have voted for this at some time, condemns it in unmeasured language. This is not a certified item. It is not submitted by the Department to the committee. As to who is responsible for it, permit me to say to the gentleman that if I knew I could not divulge it.

Mr. COUSINS. I think there are one or two of these items that have no precedent in former appropriation bills. For instance, I read a paragraph which appropriates $100,000 to improve the facilities for carrying the mail from Chicago to Council Bluffs, and prescribing that the mail shall be carried via a certain route. Now, I do not understand that any such provision as that has been passed in previous appropriation bills. Somebody must be responsible for the recommendation of a paragraph of that kind. Do I understand the chairman of the Committee on the Post-Office and Post-Roads to say that he does not know who is responsible?

Mr. LOUD. I said that if I did know I should not tell. [Laughter.]

Mr. COUSINS. Oh! [Laughter.]

Mr. LORIMER. Mr. Chairman, if the gentleman will permit me, I will give him the information he desires.

Mr. COUSINS. That is what I am after.

Mr. LORIMER. Just before this bill was ordered to be reported to the House, we had up for discussion in the committee this item for fast-mail service from New York by way of certain Southern cities. At that meeting there was inserted an item of $81,000 for expediting the mails from Kansas City to Newton. At the same time I discovered that a committee of citizens of Chicago had been before the Committee on the Post-Office requesting that an item of $100,000 be inserted in this appropriation bill for special mail facilities from Chicago to Council Bluffs by way of the Burlington road. and on my motion this paragraph was placed in the bill. Since the bill was reported I have learned that we have three other roads running from Chicago to Council Bluffs that can just as well handle the mails as the one that would necessarily be compelled to carry them if this item remains in the bill in its present shape, and for that reason I have prepared an amendment to strike out "by way

of Burlington," which will leave the matter open to competition between the four roads running from Chicago to Council Bluffs.

Mr. COUSINS. Mr. Chairman, that is entirely satisfactory. I simply wanted to know who fathered this provision, and to know why it was limited to one route. I do not wish to be understood as being against any kind of increased facilities for carrying the mails from Chicago to Council Bluffs. I am in favor of increased facilities, and I would like to have as many such facilities as possible. For instance, it might be a good thing to have the lines that run most direct from Chicago to Council Bluffs recognized in this provision for increased facilities.

Mr. DINGLEY. Mr. Chairman, is there not a point of order pending?

The CHAIRMAN. There was a point of order pending, but the Chair sustained it, and after that some discussion was had.

Mr. DINGLEY. Then is there any other amendment pending?

The CHAIRMAN. There is no amendment pending.

Mr. DINGLEY. I understood the chairman of the Committee on the Post-Office and Post-Roads to move to strike out the paragraph.

The CHAIRMAN. He did, but afterwards withdrew the motion.

Mr. BROMWELL. Mr. Chairman, I think that motion was withdrawn only temporarily. Does not the chairman of the committee intend to renew his motion to strike out this paragraph?

Mr. LOUD. Yes, sir; I move to strike out the paragraph.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by striking out, on page 8, lines from 14 to 22, inclusive.

Mr. QUIGG. Mr. Chairman, if the gentleman from California will allow me to ask him a question, I should like to call his attention to the statement he made a moment ago that the present Postmaster-General and preceding Postmasters-General have condemned this appropriation for special mail facilities. In connection with that statement I wish to call his attention to a proviso contained in the bill:

Provided, That no portion of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Referring him to the fact that every Postmaster-General has actually expended this appropriation, I want to ask the gentleman from California if he proposes to substitute his judgment as to what the Postmaster-General thinks for this demonstration of what the Postmaster-General thinks?

Mr. LOUD. I am perfectly willing to yield for questions, but I do not like to have a gentleman take up all my time in propounding a question so that I can not answer it within my five minutes.

The CHAIRMAN. The gentleman from California [Mr. LOUD] is recognized now in his own right.

Mr. LOUD. In answer to the gentleman, I will say that the Postmaster-General accepts the direction of Congress and continues the service. That is all. The fact still remains that every Postmaster-General since 1890 has persistently and consistently, over his own signature, condemned this system, and urged Congress not to appropriate for the purpose.

Mr. QUIGG. Is there anything in the report of the present Postmaster-General condemning it?

Mr. LOUD. There is nothing in the present report; but there is a communication which the gentleman from Missouri has here upon this very subject. The Postmaster-General did not touch this subject in his last report.

Now, Mr. Chairman, I proceed to discuss as briefly as possible the pending provision of the bill. The proposition which directly concerns us is to give a subsidy to a line of railroad running a train between New York and New Orleans, leaving New York at 4.30 a. m. and arriving at New Orleans at 8.30 p. m. the next day. Now, of course our Southern friends and gentlemen living along this line of railroad will tell you with great candor that this arrangement expedites the mails, that this is a fast train, and that it is absolutely necessary for them in order that they may receive their mail matter in time. Sir, this train leaves New York, as I have said, at 4.30 a. m. The regular mail train leaves New York at 12.15 at night, and this night train accommodates not only the New York mails, but also the mail leaving Boston at 5 o'clock the same afternoon.

This train leaving New York at 4.30 a. m. is not a fast train. It is a train which lumbers along down to Washington, arriving here at 11.15. This rapid train, this fast-mail train that gentlemen speak of, occupies six hours and forty-five minutes between New York and Washington. This train, if the facts were known, is a milk train when it leaves New York, and after lumbering along until it reaches the vicinity of Philadelphia it then becomes a passenger train, accommodating travel from that city to Washington. I affirm that the real wants of the mail service are accommodated by the mail train leaving New York at 12.15 at night.

Now, let us follow this fast-mail train to its terminus. Our friends claim that it gives the city of New Orleans an expedited mail. The New Orleans Board of Trade has come here urging the continuation of this train, saying: "Don't take off this train; if you do it will ruin our industries." Sir, this train arrives at New Orleans, when it is on time, at 8.30 p. m. The mail which it carries can not reach the post-office earlier than 9 o'clock. Where is the business man who is waiting to receive that night the letters which arrive at the post-office at 9 o'clock? There is no delivery that night, of course. Now, sir, the regular mail train arrives in New Orleans at 7.40 a. m. As a matter of course the two mails, so far as that city is concerned, could both go upon this train which arrives in the morning. Gentleman, I do not believe there are twenty men in this House who, if they would calmly investigate this question without outside surrounding inflences, would vote for this appropriation.

Mr. TAWNEY. May I ask the gentleman a question before he takes his seat?

Mr. LOUD. Well, if I am confined to five minutes I would rather not undertake to answer questions.

Mr. TAWNEY. I simply want to ask the gentleman a single question in the line of his argument. Is it not a fact that for more than ten years the Chicago, Milwaukee and St. Paul Railroad has furnished these special facilities for carrying the mails between Chicago and Minneapolis without any subsidy whatever?

Mr. LOUD. Oh, yes; and the Chicago, Burlington and Quincy and many other railroads of the country have done the same. The New York Central, running an exclusively fast-mail train between New York and Chicago, a train upon which not a single passenger is carried, receives from the Government not one cent in addition to the regular mail pay. The New York Central was formerly a participant in this subsidy; but that company at last said to the Post-Office Department, "Under the regular system we shall be well paid. We do not desire to participate further in this fund; we believe it is a disturbing condition; we refuse hereafter to be participants in the fund."

Our New England friends, of course, have in many instances advocated this subsidy, assuming that they shared in its benefits. But, sir, this appropriation has not been expended beyond the city of New York for a number of years.

Mr. BINGHAM. Will the gentleman allow me to ask him a question with reference to the New York Central?

Mr. LOUD. Certainly.

[Here the hammer fell.]

Mr. BINGHAM. I ask unanimous consent that the gentleman from California be allowed five minutes longer.

There was no objection.

Mr. BINGHAM. Now, before the gentleman resumes, I wish to ask him this question: Did not the New York Central give up its allowance under the special-facilities provision because the Post-Office Department gave it a reweighing of the mails, outside of the four years' limitation provided by law, and by this reweighing does not the New York Central receive annually several hundred thousands of dollars?

Mr. LOUD. I can not say as to that.

Mr. BINGHAM. That is so.

Mr. LOUD. That is a question which might be answered one way or the other without affecting the merits of this proposition.

But permit me to say—and we may as well recognize the fact here as anywhere else—that the Pennsylvania Railroad is the strong factor behind all this proposition. You withdraw that support and the proposition falls to the ground instantly of its own weight. And let me say that that road receives but the insignificant sum of about $27,000 out of this appropriation.

Mr. MILES. Let me ask the gentleman this question: Is it your opinion that this train will run anyway, even without the allowance?

Mr. LOUD. Why, Mr. Chairman, this is the long route to New Orleans. They have to run a fast train to compete with the shorter lines. That is a plain business proposition.

Now, the railroad from New York, without taking into consideration the little lines connecting with it, for regular mail pay receives over $1,000,000 a year. This is done by reason of the concentration of the mails on that road. This same is true of such roads as the Chicago, Burlington and Quincy road, the Cincinnati Southern road, and other lines where they have put on fast-mail trains, and the postmaster has concentrated the mails from a number of roads on the one line, which gives a very heavy mail, and they are enabled, by reason of the large pay received for the service, to run these fast trains.

But this fast train to the South, by the time-table of the company itself, is shown to be two hours slower than the regular passenger train over the same road. Now, you can consult the time-table for yourselves; here it is. I do not care to take the time of the committee to read it, but it shows exactly what I have stated, that it is two hours slower than the regular trains run on the same line.

Mr. SWANSON. Will the gentleman allow me a question just there? I know that he does not want to misstate the facts.

As to the failure to spend the money on the other side of New York, of which the gentleman speaks, the Second Assistant Postmaster-General states that the reason why it is not expended there was because he could not make proper schedules with these roads.

Mr. LOUD. Oh, they did not want to participate in the fund?

Mr. SWANSON. No; but because he could not make proper schedules of time with the roads.

Mr. LOUD. Very well; I will even concede that and accept the statement of the gentleman if he will allow me to proceed.

Now, Mr. Chairman, this question of railroad transportation or mail pay for this service is a very important item; and I say now, and I wish I could get every railroad manager in the United States to come here and coolly and calmly discuss the proposition—I say that this matter of the transportation of the mails over the railroads is one of the most aggravating questions now confronting the American people. We are paying enormous rates, permit me to say, for the transportation of mails on railroad routes. There has been no reduction in this pay since 1876.

Mr. BINGHAM. Eighteen hundred and seventy-eight.

Mr. LOUD. Well, since 1878. Now, I will put the question to any gentleman here: Is there any business venture in this country, of any kind or character of business, or in the labor of the country, that has not been reduced during that period?

I have heretofore on the floor of the House, and I suppose you know the fact, been consistently opposed to the reduction, the horizontal reduction, suggested in the mail pay. I have opposed the reduction, not that I believed the companies are not getting too much, but because I desired, as far as possible, to maintain existing conditions. I insisted that if the horizontal cut were made in the pay of the railroads it would disorganize the service throughout the country, and I can not understand what motive there is behind this proposition for continually bringing it before Congress to agitate and aggravate the people of the whole country. The Pennsylvania Railroad people, as I have already said, are the people back of this whole proposition.

Mr. BINGHAM. Now, what makes you make that proposition?

Mr. LOUD. Because it is a fact. [Laughter.]

Mr. BINGHAM. The gentleman readily understands that facts are facts. Now, the gentleman from California has stated that this great corporation, for its mail facilities furnished to the Government, received about a million of dollars under the general statutes——

Mr. LOUD. A million of dollars? Why, they get nearly three and a half million dollars from this service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROWLEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by striking out the word "and," in line 16, on page 8, and add the words "and Houston, Tex.," after the words "New Orleans," in line 17, on page 8.

Mr. CRISP. I thought there was a motion pending to strike out to be first determined.

Mr. DINGLEY. What is the amendment?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. DINGLEY. I make the point of order against that.

The CHAIRMAN. The gentleman from Maine raises the point of order against the amendment. The point of order is made under clause 2 of Rule XXI. The Chair sustains the point of order.

Mr. CRISP. Just a word or two, Mr. Chairman, in reply to the criticisms of my friend from California [Mr. LOUD]. This committee might very well wonder, after listening to the gentleman's argument, how this provision to expedite the mails found a place in the bill.

Mr. LOUD. If the gentleman will permit me, I will tell him.

Mr. CRISP. One moment. The gentleman states in the first place that the train which carries this mail is slower than another train on the same road.

Mr. LOUD. That is correct.

Mr. CRISP. And yet the law provides, and has provided for years, that no part of the appropriation made for this purpose shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The gentleman's argument would lead you to believe that the Postmasters-General, both Republican and Democratic, had expended this money not to further the interests of the postal service, but to further the interests of some railroad company. Do you believe that is true? Do you believe the gentleman makes a frank statement when he says that? Are you prepared to say that Postmasters-General for the past ten years or seventeen years have paid out this money unnecessarily, when the law left it absolutely in their discretion to pay it out or not? Are you prepared to say that they have paid it out not to foster and promote the postal service, but to foster and promote the Pennsylvania Railroad?

Mr. LOUD. This proviso has only been in the bill two years.

Mr. CRISP. Then for two years. The gentleman stated that the Postmasters-General had always opposed it; and yet how is it, Mr. Chairman, that with the full discretion on the part of the Postmasters-General either to pay it out or not to pay it out, as in their judgment it would further or not further the postal service, every Postmaster-General, Republican and Democratic, has felt it his duty to pay it out? Why, it seems to me, Mr. Chairman, that is an absolute refutation of the suggestion made by my friend from California [Mr. LOUD].

Mr. LOUD. Of course you do not deny the time-table?

Mr. CRISP. If my friend from California can establish the fact which he has stated before this committee; if he will go to the Office of the Postmaster-General and show that it is not necessary to expend this money to facilitate the transportation of this mail to the South, I will venture the assertion that not one dollar of this money will be expended, even if we do authorize it in the bill. This is no absolute appropriation, but it puts it in the discretion of the Postmaster-General—to be expended only if, in his judgment, the expenditure will promote the interests of the postal service.

Now, Mr. Chairman, the people in the section where I live feel some interest in this matter. It is not a question of the Pennsylvania Railroad or any other railroad. Here is a great mail line from New York to New Orleans, which has a branch to Florida, serves Cuba, and goes out to Texas. For many years this has been expedited. This is only one of many cases where extra pay is given for rapid work. When you appropriate for and appoint a great number of carriers in a city, to make four or five deliveries daily, you are giving extra pay for rapid work. When you make a contract with electric-car companies, you are giving extra pay for rapid work.

This line gives us our mail at Danville, Charlotte, Atlanta, and Montgomery fourteen hours earlier than we got it before the mail was expedited. To New Orleans and Birmingham it makes the delivery fifteen hours earlier. To Houston, Tex., fourteen hours; and to all the points in the Southwest, fifteen.

Under the contract made by the Postmaster-General he has the absolute control of the schedule. This train leaves the city of New York at 4.30 in the morning. I am sure that if my friend from California happened to be in New York and was coming to Washington, and could come on a train at 4.30 in the morning or one at 9, he would wait until the 9 o'clock train. So it is with all the other passengers. Now, in order to make connections here, the train must leave there at 4.30 in the morning without passengers.

The train here must wait for such train; the train at Charlotte must wait; the train at Atlanta must wait; so that by the arrangement with the Postmaster-General the mail is transferred, and in that rapid way connections are made. In the contract, as I understand it, there is a provision that on their failure to connect and deliver the mail upon schedule time the Postmaster-General has the right to "dock" the road the amount that it would have been paid if the mail had been delivered on schedule time. Now, that is all there is in it. We have had this service for many years. It has been a comfort to all that section of the country; our business men, our newspapers, and our people generally have been greatly benefited by it, and I appeal to the committee now not to deprive us of the advantages derived from it simply upon some vague suggestion made by the gentleman from California. And, as I said to you, if he can substantiate what he says, you know and the chairman knows, and everybody knows, that the Postmaster-General will never pay out a dollar of this money. He is not authorized to pay it unless it promotes the postal service; and if it does not he will not pay out a dollar.

Mr. QUIGG. May I ask the gentleman from Georgia a question?

Mr. KYLE. Mr. Chairman——

The CHAIRMAN. The gentleman from New York desires to ask the gentleman from Georgia a question.

Mr. KYLE. I yield to the gentleman for that purpose.

Mr. QUIGG. The gentleman from Georgia said a moment ago that if the mails were not delivered on time the Postmaster-General reserves the right to enforce a penalty.

Mr. CRISP. That is my understanding.

Mr. QUIGG. That is the way I understand it. That is not in the law, but it is a provision of the Postmaster-General.

Mr. CRISP. I am not informed as to that.

Mr. BINGHAM. That is the general statute.

Mr. QUIGG. Well, is it not a fact that under this provision the Postmaster-General is now in a position to make these trains faster or not to expend the money?

Mr. CRISP. I so understand.

Mr. BINGHAM. Under this law the whole schedule is under the direction of the Postmaster-General.

Mr. KYLE. Mr. Chairman, this proposition does not come before the House to-day for the first time. At a former session of Congress I made an effort to strike it out on a point of order. I thought then, sir, that sufficient argument was made to establish the fact that the clause similar to this was subject to the point of order. But I do not propose to discuss that to-day. I am opposed to this appropriation because it is a subsidy and wrong in principle. Now, admit, for the sake of argument, that this train carries the mail into the States of Georgia, Alabama, and Louisiana some faster, we can not justify ourselves in voting this appropriation, because this particular community of our common country gets an extra benefit from it, because it is an unjust and improper discrimination. The mail matter of this country is weighed every four years.

The Post-Office Department at stated periods weighs the mail matter for a given length of time, and upon this weighing a contract to carry the mails for the succeeding four years is made. Now, what makes it right to send the mails over this line more expeditiously than over the other lines of the country? The condition, gentlemen, is coming to the front that I predicted years ago with reference to this proposition—that the time is not far distant when every railroad in the United States will be clamoring at the doors of Congress for an extra appropriation for carrying the mails. They are doing so now. In this bill are two new lines. If these get in, others will, until there will be a sufficient number of them to control Congress in this respect. I did not pose then specially as a prophet, but the statements that I made then are being verified to-day. How are you going to say to these gentlemen whose mail goes out from Cincinnati and down through the country in which I live that we will give this road this extra-facility pay and not give it to them? I submit, gentlemen, that you can not sustain this appropriation upon principle.

Now, something has been said about what the Postmasters-General have had to say upon propositions similar to this. I want to to say now, Mr. Chairman, without fear of contradiction from any source, that every Postmaster-General that has made any statement with reference to them has inveighed against them. I challenge contradiction upon that proposition. There is not a Postmaster-General since this system has been in existence who has stated to Congress that it was proper and ought to be continued.

Mr. WELLINGTON. Will the gentleman permit me to ask him a question?

Mr. KYLE. I have but little time, but I would like to yield to the gentleman.

Mr. WELLINGTON. The question is, if the Postmasters-General have been opposed to this appropriation, why, then, have they from year to year expended the money when they had it within their power under the law to refuse to pay it?

Mr. KYLE. I suppose they have considered the fact that Congress had made the appropriation as an expression favorable to the idea that it should be used in this way, and that the railroads, seeing it was made, insisted upon it as to some extent right that they should have it.

But take our present Postmaster-General. What does he say when he comes to that question? Mind you, it is his duty under the law to submit estimates of the amount necessary to run his Department for two years. I call special attention to that, because he is a gentleman who served here with you in the House and many of you know him as a man of the finest character, and I believe it has been stated that he voted for a proposition like this when he was a member of Congress. He has become familiar with the necessities of the Post-Office Department now, and what has he to say? I read from his last report or the report of his Second Assistant. Hear it:

> In submitting the estimates for the fiscal years 1893, 1894, 1895, and 1896 this office declined to include the item of "special facilities," for reasons heretofore stated.

And he, as his predecessors have done, declines to submit an estimate.

He submits to the Committee on the Post-Office and Post-Roads the estimates of the amount of money necessary to carry on the mail service, but he does not include this. Why? Evidently because he does not think it proper to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I ask unanimous consent that the gentleman be allowed five minutes more.

There was no objection.

Mr. KYLE. Now, gentlemen, if the Postmaster-General, the man whom you intrust with the management of the postal business of this country, does not think that it is necessary, and does not ask you for it, is it a proper thing for members of Congress, upon the casual investigation that they are enabled to give this question, to force it upon him, and that, too, at a time when our Treasury is in a strained condition?

Now, I will call attention to the views entertained by other Postmasters-General. General Dickinson during his administration condemned the principle involved in this proposition as demoralizing to the service. General Wanamaker, in his annual report made in 1892, uses this language:

> The special-facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the service.

Now, gentlemen, if you accept these statements of the heads of the Post-Office Department as true, and you can not deny them, are you going to thrust upon the Department an appropriation which not only does not do the thing which the gentleman from Georgia [Mr. CRISP] claims, but which, as Mr. Wanamaker says, actually hampers the best interests of the service?

As I said a while ago, this proposition is wrong in principle, because, to use a common expression, it is making fish of one and fowl of the other. It is wrong in principle. It is in the face of the opposition of all the Postmasters-General that have ever attempted to deal with the subject.

Now, let us look for a moment at the compensation paid to the railroads for mail service. Take the very system of roads that is now receiving this extra subsidy; I mean the line from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans. It is to-day receiving for carrying this mail, outside of this subsidy, $1,522,125.59, yet by this proposition you propose to give them $196,614.22 for doing that for which they are already more than abundantly paid. The amount paid these lines without the subsidy is in excess of that which is required to run the governments of many of the States of this Union.

Now, with this vast sum of money going into the coffers of this railroad system, with the Postmasters-General against the appropriation for the extra subsidy, are you going to appropriate the amount anyway, in violation of principle, of fair dealing, of justice between the respective sections of this country, especially when you have nothing to show that it is necessary for the mail service?

Mr. CRISP. What railroad is it that the gentleman says gets over a million and a half of dollars?

Mr. KYLE. The line from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans.

Mr. CRISP. The gentleman spoke of it as if it were one railroad, whereas several great railroads are included in that line.

Mr. KYLE. Well, I regret that I have been misunderstood upon the proposition.

Mr. SWANSON. Let me say to the gentleman that, in the preceding discussion of this subject to which the gentleman has referred, the gentleman from Iowa, Mr. HENDERSON, made a statement in which he compared the pay of this road with the average pay of 14 railroads in this country for carrying the mails, which showed that this line got only about half the average pay per mile.

Mr. KYLE. I am stating the facts as I have them, and I challenge successful contradiction of what I have said on these propositions. The roads mentioned get pay for the amount of mail matter carried by them, for the work they do, and they ought to be satisfied.

Mr. LOUD. Mr. Chairman, I would suggest to the gentleman from Mississippi—and I want to impress this upon the minds of our Western friends—that this particular railroad system is receiving 20 per cent more regular mail pay than any of the roads running out of our cities in the West.

[Here the hammer fell.]

By unanimous consent, the time of Mr. KYLE was extended for five minutes.

Mr. KYLE. I shall not abuse the courtesy of the committee by consuming so much time as five minutes. I was about to observe that I should be glad to support this proposition, because I would like to go with my friends here. I can not do it, however, because in my opinion this appropriation, in the first place, does not accomplish the purpose its friends have in view. I have tried to investigate this matter carefully and to deal with it fairly, and I do not believe this appropriation expedites the mail into the South. I think it is simply a lump sum of money given to this railroad system out of the generosity of Congress. If I could even believe that it did expedite the service I might possibly justify my conscience in voting for the appropriation, but I can not get even that consolation out of it. I do not propose to go now into the question of these time-tables. We have gone over that subject heretofore and others have discussed it this evening. It has been stated that this expedites the mail to the city of Houston, Tex., fourteen hours. Gentlemen who make that statement forget that this line extends only to New Orleans, several hundred miles this side of Houston.

Mr. SWANSON. At that point let me correct the gentleman. Heretofore, before this special pay was given to the Southern road, the train arrived at 10.30 at night. It arrives now at 8.30 and makes connection with the Texas and Mexican trains. If the gentleman will look at the time-tables, he will see that, and he ought to know that the Department requires them to make time so as to make that connection.

Mr. KYLE. I want to say this further, Mr. Chairman. These great railroad lines have to run in competition with each other.

The trains that go out of Washington and by Atlanta have to run in competition with the trains that go by way of Bristol and Chatanooga to Memphis. This line being the shortest route from here to Memphis, the Southern Railroad has to run in competition with it, and it is because it has to do that that this mail service is expedited. They know that if they do not run their trains upon such time as will make it desirable for people coming from the West to come by Atlanta those people will take the other line from Memphis and come over the East Tennessee route.

I say, gentlemen, when you take the various questions that enter into this matter, when you consider the violation of principle involved, when you bear in mind that these railroads have to run in competition with each other, I do not believe this Congress can justify itself in voting this appropriation, especially when it is known by every man here that for some years past no Postmaster-General has ever said that such an appropriation was necessary to expedite the mails.

Mr. WELLINGTON. Mr. Chairman, I wish to say a word or two in favor of the proposition embraced in this bill and against striking out the pending paragraph. I do not entirely agree with the gentleman from Maine [Mr. DINGLEY] when he says that this proposition was originally ingrafted upon the appropriation bill because it was intended to expedite the mails to foreign countries. I believe that with that intention there was combined another, and one of greater import to the people of this country. I believe that in this proposition every citizen North and South is concerned; and why? We who live upon the border land know that there are two sections in this country, the North and the South. Living in the State of Maryland, as I do, in a State which is wedged in between the two sections, looking northward to Maine's rock-bound coast and turning southward to behold the vast body of land extending to the Mexican Gulf, I know that there is a sentiment and a feeling antagonistic in some things between these two sections. That was made manifest in the "late unpleasantness" and many a time since.

Now, one thing that has been accomplished by the proposition embraced in this bill is the drawing together in closer ties of union of the North and the South. How do you do that? You bring them together in trade and in commerce, but not only that, you bring them together by the interchange of ideas and mingling of sentiments—by the letters and the newspapers that are transmitted from one portion of the country to the other. The American citizen wants to transact business with dispatch and read the newspaper quickly; therefore you must have quick trains. This has been accomplished by the action of Congress in the provision embraced in this bill.

A train starts from Boston at 7.30 p. m. Having gathered all the mail of New England, it speeds on its way to New York, which it reaches at 4.30 in the morning. Half-past 4 o'clock in the morning is a time when a railroad company can not afford to send out a train for passenger service. We know that railroad companies do business in order to get revenue. Why do they send out a rapid mail train? Because the Government of the United States has given them a special appropriation to make such a train possible.

Leaving New York at 4.30 a. m., this train speeds on its way to Baltimore. There it gathers in the mail of western Virginia and the State of Maryland, and parts of Pennsylvania. It has already taken in its course the mail of the Central States of the Union. Then it goes on its way to Washington and the South, traversing Virginia, North Carolina, Tennessee, Kentucky, Georgia, and all that line of Southern States until it reaches the headlands of Florida and the banks of the Rio Grande. Taking in all these sections of country, it makes it possible to bind together these different parts of the country—to unify them. As sections grow more densely populated, sectional feeling tends to increase. The only way to obliterate it is to draw the different sections of the country together by methods of intercommunication—by annihilating, so far as we can, time and space by utilizing all the powers and forces of steam in its lightning swiftness, as developed in fast-mail trains.

Is it true that this appropriation has operated as I have said? Examine the schedule; examine the time that was taken for this service three years ago, when Boston was the northern terminus of this route and Tampa the southern, and compare it with the present. You will find that from fifteen to twenty-four hours have been gained at different points. I submit, Mr. Chairman, it is not right to take a step backward. We are attempting to go forward in all these postal matters. Let us not, then, go backward upon a proposition calculated to bind together the sections of this country, which is one of the most important objects that confront us. [Loud applause.]

Mr. OGDEN. Mr. Chairman, I will not weary the patience of this committee more than two or three minutes. My friend from Mississippi [Mr. KYLE] has dwelt a great deal on the principle which he claims is involved in giving $196,000 for this fast-mail service. Why, Mr. Chairman and gentlemen, that principle pervades every contract made by the Post-Office Department, from the smallest star-route service up to this very proposition now before the House. Sir, what is it that makes the essence of these postal contracts? It is the time; it is the expedition of the service; it is such questions as whether a particular mail shall start at 4 o'clock in the morning or at 8 o'clock—whether it shall be delivered in four hours or eight hours or twelve hours. Time is the essence of these mail-transportation contracts; and it is on this principle that this provision has been inserted in this bill. Take the service on any little star route; you require the contractor to perform certain service under certain conditions. If you allow him to loiter on the way, and possibly not to deliver the mail until the next day, he can take the contract at a much lower rate than if more rapid service is required.

I hope this Committee of the Whole will take no retrograde action. Previous Congresses, whether Democratic or Republican, have been liberal in this matter. We allow extra compensation in connection with our star-route service; we allow extra compensation in connection with our foreign-mail service. The eloquent voices of the gentleman from Mississippi [Mr. KYLE] and the gentleman from California [Mr. LOUD] have not been raised against subsidies for foreign-mail transportation. We pay at the rate of $3,200 a ton for letters sent to foreign countries when carried by American vessels, and not over one-third of that amount when carried by foreign vessels. Here is a proposition which requires certain railroad companies to afford special mail facilities on lines running through one-half of this Union. These lines carry mails whose destination is Cuba and Mexico and Central America. The proposition of the bill is to facilitate this service, which certain gentlemen here wish to strike down. I hope the amendment of the gentleman from California will not prevail.

The CHAIRMAN. The question is on the motion of the gentleman from California to strike out this paragraph of the bill.

The question was taken; and on a division there were—ayes 100, noes 96.

Mr. CRISP, Mr. ADAMS, and others demanded tellers.

Tellers were ordered.

The Chairman appointed Mr. CRISP and Mr. LOUD as tellers.

The committee again divided; and the tellers reported—ayes 93, noes 114.

So the motion to strike out was rejected.

[The announcement of the vote was received with applause.]

Mr. TAWNEY. Mr. Chairman, I offer the amendment I send to the desk, to come in at the end of this provision.

The Clerk read as follows:

On page 8, at the end of line 22, insert:

"All railway companies carrying the mails may furnish free transportation on the line of their respective roads to railway mail clerks."

The amendment was adopted.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $81,700: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. DINGLEY. Mr. Chairman, I make the point of order against this paragraph of the bill. It is an appropriation not authorized by existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLYNN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FLYNN. I desire to be heard on the point of order.

The CHAIRMAN. The Chair must decline to hear further discussion on the point of order. The Chair has already ruled upon a similar proposition.

Mr. FLYNN. But when a member desires to submit argument——

The CHAIRMAN. The gentleman from Oklahoma is aware of the fact that debate on a point of order is always in the discretion of the Chair. The Chair does not feel justified in detaining the committee further to hear discussion upon a question which has been already decided.

Mr. FLYNN. Then permit me to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman from Oklahoma.

Mr. FLYNN. How can the Chair pass on the point of order on a proposition that was not before the Chair? The proposition that the Chair passed upon and to which the Chair has referred was an entirely different proposition from that presented here.

The CHAIRMAN. The Chair will inform the gentleman from Oklahoma that the point of order was made upon an amendment including this very paragraph and the following one.

Mr. FLYNN. But is it not a matter of argument when there is a distinction or difference in the propositions, and when attention is called to the fact that the exact language is different from that upon which the ruling was made?

The CHAIRMAN. The Chair will hear the gentleman, of course, if he desires to be heard upon the question of order.

Mr. FLYNN. I appreciate the kindness of the Chair in con-

senting to hear a discussion after notifying me that he had already passed upon the question of order.

But I avail myself of the opportunity to say that I fail to see how it is that a proposition which the Chair sustains as not being subject to the point of order, a proposition in the identical language of this with the exception of the substitution of the names of other towns, is in order if this one is not.

Mr. DOCKERY. Will the Chair permit a parliamentary inquiry, if the gentleman from Oklahoma has concluded?

Mr. FLYNN. I have concluded.

Mr. DOCKERY. The confusion has been great, but I understand the proposition just read relates to the special-facility item from Kansas City, Mo., to Newton, Kans., and the point of order is made against it by the gentleman from Maine. I would like to be heard on that point of order when the gentleman from Oklahoma has concluded.

Mr. FLYNN. I am through.

Mr. DOCKERY. Did I understand the Chair to decline to hear further argument on the question of order?

The CHAIRMAN. The Chair stated to the gentleman from Oklahoma that the question had been thoroughly discussed, and that the Chair had already ruled on a similar proposition.

Mr. DOCKERY. Then I do not desire to be heard upon it if the Chair is disinclined to hear further argument.

Mr. MILLER of Kansas. Will the Chair permit me a moment?

The proposition submitted by the gentleman from Ohio included various other lines. This proposition is a committee proposition, and is one item by itself.

Now, I submit that, the point of order being made here, we should have a ruling on this point of order and on the particular question raised here by the pending proposition. If the Chair does not care to hear further argument, let us have a ruling upon the proposition that is now before the Chair.

The CHAIRMAN. The Chair has ruled on the proposition. The Chair sustains the point of order.

Mr. MILLER of Kansas. I appeal from the decision of the Chair, and I ask that a vote be taken upon that proposition.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. MILLER of Kansas) there were—ayes 120, noes 11.

Accordingly the decision of the Chair was sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

For necessary and special facilities on trunk lines from Chicago, Ill., to Council Bluffs, Iowa, via Burlington, $100,000: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. LORIMER. Mr. Chairman——

Mr. DINGLEY. Mr. Chairman, I make the point of order against this paragraph.

The CHAIRMAN. The gentleman from Maine makes the point of order against this paragraph. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Fortieth. For miscellaneous items, $500.

Mr. HERMANN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 25, page 10, insert:
"For continuance of present experimental free delivery in towns and villages, $8,813.55."

Mr. LOUD. I raise the point of order that that is not germane to the subject, not even in the same department that controls the free-delivery service.

The CHAIRMAN. Does the gentleman from Oregon desire to be heard on the point of order?

Mr. HERMANN. If the gentleman from California will reserve his point of order——

Mr. LOUD. Very well; I will reserve the point of order.

Mr. HERMANN. Mr. Chairman, for several years the Government has entered upon the policy of supplying certain small towns and villages with a mail service under the free-delivery system. It is known in the law as the experimental free-delivery system. In the last appropriation bill $10,000 was appropriated for that purpose. Forty-six towns were selected by the Postmaster-General for the purposes of this experimental delivery. I venture to say, sir, that in the major portion of those towns the highest success has been achieved. In some towns the records show that the mail service has been very greatly benefited; that, indeed, the revenues have doubled in the course of one or two years by reason of the extension of this experimental free delivery to those particular towns. Now, I desire the ear of the chairman of the committee especially while I read what is stated in the report of the First Assistant Postmaster-General for the year 1895, wherein he says:

During the current year investigation will be made to determine if a similar condition does not exist at the other 45 offices—

He having received an adverse report from one of the 46 places—

Those living in the small towns and villages should have the best postal facilities their necessities demand, and if after a full knowledge of the benefits to them of this service (which I believe few) as compared with the cost of extending it throughout the United States the people still want and demand it, I assume Congress will pass the necessary appropriation and the Post-Office Department establish the service in accordance with such law.

Now, sir, the complaint I make, and the point of criticism particularly that I dwell upon, is that in the present bill there is an entire absence of any reference to any further continuance of this experimental free delivery. The Committee on Post-Offices and Post-Roads have deliberately ignored the former policy of the Government in this respect. No provision whatever is made for the continuance of this service, and, sir, I take the position that in the face of this statement of the Post-Office Department as to a pending investigation with reference to the question as to whether the service should be continued or discontinued, that it comes with poor grace from that committee to entirely eliminate this service from the pending bill. It seems to me that the committee should at least have continued the service until after this investigation could have been had by the Department and properly reported to this Congress. If then the investigation disclosed the necessity for the discontinuance of the service—in other words, if it demonstrated the fact that there was no further use for it, that there was no demand for it, that it was producing no benefit to the people upon whom it was conferred—then I am willing to admit that the time would have arrived for the committee to discontinue the service.

But in the face of this statement of the Department, and I say again in the face of what will appear by the testimony on file in the Post-Office Department, the committee should have continued this appropriation. I am sure that if they had examined this testimony they would very soon have become convinced that this service should not be discontinued at this time, but that at least the sum of $8,813.55 should have been appropriated for the further continuance of the service until after this investigation could have been had.

Mr. LOUD. It is not a submitted item, I will say to the gentleman. The Department does not ask for it, and I do not care to have it interjected into the bill at this time.

Mr. HERMANN. I say to the gentleman from California that I know that the Department does not ask for it, and I am as much astonished at that as I am at the fact that the committee discontinued it because of the further fact that there is ample proof going to show the utility of this service and the further demand of the people who have been benefited by it who wish it to be continued. But if the gentleman from California declines to yield, and insists on the point of order, I admit, Mr. Chairman, that the point is well taken; but I have been in hopes that after having made the statement I have the gentleman would magnanimously withdraw the point of order and allow this item of $8,813 to be appropriated by the bill. I ask the gentleman whether he will do that?

Mr. LOUD. I will say, Mr. Chairman, that this experimental free delivery has been experimented upon until the Department is satisfied that it can not be properly executed without an appropriation of from $8,000,000 to $10,000,000, and I do not think we are prepared at this time to enter upon that service. Hence I can not agree to withdraw the point of order.

Mr. HERMANN. Let me submit this to the gentleman: That it is true that the Department has not recommended it, but at the same time it is going to make an investigation as to whether the service should be continued, and it is now proposed to cut off the appropriation before that can be done. I submit that I do not think that is just.

Mr. LOUD. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LOUD. Mr. Chairman, I would like to return to two items passed over. They will not take up a minute, and I do not care to go into the Fourth Assistant Postmaster-General's department to-night. I ask to return to the two items passed over, and if they are going to take any time I shall ask the committee to rise now. I would like to dispose of those.

The Clerk read as follows:

Lines 24 and 25, page 2:
"For car fare and bicycle allowance, $100,000."

Mr. LOUD. Now, Mr. Chairman, I move to insert there $70,000, which I do for the purpose of supplying the amount which was provided for by this electric-car service. Understand that we provided in that part of the bill for the carriage of the letter carriers upon those cars. That system has been destroyed by the House, and I ask to insert $70,000 there.

Mr. PICKLER. I had a point of order pending as to that paragraph. It is new legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. PICKLER. I do not care to detain the committee, Mr. Chairman, but it seems to me that that is exactly in the line of what was stricken out to-day on points of order. This is seeking to give the Postmaster-General different powers from what he has now. This is a change of his power. It is a change of the latitude that he has in the expenditure of money. It confines him in the statute to the expenditure of so much money, while at present he is unrestrained in that way; and it provides in terms for the use of car fare and bicycles, which is not provided elsewhere. I do not think there can be any difference between it and what was held obnoxious to the point of order to-day.

Now, the gentleman from California, the chairman of the committee, as I understood, when we left this said that the action of the House on this would depend on the action on the electric-car-service paragraph. That part has been stricken out, and I understood that, as one would depend upon the other, the point of order in regard to the other would take this out. Now, I interposed the point of order as to this; but I understand the gentleman to state that they were directly connected, and he says now that the electric-car service having gone out, he wants it for that service, and if that is gone out I insist upon the point of order that this is a legislative proposition that is subject to the point of order.

Mr. LOUD. I said that it had no connection with the electric-car service further than it reduced the estimates for this service. We have reduced the amount for this service $70,000 on the supposition that the House would accept the electric-car service. I can not see what ground the gentleman finds to assume that this is subject to the point of order. It is simply providing for the carrying of the mails under the system that has been in vogue here for years. It provides for the carriage of the letter carriers in the expedition of the mails, and I want to state further that it has been carried in that way in the bill for eight or ten years, and it is not a new item.

Mr. PICKLER. Why is it necessary?

Mr. LOUD. If this point of order were to hold as to this clause, Mr. Chairman, I state that it would totally destroy the efficiency of the carrier service of the country to-day.

Mr. PICKLER. Then I withdraw the point of order; but I doubt that it would have the effect the gentleman states.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

On page 2, line 24, after the words "one hundred" insert "and seventy"; so as to read:
"For car fare and bicycle allowance, $170,000."

The amendment was agreed to.

Mr. TAWNEY. I desire to offer an amendment to that.

Mr. TALBERT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. On yesterday evening when this paragraph was passed over I had read an amendment which I asked to have considered pending.

The CHAIRMAN. The gentleman's amendment was read for the information of the committee and ordered to be prlnted in the RECORD. The gentleman from Minnesota [Mr. TAWNEY] is recognized.

Mr. TAWNEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After line 25, page 2, insert the following:
"*Provided*, That the street railway companies of the District of Columbia shall carry free all mail carriers when on duty."

Mr. LOUD. Mr. Chairman, I do not think it is in the power of Congress to enact such a provision as that.

Mr. BINGHAM. What have we to do with that?

Mr. LOUD. I do not think you have the power to make such an enactment. I shall have to make a point of order on the amendment.

Mr. TAWNEY. Before the point of order is made, Mr. Chairman, I desire to state that the street railway companies of the District of Columbia obtain their charters and all their franchises from the Congress of the United States, and there is no question but that Congress has the power to require them to carry these mail carriers free while they are on duty. My amendment is certainly in line with the proposition to improve our facilities for the distribution of the mails. Congress makes an appropriation for this purpose in other cities, but there is no necessity for making an appropriation for the purpose here, because it is in the power of Congress to require these companies to carry the mail carriers free, and it would certainly facilitate very materially the distribution of the mails in the city of Washington.

Mr. LOUD. Mr. Chairman, I would like to accept the amendment if I could, but to my mind it would change existing law, and I make the point of order against it.

The CHAIRMAN. The point of order is sustained.

Mr. TALBERT. Now, Mr. Chairman, I ask to have my amendment read.

The amendment was read, as follows:

Strike out all of lines 24 and 25 and insert in lieu thereof:
"For fourth-class mail service in carrying mail, $100,000."

Mr. LOUD. Mr. Chairman, I make the point of order on that amendment. In the first place, I do not think the amendment is intelligible, as "fourth-class mail service" is something unknown to the Post-Office Department.

Mr. TALBERT. I desire to amend the language of the amendment, so as to make it applicable to the salaries of fourth-class postmasters. That is my object.

The CHAIRMAN. The Chair sustains the point of order. The amendment is not germane to this paragraph.

Mr. LOUD. Now, Mr. Chairman, I ask the committee to go to page 4, paragraphs 19 and 20.

The Clerk read as follows:

Nineteenth. For mail-messenger service, $1,130,000.
Twentieth. Regulation screen or other wagon service, $670,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of $25,000 of this amount for experimenting in the transportation of mail by pneumatic tube or other similar devices.

Mr. LOUD. Mr. Chairman, I desire to make a transposition there. Beginning with the word "and," in line 16, I desire to transpose that sentence extending down to "or other similar devices," and to change the amount therein specified from "twenty-five" to "thirty-five" thousand dollars. I wish to insert the sentence after the word "dollars," in line 14.

Mr. BROMWELL. I have an amendment to that effect which is now pending.

Mr. LOUD. I understand; but this will accomplish the object by one motion.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from California [Mr. LOUD].

The Clerk read as follows:

Page 4, insert after the word "dollars," in line 14, the following:
"And the Postmaster-General may, in his discretion, use not exceeding the sum of $35,000 of this amount for experimenting in the transportation of mail by pneumatic tube or other similar devices."

Mr. PICKLER. Mr. Chairman, I make the point of order on the language in this paragraph beginning in line 16, "and the Postmaster-General may, in his discretion," etc., down to the words "similar devices." That is a new proposition, and is clearly subject to the point of order. The Postmaster-General has never had any such power before. It is altogether a new power; it is new legislation; it has no business on this bill.

Mr. LOUD. Mr. Chairman, the proposition has been in appropriation bills before, but I have some doubt myself as to whether it is not subject to the point of order. However, it is in the interest of bettering the service, it does not increase any appropriation, and I can not see what possible object the gentleman can have in making the point of order against it, because the ultimate effect of it must be not only to expedite, but to reduce the cost of transporting the mails.

The CHAIRMAN. The Chair would like to ask the gentleman in charge of this bill if the Postmaster-General has, under the law, general authority to transport the mails?

Mr. LOUD. Oh, yes; and I am free to say that I think he has the power under existing law to try this experiment; but I have not the law at hand, and if the gentleman from South Dakota wants to be persistent——

Mr. PICKLER. This is an entirely new proposition, Mr. Chairman——

The CHAIRMAN. The Chair is inclined to hold that the words "for experimenting" would be subject to the point of order. If the proposition were simply that the Postmaster-General was authorized to use this money for the transportation of the mail through pneumatic tubes it would not, in the opinion of the Chair, be subject to the point of order; but as the language stands in the bill, the Chair is inclined to sustain the point of order.

Mr. BROMWELL. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert in line 14, after the word "dollars," the following:
"And the Postmaster-General may, in his discretion, use not exceeding the sum of $35,000 of this amount in the transportation of mail by pneumatic tube or other similar devices."

Mr. PICKLER. I make the point of order on that.

The CHAIRMAN. The Chair overrules the point of order.

Mr. LOUD. Mr. Chairman, I ask unanimous consent at this point, lest I forget it, to insert a comma after the word "Regulation," in line 15.

There was no objection, and it was so ordered.

Mr. LOUD. Mr. Chairman, I understand that the amendment of the gentleman from Ohio is pending.

The CHAIRMAN. It is pending.

Mr. LOUD. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the Post-Office appropriation bill, and had come to no resolution thereon.

Mr. LOUD. I move that the House adjourn.

Mr. ALDRICH. Mr. Speaker, I ask the gentleman to withdraw that for a moment while I present a privileged report from the Committee on Accounts.

Mr. LOUD. Very well.

HOUSE EMPLOYEES.

Mr. ALDRICH, from the Committee on Accounts, submitted the following report, which was read and ordered to be printed in the RECORD:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report, and recommends that those which provide for the appointment of session clerks to the Committees on Manufactures, on Expenditures in the Treasury Department, on Expenditures in the Interior Department, and on the Election of President and Vice-President be disapproved.

The resolution providing for the appointment of an assistant clerk to the Committee on Claims during the sessions of the Fifty-fourth Congress, who shall receive pay from January 1 last, has been amended by your committee so that the pay shall begin from the date at which said clerk shall take the oath of office, and in that form said resolution is herewith reported with a favorable recommendation.

The resolution providing for the reinstatement of Thomas H. Adams as an attendant in the west cloak room of the House is disapproved.

The resolution providing for the appointment of four messengers at $100 per month and one laborer at $60 per month for service under the Postmaster of the House has been amended by your committee so that it shall read "one messenger at $100 per month and one laborer at $60 per month during the remainder of this and subsequent sessions of the Fifty-fourth Congress," and in this form said resolution is herewith returned with a favorable recommendation.

The resolution providing for a stenographer and typewriter for the Committee on Rivers and Harbors at $100 per month during the sessions of the Fifty-fourth Congress is disapproved, and in lieu thereof your committee recommend that an allowance of $150 be granted said committee for that work during the remainder of this session, and submit herewith a resolution to that effect.

The resolution authorizing the Clerk of the House to pay to the clerks of committees who were appointed in the month of December, 1895, the amount of salary to which they would be entitled from the date of their qualification to December 31, 1895, had not their predecessors been paid for the full month on December 20, as provided by resolution of the House, is herewith returned with a favorable recommendation—the total amount of same as certified to by the disbursing clerk of the House being $274.99.

RESOLUTIONS.

Resolved, That the Postmaster of the House be, and is hereby, authorized to employ one messenger at $100 per month and one laborer at $60 per month during the remainder of this and subsequent sessions of the Fifty-fourth Congress, to be paid out of the contingent fund of the House.

Resolved, That the Committee on Claims be authorized to employ one assistant clerk during the sessions of the Fifty-fourth Congress at a compensation of $6 per day, to be paid out of the contingent fund of the House, said compensation to begin from the time said clerk shall qualify as same.

Resolved, That the chairman of the Committee on Rivers and Harbors be authorized to expend not to exceed $150, as compensation for the employment of a stenographer and typewriter during the current session of Congress, the same to be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House be directed to pay to certain clerks of committees the salary earned by them as such clerks during the month of December last, as per statement of Henry Robinson, disbursing clerk of the House, attached thereto, the total amount being $274.99.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1896.

SIR: As per your request I herewith inclose you a list of clerks to annual committees of the House who were appointed and subscribed to their oath of office in the month of December, 1895.

The statement shows the number of days that each was employed in said month, as well as the amount of salary due.

Very respectfully,

HENRY ROBINSON,
Disbursing Clerk House of Representatives.

Hon. J. FRANK ALDRICH,
Chairman Committee on Accounts, House of Representatives.

We, the subscribers, acknowledge to have received from Alexander McDowell, Clerk of the House of Representatives of the United States, the sums set opposite our respective names, in full of our salaries in the employment of the House of Representatives for the month of December, 1895.

Names.	Clerk to Committee on—	Annual salary.	Monthly salary.	Time employed.
Geo. B. Clemenston..	District of Columbia.	$2,000.00	$27.17	Dec. 27 to 31, inclusive, 5 days.
Wm. M. Griffith.....	Indian Affairs ...	2,000.00	48.91	Dec. 23 to 31, inclusive, 9 days.
E. L. Currier.....	Judiciary	2,000.00	48.91	Dec. 23 to 31, inclusive, 9 days.
Herman D. Reeve....	Military Affairs .	2,000.00	59.78	Dec. 21 to 31, inclusive, 11 days.
Alvin D. Dalby.....	War Claims.....	2,000.00	10.87	Dec. 30 to 31, inclusive, 2 days.
W. S. Ballard.....	Post-Office and Post-Roads.	2,000.00	59.78	Dec. 21 to 31, inclusive, 11 days.
J. A. Lumbard.....	Assistant War Claims.	1,200.00	19.57	Dec. 26 to 31, inclusive, 6 days.
Total	.....	.....	274.99	

Mr. ALDRICH. I move the adoption of the report which has just been read.

Mr. CRISP. Would it not be wise to have the report printed and lie over, so that we may understand its purport? It deals with a great many subjects.

Mr. ALDRICH. I have no objection to that course.

Mr. CRISP. We might take it up early in the morning.

Mr. ALDRICH. I will state for the benefit of the gentleman that there is no innovation in these resolutions—nothing that is really new. It seems to me the matter is one which we might well pass upon to-night. If any explanations are required, they can be given now.

Mr. CRISP. I do not know that I want to object; but here are a number of resolutions, some of which the committee approve and some of which they disapprove. We can not in this hasty way understand the exact purport of the report.

Mr. ALDRICH. I have no objection to its going over until the morning.

Mr. CRISP. And if there is no objection it might be well to have it printed.

Mr. RICHARDSON. It is a privileged matter, and can be called up at any time.

Mr. BRUMM. There is one consideration in this case. The clerk of the Committee on Claims provided for by one of these resolutions has been at work the greater part of the session, but under the terms of the resolution his pay will not begin until he is sworn in.

A MEMBER. That makes a difference of only a day.

Mr. BRUMM. If the report is to be acted on to-morrow, the delay might not be a serious matter.

Mr. CRISP. Let the report go over.

Mr. ALDRICH. Does the gentleman from Georgia desire that the matter lie over?

Mr. CRISP. I should be glad to have that course taken, if it does not inconvenience the gentleman.

Mr. ALDRICH. I do not see any harm in allowing it to lie over until to-morrow morning.

The SPEAKER. Does the gentleman propose that the report be printed in the RECORD?

Mr. ALDRICH. I have no objection to that.

Mr. CRISP. I think that had better be done.

The SPEAKER. Without objection, the report will be printed in the RECORD and will lie over until to-morrow morning.

There was no objection.

Mr. LOUD. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, Mr. SHAFROTH obtained leave of absence for one week, on account of illness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, had asked a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. HANSBROUGH, and Mr. WETMORE as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La.; and

A bill (S. 1871) to provide for the punishment of offenses on the high seas.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West;

Joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

The motion of Mr. LOUD was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Secretary of the Treasury, recommending an additional appropriation for the completion of the United States court-house, custom-house, and post-office building at Omaha, Nebr.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an additional appropriation for the completion of the United States post-office and court-house building at Kansas City, Mo.—to the Committee on Appropriations, and ordered to be printed.

A communication from the Secretary of the Treasury, transmitting a report of refunded customs duties for the year ended June 30, 1895, with an appendix thereto—to the Committee on Ways and Means, and ordered to be printed.

A letter from the justices of the supreme court of the District of Columbia, transmitting, with accompanying papers and volumes, a report of the action taken by the court and the conclusions arrived at, under direction of the act of Congress of August 5, 1886, entitled, "An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia"—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893, reported the same without amendment, accompanied by a report (No. 689); which said bill and report were referred to the House Calendar.

Mr. CURTIS, of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 6) authorizing the Secretary of War to loan ordnance stores for military instruction in high schools, reported the same without amendment, accompanied by a report (No. 692); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned cannon, ordnance, guns, and cannon balls in their respective Departments, reported the same without amendment, accompanied by a report (No. 693); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NOONAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta, reported the same without amendment, accompanied by a report (No. 716); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn., reported the same with amendment, accompanied by a report (No. 722); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6781) to extend the national boulevard at Springfield, Mo., reported the same with amendment, accompanied by a report (No. 724); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors, reported the same without amendment, accompanied by a report (No. 726); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893, reported the same without amendment, accompanied by a report (No. 727); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 2328) for the relief of Patrick Rainey. (Report No. 690.)

By Mr. HATCH, from the Committee on War Claims: A bill (H. R. 7093) for the relief of the legal representatives of Thomas Antisell, deceased, in lieu of the bill H. R. 1375. (Report No. 694.)

By Mr. OTJEN, from the Committee on War Claims:

The bill (H. R. 2817) for the relief of Mrs. A. Shirley. (Report No. 695.)

The bill (H. R. 2038) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia. (Report No. 696.)

By Mr. LESTER, from the Committee on War Claims:

The bill (H. R. 1250) for the relief of James R. D. Morrison and William H. Morrison, executor of William M. Morrison and administrator of Charles J. Morrison, deceased. (Report No. 697.)

The bill (H. R. 7027) for the relief of Michael Kries. (Report No. 698.)

A resolution (House Res. No. 198) to refer the bill (H. R. 1003) for the relief of the trustees of St. Phillip's Church of Atlanta, Ga., with the accompanying papers, to the Court of Claims, in lieu of the bill H. R. 1003. (Report No. 699.)

By Mr. PUGH, from the Committee on War Claims:

A bill (H. R. 7094) for the relief of Platte County, Mo., in lieu of the bill H. R. 423. (Report No. 700.)

The bill (H. R. 5652) granting relief to the heirs of the late J. M. Doddridge, of Wheeling, W. Va. (Report No. 701.)

The bill (S. 518) for the relief of Mrs. Julia A. Humphries. (Report No. 702.)

By Mr. COOPER of Texas, from the Committee on War Claims:

A bill (H. R. 7096) for the relief of William B. Payne, in lieu of the bill H. R. 2357. (Report No. 703.)

The bill (S. 271) for the relief of the Newberry College, Newberry, S. C. (Report No. 704.)

By Mr. GIBSON, from the Committee on War Claims:

The bill (S. 74) for the relief of William Wolfe, of Shelbina, Shelby County, Tenn. (Report No. 705.)

A bill (H. R. 7097) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, in lieu of House Document No. 271. (Report No. 706.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 1525) for the relief of Mrs. C. N. Graves. (Report No. 707.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers. (Report No. 708.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 2014) granting an increase of pension to Sarah A. Bull. (Report No. 709.)

The bill (S. 147) granting a pension to Elvira Bachelder. (Report No. 710.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 158) granting a pension to Mary Collins. (Report No. 711.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6236) to grant a pension to Mrs. Helen Funkhouser. (Report No. 712.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 1892) granting a pension to Catharine Darragh. (Report No. 713.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 4604) granting a pension to Jane Fisher, colored, of Madisonville, Ky. (Report No. 714.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3480) for the relief of Emily A. Mann. (Report No. 715.)

By Mr. HATCH, from the Committee on War Claims: A bill (H. R. 7101) for the relief of Mrs. Serena M. Clay, in lieu of the bill H. R. 2209. (Report No. 719.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3333) granting a pension to Thomas S. Daugherty. (Report No. 720.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 199) to refer the bill (H. R. 2745) for the relief of Thomas S. Lutterloh and Cape Fear Steamboat Company, with papers accompanying the same, to the Court of Claims, in lieu of the bill H. R. 2745. (Report No. 721.)

By Mr. LEFEVER, from the Committee on Banking and Currency: The bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name. (Report No. 723.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6166) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army. (Report No. 725.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 3314) for the relief of the legal representatives of David Heustis, deceased. (Report No. 691.)

The bill (H. R. 1558) for the relief of Capt. Edward O'Shea. (Report No. 717.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 962) for the relief of Mrs. Ann E. Heiskell. (Report No. 718.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HILL: A bill (H. R. 7085) to increase the circulation of national banks and to provide for the retirement of United States legal-tender notes and Treasury notes—to the Committee on Banking and Currency.

By Mr. HARTMAN: A bill (H. R. 7086) to provide fees for the officers of the Federal courts in the States of South Dakota, Montana, Wyoming, and Washington—to the Committee on the Judiciary.

By Mr. LACEY: A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884—to the Committee on the Public Lands.

By Mr. LONG: A bill (H. R. 7088) to create the office of surveyor-general in Alaska—to the Committee on the Public Lands.

By Mr. HARMER: A bill (H. R. 7089) to improve the status of commissioned engineers in the Navy; to increase the efficiency of the engine-room personnel of naval vessels by creating a corps of warrant engineers to do the practical work in connection with the machinery—to the Committee on Naval Affairs.

Also, a bill (H. R. 7090) to increase the military efficiency of the Marine Corps; to provide for the encouragement and advancement of the petty officers and enlisted men of the Navy, and to encourage Americans to enlist and remain in the Navy—to the Committee on Naval Affairs.

By Mr. COOPER of Texas: A bill (H. R. 7091) designating who may be lawful contractors for carrying the mail on star routes in the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: A bill (H. R. 7092) to amend section 1004 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. HARDY: A bill (H. R. 7095) concerning the trial and punishment of contempts in the United States courts herein mentioned—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 7098) to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MURPHY of Arizona: A bill (H. R. 7099) to segregate and return to the public domain certain land on the White Mountain Indian Reservation in Arizona—to the Committee on Indian Affairs.

By Mr. SHAFROTH: A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado—to the Committee on Naval Affairs.

By Mr. CUMMINGS: A bill (H. R. 7130) authorizing the Secretary of the Treasury to establish a fog signal at or near the Battery, New York—to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: A joint resolution (H. Res. 136) calling for survey and estimates of the Puyallup River, in the State of Washington—to the Committee on Rivers and Harbors.

By Mr. KYLE: A joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure—to the Committee on Interstate and Foreign Commerce.

By Mr. MCCALL of Massachusetts: A concurrent resolution (House Con. Res. No. 29) authorizing the Secretary of the Interior to furnish certain publications to the public library of the city of Boston, Mass.—to the Committee on Patents.

By Mr. UPDEGRAFF: Memorial of the general assembly of the State of Iowa, asking settlement for 5 per cent of the school lands sold before admission—to the Committee on Claims.

By Mr. CURTIS of Iowa: Memorial of Iowa general assembly in relation to the 5 per cent funds—to the Committee on Claims.

By Mr. WALKER of Massachusetts: Memorial of the general court of Massachusetts, urging increase of pension to Mexican war veterans—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7008) to pension Rhoda L. Day—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 6337) for the relief of M. H. McCoy—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 6606) for the relief of H. J. Thornton, of Scott County, Miss., and papers to accompany same—Committee on War Claims discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7102) to increase the pension of Fannie Moseley Lorain—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7103) granting an honorable discharge to Wesley Jess, late private Troop M, Seventh United States Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7104) for the relief of Thomas B. Dicken, of Hill City, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 7105) increasing the pension of Augustus Shulz, of Salina, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7106) granting an honorable discharge to Francis L. Jupp, late private Company C, Fourth Regiment United States Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7107) increasing the pension of Thomas J. Jackson, of Newton, Kans.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 7108) to correct the military record of and grant an honorable discharge to Peter Rourke, late of Company C, Seventh Regiment of Rhode Island Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 7109) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I.—to the Committee on Claims.

By Mr. BURTON of Missouri (by request): A bill (H. R. 7110) for the relief of I. N. Strickler, of Kansas City, Mo.—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 7111) to allow an increase of pension to James B. Hackett, of Lancaster, Mo.—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 7112) to remove the charge of desertion against Cornelius Cahill—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 7113) to remove the charge of desertion from the military record of Owen Sullivan—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 7114) granting a pension to Henrietta Coffman—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 7115) granting a pension to James Warbrook—to the Committee on Invalid Pensions.

By Mr. HANLY: A bill (H. R. 7116) for the relief of Elizabeth Pursel—to the Committee on Invalid Pensions.

By Mr. HENRY of Indiana: A bill (H. R. 7117) granting a pension to Oliver P. Gooding—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 7118) to increase the pension of S. C. Loomis, late of Company A, Second Regiment West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 7119) for the relief of George R. Gary—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 7120) for the relief of Charles Thompson—to the Committee on Naval Affairs.

By Mr. MADDOX: A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll—to the Committee on Pensions.

By Mr. MCCLEARY of Minnesota: A bill (H. R. 7122) granting a pension to Maria E. Hess, widow of Florian Hess—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 7123) for the relief of George S. Ayre—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7124) for the relief of Russell P. Hall—to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 7125) granting an honorable discharge to Thomas C. Huble, Company G, Eighty-ninth Illinois Infantry—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7126) granting an increase of pension to Grace T. Arms—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 7127) granting a pension to Samuel D. Gilman—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: A bill (H. R. 7128) granting a pension to Anna P. Johnson—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7129) for the relief of Jesse Roberts—to the Committee on Military Affairs.

By Mr. MCRAE: A bill (H. R. 7131) for the relief of Moses M. Curtis—to the Committee on Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 7132) granting a pension to Elizabeth Peaslee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7133) granting a pension to Thomas J. Butler—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 7134) for the relief of James Mayne—to the Committee on Military Affairs.

By Mr. REYBURN: A bill (H. R. 7135) to correct the military record of Michael O'Brien—to the Committee on Military Affairs.

Also, a bill (H. R. 7136) to correct the military record of Edward Haugh—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Nelson L. Roray and 71 other citizens of Cumberland County, N. J.; also petition of W. H. Lynn and 147 others, of Vanderbilt, Fayette County, Pa.; also petition of A. C. Harris and 37 other members of Council No. 338, Order United American Mechanics, of California, Washington County, Pa., urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Bee Keepers' Association, praying for the passage of joint resolution No. 92, for an appropriation for the publication of a book on the honeybee—to the Committee on Printing.

Also, petition of Marshal Silbaugh and 50 other old soldiers of Hopwood, Fayette County, Pa., in favor of a service pension to all veterans of the late war—to the Committee on Invalid Pensions.

Also, memorial of Will O. Brown, concerning the nickel industry of the United States and the necessity for an import duty on nickel—to the Committee on Ways and Means.

Also, resolutions of Forward Grange, No. 1003, Patrons of Husbandry, of Allegheny County, Pa.; also resolutions of Bunola Council, No. 284, Junior Order United American Mechanics, indorsing House bill No. 2626, and petitions of members of said grange and council for the passage of said bill—to the Committee on Ways and Means.

Also, resolutions of the Pennsylvania State Grange, Patrons of Husbandry, in favor of equal protection—to the Committee on Ways and Means.

By Mr. ADAMS: Resolutions of the United Labor League of Philadelphia, against the repeal of act of February 15, 1895, relating to seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. ARNOLD of Pennsylvania: Petition of S. Th. Morehouse, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of West Monterey Council, No. 378; Mountain City Lodge, No. 309; Clearfield Council, No. 281; Du Bois Council, No. 376, and Limestone Lodge, No. 330, Order United American Mechanics; also petitions of Washington Camp, No. 453, and Washington Camp, No. 604, Patriotic Order Sons of America, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of farmers of Victor Grange, No. 159, Oak Hall Station, Pa., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, protests of citizens of Brisbin and Sykesville, Pa., against sectarian appropriations; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. ARNOLD of Rhode Island; Resolutions of the Universalist congregation of Woonsocket, R. I., favoring arbitration in the settlement of international disputes—to the Committee on Foreign Affairs.

By Mr. BURTON of Missouri: Paper to accompany House bill for the relief of I. N. Strickler—to the Committee on War Claims.

By Mr. CLARK of Missouri: Petition of citizens of northeast Missouri for the relief of the State militia, to accompany House bill No. 5745—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Petition of Lieutenant-Governor Baensch of Wisconsin, and of 27 of the 33 senators of said State; also of George Burrows, speaker, and 80 of the 100 members of the assembly of said State, asking for an adequate appropriation for all work in the outer harbor at Manitowoc, Wis., necessary to furnish a 21-foot channel—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Memorial of citizens of Wisconsin, asking for further improvement of the harbor of Manitowoc, in that State—to the Committee on Rivers and Harbors.

By Mr. CRUMP: Petition of J. C. Burlecon, C. S. Ramsay, and Charles G. Hampton, asking for favorable action on House bill No. 5466, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Col. James H. Childs Post, No. 230, Grand Army of the Republic, in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ERDMAN: Petition of citizens of Lehigh County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Petition of Thomas Crawford and others, asking relief for Jake Henry, of Louisville, Ky., as provided for in House bill No. 6761—to the Committee on Military Affairs.

Also, petition of Alexander Griswold and others, of Louisville, Ky., praying relief for Mrs. Annie Trace, to accompany House bill No. 7078—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the St. Paul Civil Engineers' Society, favoring the appointment of civil engineer on public buildings—to the Committee on Public Buildings and Grounds.

Also, resolutions of Minnesota Commandery of the Loyal Legion, in favor of the national park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. GRIFFIN: Protest of 85 citizens of Eau Claire, Wis., against the passage of joint resolution recognizing God in the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Clarence S. Miller, W. A. Tower, George A. Markham, McBride Bros., W. H. Huntington, and James A. Wells, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petition of Egan & Anderson, A. H. Grisell, A. E. Childs, and others, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HANLY: Evidence to accompany House bill for the relief of Elizabeth Pursel—to the Committee on Invalid Pensions.

By Mr. HARMER: Petitions of members of Washington Camp, No. 485, and Washington Camp, No. 367, Patriotic Order Sons of America, of Philadelphia, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HART: Petition of J. H. Maloy, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of settlers on the abandoned Fort Maginnis Military Reservation, for free homes—to the Committee on the Public Lands.

Also, petition of George Barkerville and others, of Butte, Mont.; also memorial of Lodge 352, Order Sons of St. George, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Protest of the American Cyclist, of Hartford, Conn., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Petition of James C. Havey and 150 others, of Chippewa Falls, Wis., asking for the further improvement of the harbor at Manitowoc, Wis.—to the Committee on Rivers and Harbors.

By Mr. KIEFER: Petition of George A. Iselin, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KIRKPATRICK: Petitions of J. J. Campbell, Arthur Fuller, and other attorneys, of Crawford County, Kans.; also P. C. Pollock and 17 other attorneys, of Cowley County; M. B. Light and other attorneys, of Chautauqua County, Kans., praying for a division of the State of Kansas into two Federal judicial districts—to the Committee on the Judiciary.

Also, petition of Stephen M. Reeves and 48 other ex-soldiers and citizens of Labette County, Kans., requesting the grant of $8 per month for every man who served not less than ninety days in the Army and Navy during the rebellion, and a pension of not less than $12 to all widows of such who have died—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of the American Forestry Association, asking Congress for legislation to preserve the Cascade Range Forest Reserve, in Oregon—to the Committee on the Public Lands.

Also, memorial of New York and the city of New York, asking for proper appropriations for its waterways—to the Committee on Rivers and Harbors.

By Mr. LINTON: Petition of citizens of Owasso, Mich., protesting against placing an import tax on tea—to the Committee on Ways and Means.

Also, petition of the Loyal Orange Lodge, of Akron, Mich., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LOUDENSLAGER: Petitions of Fame Council, No. 204; Hope Council, No. 3; Olive Branch Council, No. 21, and Jersey Blue Council, No. 22, Junior Order United American Mechanics, all urging the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Review Publishing Company, asking for favorable action on House bill No. 4566, to amend the postal laws

relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Protest of C. S. Parker & Son, of Arlington, Mass., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of Trades and Labor Council, Minneapolis, Minn., asking favorable consideration of House bill No. 184, relating to direct legislation—to the Committee on Rules.

Also, petitions of General U. S. Grant Council, No. 168, and Admiral Farragut Council, No. 16, Junior Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MEIKLEJOHN: Petition of citizens of Randolph, Nebr., asking for the construction of a railroad from Sioux City, Iowa, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

Also, indorsement from the Chicago Tribune and other papers, for the transmississippi and international exposition to be held in Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. MERCER: Petition of Atlanta Post, of Waterloo, Nebr., in favor of service-pension legislation—to the Committee on Invalid Pensions.

By Mr. MORSE: Petitions of J. F. Hanna and 61 other citizens of Tarkio, Mo.; 145 citizens of Jersey City, N. J.; 45 citizens of Fredonia, Pa.; 24 citizens of Chicago, Ill.; 50 citizens of Boulder, Mont.; 73 citizens of Latrobe, Pa.; 36 citizens of Baldwin, Ill.; 25 citizens of Moro, Oreg.; 35 citizens of Colon, Nebr.; 126 citizens of Bozeman, Mont.; 141 citizens of College Springs, Iowa; 75 citizens of Goldfield, Iowa; 18 citizens of Butler, Mo.; 48 citizens of Pawnee City, Nebr.; 50 citizens of Troy, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of the Indianapolis Journal Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Resolutions of Plumb Post, Grand Army of the Republic, of Sherburne, N. Y., favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: Petition of Hope Council, No. 78, Order United American Mechanics, of Moosup, Conn., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SAUERHERING: Protest of Svend Christiansen and 26 other citizens of Dane, Dane County, Wis., against joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: Petition of Washington Camp, No. 262, Yostville, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SHAW: Petition of the heirs of Frederick I. Jones, of Craven County, N. C., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SORG: Petition of veterans of the late war, residing in Middletown, Ohio, asking for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. STAHLE: Petition of Columbian Council, No. 125, Daughters of Liberty, of York, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRACEY: Papers to accompany House bill to fix the navigation at Longs Ferry on White River—to the Committee on Rivers and Harbors.

By Mr. TRELOAR: Petition of citizens of St. Charles, Mo., praying for the passage of House bill No. 5675, for the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER of Massachusetts: Resolutions of the New England Historic-Genealogical Society, urging legislation enabling the Secretary of State to prepare for publication records of the Continental Congress—to the Committee on Printing.

Also, petition of Conquest Council, Order United American Mechanics, of Westboro, Mass., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Charles H. Thurston, of Westboro, Mass., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOMER: Petition of William V. Bowman and 100 citizens of Wiconisco, Pa.; also petition of Charles Boechler and 100 others, of Lykens, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Frank Enders and 100 other citizens of Lykens, Pa., favoring the passage of joint resolution No. 11, amending the Constitution of the United States and prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. WILSON of Idaho: Memorials of the county commissioners of the counties of Idaho, Shoshone, and Nez Perces, for the improvement of Clearwater River in Idaho—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS (by request): Petition of L. Ashford and others, of Attala County, Miss., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 11, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs of the 9th instant, together with a draft of a bill to transfer the legal title and trusteeship of the land of the Sac and Fox Indians of Iowa to the Secretary of the Interior, and recommending favorable action by Congress; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 4th instant calling for information as to the reason the nonagricultural and unallotted lands of the Uncompahgre Indian Reservation have not been restored to the public domain and proclaimed open to entry and location, as prescribed by sections 20 and 21 of the act of Congress approved August 15, 1894, entitled "An act making appropriations for the current and contingent expenses of the Indian Department," etc., transmitting a copy of the annual report of that Department for the fiscal year ended June 30, 1895, and calling attention to pages 10 and 37 of that report, which gives the information desired; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. VEST subsequently said: Just before I reached the Chamber a communication was received from the Secretary of the Interior in regard to lands in the Uncompahgre Indian Reservation, so called. I understand from the clerks that it was referred to the Committee on Indian Affairs. I ask that that action be reconsidered, and that the communication lie on the table until the return of the Senator from Utah [Mr. CANNON].

The VICE-PRESIDENT. Is there objection? The Chair hears none. The communication will lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of District Assembly No. 197, Knights of Labor, of Jersey City, N. J., praying for the passage of Senate bill No. 2121, to provide for the better manning and equipment of vessels on the Northwestern Lakes; which was referred to the Committee on Commerce.

He also presented a memorial of the Burlington (N. J.) Quarterly Meeting of Friends, remonstrating against the adoption of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented the petition of John Wray, jr., and 144 other citizens of Jersey City, N. J., and the petition of J. N. Thompson and 89 other citizens of Ramsey, N. J., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. J. R. Waker, president, and Mrs. J. R. De Mott, secretary, representing 75 members of the Woman's Christian Temperance Union of New Brunswick, N. J., praying for the passage of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Lafayette Council, No. 129, Junior Order United American Mechanics, of Jersey City; of Ellsworth Council, No. 120, Junior Order United American Mechanics, of Silverton; of Kill von Kull Council, No. 170, Junior Order United American Mechanics, of Bayonne; of Monmouth Council, No. 25, Junior Order United American Mechanics, of Freehold; of Upper Freehold Council, No. 27, Junior Order United American Mechanics, of Imlaystown; of Stewart Council, No. 99, Junior Order

United American Mechanics, of Califon; of Cusant Council, No. 93, Junior Order United American Mechanics, of Eatontown; of Central Council, No. 131, Junior Order United American Mechanics, of Westfield; of Rising Sun Council, No. 15, Junior Order United American Mechanics, of Malaga, and of Harry Nixon and 31 other citizens of Westfield, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. BAKER presented a petition of sundry citizens of Kansas City, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. MITCHELL of Wisconsin presented a petition of the Commandery of the State of Washington, Military Order of the Loyal Legion of the United States, of Tacoma, Wash., praying for the enactment of legislation reviving the grade of Lieutenant-General of the Army; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Engineers' Club of Minneapolis, Minn., praying that House bill No. 1470, providing for the appointment of three architects and two officers of the United States Army, to constitute a commission of public architecture, be so amended as to include also at least one civil engineer of proper standing with reference to practical experience as well as scientific attainments; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of William B. Reed and sundry other citizens of Minnesota, the memorial of Sarah Pettis and sundry other citizens of Minnesota, the memorial of H. H. Brown and sundry other citizens of Minnesota, and the memorial of C. H. Griswold and sundry other citizens of Minnesota, remonstrating against the adoption of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. GALLINGER. A few days ago I introduced a bill for the establishment of a life-saving station at Hampton Beach, New Hampshire. I now present resolutions adopted by the Rockingham County Republican Club, of Exeter, N. H., in favor of the passage of that bill. I move that the resolutions be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. HOAR presented a petition of sundry citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. VEST presented a petition of 189 citizens of Atchison County, Mo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of 15 citizens of New Philadelphia, Ohio, praying that religious matter, including tracts, be given improved postal facilities under the act of July 16, 1894, regulating second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 210 citizens of Hogan County, Ohio; a petition of 16 citizens of Calcutta, Ohio, and a petition of the Senior Young People's Society of Christian Endeavor of the United Presbyterian Church of Wellsville, Ohio, praying for the passage of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. PEFFER presented the petition of A. J. Ward and 81 other citizens of Palmer, Kans., and the petition A. E. Stone and 181 other citizens of Palmer, Kans., praying that the internal-revenue laws of the United States be so amended as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of that State; which were referred to the Committee on Finance.

Mr. SQUIRE presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the establishment of an assay office at that city; which was referred to the Committee on Finance.

He also presented a petition of Farragut Post, No. 15, Grand Army of the Republic, of Port Townsend, Wash., praying for the passage of a service-pension law, and also for the passage of the so-called "prisoners of war" bill; which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Fairhaven, Wash., praying for the passage of Senate bill No. 1159, to provide for fortifications and other seacoast defenses; which was referred to the Committee on Coast Defenses.

He also presented a petition of the trustees of the Brown Segmental Tube Wire Wrapped System of Gun Construction, of New York City, N. Y., praying that an appropriation of $45,000 be made to enable the proper bureau of the War Department to contract for the manufacture of one 10-inch bore experimental rolled bar, segmental tube, wire-wrapped, high-power, breech-loading steel rifled gun; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Battleground, Wash., and a petition of sundry citizens of Lewisville, Wash., praying for the passage of House bill No. 2626, to protect agricultural staples by an export bounty; which were referred to the Committee on Finance.

He also presented sundry memorials of citizens of Washington, and a memorial of sundry citizens of Florence, Wash., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. MCMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. MORGAN. I present a petition of the Cotton Exchange of Mobile, Ala., praying that section 3 of the so-called Harter Act be so amended as to give security to American shippers of produce. I move that the petition be referred to the Committee on Commerce, calling their attention to it. It seems to be a matter that needs immediate attention.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 299) granting a pension to John W. Matchett, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 1709) for the relief of J. Henry Rives, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. NELSON on the 25th ultimo, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2220) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2347) for the relief of Laura C. Dodge, reported it with an amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 901) amending section 4716 of the Revised Statutes, reported it with an amendment.

EXPENDITURES OF THE SENATE.

Mr. PRITCHARD, from the Committee on Civil Service and Retrenchment, to whom was referred the resolution submitted by Mr. CHANDLER on the 26th ultimo, directing the Committee on Civil Service and Retrenchment to investigate the expenditures of the Senate for the past year, reported it without amendment.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 666) to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers, to report it without amendment, and I ask that the bill be considered at this time. It concerns the management of the Soldiers' Homes and removes a restriction that interferes with the proper working of the Homes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4829 of the Revised Statutes of the United States by the addition of the following words:

Provided, That surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers and the several Branches thereof may be appointed from others than those who have been disabled in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALASKAN FUR-SEAL INDUSTRY AND SALMON FISHERIES.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Treasury be, and is hereby, authorized to print the reports, correspondence, charts, maps, and other documents now on file in the Treasury Department or other branches of the Government relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska; 3,000 copies to be printed, of which 750 shall be for the use of the Senate, 1,500 for the use of the House of Representatives, and the remaining 750 copies for the use of the Treasury Department and other Departments whose reports are thus printed.

STATUTES IN FORCE IN THE DISTRICT OF COLUMBIA.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the compilated statutes in force in the District of Columbia to each Senator, Representative, and Delegate in Congress, for his personal use, and 500 copies to the superintendent of documents for distribution to depositories of public documents: *Provided*, That the remaining copies of the work may be sold at $2.50 per copy.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2484) for the removal of the charge of desertion from the name of Mason W. Presby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 2485) to further protect the first day of the week as a day of rest in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon introduced a bill (S. 2486) for the relief of certain officers of the Corps of Engineers, United States Army; which was read twice by its title, and, with the accompanying papers, ordered to be printed, and referred to the Committee on Claims.

He also introduced a bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.; which was read twice by its title, and, with the accompanying paper, ordered to be printed, and referred to the Committee on Commerce.

Mr. CHILTON introduced a bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. NELSON introduced a joint resolution (S. R. 96) declaring the lands within the former Mille Lac Indian Reservation in Minnesota to be subject to entry under the land laws of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a joint resolution (S. R. 97) authorizing and requesting the President of the United States to inquire into the state of war now in existence in the Island of Cuba, and for other purposes; which was read the first time by its title.

Mr. ALLEN. I ask that the joint resolution be read at length and referred to the Committee on Foreign Relations.

The joint resolution was read the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and requested to cause a thorough and rigid investigation to be made into the manner in which the war between Spain and the belligerents in Cuba is being conducted; whether the same is in accordance with the established rules of civilized warfare, and whether or not unusual and exceptional cruelties, barbarities, and atrocities are and have been practiced by either party toward the other, and particularly toward noncombatants.

SEC. 2. That for the purpose of carrying into execution the provisions hereof there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee, or its subcommittees, in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

Mr. GALLINGER subsequently reported the resolution without amendment from the Committee to Audit and Control the Contingent Expenses of the Senate; and it was considered by unanimous consent, and agreed to.

THE FIVE CIVILIZED TRIBES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is directed to inform the Senate of the present state and condition of the funds or annuities of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole tribes of Indians under the control of the United States, and for the future payment of which the United States is obligated by law or treaty.

CLARA YEARGIN.

Mr. IRBY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara Yeargin, widow of John W. Yeargin, deceased, late a laborer of the Senate of the United States, a sum equal to six months' salary at the rate allowed by law to said laborer, out of the "miscellaneous items" of the contingent fund of the Senate, said payment to be considered as in lieu of all funeral expenses or other allowances.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the bill (S. 227) to authorize the Auditor for the War Department to audit certain quartermasters' vouchers, alleged to belong to John Finn, of St. Louis, Mo.

The message also announced that the House had passed a bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge of the southern district of Florida to reside at Key West; and

A joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto.

KANSAS CITY, FORT SCOTT AND MEMPHIS RAILROAD.

Mr. BAKER. I ask unanimous consent to call up the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes.

Mr. HOAR. Is it a long bill?

Mr. BAKER. It is a short bill. It will only take a minute to pass it. It merely provides for the construction of 12 miles of railway from Baxter Springs, Kans., to Miami, in the Indian Territory. The bill was reported unanimously from the Committee on Indian Affairs by the Senator from Connecticut [Mr. PLATT] with an amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in

section 1, line 8, after the word "Territory," to insert the following proviso:

Provided, That such right of way shall be 50 feet in width on each side of the central line of the road. Said company shall also have the right to take and use for station purposes a strip of land 100 feet in width by a length of 2,000 feet in addition to right of way to an extent not to exceed one station for each 10 miles of road constructed within the limits of said reservations.

Th amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSIONS COMMITTEE SERVICE.

Mr. HAWLEY. The committee that arranges for the services of Senators upon committees was kind enough to put me upon six committees, all of them interesting. The Committees on Military Affairs and on Pensions together have an aggregate of very nearly half of the bills before the Senate. I am compelled to ask to be excused from further service upon the Committee on Pensions.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Connecticut is excused from further service upon the Committee on Pensions.

Mr. MITCHELL of Oregon. I ask unanimous consent that the rules be suspended and that the Vice-President be authorized to fill the vacancy.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Chair will appoint the Senator from North Carolina, Mr. PRITCHARD, to fill the vacancy caused by the resignation of the Senator from Connecticut, Mr. HAWLEY.

THE WASHINGTON GAS LIGHT COMPANY.

Mr. CALL. I submitted a resolution several days ago, and I ask unanimous consent for its consideration at this time. I suppose it will excite no debate.

The VICE-PRESIDENT. The resolution will be read for information.

The resolution submitted by Mr. CALL on the 9th instant was read, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement, under oath, showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere. Also, a statement of the money received from consumers of gas. Also, how much money received from other sources, each to be given separately. Also, the disbursements of money and for what purpose. Also, the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere.

Mr. CALL. I merely wish to say that I presented the resolution by the request of a number of people who are greatly interested in this subject.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HILL. Let it go over until to-morrow. It might lead to some discussion, and there is a press of business this morning.

The VICE-PRESIDENT. The resolution will go over under the rule.

HOUSE BILL REFERRED.

The bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there was read twice by its title, and referred to the Committee on Territories.

CONSIDERATION OF CUBAN RESOLUTION.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. HOAR], coming over from a previous day.

The resolution submitted by Mr. HOAR on the 9th instant was read, as follows:

Resolved, That the consideration of the report of the Conference Committee on the Senate concurrent resolution 19, relating to Cuba, be postponed until Monday, April 6, and that the Committee on Foreign Relations be directed before that time to report to the Senate the facts which, in their opinion, justify the passage of said resolution, together with the evidence thereof.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. Mr. President, the conference committee recommend to the Senate the adoption of some resolutions passed by the House of Representatives as an amendment to a Senate resolution on the same subject. I wish to read the first and last clauses of the House resolutions:

Resolved, etc., That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.

The last clause of the final resolve is as follows:

The present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary.

Mr. President, I do not suppose that at my time of life I have need to make any proclamation of my sympathy with any people struggling against oppression. If anybody in this country doubt where my personal sympathies are likely to be in such a struggle, I presume the doubt will not be removed by my own certificate.

I authorized my colleague, being unfortunately absent when both the votes that have been had in the Senate on the two great questions relating to our foreign relations have been taken, to announce my pair in favor of the resolution of the Senator from Pennsylvania [Mr. CAMERON] requesting the President to use his friendly offices between Spain and her insurgent subjects to bring about the recognition of the independence of the people of that island. My colleague very kindly executed the commission, and the doctrine of that resolution I stand by and am prepared to defend, if necessary.

I have also no sympathy with the men anywhere who denounce every assertion of the dignity of this country or every utterance of American patriotic feeling as jingoism, a phrase borrowed, where they get most of their political ideas, from the English press. They are a class of persons who are an injury to any cause they espouse. They excite my indignation and dislike more when they happen to be on my side than when they are against me. They are a class that exist in England as well as here. They do more than all the jingoes that ever existed to set these two countries against each other and to make them misunderstand each other. Their constant misrepresentation excites in the mind of many of the English people a contempt for the American character, and produces utterances there which create a just, righteous, and most natural indignation here. They keep up their strident and querulous grasshopper chirp, filling the fields with their noise, till they almost persuade the people of England to take as true their representation of the United States and the people of the United States to take as true their representation of England. Mr. Arnold Foster, an eminent English member of Parliament, has well described the difficulty they create in the proper and decent management of the foreign affairs of England. He is speaking of the English complication with Russia when he says:

The work of influencing British public opinion in favor of a rapprochement with Russia has been made more difficult by the unfortunate advocacy of certain professional champions of Russia. The mixture of patronism and misrepresentation, the childish misstatements, the invariable defense of the indefensible, and the unctuous praise of what is least praiseworthy, have done more to keep alive distrust and dislike in this country than any overt act of the Russian Government. Mercifully, these guiding voices have been comparatively silent for some time past, and public opinion is left unprejudiced in presence of the problems which confront it.

Mr. President, if they have been mercifully silent in England they have been very lively of late in this country, and their utterances everywhere are nothing but mischief.

I mean, I wish to assure my honorable friend from Ohio, no disrespect to the Committee on Foreign Relations itself, a committee great in its functions, and great also in the character of the gentlemen who compose it. Certainly I mean no disrespect to my honorable friend from Ohio. He is in my judgment the most illustrious public character on the political stage upon this continent to-day. I sometimes differ from him, but always with a huge respect. I said yesterday that he must have been experimenting with the X rays when he undertook to penetrate my brain and perceive and declare my motive before I had declared it myself. I was confirmed in that conjecture when I read the report of Professor Tesla's account of his experiments in the paper this morning. He says that when he experiments with them and exposes himself to them "they occasion in him a great tendency to warmth in the upper part of the head;" and I was sorry to see yesterday that my honorable friend from Ohio had had the same experience. [Laughter.]

I wish, Mr. President, to speak very briefly in behalf of the orderly and decorous conduct of the foreign affairs of this Government. I suppose that no Senator will question that we are dealing with a weighty matter. Now, whether it be right or wrong, I think it is a serious and most lamentable fact when the educated youth of Spain, to whom this Republic ought to be as a beacon light, in whose ingenuous studies the history and the example of the United States ought to take the place which the history and the example of Greece and Rome took to their predecessors and to our predecessors, are brought into a state of mind in which they are ready to insult and trample upon the flag of the United States, a state of mind which has rendered the minister of this Republic unsafe in his house, and has compelled him to send his wife and children away, if the stories are correctly reported, to a place of safety.

I think, however much we may condemn it, that it is to be lamented when the Spanish minister, a gentleman of personal accomplishment and the representative of a friendly power, our ally and friend in the war of independence, and a power which when the secret history of the time of our war is made known exercised a potent influence in preventing armed intervention by France and Great Britain in our day of peril—I say it is a lamentable state of

things, whoever be to blame, when that accomplished foreign minister is stung into breaking over diplomatic propriety and making his appeal in an irregular way to the people of the country.

Mr. President, we must do our duty with courage and firmness. I only am saying that we ought so to do it as to avoid these provocations, if we can, and that whatever we do should be done in a calm, quiet, dignified spirit as befits great actions of a great people. We ought to imitate not the excitement of mobs, we ought to indulge not in the impassioned eloquence of orators, not in stimulant appeals to the love of liberty or to any other popular passion, good or bad. It is a time and an occasion for the exercise of the judicial faculty. The court, the tribunal of justice, jurisprudence, is the place where we ought to seek our example, our model, and our guide.

Now, Mr. President, the question of belligerency, with which this first resolution deals, is a question of fact to be drawn and inferred and established by inference from other facts. Does anybody doubt that? If that be true, is it not also true, as I suggested yesterday, that when this body of 89 men, Senators, representatives of sovereign States, exercising a large influence in the conduct of affairs, not only of this continent but of the world, are to deal, are to act, is it not reasonable that we should at least take the precaution which we take whenever any sum of $50 is to be taken from the Treasury of the United States in behalf of a claimant; that is, that we should have before us not the reports of consuls, not merely the dispatches of consular agents, but that we should have before us the finding of what those facts are by some committee of this body who have investigated the subject?

What have we here? The Committee on Foreign Relations discussed this matter more or less at length at their discretion in their committee room, and then they are represented here, without any report, without any finding of facts, by their former chairman, the honorable and distinguished Senator from Alabama [Mr. MORGAN], whom we so much respect, in an impassioned speech, the two principal features of which were, first, that he declared that in supporting this resolution he brought in somewhere a sword, which he laid upon the table for Spain to take up if she saw fit. I wonder how long that Senator would hesitate in asking his country to take up the sword if the prime minister of England, or her head of the foreign office, had said he laid down a sword for the United States to take up if she saw fit. The other feature of the Senator's speech was an equally earnest claim that, in his opinion, the Congress of the United States had the right to declare war under the Constitution without the assent of the President.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment?

Mr. HOAR. Certainly.

Mr. MORGAN. I am informed that a resolution has been before the Committee on the Judiciary for quite a while, which proposes to settle the question as to whether such a resolution as we are now discussing——

Mr. HOAR. I do not think that is a fair interruption. I thought the Senator rose to ask a question.

Mr. MORGAN. I wanted to ask the Senator if there was such a resolution pending before the committee, and how long it has been there?

Mr. HOAR. Well, Mr. President, that is another thing. What I have to complain of is that in dealing with this great question of nations and of centuries, when we are pleading for a little gravity and a little deliberation and a little knowledge, one Senator thinks he has made a good answer by interrupting me with a taunt about some telegraphic dispatch that I sent in regard to my own individual action, and another Senator thinks he has made a good answer by getting up with a taunt about the delay of the Judiciary Committee in dealing with some public question.

Mr. MORGAN. I beg the Senator's pardon. If he will allow me, I was merely bringing up a pertinent matter. I have been expecting a report from the Committee on the Judiciary upon this very interesting constitutional question, and the Committee on Foreign Relations had to determine the question before them without having the views of the Committee on the Judiciary.

Mr. HOAR. But the Senator had determined it and stated his opinion upon it.

Mr. MORGAN. That is all.

Mr. HOAR. And argued it at length.

Mr. MORGAN. As I had a right. I had a right to my own opinion, as you have to yours, and I stated it. If you will now state yours, I will be satisfied.

Mr. HOAR. Very good. Mr. President, when that is pointed out, the chairman of the committee brings in a document which he says was printed for the use of the committee and from which he read in his speech, and the document turns out to be a statement of the agent or counsel of the Cuban belligerents. He does not say what the answer to it is, or whether there is any answer, or whether the other side has been heard; he does not say whether that committee have found that a single statement of fact in that document be true or false. It was considered reason for an outburst of indignation all around the Senate when the Spanish minister stated that some of us, in his judgment, had been misinformed about an imputation of cruelty on the part of his Government—a minister, representing a friendly country, accredited to the people and to the Government of the United States by his Government; and yet the Committee on Foreign Relations asked this body to act on the statement of the counsel of the unrecognized, unincorporated, unorganized, unnational belligerents; and that without giving it even the indorsement of the committee which produces it, and that is all we have got of the facts except——

Mr. SHERMAN. Mr. President, I should like to correct the Senator, if he will allow me.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. Certainly.

Mr. SHERMAN. The paper which I presented—the honorable Senator was absent during the debate and when the paper was being prepared—had been printed for some time for the use of the committee, and has been ordered to be printed for the use of the Senate. That paper comes to us, not from any agent, but it comes from the Secretary of State, communicating all the papers in the possession of the State Department upon the subject of the present outbreak, and among them the narrative——

Mr. HOAR. But, Mr. President, that is not the point, if the Senator will pardon me.

Mr. SHERMAN. Will the Senator allow me to finish the sentence?

Mr. HOAR. Certainly.

Mr. SHERMAN. I say that the committee did furnish all the evidence we could obtain from the Secretary of State of an official character regarding the subject, and we submitted that with our report to the Senate. More than that we could not do. If the Senator had been here, he would have had the opportunity of getting this information, and would not have made complaint.

Mr. HOAR. Very well. Then we have the declaration of the chairman of the Committee on Foreign Relations on the floor of the Senate that all the evidence they had—because he says they furnished all they had—was a communication furnished by the Secretary of State from the agent or counsel of the insurgents as a matter of mere information, without any indorsement of the Secretary of State, and without any finding by the committee itself whether a single statement of that paper was true or false.

Mr. SHERMAN rose.

Mr. HOAR. I do not want to be interrupted. I want to make my statement connectedly. The Senator will have an opportunity to reply. I can not make my point if I am to be constantly interrupted.

Mr. President, let me ask you [the Vice-President in the chair], let me ask any Senator who does me the honor to listen to me, this question: Suppose a fifty-dollar claim were to be acted upon, and my honorable friend from Missouri [Mr. COCKRELL] said, as he would be pretty likely to say, "I should like to hear the report of what the committee has found the facts to be in that case," and the answer was, "There is not any report"; but the chairman of the committee gets up and says, "Here is the brief that the counsel on one side sent in, which was printed for the use of the committee." "Has your committee found the statements of that brief to be true?" "Oh, no." "Has any Senator had an opportunity to see it before the debate?" "Oh, no; it was printed for the use of the committee." Do you not think, sir, there would have been made a motion to recommit, pretty unanimously supported, and that a Senator would say, "I can not, under my sense of public duty, take $50 from the Treasury of the United States for the poorest widow in the country without more careful inquiry into the facts than that"? Yet we are asked to decide this great question of international law, and to say to Spain that we may have to intervene, if necessary, on no other finding of the facts by anybody.

I was very much impressed by another thing, which shows you in this matter the heat and rapidity and carelessness which have almost turned the Senate of the United States, I will not quite say into a mob, but you remember, Mr. President, that James Madison said such was the force of associated action that if every Athenian citizen had been a Socrates every Athenian assembly would still have been a mob. We are not exempt from that danger.

I was struck, I say, with something which happened during the eloquent and impassioned speech of the honorable Senator from Alabama. He read a statement from a historian about the recent operations against the insurgents in Cuba a few years ago, and said that—

The Spanish minister admitted that in that war, in addition to 13,600 Cubans who had been killed in battle, 43,500 prisoners had been put to death.

Mr. MORGAN. If the honorable Senator will allow me, I did not say what he is reading from the RECORD. I said that it had been asserted in a book or on an authority.

Mr. HOAR. I am going to state that.

Mr. MORGAN. You are not stating now what is a fact.

Mr. HOAR. The Senator said:

Can it be possible that a mistake is made by an accurate and able historian when he says to us, etc.

Thereupon the Senator from Maine [Mr. FRYE] rises and says that he "failed to catch the name of the authority for the wonderful and horrible statement which the Senator from Alabama" had just read to the Senate. So that it had not been a matter of much consideration in the Committee on Foreign Relations, for my honorable friend from Maine did not even know the name. Then the Senator from Alabama said:

Mr. MORGAN. I am sorry that for the moment I can not recall his name. I will hand it to the Senator.

Mr. FRYE. It is from history?

Mr. MORGAN. Yes; deliberately written, and written by a Spaniard.

Mr. FRYE. Does the Senator credit it?

Mr. MORGAN. For a long time I hesitated to credit it, but I had to credit it or else deny the evidence of a deliberate statement made by a historian in a book of universal acceptance, one of reliable authority.

Mr. GRAY. Will the Senator from Alabama state the name of the historian or the book?

Mr. MORGAN. It is in the American Encyclopedia, under the title of "Cuba."

Then the Senator from Florida [Mr. CALL], whom we all know to be one of the most kind-hearted and excellent men who ever lived, rises and says:

Mr. CALL. If the Senator from Alabama will allow me, I will read a very short extract from a publication by Mr. Clarence King.

Then the Senator from Alabama says:

Mr. MORGAN. I shall be very glad to have it read.

The Senator from Florida then says:

Mr. CALL. Jesus Rivocoba, one of the officers on duty in the service of Spain in the Island of Cuba, under date of September 4, 1869, writes this letter.

Then the Senator from Florida is asked by another Senator, who, I think, is also on the Committee on Foreign Relations, the Senator from California [Mr. WHITE]:

Mr. WHITE. I should like to inquire of the Senator from Florida from what he has read? What is the paper he has in his hand?

Mr. CALL. I read from a pamphlet published by Clarence King. The article appeared in The Forum for September, 1895, and purports to contain a literal copy of the letters of those officers themselves.

Mr. President, I am not for one prepared to put this country into a war on the united authority of Jesus Rivocoba, the historian, whose name the Senator from Maine does not know, and the Senator from Alabama (who has forgotten more than all the rest of us put together know) has forgotten, and an article in the Forum by Mr. Clarence King; and if there is a single fact which at the close of all these speeches my honorable friend can say his committee have considered and weighed the evidence on both sides, and are prepared now, as the eyes and ears of the Senate, to affirm what they have found true, I fail to recall it or to have heard it; and if any single Senator can recall, or has heard of it, I think he would be likely to state it at some time before this debate is over.

I ask, again, if this were a fifty-dollar claim of a Massachusetts widow, and the committee had been asked for a report, and they said they had not any report, and were asked what facts they found which justified the fifty-dollar payment and said, "There is a letter from Jesus Rivocoba somewhere [laughter], and an article in the American Encyclopedia entitled 'Cuba,' and there is a privately printed paper which we had before us by the counsel for the widow"—I think that case would be recommitted to the Committee on Claims without any further debate.

We have, of course, the correspondence from the consuls—and that I ought not to omit; that has official weight—but the committee have not found what of those facts they found correct; they have not found how extensive they are. They relate to a comparatively small part of that island. They have not found whether the Spanish Government makes any answer to them or not, and they are, in my judgment, totally insufficient to support this proceeding.

Mr. SHERMAN. Will the Senator allow me to refer him to another document?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. SHERMAN. The Senator yields to me. The Senator yesterday asked me for the document from the Secretary of State, which I gave him. I hold in my hand, however, a printed document, a message from the President of the United States, sent to us on the 11th of February, 1896, containing 212 pages.

Mr. HOAR. That is the very thing I am talking about at this moment.

Mr. SHERMAN. Very well; that was before us all the time.

Mr. HOAR. That is exactly what I am saying; I have just been saying what the Senator interrupts me to state, and I think it unfair to rise and interrupt me to say what I am saying. The honorable Senator reproaches me for not knowing what had been printed for the use of this committee when I was absent in Massachusetts, and now he does not know what I have been saying for the last five minutes.

Mr. SHERMAN. I do.

Mr. HOAR. Let me repeat——

Mr. SHERMAN. Let me state my position. The Senator was complaining of the want of information and that the committee did not set out a formal report, which is not usually done, by the Committee on Foreign Relations at any rate. But here is a document of over 200 printed pages, which have been open to the Senator ever since the 11th of February last.

Mr. HOAR. I have a great mind to ask the Reporter to get up and read what I have been saying for the last five minutes, but perhaps I can condense it a little.

I have been observing that there was one document, which I ought not to pass over, which had been laid before the Senate; that it was a document containing the correspondence with consuls and consular agents in Cuba, and that this document is in answer to this resolution:

That the Secretary of State be directed to communicate, etc., copies of all correspondence in regard to our affairs in Cuba.

This is February last.

Mr. PLATT. That was sent to the House of Representatives.

Mr. HOAR. That is a document communicated to the House of Representatives, not communicated to the Senate, but to which undoubtedly every Senator has had access. But, as I have proceeded to observe, the committee have not found what of these things are true and what are not true. They have not found whether the matters had been brought to the attention of the Spanish Government, or of Spain, and they relate at best and at most to a very small portion of the territory of that island.

Mr. HALE. If the Senator will allow me there, I will say, as he was not here at the time of the debate previous to the vote taken, that the debate was almost entirely controlled and participated in by members of the Foreign Relations Committee. I do not recall that in that debate a single member of that committee ever referred to that document or cited it in support of the position of the committee.

Mr. HOAR. I do not believe that there are ten Senators who had ever heard of it. Whether the Committee on Foreign Relations have read it, I have no means of knowing.

Mr. MORGAN. What document is that?

Mr. HOAR. The correspondence of the consuls in Cuba communicated to the House of Representatives.

Mr. MORGAN. I must have read thirty or forty extracts from that in the report which I made on my feet here at the order of the committee in this case. The Senator never reads my speeches, and, of course, does not understand what I said.

Mr. HOAR. My honorable friend from Alabama undertakes to break the force of what I have had the honor but imperfectly to say by saying that he made the report upon his feet here.

Mr. MORGAN. How is that?

Mr. HOAR. The Senator speaks of the report he made while on his feet.

Mr. MORGAN. My speech was intended to be a report of the action of the committee and the grounds of its action; but the Senator has never read it.

Mr. HOAR. Then if the speech of the Senator from Alabama was a report of the Committee on Foreign Relations, the Committee on Foreign Relations now are inviting us to lay down this sword for somebody to take up; and the Committee on Foreign Relations think that Congress can declare war without the assent of the President. I should like to ask my friend from Ohio whether he would agree to say that he or his committee ever authorized the Senator from Alabama to report to the Senate that we had a right to declare war without the assent of the President?

Mr. SHERMAN. No; I do not think the Senator from Alabama made the statement in that way at all.

Mr. HOAR. The Senator from Ohio did not hear the Senator from Alabama five minutes ago state that he had a right, because the Judiciary Committee had not submitted a written report.

Mr. SHERMAN. I do not think we had the matter before us at all.

Mr. HOAR. Very well. Then I think the Senator from Alabama was not making a report from the committee.

Mr. MORGAN. I think the Senator will allow me to make a statement in justice to myself and to him. In the speech I made I intended to lay down the ground upon which the committee had acted and upon which they intended to act, so far as it could be gathered. I said that the question of whether or not the President of the United States had the right to consider the concurrent resolution we were adopting was not presented in the resolution, and therefore it was unnecessary to discuss it. But I was asked by the Senator from Massachusetts himself certain questions before he left the Senate and went off, which I felt it my duty to respond to, which involved the one I have discussed on my personal account, and in which I expressed my opinion personally, and the Senator from Delaware [Mr. GRAY], who was sitting by me at the time, rose after I had closed my remarks, and in his speech he said also that the question was not up; but the Senator from Massachusetts had called for it and I felt bound to answer it.

Mr. HOAR. Then, Mr. President, I hope when the resolution is passed the committee will kindly inform the Senate what portion of the speech of the Senator from Alabama is the report of the committee and what portion of it is his private finding of facts.

It seems that the account of the Spanish atrocities read from the historian never had been heard of before even by the Senator from Maine. So that will not pass as the report of the committee. That very interesting fact that Spain had murdered 45,000 prisoners and killed 15,000 soldiers in battle was not called out by my question. Is that part of the report of the committee or no?

Mr. MORGAN. That was not a part of the report of the committee at all.

Mr. HOAR. Then I think the subject——

Mr. MORGAN. But in the argument of this case I came across that fact in the American Encyclopedia, and called the attention of the Senate to it. I remarked at the time that I felt embarrassed about it, or some remark like that, because it was a fact of such enormity that I could scarcely credit it; but the friend of the Senator from Massachusetts, Mr. Dupuy de Lôme, refers to that and puts the blame of it upon General Sickles, our former minister to Spain. I leave the Senator to wrestle with General Sickles about it.

Mr. HOAR. Mr. President, a man who is so easily overthrown in wrestling by the honorable Senator from Alabama has not the courage to tackle General Sickles.

But I come to a little graver point than this. I ask the Senator if it be not true that this resolution which we are asked to adopt is a denial of as well-established and as long-established and as impregnable a rule of international law as can be found in all jurisprudence, and a denial of a rule of international law which we insisted upon during our own rebellion, to which the United States committed itself in its instructions to our ministers at the great courts not only of France and England but of Spain herself, and to which, if we are pledged to anything by our national history, by our national honor, by the utterances of our statesmen and sages, we are pledged? This declares that the parties in Cuba are entitled to belligerent rights, and if there be any doctrine of international law which is not only well settled, but to which the United States is committed, it is the doctrine that parties are not ever entitled to belligerent rights under any circumstances, and that the granting them to an insurgent populace or people or district or state or island is solely a matter for the consideration of the government that recognizes them, with reference to its own interest and duty and desire and convenience.

I am taking more time than I intended, but I want to read what a few only of the authorities say on this subject. Now, Mr. President, here is what Mr. Fish said, which he sends to Mr. Motley to be read in the ear of Great Britain as our doctrine on this subject, quoted in the first volume of Wharton's Digest, section 69, page 513:

> The President does not deny, on the contrary he maintains, that every sovereign power decides for itself, on its responsibility, the question whether or not it will, at a given time, accord the status of belligerency to the insurgent subjects of another power, as also the larger question of the independence of such subjects and their accession to the family of sovereign states.
>
> But the rightfulness of such an act depends on the occasion and the circumstances, and it is an act, like the sovereign act of war, which the morality of the public law and practice requires should be deliberate, seasonable, and just, in reference to surrounding facts.

"Deliberate." I am afraid that word is new to the vocabulary of my honorable friend the Senator from Ohio [Mr. SHERMAN] and my honorable friend the Senator from Alabama [Mr. MORGAN].

> National belligerency, indeed, like national independence, being but an existing fact, officially recognized as such, without which such a declaration is only the indirect manifestation of a particular line of policy.
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> * * * * * * *
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> But circumstances might arise to call for it. A ship of the insurgents might appear in the port of the neutral, or a collision might occur at sea, imposing on the neutral the necessity to act. Or actual hostility might have continued to rage in the theater of insurgent war; combat after combat might have been fought for such a period of time; a mass of men may have engaged in actual war until they should have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral. Or the nearness of the seat of hostilities to the neutral may compel the latter to act; it might be his sovereign duty to act, however inconvenient such action should be to the legitimate Government.

Mr. Fish says:

> The question of according or withholding rights of belligerency must be judged, in every case, in view of the particular attending facts. * * * This conflict must be one which will be recognized in the sense of international law as war. Belligerency, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

I should like to ask the Secretary to read the last paragraph on page 515 and two or three lines at the top of the next page from President Woolsey.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> There may be a difficulty in ascertaining when the fact of war begins, and this difficulty is the greater in cases of insurrection or revolt, where many of the antecedents and premonitory tokens of war are wanting, where an insurrection may be of little account and easily suppressed, and where war bursts out full-blown, it may be, at once. Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them." But this rule breaks down in several places. The probability is a creature of the mind, something merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

Mr. HOAR. Mr. Secretary, read the last sentence again about the belligerents having no rights; and I ask the Senate to be good enough to listen to it.

The Secretary read as follows:

> Would you, if you conceded belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

Mr. HOAR. I should like to know whether it be not a matter of some little gravity for 45 American States here represented to declare against that statement of one of the foremost jurists of the world, President Woolsey, that that is an entire mistake and is not the international law. He says that insurgents are not entitled thereto as rights. This declaration, if we make it, is to come back to plague us for a thousand years. If every insurgent government has belligerent rights to which it is entitled, it has a right to hold us accountable, if we deny or refuse them, when it gains its independence. We are involved necessarily. If it is entitled, as you declare, to these rights we are involved necessarily, by the inexorable law of nations, more than that, by the more inexorable law of duty, in every struggle hereafter the world over.

I do not think that Mr. Jesus Rivocoba, I do not think that Mr. Clarence King, I do not think that the article by the historian whose name we have forgotten in the Encyclopedia Americana is quite sufficient authority to warrant the Senate of the United States in overruling this great authority in international law.

You are asked, and I want this thing distinctly understood, to put the seal of your condemnation on the doctrine on which Lincoln and Seward and, four or five years after, Grant and Fish stood in two of the most important crises in our national history. There is another thing which I should like to ask the Secretary to read, and that is the note of my honored and beloved friend Richard Dana, one of the most accomplished and able men whom this country ever had in its service, to Wheaton's International Law. This doctrine of Mr. Dana was cited by Sir Alexander Cockburn at Geneva in the great arbitration proceeding there. Lord Cockburn says—the Senator from Connecticut [Mr. PLATT] calls my attention to it—that this doctrine has been "nowhere more fully and ably or more fairly stated than by Mr. Dana."

I ask the Secretary to begin two paragraphs down on the page I have indicated and to read through.

The Secretary read as follows:

> The occasion for the accordance of belligerent rights arises when a civil conflict exists within a foreign state. The reason which requires and can alone justify this step by the Government of another country is that its own rights and interests are so far affected as to require a definition of its own relations to the parties. Where a parent Government is seeking to subdue an insurrection by municipal force, and the insurgents claim a political nationality and belligerent rights which the parent Government does not concede, a recognition by a foreign state of full belligerent rights, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion and of censure upon the parent Government. But the situation of a foreign state with reference to the contests, and the condition of affairs between the contending parties, may be such as to justify this act. It is important, therefore, to determine what state of affairs, and what relations of the foreign state, justify the recognition.
>
> It is certain that the state of things between the parent state and insurgents must amount, in fact, to a war, in the sense of international law—that is, powers and rights of war must be in actual exercise; otherwise the recognition is falsified, for the recognition is of a fact. The tests to determine the question are various and far more decisive where there is maritime war and commercial relations with foreigners. Among the tests are the existence of a de facto political organization of the insurgents sufficient in character, population, and resources to constitute it, if left to itself, a state among the nations, reasonably capable of discharging the duties of a state; the actual employment of military forces on each side, acting in accordance with the rules and customs of war, such as the use of flags of truce, cartels, exchange of prisoners, and the treatment of captured insurgents by the parent state as prisoners of war; and, at sea, employment by the insurgents of commissioned cruisers, and the exercise by the parent Government of the rights of blockade of insurgent ports against neutral commerce, and of stopping and searching neutral vessels at sea. If all these elements exist, the condition of things is undoubtedly war; and it may be war before they are all ripened into activity.
>
> As to the relation of the foreign state to the contest, if it is solely on land and the foreign state is not contiguous, it is difficult to imagine a call for the recognition. If, for instance, the United States should formally recognize belligerent rights in an insurgent community at the center of Europe, with

no seaports, it would require a hardly supposable necessity to make it else than a mere demonstration of moral support. But a case may arise where a foreign state must decide whether to hold the parent state responsible for acts done by the insurgents or to deal with the insurgents as a de facto government. (Mr. Canning to Lord Granville on the Greek war, June 22, 1826.) If the foreign state recognizes belligerency in the insurgents, it releases the parent state from responsibility for whatever may be done by the insurgents, or not done by the parent state where the insurgent power extends. (Mr. Adams to Mr. Seward, June 11, 1861, Dip. Corr., 105.) In a contest wholly upon land, a contiguous state may be obliged to make the decision whether or not to regard it as a war; but, in practice, this has not been done by a general and prospective declaration, but by actual treatment of cases as they arise. Where the insurgents and the parent state are maritime, and the foreign nation has extensive commercial relations and trade at the ports of both, and the foreign nation and either or both of the contending parties have considerable naval force, and the domestic contest must extend itself over the sea, then the relations of the foreign state to this contest are far different.

In such a state of things the liability to political complications and the questions of right and duty to be decided at once, usually away from home, by private citizens or naval officers, seem to require an authoritative and general decision as to the status of the three parties involved. If the contest is a war, all foreign citizens and officers, whether executive or judicial, are to follow one line of conduct; if it is not a war, they are to follow a totally different line. If it is a war, the commissioned cruisers of both sides may stop, search, and capture the foreign merchant vessel, and that vessel must make no resistance and must submit to adjudication by a prize court; if it is not a war, the cruisers of neither party can stop or search the foreign merchant vessel; and that vessel may resist all attempts in that direction, and the ships of war of the foreign state may attack and capture any cruiser persisting in the attempt. If it is war, foreign nations must await the adjudication of prize tribunals; if it is not war, no such tribunal can be opened. If it is war, the parent state may institute a blockade jure gentium of the insurgent ports, which foreigners must respect; but if it is not a war, foreign nations having large commercial intercourse with the country will not respect a closing of insurgent ports by paper decrees only. If it is a war, the insurgent cruisers are to be treated by foreign citizens and officials, at sea and in port, as lawful belligerents; if it is not a war, those cruisers are pirates, and may be treated as such. If it is a war, the rules and risks respecting carrying contraband, or dispatches, or military persons come into play; if it is not war, they do not. Within foreign jurisdiction, if it is a war, acts of the insurgents in the way of preparation and equipments for hostility may be breaches of neutrality laws; while, if it is not war, they do not come into that category, but under the category of piracy or of crimes by municipal law.

Now, all citizens of a foreign state, and all its executive officers and judicial magistrates, look to the political department of their Government to prescribe the rule of their conduct in all their possible relations with the parties to the contest. This rule is prescribed in the best and most intelligible manner for all possible contingencies by the simple declaration that the contest is or is not to be treated as war. If the state of things requires the decision, it must be made by the political department of the government. It is not fit that cases should be left to be decided as they may arise, by private citizens, or naval or judicial officers, at home or abroad, by sea or land. It is, therefore, the custom of nations for the political department of a foreign state to make the decision. It owes it to its own citizens, to the contending parties, and to the peace of the world, to make that decision seasonably. If it issues a formal declaration of belligerent rights prematurely, or in a contest with which it has no complexity, it is a gratuitous and unfriendly act. If the parent Government complains of it, the complaint must be made upon one of these grounds. To decide whether the recognition was uncalled for and premature requires something more than a consideration of proximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties, the magnitude and completeness of the political and military organizations and preparations on each side, the probable extent of the conflict by sea and land, the probable extent and rapidity of its development, and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad. The best that can be said is that the foreign state may protect itself by a seasonable decision, either upon a test case that arises or by a general prospective decision; while, on the other hand, if it makes the recognition prematurely, it is liable to the suspicion of an unfriendly purpose to the parent state. The recognition of belligerent rights is not solely to the advantage of the insurgents. They gain the great advantage of a recognized status, and the opportunity to employ commissioned cruisers at sea, and to exert all the powers known to maritime warfare, with the sanction of foreign nations. They can obtain abroad loans, military and naval materials, and enlist men, as against everything but neutrality laws; their flag and commissions are acknowledged, their revenue laws are respected, and they acquire a quasi-political recognition. On the other hand, the parent Government is relieved from responsibility for acts done in the insurgent territory; its blockade of its own ports is respected; and it acquires a right to exert, against neutral commerce, all the powers of a party to a maritime war.

Mr. HOAR. My honorable friend the Senator from Ohio [Mr. SHERMAN] is not here. This statement of Richard Dana is a summing up by one of the ablest lawyers the country ever contained of what he knew of the doctrine on which this country went through the rebellion. My honorable friend from Ohio stands worthily, and will worthily go down in history, by the side of the very greatest of the great men of that great day. His name will stand with that of Lincoln and Grant and Fish and Seward and his own illustrious brother as the men to whom God in His providence and in His bounty committed the great task of saving the life of the great Republic when it was in peril—of more than that, of saving the principle and the last hope of human liberty on the face of the earth. I trust that if my honorable friend has unguardedly and without sufficient reflection placed himself now in a position where he is asked to come in and wash out as with a wet sponge the great diplomatic achievements and glory of that great time, he will recede from his position, and that he will prefer to go down in history by the side of the men whose names I have called rather, even, than in the delightful companionship of my honorable friend the Senator from Alabama [Mr. MORGAN].

But, Mr. President, this resolution not only wipes out from international law, from the pages of the American jurisprudence, one of its great principles, but it does it timidly, hesitatingly, ineffectively. Mr. Dana says in the passage which has just been read that the decision must be made by the political department of the Government. That political department of the Government is Congress, the two Houses acting together, acting by resolutions or votes to which their concurrence is constitutionally necessary, and in such case the Constitution provides that before this nation can act, the act of the two Houses must be approved by the President of the United States or passed over his objections by a two-thirds vote.

Now, our honorable friends come in here and shrink—I will not say flinch—from sending their declaration where it can alone have any political effect. They undertake to make this utterance in a way that will accomplish all the mischief that it is capable of, and have none of its vigor, potency, or effect. It is not the act of the American people. It is not binding on any single American citizen. It is not binding on the President. It is not binding on either House of Congress. It is not binding on any member of Congress. It is not binding for any future year. It is a declaration to which the Constitution adds in letters that can not be effaced, "This means nothing; it has no power." The President of the United States alone can give it life and vigor and potency and authority, and the committee, when they wrote the word "concurrent" at the top of that resolution, wrote in brief these words: "It is distinctly to be understood that this is a Pickwickian resolution, without vigor or potency or meaning. We have not dared to tell Spain that we recognize the insurgents as belligerents and are prepared to take the consequences. We have not dared to give the President of the United States the constitutional authority to protect any American citizen. We give Spain the right of search in terms, but if she undertakes to exercise it we can turn upon her and say, 'This did not mean anything. It was [to use the phrase of my honorable friend] merely moot court debate, brought in to see which member of the Senate or of the other House could make the most eloquent and inspiring speech; but it had no constitutional effect on the great question of war or peace or foreign policy or international relations.'"

Mr. President, I do not wish to make any suggestion of anybody's motive, and I do not do it; I disclaim it; but I could not help thinking of a definition of circumstantial evidence which a bright old Democratic judge in my State of Massachusetts once gave. There was a case tried in East Cambridge, where the courthouse is a mile from the Charlestown Navy-Yard, which my esteemed colleague and I know as the plague of our lives. A case came up where the evidence was circumstantial, and counsel on both sides made a great handle of that. The judge said: "Gentlemen of the jury, there is no great mystery about this matter of circumstantial evidence. There are certain facts which when they exist satisfy us as a matter of human experience that other facts exist also in their neighborhood. Therefore when you have proved one, it is circumstantial evidence of the other. For instance, if you should see great activity in the navy-yard over here to-morrow that would be circumstantial evidence, not that a war is approaching, but that an election is approaching." [Laughter.]

I have sometimes—I say it with all friendliness—been inclined to think that when you saw uncommon activity in our grave, reverend, and somewhat sleepy Committee on Foreign Relations, and my honorable friend the Senator from Ohio came into the Senate in a state of extraordinary excitement, interrupting everybody else who tried to make a speech, it was circumstantial evidence not that there was any great trouble as to our foreign relations, but that a Presidential election was at hand. [Laughter.]

Now, Mr. President, I do not think this thing ought to be done unless it is to be done. As Shakespeare says—

> If it were done, when 'tis done, then 'twere well
> It were done quickly.

This thing is not to be done. Nobody proposes to do it. It is put into this form in order to avoid doing it and not to do it, and that is all there is of it.

It does not, as I said, bind any Congress, present or future. It does not bind the President and it does not bind the people. If any unhappy manufacturer or maker of arms, encouraged by this resolution, goes down to Mobile and sells them to a Cuban insurgent, or sends them from New York, and sets up in his defense that his Government has declared that those people are belligerents, he is liable to be indicted and convicted for a breach of our neutrality laws next week, just as he would have been last week before the resolution was passed. There is nothing in the resolution but a snare and a delusion, both to Cuban insurgents and to that class of our citizens who sympathize with them and wish to trade with them. Is not that so, my honorable friend from Ohio? Is there any doubt about that legal proposition?

Now, there is but one organ of this country to foreign countries, and that is the Executive. He can not declare war and he can not make laws regulating commerce except as a part of the legislative power of the country, but everything else is his. It is for him to make treaties; it is for him to appoint and receive ambassadors, and it is for him, as it has been the custom of this country for a hundred years, to determine the question of recognition or

of belligerency. When the French ambassador called on Daniel Webster in Mr. Fillmore's time and hoped he would not recognize prematurely the new revolution, Mr. Webster said, "Why, my dear sir, we have recognized the First Consul, and we have recognized the Emperor, and we have recognized the Directory, and we have recognized the first Republic," and he went over about forty different governments they have had in France, every one of which had been recognized by the President of the United States, when this Republic, on the policy that you now seek to depart from, had stood secure and at peace and in quiet for nearly a century.

As I said, Mr. President, neither the pulpit, nor the press, nor the two Houses of Congress, nor anybody else, has any authority over this matter unless the President concur. It is only the opinion of certain very respectable gentlemen in a very excited frame of mind. That is all there is of it.

Now, when this country wants to act, let her act with all her force. As I said yesterday, if we have any diplomatic knots to cut, let the two halves of our shears act together, President and Congress, and cut them, and not undertake to have one-half, separate from the other, doing the work. Scissors will not operate either in politics or in any other place in the world in that way.

You are doing all mischief and you are doing none of the good when you adopt this method of procedure.

Now, Mr. President, I have said all I wish to say about this resolution, though I think a good many more things might be said. But I wish to say one thing for myself, which perhaps will not get much sympathy anywhere, about the general question of our foreign relations. I do not like this constant meddling anywhere with the great diplomatic discussions of the Government.

Now, take the Venezuelan matter. I think it was quite proper before it came up that Congress should make a temperate reaffirmance of the Monroe doctrine and send it to the President for his support and approbation. I like the resolutions which my esteemed colleague [Mr. LODGE] introduced and what he said in support of them, as I like almost everything that he does. I do not quite like this particular resolution, as I have observed. But when that had been done and the President of the United States had conveyed to us the fact that he and the Secretary of State were having an important and delicate discussion with Great Britain, I think the pulpit, and the press, and the college professors, and Representatives, and Senators had better let it alone and leave it to negotiation. I do not like this hurrying to send messages to England of how much we love her. I do not like this sending messages across the Atlantic or these passionate utterances of what a horrible thing it would be to have a war and that we would not have one under any circumstances.

Mr. Olney has got a very good head, in my opinion. I do not agree with him in politics, but he is a good, square, honest, clear-headed, old-fashioned Massachusetts Yankee, and I am willing to trust him with the diplomacy of this Government.

They say that the President's message contained a menace of war with England. England does not seem to understand it so. But supposing it did, he has said it in the face of the civilized world and he has said it in the rightful exercise of his authority and discharge of his duty as the Chief Executive of this Republic, and to humiliate him for it or to condemn him for it is to humiliate America and condemn America in the face of the nations of the world.

There is not any danger of war with England. We do not mean to make war with her, and she does not mean to make war with us. When the President of the United States, in discussing the question whether John Bull was crowding a little American State out of her rights, utters a phrase which can not be recalled, I think we had better hold our peace, if we do not like it, and go on with the negotiations.

Mr. President, I remember reading a story of the first Napoleon which I am sometimes reminded of in these criticisms of the Chief Magistrate. He was walking one day with a beautiful lady of high rank, when a workman came along with a heavy burden on his shoulder. The haughty beauty kept the narrow path and was for making the poor man step out, that she need not soil her dainty shoes by stepping into the mud. "Madam," said the Emperor, "respect the burden." When this great controversy with Great Britain is going on, I feel, political opponent as I am of President Cleveland, like saying to these American critics in the pulpit and in the press, "Respect the burden."

Mr. President, I had a few thoughts more which I should like to have expressed to the Senate on this subject, but the time has come when the Senator from Indiana [Mr. TURPIE] desires to proceed, and I will not undertake to detain the Senate any further. I will leave off whenever the Chair is ready to lay before the Senate the business which comes up at 2 o'clock.

The VICE-PRESIDENT. It is not quite time yet, the Chair will state to the Senator from Massachusetts.

Mr. SHERMAN. Mr. President——

Mr. PLATT. May I inquire what will become of the pending resolution at 2 o'clock? There are other Senators who desire to say something upon it. I wish that it might retain its place.

The VICE-PRESIDENT. The Chair will state that under the rule the resolution of the Senator from Massachusetts will go to the Calendar at 2 o'clock unless it is otherwise ordered by the Senate.

Mr. ALDRICH. I suggest to the Senator from Connecticut that he ask that the resolution may retain its place without any prejudice.

Mr. MORGAN. I object to that, Mr. President.

Mr. STEWART. I should like to take the floor on the resolution to make some remarks.

Mr. SHERMAN. I believe I have the floor.

Mr. HOAR. I have not yielded the floor.

The VICE-PRESIDENT. The Senator from Massachusetts has not yielded the floor.

Mr. SHERMAN. I thought he was through.

Mr. HOAR. I do not want my friend from Ohio to thrust in a motion to lay the pending resolution on the table before the Senators who wish to speak on it have been heard. He does not propose to do that?

Mr. SHERMAN. I do not, but I wish to state to the Senate that I propose to keep, if possible, the privileged question, the report of the committee of conference, before the Senate, and to call attention to the fact that all the remarks of the Senator from Massachusetts could have been made just as well upon the question of concurring in that report. But as this resolution was introduced, as I suppose, for the purpose of enabling the Senator from Massachusetts to make his speech, I did not complain of it, except I thought that the Senate ought to proceed in the ordinary way and, instead of discussing this moot question, discuss the real question involved.

Mr. HOAR. Will the Senator from Ohio allow me?

Mr. SHERMAN. I thought that we should proceed to the business of the Senate in its order. He having been gratified by an opportunity to make his speech, I will yield with pleasure to the Senator from Indiana [Mr. TURPIE], that he may conclude his speech upon the Delaware election case.

Mr. HOAR. Will the Senator from Indiana allow me to say that I concede I could have made the motion to postpone on the conference report, but it would not have been in order to have added to a motion to postpone instructions to the committee to report in the meantime their conclusions of fact. It was necessary, therefore, in order that the Senate might have the right to give the committee that instruction, the conference report being up, that I should do it in this form. Otherwise I should have addressed the Senate on the Cuban resolution. All that I desire now is that this resolution may go over. Of course it goes to the Calendar and must be taken up by a vote of the Senate. I desire that it shall go over in the ordinary way.

The VICE-PRESIDENT. The Chair understood that objection was interposed to the request of the Senator from Rhode Island. That will take the resolution to the Calendar. The hour of 2 o'clock having arrived——

Mr. HOAR. Has the Senator from Connecticut [Mr. PLATT] the floor upon the resolution when it is called up?

Mr. COCKRELL. It can not come up except on motion.

The VICE-PRESIDENT. The Chair submitted to the Senate the request of the Senator from Rhode Island, and an objection having been interposed, the resolution of the Senator from Massachusetts under the rule goes to the Calendar.

Mr. PLATT. Mr. President——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. TURPIE. Mr. President, I closed the portion of my remarks last evening by introducing the credentials of Senator Watson of the State senate of Delaware, together with the journal of the State senate, showing that he had been admitted and sworn and seated as a member upon those credentials, and upon the authority of the case and under the power already quoted, I maintained the position that his being seated as a member and acting as such on his credentials continues his right and title as a member, and extends his membership until the record of the State senate of Delaware shows some resolution, order, or judgment adverse to his right or title as a senator.

Very near the close of my remarks I was asked by the distinguished Senator from Massachusetts [Mr. HOAR] whether the record of the Senate in this case did not show certain facts, the

death of the governor and the appointment of the speaker *pro tempore* in place of the regular speaker. I admit, as I did then admit, in answer to the question of the Senator from Massachusetts, that the record of the Delaware senate shows those facts. Upon those facts we draw the conclusion of law that the additional duties of the executive authority devolved upon Mr. Watson as speaker of the senate. That is the conclusion we draw. The conclusion which the majority of the committee draw is that these additional duties of the executive and the appointment of a speaker *pro tempore* either vacated the office of speaker and of a senator or suspended the functions of speaker or senator. These are both conclusions of law directly opposite, drawn from the same state of facts.

But, sir, the fact that the record of the State of Delaware is evidence of this fact is not sufficient to determine the question here in argument nor is the conclusion of law drawn either way sufficient to determine it. There are only two questions for determination here which I wish to state. For example, the fact that the record shows certain facts simply dispenses with the proof of those facts. The facts themselves are not an order, judgment, or resolution. It is the old case long ago put of a man having a promissory note in his pocket upon which he could procure a judgment. The evidence of the debt is not a judgment of it because the grounds for a judgment do not have the effect of a judgment or order of a court.

The case is put that this fact is shown by the record. I will make the facts apparent by the record in the other case. Suppose a cognovit is filed for the purpose of taking a judgment by confession. Suppose it is regularly verified and acknowledged under the law of the State where it is proposed to operate and placed on file, then the grounds of the judgment appear on the record. There is no judgment yet. I will go further, because there are actual experiences and decisions on the point. Suppose the copy of the note is spread at large upon the record; there is the evidence on the face of the record. It is the same as the evidence in this supposed Delaware case is on the face of the record. So there is the evidence of the debt acknowledged to be due on the record. Here is the evidence that the speaker *pro tempore* was appointed in place of the regular speaker on the record, and here is the evidence that the regular speaker has devolved upon him the duties and the executive functions on the face of the record.

Now, neither the record nor the face of the record, nor the fact that the evidence of these facts is upon the record, has the force of a judgment. There must still be in the one case the action, order, and judgment of the court. Although the evidence is in the record, as in the other case, there must be the action, judgment, or order of the house, notwithstanding that the facts are on the face of the record.

In the first place, I will state the material question in this case. It is a question to which I wish to call the attention of the Senate because although the learned Senator from Oregon devoted a very large portion of his speech to the discussion of questions incident to it he avoided the material question in the case. He took as much care to do it as the Delaware constitution does to avoid naming as governor the substitute for governor. He took as much care to do it as the act of Congress of 1886 does to avoid calling the substitute for the President President or of recognizing him as such.

That question is this: Does the record of the Delaware senate show any action, order, or resolution of the house upon the facts conceded to be upon the face of the record? That question can only be answered in the negative. It does not show anything of the kind. That is the question, and it makes no difference for the purpose of this argument whether the Senator is right in giving two or three constructions or whether we are right in giving one construction to the constitution of Delaware; whatever may be our construction, the question is, Did the Delaware senate make any order, decision, judgment, or resolution upon the question? It did not.

Upon that question I wish to introduce the next authority. It is from Cushing's Manual. I think I am entitled to call it a classic authority on the subject of parliamentary law and parliamentary privilege. This book was not written with any purpose and could not possibly have contemplated any purpose except to state the law as it is and has been and will continue to be in these cases. This book was not written with any reference to the question in the Du Pont case. Let us see now what the author states as the parliamentary law without exception in reference to the necessity of a judgment, order, or resolution of the house upon facts, no matter how evident they may be:

Whenever a member ceases to possess those qualifications which are in their nature continuing, or which members are expressly required to possess during their continuance in office—as, for example, when a member removes from the State or other local constituency in which he is required to continue to reside whilst in office—the seat of such member is thereby liable to be adjudged vacant, upon the fact of such disqualification being brought to the knowledge of the assembly.

It is liable to be adjudged vacant; it is not yet vacant.

To the disqualifications of this kind may be added those which result from the commission of some crime which would render the member ineligible, or from some gross official or other misconduct, in consequence of which he is expelled, or discharged from being a member. In all these cases, unless there is some express provision of law, by which the subject is regulated, the fact of disqualification can only be inquired into and decided upon by the assembly itself.

Not by the Senate of the United States, not by any other court or tribunal, but by the senate of the State of Delaware. Let me read a little further. I read from page 195:

The distinction has already been explained between those offices or employments, the possession of which at the time of the election renders a person ineligible, and those the functions of which are merely incompatible with the functions of a member; the former avoiding the election, the latter only preventing the person elected from exercising the functions of a member until they are removed. When, however, a member has once been duly elected and taken his seat this distinction no longer exists, the acceptance of disqualifying and incompatible offices being equally effectual to create a vacancy.

The only practical question in cases of this kind usually relates to the time when the acceptance of an office takes place. The subject is sometimes regulated by law, but where this is not the case it may be considered as a rule, founded in the reason of the thing and corresponding with the practice, so far as it is known, of all our legislative assemblies, that in order to vacate the seat of a member by the acceptance of a disqualifying or incompatible office the election or appointment thereto alone is not sufficient, but the member must either have signified his acceptance of the office in a formal manner, or have done what is incumbent on him to qualify himself to discharge its duties, or have actually entered upon their discharge. In cases of this kind the existence of the vacancy must be declared by the assembly itself.

No matter if he has accepted the office; concede, for the sake of argument, that the construction put upon the Delaware constitution by the majority of the committee was right; no matter if Mr. Watson did actually accept an office; concede that; the fact that he did so accept and that he thus vacated the office he held as a senator and as speaker, must be declared by the house itself. What is the use of all this discussion about the constitution of Delaware, about the question of constitutional law? What purpose does it serve? Either of these constructions of the constitution with respect to this authority may be well founded; the real question is, Did the State senate of the State of Delaware declare the vacancy? They did not. They declared nothing on the subject.

In the case arising under this and the preceding section—

Cases disqualifying by crimes or removal of residence, or the accepting of an incompatible office. Those are the cases—

In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

So when we concede for argument's sake that the facts upon which they base their construction, that there was either a vacancy, a suspension, or an abeyance of the functions of State senator or speaker by the acceptance of this office, using the phrase simply for the purposes of argument, on behalf of Mr. Watson, then there must be upon such facts a resolution declaring the vacancy, and no vacancy exists until such resolution or order of the house is entered upon the journal.

Mr. MITCHELL of Oregon. Would it lie in the case of death?

Mr. TURPIE. Yes, sir. There the death is noticed always. Here the death is noticed. It is very short; it is a brief order. All that is necessary in this case to conclude everyone was for the State senate of Delaware to pass a resolution—not impracticable, not long, not irrational—

Resolved by the senate, That the Hon. William T. Watson, having had devolved upon himself the duties of the executive authority temporarily, until a governor may be elected in the place of Governor Marvil, who is deceased, his seat has become vacant in this house.

That would be the resolution of the assembly, and that is the only thing which would create a vacancy. There is no amount of argument, there is no amount of inference, there is no amount of reasoning, there is no amount of construction or misconstruction that at all affects his seat until the vacancy be declared by the house of which he was a member. Then, and not till then, it is vacant.

The second question in the case, which the Senator from Oregon also has studiously avoided, is whether the Senate of the United States, the State senate of Delaware not having acted, can now here declare a vacancy to have existed in the senate of the State of Delaware. That must be answered in the negative. This court has never enacted such a thing; this court has never resolved such a thing, nothing like it, nothing resembling it. My honorable friend from Oregon, however, answers this by a qualified negative. He says it is true as to matters of fact; but as to questions of law, and especially of constitutional law, there remains with us a right and power to declare a vacancy or a suspension or a state of abeyance.

Now, I wish to come to that position. I have here the thirteenth volume of the Reports of the Supreme Court of the State of Michigan. I wish to read from it an opinion by Judge Cooley, a jurist of national and international reputation, the opinion on which Judge Brewer, in the Kansas case cited yesterday, founded

his decision. This opinion is right to the point, that the house or the senate of the State legislature is the judge, the exclusive judge, both of questions of law and questions of fact in determining the qualifications, elections, and returns of their own members. It had been argued differently in that case, and to that argument and to that position the judge directs his opinion in these words:

It is a sufficient answer to this argument, that, while the constitution has conferred the general judicial power of the State upon the courts and officers specified, there are certain powers of a judicial nature, which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections, and returns of members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity, and there is no clause in the constitution which empowers this, or any other court, to review their action.

"Any other court." You are now sitting, sir [Mr. SEWELL in the chair], in one of the tribunals characterized by the expression "any other." There is no power in the supreme court of the State of Michigan, or any other tribunal, or in the court of the Senate of the United States, there is no power in this court or any other to review the decision.

The "general superintending control" which the supreme court possesses under section 3 of Article VI of the constitution, "over all inferior courts," does not extend to the judicial action of the legislative houses in the cases where it has been deemed necessary to confer judicial powers upon them with a view to enable them to perfect their organization and to perform their legislative duties. The houses are not "inferior courts," in the sense of the constitution, but, as legislative organizations, are vested with certain powers of final decision, for reasons which are clearly imperative.

It may happen, as suggested in the argument, that when each house, not only deciding for itself questions of fact, but also construing for itself the law, we may sometimes witness the extraordinary spectacle of the two bodies construing and enforcing the law differently, while a third construction is enforced by the courts upon the public at large. But with this possibility in view, the evils of allowing the courts a supervisory power over the decisions of the houses upon the admission of members are so great and so obvious that it is not surprising that the framers of the constitution refrained from conferring the power. The supervision could not ordinarily be exercised during the session of the legislative body, and to correct the decisions afterwards by annulling the laws passed would only be to substitute a great public evil for that which might have been a wrong to an individual member and to the district which elected him, but which could seldom affect the State at large.

In can make no difference that in this case according to the pleas, the question passed upon by the house was purely a question of law.

It is claimed here that this case is purely a question of law; but I do not myself believe that there is any disputed facts in the case of Mr. Du Pont, the claimant from Delaware.

What is the jurisdiction of the State legislature in such cases? The Senator from Oregon says that we can revise them; that it is not exclusive. Judge Cooley, sitting as chief justice of the supreme court of Michigan, says:

It can make no difference that in this case, according to the pleas, the question passed upon by the house was purely a question of law. The question of the legal election of a member is usually a question compounded of law and fact, and the house must necessarily pass upon both.

That is the very position which I took yesterday.

If we have the power to review the decision in one case we have in all. If we can correct their erroneous construction of a law we have the same power to correct any erroneous decision upon returns, qualifications, or majorities. It is sufficient for us to say that the constitution has not conferred upon us this jurisdiction, and whether the decision made is right or wrong we shall leave it where it has been left by the fundamental law of the State. (13 Michigan Supreme Court Reports, p. 342.)

I will supplement that for the present by noticing how exactly this doctrine is supported by Mr. Justice Brewer in the case cited yesterday. After citing what I call the qualification clause in the State constitution, the same as in the constitution of the State of Delaware, the judge goes on to say:

This is a grant of power and constitutes each house the ultimate tribunal—

What is the meaning of "ultimate?" Is there anything after the end? What comes after the last? "Ultimate" is the last. Is it possible to conceive of a tribunal in existence which comes after the last?

This is a grant of power, and constitutes each house the ultimate tribunal as to the qualifications of its own members. The two houses acting conjointly do not decide. Each house acts for itself, and by itself; and from its decision there is no appeal.

That is the meaning of "ultimate."

Not even to the two houses. And this power is not exhausted when once it has been exercised, and a member admitted to his seat. It is a continuous power, and runs through the entire term—

For which he was elected—the four years; in Watson's case a continuous power. This exclusive and ultimate power to pass upon the elections, qualifications, and returns is continuous. It is a shield thrown around the member of the legislative assembly of which he can not be deprived, except by an order or judgment of the house of which he is a member.

At any time, and at all times during the term of office, each house is empowered to pass upon the present qualification of its own members.

The constitution of Kansas provides that, *ipso facto*, when a member of the legislature accepts a Federal office, his seat becomes vacant; yet this house went on and recognized a member and refused to oust him who had accepted a Federal office. What is the decision upon that state of facts?

By section 5 of the same article, acceptance of a Federal office vacates a member's seat. He ceases to be qualified, and of this the house is the judge. If it ousts a member on the claim that he has accepted a Federal office, no court or other tribunal can reinstate him. If it refuses to oust a member, his seat is beyond judicial challenge.

This is the meaning of "ultimate;" this is the meaning of "exclusive," that even while a legislature decides wrong, while it decides against the constitution of its own State, where the legislative order of the house is in plain violation of the constitution of the State, yet the member, if not ousted by order of the house, continues to be a member, and his acts are held to be valid. That is the doctrine of Mr. Cushing; that is the doctrine of Judge Cooley; that is the doctrine of Judge Brewer. There is no contradiction of the doctrine by any respectable authority anywhere. Not within the metes and bounds of parliamentary law in free governments will you find a case contradicting these authorities.

This grant of power is, in its very nature (and so as to any other disqualification), exclusive; and it is necessary to preserve the entire independence of the two houses. Being a power exclusively vested in it, it can not be granted away or transferred to any other tribunal or officer.

Mr. MITCHELL of Oregon. May I ask the Senator a question, as he is arguing that point very earnestly, and very ably and learnedly?

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. Does the doctrine for which the Senator is contending go any further than this, that in the case of certain facts occurring which in law would make a vacancy, the State senate in the case of a State senator is the exclusive judge of that fact?

Mr. TURPIE. Most certainly it does.

Mr. MITCHELL of Oregon. If the Senator will allow me a little further——

Mr. TURPIE. The honorable Senator will allow me. He puts a question, and now I wish to answer it.

Mr. MITCHELL of Oregon. Very well.

Mr. TURPIE. Most certainly it does, because all three of the decisions say that questions, both of fact and of law, before the house may be passed upon by the house, and if they are passed upon by the house it is exclusive; there is no appeal; it is an ultimate decision. And if they be not passed upon by the house, that gives the United States Senate no jurisdiction.

Mr. MITCHELL of Oregon. Another question, if the Senator will allow me.

Mr. TURPIE. Yes, sir.

Mr. MITCHELL of Oregon. Suppose in case a State senator dies and the State senate finds that fact and spreads it on its record, but refrains—if the Senator will allow me to use that word to-day——

Mr. TURPIE. It is your own word, not mine.

Mr. MITCHELL of Oregon. Refrains from declaring that there is a vacancy; in other words, the senate declines or hesitates or refrains from declaring the effect of that death, would the constituency from which that man was sent to the senate be bound so that they could not send a successor there, or would that kind of a decision by the senate bind anybody or any tribunal; that is to say, they find the facts all right, but they apply the law all wrong?

Mr. TURPIE. It would bind everybody.

Mr. MITCHELL of Oregon. I think not.

Mr. TURPIE. You have no authority for that opinion except your own.

Mr. MITCHELL of Oregon. That is the Senator's opinion.

Mr. TURPIE. I will suppose a man is dead, or I will suppose what the Senator did the other day, that he is in the penitentiary, or I will suppose he has been elected President of the United States, no matter where he may be, or whether or not he was in existence at all, unless there be an order of the house recognizing the vacancy—which might not be expressed; it might be simply made that a writ issue to the county of Kent to elect a succesor—unless there be some such order the vacancy does not exist.

Mr. MITCHELL of Oregon. Will the Senator allow me one other question, and then I shall not go any further? Suppose there is a statute of the State of Delaware declaring that no felon should sit in the legislature of the State, and one of the senators is found guilty of murder or some other felony, and sentenced to the penitentiary. The State senate, when they come to consider whether or not there is a vacancy there, finds the fact of the conviction and of the sentence; but they follow up that finding of fact by a declaration that there is no vacancy. Is that binding?

Mr. TURPIE. That is thoroughly binding; and there is a great deal stronger case put by Justice Brewer.

Mr. MITCHELL of Oregon. I insist it is not binding. There is where we differ.

Mr. TURPIE. There is a great deal stronger case to which I will call the attention of the court. I speak it advisedly, for we are sitting as a court. I will call the attention of the court to the case decided by Judge Brewer. There a person accepted a Federal office who was a member of the legislature, and the constitution of the State in such an instance provided that he thereby vacated his seat *ipso facto*. The legislature adjudged that the seat was not vacated. The court says that the judgment of the legislature is final, ultimate, and, however erroneous it may be, it can not be revised or reviewed.

I will take another case, a stronger one than that put by the learned and honorable Senator. Here is a man who died, and whose death is known, and the house or senate of the legislature deeming it necessary for some purpose of their own—I will not inquire into the motives; the Senate of the United States never does—that a vacancy shall not be declared in that case. They may spread the fact of his death upon the record, and take a person who is a living person, and personate the person who has died, seat him, and recognize him as the person who has died—that could not be inquired into by the United States Senate nor by any other court.

There is no escape from this grant of absolute power to a legislature to judge of the elections, qualifications, and returns of its own members. That power is continuous. It continues with the member through his whole term; it allows no question as to the member's title to be raised in the Senate of the United States, nor in any court or tribunal, except in the house of the State legislature to which he belonged. There the question may be raised and decided. If it be decided, the decision can not be reviewed or revised, and if no question be raised, the member holds under the first adjudication when he was admitted upon his credentials.

One of the positions taken by the learned and honorable Senator was that if a constitutional question came up that that gave the Senate of the United States the power to adjudge it. Why, sir, there are very few contested cases here that have not some constitutional question in them. My own case, to which I have referred, had a very grave constitutional question in it, and the record of the committee will show it. It was this, whether the person who pretended to have been elected lieutenant-governor, or who had been elected by the people, or a person who had been elected by the senate as president *pro tempore* had the right to organize the State senate. That is a constitutional question as grave, and I think more grave, than the constitutional question here involved in respect to the construction of the fundamental law of Delaware.

The State senate of Indiana took that question under consideration and decided that the president *pro tempore* of the senate was the proper officer to organize the senate, and the Senate of the United States declared that they would not inquire into that decision, and did not give any opinion about it. There was no occasion that we should. It was expressly prohibited and forbidden by their own constitution, and by the constitution of every State in the Union.

The question in the Kansas case, to which I have so often referred, was a constitutional question, a purely constitutional question, under the constitution of the State of Kansas, as to how many should constitute the house of representatives, whether 125 or 129, and if there had been seats and constituencies that adjudication would have been final and not inquired into; but as there was no subject-matter upon which the adjudication could operate, the court went on to determine it, but respecting a State printer and the validity of a law, but not with respect to the title of a member.

There was a constitutional question in the Kansas case, in which I have read the opinion of Judge Brewer, exactly constitutional and precisely constitutional, as to whether a member of the legislature, having accepted a Federal office, could continue his service in the house of which he was a member. The constitution of the State declared not, and the house of which he was a member decided that he could. The court decided that the judgment of the house could not be inquired into, the constitution of the State to the contrary notwithstanding. The constitutional question is simply a question of law, but when Judge Cooley in the Michigan decision determined that this power extends to all questions, both of fact and of law, he makes an end of constitutional questions. They are questions of law, and the power of the legislature to determine them is as absolute as it is upon the question of fact. Both fact and law are exclusively and ultimately determined by the house of which the person in interest is a member.

Mr. MITCHELL of Oregon. Will the Senator kindly give me the number of the Kansas report which he quoted from a moment ago?

Mr. TURPIE. Twentieth Kansas Reports, pages 554 and 555.

Mr. MITCHELL of Oregon. I thank the Senator.

Mr. TURPIE. The case of Bateman, to which I will allude, in the sequel involved the question of constitutional power. It was whether, under the statutes of the State of New Jersey, a member of the legislature could vote for himself as United States Senator and could elect himself—purely a question of law. If the distinguished Senator wishes to be refreshed upon the subject of incompatibility of offices, let him look at that case. There it was claimed, and was most fully demonstrated from the decisions of the common law and judgments of the common law courts, that a man who occupied a representative capacity could not at the same time be an elector and a candidate; yet the senate of New Jersey decided that he could be both a candidate and an elector, and allowed him to vote for himself, and the United States Senate declined to inquire further; they would only look to the question as to whether he voted and acted as a member; and if he were a member, recognized as such and acting and voting as such, and voted for himself, that was ultimate. He was seated here. There was no review of it upon any ground, notwithstanding the constitutional objection which might have been made to it under the law of the State of New Jersey.

I might cite a variety of other cases in which constitutional questions have occurred or questions of law. Not one case can be found which supports the position of the honorable and learned Senator, that the legislature is to judge only of facts. Every decided case determines the question, and determines the question against the honorable Senator that the legislature is the exclusive and ultimate judge both of the facts and law of the case before them.

After offering the journal yesterday to show that the credentials of Mr. William T. Watson had been presented, and to show that he was admitted and sworn, and was subsequently elected speaker of the senate, I wish to refer again to the case of Clark and Maginnis as to the effect of this action by the senate of Delaware. I quote from the decision in that case. Speaking of credentials, the decision says:

> Their title is not, as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place. This adjudication is only operative for the future, and has no retroactive effect whatever. When the house makes the inquiry on the merits, it may treat the credentials as prima facie evidence upon that question. But until the house tries the case the credential is conclusive to all the world. (Case of Clark and Maginnis *v.* Sanders and Power, p. 637.)

And, again:

> Every act of the assembly in which they take part, and to which their consent is necessary, has as absolute validity as if their title had been affirmed by an adjudication of the house itself.

That is the effect of the admission of a member upon credentials to a legislative body. That is not a decision of any court of a State or of the United States; it is the decision of the Senate of the United States sitting as a court in such a question as this.

I ask then, further, what were the acts of Mr. Watson during that session from the first day to the last, to be accompanied always with the corollary that such acts "are as valid as if his title had been affirmed by a formal adjudication of the house"? The learned and honorable Senator from Oregon stated in behalf of the majority committee, as an extremely material and important position in this inquiry, that Senator Watson had not been recognized by the senate of Delaware after the devolution upon him of the duties of the executive office. I do not admit that by any means; but, supposing for the sake of argument that it were true, it is not at all material to the decision of this case. He needed no recognition. His first admission to the assembly, his credentials, his recognition there, continuous as they were, shielded him for every day of his term, lasting four years, against all assaults, unless there was an order of the senate affecting his title and his right to vote and act as a member thereof.

It is not necessary, after a person has been admitted here or in any other legislative body to sit as a member, that he should come every day and have a recognition. It adds nothing to the validity of his seat; it adds nothing to the validity of his title, or that he should come here once a week, or once a month, or once a year, or that he should come here at all. The title of William T. Watson as a senator of the State of Delaware having been once recognized and adjudged upon his first admission to that body continues with him and for him until the expiration of his term, and there is no right of subsequent recognition by that body which would add anything to the strength of such title or add anything to his functions as a senator. There may be action of the body adverse to his title, but the record shows none, and it can only be shown by the record.

Granting, however, for the sake of argument, that this is a material question, that he ought to have been subsequently recognized at some time, at some period, let us now look at the evidence with respect to that. Let us look at some of the acts of Mr. Watson. I mean those acts which he did after the devolution upon him of the duties of the executive office. I mean the things done by himself, by his fellow-members, by the officers of both houses, for he was speaker of the senate; the things done after the function of the office of the executive had befallen him.

A great number of affidavits have been read here, and I said yesterday that I did not think there is any very great importance to be attached to them upon either side. Gathering, though, from these affidavits the things which occurred, and especially the acts of Watson, I think it must be admitted, I think it must be conceded, this much at least, that on the 9th day of May, the last day of the session, the day on which the joint ballot was taken for United States Senator, a little before noon, Senator Watson entered the senate chamber in Dover; that he approached the speaker's stand; that when he reached the speaker's chair Mr. Records, the speaker *pro tempore*, was occupying the chair, and the senate, with all its members present, was in public open session. What occurred? The *pro tempore* speaker, the lawful presiding officer of the State senate of Delaware, left the chair, yielded it to Mr. Watson, and Mr. Speaker Watson took the chair and sat therein. I am not now going to say whether he voted or whether he made any motions, or whether he received any motions, or whether he put any questions, or whether he took any part in the legislative business of that session. I do not assert it, but I think no one can deny the fact I have stated, that he did take the chair, and after he had occupied it for two or three minutes he made the announcement, "The hour of 12 o'clock having arrived, the senate will repair to the hall of the house of representatives for the purpose of balloting for United States Senator." That much is true; that much is undisputed.

Now, sir, we have heard much in this country about the want of respect for law, the lack of reverence for law and the consequent disobedience and disregard of law. Sometimes it has been said that the only place in which any respect is shown for law and and the administration of it is the courts of the country. I disclaim that statement. I think there is just as much express respect and honor paid to the law and the administration of the law in the legislative assemblies of the country as there ever has been in the courts, and, Mr. President, I do not believe there is a legislature within the metes and bounds of the Government of the United States which would have allowed its presiding officer to seat a stranger not a member of the house in its chair. There might have been no protest, there might have been no objection. There would have been no time for protest. The sergeant-at-arms and the senators who sat near the intruder would have rushed at him and cast him out. There is no house of any legislature, small or great, new or old, which for a moment would have tolerated the usurpation of its presiding chair by a stranger, by an intruder, by a usurper. When the State senate of Delaware did recognize the acts of its own speaker *pro tempore*, in yielding the chair and allowing Senator Watson, the regular speaker, to take it, they did make a recognition, there was a recognition by the senate of Delaware in open session in the most public manner, without protest, without objection, of his right not only as a senator in that body but as the presiding officer of the body. I care not how long the recognition lasted. That is not material. One glimpse of the true Prophet is as good as a lifetime survey of him. We have that one fact then in favor of any subsequent recognition, if it were material at all.

Then, again, Mr. President, I read from the journal of the Senate:

> The hour of 12 o'clock having arrived, the senate, preceded by the speaker and attended by the clerks and sergeant-at-arms, proceeded to the hall of the house of representatives for the purpose of voting for United States Senator, in obedience to the act of Congress, entitled "An act to regulate the time and manner of holding elections for Senators in Congress," passed July 25, 1866.

Had the senate adjourned? No, sir. Had the senate ceased to exist? No, sir. The senate was in life, the senate was in presence, the senate was in assembly, and preceded by the speaker of the senate—the same Senator Watson—passed through the hall to the hall of the house of representatives, accompanied by its officers and by the sergeant-at-arms. Why does the sergeant-at-arms accompany this procession of the senate to the hall of the house? Many of us have seen that. Why is it? It is for the special purpose of preventing any stranger from intruding into the line. It is that upon a moment's warning, upon the notice of a wink, the sergeant-at-arms shall remove such intruder and prevent him from accompanying the senate to the hall of the house of representatives. What body was it—was it a body—which went to the hall of the house of representatives? The senate. Not the senators, not the members of the senate, but the senate of the State of Delaware, preceded by the speaker and accompanied by the clerks and sergeant-at-arms, proceeded to the hall of the house of representatives. That procession was an act of the senate; that procedure was a procedure of the senate; that progress was a progress of the senate, and the leader in the procession and in the proceeding and in the procedure was William T. Watson, recognized as such, declared to be such, acquiesced in as such, acknowledged to be such, confessed to be the speaker of the senate of Delaware.

There is another fact in the case of subsequent recognition, if subsequent recognition were necessary. There is another act of Mr. Speaker Watson which has all the validity under the ruling of this body that could be given it by a formal adjudication of the State senate of Delaware. If the State senate of Delaware had deemed it necessary, or anyone had deemed it necessary, and they had passed a resolution saying "We acknowledge that William T. Watson is the speaker of the senate, and we direct that he go at the head of the procession when we proceed to the hall of the house of representatives," that would have been an express adjudication. The United States Senate has decided that his title to act as speaker and as senator is as valid as if it had been expressly adjudicated.

Now, let us look a little further at the acts of Mr. Watson. "The two houses, being convened in joint session, proceeded, according to the provisions of the Constitution and the laws of the United States, and the laws of Delaware, to ballot in joint session for United States Senator. The speaker of the senate directed the clerks to call the roll of the respective houses, and the members, as their names were called, responded by a *viva voce* vote, as follows." Who directed the clerks? The speaker of the senate. The clerks of the house? Yes. The house was organized against Mr. Watson. It was in the hands of his political opponents. The senate was in the hands of his friends. If there had been any question about his right to act as senator and speaker when he directed the clerks of the house to call the roll respectively, why did not the clerks of the house insist that he was not speaker, that he was not senator, that he was not a member at all, that he was a mere intruder, and that they would not act under his direction and would not recognize his authority? There was no such declaration. On the contrary, they obeyed, they recognized him, they confessed; they denied not; they confessed that he had the authority to direct that the roll of the house should be called, and the roll of the senate should be called, and every member of the senate, and every member of the house recognized again his authority as a senator and as speaker of the senate when they answered to the roll call. The journal shows that.

Mr. MITCHELL of Oregon. Will the Senator from Indiana allow me to ask him a question at this point?

The PRESIDING OFFICER (Mr. SEWELL in the chair). Does the Senator from Indiana yield to the Senator from Oregon?

Mr. TURPIE. Allow me to ask the honorable Senator to contrast now his conduct with mine.

Mr. MITCHELL of Oregon. I stated at the outset that I would not interrupt——

Mr. TURPIE. Contrast it.

Mr. MITCHELL of Oregon. That I would not interrupt the Senator if he declined. I understand him to decline.

Mr. TURPIE. I am not going to decline. I am going to make a contrast. The Senator from Oregon shall have all the time he wants.

Mr. MITCHELL of Oregon. The Senator from Indiana can make all the contrasts he pleases.

Mr. TURPIE. Yes.

Mr. MITCHELL of Oregon. I am trying to treat the Senator from Indiana with respect——

Mr. TURPIE. Yes, sir; with the utmost respect.

Mr. MITCHELL of Oregon. As I always treat every Senator.

Mr. TURPIE. Yes, sir. So do I.

Mr. MITCHELL of Oregon. I stated in the first instance that if the Senator did not desire to be interrupted I would not interrupt him.

Mr. TURPIE. I answered that I did not.

Mr. MITCHELL of Oregon. Now the Senator is quibbling, and wants to raise a question.

Mr. TURPIE. No, sir. The quibble is yours; it is all your own—it is not mine.

Mr. MITCHELL of Oregon. Now I shall not interrupt the Senator any more.

Mr. TURPIE. I am very glad. I hope the Senator from Oregon will keep his promise.

Nevertheless, I am going to make the contrast. The learned and honorable Senator from Oregon argued this case eight hours, and I heard every word of the argument. I could repeat most of it if it were necessary. I never interrupted him once; I never dreamed of interrupting him. I knew I was to follow him. He, as chairman of the Committee on Privileges and Elections, has a right to follow me, and he will follow me.

Mr. MITCHELL of Oregon. I certainly shall.

Mr. TURPIE. He will have an opportunity to reply to anything I have said or to any statement I have made. How unreasonable—I will not say discourteous—it is, and how sharp the contrast is between my conduct in this debate and the conduct of the honorable Senator from Oregon.

Mr. MITCHELL of Oregon. Does the Senator from Indiana insist that I have done anything outside of the parliamentary rule? If he means to say that, I denounce the Senator from Indiana——

Mr. TURPIE. Did not the Senator——

Mr. MITCHELL of Oregon. As dealing in unparliamentary language.

Mr. TURPIE. I have not used any unparliamentary language. Let me remind the Senator of his promise just now made not to interrupt me, broken already.

I was going on to show some other acts of subsequent recognition. I say that every senator and every member recognized the authority of Mr. Watson as a member of the senate and as speaker of the senate to answer to his name when it was called under his direction and by pronouncing the name of the candidate for United States Senator for whom he desired to vote. The record shows the entire vote. It shows the presence of 30 members. Under whose direction did they answer? Whom did they recognize as speaker of the senate? The names of the senators were called by the clerk of the senate. The senate was there. It was still in existence. The joint session was composed of the two houses. They were both there, and the names of senators were called by the clerk of the senate and under the order of the speaker of the senate, and every senator who answered, and they all answered, recognized the authority of the speaker of the senate to direct the calling of his name. That was another act of William T. Watson and another acknowledgment, a confession, public confession, open confession of his right and title to sit as a senator and to preside as speaker of that body.

There is another act of Mr. Watson to which I wish to call the attention of the Senate. It is a crucial act. It is an act which every legislator or jurist in the world would call the test act in this eventful history. As I said, all the names of all the senators were called and each voted on the call. The ninth person who voted on the roll call was Mr. Speaker of the senate. "The speaker of the senate directed the clerk to call the roll of the respective houses, and the members of the same as their names were called responded by *viva voce* votes, as follows."

Then the senators were called and their votes recorded, and, as the ninth in order, Mr. Speaker of the senate, as a member of the senate is called to vote for his choice as United States Senator, and he responds by naming *Edward Ridgely*, and the clerk so records it. There is a recognition of record, not only public, notorious, confessed, acquiesced in, but recorded in the journal of the house and in the journal of the senate of Mr. Watson as a senator and as speaker of the senate. Something else was also recognized and recorded. The honorable Senator from Oregon claims that at this time there were but eight persons who were members of the Delaware State senate. The record kept both in the journal of the senate and house shows on its face that there were 9 senators present on that day and that each of the 9 voted for United States Senator for twenty-eight times on that day and these votes were counted and recorded. The record is true. It needs no verification and admits of no contradiction. This act of Mr. Senator Watson, like all the other acts I have named, is, to use the words of authority formerly referred to in the case of Sanders and Power, the vote of Mr. Watson for Edward Ridgely for United States Senator—has as absolute validity as if his title had been affirmed by an adjudication of the house itself. That is the decision of the United States Senate upon the nature of that act.

This act of his was repeated twenty-eight times that day. There were twenty-eight formal, public, open, undeniable recognitions by the senate, by the officers of the senate, by the house, by the officers of the house, by everyone who could lawfully recognize Mr. Watson as a senator and as speaker of the senate. And here was a public, open, and recorded declaration of the Delaware senate that the senate at that time consisted of nine members, and that one of this number was William T. Watson.

The learned and honorable Senator from Oregon does not recognize him as such. Mr. President, it makes no difference whether he does or not. He is not a person authorized to make the recognition; but the members of the State senate of Delaware did make the recognition time after time, call after call of the roll, never retracted it, never questioned it, never doubted it. If any fact was ever shown by human evidence it is the fact that Mr. William T. Watson was recognized by the State senate of Delaware and its members, as a member of that body, and as the presiding officer of the senate.

After these senators had all voted and after the representatives had all voted there was another act of Mr. Watson. I read from the journal:

> Thereupon the speaker of the senate declared that no person having received a majority of all the votes cast for a United States Senator there was no election to said office.
>
> The joint assembly then proceeded to a second ballot which resulted as follows.

There was a declaration of the speaker of the senate. He was the organ of the senate. He was the president of the joint assembly. It was a declaration of the joint assembly. It was a judgment and declaration of both the house and the senate of Delaware that there had been no election to the office of United States Senator, that the number of members of both houses was 30, and that 15 was not a majority, and it was attested in the most formal, actual manner by the fact that they proceeded to another ballot.

The supporters of Mr. Du Pont now claim that the declaration was false. The answer to that is that the record imports absolute verity. The majority of this committee may say it is false, and any tribunal in the world may pronounce that it is false, but there is no declaration of any tribunal that can set aside the validity and truth of the journal of the State senate of Delaware. They were the judges to make the record. They have made it. They have closed it. They have approved it. Thus it is written, there was no election to the office of Senator of the United States.

Yet the claim is made now in the face of the journal, in the face of the record, in denial of the record, in denial of the record made by the friends of this claimant—for 15 of them were in the joint assembly—in the face of their own declaration, the claim is made now that the record was false, and that there was an election. On which ballot? Twenty-eight were taken. If there was any election at all it must have been on the first ballot. There was only one vacancy to be filled in this body—the vacancy occasioned by the expiry of the term of the Hon. Anthony Higgins, whom most of us recollect as a valued and respected compeer in our labors here. There was but one United States Senator to be elected. On the first ballot the claimant received 15 votes. He received no more on any other ballot. He was elected on that first ballot if he was elected at all. The legislature could not elect again. They could not hold another ballot. If there had been an election the duty and the labor of the legislature was functus officio when the election occurred. There could be no other and further election any more than you could kill a man to-day who died yesterday of cholera. The function was gone. It was vacant. It ceased.

Why did not the friends of this claimant retire? Why did they remain? They composed one-half of the joint assembly. They could have adjourned. They could have returned to their respective chambers, this number alone, and so could have dissolved the joint convention. Why did not they take that action? Because they knew that what they then declared was the truth, and that the record is true. There had been no election. Because they knew what they now claim is false. That is the reason why they remained, to see if there could not be some choice made, as none had been made.

I know it is said that after all this was over there was a protest filed signed by these fifteen persons who voted for Mr. Du Pont. What effect has that upon the act of the joint assembly or of any of its members? What is the meaning of a protest made in this manner? The protest is a privilege of any member of a legislative assembly. He may go and enter his protest. Why? Because there has been invalid action or no action? Not at all. Because there has been binding action which he objects to, and it is to prevent this binding action from being considered as a unanimous precedent that the protest is authorized to be spread on the record. But it has no effect upon the former action of the body. Why was not an objection or protest entered during the balloting? And if it had been entered, what would have been the effect of that? After the first ballot, after Senator Watson had answered to his name and voted, after his vote had been cast, after it had been counted, after it had been declared, why was not a protest made on the second ballot against his right to vote, against his right to be there; that he was not a senator; that he was not a speaker of the senate? And if it had been, what would have been the effect? No effect at all; simply as a protest. A protest is a mere objection. Unless the objection be prosecuted to an appeal overruling the speaker's action, it amounts to nothing. The objection might have been made. The record does not show that there was any objection during the balloting, but if it had been made and the speaker of the house had overruled it upon appeal, the house might have affirmed or disaffirmed the ruling. If they had disaffirmed the ruling, the objection would have been effective; if they had affirmed it, that would have been the end of the protest and the objection. But with respect to the protest being made, simply made, it has no effect whatever upon the action of a parliamentary body.

Mr. STEWART. I should like to know if it is stated in the record that there was any action taken on the protest?

Mr. TURPIE. No action at all. It was simply filed.

Mr. FAULKNER. It was not on the record either?

Mr. TURPIE. I am of opinion that it was.

Mr. FAULKNER. It was by affidavit?

Mr. TURPIE. It may not be on the record.

Mr. GEORGE. It is in the affidavit only.

Mr. TURPIE. They voted the second time with the same result—15 votes for Mr. Du Pont and 15 votes for other candidates for United States Senator. The same announcement was made by the chair. I have it here in the journal, at the end of the second ballot:

> Thereupon the speaker of the senate declared that no person having received a majority of all the votes cast for United States Senator there was no election to said office.
>
> The joint meeting then proceeded to a third ballot, which resulted as follows.

The announcement of the chair is the order and ruling of the house, unless it be objected to and overruled; mere objection does not affect it. Was there any objection? Was there any overruling? The announcement by the chair was affirmed; it was acquiesced in; it is the order of the joint assembly; it is the order of the house of representatives of the State of Delaware; it is the order of the senate of the State of Delaware, upon the face of the record that there was no election to the office of United States Senator on the second ballot; and it shows on the face of the record again that the legislature in joint convention consisted of 30 members, and that 15 was not a majority.

Why, then, did not the joint assembly adjourn? What became of the friends and supporters of this claimant? Sir, it was hope that detained them in their seats; hope, with the knowledge of one thing declared by them. They knew that there had been no election; they hoped that there might be one. They recorded the fact that there had been no election; they hoped that they might record the fact that there had been an election if the general assembly took another and a third ballot. They hoped that the missing vote, giving him sixteen, a majority of the members elected; they hoped that the decisive unit, they hoped that the one voice lacking, the one thing needful, would come, perchance upon the third ballot, peradventure upon the tenth, perhaps upon the twentieth, and so they proceeded to the number of ballots of which I have spoken. They had reason to hope, they had every reason to hope, every hope, to stay, to remain, to hold another ballot.

The honorable and learned Senator from the State of Oregon says that Mr. William T. Watson went in there for the purpose of defeating the election of a United States Senator. For what purpose did the friends of Mr. Addicks go there? He was a political friend; they were political friends of this claimant, Mr. Du Pont. They cast four votes upon every ballot. For what purpose did they go there? Was it to prevent the election of a United States Senator? I do not impeach their motives; I make no statement; I ask for what purpose they went there. I say the four senators who voted for Mr. Addicks had a right to go there and to cast their ballots and give their vote, but they had no greater right; they had the same right that William T. Watson did, as a senator from the county of Kent. What the purpose was, what the intention was, what the motives of the legislature were, or any member of the legislature, the United States Senate does not inquire.

But the sixteenth vote never came. Many of us have passed through that ordeal. There is many a Senatorial aspirant to a seat in this body who has waited like the friends of this claimant, who has hoped like the friends of this claimant, but to whom the one vote needful never arrived. There are many such distinguished men in all the States of the country, but this is the first aspirant who ever came here missing and lacking the one necessary vote, who bases the right and claim to his seat here upon the fact that he never got it. There is no precedent for that action. Many members of this body have been elected by one vote. Edward A. Hannegan, of Indiana, one of the most accomplished orators and statesmen of the United States, who served here with the most remarkable distinction in his time, in his day, in his generation, who was a champion and a friend of the republic of Texas, who voted for the joint resolution annexing that Republic to the Republic of the United States, which resolution was passed in this body by one vote—Mr. Hannegan himself was elected by one vote. I was elected on one occasion to this same body by one vote. It was a vote much reviled; it was a vote greatly denied; it was a vote universally disparaged by political opponents; but the Senate of the United States declared and decided that I had the one vote more than my competitor, Mr. Benjamin Harrison, and therefore I had the seat, the right and title, and occupied it here.

I have referred formerly to the case of Mr. Bateman, of New Jersey. It was in 1826. There Mr. Theodore Frelinghuysen, afterwards a candidate for Vice-President of the United States, was a candidate for the Senate and got 28 votes. Mr. Bateman, who was a member of the senate and speaker of the senate of the State of New Jersey at that time, got upon the last ballot 29 votes, and got those votes by voting for himself. That case came here and he took his seat and served his term.

There are not many more, but there are several other cases of the kind which I have not noted, where a person has been elected a Senator of the United States by a majority of 1 vote, but this claimant if he be seated will have the unique distinction of having been elected a Senator of the United States by a less majority than 1 vote, without any majority; and if the 15 votes cast for other candidates, scattering votes, as they are called, had been massed upon some other gentlemen so that that candidate should have had 15, Mr. Du Pont would have had the 15 he received and there would have been three Senators here chosen under his claim from the State of Delaware instead of two.

It is said sometimes, sir, that circumstances make men. I will not discuss that proposition, but this is a certainty, majorities make United States Senators. No United States Senator has ever been seated on a tie vote.

One of the most interesting state papers in the Senatorial annals is what is called the Table of Senators. It contains the name of every person who has ever been a member of this body and served therein, whether by appointment or election, and one of the most interesting incidents in this table of United States Senators is that of plural elections. It will be found upon examination that a large number of Senators have been elected twice to this body, a lesser number three times, and a still smaller number four times. Thomas H. Benton, of Missouri, occupied a position of proud preeminence from having been elected, as the record shows, six times successively to the United States Senate. Princeps paternus senatus—the father of the Senate; and grandly he bore and wore that title. But what will become of the claim of Benton or of any other claim to that epithet, so dear to us in the form of the venerable Senator from Vermont [Mr. MORRILL], when this claimant is seated? There shall have been a Senator of the United States elected twenty-eight times in succession to this body! Father of the Senate! He will be the great great great grandfather of the Senate for all the ages yet to be.

I wish now, sir, to refer to a part of the opinion already quoted in the case of Sanders and Power in speaking of the adjudication upon a contested seat:

> This adjudication is only operative for the future and has no retroactive effect whatever.

That is the law as laid down by the decision of the Senate. What follows upon it? Supposing we should go to work, supposing we should assume jurisdiction, supposing we should usurp the power to declare that William T. Watson, who acted and voted as a senator from the State of Delaware, was not entitled at the time to act and vote as such senator, what would be the effect upon his act and vote which has actually taken place? None whatever.

If the senate of the State of Delaware were to-day in session, if all these objections, constitutional and others, which are urged to his right and title as a senator, the right and title of Mr. Watson to act as a senator, were formally made to the senate of the State of Delaware, and it should to-day enter a formal judgment that he was not a senator, that his seat was vacant, it would not have any effect upon the act and vote of this senator, this member of the Delaware senate on the 9th of May last, if the adjudication is not retroactive. The act of a *de facto* member of the legislature is just as valid as if there had been a formal adjudication in his favor, and if the action to-day of the State senate of Delaware declaring his seat vacant or suspended or in abeyance for any or all of the reasons here urged against his title would not affect his vote of last May, how is it possible that the action of the Senate of the United States would affect that vote?

This fundamental principle, the qualifications clause in the State constitutions, and in the constitution of the State of Delaware, the decision of the United States Senate upon it, that it would not inquire in any case into the election or qualifications of an individual member of the senate or of the house, I have called the common law of the Senate of the United States. It is the common law of the Senate. It was affirmed after great and full discussion by the most eminent authorities twenty-three years ago, but that very decision says that from the foundation of the Government such claim was without precedent. Up to that time it had been the law. Then it was declared to be the law. It is the law to-day. It is the common law of this court, the general law of jurisdiction upon that subject, that we will make no question respecting the title of an individual member of either house of the legislature who was present and acted and voted as such.

Now, sir, that great common law is founded not only upon the qualifications clause but it is founded upon another clause of the Constitution of the United States. I wish to call the attention of the Senate to the manner in which it is supported by that section of the Constitution of the United States. I am very well aware that, speaking hurriedly, almost unconsciously I have applied the wrong word to the exercise of this power. I have said in many instances no doubt during this debate that each house of the State legislature had the exclusive right to judge of the qualifications, elections, and returns of its own members. That is a partial, an entirely partial, and too careless statement of that clause and of the effect of the qualifications clause. Here is the true word. It occurs in the opinion I have already read. After quoting the clause where the constitution declares that "each house shall be the judge of the elections, returns, and qualifications of its own members," the court says:

> This is a grant of power—
>
> Not a right; it is a grant of power—
>
> and constitutes each house the ultimate tribunal as to the qualifications of its own members. * * * And this power is not exhausted when once it has been exercised and a member admitted to his seat. It is a continuous

power and runs through the entire term. At any time, and at all times during the term of office, each house is empowered to pass upon the present qualifications of its own members.

In four clauses the learned judge uses the word "power," "absolute power," "ultimate power." It is the correct word. "Exclusive right" is a strong expression, but an exclusive right may be denied and questioned by a power superior. When you say exclusive power, that is sovereign. Sovereign acknowledges no superior. To contend that there was a power superior to exclusive and sovereign power is to deny the hypothesis itself. There can be no conceivable condition in which there can be a power sovereign to an exclusive power. It is power then which the legislature exercises, properly speaking, and not right.

I wish, Mr. President, to call the attention of the Senate to that clause of the Federal Constitution where this power is given:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It is upon that clause that the power of the qualification clauses of the several constitutions rest. It is a power. Has this power ever been delegated to the United States, to the Senate of the United States, to the House of Representatives of the United States, or to any courts of the United States, or to any department of the Government of the United States—this power of a State legislature to judge of the elections, returns, and qualifications of its own members? It has not. There is no such delegation. Is it then prohibited to the States by any clause in the Federal Constitution? It is denied or forbidden this power to determine the qualifications of its own members by a State legislature, this exclusive power, this sovereign power—is it prohibited, forbidden, or denied to the States by any clause in the Federal Constitution? It is not, sir. If it then be neither delegated to the United States nor prohibited to the States, where does the power vest, where does it abide, and where does it remain? It is reserved to the States respectively, or to the people. It is one of the reserved powers of the greatest importance, not forbidden to the States, not delegated to any department of the Government of the United States, one of the sovereign and exclusive powers reserved to the States, that their legislatures should be the judges of the qualifications, returns, and elections of their own members, This is the broad, vast foundation for this common law of the Senate, of which I have spoken.

Will the Senate of the United States observe this reservation? Each of us took an oath at that bar not to obey the Constitution, but to support the Constitution of the United States. Support is more than obedience. It is to maintain, it is to uphold, it is to vindicate, it is to defend against all assaults and every assailant. Why, then, shall we transform ourselves into trespassers against this great, reserved, exclusive sovereign power of the State of Delaware? Shall we trespass upon it? Shall we violate this reserved power only this once for any purpose, upon any pretence? I trust not. Without trespassing upon it, without trespassing upon this great reservation of their rights and powers to the States and to the people, we can not arrive at any jurisdiction over the questions raised here in the case at bar.

So long as the Senate of the United States adheres to its well-known common law, so long as we as a court obey that law and support it, we walk in light, we walk in peace upon a public highway, well known, well marked, well defined. When we leave that law, when we invade these reserved rights, we wander forth into the desert, a land unsown, a wilderness full of doubt, full of perplexities, which no patience can unravel, which no wisdom can explore.

Mr. PRITCHARD obtained the floor.

Mr. MITCHELL of Oregon. If the Senator from North Carolina will yield to me I will submit a motion.

Mr. PRITCHARD. I prefer not to proceed to-day.

Mr. MITCHELL of Oregon. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, March 12, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 11, 1896.

POSTMASTERS.

Charles D. Deshler, to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey.

E. A. Gwaltney, to be postmaster at Bowie, in the county of Montague and State of Texas.

Fred E. Squires, to be postmaster at Henrietta, in the county of Clay and State of Texas.

John H. Fryer, to be postmaster at Whitewater, in the county of Walworth and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of yesterday's proceedings was read and approved.

HOUSE EMPLOYEES.

Several members addressed the Chair.

The SPEAKER. The matter before the House is the report of the Committee on Accounts, submitted yesterday, which the Clerk will read.

The Clerk read the report as printed in full in the proceedings of yesterday.

Mr. ALDRICH. Mr. Speaker, my friend from Georgia [Mr. CRISP], who yesterday asked that this report go over until this morning, seems not to be in the House. I take it for granted that he has read the report as it appears in the RECORD, and that if he had any objection to make to it he would be here for that purpose. I therefore move the adoption of the report and the accompanying resolution.

Mr. RICHARDSON. The gentleman from Georgia stated yesterday that he did not know of any objection to the report; he simply wanted an opportunity to look at it in the RECORD.

Mr. ALDRICH. So I understood.

Mr. RICHARDSON. As he is not here to make objection, I suppose there is none.

The question being taken, the report was adopted.

On motion of Mr. ALDRICH, a motion to reconsider the last vote was laid on the table.

PRINTING AND BINDING FOR NAVY DEPARTMENT.

Mr. CANNON. By the direction of the Committee on Appropriations, I report a bill to provide for printing and binding for the Navy Department; and I ask unanimous consent for its consideration now in the House.

The bill was read, as follows:

Be it enacted, etc., That the sum of $25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as a deficiency in the appropriation for public printing and binding for the Navy Department for the fiscal year ending June 30, 1896.

The bill was read the first and second time; and there being no objection, the House proceeded to its consideration as in Committee of the Whole.

Mr. CANNON. A single word for the information of the House. When the Committee on Appropriations prepared the urgent deficiency bill, we caused notice to be given to all the Departments to send forward all urgent items, and we waited ten days for them to do so. Then the bill passed and went to the Senate. Two or three weeks elapsed before it was enacted into law. This is an item that did not come to us in response to that request. The committee, having fully investigated the matter, finds that this additional appropriation is required for the printing and binding in the Navy Department. I ask consent that the final letter from the Secretary of the Navy on this subject may be inserted in the RECORD.

There was no objection.

The letter is as follows:

NAVY DEPARTMENT, *Washington, March 10, 1896.*

SIR: In my letter to you of the 29th ultimo, I pointed out the reason for submitting a deficiency estimate of $25,000 for printing and binding for the Navy Department, and asked that in case an urgent deficiency bill was submitted before the general deficiency bill was taken up that your committee would include this item, and if not that it be included in the general deficiency bill.

I dislike to ask for a special urgent deficiency bill for this item, and was in hopes that the branch printing office and bindery for this Department could be kept running until the general deficiency bill passed, which would enable the Department to do such work as was absolutely imperative, but the Public Printer reports that he will have to close this branch office on Thursday of this week, which will very much embarrass the Department.

If no printing can be done until the general deficiency bill passes, considerable confusion, delay, and increased work in the transaction of the business of the Department will result. Forms which are now in use, including those for new vessels under construction, would have to be written out by hand; the preparation of specifications for new ships would be delayed, and some of the records of the Department could not be bound in shape for ready reference. Books and blanks supplied to the navy-yards, and for which there are constant calls, could not be furnished.

As considerable printing has been held back for some time, there are a number of blank forms which are almost exhausted. Among these are the conduct books and muster-roll blanks for the use of vessels in commission, upon which the records of officers and men are kept and reported to the Department. The information furnished on these forms regarding enlisted men is required to be kept by statute and Navy Regulations.

The Chief of the Bureau of Supplies and Accounts, which is the Bureau charged with the maintenance of the property and money accounts of the Department, reports that for the various reports, returns, and accounts, etc., the Bureau provides 189 different kinds of books and blank forms, and books for the use of officers in addition to the books and forms used only in the Bureau; that supplies of these have been procured from the Public Printer from time to time as required to meet the demands for a limited period, and if not replenished a large number will become exhausted before the close of

the fiscal year. Some 30 of these forms, some of them books, are now practically exhausted, and an additional supply of 15 others will be exhausted in a very short time. It is necessary that certain annual books of accounts and record, both for bureau and navy-yard use, should be prepared and distributed before the beginning of each fiscal year, and that blank proposals and schedules of supplies being constantly purchased after advertisement should be printed.

The Hydrographic Office prepares ocean and lake surveys, charts, maps, and sailing directions for general navigation in the coast trade and on the lakes. Weekly bulletins containing information for the guidance of mariners are printed and sent out from the Department and the branch hydrographic offices. This work, which is exceedingly important, will also have to stop unless money can be made immediately available to do the printing for this Department.

In view of these facts I feel constrained to ask that you report the deficiency estimate of $25,000 referred to in an urgent deficiency bill.

Very respectfully,

H. A. HERBERT, *Secretary.*

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

Mr. RICHARDSON. What amount of appropriation is provided for in the bill?

Mr. CANNON. Twenty-five thousand dollars for the remainder of the year. If there is no gentleman who desires information about this matter, I ask that the bill be put on its passage.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 862) for the relief of the receivers of the Towboat Association of New Orleans, La.—to the Committee on War Claims; and

A bill (S. 1871) to provide for the punishment of offenses on the high seas—to the Committee on the Merchant Marine and Fisheries.

PURCHASE OF BLANKS FOR PENNIES AND NICKELS.

Mr. CHARLES W. STONE. Mr. Speaker, I desire to submit a privileged resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas section 3709 of the Revised Statutes provides that "all purchases and contracts for supplies * * * shall be made by advertising a sufficient time previously for proposals respecting the same": Therefore,

Resolved, That the Secretary of the Treasury is hereby requested to furnish the House of Representatives, at the earliest date practicable, with a detailed statement of the price per pound and quantity of blanks for nickels and pennies supplied to and purchased by the superintendent of the mint in Philadelphia, Pa., since April, 1890, and whether, since that time, section 3709 of the Revised Statutes has been complied with in every particular.

Resolved, That he is hereby authorized and directed to furnish a detailed comparison of the contract price of said blanks with the market quotations for similar material during the entire period.

The report was read, as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred House resolution No. 172, requesting certain information from the Secretary of the Treasury, respectfully report:

That the law authorizing and regulating the purchase of metal for the coinage of the minor coins is embraced in section 5528 of the Revised Statutes, which specifically invests in the superintendent of the mint at Philadelphia the power to make such purchases, as follows: "The superintendent, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coining by public advertisement, and the lowest and best bids shall be accepted; the fineness of the metal to be determined on the mint assay." Hence the preamble of the resolution submitted is entirely inapplicable, and the recital in the first resolution of the section of the Revised Statutes is inaccurate.

Your committee therefore recommend that the resolution be amended by striking out the preamble, and by further striking out the words "thirty-seven hundred and nine" in the eighth line of the first resolution and inserting in lieu thereof "thirty-seven hundred and fifty-eight," and as thus amended they recommend the passage of the resolution.

The amendment recommended by the committee was agreed to.

The resolution as amended was adopted.

On motion of Mr. CHARLES W. STONE, a motion to reconsider the last vote was laid on the table.

GEORGE H. LOTT.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5229) for the relief of George H. Lott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Lott, a citizen of Mississippi, the sum of $148, that being the amount deducted by the Post-Office Department from the pay of said George H. Lott, as subcontractor on mail route No. 26530, in the State aforesaid, because the mail service thereon was performed by the minor son of the postmaster at Stix, Miss.

Mr. DINGLEY. Let the report in that case be read, reserving the right to object.

The report (by Mr. DENNY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5229) for the relief of George H. Lott, of Mississippi, have carefully considered the same and report it back to the House with the recommendation that it do pass.

The facts in this case are briefly as follows:

The contract for mail service on route No. 26530, in the State of Mississippi, was let to one W. B. Catchings, of Kentucky, for the price and sum of $220 per annum, and he in turn sublet the contract to one E. Brocket, for the sum of $180 per annum. Brocket failed to perform the service as per contract and the postmaster at Stix, Miss., thereupon engaged Mr. Brocket by the month to perform this service, which he did for six months and then quit. Said postmaster, acting under authority, then offered the contract to bidders, and requested G. H. Lott to bid for the contract and give the bond. This Lott consented to do, doubtless with the commendable desire of securing efficiency in the service rather than the pecuniary profit to be derived therefrom. Lott, being only a farmer, having no other mail contract, and not familiar with the postal laws and regulations, employed to do this service the son of the postmaster at Stix, which was in violation of the postal regulations.

This fact coming to the knowledge of the Second Assistant Postmaster-General, he, as required by law or postal regulation, withheld the salary of Mr. Lott, amounting to $148. A petition for revocation of the order withholding said sum and its payment to Mr. Lott was filed in the Post-Office Department, but refused because of no authority in law for such action.

It appears from the petition on file, a copy of which is in the hands of the committee, the affidavit of G. H. Lott, and letter from the Second Assistant Postmaster-General, that the service was faithfully performed, the mails always promptly delivered, and the law in all respects complied with except in the matter of the employment of the postmaster's son as carrier of said mail. Said route extends between Stix (now Hecla) and Hattiesburg, Miss., a distance of 6½ miles, and the mails are delivered daily except Sundays.

Mr. LOUD. What has the Second Assistant Postmaster-General said in the letter to which reference has been made that he transmitted outside of what is contained in this report?

This presents a very peculiar condition, but one that is continually existing, where postmasters themselves desire to secure the mail contract, and they adopt these out-of-order and unusual means to secure it.

Mr. DENNY. I will send to the desk to be read the letters from the Post-Office Department on this subject.

The letters were read, as follows:

OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 11, 1895.

SIR: Referring to a petition of citizens of Hattiesburg, Miss., addressed to you and referred by you to this office, requesting a remission of the deduction from the pay of Mr. G. H. Lott, subcontractor on route No. 26530, on account of mail service having been performed by a minor son of the postmaster at Stix, Miss., I have the honor to state that the postal laws and regulations prohibit payment for mail service performed by a member of the postmaster's immediate family.

The deduction was made under this authority, and therefore this office is obliged to decline to order the remission as requested by your petitioners.

Very respectfully,

C. NIELSON,
Second Assistant Postmaster-General.

Hon. WALTER M. DENNY,
House of Representatives, Washington, D. C.

—

OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 2, 1896.

DEAR SIR: Referring to House bill 5229, for the relief of George H. Lott, I beg to state that we find that the service has been performed by these people to the entire satisfaction and for the benefit of the Government, and that the only thing that stands in the way of this man being justly paid is the existence of the law mentioned in my letter of January 11, 1895, and I would therefore recommend that the bill be approved of by the Department.

Yours, truly,

C. NIELSON,
Second Assistant Postmaster-General.

Hon. WILLIAM L. WILSON,
Postmaster-General.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DENNY, a motion to reconsider the last vote was laid on the table.

FREE BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta.

Mr. DANIELS. I must ask the regular order. I desire to call up the contested-election case of Aldrich against Robbins.

Mr. TERRY. I trust the gentleman will withdraw that for a moment. This is a little bridge bill reported from the committee and does not carry a dollar of money.

Mr. DANIELS. Very well.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the act approved February 28, 1893, entitled "An act authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta," which act has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 7 of the said act be amended so as to read as follows:
"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year from February 28, 1896, and completed within three years from that date."

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ILLINOIS AND MISSISSIPPI CANAL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal.

The bill was read, as follows:

Be it enacted, etc., That the Rock Island, Muscatine and Southwestern Railway Company, organized under the laws of the State of Illinois, is hereby authorized to build a drawbridge for wagon and railroad purposes across the Illinois and Mississippi Canal in sections numbered 9 or 10, township 17, range 2, west of the fourth principal meridian, situate in the county of Rock Island and State of Illinois, and about 2,200 feet in an easterly direction from Lock No. 37. Said bridge to be built according to the requirements of the War Department.

The Committee on Interstate and Foreign Commerce recommended certain amendments, set forth in the following report, which was read by the Clerk:

The bill provides for the construction of a bridge, as provided in the title of the bill. The matter has been referred to the War Department, and under date of February 29, 1896, General Craighill reports thereon, suggesting certain amendments to the bill, and states that as thus amended there is no objection to the passage of the bill. The committee recommend the adoption of the amendments, and as amended recommend the passage of the bill. The amendments are:

Add at the end of the bill:

"*Provided*, That the said drawbridge shall span the entire canal, or at least span with one drawspan the 60-foot bottom width of the canal, and shall be built with suitable girders and retaining walls, similar to what have been built by the United States at the bridges at Milan, Ill., and with the axis of the bridge perpendicular to the axis of the canal: *Provided also*, That the lowest member of the bridge shall be above the grade of the north embankment, and suitable provision be made for the towpath and highway crossings along the crossing of the south embankment of the canal and the railroad tracks and embankment: *And provided further*, That the draw shall be opened promptly upon reasonable signal for the passing of boats; and the owners of the bridge shall maintain, at their own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe.

"SEC. 2. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the navigation of said canal; and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said canal, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstructions; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge, or the persons operating or controlling the same.

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

"SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

WILLIAM H. MAHONEY.

Mr. BARHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to receive and redeem, without the indorsement of N. A. Rogers, and to pay to W. H. Mahoney, the present owner thereof, out of the moneys appropriated for the redemption of bonds issued by the Treasury Department of the United States pursuant to an act of Congress approved March 2, 1861, to provide for expenses incurred by the Territories in the suppression of Indian hostilities therein in the years 1855 and 1856, the sum of $500, upon the delivery by said W. H. Mahoney to the said Secretary of that certain bond designated as "Oregon war debt bond, No. 1358," issued on March 24, 1862, by the Treasury Department pursuant to said act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I suggest that we ought to have the report read.

Mr. DINGLEY. That is all right. The usual provision is contained in the bill.

Mr. DOCKERY. Very well.

The Committee on Claims recommended the following amendment:

Add after the word "act," in line 18, page 2, the following words: "and upon the said W. H. Mahoney giving a good and sufficient bond in the penal sum of $1,000 to hold harmless the United States against repayment of said lost bond, to be approved by the Secretary of the Treasury."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARHAM, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER AT KNOXVILLE.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.

The bill was read.

The Committee on Interstate and Foreign Commerce recommended that the bill be amended so as to read as follows:

Be it enacted, etc., That the county of Knox, in the State of Tennessee, in its corporate capacity, and either alone or in conjunction with the city of Knoxville, Tenn., as said county may elect, is hereby authorized and empowered to construct and maintain a bridge over and across the Tennessee River, at or near the site and in lieu of the present bridge over the said river, at the city of Knoxville, so as to connect said city of Knoxville with the opposite or south bank of said river.

SEC. 2. That said bridge shall be so constructed that a reasonably free and unobstructed passageway may be secured to all water craft navigating said river at the point aforesaid; and if said bridge shall be constructed as a drawbridge the draw shall be opened promptly upon reasonable signal for the passage of boats and vessels; and whatever kind of bridge is constructed the owners thereof shall maintain, at their own expense, from sunset to sunrise, such lights or signals thereon as the Light-House Board shall prescribe: *Provided*, That if said bridge be constructed to accommodate street-railway traffic, all street-car and electric-car companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case of disagreement between the owners of the bridge and the several electric and street car companies, or any of them, desiring such use in regard to the sum or sums to be paid, or the rules and conditions to be conformed to, all matters at issue shall be decided by the Secretary of War upon the hearing of the allegations and proofs of the parties.

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been approved by the Secretary of War, and no change shall be made in its construction, and no alteration of it shall be made after its construction, unless such change or alteration shall in like manner receive the approval of the Secretary of War.

SEC. 4. That the Secretary of War, upon receiving the design, drawings, and specifications of said bridge, and a map of the location, and such other information as he may call for, and upon being satisfied that the bridge when built according to such design and drawings will be in accordance with the requirements of this act, and will not unreasonably obstruct the navigation of said river, be, and he is hereby, authorized and directed to approve said design, drawings, and specifications, and to so notify said county of Knox; and upon receiving such notification the said county of Knox may proceed to construct said bridge, conforming strictly to the approved design, drawings, and specifications.

SEC. 5. That any bridge built under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which the mails, troops, and munitions of war of the United States shall be transmitted free of charge.

SEC. 6. That the right is hereby expressly reserved to alter, amend, or repeal this act.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendments recommended by the Committee on Interstate and Foreign Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GIBSON, a motion to reconsider the last vote was laid on the table.

TERMS OF UNITED STATES COURTS IN SOUTH DAKOTA.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2290) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota.

The bill was read, as follows:

Be it enacted, etc., That the State of South Dakota shall constitute one judicial district.

SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into five divisions, to be known as the southern, eastern, northern, central, and western divisions. The counties of Clay, Union, Yankton, Turner, Hutchinson, Bonhomme, Charles Mix, Douglas, Gregory, Todd, and the Yankton Indian Reservation shall constitute the southern division, the court for which shall be held at the city of Yankton. The counties of Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Moody, Lake, Sanborn, Lyman, Miner, Beadle, and Kingsbury, and the Crow Creek and Lower Brule Indian reservations shall constitute the eastern division, the court for which shall be held at the city of Sioux Falls. The counties of Brookings, Hamlin, Deuel, Grant, Roberts, Codington, Clark, Day, Marshall, Spink, Brown, McPherson, Edmunds, Campbell, Walworth, and the Sisseton and Wahpeton Reservation shall constitute the northern division, the court for which shall be held at the city of Aberdeen. The counties of Potter, Sully, Faulk, Hand, Hyde, Hughes, Buffalo, Jerauld, Stanley, Nowlin, and that portion of the counties of Pratt, Jackson, and Sterling not included in any Indian reservation, and the Standing Rock and Cheyenne Indian reservations shall constitute the central division, the court for which shall be held at the city of Pierre. All that portion of the State of South Dakota lying west of the northern, central, eastern, and southern divisions, and in addition thereto

the Rosebud and Red Cloud Indian reservations, shall constitute the western division, the court for which shall be held at the city of Deadwood.

SEC. 3. That hereafter the terms of the circuit and district courts of the United States in and for the State of South Dakota shall be as follows: At Yankton, on the fourth Tuesday in May and the second Tuesday in December; at Sioux Falls, on the first Tuesday in April and the third Tuesday in October; at Pierre, on the first Tuesday in March and October; at Deadwood, on the first Tuesday in February and September, and at Aberdeen, on the first Tuesday in May and the third Tuesday in November.

SEC. 4. That the provisions of statute now existing for the holding of said courts on any day contrary to the provisions of this act are hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court on the days now fixed by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not have been passed.

SEC. 5. That all civil suits not of a local nature must be brought in the division of the district where the defendant or defendants reside; but if there are two or more defendants residing in different divisions, the action may be brought in either of the divisions in which a defendant resides.

SEC. 6. That cases taken on appeal or writ of error from the district court shall be returnable to the circuit court held in that judicial subdivision from which the appeal was taken. When the circuit court and district court are held, as provided in this act, at the same time and place, one grand and petit jury only shall be summoned and serve in both said courts, and all grand and petit juries for the circuit and district courts shall be drawn by the clerk of the circuit court and all grand and petit jurors summoned for service in each division shall be residents of such division.

SEC. 7. That all acts and parts of acts in conflict with this act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. GAMBLE. I move that the amendments reported by the committee be concurred in.

The following amendment, recommended by the Committee on the Judiciary, was read:

In lines 1 and 2 of section 2 insert the words "circuit and" before the word "district"; also in line 2 strike out the word "court" and insert the word "courts."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN RUHM, SR.

Mr. MCCALL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ADAMS. I object.

ORDER OF BUSINESS.

Mr. DANIELS. Mr. Speaker, I will yield to the gentleman from California having in charge the Post-Office appropriation bill, with the understanding that he will be able to finish it in two hours, and then that this contested-election case will be taken up immediately upon the conclusion of that bill.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6614. The Clerk will report the pending amendment.

The Clerk read as follows:

Insert in line 14, page 4, after the word "dollars," the following: "And the Postmaster-General, in his discretion, may use not exceeding the sum of $35,000 of this amount in the transportation of mail by pneumatic tubes or other similar devices."

Mr. BROMWELL. Mr. Chairman, I think it is hardly necessary that I should say anything further in regard to this amendment than was said yesterday. It is offered upon the recommendation of the Second Assistant Postmaster-General, who says as a result of the experiment in the transmission of mail in large cities by pneumatic tubes a very considerable saving will be effected in the cost of the mail-messenger service; and the experiments have now reached a point where it will be possible by the expenditure of the $35,000 asked for to complete this service and save the Government a very considerable sum of money.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BROMWELL. I have another amendment which is now necessary, which I would like to offer, to strike out all the words of the twentieth paragraph, commencing with the word "and" following the word "dollars," and including the rest of that paragraph.

Mr. PICKLER. That is out now.

The CHAIRMAN. That went out on a point of order.

Mr. BROMWELL. That is all right, then.

Mr. LOUD. Mr. Chairman, before proceeding with the next item I would like to ask unanimous consent for three or four minutes.

The CHAIRMAN. Without objection, the gentleman from California will proceed for five minutes.

There was no objection.

Mr. LOUD. I think I owe this, Mr. Chairman, in justice to the committee over which I have the honor to preside, and I will briefly call the attention of the gentleman from South Dakota to page 2657 of the CONGRESSIONAL RECORD, down on the first column, in which the gentleman said, among other things:

The gentleman from Ohio [Mr. BROMWELL], a member of the Committee on the Post-Office and Post-Roads, says that this is positively against his judgment, and, as I understand, it is against the judgment of other members of the committee.

Mr. LOUD. What right has the gentleman to understand that?

Mr. PICKLER. I understand that the chairman of the committee arbitrarily cut down this item, as he did others, in the face of the opposition of members of the committee.

Mr. LOUD. You are mistaken about that.

Mr. PICKLER. I am not. Some of your committee——

There he was evidently cut off by the confusion.

Mr. LOUD. Whoever gives you that information informs you of that which is false.

Mr. PICKLER. Well, that is what I understand. I understand that not only on this item, but on others, the gentleman arbitrarily bore his committee down.

Now, Mr. Chairman, while of course the members of this House do not ordinarily pay much attention to what the gentleman from South Dakota says [laughter], we are confronted with this condition—that the people of this country do not understand Brother PICKLER, and they may possibly misinterpret the true meaning of this.

Now, I want to say, Mr. Chairman, in behalf of that committee, that it is composed of 17 men of equal—and I will say of superior—intelligence to the gentleman from South Dakota; that they are honest, fearless, sincere, and have integrity; and if any member of this House assumes that I could arbitrarily force those 17 gentlemen to accept my views it is a slander upon that committee which I, as its chairman, can not fail to resent. Now, Mr. Chairman, permit me to say, so far as this appropriation bill is concerned, that for more than six weeks the subcommittee of which the gentleman from Mississippi [Mr. KYLE] and the gentleman from Illinois [Mr. SMITH] are the two members with myself daily considered every item in this bill; and while perhaps every item does not agree with my views, or the views of the gentleman from Mississippi, or those of the gentleman from Illinois, it was, on the whole, the result of our best judgment and our hard labor. That bill was submitted to the whole committee, permit me to say, Mr. Chairman, and for more than two whole days the bill was carefully considered by that committee; and this bill is the result of their labor. I do not assume to say that some individual member of the committee may not have objected to some of the items; but I do say this, Mr. Chairman, that my experience on the Post-Office Committee has been that never since I have been a member of it has the Post-Office appropriation bill been considered by the whole committee for a period of more than one hour. This is a slander I desire to resent, Mr. Chairman, on behalf of that committee; and I hope that the gentleman now, after having had a night's rest upon this proposition, will get up before this House and retract the base slander that he desires to put upon 17 of its members.

Mr. PICKLER. Mr. Chairman, I not only reiterate what I said yesterday, but I affirm it again. [Laughter.] This is no fight of mine. This is a difference in opinion between different members of the Committee on the Post-Office and Post-Roads. I may say that it was not the gentleman from Ohio [Mr. BROMWELL], either, who informed me of the arbitrary action of the chairman, and I may say further that a member of that committee told me that he hoped this bill might be recommitted because of the action of the chairman before the bill was reported. It is a matter of general notoriety in the House that this appropriation bill is very distasteful now to different members of the Committee on the Post-Office and Post-Roads. The gentleman from California does not need to go outside of his own neighborhood to ascertain that. The fact is well known here, and has been well known ever since this bill was reported, and is well known now, and I have not begun to tell the gentleman what I have heard in regard to it, and from members of his own committee, too. Now, I do not know who is right. I do not undertake to say who is right; but that difference exists between the members of the Post-Office Committee, and it is not for me to settle it. I do not care what the gentleman from California says about his opinion of my criticising him. I only say this, Mr. Chairman, that from the arbitrary way in which he cuts off members here in the House, from his universally arbitrary practice in denying to members on this floor a decent consideration of matters in which they are interested, and in which their constituents are very much interested, I would judge that

the members of his committee who have talked with me about his action in the committee are right, and that his memory as to what occurred there is at fault this morning. I have nothing to retract. I have only stated what members of that committee have told me, and I would just as willingly believe that they recollect correctly what occurred in the committee room as that the gentleman from California does.

The Clerk read as follows:

Forty-first. Mail depredations and post-office inspectors: For pay of post-office inspectors and clerks, $212,093.66: *Provided*, That inspectors hereafter appointed shall be paid a salary at the rate of $1,200 for first year, $1,350 for second year, $1,500 for third year, and $1,600 for fourth year and each year thereafter.

Mr. SPENCER. Mr. Chairman, I make the point of order on the proviso that it changes existing law and is therefore not admissible upon an appropriation bill.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SPENCER. It is not necessary that I should be heard, if no explanation is offered of the proviso.

Mr. LOUD. Mr. Chairman, I would like to address myself for a moment to the gentleman from Mississippi. Before doing so, however, I would say that it is possible this proviso is subject to the point of order, but I say to the House that the provision as it stands in the bill is the result of our best thought and best labor. We found this condition existing, that a post-office inspector after six months probation might pass into the $1,600 class, and while I might have anticipated a point of order on this proviso from some sources, I hardly expected it from my friend from Mississippi. The gentleman assumes that these inspectors should immediately go into the $1,600 class, and I am free to say that if the proviso is stricken out on the point of order that will be the result, but, in the interest of the service, in the interest of every condition that now exists in the service, I had assumed that this House would recognize that a proviso of this kind was a necessity; that it was not proper to put an inspector immediately into the $1,600 class, because every man who has given thought to the subject knows that an inspector for the first two years of his service is not worth to the Government $500 a year. For that reason the committee thought that these inspectors ought to go up by grades into the $1,600 class the same as in other branches of the service. However, if the gentleman insists on the point of order, so far as I am concerned, I do not see that any answer can be made to it.

Mr. McMILLIN. Do I understand that these inspectors will go to the $1,600 class at once, instead of grading up through a series of years?

Mr. LOUD. That will be the effect.

Mr. McMILLIN. The effect of the point of order being sustained, then, will be to increase expenditures rather than to diminish them.

Mr. LOUD. The effect will be to force these men immediately into the $1,600 class.

Mr. SPENCER. That is the law.

Mr. McMILLIN. But this proviso applies to new men to be employed, and the effect of the proviso would be to require them to go up gradually, as has been done heretofore, beginning at a low rate of pay and ascending to the higher grade. As I understand it, the effect of striking out the proviso will be to put these new officers at once on the $1,600 grade, which of course will result in an increase of expenditure.

Mr. SPENCER. Mr. Chairman, with no view of antagonizing any proposition for economy, but simply for the purpose of demonstrating a condition, I make this point of order, because I hold that we should proceed upon a plan which will insure to us inspectors who, from the first, are worth $1,600 a year, instead of employing men who need to be put on probationary terms for two or three or more years. If the men in this service are capable of earning $1,600 a year, men can be got who can do it from the first. It is not a matter of economy to engage men at $1,200, when you can employ men that are worth from the first $1,600. To engage cheaper men who can not do the work efficiently on that ground is false economy.

The CHAIRMAN. The Chair sustains the point of order.

Mr. QUIGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 4 and 5, page 11, the words "two hundred and twelve" and insert in lieu thereof "one hundred and seventy-six"; so as to make the amount of the appropriation $176,093.66.

Mr. QUIGG. Mr. Chairman, the effect of this amendment is to reduce the appropriation placed at the disposal of the Fourth Assistant Postmaster-General in that sum which is intended to perpetuate and legalize what has been properly called here the "spy system."

This Committee of the Whole has been somewhat confused, I think, by statements that have been made here by the gentleman from California, the chairman of the committee, as to the spy system and whether or not it is to be found in this bill. The other day when that gentleman was asked whether this appropriation did or did not carry a sum of money to create spies to dog the letter carriers, there was this inquiry and this answer:

Mr. QUIGG. If I understand the gentleman from California, he has simply prevented the employment of these spies by the First Assistant Postmaster-General, but increases the sum at the service of the Fourth Assistant Postmaster-General so as to enable the employment of 30 more of them. Is that correct?

Mr. LOUD. Thirty more inspectors. If the gentleman will add that to his question, I will say yes. That is the sum and substance of the result of the provision, simply an increase of the force of post-office inspectors. They may be used for this purpose.

Now, Mr. Chairman, I do not care whether you call these officers inspectors or special agents or spies. Garlic by any other name will smell as bad. What they are intended to do, the work that is expected of them, there can be no doubt about; for the First Assistant Postmaster-General has told us what it is in his report.

I want the committee to understand exactly what this spy system is and how it originated. It came about through special investigations on the part of the First Assistant Postmaster-General into the conduct of various post-offices; and as a result of those preliminary investigations he organized—illegally, as I contend—a force of these spies to go around and dog the letter carriers, follow them, spy upon them, and report their alleged delinquencies. Each of these spies was furnished with a blue card which had on it the name of the letter carrier he was to follow, a definition of his route, a statement of the hours when he was to start and when he was to return to the post-office. With this card in his hand the spy followed the letter carrier.

Now, the presence of these spies in the particular city to which they were sent was unknown even to the postmaster of that city. These cards were provided from the central office here—the Department at Washington. Now, put yourself in the place of a letter carrier and put somebody else in the place of the spy, and see how it works. The chief under whom you are operating, the superintendent of your substation, does not know that a spy is to be on your track with a blue card telling him how you ought to go. Suppose the force is short for one reason or another, and the superintendent changes your route. You go out upon a route partially your own and partially somebody else's. The spy follows, not knowing that your orders have been changed. And let us suppose that he is perfectly honest, perfectly intelligent, and willing to do his duty. He discovers that you have left your route and notices the places where you stop, and where, as he assumes, you were not intended to stop, and you are reported as off your route. We will suppose that your route has been extended so much (and this has happened again and again) that you have no time to go home to luncheon; you stop on a corner to get a sandwich and a glass of beer. You are reported as loitering and drinking in a saloon.

Now, I say that cases of this kind have occurred again and again. At a time from three to six weeks after such an occurrence, when all the reports have come back here to Washington and have been looked over and considered, a complaint is lodged against you. You do not remember the occurrence; it has slipped your mind. You know that you never had complaints against you. You know that you are an honest man and a faithful servant of the Government. You deny the charge; and an issue of veracity is raised at once between you and the spy. He knows nothing about your route. He does not know how long or how short a time you are entitled to remain within a particular building. He does not know how many letters you have to deliver in a vast office building; but he knows that you stay at No. 39 such and such a street for half an hour; he puts his own inferences upon that and draws his own conclusions.

Now, I appeal to gentlemen in this House to say whether this system is not utterly odious. Is there a man here who would introduce it into his own business? Nobody opposes a suitable system of espionage upon carriers or upon anybody in the public service. I suggested to the gentleman from California the other day—and I find that it had been previously recommended by a postmaster-general, Mr. Wanamaker—that a captain be provided for a squad of carriers and that he perform the duties that a roundsman performs in connection with any well-organized force, such as a police force or a fireman's force.

[Here the hammer fell.]

Mr. KNOX. I move that the gentleman's time be extended. I think this is an important matter.

Mr. QUIGG. I should like to have five minutes longer.

The CHAIRMAN. The Chair hears no objection to the extension of time as asked.

Mr. QUIGG. Now, Mr. Chairman, this is a civilized country. It ought to have a civilized government. We are a people and a Government who proceed upon the theory of universal good faith, and it has worked pretty well thus far. I object to the degredation of the great Government of the United States to the level of a street-car company. These spies are simply "spotters"—that

and nothing else. Let us see what the First Assistant Postmaster-General says about what they are doing—I have already described how they do it:

The agents obtain a record of the conduct of each carrier, the manner in which he performs his duties, take account of the exact time consumed by him on his route, test the efficiency of the collection and the delivery service, report the condition of letter boxes and whether or not they are supplied with proper time cards, and, in short, collect information that can not be gathered in any other way—

I dispute that—

When they are detailed for service in a city, they are supplied with the letter carriers' schedule and route cards, so that they may have no trouble in locating carriers at any point on their respective routes at any time during the schedule—

Why, sir, it is physically an utter impossibility, and everybody knows it—

At the close of each investigation they prepare a general report on the condition and requirements of the service, stating whether an increase of force is necessary or a decrease possible.

Then he goes on to say that a postmaster in a town visited by these spies is not allowed to know of their presence. The Assistant Postmaster-General says that the results of these investigations have been beneficial to the service. He tells of great reductions of the force. He tells us of numerous dismissals for cause. Whose business is it to superintend the carriers? Is it not the business of the postmasters? Has any postmaster been disciplined for neglect of duty as the result of the discoveries of these special agents with regard to the misbehavior of carriers? Nobody has heard of anything of the kind yet.

He talks of great reductions of force, especially in the city of Philadelphia. Does not everybody know that before the 100 carriers were reduced from that force 81 were put on? Now, I do not want to raise a partisan question in this connection, but I think it would be extremely interesting to know what were the party politics of the 81 put on preliminary to this investigation and the politics of the 100 turned off immediately afterwards.

I say, Mr. Chairman, that these special agents have been unlawfully appointed. The gentleman from California calls them "inspectors." He says that this sort of work has always been done. The First Assistant Postmaster-General says that it has not been done and that it was an innovation and invention of his own, and that he takes infinite pride in it. The gentleman from California says that it is an old system in the Department.

Mr. LOUD. Will the gentleman allow me an interruption just there?

Mr. QUIGG. Certainly.

Mr. LOUD. I stated emphatically—and I presume the gentleman does not want to misinterpret or misquote me——

Mr. QUIGG. Most certainly not.

Mr. LOUD. I said that a system of supervision had always been carried on by the regular inspectors' force of the Department until two years ago, when the First Assistant Postmaster-General had established this system, and then the regular inspectors had been turned from that to other duties.

Mr. QUIGG. The First Assistant Postmaster-General says that he established this spy force in February, 1895.

Mr. LOUD. Oh, the gentleman is talking of something else now. He is "post-morteming" a question that is already dead.

Mr. QUIGG. Already dead? Then what are you to do with these 30 inspectors you want permission to employ?

I ask the gentleman from California to tell this committee frankly whether he does not know that these 30 inspectors are intended to be used as spies on the letter carriers?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GIBSON. I ask unanimous consent that the gentleman may be permitted to proceed for five minutes longer.

Mr. QUIGG. I should like to have a few minutes additional time.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. BINGHAM. Will the gentleman from New York yield to me for an inquiry?

Mr. QUIGG. I will with the greatest pleasure. But I have addressed an inquiry to the gentleman from California which I shall be glad to have answered.

Mr. LOUD. Will the gentleman repeat his inquiry?

Mr. QUIGG. I asked the gentleman from California to tell the committee fairly and frankly, as of course he will if he says anything at all on the subject, if he does not know it to be a fact that these 30 additional inspectors sought to be employed by this bill are to be used as spies on the letter carriers? Is not that to be at least one of their functions?

Mr. LOUD. No more than it is now the function of the post-office inspector. Now, I assume, of course, that the gentleman will consider that as equivocating; and that he does not regard it as a candid answer——

Mr. QUIGG. I shall not characterize the gentleman's reply. I think the committee can understand it without any criticism.

Mr. LOUD. I can not assume that the inspectors will do any service that they have not done heretofore.

Mr. FAIRCHILD. Then why increase the force?

Mr. LOUD. I have already stated that, and I do not wish now to take the time of the gentleman from New York.

Mr. QUIGG. I yield to the gentleman from Pennsylvania for an inquiry.

Mr. BINGHAM. I desire to ask the gentleman from New York what he means when he uses the word "spy."

Mr. CROWTHER. The legitimate definition of the word.

Mr. BINGHAM. If the gentleman from New York will give his definition of the word I will be obliged to him.

Mr. QUIGG. I mean, as I apply the word here, to describe a person who secretly follows at the heels of a carrier upon his route and reports upon the carrier's behavior. I distinguish between a person who performs the function of a sneak and one who performs that of a superintendent. I have designated the latter as a "roundsman." He patrols his beat examining as to the efficiency of the service within that territory.

Mr. BINGHAM. Is not the gentleman aware of the fact that the inspectors' force proper of the Post-Office Department has always and at all times exercised this watchfulness and care over and investigated the honesty of the carriers in innumerable ways?

Mr. QUIGG. Oh, yes.

Mr. BINGHAM. Then, wherein comes in the "spy" as distinguished from the inspector when he simply exercises the same watchfulness and care over the carriers employed by the Department?

Mr. QUIGG. The gentleman has read the report of the First Assistant Postmaster-General. He knows that that official claims he has invented this system of spy inspection. He knows that these spies have been employed in the country generally, and largely in Philadelphia——

Mr. BINGHAM. Largely in Philadelphia?

Mr. QUIGG (continuing). And he knows what they have been doing; and the question is whether Congress wants this Government to be engaged in that sort of business. If so, if it is his opinion that that should be done, if he likes the system, why, let him so vote.

Mr. BINGHAM. But how will you supervise the fidelity and industry of 13,000 men unless you have some force to do it?

Mr. QUIGG. You have that force; we are going to leave it wholly undisturbed—$176,000 worth of force. I leave all that in the bill.

Mr. BINGHAM. The gentleman knows that they are thoroughly engaged now.

Mr. QUIGG. I hope they are. They should be.

Mr. WILLIAM A. STONE. I will ask the gentleman if he refers to the spies who were sent out to the different cities of the country during the past summer?

Mr. QUIGG. Yes; I am proposing to make an end of them.

Mr. WILLIAM A. STONE. Watching and dogging the footsteps of carriers?

Mr. QUIGG. Yes.

Mr. WILLIAM A. STONE. And who had the carriers reported and discharged and suspended for drinking beer and soda water and one thing and another?

Mr. QUIGG. Yes, whether they did or not.

Mr. WILLIAM A. STONE. In my city they discharged six and suspended four, who were afterwards reinstated. The four reinstated were Democrats, and the six who were not reinstated were, every one of them, Republicans. [Laughter.]

Mr. CUMMINGS. Were they the spies or the letter carriers?

Mr. WILLIAM A. STONE. The spies were all Democrats, of course. The letter carriers who were turned out through the influence of these spies, although those carriers were protected under the civil-service laws, all turned out to be Republicans, and that is why they were turned out.

Mr. CUMMINGS. Would not the country be better protected if Republican spies were put in to watch the Democratic spies who were watching the letter carriers? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIGG. I should like to have five minutes more. I have been interrupted.

By unanimous consent, Mr. QUIGG'S time was extended five minutes.

Mr. QUIGG. Now, Mr. Chairman, we have been assured that this kind of thing was always done, and that in spite of the statement of the First Assistant Postmaster-General that he invented the system, and that it is his own little pet child——

Mr. BINGHAM. I will state to the gentleman that it has been done since 1890——

Mr. QUIGG. I hope the gentleman will not interrupt me.

Mr. BINGHAM. I am giving the gentleman a date and stating to him that it has been done since 1890.

Mr. QUIGG. Here is what the law says about the appointment of post-office inspectors:

All post-office inspectors, except the twelve in charge of divisions, are included in the classified civil service. Post-office inspectors are appointed by the Postmaster-General, subject to the provisions of the civil-service act of January 16, 1883, but are not appointed for service in any particular State or locality, and will be expected to perform duty wherever required.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. QUIGG. Yes.

Mr. PICKLER. I have a letter here from a gentleman, who, I am sure, is well posted on this matter, in which appears this paragraph, and I should like to ask the gentleman if he has any information on the subject:

On the 15th of October, 1894, 81 additional carriers were appointed at the Philadelphia office. In less than two months thereafter a force of "special mechanics" (they were not known as secret agents then) were sent to that place to inspect the service (not to mend letter boxes), and upon the basis of their reports 100 letter carriers were reduced to the substitute roll——

Mr. QUIGG. I have already spoken of them.

Mr. PICKLER (reading)—

78 at $1,000 and 22 at $800, thus showing that not a single carrier at $600 was touched. Was this an accident? Can it be possible that carriers in the service less than one year were more competent to serve the people of Philadelphia than those who had been in the service for years, and among them comrades in the war of the rebellion?

Mr. QUIGG. Mr. Chairman, the appointment of these inspectors has been a disgusting shame and disgrace.

Mr. LOUD. Will the gentleman yield for a question?

Mr. QUIGG. I can not. I have only three or four minutes.

Mr. LOUD. I will use my best endeavor to get the gentleman all the time he wants.

Mr. QUIGG. Yes; I will yield.

Mr. LOUD. I want to convince the gentleman of this fact, that he is hardly fair——

Mr. QUIGG. It will be difficult to convince me that I am not fair.

Mr. LOUD. The gentleman has read to the House the rule governing the appointment of post-office inspectors. Then he immediately turns to the spy system, which I myself hold and the committee held was contrary to existing law.

Mr. QUIGG. The gentleman has not given me time to distinguish. I am going to make the distinction.

Mr. LOUD. I do not think you will, fairly.

Mr. QUIGG. Well, surely——

Mr. LOUD. I ask the gentleman this question: Will not these additional men provided in this bill be appointed under this very law?

Mr. QUIGG. Yes.

Mr. LOUD. And will not they be appointed under that law? Now, answer that question frankly.

Mr. QUIGG. They will be appointed under that law—perhaps.

Mr. LOUD. Then, they seem to be your spies?

Mr. QUIGG. Not a bit of it. The fact is that the law just now read has been violated—you admit that it has been violated—and there is no reason under the heavens why we should assume that the people who violated it in the first instance would not violate it again. That has been the law all along. They had no right to appoint these inspectors and call them mechanics, pretending that they were going around to fix up the letter boxes, when they were really dogging the footsteps of the letter carriers and acting as spies.

Mr. PICKLER. And having them reduced.

Mr. QUIGG. Why, it is contemptible. Can any American gentleman approve of such a business? I think I have said all I care to, Mr. Chairman.

Mr. McMILLIN. Mr. Chairman, I trust I will not be little enough in my conception of the importance of this question or of the duties of a legislator to make it possible for me to try to degenerate this into a political matter. I think those who are with me will bear testimony to the fact that during my humble service I have at least striven to hold up the hands of every faithful officer of this Government in the discharge of his duties, whether under a Republican or a Democratic Administration, and all the efforts on the part of the distinguished gentleman or of any other member of this House to make this out a partisan attack by the Post-Office Department upon officials of a different political faith to the officers that are engaged in the administration of these offices is wholly unfounded, if not malicious. I will not say it is the latter, but the former I do know it is. There is no partisanship in the conduct of this investigation in the Post-Office Department.

It did not begin under a Democratic administration. It has existed under both Republican administrations and Democratic administrations. Both Republicans and Democrats are on this force. Both Republicans and Democrats have been inspected. Both Republican and Democratic officers have been recommended for discharge. Both Republicans and Democrats, as a matter of fact, have been discharged under the recommendations of this force. Then away with all the bosh and rodomontade that attempts to degenerate this into a political controversy. The First Assistant Postmaster-General, Mr. Jones, has been a most faithful, painstaking, assiduous, and efficient officer, and those under him have worked hard.

Now, what are the facts connected with this force? The Government found that there were 13,000 letter carriers, officers who did not have to make any particular time; that is, if they did there was nobody to supervise the time. It was not like the postmaster, who had to get his mail ready at a certain time; it was not like the postal clerk, who had to meet his train at a particular time, and when it pulled in or pulled out had to have his mail ready for the schedule; but 13,000 men without supervision while on their routes. The result of it was that there were presented claims amounting to a million and a half dollars for overtime. Two hundred and fifty thousand dollars for overtime claims were accumulating annually! There were constant demands that there should be an increase of the force; and the Government determined, not under this Administration alone, but under past Administrations as well, to try by some means to inspect this force, to watch the overtime work, the faithfulness and efficiency of the force, and ascertain thereby whether the demands for increase of the force should be granted.

Mr. LOUD. There are a million and a half of those claims pending.

Mr. McMILLIN. Yes, that amount already accumulated and pending. The annual demand was over a quarter of a million. There are pending $1,500,000 of overtime claims, and yet when an effort has been made to secure some supervision over this force, to make some effort at watchfulness, gentlemen get up and denounce every man engaged in this service as a "spy." They forget the fact that the very foundation of the post-office system is watchfulness. The gentleman from New York [Mr. QUIGG] does not tell the House that even the officers of the Government will put marked money into the mails in order to catch an unfaithful official. This has been the custom always. Is not this spying? He rises and complains because notice has not been given to the letter carriers that on a certain day, at a certain hour, in a certain city, they were to be inspected. What would such an inspection amount to? Who would pay for such?

What are the facts concerning this force? "By their fruits ye shall know them." Right here, let me tell the gentleman, in answer to his charge of partisanship, that there was a larger per cent of Democrats in proportion to the force inspected who were reported against by these inspectors than of Republicans; and let him take that fact in connection with his effort to make this degenerate into a partisan matter. I realize that the gentleman was not so pronounced in that effort as the gentleman who interrogated him [Mr. WILLIAM A. STONE].

Now, what has been the action of this force? The reduction of force of letter carriers that was made possible by this inspection has amounted, between the 1st day of January, 1895, and the 1st day of last October, in salaries, to $157,000; the reduction of second-class offices to $51,000, or a total of $208,000; and then the applications for additional force that were found under this inspection to be unnecessary amounted to $79,200 per annum. So that the saving by this course has been in the short period between the 1st of January and the 1st of October, 1895, $288,050, and the force itself has cost the Government only $75,000.

Now, Mr. Chairman, I am the last to believe in or to approve of any unnecessary espionage over public officers, but at the same time I tell the gentleman from New York that it is utterly impossible to keep a great force like this at work efficiently without care and vigilance. The gentleman himself admitted in his speech the other day, and he admits now, that there is a necessity for supervision of this force. What is he going to call his supervising men? Are they not going to watch the force? Are they going to be less vigilant than the existing inspectors? Are they going to be less careful? Are they going to be less faithful in making reports? If so, the results of the operation of the force will be a pretense, a hollow mockery. And if they are to be as watchful, as vigilant, and as successful as now, will they less fall under his ban as spies?

Mr. QUIGG. I ask the gentleman if he does not make a distinction between the sort of supervision which is fair and which gives the men an opportunity to be heard when charges are made against them, and that sort of surveillance which prejudges the case and gives the man no opportunity to reply?

Mr. McMILLIN. The suppositious case which the gentleman presents is wholly without foundation. There never has been any foundation for the gentleman's statement. On the contrary, there is more opportunity given for a man against whom charges are made to have a hearing under the existing system than there was under the old system of inspection, and in proof of that I will have read the regulations of the Department bearing upon this question.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MILES. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for ten minutes.

There was no objection, and it was so ordered.

Mr. McMILLIN. I am thankful for this courtesy.

Mr. BENNETT. May I ask the gentleman from Tennessee a question?

Mr. McMILLIN. After the Clerk reads the regulations. I send to the Clerk's desk to have read the regulations of the Department upon this subject, from which the gentleman from New York [Mr. QUIGG] will see, first, that every officer accused of any wrongdoing has an opportunity to be heard before he is discharged, and, secondly, that under the old regulations of the Department, and before the present First Assistant Postmaster-General came into the office, all that was necessary for a discharge was to state that it was "for the good of the service," and the discharge came of course.

The Clerk read as follows:

For the purpose of avoiding unjust removals of clerks and carriers in the classified service, and to avoid embarrassment and annoyance to the Department and postmasters with reference thereto, postmasters in free-delivery offices are hereby notified that the following policy prevails in the Post-Office Department and will be enforced:

All removals and new employments of clerks and changes in rosters must be reported to the First Assistant Postmaster-General as soon as made.

No carrier shall be removed except for cause, and upon written charges filed with the Post-Office Department, and of which the carrier shall have full notice and an opportunity to make defense.

No resignations requested by the postmaster, or by anyone for him, will be accepted by the Department.

Mr. McMILLIN. Now, Mr. Chairman, I will answer the question of the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. How long after the violation, or alleged violation, of a rule occurs is it before it is reported to the Department, and where is the report made?

Mr. McMILLIN. As I understand, it is made to the First Assistant Postmaster-General.

Mr. BENNETT. Here in Washington?

Mr. McMILLIN. Here in Washington.

Mr. BENNETT. When is it returned to the local post-office?

Mr. McMILLIN. I am not advised as to that, but suppose it is done as soon as conveniently may be.

Mr. BENNETT. Is it not a fact that these reports are returned to the post-offices of the respective cities, the places where the violations are charged to have occurred, so long after the occurrence that the men have lost all evidence?

Mr. McMILLIN. I think not. I get my information from the First Assistant Postmaster-General himself, in addition to what is contained in his report, which deals very carefully with this subject. I think the gentleman from New York [Mr. BENNETT] will find on investigation that when charges are preferred against an officer an opportunity is given him in every instance to have a hearing, an opportunity that was not given him under the old rules, at least not as a matter of right. The person charged is given an opportunity to be heard and to make any explanation that it is possible for him to make.

Mr. BENNETT. Is it not a matter of fact that in most cases these reports are made so long after the violation of the rule that an investigation is rendered absolutely useless because the man can not present evidence for his defense?

Mr. McMILLIN. On the contrary, I take it that the state of things pictured by the gentleman does not exist and can not exist, from the fact that the records show that a very large per cent of those against whom charges are preferred are restored permanently, some of them being suspended perhaps for a few days or a few weeks. In every instance an opportunity is given the person accused to be heard, and the very time and place and circumstances of his alleged offense are laid bare, so that he can explain anything in connection with it that can be explained.

Mr. BARTLETT of Georgia. If I may interrupt the gentleman, I will say that in the town where I live there was just such a case. Charges were preferred against one of the post-office employees, but he was given a full opportunity to be heard and to present all that he had to say in his defense.

Mr. McMILLIN. That is an actual confirmation of what I had understood to be the practice of the Department. Now, the gentleman from New York [Mr. QUIGG] ought to bear in mind that inspection is good not for the Government alone, but also for the employee. It is one of the best shields that can be had to distinguish and protect the faithful from the unfaithful officer, to put permanency in the service where it belongs, to give promotion to the man who deserves it, to overcome any "politics" that might otherwise enter into the case, and to allow a man's record to be the foundation for his promotion or his reduction. I am glad that the gentleman from New York in his speech here the other day admitted, as he now admits, the necessity for some kind of inspection. In that speech he said, speaking of the First Assistant Postmaster-General: "Let him prepare a scheme which will provide a system of roundsmen for the carriers. Roundsmen would be the proper inspectors of the carriers." It seems that the gentleman wants to designate his force by a new name; but is he going to take away from them the right to report on delinquents? Is he going to rob them of the right to watch over the service which they are put to guard? If so, his force will be of no value. If not, it will simply be a force equivalent to the one that is provided here, but bearing a different name.

But to show how thoroughly the Post-Office Department has felt the necessity of this force and to show the gentleman that all he has to do to get what he wants in the way of providing a force for this service is to carry out the recommendations of the First Assistant Postmaster-General, I ask the Clerk to read an extract from the annual report of that officer.

The Clerk read as follows:

In view of the great saving effected and the general improvement in the service, especially in the large cities, I would recommend the employment of a number of men in the larger offices whose regular duty it shall be to inspect the work of carriers, make suggestions as to extensions and changes of routes, and, in fact, to have a general supervision of the work of carriers outside of post-offices.

Mr. McCALL of Tennessee. Does the Department officer send these agents to a particular city on request of the postmaster of that city or on his own motion?

Mr. McMILLIN. I have not consulted the First Assistant Postmaster-General on that subject, nor do I recollect that his report makes any statement upon the point. But I take it that if complaints were filed by a number of citizens or by the postmaster of a particular city, or if from any other source it should be ascertained that the force was inefficient, the Department would send out these inspectors to ascertain the cause. The gentleman will remember that in our postal service, whenever complaint is made by the humblest member of the community that letters are not being handed to him regularly, or that registered matter has not come in proper form—whenever any complaint of that kind is made from whatever source the Government sends an inspector—one of the old force—even sends him in disguise to that community; and often before the postmaster knows of his presence the inspector has completed his investigation and left the city.

Mr. McCALL of Tennessee. Is there any reason why the postmaster of a given city can not be intrusted with this work of keeping the carriers in proper training and under proper control?

Mr. McMILLIN. As a matter of fact, the Post-Office Department has found—and I think the gentleman will see that the finding is probably correct—that in the large cities of the country, with the great duties devolving upon the postmasters there, it is utterly impossible for the postmaster to keep the run of every letter carrier. The gentleman will remember that there are 13,000 of these carriers; and it is as utterly impossible for the few postmasters of the cities in which they operate to keep the run of the work of these carriers as it would be for them to keep the run of Congressional proceedings here.

Mr. QUIGG. The gentleman knows of no postmaster anywhere in the country who would make any such concession with regard to himself—that he is not competent to perform his duties.

Mr. McMILLIN. The gentleman himself, if he had less ability or less opinion of his ability, I take it, and were postmaster of the great city of New York, would not feel that he was competent to keep the run of every letter carrier in that city.

Mr. QUIGG. No; but I should feel——

Mr. McMILLIN. Besides, I call the gentleman's attention to the fact that neither he nor I nor any other member of this House or of the Senate has ever given to the postmasters of these cities any force with which to keep watch of these officials.

Now, in what I say I do not wish to make any wholesale charge against the 13,000 letter carriers of the United States. On the contrary, I am very glad to say that in a large number of cities inspected they were found to be in absolutely perfect working order and no complaints were reported against the carriers. I know that this is a great force. I know that in the main it is very efficient. I know that generally its members discharge their duties well, but I also know that you can not put 13,000 men to work in any line without there being required some supervision of their work beyond what the postmaster of the city, who has, perhaps, a thousand men under his control, can give.

Mr. QUIGG. I hope the gentleman will allow me to say in reply to his suggestion——

[Here the hammer fell.]

Mr. McMILLIN. I am very much obliged, Mr. Chairman, for the indulgence of the Committee of the Whole in extending my time.

Mr. CUMMINGS. Mr. Chairman, not many months ago I went into the New York post-office. I found there several hundred clerks at work. I saw in the room in which they were employed a bridge something like the Rialto at Venice. It stretched across the apartment and was covered with sashes and blinds. In short, it was a sort of a duck blind. [Laughter.] Those inside could turn the slats and look into the room the same as a sultana might peep out of a harem. [Laughter.] I asked what it was.

"Why," was the reply, "it is a blind for the post-office spies."

"What are they doing there?"

"They are watching the one or two hundred post-office clerks below, for fear some one of them might steal a letter or do something in defiance of the rules."

"And who watches the spies?" I asked.

"Nobody." [Laughter and applause.]

Sir, why is it that the assumption is made that the spies are all honest and that the clerks and letter carriers are all dishonest? [Applause.] I say that informers ought always to be regarded with suspicion. History proves this. Honest men are not usually employed in dogging the footsteps of their fellow-men. Spies are not welcome guests in the families of honest men.

Mr. Chairman, we have a spy system in the city of New York. An organization known there as the Vigilance League sowed the city with spies to watch the officers of the police department. And what was the result? Look at the records in the courts of that city. There have been fully as many spies convicted of blackmail as police officers convicted of bad conduct.

I shall vote for the proposition of my friend from New York [Mr. QUIGG] with pleasure. While I acknowledge—and any man must acknowledge—the propriety of having what are called special agents to investigate post-offices where letters have been stolen or defalcations occur, I see no reason why spies should be placed at the heels of men whose honor has never been questioned.

Any letter carrier with an honest record is entitled to the same treatment as the Postmaster-General and his assistants; but the Postmaster-General and his assistants, I regret to say, do not look upon it in that light. Here is a special order:

That hereafter no postmaster, post-office clerk, letter carrier, railway postal clerk, or other postal employee shall visit Washington, whether on leave with or without pay, for the purpose of influencing legislation by Congress. Any such employee who violates this order is liable to removal.

I shall not read the whole order, Mr. Chairman; I have not time. But I insist that the post-office clerk and the letter carrier ought to be entitled to the same privilege in Congress as the Postmaster-General and his assistants. They are substantially debarred under this order from approaching their Congressmen. I could prove this from documents on my desk if I had the time to read them. There is no man in this House who has served on a committee where the interests of Government employees are canvassed who will not be surprised at the issuance of this order. Take the Committee on Military Affairs or the Committee on Naval Affairs. Is there a member of either who has not been importuned day and night in the corridors of the Capitol or elsewhere to support some bill in which either army officers or navy officers are personally interested? Why do you draw the line on the post-office clerk and the letter carrier?

Mr. LOUD. Do you not think it is a practice that ought to be stopped in all Departments of the Government?

Mr. CUMMINGS. I think that you ought to begin your work at the head of the stream, and not at its mouth. Do not play the farce of the wolf and the lamb, and muddy the water at the expense and to the injury of the postal employees. Apply it to all alike if you are going to apply it at all. The postal clerk and the letter carrier ought to have the same facilities for reaching the ear of Congress as the heads of Departments, and I think that on this proposition even my friend from Mississippi [Mr. KYLE], a distinguished member of the Committee on the Post-Office and Post-Roads, will fully agree with me. [Applause.]

[Here the hammer fell.]

Mr. BELKNAP. Mr. Chairman, I am most sincerely and honestly in favor of the adoption of the amendment proposed by the gentleman from New York [Mr. QUIGG]. I am not in favor of voting the money of the people by the Congress of the United States to be used for such an unmanly and un-American purpose and such uncalled-for work as this clause of the bill contemplates.

Some gentlemen seem to think that the letter carriers as a class are corrupt and negligent. I deny that to be a fact, and I propose to show that it is not true. Take my own city of Chicago as an illustration. This system was working there for weeks, and after weeks of spying upon 1,093 men employed as letter carriers this was the result: Reports were made upon the conduct of 800 men. Six hundred and twenty-four were reported as absolutely correct.

But of course the spies had to make some kind of a showing, and I agree with the gentleman from New York [Mr. CUMMINGS] when he asks, "Who watches the spies?" They had to do something. Now, how do we know that their reports are correct? One hundred and seventy-six reports were investigated——

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BELKNAP. Yes.

Mr. BOATNER. In the Chicago cases to which you refer, were the parties reported against given an opportunity to exonerate themselves in that way?

Mr. BELKNAP. I am just about coming to that.

Mr. BOATNER. Because, if so, that investigation is what watches the spies. If the spy makes a false report the investigation sure to follow is the means by which the spy himself is watched.

Mr. BELKNAP. I regard the system as uncalled for, unmanly, and un-American.

I was going on to say that the cases of 176 of these men were investigated, 55 were merely reprimanded, 90 were suspended for one or two days each, and 16 removed, and upon the authority of the Post-Office Department afterwards I say that these men would have been removed anyway, notwithstanding the fact that the reports were made against them.

Mr. MCMILLIN. How could they discover and report except by inspection? The gentleman says these men would have been removed anyway. Now, who made the inspection?

Mr. BELKNAP. The postmaster of Chicago and his subordinates.

Mr. MCMILLIN. Then, according to the gentleman's own idea, they are spies themselves on the employees?

Mr. BELKNAP. They merely performed the duties of their office.

Mr. MCMILLIN. But you ought to be willing, in view of your position, to discharge them from office because they spy on the others. Where is the distinction?

Mr. BELKNAP. Because I have perfect confidence in the postmaster of Chicago and know his character and ability.

Mr. MCMILLIN. Oh, well, then it is the official, and not the nature of the service, that the gentleman finds fault with?

Mr. BELKNAP (continuing). He does his work in a careful and manly way.

The gentleman from California [Mr. LOUD] casts a slur upon all the letter carriers of the city of Chicago. On March 6 he said that they were accustomed, not in one case, but in more than one case, to use their street-car tickets to pay their special assessments, and he said that the records of the Post-Office Department would show that to be the fact. I went to the Post-Office Department, and upon authority of that Department I will say that three years ago one man did wrong. He did save his car tickets, and when asked the question what he did with the money—a few dollars—his reply was: "I paid a sewer assessment." That was one case, but the gentleman from California, by his language, reflects upon every letter carrier in Chicago.

I regard these letter carriers as honorable, upright men. As I go from my home downtown every morning I meet many of them. It is my pleasure to stop and greet them. I care not what their politics are. I do not think that question enters into this matter at all. On the coats of some of them I note bronze buttons, showing them to be the survivors of the grandest army the world has ever known. I doubt not that many others fought for a cause that was lost, but which they sincerely believed to be right, and for that I give them my high regard and sincere respect.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, the time of Mr. BELKNAP was extended five minutes.

Mr. MCMILLIN. Now, will the gentleman permit me right there to ask him one question?

Mr. BELKNAP. Yes.

Mr. MCMILLIN. You say that the 16 carriers in Chicago to whom reference was made would have been discharged anyway?

Mr. BELKNAP. Yes.

Mr. MCMILLIN. Had reports been made by the postmaster at Chicago recommending their discharge?

Mr. BELKNAP. The postmaster there, as I understand the case, would have discharged them himself. Their conduct was such as to justify their discharge.

Mr. MCMILLIN. But had he, as a matter of fact, recommended their discharge to the Postmaster-General?

Mr. BELKNAP. I do not know that he had recommended it.

Mr. MCMILLIN. Then——

Mr. BELKNAP. I can not give up all my time to you, sir. Pardon me——

Mr. MCMILLIN. The committee extended your time.

Mr. BELKNAP. I beg your pardon. I did not mean to be selfish, but I maintain that the fact is that this investigation did not cause the discharge of these men. It did not amount to anything in that respect. Now, these men are honorable, upright, worthy public servants. I have seen them in the city of Chicago during the summer dropping in the streets from the heat and in the winter wading through the snow and ice, and I do not believe that it is the wish of the people of the United States that our Government should sink so low as to use the taxpayers' money for prying and spying upon a class of worthy, hard-working servants. [Applause.]

Mr. BINGHAM. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. LOUD. Before the gentleman from Illinois [Mr. BELKNAP] takes his seat, I should like to ask him a question. The gentleman

has not used all his time. The gentleman has referred to a matter that I hoped would not be brought before this House again, and that was a reference that he made to Chicago. I hold in my hand a letter that the gentleman now forces me to put into the RECORD. When I get the floor I hope the gentleman will be present, because I propose to criticise something that I sincerely hoped I would not be forced to present to this House.

Mr. WHITE. Do not fail to present it.

Mr. BOATNER. Before the gentleman from Pennsylvania proceeds, I should like to ask that the pending amendment be again reported.

The amendment was again read.

Mr. BINGHAM. Mr. Chairman, I have no doubt—in fact, I am positive—from an examination of the reports for many years back of the mail depredation division as to the convictions, as well as to the number of arrests, that the carriers and postal subordinates of the mail service are exceptionally honest men. The records show, in the vast number of this force, only a very limited number of convictions, as well as a very limited number of arrests. I do not think that any man upon this floor can question the integrity of this great body of men. The proposition in the bill that comes from the committee is to make an increase of 30 inspectors in the mail-depredation force. It places these appointments under the regular force of the Department. They are subject to civil-service examination and are assigned to the respective divisions of the 12 territorial divisions of the country.

In the Fifty-first Congress the appropriation for this force was $200,000.

When we entered the Fifty-second Congress, upon the report of the Postmaster-General, it was submitted that the accounts of the postmasters of the fourth class were in such a condition that no settlement could be made through the Auditor, and it was necessary that special agents should visit a large number of fourth-class postmasters in order to adjust and inspect their accounts. We increased that appropriation $100,000 for that special purpose—the inspection of the accounts of postmasters of the fourth class—and there was but limited debate and no clamor either as to partisanship or spy system. The next session, that work having been almost completed, there was a reduction to $235,000. In the following session there was appropriated $235,000; the first session of the next Congress, $300,000; again $300,000, under which the Department is now operating, and the proposition in the bill is to increase the force, giving 30 additional inspectors.

Now, you must understand that this inspection force has the supervision of everything that pertains to the Post-Office Department as to irregularity, and further, it runs as to the integrity and the honesty of the entire subordinate force of upward of 30,000 clerks, postal clerks, and letter carriers, as well as the 70,000 postmasters and all contractors. I am very slow to believe, with my long acquaintance and knowledge of the honorable gentleman at the head of the Post-Office Department to-day, General Wilson, that he would be guilty of doing anything either un-American or unmanly, or any official act that would take from the character of any of his subordinate force. I believe that he is just as honest in endeavoring to give a good administration of the Post-Office Department as Congress is in voting appropriations to carry out his recommendations.

In 1888 we passed the eight-hour law, predicated upon the fact that longer labor on the part of the carrier force was severe and extremely exhausting, and therefore there should be a limitation to his labor. What has been the result? A few days ago in the urgent deficiency bill we put in $300,000 for overtime. We have already appropriated for overtime through the eight-hour law almost a million and a half dollars, and there are upward of 4,000 unadjusted cases in the Department of Justice that will take a million dollars more. Therefore $2,500,000 has been paid or will be paid by the Government for overtime. I am submitting this brief statement in order to show how the Department first ascertained the great neglect of duty in the letter-carrier service. The Department also discovered in the examination of overtime cases that men delayed on their routes were slow in their deliveries and other irregularities in order that they might secure overtime allowances. This determined the entering upon the larger field of an investigation as to whether the carriers were performing their duties upon their respective routes. There is no carrier in the service, there is no postal clerk, there is no post-office clerk who does not know that there are at all times schemes, or, as the gentleman has called them, "spy operations," in order to test his integrity and honesty. In the boxes in the great cities the inspection force is continually placing decoy letters containing money and every device possible under the system of inspection to test their integrity and their honesty. Now, there is no objection to that; they do not even complain. We never heard any question upon that line of spy operation; but the moment you come to the proposition as to seeing whether the carrier does his full duty on his route, that moment you rise in rebellion. Now, let me tell gentlemen one thing. You will spend for your carrier force $13,000,000 in this bill for next year. You have in that force to-day about 13,000 men. Now, I ask any gentleman on this floor, if, in the subordinate force in your own manufacturing establishments or great business enterprises, whatever may be the business, you do not go into the greatest detail of management to see whether your force of men perform their full duty or that you get a full return for the pay that you give them for the work? A force of 13,000 men necessitates supervision.

Mr. PICKLER. Will the gentleman allow me to ask him a question right there?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. I ask for five minutes more.

Mr. LOUD. I ask that the gentleman's time be extended five minutes.

There was no objection.

Mr. PICKLER. My question is this: Are not all the people watching these carriers, watching them all the time, every day while they are on their routes; and I will ask if it is not true that every family and every individual of a family have their eyes upon these letter carriers and that the whole community watches them?

Mr. BINGHAM. I will say no to the gentleman. Servants in the great cities go to the doors, and not the families; and where a member of the family receives the mail minor derelictions are overlooked.

Mr. FAIRCHILD. But do not the families know when the mail arrives?

Mr. BINGHAM. They get the letters.

Mr. FAIRCHILD. Do not they know if the mails have been delayed?

Mr. BINGHAM. They do, and they do not complain if it is half an hour or so late.

Mr. FAIRCHILD. If it becomes a habit they complain.

Mr. BINGHAM. Business men take cognizance of it in some form as a rule, but not always.

Permit me to state to the gentleman that this whole inspection service has been subject to criticism, and I myself am free to say that my own city perhaps suffered more than any other large community, and I condemn many of the methods adopted; but that is past.

Upon the reports of the agents there seemed to be a larger dereliction in Philadelphia than in any other city. I have been appealed to by a large number of the carriers in connection with their cases where they have been reported. I have gone to the Department and have examined for official dereliction a number of them. I found many neglects of duty. I have found at times a severity of punishment that I did not think warranted, and I have called the attention of the Department to those cases, claiming that the punishment was too extreme for the offenses committed. I am free to say that in many cases I found that there had been marked neglect upon the part of the carrier running his route as well as in his daily habits. Under a rule of the Department every accused carrier had had his hearing, and I read his testimony in connection with the testimony of the agents of the Department. The report of the First Assistant Postmaster-General exhibits just what this work of the agents has been, or spies, as the gentleman calls them. There are over 700 free-delivery offices altogether. I read:

Total number of offices investigated, 151; total number of carriers employed at these offices, 4,075; carriers reprimanded for various irregularities, 208; carriers suspended for falsifying trip reports, 57—

Certainly nobody can question the propriety of punishment for that offense.

Carriers suspended for failure to collect from street letter boxes, 49—

That is not a very large number.

Carriers suspended for drinking while on duty and loitering, 302—

A very small number out of the total of 4,075.

Carriers dismissed for drinking while on duty and loitering, 55.

There, gentlemen, you have the sum total of the work of these inspectors with reference to the carrier force.

Now, I know that during my own experience of six years as postmaster of the city of Philadelphia I had no means whatever of determining whether the carrier force then employed did their duty upon their routes, and there is no means to-day in the Department of determining that question, unless the Postmaster-General or the local postmaster has the right to make a detail of some of his force to inspect the work of the carrier or unless you enact new legislation looking to that end.

Mr. SPERRY. If there had been irregularities in your force of carriers while you were postmaster at Philadelphia, would not those irregularities have been reported to you within twenty-four hours, or to your subordinates?

Mr. BINGHAM. No. In all large post-offices there is what is called a book of complaints. Reports are made to the Department every month, and doubtless those reports have been the basis of the direction by the Department of this force of inspectors to certain localities rather than to others. There is a complaint

clerk in every great office, and you come to the office and make your complaint that a letter mailed by you of such and such a date to such and such a place has failed to reach its destination, or that a letter mailed to you has failed to arrive, or that there has been delay in the delivery of a letter. A searcher is immediately sent out. Possibly investigation will show that the fault was in the man who sent the letter, but if not the investigation of the matter is continued. When the postmaster learns, through his complaint clerk, that on a certain day one or two or three or four money letters have been lost, or have failed to be delivered, or that other letters have been delayed, the chief of carriers is notified and an inspector, or a "spy," is sent out to test the boxes, to watch the carrier on that route, and to test his deliveries. Immediately the Department is notified that three or four money letters have been lost, and the Department, in its own way, proceeds to make an investigation, and the first thing you know is that the carrier or clerk, if guilty, is found out and caught by a decoy letter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Could any letter carrier on any route while you were postmaster of Philadelphia have been derelict in his duty in any marked degree without that fact being brought to your attention?

Mr. BINGHAM. I am very sure he could, and very sure that it occurred. I have no doubt of it.

Now, Mr. Chairman, as to the question of politics in this legislation, I am free to say that I do not think there has been any politics in it. The inspector force of the Department to-day has as many Republicans upon it as there are Democrats. Further, it must be borne in mind that civil-service rules with reference to the letter-carrier force in offices employing upward of 50 carriers went into effect in 1883, and those rules have been in effect in the great offices ever since that date. We had four years of Democratic administration in Mr. Cleveland's first term, and we have had three years this time. The point I seek to make is that with civil-service methods applying to this force for fourteen years, during a period when different parties have been in control of the administration, the matter of politics has been largely eliminated. Men are selected under the civil-service rules. They dare not, whichever party they belong to, be partisans in the sense of being active. They dare not take an active part in conventions or in primaries. The force to-day in the great offices is absolutely without politics, in my judgement, and I believe the inspector force also is without politics. That seems to me to be the natural and inevitable result of the operation of the civil-service rules since 1883.

Mr. RAY. This provision in the bill proposes to increase these inspectors by 30?

Mr. BINGHAM. Yes; the regular force.

Mr. RAY. And it proposes to legalize the appointment of the 30?

Mr. BINGHAM. It gives 30 additional inspectors for the next fiscal year.

Mr. RAY. But we have had a fixed number for the last two years or more, have we not?

Mr. BINGHAM. I stated in the first part of my remarks that in the Fifty-first Congress——

Mr. RAY. I want to ask the gentleman a question or two so as to get at the real point. Is it not a fact that we have had the existing number of inspectors for the last two years?

Mr. BINGHAM. You have had $300,000 appropriated for this force during the last two years.

Mr. RAY. And it is proposed here to change the law——

Mr. BINGHAM. No; it is proposed to increase the force, not to change the law.

Mr. RAY. If you increase the force by 30, do you not change the existing law?

Mr. BINGHAM. No; you simply increase the force under the law.

Mr. RAY. You increase the appropriation so as to provide for 30 additional officers of this class. Now, we have had officers of this kind at work; and we are appropriating this money, as I understand, to extend this kind of work unless this amendment is adopted. Let me ask, is there any greater need for these men than there has been in the past?

Mr. BINGHAM. I will answer the gentleman in this way: I believe that, in view of the fact that there has been no inspection of the carrier force for years and years in any thorough way as to their fidelity and industry, men who have been on certain routes for a long period run their routes to suit themselves; that the increase is necessary to give a better service in the large cities.

Mr. RAY. Has it been developed that these carriers are dishonest men?

Mr. BINGHAM. On the contrary, as I have stated, the exhibit for years past has shown that not only the carriers, but the postal clerks and post-office clerks, numbering upward of 30,000 men, are a body of the most honest and trustworthy men in the country.

Mr. RAY. Then, if they are "a body of the most honest men in the country," what is the sense of going to work now and appropriating thousands of dollars to create and pay spies to spy upon "the most honest body of men in the country"? The object is simply this—to create 30 or 60—I do not know the exact number——

Mr. BINGHAM. Thirty is the additional number of inspectors proposed.

Mr. RAY. To create 30 spies for the purpose of the coming Presidential campaign [applause], and to have them recognized and paid out of the public Treasury. That is all there is in it.

Mr. BINGHAM. I simply answer I do not concur in the gentleman's view and conclusion.

Mr. RAY. That is the purpose; it is the body and the soul of the whole proposition. If gentlemen of the House will look into it, they will be convinced that that is the truth of this matter. I for one do not propose to submit to this unless I am compelled to do so—not at this stage of the game. [Applause.]

Mr. BINGHAM. Having read to the House the result of this inspection, I will read another paragraph, which, I think, will show the gentleman that there is very little partisanship exhibited in the work recently done:

> The personnel of the carriers' force at 60 of the 151 offices examined was found to be above the average, the carriers being faithful and energetic.

Now, as I have already stated——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. I should like to have three minutes more.

There was no objection.

Mr. BINGHAM. Mr. Chairman, if the gentleman from New York or any other gentleman had under his control a body of 13,000 men, carriers, or 32,000 men, subordinates in the postal service, he would immediately arrange some system of thorough supervision; and I say to the gentleman that in the large cities there is no inspection of the carrier force running to their fidelity and industry—no system of inspection by which the postmaster can determine how faithfully they do their work. The national banks do not complain of the fact that at any moment on any day the national-bank inspector may come down upon them and demand an examination of all the books of the establishment. No man can object to a fair, honest supervision of his work, whether he is a carrier or a postal clerk or any other employee of the Government, provided he is doing his duty. Sir, the surprise to me is that in the examinations thus far entered into there has not been found larger dereliction, because I can readily understand that if a man is on the carrier force for ten or fifteen years, running his route without any supervision, he will run it to suit himself; but whether in doing so he is running it in the best way for his people can only be ascertained by official inspection.

As I stated in the beginning, the exhibits in the large cities show the necessity of some supervision of this force. I do not care in what form you institute that supervision. Increase if you choose the regular inspectors' force by adding 30 new members; give us roundsmen or captains of divisions in the great cities, as the gentleman from New York [Mr. QUIGG] has suggested; give us some proper supervision to make the carrier force as efficient as that force can be made; and then you will give us what we have a right to ask. In giving such supervision Congress will give the country good legislation and the people will enjoy a better postal service.

Mr. BENNETT. Mr. Chairman, I do not object to inspectors as long as the carrier who is accused of a violation of the rules of the Department has a fair chance in his own defense. As I understand, these special agents at present make their reports to the Post-Office Department here at Washington; those reports are afterwards transmitted to the post-office of the particular district, and notice is given to the carrier affected. The time that elapses between the alleged violation of the rules and the notification to the officer affected is so long that he loses all opportunity for getting any evidence in his favor. If he does find such evidence, it is by mere chance.

Now, Mr. Chairman, after the clear and convincing and well-stated argument of my colleague [Mr. QUIGG], I do not deem it necessary to detain this Committee of the Whole with any extended remarks. Nor do I desire to disagree with our excellent Committee on the Post-Office and Post-Roads. But I do hope that the committee will see its way clear to adopt the amendment of the gentleman from New York.

I trust the amendment will prevail.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, the proposition that the carrier service of the United States is composed of honest men, and that therefore any precautions which may be taken to insure fidelity in the performance of their duties is unnecessary, is one that sounds well; it is probably very agreeable to the carriers them-

selves, and it may be popular in districts where the carriers are numerous and where their political influence would have some weight; but, Mr. Chairman, in my opinion it is utterly unsound.

We are continually reading in the newspapers of the great cities of the detection of carriers in systematic robberies of the mail and violations of duty. The question arises, then, how would such persons ever be detected unless the Government was prepared to adopt and does adopt necessary and effective means to make the discovery? How is any reflection made upon the 13,000 mail carriers employed in the United States because the Government takes necessary steps to guard the proper discharge of their duties and to discover such of them as may be dishonest? No doubt the vast majority of them are perfectly honest, but it is certain that all of them are not, and the proportion would be much larger if the supervision now exercised should be withdrawn.

The gentleman from Pennsylvania has just read a statement showing the number of the reports of suspensions and removals under that system which enforces a prompt discharge of duty and insures honesty and accuracy in the work. If the means of detection had been removed, the duty in many instances no doubt would have been improperly performed or not performed at all.

What gentleman can say how many other offenses would have been committed had they known that they were not subject to any supervision at all; in other words, if they felt perfectly free from the watchful scrutiny of the Department?

Mr. RAY. Will the gentleman allow me a question just there?

Mr. BOATNER. Certainly.

Mr. RAY. I understand you to be arguing in favor of the increase of force and salaries here?

Mr. BOATNER. Yes.

Mr. RAY. Now, then, if these officers are needed to-day, were they not needed also two years ago; and——

Mr. BOATNER. Probably not so much as now. The service has been and is being steadily increased.

Mr. RAY. Let me get in the whole question——

Mr. BOATNER. I am only answering the gentleman as he goes on.

Mr. RAY. Let me complete it. I asked, if this force was needed last year, is it not a singular fact that Congress made no provision for them? No suggestion of the kind was contained in any legislation by Congress, and if they were necessary why did not the Fifty-third Congress appropriate the money to provide for them?

Mr. BOATNER. The necessity probably existed then as much as now. Certainly it has always been necessary to maintain some sort of inspection of the postal service, but the necessity as exists now, I suppose, had not been presented to the consideration of the Committee on the Post-Office and Post-Roads, and hence no appropriation for the purpose was made by the Fifty-third Congress.

I infer, Mr. Chairman, that the necessity for the employment of this force has arisen out of the increase in the carrier service, and that it is the intention and effort of the Post-Office Department to increase the efficiency of the service year by year, and the next Congress may find some other such step necessary.

Now, to say that the 13,000 men employed in the mail-carrier service are all honest men, and that none of them need watching, is, in my judgment, the veriest nonsense. There is nothing in it. The cashiers and officers of our banks are supposed to be honest, but they are under bond for the discharge of the duties devolved upon them as bank officers, and are under the severest penalties of the law if they fail to perform their duties; and yet it is found necessary to have bank inspections, to which a bank is at any moment subject. It is to be presumed that all of the postmasters throughout the country are honest and capable men; they are under bond for the discharge of their duties, and yet the office is subject to the inspection of the Department at any time, and the law rigidly requires that they shall deposit all public money that comes into their hands in a certain specified way, and the use of it otherwise is an embezzlement.

Then, where, in the adoption of this provision, is there a reflection upon the carriers of the United States when they are subjected to a proper and necessary supervision in order to discover infractions of duty, peculation, and fraud?

This provision, as I understand, is to enable the Post-Office Department to employ such force as may be necessary for the protection of the interests of the people themselves. The objections urged against it are, in my judgment, fallacious. The Postmaster-General would not have recommended the increase unless satisfied that it was necessary for the protection of the public and to give increased efficiency to the postal service——

[Here the hammer fell.]

Mr. McEWAN. Mr. Chairman, I am very anxious indeed to do nothing that will in the least cripple any branch of the Post-Office Department, and yet I am, as I believe everybody in the hearing of my voice ought to be, utterly opposed to changing the fundamental idea—that thoroughly American idea—that we ought to assume men to be innocent before they are charged with guilt.

Running all through this spy system is the assumption that 13,000 men, carrying thousands and perhaps millions of dollars every day of their lives, are all criminals, but have not yet been convicted. When we remember that heretofore the inspectors in the Post-Office Department were sent out not to dog the footsteps of honest men, but to find out who had been guilty of criminality when offenses had been actually committed, we can realize the great change sought to be made in the system.

The purpose of their appointment is now wholly changed, and we are asked to allow the entire force of inspectors to be let loose for the purpose of watching men to see whether they have even a guilty thought, although they have never been guilty of any wrongful action.

I remember that some years ago a commission came from Great Britain to look into the workings of our Post-Office Department. They came, as most English commissions come, with the purpose of criticising adversely the workings of that Department; but when they had scrutinized every part of the workings of it they went home and said that it even surpassed the English department.

It this be the case, should we not say that without the aid of spies at all our Department has been a very good one indeed, and ask ourselves, why should we throw upon the men who built up this Department into such a state of excellence the odium of spying upon them? Why should we put upon this great body of men, who, by reason of their honesty and ability, have commended themselves not alone to the people of our own country, but to the people of other countries, the odium of saying that they ought to be watched? It seems to me that we ought not to do that. We should have some higher purpose; that is, to say to our servants, when they have done so well, not that we will watch them more closely hereafter, but that we will repose greater confidence in them hereafter than we have in the past, thus evincing our appreciation.

The practical point that I want to make is, that this is an entire turning around from the duty that inspectors heretofore performed, which was to go out and find a criminal when criminality had been proven, but the criminal was not known. This spy system is for an entirely different purpose, and that is to assume that all the carriers, all who are connected with the Post-Office Department, are criminals. It is changing our post-office corps from men into mere machines, and we are setting men to watch these machines, regardless of the thought that we are dealing with beings having conscience, heart, reason, soul, who must feel keenly that faithful and intelligent service does not commend them to the confidence of their employers. We are impugning all these men in a way I think they do not deserve, and I plead with the members of this House, remembering the service of these men, remembering the superb state of the service, not to throw on these officials this unnecessary, this thoroughly un-American odium and imputation. [Applause.]

Mr. KYLE. Mr. Chairman, this is nothing more nor less than a plain business proposition which is presented to the House. The question of having inspectors is not a new one in the postal service of the country. It has been in existence for many years, and the proposition pending here this morning is simply to increase the force of inspectors to a number sufficient to do the work. That is all there is in it.

Mr. CUMMINGS. I should like to ask my friend a question right there.

Mr. KYLE. Well, sir——

Mr. CUMMINGS. Is it necessary to have two inspectors to five letters in a little town in Michigan?

Mr. KYLE. I do not think that is necessary, Mr. Chairman, and I do not think that such a case as that exists. If it does, however, I suppose that it is an exception.

I want to argue this proposition now. And I will eliminate from it, if you please, all the benefits that have resulted from the inspector force heretofore and treat it as though it was a new proposition presented here to-day for the first time. I present it to you as business men.

If you were managing your own affairs, if you were taking care of your own private business, and it was necessary to employ 13,000 men to do that work, I ask you what man there is of you who would turn those men loose without any supervision? We not only employ 13,000 men to do this work, but we take $12,450,000 of the people's money to pay them.

Now, is it businesslike, is it an exhibition of good judgment, is it a display of good common sense, to turn loose 13,000 men in this country who are performing public duties, pay them $12,450,000 a year, and not have them supervised or looked after?

Now, I submit that to you as a business proposition, and I ask you to revolve it over in your own minds and see whether you think you would be acting with sound discretion if you were to adopt that sort of policy.

But gentlemen say that these men are under the surveillance of spies, and that this appropriation is nothing more nor less than an encouragement of the spy system. Why, there is nothing said

about spies in this bill. There is nothing new in this bill. This practice has been carried on in this country for more than a quarter of a century. Why do you inveigh against it? What is the purpose of it? What is the reason of it? You fly in the face of the fact that the experience of the Post-Office Department shows great good and large saving have resulted from these inspections. But gentlemen say these men ought not to have had these inspectors to look after them, and that they are brought up and discharged without trial and without investigation. Why, gentlemen, when you make that statement you simply fly in the face of the facts of the case and make assertions that are utterly unjustifiable. Let us see what is the regulation of the Department upon that proposition. I read from the Rules and Regulations of the Department:

For the purpose of avoiding unjust removals of clerks and carriers in the classified service, and to avoid embarrassments and annoyance to the Department and postmasters with reference thereto, postmasters of free delivery offices are hereby notified that the following policy prevails in the Post-Office Department and will be enforced:

All removals and new employments of clerks and changes in rosters must be reported to the First Assistant Postmaster-General as soon as made.

No carrier shall be removed except for cause and upon written charges filed with the Post-Office Department, and of which the carrier shall have full notice and an opportunity to make defense.

This shows that provision is made by the Department to prevent the thing that some gentlemen claim is done, viz, the discharging of carriers without cause and without trial.

Now, when you put this inspection system forward, you only follow that which the dictates of good, common, business sense suggests; and then the Postmaster-General, by the regulations of the Department, says they shall not be removed until they have had a full opportunity to be heard. I happen to have had a little experience on that subject. I have only had one case—that of a friend who came here from New Hampshire.

The CHAIRMAN. The time of the gentleman has expired. The Chair understands the gentleman to request further time. Without objection, the gentleman will be allowed to proceed for five minutes.

There was no objection.

Mr. KYLE (continuing). He told me that a kinsman of his who was a letter carrier in the city in which he lived had been removed. He asked me to go to the Post-Office Department and introduce him to the First Assistant. This I did; and when he stated his business to the First Assistant, the First Assistant said to him, "I have investigated that case and have reinstated the man to whom you refer." Here is not only the rule that he has laid down by which he proposes to be governed, but here is a case in point, where a man was, after investigation, reinstated. In fact, no instance has been cited by those who oppose the inspector system of a single case where a man has been improperly discharged. Then what comes of all this talk about men being removed without cause?

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. KYLE. Yes, sir.

Mr. QUIGG. Did he get his salary during the period for which he had been unjustly suspended?

Mr. KYLE. I did not inquire about the salary; and, Mr. Chairman, I do not believe that that has anything to do with the question now under consideration. The question that we are trying to investigate and argue out here is, what are the best interests of the country, whether or not it is a proper thing for the Department to have these inspectors to look after this vast army of men and after the proper expenditure of $12,450,000?

I call the attention of the House to the fact that it is not only in the postal service that inspectors are necessary. It is not only there where organization and supervisions are necessary. You take any department of business in common life and supervision is necessary. You take any other Department of this Government and supervision is necessary. We have bank inspectors; and there is no other Department of the Government in which you can go that this necessity is not recognized.

Mr. MEREDITH. And if they do their duty they will have nothing to fear.

Mr. KYLE. And as my good friend from Virginia says, if they do their duty they will have nothing to fear. In all the cases cited here there is not one where a carrier has been discharged improperly. Not one. You bring up cases and you state that they were cases where after investigation they have been temporarily suspended and laid off for a given length of time; but you have never cited a case where a man has, under this spy system, this system that is sought to be made odious by these gentlemen who oppose it, where an innocent man has been made to suffer by it.

Now, I take this position, further, Mr. Chairman, that this inspection system is not only necessary for the good of the service, but for the best interest of the faithful carriers.

The faithful, efficient, honest letter carrier is not afraid to have an inspector upon his track. He knows that under the rules of the Department if he is improperly charged with any offense he can go before an officer whose duty it is to see that justice is done him. If his skirts are clear, he has no fear upon that ground. If he has not performed his duty, what man is there in this House who will say that he ought not to be discharged? You would discharge him from your private business if he did not perform his duties properly, and you would look after him closely, too. You would say that he ought to be discharged from the Government service if he did not execute his duties properly. Why? Because it is your duty, as it is the duty of the Postmaster-General, to try to enforce such laws and such rules and regulations as will secure good and efficient service to the people of this country, whose representatives you are, and who will look after you, too, when you neglect your duties to them.

Mr. RAY. Do you think that these letter carriers ought to have spies or "inspectors" on their track before they are accused of wrongdoing, simply to watch them to see whether they are honest or dishonest?

Mr. KYLE. Would the gentleman from New York take an army of men like this which we are considering, pay them the amount of money that these men get, and turn them loose without any supervision? Would he do that in his own private business?

Mr. RAY. I would not "turn them loose," but I would set them about their business and assume that they were honest until they were discovered to be dishonest. I would not spy upon them as though they were bound to be dishonest.

Mr. STEWART of New Jersey. May I ask the gentleman a question?

Mr. KYLE. I do not like to be discourteous, Mr. Chairman, but I have not time to be interrupted.

On motion of Mr. WILLIAMS, the time of Mr. KYLE was extended five minutes.

Mr. STEWART of New Jersey. Does the gentleman draw the distinction between supervision of a business and espionage or spying?

Mr. KYLE. I think the distinction which the gentleman tries to make is one without a difference. I do not care whether you call it supervision, or what you call it. We all know what it is, and we all know what this bill seeks to accomplish and what it does accomplish, and that is supervision of this force. Now, Mr. Chairman, all this talk about "spies" and about the suspicion of dishonesty on the part of letter carriers has nothing to do with the proposition before us. It is merely a business proposition that is presented to this committee, and I want to say here that until this morning when this question came up for discussion I never heard the matter of politics discussed in connection with it.

In the Post-Office Committee Republicans and Democrats went to work in an earnest and faithful manner, endeavoring, as I understood them, to do what was for the best interests of the service without regard to politics, and I do not believe that I have heard politics mentioned in the Committee on the Post-Office and Post-Roads during this Congress. Therefore I say all the talk about this being merely a proposition to put 30 additional men, Democrats, upon this force "to travel from one end of the land to the other and do campaign work" has nothing to do with the question before us and ought not to be lugged into this discussion. Besides that, I may remind you that the Committee on the Post-Office is composed largely of Republicans, and it certainly could not have been the desire of the majority of that committee to recommend an increase of this force unless there was an imperative necessity for it. Therefore there can not be anything in that sally of the gentleman from New York [Mr. RAY] except an appeal to what may possibly be conceived to be the prejudices existing in the minds of members of this Committee of the Whole; but I believe you will rise above that, gentlemen, when you pass upon this proposition.

The Post-Office Department tells us that these additional men are necessary for the protection and efficiency of the public service. Why not give them? Are you going to be driven from it because possibly some Democrat may get an appointment to perform this service? Let us assume for the moment that all the men appointed to do this work will be Democrats; still I say you ought to be above the possibility of being governed by such a groveling prejudice as that. There is nothing in that argument at all that appeals to the head. Now, consider the experience that the country has had with reference to this force, and you will find that it is abundantly proven, and can not be controverted, that great good has come out of it in the past. But, eliminating all that and taking the question as one of first impression, as if it were proposed now for the first time to inaugurate this system, I insist that it is one which appeals to the good, sound business sense of every member on this floor. I thank the committee for their attention.

Mr. JOY. Mr. Chairman, I desire only a very few minutes to say one or two things from a business standpoint—to adopt the language of my friend from Mississippi [Mr. KYLE]. I state today that the letter carriers of the United States are the most honest and efficient public servants we have. Why? Not because

they are any better men than others; not because they are any more honest at heart; but because, by the very system under which they work, they are bound to be honest. Every citizen of the city of St. Louis, for instance, is a spy upon the services and the efficiency of every letter carrier there; not upon his personal habits, but upon the efficiency of his service. Six hundred thousand people in St. Louis are every day watching and ready to report any dereliction of duty by the letter carriers of that city. If a piece of mail is stamped as received at the St. Louis office at 7 a. m. and it is not delivered at my office until 4 o'clock in the afternoon, will not the postmaster immediately find me at his desk complaining of the carrier? If any piece of mail has miscarried or any neglect has been shown by any letter carrier in that great city, every person who is thereby injuriously affected will report him to the authorities under whose direction his work is done. In St. Louis, or in any great city, therefore, I say that the number of inspectors is just equaled by the number of persons who receive mail matter. The appropriation of $30,000 for any purpose, political or otherwise, to inspect the class of men whose very positions and duties subject them daily and hourly to the severest criticism and inspection, is a throwing away of the public funds which ought not to be considered for a moment.

My friends talk about a business proposition. Sir, we are not starting out to send 13,000 men into the field to work at a distance. We are continuing an efficient service of 13,000 men; we are continuing those men in positions where three, four, and five times a day they come under your inspection and mine. Every person to whom a carrier delivers a piece of mail is daily ready to report upon him as to his efficiency or his dereliction of duty.

Sir, I say there can be no question that the letter-carrier service of the United States is the best performed of any public service in this country—I care not where it may be. It is a better performed service than that of the Postmaster-General himself, because it is under more strict and continuous supervision.

I am unalterably opposed to the appropriation of one dollar more to continue a system which can do no good, but which simply subjects honest, efficient men to an espionage which is not fair, which is not right, which is not deserved, and which will not add one particle to the efficiency of this service.

Mr. PENDLETON. Mr. Chairman, I understood the gentleman from Illinois who addressed the House a few moments ago to object not so much to the inspection of the letter carriers as to the fact that this inspection is performed by inspectors. The gentleman claimed, as I understood, that it is the duty of the postmaster in each city to make this inspection and investigation; that the postmasters have the right to make such inspection; that they are willing to make it, and do make it. I have no doubt that the postmaster at Chicago is equal or superior to most of the postmasters in the United States. I am perfectly willing to acquiesce in any statement that may be made in attestation of his efficiency. But I undertake to say, from a letter which I have on my desk and which I will publish with my remarks, that that postmaster, able and willing as he is, can not and does not see all the misconduct of the letter carriers occurring in the city of Chicago. No doubt as a mass they are honest men; but there is among them a certain proportion of misconduct.

In the letter to which I have referred instances are given, with the names of the carriers concerned, who, as the inspector alleges, are types in some respects, though not in all, of the great mass of the letter carriers. In one instance the carrier went on his beat twenty minutes late, got through in twenty-nine minutes, had eleven minutes at the other end, and recorded schedule time instead of actual time. In other words, he performed his duty in twenty-nine minutes and had thirty-three minutes to spare on his beat. As I understand, a portion of the conduct detailed in this letter is in violation of the rules and regulations of the Department. In addition to that, this case shows that this man had not a large enough beat, because he only used up in the performance of his duty one-half of the time allowed.

In another instance a carrier made the collection on his route in thirty-five minutes, visited three saloons, and reported at the office twenty-five minutes ahead of time.

This statement also goes to show that these men received free car tickets, eight a day; that they used not exceeding two, leaving six unused; that one man swapped routes with another and received all his car tickets for the swap; that instead of using his street-car tickets he walked, and still got through in one-half the schedule time.

In conclusion, this inspector states that an examination of nearly all the collectors at the central office showed that so far as concerns the time required on collection routes the same conditions exist throughout the entire central district as are disclosed in the statement of the two carriers to whom I have referred, Closson and Mortimer.

In those cases, it will be seen, Mr. Chairman, a great deal of economy could have been effected, and since this report was made has been effected, in the city of Chicago. It is shown also that these things were occurring under the eye of an honest, vigilant, capable postmaster; that he did not discover them; that they were not discovered until the inspectors were sent there.

The honest, faithful carrier does not object to being supervised; and even for those who may be disposed to go astray supervision is desirable, because if they realize that for their shortcomings they will be called to account, that they will be reprimanded or otherwise properly punished, they will be induced to pursue the path of duty and save themselves from dismissal. Sir, it seems to me there can be no more objection to having supervisors in a case of this kind than there can be to having policemen in a city or inspectors for a national bank.

I append to my remarks the letter to which I have referred:

POST-OFFICE DEPARTMENT, *Washington, D. C., March 7, 1896.*

SIR: In compliance with your verbal request of yesterday, I have the honor to submit to you a statement in the cases of the two letter carriers removed at Chicago for stealing street-car tickets.

I quote from a report of the Chicago postal commission, composed of A. W. Machen, esq., Superintendent of the Free-Delivery System; James E. Stuart, esq., inspector in charge at Chicago, and R. E. Spangler, who reorganized the service at Chicago in the spring of 1894:

"On the morning of April 17, 1894, the chairman of the commission made a personal test of the collection route served by Letter Carrier C. A. Closson, with a view to ascertaining the time actually consumed by him in the performance of his duties and if he used the street-car tickets furnished him. This test showed that Mr. Closson reported for duty twenty minutes late, collected his route leisurely in twenty-nine minutes, used no street-car tickets, and reported at the office at the end of trip eleven minutes in advance of schedule time, recording schedule instead of actual time.

"On the following morning Commissioner Stuart made a test of the route adjoining that of Collector Closson and served by Letter Carrier Mortimer. This test showed that Mortimer reported promptly on time, collected his route in about thirty-five minutes, visiting three saloons, and reported at the office twenty to twenty-five minutes ahead of schedule time.

"These carriers were called before the commission and were carefully examined as to the actual time required by each to collect his route, the number of tickets furnished each, and the number actually used. Both admitted the truth of the statements above recited; stated that these conditions had obtained as long as they had collected on the routes; that these routes could be easily collected in from thirty to forty minutes, with the exception of one or two trips in the afternoon, and that neither of them had, as a rule, used to exceed two tickets per day, although the allowance is six.

"Mr. Closson admitted that it was his custom to spend ten to fifteen minutes on each trip in a hotel on his route, offering as an excuse that as he collected his route in less than the schedule, he had to go somewhere to kill time. He acknowledged that he had used street-car tickets in the partial payment of a street-paving bill, and that his family had used them, and that he now had a number at his house. (A search of his house, subsequently made by a post-office inspector, secured the return of 265 street-car tickets, and this in the face of the fact that but 155 had been given him for the current month, the allotment having been made on the 1st of the month.) In palliation of his offense, Mr. Closson insisted that it was a custom among the carriers to save what tickets they could and to use them for their own personal benefit, considering them as a perquisite of the office, and further, that as he could walk and collect his route within schedule time, he found it unnecessary to use street cars, and therefore assumed that he was entitled to the tickets saved that way. He stated that, in consideration of a transfer of tours, he had received from Collector Mortimer 30 tickets each month for three months, in the spring of 1893, and 75 on March 1, 1894.

"Being examined, Mr. Mortimer admitted having given Collector Closson all tickets received by him for three months in the spring of 1893, about 155 per month, and 75 more on or about March 4, 1894, in consideration of an exchange of tours, Mortimer taking the morning tour, which is considered the easier. It was also developed that this exchange of tours was effected without obtaining the consent of the superintendent of delivery or foreman of collectors, nor does it appear that this arrangement was ever known to either of these officers until brought to light by the investigation of this commission. Mr. Mortimer acknowledged having registered schedule time rather than that actually made, asserting that it was his understanding that he was privileged to do this, the only requirement being that he should not begin his collection before or finish it later than schedule time. He also admitted that he had visited three saloons on the first trip of that day, with three different persons, one of whom was Letter Carrier Holden. Mr. Holden on being called before the commission stated that while on duty he had taken a drink with Mr. Mortimer on his invitation, and also that he had made known to him the presence of Inspector Stuart, whom he had met on Mortimer's route.

"An examination of nearly all of the collectors at the central office showed that, in so far as the time required to collect the routes is concerned, the same conditions exist throughout the entire central district as those disclosed by the statements of Closson and Mortimer."

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Hon. E. F. LOUD,
Member of Congress, Washington, D. C.

Mr. SPERRY. Mr. Chairman, I shall detain the House only a few minutes, for I expressed myself at some length on this subject last Saturday. Gentlemen on the other side who oppose the amendment of the gentleman from New York [Mr. QUIGG] proceed upon the assumption that there is at present no supervision of the carrier service. Why, sir, there is the postmaster, there is the assistant postmaster, there is the superintendent of carriers, there is the assistant superintendent of carriers. Whenever a carrier goes out on a trip he must record his name; when he returns he must do the same. If there were anything wrong in the conduct of these carriers it would be at once discovered by some of these officials, whose duty it is to see that the carriers properly perform their duty.

Yet you say there is no supervision. I said the other day, in the course of my remarks on this floor, that the system of inspection had grown to an enormous size. We started with but very few of these officials and it has grown to very large proportions, and yet gentlemen would seem to argue to-day that we have no inspection.

Why, sir, we have 110 men to-day engaged in this work throughout the country, and there never has been a time when an inspection was necessary that the postmaster could not, if necessary, get an inspector at once to assist him.

But according to some remarks made here it is said that the letter carriers who have been dismissed have been dismissed wrongfully.

Why, sir, when I was at home the other day some of the letter carriers in my own town who had been suspended by the operation of this spy system, through reports made by the men who had been sent for that purpose, and which system you propose to carry on in this bill, said to me that they were hung up five or six weeks without pay; and not only that, but they did not know whether the charges under which they were arrested before might not again be brought up against them at any moment, as no final action had yet been taken, and involve their removal from their positions. They did not know where they were or what to do; and not only that, but when they were told to go to work again and did return to the performance of their duties they felt as though they were liable at any hour to be dismissed from the service; and they said to me: "Mr. SPERRY, how can it be expected of us that we can do our work properly when we are all the time, daily and hourly, in fear of somebody pouncing down upon us? Why, we feel as though we were making more mistakes to-day than ever before in the history of the service since this spy system was adopted, for it unsettles and unnerves us when in the performance of our daily duties."

Two men called on me this morning, men high in official position in the Post-Office Department, and said to me that there had not been a blow struck since free delivery had become an accomplished fact in this country that had done so much damage and injury to the service as the adoption of the spy system, which it is now proposed to perpetuate by Congress in the pending measure.

I tell you, you may call the man an inspector, and can say that he is performing the regular duties of inspection, but tell me how it happens that after all this work was done last fall this Congress is now called on to indorse that which the present Post-Office administration forced on the people of the country in the last year? If we add the 30 inspectors, as proposed here, it is a substantial indorsement of what was done last fall, and an official of the Post-Office Department, who is competent to judge, told me that all they needed now was to get an indorsement by this Republican House of the iniquitous transactions of last fall. And I earnestly appeal to the House to put a stop to this unjust and demoralizing spy system by adopting the amendment proposed by the gentleman from New York.

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, I think we have debated this question very fully, and I would like to come to some understanding about the closing of the debate. I suggest that the debate close in thirty minutes.

Mr. PICKLER. I object.

Mr. LOUD. Well, Mr. Chairman, the gentleman from New York, I think, suggested that he desired no more time.

Mr. QUIGG. So far as I am concerned, I think we have debated this quite fully, but still I have the closing of the argument, I presume.

Mr. LOUD. Well, I think the chairman of the committee ought to have a little opportunity.

Mr. QUIGG. Does the gentleman desire further debate on that side?

Mr. LOUD. I simply desire to have the closing of the debate.

Mr. QUIGG. Well, under the rule, if there is one, I think that rather pertains to this side. We have presented the proposition, and I might make the closing debate upon it myself.

Mr. LOUD. I do not think the gentleman ought to have that right.

Mr. QUIGG. However, I would be glad to come to an arrangement with the gentleman as to time.

Mr. LOUD. Then, Mr. Chairman, if I can not get consent to close the debate, I will move that all debate on this paragraph and all amendments thereto be closed in thirty minutes.

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 121, noes 2.

So the motion was agreed to.

Mr. PICKLER. Mr. Chairman, it is alleged here that there are no politics in the appointment of these inspectors——

Mr. LOUD. Before the gentleman proceeds, I hope we can make some arrangement about the division of the time. Let us proceed intelligently.

Mr. PICKLER. Well, I have the floor now.

The CHAIRMAN. Does the gentleman object?

Mr. PICKLER. Yes, sir.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. PICKLER. I withdraw the objection, if the gentleman wants to make that arrangement.

Mr. LOUD. I simply want the time equitably divided between the two sides. I think the gentleman from Connecticut [Mr. SPERRY] probably should control the time, as he is on the committee, or the gentleman from New York [Mr. QUIGG], on that side.

Mr. QUIGG. Mr. Chairman, I wish to be permitted to control the time on the side of my proposition.

Mr. LOUD. Then I ask that the gentleman from New York [Mr. QUIGG] be permitted to control the time on that side.

The CHAIRMAN. Unanimous consent is asked that the time on the affirmative of this proposition be controlled by the gentleman from New York [Mr. QUIGG] and the time on the negative by the chairman of the committee [Mr. LOUD]. Is there objection?

There was no objection.

Mr. QUIGG. I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. I desire to call the attention of the gentleman from Pennsylvania [Mr. BINGHAM] to this letter. He says there is no politics in this. I especially desire to call the attention of the chairman of the committee [Mr. LOUD] to the contents of this letter. It is from Mr. Beight, one of the men who was turned out of the office of the First Assistant Postmaster-General, charged with conspiracy concerning these inspectors:

DEAR SIR: I sincerely hope the House will defeat the proposition to increase the force of post-office inspectors. The service intended for the additional inspectors will be equally as reprehensible as that now performed by the secret agents—to inspect the letter-carrier service. Letter carriers are the sworn servants of the people. They each give bond in the sum of $1,000 for the faithful discharge of their duties. No system of espionage, however plausible, should ever obtain countenance in a government of freedom and equality.

If the correspondence connected with the present villainous "spy" system could be disclosed to the people of this country they would execrate the manipulators of it in language more forcible than elegant. I know something about it, and for the very reason that I could not sit silently at my desk in the free-delivery division and acquiesce in the iniquity of the scheme Mr. Jones dismissed me for "conspiracy to belittle the Department and to bring the officials into disrepute." I wrote to Mr. QUIGG last evening, and gave one notable instance of the work of the "spies," and this result was applauded by the officials in the Post-Office Department.

I want to call attention to this. This man seems to be a man of good standing, and he defies a refutation of what he states here. It seems to be worthy the attention of this House:

The statement I make is from the record, and can not be gainsaid. On the 15th of October, 1894, 81 additional carriers were appointed at the Philadelphia office. In less than two months thereafter a force of "special mechanics" (they were not known as secret agents then) were sent to that place to inspect the service (not to mend letter boxes), and upon the basis of their reports 100 letter carriers were reduced to the substitute roll, 78 at $1,000 and 22 at $800, thus showing that not a single carrier at $600 was touched. Was this an accident? Can it be possible that carriers in the service less than one year were more competent to serve the people of Philadelphia than those who had been in the service for years, and among them comrades in the war of the rebellion? This must be accepted as the crowning farce of the ingenious invention so skillfully operated by the present Superintendent of the Free-Delivery System in the Post-Office Department.

This system was inaugurated at Columbus, Ohio, September 15, 1894, notwithstanding the fact that the First Assistant Postmaster-General states in his published report, page 30, that the service was established February 1, 1895. I assert boldly, publicly and privately, without favor or fear of successful contradiction, that a score or more of the secret agents were ordered into the State of Ohio for partisan work in the election. That a forced contribution was levied for the Ohio campaign is conclusively shown by the letter of one of the agents addressed to his chief, Mr. William M. Bellman, Washington, D. C., from which the following is an extract: "Before I knew I was expected to contribute to the Ohio campaign fund I had made an investment at home which required all my spare money. This, together with its being held, made my funds run low." The statute forbidding the collection of money in a Government building for political purposes was openly violated in room 3, free delivery division, Post-Office Department. Either Mr. William M. Bellman and August W. Machen, employees in the Post-Office Department, should be dismissed from the public service and criminally prosecuted, or the three clerks dismissed on the 7th of last December on the charge of "conspiracy" should be locked up for malicious perjury.

Very truly, yours,

SAMUEL BEIGHT.

Hon. J. A. PICKLER, M. C., *City*.

Now, I ask the chairman of this committee if the perpetuation of this work—and I do it at the risk of the fourth or fifth assault upon me by the gentleman during the continuance of this debate—I ask the gentleman if this is the kind of inspectors and if this is the purpose for which he is trying so persistently to foist them upon this House?

Mr. MEREDITH. That would apply to John Wanamaker, would it not?

Mr. PICKLER. Wanamaker's administration for honesty, business purposes, and a good and progressive administration of the post-office service of the country has never been exceeded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIGG. Does the gentleman on the other side desire to consume his whole fifteen minutes at once?

Mr. LOUD. I believe the gentleman has several waiting to speak. If he will use five minutes more, I will then proceed to use some of my time.

Mr. QUIGG. I will yield three minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, in the course of this debate several references have been made to the city of Philadelphia and to

what has taken place there as to the result of the alleged work of these inspectors. The first statement that was made was that the force was reduced by the advcie of these inspectors nearly 100 letter carriers, and that the efficiency of the service was increased thereby. I wish to deny that statement right here; and following the remarks of the gentleman from Missouri that every one of the 70,000,000 of people in the United States are inspectors in regard to the efficiency of the service, I wish to deny emphatically of my own experience that the result of the judgment of these inspectors has been to improve the service in the city of Philadelphia.

I do not wish to drag any politics into this matter, for I believe that the routine of the business of the Department should rise above that. But facts are facts, and they are justified in being stated on the floor of this House; and I wish to state as a fact that, when that force was reduced in my district Republican letter carriers who had not a scratch against their names were discharged and Democratic carriers who had been suspended for inefficiency in their duties were kept in their places. Now, I say inspections that bring such results as that, to discharge good men and retain those whose records are against them, are not the sort of efficiency and inspection that are desirable.

The second point that I wish to make is that these men come from Washington, and over the heads of the local administration they are put on the track and trail of these carriers. It has been asked here over and over again, what is the difference between inspection and spying? What is the difference between legitimate and illegitimate business methods? I will tell you. If there are complaints of the conduct of any letter carrier, and those complaints are carried to the local postmaster, it is inspection for that local manager to send inspectors to find out what is the matter.

[Here the hammer fell.]

Mr. LOUD. I yield five minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Chairman, I desire only to make a statement with reference to the matter presented by the gentleman from South Dakota [Mr. PICKLER], in which he attempts to throw some suspicion upon the Post-Office Department and its administration. The matter referred to in the letter from which he read, as I understand it, was a matter that was presented to the Committee on Post-Office and Post-Roads, and by that committee referred to a subcommittee composed of two Republicans and one Democrat, I being the Democrat, and after we had given these gentlemen who made the charge referred to in the letter a full, fair, and free hearing, when they were trying to impeach the administration of that office, it was the unanimous opinion of that subcommittee that there was nothing in these charges, and that we were not justified in permitting the subject to be pursued further, and so reported to the full committee who, as I remember, adopted the report with a single dissension.

These men, it is charged by the Department, entered into a conspiracy there. They had been discharged for irregularities in the performance of their respective duties, and then, as the Post-Office Department officials stated, they had conspired together for the purpose of throwing suspicion upon that office. They came forward with charges that levies had been made upon officials there for campaign purposes. The committee patiently heard what they had to say. After this investigation this committee came to the conclusion that the charges were untrue. After this these men disappeared, and nothing more was heard of them from that day until this, until the gentleman from South Dakota comes in with this matter, which was discredited by a committee of his own party and regarded by them as utterly unworthy of the consideration of this House. [Applause.]

I will say furthermore, Mr. Chairman, it was shown by documentary proof that is indisputable that one of these men who was charged with being in this conspiracy, and one of the parties presenting this matter, was a deserter from the Army. Another one of them had been caught purloining papers from the Department. I do not remember the charge that was brought against the other. But so poor a showing was made before that committee, notwithstanding it was a Republican committee, and these men claimed to be Republicans, seeking to impeach a Democratic administration, that the committee decided that there was nothing in these charges. That is all I have to say.

Mr. PICKLER. That man says you refused to hear him.

Mr. QUIGG. I yield three minutes to the gentleman from Illinois.

Mr. WOODMAN. Mr. Chairman, early in the session I introduced a bill or resolution relating to the Chicago post-office, referring to the fact that there were 60 men discharged last summer on the report of spies. I do not state whether they were Republicans or Democrats. There is an old maxim that has been laid down for a great many years by some of the ablest writers on law in England and in America, that where there is a wrong there should be a remedy. In this case there has been lots of wrong done, but no remedy anywhere to reinstate and assist these men who have been discharged while working in the post-office in any instance. I know of one case in particular which has been very aggravating. A man by the name of Ready, while going to a train, was "bridged" at Adams street, and he could not get over in time to catch the train. The train went away and when he crossed the bridge he met some friends, and during that period a row occurred, for which they were all arrested, and this man was taken in as a witness. He proved conclusively that he had done nothing, and was only used as a witness by the judge, and the transcript showed that fact. He was also discharged. There have been a number of men in Cook County discharged in the same way. Another man, named Cook, while doing his duty, was discharged for taking a drink of beer in a saloon. He was tried for that by the post-office authorities and discharged. Now, I think that is not a right and proper manner to dispose of this question, and therefore I am in favor of the amendment offered by the gentleman from New York and shall vote for it.

Mr. QUIGG. I have used eleven minutes, and the gentleman from California has ten.

Mr. LOUD. I will state to the gentleman that I propose to use that time myself. I believe it is the usual custom of the House to allow the chairman of the committee to close debate, and I shall yield no more time, I will say to the gentleman.

Mr. QUIGG. I yield one minute to the gentleman from Illinois.

Mr. BELKNAP. Mr. Chairman, the gentleman from Texas, in reply to my remarks, read extracts from a letter. I will only take a moment to beg the committee to note the fact that that letter reflects upon only 3 men out of 1,096 letter carriers in Chicago. The reflection cast upon the letter carriers of Chicago is uncalled for and unjust, and I beg to say that the men employed in that capacity in the city will do their duty well and will do it thoroughly, without spending the people's money for a system of spies to dog them from door to door. [Applause.]

Mr. QUIGG. Mr. Chairman, there is no longer a pretense, I hope, that there are no spies in this bill. Perhaps the gentleman from California will conclude the debate with an assurance that we have not been talking about anything; that we have been talking on a post-mortem subject; but the energy which gentlemen on the other side of the House—his associates in forcing these spies into the bill—have thrown into the debate ought certainly to make everyone on this side of the House understand it and know that Mr. Jones's spies are in the bill.

Now, gentlemen, what I propose to do by this amendment is to take them out. This bill as it stands provides a lump sum for salaries to be paid to post-office inspectors. With that portion of this lump sum which has been expended upon the inspectors that we have always had my amendment does nothing. It leaves them all in the bill, and the Post-Office Department from end to end of the country will have all the inspection that it ever has had and all it needs. My proposition is to take out of the bill the 30 new inspectors which are the continuation and perpetuation of the illegal force that has been employed by the First Assistant Postmaster-General. The question which I ask—and with this sentence I am content to conclude—the question which I ask every gentleman on the floor of the House to put to himself as he votes on this proposition, is whether he would not feel a little mean, a little humiliated, a little degraded, to be employing these emissaries of divorce-court lawyers in his business? If he would not, he may suitably vote for the bill as it stands; but if he thinks he would feel humiliated and degraded, and if he does not wish the Government of the United States to engage in any business that he would not engage in himself, he will support my amendment. [Applause.]

Mr. LOUD. Mr. Chairman, no person realizes more than I do that this case has come into this body prejudged. I do not think there is a man on the floor to-day who has spoken on behalf of this amendment, I do not think there are more than ten gentlemen upon the floor who oppose this amendment, who had not made up their minds before the question was presented here. And talking of prejudging a case reminds me of what a member of this House said to me some days ago about this subsidy business. He said, "LOUD, so you are going to strike out all our Western subsidies on the lines running out to Chicago." I said, "My dear man, you never had any subsidy on lines running to Chicago." He said, "Is that a fact?" I said, "Yes; your trains have never received a dollar." Still that gentleman has persistently and consistently voted for the subsidy for this line running South, with the idea that the people in his own section of country were getting the benefit of it!

Coming back to the question before the committee, Mr. Chairman, I say that gentlemen have prejudged this case without investigating the facts at all. I think that I probably ought to have more than ten minutes to review this subject, and yet I am satisfied that ten minutes is more than sufficient, because the opinions of this Committee of the Whole are already formed. Mr. Chairman, as the author of this proposition I assume all the responsibility for it, because it was formed and framed in my own mind against the unanimous wish and against the unanimous protest of the officers

of the Post-Office Department. I brought the matter before the subcommittee, and they, after an investigation of the whole subject, occupying some weeks, came to the conclusion that this was a proper and just provision to be incorporated in the bill. Gentlemen have been talking here all this afternoon about a system which is dead by this very bill. Permit me to say to you, gentlemen, that if we had brought this bill here in the form in which it has been brought on previous occasions, providing a lump sum of money for the support of the free-delivery service—and the Department estimated only $90,000 more than was appropriated for the current year—I say, if we had brought the bill to you in that form you would have passed it without a murmur, and this "spy" system that you now condemn would have gone on in full force.

The committee believed that that condition should not continue; but they also recognized the fact that there should be some provision made for supervision, not only over the carrier force, but over the whole post-office service. Now, I do not desire to dwell particularly upon what these "spies" have done. I condemn the system. It was wrong in its inception. It had no warrant of law, I believe, and the committee so concluded, and therefore they struck it out. But the Post-Office Department this year asks for only $90,000 above what was appropriated for the preceding year, and the increase in the carrier force has been, on an average, a million dollars for the last ten or fifteen years, which shows that the results, even of the work of that inspecting force, has been of great benefit to the people of this country. Gentlemen, all I can say in the few minutes I have remaining is that you who vote for the pending amendment are voting for a proposition with which you are not familiar. If I had the time, perhaps I could convince some of you, if I could get you to remain in your seats and listen. [Laughter.]

Mr. DINGLEY. May I ask the gentleman a question for information upon this point?

Mr. LOUD. Certainly.

Mr. DINGLEY. There is an appropriation here for an increase of post-office inspectors. Now, will the gentleman please state to us, who are endeavoring to ascertain what the facts are, what the necessity is for an increase of the amount appropriated for post-office inspectors over and above the amount appropriated last year?

Mr. LOUD. Permit me to say to the gentleman and to the members of this committee that there has been an average increase in this service of about $30,000 a year, and I repeat that if we had brought in a lump sum of money in this bill without segregation of items, and had offered to appropriate $332,000 in a lump sum you would have accepted it without a murmur.

Mr. QUIGG. Will the gentleman permit a question?

Mr. LOUD. I have but four minutes left and I hope the gentleman will not interrupt me. If I had time I should be glad to yield. I say again, Mr. Chairman, that if we had brought in the bill in that form this Committee of the Whole would have accepted it without a murmur. Now, we thought there should be some segregation of this service, because we believed the money could be more economically expended in that way. While our segregation would carry 50 additional inspectors, the increase of the amount is only $32,000, while the salaries of these men and their per diem would amount under the old system to $70,000. Now, there are 17,014 post-offices which these inspectors have to inspect. If a man could inspect one office a day, and on an average he can not do anything of the kind, still they would not inspect one-half the offices in a year. There is a demand for this force. That these men might be used to inspect the carrier routes also is possible, but not probable. The inspectors when they are sent out to inspect post-offices, the money-order division, or the registry division, or the accounts of postmasters, did at the same time perhaps inspect, to some extent, the carrier service.

Mr. Chairman, we make no provision for "spies." This service is to be continued under civil-service rules. Sir, the inspector force of the Post-Office Department is one of the best classes of officers in the country. It has the confidence of the American people. That it is beneficial and ought to be continued is recognized by everybody. In this bill we simply propose to appropriate $32,000 additional for post-office inspectors. They must remain under the control of the Fourth Assistant Postmaster-General. I do not like to go into private details, but the First Assistant Postmaster-General has persistently fought this item from the start to the present time.

Mr. Chairman, I see my time is about to expire, and I will not undertake to continue the debate. I really ought to have had longer time in which to discuss this question. I hope I may be permitted to insert in my published remarks some data relating to the case referred to by the gentleman from South Dakota [Mr. PICKLER]—data that properly came to the committee.

Mr. PICKLER. If that is to be done, let it be with the understanding——

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LOUD]?

Mr. QUIGG. We do not know about that.

The CHAIRMAN. The gentleman from California asks unanimous consent to publish certain data with his remarks.

Mr. PICKLER. With the understanding that I can do the same thing on the other side——

The CHAIRMAN. Does the gentleman object?

Mr. PICKLER. I do.

Mr. LOUD. I hope the gentleman will be allowed to insert the letter he has referred to.

Mr. PICKLER. If it is the understanding that both shall be inserted——

Mr. LOUD. I want the gentleman to have his matter inserted.

Mr. QUIGG. Let the letter to which the gentleman from California refers be read.

Mr. LOUD. Well, I will have it read.

The CHAIRMAN. The Clerk will read the paper referred to in the time of the gentleman from California.

Mr. LOUD. This paper shows the record of the man who brings these charges here.

The Clerk read as follows:

William Wallace Hill, late assistant superintendent of the free-delivery system, enlisted as a private in the United States Marine Corps at Philadelphia, Pa., on April 7, 1879, and was discharged at Washington, D. C., on March 16, 1880.

He was appointed clerk in the Census Office at a salary of $50 per month on December 21, 1880, which position he resigned on March 15, 1881. On March 15, 1881, he was appointed to the position of policeman on the Metropolitan police force of Washington, D. C. On August 17, 1881, he was tried for conduct unbecoming an officer of the police force and reprimanded by the major and superintendent. The misconduct consisted in this: That Private Hill, a married man, over the initials "V. A. R.," sent a note to a young lady, stating that he is "impressed with her charms," and suggesting a promenade.

On September 14, 1881, he was tried for neglect of duty and violation of the rules and regulations, found guilty, and fined $5. The violation consisted in absence from inspection of uniform clothing and absence from reserve duty.

On August 9, 1882, he was tried for gross neglect of duty, found guilty of not patroling his beat, and fined $5.

On January 3, 1883, he was tried for nonpayment of debt, and required to pay same.

On March 21, 1883, he was tried for violation of the rules, found guilty, and removed from the police force.

On January 24, 1884, he enlisted at Washington, D. C., as a second-class private in the United States Signal Corps, and was ordered to Fort Meyer, Va., for instructions. At the expiration of time allowed for instruction he was examined and failed to pass, and on July 9, 1884, he was recommended for discharge "as unfitted by reason of untrustworthiness and immoral habits to remain in the Signal Corps."

While at Fort Meyer, Va., Hill was detected in pawning Government property which had been stolen by other men and sharing in the proceeds.

On August 5, 1884, James B. Lambie, a merchant of Washington, D. C., called at the Signal Office and complained that on August 3 his mail had been stolen and that on August 4 this mail had been left at his store by Private W. W. Hill, who had tried at several banks to have a check cashed which was inclosed in one of the stolen letters addressed to Mr. Lambie, and that his (Lambie's) indorsement had been forged to the check. Hill was at once arrested by the military authorities at Fort Meyer, Va., and held in confinement on the charge of forgery. During the night of August 5, 1885, Hill contrived to make his escape from his guards, which he accomplished partly by deceiving them and partly by force. Hill remained a deserter at large until January 22, 1885, when he surrendered himself at Fort Meyer, Va., the Chief Signal Officer having on January 9 promised his (Hill's) mother to recommend "that he be dishonorably discharged without trial" if he would surrender himself. He was discharged from the Signal Corps without character on January 29, 1885.

On August 20, 1890, Hill was appointed, through the Civil Service Commission, a clerk at $600 per annum in the city post-office of Washington, D. C., which position he held until July 8, 1891, when he was transferred to the Post-Office Department at a salary of $900. On July 1, 1893, he was promoted to $1,000, and on August 16, 1893, was appointed assistant superintendent of the free-delivery service, from which he was removed on December 7, 1895, by the Postmaster-General for conspiring to injure certain officers and employees of the postal service and false statements in relation to the same and improperly giving out information in regard to public records and business.

On December 11, 1893, he was appointed special commissioner for the Court of Claims to investigate and report upon letter-carrier overtime claims, and shortly afterwards he was appointed to the position of special United States attorney by the Attorney-General.

That Hill has often perjured himself will be seen by an inspection of the public records. For example: In his application papers filed with the Civil Service Commission on Octobor 16, 1886, he said, under oath, that his occupation during the year 1884 was "clerk in National Republican office" of this city, while the records of the Signal Office show that from January to August 5 of that year he was at Fort Meyer, Va., and the remainder of that year he was in hiding as a deserter from the Signal Service, and that during this latter period he was advertised by the War Department as a deserter in the same National Republican newspaper where he claims he was employed as a clerk.

He also swears in said application that during the years 1882–83 he was on the Metropolitan police force, but had never been in the military or naval service, except in the Marine Corps during the years 1870-1880, and that he had voluntarily resigned all the positions he had held from 1881 to 1886, and had never been removed or discharged from any of them, while the records of the Signal Office show that he was in that service during the year 1884, and was discharged for cause. Also, the records of the Metropolitan police force show that he was discharged from the service for cause.

He also swears in said application that his bona fide legal residence is in Washington, D. C., and that he was born July 7, 1858, at Okolona, Miss., while in another application filed with the Civil Service Commission on May 22, 1891, he swears that his bona fide legal residence is the State of Mississippi and has been from his birth.

In his application for enlistment in the Marine Corps on April 17, 1879, he gave his age as 22 years and the place of his birth Urbana, Ohio, at which time he was only 20 years 9 months and 10 days of age if his statements to the Civil Service Commission are true.

In his application for the position of policeman on March 15, 1881, he gave his age as 26, and place of birth, Urbana, Ohio. At this date he was only 21 years 7 months 11 days, if, as he swears, he was born on July 7, 1858.

The records of the Pension Office show that as W. Wallace Hill he has been engaged in filing and prosecuting pension claims, and has received pay for same, since he came into the postal service, in direct violation of section 5498, United States Revised Statutes.

About February, 1890, Hill made application for a civil-service examination for a position in the city post-office, upon which application and examination he was afterwards appointed to a place in said office on August 20, 1890. All applications for entrance to the civil service are numbered consecutively, and the numbers on either side of the Hill papers are found in their proper place, but the Hill papers are missing.

Mr. PICKLER (during the reading of the foregoing). I rise to a parliamentary inquiry. How does this come in?

The CHAIRMAN. This is being read in the time of the gentleman from California, which has not expired.

The reading having been concluded,

The CHAIRMAN. The time limited for debate on this question has expired. The question is on the amendment of the gentleman from New York [Mr. QUIGG], which will be reported.

The Clerk read as follows:

In lines 4 and 5, page 11, after the word "clerks," strike out "two hundred and twelve" and insert "one hundred and seventy-six," so as to make the amount of the appropriation $176,093.66.

The question being taken, the amendment was agreed to, there being—ayes 162, noes 63.

The Clerk read as follows:

For per diem allowance to inspectors in the field while actually traveling on business of the Department, at the rate of $3 per day (exclusive of Sundays, except in cases of emergency), $90,000.

Mr. BINGHAM. I raise a point of order that this provision is contrary to existing law. The existing law allows $4 per diem; this paragraph allows but $3 per diem.

The CHAIRMAN. In the opinion of the Chair, this paragraph simply limits the appropriation to $3 a day; it does not undertake to change the law with respect to the per diem allowance. These inspectors, notwithstanding this provision, might still recover at law the amount of their compensation unappropriated. The Chair thinks the point of order not well taken.

Mr. SHERMAN. I move to amend by striking out in this paragraph the words "of $3 per day (exclusive of Sundays, except in cases of emergency), $90,000" and inserting in lieu thereof "$120,000."

Mr. Chairman, the Revised Statutes (edition of 1874–1881, page 467) provide that—

Post-office inspectors shall be allowed $4 per day in lieu of the charges now permitted for personal expenses.

This bill as reported provides an appropriation of $90,000, which, I assume, is based upon a per diem of $3; so I have in my amendment fixed the amount of the appropriation at one-third more—$120,000.

Sir, it seems to me that it is shortsighted to cut down the per diem of these inspectors. Prior to the law which I have just read the statute provided that they should be allowed their actual expenses, not exceeding $5 a day. While that law was in existence the actual expenses of these inspectors, for which vouchers were in all cases produced, exceeded $4 per day.

No single arm of the service, I believe, is more important than the inspection of post-offices; and, so far as my experience goes, these inspectors are specially valuable and specially serviceable to the Department. In fact they are indispensable to the welfare of the service. They are a class of men, many of them, that I am surprised the Government is able to induce to accept the employment at the limit of salary of $1,600 a year, which is the maximum sum allowed.

It is impossible for the inspectors, in some cases which have come within my own knowledge, to pay their expenses with the present per diem of $4 even. It would be utterly impossible in a majority of cases for these inspectors to live, as men engaged in such an occupation ought to live, and carry on the business of the Department intrusted to them as it should be carried on, on the allowance of $3 per day as the bill proposes. Out of this allowance must be paid every possible expenditure involved in the work intrusted to them, excepting alone livery hire. The items for hotel bills, sleeping-car fare, and everything of that kind, must be paid by themselves, and every man here knows that it is impossible to ride a single night on a sleeping car without paying at least $2 for it, and I presume no United States official is mean enough to deprive the porter of his quarter. So three-fourths of the per diem allowance is used up when one of these inspectors has to go on a journey, say from New York to Pittsburg, and occupy a sleeping car at night. Within my own knowledge an inspector was sent on special service from New Jersey to do some work at Denver, under instructions from the Postmaster-General, and in that trip, occupying less than three weeks, his expenses over and above the per diem allowed him were something over $50.

Now, on the meager salary allowed these men—for it must be remembered that the maximum salary is only $1,600, and some of them get lower salaries—it is unfair and unjust to expect a good official to pay his actual expenses. It seems to me, Mr. Chairman, that it is utterly ridiculous to attempt to cut down this per diem and at the same time expect to have efficient service in the future. Moreover, there can be no doubt, under the law, if the appropriation bill fixes the compensation at $3 per diem, and that is not accepted by the inspector, he can collect the difference between three and four dollars a day by law, the $4 being the statutory limit.

In all justice and fairness I think the amendment changing the amount fixed in the bill from $3 to $4 ought to be adopted.

[Here the hammer fell.]

Mr. BINGHAM. Will the gentleman allow a suggestion?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. I only wanted to suggest to the gentleman from New York that in rendering their returns to the Department these men must submit every item of expenditure.

Mr. SHERMAN. That is correct; every item.

Mr. LOUD. Mr. Chairman—— [Cries of "Vote!" "Vote!"]. I think I hear a familiar voice which says "Vote!" "Vote!" and I think also that that voice has detained the House even more than the chairman of the committee has detained it in the consideration of the bill.

Now, I would like to have the attention of the gentleman from New York who offered this amendment for a few moments. He is chairman of the Committee on Indian Affairs, and I would not undertake to controvert his judgment on an item in the bill reported by him from his committee, because I know his judgment is better than mine in matters relating to the Indians. I know nothing of the Indian appropriation bill, but I do happen to know something of the bill we are now considering.

You have cut down the appropriation for post-office inspectors in the bill below what we now have, and permit me to say to the gentleman from New York [Mr. QUIGG], with all due respect to his mathematical ability, that his amendment will have the effect of cutting off at least ten of these men now employed under the present system.

This bill provides $3 a day for the expenses of 104 men. During the last year there was expended but $80,000 under the old allowance per diem. This bill carries $90,000, and you propose to increase the per-diem rate to $4 per day, when, as a matter of fact, but $75,000 can be used for the service.

Now, in all fairness the chairman of the committee bringing in an appropriation bill, through courtesy at least, ought to be consulted if any gentleman on the floor thinks he wants to add something material to the bill. Gentlemen, permit me to say to you to-day that you are dealing with things of which you have no knowledge whatever.

Mr. RAY. Oh, Mr. Chairman, we have some intelligence.

Mr. SHERMAN. Will the gentleman yield for a question?

Mr. LOUD. Yes.

Mr. SHERMAN. Will the gentleman consent to changing the word "three" to "four," and leave the appropriation at $90,000?

Mr. LOUD. No; and if you will give me the time I will explain to you why. [Cries of "Go on!"] There is not an item in this bill that we have not given careful consideration to. I will explain to you the true condition. There is not an inspector in the service to-day but wants to get $4 a day; but here is the condition: Two-thirds of this inspector force are engaged in regular post-office inspection, inspecting post-offices in the country towns. More than two-thirds of their time is spent there. All of the poorer class of inspectors are engaged in this work. The better inspectors are employed exclusively in the depredation cases in the larger cities. Now, your poorer inspector being engaged in this work of supervision, of examining the accounts of the post-offices throughout the country, the expenses of that man will not exceed $2 per day in any instance, because his transportation is provided for. That man, as the result of the present condition, saves $2 per day out of his per diem, and as a further result your poorer man gets a salary of $2,200 a year, while your better man has expenses which run up to six, seven, eight, and ten dollars a day. If an inspector has pride in his work, if he wants to make a record, if he is a good inspector, he will oftentimes spend beyond the $4 a day, and in every case must expend at least $4 a day, because he is employed in the more delicate work around the cities.

Mr. LACEY. May I ask the gentleman a question?

Mr. LOUD. If I may have time to answer it.

Mr. LACEY. Do not the better inspectors get $2,500 a year?

Mr. LOUD. Oh, no.

Mr. SHERMAN. No; none of them get that.

Mr. LOUD. Every inspector gets the same—that is, those who receive per diem—excepting during his probationary period.

Mr. LACEY. Are there not nine who get that?

Mr. LOUD. Oh, yes; superintendents; but I was talking of inspectors. We have taken the dollar that has been deducted from the per diem and we have put the larger portion of that money into a special fund under the discretion of the Fourth Assistant Postmaster-General, that he might make allowances in these special cases. I know where inspectors have expended as much as

$25 in one single instance to make a present to a person, if you please, to detect a thief. There is no way under the present law by which that man can be reimbursed. The system that we have formulated here, I think, tends to equalize it, at least so far as we can, to the better men in the service so they would get $1,600 a year under this proposed amendment, and the poorer men would still get more. That is the result of this.

Gentlemen, the results of the labors of this committee are presented to you, and of course you can do with them as you see fit. I know an inspector wants all he can get. I know if a man has been getting $4 per day as a per diem he accepts that as a vested right. He thinks he is entitled to that $4 per day, notwithstanding he may have been saving $2 of that for years.

This is a plain business proposition which the Depatrment itself ought to accept. If you do not want to accept it, you need not, of course.

Mr. SHERMAN. In view of the observations of the gentleman from California, I prefer that the amendment should read in the following form.

The CHAIRMAN. The gentleman modifies his amendment. The Clerk will report the modified amendment.

The Clerk read as follows:

Strike out "three," in line 14, page 11, after the word "of," and insert "four."

Mr. SHERMAN. That is in lieu of my former amendment. It does not change the total which my friend from California [Mr. LOUD] says is sufficient, and complies with the law as it exists—makes the compensation $4 per day.

Mr. LOUD. Permit me to say that amendment destroys the whole bill. You have destroyed it partially, so far as this system is concerned. We have carried in another item $13,000 that was taken from this item that we thought could be used for the bettering of the service. Now, I do not think you want to increase the appropriation. If you want to pay these men $4 a day and still insist upon this other item, of course you can do it; but the gentleman himself must acknowledge that he is destroying entirely the continuity of this bill by his amendment. I hope the House will vote it down.

The question being taken on the amendment, the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. LOUD) there were—ayes 50, noes 87.

Mr. SHERMAN. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Nineteen gentlemen have arisen; not a sufficient number. The noes have it, and the amendment is rejected.

The Clerk read as follows:

For incidental expenses, including prosecution of official investigations, office rent, telegrams, etc., $13,000.

Mr. PICKLER. I move to strike out the last word. I desire, in return for the uniform courtesy of the chairman of the committee, to withdraw the objection I made to the publication of the letter. I think it was not read in full during his time. I desire to withdraw the objection to that, and let it go into the RECORD. I only want to say, Mr. Chairman, that the writer of the letter that I had read was Mr. Beight. Now, Mr. Beight recites facts, and he defies any dispute of them; and I understand he is a man of character. The gentleman has put in a letter here written by a Mr. Hill.

Mr. LOUD. It is the same case.

Mr. PICKLER. I do not know who Mr. Hill is, but I have looked over the letter, and I find while on the police force here years ago he was occasionally fined $5 for indiscretion, and since that time he has been assistant United States attorney, and has been a clerk in the Census Office—receiving $1,000 a year, I think, in the Post-Office Department. He was one of the men who were said to have been engaged in this conspiracy. Now, Mr. Beight—that is the gentleman who wrote this letter to me—has called me out since the letter was read, and said to me that the Committee on the Post-Office and Post-Roads invited them to come before them. He said that they treated them very courteously, and the chairman of the Post-Office Committee said that the reason they did not investigate the matter was because they had no power, and unless a resolution was introduced and passed by the House for an investigation the committee could not go into it. And he further says that if the House will take that action and investigate that matter he will furnish telegrams and all the evidence to substantiate the statement that this was a political move; that these men were sent into Ohio for a political purpose, and that political assessments were made on them. Now, talking about Mr. Hill, I only know this other man. I know nothing about Mr. Hill. But the point is, will the gentleman from California, the chairman of the committee, deny the fact that Beight recites?

Mr. LOUD. Mr. Chairman, I want to say——

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. PICKLER. I always yield to the gentleman from California.

Mr. LOUD. I want to say that the committee did hear these gentlemen. The matter was before the committee and was referred to the subcommittee. The subcommittee unanimously reported to the committee that they did not think the charges presented to the committee were worthy of consideration. The committee then unanimously adopted the report of the subcommittee. These gentlemen have had many months in which to present their case to Congress. They have allowed a year and a half to go over. There is nothing in it.

Mr. PICKLER. But is it not a fact that your committee refused to go into the investigation because you said you had no power to do so?

Mr. LOUD. Oh, we heard them as far as they wished to be heard.

Mr. PICKLER. Will the gentleman answer the question? Did you not say that you could not go further without there was a resolution of the House ordering an investigation? Did you not say that?

Mr. LOUD. We said we could not enter into a regular investigation, to send for books and papers, without the authority of this House; but we recommended against that course.

Mr. PICKLER. Yes, sir; you did not want any resolution of investigation.

Mr. LOUD. Oh, well, you have had power to introduce it, and you can introduce it, if you want to father that case.

The Clerk read as follows:

For the allowance to post-office inspectors (excepting those receiving salaries of $2,500 per annum) of such items of actual and necessary personal expense, incurred in the discharge of their official duties, as may be in excess of the per diem of $3 allowed by law, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the dates for which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector, reciting the objects, amounts of, and necessity for such expenditures, may be accepted in lieu of vouchers, $17,000; in all, $332,093.66.

Mr. LOUD. That total ought to be corrected.

Mr. QUIGG. I ask the gentleman from California if he will accept an amendment there making the total $296,000?

Mr. LOUD. You have the figures there before you, and I would rather you should offer the amendment.

Mr. QUIGG. I move to amend by striking out "three hundred and thirty-two," in line 6, page 12, and inserting the words "two hundred and ninety-six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 6, strike out the words "three hundred and thirty-two" and insert the words "two hundred and ninety-six"; so as to read "$296,093.66."

Mr. LOUD. Did you not strike off the odd dollars and cents?

Mr. QUIGG. No, sir; my amendment simply takes out the $36,000.

Mr. LOUD. I will say to the gentleman, however, that that reduces the amount below that carried for the current year.

Mr. QUIGG. My amendment takes out 30 inspectors, at $1,200, which is the lowest sum contemplated by the gentleman's plan.

Mr. LOUD. I am satisfied that the Senate will correct this matter, and I am willing to let it go.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolutions:

Concurrent resolution—

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the compilated statutes in force in the District of Columbia to each Senator, Representative, and Delegate in Congress, for his personal use, and 500 copies to the superintendent of documents for distribution to depositories of public documents: *Provided*, That the remaining copies of the work may be sold at $2.50 per copy.

Concurrent resolution—

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Treasury be, and is hereby, authorized to print the reports, correspondence, charts, maps, and other documents now on file in the Treasury Department or other branches of the Government, relating to the fur seal, salmon fisheries, and other matters pertaining to the Territory of Alaska; 3,000 copies to be printed, of which 750 shall be for the use of the Senate, 1,500 for the use of the House of Representatives, and the remaining 750 copies for the use of the Treasury Department and other Departments whose reports are thus printed.

POST-OFFICE APPROPRIATION BILL.

The committee again resumed its session, Mr. PAYNE in the chair.

Mr. HILL. Mr. Chairman, I ask unanimous consent to offer an amendment, and I would like to have it read and then to be permitted to make a brief explanation before objection is made, if any gentleman desires to object to it.

The amendment was read, as follows:

Page 3, line 12, insert, after the words "in all," "for free-delivery service, including existing experimental free delivery in towns where such service has shown a profit during the past year."

Mr. LOUD. I reserve the point of order on that, Mr. Chairman.

Mr. HILL. Mr. Chairman, I was absent in committee when this bill was first taken up, and I was not present when this item was reached. There is a town in my district which was included among the 46 experimental stations in the United States, and which, I am informed by the postmaster, has shown a handsome profit upon its free-delivery system. Now, it seems to me that no gentleman in this House can object to the continuance of the experimental service as it has existed for the last year in such towns as have shown a profit. I believe that what we want nowadays is revenue, and it seems to me that it is merely a reasonable request to ask that these towns which have shown a profit may be allowed to continue their free delivery. I have a list here of 24 towns, which, if it is the desire of members, I will read, showing the places that have made a profit. As to this town in my own district, I am informed on the best authority—that of the postmaster himself—that it has made a profit. I ask unanimous consent to offer this amendment, and I trust the gentleman in charge of this bill will not object to it.

Mr. LOUD. I object, Mr. Chairman. I now ask unanimous consent to strike out the numbers of the paragraphs in the bill, as they were inserted merely for convenience.

Mr. HILL. I object. [Laughter.]

Mr. LOUD. Then, Mr. Chairman, I move to strike them out.

The motion was agreed to; and the numbers were struck out.

Mr. LOUD. Now, Mr. Chairman, I move that the committee rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, and had directed him to report the same with sundry amendments and with the recommendation that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendments.

Mr. LOUD. Mr. Speaker, there is one amendment upon which I should like to take the sense of the House separately. It is on page 2 of the bill, the amendment adopted on motion of the gentleman from Iowa [Mr. HEPBURN]. I think members must now be satisfied that it can accomplish nothing and that its only effect in the bill will be to mystify and to curtail the allowance for this purpose, and I hope it will be struck out.

The SPEAKER. Is a separate vote asked upon any other amendment?

There was no response.

The remaining amendments were then adopted.

The SPEAKER. The Clerk will report the amendment upon which the gentleman from California asks a separate vote.

The Clerk read as follows:

Insert in line 2, page 2, after the word "dollars," the following: "Six hundred thousand dollars of which shall be available and may be used in payment of clerk hire in third and fourth class separating post-offices."

Mr. PICKLER. Mr. Speaker, I will ask the gentleman what amendment this is? Is it the one adopted on motion of the gentleman from Iowa [Mr. HEPBURN]?

Mr. LOUD. It is. It can accomplish nothing and ought to be stricken out.

Mr. PICKLER. Well, the gentleman from Iowa is absent now, and that amendment was adopted by a pretty full vote of the committee, and it seems to me——

Mr. LOUD. I know; but the amendment can accomplish nothing, and I hope the House will strike it out.

The question being taken on agreeing to the amendment, the Speaker declared that the noes seemed to have it.

Mr. PICKLER. I ask for a division.

The House divided; and there were—ayes 71, noes 57; so the amendment was agreed to.

Mr. BROMWELL. Mr. Speaker, I desire to offer an amendment, which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by striking out all the words in lines 14 to 22, both inclusive, on page 8.

Mr. LOUD. Now, Mr. Speaker, I move the previous question on the bill and amendments.

Mr. CRISP. Mr. Speaker, I make a point of order on the amendment offered by the gentleman from Ohio.

The SPEAKER. What is the point of order?

Mr. CRISP. That the proposition which the gentleman proposes to strike out has been passed upon by the committee. That express question was voted upon by the committee.

The SPEAKER. The Chair can not know about that. The gentleman from California [Mr. LOUD] demands the previous question.

The previous question was ordered.

The SPEAKER. The question is first on the amendment of the gentleman from Ohio.

Mr. BROMWELL. On that I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I ask that the Clerk read the language that is proposed to be stricken out.

The Clerk read the amendment, as follows:

Page 8, beginning with line 14, strike out the following:

"Twenty-seven and one-half. For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service."

The yeas and nays were ordered, 46 members voting in favor thereof.

The question was taken; and there were—yeas 110, nays 136, not voting 109; as follows:

YEAS—110.

Allen, Utah	De Witt,	Kiefer,	Raney,
Baker, Kans.	Dingley,	Kirkpatrick,	Reeves,
Barham,	Dockery,	Kyle,	Royse,
Belknap,	Doolittle,	Leighty,	Sauerhering,
Bell, Colo.	Dovener,	Lester,	Snover,
Bishop,	Downing,	Little,	Spalding,
Blue,	Eddy,	Long,	Stephenson,
Brewster,	Ellis,	Loud,	Stewart, Wis.
Broderick,	Faris,	Maguire,	Strode, Nebr.
Bromwell,	Foss,	Marsh,	Strong,
Burrell,	Gillett, Mass.	McCall, Tenn.	Strowd, N. C.
Burton, Mo.	Graff,	McCleary, Minn.	Tawney,
Burton, Ohio	Hadley,	McCulloch,	Terry,
Calderhead,	Hager,	McEwan,	Towne,
Clark, Mo.	Hainer, Nebr.	McRae,	Tracewell,
Colson,	Hardy,	Mercer,	Tracey,
Connolly,	Hartman,	Miller, Kans.	Treloar,
Cooke, Ill.	Hemenway,	Miller, W. Va.	Turner, Ga.
Cooper, Wis.	Hendrick,	Milnes,	Updegraff,
Corliss,	Henry, Conn.	Minor, Wis.	Warner,
Cousins,	Henry, Ind.	Mondell,	Watson, Ohio
Crowley,	Hilborn,	Murphy,	White,
Crowther,	Hill,	Neill,	Williams,
Curtis, Iowa	Hulick,	Northway,	Wilson, Idaho
Curtis, Kans.	Huling,	Otjen,	Wood,
Danford,	Hunter,	Overstreet,	Woodman.
Daniels,	Johnson, N. Dak.	Pendleton,	
De Armond,	Kem,	Prince,	

NAYS—136.

Acheson,	Evans,	Lewis,	Robbins,
Adams,	Fairchild,	Linney,	Russell, Conn.
Allen, Miss.	Fischer,	Linton,	Sayers,
Arnold, Pa.	Fletcher,	Lockhart,	Scranton,
Arnold, R. I.	Gardner,	Loudenslager,	Settle,
Avery,	Gibson,	Low,	Shaw,
Baker, Md.	Gillet, N. Y.	Maddox,	Sherman,
Bartlett, Ga.	Grow,	Mahon,	Simpkins,
Bell, Tex.	Halterman,	McCall, Mass.	Smith, Ill.
Bennett,	Hanly,	McClellan,	Southard,
Berry,	Harmer,	McCreary, Ky.	Southwick,
Bingham,	Harrison,	McDearmon,	Sparkman,
Black, Ga.	Hart,	McLachlan,	Spencer,
Boatner,	Heiner, Pa.	Meyer,	Stallings,
Brown,	Hermann,	Miles,	Stewart, N. J.
Brumm,	Hooker,	Miner, N. Y.	Stone, C. W.
Buck,	Hopkins,	Money,	Stone, W. A.
Catchings,	Howe,	Moody,	Sulzer,
Chickering,	Howell,	Ogden,	Swanson,
Clardy,	Huff,	Otey,	Talbert,
Cobb, Ala.	Hurley,	Owens,	Tate,
Cobb, Mo.	Johnson, Cal.	Patterson,	Tucker,
Codding,	Jones,	Payne,	Tyler,
Cooper, Fla.	Joy,	Pearson,	Underwood,
Cox,	Kendall,	Phillips,	Wadsworth,
Crisp,	Knox,	Pickler,	Walker, Mass.
Crump,	Kulp,	Pitney,	Walker, Va.
Culberson,	Lacey,	Poole,	Walsh,
Cummings,	Latimer,	Powers,	Wheeler,
Dalzell,	Lawson,	Pugh,	Willis,
Denny,	Layton,	Quigg,	Wilson, S. C.
Draper,	Lefever,	Ray,	Woodard,
Elliott, S. C.	Leisenring,	Reyburn,	Woomer,
Erdman,	Leonard,	Richardson,	Wright.

NOT VOTING—109.

Abbott,	Cowen,	Jenkins,	Shannon,
Aitken,	Curtis, N. Y.	Johnson, Ind.	Shuford,
Aldrich,	Dayton,	Kerr,	Skinner,
Anderson,	Dinsmore,	Livingston,	Smith, Mich.
Andrews,	Dolliver,	Lorimer,	Sorg,
Apsley,	Elliott, Va.	Mahany,	Sperry,
Atwood,	Fenton,	McClure,	Stahle,
Babcock,	Fitzgerald,	McCormick,	Steele,
Bailey,	Foote,	McKenney,	Stokes,
Baker, N. H.	Fowler,	McLaurin,	Strait,
Bankhead,	Gamble,	McMillin,	Sulloway,
Barney,	Griffin,	Meiklejohn,	Taft,
Barrett,	Griswold,	Meredith,	Tayler,
Bartholdt,	Grosvenor,	Milliken,	Thomas,
Bartlett, N. Y.	Grout,	Morse,	Turner, Va.
Beach,	Hall,	Moses,	Van Horn,
Black, N. Y.	Harris,	Mozley,	Van Voorhis,
Boutelle,	Hatch,	Newlands,	Wanger,
Bowers,	Heatwole,	Noonan,	Washington,
Brosius,	Henderson,	Odell,	Watson, Ind.
Bull,	Hepburn,	Parker,	Wellington,
Cannon,	Hicks,	Perkins,	Wilber,
Clark, Iowa	Hitt,	Price,	Wilson, N. Y.
Clarke, Ala.	Howard,	Robertson, La.	Wilson, Ohio
Cockrell,	Hubbard,	Robinson, Pa.	Yoakum.
Coffin,	Hull,	Rusk,	
Cook, Wis.	Hutcheson,	Russell, Ga.	
Cooper, Tex.	Hyde,	Shafroth,	

So the amendment was not agreed to.

The following pairs were announced:
Until further notice:
Mr. HULL with Mr. HUTCHESON.
Mr. HENDERSON with Mr. COOPER of Texas.
Mr. DOLLIVER with Mr. COCKRELL.
Mr. ODELL with Mr. MCKENNEY.
Mr. MOZLEY with Mr. MEREDITH.
Mr. BARNEY with Mr. COWEN.
Mr. BARTHOLDT with Mr. FITZGERALD.
Mr. GROUT with Mr. LIVINGSTON.
Mr. TAFT with Mr. ELLETT of Virginia.
Mr. DOLLIVER with Mr. WASHINGTON.
Mr. STEELE with Mr. ROBERTSON of Louisiana.
Mr. MILLIKEN with Mr. BANKHEAD.
On this vote:
Mr. HOPKINS with Mr. RUSSELL of Georgia.
Mr. AITKEN with Mr. RUSK.
Mr. MEIKLEJOHN with Mr. ABBOTT.
Mr. ANDREWS with Mr. PRICE.
Mr. DINSMORE with Mr. CLARKE of Alabama.
Mr. GRIFFIN with Mr. TURNER of Virginia.
Mr. GROSVENOR with Mr. MCMILLIN.
Mr. SMITH of Michigan with Mr. WASHINGTON.

Mr. BAILEY (having voted in the affirmative). Mr. Speaker, I have agreed to pair on this question with the gentleman from Louisiana [Mr. PRICE], who is confined at his home by sickness. I therefore withdraw my vote.

Mr. DINSMORE. I am paired with the gentleman from Alabama [Mr. CLARKE]. If he were present, he would vote "no" and I should vote "aye."

The result of the vote was announced as above stated.

Mr. QUIGG. Mr. Speaker, I rise to ask whether this matter which has been debated can be further amended. Can anything more be done with it?

The SPEAKER. The Chair would prefer to answer that question when some gentleman attempts something. [Laughter.]

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. BARTHOLDT, for six days, on account of sickness.
To Mr. ELLIOTT of South Carolina, for six days, on account of important business.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington; when the Speaker signed the same.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill with House amendments was taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia—to the Committee on the District of Columbia, and ordered to be printed.

Mr. LOUD. I move that the House now adjourn.

Mr. DANIELS. I desire to give notice that at the earliest opportunity to-morrow morning I expect to call up the contested-election case of Aldrich *vs.* Robbins.

The motion of Mr. LOUD was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs and an accompanying draft of a bill relating to the lands of the Sac and Fox Indians of Iowa—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Quartermaster-General asking for an additional appropriation for horses for cavalry and artillery—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, reported the same with amendment, accompanied by a report (No. 728); which said bill and report were referred to the House Calendar.

Mr. GILLETT of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, reported the same without amendment, accompanied by a report (No. 729); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 732); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 5279) granting a pension to Jerusha H. Brown. (Report No. 733.)

By Mr. COX, from the Committee on Claims:

The bill (H. R. 3751) for the relief of L. Robert Coates & Co., of Baltimore, Md. (Report No. 735.)

The bill (H. R. 939) for the relief of Cogswell & Co. (Report No. 736.)

By Mr. MEIKLEJOHN, from the Committee on Indian Affairs: The bill (H. R. 6541) to provide for the adjustment, settlement, and payment of claims for supplies furnished the Indian industrial school at Genoa, Nebr. (Report No. 737.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CULBERSON: A bill (H. R. 7138) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. MEREDITH: A bill (H. R. 7139) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: A bill (H. R. 7140) granting A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. MAHON: A bill (H. R. 7141) to regulate proceedings in pension cases when fraud, clerical error, or mistake of fact is alleged—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 7142) to amend the act providing for the appointment of additional judges in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. HOWELL: A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas (by request): A bill (H. R. 7144) to authorize Choctaw and Chickasaw Nations of Indians to collect their national revenue—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 7145) to authorize the Indian and Oklahoma Union Railway Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes—to the Committee on Indian Affairs.

By Mr. WALKER of Massachusetts: Resolution (House Res. No. 200) requesting the Secretary of the Treasury to prepare a statement of each act of Congress, general or special, contemplating any expenditure of public money for the execution of any permanent public work, where the work was not paid for prior to July 1, 1895—to the Committee on Appropriations.

By Mr. LOUDENSLAGER: Memorial relative to the passage of a bill by Congress to establish a military and national park

upon the Palisades of the Hudson—to the Committee on Military Affairs.

By Mr. COUSINS: Memorial of the general assembly of Iowa in relation to the 5 per cent funds—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve; and the same was referred to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 7146) for the relief of J. H. Daniel, of Florence, Colo.—to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 7147) to grant an increase of pension to Adrian Combe—to the Committee on Invalid Pensions.

By Mr. CHICKERING: A bill (H. R. 7148) granting an honorable discharge to Charles King, late of Company C, Seventy-sixth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7149) authorizing and directing the Treasurer of the United States to pay all members of the One hundred and eighty-fourth Regiment New York Volunteers, war of the rebellion, the balance of bounty due them, and for other purposes—to the Committee on Military Affairs.

By Mr. COLSON: A bill (H. R. 7150) for the relief of Adam Petrey, of Lot, Whitley County, Ky.—to the Committee on Military Affairs.

By Mr. EDDY: A bill (H. R. 7151) for the relief of Martha Bottineau, widow of Pierre Bottineau, late scout and guide to various military officers—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 7152) to correct the military record of R. T. Jacob, jr., late a lieutenant, United States Army—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7153) increasing the pension of George W. Peters, Company I. Twelfth Regiment Tennessee Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7154) granting a pension to Irene M. Chase, dependent sister of Abner W. Chase—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 7155) to grant a pension to Harvey Geyer, late a first lieutenant Company C, One hundred and thirty-third Regiment West Virginia Militia Volunteers—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 7156) granting a pension to Elizabeth Elmore—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 7157) to increase the pension of Minerva E. Forsyth—to the Committee on Pensions.

By Mr. McCREARY of Kentucky (by request): A bill (H. R. 7158) for the benefit of Charles Forbes—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7159) for the relief of the heirs of Henry Ruby—to the Committee on War Claims.

By Mr. SOUTHARD: A bill (H. R. 7160) granting a pension to Francis A. Kitchen, late surgeon, United States Army—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7161) for relief of Benjamin F. Jones—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 7162) granting a pension to Hanson Gray—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 7163) to grant a pension to Mary F. Hinkle, of Duluth, Minn.—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7164) to pension Mrs. Mary E. Moore—to the Committee on Pensions.

Also, a bill (H. R. 7165) to increase the pension of Dennis Holden—to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 7166) granting a pension to Susan A. Wood—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 7167) to correct the military record of James Houselman, second lieutenant Company H, Sixty-third Regiment Illinois Volunteer Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Lodge No. 52, Order Sons of St. George, of McKeesport, Pa.; also petition of June Rose Council, No. 118, Daughters of Liberty, of Duquesne, Allegheny County, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of the executive committee of the American Forestry Association, concerning mountain forest lands—to the Committee on Agriculture.

Also, petition of the Philadelphia Board of Trade, for the passage of a just, equitable, and uniform bankrupt law—to the Committee on the Judiciary.

Also, protest of M. A. Cooper, of Washington, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. M. Welsh, of Gastonville, Washington County, Pa.; also petition of Jennie M. Williams, of Ohiopyle, Fayette County, Pa., asking that the law relating to second-class mail matter give every advantage to the mailing of religious publications—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Resolution of the Philadelphia Board of Trade, favoring the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. ARNOLD of Rhode Island: Petition of Liberty Council, No. 11, Order of United American Mechanics, Providence, R. I., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Twenty-one petitions, containing a total number of 205 names of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, protest of William Proctor and 79 others, of Mount Hope, Grant County, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BARHAM: Petition of Loyal Orange Lodge, No. 172, of Arcata, Cal., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Colorado: Resolutions of the Civic Federation of Denver, Colo., against the removal from Statuary Hall of the statue of Père Marquette—to the Committee on the Library.

By Mr. BRODERICK: Petition of A. J. Tullock and 40 others, of Leavenworth, Kans., asking for the retention of Gen. William B. Franklin as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. BOUTELLE: Petition of George H. Gilman, of Houlton, Me., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protests of citizens of Linneus, Me.; also of George B. Sharp and others, against sectarian appropriations, and petitions urging the passage of a proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: Memorial of James Barnett and others, in support of House bill No. 5918—to the Committee on Military Affairs.

Also, copies of papers in support of House bill No. 5646, granting a pension to Frances M. Roberts—to the Committee on Pensions.

By Mr. COOK of Wisconsin: Petition of J. D. Grandin, of Sherwood, Wis., together with petition signed by 45 farmers, cheese makers and dealers, favoring the passage of House bill No. 3010, to regulate and control the manufacture and sale of the article known to the trade as "filled cheese"—to the Committee on Ways and Means.

By Mr. CURTIS of Kansas: Petition of E. Davis, jr., and James P. Easterly, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: Petition of Brilliant Lodge, No. 40, Order United American Mechanics, of Brilliant, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. EVANS: Petitions of Henry E. Tully and others; also petition of Young E. Allison and others, all of Louisville, Ky., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Petition of Rev. David Cole and 40 others, of Yonkers, N. Y., praying for an amended form of the preamble of the Constitution of the United States, "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

Also, petition of Core Makers' Protective Union in relation to a bill to regulate the manning of vessels on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFIN: Protest of 71 citizens of Eau Claire, Wis., against the passage of joint resolution recognizing God in the

Constitution of the United States—to the Committee on the Judiciary.

By Mr. HARMER: Protests of H. W. Ramond and Charles F. Haser, of Germantown, Philadelphia, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Petition of Wooster Council, No. 28, of Bethel, Conn., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Union Publishing Company, of Bridgeport, Conn., against the passage of the bill (H. R. 4566) relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of several hundred citizens of New Jersey and Pennsylvania, asking for the granting of a survey of Shark River, New Jersey, by Government engineers—to the Committee on Rivers and Harbors.

By Mr. HULICK: Petition of Samuel G. Cowen, John Shaw, and 11 other soldiers of Brown County, Ohio, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HULING: Paper to accompany House bill to grant a pension to Harvey Geyer—to the Committee on Invalid Pensions.

By Mr. LEONARD: Petition of John U. Shaffer and A. J. Evans, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Petition of Sidney J. Hart and other citizens of Kansas City, Mo., praying that House bill No. 167, relating to Sunday observance in the District of Columbia, may be adversely reported—to the Committee on the District of Columbia.

By Mr. LOUD: Petitions of I. L. Campbell and others, of Eugene, Oreg., praying for favorable action on House bill No. 4566—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Letter in relation to House bill No. 7158, to correct the military record of Charles Forbes—to the Committee on Military Affairs.

By Mr. McEWAN: Petition of the Cooperative Trade and Labor Council of Hamilton, Ohio; also petition of the Citizens' League of Arapahoe County, Colo., asking favorable consideration of House bill No. 184, relating to direct legislation—to the Committee on Rules.

By Mr. McDEARMON: Petition of Tom W. Neal, of Dyersburg, Tenn., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Papers to accompany House bill No. 7131, for the relief of Moses M. Curtis—to the Committee on Pensions.

Also, papers to accompany House bill No. 5438, for the relief of the estate of John W. Montgomery, deceased—to the Committee on War Claims.

By Mr. MEIKLEJOHN: Indorsements from the Chicago Inter Ocean, Chicago Evening News, and St. Louis Post-Dispatch for the transmississippi and international exposition to be held in Omaha, Nebr.—to the Committee on Ways and Means.

Also, petition of citizens of Osmond, Nebr., asking for the construction of a railroad from Sioux City, Iowa, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on the Pacific Railroads.

By Mr. MORSE: Petition of 32 citizens of Salinas, Cal.; 29 citizens of Wasco, Oreg.; 15 citizens of Calcuttta, Ohio; 136 citizens of San Jose, Cal.; 298 citizens of Wellsville, Ohio; 122 citizens of Afton, N. Y.; 22 citizens of New Alexandria, Pa.; 148 citizens of Lawrence County, Pa.; 50 citizens of Allegheny, Pa.; 168 citizens of New Castle, Pa., and 173 citizens of Pennsylvania, praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MILLER of West Virginia: Petition of Eureka Council, Order United American Mechanics, of Parkersburg, W. Va., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. NOONAN: Two petitions of citizens of Bosque County, Tex., for a duty on foreign wools—to the Committee on Ways and Means.

By Mr. PICKLER: Petition of 240 citizens of South Dakota, urging Congress to take favorable action on the free-home bill—to the Committee on the Public Lands.

Also, petitions of the Kansas State Soldiers' Home, the Soldiers and Sailors' Home of Colorado, and the Minnesota Soldiers' Home, asking Congress to take favorable action as to sanitarium for disabled soldiers at Hot Springs, S. Dak.—to the Committee on Military Affairs.

Also, petition of 52 citizens of South Dakota, for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Mrs. M. I. Kalder, secretary of the Woman's Christian Temperance Union of South Dakota, protesting against military training in the public schools—to the Committee on Education.

Also, petition of N. C. Nash, J. E. Halloday, W. F. Bancroft, and others in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of R. D. Whorton and 74 other citizens of Huron, S. Dak., against the appropriation of any moneys by the Government for sectarian institutions—to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union of Woonsocket, S. Dak.; also, of the Woman's Christian Temperance Union, Christian Citizenship League, and others, of Flandreau, S. Dak.; also, of the Woman's Christian Temperance Union of Badger, S. Dak.; also, of the Woman's Christian Temperance Union of Bridgewater, S. Dak.; also, of the Woman's Christian Temperance Union of Carthage, S. Dak.; also, of the Woman's Christian Temperance Union of Howard, S. Dak., asking for the passage of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Drakola, S. Dak., asking for action by Congress on the Armenian trouble—to the Committee on Foreign Affairs.

Also, remonstrance of R. J. Maxson and 11 other citizens of Smyth, S. Dak., against House bill No. 167, known as the Sunday-rest bill for the District of Columbia—to the Committee on the District of Columbia.

By Mr. POOLE: Petition of George W. Smith, president, and 13 other members of the faculty of Colgate University, Hamilton, N. Y., favoring the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, petition of the New York Historical Society, favoring an appropriation in the sundry civil bill for the printing of the records of the Continental Congress—to the Committee on Appropriations.

By Mr. PUGH: Petition of G. F. Frill, of the Kentucky Democrat Publishing Company, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of Galkin & Alexander, of Oxford, N. Y., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Protest of Henry S. Moore, of Philadelphia, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Petition of citizens of Connecticut, against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions from chapters of the Daughters of the American Revolution in Moosup, New Haven, Meriden, Danbury, Lakeville, and Windsor, Conn.; from Sons of the American Revolution, of New Haven, Conn.; from the Society of Cincinnati, and from citizens of New London, Conn.; all containing 356 names, and all forwarded through Anna Warner Bailey Chapter, Daughters of the American Revolution, of Groton and Stonington, Conn., in favor of the acquirement of additional plats of ground contiguous to the Fort Griswold property, in order to preserve and protect that Revolutionary site—to the Committee on Military Affairs.

By Mr. SAUERHERING: Protests of Alex. Paton and 32 other citizens of Lodi, Columbia County, Wis.; also protest of J. W. Blake and 100 others, of Palmyra, Wis., against the adoption of joint resolution proposing amendment to the Constitution of the United States—to the Committee on the Judiciary,

By Mr. SCRANTON: Petition of Hayden Samson, of Peckville, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Ira A. Richardson and others, in favor of reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, protest of L. S. Sullivan and others, against the passage of House bill No. 4331, regulating the number of sailors that must be carried on the different craft mentioned in said bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. STAHLE: Petitions of citizens of Manchester, York County, Pa., and citizens of Emigsville, Pa., favoring the passage of joint resolution No. 11, amending the Constitution of the United States and prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

Also, petition of Dickinson Council, No. 208, Order United American Mechanics, of Uriah, Pa., comprising 35 members, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WOOMER: Protests of citizens of Onset, Pa., against sectarian appropriations; also petition urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of S. Anderson and 56 others, of Talley Cavey, Pa., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WRIGHT: Resolutions of W. W. Rockwell Post, No. 125, Grand Army of the Republic, of Pittsfield, Mass., in favor of the passage of a bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, resolutions of W. W. Rockwell Post, No. 125, Grand Army of the Republic, of Pittsfield, Mass., in favor of service pension for all honorably discharged soldiers—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March 12, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation of $3,130 for setting up and operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, including transportation of mill machinery from the agency to the mill sites, as submitted by the Secretary of the Interior on the 10th instant as an amendment to the Indian appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of the 4th instant, from N. L. Jeffries, attorney for the North American Commercial Company, lessees of the islands of St. Paul and St. George, Alaska, remonstrating against the proposition to destroy fur seals by order of the United States, as contemplated by House bill No. 3206, which recently passed the House of Representatives; which, with the accompanying letter, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Mary E. Cartland, president, and sundry other members of the White Ribbon Society of North Carolina, praying for the appointment of an international arbitration commission between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Okolona, Miss., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FAULKNER (for Mr. SMITH) presented the memorial of William B. Graves and 24 other physicians of Essex County, N. J., remonstrating against the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented a petition numerously signed by citizens of Athens, Tenn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of E. G. Parker Post, No. 99, Department of Maine, Grand Army of the Republic, praying that a service pension of $8 a month be granted to all honorably discharged soldiers, sailors, and marines of the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Merchant Tailors' National Exchange, praying for the formation of the international peace society; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Purity Alliance of New York, praying for the establishment of a national commission to investigate the subject of social vice; which was referred to the Committee on the Judiciary.

He also presented the petition of R. E. L. Graham and 30 other citizens of Chestnut Hill, Philadelphia, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a memorial of the committee for philanthropic labor of the Ohio Yearly Meeting of Friends, remonstrating against the introduction of military drill in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the faculty of the University of Wooster, Wooster, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Ohio Intercollegiate Oratorical Association of Granville, Ohio, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. I have in my hand a petition from the White Ribbon women. It is a petition in behalf of the Woman's Christian Temperance Union of New Hampshire, representing 2,800 women, advocating the settlement of differences between the United States and the mother country by arbitration. The petition is very brief, and it will be gratifying to me to have it printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

We, White Ribbon women, who wear the badge of peace and represent the home, the church, the school, and the philanthropies that seek to enthrone the golden rule of Christ, that by its means we may help to bring in the golden age of man, hereby earnestly petition your honorable body to adopt a resolution, and appoint a commission to carry out the provisions of the same, whereby all subjects of difference between the United States and our mother country shall be referred to arbitration.

We rejoice that the legislature of the great Empire State of New York, with but one dissenting voice, petitioned you to take the same beneficent action, and we believe that every legislature in the land would gladly do the same. She who bears the soldier begs that he need no longer bear the sword, but that instead the keen blade of justice and the ammunition of cogent argument may be the only weapons used between two great nations so closely akin by reason of their common ancestry and religion, their common language and history, and their common love and loyalty to the home, which is the bright consummate flower of a Christian civilization.

To this end we appeal to you with great good will and entire confidence that our prayer to God and our plea to you will not prove to be in vain.

In behalf of the Woman's Christian Temperance Union of New Hampshire, representing 2,800 women.

MISS C. R. WENDELL, *President.*
MISS C. N. BROWN,
Corresponding Secretary.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. WALTHALL presented the petition of P. K. Mayers, of Scranton, Miss., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition signed by sundry citizens of Nebraska and Kansas, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented the petition of S. M. Taylor and sundry other citizens of Fort Wayne, Ind., praying that religious matter, including tracts, be given improved postal facilities under the act of July 16, 1894, regulating second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Memphis, Ind., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. MITCHELL of Wisconsin presented a memorial of 194 citizens of Milwaukee, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. CAFFERY presented a petition of sundry citizens of Alexandria, La., and a petition of sundry citizens of Lecompte, La., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. NELSON presented the memorial of E. C. Corcoran and 50 other citizens of Alexandria, Minn., remonstrating against the enactment of a Sunday-rest law for the District of Columbia, and also against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition, in the form of resolutions adopted by the Federated Trades Assembly of Duluth, Minn., praying for the passage of Senate bill No. 418, concerning the trial and punishment of contempts in the United States courts; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Duluth, Minn., remonstrating against the construction of a bridge across the Detroit River; which was referred to the Committee on the Judiciary.

He also presented a petition, in the form of resolutions adopted by the Minnesota Forestry Association, praying for the enact-

ment of legislation extending our forest reserves; which was referred to the Select Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Peter H. Christenson and sundry other citizens of Minnesota; the memorial of Christian Johnson and sundry other citizens of Minnesota; the memorial of Peter A. Hanson and sundry other citizens of Minnesota; the memorial of R. W. Croskrey and sundry other citizens of Minnesota; the memorial of Hans Jansen and sundry other citizens of Minnesota; the memorial of George McCrady and sundry other citizens of Minnesota; the memorial of F. E. Run and sundry other citizens of Minnesota; the memorial of J. H. Behrens and sundry other citizens of Minnesota; the memorial of V. G. Bryant and sundry other citizens of Minnesota; the memorial of Joseph Johnson and sundry other citizens of Minnesota; the memorial of M. B. Van Kirk and sundry other citizens of Minnesota; the memorial of G. G. Mattson and sundry other citizens of Minnesota; the memorial of W. J. Newton and sundry other citizens of Minnesota; the memorial of Josiah Wood and sundry other citizens of Minnesota, and the memorial of Louis Anderson and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SEWELL presented the petition of Seth F. Chambers and 30 other citizens of Cold Spring, N. J., and a petition of Cold Spring Council, No. 135, Junior Order United American Mechanics, of Cold Spring, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. VEST presented resolutions adopted at a meeting of the Enrolled Missouri Militia, held at Gallatin, Mo., March 7, 1896, favoring the enactment of a general pension law granting a pension of $8 per month to all soldiers of the late war, including the Enrolled Missouri Militia, and all who were in the six months' service who served ninety days and were honorably discharged, and also to the widows and orphans of such as may be deceased; which were referred to the Committee on Pensions.

Mr. HOAR presented the petition of S. Anderson, of Talley Cavey, Pa., and a petition of sundry citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the Chamber of Commerce of Norfolk, Va., remonstrating against a change in the laws affecting the present pilot system; which was referred to the Committee on Commerce.

He also presented the petition of W. P. Respess, E. L. Crockett, W. F. Doran, and sundry other citizens of Virginia, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the faculty of Randolph-Macon College, Ashland, Va., praying for the establishment of a permanent board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented the petition of James Wilson, Timothy Casey, John Moriarty, and Thomas F. Stanford, of Danville, Va., praying for the passage of Senate bill No. 1600, to amend chapter 67, volume 23, of the Statutes at Large of the United States; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 805) to provide for the rank, pay, and emoluments of retired officers of the United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 1980) for a relief light vessel on the Pacific Coast, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on Interstate Commerce, to whom was referred the bill (S. 2027) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, reported it without amendment.

Mr. ELKINS, from the Committee on Military Affairs, to whom was referred the bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 11th instant intended to be proposed to the Indian appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. NELSON, from the Committee on Improvement of the Mississippi River and its Tributaries, to whom were referred the following petitions, asked to be discharged from their further consideration, and that they be referred to the Committee on Commerce; which was agreed to:

A petition of the Board of Trade of Stillwater, Minn., praying that an appropriation be made for the protection of the harbor and lake fronts of said city; and

A petition of sundry citizens of South Sioux City, Nebr., praying that a special appropriation be made to protect encroachment of the Missouri River.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 328) for the relief of Richard S. Taylor, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1598) for the relief of Richard L. Taylor, late private Company F, Fifty-first Illinois Volunteers, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3462) to regulate the business of storage in the District of Columbia, reported it with an amendment.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. TELLER on the 4th instant concerning the issue of rations and supplies to all Southern Ute Indians to whom lands have been allotted, etc., intended to be proposed to the Indian appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 11th instant concerning the claim of the Fond du Lac band of Chippewa Indians, of Lake Superior, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (H. R. 6936) for the reconstruction of the Rock Island Bridge, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 434) for the relief of William F. Wilson, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 307) for the relief of Richard H. Marsh, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAWLEY. The bill (S. 2324) to relieve John McCarthy from the charge of desertion was referred to the Committee on Military Affairs. That committee asks to be excused from its further consideration, and that it be sent to the Committee on Naval Affairs. It pertains to service in the Navy.

The report was agreed to.

Mr. MITCHELL of Wisconsin, to whom was referred the bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2035) granting a pension to Julia D. Richardson, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 2d instant intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

GAS BUOYS IN THE ST. LAWRENCE RIVER.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2114) establishing gas buoys in the St. Lawrence River, to report it favorably with an amendment.

Mr. HILL. I ask unanimous consent that the bill may be taken up for present consideration.

Mr. SHERMAN. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to establish gas buoys at or near the following-named places in the St. Lawrence River: One at Charity Shoals, one at Featherbed Shoals, one at Rock Island Point, one near the Sisters Island Light, one at Sunken Rock, one at Bay State Shoals, and one at the Lower Narrows.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill which has just been read.

Mr. MILLS. Is it a measure reported from the Committee on Commerce?

Mr. HILL. It is just reported.

Mr. FRYE. It is a bill to which I think there can be no possible objection. It is recommended by the Light-House Board.

Mr. MILLS. I have no objection to it. I merely wanted to know if it had been reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in the last line of the bill, to strike out the word "and" where it first appears, and after the word "Narrows" to insert "and one at entrance upper harbor Ogdensburg."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET RAILWAY FRANCHISES.

Mr. HARRIS. I am directed by the Committee on the District of Columbia to report back favorably the concurrent resolution of the House of Representatives referred to that committee day before yesterday, and I ask the unanimous consent of the Senate that it be now considered. It is a resolution of a single paragraph.

The concurrent resolution was read and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 200 copies of the same shall be furnished for the use of the Senate, 400 copies for the use of the House of Representatives, and 2,500 copies for the use of and distribution by the Commissioners of the District of Columbia.

Mr. HARRIS. There is now on the Calendar the joint resolution (S. R. 14) to compile and publish the laws relating to street-railway franchises in the District of Columbia, which was reported a month ago. I move that the joint resolution be postponed indefinitely.

The motion was agreed to.

PRINTING OF BULLETIN ON APICULTURE.

Mr. HALE. I am directed by the Committee on Printing, to whom were referred the amendments of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 15,000 copies of the bulletin on apiculture, to report it back and move concurrence in the House amendments.

The amendments of the House of Representatives were read and concurred in, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 9, 1896.*

Resolved, That the foregoing concurrent resolution of the Senate "providing for the printing of 15,000 copies of the bulletin on apiculture" do pass, with the following amendments:

Line 2, strike out "fifteen" and insert "twenty."

Line 6, strike out "and."

Line 7, after the word "Senate," insert "and 5,000 copies for the use of the Department of Agriculture."

Amend the title so as to read: "Providing for the printing of 20,000 copies of the bulletin of apiculture."

THE CONGRESSIONAL RECORD.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD, to report it favorably and move that it be concurred in.

The amendment of the House of Representatives was, in line 3 of the title, to strike out "20" and insert "10"; so as to make the title read: "A joint resolution directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD."

The amendment was concurred in.

GOVERNMENT PRINTING OFFICE BUILDING.

Mr. HALE presented a report of operations by Col. John M. Wilson, Corps of Engineers, upon repairs and enlargement of the Government Printing Office and the erection of a fireproof building upon the site of the Government Printing Office stables under the Chief of Engineers during the month of February, 1896; which was ordered to be printed.

HARBOR AT CLEVELAND, OHIO.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 95) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, reported adversely thereon; and the joint resolution was postponed indefinitely.

OBSOLETE CANNON BALLS.

Mr. PALMER. I am directed by the Committee on Military Affairs, to whom were referred the bill (S. 611) donating condemned cannon and cannon balls to the Michigan Soldiers' Home, and the bill (S. 745) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home, to report them back with a substitute which has the effect of a general law for both the bills. I call the attention of the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Michigan [Mr. BURROWS] to the fact that in the opinion of the Chief of Ordnance the proposed general law that I report as a substitute will serve the purposes of both these bills.

Mr. GALLINGER. I inquire of the Senator from Illinois if I understood him correctly to state that a general law has been reported covering this matter?

Mr. PALMER. It is now reported with these bills. The Chief of Ordnance furnished the draft of a bill which in his judgment covers not only these two bills, but all others of like character.

Mr. GALLINGER. I am gratified to know that fact. I think it is a proper measure.

The bill (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National Homes for Disabled Volunteer Soldiers was read twice by its title.

Mr. PALMER. There is a law now which authorizes the delivery of condemned cannon to all these homes. Application has been made for obsolete cannon balls by the homes, to be used for mere ornamental purposes. The purpose of the bill is to authorize the Secretary of War to deliver such cannon balls. The existing law provides for the delivery of condemned cannon.

Mr. GALLINGER. I suggest to the Senator from Illinois that unfortunately this bill will not reach the home that I have in mind. It is a State home.

Mr. PALMER. The bill provides also for State homes.

Mr. GALLINGER. The title does not so indicate. I hope it does.

Mr. HALE. Let me state that the Senate has already passed a bill authorizing both the Secretary of War and the Secretary of the Navy to give or loan condemned cannon or cannon balls to any of these homes, and to soldiers' monument associations, and to municipalities. That bill is now before the House. It can do no harm to pass this measure, too, but it will not perhaps be needed.

Mr. PALMER. May I ask the Secretary to read the communication from General Flagler, which will furnish all the information that is in my possession? It will be found among the papers accompanying the bill.

Mr. HALE. I do not object to the bill at all.

Mr. PALMER. I desire that it shall be understood.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

OFFICE OF THE CHIEF OF ORDNANCE,
UNITED STATES ARMY,
Washington, D. C., January 6, 1896.

SIR: I have the honor to return herewith Senate bills 611 and 745, donating condemned cannon and cannon balls to the Michigan and New Hampshire Soldiers' Homes, with report that there is already on the statute books a general law that authorizes the issue of two obsolete guns to the National Homes for Disabled Volunteer Soldiers, and also to the State homes for soldiers and sailors (volume 25, page 657, Statutes at Large). So that, so far as the cannon are concerned, these bills are unnecessary.

But these bills provide for the issue of 100 cannon balls, and the general law mentioned above does not provide for the issue of any cannon balls.

The cannon balls are on hand and can be supplied, if Congress authorizes the issue. To accomplish this it would be necessary that these two bills should be enacted into law, and the portions of the bills relating to the guns, being unnecessary, should be stricken out. As it is equally desirable, however, that all the other national and State homes should receive cannon balls, as proposed in these bills, I submit and recommend for favorable action the following draft of a bill which will accomplish this purpose, and recommend that it be substituted for Senate bills 611 and 745, viz:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and hereby is, authorized and directed, subject to such regulations as he may prescribe, to deliver to any of the National Homes for Disabled Volunteer Soldiers already established or hereafter established, and to any of the State homes for soldiers and sailors, or either, now or hereafter duly established and maintained under State authority, such obsolete or unserviceable cannon balls as may be on hand undisposed of, not exceeding 100 to any one home, for ornamental purposes."

Very respectfully,
D. W. FLAGLER,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

Mr. PALMER. I ask unanimous consent that the bill may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National or State Homes for Disabled Volunteer Soldiers."

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the two bills reported by the Senator from Illinois.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 2491) to increase the pension of Louisa E. Baylor, widow of Thomas G. Baylor, late a colonel of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORRILL introduced a bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WOLCOTT introduced a bill (S. 2493) granting an increase of pension to Albert Flanders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2494) restoring a pension to Michael Carron; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2495) restoring a pension to Oliver R. Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2496) to remove the charge of desertion from the military record of James B. Jordan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2497) to confer jurisdiction upon the Court of Claims to adjudicate a claim of the heirs of John Bowling, deceased, and to remove the bar of the statute of limitations therefrom; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2498) to permit the Home Telephone Company of Washington, D. C., to install, maintain, and operate a telephone and telegraph plant and exchange in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS (by request) introduced a bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 2500) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WALTHALL introduced a bill (S. 2501) for the relief of James Sims, of Marshall County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 2502) making appropriation for the purpose of grading, graveling, and guttering Rhode Island avenue from Fourth street NE. to Twelfth street NE.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2503) for the relief of Addison A. Hosmer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. HANSBROUGH introduced a bill (S. 2504) to incorporate the Maritime Canal of North America, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL of Oregon. I introduce a joint resolution which I ask may be read by title and referred to the Committee on Commerce. If the Senate will allow me one word before introducing the joint resolution, I will state that it is a joint resolution proposing that not exceeding $20,000 of the money heretofore appropriated for the construction of the canals and locks at the Cascades of the Columbia be used for the purpose of erecting necessary protecting walls not technically included in the contract and which are absolutely necessary in order that that great work can be opened to traffic immediately. I make the request of the committee that the joint resolution be submitted to the War Department for report.

Mr. FRYE. Does the joint resolution provide that the consent of the contractors shall be obtained?

Mr. MITCHELL of Oregon. It does.

The joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENT'S MESSAGE ON THE VIRGINIUS CASE.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Executive Document B of the special session of the Senate, being a message of the President of the United States, of March 15, 1875, in relation to the Virginius case, be reprinted for the use of the Senate.

CLAIMS FOR BARRACKS AND QUARTERS.

Mr. LINDSAY. I submit a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to reexamine Treasury settlements Nos. 9695, 159, and 9660, being claims for barracks and quarters certified to Congress for appropriations in House Document No. 234, Fifty-third Congress, third session, for the payment of which no appropriations have been made; and if found correct to report the same to Congress at as early a day as practicable at the present session.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MITCHELL of Oregon. This is an original resolution, I understand?

Mr. LINDSAY. It is.

Mr. PLATT. I think it has been customary where a claim has once been acted upon and reported to Congress to ask that it be reexamined.

Mr. LINDSAY. These claims have been acted upon.

Mr. MITCHELL of Oregon. That has been the rule. I wanted to know if this came within the rule; that is all.

The resolution was agreed to.

CALUMET RIVER BRIDGE.

Mr. CULLOM. I ask leave out of order, in view of the fact that I am compelled to attend the Committee on Appropriations, to call up the bill (S. 2251) to authorize the construction of a bridge across the Calumet River.

Mr. CALL. I hope the Senator from Illinois will allow the order of resolutions to be called. There is a resolution on the table which I should like to have acted upon. I do not think it will take any time.

Mr. CULLOM. This bill will take no longer time than the reading of it. I hope it will be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE WASHINGTON GAS LIGHT COMPANY.

Mr. CALL. I ask for the consideration of the resolution submitted by me a few days ago and which comes over from yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida, coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 9th instant, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement under oath showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also a statement of the money received from consumers of gas; also how much money received from other sources; each to be given separately; also the disbursements of money, and for what purpose; also the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HOAR. What is the resolution?

Mr. CALL. I will state to the Senator from Massachusetts that the resolution was introduced by request of a large number of persons in the District here who are interested in the subject of

the gas lighting of the District and the new proposals for improving the lighting here.

Mr. HARRIS. It simply asks for information.

Mr. HOAR. Let it be read. Was it reported from a committee?

Mr. CULLOM. It was not.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. HOAR. I move to amend the resolution by adding the following:

And also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas and the price thereof as they may deem material for action by the Senate.

Mr. CALL. I accept that amendment.

Mr. HAWLEY. I suggest another amendment, to be put either in the amendment of the Senator from Massachusetts or in the original resolution of the Senator from Florida, by inserting "and also the prices paid for coal."

Mr. HOAR. That is "material" and would be included in the amendment I have offered; but I have no objection to it, and accept it.

Mr. CALL. I have no objection to that amendment.

The VICE-PRESIDENT. Without objection, the resolution will be modified as indicated by the Senator from Massachusetts [Mr. HOAR] and the Senator from Connecticut [Mr. HAWLEY].

Mr. HOAR. Let the amendment be read from the desk as it now stands.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas and the price thereof as they may deem material for action by the Senate, and also the prices paid for coal.

Mr. HOAR. The words "and also the prices paid for coal" should come in before the words "as they may deem material." I suggest that there be also inserted "and the illuminating power of the gas so furnished."

Mr. WOLCOTT. I should like to have the entire resolution read as it will read with the modifications which have been made.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement under oath showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also a statement of the money received from consumers of gas; also how much money received from other sources; each to be given separately; also the disbursements of money, and for what purpose; also the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere; and also to report to the Senate such further facts in regard to the management of the business of supplying the citizens of Washington with gas, also the price thereof, also the prices paid for coal, and also the illuminating power of the gas so furnished, as they may deem material for action by the Senate.

Mr. WOLCOTT. I suggest that this resolution had better be printed and go over until to-morrow. If it is intended to cover an investigation as to all the materials used in the production of gas, the illuminating power, etc., I should not think the resolutions drastic enough to accomplish the purpose.

Mr. CALL. I have no objection to that suggestion.

Mr. SHERMAN. I think the resolution should go over.

Mr. WOLCOTT. My only desire is to help to perfect it; that is all.

Mr. CALL. I have no objection to the resolution going over.

The VICE-PRESIDENT. The resolution will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3265) donating condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.; and

A joint resolution (S. R. 47) relating to the Federal census.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney;

A bill (H. R. 2290) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota;

A bill (H. R. 5229) for the relief of George H. Lott;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.;

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a bridge across the Arkansas River, connecting Little Rock and Argenta;

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; and

A bill (H. R. 7137) to provide for printing and binding for the Navy Department.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington; and it was thereupon signed by the Vice-President.

CLAIMS OF UNITED STATES AND TENNESSEE.

Mr. HARRIS. I ask unanimous consent of the Senate to consider at this time Senate joint resolution 91. I will state briefly that it is a joint resolution authorizing the Attorney-General, the Secretary of the Treasury, and the Secretary of War to meet three commissioners appointed by the State of Tennessee for the purpose of investigating and reporting upon certain claims of the Government of the United States against the State of Tennessee and certain claims of the State of Tennessee against the Government of the United States. I desire that the joint resolution shall be now considered, and will say that if it consumes any time in debate I will withdraw the request.

Mr. SHERMAN. I wish to call up, after action is had upon the joint resolution referred to by the Senator from Tennessee, the conference report before the Senate on the resolutions in regard to Cuba, on which the Senator from New York [Mr. HILL] thinks he has a meritorious claim to the floor; and I will yield to that with pleasure. After he is through, I intend to press for action upon the conference report, and give notice that from this time forward I shall seek as early a vote as possible upon the adoption of the report and the passage of the resolutions.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent for the present consideration of the joint resolution named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a bridge across the Arkansas River, connecting Little Rock and Argenta.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; and

A bill (H. R. 7137) to provide for printing and binding for the Navy Department.

The bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 2290) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 5229) for the relief of George H. Lott was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

WAR IN CUBA.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the conference report on the Cuban resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

Mr. HILL. Mr. President, I shall vote against concurring in the report of the conference committee. The few remarks which I shall submit are intended more as an explanation of the vote which

I shall give than as any elaborate argument upon the questions involved.

Permit me at the outset to state to the Senate the precise parliamentary status. Unless we are entirely satisfied with these three distinct resolutions, we must vote to nonconcur. They are not now in a situation to be amended; they can not be altered; they can not be changed; no instructions can be given in regard to them. The only question upon which we are permitted to vote under the present parliamentary situation is whether we agree or disagree to this conference report. I shall vote against concurring, because I object to the terms of the third resolution. I base my objection upon that third resolution only. Let me proceed to examine it. I will read it:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens, by intervention if necessary.

I shall vote against concurring in the conference report to the end that, if it shall be disagreed to, we may then proceed to strike out the third resolution by appropriate parliamentary methods. There are several ways in which that can be done, if the report shall be disagreed to. It is not necessary that I should now specify them. To disagree to the conference report is the only way in which we can now change the terms of these resolutions.

Let me read the first part of the third resolution. It is as follows:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent.

In order to understand what that resolution means, we must understand what the word "intervention" means. If, as here used, it means that we have not interfered by taking a hostile part in the struggles between European governments and their colonies on this continent, then it states the truth. I do not understand that any reason exists why that fact should be reiterated in this connection; but if it means that we have not at any time intervened in the sense of recognizing those colonies as belligerents, it is not true. If it means that we have not interfered by recognizing the independence of those colonies, it is not true. It all depends upon what is meant by the word "intervention."

We did intervene years ago when Spain was having conflicts with its colonies in this hemisphere. We did intervene by recognizing them as belligerents. We did more than that. We recognized their independence. Therefore something more must have been meant when the House of Representatives adopted the word "intervened" in this connection.

I need not remind the Senate that this is not one of its resolutions. The Senate abandoned the two resolutions which had passed the Senate—abandoned them without the firing of a gun and with little consultation—and surrendered to the House of Representatives and adopted these three resolutions, to the third of which I now object. Therefore I say at the outset that in the sense in which it must be used here, there is intended something more than intervention by the recognition of belligerency, something more than intervention by the recognition of independence. It probably means to declare that we have not intervened by taking a hostile part in the struggle, by actively aiding with arms and men and money one side or the other. Mr. President, I object to that part of the resolution as unnecessary. It has no connection, necessarily, with the subject.

What follows? These words follow at the end:

That the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

What intervention? Not the intervention mentioned before; not the intervention mentioned in the first line of the third resolution, because it says "the United States has not intervened." It does not mean intervention by recognition as belligerents; it does not mean recognition of independence. It means something more. We are to intervene not by those methods; but if it has any legitimate meaning at all, it means that this country is to take an active and hostile part in the struggle between Spain and its colony of Cuba.

Mr. President, an unnecessary resolution is an unwise one. This is an unnecessary resolution. It is subject to double construction; it is liable to misinterpretation; it will breed mischief in the future. All that the Senate intended to do the other day when it passed its resolutions, for which I voted, was to declare two points; first, that a state of war existed between Spain and its colony of Cuba which, in our opinion, warranted the recognition of the insurgents as belligerents; second, that the kind offices of this Government should be extended to the end of securing independence. We need not have gone further; we ought not to have gone further. This resolution, as I say, is likely to complicate us.

What is meant by this term "intervention"? We have already declared that we think the Cubans should be recognized as belligerents: we have already expressed our opinion that the President should exercise his friendly offices to the end that Cuban independence may occur in the future. Therefore this intervention means something different from that. It may mean war. I suggest that it is an unwise step for us to take. Let the future take care of itself. Let us declare where we stand to-day, and not anticipate events.

This resolution is subject to another objection. It reads:

The Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention.

It sounds too much like a threat, too much like buncombe. If we indorse the general proposition that this Government should be prepared to do whatever is necessary, it means little or nothing. Of course it follows that we should always do whatever is actually necessary. Do we mean simply to utter a truism, that this Government intends to do whatever is necessary? Whatever ought to be done, of course, we should do. If this mere declaration has any meaning whatever, it means more than that. That is the reason it is mischievous. Let us be frank with ourselves; let us be frank to Spain; let us be frank to Cuba; let us not deceive either party to this controversy. What does it mean? "Should be prepared" is the phrase used.

Let the preparation, if necessary, be by bill. Let the preparation be made, not by mere declaration, not by ex parte statements. If it means that we should increase our Navy, if it means that we should increase our Army, let us proceed by bill duly introduced, to which the President of the United States can become a party; let us proceed to prepare, not by threatening preparations, not by idle boasts of preparation, but by legitimate bills. Let us raise the necessary revenue, let us prepare for action by bill. What are we going to be prepared for? Let us see:

To protect the legitimate interests of our citizens.

Let me suggest that hardly anyone would think of protecting their illegitimate interests. What interests? Not their lives; not their safety; not their comfort; but their moneyed interests. "Protect" their "interests" means moneyed interests, because the resolution in its words just immediately preceding speaks of "losses upon the people of the United States."

We are, then, to intervene, not on the score of humanity—this resolution does not place our intervention upon any such high ground—not for the purpose of stopping bloodshed; not for liberty's sake; not because we want to help along free institutions. Oh, no; no such words are used. But the third resolution says:

The Government of the United States should be prepared to protect the legitimate interests of our citizens—

Because—

the present war is entailing such losses upon the people of the United States.

Mr. President, this is basing our proposed action upon a very low ground. If there must be intervention in the form in which this third resolution states, whatever it may mean, let it be placed upon some higher ground than the mere losses to some of the business interests of our country; let it be put upon the broad ground of stopping bloodshed; let it be put upon the broad ground of doing something for a people struggling to be free; let us put it upon the ground of our sympathy with the establishment of republics, but do not put it upon the low ground that we are losing a few dollars by this contest between Spain and Cuba.

I know that it is said: "Well, this action amounts to nothing; we only propose to interfere if necessary; that is all the resolution says." An unnecessary resolution is an unwise one, as I have said, for what it eventually proposes is not stated, and we have to guess at it.

Mr. President, I am not aware of any very great losses which this Government is suffering on account of the war in Cuba. I know I am besieged with telegrams from New York. People there have seen this resolution, have seen the low ground that is proposed to be occupied with regard to this question, and some of them seem to think that this is a mere question of dollars and cents, and that is all, and that we ought to stop passing resolutions here if such action affects some of our merchants in our cities.

I suppose if we proceed at all here we should proceed upon some ground upon which we can stand, and not upon the ground that some people trading with Cuba are being affected. I have a telegram from New York. I shall not give the names of the very respectable gentlemen who send it, but they hold high positions in the commercial world. The telegram is as follows:

Present attitude of the United States toward Cuba seriously affecting commerce of New York with that island. Merchants of Cuba are combining to boycott American products in consequence of Congressional action, and have cabled canceling all orders and shipments.

And they expect me to base my vote upon a grave international question of right or wrong upon the mere point that some Spanish merchants in Cuba are boycotting my constituents in New York. Mr. President, with all due respect to these gentlemen, our action here should proceed upon higher ground, better ground, more tenable ground than this.

Sir, you will recollect that in the days of the American Revolution there were people who deplored war. Every great struggle for independence has had its opponents who have tried to stop it or to take advantage of the incidents of war for the purpose of realizing money. You recollect that old story, that you will permit me here to read, found in Wirt's Life of Patrick Henry:

The case of John Hook, to which my correspondent alludes, is worthy of insertion. Hook was a Scotchman, a man of wealth, and suspected of being unfriendly to the American cause. During the distresses of the American Army consequent on the joint invasion of Cornwallis and Phillips in 1781, a Mr. Venable, an army commissary, had taken two of Hook's steers for the use of the troops. The act had not been strictly legal, and on the establishment of peace, Hook, under the advice of Mr. Cowan, a gentleman of some distinction in the law, thought proper to bring an action of trespass against Mr. Venable in the district court of New London.

Mr. Henry—

Patrick Henry, the great defender of liberty—

appeared for the defendant, and is said to have disported himself in this cause to the infinite enjoyment of his hearers, the unfortunate Hook always excepted. After Mr. Henry became animated in the cause, says a correspondent, he appeared to have complete control over the passions of his audience. At one time he excited their indignation against Hook. Vengeance was visible in every countenance. Again, when he chose to relax and ridicule him, the whole audience was in a roar of laughter. He painted the distresses of the American Army, exposed almost naked to the rigor of a winter's sky and marking the frozen ground over which they marched with the blood of their unshod feet. "Where was the man," he said, "who had an American heart in his bosom, who would not have thrown open his fields, his barns, his cellars, the doors of his house, the portals of his breast, to receive with open arms the meanest soldier in that little band of famished patriots? Where is the man? There it stands; but whether the heart of an American beats in his bosom you gentlemen are to judge." He then carried the jury, by the powers of his imagination, to the plains around York, the surrender of which had followed shortly after the act complained of. He depicted the surrender in the most glowing and noble colors of his eloquence. The audience saw before their eyes the humiliation and dejection of the British as they marched out of their trenches. They saw the triumph which lighted up every patriotic face, and heard the shouts of victory, and the cry of "Washington and liberty!" as it rung and echoed through the American ranks and was reverberated from the hills and shores of the neighboring river. "But, hark! what notes of discord are these which disturb the general joy and silence the acclamations of victory? They are the notes of John Hook, hoarsely bawling through the American camp, 'Beef! beef! beef!'"

Mr. President, in the years to come, when this resolution, if passed, shall be exhibited to posterity as an incident in this great crisis of our country's affairs, it will be said that the American Congress voted to intervene on the low ground that the war was entailing such losses upon the people of the United States. In other words, "Beef! beef! beef!" again. For these reasons I am opposed to the third section of the House resolutions which the conference committee saw fit to adopt, and I shall vote against them, in order that if the vote to concur shall be defeated we can strike out the third resolution. If we want to be prepared for whatever is necessary, while I see no necessity for declaring in advance what we are going to do or making any declaration upon the subject, I repeat, let it be done by proper measures brought in here without buncombe, without threat, without idle and empty declarations.

I am for the other two sections of the resolution. I voted for the two resolutions which the Senate passed the other day, which are substantially like these. I think I prefer possibly the Senate resolutions, but in substance they are the same and I shall not retract. I shall not take back that vote simply because there may be a little change of public sentiment or because some Spanish students have trampled upon the American flag. I am not frightened by any such occurrence.

What is the first resolution? It declares—

That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should preserve a strict neutrality between the belligerents.

I favor that resolution because it is an expression of the opinion of Congress. Does not a state of war exist in Cuba to-day? I know the distinguished Senator from Massachusetts [Mr. HOAR] yesterday said, "What proof have we of the existence of war there?" That country is full of reliable correspondents. Once in a while there are to be found a few reliable correspondents, and they are portraying every day in the newspapers of the country the details of a great war existing there. The morning papers, in which the press reports are contained, state that one of the generals of the insurgents is within a stone's throw of the capital of that country, the city of Habana.

Mr. President, it is idle to disguise the situation. The consular reports here show that a state of war exists. We can not shut our eyes to what is apparent to us. The precise extent of the war is not very material. The best information that I can obtain is that the insurgents have three-quarters of the island substantially under their control. We must determine this question from such light as we have.

I know it is said that we are embarrassing the Administration or the executive department by the passage of the resolution of opinion. I deny it. I think that if the Administration thought that the resolutions which have been pending before this body for some time were antagonizing to and embarrassing them, some one here upon this side of the Chamber would have knowledge of the fact. I can not believe that the officials of this Government would keep their own counsels so closely that no one would know what the Administration desires.

Mr. President, we must determine this question from the facts which are before us. We must determine it from just such knowledge as we have, from official reports, from newspapers, from the magazines, from any source whatever from which it may come to us.

My distinguished friend the Senator from Massachusetts [Mr. HOAR] yesterday said in substance that this is an idle resolution. He says it has no legal effect. He says that it is a Pickwickian resolution. The reason why he so stated is that it is concurrent in its form, and also because it expresses the opinion of Congress.

But a short time since we passed a resolution authorizing the Judiciary Committee to examine the whole question as to the legal effect of concurrent resolutions and whether all resolutions ought not to be signed by the President. The distinguished chairman of the committee honored me by making me a member of the subcommittee with himself, but without his usual courtesy, to which I bear cheerful testimony, he has concluded to determine the question all by himself, and yesterday he boldly declared that this resolution was meaningless, of no effect, because the President would not have to sign it. I supposed that was the very question which we were going to consult about as a subcommittee.

Mr. HOAR. Will the Senator from New York pardon me?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. Certainly.

Mr. HOAR. I do not understand that the question submitted to the Committee on the Judiciary is the same proposition in regard to which I expressed an opinion yesterday, or that it has anything to do with it. I certainly have no such understanding. If I am not interfering with the Senator from New York too much, perhaps he will allow me to state my proposition.

Mr. HILL. I do not wish to trespass upon the time of the Senator from Ohio [Mr. SHERMAN], who wishes to follow me. But I will hear a question.

Mr. HOAR. No; I want to be permitted to point out to the Senator, if he has no objection, that I think he misconceives the argument I made yesterday.

Mr. HILL. The Senator from Massachusetts may proceed.

Mr. HOAR. My proposition was and is that this declaration, by a concurrent resolution, has no legal effect whatever. It does not relate at all to the question whether certain concurrent resolutions may have legal effect without the signature of the President or whether they can be passed.

We have neutrality laws making it a highly penal offense to sell arms to the insurgent subjects of a government with which we are at peace unless they have been previously recognized as belligerents, and rendering the cargoes containing such arms or other warlike assistance liable to seizure. Now, my proposition is that a resolution by the two Houses of Congress, not assented to by the President, declaring a state of belligerency, has no legal effect whatever. So any citizen who, relying on it, would do an act to-morrow after its passage which would be unlawful yesterday, would be liable still to all the penalties of trading with the insurgent subjects of a government with which we are at peace and whose belligerency we have not acknowledged. That is the proposition.

Mr. HILL. Does the Senator place his opinion upon the ground that the President has not signed the resolution of Congress?

Mr. HOAR. Certainly. If the President signs this resolution of Congress or a resolution declaring belligerency, then an American citizen without committing a crime, as it is said, and I suppose truly, by the Senators representing the Committee on Foreign Relations, may sell arms and other munitions of war to the rebels.

Mr. HAWLEY. Or to the Spaniards.

Mr. HOAR. Or to the Spaniards.

Mr. MORGAN. He can do it now.

Mr. HOAR. Not to the insurgents.

Mr. MORGAN. Oh, yes.

Mr. HOAR. I do not so understand.

Mr. MORGAN. Unquestionably.

Mr. HOAR. We have been seizing ships.

Mr. HILL. I do not propose at this time to enter upon the question as to whether the signature of the President is necessary in order to give validity to the resolution, because we seem to agree upon that point, and I think the Senator, instead of relieving himself of the difficulty, has only added to it.

Mr. HOAR. Does the Senator claim that the law of the land would be changed one particle by the passage of these resolutions without the signature of the President?

Mr. HILL. After hearing the argument of the Senator yesterday, which was in accordance with my previous opinion upon this subject, I am inclined to agree with him that this resolution has no legal effect without the signature of the President, and,

being a concurrent resolution, it will not be presented to the President for that purpose.

Mr. HOAR. Very well.

Mr. HILL. So we have both separately, two members of the committee, not jointly but concurrently, arrived at the same opinion without any report.

Mr. GRAY. May I ask the indulgence of the Senator from New York——

Mr. HILL. And in that view I now propose further to discuss it and to show that it is a proper resolution under the circumstances. I will hear the Senator from Delaware [Mr. GRAY], however.

Mr. HOAR. Will the Senator permit me for one moment, in order that we may put this matter entirely right? I do not understand that the question submitted to the Judiciary Committee is, whether a concurrent resolution like this would have validity without the signature of the President. I do not suppose there is a member of this body who has a doubt in his mind upon that subject; possibly the Senator from Alabama [Mr. MORGAN] may have, but I do not suppose any others have. I speak of the claim of the Senator from Alabama about making war by act of Congress without the President.

But I understood that the claim had been made, which I at one time was inclined to support, that we could not pass a concurrent resolution at all without the signature of the President, because the Constitution says that every vote to which the assent of both Houses is necessary shall be submitted to the President. So it was claimed that where a statute says the two Houses of Congress may join in ordering printing, still, notwithstanding the statute, we must get the signature of the President to the concurrent resolution for printing, and so in regard to other public expenditures.

Mr. HILL. I think I understand the Senator from Massachusetts.

Mr. HOAR. Now, I understand the question submitted to us is, whether the signature of the President is essential in all cases of concurrent resolutions or only as to those concurrent resolutions to which the vote of the two Houses is constitutionally necessary. It does not touch this question at all.

Mr. HILL. I do not think it wise to interrupt my remarks by a discussion of this abstract question. The Senator, when he reads my resolution, which the Senate adopted and which has been referred to the Committee on the Judiciary and which we are both considering separately from one another, will find it precisely as I have described it. I yield a moment to the Senator from Delaware.

Mr. GRAY. I was merely going to ask the indulgence of the Senator from New York that I might call to the attention of the Senator from Massachusetts [Mr. HOAR] some language he used in his speech yesterday which I feared might be misleading, as coming from the chairman of the Judiciary Committee of the Senate, to the people of the United States who are interested in these transactions that he described. He has said, and I think has said truly, that perhaps this resolution, if it were passed, would make no difference in the situation of those who are furnishing arms to the insurgents in Cuba. But I think he has perhaps either been misreported or inadvertently said what he is reported as saying yesterday in these words:

> If any unhappy manufacturer or maker of arms, encouraged by this resolution, goes down to Mobile and sells them to a Cuban insurgent, or sends them from New York, and sets up in his defense that his Government has declared that those people are belligerents, he is liable to be indicted and convicted for a breach of our neutrality laws next week, just as he would have been last week before the resolution was passed.

What I want to call the attention of the Senator from Massachusetts to is that statement of the law which I do not think, when he comes to read it over, he will consider as reflecting his real opinion in this matter. I should be sorry if the people of this country should understand that an ordinary commercial venture by any citizen of the United States, sending arms openly to Cuba, if you please, selling them without disguise to an insurgent, is a breach of our neutrality laws.

Mr. HOAR. I did not speak of an ordinary commercial venture. I spoke of ventures prohibited by the neutrality laws.

Mr. GRAY. I beg the Senator's pardon. I am very glad to have given him an opportunity of correcting the impression which the country might obtain from the use of that language.

Mr. HOAR. I did not use the phrase "ordinary commercial venture."

Mr. HILL. I do not think it wise to go off into a discussion of the neutrality laws.

Mr. WHITE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. HILL. Certainly.

Mr. WHITE. I desire to call the attention of the Senator from Massachusetts to the decision of the circuit court of appeals of the United States for the ninth circuit, reported in the case of the *Itata* (56 Federal Reporter), and also to the case decided by Judge Blatchford in Florida, reported in 4 Benedict, and also to the opinion of Attorney-General Speed, which I quoted the other day, all of which go to the extent that commercial ventures such as those referred to by the Senator from Delaware may be undertaken and carried on from the United States, not in the form of an expedition, but that the mere selling of arms and munitions is not unlawful.

Mr. HILL. I will now continue the argument which I had contemplated making. I referred simply to the fact that the Senator from Massachusetts had characterized this resolution as Pickwickian in its character, as not amounting to anything, for various reasons, and among others because it was the mere expression of an opinion, that it was a concurrent resolution, etc.

Away back in 1836 Mr. Clay did not think that a resolution of Congress expressing its opinion upon a question of this character was Pickwickian. On the contrary, in a report which he made in that year he laid it down that while the Constitution vested in the President mainly the care of our diplomatic relations, yet Congress could properly pass resolutions expressing its opinion. What would have been the argument if the Committee on Foreign Relations had presented a joint resolution? Would the Senator from Massachusetts have voted for it then? Of course he would not. What, then, would have been the argument? It would have been said, "You are embarrassing the President." It would have been said that the Constitution contemplates that the President shall be the final judge of what ought to be done, and it would have been said that the resolutions were wrong and improper, because we were interfering with the prerogatives of the President. That would have been the argument.

I am for this resolution declaring that in our opinion a state of war exists which requires the recognition of belligerent rights, because it is merely an opinion, because it is respectful to Spain, because it is respectful to the President, because it does not ignore the President, because it does not require Executive approval, because, after all, it leaves it to the President to exercise his prerogatives under the Constitution, to do as he sees fit on this question, having possibly greater knowledge on the subject, taking into consideration, and with respect, as he assuredly will do, the opinion of Congress.

I should have hesitated long before I should have voted for a joint resolution which would compel the action of the President within ten days. This resolution recognizes the propriety of his having the final determination of this question, and it is an appropriate resolution, not a Pickwickian one, just such a one as Henry Clay approved in 1836.

It is a safe resolution, because it is merely an expression of opinion. It does not bind anyone except those who declare what their opinion is. It has its moral effect. It will be received with respect by the executive department. It has its moral effect throughout the country. It will have its moral effect throughout the world. This is exactly the way in which such resolutions have been adopted in the past.

Away back in the thirties, when Mr. Jackson was President, Congress passed a concurrent resolution—not a joint one—expressing its opinion (I have it before me, but I will not detain the Senate by reading it), not upon the mere question of belligerency, but upon the greater question of the recognition of the independence of Texas. It was not expected that it would be presented to the President for approval. It was not presented to the President for approval. It was simply a concurrent resolution expressing the opinion of Congress. Therefore Senators can not rise here in their places and say that this is an unprecedented resolution. It is in accordance with precedent, it is a safe, it is a conservative, it is a fair resolution; it is the very action which we ought to take. Thus far should we go and no farther upon this point.

Mr. President, Senators have read with words of approval the protest of Mr. Lincoln and Mr. Seward against what they termed the premature acknowledgment of the belligerency of the Confederate States. With all due respect to those distinguished statesmen, and I would not detract a single word from their high places in history, it is impossible to read those protests and not think they were wrong. In May, 1861, several foreign governments properly recognized the Confederate States as belligerents, not their independence. That recognition took place before a single prisoner of war had been exchanged between the two armies, and yet Senators read from old musty documents that there can be no recognition until prisoners of war have been exchanged. Of course Mr. Lincoln and Mr. Seward felt it was their duty to protest.

There has never been an insurrection anywhere or a rebellion anywhere that the parent government did not see fit to protest against the recognition of the insurgents as belligerents. Why? For the purpose, if possible, of preventing a recognition of independence. I recollect what Henry Ward Beecher once said in an address. He said: "If you want to keep a man whom you are walking with at about a certain proper pace, you must keep all the while a few steps ahead of him." So, in order to prevent the recognition of the independence of the Confederate States, it was

deemed wise upon their part to protest against the recognition of them as belligerents. Suppose that course had not been adopted; do you think the United States would not themselves have recognized the Confederates as belligerents? Did they not, in fact? Did they not very soon thereafter begin a series of recognitions between the two troops? Were not flags of truce recognized? Were not prisoners of war exchanged? You can not prosecute a whole people for treason. That is the reason why you must recognize these great contending forces as belligerents.

Three-quarters of the Island of Cuba is in insurrection to-day. They say that the insurgents are overrunning, not actually occupying, the island. Be that as it may, it is proper in the interests of humanity, it is proper in the interest of the orderly conduct of civilized warfare, that those people should be recognized as belligerents. Must the strife go on? Must we encourage it? Will we stand by and allow those prisoners, who are virtually prisoners of war, to be executed, to be guillotined, to be hung upon the gallows? This may be done, and we have no power or influence to stop it unless we recognize those people as belligerents.

Mr. President, the recognition of belligerency is nothing with which Spain can find any fault. It gives no real offense to Spain. It is in accordance with the dictates of humanity; it is in accordance with established usage. We can not do less. The whole question of belligerency is addressed to the discretion of other than the contending powers. There is no precise rule laid down. Each case must be judged from its own circumstances. No harm can be done by our proposed action. It may tend to stay the cruel warfare that is being continued in that island.

Mr. President, what further should we do? I do not intend to argue the second proposition, because it seems to be generally conceded that the second resolution, which simply provides that this Government should tender its kindly offices to the end of securing independence, should be adopted. Even the Senator from Massachusetts [Mr. HOAR] averred that he was willing to vote for that resolution, and when the Senator from Massachusetts can not find fault with a resolution it is pretty good evidence that no one else can. [Laughter.]

Mr. President, this is our position upon this second question. He agrees with us. He agrees with those who voted the other day that it is an appropriate time for this Government to say that its friendly offices should be exercised to the end of securing Cuban independence. And yet in the next breath he says the insurrection is not of that nature, is not of that proportion, is not of that strength that we ought to recognize the insurgents as belligerents. He would ask this Government to interfere, to interfere to the end that these insurgents may be recognized as an independent government, but in the meantime he would not give them the right of belligerents. I think that is an inconsistent position. I think that if he stands ready to welcome Cuban independence, if he thinks that the best interests of Spain, of Cuba, of the United States, and of the world will be subserved by granting those people independence, he might strain a little further and accord to these poor people belligerent rights in the meantime.

Mr. President, there have been many quotations made here from General Grant's messages and the reports of Mr. Secretary Fish. Mr. Fish, as well as President Grant, in their messages and reports, said that the question of Cuban independence was a mere matter of a short time; that in the end it was bound to come. Both of them stated that over and over again. They said repeatedly, it is impossible that this foreign Government of Spain away across the waters should be permitted to plunder, to rob, to unduly tax those people; that they have struggled for years against such oppression and that there could be but one final result, and that would be independence for Cuba sooner or later.

In view of those statements, in the light of that experience, in view of all that has taken place in that unfortunate island, may we not well anticipate that that independence will surely come in the very near future? If we think it will come, may we not act upon such light as we have before us and say, in the great struggle for that independence which is to come surely and inevitably, we will in the meantime rid this warfare of some of its hardships, some of its infamies, some of its degradation, some of its brutality? For that is all that this resolution, in effect, proposes to do.

I therefore, for these reasons, thus hastily expressed, am in favor of the first two resolutions which are involved in the conference report. I am opposed to the third one, and therefore must vote to nonconcur, because I do not like the pusillanimous and inconsistent terms, the unfortunate terms, the unwise terms, of the said resolution. Let us put our action upon high ground. What position we should take is very clear to me.

Mr. President, while the true policy of this Government is that of peace—not peace at any price, but peace with honor—and while our general policy is that of nonintervention in the affairs of other countries, yet let me repeat what has been so often stated here and elsewhere, that as one of the free States among nations—one of the greatest of Republics—it is impossible that our principles, our sentiments, and our example should not produce effect upon the opinions and hopes of society throughout the civilized world; and if other peoples, no matter in what quarter of the globe, whether near our own shores or in the distant waters of the Pacific, imbued with the same spirit of liberty—catching the inspiration of our success—desire to found a Republic and throw off the shackles of a monarchy, if we can not consistently give them a helping hand, at least we should not retard them; we should not crush them; we should not frown upon them; we should not stand up so straight as to lean over backward against them in the exercise of a strict and cold neutrality; but on the contrary, we should encourage and cheer them in all the ways and methods permissible under the wise rules of international law. In short, such efforts on our part as well as our sympathies should be extended to every people struggling to be free from the burdens, oppressions, and wrongs of monarchial government.

We can not ignore the fact that we set them their example. We are responsible for the lessons we have taught the world. We established the doctrine that the right of revolution for just cause exists. Who so craven as now wants to abandon it?

What is the situation? The people of Cuba have founded a Republic and are seeking to maintain it. They are resisting the right of taxation without just representation. They want some voice in their own Government. They naturally object to longer being governed by a distant power that does not in fact govern, but oppresses and plunders them. It is the old story of our American Revolution over again. There were Tories then, as there are Tories now whose sympathies are with aristocratic and monarchial governments. They will be crushed now, as they were then, by the force of the enlightened and intelligent public sentiment of a free people determined to maintain free institutions for liberty's sake alone.

We can not shut our eyes to the fact that there exists what Mr. Seward calls "an irrepressible conflict" between the forces of republicanism on the one hand and the forces of monarchy on the other hand, between absolute and constitutional governments, between those who believe in the divine right of kings to rule and those who believe that society itself shall have a substantial part in its own government.

The people of the United States have chosen their side in that great conflict which is constantly being waged, sometimes quietly, secretly, and peacefully, sometimes openly, through revolution and bloodshed.

The establishment of republics is in the line of the progress of civilization. The history of the last half century shows that the salutary influence of our example has performed its work.

One of the greatest nations of the earth, France, which shared with us the glory and dangers of our own Revolution, has taken her place among the sisterhood of republics and planted the citadel of liberty in the very heart of monarchical Europe. The South American countries are nearly all Republics. Mexico long since threw off kingly rule and will never resume it. The revolution in Hawaii—no matter how instituted—resulted in another republic, and it is our earnest wish that it may have long life and prosperity.

Cuba now wants to join the procession of Republics, that it may receive with us the blessings of liberty and good government. God grant that she may succeed. But whether she succeeds or not, we shall at least have the proud consciousness that we have discharged our duty to it, to mankind, and to liberty.

Let us discharge our duty as we understand it and as we see it at this time. Let the future take care of itself. What position we may safely, wisely, and consistently take in this crisis I have already indicated. Let us go no further at this time. Let us not anticipate events, but leave future conditions and situations to be solved when they arise. In conclusion, permit me to quote the appropriate words of Daniel Webster in his great speech in the House of Representatives in 1823 in behalf of the virtual recognition of Grecian independence, when he said:

> What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, can not be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course before we have even time to ask whether we have an option. Our place is on the side of free institutions.

Mr. SHERMAN. Mr. President——

Mr. MITCHELL of Oregon. If the Senator will allow me, I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair always lays the unfinished business before the Senate at the proper time.

Mr. MITCHELL of Oregon. I ask the Senator from Ohio to yield to me that I may introduce a joint resolution.

Mr. SHERMAN. Certainly.

[The joint resolution introduced by Mr. MITCHELL of Oregon appears under its appropriate heading.]

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution reported by Mr. MITCHELL of

Oregon, from the Committee on Privileges and Elections, that Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. PRITCHARD. Mr. President——

Mr. FRYE. Mr. President, just one word. I recognize the fact that notwithstanding a special order was made for 2 o'clock to-day, both the unfinished business and the conference report are privileged questions, and that therefore the special order must go over.

Mr. SHERMAN. I think that the controversy or apparent conflict between the two propositions may be very easily reconciled. I understand the honorable Senator from North Carolina [Mr. PRITCHARD] desires to speak on the subject of the contested-election case, that being a privileged question. I desire also to speak upon the other privileged question pending; and it would embarrass the Chair somewhat and the Senate also to select. I propose therefore to go on and not make a very long speech, a comparatively short one in the Senate Chamber, and then to give way to the Senator from North Carolina, who desires to go away. But it is understood that after that the Cuban resolution shall be acted upon until it is definitely settled.

Mr. MITCHELL of Oregon. I am not so certain about that.

Mr. WOLCOTT (to Mr. SHERMAN). Understood by whom?

Mr. SHERMAN. I understood the Senator from Oregon himself to consent.

Mr. MITCHELL of Oregon. I stated yesterday that after the conclusion of the speech of the Senator from Indiana [Mr. TURPIE], so far as I was concerned, having charge of the Du Pont case, I would give way to the Cuban resolution, but unfortunately the speech of the Senator from Indiana continued until a late hour and the Senator from Ohio left the Chamber, and, of course, the Cuban question was not taken up yesterday. I hardly feel at liberty at this time to consent that at the conclusion of the speech of the Senator from North Carolina the Du Pont case shall be shelved until the Cuban question is finally settled.

The VICE-PRESIDENT. The Chair will state that in the judgment of the Chair the Senator from North Carolina [Mr. PRITCHARD] is now entitled to the floor upon the unfinished business, it having been laid before the Senate. Does the Senator from Ohio submit a request?

Mr. SHERMAN. Yes, I did. I desire also to accommodate the Senator from Missouri [Mr. COCKRELL], and I think we may as well have the arrangement made now. The Senator from Missouri desires to address the Senate upon a subject to-morrow. I think that also should be understood.

Mr. COCKRELL. Immediately after the completion of the routine morning business to-morrow.

Mr. CALL. What is the arrangement proposed?

Mr. SHERMAN. I hope the Senator from North Carolina will allow me to proceed on the Cuban question.

Mr. HARRIS. I ask the Senator from North Carolina to yield to me for a single moment.

Mr. PRITCHARD. Certainly.

Mr. HARRIS. I should be glad to have an executive session for a few moments—I think thirty minutes will be sufficient—immediately upon the conclusion of the remarks of the Senator from North Carolina. If that can not be obtained, I had intended to ask it immediately after the routine business to-morrow, but I can not afford to interfere with my friend from Missouri. The main reason for my request is because my physical condition is such that I want to get away from here in the next few days, and there is a matter that I must see disposed of before I can get away.

Mr. MILLS. Can we not do that this evening?

Mr. COCKRELL. We can do that to-day.

Mr. HARRIS. I ask unanimous consent that we may have an executive session immediately upon the conclusion of the remarks of the Senator from North Carolina.

Mr. COCKRELL. At the conclusion of the remarks of the Senator from Ohio.

Mr. MITCHELL of Oregon. No, no; I can not consent to that.

Mr. HARRIS. Immediately upon the conclusion of the remarks of the Senator from North Carolina to-day.

Mr. MITCHELL of Oregon. Will the Senator from North Carolina yield to me a moment?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. CALL. I wish to understand what is to become of the Cuban resolution before I assent to that. I should be glad to learn from the Senator from Ohio what is to be done with the resolution that has been under consideration.

Mr. SHERMAN. I have already asked that the pending business be temporarily laid aside until I can make my remarks.

Mr. STEWART. Before that is done——

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Ohio, and the Chair will then recognize the Senator from Nevada. The Senator from Ohio asks unanimous consent that the unfinished business be laid aside temporarily in order that he may address the Senate upon the Cuban resolution.

Mr. HARRIS. At this time?

The VICE-PRESIDENT. At this time. Is there objection to the request of the Senator from Ohio?

Mr. STEWART. I do not think that the proceeding is quite fair to go on in this way by unanimous consent. A resolution is taken up and one Senator makes a speech and then gives the floor to another. There are several who may want to make some remarks, but these arrangements have been going on for a week and the floor is preempted all the while. I shall object to this order of proceeding. One or the other of these two measures should be taken up and disposed of and there should not be unanimous consent given for a certain Senator to make a speech on one measure and then change over to the other by unanimous consent. It appears to put the business of the Senate in a condition in which there is not an equal chance all around. So I object to any more unanimous-consent agreements. Let the Senate decide which case it will take up beforehand.

Mr. WOLCOTT. If the Senator from North Carolina will yield to me, I suggest that the only difficulty was one inadvertently created by the Senator from Ohio. As I understand it, the Senator from North Carolina has the floor intending to address the Senate upon the Du Pont case. He yields to the Senator from Ohio, who has some remarks to make upon the Cuban resolution. That is within the province of the Senator from North Carolina. When the Senator from Ohio has concluded his remarks, the Senator from North Carolina will resume the floor and make his remarks upon the Du Pont case, and then the Senate can determine whether it will proceed with that resolution or what it will take up.

Mr. MITCHELL of Oregon. That is right.

The VICE-PRESIDENT. The Chair has not understood from the Senator from North Carolina that he has yielded the floor. The Chair submitted to the Senate the request of the Senator from Ohio that the pending resolution, which is the unfinished business, be laid aside in order that the Senator from Ohio might address the Senate. To that objection was interposed by the Senator from Nevada [Mr. STEWART]. The Chair recognizes the Senator from North Carolina upon the unfinished business.

Mr. SHERMAN. I have the floor, I think.

Mr. HARRIS. Was my request for an executive session at the conclusion of the remarks of the Senator from North Carolina put to the Senate?

Mr. PRITCHARD. I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Tennessee has addressed the Chair upon a parliamentary inquiry. The Chair understood the Senator from Florida [Mr. CALL] to object.

Mr. GRAY. I rise to a parliamentary inquiry.

Mr. CALL. I do not object except as to its consideration at this time. As was suggested by the Senator from Colorado, when the speech of the Senator from North Carolina has been concluded there will be ample time to make that arrangement.

The VICE-PRESIDENT. So the Chair has stated. What is the inquiry of the Senator from Delaware?

Mr. GRAY. It is this: I am anxious to hear the Senator from North Carolina, but is it competent for the Senator from North Carolina to take the floor upon the unfinished business and yield the floor to anyone and then resume it except by unanimous consent?

The VICE-PRESIDENT. The Chair will determine that question as the Chair has determined it before. If the Senator from North Carolina yields the floor for any purpose, unless he yields during an argument for a question, he can not thereafter control the floor. The Chair knows of no authority for one Senator to yield the floor to another. The Senator from North Carolina has been recognized.

Mr. MITCHELL of Oregon. I appeal to the Senator from Nevada and to the Senate that the unfinished business be temporarily laid aside and that the Senator from Ohio be permitted to make his speech on the Cuban matter at this time.

Mr. GRAY and others. That is right.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The unfinished business is laid aside temporarily at the request of the Senator from Oregon, and the Chair recognizes the Senator from Ohio.

Mr. SHERMAN. Mr. President, I would not trespass again on the attention of the Senate upon the Cuban question, and I would have been entirely content to leave the discussion of this interesting topic to the speeches that were made while the resolution was pending in the Senate, but since that time the adoption of the resolution of the House, the action of the conference committee upon it, and the sudden exploit, I may say, of my friend from Massachusetts on my left [Mr. HOAR] induce me to participate a little further in this debate. I do it very reluctantly to-day, because I desire in every way to promote the wishes and convenience of the Senator from North Carolina [Mr. PRITCHARD].

The Senator from Massachusetts by his early directions to his colleague convinced me that he was one of the strongest supporters of the policy of recognizing the belligerent rights of Cuba, and assisting, if possible, in gaining its independence. He was not satisfied with the resolution reported by the Senate committee, as it was quite conservative, very considerate of the dignity and pride of Spain, and very carefully prepared in its language, but he preferred the resolution offered by the Senator from Pennsylvania [Mr. CAMERON] as an amendment or substitute to the proposition of the committee. That resolution went far beyond the resolution of the committee. The Senator from Massachusetts having committed himself to that resolution, I assumed that he would vote for any proposition falling short of it, if he could not get that.

Mr. HOAR. Will the Senator have that resolution read?

Mr. SHERMAN. I will do so after a while. The Senator, however, in a sudden way, without notice to me, although we are very near neighbors, sitting side by side, and always possessing my highest regard and respect, introduced a resolution of an extraordinary character. The resolution reported to the Senate was adopted by a majority of more than 10 to 1, and a substitute for it was adopted by the House of Representatives by more than 15 to 1. These disagreeing resolutions were brought into conference, and after full consideration that of the House was adopted by the conference and the report signed by all of the conferees. Before any action has been taken in the Senate upon that report, the honorable Senator from Massachusetts, who had been absent at his home during the pendency of the debate on the Cuban question, rises in his place and offers a resolution taking the matter practically out of the hands of the Committee on Foreign Relations and proposing to postpone consideration until toward the middle of April, and, if adopted, practically defeating the conference report.

This summary and unusual course excited some feeling. The Senator is probably aware that I am usually patient and cool, but I must confess that this sudden change disturbed my coolness and patience. I thought it was a very undeserved reproach, a very severe reflection upon the Committee on Foreign Relations, which had given to the Cuban war the most careful study, and therefore when I expressed my views upon this subject I expressed them precisely as I felt.

Now, Mr. President, overlooking all this and thanking my honorable friend for the high compliment that he paid me yesterday, I advise the Senate that we are entirely reconciled and we can sit by the side of each other with mutual respect and esteem, which on my part I express to him heartily.

I wish to present, in a plain, sensible way, the Cuban resolution and the changes made by the Committee on Foreign Relations as the subject was developed. I said that the proposition submitted by the Senator from Pennsylvania [Mr. CAMERON] was not contained in the resolution first reported by the Senator from Alabama [Mr. MORGAN]. It is as follows:

Resolved, That the President is hereby requested to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba.

It was thought by the committee that it was injudicious to propose to Spain the independence of Cuba. It was regarded by the committee, and intended by the Senator who offered it, as a direct intervention by the people of the United States and a demand upon Spain—because it would have been construed as a demand—for the independence of Cuba. The resolution reported by the Committee on Foreign Relations did not go so far. It provided as follows:

That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

That was the simple proposition of the Committee on Foreign Relations; but afterwards, upon further reflection and a thorough consideration of the whole subject in all its details, upon the presentation of the reports made by the Senator from Alabama and the Senator from Pennsylvania, we came to the conclusion that, on the whole, it was proper to annex to the resolution the resolution proposed by the Senator from Pennsylvania, somewhat modified, as follows:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

This resolution went far beyond the original resolution of the Senate committee; but it was proposed and agreed to in committee, and presented to the Senate, and adopted without amendment, and by the large vote I have already mentioned of 64 to 6.

The concurrent resolution in that form was sent to the House of Representatives, as I have already stated, and in the House a substitute for it was adopted by a vote of 262 to 17. On the action of the House being communicated to the Senate, the matter went into conference, the conferees on the part of the Senate being the Senator from Alabama [Mr. MORGAN], the Senator from Massachusetts [Mr. LODGE], and myself.

After a careful examination by the conferees, without any feeling of rivalry whatever between the two Houses, without any other consideration except an earnest desire to do the best for the public interests and the most we could properly do for the people of Cuba, we agreed to accept the House proposition. It was substantially the same as that passed by the Senate, being only different in phraseology. By the adoption of the report of the committee of conference the matter would be settled, and the House would be relieved from further action. There will be no objection, as a matter of course, if a better scheme can be proposed, or if, as is thought by some Senators here, the third resolution is not exactly in proper language, it will be easy to have a further conference, so that the matter can be satisfactorily arranged; but, substantially, the two Houses have agreed in the resolutions passed by the respective Houses, both meaning practically the same thing.

The complaint of my friend from Massachusetts against the Committee on Foreign Relations was that the committee agreed to a milder measure than he thought ought to be adopted; that is, the resolution as reported by the committee did not contain the amendment proposed by the Senator from Pennsylvania, and therefore he complained of our resolution because it did not go far enough. Yet he afterwards insisted very strongly that the resolutions as they now stand with the Cameron amendment inserted would give no relief to the struggling Cubans; that they would have no meaning, no force, either as law or as an expression of opinion. But, Mr. President, the expression of the opinion of the Congress of the United States in favor of the independence of Cuba, or in favor of local autonomy for Cuba, or in favor of Cuba in any form that recognized their equal rights as belligerents with the Spaniards who were treading over their soil, could not fail to have great weight. Such a proposition would, I believe, receive the hearty approval of the people of the United States whenever it should be put forth.

It was also complained that the resolutions were made concurrent. Certainly we might have converted them into a joint resolution, and thus have required the assent of the President to their passage; but the consideration which weighed with us, after full deliberation, was that we ought not to put the President in that position. Up to this time there has been no politics in this question, and I trust there never will be. We are not dealing in the petty or greater politics of the country, as the Senator from Massachusetts seems to think and conveys by a joke. We are dealing with the lives and property of nearly two millions of people who are bravely following the example of our Revolutionary fathers by fighting for liberty and republican rule.

Mr. TURPIE. I wish to ask the honorable Senator from Ohio whether I understood the statement correctly that these resolutions reported from the conference committee had received the sanction of the Committee on Foreign Relations of the Senate?

Mr. SHERMAN. The committee reported a single resolution, which was modified and adopted by the Senate. It was amended by a substitute by the House. The Senate disagreed to the House resolutions. That sent them into conference; but the original resolution reported to the Senate, I believe, was agreed to by the committee unanimously.

Mr. TURPIE. These resolutions have never been considered by the Senate Committee on Foreign Relations.

Mr. SHERMAN. The conference report?

Mr. MORGAN. The original resolutions?

Mr. TURPIE. The House resolutions.

Mr. SHERMAN. I have the resolutions before me here in print. I do not know to what my colleague on the committee refers.

Mr. TURPIE. I ask the Senator from Ohio whether I understood his statement to be that these resolutions had received the sanction of the Senate Committee on Foreign Relations? I ask if I was mistaken in that understanding, or whether the Senator wishes now to state that the three resolutions of the House of Representatives received the sanction of the Committee on Foreign Relations?

Mr. SHERMAN. The House resolutions came over in the nature of a substitute. They were disagreed to in the Senate, and a committee of conference was ordered. That is the usual course pursued in such cases. Therefore, it is true that the House resolutions were never before the Committee on Foreign Relations; but they were referred to a committee of conference, composed of three members of each House, and the House resolutions were adopted by that committee.

Mr. HAWLEY. I call the attention of the Senator to the fact that the last two resolutions reported by the committee of conference have been before the Committee on Foreign Relations, for they are the resolutions offered by the Senator from Massachusetts [Mr. LODGE]; but those were set aside in the report finally made from the Committee on Foreign Relations. So that those two resolutions, it may be considered, were laid aside.

Mr. LODGE. Will the Senator from Ohio allow me one moment?

Mr. SHERMAN. Certainly.

Mr. LODGE. When the action of the House of Representatives was reported to the Senate, I followed the usual course and moved that the House substitute be referred to the Committee on Foreign Relations. It went there. The substitute of the House and the original resolutions of the Senate were before the Committee on Foreign Relations, and that committee, as I remember, authorized the chairman to move that the Senate disagree and ask for a committee of conference, the usual course, I think, and that is what was done.

Mr. HAWLEY. I hope the Senator will allow me a word. Some one has said, and the Senate apparently thinks, that the resolutions reported from the committee of conference have not been before the Committee on Foreign Relations. The committee of conference has taken two of the resolutions offered by the Senator from Massachusetts [Mr. LODGE] and incorporated them. The resolution that was rejected by the Committee on Foreign Relations, and the resolution that has given rise to the most controversy here, appears as follows in the print of the resolution of the Senator from Massachusetts:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our people, by intervention if necessary.

That is the resolution of the Senator from Massachusetts.

Mr. SHERMAN. I intended to read that.

Mr. TURPIE. Mr. President, I should like permission to make a statement of my understanding of the present status. I do not question that these resolutions of the House were before the Senate Committee on Foreign Relations; they were introduced there by a member of the committee; they were laid upon the table; the Senate Committee on Foreign Relations declined to report them, and they had only the support of one vote. Then the committee of conference met, and these same resolutions that the Senate Committee on Foreign Relations had declined to report are returned now as a report from the committee of conference; but they never received the sanction of the Senate Committee on Foreign Relations.

Mr. SHERMAN. Mr. President, I suppose everyone knows the course of business in such cases. These resolutions came back with a substitute from the House of Representatives, and the subject of the disagreement between the two Houses was referred to the Committee on Foreign Relations. That committee advised the Senate not to concur in the House resolutions. They were then sent to a committee of conference, and after a careful examination on both sides it was concluded that, on the whole, the House resolutions were preferable. Whether we were right or wrong is a question which the Senate can determine at any moment.

Mr. HOAR. May I ask the Senator a question?

Mr. SHERMAN. I desire, respectfully, to object to further interruption.

Mr. HOAR. It is merely as to a question of fact.

Mr. SHERMAN. All right.

Mr. HOAR. Is it not true that every proposition in the conference report has once been rejected by the Committee on Foreign Relations—the resolution of the Senator from Pennsylvania [Mr. CAMERON], the House resolutions, and all the resolutions?

Mr. SHERMAN. No, sir; the first resolution, which contained the declaration of neutrality, very much as it now stands in the conference report, was in the resolutions reported.

Here I ought to say that this matter was long considered in the Committee on Foreign Relations. For many weeks we had it before us, and there were submitted to us a great mass of documentary evidence and information of various kinds, and the committee discussed the whole subject thoroughly.

The committee finally settled down upon a simple resolution, similar to the one which now stands as the first resolution. It so happened that during one of the meetings of the committee I was not in good health and was unable to attend, and a resolution was agreed to, which was handed over to the honorable Senator from Alabama to be reported to the Senate, with a written report, and the Senator from Pennsylvania submitted his resolution with quite a lengthy minority report, both of which reports were printed. The resolution submitted by Mr. MORGAN was subsequently modified, and in this form, with the addition substantially of the resolution of the Senator from Pennsylvania, it was supported by the vote of every member of the Committee on Foreign Relations, reported here, and passed. This is the history of the action of the Senate.

Mr. President, I respectfully ask that Senators will not interrupt me further, because I am trespassing on the time of the honorable Senator from North Carolina [Mr. PRITCHARD], who is entitled to the floor on the contested election case, and therefore I do not wish to be interrupted, as I desire to make my statement as clear and brief as possible.

The objection was made that the resolutions were concurrent. The honorable Senator from New York [Mr. HILL] properly stated that. If after we had received the resolutions from the House of Representatives we had changed them to a joint resolution, they would necessarily have to be sent to the President of the United States; and at a critical period of the war in Cuba he would have been compelled to determine upon his executive action in ten days, and either approve or disapprove them. All we desired, however, was the moral influence of the declaration of Congress. We did not wish to place the President in a dilemma. I would say here, that no matter how many differences there may be between us and the President of the United States on questions of domestic policy, no one doubts his courage, his loyalty, his fidelity to the flag of our country in any contest with any foreign power. I believe that can be said of him with the hearty assent of nearly all.

I wish to state also that in the entire controversy between the two committees the question of party, whether Populist, Republican, or Democratic, was never mentioned or thought of, and the action of the committee and also the action of the Senate was practically unanimous. That was the reason why we did not send the resolutions to the President, and I think it was a very good reason.

When we came to examine the question, we had before us from the beginning of the session in December last the message of the President of the United States upon the subject. It is true the reference to the matter in that message was brief. We soon, however, had a multitude of other information. We had the current history of events, and we are accepting and acting on faith in the current history of events every day upon the most important as well as upon trifling matters; and though that history may not be always a reliable ground for action, it is very often our only mode of obtaining information, and we must judge of it as best we can, according to the source from which it comes. The committee had also before it the important fact that Campos, an able general of Spain, probably the most distinguished of his time, was suddenly displaced because of his disposition to compromise and make arrangements with the rebels, and General Weyler was appointed in his place.

Weyler was a general who was denounced before he came to Cuba as a tyrant—"butcher" is the name given to him—and his history has been detailed on this floor. It is true the honorable Spanish minister—and I think he was justified in doing so—endeavored to apologize for that general, and endeavored to show that Weyler's name was not mentioned in the book detailing the enormities to which I referred in my speech on the floor of the Senate. Sir, Weyler's name was mentioned in the paper from which I quoted and his character was referred to throughout; and when Weyler went to Cuba he did not deny it, but he said—and probably there is a good deal of force in that, and therefore it ought to be taken in mitigation of his offenses—that he was a lieutenant-colonel in the army, that he obeyed orders, and that his orders commanded these measures in order to put down and suppress the rebellion of ten years ago.

The House of Representatives had before it a document containing over 200 pages, which covered every portion of this controversy, and which was used in the Senate. We have the claim of the insurgents. My honorable friend from Massachusetts spoke of it as a matter of reproach that I introduced here a document coming from the agent of the insurgents.

Mr. HOAR. If the Senator will pardon me, I stated that the argument of one of the counsel for these belligerents was not a statement of fact on which we could proceed without knowing whether the committee had found those facts were true. I did not mean to reproach the Senator. My language is reported in the CONGRESSIONAL RECORD.

Mr. SHERMAN. That document contains their case; and in that document they present their grievances and the history of the war in which they are involved. The kindness and liberal disposition of Gomez and other generals in the treatment of prisoners of war, the mode and manner of conducting the war, and the constitution which was framed by the people of Cuba—most of them in the army—are all set out in detail.

Besides, we had the secret history of the correspondence with Spain. The Senator from Massachusetts [Mr. LODGE] went to the State Department and was furnished by the Secretary of State, Mr. Olney, with all those private papers, which show more than any other the condition of affairs in Spain and the purposes of that country as therein revealed. As a matter of course, the contents of those papers were never disclosed to the public at large. We had the statement of the Senator from Massachusetts, who went over the correspondence and communicated it to us,

and we never revealed it in any way. I have said all that I desire to say in that connection.

Now, I wish to take up the resolutions before us and, in the briefest manner I can, present them, so that the Senate may see what they are. First, we must know what the facts are as they exist in Cuba. Cuba for fifty years has been in a state of rebellion, either slumbering or boldly engaged in revolution. Most of the people of Cuba are of native birth. It is said that about two-fifths of the people there are of negro descent or mixed descent of various kinds, some with Indian blood, but that about three-fifths of them are native Cubans of Spanish stock, and only 9 per cent are Spaniards. The whole history was brought out as to the strength of these people and as to the existence of a war. If war did not exist in Cuba, where did war ever exist?

All that makes war "hell on earth" is crowded into the history of Cuba. Murder, fire, the ravages of hate, and every form of crime is in the daily life of Cuba.

There are more than 100,000 Spanish soldiers on that island, which contains a population of 1,600,000 people. There is daily warfare, either in a limited scope or on a more extended scale. Who are the combatants? The Cubans and their allies on one side, whites and blacks, of whatever race or name, against the Spanish authorities and the comparatively few property holders who sympathize with them. It is said the insurgents are ignorant, uneducated soldiers. So they may be, but they are fighting for the same cause as the soldiers of our Revolutionary war. They have marched from one end of Cuba to the other. Where were the 100,000 Spaniards sent there to conquer the island and put down the rebellion? They were compelled to remain in the towns and places where they could seek protection through forts or otherwise. There never was a more clear conquest in the sense of possession of the Island of Cuba than those ignorant, uneducated soldiers won against the 100,000 soldiers of Spain. If this is not war, what is it?

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. CULLOM. The Spanish bureau, I believe, gave out this morning that there was a battle in which 3,000 insurgents were defeated. What can that be called? Is that war, or something else? It seems to me to be war.

Mr. SHERMAN. Mr. President, here was the condition with which we were confronted. We had to meet that peculiar state of affairs, which had been growing worse and worse all the time. We had to review the incidents of ten years ago. I have here an interesting fact which I think I ought to present to the Senate. At the close of the war of 1878 the insurgents had held power and possession of nine-tenths of Cuba for ten long years, fighting constantly. Finally they were persuaded to enter into negotiations for terms, and General Campos, who was then in command, a liberal and broad-minded soldier, held out to them the offer that they could have autonomy, that they could have representatives in the Cortes, that they could have a body of some 30 persons to make laws for them, that they should have protection and education, and that slavery in that country should be abolished. Those were the terms which were agreed upon. The Cubans thereupon laid down their arms, and what was the result? The Cortes refused to carry the promise into execution, and General Campos within a year after that wrote a letter in regard to the course of the Spaniards in that matter.

[From the Madrid Liga Agraria of July 27.]

Here is a letter of Gen. Martinez Campos, read in the Senate by Señor Canovas del Castillo on July 21, 1879, that is, after the peace of El Zanjon:

"Promises never fulfilled, abuses of all kinds, no provision made for agriculture and public works, the exclusion of the natives from all branches of administration, and other faults in plenty, gave rise to the insurrection of Yara. The conviction of successive governments that no other means can be used here but terror, and that it is a matter of dignity not to begin reforms as long as a shot is fired, made it continue. In this way we should have accomplished nothing, even though we covered the island with soldiers. If we do not wish to ruin Spain, we must take up frankly the question of liberties. I believe that if Cuba is too weak to be independent it is more than strong enough to become a Spanish province.

"In Santiago de Cuba it has been impossible to hold communication with the enemy's camp. There a mulatto is in command who once was a muleteer and now is a general. He has immense ambition, great valor, and great prestige; under a rough exterior he hides natural talents. We have been unable to do anything with him in spite of all that the Chamber and Government expected; he only consented to see Maximo Gomez in order to snub him; he insisted on seeing me to deceive me, and, worst of all, he has succeeded in winning over Vicente Garcia by appealing to his vanity; to gain him he turned over the command to him.

"This war can not be called a war; it is a hunt in a climate deadly to us, in a country worse than the desert. The financial situation can not be sustained. Men thought before that the character of the people living here was unsuited to war; whites and blacks have both proved the contrary to us; to-day they have become veterans, and if they have no great generals among them, they have what they need, excellent guerrilla leaders."

What have we done, from the peace of El Zanjon to this day, to prevent a repetition of what happened at Yara?

So that within one year after these terms were agreed upon the Spanish Government violated every one of them except the promise that slavery should be abolished. Yet within a year they were, by the outrageous oppression practiced upon them, forced to further hostilities.

I have here also a statement made by Mr. Margall, in which he speaks of the present condition of Cuba. He says:

PI Y MARGALL SPEAKS OUT FOR CUBA—PLAIN TALK FROM THE SPANISH STATESMAN, WHO ADVISES SPAIN TO GRANT HOME RULE WITHOUT DELAY TO THE CUBAN PATRIOTS.

[From the Madrid Don Quijote of July 12.]

We must endeavor to reestablish the principles of justice. No nation has the right to occupy territory inhabited by other men unless with their consent. Should a nation occupy it by force, the conquered can at all times fight against it till they drive it from their native land. No prescription is possible in this matter. Prescription does not apply, and can never apply, to the right to liberty and independence.

Whenever it concerned our own existence have not we Spaniards always understood this so? For two centuries we fought for our independence against ancient Rome. The Cantabrians, the last to keep up the struggle, threw themselves on their own swords in order not to become slaves. For seven centuries we fought against the Arabs, who had spread from Tarifa to the Pyrenees in the space of three years. The prescriptive rights of centuries were of no avail to them against us. Spaniards, like ourselves, were the men of Granada and of Seville when we forced them to leave the land; they traced descent from ten generations and more of Spaniards. We did not lay down our arms till we had driven them from our shores, and in Malaga we carried our cruelty to the point of stripping them of the gold and jewels that might have alleviated the miseries of exile.

Is it right that we, who acted in this manner, should now call those men bandits who rise to defend their independence against us? For the same deeds and the same cause shall they across the water be called outlaws while those in Spain we deem heroes? As heroes likewise are they esteemed throughout America and all the world, who in the first third of this century drove us out of Mexico, of Guatemala, of Colombia, of Ecuador, of Peru, and of Chile.

Let us be just to the men who to-day are fighting against us in Cuba. We ought long ago to have granted them the autonomy to which they have an undeniable right; we should have kept them united to the peninsula by the single tie of common interests, national and international. How much blood and treasure would have been spared by such a course! We were urged to it by reason, by right, by our self-interest, by the thought of the vast colonial empire we have lost. Unfortunately, for nations even more than for individuals, the force of habit is irresistible. Nothing could make us give up our old policy, a policy discredited by disaster to ourselves and to others.

If there is now a war in Cuba, the fault is ours, and ours alone. We have before us the imperative duty of repairing our mistake and putting a stop to the war. The war of 1868 lasted ten years and we could only make an end of it by a compromise. We then gave to the Cubans the rights and liberties which Puerto Rico already enjoyed. The compromise with which we shall have to terminate the present war, if Cuba does not prove stronger than we, let us make it now while we are still the more powerful and our generosity can not be branded as weakness. Seventeen years ago we gave them freedom; let us now give them autonomy. Let us make them masters and arbiters of their own destinies. Let us leave them to rule themselves in all matters pertaining to their internal life—political, administrative, and economic. And that our generosity may be better appreciated let us help them to pass from subjection to self-rule, without disturbance, without noise, without bloodshed.

Against such conduct the sentiment of patriotism is invoked. But above the idea of country rises that of humanity, and above both that of justice. Cuba is the grave of our youth in these deplorable wars. Our soldiers perish there by thousands, some victims of the climate, others of the lead and steel of the enemy. The greater part are dragged there by force, and must fight for a cause that is distasteful to them. It is the height of inhumanity not to find a means of sparing the blood of these men.

It is irritating to read and to hear, day after day, that it is necessary to send to Cuba regiment on regiment in order to make an end of the rebels and to leave the sovereignty of the nation firmly planted and established. If their patriotism is not false, those who say such things should join with their sons the vanguard of the army. It is easy to stay at home and send others to slaughter; it is easy, above all, to know nothing of the war, save through the narratives of the battles, read in winter by the table lamp and in summer in the shade of the public parks.

The sovereignty of the nation! Must the nation, to be sovereign, drain the life of the groups composing it? Does its sovereignty necessarily carry with it the slavery of the colonies? Its sovereignty is limited to the national interests. It must be confined to a form that will permit relations between the mother country and the colonies to exist.

Our national pride and the country's honor are also called in as reasons for continuing the war. As though it were a shame for a nation to grant what is justly due, as if honor would not suffer more by keeping on with the war and being beaten. Was it a small affront for us to ratify in Mexico, by the peace of Cordoba, the plan of Iguala, and in Peru to sign the shameful capitulation of Aycucho? The war will aggravate our already desperate economic situation. It is not yet three months since it began, and it has already cost us $7,000,000. In the estimates, made before the war broke out, a deficit of 6,000,000 pesetas was foreseen, and we all know how these deficits grow when the accounts are settled. Calculate what our deficit will be at the end of the next economic year, if the war continues.

F. PI Y MARGALL.

There are other documents which I have upon this subject, but I shall not delay the Senate by reading them. I will simply say that we had in all our investigations the amplest information that could be procured up to the time the new régime came in. Then, among the first acts done by Weyler was to organize a system of suppression of all information. He took possession of the telegraph and every means of transmitting intelligence, and for a time we did not get any news whatever, except that day by day there was a battle fought, that so many rebels had been killed, so many had been wounded; and so on, day in and day out, until it would appear that the whole rebellion was about to collapse, that there were no victories except upon one side; but it turns out after all that Gomez and Maceo had chasséd across the island from time to time, sometimes on one side and sometimes on another, and when they were said to be driven back into the eastern portion, whence they came, one bright morning within 10 miles of Habana there appeared a force of 15,000 men under Maceo and Gomez,

and there were some 25,000 men in another portion of the island. Weyler was in Habana, and it is said was going to move to Matanzas, or to some other place, where perhaps it was safer.

I give an illustration of this warfare in the latest account of the war:

MACEO'S ARMY.

Outside the city the presence of the army of Maceo is overshadowing in its immediate importance even the sensational events which have upset all Spain, and alarm has followed which has caused the American question to take a second place temporarily.

Gomez and Maceo no sooner completed their march eastward through Matanzas, putting an end to all possibility of grinding by the few planters who were inclined to obey General Weyler's order, than the former took a position near the border of Matanzas and Santa Clara, and Maceo returned to Habana province. Maceo has brought back 12,000 cavalry. He has left all the wounded in the east, where there are improvised hospitals strongly protected. These 12,000 men are all armed, the majority of them with Mausers; and they of course carry the machete. They have plenty of ammunition, and besides being hardened through the series of almost daily encounters, they are under the following leaders who have come back with Maceo: Pedro Diaz, Nunez, Delgado, Castillo, Rabi, Quintuc Bandera, Rodriguez, Alvarez, Mestre Torres, and Betancourt.

GREAT POWER OF GOMEZ.

With Gomez, who is in a position to assist Maceo if necessary, are Serafin Sanchez, Angel Gerra, Lacret, Perez, Antonio Nunez, Alemann, and others, whose combined forces number about 15,000 mounted men. They are scattered within a day or two days' march from Gomez's main body, which numbers about 7,000. Gomez also has a sufficient quantity of ammunition to last through any operations that may be necessary for carrying out the present plans. The expedition on the unknown steamer which escaped from the cruiser *Hernan Cortes* in Matanzas Harbor last week has doubtless landed its cargo. The freedom with which Gomez and Maceo pushed their way eastward, despite the combined operations of the four divisions under Generals Linares and Aldecoa and Colonel Tort and Colonel Hernandez (and also General Nevarro until he was deprived of his command and sent back to Spain last Saturday as a penalty for his reverses), and also the return of Maceo with so large a force, explain the alarm in Habana and make it easy to understand the strength of the rebel position outside the city.

FREQUENT FIGHTS.

Eight encounters occurred yesterday witnin 15 miles of the city limits, in a line which would extend from the coast near Guanabacos, on the east, around to the coast on the west at a point but a short distance from Marianao. One of these fights, at Las Guacimas, where Colonel Figaro's command was engaged, was so near the city that 40 of the Spanish wounded were carried into Jesus del Monte, which is the eastern part of the city of Habana; and aid was sent out from there to other wounded who had been too seriously hurt to be brought in without conveyances. This was a part of General Linares's command, and at the same moment the main force was engaged with Castillo at a point near Managua, 12 miles from the city.

General Aldeson was fighting with 1,500 rebels in the Nazarene Hills, and at Bayamas, near San Felipe. Colonel Tort was engaged with another rebel division of 2,000, under Maceo and Maestre, at San Jose Las Vegas, and other engagements were in progress at Wajai, 10 miles out, and at Batabano, on the south coast, all within a few hours.

REBELS EAGER FOR BATTLE.

The rebels are now inviting battles. Their policy of avoiding contests has necessarily been changed by the nature of their campaign around the city. Even the Spanish reports do not say now that after each meeting the enemy has been dispersed. This regular announcement has been changed to a statement that they have taken another position at some particular point.

Mr. President, that is the condition of Cuba, and I do not understand how anyone with the blood of the patriots of the American Revolution running in his veins can not sympathize with those people and declare his sympathy for them, whatever may be the cost. They may be poor and ignorant and weak, as I have no doubt they are, but, after all, they are seeking for freedom, the highest aim of manhood.

I wish to read a portion of a letter from a gentleman in Boston. I read simply a paragraph from it, and shall not give his name. He states that "nearly all the better class of the inhabitants support the Government, and that the rebels are composed of the low, the reckless, and ignorant element." He says that they are utterly incapable of self-government. That is the sum and substance of his letter, and I shall not attempt to read it in detail.

This gentleman in writing from Boston gives a quotation from the letter of a correspondent of his in Cuba. I do not like the patronizing tone of the letter, which commences with the statement that the better class of the inhabitants support the Government; that is, the people living in towns, those who have plantations, are called "the better class of inhabitants." Well, they are in better circumstances, and in that respect they are better—better off—but when you deal with the patriotism of a country you do not often look to those who have more regard to the defense of property than the defense of public right. In such cases you must take the mass of the people, and the kind of people denounced here as low—low in estate, I suppose the writer means—reckless and ignorant; because those people are engaged in war against the Spanish Government they are not to be considered, but only the better classes.

Mr. President, that was not the feeling in the American Revolution. It was the common people of the American Revolution who carried on and waged war, and they were aided and assisted by the most intellectual and able men of the country.

Why are those people ignorant? Why is it that the whole population is denounced? We know that nearly all—nine-tenths of the population—are in the army or are represented in the army. Why, I ask, are they ignorant? Because for ages they have been denied the opportunities of schools and institutions of learning. Their system produces ignorance. But they are not ignorant entirely of all things. They know enough to fight for liberty and for freedom, and they have carried on that cause, more or less, for fifty years. In ten years they compelled Spain to spend $400,000,000 in order to put down the rebellion, and that caused or tended to cause her bankruptcy. I say now, when this class of men—all of them practically, the great body of the people—are engaged in warfare, it is not wise for the higher classes to sneer at them and talk about their ignorance and their recklessness. It would be better a good deal if the better classes there—if there are any there—should join in as the better classes of our people joined in the revolution led by George Washington, the greatest of all men.

I wish to say another thing. When I read from the Journal, of New York, General Weyler was spoken of as being present when certain atrocious and outrageous wrongs were committed upon men, women, and children. As I said before, I do not complain that the Spanish minister wrote his letter. I think he had a right to defend his country and his countrymen whether here or anywhere, before the people or in the Department of State. I do not believe in the narrow idea that a man may not defend his Government and people anywhere wherever he goes and in any community. But the Spanish minister went on and quoted the book which I referred to in my former remarks, and then he said that Weyler's name appeared nowhere in the book. But, sir, Weyler did not deny his participation in those events, and the paper declared that Weyler was present. I have not the book yet, as I have not been able to find it, but the Spanish minister seems to have found it, a book of thirty or forty pages, which he says is the book to which I referred. Whether it is or not I do not know. I leave that for the Journal, of New York, a very intelligent and influential paper, to find out.

There is another matter. Spain has no right to complain of us for granting to her insurgents belligerent rights, because I believe by the law of nations Spain did right when she gave to the Confederates, although perhaps too hastily, the rights of belligerents. At that time, in June, 1861, no single battle had been fought between the Confederate and the Union forces. The battle of Bull Run did not come for a month after this recognition. But on account of the occupation by the Confederates of a great body of our territory, including military posts and military stations, the Spanish Government might fairly say that there was such a sense of strength in the Confederate forces that they ought to be regarded as belligerents even before a single battle had been fought in the war.

I do not complain of that. But here Spain complains when we propose to declare belligerency after tens of thousands of men have fallen on either side in bloody warfare. I do not see how it can complain in any way whatever, directly or indirectly, if we recognize the insurgents as belligerents—these ignorant, feeble men whom they talk about. If ever there was a case for declaring the fact of the existence of war and that there are two sides of that war, waging with infernal ardor in the work of human destruction, it exists there. If war in its worst form in the dark ages of the world ever exceeded in atrocity the war that is going on in Cuba, I should like to know where to find the book to read of it.

Therefore, it is idle for Spain to complain that we recognize these rebels as belligerents and that we declare then what, perhaps, we can not truly entirely declare, that we will have strict neutrality. In actual fact, in warfare, under the laws of the United States, no citizen of this country, even after this act of ours is completed, could go to Cuba to help the insurgents unless we repeal the law. By strict statute we forbid American people from going to participate in the wars of other countries. We, therefore, do not intend, by anything that is in the resolution, to participate in that war unless actual warfare is made upon us after the passage of the resolution—actual war, not the displacement of consuls and the small student war of rushing to break in a few windows with stones. That is not war. But will Spain commence war against us for doing what she did with us in our troublous times, for doing what every nation is justified by the law of nations in doing, recognize belligerents, and then treat them with a fair and impartial neutrality? That is the first resolution and the main and material resolution. How any man with a patriotic feeling and a knowledge of all the surroundings, the circumstances which we have before us, can refuse to support the Government in that declaration I can not imagine.

Now, in regard to the second declaration, let us look and see what it is:

Resolved, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

What objection can there be to that resolution? We say that we—

Deplore the destruction of life and property—

So we do—

caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba.

What man is there, or woman either, in the broad extent of our country who would not indorse that declaration? Spain, in conducting her relations with her dependencies, has lost them one by one. She had at one time a greater possession of territory than even Russia, greater even than any other nation in the world. She had nearly all of South America, she had Mexico, and she had the islands; and she lost them one by one in pursuing the same line of policy that she has pursued in regard to the Cubans.

Sir, if Cuba did not lie in an isolated region, surrounded by water, only to be approached by a naval power and controlled by Spain mainly as a naval power, Cuba would have fallen like all the rest of the Spanish possessions; and I say in my place, I say as the general feeling of the American people, that this strange condition of a pretended possession or government so near our shores by which the rights of the poor and feeble and ignorant are totally disregarded, by which they are deprived of the right of suffrage, deprived of liberty, and even of the privilege of being taught in the common schools or anywhere else, can not stand much longer. Grant said so in his time, and so did Fish and others, and everyone who has been familiar with Spanish affairs has expected the good time to come when this state of affairs would cease. I say the time has come when the American people should openly and plainly declare their detestation of such horrors, their detestation of such tyranny, and, if necessary, I should be willing to go further and say that it shall end.

Mr. President, as to the third clause of the resolution, it has been the subject of construction by the honorable Senator from New York [Mr. HILL]. I am not here to discuss questions of grammar or of syntax or of parsing. I say that that resolution upon its face seems to me a fair resolution, and the only thing about it which I do not like is its reference to the interests of property. I wish the House of Representatives had left that out. That I disagreed to to some extent, but we thought on the whole, in order to close the matter up, we would accept it. I will read that clause:

Resolved, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba—

That is all right—

in consequence of its proximity—

That is all right—

and the extent of the commerce between the two peoples—

That ought not to be there—

the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

Now, I do not like this resolution in that particular, but the general meaning and substance of it are true and correct. We have larger interests in Cuba than we have in all South America. Our importations from Cuba amount to nearly $100,000,000. Our exportations last year amounted to $28,000,000. Our people who are down there are the owners of land. They have sugar estates; they have large interests there. That island is close to us in our business relations, but these would not justify war. The fact is that the business done by our citizens in Cuba ought not to and have not led to this controversy, in my judgment. I really believe, and in this presence I can say, that if the Senate dislikes this particular language, which seems to point at a money consideration to us by the independence of Cuba, I have no doubt the other House would promptly respond to any change in that respect. But in substance it is true. The only trouble is it is better not always to say the truth. It is better not always to speak of money and property and property interests when the rights of millions of people are involved. They are the subjects to be considered, and the lesser subjects are to be departed from.

Mr. President, I think I have now said all I care to say in this rather informal way. There are many other things which I might have said, but I do not wish to trespass upon the time of my friend the Senator from North Carolina [Mr. PRITCHARD]. It is my firm conviction that it is the duty of Congress specifically and in language about which there can be no difference of construction, to declare that there is a war prevailing in Cuba, a terrible, desolating war, and that we will recognize the belligerents and deal with them impartially. We will not give a preference to the Spanish ship loaded with guns for Spanish soldiers. We will not give the Spaniards the great advantage of our commerce, or our ports, of our police, and deny those privileges to these men who are fighting for their liberty. That is what we will not do. That is what this declaration is. We say we will recognize them as belligerents, having an equal claim for our forbearance.

Now, sir, in conclusion I wish to state that I do not anticipate, and I do not believe, there will be war growing out of this matter. There is no occasion for war. We have done nothing that we ought not to have done, but we have been very slow in doing what we ought to have done. We might have brought to the relief of the Cubans without violating international law various forms of aid. We have refused to do it. We treat these poor people who are fighting for their liberty much less courteously than we do those who are fighting against them. We respect the Spaniards and the Spanish nation. They are a proud and noble people. Their history is worthy of consideration. Four centuries ago they were the most powerful nation in Europe. They commanded not only the old peninsula of Spain, but they commanded also a large portion of what is now Holland, the Netherlands, and Germany. But they in all their wars, in all their controversies, have exhibited a degree of violence that never was recognized as proper by the English-speaking people. They fought with a bitterness that never has been copied on almost any other than Spanish soil and in any other almost than a Spanish controversy. They therefore have lost their high station among the nations of Europe.

I trust, however, that the time is not far distant when the new blood in that great old country will be brought to the front and when Spain will become the second Republic of Europe. The tendency is that way, the feeling is that way, and there are signs which I see that a large body of the people of Spain hope that Cuba will be made free. If Spain should renew the treaty of Campos of 1878 and faithfully observe it, the people of Cuba would eagerly accept such terms. In my judgment this war ought not to end it; ought to continue until the Cubans attain their freedom against Spanish oppression, until they are armed with home rule and have a power to make law for themselves. If that be done, then all America is republic, for Canada to-day is as much a republic as is the United States of America. It is held to the mother country only by ties of friendship and auld lang syne. Every part of this great hemisphere discovered by Columbus is destined to be the place where free institutions will develop to the very uttermost, and from which they will be extended, I trust, to all the nations of the world. [Applause in the galleries.]

Mr. PRITCHARD. Mr. President——

Mr. MORGAN. Will the Senator from North Carolina indulge me for a moment?

Mr. PRITCHARD. Certainly.

Mr. MORGAN. I merely desire to take the floor on the resolution before it passes from the consideration of the Senate.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. PRITCHARD. Mr. President, I fully appreciate the nature of my task in undertaking to reply to the very able and exhaustive speech delivered by the distinguished Senator from Indiana [Mr. TURPIE.]

The question presented to us is one which should command our earnest and impartial consideration. Each member of this body in dealing with this question occupies the position of a sworn juror whose duty it is to hear and determine the case upon its merits. In order to arrive at a correct conclusion of the whole matter it is necessary for us to acquaint ourselves with the facts in the case and apply the law in accordance with the constitution of the State of Delaware.

It appears from the pleadings in the case that at the organization of the senate of the State of Delaware William T. Watson was elected speaker of that body, and continued in the discharge of his official duties as speaker of the senate until the 9th day of April, 1895, the day following that on which Joshua H. Marvil, governor of the State, died. The general assembly, among other things, was charged with the duty of electing a Senator of the United States for the constitutional term of six years from the 4th day of March, 1895, and, having failed to elect a Senator on the second Tuesday after the meeting of the legislature, convened in joint assembly on the next day, being the 16th day of January, in accordance with the provisions of an act of Congress entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved on the 25th day of July, 1866, and proceeded to vote for a United States Senator. No one having been elected to the office of Senator that day, the general assembly, pursuant to the provision of said act, convened in joint assembly on the following and each succeeding day of the session until and including Thursday, the 9th day of May.

It is admitted that on the 9th day of April, as soon as the joint assembly of the two houses had separated, Mr. Watson, the speaker of the senate, took the official oaths prescribed for the governor of the State of Delaware; that he at once entered upon the discharge of his duties of office and assumed the functions of governor; that from the date that he qualified as governor until the final joint assembly of the two houses on the 9th day of May Governor Watson did not assume to act as senator, nor did he take any part in the deliberations of the senate nor of the joint assembly. It further appears that Governor Watson, on the 9th day of May, entered the final joint assembly and assumed the right to vote for a United States Senator. At the final joint assembly twenty-eight ballots were had for United States Senator, and the vote upon every ballot was as follows:

Henry A. Du Pont, 15 votes; Edward Ridgley, 10 votes; James E. Addicks, 4 votes; Ebe W. Tunnel, 1 vote.

It is contended that Governor Watson had no authority at that time to exercise the functions of a senator of the State of Delaware, and that his vote cast for Edward Ridgley was a nullity; and that only 29 votes were legally cast, of which Henry A. Du Pont received 15, being a clear majority of all legal votes cast; and that Mr. Du Pont was duly elected United States Senator and is entitled to a seat in this body.

Before entering upon a discussion of this case, I beg leave to say that I have read and carefully considered the very able arguments presented by both sides and that I have arrived at the conclusion that Mr. Du Pont did, on the 9th day of May, as aforesaid, receive a majority of the votes cast by those who legally constituted the joint assembly of the State of Delaware at that time. In forming this opinion, I have been guided by what I conceive to be a proper construction of the constitution of the State of Delaware. I find on examination of the constitution of that State that the second article of the constitution contains the following section:

SEC. 12. No person concerned in any army or navy contract, no member of Congress, nor any person holding any office under this State or of the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Here we have a positive declaration that no person during his continuance in the office of governor of Delaware shall be a senator. If this section means anything, it is that the person holding or exercising the office of governor of that State is absolutely disqualified from exercising the functions of senator. I take it that it will hardly be contended by those who claim that Mr. Du Pont was not legally elected that had Gov. Watson been elected to the position of governor and senator both at the same time, that in the face of this provision in the constitution he would have been permitted to hold the office of governor and at the same time be a senator or representative. I presume no one will contend that he could have qualified and exercised the functions of both offices at the same time. That being so, we should remember the well-settled principle of law that no one will be permitted to indirectly do that which he can not directly do. Those who take the position that Governor Watson on that occasion had the authority to vote as senator and exercise the functions of the office of senator are asking us to decide that the governor by indirection could do that which he could not directly do. This is such a flagrant and utter disregard of all the rules of construction with which I am acquainted that I am fully persuaded that such an argument will not influence members of this body in deciding a grave question like the one under consideration.

The third article of the Delaware constitution contains the following provision:

SEC. 5. No member of Congress nor person holding any office under the United States or this State shall exercise the office of governor.

It is plain to my mind that the effect of this section is to declare that no person shall exercise the office of governor while holding the office of senator or representative. There can be no conflict between this section of the Delaware constitution, which declares that—

No member of Congress or person holding any office under the United States or this State shall exercise the office of governor—

And the first clause of section 14 of the article, which declares that—

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people be duly qualified.

These two clauses, it may be claimed, are susceptible of such a construction as would make them positively repugnant; for instance, such a construction as will make one mean that the senator who happens to be speaker of the senate when the governor dies shall thereupon become governor, and the other an express declaration that no senator shall become governor. I take the position that these provisions of the constitution are susceptible of another construction, which completely reconciles them. When we consider them together and construe them as a whole, as it is our duty to do, the reasonable and proper construction of these provisions is that the speaker of the senate shall become governor upon the death of the governor chosen by the people, and in so doing he vacates the office of senator.

According to the well-settled rules of the common law, the valid acceptance of one office by the person already holding another and an incompatible office vacates the former as effectually as an actual surrender of it. In fact, it has always been regarded as an abdication, and therefore a quasi resignation. I find among the decisions of the supreme court of my State several cases which unquestionably recognize the principle of the common law which forbade the same person from holding incompatible offices.

I call attention to the case in the matter of J. G. Martin, decided in 62 North Carolina, page 153, which expressly decides that the acceptance of one office by a person already holding an incompatible office vacates the former. I quote the following portion of the case in point in order that this body may have the benefit of the views of our supreme court relative to this question.

This is a case which occurred during the late war, when my distinguished predecessor was governor of our State. The question arose as to whether or not General Martin, who was then holding the office of adjutant-general, could at the same time occupy the office of brigadier-general of the Confederate States.

An agreed case was submitted to the supreme court of North Carolina, and the supreme court of that State, presided over by Chief Justice Pearson, one among the most eminent common-law lawyers of this conntry, decided that in that case the very moment he accepted the office of brigadier-general in the Confederate States the office of adjutant-general became vacant, and that Governor Vance had the right to appoint a successor.

EXECUTIVE DEPARTMENT, NORTH CAROLINA,
Raleigh, March 2, 1863.

DEAR SIR: You are aware that the legislature, by a joint resolution, declared the office of adjutant-general vacant, by reason of the incumbent's having accepted an incompatible office under the Confederate States government, and that by a subsequent act the appointment was conferred upon the governor.

General Martin, the present incumbent, having declared his intention of testing the legality of this action of the legislature by an appeal to the courts, I am placed in a position rather embarrassing. To avoid the somewhat unpleasant spectacle of a lawsuit for the possession of an office, confidential in its relation to myself, and very important to the public at this time, I have concluded, with the consent of General Martin, to make a case and ask the opinion of the supreme court immediately thereon.

With this view I should be greatly obliged, and I have no doubt the public interest would also be subserved, if you would have the kindness to call the court together and give its opinion upon the question. As early a day as possible is respectfully requested.

Very respectfully, your obedient servant, Z. B. VANCE.

Hon. R. M. PEARSON,
Chief Justice of North Carolina.

OPINION OF THE JUDGES—IN THE MATTER OF THE ADJUTANT-GENERALSHIP.

At the request of his excellency Governor Vance and General Martin, the judges of the supreme court have heard a full argument on the questions of law presented by the facts set out in "the case agreed," and certify their opinion to be that the office of the brigadier-general under the Confederate States is incompatible with the office of adjutant-general under the State of North Carolina; and that on the facts stated "the office of adjutant-general is vacant, and the governor may lawfully proceed to appoint thereto."

It is proper to state that in giving this opinion we do not act as a court, but merely as judges of the court, and have treated the matter in the same light and with the same full consideration as if the case had been regularly before the court upon a proceeding appropriate to present the question.

We were induced to take this action, and felt not only at liberty to do so, but conceived it was in some measure our duty thus to aid a coordinate department of the Government, because we were informed by his excellency the governor that the subject would in that way be relieved from all further embarrassment; and that the public interest required that it should be adjusted sooner than it could be done by the regular mode of proceeding in court, particularly as the court now holds but one term during the year. (Berry *vs.* Waddell, 9 Iredell, 318, appendix.)

R. M. PEARSON, *C. J. S. C.*
WILL. H. BATTLE, *J. S. C.*
M. E. MANLY, *J. S. C.*

RALEIGH, *March 11, 1863.*

In this case it was contended by the counsel for General Martin that he only received a salary for the discharge of the duties of one of the offices and that therefore he could not be said to be holding two offices that were incompatible, but it seems that the court was of opinion that his refusal to receive the salary of one of two incompatible offices in law could not change the matter or diminish the duties of either office and that his obligation was as great to discharge the duties of the office for which pay was not received as the one for which a salary was accepted.

I am not informed as to whether Governor Watson drew the salary incident to both the offices of senator and governor, but I am inclined to the opinion that he did not, inasmuch as he rendered no service as senator after his qualification as governor save and except the pretended service on the day heretofore mentioned. Mechem's Treatise on the Law of Public Offices and Officers, section 420, in discussing the effect of accepting incompatible offices, says:

It is a well-settled rule of the common law that he who while occupying one office accepts another incompatible with the first, ipso facto absolutely vacates the first office and his title is thereby terminated without any other act or proceeding. (Millard *vs.* Thatcher, 2 T. R., 81; Rex *vs.* Patteson, 4 B. and Ad., 9; Rex *vs.* Hughes, 5 B. and C., 886.)

I understand the Senators on the other side to take the position that it must affirmatively appear to this body that there was an adjudication of the fact by the senate of the State of Delaware that the office was vacant before we can find that it was vacant. In this decision it is expressly decided to be to the contrary, that no further proceeding is necessary in order to vacate the first office held by the party who takes the second. I proceed with the opinion:

That the second office is inferior to the first does not affect the rule. (Millard *vs.* Thatcher, 2 T. R., 81.) And even though the title to the second office fail, as where the election was void, the rule is still the same, nor can the officer then regain possession of his former office to which another has been appointed or elected. (Rex *vs.* Hughes, 5 B. & C., 886.)

I cite along with these different propositions the decisions of the different States sustaining the view.

Mr. GRAY. You are reading from Mechem.

Mr. PRITCHARD. I am reading from Mechem, but at the same time I am citing as I go along, as will appear in my speech in the RECORD, the authorities which sustain each view that he entertains on that question.

In this connection I wish to call attention to the case of Bryan *vs.* Cattell (15 Iowa, 550), in which the court said:

Our opinion is that we are not confined to the statutory clauses or events in determining whether a vacancy exists. If a party accepts another office which, within the meaning of the law and cases, is incompatible with that which he holds, we have no doubt that the first one would become vacant. Thus, as is well said by the appellant, if the judge of a district court should accept a seat upon this bench, a vacancy would be created in the first office; and yet the statute certainly does not, in terms, cover such a case. So if the auditor of state should take the office of treasurer, and many other cases that might be named.

It seems to me that this opinion, together with the other opinions which I have quoted, is conclusive. The general trend of the decisions is to the effect that if a party accepts another office which, within the meaning of the law, is incompatible with that which he holds, the first one becomes vacant. And, as an additional reason why Governor Watson could not exercise the functions of the office of governor and senator at the same time, I submit that it is a direct violation of the fundamental principles of the constitutions of the several States to blend the functions of legislative and executive offices.

It would be as much a violation of the principles of the constitutions of the various States to blend the functions of the executive and the judiciary. In either instance it would be a clear, plain, unquestioned violation of the principles on which the constitutions of the various States of this Union are formed and based.

As an evidence of this fact, the constitution of almost every State in the Union contains an express provision that no member of Congress or other person holding any other office under the State or United States shall during his continuance in Congress or in office be a senator or representative, and the very fact that Governor Watson never at any other time during his incumbency as governor assumed to act as senator makes it clear to my mind that he so understood the constitution of his State.

Governor Watson lived in the State, he had taken the oath to execute the laws of his State, and if we take his conduct on that occasion as a criterion we are forced to the conclusion that the construction given by Governor Watson between the period of the 9th of April and the 9th of May was the correct construction of the constitution of that State. If we should decide that Governor Watson had the right under the constitution of Delaware to act as senator during his continuance in office as governor it would amount to the declaration on our part that the section of the constitution of Delaware which provides that—

No person concerned in any army or navy contract, or member of Congress, nor any person holding any office under this State, or of the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative—

is meaningless and can in no emergency be construed in such a manner as to prohibit one from holding both a legislative and executive office in that State at the same time. Why was it that the framers of the constitution inserted this provision as a part of the constitution? If it means anything, it certainly means that they were determined to forever keep separate and distinct the legislative, executive, and judicial branches of that State. This spirit is infused and ingrafted into almost every State constitution in the United States.

Mr. President, I wish to read from a case which is reported in 45 Missouri, The State, ex rel. James W. Owens, petitioner, *vs.* Dan M. Draper, State auditor, respondent, page 356. I will state before I read this opinion that they had a provision in their constitution in the State of Missouri that no one exercising or holding a State office shall at the same time hold an office in the general assembly. I am not going to read the opinion which relates to the construction of that section, but I am going to read the opinion bearing upon the construction of the common-law doctrine vacating an office where an incompatible office is accepted. Among other things, the court said:

The case is submitted on the pleadings, and they show that while Owens was a judge of the circuit court he was elected a representative to the legislature, qualified, took his seat, and performed the duties and functions of that office. There does not appear to have been any resignation of the judgeship, and the question is whether he could legally hold the two offices and receive the pay appertaining to both at the same time. There has never been any doubt about the principle—

Says Judge Wagner, who rendered the opinion—

so far as I am advised, that at common law, if a party accepts another office which is incompatible with the one he holds, the first one would become vacant.

Suppose Owens—

That is, the petitioner—

instead of being elected to the legislature had been elected to a seat on this bench, and had qualified and entered on the discharge of its duties. It is perfectly clear to my mind that his seat on the circuit bench would have been thereby vacated.

Or if the auditor should be elected treasurer, or the attorney-general secretary of state, their acceptance of the latter offices would necessarily vacate their former ones. Besides the common-law rule, the State government is divided into separate and distinct branches or departments, the officers of each having separate and independent functions to perform.

Just as they had in this case. There was the executive of the State of Delaware with his separate, distinct, and independent functions to perform; there was the State senate of Delaware with its separate, distinct, and independent functions to perform.

It was designed that they should be distinguished and divided by a line of demarkation, and that one should not trench upon the other.

This is a principle which our lawmakers have ever kept in view in the past and one which we as such are compelled, under our oaths, to preserve and enforce whenever and wherever we come in contact with it in the discharge of our official duties.

It is absurd to say that Governor Watson was able to discharge the duties at all times of governor and senator as well when each office was replete with pressing duties as when the duties were easy and infrequent, and this of itself brings the case within the rule established by the common law as a test when offices are incompatible. In reply to this argument, we are met with the statement from the other side that in all these cases there is no vacancy until there is an adjudication of the fact by some tribunal of competent jurisdiction. When a party holding an office accepts another which is incompatible, by operation of law the former office becomes vacant the moment he assumes and qualifies for the discharge of the duties of the second office. It is a right which determines upon the happening of a contingency, and any attempted adjudication on the part of any tribunal can in no wise affect the status of the case.

The distinguished Senator from Indiana in his very able and ingenuous argument contended that Governor Watson inherited the office and could not decline it, neither could he accept it. That was his exact language, as I remember it. "He was simply exercising it." This statement of itself shows the inconsistency of the position assumed by those who oppose Mr. Du Pont's claim. The Senator would have us believe that Governor Watson was foreordained from the beginning of the world to exercise the office of governor, and there was no means of escape left open to him in this case. That is the logic and outcome of his proposition. A Senator near me suggests that he is a Presbyterian.

Mr. THURSTON. And therefore in harmony with the Administration. [Laughter.]

Mr. PRITCHARD. Yes.

The more reasonable construction of the section in question is that the term "speaker of the senate" is used for the purpose of designation, and that only. If it is, as contended by the distinguished Senator, that the exercise of the office of governor by Senator Watson was "simply one of his duties as speaker of the senate," why was it necessary that he should take the pains to take the oath of office as prescribed by the constitution of Delaware to be taken by the governor who had been elected by the people before he could assume the duties of office? If his position is the correct position, he had nothing to do but to walk in and take up the reins of government of Delaware and exercise the duties of that office, because he was speaker of the senate. This man did not do that. This man took the identical oath that was taken by his predecessor.

Mr. MITCHELL of Oregon. He took three.

Mr. PRITCHARD. As is suggested by our honorable chairman, he not only took one, but he took three. He was well sworn in, if I may make the suggestion.

If the Senator's position is the correct one, the office came to him as an inheritance comes to an heir. He was unfortunate in his illustration, inasmuch as the cases are not analogous. The moment the ancestor dies the property instantly vests in the heir and he can do nothing to add to or change the title to the property he inherits, but with Governor Watson it was entirely different. On the death of the governor of Delaware he had the right to qualify as governor and exercise the functions of the executive of that

State, but it will not be seriously contended that he could have exercised the office of governor without taking the prescribed oaths and being inducted into office in like manner as his predecessor, who was elected, when elected, by the people. This theory of the Senator is a beautiful one and interesting to contemplate, but has no application whatever to the case under consideration.

The distinguished Senator also said: "We have never heard of any great calamity which has befallen the people of Delaware in consequence of the speaker of the senate exercising this right." I agree that prior to this unwarranted assumption on the part of Governor Watson it has never resulted in a "great calamity" to the people of that State. It must be said, greatly to the credit of his predecessors, who had theretofore exercised similar functions, that no one of them ever attempted to violate the plain provisions of the constitution which they had sworn to support. The distinguished Senator, in reply to a question from the Senator from Oregon, with much emphasis declared, "That Governor Watson's predecessors had acted as senator while exercising the office of governor," but when we refer to the record it appears that no such precedent is to be found in the legislative history of Delaware, and I challenge Senators who differ from me to show a single instance in the records of the legislature of Delaware wherein a speaker of the senate, while exercising the office of governor, ever attempted even to participate in the legislative proceedings.

While I contend that when Governor Watson qualified as governor he absolutely abdicated the office of senator and had no power, under the provisions of the constitution of Delaware, to take it up again at his will and resume the functions incident thereto, at the same time I am willing to admit for argument's sake that for the time being his functions as senator were temporarily suspended. Take it for granted that this is the correct position; I then insist that he had no right to assume or attempt to exercise his functions as senator during the time he exercised the office of governor. I have examined with great care the precedents in the several States where they have provisions in their constitutions similar to that of the State of Delaware, and in no instance have I found a case where a governor during his continuance in office as governor attempted to exercise his functions as senator. It is plain to my mind that in all the States where there are precedents it is the consensus of opinion of the judicial authorities as well as the legislative branches that it would be a violation of the fundamental principles underlying the constitutions of these several States to permit an individual while acting as governor to participate in the proceedings of the legislature.

Mr. GRAY. On what ground does the Senator base that opinion?

Mr. PRITCHARD. On the ground that in every constitution to be found in every State of the United States it is recognized in the bill of rights that the legislative, the executive, and the judicial departments ought to be kept forever separate and distinct. That is the ground I put it upon. That is the ground on which we rest our case. It is a violation of the fundamental principles of free government to blend the legislative and executive functions of a State.

It is also insisted by the Senator from Indiana that Governor Watson was never called "governor." I am not going to undertake to follow the distinguished Senator in all his meanderings, but I do want to follow a few propositions laid down by him. I was surprised at the statement that Governor Watson was never called "governor," inasmuch as the journals furnish an abundance of evidence to show that he was designated as governor of the State. This argument only illustrates the fact that my distinguished friend realizes the weakness of his cause. The very fact that the distinguished Senator from Indiana made this argument convinces me that it is his opinion that if it should appear to this body that Watson was recognized as governor of the State of Delaware that it would be an admission that would clearly make the two offices incompatible at common law.

He knew full well the force of that admission; he knew that once this body determined the fact to be that Watson was recognized as the governor of the State of Delaware, under the common-law doctrine, he vacated the office of senator. That very fact would settle the question.

The honorable Senator from Indiana as a distinguished lawyer has few superiors in this country, and no one appreciates more fully than he does the bearing it would have on this case in the event we should find he was governor, and especially that the legislature recognized him as governor of the State. The journal of the senate shows the fact to be that Governor Watson transmitted messages to that body as governor and performed other duties incident to the office of governor.

As has been suggested by the honorable chairman of the committee, the records and the journal of the senate of Delaware show that Senator Watson was sworn in as governor of the State of Delaware. How much more proof do you want that he was the governor of that State? How much more proof are we required to produce in the case to convince these Senators that he was actually governor? He did everything that his predecessor had done, he exercised every function that his predecessor had exercised. Now, wherein does he differ, and in what respect does he differ, in exercising those functions from his predecessor, who had died?

It is stated by those who contend that Mr. Du Pont is not entitled to a seat in this body that "the constitution of Delaware not only does not forbid, but it expressly authorizes the speaker of the senate, while holding that office, to exercise the office of governor."

As heretofore stated, this position can not be maintained in the light of the provision of the constitution of Delaware. I have already quoted the two provisions of the constitution of Delaware which in plain terms make the offices of senator and governor in all cases incompatible, and in addition thereto is the well-grounded principle of common law which obtains in this and similar cases. It is the duty of the executive of the State of Delaware to execute the law, and in order to faithfully discharge his duties as such he should be in constant attendance at the executive office, and it is absurd to say that he can at one and the same time be present in the governor's office, and faithfully discharge his duties as such, and participate in the proceedings of the legislature. Among other things, the constitution of Delaware requires that the governor—

> Shall, from time to time, give the general assembly information of affairs concerning the State, and recommend to their consideration such measures as he shall judge expedient.

That is the express language of the constitution of Delaware.

If we adopt the theory that while acting as governor he could legally act as senator, we are then placed in the attitude of admitting that he would have the right as governor to recommend the enactment of a certain law and then be permitted to enter the senate chamber, reenforced with the power of governor of the State, and then not only would he exert the influence of senator, but would bring the almost irresistible power of the executive to bear in securing the enactment of any pet measure that he might see fit to advocate.

This one statement of the case within itself clearly demonstrates to my mind that these two offices are incompatible under the common law. It would be giving him as senator such power and influence as was never intended to be exercised by one individual in the legislative halls of this country. This statement of the case within itself is a sufficient reason for the opinion that the framers of the constitution of the State of Delaware never intended to permit a person during the time he occupied the office of governor to participate in the proceedings of the legislature, and I find no instance in the State of Delaware, nor in any other State in this Union, where the governor of the State has acted in the dual capacity of a governor and a senator at the same time.

In order to maintain the position that Mr. Watson had the right to exercise the office of governor while holding the office of senator the distinguished Senators who are of that opinion are forced to take the position that the words "exercise the office of governor" do not mean that be shall be governor of the State for the time being, but that he is simply a figurehead without the functions of a real governor. They ask us to believe that he had full power to use the seal of office and sign official documents as governor without any qualification whatever, and in the next breath we are gravely informed that he was not governor of the State of Delaware within the meaning of the constitution of that State.

May I ask them in what sense he was not the governor of the State of Delaware at the time that he assumed to vote as senator? Was he not required to take the same oath when he entered upon the discharge of his duties as he would have been required to take had he been elected by the people? Was he not required to discharge each and every duty incident to the office of governor? It is clear to my mind that if the construction insisted upon by the Senators who oppose Mr. Du Pont's claim be a correct one, then the people of the district assumed to be represented by Governor Watson have been deprived of their rights under the constitution. His duties were so pressing that for a whole month he could not find time to repair to the senate chamber and look after the interests of his constituents. The constitution of that State expressly provides:

> There shall be three senators chosen in each county. Where a greater number of senators shall by the general assembly be adjudged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half or less than one-third of the number of representatives.

In the face of this provision that each county shall have a certain number of representatives in the senate, it is unreasonable to say that in the event a senator should succeed to the office of governor that then the county which he happened to represent should not have an equal number of votes with the other counties in the legislature as contemplated by the constitution. The question of representation in a legislative body is one in which the public is interested, and one about which there should be no uncertainty. It is not a matter which should be determined by the officeholder, and should be one about which there could be no

cavil or misunderstanding. In the case of Stubbs *vs.* Lee, in 64 Me., page 195, Chief Justice Appleton said:

> Where one has two incompatible offices, both can not be retained. The public has a right to know which is held and which is surrendered. It should not be left to chance or to the uncertain and fluctuating whim of the office-holder to determine. The general rule, therefore, that the acceptance of and qualification for an office incompatible with the one then held is a resignation of the former is one certain and reliable, as well as one indispensable for the protection of the public.

This decision is based upon the principle that the rights of the public are not to be infringed upon by individuals who, like Governor Watson, in their greed would attempt to monopolize more than one office. Suppose that on the day that Governor Watson qualified as governor the people of his district had demanded the right to elect a senator to fill the vacancy in the senate occasioned by his absence.

It was well known then to the people of Delaware that there would be no vacancy so far as he was concerned; that the vacancy would not be filled until the next general election in that State. He had absented himself from that body. Now, suppose that they should have made application to fill the vacancy occasioned by his absence, will it be contended that such a right could have been successfully resisted by Governor Watson? I take it that as a matter of right they would have been entitled to elect a Senator to represent them, as contemplated by their constitution; hence the reason for the law which provides that on the acceptance of an incompatible office the public has the right to know which is held and which is surrendered, and that the determination of the question should not be left to the officeholder to determine.

Mr. PEFFER. If the Senator will allow me a question at that point, without interference, but to go right along in the line of his argument, suppose the disability of the governor had been simply a case of illness, rheumatism, paralysis, pneumonia, or anything of that kind, which would have incapacitated him from performing the duties of the office of governor, and that during his disability it had been necessary to bring the constitutional provision into play and for the speaker of the senate to exercise the office of governor, in that case would a vacancy have occurred?

Mr. PRITCHARD. There would have been no permanent vacancy in that instance as contemplated by the constitution of Delaware. The case now before us is entirely different from the one the Senator suggests to me. He suggests a question of sickness, which may last for a day or for a week; but the case we have before us is not that kind of a case. We have a case in which there is a vacancy which we know will exist until the next general election of the State of Delaware, and we know the further fact that the legislature will have adjourned before that election occurs.

Mr. GRAY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. PRITCHARD. Yes, sir; with pleasure.

Mr. GRAY. Has the Senator noticed that in the clause which provides for the filling of the office of governor in case of a vacancy the language is something like this—I have not the provision before me—in case of the death or disability of the governor, the speaker of the senate shall exercise the office until a governor is elected by the people and duly qualified; thereby making no distinction between a vacancy happening by death and a temporary vacancy occasioned by disability. In each of these cases the same provision for filling the vacancy is made by the constitution.

Mr. PLATT. Is the word "disability" or "inability"?

Mr. PRITCHARD. "Inability."

Mr. GRAY. I was not quoting exactly, not having the constitution before me.

Mr. PLATT. There is a difference between the two words.

Mr. PRITCHARD. As I have observed, if that be the case, there can be no question whatever about Mr. Du Pont's right to a seat in this body, because, as I understand the distinguished Senator, he says that it means that there is an absolute vacancy running all the way up to an election of governor by the people of that State.

Mr. THURSTON. The constitution provides the manner in which the legislature itself shall ascertain and declare the inability, if it be a vacancy caused by inability. The constitution of Delaware provides that the senate of Delaware may declare, by a two-thirds vote, if I remember the provision rightly, or at least may declare, when the office is vacant by reason of inability.

Mr. MITCHELL of Oregon. I will read the provision. It is contained in section 14 of Article III, and is as follows:

> The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

That is the article to which the Senator referred.

Mr. GRAY. That does not modify the effect of the clause declaring the vacancy.

Mr. THURSTON. It simply emphasizes it and makes it more clear.

Mr. PRITCHARD. The Senator from Indiana pokes fun at the distinguished Senator from Oregon because he used the word "refrain" in connection with the conduct of Governor Watson, and spends considerable time in seriously contending before this body that the word "refrain," as used in this connection, absolutely settles this whole question; that it is an admission on the part of our distinguished chairman which sweeps away every vestige of hope that now lingers in the mind of Mr. Du Pont. Now, I do not think the Senator from Oregon has used such a bad word after all. The word "refrain," among other things, means "to keep from action or interference." That is to say that Governor Watson had no right to interfere with the action of the legislature while exercising the office of governor. I can not imagine a better word that the Senator from Oregon could have used in this connection.

I am surprised that the distinguished Senator from Indiana should use such an argument for the purpose of influencing votes on a grave question in the Senate of the United States. The Senator from Oregon has stated the position of the committee so plainly that "he who runs may read," and any attempt to befog the question will not avail Senators who happen to be at a loss for a satisfactory argument to sustain their views.

It is also contended that all who voted for United States Senator in joint assembly at Dover on the 9th day of May, 1895, had been adjudged by their respective houses entitled to their seats therein and that the judgment of the two houses of the legislature is conclusive on the Senate of the United States. This is an unwarranted conclusion, and one that is not sustained by the facts. There is no record which tends to establish the fact that after Governor Watson qualified as governor he was adjudged to be entitled to a seat in the Senate. I fail to find in any of the records in this case a single sentence which would indicate any action on the part of the senate of Delaware adjudging the fact to be that Governor Watson was entitled to a seat in that body.

The joint assembly did not have the right to pass upon the title of Governor Watson to a seat in the senate. The senate alone had the right to say who were entitled to membership in their body, and therefore the fact that he was permitted to participate in the proceedings of the joint assembly proves nothing, because the first essential element of a judgment is that the body rendering judgment should have jurisdiction of the subject-matter of the action. That is familiar law and can not be successfully controverted.

The senate of Delaware has neither actually nor constructively adjudged that Governor Watson had the power to exercise the office of senator since the date of his qualification as governor of that State. That the United States Senate has the power under the Constitution to judge of the qualification of its own members, as well as the manner of their election, no one will controvert. Therefore it is highly important that we should pass upon the question as to whether Mr. Du Pont was duly elected to a seat in this body, and in determining this question the inquiry naturally arises as to whether or not the legislature which elected him was constituted in accordance with the provision of the constitution of the State of Delaware. If it should appear to us that the legislature of Delaware had exceeded the limits prescribed by the constitution of that State, I had assumed that no one would seriously contend that we should be bound by its action.

That the legislature of that State had the power to judge of the election and qualifications of its members can not be denied, but it is equally true that in doing so due regard should be had for the provisions of the constitution of that State. The legislature of that State had full power to act so long as no principle of the constitution of the State was violated; but the moment the legislature exceeded the authority granted by the constitution in admitting the vote of an intruder to be counted, who was not in law a member of that body, then an issue was raised as to whether or not they were acting within the limit of their constitutional power and authority, and once such issue is raised there can be no doubt about the jurisdiction of this body to investigate their action in that particular.

The power thus conferred upon the senate of Delaware by the constitution of that State, like that conferred upon the Senate of the United States by the Federal Constitution, is the power to admit or reject the claimant who is or is not entitled to a seat, which is, under the State constitution, subject to occupation by somebody. It is not the power to admit a claimant to a seat which is subject to occupation by nobody. Upon the apportionment of that State in accordance with the provisions of the constitution, the senate is composed of 9 senators. This being the case, suppose that instead of the record disclosing the fact that 9 Senators were present and participating in the joint assembly it should appear that 12 senators participated in the proceedings of that body, will anyone contend that in that event this body would be precluded from investigating the matter and deciding in accordance with the provisions of the constitution of that State, that

only 9 were the properly constituted number of that body and entitled to vote for a United States Senator? Suppose that instead of Governor Watson appearing on the 9th day of May in the joint assembly that the secretary of state had appeared and participated in the proceedings of the joint assembly and cast a vote for United States Senator, are we to adopt the theory that in such a contingency this body would be bound by the action of the joint assembly of Delaware in permitting him to vote?

I was startled yesterday to hear the distinguished Senator from Indiana lay down the proposition, if it should appear to this body that Governor Watson had died, and that another individual, an interloper, should have appeared there, assuming to be Governor Watson, and they had admitted an interloper, who had never been elected, who had no right there, who was an intruder, that that judgment of the legislature would be conclusive upon this body. I submit that that one statement within itself shows the absurdity of the proposition attempted to be maintained by the distinguished Senators on the other side of this case.

If we are to be governed by such a rule as this, then the members of this body are powerless to pass upon the qualifications of its members. Suppose there had been two houses; suppose there had been two senates of the State of Delaware and two joint assemblies; if the proposition advocated by the distinguished Senator from Indiana is correct, then we would be powerless to investigate as to which house was the proper assembly to be represented here, and as to which house represented a republican form of government in the State of Delaware.

The case which we have before us is in all respects as strong as the cases I have supposed by way of illustration. The moment that Senator Watson qualified as governor of the State of Delaware the office of senator which he had theretofore held became vacant and no one could legally exercise the functions of the office which he had vacated until there had been an election held and the vacancy filled in accordance with the provisions of the constitution of the State of Delaware. Such being the case, we are forced to the inevitable conclusion that the legally constituted number of senators of the State of Delaware on the 9th day of May in consequence of this vacancy was only 8, and therefore the joint assembly was composed of 29 members instead of 30 had there been no such vacancy.

The action of Governor Watson on the 9th day of May when he pretended to participate as a member in the proceedings of the joint assembly of Delaware was simply that of an intruder, without the slightest semblance of authority for his conduct, and therefore his vote was a nullity. He was clothed with no more authority or power to act as senator on that occasion than that of any private citizen of the State of Delaware. We certainly have the right to say that a private citizen would have had no authority to act on that occasion.

In the light of the facts in this case, construed according to the constitution of the State of Delaware, we must conclude that Governor Watson had no right to participate in the proceedings of the joint assembly on the 9th day of May, and that being so, it is the duty of this body to say that Mr. Du Pont, having received 15 votes in said joint assembly, which number being a majority of the votes cast by that body as legally constituted, is therefore entitled to a seat in this Chamber. The record discloses the fact that Governor Watson deliberately entered the joint assembly on the day heretofore mentioned for the purpose of preventing an expression of the will of a majority of the duly accredited representatives of the State of Delaware in choosing a member of this Senate. It would be establishing a dangerous precedent to countenance such conduct on the part of those who are called upon to exercise the functions of office of the chief executive of a State. His conduct on that occasion can not be justified either from a moral or political standpoint. It was the act of one who sought by improper device to thwart the will of the majority as clearly expressed at the ballot box, and affords a good illustration of the evils which our forefathers had in view when they framed the constitutions of our various States in such a manner as to forever keep separate and distinct the legislative, executive, and judicial branches of our Government.

Under a representative form of government like ours, when each branch acts solely within its own sphere there can no harm be done to any citizen within our borders; but the moment you attempt to blend the functions of two or more of these branches a palpable violation of the rights of the individual is sure to follow. It is getting to be no unusual occurrence to have deadlocks in our State legislatures lasting, in many instances, during the entire session, to the exclusion of the consideration of all matters of public interest, and finally resulting in the election of no one. In some cases, owing to the fact that neither party has a decisive majority, this condition of affairs is unavoidable, but even then in a free government like ours it is a matter which is to be deplored; but in cases like the one under consideration it is the duty of this body to exercise its discretion under the Constitution of the United States, so that the will of the majority of the people of Delaware, as indicated at the ballot box, shall be carried into effect by adjudging that Henry A. Du Pont is entitled to a seat in this Chamber.

ART COMMISSION.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

Mr. CHILTON. I think that is a matter of too much importance to come up at this hour of the day. There has been quite a good deal of discussion about it.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Texas objects.

Mr. HANSBROUGH. I should like to say to the Senator from Texas that I have had this bill up before the Senate several times. It has been very thoroughly considered by the Senate and by individual members of the Senate. I am obliged to leave the city next week, to be away for some time, and I am very anxious to have the bill passed.

I do not believe it will lead to any discussion whatever, and I hope the Senator from Texas will withdraw his objection. It would be a great accommodation to me personally. I know if the Senator understood the difficulties that are met with by members of the Committee on the Library he would not object for one single moment to the passage of the bill. It meets with the unanimous indorsement of every member of that committee, and they are anxious to have it passed.

Mr. CHILTON. I believe I will withdraw the objection, although I do so with reluctance, I confess.

Mr. HANSBROUGH. I am very much obliged to the Senator from Texas.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HOAR. I should like to inquire of the Senator who has the bill in charge why artists and sculptors are excluded from the commission?

Mr. HANSBROUGH. It has been thought best not to have artists and sculptors on the commission because of the fact, as we all know, that artists and sculptors run in schools, and each school, of course, would be prejudiced in favor of such works of art as come from its particular school. The suggestion, therefore, is open to that objection.

Mr. HOAR. Some years ago I drew with great care a bill having the same object in view as the pending bill has, and it passed the Senate after a good deal of discussion. So far from excluding artists, either painters or sculptors, it expressly provided that on the commission, which was to consist of 15 persons, who were to serve gratuitously except having their expenses paid, there should be a certain number of sculptors, a certain number of painters, a certain number of architects, and certain other persons from other callings in life.

Mr. HANSBROUGH. I will say to the Senator from Massachusetts, if he will permit me, that the bill does not appertain to architecture at all. It has been deemed best to leave that branch out.

Mr. HOAR. I understand; but that does not affect the point I am going on to make.

I suppose it to be true (I do not speak with any claim of having personal knowledge on the subject, though I had the honor of corresponding with some very eminent persons in art at that time) that the great superiority of France in modern times in its modern monuments, public works of art and architecture both, public statues, memorial statues, and so on, grows out of the fact that they called into the service of the Government in making the selection of those works eminent artists. They always find that artists who, as they say, have won their spurs are impartial and admirable judges, and that they have at heart the best interests of art and of the country; and the criticism which the Senator from North Dakota suggested does not apply.

Now, once or twice within my knowledge there have been called in as advisers in such matters St. Gaudens and Mr. Richard Hunt, who recently died, both eminent artists of the city of New York. Their advice has been of the greatest value. I should be very seriously inclined to move an amendment striking out those words and leaving the appointments to the discretion of the appointing power.

Mr. HANSBROUGH. Will the Senator from Massachusetts permit me for just a moment? If the Senator will read section 2 of the bill he will find that it does not pertain in the least to statuary to be located in the various parts of Washington. It is confined exclusively to statuary and works of art which are to be placed in the Capitol building and the new Library building. It does not relate in the least to statues to be located about the city. That is to be done by another process altogether.

Mr. HOAR. I move to strike out the words "other than artists or sculptors." I think there are artists and sculptors in this

country whose judgment would be exceedingly valuable in this matter.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 5, after the word "persons," it is proposed to strike out "other than artists or sculptors"; so as to read:

The art commission of the United States, to consist of five persons, who shall be citizens of the United States, etc.

Mr. HANSBROUGH. Under the circumstances I accept the amendment.

The amendment was agreed to.

Mr. HOAR. Then, in line 7, I move to strike out "and eminently distinguished in literature and the fine arts." There may be the best man in the country for this purpose who is not eminently distinguished in literature. I think the fact that a person may be regarded by the Senate, or by the House, or by the President as a person of high qualifications is sufficient, and I hope the provision as to distinction in literature will not be adhered to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 7, it is proposed to strike out "and eminently distinguished in literature and the fine arts."

Mr. HANSBROUGH. I accept the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. In section 2, line 2, I move to strike out the word "semiannually" and insert "annually"; so that the commission shall convene annually.

The SECRETARY. In section 2, line 2, it is proposed to strike out "semiannually" and insert "annually"; so as to read:

That it shall be the duty of said commission to convene annually in the city of Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR EDUCATIONAL PURPOSES IN ALABAMA.

Mr. MORGAN. I ask unanimous consent to call up and to have passed a bill that will not give rise to a moment of debate. It is the bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS NORTHWESTERN RAILWAY.

Mr. BATE. Mr. President——

Mr. PLATT. Does the Senator from Tennessee desire to have an executive session this afternoon? I am very anxious to have a bill passed which the Senator from Arkansas [Mr. BERRY] desires shall be disposed of.

Mr. BATE. We have a small number of Senators present now——

Mr. PLATT. It will take perhaps five minutes; only the time necessary to read the bill.

Mr. BERRY. I hope the Senator from Tennessee will allow the Senator from Connecticut to call up the bill.

Mr. BATE. That ends it.

Mr. PLATT. I ask unanimous consent to call up the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, after the words "Indian Territory," to insert "by way of the town of Wyandotte, where said railroad company shall erect and maintain a depot within one-half mile of the business center of said town"; so as to make the section read:

That the Arkansas Northwestern Railway Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone lines through the Indian Territory upon a line beginning at a point to be selected by said railway company at or near the town of Southwest City, in the county of McDonald, State of Missouri, and running thence in a northwest direction over the most practicable route through the Indian Territory, by way of the town of Wyandotte, where said railway company shall erect and maintain a depot within one-half mile of the business center of said town, to a point between Chetopa and Baxter Springs, in the State of Kansas, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Territory as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

The amendment was agreed to.

The next amendment was, in section 2, line 20, after the word "taken," to insert:

And before said company shall enter the territory of any tribe of Indians within the Quapaw Agency for the purpose of constructing its line of railroad and telegraph it shall have the written consent of the general council of such tribe thereto, which shall be filed with the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EQUITY COURT ROOMS.

Mr. MCMILLAN. I ask unanimous consent to call up the bill (S. 2307) to provide increased accommodations for the second division of the equity court of the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $2,700 to alter certain rooms in the second and in the third stories of the District of Columbia court-house building, which rooms are now occupied by the second division of the equity court and by the surveyor of the District of Columbia, the money to be expended under the direction of the Architect of the United States Capitol.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. LOUIS, OKLAHOMA AND SOUTHERN RAILWAY.

Mr. PEFFER. I ask unanimous consent to call up the bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes. It is a bill that has been reported from the Committee on Indian Affairs without amendment.

Mr. WILSON. Pending that, I move that the Senate adjourn.

Mr. PEFFER. Let us dispose of this bill. It will take but a moment. There is no objection to it.

The PRESIDING OFFICER. The Senator from Washington moves that the Senate do now adjourn.

Mr. WOLCOTT. I hope before the motion is put I may express the hope that the Senator from Washington, unless there is great hurry, will give way. There are one or two bills here that I know there will be no objection to.

Mr. WILSON. I will state, if I may be permitted to do so, that I have waited all the afternoon and also for a number of days past for an executive session relative to certain appointments. It seems to be impossible to have them acted upon. I do not wish, however, to inconvenience any Senator, and I withdraw the motion to adjourn.

Mr. WOLCOTT. I am much obliged to the Senator from Washington.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. Is there objection to the consideration of the bill indicated by the Senator from Kansas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AT COLORADO SPRINGS, COLO.

Mr. TELLER. I ask leave to call up the bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, after the word "Colorado," in line 3, to insert:

Upon the payment of $1.25 per acre by said city to the United States—

So as to read:

be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its waterworks.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That if the city of Colorado Springs shall at any time after the construction of reservoirs on the lands described in section 1 of this act abandon the same or cease to use the same for water storage, the lands herein described shall revert to the Government of the United States. The survey of the lands so granted shall be made under the direction and approval of the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER.

Mr. CAFFERY. I ask unanimous consent to call up the bill (S. 1460) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed a steam revenue cutter of the first class for service in the Gulf of Mexico and tributary waters, the cost of the construction not to exceed $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTOR OF C. M. SHAFFER.

Mr. FAULKNER. I ask the Senate to take up for consideration the bill (S. 460) for the relief of the executor of C. M. Shaffer, deceased.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 7, before the word "hundred," to strike out "five" and insert "four"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the executor of C. M. Shaffer, deceased, of Berkeley County, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $1,400, in full payment for rent and occupation of his warehouse, in the town of Martinsburg, in said county and State, as a commissary storehouse during the war of the rebellion.

The amendment was agreed to.

The next amendment was, in line 10, after the word "rebellion," at the end of the bill, to add the following proviso:

Provided, That he is satisfied, after examining the claim, that said warehouse was actually occupied by the United States for the purpose alleged; and the claim shall be allowed, at the rate of $50 a month, for such time as it was so occupied and not paid for.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT ENGINEERS IN THE NAVY.

Mr. HILL. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint John P. J. Ryan, John R. Morris, and Chester Wells to be assistant engineers in the Navy. But they shall pass an examination in steam engineering which shall be satisfactory to the Secretary of the Navy, and take rank and receive pay only from the date of their appointments, and shall rank with each other in the order of merit as shown by the examination provided for.

Mr. PLATT. Was the joint resolution reported by a committee?

The PRESIDING OFFICER. The Chair understands that it was reported by the Committee on Naval Affairs.

Mr. HILL. And it is recommended by the Secretary of the Navy.

Mr. PLATT. All right.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MARTIN. I ask unanimous consent——

Mr. GALLINGER. I desire to make a request. Will the Senator from Virginia yield one moment?

Mr. MARTIN. Certainly.

Mr. GALLINGER. I understand that the Senator from Missouri [Mr. COCKRELL] is to address the Senate to-morrow on an important subject. I rise to ask unanimous consent that at the conclusion of his speech we shall go to the Calendar for the consideration of pension bills favorably reported by the Committee on Pensions.

Mr. HILL. I understood the Senator from Ohio [Mr. SHERMAN] wanted to go on with the Cuban resolutions to-morrow, did he not? He is not here. That is the only difficulty.

Mr. HOAR. I am quite sure the Senator from Ohio understands that the Senator from Missouri is to speak to-morrow, because——

Mr. HILL. That is all right; but the question is as to the order of procedure after the speech of the Senator from Missouri has been concluded.

Mr. PLATT. And I wish to call attention to the fact that the Senator from Tennessee has been for two or three days trying to get an executive session on some matters that ought to be disposed of.

Mr. BATE. I shall desire an executive session to-morrow some time, before it gets too late.

Mr. GALLINGER. Of course an executive session would be in order, or any other important business. I will not urge my request, but I should like consent. Of course the matter would be left in the control of the Senate.

Mr. BATE. It is with a degree of delicacy, however, that I would call for an executive session when some one was just going to speak—with a fine audience, and all that. One dislikes to do it. I would not do it to-day for that reason. Of course I could call for an executive session at any time, but I do not want to commit myself.

Mr. GRAY. In reference to the matter of disposing of the Cuban resolutions, I understood it to be the wish of the chairman of the Committee on Foreign Relations, and it is the wish of members of that committee, so far as I have spoken to them, that to-morrow the resolutions might be taken up at some early and convenient hour, and if possible disposed of.

Mr. PLATT. The Senator from Missouri [Mr. COCKRELL] is going to make a speech to-morrow.

Mr. GRAY. I understand.

Mr. PLATT. And it will not be a short speech. It will take quite a while.

Mr. MITCHELL of Oregon. There is an understanding as to that, but after the Senator from Missouri gets through for the rest of the morning hour or later——

Mr. PLATT. I do not believe the Cuban resolutions can be disposed of to-morrow, if an opportunity is given to those who desire to make some remarks.

Mr. GRAY. The sooner we get at them the sooner they will be disposed of, whether on to-morrow or some other day. I hope the Senate will consent to devote whatever time it can after the Senator from Missouri has closed his remarks to-morrow to the consideration of the Cuban resolutions.

Mr. BATE. I will not agree to it until after an executive session has been had.

Mr. FRYE. The chairman of the Committee on Foreign Relations told me that immediately on the conclusion of the speech of the Senator from Missouri he should bring forward the Cuban resolutions, and that he was so determined to press those resolutions that if any objection were made he should move to proceed to their consideration.

Mr. GALLINGER. I withdraw the request. That settles it.

FRANCES R. JACK AND OTHERS.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack $259.22 on account of rent of building in the city of Roanoke, Va., for use as post-office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I ask leave to call up for consideration the bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River, in the county of Aitkin, State of Minnesota.

There being no objection, the Senate, as in Committtee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRON AND COAL MINES ON FOREST RESERVATIONS.

Mr. BERRY. I ask unanimous consent to call up the bill (S. 1633) to permit owners of claims to iron and coal mines on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, before the word "coal," to strike out "and"; in line 4, before the word "mining," to insert "and other"; in line 8, after the word "to," to strike out "pay the price for the lands embraced in said claims now fixed by law to" and insert "perfect title thereto under the mining laws of"; in line 10, after the words "United States," to strike out "and to receive a patent therefor from the United States"; in line 11, after the word "of," to strike out "said" and insert "such"; in line 12, after the word "claims," to strike out "when so paid for, their associates, successors, and assigns"; in line 14, after the word "for," to strike out "a railroad" and insert "railroads or tramways"; in line 15, after the word "construct," to strike out "to be operated by steam or electricity" and insert

"and operate"; and in line 18, after the word "on," to strike out "said" and insert "such"; so as to make the section read:

That all persons who have heretofore located iron, coal, and other mining claims on the lands of the United States, which, subsequently to said location, have been incorporated into forest reservations by proclamation of the President of the United States or otherwise, are hereby granted the right to perfect title thereto under the mining laws of the United States. And the owners of such mining claims are hereby granted a right of way not to exceed 100 feet wide, with necessary depot grounds, for railroads or tramways which they may construct and operate through said reservation to the boundaries thereof, and are hereby granted the right to erect poles on such right of way and necessary electrical appliances for the transmission of electricity to and from said mines.

The amendment was agreed to.

The next amendment was to add to section 1 the following proviso:

Provided, That the rights and privileges hereby granted shall not apply to the Yellowstone National Park or the forest reservations attached thereto, nor to any other national park set apart by special act of Congress defining the boundaries thereof.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "same," to insert "under such rules and regulations as he may prescribe to preserve the timber growth and prevent forest fires"; so as to make the section read:

That said parties heretofore mentioned in section 1 are required, before building the railway the right of way for which is herein granted, to file a survey of the route and a map thereof with the Secretary of the Interior, who shall then and there approve the same, under such rules and regulations as he may prescribe to preserve the timber growth and prevent forest fires.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That this act shall take effect from and after its passage.

The amendment was agreed to.

Mr. PLATT. I do not know that I caught the meaning of the bill as it was read; but if I did, it obliges the Secretary of the Interior to approve any projected railroad the map of which may be filed in his office. I do not think that ought to be done.

Mr. BERRY. I think the Senator is mistaken.

Mr. PLATT. Let the section to which I refer be read—the second section.

Mr. BERRY. If the Senator will permit me, I will state what the provision is. However, I shall wait until the Senator examines the bill.

Mr. PLATT. This is the language to which I object:

That said parties heretofore mentioned in section 1 are required, before building the railway the right of way for which is herein granted, to file a survey of the route and a map thereof with the Secretary of the Interior, who shall then and there approve the same.

That language makes it mandatory on the Secretary of the Interior to approve.

Mr. CALL. Let that provision be stricken out.

Mr. HOAR. The provision ought to read "the right shall take effect on the approval," etc.

Mr. PLATT. As the bill now reads it leaves no discretion with the Secretary of the Interior.

Mr. BERRY. That is not the purpose of the bill. If the Senator will suggest a change the committee will adopt it with great pleasure.

Mr. HOAR. The same objection occurred to me when the bill was read. It occurs to me that it ought to read: "And the rights herein granted shall accrue when the same shall be approved by the Secretary of the Interior," or some phrase of that kind.

Mr. BERRY. The committee had no purpose in the matter except to grant the right of way on forest reservations, where mining claims had been filed before the reservation was made, and the parties had the right, under the law permitting them to run railroads there, to take out the minerals. The object was to require them to secure the approval of the Secretary of the Interior, so that they may not destroy the forest reservations. If the language of the bill does not do that, any amendment to accomplish that purpose will satisfy the committee. It was very carefully considered by the Senator from Montana [Mr. CARTER], who was formerly Commissioner of the General Land Office, and he thought the purpose was accomplished by the language used in the bill. The entire committee agreed to the bill; there is no objection to it, and the representatives of the Western section of the country were in favor of it.

Mr. PLATT. I move to amend section 2 by striking out all down to and including the word "same," in line 5, and inserting in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 2 down to and including the word "same," in line 5, and to insert:

Before any such railway shall be constructed, a survey and map of the location of the same shall be approved by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. BERRY, the title was amended so as to read:

A bill to permit owners of mining claims on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

LEGAL REPRESENTATIVES OF CHAUNCEY M. LOCKWOOD.

Mr. MITCHELL of Oregon. I ask unanimous consent of the Senate for the present consideration of the bill (S. 713) for the relief of the legal representatives of Chauncey M. Lockwood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the legal representatives of Chauncey M. Lockwood to commence suit in the Court of Claims of the United States for extra mail service on route No. 16637, extending from Salt Lake City, Utah, to The Dalles, Oreg.; and gives the Court of Claims jurisdiction to adjudicate the same upon the basis of justice and equity, and to render a final judgment for the value of such extra mail service; and from any judgment that may be rendered in the cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD H. MURRELL.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 1590) for the relief of Edward H. Murrell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Edward H. Murrell $1,409.34, that amount having been collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him, and by them turned over to the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF COURT REPORTS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 2262) to provide for the further distribution of the reports of the Supreme Court and of the circuit courts of appeals.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 20, before the word "reprint," to strike out "an exact" and insert "a"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to distribute to each of the following-named officers of the United States, additional to those named in section 683 of the Revised Statutes, namely, each Assistant Secretary of the several Executive Departments of the Government requiring them for official use; each Assistant Attorney-General; the Solicitor of the Department of State; the law clerk and examiner of titles, Department of Justice; the Comptroller of the Currency; the Solicitor of Internal Revenue; the Judge-Advocate-General, Navy Department; the Commissioner of Labor; the Civil Service Commission; the Interstate Commerce Commission; the clerk of the Supreme Court of the United States; the marshal of the Supreme Court of the United States; the attorney for the District of Columbia, one copy of each volume of the Official Reports of the Supreme Court of the United States, including those already published and those hereafter to be published, or a reprint of the same, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "holden," to insert "including the Indian Territory"; so as to read:

That the Secretary of the Interior shall likewise distribute to each of the places where circuit and district courts of the United States are now holden, including the Indian Territory, to which they have not already been supplied under the provisions of the act of Congress approved February 12, 1889, one complete set of the Official Reports of the Supreme Court, including those already published, and those hereafter to be published, or an exact reprint of the same, or such volumes as with those already furnished will make one complete set, etc.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the words "United States," to insert "shall be plainly marked on the cover 'The property of the United States'"; so as to make the section read:

SEC. 6. That the volumes distributed under the provisions of this act shall remain the property of the United States, shall be plainly marked on the cover "The property of the United States," and shall be transmitted by the justices, judges, clerks, and other officers receiving the same to their successors in office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF PENSIONS.

Mr. BAKER. I am requested by the Committee on Pensions to ask for the immediate consideration of House bill No. 2921, in relation to the manner of paying pensions.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States.

Mr. COCKRELL. What is the clause that is proposed to be repealed by the bill?

Mr. BAKER. Under the present system there has grown up a custom among the old pensioners of going to the pension agencies, sometimes from 150 to 200 miles distant from their homes, and receiving their money at the pension agency. When they get there they are sometimes imposed upon by sharpers and their money taken from them. Some 18 of the pension agencies have requested that the law be amended so that the checks can be forwarded directly to the pensioners, which will enable them to disburse their money at home, instead of their being put to the inconvenience and hardship in many cases of going to these distant points. This bill is simply intended to do away with that provision of the statute.

Mr. GALLINGER. It is proper to say, in this connection, that a very small portion of the pensioners are paid in this way. I think only some 20,000. Perhaps I have made the number too small.

Mr. COCKRELL. I know it is not a large number.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS TO PENSIONERS.

Mr. GALLINGER. I move that the bill (S. 2405) empowering fourth-class postmasters to administer oaths to pensioners, which is now upon the Calendar, may be indefinitely postponed, as a bill on that subject has become a law.

The motion was agreed to.

HENRY J. HEWITT.

Mr. COCKRELL. I ask unanimous consent for the consideration at this time of the bill for the relief of Henry J. Hewitt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 94) for the relief of Henry J. Hewitt. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department of the United States Army the claim of Henry J. Hewitt, of the State of Missouri, for corn, oats, hay, horses, and wagons taken from him for the use of the Army in northern Missouri in the years 1862, 1863, 1864, and 1865, and for the use and occupation of his hotel, storehouse, and barns by the military authorities of the United States, at Macon City, Macon County, Mo., and at Lancaster, Schuyler County, Mo., during the years 1862, 1863, 1864, and 1865, such investigation to extend to the status of the claimant, whether loyal or not, the value of the forage and other property taken, the actual rental value of the hotel, storehouse, and barns for the time they were occupied and used by the United States authorities, the purposes for which the hotel, storehouse, and barns were used, and by whose authority and direction, and whether the forage, horses, and wagons so taken were a part of the outfit employed by him as a contractor or subcontractor in carrying the United States mails to northern Missouri and southern Iowa during the years named; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for its action in the premises.

Mr. PLATT. My attention was diverted for a moment during the reading of the bill. May I inquire of the Senator from Missouri what the provision is for determining whether or not there is anything due to this man?

Mr. COCKRELL. The Secretary of War is to cause an investigation by the Quartermaster's Department and report the result to Congress.

Mr. PLATT. That is satisfactory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS POLLOCK.

Mr. SHOUP. I ask unanimous consent for the present consideration of Senate bill No. 2176.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2176) granting a pension to Thomas Pollock.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "twenty-five" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Pollock, late artisan, ordnance department, Benicia Arsenal, Cal., at the rate of $20 per month.

Mr. PLATT. Was that person an enlisted man?

Mr. SHOUP. The report will show the fact to be that he was an enlisted man.

Mr. PLATT. I should like to hear the report read.

The Secretary read from the report submitted by Mr. SHOUP February 25, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2176) granting a pension to Thomas Pollock, have examined the same and report:

It appears from the records of the War Department that the claimant enlisted on the 11th day of March, 1852, at Watervliet Arsenal, and was assigned to the ordnance department, Watervliet Arsenal, United States Army, and was discharged for disability incurred in the line of duty—incurable varicocele—at Bernicia Arsenal, Cal., April 8, 1853.

Mr. PLATT. That is sufficient.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 13, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 12, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

The Journal of the proceedings of yesterday was read, corrected, and approved.

GRAND ARMY POST, SEDAN, KANS.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans.

The SPEAKER. The amendment of the Senate is simply to change the title by adding the words "and for other purposes."

Mr. CURTIS of Kansas. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. At the request of the Committee on Military Affairs, the Chair desires to submit a change of reference to the House.

The letter from the Secretary of War relating to the purchase of land adjacent to the military reservation at Key West, Fla., should go to the Committee on Appropriations instead of the Committee on Military Affairs. In the absence of objection, the change of reference will be made.

There was no objection, and it was so ordered.

LIGHT-HOUSE AND FOG SIGNAL, BIG OYSTER BED SHOAL, NEW JERSEY.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog-signal station be established at or near Big Oyster Bed Shoal, mouth of the Maurice River, Delaware Bay, New Jersey: *Provided*, That the same shall not cost more than $25,000.

Mr. LOUDENSLAGER. There is an amendment, Mr. Speaker, I desire to submit to this bill.

Mr. DINGLEY. Is unanimous consent asked?

The SPEAKER. The gentleman proposes to submit an amendment, coupled with the proposition for unanimous consent.

Mr. LOUDENSLAGER. I move to amend the bill in line 6 by striking out "twenty-five thousand" and inserting "four thousand five hundred," which is the amount of the estimate of the Department.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey to consider the bill at this time with the amendment proposed?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

THE FEDERAL CENSUS.

Mr. GARDNER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 47, relating to the Federal census.

The SPEAKER. The resolution will be read, subject to the right of objection.

The joint resolution was read, as follows:

Whereas representatives of various Governments which make decennial enumerations of the people are making efforts to secure uniformity in the inquiries to be used in future censuses; and

Whereas also it is expedient to give early consideration to some comprehensive plan for the establishment of a permanent census service: Therefore,

Resolved, etc., That the Commissioner of Labor, now in charge of the Eleventh Census, is hereby authorized and directed to correspond and confer with the census officers of other Governments for the purpose of securing uniformity in the inquiries relating to the people to be used in future censuses; and that said Commissioner is also hereby directed to report to Congress for its consideration, as soon as practicable, a plan for a permanent census service.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRISP. Has this been reported by any committee?

The SPEAKER. The Chair understands, by the Committee on Labor.

There being no objection, the joint resolution was considered.

Mr. DINGLEY. Before action is taken upon that, Mr. Speaker, if I understand correctly, it proposes simply, first, a correspondence with other countries with reference to uniform data or methods of taking the census, so far as population and occupation are concerned; and then proposes that the Commissioner of Labor shall submit to Congress a plan for a permanent bureau. As I understand it, there is nothing committing Congress to the plan proposed, but only to obtain data on which to submit a plan for action.

Mr. GARDNER. That is all it contemplates.

Mr. DINGLEY. I have no objection to that.

The joint resolution was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. GARDNER, a motion to reconsider the last vote was laid on the table.

HALVOR K. OMLIE.

Mr. JOHNSON of North Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.

The bill was read, as follows:

Be it enacted, etc., That Halvor K. Omlie, who, on May 12, 1893, made final proof on his preemption claim for the northwest quarter of section 8, township 163 north, of range 58 west, of the fifth principal meridian, in the State of North Dakota, be, and he is hereby, granted a period of one year from the passage of this act within which to make the necessary payment for said lands.

Mr. TURNER of Georgia. What is the report upon this bill?

Mr. DOCKERY. Let me ask if this has been reported by a committee?

Mr. JOHNSON of North Dakota. Yes; unanimously reported by the Committee on the Public Lands.

Mr. LACEY. In response to the gentleman from Georgia, I may say that this is the second request of the kind made in behalf of this man, whose sickness has prevented him from completing his preemption entry. It is an extreme case, in which relief was granted in the last Congress, but he requires some further time to enable him to pay for the land on which his home is situated. It is a very clear case and a very meritorious one.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound into one convenient volume, at the Government Printing Office, all the various acts of Congress relating to street-railway franchises in the District of Columbia; and that 200 copies of the same shall be furnished for the use of the Senate, 400 copies for the use of the House of Representatives, and 2,500 copies for the use of and distribution by the Commissioners of the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate "providing for the printing of 15,000 copies of the bulletin on apiculture."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the title of joint resolution (S. R. 72) "directing the Public Printer to supply the Senate and House libraries each with 20 additional copies of the CONGRESSIONAL RECORD."

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893, be, and the same is hereby, amended so as to extend the time for the commencement of the bridge in said act named to one year and the time for its completion to three years from and after February 18, 1893.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—COLEMAN VS. BUCK, SECOND DISTRICT, LOUISIANA.

Mr. MILLER of West Virginia. Mr. Speaker, I desire to present a report of the Committee on Elections No. 2 in the contested-election case of Coleman *vs.* Buck, from the Second district of the State of Louisiana.

The SPEAKER. The gentleman from West Virginia [Mr. MILLER] submits a report in a contested-election case. Does the gentleman desire immediate action?

Mr. MILLER of West Virginia. Yes.

The SPEAKER. The Clerk will read the report.

Mr. JOHNSON of Indiana. Mr. Speaker, I imagine it will not be necessary to read the entire report.

Mr. MILLER of West Virginia. The report is unanimous.

Mr. JOHNSON of Indiana. The report is unanimous. I imagine it will not be necessary to read the entire report.

The SPEAKER. The resolutions will be reported to the House.

The Clerk read as follows:

Resolved, That H. Dudley Coleman was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of the State of Louisiana, and is not entitled to a seat in the House.

Resolved, That Charles F. Buck was elected a Representative in the Fifty-fourth Congress from the Second district of the State of Louisiana, and is entitled to his seat in the House.

Mr. MILLER of West Virginia. Mr. Speaker, I move the adoption of the resolutions.

The resolutions were agreed to.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

LOAN OF ORDNANCE TO HIGH SCHOOLS.

Mr. DANIELS. Mr. Speaker——

Mr. MERCER. Mr. Speaker, I have a joint resolution which will, I think, only take a moment.

The SPEAKER. The gentleman from New York [Mr. DANIELS] is entitled to the floor, if he insists upon it.

Mr. MERCER. I ask the gentleman to yield to me for a moment.

Mr. DANIELS. Very well.

The SPEAKER. The gentleman from Nebraska [Mr. MERCER] desires unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such as may appear to be required for military instruction and practice by the students of high schools in the United States where an officer is detailed by the Secretary of War for the purpose of giving military instruction, and the Secretary of War shall require a bond in each case in double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DOCKERY. I should be glad to have the report read, and before the report is read I will ask the gentleman from Nebraska whether this is a new departure?

Mr. McMILLIN. Let us have the report accompanying the bill read.

Mr. MERCER. I will ask that the report be read.

The report (by Mr. CURTIS of New York) was read, as follows:

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 6) authorizing the Secretary of War to loan ordnance and ordnance stores for military instruction in high schools, beg leave to submit the following report and recommend that the resolution do pass:

This resolution authorizes the Secretary of War to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores that can be spared, such as may appear to be required for military instruction and practice in high schools where an officer is detailed by the Secretary of War for the purpose of military instruction, the Secretary to require a bond in double the value for care, safe-keeping, and return of the property when required.

This provision seems necessary for proper instruction in such schools by the officer so detailed and appears to be carefully guarded.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I hope the gentleman will explain the matter to the House.

Mr. DINGLEY. I desire to reserve the point of order. This seems to be starting out in a policy that will make a great deal of difficulty and expense. There are tens of thousands of high schools in this country.

Mr. MARSH. The gentleman will recollect that this is confined to high schools where an officer of the Army is detailed.

Mr. DINGLEY. I know, but there will be applications——

Mr. MARSH. And there are not 10,000 of them by a good deal.

Mr. DINGLEY. I know that.

Mr. MARSH. They are limited to 100 public schools and colleges. So the 10,000 do not cut much figure.

Mr. DINGLEY. I understand that all well enough, but applications will come from all of the schools, and we neither have ordnance nor supplies nor teachers for more than a very few schools. It seems to me when we start out in this policy of doing this for the public schools of the country we shall land in a great deal of expense before we get through.

Mr. MERCER. I will say in reply to the gentleman——

Mr. DINGLEY. Mr. Speaker, I simply object until I can see further about this.

The SPEAKER. Objection is made.

CONTESTED-ELECTION CASE, ALDRICH VS. ROBBINS—FOURTH DISTRICT, ALABAMA.

Mr. DANIELS. Mr. Speaker, I call up for consideration the contested-election case of William F. Aldrich against Gaston A. Robbins. It has been agreed by the members of the committee that the time for discussion shall be controlled by the gentleman from Arkansas [Mr. DINSMORE] on the part of the minority and myself on the part of the majority.

It is also agreed by the members of the committee that three hours and a half on each side shall be devoted to the discussion of the points presented in this contested-election case, and, as I have already observed, the time is to be apportioned by the gentleman from Arkansas [Mr. DINSMORE] on the part of the contestee and by myself on the part of the contestant.

The SPEAKER. Is there objection to the arrangement suggested by the gentleman from New York?

Mr. BARTLETT of Georgia. The gentleman from Arkansas has been called out and is not here, and I did not hear the statement of the chairman of the committee.

The SPEAKER. The gentleman from New York says that the understanding is that each side is to occupy three and a half hours, the time to be disposed of by the chairman of the committee and the gentleman from Arkansas [Mr. DINSMORE].

Mr. DANIELS. I will say to the gentleman that I saw Mr. DINSMORE this morning, and that it is satisfactory to him.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected as a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

Mr. DOCKERY. Mr. Speaker, I ask the gentleman to yield to me for a moment. I desire to introduce a bill to authorize the appointment of a register of copyrights, and to define his duties, and to ask that it be referred to the Committee on Appropriations.

The SPEAKER. The bill would be referred under the rules.

Mr. DOCKERY. I ask unanimous consent that it be referred to the Committee on Appropriations, as under the rules it would go to another committee.

The SPEAKER. That would not give the committee any jurisdiction.

Mr. DOCKERY. I withdraw the request.

Mr. DANIELS. I yield an hour to the gentleman from Massachusetts [Mr. MOODY], my colleague on the committee.

Mr. MOODY. Mr. Speaker——

Mr. DANIELS. I suggest that the gentleman come over here, nearer to the center of the Hall, so that we may be better able to hear him.

Mr. MOODY. Mr. Speaker, let me reply to the suggestion of the chairman of the committee that there is some remonstrance in this part of the Hall to my moving to the place he suggests. I will say to him that in case he fails to hear me, if he will make a further suggestion for removal, I shall feel obliged to yield to him, in deference to the right of the greater portion of this assembly.

It is my purpose, Mr. Speaker, to devote that portion of the time which is allotted to me to a plain statement of the outline of this case, leaving to my colleagues upon the committee the more important duty of arguing it in detail. This contest arises in the Fourth Congressional district of Alabama. In that district, in the election of 1894, Mr. Gaston A. Robbins received the nomination and support of the Democratic party, and Mr. William F. Aldrich received the nomination of the Republican party and the indorsement and support of the Populite party and that wing of the Democratic party in Alabama that is called by the name of Jeffersonian Democrats. On the face of the returns Mr. Robbins received a majority of 3,736. That majority was attacked before the committee on the ground that it was fraudulent; and the committee have presented the contest to this House in three reports, two reports from the Republican members of the committee and one report from the Democratic members of the committee.

The Democratic members of the committee agree that the returned plurality of 3,736 votes should be reduced, on the ground of fraud in the conduct of the election, to 559. The Republican members of the committee go further, and report—one wing of them—that not only the majority awarded to Mr. Robbins should be reduced, but that it should be extinguished altogether, and that the true majority was 601 for Mr. Aldrich, the Republican. Another wing of the Republican majority thinks that the plurality of Mr. Aldrich should be increased, and that the true plurality is 1,131 votes. It will be observed, Mr. Speaker, that there is no contest between the Republican members of this committee on the result. Every Republican on the committee agrees that there was sufficient fraud in the election to vitiate the returns and to seat the Republican contestant.

Now, Mr. Speaker, it becomes an important thing for us to consider the nature of the district in which this contest arises. The Fourth Alabama district is composed of six counties. Five of them are known as white counties—that is, counties where the white population and the white voters largely predominate—and one of them is known as a black county, a county in which the colored voters and the colored population largely predominate. In the counties in which the white voters predominate, on the face of the returns the Republican candidate, Mr. Aldrich, received a majority of 1,654 votes. He therefore reached the black county with that majority in his favor, but by the returned vote in the county of Dallas, which is the black county, not only that plurality was met and extinguished, but a plurality was counted for the sitting member. The county of Dallas showed upon the face of the returns 5,462 votes to the Democrat and 72 votes to the Republican.

Now, it is important to consider what sort of a county it was in which there should be a majority of 5,390 votes against the candidate representing the Republican party, the Populist party, and the Jeffersonian Democratic party. In the first place, it is a county in which the population—I eliminate now odd numbers—was 49,000. There are 8,000 white population in the county and 41,000 colored population. It may be said, Mr. Speaker, once for all, that members of this House may have it as a fact to carry with them all through the case, that in the Fourth Congressional district of Alabama, in the county of Dallas, at least, of the Fourth Congressional district of Alabama, the colored voters are Republican almost to a man; not only that, but that in that county the colored voters outnumber the white 5 to 1. But we have an estimate of the voters in that county upon which you may safely rely. At an outside estimate there are 7,500 colored voters and 2,500 white voters.

Those 7,500 voters were all, or substantially all, Republicans. The 2,500 voters were not all, or substantially all, Democratic voters in the year 1894. There were Populists and there was a faction of the Democratic party known as the Jeffersonian Democrats, whose differences with the Organized Democratic party of Alabama were that the one believed in an honest ballot and the other believed in the fraudulent methods that have prevailed there now for almost a generation. Now, let us see in outline—for I speak only in outline—what brought about this marvelous result in the black Republican county of Dallas. Since 1880—and I need only appeal to the memory of members who have served in this House for years and who have witnessed the con-

tests that time and time again have come up from the black belt of Alabama—since 1880 there has not been an honest election in the county of Dallas; there has not been a time when the Republican voters did not go to the polls and either have their votes thrown out and disregarded by fraudulent technicalities or have them counted Democratic. In the year 1894 they despaired of having Republican voters go to the ballot box and put in their votes and have them counted otherwise than as Democratic.

How much they despaired, Mr. Speaker, this House can best know and appreciate when I tell them that the Republican party in that county disfranchised themselves, choosing rather to lose their votes than to have them counted for the Democratic candidate. The Republican party authority in Alabama issued an order or a request to the Republican voters in the county of Dallas not to register in the spring and not to vote in the fall. The evidence in this record proves, and proves conclusively, that to a very great extent the Republicans of Dallas County complied with that request made by their leaders. I may say here, because it is a point of importance, that that request or direction did not apply to the Populists and did not apply to the Jeffersonian Democrats. But even the Republicans of Alabama did not know the depth of infamy to which their opponents would descend in order to destroy honest elections in that county, for it soon became obvious that even the deliberate self-disfranchisement of the Republican voters would not keep the Democratic managers from counting their votes for the Democratic candidate.

The chief of the conspiracy that was entered into to defraud the voters of Dallas County of their rights was the judge of probate of that county. Under the laws of Alabama no man (with some trifling exceptions) can vote in the fall election unless he has registered in the spring preceding the election. On the first Monday of May it is the duty of the registrars in the various counties and precincts to open the registration. It is continued for thirty days. At the end of thirty days the registration list upon which the vote is to be taken in the fall election is made up and is placed in the hands of the probate judge. He holds the registration list of the county. It is a public document. Every citizen has the right, under a rule of law that will not be challenged, to inspect that document and to have a copy of it.

Members will see how important that right was in this case. The Republicans had not registered, acting under the direction of their State central committee. It was important for them to know, therefore, whether there was a fraudulent registration list made up in time for the election. It was important for them to know, after the election was held, whether there was an honest registration and a fraudulent poll list. That registration list—I may as well trace it now to the end, because its history will be of consequence by and by—that registration list was placed in the hands of the judge of probate. It is his duty to give a copy of it to the inspectors at each precinct, and after the election is over it is their duty to return it to him by a circuitous route, and he keeps it, under a statutory provision that it "shall be open to the inspection of any elector in the county." That registry list of the spring of 1894 has never been seen by mortal eye to this day. I am told—this is outside the record, I know—I am told that even the grand jury of Dallas County have not been able to get the record of registration that was made in the spring.

Mr. BARTLETT of Georgia. Will the gentleman point out in the record where it is stated that the grand jury have been unable to get a copy? I have not seen the statement.

Mr. MOODY. Mr. Speaker, in reply to the gentleman from Georgia, I will say that I have already stated to the House that that fact is not set forth in the record.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon. I did not hear him.

Mr. MOODY. Mr. Aldrich, the contestant, knowing the importance of having the registration list as a foundation for subsequent proceedings, wrote to the judge of probate on the 25th day of September, which was before the election, saying to him, "I desire to obtain from your office a certified copy of the registry of voters of Dallas County by beats"—the word "beat" being used as an equivalent for "precinct." He received no reply. Upon October 3, still before the election, the chairman of the Republican county committee wrote to the judge of probate and asked for the registry list or a copy thereof. He received no reply. Again, on October 11, he wrote for the same purpose and received no reply. After the election was over, when the evidence was being taken by the commissioner, he required of this judge of probate certified copies of the registration lists in certain important beats, and he received a reply from the counsel of the sitting member that it would be produced "as soon as it is possible for the same to be done." But it never has been produced, and no mortal man has yet seen that registry list which contained the list of men who alone were entitled to vote in that county at the election. Whether it is destroyed, whether it is honest or dishonest, no man except the judge of probate knows.

But that is not all. The law of Alabama provides that there shall be three inspectors at each election and that each party shall have at least one of those inspectors. The inspectors are appointed by three persons, one of whom is this judge of probate to whom I have already referred several times. Two clerks are elected, and they are elected by the inspectors. The only right of representation which a candidate has at the ballot box under the law of Alabama is his statutory right to be represented in the person of one of the inspectors. Knowing that the Democrats were withholding the registration list, which was the foundation of the right to vote, Mr. Aldrich, with the chairman of the Republican committee and the chairman of the Populist committee, applied to the judge of probate for what was his right under the law—the right to be represented at the polls by an inspector. He presented to the judge of probate a list of several names for each precinct. It was proved that those were the names of men of reputable and upright character, men of intelligence—all of them white men. In those precincts where the vote was meant to be fraudulent, not a single one of those whose appointment had been requested of him by the Republican candidate and the chairman of his committee was appointed.

In that part of the county where the vote was fraudulent, the judge of probate and his associates did not even appoint a single Republican, with three exceptions; and those exceptions show better than the rule the purpose of the man who was making the appointments. He appointed in one beat a man by the name of Bowie, an ignorant negro, who could not read or write. And who were the other two inspectors? One was the man who had been his master in the days of slavery, and the other was the man for whom he then worked and upon whose place he then lived. Thus the Republican representative was an illiterate, ignorant inspector under the power of his old master and his present employer.

In the city of Selma there was appointed as inspector a miserable, rascally, purchasable negro, apparently as big a villain as there is out of jail in Alabama; he was appointed to represent the Republican party at that precinct. In a third precinct a man crept in by accident as one of the inspectors, it not being known what his political belief was. Thus we have the entire election machinery of a part of Dallas County in the hands of the Democratic managers, without any control, without any check upon them by the registration list, without any check upon them by representation at the polls.

Now, what did the Republicans, who had disfranchised themselves for the sake of an honest victory—who knew that they could win even without the votes in the black county, if the ballots were counted honestly—what did they do? They appointed at each precinct one or two persons who should during the day watch the poll and report how many men could possibly have voted. In the county of Dallas there were 28 beats, and what I am about to state shows better than anything else in the case to what extent the fraud which had been made possible by the judge of probate existed in reality. In 13 of the 28 beats there was fraud; in the remainder there was an honest election. Where there was an honest election the Republican inspectors were at the polls. Where there was a dishonest election there was no Republican inspector at the polls. Where there was an honest election and a Republican inspector—through that part of the county which contains 40 per cent of its population—there were polled, according to the returns, 293 votes. In the rest of the county, where there was no Republican inspector at the polls and which contained 60 per cent of the population of the county, there were polled 5,241 votes, according to the returns.

Now, Mr. Speaker, I desire to go over, in outline, these precincts—13 in number—which have been found to be fraudulent. Let me, however, first recite—and when I have done this I might as well stop and leave the decision of this case with the House—let me first recite the facts upon which every member of this committee, whether Republican or Democrat, agrees. Here are 10 precincts, in the fraudulent part of Dallas County, where the Republican party had neither registration lists nor a representation at the polls. In the precinct of Summerfield, upon the returns, the vote stood 160 for Robbins and 2 for Aldrich. Every member of the committee, Republican and Democratic alike, says that of those 162 votes, 131, or more than 81 per cent, were fraudulent. In the precinct of Martins there were returned 503 for Robbins, none for Aldrich. Every member of the committee agrees that 443 of those 503 votes, more than 87 per cent, were fraudulent. In Lexington precinct the return was 250 for Robbins and 1 for Aldrich. Every member of the committee agrees that 214, or 85 per cent, of those votes were fraudulent. In River beat the return was 276 for Robbins, none for Aldrich; and every member of the committee agrees that 267 of those votes, more than 96 per cent, were fraudulent. In Union beat the return was 293 votes for Robbins, none for Aldrich; and the nine members of the committee, Democrats and Republicans alike, agree that 287 of those votes, more than 98 per cent, more than 9 out of every 10, were fraudulently put into the ballot box by the Democratic in-

spectors, whose conduct was not checked by the representation at the polls which Mr. Aldrich had the right to have under the law of Alabama.

At Elm Bluff beat there were returned 123 votes for Robbins and 12 for Aldrich; and of this vote every member of the committee agrees that 128, or 95 per cent, were fraudulent. At Carlowville beat the return was 127 votes for Robbins, none for Aldrich; and every member of the committee agrees that at least 74 per cent of those votes are fraudulent. At Boykins beat all the members of the committee agree 50 per cent of the votes returned were fraudulent. At Mitchells the return was 389 votes, all for Robbins; and we all agree that 373 of those votes (95 per cent) were fraudulent. In the city of Selma the return was 2,014 for Robbins, 5 for Aldrich; and every member of the committee agrees that 1,247 of those votes, or more than 60 per cent, were fraudulent.

That, Mr. Speaker, is what we all agree to. The Democratic members of the committee, however, stop there. They can not go any further without going over the brink and seating the Republican candidate.

But the Republicans go to certain other precincts—Woodlawn precinct, Orville and Oldtown precincts—and find precisely the same frauds we found committed in the other precincts, and so they must seat the Republican contestant by the majority I have already named.

Now, Mr. Speaker, I propose, without going over these beats in detail, to take up three, and only three, of them for the purpose of illustrating the evidence upon which the committee acted and the method which they adopted in treating that evidence. Take, for instance, Woodlawn precinct No. 2. That is a precinct on which the Republican members of the committee and our friends on the other side differ. They say the returns ought to stand as they appear in the report of the election officers. We think otherwise, and I take it—because it may be fairly presumed to be among the weakest cases in favor of the Republican contestant—I take it as an illustration of the rest. At Woodlawn precinct the testimony shows the number of votes cast to have been 14. The poll list, however, shows 130 votes for Robbins and 9 for Aldrich.

The testimony shows that there were 45 white men all told, of all shades of politics, in this precinct, and that every negro in it was a Republican. There were two men who were employed, or employed themselves rather, to go to the polls at this precinct and see how many men went there and how many voted. There was some attack upon them; but I can not say that it was successful. One was a school-teacher who had been in the Confederate service, had been in a "Yankee" prison, as he termed it, and never in any other, and the other was a farmer. They were Populists and went to watch the vote. They picked out from the poll list the 14 men who went to the precinct on that day and gave the names of them. They say that not another man could possibly have voted, for no other person alive and in bodily form went to the polls from the opening to the close; and, as I said, they give the name of every man who went there on that occasion. Further than that one of the witnesses, R. B. Cater, was one of the men who voted last, and his number was 14 on the poll list, thus confirming, by the act of the Democratic inspectors themselves, his own testimony. But the only thing to go on against these men is the testimony of a man, one St. John Lewis Tavel, who was one of the precinct officers at the election; a Democrat, he says. I desire to call the attention of the House to the testimony, or part of the testimony, that he gave.

Mr. CLARK of Iowa. What did you say was the vote at this precinct?

Mr. MOODY. The vote returned was 130 for Robbins, 9 for Aldrich. The testimony to which I have just been referring shows that only 14 voted, and no one knows how they voted.

This man Tavel, to whom I have been referring, was a Democratic inspector, and the Democratic minority of the committee rely largely on his testimony to meet the positive statements of the two men whose testimony I have outlined. Let us see now what kind of a man he was and how far his testimony is of any value. In the first place, he was for two or three years before this election a Populite and had been in the councils of the Populist party, and told them that the Democratic inspectors in this very beat would count a majority against them whether they voted or whether they did not vote. He was again converted, however, to Democracy, and became an inspector of elections at this election. How did he answer the first question submitted to him, which was:

Did more than 14 men vote at this election?

He says:

I refuse to answer that question. I recognize that I am under oath now.

The counsel next asked him, after taking up the poll list: "Can you pick out of the list any other names than the 14 who have been named as voting"?

Now, there was a test. They were men who knew he lived in that beat, and he had lived there all his life, and he was an inspector of the elections. If he swore falsely and named specific names there was a strong chance of indictment for perjury. He responds:

I can not.
Q. Will you try?
A. No.

And it is on this testimony that the Democratic members of this committee would overturn the finding of the Republican majority. I leave it with you gentlemen here to determine, without another word. [Applause.]

I take up next the River beat, because it is one of the worst. I want to give you samples of all these beats. In this beat the vote was 276 to nothing—in favor of the Democrat, of course. There were 15 or 20 white people at the outside in that beat.

Almost every man there was a negro, and every negro or almost every negro was a Republican. The evidence is clear. The poll list is taken up, and 19 names are selected in the first place who specifically swear that they did not vote; or some of them swore to that. Not all of them could swear; because of that 19, 5 were fictitious men who had no existence in the world, 7 were dead; 1 of them had been dead twelve years, and 1 of them was lynched about a year ago, almost within sight of the precinct where these Democrats voted him the year after. [Laughter.]

Now, it was in this precinct that they felt safe to trust the Republican negro inspector, because on the one side of him was his young master in the days of slavery, and upon the other side was his master in the days of his freedom. They felt safe to trust him therefore, but the old man was honest. He was illiterate. He could not meet the fraudulent conduct of his associates, but he was honest when the time came to take his oath and give his testimony.

He tells us in respect to this beat, where 276 votes were returned, that there was only 1 colored voter, and he was the man; that only 7 or 8 men came in that day, and there were only 7 or 8 ballots in the box at the close of the voting, but that during the day one of the inspectors, his present master, read over to the other inspector, his old master, between 200 and 300 names for some purpose, he did not know what, and that they were copied down on a piece of paper.

Now, Mr. Speaker, there is not one particle of contradiction to that testimony. There is not a particle of contradiction to any testimony in this case, because, conscious of the fraud of which he was reaping the benefit, the sitting member did not see fit to inform this House through its committee of any facts bearing upon the validity of his election.

Let me take one more precinct, and I am done with the precincts. I have a few words more to say upon another subject. Let me come to the City precinct. I take that because it is the most important in the amount. As you will remember, there were 2,014 votes returned for Robbins and 5 for Aldrich.

Let us see what sort of a city Selma was. By the census of 1890 it contained 7,622 population. The testimony of the president of the State senate of Alabama, a Democrat, whose testimony is found in the record, shows that 55 per cent of the population of Selma are colored.

Yet out of a little over 3,500 white population they were able to get 2,019 votes, and they must have voted, and it appears they did vote, the cradle and the grave in order to arrive at that result.

In 1893 the total registration in Selma was 623. The registration for this year was fraudulently withheld by the false probate judge, who disgraces any seat of justice, wherever he may occupy it.

We take the poll list, as it is called. Let me explain to you what the poll list is. The law of Alabama provides specifically that when a voter comes to the polls his name shall be called out, the name written down on what is called a poll list, and a number attached to it, so that an honest poll list would conform to the actual order of the voters who appear to vote.

Now, the first thing that we have to say about that poll list is that it is an afterthought. A man voted at 4 o'clock, according to the testimony; his number is 1502. Another one voted at 1.30; his number is 1445. Another voted at 4.40, just before the polls closed; his number is 221. Nobody voted afterwards. Another man voted ten minutes before him, or between 4 and 4.30, and his number is 1674. Another voted at 3, and his number on the list is 151.

These were, with one exception, Democrats, who did not know the meaning and purpose of the testimony they were giving. The moment they began to find out the purpose of it, there was not a Democrat in Selma who could tell whether he voted at 8 o'clock in the morning or 5 o'clock in the evening. [Laughter.] But they had told enough to show that the poll list which appears in this record was fraudulently made up as an afterthought; and that is the first step we take here, in addition to all the probabilities in the case.

But now we go further. There was one ballot box, an Australian ballot box. The polls opened at 8 o'clock and closed at 5. In order to have voted the 2,021 votes, they would have had to put 4

votes a minute into that ballot box, which everybody within the hearing of my voice knows to be an impossibility.

But we go further. We have the testimony of the watchers there. We have two men, one the clerk in the probate office, and another apparently responsible man, for all that I could see. They stood there by the court-house, and they watched its entrances all day long, from sunrise to sunset. One of them said there were 715 men who entered the court-house, and the other said there were 723.

They could not see the polling place; they could only see the inclosure of the court-house. They knew these men went in, but when they got inside of the court-house there was the office of the probate court and register corresponding to it; there was the tax collector's office, the sheriff's office. There was the city court of Selma, where people naturally would be going in from time to time; and although seven hundred and odd men went into that inclosure that day, no man can tell whether they voted, whether they went for the purpose of voting, or whether they did something else, and went in for the purpose of doing something else. Now, then, let us go still further than that. I take up this poll list [exhibiting]. There are the names. We can not get from the judge of probate the register list upon which this vote was founded. No man can get it. No man can get it, because if it is honest it would reveal the whole truth. This was put in the hands of a former member of Congress for this district, a man who knows almost every man, woman, and child in the city of Selma. He takes it up, and he can recognize out of these 2,000 names not over 696 as being genuine living persons. The contestant calls the register of vital statistics, a man who has held that office for a number of years, and the health officer of the county, a man who would know the population and know the names. He testifies: "I have examined that list carefully." Evidently he had examined it before, and what does he say? He says—I do not quote exactly: "The first 221 names on the list are names of genuine persons. The next 1,012 in a body are the names of persons who either never had any existence or have long ago passed out into the graveyards of Selma. The next 481 names appear to be names of genuine persons; the next 279 are fictitious, and the last 5 are genuine." Out of this poll list 1,309 names are proved by evidence which is not contradicted in the slightest degree to be the names of dead or fictitious or absent persons.

Now, then, let us see at what point we have arrived. We know that about 700 people went into the court-house inclosure. We know there were about 700 people who had an honest right to vote that day. We do not know whether the 700 who went into the court-house inclosure were the 700 who had an honest right to vote. We do not know that they did vote, or if they did for whom they voted. We have not anything except the lying statement of these inspectors which shows that any man who had an honest right to vote had actually availed himself of it. I may pause a moment there to state that here is the point of difference between the two wings of the Republicans upon the committee. The chairman of the committee, for whom we all justly feel the greatest deference, feels that honesty and justice require that every one of these 700 honest names upon the list should be deemed to have voted and his vote counted for the Democratic candidate.

Mr. CLARK of Iowa. And there is no proof that they did vote.

Mr. MOODY. There is no proof that any single man cast a vote. Of course, the probability is that they did; but there is no proof of it. The other members of the committee feel that we ought not to do this. The returns are so tainted with fraud that they have lost all credit. In that every member of the committee, Republican and Democrat, agrees. We feel it is our duty to entirely disregard the return. We agree with the decision of the supreme court of Illinois that it is proof merely that there was an election at that poll, and proof of no other fact whatever, and we count for either candidate only such votes as are proved to have been cast for him.

Again, we believe it would be a dangerous precedent in deciding controversies of this kind. We find that fraud in election is an old ulcer in this county; it is too old, it is too malignant, to warrant any generous surgery. We have got to cut it out if healthy flesh comes with it. If we do disfranchise now and then an honest elector, it is really for his own benefit and the benefit of his own State and county. [Applause.]

I do not charge Mr. Robbins with participation in these frauds. The evidence shows the contrary. But he has reaped the fruits of others' misconduct. It is only another application of the principle which we find so frequently in the administration of the law, that when one of two innocent persons must suffer he must suffer by whose conduct the wrong was made possible. The intelligent men of the city of Selma and of the county of Dallas are not innocent men before God. This is not a conspiracy such as that which we heard of here the other day in the State of Missouri, a conspiracy of the ward heelers and the plug uglies, who have no countenance from any respectable man of any party; this is a conspiracy of the most intelligent part of the population in the county of Dallas, led by the judge of probate. They have the remedy in their own hands. They can have honest elections there if they see fit, and I thank God that it has come to my ears since the conclusion of this case that 500 Democrats in the city of Selma have formed a club to promote honest elections. [Applause.] I say to this House that it is our duty to help those honest Democrats to secure the object which they seek, and, when the vote comes upon this case, to send down the message to the people of the county of Dallas and to the city of Selma that no man shall come here and sit to represent them in this or any other Congress whose garments are so reeking with fraud that he defiles the very atmosphere which we breathe. [Loud applause on the Republican side.]

Mr. DANIELS. Mr. Speaker, I had intended to yield half an hour at this time to the gentleman from North Carolina [Mr. LINNEY], but he is not present, and therefore I suppose it will be necessary for some gentleman on the other side to proceed now.

Mr. DINSMORE. Mr. Speaker, I wish to ask the gentleman whether he expects any gentleman to address the House on that side at this time?

Mr. DANIELS. I can not say. As I have just stated, I had expected that the gentleman from North Carolina [Mr. LINNEY] would occupy half an hour after the gentleman from Massachusetts, but he is not present and, as he has been absent so long this morning, I think it probable that he is detained from the House by illness or other disability.

Mr. DINSMORE. Mr. Speaker, inasmuch as there are to be four speakers on that side and only two on this, I think it very desirable, if it can be effected, that we should hear further from the other side at this time. Still, I do not want to be captious about it, and if no one upon that side is prepared to address the House, I suppose we shall have to go on.

Mr. DANIELS. Mr. Speaker, I should be glad to oblige the other side, and if the gentleman from North Carolina were present he would undoubtedly proceed at this time, but I can not account for his absence, and it seems now to be doubtful whether he will be here this morning.

Mr. DINSMORE. Then, Mr. Speaker, we will proceed, and I will yield such time as he desires to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, before I proceed, I desire to have read the resolutions proposed by the minority of the committee, which I shall advocate as a substitute for the resolutions proposed by the majority.

The Clerk read the resolutions, as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth district of Alabama for the Fifty-fourth Congress, and is not entitled to the seat.

Resolved by the House of Representatives, That Gaston A. Robbins was duly elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

HUGH A. DINSMORE.
CHARLES L. BARTLETT.
SMITH S. TURNER.

Mr. BARTLETT of Georgia. Mr. Speaker, and gentlemen of the House: Cæsar divided Gaul into three parts. Our Cæsar here divided the Committee on Elections of the House into three parts, and, keeping up this rule of three, it seems that the Elections Committee was compelled to divide itself up into three parts, for we have three reports in this contested-election case. Although there are six members of the majority—although, from the argument of my friend from Massachusetts, Mr. MOODY, this case on the part of the contestee so reeks with fraud that the gentleman can not but feel contaminated by association with the gentleman who now occupies the seat or by breathing the same atmosphere in this House—in spite of these facts, the Republican majority upon the committee could not come to any conclusion about this case except that they wanted Robbins's seat. They remind me of the little rhyme that we all heard in our childhood:

I do not love thee, Doctor Fell,
The reason why I can not tell;
But this alone I know full well,
I do not love thee, Doctor Fell.

So, Mr. Speaker, we come to the consideration of this case to determine who was elected; not whom this House shall elect, but whom the honest voters and electors of the Fourth Congressional district of Alabama cast their ballots for; not whom we shall cast our votes for to-day. We had hoped, those of us who heard the argument in the House when this division of the Elections Committee into three parts was made, that a new light had dawned upon this body. We were induced to hope and believe from the speeches of some of the distinguished gentlemen on the other side, who argued in support of the resolution to abandon the old line of procedure in contested-election cases, that when certain questions were to be decided, questions of law as well as questions of fact, we were not henceforth to be guided solely by that "will-o'-the-wisp" partisanship, which had oftentimes led and must lead into doubt and difficulty and wrong.

We all remember well the language of the distinguished gentleman from Vermont [Mr. POWERS], which I have before me, in

which he assured this House, because he said he knew it to be true, and had no hesitation in assuring the House that the sole purpose in trying these cases would be to try them as judges and to determine the issues, not as partisans, but as judicial officers, upon the law and facts as they appear. Even the distinguished gentleman from Indiana [Mr. JOHNSON], who is the chairman of one of these Elections Committees, assured us that such would be the method, that we might rest assured that these cases, when they came to be considered by the committee and to be determined by the House, would be determined, not by charges of fraud simply, not by charges of wrong, not by allegations, not by political necessity, because no such political necessity existed for the majority here, not by carrying out the doctrine of retaliation, but in that calm, judicial, unprejudiced manner in which judges clothed in the ermine of the law determine questions of law and of facts, and he rejoiced that the opportunity now offered itself when this Congress might and would establish a new precedent which will justly be followed by all future Congresses.

To such calm, judicial consideration and determination of contested-election cases in this House were we invited on December 17 last.

Remembering these matters, I am reminded to-day of a rule that a distinguished chancellor of England, Lord Hale, laid down for his own guidance, and I commend it to this House. He said that—

In determining questions judicially before him, he carefully laid aside his own passions and did not give way to them however much provoked.

He said, further, that—

He suffered not himself to be prepossessed with any judgment at all until the whole business and both parties were heard.

Audi alteram partem was the rule he always adopted.

Yet to-day, when this House is sitting in judicial judgment to render a solemn decision upon the right of a member to occupy his seat upon this floor, when the House is exercising the highest constitutional duty that it can ever be called upon to perform, the learned gentleman from Massachusetts [Mr. MOODY], my colleague on the committee, attempts to hurry and force it by an appeal to passion and prejudice. I shall not follow him in that line of discussion. If I did so, I might refer to other States and cities—not Southern States, but Northern Republican States, where they roll up Republican majorities mountain high, like Pelion on Ossa—where frauds are committed, and where not simply dead and absent people are voted and counted by the Republican election officers, but where cats and dogs have been voted and the registration, enrollment, and poll lists have been padded with thousands of fraudulent names. I will not indulge in any such line of remark now or call specific attention to them. It is not my purpose to do so, unless disputed.

Mr. Speaker, ever since elections were had there have been irregularities and even frauds; and in all sections the effort in recent years has been to cure the inefficiency of election laws, and to insure honest elections, and in this sentiment I heartily concur. We are told that this is the same old district which, from Congress to Congress, makes its appearance before this House. How does that affect the question whether Mr. Robbins or Mr. Aldrich was elected? How does that determine the question whether, as shown by this record, there were cast a sufficient number of honest votes for Gaston A. Robbins to elect him, or a sufficient number to elect William F. Aldrich?

I stand here, representing, as I believe, the sentiment of the minority of this committee, to make the statement, in which they will bear me out, that so far as we were concerned we met the majority of the committee more than half way in arriving at the truth and in purging all the fraud. We endeavored to do our duty and to find the truth from the facts and the law as established by the authorities and the precedents of this House in purging the polls of every fraudulent ballot that may have been cast, and I think we have done so. The gentlemen of the majority went with us a part of the way, but when the light broke on them, which, if they had followed it, would leave a Democrat in his seat, they dodged like a Texas mule at its own shadow.

I do not propose, and in this I voice again the view of the minority, to sanction or countenance a single fraudulent ballot that may be shown to have been cast, or to count a single ballot that was not cast; but we do insist that when we have cast aside every fraudulent vote, as we have done, the honest electors who did cast their votes shall have them counted for the man of their choice, and that this House shall not seat a man who was not elected.

The gentleman who has just spoken has told you of his anxiety about the people of Dallas County. He has told you that to seat this contestant is to declare to the people of that county and of the Fourth district of Alabama that honest elections are hereafter to be held; and in pursuing this line he does what he did in one or two other parts of his argument—he goes outside of the record. This able lawyer, this gentleman skilled in the argument of cases, familiar with the rules of evidence and with the rules of the House, and having on his side a large majority of this body, goes outside of the record.

Not satisfied with pouring into the ears of the House the tales of wrong and fraud which he says characterized that election, not satisfied with holding up before this House in holy horror these returns, not satisfied with demanding that this House purge itself of the breath of fraud by turning out the sitting member, knowing the judicial manner in which we should proceed in a case of this kind, the judicial gentleman from Massachusetts, in presenting a judicial question, appeals to the tribunal that is to determine the question by bringing here matters unauthorized by the record and not sanctioned, as I apprehend, by any sound practice. He goes out of the record to tell this House that 500 Democrats out of 800 in the city of Selma have met together and determined on fair elections.

Where does he get that information? What business has it here at such a time as this? I do not know how it came to his ears. I suppose that upon the return of the contestant from that very successful journey that he made to the Fourth district of Alabama, to secure Presidential delegates for a certain Republican Presidential aspirant, in which he failed, and after the very successful journey that he took in order to secure a renomination for himself for Congress from the Republicans of this district—which he did not obtain—I presume this contestant has brought here that information. It seems that this contestant has been repudiated by his own party in his own district, and the only solace he has in his defeat at their hands is that he has accomplished something for the Democrats in Selma. Truly, "a prophet is not without honor, save in his own country."

Sir, if the people of Alabama, if the Republicans of Alabama, if the dissatisfied Democrats of Alabama, if the negroes of Alabama, if any party in Alabama are so wrought up and delighted because the sun of pure elections is bursting through the clouds that heretofore have been so dark and lowering, and if we are now to have fair elections because Mr. Aldrich is to be seated here, then, in the name of heaven, what has come over that same gallant constituency of Populists and of negro Republicans and of white Republicans that they kicked him out of their convention and did not renominate him, the champion of honest elections in the Fourth Alabama district?

Ah, sir, I find I have gone out of the record; it might not have been proper for me to do so, but I have done so in reply to a statement made outside of the record. Sir, when the Republican destroying angel passed over this House and determined what Democratic contestee should be sacrificed and what one should be spared, it failed to leave any sign upon the lintels of the doorposts of my friend who sits behind me, the contestee in this case; but from the start he, I fear, has been marked for slaughter.

Sir, fraudulent registration lists, the voting of dead or absent people, and other proceedings of that kind are not confined to or peculiar to the Fourth district of Alabama. We have had such things in Republican States and cities North. I make this statement (and I have the proof of it at hand) not for the purpose of suggesting that it should be considered in connection with this case, nor to excuse or palliate in the least such methods, for I abhor and detest them, but for the purpose of showing how absolutely out of place such suggestions are when we are striving to find the truth in a judicial way.

Now, Mr. Speaker, coming down to this case, and discussing it somewhat in detail in the time I have and in the line of discussion I have marked out for myself, I desire to say that seven members of the committee agreed that no county outside of Dallas has been successfully attacked in this contest. The chairman of the committee, for whom personally I have the very greatest respect and esteem, whose opinions, coming as they do from a man who has occupied the positions that he has occupied, are obliged to carry not only to that side, but to myself and those on this side who agree with me, great weight, and the gentleman from Illinois [Mr. COOKE], my personal friend (I am glad to say), agrees with him and differs with the other seven members of the committee in this respect, and have thrown out 165 votes in two other counties.

The majority of the committee, seven out of nine, have found that in no precinct except in Dallas are the votes to be changed from the way they are returned. But these four gentlemen of the committee have, in a county where there were 3,000 white Democratic votes cast, only allowed 30 votes out of the contested precincts; yet they have, after searching the record, most diligently looking through it and scanning it in the closest possible manner, determined that there was only one county in the district, the county of Dallas, that could be successfully assailed in behalf of the contestant in this case; therefore I apprehend the House, however it may vote on this question, will determine that the contest should be confined to Dallas County.

Now, it may be asked, what difference is there in the various reports submitted by the committee? Judge DANIELS makes a report in which he gives 1,270 votes out of the total votes cast for the contestant in Dallas County. Judge DANIELS makes a report in which he deducts 165 votes in the counties of Calhoun and Shelby. These 165 deducted from the votes in Shelby and

Calhoun counties seven members of the committee say ought not to be deducted.

The proof is that in each precinct of that county was a Republican inspector, some of them prominent Republicans, men of character and standing. At one of these precincts attacked was one Mr. Noble, a member of that family of Northern men who have gone to Anniston with capital from the East and made it a great city; men from the North who carried money there, who put it into manufacturing and mining industries in the county, who carried with them as well their Republicanism—and this man Noble, a gentleman, a man of character, a man of means, and a man of standing in that community, was an inspector at one of the precincts where the minority faction of the majority propose to throw out 85 ballots. There was a Republican at the other precincts, and the election in that precinct is not attacked for fraud, the ballots have not been produced or called, and yet upon the loose statement of voters that they intended to vote or that they had voted for Aldrich, the loose statements of ignorant men who can not read, can not write, who could not even mark their ballots, some of whom swear so fast that they swear "out of sight," forswear themselves; for they swear that 30 or 40 ballots were marked in the shops where they worked, when, as a matter of fact, the law requires that the tickets shall not be given out at all until the voter is at the polling booth, and the ballot is marked in the polling place; and it is upon such evidence that it is proposed to reject ballots and count them for contestant.

Further, Mr. Speaker, the chairman of the Republican campaign committee in this district, W. J. Stevens, also a member of the Republican executive committee of that State, of whom doubtless some of you have heard, and from whom was printed in yesterday's Post a letter in reference to a statement made by contestant, testified in his behalf; and yet if all of the evidence is taken together and combined there is not enough in the record as to Calhoun and Shelby counties to permit the four members of the committee who belong to the majority to attempt to throw out any votes in those counties. They do not even hesitate, doubt, or waver as to the matter; yet two members of the committee refuse to permit even Calhoun and Shelby to stand. But Dallas County is the real place in dispute; and when we get there both wings of the majority unite, practically, and the gentleman from Massachusetts holds it up to the execration and damnation of the House. But still they can not agree as to what to do with Dallas County, except that both discard a sufficient number of votes to unseat the contestee.

There is no difference as to the result, but the fact remains, and it is an important fact here, that six members of that committee agree, after the most arduous and tedious investigation, we are told, to oust the contestee, yet they can not agree upon the methods by which it should be done. They may arrive at the same conclusions, but in doing so one branch discards rules of law that the other observes. The difference, permit me to say in the language of our distinguished chairman, between the two reports is that the report signed by the four members chisels Robbins out of more votes than the report signed by the chairman of the committee; the distinguished chairman and his one colleague chisel him out of less votes than the four. But the final result is that he is chiseled out of enough to unseat him. [Laughter.]

Now, to proceed, we will consider the evidence as to the votes in the various precincts about which there is a difference between the majority and the minority, and when considered in detail, and when we apply the rules of law to this evidence, it will be impossible to judicially or justly reach the conclusion that the contestee Robbins was not legally and honestly elected.

Mr. Speaker, I can not, of course, undertake to go through the record or do more than call attention to the facts presented by it. I desire to answer some suggestions made by the gentleman from Massachusetts who opened the discussion of this case. He has taken up the matter of the failure to procure the registration lists and based serious charges of fraud. You must remember that this case was tried exclusively on the evidence of the contestant; that not a witness has been offered by the contestee, for a reason I apprehend to be a sufficient reason, that he did not believe the evidence was sufficient, and because of a matter that I shall hereafter call your attention to, a matter of law, that he did not believe any legal evidence had been offered or taken in the case by the contestant.

Now, I ask the gentleman where it is in the record that there is any evidence that these registry lists have been demanded of the judge of probate except a letter-book copy of a letter; not an original letter, not authentic evidence, but a mere tissue paper copy taken from a letter-book—a letter-press copy—offered on page 162 by the contestant, which bears upon the question. The contestant, while he was on the stand, stated that this copy letter was in the letter-book of one J. D. Hardy, the chairman of the Republican Congressional committee in the contest of 1894; that this was all the correspondence he knew of on the subject, though this evidence, the registration lists, was in the court-house, within a few steps from where the commissioner was sitting and taking evidence, with the probate judge, the custodian of the lists, there all the time, day in and day out, the commissioner being possessed of all the powers of the law and having it at his back to compel the production of the original registry list; although he had the power and authority to use the mandate of the law and to call on the United States marshal to enforce it; although he could have commanded all the powers of the Government to bring before him the original record, they satisfy themselves with a press copy of a letter, and we do not know where it comes from, for Hardy was not, for some good reason, offered as a witness, and we are left uninformed whether this letter was ever mailed, received, or answered. Was ever a serious charge made upon so insufficient testimony? Contestant did not want them. He found out he did not want them, I apprehend. I judge so. They were left out doubtless for a purpose, for if these registration lists are in the custody of the probate court, and this contestant desired them, or the committee desires to have them before it, it being documentary evidence, they could send and have them produced.

Such is the law, and it has been often so held by this House, and if necessary to ascertain the truth the committee should have procured it. These gentlemen, who are seeking the truth and finding false registration lists, who want to find out who is elected, should want to find nothing but the truth. The power of this House was at their beck and call to send for that registration list. The House has done it in other instances. The House has sent for witnesses in other cases. The House has even sent its committee to the contested district to procure testimony in order to properly decide a case. We want the truth, whether it unseats a Democrat or seats a Republican. We want the truth judicially ascertained and judicially adjudicated. Yet with this power at their call, they wrapped themselves in stolid indifference to the truth, which can be easily found, and they content themselves with the recommendation that the Democrat give place to the Republican.

Take the testimony of Mr. Aldrich upon that point, which is to be found on page 194. Here is the letter. Here is the evidence. He is asked:

> Do you know of any other correspondence on the subject?
> A. I do not know.
> Q. Do you know whether the letter was answered or not?
> A. I do not know.

That letter is written by J. D. Hardy, chairman, October 11, 1894. J. D. Hardy, the chairman of this executive district committee, was not put on the stand, and it was well he was not; for the record discloses that he had the purse of that district, contributed by Mr. Aldrich and his associates, not only to use for legitimate campaign purposes, but to buy, to purchase signatures of election officers to returns. And I apprehend that if the records of the court in the community where J. D. Hardy lives were examined, we might find that a grand jury had already indicted him, and that he is soon to be put upon trial for the attempted bribery of men who were to hold this election.

Yet a respectable citizen, a judge of probate, a man who is sworn by the witnesses for the contestant to be above reproach, whom white Republicans like Judge Craig and Dr. McKinnon say is a man above reproach—that man is said to be unworthy of respect, entitled to no consideration, but a disgrace to the office that he holds, because of the testimony of the letter book of J. D. Hardy, the corrupt agent of the contestant, the man commissioned to go forth in this district and purchase votes and purchase election officers; this reputable officer is to be denounced as unfit to occupy this office of probate judge upon the testimony of a corrupt purchasing agent of the contestant.

That is the record. Let the gentlemen on the other side escape it if they can. Before a man whom his people have honored as they have this Alabama judge of probate, who is known by his neighbors to be a Christian man, a man of age both in years and in service, is thus denounced, the gentleman should bring somebody else here to question his integrity besides these corrupt purchasing agents of the contestant, as shown by the record.

Why, to give you an instance, W. J. Stephens testifies that Hardy, this leader of the Republicans in that district, was authorized to offer and did offer to J. H. Crocheron, the Republican inspector at Selma, $50 not to sign the election returns, and Crocheron swears to it himself. Stephens also swears that 75 per cent of the negroes of that Fourth district are purchasable, and that he belongs to the 75 per cent. Yet this is the character of witnesses, Stephens and others of like character, that we have heard to discredit the character of honorable men. I am not speaking about some of the witnesses in this record, but the record discloses that these are the witnesses, these purchasable witnesses, these witnesses who tell you that they came to testify because they have been told they will be paid; these, gentlemen of the House, are the witnesses upon whose testimony a member of this House is to lose his seat—not only that, but is to be used to destroy the good name of the people of the Fourth district of Alabama. When the gentleman brings his witnesses up before this House to attack

decent people in that community, let him label them and let the House know who and what they are. Let us know who they are.

Ah, if I could transport the members on that side of the House to that Congressional district in Alabama, if I could show them this election as it was held, and could show them these witnesses as they testified, I have no doubt what they would do with the evidence. These witnesses are ignorant, all of them unlettered, except those who are sharp enough to be rascals, as the record discloses. If the House could see those witnesses, it would not accept their testimony.

Now, Mr. Speaker, it is true that the minority of this committee do agree with the majority that certain precincts ought not to be counted. It is true we agree that the return of the city beat ought not to be counted as returned. It is true we agree that Summerfield and Martins and Mitchells and Carlowville and Union and those mentioned in our report should not be counted, for the reason that there were men—in one case an election officer, and no evidence is offered by the contestee to rebut it—there were men there who testified that only so many votes were cast; but these gentlemen, whom I will call faction of the majority No. 1, say that these returns ought not to be counted at all, in spite of the evidence that nobody but Democrats voted or were asked or expected to vote, and in spite of the fact that the evidence in the record shows conclusively how many votes were cast at each precinct attacked, the exact number cast at each precinct being admitted and stated by contestant in his notice of contest.

Now, I do not make that statement recklessly. I do not make it without regard to the record, but the gentlemen who compose the majority—the four members of the majority—had to discard all the votes in these precincts, to shut their eyes to all the evidence on that subject, and refuse to believe the witnesses of the contestant, for there are no other, and finally refused to believe the contestant himself. The contestant in this record states it and signs his name to it, in which he declares that at each and every one of these precincts which these gentlemen have thrown out so many votes were cast, giving the exact number at each. Not simply that people went to the polls; not people surrounding the polls, but that so many went and cast their votes. You will find upon the report of the minority, pages 3, 4, and 5, that statement set out in full, taken from the notice of the contest. Take, for instance, one of these precincts that were thrown out, called Martin, where they discarded all the votes, and the contestant in his notice of contest admits that there were 60 votes cast in that precinct.

The gentleman from New York [Mr. DANIELS], the honorable chairman of this committee, and the gentleman from Illinois [Mr. COOKE] thought proper, under the evidence in the case and the admission of this contestant, to count these 60 votes that he had admitted had been cast, and count them for the contestee; but if that rule is followed out, and the other rule adopted by the four gentlemen is followed out, and Liberty Hill is counted, and Calhoun and Shelby precincts are counted, why then these gentlemen find themselves narrowing down to a narrow majority of only 170 for Aldrich, and they know full well that when this House comes to consider the evidence as to Orrville and Liberty Hill that it should not and ought not to discard them, and this would lead to the inevitable result to keep the contestee in his seat.

We have set out the evidence in this record as to these precincts. I appeal to the gentleman on that side; I appeal to the distinguished gentleman from Vermont [Mr. POWERS], who so eloquently, so plausibly, and so convincingly appealed to this House to submit to this fair division of the committee that we might have a judicial judgment on our reports. I appeal to him to turn to the record in the case before he turns this man out. I ask him to read the report as to Orrville, Liberty Hill, Oldtown, and Woodlawn, containing the evidence from the record; and if he were a judge and I appeared before him, or any other member of this House who is a lawyer, upon this case in a court instead of in the Halls of Congress, there would be no doubt about a decision as to those precincts. Let the House, if justice is what it is after, if this partisan rule is not to govern, if this new sun in the heavens of election contest is to shine in on us and guide us in our way to the truth, let them read this report.

I challenge any man on that side of the House who desires to do justice and who desires to find a true verdict in this case to read the evidence with reference to Woodlawn, to Orrville, and Liberty Hill. I will stake this case of the contestee upon their determination, and if judicially determined it must follow that the minority have made a correct determination as to them. To give them to the contestee means his retention. You have to throw them out in order to defeat him.

Now, will you gentlemen who have thrown off partisanship, you gentlemen who come proclaiming your majority already too large, you gentlemen who on the 17th of December invoked us to follow this new rule that justice might speedily be done, you gentlemen who do not desire or intend to oust any man simply because he is a Democrat, read that evidence as set out in the report? I challenge you to read. When you have read it, if you can satisfy your conscience that this contestee is not entitled to have them counted for him, unseat him, turn him out, but when it is done then indeed will the seat of every man in a close district hang by a slender thread; then, indeed, might we as well destroy the precedents that have accumulated in this House and in the courts upon this subject of contested-election cases; then, indeed, might we as well shut our eyes and follow only again that uncertain, misguiding, and deceptive rule of partisanship which you said you sought to depart from at the beginning of this session.

Mr. Speaker, I have no time to read these authorities; I have them at hand. We have taken the trouble to cite them in the minority report. They have been copied verbatim from the decisions of the court and from the decisions of this House and from learned writers upon the subject. Let us take a cursory glance at the testimony as to Woodlawn precinct, No. 3. Woodlawn gives 130 votes for Robbins, and I think 9 for Aldrich. Mark you, gentlemen, the only witnesses offered in this record, I again beg you to bear in mind, are the witnesses offered by the contestant, subpœnaed by him, and for whose credibility under the law he vouches.

Yet we are told that this witness, the inspector, Tavel, contestant's witness, is not worthy of belief, and that he is impeached by other witnesses offered by contestant.

Here, then, the majority must disregard the primary rules of the law of evidence; the hornbook rules of law as applied to every case in court must be set aside in order to disregard this evidence. Did any lawyer ever hear in the court-house of a man when he produced a witness to prove a fact impeaching that witness unless he had been entrapped? Is there a lawyer on this floor who has a right to wear worthily the title of attorney or solicitor or counsel, is there a man here who is entitled to a license to practice law, much less a judge, who can dispute a proposition that is as old as any rule of evidence ever was? Yet, gentlemen, that is what you must do in order to destroy the testimony of St. John Lewis Tavel, the inspector whom Mr. Aldrich put upon the stand to discredit the return at Woodlawn.

The contestant does not say that he was entrapped, he does not say that he was deceived, but he comes with the next witness and endeavors to impeach that man, and the gentleman from Massachusetts [Mr. MOODY], who has argued this case on the part of the majority, discards Woodlawn because he does not believe the evidence of the contestant's own witness. That is a fine position to put this House in. You are asked, gentlemen, to unseat a man because you do not believe the testimony which his opponent offers to prove that he should be unseated. That is some of the new light on the rules of law that comes out of this new judicial way of trying contested-election cases. That is one of the fruits of the new departure. Lord Bacon said, speaking of the law, "Do not remove the old landmarks."

I tell you, my friends on the other side, you gentlemen who speak about judicial decisions, you have here one of the first principles of the law of evidence disregarded and set at naught and overridden by the majority of this committee in order to unseat Robbins. It reminds me of a story in a book written by a gentleman of my own State, where Uncle Remus tells a little boy about the rabbit climbing a tree. The little boy, with his mouth open and his eyes staring, asks Uncle Remus, "How is it possible for a rabbit to climb a tree?" "W'y," said Uncle Remus, "he jes 'bleeged to clim' a tree." So these gentlemen were just obliged to set at naught this rule of the law of evidence in order to unseat Robbins! [Laughter.]

They have done it so far as they can do it, but the question is, whether this House is ready to unseat him and to overturn that old rule of law. You have the power to do it, gentlemen. You can do it because there is no power to call your action in question; but when you do it, remember that it is useless to again assure us of your purpose to judicially determine election cases. That witness appears to be a decent man by the evidence. He once belonged to the Populists, but he quit them. He came back and voted the Democratic ticket at this election, for the first time in four years, I believe. He was thought to be a Populist when he was appointed; he was thought to be a Populist when he was put on the stand; but the truth did not suit our friends on the other side; so this old man, 64 years of age, is to be discredited and denounced because he does not come up to the requirements of the contestant's lawyer and swear up to the mark.

J. C. Compton, president of the senate of Alabama, was a witness for the contestant in this case, and each one of these inspectors, including St. J. Lewis Tavel, was sworn at these precincts and declared by Mr. Compton to be of the highest character and worthy of credit. Not only were they sustained by Compton, but by a number of others, among whom were Judge Craig, a Republican and former member of this House. Yet the gentleman from Massachusetts denounces that man as unworthy of credit, although every respectable witness, Democrat and Republican, swears that he is a worthy gentleman and entitled to credit. And

he is impeached by whom? Oh, he is contradicted and impeached by a man who is shown to be a constitutional, strolling, Keeley-cured drunkard, a man who himself declares that he did not have anything to do, a man who had run away from home and left his wife and his children to work the farm and had hung around cross-roads stores and the country grogshops.

This man's testimony, the testimony of a strolling vagabond, an admitted idler, a drunkard, rambling from place to place, not yet over the effects of the Keeley cure—the testimony of that man is to be taken to break down the testimony of the respectable gentleman who had been appointed inspector at Woodlawn. But they say R. B. Cater is to be believed. Who is R. B. Cater? A man who, the records show, is so unworthy as a citizen that his own wife and his own children will not live with him. He is a brother-in-law of St. John Lewis Tavel and they had had a family row, and the statement of this unworthy man is to be taken to discredit a gentleman who is shown by the best testimony in the case to be worthy of credit. St. John Lewis Tavel swears that every vote put into that box at Woodlawn was put in and counted by him and the others as it went in, and he says further that if Cater and Seay, to whom I have called attention, swear that only 14 votes were cast there, "they lie."

That, gentlemen of the House, is the evidence as to Woodlawn, the precinct that you are asked to throw out. Now, with the committee divided, with one branch of it saying that we ought to count 14 votes at Woodlawn and the other that we ought not to count any, I ask the members on that side of the House if it is not right to go by the testimony as it stands in the record; and if I have misstated or changed a word or a line of it I appeal to gentlemen on the other side to correct me. And I pause for that purpose. The truth is as I have stated it to you. Then, are you to accept as true the evidence in this case of the sworn inspector, of the man of credit and reliability, that 130 votes were cast for Robbins, or are you to discard it?

Now let us consider the Orrville precinct. I thought at one time we had all agreed upon that. Of 370 votes the chairman of the committee throws out all but 14.

Now, gentlemen, I submit the evidence with reference to Orrville precinct. It will be found on pages 48 and 49 and on pages 53, 54, and 55. There are only two witnesses. I will give a copy of this record to any gentleman who desires it, and while we are in search of justice and right in this case, I ask that this evidence be closely examined. It is very short.

Gentlemen of this House, I assert without fear of successful refutation that no court worthy of that appellation, from a justice of the peace up to the highest tribunal known in this country, would throw out a precinct on evidence like that; it would either refuse to count the votes that the contestant admitted were cast or throw out the whole precinct. The plurality of the majority of the committee I believe refuses to count any votes for the sitting member. The gentleman from New York [Mr. DANIELS] counts 14. There are but two witnesses, and their evidence will be found on pages 48 and 49.

Both of these witnesses were farmers. One of them says that he went to the voting place at 10 or 11 or 12 o'clock—probably between 10 and 2. He went to the precinct, and being in a hurry remained only about half an hour, and then having voted he went away. All the farmers in that precinct vote usually after 12 o'clock. This man testifies that he voted between 11 and 2, as he thought, though he did not undertake to be exact. As all lawyers know who have tried cases in court, there is nothing on earth so unreliable and uncertain as testimony in regard to the time when a particular thing happened, when the witness has nothing to call his attention to the time. This witness says he went there and stayed about half an hour, and he left, he thinks, about 2 o'clock; it might have been 3; he is not certain.

The SPEAKER pro tempore (Mr. GROUT). The gentleman's time has expired.

Mr. DINSMORE. I do not understand that the gentleman's time is limited.

Mr. BARTLETT of Georgia. There are only two speeches to be made on this side.

The SPEAKER pro tempore. Then the Chair was misinformed.

Mr. DINSMORE. I hope that my colleague on the committee will proceed.

Mr. BARTLETT of Georgia. Now, the other man (as I have said, both of these men were farmers) testifies that he went to the precinct between 2 and 3 o'clock. The first man was No. 7 on the poll list; the other, I think, was No. 264. Those are the only two witnesses present at the polls whose evidence is brought here to discredit those returns. Do not mistake what I say. Those are the only two witnesses who went to the polls who are offered in this case to testify with reference to anything which occurred at the polls. They went there and spent a few minutes. They went there about the time when it is usual to stop business for that purpose—about 12 o'clock. That is the usual time in a country precinct for the farmers and their hands to vote.

These witnesses testify that there was a large crowd of negroes around the polls. The voters in that precinct stop work about 12 o'clock and vote after that time. The negroes generally vote with their employers—the white farmers—and these white men in that precinct are all Democrats. The testimony is that there were a number of negroes around the polls who appeared to be voting, who were there for that purpose. Both these witnesses testify to that. This is the evidence upon which both wings of the majority of the committee act, and which they declare is sufficient to discredit the returns; one branch of the majority counts 14 votes of the 370 for Mr. Robbins, and the other counts nothing. That is a judicial decision which this side of the House is treated to in a judicial matter!

That is not all. On pages 53 and 54 is the testimony of J. Gilbert Johnson, a hired spy of the contestant, an informer. This House yesterday dealt very severely with hired spies even in Government service; and to-day in the trial of this case 370 honest votes in Orrville township in the Fourth district of Alabama are to be destroyed and discarded at the instance and upon the purchased evidence of a hired and discredited spy. What does this witness say? He says he was not there that day, that he was 8 miles away. He does not know a man who voted at Orrville precinct. He did not see a man who voted there. He does not know how many voted. But he takes up a poll list and he says (mark his testimony, gentlemen) as to 25 names, that there are men of similar names living in Lexington precinct, 8 miles away. One of these men is dead. He say there were men of similar names who used to live in Lexington precinct.

Mr. PITNEY. Let me ask the gentleman if there is evidence that men of that name lived in the precinct in question?

Mr. BARTLETT of Georgia. I do not know whether there is or not.

Mr. PITNEY. It was very easy evidence to get, if the fact were so.

Mr. BARTLETT of Georgia. I will find it for you; but you must remember that the contestant has the burden of the case. He is attacking the polls, and it is his duty when these men lived within 6 or 7 miles of the voting place, and where the evidence was taken, to get them and secure their testimony.

Mr. PITNEY. But it is claimed that there were no such men living in the precinct, although their names appear on the polling list in question. If such were the case, it would be easy to produce the men if they existed or to produce testimony to substantiate the fact, if it were a fact.

Mr. BARTLETT of Georgia. Permit me to read the rule of law applicable to the case.

Mr. PITNEY. I want the facts, not the law.

Mr. BARTLETT of Georgia. Let me show you the rule of law bearing on the subject; and there is not a court, there is not a tribunal in this land that ever tried an election case that ever justly threw out a precinct because on the poll list were the names of voters similar to others who live in an adjoining county or precinct. Here it is:

> Witnesses are often called to testify that persons whose names appear on the poll list as having voted are not known to be residents of the county or precincts, as the case may be.
>
> This kind of evidence, while admissible for what it is worth, is manifestly of little value, and must depend upon circumstances.

Again:

> Something further must be shown, direct or substantial, than that the names of persons similar to those names that appear on the poll list did not reside in the precinct or did not vote.

Now, listen to this:

> No name should be stricken from the poll list as unknown from the testimony of one witness only that no such person is known in the county or precinct; and when a man of like name is known as residing in another precinct or county, some proof direct or substantial other than the presence of such a name on the poll book will be required.

In other words, a name will not be stricken from the poll book simply because a man of the same name resides in another precinct. I refer the gentleman in this case to these citations taken from McCrary on Elections, and to the case of Letcher against Moore, page 745 of Clark and Hall's cases. That is the rule of law. The majority not only strike these names from the poll list, but discard the entire poll of the precinct.

Mr. PITNEY. But the gentleman did not answer the question I asked him.

Mr. BARTLETT of Georgia. Will the gentleman repeat his question?

Mr. PITNEY. Is there evidence that the eight men whose names are on this poll list do not live or did not live in that precinct?

Mr. BARTLETT of Georgia. Not one syllable of evidence of that kind.

Mr. PITNEY. Now, there is evidence that such men lived in another precinct; and the presumption is that they did not live in the precinct in question. Is that the point? Is that what is claimed?

Mr. BARTLETT of Georgia. I do not know what was claimed. The committee did not so say. They simply say, because the

names of the witnesses appear on the list, and a man swears that other names, similar names, were in other precincts in the district, therefore they will discredit the whole return; while the other branch of the committee counts 14 votes. I do not know the reason. I have not been able to understand the reason, and nobody else has been able to do so clearly, and I apprehend no valid reason can be given for it.

Mr. DINSMORE. Will my colleague permit a single interruption?

Mr. BARTLETT of Georgia. Certainly.

Mr. DINSMORE. If, as suggested by the gentleman from New Jersey, that was true that there was a number of names on the poll list, and evidence was offered to show that there were no such persons represented by either of the names in that beat, and that there was evidence of persons of that name living outside of the beat; if the evidence went further and showed conclusively that there were eight persons on the list who did not vote, doesn't the gentleman from New Jersey recognize it to be the duty of the House now, if possible, to eliminate the fraudulent votes, and count those that are shown not to be fraudulent? That is the recognized principle of law, and is it not the duty of the House now, as it was the duty of the committee, to make the necessary corrections?

Mr. PITNEY. Well, that might depend to some extent on the question presented, the exact question before the committee, and also upon the extent of the alleged fraud.

Mr. DINSMORE. I speak with reference to the abstract proposition in regard to which the gentleman made his inquiry.

Mr. PITNEY. I made the inquiry with the view of ascertaining the fact.

Mr. BARTLETT of Georgia. Any question that I can answer the gentleman I am very glad to answer, because if the House could get the exact facts before them in regard to the precincts in question as they existed they would not permit this judicial—no, not judicial, but legislative—outrage to destroy that precinct as it was returned and do an act of justice to a member of this body.

Now, they pick up the list and they hand it to J. Gilbert Johnson, and he goes over it. He swears he is not familiar with the names in Orrville precinct, and yet he undertakes to say that these 26 names on that list at Orrville that he says live in Lexington, did not live at Orrville, simply because of the fact that he did not know them. Now, I submit, under the rule of this House—which has been unvarying since the case of Letcher *vs.* Moore, and which is unvarying in the authorities that have been cited upon this subject—that there is no right to cast out that precinct.

The majority of the Committee on Elections were not fair when they reported that there were "26 names of dead or absent people on this poll list." There is but one man who testified about it, and that is J. Gilbert Johnson. He testified as to Charles West, whom he says is dead, but he also testified there is another Charles West now living in the same community. Yet, because one Charles West had died two years before, the committee report that 26 dead or absent voters appear on the poll list. I ask gentlemen upon the opposite side where is there another suggestion in this record that more than one man of the same name appeared upon that poll list? Where does it appear that there were two Charles Wests on that list? Gentlemen, under the rules that have been laid down it will not do to discard the return from this precinct.

Mr. PITNEY. Was there any attempt made by cross-examination to show that this witness was mistaken in the identity of the persons and that there were such persons living in the precinct, on whose poll book they appeared?

Mr. BARTLETT of Georgia. I will show you, sir. Of course, in the heat of the argument, I can not turn to it at once. There was cross-examination about these men.

Mr. PITNEY. Mr. Johnson intended to testify that the men of these names in question did not live in that precinct, I suppose?

Mr. BARTLETT of Georgia. No; he did not testify to that. He testified that men of that name lived in Lexington precinct, 8 miles away. He says:

I am very well acquainted with Lexington beat, and only tolerably so with Orrville beat.

I say the evidence there does not show that he is acquainted with the people in Orrville beat, although he says he was acquainted with the people in Lexington beat.

Mr. PITNEY. I suppose identity of name raises a presumption of identity of person, at least until the presumption is overcome?

Mr. BARTLETT of Georgia. No; it does not do that. The gentleman is mistaken as to the rule. The rule of law is that it does not raise any presumption of identity. The case of Letcher against Moore, to which I called attention, decides the contrary; and if you were ever down in that country and undertook to be guided by similarity of names of negroes, you would soon learn that identity of name is far from being identity of person. Why, no less than 16 Andrew Jacksons have been convicted in the city court of my city, and no less than 15 George Washingtons, and so on down the list of illustrious names.

Mr. PITNEY. Is the name of Green Hitt a common name?

Mr. BARTLETT of Georgia. Any sort of a name is a common name down there with the negroes.

Mr. PITNEY. Is Bing Allen a common name?

Mr. BARTLETT of Georgia. Yes; that is an ordinary name—Bing Allen or Bing anything—it is but an abbreviation of "Bingham," I suppose. We have two men in our town called Dollar Bill. They are known everywhere, by the police and everybody else, as Dollar Bill; and one Dollar Bill has been indicted and convicted no less than three times in the criminal court there as Dollar Bill.

Mr. CONNOLLY. A bad Dollar Bill.

Mr. BARTLETT of Georgia. Yes, a bad Dollar Bill.

Mr. PITNEY. I think the gentleman will find some pretty peculiar names in this record.

Mr. BARTLETT of Georgia. Yes, and you will find some very peculiar names in every negro community that you go into. I ask the gentleman if he would destroy a whole precinct return, because 25 men with peculiar names voted at it? Is that any evidence that the election officers committed fraud?

Mr. PITNEY. I think there is evidence of the grossest fraud, and evidence of a conspiracy to commit it.

Mr. BARTLETT of Georgia. Where is it in that precinct? Point it out, and I will give you all the time you want to point it out. I ask you or the majority to point out the gross fraud in that precinct, because that is the one I am discussing. Examine the record, and then make up your mind from the evidence.

Mr. PITNEY. Excuse me. I do not say that I have made up my mind, understand. On the contrary, I have not.

Mr. BARTLETT of Georgia. The gentleman misunderstood me. I did not say that. I said you could not point it out in the record; and if I said anything else, I withdraw it.

Mr. PITNEY. I should not be listening to the gentleman, if I had made up my mind in advance.

Mr. BARTLETT of Georgia. I know that, and I assure you, if you understood me to say that, I was not intending to say it; but I meant to say that the record in that particular district does not show that there was any fraud or conspiracy there.

Mr. PITNEY. You do not deny that there were gross frauds in other districts?

Mr. BARTLETT of Georgia. I do not, and have not done it, and if the gentleman reads the report he will find that we do not deny it, and I stated so. Wherever the fraud has been shown, in every single precinct where it was shown, we have done what it was our duty to do and what every other man should have done—discarded the returns. It can not be shown that in this report of the minority a single precinct has been counted as returned when fraud was shown, nor that a fraudulent vote has been counted by us for contestee.

It may be well to call attention here to the rule of law that, no matter how gross the fraud, if we can find from the evidence the number of voters and how they voted and who they voted for, we ought to count them. Now, I ask this House if it was not the duty of this election committee when they said there were 26 dead and absent votes cast at Orrville, as shown by Johnson, because it was shown that there were men of similar names in another part of the county or adjoining precinct, that they ought not to have been satisfied to deduct that 26 from that poll?

Enough about that. I come now to Liberty Hill, and the record as to that precinct is printed in full in the report. At Liberty Hill there are only two witnesses, Kline and Rothschilds.

Mr. MOODY. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. Will the gentleman state that the majority of the Republicans do not reject the return in Liberty Hill?

Mr. BARTLETT of Georgia. I have so stated.

Mr. MOODY. I beg pardon.

Mr. BARTLETT of Georgia. Four of the Republicans on the committee agreed that this precinct ought to stay in. The gentleman from New York [Mr. DANIELS] and the gentleman from Illinois [Mr. COOKE] think it ought to go out, and deduct from Robbins 244 votes from that precinct. Now, let us see what the evidence as to that precinct is in this report. This has been copied verbatim from the report, and I will submit that to the House. Here is the testimony of Kline, a Republican, a man who went down to Alabama from Pennsylvania. He was not a manager here; he was a hundred yards away. He was the depot agent, and he could not see what was going on at the polls, because there were cotton houses between him and the election precinct, and he did not know how many people voted there. There may have been 50, or 100, or 274; and that is all.

Rothschilds, who lived in Selma, testifies that he is acquainted with the 30 whites and the 300 negroes living in the beat. He also testifies that the Republican party had not organized in that county or beat. They had less organization now than when he lived there—at Liberty Hill—some five years before; and the evidence in that record from black and white, especially from some of the

executive committeemen, one executive committeeman, John H. Crocheron, is that the negroes of Dallas County were offended with Mr. Aldrich, because he had two headquarters down there, one for the negroes and the other for the Populists and Republicans. They did not like it. He was a man of means. He had been put up as a candidate to carry that district, and instead of going down into that district and appealing to the voters to vote for him in Dallas, they issued a circular requesting the colored people and the Republicans not to vote. Even such stanch Republicans as Craig did not vote. The idea was that the negroes were not to vote, and nobody was to vote but Democrats.

That was the condition of affairs that we had, not only in Liberty Hill, but in every precinct in that county. Gentlemen who are familiar with the character of the colored voters know very well that the man who turns his back on them will not receive their votes and the man who seeks them will secure their votes. Aldrich surrendered in Dallas County. He abandoned his organization. He did not endeavor to get a single vote from the Republican side. He advised them to stay away and issued a circular in which he said: "You don't vote; the Republicans are going to carry Congress and we are going to contest. Stay away and don't vote." These people down there did not like it, according to the testimony. They went out and voted for Robbins, the man who was kind to their race.

Carmichael, an intelligent colored school-teacher, says he and others voted for Robbins, a number of them did, because Robbins had been kind to his race. Here was a man, a candidate, their neighbor, their friend, who had been kind to their race. He was seeking their votes; he was appealing to them as his neighbors, and was asking them to vote for him. Here was another who simply held his head high, put the negro headquarters off in a back room and the mixed Republican and Populist headquarters in a well-furnished apartment. They told the negroes they did not need their votes. That was the spectacle; that was the policy adopted by this contestant and his friends in Dallas County.

Gentlemen, any man can see at once that when the forces were deserted by its leaders, when they were left to drift where they pleased, ignorant and unlearned as most of them were, it was but natural for them to support that candidate who was their neighbor, whom they knew, and who had been the generous friend of their race. And yet, the only reason that they throw out Liberty Hill, so far as the minority of the majority are concerned, is because there were only 30 white votes there, the balance being negroes.

I might go on through this list of precincts, but time will not permit. You will find upon investigation of the report that wherever it has been shown by witnesses who were present at a precinct that more votes were returned than were cast, the minority have disregarded those returns and counted only the votes proven to have been cast. Take Oldtown; the evidence is about the same—but I will not rehearse that case, because it is set out in the report, and I will leave it for my colleague on the committee. So that you find on investigation that we do what the law says we shall do, namely, purge this ballot of every vote that ought to be thrown out. The rule of law is laid down in the case of Washburn against Voorhees, and elsewhere in the books, that no pains are to be spared, no examinations are to be avoided, nothing is to be neglected that will discover what the vote was, and we have complied with that rule, and have counted for the contestee only the number of votes that the contestant himself admits in his notice of contest were cast at the several precincts.

Now, gentlemen, when you take that fact, in connection with the theory of this case that the Republicans were not asked or expected to vote, and when you take into account also the political complexion of the people who did vote, you certainly ought to give to Robbins as many votes as the contestant himself admits were cast at those precincts.

I come now, finally, to the Selma precinct; but before taking that up I desire to say a few words in reply to the argument of the gentleman from Massachusetts [Mr. MOODY] with reference to the appointment of inspectors. On pages 229, 230, and 231 you will find a list of the names of men whose appointment as inspectors was requested and a list of those that were appointed. The trouble about those that were not appointed, as requested, was that the law of Alabama required that one of the inspectors at each poll should be of the opposite political party to the dominant party. Mr. Aldrich furnished a list of those that he desired appointed, but in that list he did not say whether they were Democrats, Republicans, or Populists, and in a number of cases they were appointed as requested; but in all those cases the same man was appointed, either as a Populist or a Republican, as the list shows. Mr. Aldrich himself testifies as to the men he requested to have appointed that he did not know what their political faith was, and therefore, if the list that he furnished the probate judge did not comply with the law, the judge was under no obligation to appoint those men. Furthermore, there is no law which requires the probate judge to appoint men who are nominated by the candidates.

I pass now to the Selma precinct for a few minutes.

Mr. MOODY. May I ask the gentleman a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. Is it not a fact that the law of Alabama requires that each contesting party shall be represented at the polls by at least one inspector?

Mr. BARTLETT of Georgia. Yes, sir; I have so stated.

Mr. MOODY. Is it not a further fact that by the action of the probate judge and his associates that right was not granted to the Republican candidate?

Mr. BARTLETT of Georgia. I understand that it was granted in every precinct where there was a Republican or a Populist.

Mr. MOODY. I do not understand it so, and if the gentleman will point out any fact in the record which controls the evidence to the contrary, I shall be obliged to him.

Mr. BARTLETT of Georgia. Take the city of Selma——

Mr. MOODY. In my remarks I made three exceptions, among which was Selma.

Mr. BARTLETT of Georgia. Well, I can not go through with all these now. I only know this, that the record discloses, where evidence was taken on the subject, and any question was asked about it, that there was either a Populist or a Republican inspector. That is the case, I think, wherever that point was inquired about. The evidence on the part of the contestant is silent as to what were the politics of the men that he asked to have appointed. He says that he did not even know what their politics were himself, and how could he expect the judge of probate to appoint men, under the law, which required that they should be of certain political parties, when he did not know their politics.

Mr. MOODY. I have examined the evidence with respect to each of the precincts other than those I expressly excepted, and I find that there is positive evidence that the inspectors in all those precincts were of the Democratic party.

Mr. BARTLETT of Georgia. That is true; and you will find also that in those precincts there was not a single solitary white Republican. Mr. Aldrich was the Republican nominee, and the proof is that there were so many white people, 30, 40, or 50, and not a single white Republican among them.

Mr. MOODY. One more question: Does not the gentleman remember that the Republican candidate found for each precinct in Dallas County three men whom he suggested for appointment, and that the judge did not appoint any of the three?

Mr. BARTLETT of Georgia. Yes; but those men were not Republicans. Mr. Aldrich himself, on page 192 of the record, swears that he did not know what was their politics. Now, the law required the judge to appoint a Republican and a Democrat at each precinct, but Mr. Aldrich himself did not know whether these men were Republicans or not.

Mr. MOODY. They were supporters of Mr. Aldrich, and good enough Republicans for him.

Mr. BARTLETT of Georgia. But he does not swear himself that they were Republicans. He was the Republican candidate, and he had no right to say that the judge should appoint a Democrat or a Populist. Mr. Crocheron, who was appointed at one precinct, was a delegate for Mr. Aldrich at the Calera convention, which nominated Aldrich.

The probate judge at Selma appointed two Democrats, and he also appointed James H. Crocheron, the Republican member of the executive committee of Dallas County, who nominated Aldrich and voted for him on the 6th day of November, 1894. He had been chairman of the committee. That is the wrong the probate judge did—he appointed Crocheron. And it turns out that they denounce Crocheron because he would not agree, at the instigation of Bill Stevens and J. D. Hardy, to refuse to sign the returns from Selma precinct.

Here is the evidence on page 182: Crocheron swears that he was there; he swears that as to those 2,002 votes he helped to count every one of them and that they went into the box. What more does he swear? He swears on page 185 that after he had refused to sign the return, Mr. Bowman, the attorney for the contestant, in the presence of H. G. Kornegae and George R. Mason and Bob Mason, offered him $100 to swear that there were only 762 ballots cast at Selma precinct. Bill Stevens swears that the party was authorized to pay $50 to Crocheron to keep him from signing those returns. And now, because this matter is disclosed, because Crocheron did sign the returns, because he comes up and says they were correct, the gentleman from Massachusetts [Mr. MOODY] mildly characterizes him as a commercial and purchasable personage. Well, if a man who did not take a bribe which was offered him is a commercial character, what is the character of those gentlemen who offered the bribe to him? Is the bribe taker or the bribe refuser any worse when it comes to credibility than the bribe giver or the bribe offerer?

Mr. MOODY. Will the gentleman allow me one more question?

Mr. BARTLETT of Georgia. Certainly.

Mr. MOODY. I wish to ask the gentleman whether he believes that Crocheron told the truth?

Mr. BARTLETT of Georgia. He is your witness, is he not?

Mr. MOODY. I ask the gentleman whether he believes that Crocheron told the truth?

Mr. BARTLETT of Georgia. No; and I do not believe that a great many more of these witnesses told the truth. [Laughter.]

Mr. MOODY. Take one at a time.

Mr. BARTLETT of Georgia. Now, I want to ask the gentleman whether he believes that Bill Stevens, the chairman of that Republican executive committee, told the truth?

Mr. MOODY. I do not; and for that reason I did not disturb the precinct as to which Stevens testified. [Applause on the Republican side.]

Mr. BARTLETT of Georgia. Yes; but he testified about Selma also. I guess the gentleman and I are about even on the question of beliefs.

Gentlemen of this House, J. H. Crocheron is an educated, smart, active member of the Republican party, one of its accredited agents in Alabama and one of its leaders. W. J. Stevens is chairman of one of its chief committees. He has been elected a delegate to the St. Louis convention. And gentlemen on the other side will not believe these accredited and intelligent officials of the Republican party—men of high standing in that party—and yet they strike down the returns made by honest men on the testimony of ignorant negroes, led by Stevens and Crocheron.

But as to Selma precinct. The proof is that there are from 1,250 to 1,400 white Democratic votes in Selma. Judge Craig, the leader of the Republican party there, says so. It is in proof that 1,100 white men voted in a Democratic primary there in August, 1894. It is proved by Judge Craig and all these other witnesses that there was an active canvass there; that Mr. Robbins's friends had hacks and other conveyances carrying the voters to the polls. The voting continued nine hours. And we allow Mr. Robbins 767 votes upon the evidence. So does the gentleman from New York, Judge DANIELS. The gentlemen with whom the gentleman from Massachusetts [Mr. MOODY] raises his hands against fraud, the gentlemen who are in favor of fair elections and honest counts, what do they do? With an admitted voting population of 1,500 white citizens of Selma, all Democrats with but very rare exceptions, the gentleman from Massachusetts counts three votes for Robbins. We have an admission on the part of the contestant that 767 votes were cast at that precinct. Now, gentlemen of the House, are you prepared to treat in that way the ballots of the citizens of that precinct? You have the power to do it; but the dictates of right and justice and judicial impartiality forbid you to do it.

Before leaving Selma I wish to say, what I was about to say when the gentleman from Massachusetts interrupted me, that when Crocheron swore that he was offered $100 by Mr. Bowman, a statement which will be found on page 185 of the record—he testifies that this offer was made in the presence of three men named G. H. Kornegae, George R. Mason, and Bob Mason—Crocheron swears that Bowman offered him $100 to swear that there were only 742 votes cast—Mr. Bowman, the lawyer, gets up and says that the fact as stated did not occur; that some conversation occurred about paying a debt that Hardy owed Crocheron. But I ask this House whether when Crocheron stated that George R. Mason and Bob Mason and Kornegae were present at the time when this offer was made by Mr. Bowman, Aldrich's attorney—this offer of a bribe not only to certify falsely to returns or not to certify at all, but to swear to what was not true—I ask this House whether it was not the duty of Mr. Aldrich under such circumstances to show by those three other witnesses who are stated to have been present that no such thing occurred? There are their names—the two Masons and Kornegae are named on page 182. We hear on this floor about a record being full of corruption, about pollution. Gentlemen of the House, you will find upon examination that this record, if the witnesses are to be believed, teems and rots with corruption and attempted corruption in order to induce witnesses to give false testimony in this case for the contestant.

But, Mr. Speaker, to proceed to the discussion of the question I left off a moment ago. All the evidence in the case taken in Dallas County was taken before a notary public who was appointed for the county of Shelby. The witnesses were sworn by him, and the evidence was taken in Dallas County, and the contestee makes the objection that that is not evidence, because a notary public under the laws of Alabama does not have any jurisdictional power to swear a witness or take testimony outside of the county for which he was appointed. The minority of the committee have reported that that point was well taken. The minority of the committee think that the notary of public, who under the laws of Alabama is a local officer merely, whose jurisdiction to administer oaths or take the testimony of a witness is circumscribed and limited to the confines of the county to which he was appointed, that the notary public, under such circumstances, has no right to go outside of the jurisdiction of his own county into a neighboring county and pretend to swear the people whom he undertakes to swear any more than any private individual might have done.

Mr. NORTHWAY. Will the gentleman allow me an interruption just there?

Mr. BARTLETT of Georgia. Certainly.

Mr. NORTHWAY. Was that objection taken at the time that these witnesses were being sworn?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. NORTHWAY. Does that appear in the record?

Mr. BARTLETT of Georgia. Not only that, but the objection was taken before the notary himself, and the motion was also made before the Committee on Elections to suppress all of this testimony so taken before the notary.

Mr. LACEY. I would like to ask the gentleman a question in that same connection. I notice in the report of the majority of the committee a reference is made to a case reported in 2 Bartlett, where it was held that it was competent to take such testimony, and that there was, therefore, a precedent established by the House. I have not examined the case myself. Does it bear out the committee in their citation—the reference made to the case quoted in 2 Bartlett's Report?

Mr. BARTLETT of Georgia. Yes, sir; I have so stated, I think, before. That was the case of Voorhees *vs.* Washburn.

Mr. LACEY. I only wanted your view as to whether it bore out the statement made by the majority of the committee in their report.

Mr. BARTLETT of Georgia. Yes, sir. In the Voorhees and Washburn contest, 2 Bartlett, 54, I think it is; I can give the gentleman the citation exactly in a few moments if he desires it—a case arising in Illinois I believe——

Mr. ROYSE. No; it was an Indiana case, and came up to Congress on a contest from the Terre Haute district.

Mr. BARTLETT of Georgia. Yes; an Indiana case, and it was held that a mayor of an Indiana town could take depositions in the contested-election case outside of the city. But there are certain considerations that we must take into view in connection with this case. The Voorhees and Washburn contested-election case arose out of an election held in November, 1864. As all know, there were peculiar conditions existing in this country at that time. The condition of affairs existing at that time in this country was one of armed conflict. There was an excited country, a country amid the clash of arms. We were in the midst of internecine strife.

A Democrat in the House of Representatives was rare, and the election in Indiana was held during the war, and the contest was decided in 1865, I believe, at the end of the civil war. Men's passions had not at that time cooled. The reverberation of the guns at Appomattox had not died away, and the Republican party was in control of the House of Representatives, not only as a victorious party at the polls, but as a victorious party in the accomplishment of its views with regard to putting an end to slavery and in crushing the Confederacy. It was a bad time for the judicial determination of any question. Men, in order to carry out their political views, were in no condition to decide judicial questions, and I do not attach blame to them for it, for we are all human at last, whether we sit on that side of the House or this; and when the case of Washburn against Voorhees was decided the war and civil strife had hardly been ended. We know that at that time the antagonisms against Mr. Voorhees were still in existence, and even outlasted the war twenty years at least; and it is not strange, then, that a Republican majority—there was a divison of opinion on the committee in reference to the question—that a Republican majority should determine, when necessary to seat Mr. Washburn and unseat Mr. Voorhees, that a mayor had such power under the statute, and that decision was rendered under the circumstances to which I have called attention.

Mr. NORTHWAY. If the gentleman will permit a further inquiry, is it not a fact that the statutes of the United States provide that any notary public living in the Congressional district may take the testimony in a contested-election case?

Mr. BARTLETT of Georgia. I do not so understand the law.

Mr. NORTHWAY. If the gentleman will permit me, section 110 provides:

When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested is held: First, any judge of any court of the United States; second, any chancellor judge or justice of a court of record of any State; third, any mayor, recorder, or intendant of any town or city; fourth, any register in bankruptcy or notary public.

Mr. BOATNER. That does not confer authority on a notary public outside of the county where he assumes to act——

Mr. NORTHWAY. But it says in the Congressional district.

Mr. BOATNER. Because it has been held by the courts that Congress can not confer authority on a State officer which is not conferred by the laws of the State.

Mr. NORTHWAY. But if the Federal statutes provide that any man may take the testimony or administer the oath?

Mr. BOATNER. But, if the gentleman will permit an interruption, suppose that the statutes provided that any notary public or clerk of a court could administer the oath and take the testimony? The gentleman would not maintain that the clerk of the court of County A could go and administer oaths and take testimony within the jurisdiction of the clerk of the court of County B.

Mr. NORTHWAY. While it does not enlarge the right of the individual as a notary public, it designates such individuals as have the powers to administer oaths.

Mr. BOATNER. But when the notary public passes beyond the line of the county for which he is appointed he ceases to be a notary public and is no longer a notary public.

Mr. NORTHWAY. There can be no doubt about the statute.

Mr. BARTLETT of Georgia. Is the gentleman through?

Mr. NORTHWAY. I am through.

Mr. BARTLETT of Georgia. I am glad to answer the gentleman's question. Mr. Speaker, upon this point there is very considerable doubt. There was enough doubt about it to create a division of opinion in the Washburn-Voorhees case at the time and under the circumstances that I relate.

Mr. BOATNER. Will the gentleman from Georgia allow me a question there?

Mr. BARTLETT of Georgia. Yes.

Mr. BOATNER. Does the gentleman from Georgia know of any authority or any law under which witnesses could be convicted of perjury for false swearing upon an affidavit taken before an officer out of the jurisdiction or territory where he has jurisdiction to administer an oath?

Mr. BARTLETT of Georgia. I was coming to that. Mr. Speaker, in 131 United States and in 107 United States will be found two cases, and in 138 United States another case, which will answer the question of the gentleman upon this point. It is there decided that an affidavit made before a notary public who had no authority to administer an oath at the time and place where he administered it could not be used to convict of perjury the person who made the affidavit. The cases were identical, and it is for that reason that no witness who was sworn here before this notary public could be convicted, if he had sworn to a falsehood, in any court, that we object to permitting a man who was not an officer to administer the oath.

Mr. BRUMM. Nobody denies that proposition. The only proposition is, had he jurisdiction here?

Mr. BARTLETT of Georgia. We say he had not, and I propose to show it. I say the law of Alabama under which these notaries public are appointed is that their jurisdiction to swear witnesses is confined to the county in which they are appointed, and the supreme court of Alabama, in 102 Alabama Reports, has so decided. The Supreme Court of the United States, in the cases which I have cited, have also decided that.

Mr. BRUMM. Suppose the statute had designated a private person? Does the gentlemen still contend that that private person would be limited by anything except the limits of the Congressional district for which the national statute provided he should be competent to administer oaths?

Mr. BARTLETT of Georgia. The gentleman is supposing that the Congress of the United States would do a thing so foolish as to appoint a man to swear the witnesses who had no authority to administer an oath. The only way in which gentlemen can uphold this proposition is by putting an extreme supposititious case. I do not think Congress would ever say that a man who was not clothed with any authority to administer oaths could administer an oath. Such a proposition would be ridiculous, and if it is not unparliamentary I will say to my friend that his question is absurd.

Mr. LACEY. Right in that connection, this contestant having followed the decisions of the court in which his case is to be tried in his selection of an officer, the question is whether his evidence should now be thrown out. That is the point I want to hear you upon, in connection with this decision to which you have referred.

Mr. BARTLETT of Georgia. Why, sir, I do not know whether they knew about that or not. I think they found out about it after they came up here. Be that as it may, the point was made to the first witness that was offered that this officer was a notary public for Shelby County, and that he had no authority to take evidence in Dallas County. That objection was made to the swearing of the very first witness. The United States statute does not appoint any notary public. It simply recognizes the officer that the State appoints as an officer to administer oaths. Suppose the notary public did not have authority to administer oaths in Alabama, could he administer an oath in a Congressional election case? Why, certainly not.

But I can not detain the House, except to refer members to these decisions in 107, 131, and 138 United States Supreme Court Reports. They are cited in the report of the minority.

Now, Mr. Speaker, that being so, believing that this evidence was not worth the paper on which it was written, believing that under the law of Alabama, as lawyers there understood it, and as the contestee understood it, as the supreme court of that State had declared it, that this evidence was just as if it had been taken before a private person—no other evidence was offered except the evidence of the contestant—we felt it to be our duty to discard that evidence. The contestee, believing and feeling convinced that that evidence was not proper evidence, but simply the statement of private persons before another private person, offered no evidence, and doubtless followed the opinion of his counsel and the decision of his supreme court in concluding that it was not necessary to offer evidence when no legal evidence had been submitted by the contestant.

But we can not decide this case on the neglect of contestee to take testimony. The case of Follett *vs.* Delano, reported in 1 Bartlett, decides that although the contestee may by silence or acquiescence do that which may estop him, the House will not apply the rule of estoppel when the interests of the people of the district are involved. This House decided unanimously that back of the contestee and back of the contestant are the rights of the people of the district to have the question settled, not by the conduct simply of the contestant or the contestee, but by the evidence, and this House is trying the right of the people to have the right man and the man of their selection represent them in the Halls of Congress.

In the case just referred to the committee reported and the House decided:

No confession of the sitting member, however it might bind him personally, can place the contestant in the seat, unless he is the choice of eth majority, nor deprive that majority of its rightful representation.

The House should require proof that the sitting member has not and that the contestant has a majority of legal votes before unseating the one or admitting the other, however the sitting member may have seen fit to conduct his own case in a contest.

Now, that being so, it is the duty of this House so to speak, if it can do so, to undertake to arrive at the truth in this case and the right of men to occupy seats upon this floor independent of the parties to the contest. So I appeal to this House to take this rule laid down, as I say, in the Follett and Delano case, and determine it in order that the people of the Fourth Congressional district of Alabama may be entitled to its Representative as they voted.

Now, Mr. Speaker, I beg the pardon of the House for undertaking as I have, in the earnest and imperfect way that I must necessarily have done, to present this report of the minority. The minority have endeavored to find the truth. We have not counted a vote that ought not to be counted. They have, however, set their faces firmly against an effort to disfranchise the voters in these precincts, and say that, as they have not been successfully attacked, they ought to be counted. I appeal to this House again, and at last, before it shall determine to throw out the white Democratic vote of Dallas County, with its 3,000 white Democratic votes, that they will weigh well this evidence before they give this seat to the contestant.

Mr. Speaker, we have been charged with all sorts of wrongs in Alabama. It is said that frauds and outrages have been committed. In some cases that is true, but in my judgment that time has passed except in sporadic cases. You find them in the North and South. Old things have passed away, and whatever may have been the wrongs that have been committed, if any were committed, in elections, my judgment is they are a thing of the past. However perfectly you may make the law, however strongly you may denounce fraud, you will never be able, North or East, West or South, to have absolute freedom from some wrong in elections. The old order of things has passed away, and I never have nor do I expect to stand upon the floor of any legislative body or upon the stump or anywhere else and uphold fraudulent votes in an election, but with that conviction and a stern determination and unalterable purpose to find out the truth in this case from the record I have pursued that course, and I stand here to close this opening on the part of the minority, and tell you that this record discloses the fact that the man who is returned is entitled to the seat upon the votes that actually were cast.

Further, Mr. Speaker and gentlemen, if you are to adopt the majority report and turn the contestee from the Halls of this House, you will but add another vote to that already overwhelming majority, but you add to the partisan record another wrong in turning out a man who was elected and in placing in his seat a man who could not show the honest votes that elected him. [Loud applause on the Democratic side.]

Mr. DANIELS. I yield forty minutes to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY Mr. Speaker, it has been said that this Congress is to be a do-nothing Congress. My humble judgment is, that if this House shall investigate carefully and determine correctly and accurately the numerous contested-election cases before it, it will

have performed a duty to the country of greater importance than the settlement of any question that has ever claimed the attention of a deliberative legislative body in this Republic for the last half century.

Everything, Mr. Speaker, pales into utter insignificance in comparison with the purity of the ballot box. There is, sir, a very close resemblance between the highest crime known to criminal law and this crime of placing impure hands upon the ballot box.

Justice Blackstone tells us, in treating of the crime of high treason, that the distinction between petty treason and high treason is this: "When a wife, for instance, or any party to certain domestic relations, commits a crime against her lord the husband, that is petty treason, because it involves treachery; but," says the author, "when disloyalty raises its crest and strikes at the law itself, or at majesty itself, then it is designated high treason, by way of distinction. Therefore," says this author, "whoever compasses the death of the king in possession of the throne is visited with the death penalty, and the blood of the culprit is so tainted that it loses its quality of inheritance."

Why is it, Mr. Speaker? It is because the king, in possession of the throne, was the sole representative of sovereignty, the sole representative of power. Not so in a Republic, Mr. Speaker. Here we have no sole representative of power. The ballot box is the instrumentality through which the sovereign power is exercised. When President Garfield fell at the hands of the assassin no blood was tainted on the part of the culprit. The blood of Guiteau did not lose its inheritable quality. Why? Because even the President of the United States in this Republic was not the sole representative of power, and the culprit, the felon, was only guilty of murder, and forfeited his life. Every assault upon the ballot box, therefore, is closely akin to high treason. It is, in my humble opinion, the red-eyed daughter of high treason, because it is an assault upon the life of the Republic.

Mr. Speaker, this country has been warned by the best thought in it on two different occasions against the disposition in certain sections of the Republic, or the disposition generally, to lay corrupt hands upon the ballot box, and these warnings, coming from two great leaders of the two great parties of the country, to wit, President Harrison on the one hand and Henry Watterson on the other, ought to teach this American Congress that the ballot box should be deemed as sacred as the Ark of the Covenant, and that the hand that touches it profanely should wither and perish as certainly as the hand of Uzza withered and fell by the edict of the Almighty when it touched the ark when the oxen stumbled. [Applause.] President Harrison, in his message of December 6, 1892, propounded the following interrogatory to the American Congress:

> Is it not time that we should come together upon the high plane of patriotism while we devise methods that shall secure the right of every man qualified by law to cast a free ballot and give to every such ballot an equal vote in choosing our public officers and in directing the policy of the Government?

No less patriotic were the utterances of Henry Watterson at the World's Fair at Chicago. Standing, as he did, before the greatest assemblage of people that ever gave an American orator audience, that representative of democratic thought in this country raised himself to the highest point of unselfish patriotism and there proclaimed to the representatives of the various nationalities of the world the only infirmity that threatened the peace, the stability, and the integrity of the Republic. Said the great orator on that memorable occasion:

> Slavery has perished amid the war flames, and the mirage of the Confederacy has vanished, never again to return. But there is one crime, there is one infirmity, in our system which threatens the peace and integrity of the Republic. That infirmity is a peculiar form of corruption touching the purity of the ballot box. That infirmity has already pressed the danger line.

This is given from memory, not having the speech before me.

But he expressed the hope that with expanding intelligence and quickened patriotism that peculiar and most dangerous form of corruption would be pressed below the danger line and the Republic saved.

Mr. Speaker, when these great leaders of the best thought of the Republic, President Harrison being a splendid representative of the Republican idea and Henry Watterson a splendid representative of the Democratic idea—I say when those two great representative men thus promulgated this lofty sentiment of patriotism, little did they think that right here in these United States, in the State of Alabama, in ten "beats," there would be 3,177 fraudulent votes cast in one election. [Applause.] This is a piece of experience hitherto unknown in the history of the Republic. From the time that the organized American patriots at the close of the Revolution ceased belching forth the missiles that destroyed the enemy down to the present time our history has not presented anything at all like it. I said, Mr. Speaker, that there were 3,177 fraudulent votes cast in ten beats. Three thousand Krupp guns were those, manned and turned against the nation's life; three thousand efforts to commit treason, or to commit a crime that is closely akin to it. And the evidence in this case not only discloses that fact, but the admissions of the minority of the committee disclose it and make it a fact established by the admission of every single member of the committee, and, if not established in that way, proven to a mathematical certainty by mere calculation.

Now, let us see if I can not show this. On page 7 of the report of the minority I find this most remarkable statement:

> We come now to consider the vote in Dallas County. We are convinced that in the precincts of Summerfield, Martins, Lexington, River, Union, Elm Bluff, Carlowville, Boykins, Mitchells, and Selma or City beat the official returns are unreliable, and therefore agree with the majority of the committee that the result in these beats must be arrived at from the evidence.

Why arrived at from the evidence? Why these official returns unreliable? Because they had been assailed by the proof offered by the contestant in this case, unanswered by the contestee, upon allegations straight, clear, and to the point, of fraudulent practices and fraudulent methods in the election in those 10 beats, and the minority of the committee, after careful investigation, making their report, represented by the learned gentleman from Georgia [Mr. BARTLETT] and the distinguished gentleman from Arkansas [Mr. DINSMORE], than whom there are not two greater or purer or better men in this House, were forced by the weight of the testimony to pen this remarkable piece of evidence admitting fraud to the extent of three thousand and some odd votes.

How do I reach that conclusion? By taking the number that you found that he actually got—five hundred and some odd votes—from the majority returned by the election officers, and it leaves three thousand and some odd votes, thereby establishing to a mathematical certainty that in 10 beats in Dallas County there were fraudulent votes to the number of over 3,000.

What, then, is the result? Here are three reports. No. 1 says that there are 3,000 fraudulent votes; No. 2 says there are something over 2,000; No. 3, 4,000. So the question to be determined is merely the quantum of fraud. The three reports, taken in their regular order, only establish the degrees of fraud—fraud, more fraud, most fraud.

Mr. BARTLETT of Georgia. I know that the gentleman from North Carolina does not wish to misrepresent the views of the minority of the committee; and he will allow me to deny that we have contended or conceded that there were 4,000 fraudulent votes.

Mr. LINNEY. Three thousand, I said.

Mr. BARTLETT of Georgia. I understood the gentleman to say 4,000.

Mr. LINNEY. Oh, no; my friend did not hear me aright.

Mr. DINSMORE. Allow me to make this suggestion. I am sure my friend from North Carolina does not want to misrepresent the minority of the committee.

Mr. LINNEY. Certainly not, my friend.

Mr. DINSMORE. The report of the minority does not admit that there were 3,000 fraudulent votes. It admits that the returns from the precincts named must be thrown out because they were unreliable; but if the gentleman would read further from our report he would find we have stated that while we only claim seven hundred and seventy-odd votes as cast for the contestee in the City beat, there were many more votes cast for him, but we could not ascertain how many. We never made any admission anywhere as to the number of fraudulent votes, and our report does not show that any number of votes were admitted to have been fraudulent. We admit, however, that the returns were unreliable, and therefore the contestee had to be deprived of a great number of votes that were actually cast for him.

Mr. LINNEY. I thank my friend for that statement. Now, let me see whether I can not refute the gentleman by his own figures. According to the reports of the election officers, the contestee was elected by a majority of 3,736 votes. Is not that so? Now, according to the report of the minority, signed by HUGH A. DINSMORE, CHARLES L. BARTLETT, and SMITH S. TURNER, the contestee is elected by 559 majority. Now, subtracting 559 from 3,736—the number reported by the election officers—and it leaves 3,177 fraudulent votes—more than I said. [Laughter and applause.] I was in error, Mr. Speaker; but the error was against myself. I do not say that you gentlemen of the minority come in and say, "We admit that much fraud," but you adopt certain figures. And, my friends, figures never lie when in the hands of honest gentlemen like those on this committee; and when the figures establish a fact, it is established so that there can be no further controversy about it. As to moral reasoning, a different view prevails, because in moral reasoning much depends upon the processes of the intellect by which you reach a certain conclusion; but in the employment of figures you proceed upon mathematical premises, and when you reach a conclusion it is absolutely certain.

So, sir, we have here this astonishing piece of testimony. I would to God that I could take my hand and wipe it out, and that it could never appear in American politics to be used in foreign nations, in civilized countries, in Christian lands against this glorious system of ours—that here where the Bible is read, here where the Christian religion is believed in, here where patriotism is thought to grow deeper and stronger than in any other section of the world, we have to admit, and that admission, too, comes

from the greatest men of the North or the South—such men as my friend from Arkansas [Mr. DINSMORE] and my friend from Georgia [Mr. BARTLETT]—that there are over 3,000 fraudulent votes in 10 beats in 1 county! [Applause.] Why, sir, the like of that can not be found on earth or in the heavens or on the north side of the east corner of hell. [Laughter.] I do not believe any such thing ever before happened or was known to President Harrison or Henry Watterson when they sounded the note of warning to the American people.

Yet it is argued here by my friend the gentleman from Georgia that we are put in an awkward position—as awkward as the position of the man who tried to prove that a rabbit climbed because he must. He must prove it, says the gentleman. By similar reasoning the gentleman descends a muddy slope and drifts along with 3,000 fraudulent votes. There is no escape from the statement that he has taken that position. I say this without meaning any disrespect to anybody.

There is one matter which, although not exactly in my line of argument, I must refer to before it escapes my mind. I believe upon reflection that the majority of this committee did not do exactly right; they have not found enough fraudulent votes. If we had stuck rigidly to the law and to what I believe to be justice in this matter we would have thrown out Pences township. Why, sir, here is the oath which the officers in that township took. I want gentlemen to listen to it:

You do solemnly swear that you will hold this election according to law to the best of your knowledge, so help us over the fence.

[Laughter.]

That is there; you can see it for yourself. I wish every member of this House before he gives his vote on this question would take a look at it. If he can not see it he ought to have a good, strong pair of glasses, because the most of men would be almost unwilling to believe it. "So help us over the fence!" [Laughter and applause.] What does it mean? Will you gentlemen tell me?

Mr. BARTLETT of Georgia. Will the gentleman allow a further interruption?

Mr. LINNEY. Why, certainly.

Mr. BARTLETT of Georgia. Did not every member of the committee, including yourself, say that these votes ought to be counted, because the witnesses that you put upon the stand testified that the votes returned by them were actually cast and that they were counted as cast?

Mr. LINNEY. Why, certainly; I admit that we counted them. I have just said so, and I have just said, too, that on reflection we ought not to have done so. We gave you a great deal more than you are entitled to.

Mr. BARTLETT of Georgia. Well, will the gentleman allow another question?

Mr. LINNEY. Well, I did not interrupt you, I believe.

Mr. BARTLETT of Georgia. I do not wish, of course, to interrupt the gentleman without his consent, but I will not do so again.

Mr. LINNEY. I will hear the gentleman.

Mr. BARTLETT of Georgia. Does not the gentleman, who is a lawyer, know that it is a rule of law that, whether the election officers are sworn or not sworn, and it does not matter what sort of oath is administered to them, if they honestly conduct the election, the votes honestly cast can and ought to be counted?

Mr. LINNEY. Well, I see you do not know all the law. [Laughter.]

Mr. BARTLETT of Georgia. Well, that may be, but I will never learn anything from you, anyhow. [Laughter.]

Mr. LINNEY. No, sir; I am satisfied that you will not. You will never learn from anybody. [Great laughter and applause.]

I do not know whether the gentleman has overlooked that portion of the report or not. I do not know whether he has looked into the case very thoroughly in one regard, but it is clearly enunciated in Twyne's case, which has no doubt been quoted before you as a judge—the case is reported in Smith's Leading Cases—a case that has been followed and respected and uniformly held to be law, and good law, by the leading judges of the land; a case which dealt with a question of fraud, the very matter of this case. It was held in that case that unusual covenants or statements of the deed may become a badge of fraud, as in Twyne's case, where the deed recited that it was made for "good consideration and is without taint of fraud." The courts held that that language was such an unusual declaration on the face of the paper itself that it was a badge of fraud and shifted the laboring oar on the party holding the deed to show that it was not tainted with fraud. Now, that very same principle applies to this case, and if the judge had read that case I have no doubt he would just at that point have suggested that Pence precinct ought to be thrown out.

Now, if the officer of election did not take the customary oath, I do not claim that that vitiates the box. I do not say that it does. But, Mr. Speaker, it does have something to do with the matter in hand. We have all concluded that these votes should stand against the contestant. Now, recognizing the principle established in Twyne's case, the recitals in the oath are a badge of fraud. What but fraud was in the mind of these gentlemen when they added the words "so help us over the fence" to that oath? [Laughter.] Will some gentleman explain it on any other theory? It can not be explained. It never will be explained. It stands as a mark of villainy on that paper for all time to come. But we respected as mean a paper as that, trying to support the view of the contestee in the case and trying to keep in harmony with the distinguished gentleman from Georgia and his associates who filed the minority report in the case. Still, the majority of the committee did not give to that particular fact the force to which I believe it to be entitled. Besides, there were other infirmities in that precinct, if you will allow me.

But that is not all. Why, Mr. Speaker, if I were to wade through this case in all of its filth, I would want a pair of rubber boots to come up to my shoulders. [Laughter.] Let us see what such an authority as Paine, in reference to elections, says—I read section 499:

Honest voters may lose their votes through the criminal misconduct of dishonest officers of election. While it is well settled that the mere neglect to comply with directory requirements of law, or the performance of duty in a mistaken manner, without bad faith or injurious results, will not justify the rejection of the entire poll, it is equally well settled that when the proceedings are so tarnished with fraudulent, negligent, or improper conduct on the part of the officers that the result of the election is rendered unreliable, the entire returns will be rejected, and the parties left to make such proof as they may of the votes legally cast for them.

That is the A B C of the election law, recognized by every intelligent man who has ever investigated an election case, and yet in every one of the 10 precincts in question—yes, all of the Dallas precincts that were assailed for irregularities of a gross character, such as voting dead negroes and dead white men, voting a hundred or a thousand where only 40, 20, or 30 had voted or gone to the polls, or something of that character—the contestee stood there like an ass in a hailstorm and never opened his mouth [laughter and applause]—never offered any evidence to protect even the election officers from these charges of fraud.

Yes, Mr. Speaker, these people of Alabama who had stood up there through storm after storm, honestly believing that corrupt hands had been placed upon the ballot box, the men who in many instances have been ostracised because of their political opinion, the men who, if any people in this country, are to be looked upon as heroes, possessing the grit of which martyrs are made—I say that when these men rose up finally in their might and hurled thunderbolt after thunderbolt against these people, sledge-hammer blow after sledge-hammer blow against them, they stood there in perfect silence and never opened their mouths, but they come before this House relying upon technical objections such as no lawyer that had had a license for two days ought to think of insisting upon. [Laughter.]

Why, my friend has raised the point in his report, and it is the first objection made, that the notice of contest was defective, that it was not stated with sufficient accuracy, with sufficient technical certainty. They wanted more certainty than is required in the pleadings in any court. They wanted more certainty than has ever been known in any tribunal that I ever heard of. They say the notice will not do, when it is a straight-out allegation of rascality and fraud at that election, and when it gives notice of what they were going to do. The second technical objection is that the notary public before whom the testimony was taken had no authority. Why, it must be clear, as my friend from Ohio [Mr. NORTHWAY] put it, that when the Federal Government, when the Congress of the United States, having charge of these Federal elections, confers upon any person, no matter who, the right to take depositions, that he exercises that right, not by virtue of a State law, but by virtue of the power given him by the Federal statute.

Suppose, as my friend suggested, the statute had said that any justice of the peace should have this power. Does anybody deny it? Suppose it had said any minister of the gospel should have this power. Does anybody deny it? In my State it is the law, and I believe I can safely say it is the law in the State in question here that in taking depositions all you have to do is to put in your notice the name of the party before whom the deposition is to be taken, and it does not matter who he is; if your State statute authorizes it, he is properly authorized to take the depositions. So here the Federal jurisdiction over Federal officers is absolute and complete; and when they designate the person before whom the deposition is to be taken, or the agency before whom the deposition is to be taken, I do not care what it is, that agency exercises the power conferred, not by reason of the existence of the State statute, but by reason of the Federal statute creating the agency and designating it. And yet my friend ridicules the idea and says it will not stand the test of reason, as I understand it, or the application to it of numerous decisions; but I believe I am safe in saying that not one of the cases cited by the gentleman was a case where the Federal Government had exercised its power or conferred any such authority.

Now, gentlemen, a good deal has been said here about the testimony. I have not time to run over it all, but there are some

things which I want to bring out. There are some things about this matter that a man will not believe unless he is forced to do it. There is hardly a man in this House who would have believed, if it had not been sworn to, that any such oath as that was ever administered in any Christian country in holding an election, and yet it is here.

Let me call your attention to another thing. It has been alleged that dead negroes voted in this election. Well, gentlemen, that is hard for us to believe. When President Harrison propounded that interrogatory to the Congress of the United States, and when Henry Watterson promulgated the patriotic sentiment that he did at Chicago, when he was addressing foreign representatives of the world, many good men thought at that time that that was an unnecessary sounding of the note of alarm.

We should have heard it just as we hear this, as we hear the ringing of the fire bell at night. I refer to this placing in the ballot box of three thousand and more fraudulent votes, and in addition to that, in many instances, hyena-like, robbing the grave, making the tombs perform the dastardly office of an appearance at the polls, to be counted as one Democratic vote. [Laughter.] I will not try to read all this testimony, for it would take me too long, but I will read some of it. I do not want to disturb the slumbers of anybody, but if my friend from Georgia [Mr. BARTLETT] can sleep well to-night after that, he is proof against all sorts of devilment in this world. [Laughter.] Let me turn to page 17. I want to show you just a little of this. Here is a witness by the name of Mat Givhan. Listen to his testimony:

Q. Do you know Allen Du Bose?
A. I used to know him. He used to live in Summerfield precinct. He is dead.
Q. How long has he been dead?
A. About eighteen months.
Q. Is there any other man living in that precinct by the name of Allen Du Bose?
A. No, sir; not that I know of.
Q. Is there any other man living there by the name of Silas Molett?
A. Not that I know of.
Q. Are Silas Molett and Allen Du Bose both colored men?
A. Yes, sir.
Q. Do you know Bill Martin?
A. Yes, sir; I know one Bill Martin.
Q. Does he live in Summerfield?
A. No, sir; he used to live in Summerfield.
Q. Was Bill Martin a colored man?
A. Yes, sir.
Q. How long since he left there?
A. One year ago.
Q. Is there any other Bill Martin living in that precinct, or living there on the 6th day of November last?
A. No, sir.

But the gentleman from Georgia [Mr. BARTLETT] answers that by saying there was a man named Dollar Bill in his town once. What has that got to do with the matter?

Q. Do you know Frank Norwood?
A. Yes, sir.
Q. Is he a white or colored man?
A. He is a colored man.
Q. Does he live in Summerfield precinct?
A. He used to live there. He lives in Birmingham now.
Q. How long has he been in Birmingham?
A. He has been there one year, sir.
Q. What does he do there, do you know?
A. He waits on Dr. Jackson.
Q. Is there a colored man or white man by the name of Frank Norwood now living in Summerfield precinct, or was living there on the 6th day of November, 1894?
A. No, sir; not that I know of.
Q. Do you know William W. Callen?
A. Yes, sir; I used to know him. He is dead.
Q. How long has he been dead?
A. Seben or eight months.

They put it down "seben," just as the poor negro stated it.

Q. Was he a colored man?
A. Yes, sir.
Q. He died before the last November election?
A. Yes, sir.
Q. Do you know any other man by the name of William W. Callen living in your precinct now or at the time of the last November election?
A. Not that I know of.
Q. Do you know Robert Boyd?
A. Yes, sir.
Q. Does he live in Summerfield precinct?
A. No, sir; he used to live there.
Q. Is he a colored or white man?
A. Colored man.
Q. Was he living there on the 6th day of last November?
A. No, sir.

Now, take page 65. Indulge me; this is right interesting reading to me; I do not know how it is to you. [Great laughter.]

Q. Does J. H. Burns live in River beat?
A. No, sir; I do not know of any such man.
Q. Does Joe Green live there?
A. He used to live there, but he is dead.

[Laughter.]

Q. Was he a colored man?
A. Yes, sir.
Q. How long has he been dead?
A. About seven years.

[Laughter.]

That is the young man; and his father, who is also named Joe Green, has been dead about ten years. They were both colored men.

That is the case of "Dollar Bill"; but he got both Greens in this case. So he could not lose by it.

Q. Do you know Prince Hatcher?
A. Yes, sir; he is a colored man and lives about 1 mile from me.
Q. Did he vote on the 6th day of November last?
A. I do not know positively, but I heard him say he did not register, and that he did not intend to vote.
Q. Do you know Robert Huckabee?
A. I did know him.
Q. What has become of him?
A. He is dead.

[Laughter.]

Q. How long has he been dead?
A. I think he died about the 1st of last September.
Q. Do you know Starke Hunter?
A. I used to know him.
Q. How long ago?
A. It has been about twelve years ago, I think.
Q. Has he moved out of the country.
A. He was moved to the cemetery?

[Great laughter.]

Q. How long is it since he took up his abode in that place?
A. I think it has been about twelve years.

[Laughter.]

Well, now, he must have been a faithful Democrat, because he stuck to the party not only as long as he lived, but voted for the party twelve years after he died. [Great laughter.] I take it that he is not a Jeffersonian Democrat, but an "Organized Democrat." [Renewed laughter.]

Q. Do you know Silas Jackson?
A. I did know him once.
Q. Well, what is the matter with him?
A. He was moved to the cemetery four years ago.

[Laughter.]

Q. Do you know a man living in River precinct by the name of Rufus Riggs?
A. I used to know a man living there by that name, but he is dead.

[Laughter.]

He was a colored man and died last year, in January, I think, in the early part of the year.
Q. Do you know James Wilkins, in that precinct?
A. Yes, sir; there used to live a man there by that name.
Q. What became of him?
A. The last time that I saw him he was swinging to a limb of a tree.

[Great laughter.]

He was lynched. That was some time in 1893.

Yet we find him set down as an "Organized Democrat" at the last election [laughter], and I have no doubt he voted for my good friend over there, Major Robbins. Now, I do not intend to say anything against Mr. Robbins, because I do not make war on men, but I war on vicious methods. It is the duty of Congress to war upon vicious methods such as this and to wither the hand that pulls down the ballot box, to wither it with death just as God, in his wrath, withered the hand that touched the Ark of the Covenant without authority. [Applause.]

Q. Did you look over that poll list to-night and examine it?
A. Yes, sir.
Q. That is a certified poll list from River precinct, is it not?
A. Yes, sir.
Q. State whether or not you noticed a great many names on there of colored men whom you know did not vote at River precinct on the 6th day of November, 1894.
A. I did; many others besides those I have mentioned.

Well, good gracious, you see how I have spotted the book in trying to pick out those that are dead, and there are a great many others.

Now, Mr. Speaker, according to Mr. Paine, according to common reason, and according to the dictates of every enlightened conscience in this body, when the returns are so tainted with irregularities or with crimes that it is impossible to separate the good from the vicious, what else is there left to do except, in the language of Mr. Paine, to disregard the election returns altogether. They have been assailed successfully. Their integrity has been assailed. They have presented no evidence in this case to overturn this, and then what is left? Why, nothing at all is left except that you shall count the voters shown to have voted, and how they voted, by competent evidence. But here in this case, Mr. Speaker, there is no evidence, only these election frauds. It is shown that it was done in the way I have suggested, rendering, in my opinion, utterly invalid the returns, assailing the integrity of the returns, and destroying their force. Then, the contestee in this case remained perfectly silent, and offered no evidence, but relied on the presumption that might arise, to wit, that these returns make out a prima facie case, and that he would ask the House, on the election returns, to determine this case, and not to touch this work which they suppose they had made perfect. I submit that, with all the evidence of fraud, it is impossible for this House to respect these returns and determine this case safely upon them.

Now, let me call attention to another circumstance tending to

show fraud at these beats in Dallas County, for, mark you, that is the only place where the election is assailed. In all the other counties, white counties, strange to say, the Republicans carried the election by some 1,652 votes. Those 5 white counties, possessing a population of 111,000, gave Mr. Aldrich a majority of 1,662, but when you come to the negro county, where there are only 40,000 people altogether, and only 2,500 white men, you find that that county gives Robbins more votes than he got in all the other 5 counties. [Laughter.]

[Here the hammer fell.]

Mr. PEARSON. Mr. Speaker, I ask unanimous consent that the time of my colleague be extended.

Mr. DANIELS. We shall have no objection to having the gentleman's time extended, Mr. Speaker, provided the extension does not trench upon the time assigned to other gentlemen.

By unanimous consent, the time on each side was extended thirty minutes.

Mr. LINNEY. Mr. Speaker, another circumstance that I want to call attention to is this, but first I will read a brief extract from a North Carolina decision. I love to read North Carolina decisions, because every man has an idea, of course, that the State from which he comes possesses peculiar merit, especially in the legal department, and I think I can claim that for North Carolina, because it is the State of Settle and Pearson—Pearson, C. J., being to North Carolina what Jere Black was to the State in which he lived, the grandest State in the Union in many respects, especially in the department of legal learning. I read now from this decision in the case of Boyer *vs.* Teague. (106 N. C. Reports.)

Where it does not appear from direct testimony for what candidate a voter voted, circumstantial evidence tending to establish the fact is admissible. The fact that a certain person engaged in handing out tickets for a certain candidate, and for no other person, and that he gave tickets to one W. and "voted him," is admissible in evidence and tends to show for whom W. voted.

It is unnecessary for me to read further. I refer to this decision only to show that in contested election cases circumstantial evidence is as much in order and has as much force and effect as in any other kind of case.

Now, bearing that decision in mind, I want to direct your attention to a circumstance arising out of these reports and out of the evidence in this case, which tends, in my opinion, to strengthen the contention of the majority report. Take the other townships in the county where the Republicans had representatives—for, mark you, it is a peculiar device of men who want to steal votes in the South, and in the North, too, I take it, either to give the party that they want to cheat no representation, or to take care that the representation they have shall be so infirm and of such insufficient intelligence as to be unable to perform the duties of the occasion. Take these townships that are not contested—I will ask the gentleman from New York how many of them there are?

Mr. DANIELS. There are 28 in all.

Mr. DINSMORE. And 13 not contested.

Mr. LINNEY. Take those 13 townships not contested in Dallas County; they give the Democratic candidate 221 votes, about 16 votes to a precinct. Why so? Why, because the Republican leaders requested the Republicans not to go to the polls. Now, why did they tell them not to go to the polls? What was the reason? I have been a candidate for office several times in my life, but, before God, I declare if there was anything that I always desired more than another, except the salvation of my own soul, it was that every man who was willing to vote for me should go to the polls. [Laughter.] That, I think, has been the feeling of every man who has been a candidate; but here, for one time in the history of the world—only one time, I believe—the representative of the Republican party in that district, or at all events a man who had a right to be a candidate, Mr. Aldrich, went around to his supporters and said to them, "Don't go to the polls." Why did he do that? What motive inspired him? There must have been a motive. Men do not act without a motive. You find men who do act without a motive in the insane asylum or ready to go there. [Laughter.]

Whenever there is intelligent action there is a motive behind that intelligent action. These men viewed the entire situation and they decided upon this course. They alleged, and they still allege, that for years this county, with a Republican majority of five or six thousand, had been fraudulently made to return a Democratic majority of four or five thousand. That was their contention, and in order to establish it they told their supporters to keep away from the polls. That command was obeyed with a unanimity scarcely seen in the history of political contests elsewhere. The result was that where the Republicans had proper representatives, in these townships not contested, the vote only averaged about 16 to the precinct, because there were not many Democrats in those townships and the Republicans stayed away; but when you come to these 10 beats that gave the fraudulent vote, what did they do? It is alleged by the contestant that they gave his party no representatives at all at those beats.

Here is Mr. Wallace's testimony, in which he swears that he furnished a list, but they were not appointed. Running over this list appointed, I find a number of men who can not read—men who have made their mark. Now, what is the difference between an inspector of elections who can not read and a calf? I believe I would rather risk an election upon the calf than upon such a man. What would you think of appointing a blind and deaf man to such a position? Why, sir, an inspector of elections who can not read is as blind as a stump and as deaf as a stone so far as the matters in hands are concerned. That is the character of the men who were appointed in response to the just and honorable demands of the contestant in this case. He asked for justice. He made a patriotic appeal to the law and under the law to the heart, the brain, the conscience of those officers, who were bound to observe the law, but when he asked for bread they gave him a stone; when he asked for fish, they thrust upon him a slimy serpent. They gave him as inspectors these men who could not read and write. Some of these men swear that there were not as many votes given as the polls show. When asked, "Did you not sign the poll list?" one of these men would reply, "Yes; I made my mark to something; I don't know what." Do you not think, gentlemen, that a calf could have done just as well as a man like that? The only difference is that the calf has four legs and the man two; one stands in the image of a brute, and the other in the image of his God.

Wherever there was a fair showing, the result was according to the claim of the contestant in this case; but wherever agencies of the sort described were resorted to, the result was what? An abnormal swelling of the votes—5,000 votes cast in those 10 or 11 contested beats, and 221 in the other noncontested beats where the contestee had a fair showing.

Something has been said about the negro always voting for the man who favors him. In this matter gentlemen on the other side blow both hot and cold. They say that Aldrich is a millionaire. I do not know that anybody has sworn to this; but it may be that he is, for I take it that gentlemen who have made this remark would not do so without knowing something about the facts. But suppose he is a man of wealth. Why, sir, what is to become of the boasted intelligence of the Democratic party? The truth is, gentlemen, that for years the Republicans in the South were under the ban of social ostracism; it was a hard matter to be a Republican in the South; but now, thank God, the weight of social position and excellence is on our side. [Laughter.]

So, sir, this idea that the Democracy of Alabama has been subdued, has been overreached, is something like the pretense that a mouse has overreached a lion. The thing exists only in the excited imagination of the friends of the contestee. No, I will not say the friends of the contestee; for I observe a remarkable conservatism on the part of the gentlemen on the other side in many cases of this kind. Sir, I have seen political fights in North Carolina where the political lines were closely drawn. In one case two days after an election a suit was brought upon a matter growing out entirely of the heat of the election contest. The jury was composed of six Democrats and six Republicans; they were out four days and each man voted according to the political faith that was in him; at the end of four days they stood six for the plaintiff and six for the defendant. That illustrates what has been the general character of contested-election cases.

But more recently in cases of this kind in this House, be it said to the glory of this House and the members connected with it, I have seen a more conservative disposition—a disposition to examine questions of this kind as any other judicial question would be examined. For instance, my friends over there admit—a thing the like of which has never been done before—that the vote in 10 beats of this district was fraudulent; and they admit that a great many of these votes ought to be thrown out. The vice of their argument is that after making this admission they assume that where a number of votes were given without any information as to whom they were cast for, these votes must be counted for their side. That reasoning will not do. If the returns show that a thousand votes were cast, but do not show for whom they were cast, and there is fraud enough to destroy the returns, then the whole thing is at an end. So says Mr. Paine in his work on elections, and so say all the authorities.

In accordance with these authorities the committee thought that in a case of this kind the real state of the vote, so far as possible, must be ascertained by such parol evidence as might be accessible. Of course they need not go so far as to hunt one grain of wheat in a stack of straw (using the illustration of a great author); but when the mass of the vote has been fraudulently returned, parol evidence as to the way particular votes were cast may be admitted. The theory on which the majority of the committee acted was that wherever in these returns it appeared that there had been fraudulent practices, such as the voting of dead men or the voting of many hundreds of ballots when only 34 or 35 persons attended at the polls and voted, we should throw aside the returns and only take account of such votes as were shown by

the evidence in chief or brought out on cross-examination—there being none for the contestee—to have been actually cast, with the information for whom those votes were cast.

I maintain that it is a sound legal principle. It can not be controverted, and never has been successfully denied. There is no argument worth a cent against it. Then, if it be a sound legal proposition, our conclusion was on that basis, that applying the principle of law to the fact here, where a return was made of, say, 2,000 votes, and the evidence shows no more than 200 or 500, we set aside that return and then examine the testimony to determine how many voted, for whom they voted, and how they should be counted, and if we found 5 votes or 100 votes and could not find for whom they voted, then we set them aside, and if we found any number voting and for whom they voted we put it down as a proper vote to be received and counted. That is a regular legal proposition on which, at any rate, I, as a member of the committee, acted; it is a sound proposition, and can not be assailed by any painstaking lawyer. It is on that principle exclusively that I made up my count, and I have accepted it as a correct one.

Now, Mr. Speaker, I will take up but very little more time of the House. I am grateful for the attention given me.

It has probably never happened before in the history of this country that such glaring frauds have been perpetrated as were perpetrated at this election, and it is a high compliment to the farseeing statesmanship of Harrison and Henry Watterson that they should have sounded the alarm several years ago on this matter.

What is our duty as the representatives of the great American people on this floor? It is to stand up for the purity of the ballot box. [Applause.] It is our duty to do all that we can to suppress these peculiar forms of corruption, and the prostitution of the ballot, which Henry Watterson said had reached the high-water mark years ago. We must do it. We have promised to do it; we have proposed to do it. Let us keep our word. We can not now listen to the appeals of sympathy that come to us in behalf of a contestee upon this floor. We have a higher duty to perform, and one that we can not disregard. If we do, we put ourselves in the same shape that was represented by Lord Macaulay in one of his treatises some years ago where he spoke of one party in England representing truth and patriotism and another party representing fraud. In the course of time they changed faith and stood one of them in the form of a god, speaking like a man, and another like a serpent, and that in the course of time the tail of the serpent split in two and made two legs, while the legs of the man twisted around and made a tail; that arms rose from the body of the serpent, making the arms of a man, and the head of the man sent forth the hissing tones of the serpent. At length the man glided away a hissing viper, while the serpent stood up the stalwart representative of fraud, having taken on the garb of a god.

We can not place ourselves in that position. We must do our duty to our fellow-citizens and to the country, and stamp out, under the inspiring words of Harrison and Watterson, the villainy that has been perpetrated. We must wither the hands of the 2,000, 3,000, aye, near 5,000 men who in this election put their impious hands on the Ark of the Covenant. We must destroy them forever. We must sustain the foundation on which the Republic rests, and generations to come will rise up and call us blessed. [Prolonged applause.]

Mr. DANIELS. Mr. Speaker, I yield now one hour to my colleague from Indiana [Mr. ROYSE].

Mr. ROYSE. Mr. Speaker, I see that the hour is growing late, and I very much dislike to be compelled to break my speech in two, and shall therefore, if the members of the House will be somewhat patient, endeavor to close what I have to say on this case this afternoon.

Allow me to say at the very beginning that this case can not be settled by crimination or recrimination. After it is all through with and the discussion ended, we must settle which one of these two men was elected to the seat in this House. It seems to me that this case can be compressed into a very small compass, after all.

While it is stated in the report of the minority that there are two legal questions presented for your consideration, but one of them has been discussed. You will observe by their report that they say the notice of contest is not sufficient, although in the debate which has followed not a word has been said on that part of the subject, and therefore I pass it.

The next question raised is simply one of law, a principle with which you are all no doubt familiar, and it is not necessary that I should dwell upon it at any great length.

It is a question whether or not a notary public residing in one county is authorized to take depositions outside of the borders of that county. It has already been stated here that the authority which the notary has is given him solely and exclusively by the United States statute. He does not derive it from any State law. It comes to him by virtue of the fact that the statutes of the United States clothe him with the authority to take this testimony. The statute provides that the contestant may apply to any one of the officers designated in that statute. Among these is the notary public; and all the statute requires is that that officer shall reside within the Congressional district. It further provides that if none of these officers designated are found to reside within the Congressional district, the contestant may apply then to two justices of the peace. Now, suppose it should happen that there was no notary public living in any of the counties but one, and that the contestant was going into the other counties for the purpose of taking his deposition, in which counties no notary public resided. Before whom would he take that deposition? Why, you might say before a justice of the peace. But you can not say that, for the statute says that if there is a notary public residing anywhere in the Congressional district the testimony must be taken before him before you can resort to the two justices of the peace. Hence it is perfectly evident that what the statute means is simply that the notary public should be one residing somewhere in the Congressional district.

But we pass that now, and I leave it to be discussed by my friend the chairman of the committee [Mr. DANIELS] when he closes this debate.

The important inquiry here after all is whether the contestant has received a majority of the votes in this Congressional district. It has already been shown to you that in five of these counties he received a majority of over 1,600. He comes down to Dallas County with over 1,600 majority, and the proof in the record shows that Dallas County is the strongest Republican county in the whole Congressional district. It appears in the evidence that Dallas County at one time before this machinery got into operation gave the Republican ticket usually from five to six thousand majority; but as soon as this machinery was in operation that majority was swept aside, and one witness, who appears to be an exceedingly reputable citizen of Dallas County, who is president of the senate and a Democrat, by the way, says that after that time the Democrats usually rolled up a majority in that county of from four to nine thousand. There are only about 10,000 votes in the entire county. It is admitted upon all hands that there are not more than 2,200 or 2,400 white men living within the borders of that county; that the balance of the voters are negroes, every one of whom is a stalwart Republican and is as true to his faith as the compass is to the north star.

Now, when we come into Dallas County, and the returns are made up, this 1,600 majority that the contestant has is swept entirely away, and in its place is substituted a majority of 3,700 for the Democratic candidate. And that is not all of it. This great majority is piled up in about one-half of that county. It already appears that there are 28 precincts in that county of Dallas. The notice of contest attacks each one of those precincts; but when the contestant took his evidence, it only applied to 15 of them. As to these 15 precincts, four of the majority of the committee have concluded to count 2, and two of the majority have concluded to count only 1 as it was returned.

Now, in the 13 precincts upon which there was no evidence offered Mr. Robbins received only 221 votes; and yet when the returns come in from the county, he has in that county of Dallas 5,460 votes. All but 221 of them are received in 15 precincts of that county! That is the situation of things. And it furthermore appears in evidence here—and that is a significant fact and one that ought to be borne in mind—these frauds upon the ballot box had continued so long and to such an extent that the Republicans had utterly despaired of having their votes counted in that county as they were cast.

When they went to the polls and voted their votes were counted for the Democratic ticket in each instance, and of this the evidence and the record are full. There is not a single whisper anywhere in that evidence which denies it.

In the campaign of 1894 an instruction was issued to the Republican voters of that county to stay away from the polls; to refrain from voting; for if they did vote their votes would be counted for the other man. Now, I ask you, what condition of things is that; and how does it reflect upon the men who have had control of the election machinery of that county to say that elections have been conducted in such a manner that over four-fifths of the county dare not go to the ballot box and cast their votes? And yet we are appealed to upon this floor not to disfranchise some honest voter down there in Dallas County; to be extremely cautious lest we unseat the man who now holds that place in this House.

It seems that this sort of instruction coming to the negro voters of that county was not very acceptable to our Democratic friends, or at least to those that were managing the election. This man Compton, of whom I have spoken, who is president of the senate of Alabama, makes a statement here which reveals just the tendency of these men and what they were anxious to do. Some question was put to this man while he was upon the witness stand, asking him if he had heard of the fact that the Republicans were instructed to stay away from the election, and he said he had heard

of it, but he did not believe they did stay away, but that they did register. Here is what he says:

I have seen such a circular—

Meaning a circular instructing the Republicans to stay away from the election.

A. I have seen such a circular as is asked about purporting to have been issued by the Republican leaders, advising the negroes to refrain from registering for the August election of 1894. I have heard the effect of that circular discussed among Democrats in Selma, and as to whether the negroes would refrain from registering.

Why were they debating the effect of that circular anyhow?

While the registration was in progress I made inquiry of several well-known Democrats in the country precincts of this county as to whether the negroes were obeying the orders of that circular—

He was anxious to know something about it—

and I was informed in answer to my questions on that subject that the negroes were registering in the country precincts largely.

Q. Did you not state a moment ago that in hearing that matter discussed here in Selma the consensus of opinion was that the negroes were not registering as well as the Democrats would like?

A. I said that the Democrats had expressed themselves as having some fears that the negroes would refrain from registering, consequently I made inquiries of registrars as to that fact.

This shows that there was an anxiety upon their part for fear the negroes would not register and would not go to the polling place on election day, because the opportunity for counting their votes would be swept away from them. But when election day came, some of the negroes did register and some of them did vote. But whether they registered or voted or not, notwithstanding all that, their votes were counted just the same, and in each instance were counted for the Democratic candidate, as had been done on former occasions. Now, then, we may simply go to these precincts which are in dispute; and remember one thing—that in these 13 precincts upon which no evidence has been brought and upon which there is no controversy, where it seems there was an honest vote and an honest counting, Aldrich received, the contestant received, 42 votes, 16 per cent of the votes cast in these 13 precincts. If the same proportion should have voted throughout the entire county, according to the vote as returned by these election officers, Aldrich would have had a vote of 363 in the county of Dallas; but when the returns came in he had a vote of 72 as counted by these election officers, and only 72.

Now, then, I have stated to you that of these 15 precincts part of us have agreed to count 2 of them, but the rest of us have agreed to count but 1. The minority agree with us as to all of these with the exception of 2 others. They insist on counting Orville beat and Oldtown beat.

Mr. DINSMORE. And Woodlawn.

Mr. ROYSE. Excuse me. Woodlawn, Orville, and Oldtown, which is 3. It will only take me a moment to go through these precincts. Now, they propose to count Woodlawn. Yet it is in evidence here by two witnesses, uncontradicted except by one, that they went to the polling place in the morning, before the polls were opened; they stayed there until the polls were closed; counted every single man that went into the polling place, including the election officers, and they only amounted to 14 men all told. There are two witnesses, uncontradicted except by one, and my friend from Massachusetts [Mr. MOODY] this morning gave you something of the character of that man, Mr. St. John Tavell, and he read to you his own statement. When the question was put to him if he would swear as to how many votes were polled that day in that precinct, he says:

I will not swear, for I recognize I am under oath now.

What was he doing? Was he not under oath when he made that return? Why, I suspect that he was not under oath, for he says when that question is put to him:

Q. Were you sworn on the day of the election?

A. I do not know whether I was or not. I can not remember whether I was or not.

Perhaps there was administered to that man just the same sort of an oath as was administered to the man in the Pences beat, which was read by the gentleman from North Carolina [Mr. LINNEY], that he did not regard it as an oath, and that he did not regard that he was making this return under oath; but when he came to be sworn before that officer, and lifted up his hand before high Heaven and took an oath that he was to tell the truth and the whole truth, and knew that perjury was staring him in the face, that man said:

I recognize now that I am under oath.

He does not stop there, but he says that he never signed his name in the same way that it is signed to these returns in all his life. When pressed upon, and the question is asked if he did sign the returns, he said he did not know certainly, but thinks he did, but if he did he never signed it in that way in all his life. Now, that is the kind of witness that they want to contradict these other two witnesses with. I want to put the question right squarely to you. Do you want to take the word of that man as against the other two? Certainly not.

Now we will come down to Orville precinct. Our friends insist on counting the Orville precinct. There was one witness that went there in the morning for the purpose of watching the polls. He counted the number of voters that went into the polling place. He stayed there until 11 o'clock, and then the election officers came out of their room in the voting place and drove that man away with threats of bodily harm; and they drove him away, too, because of the fact that he was watching there, and they told him that they did not want him there watching their proceedings at that election place.

That is one witness. Another witness testifies that he is well acquainted with the voters of that precinct. He takes the poll list, looks it over, and picks out the names of 26 men on that list and says that neither one of them is a legal voter in that precinct. But the case does not rest there. There are 5 men whose names are upon that poll list of whom it is said that neither one of them voted, and it turns out that each one of those men has his registration certificate, and those certificates are put in evidence in this record. The law of Alabama requires that before any man can receive a ticket to be voted he must deliver up his registration certificate, so that the fact that a man still has his registration certificate is evidence that he has not voted. Now, these 5 men still have their registration certificates, which appear in this record, showing clearly that they never voted; and yet we are told that this precinct ought to be counted as returned. Observe those 5 men were counted as having voted in that precinct. It seems quite clear that that precinct must go.

Mr. BARTLETT of Georgia. I suggest to the gentleman that what he has just been saying applies to Woodlawn and not to Orville.

Mr. ROYSE. Yes; it applies to Woodlawn.

Mr. COX. These 5 men who still had their certificates; for whom were their votes counted?

Mr. ROYSE. I do not know. I can not tell. It is utterly impossible to tell how any man voted there except so far as the testimony discloses it in a few instances. In three or four instances, perhaps, in each precinct the record discloses that certain men voted for Robbins, and in other instances it shows that certain men voted for Aldrich. Whenever the fact appears in evidence, the votes are counted just as they are shown to have been cast.

Mr. PAYNE. How many were counted for Aldrich in the whole county?

Mr. ROYSE. Seventy-two votes only. Now, the next precinct that I want to discuss is Oldtown. Our friends think that ought to be counted. In that precinct Mr. Jones, who, by the way, voted for Robbins, went to the place of holding the election early in the morning, about 9 o'clock. He stays around there about an hour and then he votes; then he stays around two or three hours longer, some of the time not very close to the poll, sometimes 150 yards away, but always in plain sight of it. He leaves there about 2 o'clock in the afternoon; and up to that time only 8 men had come to the voting place and voted.

That is his testimony. Then there are 18 persons whose names appear on the poll list as having voted who swear that they neither registered nor voted at that election. I know it is true, as suggested by my friend from Georgia, that that testimony is not necessarily conclusive; that because a certain man's name is on the poll list and he swears he did not register the evidence of fraud is not conclusive, because there may possibly be somebody else bearing the same name in the county. I admit that, but the law in reference to identity of persons is well settled. Identity of name is prima facie evidence of identity of person. In all civil cases where the question arises the identity of name makes a prima facie case of identity of person. But in this case the witnesses have sworn themselves to be men that have lived in the neighborhood for years, and each one of them swears that he is well acquainted throughout the whole precinct and that there is not another man within the limits of the precinct bearing the same name. Moreover, it was possible for our friends upon the other side to have shown these statements to be false, for every single voter is registered and they could have produced the registration list and shown that these men were in fact registered who swore that they were not registered. But not a single registration list appears in evidence in this case. The evidence discloses that application was made for this list; it shows that the notary public who took the deposition sent a written notice to the judge of probate demanding the list, but that it was not given to him.

Mr. DOCKERY. Did the contestant demand the registration list?

Mr. ROYSE. Yes, sir; he demanded it by letter and offered to pay for it, but he did not get it. I was about to refer to the testimony of one man here who swears that he did not vote. In Alabama they have an election in August. The State election is held then. One of these men who testifies that he did not vote at all in the November election was examined. From his testimony it appears that he was an inspector of election at the August election. He was appointed an inspector and he went and held that

position. Some questions were asked him in reference to what he did at the August election. I read from his examination:

Q. You say that you were one of the inspectors out there in the last August election?
A. Yes, sir.
Q. Mr. H. A. Hardy and Mr. Ed. Dudley were the other two?
A. Yes, sir; and Mr. Browning was also in there.
Q. Did you sign the returns—make a mark to it?
A. Yes, sir; made a cross.
Q. Did you count the votes out before you signed those returns?
A. No, sir; they did not count them at all.
Q. What did you make that cross for?
A. I made it because they told me to make it.
Q. Who told you to make it?
A. Mr. Hendrix Hardy.
Q. How many people voted there that day?
A. To my judgment there were not more than 45 or 50—

That was at the August election. Yet our friends on the other side want to count at that precinct 278 votes at the November election—

Three of them were colored voters and the others were white.
Q. You are a colored man, are you not? Did you vote there in August?
A. I am a colored man, and voted there in August.
Q. You had not registered, had you?
A. No, sir.
Q. How came you to vote?
A. Mr. Minter told me that I had registered.

That was the manner of conducting elections down there in the State of Alabama and right there in the precinct that our friends want to keep in this count.

Now, gentlemen, there is but one other precinct to which I need refer—the precinct of Selma. Upon the face of the returns there is abundant evidence of fraud at that precinct. The city of Selma, as has been stated this morning, had a population of about 7,500, according to the census of 1890. Calculating on that basis, it could not have had a greater population than about 8,000 at the November election in 1894; and with that population there would be only about 1,600 votes in the city of Selma. Yet 2,021 votes were returned as having been cast in that one precinct—more than 4 votes to the minute. Does any man believe it? Why, sir, it is laid down as one of the principles by which we are to be guided in investigations of cases like this that wherever the election officers who have the authority to divide up precincts crowd too many voters into one precinct, it is upon the face of it evidence of fraud.

And it is utterly impossible to have an honest election in that city of Selma. Formerly, as appears in the evidence, that city was divided into a number of precincts. Those precincts have been abolished, and that city now is all included in one precinct, with 1,600 to 1,800 votes in the precinct. There is no process known to the law by which each honest voter can cast his ballot on election day in that one precinct.

But it is not necessary that I should go through all this precinct, for the evidence of fraud is so strong that the committee are unanimous in discarding the returns in this precinct. The only question with us was as to the number of votes that we should count. Four of us have concluded that we could count no votes except what the witnesses had sworn to—3 for Mr. Robbins and 5 for Mr. Aldrich. Our friends of the minority insist on counting 767 votes for Mr. Robbins. Yet they say they can not tell how many votes were cast in that precinct, and it is utterly impossible to tell for whom they were cast. It is true that if it should appear that nobody but Robbins men went to the polls on election day we could count a certain number of votes for him, for we could discard the fraudulent votes and accept the balance as the vote for Mr. Robbins. But it must be remembered that 16 per cent of the vote cast in the precincts where there is no dispute were for Mr. Aldrich. If we assume the same proportion of votes for Mr. Aldrich in this precinct, he would receive somewhere between 100 and 200 votes. Yet the minority of the committee propose to deprive him of every single vote. They do not propose to allow him in this precinct the 16 per cent which he has in the other precincts where there is no contest—where the election was honest.

It is further impossible to count the vote here, because these instructions did not apply to a number of white voters. The evidence is conclusive that a number of white voters had joined the Populist party; some others of the white voters had united themselves with another faction known as the Jeffersonian Democrats. These instructions did not apply to those men. They registered, and went to the polls and voted on election day. How many of them voted no one can tell, for the returns can not be relied upon, and no witnesses have sworn that so many men voted for Robbins, so many for Aldrich, and that so many votes were blank. There was no basis in the world upon which we could count these votes except by a sort of guesswork.

But one of these men who stood at the court-house and saw the men enter there on that day says that perhaps there were 50 negroes among the number that he saw. Another man says that he counted 11 negroes who went in there on that day. And the evidence shows that the negroes vote the Republican ticket. One man who looked over that poll list said he could pick out on the list 50 names of negro voters, and all of them Republicans. In that state of the evidence I ask you how any man can count a single vote in that precinct. The only course for us is to cast the vote aside. It is an unsafe principle to guess at votes.

Of course it is of the greatest importance that every man's vote, honestly cast, should, if possible, be counted; that no man should be disfranchised; yet one of the best methods of preserving the purity of ballot and protecting voters from being disfranchised is to have some well-settled, sensible rule by which the votes shall be counted.

Suppose you undertake to guess this vote. How do you know but that you are disfranchising the 50 negro voters who voted that day? Perhaps they voted for the Republican candidate, and then you guess 50 Democratic voters, thus neutralizing their votes. Is it a safe rule to go by? Should you be so anxious to count votes if the result of your count would disfranchise honest voters? The only safe rule is to refuse to count any votes where the returns are unreliable. Compel the men asking for the votes to make satisfactory proof, proof that is reliable, as to what votes were cast and by whom they were cast. The law is carefully guarded in its provisions in reference to the counting of votes, and it is our duty to be equally careful in the consideration of these questions which arise in this body, because if we adopt the suggestions that have been made here it may result in the disfranchisement of honest voters. We have no right to do that. The important thing is to determine the matter right, and not go astray. We should not be so anxious, therefore, to count votes, or stand in fear and trembling because our action may result in the disfranchising of men who voted for Mr. Robbins. How many men have been disfranchised there who voted the Republican ticket during the last generation? And these election frauds, Mr. Speaker, have been carried on there for twenty years—unblushingly carried on. That being the case, these are the last men in the world to ask that we be somewhat cautious in the determination of this question.

Now, my friends, to make a comparison here between the votes of this district at the present time and on a former occasion, and I will conclude. There was a contest over a seat for Congress in 1882 in this same district. Dallas County was a part of the district at that time, and in the report of the committee on that contested election we have a table of the votes of Dallas County by precincts, or at least a large number of the precincts, and I have made a comparison between the votes cast then and the votes in this last election. There is no dispute but what that vote was an honest one. The returning board threw out the votes of those precincts that were strongly Republican. They were thrown out on a mere technicality, on the ground that the returns were not formal; but there was no question but that the votes were honest.

Let us see now the result of the comparison. Somerville precinct in 1894 is returned with a Democratic vote of 160 and a Republican vote of 2. What was it in 1882, when there was no dispute that the vote was honest? Nothing for the Democrats and 250 for the Republicans. Martins precinct in 1894, 502 Democratic votes and no Republican votes; in 1882 it was 1 Democratic vote and 304 Republican votes. Orville precinct, the one they want to count 368 for Robbins, in 1894 gives 368 Democratic votes to 1 Republican, while in 1882, when there was no dispute as to the accuracy of the returns, it gave 3 for the Democrats and 187 for the Republicans. River precinct, which gives 376 in 1894 for the Democrats and nothing for the Republicans, in 1882 gave nothing for the Democrats and 133 for the Republican candidate. Oldtown precinct, where they want to count 278 for the Democratic contestee, in 1882 did not give a single Democratic vote, but gave a Republican candidate 145 votes. Union precinct, in 1894, 293 for the Democrats and nothing for the Republicans; in 1882 it gave nothing for the Democrats and 269 for the Republicans. Pences precinct, which gives 30 for the Democrats in 1894 and nothing for the Republicans, in 1882 gave nothing for the Democrats and 150 for the Republicans. Elm Bluff precinct, 123 for the Democratic candidate in 1894 and 12 for the Republicans, in 1882 gave 5 for the Democrats and 72 for the Republicans. Boykins precinct, 24 for the Democratic candidate in 1894 and 1 for the Republican, in 1882 gave nothing for the Democratic candidate and 93 for the Republican. Mitchells precinct, 386 in 1894 for the Democrats and nothing for the Republicans, gave in 1882—and there is no dispute, as I have said, but that the election was honest—nothing for the Democratic and 307 for the Republican candidate.

Now, my friends, will you call that an honest election that shows such a wonderful change in these few years? Can any man, after going through the evidence and looking it over as carefully as we have done, say that there was an honest election in that district? In fact, my friends, there is such abundant evidence of fraud that our Democratic friends themselves threw out all but four of the contested precincts, and we owe it to ourselves, we owe it to the dignity of the House, we owe it to the community and to the whole country at large, that no man shall occupy a seat in this House whose title to it is so besmirched with fraud as in this case. [Applause.]

Mr. DANIELS. Mr. Speaker, I move that the House do now adjourn.

CHANGE OF REFERENCE.

Pending the motion to adjourn, the Speaker submitted the following changes of reference: Senate bill No. 1469, which was referred to the Committee on Claims, was referred to the Committee on War Claims; Senate bill No. 823, from the Committee on Invalid Pensions to the Committee on Pensions, and Senate bill No. 728, from the Committee on Appropriations to the Committee on Claims.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 227) to authorize the Auditor for the War Department to audit certain quartermaster's vouchers alleged to belong to John Finn, of St. Louis, Mo.; when the Speaker signed the same.

The motion of Mr. DANIELS was then agreed to; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from N. L. Jeffries, attorney for the North American Commercial Company, protesting against the destruction of seals as contemplated by bill No. 3206, recently passed by the House, was taken from the Speaker's table and referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 6995, reported in lieu thereof a bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T., accompanied by a report (No. 738); which said bill and report were referred to the House Calendar.

Mr. GARDNER, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 1) to reclassify railway postal clerks and prescribe their salaries, reported the same with amendment, accompanied by a report (No. 739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 1978) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, reported the same with amendment, accompanied by a report (No. 741); which said bill and report were referred to the House Calendar.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 285) extending relief to Indian citizens, and for other purposes, reported the same with amendment, accompanied by a report (No. 749); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory, reported the same without amendment, accompanied by a report (No. 750); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3826) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States, reported the same without amendment, accompanied by a report (No. 751); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe. (Report No. 740.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6468) to increase the pension of Andrew R. Ladd. (Report No. 742.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3755) to increase the pension of Mary C. Thompson. (Report No. 743.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 6546) granting a pension to Samuel Holliday. (Report No. 744.)

The bill (H. R. 6556) granting a pension to Jacob Brown. (Report No. 756.)

The bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell. (Report No. 745.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 2941) granting increase of pension to Alfred P. Buss. (Report No. 746.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month. (Report No. 747.)

The bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex. (Report No. 748.)

By Mr. STALLINGS, from the Committee on Pensions:

The bill (H. R. 3395) granting a pension to Carrie H. Greene. (Report No. 752.)

The bill (H. R. 4755) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook. (Report No. 753.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 717) granting a pension to Mary Ann Lafferty. (Report No. 754.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 6607) for the relief of Helen Larned. (Report No. 755.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 144) granting an increase of pension to T. Clarkson Ingalls. (Report No. 757.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MINOR of Wisconsin: A bill (H. R. 7168) for the further improvement of the harbor at Ahnapee, Wis.—to the Committee on Rivers and Harbors.

By Mr. WILSON of South Carolina: A bill (H. R. 7169) providing that all judgments in civil causes in the District of Columbia shall bear interest—to the Committee on the District of Columbia.

By Mr. PRINCE: A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, Galesburg, Knox County, Ill., and for other purposes—to the Committee on Naval Affairs.

By Mr. THOMAS: A bill (H. R. 7172) donating 4 condemned cannon and 4 pyramids of cannon balls to the Soldiers' Monument Association of Allegan, Mich.—to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 7173) to incorporate the Maritime Canal of North America, and for other purposes—to the Committee on Railways and Canals.

By Mr. BINGHAM: A bill (H. R. 7174) to amend an act entitled "An act to amend chapter 67, volume 23, of the Statutes at Large of the United States"—to the Committee on Military Affairs.

By Mr. McLACHLAN: A bill (H. R. 7175) allowing the judge of any circuit or district court to appoint a stenographic reporter, and fixing the duties and salaries of such reporters—to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 7208) concerning coins of the United States, and providing for a currency based thereon—to the Committee on Coinage, Weights, and Measures.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 7209) authorizing the Secretary of the Navy to donate 2 condemned cannon to Sedgwick Post, No. 7, Grand Army of the Republic, of South Kingston, R. I.—to the Committee on Naval Affairs.

By Mr. BROSIUS: A bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants—to the Committee on Banking and Currency.

By Mr. HARDY: A joint resolution (H. Res. 138) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway—to the Committee on Railways and Canals.

By Mr. HERMANN: A joint resolution (H. Res. 139) authorizing the immediate use of a portion of the unexpended balance of the appropriations heretofore made for construction of canal and

locks at the Cascades of the Columbia River in construction of protection walls necessary to the opening of said canal and locks to navigation—to the Committee on Rivers and Harbors.

By Mr. CHARLES W. STONE: A concurrent resolution (House Con. Res. No. 30) providing for the printing of additional copies of the report of the Director of the Mint—to the Committee on Printing.

By Mr. LACEY: Memorial of the general assembly of Iowa, in favor of the 5 per cent funds—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6969) to remove the charge of desertion from record of George C. Armstrong—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 7057) granting a pension to C. T. Cooper—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7058) granting a pension to Thomas B. Roark—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7059) granting a pension to John W. Draper—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7122) granting a pension to Maria E. Hess, widow of Florian Hess—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 1271) to compensate Elihu Root for legal services rendered by direction of the Attorney-General—Committee on Appropriations discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTLETT of New York: A bill (H. R. 7176) for the relief of James Welch—to the Committee on Claims.

By Mr. BERRY: A bill (H. R. 7177) for the benefit of George Turner, of Newport, Ky.—to the Committee on Claims.

Also, a bill (H. R. 7178) to correct the military record of Mathew C. Lyons—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 7179) for the relief of Joseph R. Cobb—to the Committee on Military Affairs.

By Mr. COFFIN: A bill (H. R. 7180) for the relief of the heirs of John Bowling—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 7181) for the relief of David A. McKnight—to the Committee on Indian Affairs.

By Mr. DOVENER: A bill (H. R. 7182) granting a pension to Benjamin F. Batten, late private Company B, Tenth West Virginia Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7183) for the relief of Alexander L. Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 7184) for the relief of Calvin Mallacote—to the Committee on Military Affairs.

Also, a bill (H. R. 7185) granting a pension to William H. Shillings, of Roane County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7186) for the relief of Wesley C. Owens—to the Committee on Military Affairs.

Also, a bill (H. R. 7187) for the relief of George W. Qualls—to the Committee on Military Affairs.

By Mr. GRISWOLD: A bill (H. R. 7188) granting a pension to George Rodney Burt—to the Committee on Invalid Pensions.

By Mr. HANLY: A bill (H. R. 7189) granting a pension to Cicero Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) granting a pension to Joshua Jones—to the Committee on Pensions.

By Mr. HEATWOLE: A bill (H. R. 7191) removing the charge of desertion from the military record of Thomas Donlan—to the Committee on Military Affairs.

Also, a bill (H. R. 7192) granting an increase of pension to Row Brasie—to the Committee on Pensions.

By Mr. HENRY of Indiana: A bill (H. R. 7193) to remove the charge of desertion against the name of Andrew J. Dixon, late of Company K, Twenty-sixth Indiana Volunteers, and to show that he died in said service in line and in discharge of duty—to the Committee on Military Affairs.

Also, a bill (H. R. 7194) for the relief of Eli Conner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7195) for muster in and discharge of Jehu Miller, as of Company K, One hundred and sixty-eighth Ohio Volunteers, he having served the enlistment of Abner Vanness, to whom the discharge was granted—to the Committee on Military Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 7196) to restore the name of Flora Bartlett to the pension roll—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7197) granting a pension to James D. Cambell, a son of Francis Lee Cambell, a soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 7198) for the relief of David W. Harrison—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7199) for the relief of the Lavaca Wharf Company—to the Committee on War Claims.

Also, a bill (H. R. 7200) for the relief of A. T. Hensley—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 7201) granting an increase of pension to James Littleton—to the Committee on Invalid Pensions.

By Mr. SORG: A bill (H. R. 7202) for the relief of Mrs. Anna Dorsey Weaver—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7203) for the relief of William M. Dalson—to the Committee on Naval Affairs.

Also, a bill (H. R. 7204) for the relief of Fannie J. Johnson, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 7206) granting a pension to Frank Stay—to the Committee on Pensions.

By Mr. OTEY: A bill (H. R. 7207) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 7211) for the relief of John Green—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Protest of W. O. Headlee, of Waynesburg, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lodge No. 366, Order Sons of St. George, of Charleroi, Pa.; also resolutions of Council No. 343, Order United American Mechanics, of Layton Station, Fayette County, Pa.; also resolutions of Camp No. 141, Patriotic Order Sons of America, of Brownfield, Fayette County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the Free Harbor League of Los Angeles, Cal., for an appropriation to continue the improvement of Wilmington and San Pedro Harbor—to the Committee on Rivers and Harbors.

Also, petition of Charles Knepper, of Carnegie, Pa., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Utah: Petition of the Journal Publishing Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Pennsylvania: Petitions of Camp No. 312, of Houtzdale, Pa., Camp No. 469, of Rockton, Pa., and Camp No. 586, of Olanta, Pa., Patriotic Order Sons of America, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ARNOLD of Rhode Island: Resolution of the Providence Board of Trade, against compulsory pilotage—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Board of Trade of Providence, R. I., in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of Willis Wilton, of Eagle, Wis., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petitions of Henry M. Taher & Co., of New York, and of Henry L. Aldrich, of Providence, R. I., for an appropriation to widen and deepen the drawways of the stone bridge over Seaconnet River at Tiverton, R. I.—to the Committee on Rivers and Harbors.

By Mr. COOK of Wisconsin: Protest of Arthur Kellogg and 178 citizens of the city of Oshkosh; also of P. R. Albrecht and 36 others, of the city of Fond du Lac; also of H. P. Anderson and 140 others, of Waushara County; also of A. L. Dawson and 180 others,

of Neenah; also of W. J. Ogle and 111 others, of Oxford, Marquette County, all of the State of Wisconsin, against the passage of joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of T. E. Clark, of Princeton, and the county officers of Green Lake, Wis., favoring the passage of House bill No. 8967, to reclassify and prescribe the salaries of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petition of M. H. Pulaski and 66 other citizens of New York, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. CURTIS of New York: Petition of the American Purity Alliance, officially signed, asking for a national commission to investigate the subject of social vice—to the Committee on the Judiciary.

By Mr. DANIELS: Petition of Joseph L. Bucher and other veterans of the Union Army, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Boston, Erie County, N. Y., to prohibit the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Boston, N. Y., to forbid the sale of spirituous liquors at the military posts on Staten Island—to the Committee on Military Affairs.

By Mr. DANFORD: Petition of Clarington Lodge, No. 107, Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the faculty and students of Franklin College and citizens of New Athens, Ohio, praying for the establishment of a court of arbitration between Great Britain and the United States to determine differences between the two countries—to the Committee on Foreign Affairs.

By Mr. DOCKERY: Petition of Milton Mann and others, of Gallatin, Mo., asking passage of a bill granting a pension to Enrolled Missouri Militia—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: Petition of officers of the Woman's Christian Temperance Union and 137 citizens of Corning, N. Y., against the sale of beer at Ellis Island, N. Y.—to the Committee on Immigration and Naturalization.

Also, petition of officers of the Woman's Christian Temperance Union and 134 citizens of Corning, N. Y., against the sale of beer at Bedloes Island and Fort Wadsworth, N. Y.—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: Petition of Lon W. Frazier, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HANLY: Papers accompanying House bill granting a pension to Cicero Peters—to the Committee on Invalid Pensions.

Also, petitions from S. A. Clifton, M. M. Mayistein, Leo Pottlitzer, W. S. Leffen, and O. W. Bush, praying for the defeat of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of Henry S. Clubb, of Philadelphia, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HART (by request): Petition of Chauncy Lobingier, of Easton, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: Resolutions of a mass meeting held in Hutchinson, Minn., to consider the Armenian question—to the Committee on Foreign Affairs.

Also, papers to accompany House bill granting an increase of pension to Row Brasie—to the Committee on Pensions.

Also, papers to accompany House bill removing the charge of desertion from the military record of Thomas Donlan—to the Committee on Military Affairs.

By Mr. HILBORN: Memorial of the marine engineers of the Third Congressional district of California, asking for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. HOWELL: Petition of citizens of Long Branch City, N. J., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HULING: Petition of Cook & Tucker, of Raleigh, W. Va., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KULP: Petition of citizens of Shamokin, Pa., favoring the passage of joint resolution No. 11, amending the Constitution of the United States and prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on Appropriations.

Also, petition of Goodrich Post, No. 22, Grand Army of the Republic, of Danville, Pa., in support of National Tribune service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Glass Bottle Blowers' Association of the United States and Canada, asking Congress to reenact the law of 1873, which provides for the free and unlimited coinage of both silver and gold at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

By Mr. LOCKHART: Petition of the heirs of Jacob F. Scott, deceased, late of Jones County, N. C., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LOUD: Petition of G. B. Hamilton, George D. Ellwood, Norman W. Lewis, L. Seabrook, Wheelman Company, Allen B. Bird, A. Kayser, Biles & Kennedy, D. D. McConnell, and James M. Vernon, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petitions of Rising Sun Council, No. 15, of Malaga, Pa.; Winonah Council, No. 173, of Winonah, N. J.; Diamond Council, No. 14, of Swedesboro, N. J., and Social Council, No. 213, of Fairton, N. J., Junior Order United American Mechanics, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. C. Graw, N. M. Kain, H. H. Fennimore, and James E. Lake, against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. M. Seabrook, protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petitions of Camp No. 582, of Shamokin Dam, Pa.; Camp No. 581, of Richfield, Pa., and Camp No. 577, of Willow Hill, Pa., Patriotic Order Sons of America, for the passage of the Stone bill to restrict immigration—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Massachusetts: Petition of W. Bradbury, publisher, of Boston, Mass., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany concurrent resolution No. 29, requiring the Secretary of the Interior to furnish the public library of Boston, Mass., a set of printed specifications and drawings relating to American patents—to the Committee on Patents.

By Mr. McEWAN: Petition of Lafayette Council, No. 129, Junior Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of District Assembly No. 197, Knights of Labor, of Jersey City, N. J., favoring the passage of House bill No. 5815, for the better manning and equipment of vessels on the Northern Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Trades and Labor Assembly of Denver, Colo.; also petition of the Direct Legislation Reform Society of Vineland, N. J., asking passage of House bill No. 184, favoring direct legislation—to the Committee on Rules.

By Mr. McLACHLAN: Communication from the Farmers' Alliance and Industrial Union, in regard to the threatened eviction of settlers on the Maxwell land grant—to the Committee on the Public Lands.

By Mr. MERCER: Resolutions of the Northeastern Press Association of Nebraska, in favor of the transmississippi and international exposition at Omaha—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: Resolution of city council of the city of Omaha, Nebr., and others, asking for the passage of the bill for the transmississippi and international exposition at Omaha, Nebr.; also resolution of the Transmississippi Commercial Congress, indorsing the transmississippi and international exposition, with statistics on the transmississippi States—to the Committee on Ways and Means.

Also, petition of citizens of Dixon, Nebr., asking for the construction of a railroad from Sioux City, Iowa, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

By Mr. MILLER of West Virginia: Petition of A. Staats, H. W. Deem, W. W. Riley, Enoch Staats, and 56 other citizens of Jackson County, W. Va.; also petition of James Akers, T. J. Baker, and 16 other citizens of Wayne County, W. Va., asking for an amendment to the pension laws—to the Committee on Invalid Pensions.

Also, petition of William Emilton, Homer Crosby, and 20 others, of Hartford City, W. Va., praying for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MORSE: Petition of 471 citizens of Pennsylvania; 107 citizens of Evansville, Ind.; 14 citizens of Utica, Pa.; 31 citizens of Wenham, Mass.; 71 citizens of Bookwalter, Nebr.; 90 citizens of West Virginia; 34 citizens of Kittanning, Pa.; 34 citizens of Wellsville, Ohio; 36 citizens of Little Creek, Pa.; 34 citizens of Columbus, Ind.; 76 citizens of Selma, Ala.; 24 citizens of Red Oak, Ga.; 82 citizens of Massachusetts; 31 citizens of Ben Avon, Pa., and 184 citizens, praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NORTHWAY: Petition of John H. Meek, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of O. S. Hart, manager Akron Beacon and Republican, protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Petition of the Sandy Lake News, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Beaver Valley Council, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. PITNEY: Petition of Steward Council, Junior Order United American Mechanics, of Califon, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SAUERHERING: Protests of Thomas Patrick and 36 other citizens of Waupon, Dodge County, Wis.; L. A. Hallock and 63 others, of Madison, Wis., against joint resolution proposing amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: Protest of J. W. Berry, of Scranton, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of the York Daily Publishing Company, of York, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Albert R. Wickham, Abram Musser, and 154 other citizens of Ohio, praying for the passage of a service-pension bill and for a bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: Petitions of McKeesport Lodge, No. 356, and Natrona Lodge, No. 316, Order United American Mechanics; also petition of Washington Camp, No. 154, Patriotic Order Sons of America; also petition of Loyal Orange Lodge, No. 29, of Allegheny, Pa., and Grand View Lodge, No. 7, A. P. A., of Pittsburg, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of 200 citizens of Pittsburg, Pa.; W. J. Coleman and 31 others, of Allegheny, Pa.; also petitions of citizens of Allegheny County, Pa., for the adoption of the proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Miss C. R. Wendell, president; Miss C. N. Brown, secretary, and 2,800 other members of the Woman's Christian Temperance Union of New Hampshire, praying for arbitration on all subjects of difference between the United States and our mother country—to the Committee on Foreign Affairs.

Also, petition of Deborah Sampson Council, No. 12, Daughters of Liberty, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRACEWELL: Evidence in support of House bill No. 7034, for pension to Robert O. Lehman—to the Committee on Invalid Pensions.

Also, papers in support of House bill No. 5721, for the relief of Alice Utz—to the Committee on War Claims.

Also, papers in support of House bill No. 7035, for pension to Peter Himbaugh—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): Petition of W. Thompson Barron, editor of the Journal of Commerce of Norfolk, Va., protesting against the passage of bill H. R. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Idaho: Petition of J. H. McGraw, governor of Washington, and 278 others, asking for the improvement of the Pend d' Oreille River, in Idaho—to the Committee on Rivers and Harbors.

By Mr. WOOMER: Petition of W. H. Ulrich and 100 members of Camp No. 306, of Hummelstown, Pa.; also petition of Charles W. Neff and 240 members of Camp No. 65, of Lebanon, Pa., Patriotic Order Sons of America, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *March 13, 1896.*

Prayer by Rev. WALLACE RADCLIFFE, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PERSONAL EXPLANATION—WAR IN CUBA.

Mr. LODGE. Mr. President, I desire to make a slight correction in the RECORD. I notice at the bottom of page 2725, in the speech of the Senator from Ohio [Mr. SHERMAN] yesterday, that he said:

> Besides, we had the secret history of the correspondence with Spain. The Senator from Massachusetts [Mr. LODGE] went to the State Department and was furnished by the Secretary of State, Mr. Olney, with all those private papers, which show more than any other the condition of affairs in Spain and the purposes of that country as therein revealed. As a matter of course, the contents of those papers were never disclosed to the public at large. We had the statement of the Senator from Massachusetts, who went over the correspondence and communicated it to us, and we never revealed it in any way.

If I had been in the Senate Chamber at the time, I should have asked the permission of the Senator from Ohio to make the correction which I will make now. I did not receive any papers from the State Department, nor did I have any communication with the Secretary of State whatever in regard to the Cuban question. The papers to which the Senator from Ohio referred came to the committee direct from the State Department. They included a long and elaborate statement from the Spanish minister of the Spanish view of the case and the Spanish side, which I examined personally with great care, and which was also read to the committee by one of its members, and was the first subject of examination when we took up the consideration of the Cuban question. Those papers, as the Senator from Ohio stated, were, of course, confidential; they could not be printed or quoted. The Senator from Ohio referred quite correctly to the confidential nature of the papers, showing that we had the Spanish side fully before us, but by inadvertence he stated that they had come through me. They had not come through me; I had nothing to do with them, except that I saw them after they had been received by the committee.

Mr. SHERMAN. I now remember, and I am quite satisfied that I made a mistake in referring to the Senator from Massachusetts as having received the papers from the State Department. I now recall the entire fact. The Senator from Massachusetts took a great deal of interest in the documents as a member of the subcommittee of the Committee on Foreign Relations, and I probably confounded that fact with the statement I made. The truth was, as is shown by our records, and as I now recollect distinctly, that the Secretary of State, at our request, sent to us the communications. They were referred to a subcommittee of which the Senator from Massachusetts was a member, and he took an active part in examining them, and they were read fully and in detail by the Senator from Maine [Mr. FRYE] to the committee. I suppose that I confounded the interest taken by the Senator from Massachusetts on the subsequent day with the reception by the committee of the papers.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Foreign Relations whether that Spanish case, which the committee considered so carefully, could not be laid before the Senate in executive or confidential session, and why the committee should have the power of determining this question on evidence which we can not have and can not have any report of from the committee?

Mr. SHERMAN. I think the question might very fairly come before the Senate in executive session, if the Senator will make such a motion. I would not care to discuss it now.

Mr. HOAR. The chairman of the Committee on Foreign Relations ought to make the motion, and I hope he will make it.

Mr. SHERMAN. I will do anything that is thought right when we get into executive session, but I would not like to do it now.

Mr. HOAR. I hope the Senator will make the motion. If I may be allowed one observation in regard to what my honorable friend has said, it seems to me that is a very important consideration for the Senate. If we are doing this thing without the President and undertaking to commit this Government by a concurrent resolution, the Spanish minister is entirely justified in taking public cognizance of our action, of which the Senator complained yesterday.

Mr. WOLCOTT. I should like to suggest to the Senator from Massachusetts who has just taken his seat, as well as to the chairman of the committee, that we are placed in a somewhat unusual dilemma. If it is essential, which I think it is not, that Congress in acting upon the question of these resolutions should act upon the question of belligerency, we are confronted with the proposition that we must vote upon a question of fact on testimony that

reposes in the breasts of the members of the Committee on Foreign Relations alone, which they can not divulge to the public and can divulge to us only in executive session, and that then the resolutions must go to another Chamber which has no executive session and which can never know the facts, and the members of that body must absolutely, without knowledge of a single one of the facts upon which the committee has reached a conclusion, vote in favor of or against belligerency. I should be glad to have explained to me, not being one of the oldest Senators, whether or not we are expected to yield our judgment and our conscience so that we are to follow the opinions, intelligently formed, of the Committee on Foreign Relations, based upon information which can never be divulged to us.

Mr. HAWLEY. Mr. President——

Mr. HILL. I call for the regular order.

The VICE-PRESIDENT. Petitions and memorials are in order.

Mr. HAWLEY. I should like to say just a word. I hope that there may be some declaration prepared in which we can all join with satisfaction, and with a view to that possibility, when the proper time comes, I shall move that the Senate insist upon its resolutions and ask for a further conference.

ADJOURNMENT TO MONDAY.

Mr. McMILLAN. I move that when the Senate adjourn today it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a statement of the claim of the Sac and Fox Indians of the Mississippi now residing in the State of Iowa, prepared in conformity with the provisions of the act of March 2, 1895; which, with the accompanying statement, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the board of directors of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to retire and cancel United States notes called "greenbacks" and Treasury notes called "Sherman notes"; which was referred to the Committee on Finance.

Mr. LINDSAY presented the petition of James M. Hollingworth and 6 other citizens of Pittsburg, Pa.; the petition of W. S. Liston and 17 other citizens of Fulton, Kans., and the petition of D. Young and 29 other citizens of Ottawa, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of the Summit Woman's Christian Temperance Union, of Pawnee City, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Real Estate Exchange of Omaha, Nebr., praying that an appropriation be made for a national exhibit at the transmississippi and international exposition to be held at Omaha, Nebr., in 1898; which was referred to the Select Committee on International Expositions.

Mr. THURSTON presented a petition of 46 citizens of Pawnee City, Nebr., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. PEFFER. I present the petition of Gen. Hugh Cameron, of Douglas County, Kans., praying that the 5th day of April be made a holiday, to be known as Resurrection Day. If the Senate will indulge me, as it is quite brief, I should like to state the reasons the General gives for asking this legislation.

Your petitioner, the undersigned, respectfully asks your honorable bodies to make the 5th day of April a national holiday, it being the day on which the King of the Jews, whom Pontius Pilate caused to be crucified, April 3, A. D. 33, achieved His splendid victory over the grave.

This King of the Jews has always been a true friend to the United States of America. He was with Washington and his compatriots during their great struggle for independence, and was also with the Union Army through the entire war to maintain that independence with union and liberty.

Your petitioner has an abiding faith that your honorable bodies will cheerfully grant his request, as well on your own account as that of the multitude of His faithful followers comprising all the industrious poor people—God's chosen people—many of whom are now prayerfully waiting for the second coming of said King, which, it is claimed, will be to the United States of America.

Unquestionably this King has done more to establish and maintain free government on this continent and to make the United States of America a respectable nation than any other king; and so we, as individuals and as a nation, ought not to be ashamed, with frankness and alacrity, to acknowledge that we owe Him a debt of gratitude which we will never be able fully to liquidate.

For all these and many other obvious reasons the undersigned hopes your honorable bodies will, without delay, make Resurrection Day a national holiday, for which he will continually pray.

Respectfully,

HUGH CAMERON, *Lawrence, Kans.*

I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN presented a memorial of 16 citizens of Wakeman, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of 10 citizens of Franklin Square, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 36 citizens of Wellsville, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Petaluma, Cal., remonstrating against the appropriation of moneys for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. KYLE presented a petition of sundry citizens of South Dakota, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of N. F. Mayer and sundry other citizens of Wakonda, S. Dak., praying for the enactment of legislation regulating the sale and manufacture of filled cheese; which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented the memorial of E. A. Merrell and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a petition of Starry Flag Council, No. 158, Junior Order United American Mechanics, of New Providence, N. J., and a petition of Viola Council, No. 20, Junior Order United American Mechanics, of Penns Grove, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that an appropriation be made to complete the canal and locks of the Columbia River; which was referred to the Committee on Commerce.

He also presented a petition of 109 citizens of Linn County, Oreg., a petition of sundry citizens of Portland, Oreg., and a petition of 29 citizens of Oregon, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. HOAR. I present the petition of 84 citizens of Delaware, praying for the adoption of the proposed religious amendment to the Constitution of the United States. I suppose it is so designated in opposition to an irreligious amendment proposed by the Senator from Oregon [Mr. MITCHELL]. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MITCHELL of Oregon subsequently said: I did not hear the remark of the Senator from Massachusetts a moment ago, in which he made reference to some irreligious amendment to the Constitution of the United States supposed to have been introduced by me. Fearing that it might go out to the country that I had introduced some irreligious proposition of that kind, I desire to ask the Senator from Massachusetts if he did not intend to refer to my joint resolution proposing to amend the Constitution so that United States Senators shall be elected by a direct vote of the people?

Mr. HOAR. I did, Mr. President.

Mr. MITCHELL of Oregon. That was the reference the Senator made?

Mr. HOAR. I supposed the Senator could hardly take it seriously; I supposed he heard what I said when I called attention to it.

Mr. MITCHELL of Oregon. I did not take the remark either seriously or otherwise, because I did not hear it. I was told what had occurred; and it is all a joke.

Mr. HOAR presented petitions of 25 citizens of Massachusetts, of sundry citizens of Massachusetts, of 14 citizens of Maryland, of 17 citizens of Pennsylvania, and of sundry citizens of Beaver Falls, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. BERRY presented a petition of 90 citizens of Siloam Springs, Ark., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BRICE presented the memorial of Mrs. H. B. Wisner, State superintendent of the juvenile department of the Ohio Woman's Christian Temperance Union, of Berea, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of 57 citizens of Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ohio, and a petition of 15 citizens of New Philadelphia, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of J. Luck and 53 other citizens of Michigan, praying for the enactment of legislation providing for the protection of agricultural staples by an export duty; which was referred to the Committee on Agriculture and Forestry.

Mr. DANIEL presented the petition of Hon. A. P. Staples, Maj. Samuel Griffin, Hon. J. Hampton Hoge, Judge William Gordon Robinson, J. Allen Watts, and sundry other citizens of Roanoke, Va., praying for the establishment of a United States court at that city; which was referred to the Committee on the Judiciary.

Mr. WALTHALL presented a concurrent resolution of the legislature of the State of Mississippi, memorializing the President and the Congress of the United States to grant belligerent rights to the Cuban Republic; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Concurrent resolution. Memorializing the President and the Congress of the United States to grant belligerent rights to the Cuban Republic, and asking our Representatives and Senators in the Congress to vote for securing the same.

Be it resolved by the senate and house of representatives of Mississippi, That we extend our sympathy to the Cuban people in their struggle for freedom and independence, and we call on the Congress and the President of these United States and request them to grant belligerent rights to the Cuban Republic, and ask our Representatives and Senators in the Congress to vote for securing the same, and that the secretary of state be instructed to transmit a copy of the resolution to the President and Congress.

Passed the house January 29, 1896.

JAMES F. McCOOL,
Speaker of the House.

Passed the Senate February 10, 1896.

J. H. JONES,
President of the Senate.

Approved February 24, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

Mr. LODGE presented resolutions adopted by the legislature of the Commonwealth of Massachusetts, relative to the granting of pensions by the National Government to soldiers and sailors confined in Confederate prisons; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and ninety-six.

Resolutions relative to the granting of pensions by the National Government to soldiers and sailors confined in Confederate prisons.

Whereas a bill is now before the Congress of the United States granting pensions to soldiers and sailors confined in so-called Confederate prisons; and

Whereas many officers, soldiers, sailors, and marines of the Federal Army and Navy were confined in so-called Confederate prisons for a great length of time, suffering unusual hardships and contracting diseases and disabilities difficult to fully prove under existing pension laws: Therefore, for the purpose of doing justice to a specially deserving class of surviving veterans of the war,

Be it resolved, That the senators and representatives of the Commonwealth of Massachusetts, in general court assembled, believe in the justice and equity of House bill No. 306 to those that served our Government as prisoners of war during the war of the rebellion, and request the Senators and Representatives from this Commonwealth in the Congress of the United States to use their influence in favor of the passage of said bill.

Resolved, That copies of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted February 27, 1896; in senate, adopted in concurrence March 3, 1896.

WM. M. OLIN,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 11th instant intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1598) for the relief of J. A. McCreary, late of the United States Navy, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guard thereof in exchange for other rifles now held, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 913) to provide for the incorporation and regulation of medical colleges in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1665) granting a pension to Rita Stine, amounting to $20 per month, reported it with amendments, and submitted a report thereon.

Mr. WILSON, from the Committee on Indian Affairs, to whom was referred the bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash., reported it with an amendment.

Mr. GIBSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1996) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer," and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1968) for the relief of the Mobile Marine Dock Company, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. DUBOIS, from the Committee on Public Lands, to whom was referred the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, reported it with amendments.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the joint resolution (S. R. 18) to authorize the purchase of the painting by Victor Nehlig, representing Pocahontas saving the life of Capt. John Smith, reported it with an amendment.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River, reported it with an amendment.

Mr. SHOUP, from the Committee on Military Affairs, to whom the subject was referred, reported the bill (S. 2512) relative to the medal of honor authorized by the joint resolution of July 12, 1862, and the act of March 3, 1863; which was read twice by its title.

He also, from the same committee, to whom was referred the joint resolution (S. R. 55) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the Committee on Territories, to whom was referred the bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. THURSTON on the 4th instant, intended to be proposed to the Indian appropriation bill, reported it with an amendment and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

COL. WARREN S. REESE.

Mr. ALLEN. I ask the unanimous consent of the Senate that Col. Warren S. Reese, of Alabama, an applicant for a seat in this Chamber, be accorded the privileges of the floor during the discussion of resolution 54.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. BATE. I suggest that neither of the Senators from Alabama is present.

Mr. ALLEN. I suppose that this is a privilege ordinarily accorded as a matter of course without objection. If the Senator from Tennessee objects to my request, I shall withdraw it.

Mr. HILL. I think it had better go over.

Mr. ALLEN. I withdraw the request.

Mr. BATE. I merely suggested the absence of both Senators from Alabama.

The VICE-PRESIDENT. The request is withdrawn.

PRINTING FOR NAVY DEPARTMENT.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7137) to provide for printing and binding for the Navy Department, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,000 to supply a deficiency in the appropriation for public printing and binding for the Navy Department for the fiscal year ending June 30, 1896.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 2505) to amend an act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS (by request) introduced a bill (S. 2506) providing that all official advertising in the District of Columbia shall be placed in only one daily newspaper, and awarded to the lowest bidder; which was read twice by its title, and referred to the Committe on Printing.

Mr. BAKER introduced a bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 2508) to establish a customs port of delivery at Pueblo, Durango, and Leadville, Colo.; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.; which was read twice by its title, and referred to the Committee on the Library.

Mr. DANIEL introduced a bill (S. 2510) for the relief of Thomas D. Gold, administrator of Zebedee Gray, of Clarke County, in the State of Virginia; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2511) for the relief of James H. Cromwell, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE FINANCIAL POLICY.

Mr. PALMER submitted the following resolution; which was ordered to lie on the table, and to be printed:

Resolved by the Senate, First. That it is the policy of the United States to maintain the existing legal and commercial standard of value.

Second. That the unlimited coinage by the United States of silver dollars of 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value by establishing a standard of values based upon silver coinage only.

ORDERS FOR SEIZURE OF VESSELS.

Mr. CALL submitted the following resolution; which was ordered to lie on the table, and to be printed:

Resolved by the Senate, That the Secretary of the Treasury be directed to inform the Senate what orders have been issued from the Treasury Department to seize vessels of the United States loaded with arms and munitions of war, with passengers on board, suspected to be destined for foreign ports, and under what authority of law such seizures and arrests have been made.

ALLEGED IMPRISONMENT OF AMERICAN CITIZENS BY SPAIN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of March 2, a report from the Secretary of State, accompanied by copies of correspondence, touching the arrest in Habana of Marcus E. Rodriguez, Luis Someillau y Azpeitia, and Luis Someillau y Vidal, citizens of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 13, 1896.

Mr. HOAR. That message is not in response to the resolution of last Monday?

Mr. CALL. No; it is in response to a resolution passed by the Senate some time since. I move that the message be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 55) for the establishment of a light-house and fog signal at or near Big Oyster Bed Shoal, New Jersey; and

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 227) to authorize the Auditor for the War Department to audit certain quartermasters' vouchers alleged to belong to John Finn, of St. Louis, Mo.; and it was thereupon signed by the Vice-President.

ORDER OF BUSINESS.

Mr. COCKRELL. I ask the unanimous consent of the Senate that, for the purpose of my remarks only, House bill 2749 may be laid before the Senate.

Mr. SHERMAN. I suggest to the Senator from Missouri that he allow the Cuban resolutions to be taken up informally and then to be laid aside, so that we shall have no controversy.

Mr. COCKRELL. It does not make any difference in the morning hour. This will not displace the Cuban resolutions. Those resolutions are a matter of privilege, and there is no unfinished business in the morning hour. So it does not make any difference.

Mr. SHERMAN. Very well. Then I give notice that after the Senator is through with his speech I shall call up the conference report on the Cuban resolutions.

Mr. COCKRELL. There is no question on that point.

Mr. CHANDLER. I do not oppose the request of the Senator from Missouri. I rise in aid of that request. I wish to say that I desire to speak next upon the Du Pont resolution, but it will be inconvenient for me to go on before Monday. I shall then on Monday yield until Tuesday, if appealed to, provided the Cuban resolutions can be disposed of on Monday.

Mr. PLATT. I do not like the parceling out of the business of the Senate and the yielding of the floor to Senators upon one subject and another several days in advance. What fell from the lips of the Senator from New Hampshire is the occasion of my remarks at this time. He suggests that he wants to speak on Monday, but if the Cuban resolutions can be disposed of on that day he will yield until Tuesday and then speak on the Du Pont case.

Since the time of the report of the committee on the Cuban resolutions I have been, without any prepared speech, trying to find an opportunity to say something upon that subject; but as this matter goes on I shall be shut out by some agreement to take the vote at a fixed time and shall have no opportunity whatever. I do not like this way of doing business, and I do not propose to be a party to any agreement hereafter.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 55) for the establishment of a light-house and fog signal at or near Big Oyster Bed Shoal, New Jersey; and

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893.

THE REVENUE BILL AND SILVER COINAGE.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Missouri.

The Secretary read the bill by title, as follows:

A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of the Government and provide against a deficiency.

Mr. COCKRELL. Mr. President, I desire to address my remarks entirely to the substitute reported by the Finance Committee to this revenue measure. The substitute provides for opening the mints of the United States to the free and unlimited coinage of the standard silver dollar upon equal terms with gold, simply restoring the silver-dollar coinage to the position it occupied from 1837 to 1873. Another section provides for the coinage of the silver seigniorage in the Treasury Department and covering it into the Treasury, which would make a balance of about $53,000,000, and another requires that the Secretary of the Treasury shall use silver equally with gold in the redemption of the Treasury notes and the greenbacks.

Now, Mr. President, what is our present financial condition, our liabilities as a Government? We owe over $847,000,000 of United States bonds. Over $25,000,000 of these bonds are payable at our pleasure to-day and bear only 2 per cent interest, over $559,000,000 of these bonds are redeemable in 1907 and bear 4 per cent interest, $100,000,000 of these bonds are redeemable in 1904 and bear 5 per cent interest, $62,000,000 of them are redeemable in 1925 and bear 4 per cent interest, and $100,000,000, recently issued, are redeemable in 1925 and bear 4 per cent interest. In time of profound peace we have issued over $262,000,000 of bonds since January 1, 1894. We have $346,681,016 United States notes (greenbacks) and about $136,000,000 Treasury notes.

What was our financial condition on the 3d day of the present month? We had over $123,000,000 of gold coin and bullion in the Treasury and over $24,000,000 of standard silver dollars; and we had silver bullion of the coinage value of over $177,000,000, having cost only about $124,000,000, the seigniorage, the profit that

would belong to the Government, being over $53,000,000. We had in the Treasury, besides these, over $14,000,000 of subsidiary coin, over $106,000,000 of United States notes or greenbacks, and over $30,000,000 of United States Treasury notes issued under the law of July 14, 1890, and we had coined from 1878 up to 1896 over $423,000,000 of standard silver dollars.

What are the objections to this financial status? The objection is that the Treasury notes of July 14, 1890, and the United States notes or greenbacks are presented at the Treasury and gold demanded in their redemption, and the gold is paid and the notes come into the Treasury, and then the Secretary of the Treasury issues the notes in payment of the liabilities of the Government, as the law requires him to do, because when the notes are redeemed in gold the law requires them to be reissued and put in circulation. They are a legal tender in the payment of all debts and liabilities not otherwise specified; and if they were not reissued the volume of money would be contracted by that amount. Then they are gathered up and brought back to the Treasury and gold again demanded and gold again paid; and that this process has been kept up, like an endless chain, and the gold reserve has been depleted time after time.

This is a terrible condition in the estimation of some. What is the remedy? Let us consider the practical question. We see the condition. It is a plain proposition. The greenbacks and the Treasury notes, a full legal tender, are presented for redemption, are redeemed in gold, reissued, presented again and redeemed, and the gold reserve, so called, of $100,000,000 is depleted, bonds are issued for gold, the gold again taken, and bonds again issued. Now, what is the remedy? I will let the President speak for himself. The President, in his message of January 28, 1895 (substantially repeated in his annual message of December, 1895, and in the report of the Secretary of the Treasury), said:

> In my opinion the Secretary of the Treasury should be authorized to issue bonds of the Government for the purpose of procuring and maintaining a sufficient gold reserve and the redemption and cancellation of the United States legal-tender notes and the Treasury notes issued for the purchase of silver under the law of July 14, 1890.
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> The principal and interest of these bonds should be payable on their face in gold, because they should be sold only for gold or its representative.
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> I suggest that the bonds be issued in denominations of twenty and fifty dollars and their multiples and that they bear interest at a rate not exceeding 3 per cent per annum. I do not see why they should not be payable fifty years from their date. We of the present generation have large amounts to pay if we meet our obligations, and long bonds are most salable. The Secretary of the Treasury might well be permitted, at his discretion, to receive on the sale of bonds the legal-tender and Treasury notes to be retired, and of course when they are thus retired or redeemed in gold they should be canceled.
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> These bonds under existing laws could be deposited by national banks as security for circulation; and such banks should be allowed to issue circulation up to the face value of these or any other bonds so deposited, except bonds outstanding bearing only 2 per cent interest, and which sell in the market at less than par.

Mr. President, that is the remedy proposed by the gold advocates. Is that the only remedy? Is that the safest, wisest, and best remedy? That depends upon the law authorizing the issue of the obligations and the terms expressed upon their face. I will read one of the bonds; and I desire to say that all the bonds now outstanding are substantially in the same language. This is one of the 4 percents of 1895:

WASHINGTON, D. C., *February 1, 1895.*

[Act of January 14, 1875.]

FOUR PERCENTS OF 1895.

1925.

THE UNITED STATES OF AMERICA

Are indebted to —— —— or assigns in the sum of ——.

This bond is issued under authority of an act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being one of the descriptions of bonds described in the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, as amended by the act of January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of February, 1925, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 4 per cent per annum, payable quarterly on the 1st day of February, May, August, and November in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

Transferable on the books of this office.

Date of issue, ——.

Entered ——. Recorded ——.

——, ——,

Register of the Treasury.

In connection with this bond, I wish to read a greenback, a United States note, because the law applicable to the bonds is also applicable to the greenback. I read a United States note:

The United States will pay the bearer

FIVE DOLLARS.

Washington, D. C.

Then follow the signatures of the Treasurer of the United States and the Register of the Treasury.

Upon the back is printed:

This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

Then follows a provision prohibiting counterfeiting.

I have shown the law authorizing the issue of the bonds on their face. Now, I wish to read the act known as the "act to strengthen the public credit," passed March 18, 1869, the first law ever signed by President Grant. That law declared—

> That the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

An express declaration of gold and silver. I shall now read the act of January 14, 1875, providing for the resumption of specie payments:

> And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50.

There is the law authorizing the issue of bonds and authorizing the issue of the greenbacks, and it expressly recognizes both gold and silver coins as the money of final payment.

I want to read now a legislative interpretation and expression. I will read a concurrent resolution passed by the Senate of the United States on the 25th day of January, 1878, and by the House of Representatives on the 28th of January, 1878, known as the Matthews resolution:

> That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

That concurrent resolution was passed in the Senate by a vote of 43 yeas—23 Democrats, 18 Republicans, and 1 Independent (Judge Davis, of Illinois), on January 25, 1878, before the passage of the Bland-Allison law. The nays were only 22, over two-thirds of the Senate voting for its passage. Of these nays there were 7 Democrats and 15 Republicans. In the House of Representatives the yeas were 189—116 Democrats voting for it, including such distinguished Democratic leaders as Hon. John G. Carlisle, Hon. Hilary A. Herbert, ROGER Q. MILLS, William M. Springer, and many others. Against it were 79 nays—23 Democrats and 56 Republicans.

Mr. President, I say that these bonds, principal and interest, as well as the United States notes, can be paid just as legally and honestly in standard silver dollars as in gold. I want to read some authority on that question. On April 10, 1876, the distinguished gold monometallist-bimetallist, the Senator from Ohio [Mr. SHERMAN], reported to the Senate a bill to amend the laws relating to legal-tender silver coin. That bill proposed that there should be coined at the mints of the United States a silver dollar of 412.8 grains troy of standard silver. That would make the exact ratio of 16 to 1. The first section of that bill provided:

> And the said dollar herein authorized shall be a legal tender, at its nominal value, for any amount not exceeding $20 in any one payment, except for customs dues and interest on the public debt, and shall be receivable in payment of all dues to the United States except duties on imports; and the trade dollar shall not be hereafter a legal tender.

Section 2 provided—

> That the Secretary of the Treasury is hereby authorized to exchange the silver dollars herein authorized for an equal amount of United States notes, which shall be retired and canceled, and not be again replaced by other notes. * * *

Section 3 provided—

> That any owner of silver bullion may deposit the same at the mints, to be taken at its market value as ascertained and publicly announced from time to time by the Director of the Mint, with the approval of the Secretary of the Treasury, and to be paid for either in silver dollars or with gold coin or United States notes, or bullion for the coinage of said silver dollar may be procured in the mode provided for as to other silver coins. * * *

The Senator from Ohio proposed as early as 1876 to coin silver dollars at the ratio of 16 to 1, and with them to redeem, retire, and cancel every one of the greenbacks. In discussing that bill, on the 11th day of April, 1876, the Senator from Ohio used this language:

> But the vital question presented by the amendments of the committee is the restoration of the silver dollar. Why restore the silver dollar when it is now so depreciated by the events that I have named? Well, sir, the answer is that we have a large amount, some $400,000,000, of United States notes, which now are a legal tender for all purposes, and the time has arrived when we can redeem them all with the old dollar of the United States. We do not create a dollar; we simply provide for its issue. The law was, I have shown you, up to 1873, that this old silver dollar could be tendered for the payment of all debts; but it was simply not coined because the silver dollar was worth more than the gold dollar. Does that prevent us from coining it? Not in the least.
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> The silver dollar was, it is true, a legal tender until 1873, and, in strict law, might be restored to its former position as a standard of value without a violation of the legal contract between the United States and the bondholder.

I shall now read from the act of February 28, 1878, "to authorize the coinage of the standard silver dollar and to restore its legal-tender character":

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

I will read again from the Senator from Ohio while he was Secretary of the Treasury. In the finance report of 1878 he said:

The Secretary deems it proper to state that in the meantime, in the execution of the law as it now stands, he will feel it to be his duty to redeem all United States notes presented on and after January 1 next at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50, with either gold or silver coin, as desired by the holder, but reserving—

Now, mark the language—

the legal option of the Government; and to pay out United States notes for all other demands on the Treasury, except when coin is demanded on coin liabilities.

Here was an express declaration of the Senator from Ohio in his finance report of 1878 that, while he would redeem those notes in gold, he reserved the legal option of the Government to redeem them in silver.

We have discussed the law in regard to the bonds and the greenbacks, and now I will read a Treasury note [exhibiting]. It reads:

The United States of America will pay to bearer $5 in coin.
Washington, D. C.

Upon the back of the note is the following:

This note is a legal tender at its face value in payment of all debts, public and private, except when otherwise expressly stipulated in the contract.

No gold there; it is simply payable in coin. Now, let me read the act of July 14, 1890, and see what that says:

That the Secretary of the Treasury is hereby directed to purchase, from time to time, silver bullion * * * at the market price thereof, * * * and to issue in payment of such purchases of silver bullion Treasury notes of the United States to be prepared by the Secretary of the Treasury, in such form and of such denominations as he may prescribe, and a sum sufficient to carry into effect the provisions of this act is hereby appropriated. * *

SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued; and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued: and such notes, when held by any national banking association, may be counted as a part of its lawful reserve. That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

SEC. 3. That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin—

Mark the language—

he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

The unconditional repeal act of November 1, 1893, simply repealed the provisions of the law authorizing the purchase of silver bullion and the issue of Treasury notes in its payment. It did not repeal any other part of the law of July 14, 1890, but left it in full force and effect, and it is expressly stipulated in this repeal law:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

Mr. President, there is not one line nor one word in any of these laws creating the obligations, or on the face of the obligations themselves, requiring payment in gold. I say to-day that there is but one solitary obligation of this Government which calls for payment in gold, and that obligation is the gold certificate. The redemption of greenbacks and Treasury notes in gold is a voluntary assumption on the part of the Secretary of the Treasury, and is in direct opposition to the clause of the law of July 14, 1890, which says that he "shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for." Both greenbacks and Treasury notes are clearly redeemable in silver, equally as honestly and legally as in gold. The legislative will, clearly expressed, required such redemption in silver dollars as well as in gold.

Why was not this done? The exclusive use of gold has been purely voluntary. If the policy of redeeming in silver as well as gold had been carried out there would have been no trouble whatever. It was the general belief in this country up to 1891 that both were redeemable in gold and silver—in silver as well as in gold.

The report of the then Secretary of the Treasury, now the Senator from Ohio, in 1878, which I have quoted, prevented the presentation of the greenbacks with a demand for redemption in gold alone and prevented any raids on the Treasury for gold.

From January, 1879, the date of the resumption of specie payments, to July 1, 1891, the greenbacks presented for redemption were only a little over $34,000,000—$34,000,000 in thirteen years, only an annual average of $2,629,619, and not a Treasury note was ever presented for redemption prior to October 14, 1891; and yet we exported from January 1, 1879, to July 1, 1891, over $339,000,000 in gold. There was no raid on the Treasury.

Now, let us examine since October 14, 1891, or practically since July 1, 1891. From July 1, 1891, to October 1, 1895, $275,000,000 of greenbacks had been redeemed in gold. From July 14, 1891, to October 1, 1895, over $76,000,000 of Treasury notes had been redeemed in gold. Over $351,000,000 of gold was taken from the Treasury from July 1, 1891, to October 1, 1895, a little over four years, and yet in the thirteen preceding years, with $346,000,000 of greenbacks outstanding, only $34,000,000 had ever been presented for redemption, and we exported at the same time from July 1, 1891, to October 1, 1895, nearly $340,000,000 of gold. Both notes were used to raid the Treasury and take gold.

It is a remarkable thing that with this discrimination against the standard silver dollar over one hundred and forty millions in gold had been voluntarily exchanged for silver dollars or certificates prior to July 1, 1891.

There was no raid for gold prior to October 14, 1891. Why? Because of the general belief that the notes were redeemable in silver, and that the Government reserved the option to so redeem them, as stated by Secretary Sherman in his finance report of 1878, The silver dollars until October 14, 1891, were the watchdogs of the Treasury, the guardians of the Treasury, and infinitely more successful in keeping off gold raiders than the Rothschilds and the Belmonts have ever been since October 14, 1891——

Mr. STEWART. If it will not interrupt the Senator, I will suggest that they are still the watchdogs of the treasuries of France and Germany.

Mr. COCKRELL. Yes; everywhere else except in the United States. The voluntary surrender of the option to redeem in silver dollars caused the raids on the Treasury gold.

To sustain this statement I will read a letter from the Republican Club of Massachusetts to the Hon. Charles Foster:

REPUBLICAN CLUB OF MASSACHUSETTS,
258 Washington Street, Boston, October 8, 1891.

DEAR SIR: There is at present so much discussion in Massachusetts in regard to the act of July 14, 1890, that the Republican Club desires the views of the highest authority of the Treasury upon it, in order to put an end at once to all possible controversy.

The Republican Club of Massachusetts will be greatly obliged if you will kindly answer the following questions for publication:

First. Is it true that the act of July 14 increases two and a half times the coinage of 80 cents' worth of silver into a dollar?

Second. Is the Government at present coining silver? If not, when was the coinage stopped?

Third. Upon what are the present Treasury notes based? Are they secured by a coined silver dollar, or upon 100 cents' worth of silver bullion purchased at its market value in gold?

Fourth. How does the basis of the present notes differ from the silver certificates formerly issued?

Fifth. Are not the present notes redeemable in either gold or silver coin at the United States Treasury? Does the Government so redeem them when presented?

I have the honor to be, yours, truly, ELIHU B. HAYES,
Secretary of the Republican Club of Massachusetts.

Hon. CHARLES FOSTER, *Secretary of the Treasury.*

Here is Secretary Foster's reply:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 10, 1891.

SIR: Replying to the interrogatories relating to silver submitted in your communication of the 8th instant, I would say as follows:

First. The act of July 14, 1890, does not increase the coinage of silver dollars, but since the 1st of July of the present year has practically stopped such coinage.

The act provided for the purchase of 4,500,000 ounces of silver a month, about two and a half times the amount purchased under the act of 1878, and the coinage into silver dollars of 2,000,000 ounces monthly (which was about the amount coined under the act of 1878) until the 1st of July of the present year.

After that date only such silver dollars were to be coined as were necessary to provide for the redemption of the Treasury notes issued in purchase of the silver bullion.

That is true. That is all that the law required; but it was never done. His answer goes on to say:

As no Treasury notes are being presented for redemption in silver dollars, the coinage of silver dollars from bullion purchased under this act has practically ceased since July 1, 1891.

Second. The mints are at present engaged in coining the silver bullion resulting from the redemption of trade dollars, as required by the act of March 3, 1891, and in recoining the subsidiary silver coins in the Treasury.

The mandatory coinage of silver dollars under the act of July 14, 1890, ceased July 1, 1891.

The total coinage of silver dollars under the act of July 14, 1890, from July 1 to October 1, 1891, has been only 366,000, mainly for use on the Pacific Coast.

Third. The present Treasury notes are issued in the first instance upon the purchase of silver bullion—4,500,000 ounces a month—at its market price.

The law requires that the cost of the silver bullion and the silver dollars coined therefrom held in the Treasury shall always equal the amount of Treasury notes outstanding, so that these notes practically have behind them a gold dollar's worth of silver bullion.

Fourth. The Treasury notes differ from the silver certificates in that they are redeemable in either gold or silver coin, at the discretion of the Secretary of the Treasury, with a provision of law to the effect that these two dollars shall be maintained at parity, which is a virtual promise that the notes shall always be redeemed in gold or its exact equivalent.

The silver certificates are a promise to pay a silver dollar which has been deposited in the Treasury at the time the certificate was issued, and they are receivable for Government dues. The language of it is:

"This certifies that there has been deposited in the Treasury of the United States one silver dollar, payable to the bearer on demand."

While the language of the Treasury note is:

"The United States of America will pay to bearer one dollar in coin."

In addition to being redeemable in gold or silver coin, at the discretion of the Secretary of the Treasury, and practically under the pledge to maintain the two metals at parity in gold, the Treasury notes have, as stated above, behind each dollar practically a gold dollar's worth of silver bullion, while the present silver certificate is a promise to return to the bearer a silver dollar.

Fifth. Treasury notes are redeemed in gold when so presented for redemption at the Treasury or any assistant treasury of the United States.

Very respectfully,

CHARLES FOSTER, *Secretary.*

ELIHU B. HAYES, Esq.,
Secretary Republican Club of Massachusetts,
258 Washington street, Boston, Mass.

Now, what took place?

On October 13 the following telegram was sent to Secretary Foster:

BOSTON, MASS., *October 13, 1891.*

Noticing in your letter of October 10 to Republican Club, published here this morning, statement that Treasury notes are redeemed in gold at any assistant treasury, I sent a one-thousand-dollar note to subtreasury here this morning, requesting such redemption in gold. This was refused. If your letter correctly states policy of the Treasury, will you please send instructions to subtreasurer here to redeem notes in gold. An early answer earnestly requested.

PHINEAS PIERCE,
32 Summer Street.

Hon. CHARLES FOSTER,
Secretary of the Treasury, Washington, D. C.

Now, what was the answer?

OCTOBER 14, 1891.

PHINEAS PIERCE,
32 Summer Street, Boston, Mass.:

Assistant Treasurer Kennard has been instructed to redeem Treasury notes in gold.

CHAS. FOSTER, *Secretary.*

Charge Department.

Here is another telegram from Secretary Foster:

OCTOBER 14, 1891.

ASSISTANT TREASURER,
Boston, Mass.:

Why didn't you apply to United States Treasurer for instructions when Treasury notes are presented for redemption in gold?

CHAS. FOSTER, *Secretary.*

Here is the reply of Mr. Kennard:

OFFICE OF ASSISTANT TREASURER UNITED STATES,
Boston, Mass., October 14, 1891.

SIR: I have respectfully to own to the receipt of telegram of Treasurer United States "Redeem Treasury notes in gold, if presented and a demand made for such redemption"; also to your dispatch of even date "Why didn't you apply to United States Treasurer for instructions when Treasury notes are presented for redemption in gold?" to which I wired the following reply: "As no general demand had been made for the exchange of Treasury notes in gold, the occasion had not arisen for asking for specific instructions."

Very respectfully,

M. P. KENNARD,
Assistant Treasurer United States.

Hon. CHARLES FOSTER,
Secretary of the Treasury, Washington, D. C.

I read from a letter of Mr. Kennard, who was the assistant treasurer of the United States in Boston at the time of this transaction, addressed to the Assistant Secretary, Mr. Hamlin, and I have the permission of Mr. Kennard to read the portions of the letter which I will read:

Personal.] SUBTREASURY UNITED STATES,
Boston, Mass., October 31, 1894.

DEAR MR. HAMLIN: I have the pleasure of replying to your note of the 26th instant. The date of the incident referred to was October 13, 1891, not 1890, as your note has it. When I returned to this office in January, 1891, I found the Treasury notes then in current circulation, and without other instructions they were issued and accepted on all sides as the representatives of silver rather than of gold till otherwise advised, and in the language of the law "redeemed at the discretion of the Secretary."

No specific instructions were ever received as to their redemption in gold, nor had the question ever been raised. The notes, it was tacitly understood, had inherited their silver character from the act of Congress which created them and which explicitly directed the Secretary of the Treasury to purchase the silver bullion "from time to time" "and to issue these notes in payment for such purchases." Up to October 13, 1891, there was not a bank officer in town that ever entertained the idea of receiving gold in exchange for those notes. My predecessor, Mr. Aldrich, confirms this. The current sentiment was that they would ultimately supersede the silver certificates (the Secretary controlling the alternative), and this office was alternately supplied with both without comment. Gold notes were then abundantly available for all requirements and always tendered for gold coin without friction.

The exigency for the test of the exact bearing of those notes had not arrived till mischievously forced by the Continental Bank, the president of which subsequently informed me that had he been present it would not have occurred.

There was then a public sensitiveness as to the Government gold reserve. The banks saw this and that the redemption of those notes in gold opened the doors to nearly sixty million of them then in circulation. That demand of the Continental Bank was so unusual that the well-informed chief teller of this office, of more than twenty-five years' service, came to my desk for instructions, and as there was no precedent and in the absence of any instructions from the Department, I decided I had no right to redeem such notes with gold until further advised. On the 14th I was instructed by the Treasurer by wire to "redeem Treasury notes in gold, if presented and a demand made for such redemption."

This was the first intimation to this office from the Treasurer that those Treasury coin notes should be so treated.

Faithfully, yours,

M. P. KENNARD.

Hon. C. S. HAMLIN,
Washington, D. C.

Mr. President, that opened Pandora's box, and all the financial ills that have resulted in this country since October 14, 1891, have been simply because the Secretary of the Treasury surrendered voluntarily, meekly, submissively the right of the Government to redeem those notes in silver as well as in gold. The record shows it. They were never presented. Not a dollar of Treasury notes were presented until October 14, 1891, for redemption either in gold or silver. They were a legal tender, and nobody wanted them redeemed. This surrender by the Republican Administration was voluntary and was in defiance of the express law and the purpose of the law and the expressed will of Congress. The executive branch had no right on earth to surrender this option. It was in disobedience to legislation; it was in disobedience to the expressed will of Congress. It was not in the interest of the people. It was not in the interest of the masses. It might do in a monarchy, but not in a republican government. We are the only nation on this earth with full legal-tender gold and silver coins and a paper currency redeemable in coin that has surrendered its option and invited gold raiders and gold speculators to come with the Treasury notes and greenbacks and get gold.

Secretary Foster redeemed not one solitary Treasury note in silver. Secretary Carlisle has redeemed more than $19,377,000 of the Treasury notes with standard silver dollars, and has retired and canceled them, and no harm has come. Had every ounce of the silver bullion in the Treasury been coined into standard silver dollars and every Treasury note redeemed and canceled no harm would have come. Secretary Foster redeemed in gold from the 14th day of October, 1891, to the expiration of his term, over $34,000,000 of the Treasury notes, and Secretary Carlisle up to October last had redeemed over $43,000,000. Over $41,000,000 of them were presented at Boston, New York, and Philadelphia. It was simply a meek surrender to the gold gamblers, as a convenience to them to get gold upon which to speculate. There is no law upon the statute book requiring the Treasury to maintain $100,000,000 gold reserve. Secretary Carlisle has so decided. All the funds in the Treasury are deposited in the general cash.

Now, let us look as to what has been done by reason of this meek and unjust and improper surrender of the option of the Government to pay in silver as well as in gold. To maintain this imaginary gold reserve of $100,000,000 the executive administration, January, 1894, sold $50,000,000 of 5 per cent ten-year bonds for over $58,000,000 of gold, and put the gold in the Treasury and proclaimed its purpose to continue to redeem greenbacks and Treasury notes in gold whenever demanded.

From January, 1894, to November, 1894, $103,000,000 of gold was taken out of the Treasury, and in November, 1894, the Government issued and sold $50,000,000 more of ten-year 5 per cent bonds for more than $58,000,000 of gold, and put the gold in the Treasury and used the Treasury notes to pay current expenses. More raids were made. It had only whetted the appetites of the bond lovers and the gold-standard advocates to get more bonds and to fasten the gold standard by permanent legislation naming gold as the money of final payment. Between the sale of bonds in November, 1894, and the 28th of January, 1895—only about two months—$69,000,000 of gold was taken from the Treasury. On January 28, 1895, the President gave to Congress the message I have quoted, recommending the issue of $500,000,000 of bonds payable in gold. In February, 1895, Congress having refused to authorize the issue of any gold bonds, the executive administration issued and sold more than $62,000,000 of thirty-year 4 per cent bonds for a little over $65,000,000 under the now famous, if not otherwise, Rothschild-Belmont-Morgan syndicate contract to guard our Treasury. Sixty-two million dollars of United States thirty-year bonds were sold at the rate of $104.50. They have since sold in the open market at over $123.

A magnificent speculation called patriotism. Think of it! Pæans of praise sung to the Belmonts and the Rothschilds and the Morgans for their patriotism in buying American bonds at $104.50 on the $100 and then selling them for $123 for every $100 of bonds. But the raids were renewed, and only recently $100,000,000 more of thirty-year 4 per cent bonds were sold for $111,000,000 and a little over, as reported, a total increase of our bonded interest-bearing debt of more than $262,000,000 in time of profound peace. To do what? To maintain the gold reserve and to show our patriotism.

That reminds me of a little squib that I saw in the financial

circular of Dimock & Co., of New York. Speaking of the patriotism of the bond speculators and gold gamblers, referring to the last bond sale, they say:

It was purely a matter of business, and not of patriotism. Uncle Sam set up a bargain counter and marked down his staple goods for one day. One boy with a capital of a postage stamp bought $150,000 of bonds and sold them for $6,000 profit before he had paid for them. A thrifty Boston man and his wife bought ten times as many bonds at a corresponding profit on an investment of 44 cents. The syndicate bid for one hundred millions, was awarded thirty-three millions, and sold its bonds for a profit of $1,800,000 before it had paid for them. The syndicate was just three hundred times as patriotic as the small boy.

[Laughter.]

What is this proposed remedy, Mr. President? We have seen it. It is a miserable makeshift. It simply substitutes for a noninterest-bearing debt, for the full legal-tender greenbacks and Treasury notes—mere demand obligations, whose debt quality has been absorbed in their money function, and which are to-day money used by the people in the daily transactions—an equal amount of interest-bearing gold bonds. It contracts the legal-tender currency of the country to that amount, reduces the selling price of all the products of the soil, the mine, and the factory, and is in violation of that cardinal principle of every honest republican government that when in debt it should maintain in circulation the largest possible amount of its indebtedness in the shape of noninterest-bearing obligations that the people of the country will keep in circulation without depreciation.

What is further proposed in the proposition of the President? To surrender to the national banks the absolute control of the paper circulation. It proposes to give to the banks the right to deposit bonds, draw interest upon the bonds thus deposited in the Treasury, and then receive from the Treasury dollar for dollar of legal-tender money and loan it to the people at interest—double interest, interest upon the bonds paid by the Government and interest upon the loans paid by the money borrowers. The banks invest their capital and receive interest upon it, get an equal amount of money, and then receive interest upon that from the borrowers. In 1895 we paid to the national banks over $8,000,000 in interest on their bonds, and they were loaning to the people an amount equal to 90 per cent of those bonds and receiving the highest rate of interest that the people would pay.

It is a proposition to issue fifty-year bonds. Never in the history of this great Republic has any man ever before proposed to issue a fifty-year bond. It is in direct violation of that great principle proclaimed by the immortal Jefferson that a republic has no right to issue a bond running longer than twenty years, because we of this generation have no right to bind coming generations of Amercan freemen in a government of the people and by the people.

Fifty-year bonds! It is a perpetuation of the national debt, a curse. It is anti-Democratic; it is contrary to the inaugural of the immortal Jefferson, the honest payment of the public debt, and the sacred preservation of the public faith. It is in direct conflict with the Democratic platform of 1840:

That Congress has no power to charter a United States bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and the will of the people.

Mr. MILLS. That is a quotation from Jefferson.

Mr. COCKRELL. A quotation from Jefferson. I thank the Senator from Texas for the suggestion.

That platform was readopted by the national Democratic convention of 1844, and again in 1848, and again in 1852, and again in 1856, and again in 1860—a cardinal monumental principle of the Democratic party, a beacon light. This financial policy is in direct conflict with it.

The proposed remedy, Mr. President, is too costly to the toiling millions of this country. It is the costliest remedy for financial ills that any executive officer of any Government on this earth ever proposed. This tame surrender of the option to use silver and the efforts to maintain the gold standard have already burdened the masses of the people with interest-bearing bonds which, when paid, principal and interest, will have cost them $506,093,880. That is permanently fixed upon the taxpayers of this country. Now, carry out this remedy and issue $500,000,000 more of 3 per cent fifty-year bonds to retire the legal-tender notes used as money, and it would cost when paid at maturity with interest, $1,250,000,000, making $1,756,093,880.

That is not all of this proposed remedy for our financial ills. It proposes to give the national banks entire control of the paper currency. Suppose they issue only $350,000,000 of notes and then loan them to the people for fifty years, say, at only 5 per cent interest; the money borrowers will pay in interest $17,500,000 annually, $875,000,000 of interest in the fifty years. Carry out your grand financial remedy, and it will cost the taxpayers and the money borrowers at the end of fifty years $2,631,093,880. For what purpose of humanity? All done to maintain our credit, our financial standing. Think of it! In 1865, with a population of 34,748,000, we had an indebtedness of more than $2,845,000,000. With a country nearly half of which was devastated, just emerging from the grandest civil contest that was ever waged in this world, we had that burden. What have we done since?

We have paid since August 31, 1865, to August 31, 1893, in principal and interest on the bonded indebtedness of the United States $4,072,207,945, and in the ordinary expenses of the Government $6,953,990,881. We paid over $11,036,198,837 in that time. Now we are a nation of 70,000,000 people, united and, according to the gold advocates, extremely prosperous, happy, and free, and yet to maintain our financial credit and standing this enormous burden is proposed to be placed on the shoulders of the taxpayers, almost equal to the aggregate of the debt at the close of the war.

Mr. SQUIRE. How much was the interest paid, as part of the public debt, at that time?

Mr. COCKRELL. The total interest paid from August 31, 1865, to August 31, 1893, was $2,370,616,966. For the fiscal year 1866, $133,067,624, and for 1867, $143,781,591, the largest amount ever paid in one year. We only had about $600,000,000 of bonds, when the process of sustaining the credit and standing of the United States was begun. Then we had an indebtedness of $2,845,000,000 in 1865.

Now, Mr. President, the question arises, can the national banks maintain gold redemption? If the whole United States can not maintain a gold reserve, can the national banks do it? It is a pertinent question. To retire the United States notes is to transfer the whole of the demand for gold on the banks, their notes then being redeemable only in gold. Now, if they can maintain the gold redemption of their circulation, it will prove conclusively, beyond a shadow of a doubt, that there has existed and now exists a combine, to say the least of it, to raid the gold reserve, force the issue of bonds, vest in them the absolute control of our currency, and then, when clothed with this absolute power to manage and direct the currency of the country, redeem it or not, just as they choose, and just as they did in 1893, when they refused to honor drafts in money to their customers and country banks, and resorted to $38,000,000 of clearing-house certificates in the city of New York.

The people have not forgotten what was done in 1881 by the national banks on the attempt of Congress to reduce the interest on bonds, when they retired $18,000,000 of their currency in one day and produced an incipient panic, nor have they forgotten the violation, the flagrant, open violation, of the law of July 12, 1882, extending the charters of the national banks.

The law of July 12, 1882, provides that—

No national banking association shall be a member of any clearing house in which such [gold and silver] certificate shall not be receivable in the settlement of clearing-house balances.

There it is. The law to-day standing upon your statute books prohibits a national bank from being a member of any clearing house that refuses silver dollars and silver certificates. When the silver agitation began, or soon after the passage of the silver law of February 28, 1878, on the 12th day of November, 1878, the clearing house adopted a rule prohibiting the payment of balances at the clearing house in silver certificates or silver dollars except as subsidiary coins in small sums under $10. February 28, 1878, was the date of the law authorizing the coinage of the standard silver dollar and making it full legal tender. November 12, 1878, the clearing house of New York passed its resolution. In 1882, the fact coming to the knowledge of Congress, we inserted in the national bank charter renewal act the provision that I have read, and yet ever since they have been in open defiance of that law, and are to-day.

The right to issue a paper currency is the right of sovereignty. It does not belong to private institutions. It is not the legitimate function of banking. It is the sovereign function of government. Now, confine the banks to their legitimate function of deposits, loans, drafts, and bills of exchange, and let the Government continue exercising its sovereign function of issuing the money of the people, and nobody will complain.

Mr. President, it is easy to criticise a policy, but what should have been done instead of this disastrous, costly policy, paralyzing to the business of the country? The answer is plain. The executive branch, in obedience to the legislative will and to existing law, should have reserved the option to redeem in silver dollars as well as gold; should have coined all the silver bullion in the Treasury into standard silver dollars; should have redeemed and canceled every one of the Treasury notes and retired them, as the law required, when redeemed in silver dollars; should have redeemed the greenbacks in silver dollars as well as gold, and to-day we would not have one solitary dollar of Treasury notes outstanding. Every one of them would have been redeemed and canceled. In lieu of them, we would have had outstanding an equal amount of standard silver dollars and $53,000,000 of surplus added to the balance in the Treasury, which would have prevented the issue of any bonds to replete the Treasury exhaustion, and not one dollar of the $262,000,000 bonded indebtedness would be in existence to-day.

There is no power on this earth that could have prevented the success of that policy. What could they have done? Now, think of it as intelligent, sensible men. Who could have prevented the success of that policy? The Secretary of the Treasury had the silver bullion and the law requiring him to coin it. He could have coined it and redeemed and canceled every one of the Treasury notes. Who could have prevented it? The greenback is redeemable in silver as well as gold. Redeem it in silver, and what is the result? Who can prevent it? Who can do anything? Who can harm the people of the United States? Now, where is there any danger? Why, Mr. President, it is a mere nightmare dream of gold monomania, and nothing else. There could have been no possibility of the failure of this plan.

Now, I want to bring some evidence in regard to this matter. Secretary Carlisle on the 21st of January, 1895, was examined before the Committee on Appropriations of the House of Representatives, and there was asked why the Government did not reserve the option of redeeming in silver as well as in gold. In his reply he says:

* * * But if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it, but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver, at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is it would have been very disastrous.

Always disaster coming when any relief is proposed by the use of silver. There it is, Mr. President. Mr. Secretary Carlisle forgets the record. He forgets that Secretary Sherman in his finance report of 1878, while redeeming the greenbacks in gold, intimated that he reserved the right to the Government to redeem them in silver, and no greenbacks were presented for redemption to amount to anything for thirteen years. Only a little over $2,000,000 were presented a year. The Treasury notes were issued under the law of July 14, 1890, and not one of them was ever presented for redemption either in gold or silver until October 14, 1891, when Secretary Foster had proclaimed to the world his intention of redeeming them in gold, a proclamation to the world: "Come and take our gold; we give you the option; we throw it away; we place it in your hands."

Now, Mr. President, I submit that in 1892, when a majority of the electoral votes of the United States were cast for the Democratic executive branch, it was believed that it made a change of policy, not a mere change of the personnel of the executive chair and the heads of Departments and substituting for them others to carry out the policies of their predecessors, which had been condemned at the polls. But they tell us in defense of this meek surrender and this trailing after the former Administration policies that it is done to maintain the parity. They say that the law of 1890 required the maintenance of the parity of the metals. Here is the language:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio.

Now, mark you, it is not to preserve the parity of the two coins, their equal debt-paying and purchasing power, but it is to maintain the parity of the two metals. They say that clause controls the Secretary's discretion. In order to maintain the parity of the two metals the Secretary has paid out gold instead of silver. Has he maintained the parity of the two metals? Let us see how he has carried out the policy. The bullion value of the silver in the dollar in 1891, when this parity process was begun, was 84.31 cents; in 1893 it was 65.20 cents; in 1894 it was 56.56 cents; in 1895 the highest was 52.683 cents and the lowest was 46.27 cents, an average of 49.168 cents. These figures are taken from the mint report of 1895.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, that Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. HARRIS. I ask the unanimous consent of the Senate that the unfinished business be informally laid aside in order that the Senator from Missouri may conclude his remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Senator from Missouri will proceed.

Mr. COCKRELL. The effort to maintain the parity of the two metals has resulted in a clear reduction of 35.142 cents on the value of the metal in the silver dollar, and they call that maintaining the parity. Now I will read the repeal clause in the law of November 1, 1893:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value—

Of what?—

of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

The pretext that they must maintain the parity of the two metals no longer holds. There is no obligation to do it; it is a mere pretext to evade the use of silver.

Mr. President, I have discussed this proposed financial plan. Let us reason together. Error is not dangerous when reason is left free to combat it. What does the proposed remedy of the President mean? It means a gold standard pure and simple, gold monometallism. Gold monometallism means that gold shall be the only standard of value and money of final payment and redemption of all the billions upon billions of indebtedness of the entire country. It means that all other kinds of money, whether composed of silver or of paper currency, shall be redeemable in gold, the only money of final payment, or the coin money shall be limited in its legal-tender power to a small sum. What does the euphonious term "sound money" mean? It means gold monometallism pure and simple; it is no longer a guise to cover up the gold standard. Secretary Carlisle, in his speeches recently in New York, has proclaimed for the single standard of gold. The New York Chamber of Commerce have issued their pronunciamento to the commercial men of the United States that we must maintain the present gold standard of value. The President in his message says: "Issue these bonds and have them upon their face call for gold." The Kansas City Times, a Democratic paper in western Missouri, boldly comes out and advocates the single gold standard. The issue, then, is the gold standard on one side and bimetallism on the other. I stand to-day to advocate bimetallism, the Democratic, constitutional system of this country, and to oppose the gold standard. To this gold standard there are, in my opinion, fatal objections. The first one is, it is contrary to our Constitution and the bimetallic system therein established. What does our Constitution say?

The Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures—

And that—

no State shall * * * coin money * * * or make anything but gold and silver coin a tender in payment of debts.

The only power given is "to coin money"; that is, to coin gold and silver into money, and then to regulate the value of such coined money; that is, to declare the legal tender, the debt-paying power, of such coined money and of foreign coins.

Gold and silver metals are clearly not money, and never become money until coined in pursuance of a law of Congress. This money, coined from both gold and silver at the ratio fixed by Congress, is the money of our Constitution; is honest, sound, safe, irredeemable, absolute money of final payment, the end of the law in the payment and satisfaction of all money obligations, and is the only true and legal measure of the values of all property, and is inherently, intrinsically, and honestly of the exact value of its legal-tender power in all payments. Each State clearly has the right to make this money, the gold and silver coins, a lawful tender in the payment of debts, but can not deny to either coin such legal tender. Congress can not take from any State this clear right. No power is given to Congress to regulate or fix the commercial value of gold and silver as metals, or to declare that our coins of gold and silver, or either, shall not be money, or to demonetize either gold or silver.

Daniel Webster said in his speech of December 21, 1836:

I am clearly of the opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard, or to displace this standard.

That is an objection which can not be refuted and can not be overcome, and no one has pretended to make an argument here against it.

But, Mr. President, I am opposed to the single gold standard because it is contrary to the record, the principles, and the traditions of the Democratic party for a century of our constitutional existence. From March 4, 1801, to March 4, 1861, the Democratic party and its principles dominated and had controlling influence in the enactment and administration of our laws and Government. During this period our constitutional bimetallic system, the free and unlimited coinage of both gold and silver into honest, sound, safe, full legal-tender money at the ratio fixed by Congress, first at 15 to 1, and then by the laws of 1834 and 1837 changed by reducing the quantity of gold to the dollar to 15.988 to 1, or, as usually called, 16 to 1, was maintained and continued up to 1873, when it was destroyed and the single gold standard established.

Let us now briefly review the record made by the Democratic party, through its representatives in Congress to restore the true Democratic bimetallic system. This record, concisely stated,

shows that in the Forty-fourth Congress, the first one with a Democratic majority in the House, 110 Democrats voted for the free and unlimited coinage of silver and 16 against it; and again 123 Democrats voted for and passed a free-coinage bill and only 17 against it.

In the Forty-fifth Congress Bland's free-coinage bill was passed; 97 Democrats, including Hon. John G. Carlisle, voting yea, to only 10 voting nay. In the Republican Senate the free-coinage clause was stricken out and a substitute agreed to for purchasing not less than two nor more than four million dollars of silver per month, and as so amended was passed and vetoed by a Republican President, and then passed by Congress over his veto by 118 Democrats, including Mr. Carlisle, for to 22 Democrats against it in the House, and by 25 Democrats for to 9 against it in the Senate, and became the law of February 28, 1878. In the same Congress the concurrent resolution presented by Senator Matthews, afterwards a justice of the Supreme Court, was passed in the Senate by 23 Democrats for to 7 against it, and in the House by 116 Democrats, including Mr. Carlisle, for to 23 against it.

In the Forty-sixth Congress, in the House, 100 Democrats, including Mr. Carlisle, voted for free and unlimited coinage to only 9 against it, and 107 Democrats, including Mr. Carlisle, voted for to only 4 against an amendment directing and requiring the Secretary of the Treasury to pay out standard silver coin the same as gold coin in payment of all coin obligations of the Government.

Think of it! A representative of the honest, toiling masses, Mr. Carlisle, voted in the House to compel a Republican Secretary of the Treasury to pay out silver dollars the same as gold.

Mr. BATE. When was that?

Mr. COCKRELL. In the Forty-sixth Congress. In the Forty-ninth Congress 96 Democrats voted for, to 70 Democrats against, free coinage.

In the Fifty-first Congress 101 Democrats in the House voted for, to only 12 Democrats against, Bland's motion to recommit the Windom silver-purchasing bill with instructions to report a bill for free and unlimited coinage of the silver dollar, and in the Senate Plumb's free and unlimited coinage substitute was passed by 27 Democrats, including Mr. Carlisle, for, to 3 Democrats against it, and in House 113 Democrats voted for this free-coinage substitute to 22 against it. Every Democrat in House and Senate voted against the conference committee report, which became the Sherman law of July 14, 1890.

In the Senate in January, 1891, 24 Democrats voted for free coinage to 1 against it.

In the Fifty-second Congress in the Senate 20 Democrats voted for, to 9 Democrats against, free coinage, and in the House, to consider the Senate free-coinage bill, 118 Democrats voted yea and 64 nay.

In the Fifty-third Congress in the House 101 Democrats voted for, to 116 Democrats against, a free-coinage amendment to the bill for the unconditional repeal of the Sherman law, and in the Senate 18 Democrats voted for, to 18 Democrats against, a free-coinage amendment.

In the House, in March, 1894, Bland's bill, requiring the immediate coinage into standard dollars of the profit or seigniorage in the bullion purchased under the Sherman law of July 14, 1890, amounting to $55,156,680, and then the coinage of the remainder of such bullion into such dollars, to be used in redeeming and canceling the Treasury notes of July 14, 1890, issued in the purchase of the bullion then outstanding to the amount of $152,951,280, was passed by 136 Democratic yeas to 50 Democratic nays, and in the Senate by 30 Democratic yeas to 10 Democratic nays. This was in the Fifty-third Congress—the last Congress.

The bill was vetoed by the President, and in the House 118 Democrats voted for, to 55 Democrats against, passing the bill over the veto, and the veto prevailed, although over two-thirds of the Democrats voting in the House voted to pass it over the veto and three-fourths of the Democrats in the Senate voted yea in passing the bill.

In the Fifty-fourth Congress, the present Congress, in the Senate 22 Democrats, 14 Republicans, and 6 Populists voted yea for the free and unlimited coinage of silver. The nays were only 13 Democrats and 22 Republicans. In the House of Representatives 56 Democrats voted for that bill to 31 Democrats against it. This is their record in Congress.

Mr. President, suppose when the President sent to this body in the Fifty-third Congress his message for the unconditional repeal of the Sherman silver-bullion-purchasing law he had incorporated in that message his message of January 28, 1895, proposing the financial scheme which I have just discussed, and had told Congress that he would even veto a bill for the coinage of the silver bullion in the Treasury, how many votes would he have gotten for the unconditional repeal of that law?

I was speaking of the record of the Democratic party. I have given the record of the Democratic party in Congress. It shows consistent action on every occasion in favor of true bimetallism by the restoration of the silver dollar save alone in the Fifty-third Congress, when unconditional repeal was pressed by the power of the Executive. Then it was that there failed to be a majority of Democratic votes for free and unlimited coinage. Bimetallism has been the policy of the Democratic party in all the legislation and attempted legislation since 1873.

Now, let us look at the record of the Democratic party in its national conventions since 1873. In our platform of 1880 we declared for "honest money"; not the kind of "sound money" or "honest money" that we hear so much about now, but "honest money"—

Consisting of gold and silver, and paper convertible into coin on demand.

In our platform of 1884 we declared:

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

Not convertible into such gold, but "convertible into such gold or silver money without loss."

In our platform of 1888 we declared:

The Democratic party of the United States, in national convention assembled, renews the pledge of its fidelity to Democratic faith, and reaffirms the platform adopted by its representatives at the convention of 1884.

Thus reaffirming that we believe in honest money, the gold and silver coinage of the Constitution.

In our platform of 1892 we declared:

We hold to the use of both gold and silver as—

What?—

as the standard money of the country, and to the coinage of—

What?—

both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin.

Not in such gold, but in such gold and silver coin.

The language of our platforms of 1880, 1884, and 1888 is plain and not susceptible of misconstruction. They declared unequivocally for true bimetallism, the gold and silver coinage of the Constitution, not of one or of the other, but of both. A difference of interpretation of the platform of 1892 has occurred. There is a contention that it means one thing and a contention that it means another. The gold-standard men undertake to make it mean the gold standard; the zealous free-silver advocates claim that it means the free and unlimited coinage of silver. That that platform declares for bimetallism no gold or silver Democrat can deny. That is what it declares for—bimetallism—that is, that we shall use both gold and silver as standard money, money of final payment and redemption, and that we are committed "to the coinage of both gold and silver without discriminating against either metal or charge for mintage"—the unlimited, the free coinage of each metal at the ratio fixed by Congress, in full legal-tender money. If it means anything, it means that. There are limitations upon it, some say.

But the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals.

That declaration of the platform was taken from the Republican law of July 14, 1890. That means bimetallism. It is not a contradiction of the record of the Democratic party from the foundation of this Government. It was construed, it is true, by some few of those who were back of the screen and knew what was going on, to mean the gold standard; but they did not want it discussed. They wanted the tariff discussed. That was forced to the front and the financial question was relegated to the rear. But when the election was over and victory was achieved, then the financial question was pressed to the front, and the tariff question relegated to the rear.

Mr. President, I will give you my reasons why I oppose the gold standard. It is anti-Democratic; it is contrary to the entire Democratic record of this Government up to 1873; it is contrary to the traditions of the Democratic party; it is contrary to the legislation attempted to be secured by the Democratic representatives in Congress; it is contrary to the platforms of the party, and it is contrary to the platforms of the party upon which it has achieved its victories.

But there is another objection to the gold standard. There is not gold enough in the world and now being produced to supply the demand for its use as money, the world's money of final payment and redemption, and for industrial purposes. Of all the gold produced in the world it is estimated that at least 50 per cent, or one-half, is used for industrial purposes. Some writers and statisticians of the highest character and standing believe to-day that not only one-half but even more than three-fourths of the entire gold output is annually consumed for industrial purposes, and some even venture to say that it can not be demonstrated that the entire product is not consumed for industrial purposes. But

admitting that only one-half of it is used for industrial purposes, then only one-half is left for monetary purposes. By the mint report—the report of a gold monometallist of the extremist type—the world's product of gold in four hundred years, from 1493 to 1893, only amounted to $8,399,101,000—only $6.65 per capita of the world's population to-day. But one-half of that was used industrially, and that left only $3,965,900,000 as money in 1893, being only $3.14 per capita. Will any sane, intelligent man tell me that $3.14 per capita is a sufficiency of money of final payment and redemption for many billion dollars of indebtedness and for the exchange of the billions of dollars of the annual products of the world?

But now let us look at the current production. In the five years from 1889 to 1893 the average annual product of gold was only a little over $135,000,000. If it had all been used as money, there would only have been 10 cents and 7 mills per capita; but only one-half of it was used as money, and that left only 5 cents and three-tenths of a cent for use as money, which was wholly insufficient to meet the demands of the increasing population and commerce and to restore the annual losses by abrasion and otherwise.

Gold can not be produced at the will of man. More wars have been waged and more bloodshed caused by the thirst and avarice of the seekers for gold than by all other causes combined, and yet it has never been and can never be secured in unlimited quantities. It can not be produced in any given quantity; it is uncertain in its production; it is not now money; it does not circulate in any country in the world as money; it is hoarded; it is a reserve, and only recently it was largely at a premium, and the money brokers of the world have it completely cornered.

I oppose it, further, because it is a theory of two moneys, discord between the two precious metals, which have gone hand in hand with each other from the earliest ages down to this time. It is gold for the rich, monarchical, aristocratic element, and silver for the masses. It is not our policy. No nation can use gold only. We must use silver. No nation on earth can use gold as its only coin money. You can not make dollars and half dollars and quarters and dimes out of it. It has been tried, and it has proved a failure. You must use silver. Let gold and silver be used upon terms of equality with no discrimination.

Another objection to gold is that it fluctuates. It is unstable in its product and in its purchasing power; it is timid and cowardly. The least change in its value causes it to go from nation to nation. Ever since 1873 the most gigantic struggle the world has ever beheld has been waged for the acquisition of gold. What is the evidence of that? I could read author after author, but I will take the gold records of the mints of the world.

The world's product of gold in 20 years, from 1873 to 1893, was $2,368,000,000. One-half of it at least was used industrially. That left one-half for money, or $1,184,000,000. In the same period, when we only had $1,184,000,000 of gold for coinage, we coined $3,020,200,000 of gold, being $1,836,000,000 more gold coined than was left for coinage of the entire world's product, and being $652,000,000 more gold than the world produced in that entire period. This astounding excess of the coinage of gold over the product was caused by its shifting from nation to nation and being recoined. That shows the terrible struggle, the fearful struggle for gold. In times of danger and war where does gold go? It flees to its hiding places and its safe retreats, and it remains hidden, secreted, until white-winged peace prevails over the land. Then the gold comes forth, and, under the name of patriotism and loyalty, it buys all the debts which have been contracted during the war at from 50 cents to 60 cents on the dollar, and then demands repayment in gold. Witness the Venezuelan message here, with a string tied to it, indicating the possibility of war. What was the result on your precious gold standard? The whole fabric trembled like jelly from ocean to ocean and from nation to nation, and in one day the New York papers say the shrinkage in the value of the securities upon the market was from three hundred and fifty to five hundred million dollars. Yet you want this uncertain, timid standard continued.

These are not predictions; the arguments I make are not fears; they are incontrovertible facts and figures. They prove what? They prove conclusively that the gold standard is a miserable, costly, disastrous failure; a failure to-day; it is stamped a failure upon every lineament and every part of it. It is the enrichment of the rich and the impoverishment of the masses. It is the increased purchasing power of the dollars named in the bonds and credits and the decreased selling price of all the products of the world.

Mr. President, that it is the British gold standard is another objection to it. It has been tried by the greatest commercial nation, the greatest creditor nation, and has proven a failure in England, for twice has the great Bank of England, with its unequaled facilities for securing and hoarding gold at almost a moment's warning, borrowed gold of bimetallic France. First, in the crisis of 1837 and 1839 the Bank of England borrowed 50,000,000 francs, or $10,000,000, from bimetallic France; second, in 1890, in the Baring Bros. failure, when the Bank of England and the whole gold-standard fabric in every nation, kindred, and tongue was trembling and ready to totter and fall, the Bank of England borrowed $15,000,000 of gold from bimetallic France. If England has not been able to stem the tide of adversity, how can we? England is the greatest money power. It is the great power of money and the money lender which demands the gold standard to-day—a most dangerous, selfish, and avaricious power.

Please hear what the Senator from Massachusetts [Mr. LODGE] said in this Chamber on February 20, last:

> But, Mr. President, Lord Salisbury obeys a stronger force, a mightier will than his own. In the last resort, the power which controls in Europe and in England is the great power of money and of the money lender. The money lenders do not care how many Armenians are butchered; the Armenians are not nominated in the bond; but they care very much that nothing shall be done to disturb or jar anything; that nothing shall be done to disturb values; and they fear that if England moved to rescue the wretched Armenians values might be disturbed and Ottoman bonds decline.

It is this money power of Europe and the money lender who want the gold standard. Why are they attempting to force it upon this country to-day? Why do the Rothschilds and the Belmonts and the Morgans want it? Is it for the interest of the toiling masses? Is it to better the condition of the masses? Is it patriotism? Is it philanthropy? Is it humanity? Let the people think. Are those men acting from these motives, or is it for the purpose of increasing the purchasing power of every dollar named in their securities and decreasing the present selling price of every dollar's worth of products of the sweat and toil and labor of the millions of the world? That is it pure and simple, nothing more, nothing less, and nothing else. Why should the bankers, the brokers, the money lenders, and the gold jobbers be allowed to dictate the financial system of the United States? Do they want it in the interest of the people? Is it not for their own interests? They would not be human beings if it were not. They are not angels, and they make no profession of being such. They are like other men. They want to increase their own gains. They hold to the doctrine that he that provideth not for his own household "hath denied the faith, and is worse than an infidel."

Why should they force upon us the single gold standard? If they do, if the bankers and the brokers and the money lenders and the bondholders force upon this country the single gold standard, then the manufacturers ought to force upon this country the tariff laws; then the whisky producers should be allowed to dictate to this country the laws which shall govern the distillation of spirits; the railroads should be allowed to come here and tell us what laws they want. They are just as patriotic and humanitarian and philanthropic as are these money brokers and money lenders.

Mr. MORGAN. They are more so.

Mr. COCKRELL. They are more so, the Senator from Alabama very truthfully and appropriately says. No, Mr. President, the very men who desire and are attempting to-day to force this single gold British standard upon this country should be a warning to the masses of the people never to submit to it.

I think I have shown conclusively by facts and figures and legitimate argument, not by denunciation, that the gold standard is a miserable, costly failure. What do we propose? We propose a constitutional Democratic bimetallic system, open the mints of the United States to the free and unlimited coinage of gold and silver upon equal terms into money of equal debt-paying and purchasing power, standard money, money of final payment and redemption.

What are the objections to it? Our gold monometallist friends—we have heard a great deal about that very recently—say, "Oh, do not agitate the silver question, it will divide the Democratic party." No, no, Mr. President, the advocacy of a cardinal, monumental principle of the Democratic faith, clearly outlined and sustained by our written Constitution, maintained and revered by our party from its foundation until silver was destroyed by the Republican party in 1873, and the restoration of which has ever since then been demanded by our party representatives in Congress and proclaimed in our national platforms in 1880, 1884, 1888, and 1892, surely can not now divide or disrupt the Democratic party. On the contrary, such advocacy will maintain our fidelity to Democratic faith and will aid in strengthening and preserving the Democratic party. It is the policy upon which we have won all our victories. Not one has ever been won on the gold standard, and not one will ever be. We have been told by the so-called sound-money men that in Missouri we have had an object lesson, that in the elections of 1894 the Republican party elected a majority of the Representatives in Congress, and that it was because we had a free-silver platform. Is that so? Is that a legitimate argument? What did we have in the Fifty-third Congress as the result of the election in 1892, and what in the States of New York, Ohio, Pennsylvania, New Jersey, Connecticut, Massachusetts, Rhode Island, and Delaware? Let us see what we had. I will make the comparison.

In New York, in 1892, we elected 20 Democratic Representatives in Congress; in 1894 we elected 6. In Ohio, in 1892, we

elected 11; in 1894, 2. In Pennsylvania, in 1892, we elected 9; in 1894, 2. In New Jersey, in 1892, we elected 6; in 1894, none. In Connecticut, in 1892, we elected 3; in 1894, none. In Massachusetts, in 1892, we elected 4; in 1894, 1. In Rhode Island, in 1892, we elected 2, and in 1894, none. In Delaware, in 1892, we elected 1, and in 1894, none.

Here was the Democratic party in the States which I have named fighting under the gold-standard banner of the Administration. It was not understood by the masses of the voters in 1892 to be a gold-standard banner, but in 1894 it was demonstrated that it was a single, gold standard banner. What was the result? Look at it. There it is. In 1895, only at the last election last fall, the executive administration and gold-standard policy were indorsed in unequivocal terms in Democratic platforms in Ohio, New York, New Jersey, and Pennsylvania.

Were victories the result? No. There is no danger of dividing the Democratic party. Those who do not believe in the cardinal, monumental principle of that party, the true bimetallic standard, the beacon light, the pillar of cloud by day and the pillar of fire by night, which has guided the Democratic hosts for a century, during all its constitutional existence, as their true financial policy, and given it its undying vitality, will slough off from the party; but it will not divide the Democratic party. There is no danger of division.

But, Mr. President, they say that if you give free and unlimited coinage to the standard silver dollar you will drive all the gold out of the country and contract the currency by $600,000,000 before you can coin any silver, and then what a catastrophe that will be. That has been the old prophecy we have heard ever since 1878. I have heard it semiannually, annually, and quadrennially ever since. Let us look at the record and see what it has done.

In 1878 we did not have a silver dollar. Now we have 423,000,000 of standard silver dollars. In 1878 we were estimated to have $25,000,000 of gold, all on the Pacific Coast. We commenced the coinage of silver in February, 1878. In January, 1879, we had $234,000,000 of gold, an increase of over $200,000,000 the first year of silver coinage. In 1882 we had over $525,000,000 of gold; in 1885, over $578,000,000; in 1888, over $706,000,000; in 1891, over $707,000,000; in 1894, over $670,000,000; in 1895, over $618,000,000. Here the record proves the falsity of this prediction for the last twenty years. It is only the nightmare of gold monomaniaism pure and simple, and nothing else.

But suppose the prediction were true. Let us just suppose that the restoration of bimetallism drove all the gold out of the country. Where would it go? Think of it. It belongs to somebody; it can not pick itself up and walk off by itself and hide itself. What would they do with it? Where would they take it? They would take it to Europe. What would they do with it? They would put it in the bank vaults there as a reserve, and it would multiply and increase the value of the reserve there. If there was any possibility of there being anything like half enough gold in the world to meet the purposes of the world for money, it would produce such an excess of gold in Europe that it would depreciate the price; it would necessarily produce an excess of it in those particular places. But they will not give it away when they get it over there. No man will say that. If they do not put it into banks and hoard it, they will sell it for something they are more anxious to hold than gold, something that will be of value, and they will bring it to this country and we shall not have lost one dollar's worth of value.

What will be the effect of gold going out of the country? There will be no full-standard money then but the silver dollar. What will the banks do for a reserve? They are bound to keep a reserve. They will take the silver. Somebody is bound to take it. Silver will then be the only money of final payment, the only money in which national-bank paper can be redeemed or other obligations paid, and that will create a demand for silver; that will increase its price. The flow of gold to Europe will decrease the price of gold there, and that will inevitably bring the two metals to an approximate value. It is inevitable; we can not avoid it.

But we are told that it will derange our foreign trade. No, Mr. President, no. During the entire war period we had no gold, we had no silver, we had no coin, and yet we had no trouble with our exchanges—none in the world. What we sell in foreign countries is paid for in the money of the country to which we sell, and what they sell here is paid for in our money. This will be so, no matter what our standard may be.

Mr. HOAR. Will the Senator in that connection state what was the rate of foreign exchange during the last year and a half of the war?

Mr. COCKRELL. I do not know; but I suppose gold was very high.

Mr. HOAR. It was about 260 or 270.

Mr. COCKRELL. Possibly it was. At one time gold was 270 or 280; but still we got along very pleasantly without it.

That is a mere prediction; but there is another prediction, and that prediction is that it will drive home all our foreign securities; that this country will be deluged with our securities held abroad.

Again, we are told that the restoration of silver would stop the investments of foreign money in this country and cause all our American securities, bonds, etc., held abroad to be returned to this country, and really seem seriously alarmed. What greater blessing could be bestowed upon this country than the giving to our nation and people a sufficient amount of sound, irredeemable gold and silver coined money of our Constitution to enable our people to transact all their business, develop all our resources, and pay for and own all the obligations and debts of every kind of our Government, States, municipalities, and corporations, and receive the interest and enjoy perfect financial independence of all nations and all gold syndicates? Suppose the bonds and securities are returned here; the holders will certainly not give them to us. All they can do is to bring them and sell them to us at such prices as we are willing to pay. Shall we forever remain dependent for money upon the Rothschilds and associates? How can our people earn and secure our own money unless our Government by law authorizes its coinage.

Yet they tell us, and this is the argument upon which they rely, that the opening of our mints to the free and unlimited coinage of silver equally with gold would deluge us with the silver of the world. I am willing to rest the cause of the free coinage of silver upon this one issue. The charge that we will be deluged with silver is a prediction, a fear, an apprehension, a dread. Where is the silver of the world? It is, first, in manufactures, in ornaments; second, in bullion; third, in money, and, fourth, in the bowels of the earth. You can not find any silver in this world anywhere else. There it all is, every bit of it.

How will that silver get here? Take the silver that is in ornaments, in manufactures, in arts. Does not everyone know that that silver is more valuable in the art, in the ornament, in the manufacture in which it exists than it would be if you were to pay for its extraction and then have it coined, destroying the whole ornament, the art, the manufacture of which it is a part? Common sense tells us all that no silver will come from that source. Is there any silver bullion in the world? Search the world over, and I challenge any man to show $20,000,000 of silver bullion anywhere on this earth. It is not stowed away like pig lead, and pig iron, and copper, and zinc, and other metals that can be produced in unlimited quantities. But I will treat of that more fully hereafter.

The next question is as to that which is in money. Will that come here? Let us go by the record. I make no predictions. I want to test the question of the deluge of silver by the recorded facts of history, facts that everyone can see for himself. By our mint report of 1894 the silver money in the world was $3,435,000,000 full legal tender and $619,000,000 of limited legal tender, aggregating more than $4,000,000,000. Let us analyze it. Will this limited legal-tender silver money come here if we open our mints to the unlimited coinage of silver? It contains from 5 to 10 cents less silver to the dollar than our dollar. If it came here there would be an actual loss, aside from the expense of remitting, of from 5 to 10 cents on every dollar's worth. How is it used in the countries where it exists? It is limited legal tender—that is, it is a legal tender for from five to ten dollars—and as such limited legal tender it is the equal of gold. It is the money of the people. It is in daily use. It is the money with which 90 per cent of the individual transactions of the masses of the people is conducted. Go to London, go to any of the cities of the world, and go to the markets and see the kind of money that does the millions of dollars of business of individual transactions. Go to England, with her $105,000,000 of limited legal-tender silver coin. It is the equal of gold for $10. It pays a debt of less than $10 equally with gold. Is any Englishman going to gather up that silver and bring it here and lose from 5 to 10 cents on the dollar in order to get an American silver dollar?

Now, think of it. I want honest, intelligent, thoughtful men to think of this proposition. Will the Englishmen do it? You know they will not. No sane man would do it. If such a man should land here an inquisition of lunacy would be held over him immediately, and he would be sent to an asylum. No, no; it can not come.

Now, let us go to the full legal-tender money. That is the largest amount. Where is it to-day? One-half of all the silver money in the world is in India and China. How is it in India? It is in the silver rupee coined at the ratio of 15 to 1, 6.2 cents less in the dollar than we have. There gold is not a legal tender. Silver is the only legal-tender money in the country. It is the only money they have. It constitutes only $3.20 per capita. Will they bring their full legal-tender silver money here and suffer a loss of 6.2 cents on the dollar in order to get American silver dollars which they can not take out of this country, because the moment they leave our territory the silver becomes bullion? No, no. Will China? All the silver there is only $2.08 per capita. It is in the hands of the people. They have no gold coinage. Silver is the

only money they are beginning to coin. It is there the money of the people, in the hands of the millions and the hundreds of millions of people there. They can not do without it. It is carried from one end of the country to the other. It can not come here.

Now, how about the balance of the silver, the other half of it, full legal tender, remember, coined in every nation at the ratio of 15½ to 1, 3 cents less silver in the dollar than in our dollar? In every country it is the equal of gold. It is full legal-tender money. It is standard money. It is the equal of gold in those countries in the purchase of property and in the payment of debts, and to come here to our mints there must be an actual loss of 3 cents on every dollar, besides the expense of transportation and the delays incident to its recoinage. Why will the silver thalers of Germany, the equal of gold in all transactions, be brought here to the United States to suffer a loss of 3 cents on the dollar? Now, think of it, intelligent men. When you talk about the deluge and shake yourselves with fear and apprehension that this country will be lined over with silver, think of it; think of how it will get here; whence it will come. Will that of France come here? Certainly not. No one pretends that it will. There it is the equal of gold. There it is used equally with gold and at a less ratio than ours, as I said, at 15½ to 1. There is no danger of the silver in ornaments or the silver in bullion or the silver in money coming to this country and flooding us; not a particle.

But we are told that there is an overproduction of silver and that it will deluge us with the metal; that we can not afford to resort to free coinage because of this overproduction. We have heard this in season and out of season. Let us analyze the question of overproduction. This is a prediction, as every argument against silver is. It is said that we have an overproduction. An overproduction how? Compared with the record of the past. That is the only way we can have an overproduction. Let us see if that is the fact. Now we can deal with you, my good monometallist friends, on questions of fact in records which are accessible to us all. But before I leave the question which I was just discussing, I wish to make one more point. I want to know what the people of the world would do with the silver if it were here.

You talk about this country being deluged with silver. Suppose all the silver in the world were dumped into our mints and coined into standard silver dollars in one day; how much would we have? With all the silver money in the world we would have just $46.69 per capita, a very little more money than France has to-day. That would be all. Does anybody believe that all the silver money in the world can be gathered up and brought to our mints in a year, in five years, in ten years, in twenty years, or till Gabriel blows his trumpet? Just think of it. I want to know of those who fear the flood of silver, who is to go through all the nations of the earth with their diverse languages and money coins, some with less and others more silver in them, some new and many worn and abraded, find them, buy them, carrying along the gold or something sufficiently valuable to pay for them, pay the cost of transporting to our mints and have them coined into our dollars?

Just think of the proposition. The mere suggestion shows the ridiculous absurdity of such a prophecy as the flooding of this country with the silver of the world. But what would they do with it? Now they have brought it all here, what are they going to do with it? Would they give it to us? Oh, no. What would they do? They would take it to our mints; certainly. They would have it coined; certainly. They would get it back; certainly. And that would be the end of it. That is all we propose. Open the mints to the silver of the world; let it come along and be coined into our dollars. Take them and do what you please with them. What are they to do with them then, pray tell me? They would not give them to us? Oh, no. They would not take them away from this country? Oh, no. The moment they got them out of our territorial limits they would be bullion. They would have to buy something that we were willing to sell them at our price. That is all. Would that be a curse to this country, with our billions of products to be sold, if they were sold for standard money, constitutional money, the equal of gold by our laws? Certainly that is all they could do with it.

Now I come to overproduction. In the fifty years from 1801 to 1850 of the total product of the gold and silver of the world, for every $100 worth, 36.7 per cent was gold and 63.3 per cent was silver. Now take the twenty years from 1874 to 1893, when there was an overproduction charged. What was the product? Of every $100 worth of both gold and silver, 47.4 per cent was gold and only 52.6 per cent was silver, $10 less silver in every $100 worth of both metals in the twenty years from 1874 to 1893 than in the fifty years from 1801 to 1850, and you call it overproduction. For the ten years from 1831 to 1840 the product of silver was 64.77 per cent in every $100 worth of both, and in the ten years from 1881 to 1890 it was only 55.07 per cent of silver, $9.70 less silver in every $100 worth in the ten years from 1881 to 1890 than in the ten years from 1831 to 1840. Does that show an overproduction? Certainly not.

From 1493 to 1873 the record shows the production of silver to gold to have been 20 to 50 per cent greater than it has been since 1873. There is the record in the mint reports. Those reports state it just as I say. It shows that during that period the production of silver to gold was 20 to 50 per cent greater at different dates than it has been at any time since 1873, and yet what a remarkably steady ratio was maintained between the two metals for that entire period of four hundred years. No, Mr. President, no deluge of silver will ever come to this country from other countries. There never has been a deluge.

There is another fact that can not be answered. No nation on this earth has ever been deluged with more silver full legal-tender money than it could use, or of silver and gold combined. Silver can not be produced in unlimited quantities any more than gold. But here is another argument, and I challenge any gold-standard advocate to refute it or to meet it. I say it is an unanswerable argument. I state that in advance, that your attention may be specifically directed to it. By the mint records of 1894, in the twenty-one years from 1873 to 1893 the world's silver production was $2,609,925,533. Twenty per cent of that at least was used for industrial purposes. Many estimate it higher. Deduct 20 per cent for industrial purposes, and you have left for monetary use $2,087,940,427. How much silver was coined in the mints of the world during that time? In that period of twenty-one years the world coined $2,457,993,104 of silver, being $370,052,677 more of silver than was left for monetary purposes. Deduct only 12½ per cent, and everybody must admit that more than that was used for industrial purposes, and yet the world coined $174,308,262 more of silver than was left for monetary purposes.

Now, my friends, these are not idle predictions. They are the recorded facts and figures of history, and they conclusively prove, first, that there is no silver bullion in the world stored away; secondly, that the annual production of silver is wholly consumed year by year and more too; and, third, that as in the past so it will be in the future, the annual product of silver will be consumed in the world. It must be so. Why? No nation can do with gold only. No nation can ever get along with gold as its only metallic money. You can not make your dollars and half dollars out of it. You have to use silver, and every gold nation on earth to-day is using silver as a limited legal tender and as small money. That silver must be annually added to. It rapidly disappears. It is abraded and worn. It is lost. It has to be supplied annually, and some nations have a fixed law prescribing an annual increase of silver coin in proportion to the population, and the annual increased consumption is equal to the annual product. Then the gold nations can not do without silver, because silver is the money of the world to-day, in which 90 per cent of the individual transactions are had. England can not part with her silver; Germany can not; France can not. None of the nations of the world can, and they must add to their coinage every year.

Mr. HOAR. The Senator's statement is exceedingly interesting to me, the most interesting statement of the proposition to which I have had the honor to listen, and I have listened to many on this same general subject. What does the Senator from Missouri understand to be the motive of all those European nations, then, in limiting the coinage of silver?

Mr. COCKRELL. Simply because their Governments are in the hands of the aristocratic, the wealthy classes, and they want to increase the purchasing power of the dollars named in their bonds and securities and to depress the selling price of all the products of the world that they have to buy.

Mr. HOAR. But my question is not exactly answered. If, as the Senator understands, opening the mints to the free coinage of silver will not decrease the purchasing power of gold at all, but it will remain the same——

Mr. COCKRELL. I do not say it will not decrease the purchasing power of gold. I say it will. I did not say it will not.

Mr. HOAR. I thought the Senator claimed that the standard money of the country would remain of equal value——

Mr. COCKRELL. It would.

Mr. HOAR. If we opened the mints to the coinage of silver?

Mr. COCKRELL. It would, by silver going up and gold coming down.

Mr. HOAR. Very well. Then those moneyed men and aristocrats have not increased the purchasing power of the dollar of the country or have not affected it by closing their mints——

Mr. COCKRELL. They would, if they were to open their mints to the coinage of silver. They did affect it by stopping the coinage of silver. They doubled the purchasing power of every dollar of their securities by demonetizing silver, and they want to hold to it. If you will read Mr. Rothschild's statement before the Berlin conference, at which the distinguished Senator from Iowa [Mr. ALLISON] was present, you will see he says: "The low prices of wheat and other products is not a curse; it is not injurious to us." Certainly not. I will in a moment come to that point to show why England wants gold monometallism. In an article from The Statist——

Mr. HOAR. Perhaps, if I do not understand—I am sure that I do—the Senator will pardon me.

Mr. COCKRELL. Certainly; it is no interruption.

Mr. HOAR. I understand the Senator to claim that the quantity of silver used in different countries as money would not be changed, that none of the silver of other countries would come here any more than there is now, by opening our mints to the free coinage of silver; that they would keep their silver as they have it now and we would keep ours as we have it now; that there would be no change. I do not see, if that doctrine be true, what difference the limiting of the coinage of silver by the great European nations has made to anybody. That is my trouble.

Mr. COCKRELL. The limiting of it is in the fact that they have got it as a minor coin, a legal tender for not exceeding $10, and the Rothschilds are never bothered with silver. They do not have ten-dollar transactions, as Mr. Alfred de Rothschild said in the Berlin conference. He said: "Why, we can not have full legal-tender silver. My house transacts business amounting to several million dollars at a time, and we could not have silver dollars." Oh, no, that kind of money must not be made for that race and that class of bankers.

Mr. HOAR. Perhaps that is very good sarcasm on Baron Rothschild, if he be a baron, but it does not quite answer my inquiry. I understand the Senator to say that if we opened our mints to the free coinage of silver there would be no temptation whatever to bring the silver from any part of the earth here; that it would remain as now performing its functions. To be sure there is a limited coinage there, but it would remain just where it is now. The limited coinage of silver in all those countries is the equal of gold at a ratio, as the Senator has just stated. I can not understand, if that proposition be true, how it is that the limitation of the coinage of silver in those countries or in this country makes any difference to any mortal man.

Mr. COCKRELL. It makes all the difference in the world, as I have said.

Mr. HOAR. The silver in this country now, under our limited coinage of silver, our five or six hundred millions, is equal to gold.

Mr. COCKRELL. Oh, no.

Mr. HOAR. It is quite as good.

Mr. COCKRELL. Oh, no.

Mr. HOAR. Certainly. It is true that in the panic several years ago silver was 3 per cent above gold in value.

Mr. COCKRELL. Certainly it was, and Secretary Carlisle refused to receive gold for it at that time.

Mr. HOAR. I understand. I am not talking about the bullion values; I am talking about the money values.

Mr. COCKRELL. That is it exactly.

Mr. HOAR. The silver in this country which we have coined is equal in money value to gold to-day. It is equal in the other countries in money value to gold, where it is coined, the limited amount, and the silver of the world exists, that in money and that in the arts, with that value. Now, I am not asking about whether the fact be so or not, but I take the Senator's statement. He says for us to open our mints to silver would not change that.

Mr. COCKRELL. It would not cause that silver to come to our mints.

Mr. HOAR. It would not cause it to come to this country. Therefore it would leave the silver of the world exactly where it is—unaffected. If that be so, what earthly difference does it make whether the existing condition shall continue or not?

Mr. COCKRELL. There are two things. Silver is a limited legal tender there, and in that capacity it is not a measure of value.

Mr. HOAR. If the Senator will pardon me, the coined silver is a full legal tender there as it is here.

Mr. COCKRELL. No; I beg pardon. There are two kinds of coined silver.

Mr. HOAR. It is of full legal value.

Mr. COCKRELL. There is the limited legal tender, $619,909,000. That is limited in legal tender, anywhere from $2 up to $10—40 shillings in England. That does not pay any of the debts and obligations. Silver is not the standard and measure of value. The standard and measure of value in England is gold. In Germany it is the gold standard. In other nations it has been the gold standard. The amount of gold is the measure of value of the products of the world, and silver is not estimated in it. Therefore gold has doubled in its increased purchasing power and silver does not affect prices. Gold does affect prices, and its scarcity decreases prices.

Mr. TELLER. Will the Senator from Missouri allow me to suggest to the Senator from Massachusetts that the silver in this country would perform exactly the same function if it was paper that it does now?

Mr. HOAR. Undoubtedly.

Mr. COCKRELL. Precisely. It is not treated as money of final payment at all.

Mr. TELLER. It would not measure value.

Mr. HOAR. That is transferring the question to another thing. My question was to test the soundness or correctness of the Senator's argument, which has been so very interesting and so very powerful and clear. I will state my proposition. It does not make any difference whether the gold is the standard or not with reference to this proposition. The Senator says there is in Germany and in France and in England a certain amount of silver. Being a limited amount, whether in terms it is a legal tender in small sums or large—in fact, the coined silver of those countries is equal in its existing value, not bullion value, but the value after it is coined, to gold.

Mr. GRAY. In exchangeable value.

Mr. HOAR. In exchangeable value. You can at any time take silver dollars or their equivalent in this country, in England, or elsewhere, and exchange them for corresponding gold coin on equal terms. So far that is agreed. The Senator says if you were to open the mints of this country to the unlimited coinage of silver, instead of limiting it to the limited amount of circulation here, there would not any more silver come to this country than there is now; that the same amount of silver would remain over there, because there is no temptation to bring it here. Then the silver of the world would be in exactly the same condition.

Mr. TELLER. No; not in the same condition.

Mr. HOAR. Abroad they would have it in the same condition. The silver of the world would maintain in those countries precisely the same relation to gold that it has now, and the silver here would have the same relation to gold that it has now.

Mr. COCKRELL. Oh, no.

Mr. HOAR. Now, what earthly advantage is there in those countries to the gold men, to these Rothschild demons, in maintaining their limited coinage, if taking away the limit does not change the relation between coined silver and coined gold and does not make a flow of the silver of the world to one country, to the country where the coinage is unlimited from the countries where it is limited? What earthly difference does it make? That is my proposition.

Mr. COCKRELL. Mr. President, I have explained fully that the silver money of the world where it is will remain there and will not come if we restore the free and unlimited coinage. It is limited in its power there. There are $679,909,000 of limited legal-tender silver. It is coined at the ratio of about 14½ to 1. There is much less silver in it, from 5 to 10 cents less silver, and it will not come here. The amount of the silver as full legal tender there is limited. There is no free coinage. It is limited in amount. It is the full equal of gold there; they are using it as such; they will not part with it; they must have it in the character in which it is used now, and they must add to it.

Mr. HOAR. Should we have any more silver coined here than we have now?

Mr. COCKRELL. I think we should have more coined here.

Mr. HOAR. Where would it come from?

Mr. COCKRELL. I think perhaps not so much would go into the arts and manufactures and there would probably be a stimulated production of silver in our own country. The silver product has fallen off in the past few years; but it would not come in an amount sufficient to flood the country or be more than we could consume as we have done in the last twenty years.

Mr. HOAR. As I understood the Senator a little while ago, he said that he did not think the amount of silver in the arts would be diminished?

Mr. COCKRELL. I said that that which is already used in the arts would not come to us.

Mr. HOAR. Does the Senator suppose that some would come from other countries to be used in the arts?

Mr. COCKRELL. I suppose that there would but little come.

Mr. HOAR. Practically——

Mr. COCKRELL. Practically it would go back to just what it was before.

Mr. HOAR. It would make no substantial difference.

Mr. COCKRELL. But just for the time being. I say the mere fact of our opening our mints might for a short time bring some silver to us that would not otherwise come, but there would be no flood, no deluge, no danger from it; no more would come than we could assimilate and absorb as money of final payment and redemption and the equal of gold.

Mr. HOAR. Does the Senator understand that the stimulus to increased mining of silver would have an effect which would reduce the value of silver?

Mr. COCKRELL. What is the Senator's question?

Mr. HOAR. Does the Senator understand that by having the unlimited coinage of silver in this country there would be an increased silver product occasioned by the stimulus for the mining of silver which would have an effect on the proportionate value in its relation to gold?

Mr. COCKRELL. No; I do not think it would have any effect on the value. There would be a little increased product, but not an unlimited one, because it never has been and never could be produced in unlimited quantities.

Mr. HOAR. Then my original question is, what earthly difference does it make whether we maintain or do not maintain free coinage?

Mr. TELLER. If the Senator from Missouri will pardon me a moment, I should like to state to the Senator from Massachusetts the contention of the bimetallists. It is that the standard money, which is gold now everywhere (for silver in this country, whatever may be its relation to gold, is a subordinate money), determines the prices of products the world over. I saw that recently disputed in the New York Tribune, and I went to-day to look up what old Blackstone said on the subject, and he lays that down as early as his time as an unquestioned law of money. We say if that is true, when you open the mints to silver and make silver and gold equal in their money functions and money privileges you have done exactly what you would have done if you had transmuted by some process all of that silver into gold. As I have heard the Senator from Delaware [Mr. GRAY] say, it is the potentiality of all the silver bullion in the world to perform the functions of gold. That is what makes it.

Mr. COCKRELL. Now, Mr. President, I come to another prediction, or rather a statement of fact. It is remarkable. I want to call the attention of the lawyers of the Senate to it. The objection is that law can not increase the value of the metal in the coin.

Mr. PALMER. I apprehend nobody disputes that.

Mr. COCKRELL. I thought the Senator would assert it.

Mr. PALMER. I suppose that whenever the law furnishes a new employment for a metal it increases its value.

Mr. COCKRELL. Oh, I did not understand the Senator. I beg pardon; he states the proposition correctly. But I am sorry that while my distinguished friend from Illinois maintains a true cardinal bimetallic principle he is still following after the will-o'-the-wisps and the jack-o'-lanterns of the gold standard.

Mr. PALMER. I have always maintained, and I repeat now for the benefit of my friend from Missouri, that silver may be enhanced in value by giving it new uses, but I doubt whether silver can be made as valuable as gold, for the reason that I need not take time to point out.

Mr. COCKRELL. Now, then, our gold monometallist friends sneer at the 50-cent silver dollar; they tell us that the commercial value of the silver is only 50 cents in the dollar, and the distinguished jurist and statesman, Hon. John G. Carlisle, formerly a member of this body, now Secretary of the Treasury, in his gold-standard campaign of last year asserted upon the stump these words:

The laws establishing ratio do not affect the value of the metal contained in the coin, either at home or abroad, because it is the metal—

The metal—

that fixes the value of the coin and not the coin that fixes the value of the metal.

Then, my good friend from Illinois is not a full-fledged gold-standard advocate. Here is the gold-standard assertion, headed by Secretary Carlisle, and the whole procession began proclaiming the same doctrine, and have kept it up ever since. Silver dollars are dishonest money in their estimation. Legislation against silver, they tell us, did not cause a fall in the commercial prices of the silver metal, nor the fall in the prices of the commodities of the world, nor the rise in the purchasing power of gold. These are most remarkable assumptions and assertions.

What is it that gives to gold and silver their value? Why are they precious metals? We can not eat them; we can not live on them for food and clothing. We can only wear them as ornaments. They have only two uses that give them any value. One is their use industrially in the arts and manufactures. This is a limited demand. The other is their use for monetary purposes. If you open the mints of the world to the free coinage of both it creates an unlimited demand. The law for the coinage of gold and silver establishes an unlimited demand at a fixed price, and it fixes commercial value at that price.

Mr. PALMER. Will my friend from Missouri allow me to remind him of the expression he used a few minutes ago? I understood him to say that the parity of values, in very common phrase, would be produced by two processes; that one would be the enhanced value in silver, and the other would be a depression in the price of gold.

Mr. COCKRELL. Yes.

Mr. PALMER. Is that his theory?

Mr. COCKRELL. Certainly. I do not agree with Secretary Carlisle, as I shall show directly. The law for the free and unlimited coinage of gold and silver at a fixed ratio creates an unlimited demand for the metal at a fixed price. Now, destroy that law and you destroy that unlimited demand for the metal, and that metal falls in its commercial value because that is the only demand left for its use, and the other metal that still has free and unlimited coinage has still an increased and unlimited demand and it rises in its purchasing power. Without law there is no money, no legal tender, no fixed value, no ratio, no payment of any obligation at the end of the law. Without law gold and silver are mere metals, have no fixed value, no fixed price, no fixed ratio; they are only accepted as any other commodity, at whatever price may be agreed upon. Now, by law they are created into money. Money does not exist by nature; money is the creature of law and of law alone.

Mr. President, I have numerous quotations here to sustain the theory that money is the creature of law; that the commercial value of silver was depressed and lowered by its demonetization and the discriminating legislation against it; that with the lowering of the price of silver followed the lowering of the prices of all the products of the world—real, personal, and mixed—and also the increased purchasing power of gold. Gold has doubled in its increased purchasing power, while silver has still the purchasing power it always has had relatively measured by commodities.

I quote from the speech of Hon. John G. Carlisle in the House in 1878, who said:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation from three-sevenths to one-half the metallic money of the world is the most gigantic crime of this or any other age. The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half the metallic money in the world.

It is the truest prophecy that he ever uttered. It has been exemplified ever since 1873, and to-day we are experiencing the disasters which he predicted would be the result of that policy.

I want to call attention to Hon. John G. Carlisle as a lawyer and the representative of the honest yeomanry of Kentucky when he was declaring what effect law had upon money:

With an ample currency—

Said he in 1878—

With an ample currency, an industrious and frugal people will speedily rebuild their works of internal improvement and repair losses of property, but no amount of industry or economy on the part of the people can create money.

Listen to that!—"can create money"—

When the Government creates or authorizes it the citizen may acquire it, but he can do nothing more.

There is Hon. John G. Carlisle when he upon the floor of the Senate represented the honest yeomanry of Kentucky and before he was wined and dined by the Belmonts and the Rothschilds, the gold brokers and the bond lovers of Europe and Lombard street. I say in 1878 Secretary Carlisle announced the principle correctly. In 1895, when he attempted to reverse himself, he stated what is contrary to the whole history of the world and every legal writer upon the question.

When our Government authorizes by law the coinage of gold and silver into our dollars of money it stamps upon the faces of the coined money the year of the coinage, the words "United States of America" and the value of the coin; if silver, "One dollar," and if gold, "Ten dollars," "Five dollars," and declares the legal-tender value to be the nominal or stamped value.

Mr. President, coined dollars are then money, absolute money, irredeemable money, without price and of the exact value stamped upon their face. There is no such thing as cheap money. Cheap money of final payment and redemption! There is no such thing. Paper currency, although a legal tender, is a redeemable money. It is not absolute money, it is not the measure of value. It is redeemable, and depends upon the solvency of the Government issuing it. The Government may issue it to such an amount that it will become utterly worthless and not even worth the paper on which it is printed.

Mr. GRAY. Its value depends upon the probability of its being redeemed.

Mr. COCKRELL. Its value depends, as the Senator from Delaware says, entirely and absolutely upon the probability of its being redeemed.

In 1868 the advocates of bimetallism pointed out and gave warning of the inevitable results of demonetizing silver by any leading nation then using it with free and unlimited coinage. Their warnings were unheeded and scorned by the gold advocates, who refused to see the pitfall before them and madly and blindly rushed toward the phantom light of the gold standard, just as they are doing to-day, perfectly infatuated, unmindful of reason, facts, and arguments.

I quote from the speech of the distinguished Senator from Ohio [Mr. SHERMAN] of July 11, 1876, in the Senate. I have quoted it before. The Senator knows it is correct:

The enormous effect of the law in Germany and as a consequence the partial demonetization of silver coins I suppose is felt by every man, woman, and child who buys or sells anything. A struggle for the possession of gold at once arose between the great nations, because anybody could see that if $3,200,000,000 of silver coin were demonetized and $3,500,000,000 of gold coin made the sole standard it would enormously add to the value of gold, and the

Bank of France, the Bank of England, and the Imperial Bank of Germany at once commenced grasping for gold in whatever form. Therefore, what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of the demonetization of silver.

I quote from the letter of Senator SHERMAN of July 15, 1878, in which he states truths diametrically opposite to what Secretary Carlisle asserted in 1895:

During the monetary conference in Paris, when silver in our country was excluded from circulation by being undervalued, I was strongly in favor of a single standard of gold. At that time the wisest among us did not anticipate the sudden fall of silver or the rise of gold that has occurred. This uncertainty of the relation between the two metals is one of the chief arguments in favor of a monometallic system, but other arguments showing the dangerous effect upon industry by dropping one of the precious metals from the standard of value outweigh in my mind all theoretical objections to the bimetallic system.

I now quote from Robert Giffen, a gold-standard advocate of England:

If events are the touchstones of prophecies, no prophecy was ever more certain than the increased dearness of gold. That the fall of prices to an extent so general as we are at present experiencing is to be referred to an increase in the purchasing power of gold is generally, and I might say almost universally, conceded.

I want now, for the benefit of my good friend from Massachusetts, to show how the English are benefited by the single gold standard. I quote from the London Statist, a gold-standard authority, I understand, a reliable statistical paper. It said in one of its recent issues:

The cash value of our imports in 1895 was £416,687,000, but at the 1890 level of prices the value would have been no less than £507,100,000. The benefit to this country, therefore, from the fall in prices of foreign and colonial produce in 1895 compared with 1890 thus amounted to the enormous sum of £90,400,000.

Four hundred and fifty million dollars of benefit by the decreased prices of commodities the English people had to buy between 1890 and 1895. But the paper goes on and says:

On the other hand, our exports in 1895 were of the cash value of only £226,169,000, whereas at the prices of 1890 the value would have been £267,600,000, thus entailing a loss of £41,500,000, due to the fall in prices. On balance, therefore, the fall in prices in 1895 compared with 1890 gave a profit to this country amounting to about £49,000,000.

About $250,000,000 they made by the decreased price in the commodities they had to buy. England thus in the last five years bagged $250,000,000 net of the substance of other nations (chiefly of the American people) because of the decline of prices during the past five years. It was able to do this, first, because it is a creditor country, and, second, because, while its exports were manufactures, the stuff it bought in other lands was chiefly raw material. The manufacturer can always in a measure protect himself from shrinkage, because if he must sell cheap he can also buy his raw material cheap. The loss falls heaviest upon the producer of primary substances, like the farmer, who begins the work of production and can not recoup his losses by moving back upon any other producer. England can not feed her people; but she has compelled us to give them food below the real value; she grows no cotton, but she has forced our planters to supply her mills with the staple at half price; she mines no silver, but she has bought for use in her Eastern trade American silver after driving down the price from $1.29 an ounce to 65 cents. How did she contrive thus to filch from our people their substance? By inducing us to adopt her gold standard and enlisting in behalf of the maintenance of that robber system the American press, the American bankers, and a great body of American citizens who do not perceive the true character of the conspiracy.

J. Thorold Rogers, an eminent English economic writer and gold advocate, in a lecture on the commercial and industrial history of England, said:

The fall of silver is entirely due to the cessation of silver minting and the abandonment of a silver standard, according to the law I laid down in an earlier part of this lecture, "that the dominant factor in any one of the precious metals which determines its value is its use as currency."

The editor of the Encyclopedia Britannica, ninth edition, in summing up the varied views on money, says:

The objection which denies the power of government to fix the relative values of gold and silver * * * may be set aside by the consideration that the use of the precious metals takes two forms, (*a*) their use as commodities; (*b*) their use as money. Since the state can influence the demand for these metals as money, and since, therefore, it can raise the value of either of them by this increased demand, it follows that within assignable limits it can fix the ratio between them, and that these limits are the ratio which would subsist between their values if gold were demonetized and that which would subsist if silver were demonetized.

I quote from Mr. Alfred de Rothschild, a delegate from England to the Brussels Conference in 1892, to show the effect of law upon the price of the metals. He said:

Gentlemen, I need hardly remind you that the stock of silver in the world is estimated at some thousands of millions, and if this conference were to break up without arriving at any definite result there would be a depreciation in the value of that commodity which it would be frightful to contemplate, and out of which a monetary panic would ensue the far-spreading effects of which it would be impossible to foretell.

I want it recorded in the annals of our country that one gold advocate has made one prediction that has been fulfilled, and the only one that has ever been fulfilled. He predicted in 1892 the crisis which was then approaching if that conference should adjourn without rehabilitating silver. It did adjourn without rehabilitating silver, and the results have followed just as he said.

I quote now from Secretary Carlisle's report to the House of Representatives of October 4, 1893, when he said:

As is well known, on June 26 the legislative councils of India enacted a bill closing their mints against the free coinage of silver. Upon this action becoming known there was great pressure to sell silver, and the market became completely disorganized, the price in London declining from 37 to 30½ pence and in New York from 84 to 62 cents per ounce.

Twenty-two cents per ounce fall caused by a law of India, and yet in 1895 this distinguished Secretary tells the country in his gold-standard campaign and crusade that a law establishing the ratio does not affect the value of the metal in the coin at home or abroad, because it is the metal that fixes the value of the coin, and not the coin that fixes the value of the metal. It is a poor cause which calls for such a miserable pretext of argument.

Certainly, then, the result of laws demonetizing silver has been a fall in the commercial value of silver and a rise in the purchasing power and commercial value of gold, and a fall in the debt-paying power—the selling price of all property, real and personal.

Had gold been demonetized instead of silver, it would have fallen in commercial value as silver has, and bimetallists would be most strongly urging the restoration of gold to its old place, and our gold advocates would be silver advocates, and calling gold the cheap, dishonest, unsound 50-cent money.

The gold advocates say that the commercial value of gold is equal to its coinage value. It is true that while the purchasing power doubled, its commercial and coin value remained about the same. Why? What gives gold bullion a commercial value about equal to its coinage value? There can be but one answer. It is law, and only law. England by her law in 1816 established the single standard of gold and opened her mints to its free and unlimited coinage at £3 17s. 10½d. per ounce, and by law in 1844 required the Bank of England to purchase all gold bullion offered at the fixed price of £3 17s. 9d., only 1½d. less than its coined value. The United States, Germany, France, and other countries have mints open to the free and unlimited coinage of gold at a fixed price. These laws endow gold bullion with the functions of money and maintain its commercial value at its coin value.

Secretary Carlisle ridiculed bimetallism and the double standard. He declared that it was a failure here and in France: that it was incomprehensible to his mind: and he asked how it was possible to have two different legal and authoritative measures of the same thing in use and at the same time. He forgets that Congress, by the Constitution, fixes the standard of weights and measures, and that we have exact pound weights made from iron, brass, lead, etc., and bushel and gallon and yard measures made from iron, tin, wood, brass, and other materials, and each weighs or measures the exact weight, quantity, or length indicated with as much precision as if all were made of gold.

As to the alleged failure of bimetallism, Secretary Carlisle says we had silver monometallism practically from 1792 to 1834, and practically gold monometallism from 1834 to 1873. These statements depend upon the past events. To the record of the past we appeal.

As to the alleged silver standard, 1792–1834, President Jefferson, on May 1, 1806, through his Secretary of State, advised the Mint Director that "the President directs that all silver to be coined at the mint shall be of small denominations, so that the value of the largest piece shall not exceed half a dollar," and assigned as a reason that the bank director had represented that silver dollars of our coinage were being exported—purchased for export.

No more silver dollars were coined to 1835, but many millions of dollars in halves, quarters, and dimes, full legal tenders in payment of all debts, were coined, and gold and silver coins of foreign mintage were legal tenders by our laws. Why, if we were on a silver standard, were our coined silver dollars exported? The mint record shows that in every year up to 1834, except the years 1816 and 1817, our mints coined gold aggregating over fifteen and a half millions of dollars. Why was gold coined? Certainly not for export, and certainly for domestic use.

As to the gold standard, 1834–1873, the mint records show the coinage of standard dollars in every year except 1858. Why coined? Certainly not for export, but for domestic use. Besides the dollar coinage, we coined many millions of silver half dollars, quarters, and dimes, full legal tenders in all payments, to 1853; and by our laws to 1857 silver dollars of foreign mintage were also a full legal tender and in circulation.

In both periods our mints were open to the free and unlimited coinage of both gold and silver into full legal-tender money of final payment, and both were coined in every year except the three years I have named.

Sometimes we had more of one coin and then at other times more of the other coin.

Neither coin was depreciated nor at a premium, and the business neither of the country nor the people was affected.

So it was in bimetallic France, with her ratio of 15½ to 1. Her mints were open to the coinage of both gold and silver upon equal

terms, and both were coined in every year from 1803 to 1874, except no gold in 1872 and 1873. During this period her mints coined $1,513,105,189 of gold and $948,511,859 of silver.

As here, so it was in France; neither coins at a premium or discount, and neither people nor business affected by the slight fluctuations which caused speculators and brokers to ship from one country to another. The coins were balances to each other and maintained a practically equal value.

During this period there were very great fluctuations in the world's product of silver and gold, much greater than has occurred since 1873, and yet they maintained a remarkably stable ratio at about 15½ to 1, and were only three times above 16 to 1—16.08 to 1 in 1808, 16.11 to 1 in 1812, and 16.25 to 1 in 1813—and never below 15 to 1. Thus the ratio remained substantially what it had been since 1687—about 15½ to 1.

According to the official records, bimetallism was not a failure either in the United States or France, but a decided and beneficial success in each country.

In still more conclusive proof of Secretary Carlisle's charge of the failure of bimetallism, I quote from the final report of the English royal gold and silver commission, organized in 1886, composed of twelve distinguished English statesmen, gold monometallists and bimetallists of the English stripe. I will state that this is a unanimous report, signed by all the members in 1888.

> Looking, then, to the vast changes which occurred prior to 1873 in the relative production of the two metals without any corresponding disturbance in their market value, it appears to us difficult to resist the conclusion that some influence was then at work tending to steady the price of silver and to keep the ratio which it bore to gold approximately stable. * * *
>
> Now, undoubtedly the date which forms the dividing line between an epoch of approximate fixity in the relative value of gold and silver and one of marked instability is the year when the bimetallic system, which had previously been in force in the Latin Union, ceased to be in full operation. And we are irresistibly led to the conclusion that the operation of that system, established as it was in countries the population and commerce of which were considerable, exerted a material influence upon the relative value of the two metals. So long as that system was in force, we think that, notwithstanding the changes in the production and use of the two metals, it kept the market price of silver approximately steady at the ratio fixed by law between them, namely, 15½ to 1. * * *
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> Nor does it appear to us a priori unreasonable to suppose that the existence in the Latin Union of a bimetallic system with a ratio of 15½ to 1 between the two metals should have been capable of keeping the market price of silver steady at approximately that ratio.
>
> The view that it could only affect the market price to the extent to which there was a demand for it for currency purposes in the Latin Union, or to which it was actually taken to the mints of those countries, is, we think, fallacious.

I call particular attention to this:

> The fact that the owner of silver could in the last resort take it to those mints and have it converted into coin which would purchase commodities at the ratio of 15½ of silver to 1 of gold would, in our opinion, be likely to affect the price of silver in the market generally, whoever the purchaser and for whatever country it was destined. It would enable the seller to stand out for a price approximating to the legal ratio and would tend to keep the market steady at about that point.

With these mint records and the unanimous report of this commission just read before him or accessible to him, Secretary Carlisle, in his Covington speech—and I call attention to this profound argument—last summer or spring, said:

> The banking and other great financial institutions, which own and hold in their reserves much the greater part of this gold, would at once sell it at a large premium for silver, about two dollars for one, or they would exchange it for silver bullion in the market at the ratio of about 32 pounds of silver for each pound of gold, have the 32 pounds of silver coined into dollars at the expense of the people, and with this cheap money pay the demands of their depositors and other creditors.

I was surprised at a Secretary of the Treasury making such an assertion. When I read it in the press I was loath to believe that he had actually made such a statement until I read in the press parrot-like repetitions of substantially the same statement by other gold-standard advocates, particularly Hon. William D. Bynum, of Indiana, and others in the employ of the Sound Money League of New York, making patriotic speeches in behalf of the gold standard, and making such assertions as that.

The statement, when analyzed, is, to speak mildly, absurd and ridiculous. Every sane man must know there is no place in the world where even twenty-five millions of silver bullion, much less six hundred millions, could be purchased. Think of it! We have opened our mints to the free and unlimited coinage of the standard silver dollar, and Secretary Carlisle tells the people that the holders of this gold, after the mints are opened, will go out into the markets and buy up all the silver at 50 cents on the dollar, take it to the mints, have it coined, and then pay off their debts and obligations with it. Are all the people of the world idiots? Are they blind? Will they refuse to take their silver to the mints and have it coined, but, on the contrary, sell it to the gold bankers at half price? Think of such arguments as these to be resorted to for the purpose of bolstering up that ignis fatuus called the gold standard.

Whenever it was known that our mints would be opened at once to the free and unlimited coinage of silver at the ratio of 15½ or 15.988 or 16 to 1, that would make a fixed price for silver in this country and in the world, and in every part of it; and no holder of silver bullion would sell it for much less than that fixed price. Everybody knows that. The history of the past tells us so, and it is a strange spectacle for the Secretary of the Treasury by such argument to bolster up the standard to which he has become a recent convert, though I admit that recent converts have the right to become very zealous in the advocacy of their new ideas and new schemes. I do not, however, think they should resort to such arguments and such stuff as that.

The mint records and the unanimous report of the commission I have just read prove this as conclusively as anything to occur in the future can be proved by exactly similar occurrences in the past.

But our gold-advocate friends have another fear. "Oh," they say, "you are advocating the restoration of silver for the benefit of the mine owners." How they roll that as a sweet morsel under their tongues—restoration of silver is for the benefit of the mine owners. Why? The gold advocate says, "Because it will increase the price of bullion." Increase the price of bullion? Secretary Carlisle, your leader, tells you that the law establishing the ratios does not affect the value of the metal to be coined. It is the value of the metal in the coin, it is the metal that fixes the value of the coin, and yet you say if we restore silver the increased price of silver will benefit the mine owner. That is a ridiculously flimsy pretext. Let us stand up like men and advocate upon historical records and facts the policies we espouse.

Mr. President, the degradation of silver and the discrimination by laws against it prevent the rise in its commercial value. It is idle to expect silver, degraded and discriminated against as it has been, to rise in its commercial value.

Ever since the recoinage of silver dollars began in 1878 every President and Secretary of the Treasury has proscribed and discriminated against them. They have refused to treat or use them equally with gold in paying interest or principal of our coin bonds or even in redeeming greenback or Treasury notes, although every bond issued since July 14, 1870, has upon its face these words: "Redeemable in coin of the standard value of the United States on said July 14, 1870." Germany, although with a gold standard, has $105,000,000 of full legal-tender silver money, coined at the ratio of 15½ to 1, with 3 cents less silver than in our dollar. They use it equally with gold and do not call it a cheap, dishonest, 50-cent dollar. They pay it out equally with gold and honor it.

France has over $400,000,000 of silver money at the ratio of 15½ to 1, with 3 cents less silver than in our dollar. They use it equally with gold and never call it a cheap, 50-cent dollar. It is there used and honored equally with gold and as the equal of gold.

Now listen to this strange fact: From 1880 to December 31, 1895, gold and gold obligations were voluntarily exchanged at our mints for silver dollars and silver certificates to the extent of over $186,000,000. Here is a remarkable instance: Shortly before August 17, 1893, gold coin was presented to our Treasury officials and silver dollars asked in exchange and refused for the reason, as stated by Secretary Carlisle—

> That all the silver dollars in the Treasury at the time were required under the provisions of the laws relating to the currency to be held in the Treasury to cover the outstanding silver certificates and the Treasury notes issued under the act of July 14, 1890.

The Secretary refuses to give silver dollars in exchange for gold because he must hold the silver dollars to redeem the Treasury notes, and then when the Treasury notes are presented, he chooses to hold on to the silver dollars and to pay the notes in gold, not in the silver dollars that he has hoarded in the Treasury and refused to exchange for gold.

With equal propriety and assurance you might expect parents having two daughters to maintain them in equal standing, honor, and virtue when they recognize and treat the one only as honest and virtuous and refuse to recognize or treat the other as her equal or to introduce her into society, and merely give her lodging room and proclaim her to the world as dishonest, immoral, and lascivious.

The gold advocates say we have plenty of money, we need no more money. If so, then I ask why, in every financial panic, does the clearing house in New York issue its millions upon millions of clearing house certificates, as it did issue in 1893 $38,000,000, and only recently issued some? What more conclusive proof is there that there is an insufficiency of money than this one fact?

Secretary Carlisle and others proclaim that 90 to 95 per cent of the business of the world is done by checks and drafts and that we do not need any more money, that these answered the purpose of money. Upon what is this assertion based? Think of it a minute. It is based upon confidence. You take this man's check because you believe he has money in bank with which to pay it; you take another man's draft because you believe you will get the money on it when it is presented. It is based entirely upon confidence. If confidence is a sufficient foundation for a safe, stable financial system, let us do away with gold and silver and paper currency, and let everybody take everybody's check, go to the bank with it, and have it credited there. Let us have confidence—unlimited confidence. We need more irredeemable money of final payment and redemption. Our laws alone can authorize it. We must so authorize it by our laws before the

people can even have a chance to earn and acquire it by industry and frugality. They need such money, authorized by the laws of our nation, for the transaction of their many billions of dollars of domestic home business, which is 95 per cent of all their transactions, domestic and foreign. Then they can easily provide for transacting the 5 per cent of foreign business.

It is silly to talk about a national financial system resting upon confidence. You have seen the effect of it year by year. The least little excitement, the least threat of war, makes the whole fabric of the world resting on the gold standard tremble and shake. It has been done repeatedly. I will not consume the time of the Senate in pointing it out.

Mr. GRAY. Will the Senator allow me? I do not want to interrupt him if he objects, but right there on that point I should like to ask him a single question.

Mr. COCKRELL. Certainly.

Mr. GRAY. If it be true that about 95 per cent of the exchanges of the world is effected without the actual use of money, what difference would it make in that percentage if, according to the Senator's own theory, we had free coinage of silver?

Mr. COCKRELL. The free coinage of silver would form a wider and broader and deeper and more stable foundation for this structure to rest upon, and silver would be used and silver certificates would be used more extensively, instead of bank checks and drafts; the whole system would be more stable and certain, and the banks would have a greater reserve. Therefore there would be less danger of the destruction of confidence than there is now.

Mr. GRAY. I understand that, but I only want to ask the Senator—because this is a very interesting point—about how much difference in the percentage it would make, assuming that there is 95 per cent of the exchange of the world accomplished without the use of gold, which is recognized as the sole standard and measure of value—what difference in that respect would there be if we had silver? Would it more than double the amount of cash transactions?

Mr. COCKRELL. That is mere speculation. I have thought of the question very frequently, but I do not think any man can tell. Take the large cities. They have become accustomed to making their exchanges through the clearing house in this way, and they will never abandon that system unless some shock comes to induce them to change it; but it will be different with the masses of the people.

Mr. GRAY. I will not interrupt the Senator further, but he will see what I mean.

Mr. COCKRELL. I think I understand the Senator.

Mr. GRAY. What I mean is this, that even if it doubled the money of what we call final redemption, then there would be about 10 per cent of exchanges made by hard money, leaving 90 per cent of the exchanges to be effected by credit devices. Would that be sufficient to at all affect the result in regard to the finances of a nation or of the world?

Mr. COCKRELL. I think it would immensely.

Mr. GRAY. Or would not the credit devices increase in proportion to this substratum of cash?

Mr. COCKRELL. No, I do not think they would. There would be a greater volume of money; it would be scattered among the people; there would be more hoarding of it. It would be money of final payment and redemption, and in case of any emergency the Government would not have to bow the knee to England and beg the Rothschilds and Belmonts to come and stand guard over our Treasury. The people of the country would have money among themselves, and they would take our securities just as the people have done in France. When the French Government wanted money it would call upon the people, who would tender twice the amount that was asked for. So her securities are held there, and notwithstanding her indebtedness is one of the largest among the principal debtor nations of the world, she has never suffered such financial crises as other nations have suffered, and she has gone through the ordeal of the copper syndicate failure and the Panama Canal scandal, which would have paralyzed and broken down the gold-standard system of any other nation on this earth and driven it into complete panic and demoralization.

Mr. GRAY. Have they free coinage of silver in France?

Mr. COCKRELL. No, but they have had; and their system is based upon the bimetallic standard, and they honor silver instead of dishonoring and degrading it; they treat it as equal to gold, and it has the equal confidence of the people.

Mr. President, confidence is not a sufficient foundation for any financial system, and our gold advocates, in the guise of friends of silver, ever since 1877 have cried for an international agreement. Conferences were held in 1878, 1881, and 1892, and in the unconditional repeal act we were referred to an international agreement.

International agreement presupposes the power in two, three, or more commercial nations to maintain a fixed relative value between gold and silver. It is simply a question of power, and those who advocate international agreement admit, therefore, that three or more commercial nations have the power to maintain the ratio. Then it resolves itself simply into a question of power. We stand committed to bimetallism. The President and this Congress, and the gold advocates in this Congress, have every one of them voted for this unconditional repeal bill. That act, approved November 1, 1893, states emphatically:

> And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

In 1792, in our infancy, with very little over 4,000,000 population, we established our constitutional bimetallic system, the unlimited coinage of gold and silver upon equal terms into standard money of final redemption and payment. We did not then consult any nation; we did not advise with any nation; we did not ask the assistance of any nation; we felt ourselves, then simply occupying the fringe of the garment that covers the body of this great country to-day, the Atlantic Coast, and, only occupying this narrow strip of country, we felt our ability to establish our own financial system without asking the assistance of any other nation.

Every self-respecting, independent nation on this earth establishes its own financial system, and maintains it. We are the only nation, and I challenge a refutation of that statement, which has ever, since 1873, been trailing around among the nations of the world begging them to come and help us to establish a financial system. Oh, it is degrading and humiliating to the spirit of an American citizen to hear this plea, that we must have foreign alliances. What! a Democrat advocating foreign alliances in contravention of that cardinal principle proclaimed by the immortal Jefferson, "Peace, commerce, and honest friendship with all nations, and entangling alliances with none." That was our motto then; it was our motto so long as the Democratic party was in power, when we maintained the true bimetallic system.

We proclaim our Monroe doctrine to Great Britain, with an intimation of war, on the least appearance of encroachment on American soil, and then turn around and glorify our patriotism; and yet we meekly submit to the establishment of the British gold standard as our financial system, binding our toiling millions in eternal financial bondage to her, and we call that patriotism!

Have we the power as a nation to establish an independent financial system and maintain it? We had the power when we were only 4,000,000 strong. We then established that system, and we maintained it until it was overthrown in 1873 by the crime of that year. As a nation to-day we are the greatest on this earth in all the elements of power, greatness, wealth, and resources. We have 70,000,000 people, unequaled by any like number in any other nation on this earth, with resources untold and undeveloped, with a territory extending from ocean to ocean and from the Lakes to the Gulf, producing everything with which human wants can be satisfied, with gold and silver in greater quantities than almost any other nation, with a people united, patriotic, laboring together as one man, and probably increasing more rapidly than any other nation, with the exception of Russia, with an internal commerce greater than the world's entire foreign commerce.

I say, with this capacity and ability, we can by our law restore the standard silver dollar to the exact place it held in our coinage laws at the time of the passage of the act which has been fitly called the crime of 1873—the unlimited coinage of silver upon equal terms into money of full legal tender and final payment; and we can maintain it. We have a thousand resources to which we can resort to maintain our bimetallic system by legislation, and they are amply sufficient to enable us to maintain it. Every solitary objection against the restoration of the standard silver dollar is a prediction, a fear, a dread, an apprehension. I challenge you to show any real, substantial argument against the unlimited coinage of silver that is not based upon a prediction, an apprehension, a fear, or a dread. There is your only resort.

No, Mr. President; there is no danger in the restoration of our true, constitutional, Democratic bimetallic system. What is bimetallism? I answer in the language of Mr. Muhleman, deputy assistant treasurer of the United States at New York, in his late work, Monetary Systems of the World:

> By bimetallism simply defined is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power. Not the mere use of the double standard, but the actually opened mints on the terms above given.

I answer again in the language of the royal gold and silver commission of England in the report made in 1888:

> A bimetallic system of currency, to be completely effective, must, in the view of those who advocate it, include two essential features: (a) An open mint ready to coin any quantity of either gold or silver which may be brought to it; (b) the right on the part of a debtor to discharge his liabilities at his option in either of the two metals at a ratio fixed by law.

When we demand bimetallism, we simply ask to open our mints to the free and unlimited coinage of the two precious metals, gold

and silver, into full legal-tender money of final payment and redemption at the ratio prescribed by Congress, each exactly equal to the other at the coined value stamped thereon, in the payment of all liabilities.

With our mints opened to silver equally with gold we create an unlimited demand for silver and establish the fixed price for silver not only in our own country, but also in the markets of the world, and restore the parity of the market or commercial and coining value of silver and the full legal tender of both coins of gold and silver as standard money of final payment of all obligations, with the right of the debtor to choose the coin of payment, and thus prevent undue appreciation or depreciation in the money of payment.

We believe, and by the historic record of the past ages we know, that there is no danger, no real danger in such restoration of bimetallism. It is idle to call our present system bimetallism. The system we have had since 1873 is not bimetallism. It is gold monometallism. It has been tried in the balances and found wanting. Lay aside your fears and your apprehensions, and let us try bimetallism once again. It can not make us any worse than we have been since you have been maintaining the gold standard, ever since 1893, by the use of over $262,000,000 of interest-bearing obligations.

But some of the sound-money advocates claim that they are in favor of bimetallism. What kind of bimetallism? The kind we have now. The kind that must end in gold; gold the only money of final payment, and all other money, silver as well as paper, redeemable in gold or limited in its legal-tender qualities to $10, $25, or $50; not a money of final payment and redemption, but a limited legal tender.

Every nation with the single gold standard is to-day suffering fearful financial depression, just as Secretary Carlisle predicted in 1878—low prices for products and high prices for gold. That is the condition in every gold nation to-day. On the contrary, in every silver-standard country silver has not depreciated and purchases just as much of domestic products to-day as it did in 1873.

There is no danger in restoring bimetallism. There is not gold and silver enough in the world to answer the purposes of money. I make that assertion boldly. I appeal to the records. It has never been produced in unlimited quantities, and it can not be produced at the will of man. Read your histories. See the wars of conquest and the slaughter and the rapine which have been carried on for the purpose of getting gold. Read of the lives and the fortunes that have been wasted and destroyed in seeking after gold. There never has been a nation on this earth that has ever had gold enough without silver for monetary purposes. You can not find a nation that has had more gold and silver than it could use for monetary purposes. If all the gold and silver combined produced in the world for four hundred years from 1493 to 1893 were in existence to-day it would give us only $14.48 per capita. Four hundred years' production would give the present population $14.48 per capita, and all in existence as money to-day, all that we can find to-day would give us only $6.34 per capita. To-day we have in the world over $2,500,000,000 of irredeemable paper money, irredeemable for the lack of gold and silver money with which to redeem it.

The struggle for gold continues. It goes from nation to nation, back and forth again. It has been flying like a shuttlecock between New York and London for the last two or three years, frequently not unloaded in London, not taken off the ships, but brought back here.

Bimetallism is no experiment. It has been tried and sustained, and it has been the world's unbroken system since Abraham tramped out of Uz of the Chaldees up to 1816, when Britain established the single gold standard. Gold monometallism is purely a British invention, the fruit of British avarice and greed. Outside of England it was practically unknown until about twenty-six years ago. Since then it has been experimented with, and the disastrous results have been correctly stated by Secretary Carlisle when he represented the yeomanry of Kentucky in the other House in 1878.

It is high time to cease predictions and give silver a fair chance. It can not make our conditions worse.

Gold and silver are the most suitable metals for use as money and a measure of value and have been used from time immemorial and are more stable in their values than any other two metals. They have never been produced in unlimited quantities, like iron, lead, copper, zinc, and most other metals. Hence no people have ever been flooded with gold and silver or either. Linked together as equals in money use for one hundred and eighty-five years prior to 1872, they maintained a most remarkably stable ratio during great changes in relative production, sometimes 75 per cent of silver to 25 per cent gold, and then 75 per cent gold to 25 per cent silver. Link them together again by our laws, as yokefellows and balances to each other, as we had them prior to 1873, the history of the world shows they will prove equal yokefellows. Year by year the coined money disappears in numberless ways, known and unknown. The annual production does not keep pace with the increase of population, commerce, and industry and the increasing demand for coined money.

There is no possible danger that we shall ever have too much irredeemable money of final payment and redemption, either of both gold and silver or of silver or gold. Infinite wisdom and power has so distributed these precious metals in the earth that all the people combined can not find them or either of them in unlimited quantities or in greater quantities than they can use for money. Search the world's record from the day when Adam and Eve were driven from the Garden of Eden, and you will not find a nation that has had more gold and silver, or either, than it could profitably use.

Then give us back our democratic bimetallic system by restoring by our laws the silver dollar to the old place it had in our laws prior to 1873.

We should either establish by our own laws our monetary system in our interest and for our own advantage, and then maintain it by the many effective and amply sufficient means we possess, just as every other independent, self-respecting nation does, or else we should surrender back to old England, whose power we have twice defied and triumphantly repulsed, our independence; confess our incapacity for self-government and place ourselves under her selfish and avaricious guardianship and protection; haul down "Old Glory," our star-spangled banner, the chosen emblem of the free and the brave, waving in honor, glory, and power over the greatest nation of people on earth; hoist in its stead the royal standard, and cry aloud, "Long live the Queen of Great Britain and Empress of India."

Mr. PUGH. I give notice that on Monday, after the routine morning business, I shall ask the unanimous consent of the Senate to address it on the substitute of the Finance Committee to the House tariff bill.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, March 16, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13, 1896.

INDIAN AGENT.

George H. Newman, of Fayetteville, Tenn., to be agent for the Indians of the Colville Agency, in Washington.

REGISTER OF THE LAND OFFICE.

William H. Anderson, of Shelbyville, Ky., to be register of the land office at Enid, Okla.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Thomas N. Wood, of the Marine Corps, to be a captain.

Second Lieut. Rufus H. Lane, of the Marine Corps, to be a first lieutenant.

PROMOTIONS IN THE ARMY.

To be second lieutenants, infantry arm.

Candidate Sergt. Joseph Drips, Troop D, Eighth Cavalry.

Candidate Sergt. William F. Creary, Company C, Third Infantry.

Candidate Corpl. Edward T. Hartmann, Company H, Seventh Infantry.

Candidate Corpl. Howard W. French, Troop I, First Cavalry.

POSTMASTERS.

Anson E. Chamberlain, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts.

Albert B. Dresser, to be postmaster at Needham, in the county of Norfolk and State of Massachusetts.

Frank P. Dunlap, to be postmaster at Salem, in the county of Columbiana and State of Ohio.

Edward A. Ellis, to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts.

F. Horton Johnson, to be postmaster at Vineyard Haven, in the county of Dukes and State of Massachusetts.

Oella C. Munch, to be postmaster at Yellow Springs, in the county of Greene and State of Ohio.

A. M. Kissinger, to be postmaster at New Carlisle, in the county of Clark and State of Ohio.

Elmer E. France, to be postmaster at Kent, in the county of Portage and State of Ohio.

Josephine J. Gaffney, to be postmaster at Los Gatos, in the county of Santa Clara and State of California.

Thomas Fox, to be postmaster at Sacramento, in the county of Sacramento and State of California.

Catherine Riley, to be postmaster at Franklin, in the county of Warren and State of Ohio.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 13, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

STEAMER MATTEAWAN.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4698) to provide an American registry for the steamer *Matteawan.*

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Asturian Prince*, owned by Charles W. Hogan, a citizen of the United States, to be registered as a vessel of the United States under the name of *Matteawan.*

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and cause to be granted the usual certificate issued to steam vessels of the merchant marine without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Mr. PAYNE. Mr. Speaker, the report on this bill was read some two or three weeks ago. The bill was objected to because it did not appear that the repairs on this vessel had been completed. The case comes under all the requirements of the statute, except that the vessel was not wrecked in American waters. She was wrecked in the West Indies. The repairs cost over $50,000, and the purchase price was $10,000. The repairs have been completed, as shown by affidavits before the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

CITIZENSHIP OF MARINE ENGINEERS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

The bill was read, as follows:

Be it enacted, etc., That section 4131 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States and entitled to the benefits and privileges appertaining to such vessels, but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens or a corporation of the United States and be commanded by a citizen of the United States. And all the officers of vessels of the United States shall in all cases be citizens of the United States. The word "officers" shall include the chief engineer and assistant engineers on vessels propelled wholly or in part by steam, and no person shall be qualified to become an officer of a merchant vessel of the United States who is not a native-born citizen or whose naturalization as a citizen shall not have been fully completed.

"All licenses issued to officers of steam vessels shall be graded in accordance with the laws governing the steam vessel inspection service, and no license for a higher grade shall be issued except upon written application by the holder of a license, which application shall not be granted unless the applicant shall have successfully passed an examination before a regularly authorized board of examiners as to his qualifications to be an officer of the advanced grade, nor until such applicant shall have served under his existing license at least twelve months prior to his application for advancement; and no license shall be suspended or revoked except upon charges duly preferred in writing, verified and acknowledged before an officer authorized to administer an oath, and sustained by the Supervising Inspector-General after an investigation of the charges, in which the accused shall be allowed counsel and may testify in his own behalf; and in no case shall the accused be deprived of his license until a charge of incompetency or unfitness against him shall be sustained by the Supervising Inspector-General.

"The examination of an applicant for a license of a higher grade shall take place within ten days after such time as the applicant may request.

"Every license issued shall be for a term of five years, but the holder of a license may have the same renewed for another five years at any time before its expiration: *Provided, however*, That any officer holding a license and who is engaged in a service which necessitates his continuous absence from the United States may make application in writing for one renewal and transmit the same to the board of local inspectors, with a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for such application; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one additional term of such license, and shall notify the applicant of such renewal.

"In time of war or other emergency any person who shall accept a license as engineer of a steam vessel shall be subject to temporary draft into the Navy of the United States to act as engineer under such regulations as may be established by the Secretary of the Navy; and while serving in the naval service of the United States such person shall be entitled to receive the same pay and emoluments as an officer of the Navy of the same grade performing similar duties."

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

The Committee on the Merchant Marine and Fisheries recommended the following amendments:

In line 12, page 1, after the words "United States," insert the words "or a corporation of any State thereof."

Strike out lines 7 and 8, page 2, and insert "citizen of the United States."

At the end of line 8, page 2, add:

"All the officers of vessels of the United States shall be citizens of the United States, except that in cases where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer."

At the end of line 4, page 4, add:

"SEC. 3. This act shall take effect on and after January 1, 1897."

Mr. PAYNE. Mr. Speaker, I can make a brief statement to the House concerning this bill.

The SPEAKER. The gentleman from New York, without objection, will be allowed to make a statement of the nature of the bill.

Mr. PAYNE. Mr. Speaker, the object of this bill is to require that engineers and assistant engineers on vessels under an American registry shall be citizens of the United States.

Previous to 1884 the law authorized the employment of aliens as engineers and assistant engineers on American vessels. By the act of 1884 an amendment was made requiring that all officers of American vessels should be citizens of the United States, and under that law the Treasury Department immediately issued a circular, stating that the former statute providing that aliens might be employed as engineers had been repealed, and that the law now required all such engineers to be citizens of the United States. That was the interpretation of the Department from 1884 down to 1893, when a new interpretation was made about the time that the steamers *New York* and *Paris* received American registry. On the *New York* and *Paris* engineers and assistants were employed who were not citizens of the United States. Nearly all of them immediately took steps to become citizens of the United States, and I think all who so took steps can become citizens before the 1st of January, 1897. The object of the bill, as I say, is to provide that all engineers and assistant engineers on American vessels shall be citizens of the United States. We have postponed the date when the bill shall take effect until the 1st of January next, in order to allow the assistant engineers on the *Paris*, *New York*, *St. Louis*, and *St. Paul* to become citizens of the United States on or before that date.

Mr. LOUD. I should like to ask the gentleman a question.

Mr. PAYNE. If the gentleman will wait until I complete my statement I shall be very glad to answer his question.

Mr. LOUD. It is right on the point you are talking about.

Mr. PAYNE. The law, as of course all the members of the House are aware, provides that in case of war these vessels can be taken and used as auxiliaries to the Navy, and of course it is very important, not only in the time of war, but previous to that time, that all these engineers should owe allegiance to the United States. If we had an engineer who was a foreign citizen, or an assistant engineer who was a foreign citizen, a very slight accident might ruin the machinery of either one of these vessels. The committee deem it wise, therefore, to make this provision at the earliest date possible and practicable at which these engineers might become American citizens. The International Navigation Company, owners of this American line, were heard before the committee, and the principal objection they had against the bill was that it would take effect at once and embarrass them. We amended it to conform to their views in this matter, so that it shall take effect January 1, 1897. The other amendment to the first section is simply a reincorporation of the present provision of law with reference to that item in the bill.

Mr. LOUD. Mr. Chairman, I should like to ask the gentleman from New York if, in his opinion, the construction given this law was not very much strained in the decision of 1893?

Mr. PAYNE. I do not see how any lawyer can read the law of 1884 and the other statutes of the United States in reference to the officers of steam vessels, and possibly construe the law as it was construed by the Secretary of the Treasury in 1893, and the present Secretary of the Treasury, and also the Attorney-General.

Mr. LOUD. This simply carries out the intent of the law?

Mr. PAYNE. I think the law to-day, by its plain intent, was correctly construed from 1884 to 1893, in requiring that these men should be considered as officers of vessels, and should be required to be citizens of the United States.

There is another change made in reference to the licenses of engineers which makes the license end with a term of five years, subject to reexamination, and the taking away of the license in case the engineer should become incompetent; and a provision for renewal at the end of five years. There is also a further provision in this connection. It enacts into law what I understand is now the rule of the Treasury Department, that when an engineer's term of license has expired, and he is in a foreign port, that he can go before a consul and by presenting proof of competency, by

affidavit or otherwise, the papers can be forwarded to the inspector here and his license can be renewed for a period of five years only.

Mr. DINGLEY. I understand from the statement of the gentleman from New York that the general law of register as it now exists, and which is now recited in this bill, is unchanged, but that the only change that is made in the law is specifically to include engineers and assistant engineers and the officers, who must be American citizens.

Mr. PAYNE. There is one other change that I meant to speak about, and that is the provision of law that makes these engineers subject to draft in the service of the United States in case of war.

Mr. DINGLEY. And to extend the period of licenses from two years to five years. That is the only difference?

Mr. PAYNE. Yes.

Mr. DINGLEY. There is no other change?

Mr. PAYNE. There is not.

Mr. MERCER. I wish to ask the gentleman from New York if the extension of the time at which this bill shall take effect until the 1st of January is on the theory that we have no American citizens who are competent to act as engineers on these vessels?

Mr. PAYNE. Oh, no; but the men who are engaged on the *New York* and the *Paris* are men who had been there for many years. When the change was made, and some of them before, made application for their first papers in order to become citizens of the United States, and they are old and trusted employees upon these vessels. And the changes met the approval of the engineers as well as the approval of the American Line.

Mr. MERCER. Does the gentleman recollect that when the *St. Louis*, as good as any ship which flies an English flag, made her first trip across the Atlantic some distinguished English citizens were on board, and one of them a temporary resident of the city of Washington, and because he saw fit to make a voyage in an American-built ship was severely criticised by the British press for doing so?

Mr. PAYNE. I think I saw something of that kind in the papers. I do not know whether that is an argument in favor of this bill or not.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. I ask unanimous consent for the present consideration of another bill.

Mr. DANIELS. I desire to proceed with the case of Aldrich against Robbins.

Mr. LOUD. I desire to make a report.

Mr. PAYNE. I think the gentleman will yield a moment.

TONNAGE TAX.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill (H. R. 2672) concerning tonnage tax.

The bill was read, as follows:

Be it enacted, etc., That section 11 of chapter 421 of the laws of 1886, as amended by section 1 of chapter 61 of the laws of 1888, be, and is hereby, amended to read as follows:

"SEC. 11. That section 14 of 'An an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes,' approved June 26, 1884, be, and is hereby, amended to read as follows:

"'SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum imposed prior to July 1, 1884, a duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Hawaiian Islands, or Newfoundland. A duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade. Sections 4223 and 4224 and so much of section 4219 of the Revised Statutes as conflicts with this section are hereby repealed.'"

SEC. 2. That section 12 of chapter 421 of the laws of 1886 and section 4232 of the Revised Statutes are hereby repealed.

SEC. 3. That this act shall take effect one month after its passage.

Mr. PAYNE. Mr. Speaker, the object of this bill is to repeal the reciprocal provision in reference to the tonnage tax under which vessels sailing under the flag of the Netherlands and also under the German flag are now exempt from the payment of that tonnage tax; and a like exemption is made by those nations to American vessels, also, plying between our ports and their ports. The tonnage tax on vessels in the foreign trade—that is, the transatlantic traffic—amounts to some 30 cents a ton a year, and the tonnage tax on vessels in the American trade, plying between the Americas, amounts to 3 cents for five voyages, or 15 cents per ton per year. This bill not only seeks to repeal the reciprocal provision of law, but also to reduce the tonnage tax on the American foreign trade—that is, the coastwise trade with the Americas—from 3 cents a ton to 2 cents, or from 15 cents per ton per year to 10 cents per ton per year. As I said, the principal countries now enjoying this reciprocal provision are Germany and the Netherlands. The amount of exemption to these two countries is $80,000 a year, which the United States would receive—and which, by the way, goes toward the support of the marine hospitals, over that—which they do not now receive. This agreement under which this reciprocal arrangement went into effect has saved to the United States vessels some $600 or $700 a year, while it has saved to the German vessels and to the vessels of the Netherlands some $80,000 a year; or, in other words, the benefit is almost entirely to the owners of foreign vessels and vessels sailing under a foreign flag.

Mr. CANNON. How does the gentleman propose to cure that?

Mr. PAYNE. I propose now to charge the same tonnage tax on German vessels and vessels from the Netherlands that we charge to vessels from Great Britain and other countries having vessels engaged in the transatlantic trade.

Mr. CANNON. Does that violate any treaty?

Mr. PAYNE. No; the matter has received the attention of the Administration and of several Administrations.

Mr. DINGLEY. There never was any treaty upon this subject. It is simply legislation on our part.

Mr. PAYNE. There is no treaty such as the gentleman suggests. Our treaty was with reference to the trade with Brazil.

Mr. McMILLIN. Will the gentleman from New York permit a question?

Mr. PAYNE. Certainly.

Mr. McMILLIN. Do I understand from the gentleman that it is proposed to reduce the tonnage tax on the coastwise carrying trade?

Mr. PAYNE. The proposition is to reduce the tonnage tax on the trade between our ports and the West Indies and the South American ports, and also between our ports and Canadian ports on the lakes, from 3 cents to 2 cents a ton.

Mr. McMILLIN. What is the object of that?

Mr. PAYNE. Simply to favor that commerce. The change does not make a very large reduction in the amount of revenue.

Mr. McMILLIN. What reduction does it make?

Mr. PAYNE. I can not state the amount at this moment, but I will give the gentleman the estimate from the report before I take my seat.

Mr. McMILLIN. I would like to know the aggregate reduction of revenue that this change would make, and also whether this legislation has been recommended by the Treasury Department.

Mr. PAYNE. This bill is recommended by the Commissioner of Navigation.

Mr. McMILLIN. What about the Secretary of the Treasury?

Mr. PAYNE. I do not know whether the Secretary has confirmed that recommendation or not.

Mr. McMILLIN. Has he been called upon for an opinion?

Mr. PAYNE. The recommendation of the Commissioner of Navigation was contained in the Commissioner's annual report, which passed through the Secretary's hands, but I do not know that the Secretary has in so many words expressed himself in writing in favor of the measure.

In regard to the question of our treaty obligations, I will say, in the first place, that President Cleveland in 1895 reviewed this subject in his annual message, and came to the conclusion that such a change would not violate any treaty. The United States circuit court, in the case of the North German Lloyd Line *vs.* The Collector of New York, a case which the North German Line never appealed, so that it must be taken as acquiescing in the decision, the court in that case decided that this discrimination was not in conflict with the "most favored nation" clause of any treaty obligation. Mr. Blaine, as Secretary of State, in 1892 held the same opinion, and in support of it he cited the opinion of Attorney-General Garland given in 1885. So it will be seen that the executive authorities of the Government that have examined this question, as well as the courts, have held that no violation of any treaty obligation is involved.

Mr. CANNON. This bill, if I understand the gentleman, places the Netherlands and Germany upon the same footing as other nations in this respect?

Mr. PAYNE. Upon exactly the same footing.

Mr. CANNON. I have an indistinct recollection that years ago we appropriated to refund tonnage tax paid by Belgium. Is Belgium now on all fours with the rest of the world in this respect?

Mr. PAYNE. Belgium now pays the tonnage tax, and the American lines plying between New York and Philadelphia and Antwerp pay the tonnage tax. The gentleman's question suggests one of the inequalities of the present system.

We have an American line sailing from New York to Southampton and there are two German lines, the North German-Lloyd and the Hamburg-American, sailing from German ports to New York, but stopping at Southampton to take on and unload

passengers and freight. Those German lines have all the advantages of competition with the American line between New York and Southampton, while at the same time they are exempt from the tonnage tax and the American line has to pay the full tonnage tax. A like inequality exists between the situation of the vessels of the (American) International Navigation Company plying between New York and Antwerp and coming in competition with the Netherlands line running from New York to Amsterdam and Rotterdam, the Netherlands line being exempt from the tax and our vessels having to pay it.

Mr. CANNON. Then this legislation, if enacted—I am asking only for results—will put other nations upon an equality with each other in this matter and will also put the United States upon full equality with every other nation?

Mr. PAYNE. Every nation will be on an equality in this respect. The vessels of all nations will pay the tonnage tax.

Mr. CANNON. Will that result in an increase or a decrease of revenue?

Mr. PAYNE. There will be an increase of something over $80,000, and the decrease on account of reducing the tonnage tax on the American coastwise trade——

Mr. DINGLEY. The near-by foreign trade.

Mr. PAYNE. Yes; the decrease on account of that change of the law will be about $7,000 a year.

Mr. CANNON. So that the net increase of revenue will be about $72,000?

Mr. PAYNE. Yes; above $70,000.

Mr. MCMILLIN. After this reduction is made in the coastwise tonnage tax, will there be sufficient revenue from this source to support the marine hospitals?

Mr. PAYNE. Yes; because the net increase under this bill will be upward of $70,000.

Mr. MCMILLIN. Then, taking it all together, this will be a self-sustaining service.

Mr. PAYNE. The Commissioner of Navigation anticipates that there will be an increase of $100,000 of revenue, but even upon the basis of the present figures it is clear that there will be over $70,000.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2114) establishing gas buoys in the St. Lawrence River;

A bill (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National Homes for Disabled Volunteer Soldiers;

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River;

Joint resolution (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States;

A bill (S. 1922) creating an art commission of the United States, and for other purposes;

A bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute;

A bill (S. 2307) to provide increased accommodations for the second division of the equity court of the District of Columbia, and for other purposes;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 1460) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters;

A bill (S. 460) for the relief of the executor of C. M. Shaffer, deceased;

A bill (S. 1632) to permit owners of claims to iron and coal mines on forest reservations of the United States to perfect their title thereto and to procure a patent therefor, and for other purposes;

A bill (S. 713) for the relief of the legal representatives of Chauncey M. Lockwood;

A bill (S. 1590) for the relief of Edward H. Murrell;

A bill (S. 2262) to provide for the further distribution of the reports of the Supreme Court and of the circuit courts of appeals;

A bill (S. 94) for the relief of Henry J. Hewitt; and

A bill (S. 2176) granting a pension to Thomas Pollock.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

A bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

A bill (H. R. 7137) to provide for printing for the Navy Department;

A bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota;

Joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells; and

A bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

The message also announced that the Senate had passed with amendment the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory; in which the concurrence of the House was requested.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 2, 1896:

An act (H. R. 4153) to grant to Fort Smith and Western Coal Railroad Company a right of way through the Indian Territory, and for other purposes;

An act (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes; and

Joint resolution (H. Res. 121) calling upon the Secretary of War for certain information in relation to the harbor at Manitowoc, in the State of Wisconsin.

On March 4, 1896:

An act (H. R. 1605) granting a pension to Anna Kelley;

An act (H. R. 147) granting a pension to George W. Case, late private Company B, Twenty-second New York Cavalry;

An act (H. R. 3698) granting an increase of pension to Mrs. Jane Dulany.

On March 6, 1896:

An act (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897;

An act (H. R. 3537) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1897, and for other purposes;

An act (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas;

An act (H. R. 4779) relating to the anchorage and movements of vessels in St. Marys River.

On March 7, 1896:

An act (H. R. 3982) granting to Lincoln Post, Grand Army of the Republic, of Hope Valley, R. I., 1 condemned cannon; also to the Woman's Relief Corps, of Taylorville, Ill., 4 condemned cannon and 4 condemned cannon balls for the purpose of decorating a soldiers' monument lately erected there by said corps; and also to the town of Newton, in the State of New Jersey, 4 pieces of condemned cannon and 20 cannon balls for the decoration of the new soldiers and sailors' monument in that town;

Joint resolution (H. Res. 65) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon, United States Army, to accept medals from the British Government.

On March 11, 1896:

Joint resolution (H. Res. 108) directing the Secretary of War to submit estimates for work upon Newtown Creek, New York.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

THOMAS JOHNSON.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 365) to fix the date of the discharge of Thomas Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to fix the date of the discharge of Thomas Johnson, Company L, Seventh Kentucky Cavalry, at November 10, 1862.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. I should like to have some explanation of it.

Mr. BERRY. Thomas Johnson was captured and paroled by the enemy during August, 1862. Subsequently he was discharged from the service, having been severely injured. On the muster roll of his company, dated December 31, 1862, there is the entry, "Discharged a private, at Camp Lew Wallace." The soldier having lost his discharge in a railroad wreck, the War Department records have been diligently but unsuccessfully searched in order to ascertain the date of his discharge. It being apparent to the committee after examination that the discharge was in the latter part of the year 1862, this bill has been reported in order that by act of Congress we may officially fix the date, which the War Department, in the absence of official records, can not do.

Mr. BARTLETT of New York. Has the bill been favorably reported?

Mr. BERRY. Yes, sir; by the Committee on Military Affairs. The report is here.

Mr. BARTLETT of New York. I should like to hear it read.

The SPEAKER. In the absence of objection, the report will be read.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 365) to fix the date of discharge of Thomas Johnson, having had the same under consideration, would report it back with an amendment and recommend that it do pass.

It is shown by the records of the War Department that Thomas Johnson was enrolled August 5, 1862, and mustered into service August 18, 1862, as a private in Company L, Seventh Kentucky Cavalry Volunteers, to serve three years. He was captured and paroled by the enemy during the month of August, 1862 (the precise date not stated). The muster roll of the company, dated December 31, 1862, is the only roll on file on which his name is borne, and he is reported thereon, "Discharged a private, at Camp Lew Wallace." That repeated search has been made of all records on file in the War Department likely to afford information as to the date and cause of the soldier's discharge, but nothing has been found showing by whose authority, for what reason, or as of what date he was discharged. In statements submitted to the Department, with a view to establishing date and cause of discharge, the soldier declared that at the time of his capture he had been injured by the fall of his horse; that he was then sent to Camp Lew Wallace, and was there examined by medical officers, who pronounced his injuries incurable, and that he was thereupon discharged from the service.

A variance appears in respect to the alleged date of the discharge, as in some instances it is stated to be in the early part of November, 1862, and in the others the month of January, 1863. In view of the contradictory statements made by the soldier, and the absence of any record showing the date and cause of discharge, the Department was unable to arrive at any definite conclusion in the matter, except that it is evident that he was discharged on some date prior to December 31, 1862.

It is apparent that this soldier was discharged the service some time in the latter part of 1862, but that, owing to the loss of his discharge in a railroad wreck, and the absence of any other record showing the date of such discharge, the only method by which such date can be supplied would be the passage of the proposed bill.

Your committee are satisfied that the relief should be granted, and submit the following amendment:

Strike out the word "tenth," in line 5 of the printed bill, and insert in lieu thereof the word "twentieth."

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs, to strike out "tenth" after the word "November" and insert "twentieth," was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

Mr. LOUD. I am directed by the Committee on the Post-Office and Post-Roads to ask that they be discharged from the further consideration of the bill (H. R. 4808) to increase the efficiency of the postal service, and that the bill be referred to the Committee on the Judiciary. Without implying any criticism on the reference, I will state that the bill is of a semijudicial character, giving additional powers to post-office inspectors; and therefore the Judiciary Committee should properly take charge of the measure.

The SPEAKER. In the absence of objection, the change of reference will be made as requested.

There was no objection.

ORDER OF BUSINESS.

Mr. DANIELS. I ask now that the House proceed with the contested-election case of Aldrich *vs.* Robbins.

The SPEAKER. The gentleman from New York calls up the pending contested-election case.

Mr. RICHARDSON. I rise to a parliamentary inquiry. This being Friday, is it not in order under Rule XXVI to move to go into Committee of the Whole to consider bills on the Private Calendar? I ask a ruling of the Chair upon the question whether that motion is not now in order. Of course I do not feel like making it, but I hope the chairman of the Committee on Claims or the chairman of the Committee on War Claims will do so.

The SPEAKER. The Chair does not think that business would be in order as against an election case.

Mr. RICHARDSON. The rule is very emphatic in saying that—

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by the House.

The SPEAKER. The Chair thinks that a question of privilege would override that.

Mr. RICHARDSON. The House, however, could, I presume, postpone the question of privilege, and then a motion would be in order to proceed to the Private Calendar, if either of the gentlemen I have indicated would make it.

The SPEAKER. Unquestionably the question of consideration can be raised on an election case if any gentleman wishes to raise it.

Mr. RICHARDSON. I simply desired that the chairman of one of these committees should make the motion that we proceed to the consideration of business on the Private Calendar. If neither of them sees fit to do so, of course I shall not undertake to do it myself.

CONTESTED-ELECTION CASE—ALDRICH VS. ROBBINS.

The SPEAKER. The gentleman from New York [Mr. DANIELS] calls up the pending contested-election case.

Mr. DANIELS. The arrangement is that the gentleman from Arkansas [Mr. DINSMORE] shall now make the closing argument on behalf of the contestee.

Mr. DINSMORE. Mr. Speaker, it should not be, but it is asking a great deal to request of members of the House of Representatives to divest themselves of all partisan feeling and to devote so an election contest that judicial temper which was promised to the House in the early part of the session on the part of gentlemen of the majority who have control of our proceedings. It would perhaps be a vain hope and one requiring too much of confidence that would impel us to believe that every gentleman would act with judicial spirit and without partisan feeling in the consideration of the question now before the House. The fact has already been made manifest to us that many gentlemen have not cared to inform themselves about the real issues involved in this contest. The array of empty seats on the Republican side which glared before the view of my colleague on the committee, the gentleman from Georgia [Mr. BARTLETT], yesterday throughout the whole of his able argument in behalf of the contestee, when not more than a dozen Republicans honored him with their presence, to say nothing of attention, is evidence that at least some people on that side of the House do not care to hear what may be said on our side of the question.

And yet I state it to be my belief that there is not a gentleman on that side of the House outside of the Committee on Elections No. 1 who has ever read the record in this case, and the statement is equally applicable to this side. I do not criticise gentlemen for not having done so. I do not make this statement as censure, because I realize that it is utterly impossible for Representatives to attend to their other legislative duties and at the same time devote themselves to studying the voluminous records in all the contested elections pending before the House.

I could not expect it. I do not believe that there are a dozen gentlemen on the other side of the House who have read the two reports of the majority of the Committee on Elections or the views of the minority in this contest. I understand, of course, that this is a gratuitous statement, but I say what I believe to be a fact. Gentlemen are given too much to following leaders upon all of these questions. All I have a right to ask of the Democrats on this side of the House, and even to as great an extent of the Republicans on the other side of the House, is that they at least give attention to the case now and endeavor to ascertain as much of the truth of the issues involved as may be possible from an attentive hearing of the arguments of gentlemen who have made it their business to inform themselves upon the record.

If, Mr. Speaker, it is the purpose of the House, without any understanding whatever of the issues involved here in a contest, to unseat a member who holds his certificate from the governor of his State and reverse the findings of sworn officers without reference to anything whatever except partisan declamation on the floor of the House, I can not prevent it, but I must at least protest against it. I am aware, sir, of the difficulties which environ me in this case. I am admonished by the temper the House has already evinced and by circumstances to which I have already referred that we can not hope, perhaps, that the question will be decided by the deliberate and intelligent judgment of the House, but that members will be led by blind partisanship in the determination of the matter; but I can not for that reason forego the performance of my duty in trying to have it otherwise.

I appreciate the difficulties which confront me at the threshold, not only by reason of the circumstances that I have already narrated, but I realize the difficulty that any man must encounter

who comes before a deliberative body in support of a case in which is involved a question of fraud, and where he admits fraud to exist.

Mr. Speaker, I do not intend that gentlemen in the discussion of this question shall put me in a position of trying to defend fraud. The arguments of gentlemen upon the other side of the House on yesterday, the logical result of the arguments advanced, is an effort to put us of the minority in the position of trying to defend fraud in connection with this case. I want to say that not one of us has done so and not one of us will do so, and I take the occasion here to assert that I abhor fraud, I detest it, and I go to the full length with the gentlemen who in their heat during the course of this discussion have expressed their denunciation of fraud in connection with this election. And neither privately nor officially will I ever consciously give my support to it either here or elsewhere.

But, Mr. Speaker, what is the question which confronts us? Will gentlemen endeavor to get down to the issues of this case and give it a judicial and impartial consideration? Will they endeavor, for one brief moment, to divest themselves of prejudice? Will they endeavor to constitute themselves judges, impartial judges, acting under the influence of a desire to maintain the integrity of the House and of our institutions, as well as to keep intact the purity of the ballot box? If the question is whether there was fraud in the election in the Fourth district of the State of Alabama in the election held in 1894, if that is the only question presented for our consideration here, I might as well take my seat, because we have admitted that upon the record. If the question is whether or not, as stated by my distinguished friend from Massachusetts [Mr. MOODY] on yesterday, that for a generation that district has been the field of fraud in elections, and particularly the county of Dallas, then I might as well withhold any remarks I may see proper to make, for I am not informed upon that from the record. If the question before the House is, dd Gaston Robbins, the contestee in this case, stand, in the manner facetiously described by my colleague on the committee [Mr. LINNEY] from North Carolina on yesterday, silently by and fail to take any testimony in connection with the case; if, forsooth, because he has elected to rely wholly upon the evidence taken by the contestant, and because of that fact the case is to be disposed of to his detriment, then we have no day in court. If it is to be summarily decided upon the statements of gentlemen who are members of this House, their own gratuitous statements, that all of the negroes of the South are Republicans, and therefore that Robbins could not have obtained any negro votes in that district, then I need not proceed further with the discussion.

But, Mr. Speaker, I want to protest against each of these views of the case. These are not the questions confronting us. The question is presented to us as judges; the question is proposed to you as men, as sworn officers of the Government, to determine the issue according to law, because that is involved in the oath that every member takes who assumes the solemn responsibility of representing a constituency in the American Congress. The question is, is this contestee, who holds the seat, entitled on the facts set forth in this record, in view of all of the evidence, even in view of fraud admitted and proven, entitled to retain the seat and represent his constituents upon this floor?

Not as a matter of personal right to him; not as to the personal rights of the contestant, but in recognition of the rights of the people of the Fourth district of Alabama to be represented here by the man for whom a majority of the votes not fraudulent have actually been cast in the election held for that purpose. We have no personal feelings in this matter. We can not have. The law requires us to determine it from a judicial view, having reference to what may be legally considered in the case, that is, the record.

If the contestee has seen fit to rely upon the case as made out by the contestant in his testimony, if he has deprived himself of the benefit of taking testimony, I think it is a misfortune; nevertheless he is not to be refused a hearing in this House on the testimony that has been taken on that account. He is not to be prejudiced before this body by reason of not having taken testimony.

Are you capable, gentlemen, of considering it in the light of the testimony and the law itself, and rendering a dispassionate judgment upon the cause? I believe that you may single out any gentleman upon either side of this House and appeal to him personally, and he will endeavor honestly and faithfully to render a judicial opinion upon any question presented; but when it comes to party action, Mr. Speaker, that is a different matter. When men get together in the phalanx of partisan organization they do not act under the cool, deliberate conviction that impels the judge upon the bench; and there is no better illustration of it than that afforded by my very genial and able friend from North Carolina [Mr. LINNEY] in the speech which he delivered yesterday before the House. Why, Mr. Speaker, in the committee room my friend is conservative, is reflective, is considerate, is disposed to be fair—wants to be. I am convinced that he endeavors there in conference with his colleagues upon the committee, where the best personal feeling prevails, calmly and dispassionately to determine questions without reference to party advantage; and then he comes before the House and in an argument before you tells you that when he was cool and deliberate in the committee, in passing judgment upon this case, he did wrong, and now under the intoxication of the applause that comes from a partisan association in the House he is impelled to make the wildest declarations, and to say: "I think I did wrong; you ought not to let me do it." Unfortunately, Mr. Speaker, we can not appeal from Philip drunk to Philip sober. In the case here, we look sadly from Philip sober to Philip drunk [laughter]—drunk with demonstrations of partisan approbation.

Mr. Speaker, before I begin to take up this matter in a logical way, I want to brush aside a few matters that came from the argument of the gentleman who spoke in behalf of the majority report—no; not the majority report, for there is no majority report—but in behalf of the resolution to unseat this contestee and seat the contestant, a resolution supported by two reports, being a division of the majority into two factions.

Now, sir, these gentlemen content themselves with making the broad declaration—they assume it and take it for granted—that every man who is a colored man is necessarily a Republican. I want to call the attention of the House to the condition of affairs which existed in that county of Dallas, where the principal part of this contest is located. The proof shows that the Republican party there was in a state of disorganization; that it was without any leadership urging it on to united effort; that it had abandoned its purpose in that line; that they had been in the habit of voting indifferently as they chose. The negroes themselves testified to the fact. It is in the evidence here in the cause, and these gentlemen know it is true.

Not only that, but the leading white Republican of that county, Judge Craig, who had the honor of representing the district in the Congress of the United States, and who in times gone by has been chosen judge of his district, testifies that there are in the county of Dallas normally from 100 to 200 colored Democratic voters. He says that is a conservative statement of the colored Democratic voters in Dallas County; and moreover, Judge Craig testifies that frequently the negroes, even Republican negroes, when there is a popular Democrat in the field, will vote for him as against anybody else; that they do it, and that even when there is a popular Republican antagonist, he says that from 100 to 200 colored voters in the county can be counted as reliably Democratic. Not only that, but I do not want any gentleman here to forget other testimony which is significant, as given by Judge Craig, and that is that there are not more than from 100 to 200 white Republicans in Dallas County. There are not more than 300 white Republicans and Populists and "Jeffersonian Democrats" all told. Yet he testifies that there are from 2,500 to 2,600 white voters in the county of Dallas, all Democratic with the exception of from 100 to 200 Republicans, and, including the Populists, not more than 300 at the outside; but he says that a conservative estimate of the Democratic white vote in that county is 2,400.

Now, Mr. Speaker, in view of these facts proven by the record, what do we contemplate here? We contemplate a majority of this committee coming before the House of Representatives and asking Congress to disfranchise two-thirds of the white vote of Dallas County, in the State of Alabama, because fraud has been proven in certain precincts. While we have agreed with them and have cast out the votes in the precincts where proof of fraud was at all reliable, this record bristles, on the other hand, with the testimony of colored men who swear that there are Democratic negroes in the county, and some of them swear that they voted for Robbins. One swears that he votod for him because he is a friend of their people.

Mr. Speaker, it is outside of the record; no gentleman is bound by it; but inasmuch as so much has been said outside of the record, I hope I may be indulged to say that any gentleman who lives in the South knows more of the character of the colored man than those who are not associated with him in life.

There is one thing of which the colored man is proud and has a right to be proud of, and that is his franchise. It was bestowed upon him before he was prepared for it, but I concede every honor to the Republican party for which it has any right of contention in this respect. I want to tell you that every Southern man knows that the negro is going to vote, if he is given a chance. He does not want to lose his vote, he will tell you; and he will vote for the man who solicits it and says to him, "I am your friend; come and stand with me." In my own district, and at my own home, there are colored men who are professed Republicans, who will tell anybody, and swear on the stand that they are Republicans, and yet no Republican can take them away from their Democratic friends in elections. They are our friends; they have confidence in us; we have rendered each other mutual services; the white Democrats have been kind to them, and they stand by us. Of course I do not mean the majority, but many. The contestee resides in the county

of Dallas. His home is in the city of Selma, and yet if colored men go to the polls and vote for him, and their names appear on the poll lists, this House is told that that is a badge of fraud, even when the proof is that the contestant himself had issued notice to them and sent his emissaries to say, "I do not want your votes." My friend from Massachusetts said here yesterday that it was only negroes, as I understood him—I do not want to misquote him—in Dallas County who were requested not to register or vote.

Mr. MOODY. The gentleman misunderstood me. I said it was only Republicans who were requested not to register and vote.

Mr. DINSMORE. So far as we are able to ascertain from the report, it was the organized opposition to the Democracy that was enjoined not to vote there. So far as I have been able to discover, the Populists and the Jeffersonian Democrats also refrained from voting, and not only that, the white Republicans refrained. This was a common understanding between the opposition.

Here is the evidence of the contestant himself, in the record, which I read from:

The Republicans, Populists, and Jeffersonian Democrats remained away from the polls in accordance with a prearranged plan.

And yet when they are instructed by a "prearranged plan," when there is an agreement, and when the contestant himself has testified that they remained away, when they show here that Judge Craig says that Mr. Aldrich disfranchised him; when we come and ask this House to count the votes that were cast for Gaston A. Robbins, we are told "you can not do that." Twenty-four hundred white voters must be disfranchised because you are unwilling to count any colored voters for the contestee in this case. Mr. Speaker, have we not the right to judge from all the evidence we have here as to how men voted? Why, the contestant in his notice of contest admits that a sufficient number of votes were actually and legally cast, more than enough, to elect Robbins, and he says his friends of all parties of the opposition remained away, did not vote; and yet he says afterwards, in his desire for the seat, that many—how many he does not pretend to know or say—were cast for him.

Now, before proceeding further, Mr. Speaker, I want to ask the attention of the House for a short time as to the legal aspect of the case. I stated before that the question for us to consider is who, as a matter of fact—and if we can ascertain it from the record it is our duty to do it—received a majority of the legal votes actually cast at that election, for the one who did is the chosen member for the Fourth Alabama district. After eliminating those townships wherein there was fraud, after eliminating all votes not proven to be fraudulent, it is our duty to determine who received the greater number of those that remain, which one of the parties, the contestant or the contestee, is entitled to a seat in this House.

In the first place, Mr. Speaker, we have in the views of the minority called attention to the fact that the notice of contest is not in compliance with law. I do not propose to dwell upon that. That point was ridiculed by my valued friend from North Carolina [Mr. LINNEY] in his most entertaining speech; and the further question of the right of the notary to take the depositions in this case and the validity of the evidence in the case were ridiculed by my distinguished friend from North Carolina. He said that no lawyer who had a license for two days should dare take such a position as we have taken, or that there was no lawyer who had a license two days who would not be ashamed to take such a position. That may be the gentleman's opinion.

But, Mr. Speaker, I want to call the attention of the House to the fact that from the learned gentleman's own argument he had no conception of the question involved, and that when he came to present that question he did not seem to know that there were two questions that were distinct and dependent upon separate grounds. I will read from the record what is stated upon that question. In the first instance we demur to the notice of contest, and, as I said a moment ago, upon this I do not care to dwell, but leave it to the House for its consideration. I will pause here long enough to state the objection to it. The proof taken is not in pursuance of the notice of contest. The notice of contest is not explicit and specific, according to my judgment, as the law requires that it should be. It called attention to the fact that there was fraud in certain precincts. It said that "you are accredited with so many votes when you did not get so many." It does not say how many votes were fraudulent. It says, "I received of the votes really cast more than were returned for me," but does not state what proportion nor how many.

I deem it sufficient to let the matter rest there.

The other question is, whether or not the notary who took all the depositions in Dallas County had authority to act, whether or not the oath administered by him to the witnesses was a valid and binding oath, and whether the testimony taken before him is testimony for the consideration of this House, since, having been appointed a notary for the county of Chilton, he took the testimony in the counties of Calhoun and Dallas, beyond the limits of his jurisdiction.

Those are the two questions. Now let me refer to the speech of the honorable gentleman from North Carolina. Here is what he says:

Why, my friend has raised the point in his report, and it is the first objection made, that the notice of contest was defective; that it was not stated with sufficient accuracy, with sufficient technical certainty. They wanted more certainty than is required in the pleadings in any court. They wanted more certainty than has ever been known in any tribunal that I ever heard of. They say the notice will not do, when it is a straight-out allegation of rascality and fraud at that election, and when it gives notice of what they were going to do. Why, it must be clear, as my friend from Ohio [Mr. NORTHWAY] put it, that when the Federal Government, when the Congress of the United States, having charge of these Federal elections, confers upon any person, no matter who, the right to take depositions, that he exercises that right, not by virtue of a State law, but by virtue of the power given him by the Federal statute.

He is mixing up the two questions here; he seems incapable of separating them; and yet he presumes to lecture other gentlemen for their opinions as lawyers, and says that no lawyer who had had a license for two days ought to take such a position.

But let us follow him further:

Suppose, as my friend suggested, the statute had said that any justice of the peace should have this power. Does anybody deny it? Suppose it had said any minister of the gospel should have this power. Does anybody deny it?

This upon the notarial question. Now see him flounder over to the question of notice, not conscious, apparently, that it is a different one entirely.

In my State it is the law—and I believe I can safely say it is the law in the State in question here—that in taking depositions all you have to do is to put in your notice the name of the party before whom the deposition is to be taken, and it does not matter who he is; if your State statute authorizes it, he is properly authorized to take the depositions.

Now, let us go to the consideration of the question of the power of the notary to act. I am aware, Mr. Speaker, that in the only case where this House had adjudicated this question it has been determined adversely to my contention. In the case of Washburn *vs.* Voorhees the House found that the authority conferred by the statute of the United States created an individual officer for the purpose of taking the testimony and did not recognize or designate an officer already constituted and authorized under State law to take it. It is upon this point that we take issue with the view laid down in the case cited. Let me first read the statute as it was at the time the decision in the case of Washburn against Voorhees was rendered. Here it is, and the House will observe that it is different from the law as it now stands. It provides that—

When any such contestant or returned member shall be desirous of obtaining testimony respecting such election, it shall be lawful for him to make application to any judge of any court of the United States, or to any chancellor, judge, or justice of a court of record of any State, or to any mayor, recorder, or intendant of any town or city in which said officer shall reside, within the Congressional district in which the said contested election was held, who shall thereupon issue his writ of subpœna, etc.

In that case the law specified that the officer before whom the testimony was taken, if a mayor, could take it in the city in which he resided, and in that case of Washburn *vs.* Voorhees the testimony was taken before a mayor who went outside of his jurisdiction and all around the county taking testimony. The statute said that if he was a mayor, recorder, or intendant he could take the testimony in the town where he resided. What else does this statute say? It says that no witness shall be required to go beyond the limit of his county to testify.

Now, what was the purpose of the Congress of the United States in enacting that statute? Was it to take a man who was already an officer under State authority and make him an officer to take this testimony? Was it to take a man who was already a judge, a member of the judiciary, and reinvest him with authority as a judge? Was it the purpose to take a man who was judge of a court of record under State authority and reinvest him with authority to act in a judicial capacity? Or was it the intention of Congress to designate an officer already accredited with authority and vested with the power to administer oaths to exercise his jurisdiction in behalf of Congress in taking testimony in contested-election cases? With all respect for those who hold contrary opinions to mine, it does not seem to me that that is in accordance with reason. But let us examine the statute itself, the statute under which this case arises:

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendant of any town or city.

Fourth. Any register in bankruptcy or notary public.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election.

SEC. 112. In case none of the officers mentioned in section 110 are residing in the Congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district, and they may receive such application and jointly proceed upon it.

Then, in section 115 it is provided that—

No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpœna.

Will gentlemen contend that Congress believed there was a district in the United States where there was no judge of any court of record? Will any gentleman contend that Congress believed there was any district in the United States where there was no notary public? Certainly not. But Congress was consulting the convenience of the parties contestant and contestee, by permitting them to go before any "officer" residing within the bounds of his jurisdiction and employ his services in taking the necessary testimony, and in case there was no judge of a court of record at the time residing in the county, or no district judge of the United States, then the parties need not go into an adjoining county to find a judge, but the testimony might be taken by a notary or one of the other officers mentioned.

But without regard to that point, the argument is the same. It is manifest that Congress intended not to create an office, but to designate an officer already existing by virtue of the authority of the State in which he was living and to avail itself of his services for the purpose required. The language is that when the party desires to take testimony "he may apply to either of the following officers."

"Officers" shall be selected. "But," said a distinguished gentleman—from Indiana, I believe—yesterday, "suppose Congress had said 'any person.'" Why, sir, the gentleman's question answers his own proposition. If Congress had said "any person," that would have vested the person with authority for the purpose, but it would have been looked upon by every lawyer in the land as a most absurd piece of legislation. Every man would have been constituted an officer under the statute. But the act does not say "person"; it does not say "minister of the gospel"; it does not say any of these persons enumerated outside of the statute, but it says "the following officers," enumerating different officers already in existence as officers having authority by the law of their creation to administer oaths. And it is my opinion as a lawyer, however little credit may be attached to it, or however little it may deserve, that it never was the purpose of Congress to create new officials, but to select and designate such officers as were already vested with legal authority and to authorize them to take the testimony required by this statute.

Mr. Speaker, I do not believe that a precedent established by the House of Representatives is worthy of the same consideration which the solemn, deliberate judgment of an unbiased court has a right to demand from it. We all know what a precedent amounts to in this House. We are frail; we come here battling for partisan supremacy; we come here seeking by every means at our command to secure some advantage over the opposition. Gentlemen know that in past election cases the decisions of this House are not entitled to that consideration to which the dignified, deliberate judgments of unbiased courts are entitled. I do not feel bound by the decision in Washburn *vs.* Voorhees. I do not feel that Congress is even bound by the judgment of a court if it is wrong, much less by a decision of this House, when everybody knows that these precedents are disregarded whenever it suits the convenience of the party wishing to do so, and when everybody knows that the temper entering into the adjudication of these questions is not a judicial temper but a partisan one in nine cases out of ten.

Now, then, this notary public who took all this testimony in Dallas County and all the testimony in Calhoun County was brought from another county for the purpose; he traveled all around with the contestant; he managed the contestant's election. He was brought over for the purpose of taking this testimony. Nobody else would do. I say, Mr. Speaker, it is my deliberate judgment that this is not legal evidence. There is no witness who testified before that notary who could be convicted in a court of competent jurisdiction of the crime of perjury, for under the law of Alabama the jurisdiction of a notary public is restricted to the limits of the county for which he is appointed. If the testimony taken by this notary is not legal evidence, the contest must fail, for it leaves us with the vote as returned by the election officers.

Now, there is one legal proposition which, while it was ignored by gentlemen on the other side in a large part of their argument yesterday, will not be denied by any gentleman in this House upon either side of the Chamber, and that is as to the duty of Congress where there is fraud proven. I read from McCrary on Elections, pages 331 and 332. The rule laid down in this House in the case of Howard *vs.* Cooper is thus quoted:

When the result in any precinct has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents as well as the evident requirements of truth not only sanction but call for the rejection of the entire poll when stamped with the characteristic here shown.

Commenting on the rule thus laid down, this author says:

The rule just stated needs the following explanation in order that it may be correctly understood. The committee, no doubt, meant to say that if the result, as shown by the returns, is tainted with fraud, the returns are to be rejected as false and worthless. But as we have elsewhere seen, the question whether the entire vote of the precinct shall be rejected for fraud depends upon another question, viz, whether from the evidence it is possible to obtain the true results. The returns may be rejected as fraudulent; and yet the true vote may in some cases be ascertained; and when it can be ascertained independently of the rejected returns, the law requires that it be respected and enforced. When the true vote can not be ascertained either from the returns or from evidence aliunde, the vote of the precinct must be rejected.

* * * * * * *

In adopting this rule the committee do not lose sight of the danger which may attend its application. Wholesome and salutary, not less than necessary, in its proper use, it is extremely liable to abuse. Heated partisanship and blind prejudice, as well as indifferent investigation, may under its cover work great injustice. It is not to be adopted if it can be avoided. No investigation should be spared that would reach the truth without a resort to it. But it is not to be forgotten or omitted if the case calls for its application.

Here is a wholesome proposition of law upon such a question as this. Why, sir, a gentleman said to me yesterday in conversation, a gentleman of the opposition: "If there were so much proof of fraud in these other townships, I am in favor of throwing the whole thing out." Sir, that is the only thing I fear from this House; that is the thing against which I protest. All I ask of you is to judge of the issues with reference to the precincts which are not successfully attacked for fraud; if then you believe that the contestant was elected, unseat the contestee, and nobody can censure your action. But if you rush to a conclusion simply from the appearance of fraud, then you have done injustice to the Fourth district of Alabama and its people—not only to them, but to yourselves and the Government which you represent.

Now, Mr. Speaker, I want to ask the consideration of such gentlemen as honor me with their attention to this matter as it has been judicially determined by the committee, in so far as it has been judicially determined. In the first place, there are six counties in the district, Calhoun, Chilton, Cleburne, Dallas, Shelby, and Talladega. Of these six counties the contest is narrowed down to two by the proof, for although the contestant gave notice that all manner of fraud and bulldozing had been committed in two other counties, he offered no testimony whatever to show it.

It was said on yesterday by the gentleman from North Carolina [Mr. LINNEY], in the discussion of this question, that the contestant had carried all of the other counties. That, Mr. Speaker, was a mistake. If he had examined the record he would have found that it was not correct. It is true the contestant came to Dallas County with a majority of 1,612 in his favor, but he did not carry all of the other counties, as the gentleman has said. He came with a majority of 1,612. What is it? He comes to Dallas County with this majority——

Mr. DANIELS. If the gentleman will allow me to interrupt him, I desire to correct one statement that he has just made. He has said that the contestant came to Dallas County with a majority of 1,612. The contestee concedes in his brief that he came with 1,654 down to Dallas County.

Mr. DINSMORE. Well, it may be. I was speaking simply from memory, and was only using the figures to illustrate a point. The exact number is immaterial for the purpose of the argument; but I will accept the statement of the gentleman, and will modify the number accordingly. So the contestant, according to the testimony, came to Dallas County with a majority of 1,654. Now, according to the testimony of the Republican witnesses in this case, there are 2,500 Democratic white voters in the county of Dallas. The contestant, then, comes to a county having all of these Democratic white voters, a county in which the voters belonging to the organization opposed to the Democratic candidate had been instructed not to register, and not to go to the polls, and not to vote; a county where the Republicans had been enjoined to remain from the polls, and, as insisted in the notice of contest and in the brief of the contestant himself, they did so remain away, and took no part in the election.

Now, when the contestant came to this county with the majority I have specified, the members of this committee express themselves as amazed that the contestee comes out of that county with a majority in his favor. Why? Because a majority of the residents of that county are colored men, many of whom are proven to have voted the Democratic ticket, some proven to have voted for the contestee, all of whom had been enjoined to remain away from the polls; and not only that, but the white Republicans, the Populists, and the Jeffersonian Democrats adopted the same course. Is it, then, anything strange that the contestee should receive a majority of the votes of his own party in a county where all of the testimony shows the other side took no part in the election, a county having 2,500 Democrats; and are they astounded in the face of these facts that the contestee should have a majority of votes? This is the keynote of their argument; this is its tenor, although the fraud which was inquired into, and which was brought largely into notice in this discussion by these gentlemen because of the fact, the isolated fact, that there is fraud or was fraud in the conduct of the election, has had its influence.

Now, you restrict the fraud to those localities where the evidence shows that it existed, and having done that you will find, gentle-

men, I believe, if you will consider this case dispassionately, and without any political bias or prejudice, that the contestee was duly elected and is entitled to the seat he holds on this floor by virtue of the certificate of the governor of his State.

Mr. COX. Will the gentleman yield for an inquiry just there?

Mr. DINSMORE. With pleasure.

Mr. COX. When you come to the county of Dallas, estimated to be a large Republican county, and where instructions had been given to the Republicans not to attend the election or to vote, and the majority is overcome by the Democratic candidate, what I wish to know is as to the exact vote of that county.

Mr. DINSMORE. If my friend will be patient for a moment, I am just about proceeding to that point.

Mr. COX. I beg the gentleman's pardon for interrupting him, but I wanted to know the exact vote there.

Mr. DINSMORE. I do not regard it as an interruption. That is a consideration of the question that I propose to address myself to immediately. Now, as I have said, there are six counties which I have named in this district. Three of these are not questioned. There was a contest in the county of Calhoun at a certain precinct involving only a small vote. There were also beats in the city of Anniston, in Wards 1, 2, 3, and 4 of that city, where a question was made by the contestant as to the accuracy of the votes cast. The contest in these instances, however, depended entirely upon different ground from that involved in the Dallas vote. The committee considered this case with reference to all of these disputed precincts, and the majority of the committee found this vote to be unsuccessfully assailed, and that it should be counted as returned. Seven out of nine of the members of the committee so found, and not only a majority of the committee itself, but a majority of the Republicans on the committee, determined that there was not fraud in these wards, and that that vote should stand as returned by the officers of election. Am I not authorized, then, in view of these facts, to ask the House to so find, and to count this vote as returned, when four of their own members of the majority side of the House say that it should not be attacked? This is all there is outside of Dallas County, and I content myself with this summary method of dealing with it, as it is not necessary to take up the time of the House further in a discussion of that branch of the subject.

Now, there were certain portions of Dallas County which we concede must be counted. I have made a tabulated statement of that part which ought to be counted and is supported by a majority of the committee. It is as follows:

County.	Robbins.	Aldrich.
Uncontested:		
Chilton	320	785
Cleburne	562	677
Talladega	1,390	2,110
As counted by seven members of the committee:		
Calhoun	1,838	1,481
Shelby	920	1,631
Dallas:		
Uncontested beats	221	42
Liberty Hill beat	274	----
As counted by five members of the committee:		
Dallas:		
Summerfield	29	2
Martins	60	----
Lexington	37	1
River	8	----
Union	6	----
Pences	31	----
Elm Bluff	7	----
Carlowville	31	----
Boykins	11	----
Mitchells	16	----
City (Selma)	767	5
Total	6,527	6,734

In the counties of Chilton, Cleburne, and Talladega there was no contest, and in Shelby County only one precinct is contested, while in Calhoun County I have already referred to wards 1, 2, 3, and 4, in the city of Anniston, where contestant claims that he received votes that were not returned for him. There is no contest as to the remainder of these counties. In Dallas County the uncontested beats should be counted, and nobody controverts that, including also Liberty Hill, one of the contested beats, where contestant charged fraud existed; and in that township seven members of the committee, three Democrats of the minority and four Republicans of the majority, say that Liberty Hill should be counted as given in the returns, that it has not been assailed successfully, and that this beat should stand as recorded.

After Liberty Hill we have figured in this table the following votes, which it is agreed were actually received by the contestant and contestee in the beats of Summerfield, Martins, Lexington, River, Union, Pences, Elm Bluff, Carlowville, Boykins, Mitchells, and City beat—that is, the town of Selma. Upon this computation, upon the count as here stated, a majority of the Committee on Elections have reported to this House.

The venerable and able chairman of the committee [Mr. DANIELS] himself has joined in this count, as has also Mr. COOKE, another Republican member of the committee, and say that a Republican House should count the vote as so reported. Then that leaves a majority for Aldrich of 207 votes. But we are not through with all the beats. There are three more beats, and here is where the battle lies. The beats of Orrville, Woodlawn, and Oldtown the minority of this committee say should be counted as returned by the election officers, and if you do so you seat the contestee. If you count any two of them you seat the contestee.

My friend from Massachusetts [Mr. MOODY], who opened the argument upon the other side of the Chamber yesterday, stated that we had agreed to throw out certain beats. But, he says, here the gentlemen were forced to stop, because if they had not they would have seated Mr. Aldrich. I might retort, Mr. Speaker, with more justice than gives sanction to the insinuation of the gentleman against us that we have acted not in honesty but in a partisan spirit—I might retort upon a majority of the committee if I thought proper to do so, but I refrain.

Mr. MOODY. If the gentleman understood anything I said yesterday as a reflection in the slightest degree upon the Democratic members of the committee, I beg leave to withdraw it and to say that I had no such intention whatever.

Mr. DINSMORE. I am perfectly sure that my good friend, for whom I have the highest respect, was only influenced in saying what he did say by the heat of debate, and not by any belief on his part that any gentleman of the minority had been actuated by any except proper motives in arriving at his conclusion. But it is in the RECORD. It was stated on the floor; and I could not but refer to it in self-defense.

Mr. Speaker, if I do not offer reasons why these beats should be counted for the contestee, I can not expect you to give them credit. With a vacant side of the House staring me in the face, I can not expect to convince absentees; but I appeal to such as honor me with their attention and manifest a desire to know something about this case to hear the views as expressed by the minority, to consider them well, and also what I shall have to say.

At this point I want to advert once more to the speech made by my delightful friend from North Carolina [Mr. LINNEY]. Mr. Speaker, that distinguished gentleman started out by swinging incense before the memory of Blackstone, pronouncing a panegyric upon Jere Black and the distinguished sons of his own State, Judge Pearson and Judge Settle, all eminent lawyers. The gentleman himself honored the bench upon which he once sat. He revels in the glory of the ermine; but the speech which he made yesterday, I regret to say, does not partake of the spirit and dignity of the bench, does not evince the judicial mind, as did the gentleman's utterances and reputation while he served upon the bench, before he became a member of Congress.

Mr. Speaker, he spoke very eloquently; he challenged the admiration of the opposition; he won the rapt attention of his own side; he evoked the enthusiastic applause of the galleries, but what he said outside of the argument that I have already referred to had nothing whatever to do with the question involved before the House as it now stands. Did he take the evidence in this case that is here for your consideration, upon which you are asked to consider the issues now, as to the controverted questions? Not at all. He amused the House and entertained himself by reading from the record here page after page of the testimony with reference to deceased and absent negroes down in Alabama, in Dallas County; but not one word of that evidence applied to any beat which is in controversy. It was all with reference to River beat and other beats which are conceded by the minority as fraudulent, and which have been cast out of consideration, which the House is not asked by us to consider. And yet the gentleman won the praise of his side and the applause of the gallery, and the encomiums of the press for his bold, defiant attack upon "Southern methods" of conducting elections.

Suppose somebody had come before my distinguished friend when he was on the bench, and an issue was made before him, an issue well defined from the pleadings, and this man had got up and sawed the air and stamped and fumed upon matters irrelevant and outside of the case. My friend from North Carolina would have rapped him down and told him he did not care to hear him upon such matters. I state this deliberately, I mean what I say, that every word of the argument of the gentleman from North Carolina upon testimony in this case relative to Dallas County was upon beats which the minority cast out and do not ask the House to consider at all.

Mr. COX. And the majority agreed to that?

Mr. DINSMORE. Why, we all agreed. There was no dissenting voice on that.

Mr. PITNEY. If I understood you, the minority of this committee agreed that the returns from those 10 precincts, or whatever the number was, should be cast out?

Mr. DINSMORE. We did.

Mr. PITNEY. The ground of your action was that there was plenary evidence of a widespread conspiracy to commit fraud——

Mr. DINSMORE. The gentleman is in error in that statement.

Mr. PITNEY. Let me finish my question, and then the gentleman can make any correction he thinks necessary. The majority of the committee claimed there was evidence of a widespread conspiracy, manifesting itself by certain methods adopted in each of these precincts. The minority of the committee agree that those 10 returns shall be thrown out. Does the gentleman not think that the evidence of the conspiracy and the evidence of the methods adopted in the 10 precincts which the minority have agreed shall go out is to be taken into consideration, together with other corroboratory evidence which relates particularly to those other beats which it is proposed to dispute?

Mr. DINSMORE. If the gentleman is a lawyer, as I presume he is, he is familiar with the principle of law that until after a conspiracy has been established by proof you can not introduce proof to connect parties with the conspiracy; and I maintain that there is no conspiracy proven in this case. There is not a syllable of evidence that justifies a conclusion of the existence of a conspiracy.

Mr. PITNEY. My contention is that there was a conspiracy to commit fraud in this case.

Mr. DINSMORE. I insist that there is no evidence of a conspiracy. Gentlemen may assume a conspiracy, but there is not a particle of proof of it. When they attempt it, they go back for a generation and refer to the past condition in that district.

Mr. PITNEY. I do so by referring to the evidence in these 10 precincts. Was there not substantial proof of a conspiracy in these 10 districts? Was not the character of fraudulent methods the same in all?

Mr. DINSMORE. My dear unconverted friend, the frauds in connection with elections are similar in every beat, in every district, in every county and State election throughout the Government where fraud is committed; and there are but certain kinds of frauds that may be successfully resorted to. One is stuffing the ballot boxes; another is padding the poll list; another is permitting men not entitled to vote to vote, and making false returns, and another that of buying votes; and that is all. But it is insisted—and here I will pause to advert to that—it is stated defiantly that the probate judge was the chief conspirator. It was stated repeatedly. My friend from Massachusetts nods his head. The judge of probate was stated to be the chief conspirator in this fraud. The only evidence in this case against the judge of probate was that he is the man who appoints the inspecting officers and the man who has control of the archives, who when a letter, or letters, if you please, unaccompanied by fees, making a demand for a copy of the registration list were sent to him, failed to send it. There is no evidence in this case that anybody ever went to him and asked for it. Why, the gentleman from Massachusetts said that nobody had ever seen the list. "No eye has ever seen this registration list." Now, I appeal to the gentleman from Massachusetts to know where he got this information?

Mr. MOODY. From the record.

Mr. DINSMORE. The record makes no such disclosure.

Mr. WATSON of Ohio. I desire to ask the gentleman a question for information, to know whether we correctly understand what the gentleman has stated with reference to the evidence in this case which was read by the gentleman from North Carolina yesterday. Do I understand you to say that what he read was not evidence in the case?

Mr. DINSMORE. No, sir; I did not make such a statement.

Mr. WATSON of Ohio. We may have misunderstood you. Do I understand you, then, to say that if the testimony which he read was taken in this case that it was not germane to the issue.

Mr. DINSMORE. Is the gentleman ready for an answer?

Mr. WATSON of Ohio. Certainly.

Mr. DINSMORE. The reason why I insist that it was not applicable is because that testimony was taken to show that fraud was committed in certain beats—the River beat, Union, and one or two others—no matter what beat; but the whole committee, without reference to party, every member of the committee, agree that they should be cast out, and were cast out, and are not now being considered on the result. [Loud applause on the Democratic side.]

Mr. McMILLIN. And there is no issue upon it.

Mr. DINSMORE. There is no issue upon it; and yet the gentleman from North Carolina, with a judicial record behind him, blazed here with fiery eloquence on propositions which nobody controverts. [Laughter.]

Mr. MOODY. Mr. Speaker, I am asked by gentlemen about me to request unanimous consent that the gentleman now speaking may conclude his remarks.

The SPEAKER pro tempore. The gentleman from Arkansas has ten minutes remaining of his time.

Mr. MOODY. It is very apparent from my knowledge of the case that the gentleman's remarks can not be concluded within ten minutes; and I make the request now, so that the gentleman from Arkansas can speak upon the subject at his best discretion.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Arkansas may be allowed to proceed without limit. Is there objection? [After a pause.] The Chair hears none.

Mr. DINSMORE. Mr. Speaker, I thank my friend and colleague, and assure the House that I shall endeavor not to abuse its patience and its indulgence.

Mr. Speaker, I want to continue the consideration of the testimony further. Certain gentlemen have talked about a conspiracy. I was going on to say, when I was interrupted, that the charge is made that the judge of probate is the chief conspirator, and yet all that they can allege against him from the record is the fact that when he was written to by Hardy, the chairman of the Populist central committee, and by Mr. Aldrich, two letters, in neither of which were inclosed the fees for a copy of the registration list, that it was not furnished. The evidence does show that, if I am not mistaken, and I do not want to misrepresent anything. I studied it very carefully, and I will attempt to state nothing outside of it.

There is no proof that Aldrich ever went to him and demanded it. There is no proof that Hardy ever went to him and demanded it. There is no proof that either of them ever tendered the fees for this registration list. On the contrary, the evidence in this case convinces me that they were merely trying to lay the foundation for a contest and that they did not, in good faith, want a registration list. However that may be, nobody will deny that they could have gotten it, or, if anybody does deny that, certainly nobody will deny that the best way to have obtained it was the way which they did not take, namely, to go to the judge of probate and said: "Here, you are the custodian of these records; as such custodian you have in your possession the registration list of Dallas County; I want a copy of it, and here is the money for it." But they did nothing of that kind. There is no such testimony in the case, and there are 100 pages of testimony in this case certified by this same judge of probate of Dallas County.

But gentlemen say there is another point to show that this judge was guilty of glaring fraud. What is that? Why, that he refused or neglected or failed to appoint as inspectors of election individuals selected by Mr. Aldrich, the contestant, for that purpose. Mr. Speaker, there is no law requiring the judge to appoint those persons, and no gentleman will say that there is. The law requires that the inspectors shall be of different parties; that is all. No right is given to the candidate by the law of Alabama to demand that certain individuals shall be appointed, but the law does distinctly provide that the inspectors appointed shall be of different political parties, or that there must be appointment from the opposition, and Mr. Aldrich testifies that he did not know the politics of the men whom he asked to have appointed. As a matter of fact, a number of them were Democrats, and that being so, the probate judge had no authority to appoint them, because that would have been to make all the appointments from one party.

I want to bring the House to an understanding of the true attitude of this matter. Fraud is charged against the probate judge because he refused to appoint persons as inspectors whose appointment had been requested by the contestant, who had no right to make such a demand. Then there is a charge of fraud against this probate judge for failing to furnish a copy of the registration list when in fact there was no proper demand made for that list. Now, is this House, upon this flimsy pretext, to dishonor this officer and affirm the statements made by my friend from Massachusetts that this judge of probate was the arch conspirator in the scheme for the perpetration of fraud in that county?

Mr. MOODY. Mr. Speaker, I know the gentleman from Arkansas does not desire to misrepresent our position.

Mr. DINSMORE. I certainly do not.

Mr. MOODY. Our position is not that the judge of probate went beyond his duty in declining to appoint the persons whose names were presented to him, but that in 10 of the 13 beats that are found to have been fraudulent he did not conform to the provision of law which requires that each party shall have a representative at the polls, and that the proof in the record is abundant and conclusive upon that subject. Our position is that it was that action of the judge of probate, in direct contravention of the law, which made every one of these fraudulent precincts possible; so that if anybody in the world is responsible for the frauds which resulted in every case where there was not a representative at the polls, the judge of probate is the man.

Mr. DINSMORE. If anybody is responsible for the frauds—that leaves the case in a very nebulous condition. But the gentleman says that what they complain of on the other side is that in a number of these beats the judge appointed ignorant negroes as judges of election.

Mr. MOODY. No; in one beat.

Mr. DINSMORE. And that he did not appoint—whom? Whom do you contend that he ought to have appointed?

Mr. MOODY. I have tried to make myself clear.

Mr. DINSMORE. Well, it is no doubt due to my stupidity, and not to the gentleman's want of perspicuity.

Mr. MOODY. I am quite certain that you are wrong on that point, at any rate. Our contention is that the law entitles Mr. Aldrich and the party supporting him to one inspector at each poll, and that it was the duty of the judge of probate to appoint such a person. We do not say that it was his duty to appoint the person suggested by the candidate; he was not compelled to do that under the law, but he ought to have selected and appointed somebody who was a Republican or a Populist or a Jeffersonian Democrat. He did not do so except in three beats. In one of those three there was appointed, by accident, a Republican; in another place an ignorant negro was appointed to sit between his former master in the days of slavery and the person upon whose place he lived; and in the third place the appointee was a purchasable negro, as to whom I am sure the gentleman from Arkansas would not believe a word that he says. They were the only representatives that the contestant had; and what we complain about is the conduct of the probate judge who made all this fraud possible.

Mr. DINSMORE. Mr. Speaker, I regret to be in the attitude in which I am left by the majority of the committee and by the contestant whom they represent, with reference to this man whom the gentleman says I would not believe on oath. I confess that I have some suspicions about this individual; and I regret not to be able to give the utmost confidence to the testimony which the contestant has offered here and upon which he asks this House to seat him. I regret that the character of a number of witnesses in this case is such as not to entitle them to be believed by myself or anybody else. But as to this one witness who the gentleman says is unworthy of credit, I take occasion to remark that he ought to be entitled to some respect at least from Republicans, since he was at that time the chairman of the Republican central committee of the county of Dallas, and was a leader of the delegation that nominated Mr. Aldrich as the candidate of the Republican party for Congress. [Laughter.]

It is claimed that at certain beats there was no Republican appointed and that Mr. Aldrich had a right to expect such appointments. I deny that contention. There is nothing in the law on which to base it. What is required by the law is that a "member of the opposition" be appointed—he may be a Populist; he may be a Republican. And wherever the law could be complied with it was done. The proof shows that in some beats there was not a single white Republican, so that none but black Republicans, men who were ignorant, or a majority of whom were so, could be appointed.

Mr. PITNEY. Will the gentleman allow an interruption?

Mr. DINSMORE. Yes, sir.

Mr. PITNEY. I wish to make a suggestion concerning the effort made by the contestant to secure the production of the original registry list or a certified copy of it.

Mr. DINSMORE. I do not quite understand the gentleman.

Mr. PITNEY. The question has been raised as to the effort that the contestant made to produce in evidence, for the benefit of this House, the registry list of Dallas County, or a certified copy of it.

Mr. DINSMORE. That is the question I was discussing a few moments ago.

Mr. PITNEY. Now, the contestant made some effort in that direction; but the gentleman from Arkansas [Mr. DINSMORE] contends that he did not make a proper or sufficient effort. On that point I wish to make this suggestion: Inasmuch as the contestant showed other evidence attacking, admittedly on very strong grounds, the returns from 10 beats, attacking those returns with such force that the minority of the committee were obliged to agree with the majority that the returns should go out, is it not the gentleman's view that the contestant was right in his contention that the registry list would be very important evidence bearing upon those beats; and did not the evidence that he introduced concerning those beats cast the burden upon the contestee to make some effort to produce the original registry list, or a certified copy of it, for the information of the House?

Mr. DINSMORE. I shall not attempt to evade the embarrassing attitude of this case owing to the fact that the contestee did not take evidence. But in answer to the suggestion just made, I will say I do not feel it was incumbent upon him to do so; and unless the contestant himself shows that there was such fraud in every beat as to render the returns unworthy of credit, they should not go out. I insist further, as the only evidence offered for consideration here is that the contestant or his friends wrote two letters to this probate judge, never tendering him any fees and never going to him in person to make any demand, I insist that alone is insufficient to sustain the attack based on the ground of fraud or conspiracy. And I contend further that the neglect of the probate judge to appoint the men whom Aldrich asked him to appoint, when he did in fact appoint some of them, and when Mr. Aldrich had no right to demand the appointment of any particular person, is to my mind the flimsiest evidence upon which to ask Congress to find that a sworn officer has been guilty of fraud and conspiracy.

Mr. COX. Who wrote those letters?

Mr. DINSMORE. Mr. Aldrich wrote one, and Mr. Hardy, the chairman of the Republican committee, wrote another. I will turn to them. I read those letters as they appear on page 231 of the record:

HEADQUARTERS REPUBLICAN CAMPAIGN COMMITTEE,
September 25, 1894.

MY DEAR SIR: I desire to obtain from your office a certified copy of the registered voters of Dallas County, by beats.

Please advise me how soon such a copy can be made and amount of your fees for the same.

Will you also kindly furnish these headquarters with list of inspectors for your county when appointed, and greatly oblige,

Yours, respectfully, W. F. ALDRICH.

Hon. P. G. WOOD,
Judge of Probate, Selma, Ala.

OCTOBER, 3, 1894.

MY DEAR SIR: We wish to obtain a certified copy of the registration list of your county (Dallas), by beats.

Please inform us how soon we can get this list and amount of your fees therefor.

Fees will be remitted on notice from your office that the list is ready.

Most respectfully,

J. D. HARDY,
Chairman Republican Campaign Committee.
Per F. M. S., *Secretary.*

Hon. P. G. WOOD,
Judge of Probate, Selma, Ala.

Mr. MOODY. There is another letter on page 194.

Mr. DINSMORE. I will read it.

MY DEAR SIR: On the 3d instant I addressed you a letter, requesting a certified copy of the registration lists of your county (Dallas) by beat, and asking the amount of your fees therefor. To this I have no reply as yet. Will you kindly inform us how soon we can get said list and the amount of fees for the same?

Most respectfully,

J. D. HARDY, *Chairman.*

Hon. P. G. WOOD,
Judge of Probate, Dallas County, Selma, Ala.

Now I read from the sworn testimony of Mr. Aldrich immediately following that letter:

And I know of no other or further correspondence by him on that subject.

Q. Do you know the political affiliation of the persons whom you requested the board, whose power it is to appoint inspectors of elections, to appoint?

A. I do not in all cases.

Q. Do you know the political affiliations of the persons who were appointed and did serve?

A. No, I do not.

That is what Mr. Aldrich swears in his testimony, taken after the election. It is contended here that none of these Republicans were appointed, but Mr. Aldrich swears he does not know the political affiliations of the men who were appointed.

This is all of the correspondence, I believe, on the question of the registration list.

Mr. MOODY. No, there is Commissioner Holbrook's letter.

Mr. DINSMORE. I thought I had already referred to that. This letter is dated January 21, Selma, Ala., and I ask you to observe the headings of all of these letters. It is as follows:

SELMA, ALA., *January 21, 1895.*

DEAR SIR: You will please furnish me, at your earliest convenience, a certified copy of the original registration lists, as certified to you by the beat registrars, from the following beats in Dallas County, to wit: City precinct, No. 36; Orrville precinct, No. 8; River precinct, No. 10; Oldtown precinct, No. 12, and Liberty Hill precinct, No. 25.

Copies of the foregoing registration lists are desired for use as evidence in the contested election case wherein W. F. Aldrich is the contestant and Gaston A. Robbins is the contestee, in which case testimony is now being taken before me.

Yours, respectfully, S. S. HOLBROOK, *N. P.*

Hon. P. G. WOOD,
Judge of Probate of Dallas County, Selma, Ala.

Now, Mr. Speaker, there is no evidence, there has never been any offered, so far as I remember, that any one of these letters ever came into the possession of the county judge.

Mr. MOODY. If the gentleman will pardon me, on page 196 of the record is the admission by counsel for contestee that the probate judge had received all of them.

Mr. DINSMORE. The gentleman is correct. I will read the statement. It is as follows:

Contestee further says that at the proper time and place he will show by competent witnesses that the said P. G. Wood, judge of probate, did furnish to the contestant in this cause a certified copy of the registration list, asked for by J. D. Hardy, chairman, in his letter dated October 3, 1894. Contestee will further show at the proper time and place that the request made in the letter dated January 21, 1895, signed by S. S. Holbrook, N. P., will be granted as soon as it is possible for the same to be done.

Contestee admits that the letter signed by J. D. Hardy, chairman, and addressed to P. G. Wood, probate judge, was received, and, in fact, all of the three letters above introduced were received, by P. G. Wood, but states that said P. G. Wood has ever been ready and willing to comply with the requests therein asked as soon as possible and the requirements of the law are properly met.

Now, Mr. Speaker, here are a number of letters, four in all, addressed to this man, dated and headed from Selma, Ala. Contestant evidently, as these letters show, was relying upon correspondence by letter addressed this way for the actual obtaining of these lists rather than by making the attempt in the usual manner, and in such a manner as a man who really desired to obtain the lists

would have pursued. I confess that for the purpose of a contest it is perhaps better to have had it in writing, because there are the words; but if he actually wanted the lists, what would my friend from Massachusetts have done, what would my mercurial friend from North Carolina [Mr. LINNEY] have done, if he felt that he was being defrauded by an officer who had control of these lists? Why, would not either of them have gone at once and said: "We want this registration list; here is the money for it; give it to me at once in pursuance of my right, and here is your money to pay for it"? He would not wait to send a letter to him and ask him if he could furnish it, but he would go and tender the money for a copy of it, and say, "Now, give it to me." He would not have had to wait if he had done so, and I say that it is the most flimsy testimony, in my mind, ever presented here on which to ask a judicial tribunal to condemn a public official.

Mr. PITNEY. But is it not sufficient evidence on which a judicial tribunal might ask the other party to the contest to produce the testimony, or make an effort, at least, to do so?

Mr. DINSMORE. Well, I have already answered that suggestion of the gentleman once, and I do not think it necessary to repeat it. If he wants to decide this case on the ground that the contestee did not take testimony in his own behalf, he is at liberty, of course, to do so. But, as I have already said, while the contestee no doubt prejudiced his case by not taking the testimony in the Fourth Congressional district of Alabama, that district has a right to have this question decided on the testimony that has been taken. There can be no question of that fact.

Now, I have been detained so long at this point that I shall proceed at once to consider some other aspects of the question. I want to ask gentlemen to consider with me the Selma beat in Dallas County. Remember that up to this point, including the Selma beat, we have the sanction of a majority of this committee, to count, as stated in the table I have presented, all of the votes in Dallas County and the other counties all together, leaving out of consideration only Orrville, Old Town, and Woodlawn precincts, and leaving the parties in the attitude at this point that Mr. Aldrich will have a majority, by that proceeding of the committee, of 207 votes against the contestee, Mr. Robbins. But before I take up the three beats which it has been insisted by the minority shall be counted as returned, but against which all the majority have decided, I want to consider and concentrate your attention solely on the Selma beat of Dallas County.

I have consented with some reluctance, Mr. Speaker, to throw out the official returns of Selma. To my mind the testimony attacking it is meager. Such testimony as has been offered here to show that men voted in the precinct who did not actually vote has not been of as reliable a character as I would have wished. The testimony of a witness that he is acquainted with the people in a particular locality, and yet does not know a large number of names of men appearing on a certain list, is not to my mind such evidence as would enable any man, in the ordinary transactions of life, to consider it as satisfactory. Take a paper and show it to a man; here is one containing a list of names. "Do you recognize the names of those people living in this beat?" "Well, I recognize this, or that, and this [picking them out], but from here to here I do not recognize them." And yet here is this testimony. On this character of testimony the majority are asking you to disregard and discredit the returns, holding that it is evidence of fraud, though the law does not so specify. The law says that simply proving that a man of a certain name lives in another place and was not present when the voting was done is not sufficient evidence to challenge the vote of the same name when deposited in the ballot box. The law declares that there must be corroboration to show that the individual is one and the same person. Only in a very few sporadic instances have they fixed the identity of the individual himself. But Judge Craig says, "I do not know a number of these names," and the inspector of health of the district testified that he "did not recognize many of them." Now, I ask one of you gentlemen to try an experiment. Go home to-night, take up your mailing list from your own home in the city where you live. Run over it and see whether you are not confronted with name after name of men living at your own home that you can not recall and do not know anything about.

But the evidence discloses that in this beat there were two men employed who went and watched, and according to their testimony only between 700 and 750 votes could have been polled there, because only that many went into the polling place. They testified that they were there all day, from the time the polls were opened until after they were closed; that they could see; but there is evidence of various witnesses in this case that from the positions where they placed themselves it would have been impossible for them to have seen everybody that went in and out of the polling place. One supplied himself with live-oak acorns and the other with coffee grains, and whenever ten men went in one man would take a grain of coffee out of one pocket and put it into the other. The man with the acorns waited until he got a hundred. Then he would take an acorn out of one pocket and put it into the other. These men come in and testify that only seven hundred and odd votes could have been polled there, because only that many people went in. The testimony of more than one witness shows, as I say, that these men were not in a position, as stated by themselves, where they could have seen all the people who went in there. In addition to that, the testimony here shows that in this beat there are at least 1,250 white Democrats.

Judge Craig, the leading—and we may assume the most intelligent—white Republican in the city, a man who has represented the district in Congress, swears there are at least 1,250 white Democrats in the city. The testimony shows that there was an active canvass; the most active one that had been conducted for a number of years, that carriages and vehicles were plying in different parts of the town bringing the Democratic voters to the polls. I say when I agreed that only 762 votes—or whatever the number is—should be counted for this contestee, I did it believing that he had received twice that many votes. That is what I meant yesterday in response to the gentleman from North Carolina [Mr. LINNEY], who assumed that we had conceded there were over 3,000 fraudulent votes in Dallas County. I conceded no such thing. I say that because we are unable—being of the opinion that the proof is sufficient to attack the validity of this return and to make it unreliable and doubtful—we are unable, when we look around for testimony to support any definite count, to find evidence on which to base any specific number, and we can only take the number which has been admitted by Mr. Aldrich in his notice of contest to have been cast, and proven by the witnesses, although in such an unsatisfactory way, to have gone in there.

I do not believe that Mr. Robbins got only 762 votes in this great beat, where the proof shows there are 1,250 white Democrats at least and at least 25 colored Democrats. I do not believe that Mr. Robbins got only 762 votes. I believe he got twice that many; for we must remember that this is a city of 10,000 inhabitants, a town with 1,250 white Democratic votes in it; and even Judge Craig puts the number as high as 1,400—from 1,250 to 1,400. He says when there is a popular Republican antagonist running, even then 1,250 Democratic votes can be reliably counted upon.

Talk about disfranchising people! Here is where the disfranchisement comes in. I do not resent any demand upon the part of the opposition, nor hold them responsible for this disfranchisement. It comes from the unreliability of the poll itself and the doubtful character of the return; but I do insist that when 762 votes are proved to have been cast, and are admitted by the contestant himself to have been cast in his notice of contest, when there was an active campaign and Democrats were being brought in carriages, when Judge Craig and the other Republicans testify that the Republicans did not vote, that the opposition to the Democrats did not vote, I contend that we are authorized to count those 762 votes for Gaston A. Robbins, and in this opinion I am supported by the judgment of the distinguished and venerable chairman of this committee, a man of reputation for judicial learning, and another one of my Republican colleagues upon the committee.

Now, it was charged that there was all manner of intimidation and bulldozing in this precinct. Mr. McIlwain, one of the witnesses called by the contestant—because these are all witnesses of the contestant—testifies as follows:

Q. Mr. McIlwain, were any deputy sheriffs around the polling place in the Shelby precinct?
A. Only one that I know.

Yet in the notice of contest it is said that there were great cohorts parading the streets, intimidating the voters and keeping them from the polls.

Q. Was there any intimidation at the polling places in the city precincts?
A. Not that I know of. I saw a good deal of conversation. I think they wanted me to leave there.

This is one of the watchers who is giving this testimony.

Q. Do you know of any attempt at bribery in the city precinct, No. 36, at that election?
A. Not of my own knowledge.
Q. Did you see any attempt to prevent legal electors from exercising their free choice in voting?
A. I did not.
Q. Did you see any browbeating of electors at the city precinct, No. 36?
A. I did not.
Q. Were there any threats to arrest made in city precinct, No. 36?
A. Not that I heard of.
Q. Do you know of any voter who would have voted for Mr. Aldrich and who was in any way prevented from voting for him by any deputy sheriff, or any friend of Mr. Robbins?
A. No, sir. I did not see any deputy sheriffs intimidate, or any friend of Mr. Robbins prevent voters from voting.

Now, that is upon the question of intimidation there. Other witnesses testified whose testimony I will not stop to read.

Now, I refer to Major Compton's testimony. Major Compton is a witness often referred to by gentlemen upon the other side. I want you to hear his testimony:

Q. You say that the Democratic ticket in 1888 polled 9,000 votes in Dallas County. There was no opposition ticket to the Democratic ticket in that election, was there?
A. My recollection is that there was none.
Q. Was that not a phenomenal vote for a Democratic ticket to receive in a Republican county?

A. That was a phenomenal vote for the Democrats to receive in Dallas County, which has been Democratic since 1878.
Q. About how many colored voters have you got in Dallas County, and how many white voters?

Is it of importance, gentlemen, to know how many voters there are?

A. There are in Dallas County, according to my judgment, about 2,400 white voters and there are about 7,000 colored voters.
Q. Now, Major, I want to ask you if you honestly believe that there are 3,000 Democratic voters in the county of Dallas on a fair, square count of the vote, every man being allowed to vote for the candidate of his choice?
A. I can only answer this question by saying that, according to my recollection, at no election held in Dallas County within the past eight years has the Democratic candidate for office received less than 3,000 votes, according to the returns made and certified to to the proper official.
Q. Major, that is not an answer to my question, and again I ask you if you honestly believe that, under a free ballot and a fair count, each voter in Dallas County being allowed to vote for the candidate of his choice, the Democratic party could poll 3,000 votes in this county?
A. With a popular candidate, I believe so.

Here is a man who hesitates and deliberates well upon his statement before he makes it. He says he thinks that a popular Democratic candidate can get 3,000 votes in a free and honest election there, if honestly counted.

Q. You say that there are 2,400 white voters in Dallas County. In your judgment how many of those white voters belong to the Populists or Jeffersonian Democratic party?
A. Well, my judgment is that there are not exceeding 150. I doubt if there are that many now.

Remember that.

Q. There being 150 Populists, that would leave 2,250 Democratic white voters, would it not? Where would the Democratic party get its other 750 votes from to give it 3,000 voters in this county?
A. From the negroes.

Had he any justification in saying that? Grigg says that there were between one and two hundred colored Democrats in that county, and you are told the same by other witnesses, this man Compton and others, that there were negroes whom, when they were approached by Democrats, they were able to induce to vote for them.

I will not detain the House further, as I promised not to abuse its indulgence, upon this beat. But let it suffice anyone, in conclusion, to say that I have made, that we of the minority have made, such a conservative estimate of the vote which should be counted for the contestee with this object, that the chairman of the committee, who is a Republican, and one of his associates, who is a Republican, has coincided with us, and if I have the misfortune of having my judicial friend from North Carolina formally turn against me upon this proposition, I rest secure in the arms of the chairman of the committee.

Now, then, in reference to three other beats—Woodlawn, Orville, and Oldtown. I will take Woodlawn first.

Mark you, Liberty Hill the chairman of the committee throws out for fraud. He and his associate [Mr. COOKE] throw Liberty Hill out for fraud; but the other four Republicans, even these hypercritical colleagues of ours on this committee, who are so jealous of every badge of fraud, say there is no ground why Liberty Hill can not be counted, giving the vote for Robbins and Aldrich there as shown. There are but three precincts where we of the minority stand alone—Woodlawn, Orrville, and Oldtown—and I will review the evidence concerning these as rapidly as possible.

I want to call attention to the argument of the gentleman with reference to the township of Woodlawn. I desire to ask attention to the speech of my distinguished friend; and when I say friend I mean it, because I have a sincere regard for my friend from Massachusetts, a gentleman of learning and ability, and in the committee room of calm, judicial demeanor. But he says in his speech of yesterday—let me refer to it, I have it here in the RECORD, fortunately, where it has been printed.

Now, with reference to the testimony of St. John Tavel. He was one of the inspectors of the election of this beat. He was one of the men who had been inspector at the election. Now, here is the testimony which the gentleman from Massachusetts quotes from:

How did he answer the first question submitted to him, which was:
"Q. Did more than 14 men vote at this election?
"A. I refuse to answer that question. I recognize that I am under oath now."

Then he goes further down and quotes from some of his testimony. Mr. MOODY says:

The counsel next asked him, after taking up the poll list: "Can you pick out of the list any other names than the 14 who have been named as voting?"
Now, there was a test. They were men who knew he lived in that beat, and he had lived there all his life, and he was an inspector of the elections. If he swore falsely and named specific names there was a strong chance of indictment for perjury. He responds:
"I can not.
"Q. Will you try?
"A. No."

What says my friend?

And it is on this testimony that the Democratic members of this committee would overturn the finding of the Republican majority. I leave it with you gentlemen here to determine, without another word.

Now, the gentleman from Massachusetts [Mr. MOODY] says the testimony of this witness is the testimony upon which the minority would ask you to overturn the findings of the majority as to this precinct. Now, Mr. Speaker, I want to call the attention of the House to other testimony of Mr. St. John Tavel; and it is to the testimony that I want to confine myself upon this question. But I shall take occasion to say that the gentleman from Ohio [Mr. ROYSE] in his statement yesterday tried to throw discredit upon him by saying that he said that was not as he signed his name. He never said he never wrote his name that way. The substance of that is that he sometimes wrote his name with two "l's" and sometimes elongated; but he did swear he signed these election returns. They did not tell us that. They quote his testimony. They play with this thing of his name; but they never once tell this House that John Tavel says here positively that he did sign that election poll list. But I want to refer to the rest of his testimony. The gentleman from Massachusetts [Mr. MOODY] said that he refused to state that more than 14 did vote there. He does not tell you further on. He does in his testimony come up boldly and squarely and say that there were as many votes polled there as returned in that list.

Why not state to the House all the testimony? Why is it that one gentleman will dwell, with all the tropes and figures of rhetoric, upon testimony that is not pertinent to the issue before the House, and that should be disregarded with the returns it was introduced to support? Why is it that my other friend will refer to isolated statements of Mr. Tavel and tell you that that is the testimony upon which the minority ask that the view of the majority shall be overturned, and yet omit this most material part of his testimony?

Mr. PITNEY. Is there any testimony of Tavel that he signed this specific return or any one of that purport? Is not his testimony simply that he signed a poll list?

Mr. DINSMORE. I will read you his testimony.

Q. Did you sign the inspectors' certificate of election after the polls were closed on that day?
A. I did.
Q. Where were you when you signed that certificate?
A. I was in the room of the polling place in Woodlawn precinct.
Q. How did you sign your name?
A. I do not remember exactly as to how I signed it.
Q. What is your best recollection?
A. According to the best of my recollection, I signed it in my usual way. Generally, I abbreviate the St. John to St. I sometimes write the John in full and sometimes abbreviate it to Jno. Well, I sometimes write out the Lewis in full and sometimes designate it by the letter L. If I change the Tavel part of my name at all I elongate it. If I change the Tavel part of my name it is to write it with two "l's."

There is no evidence in this case, unless I have overlooked it, as to how that return was signed, but Tavel says that he signed it himself, and what better evidence can you ask of the fact than that? Tavel is your own witness, and he says he signed that return.

Again he was asked:

Q. Do you swear positively that there were more than 14 votes cast at Woodlawn precinct on the 6th day of November, 1894, for a member of Congress from this district?
A. I refuse to answer that question. I recognize that I am under oath now.
Q. Do you say under oath that you saw 139 voters living in Woodlawn precinct, each for himself, cast a vote in that precinct before you, as one of the inspectors of election on the 6th day of November, 1894, for a member of Congress?
A. I do not remember how many votes were cast that day.

Now, I ask the House to remember that in this part of the examination they are appealing to his recollection, but further on, when he makes his official signature the basis of his remembrance, he verifies this, and says there were this number of votes:

Q. Did you sign the poll list showing that 139 men voted there that day, each man voting for himself?
A. To the best of my recollection, I did.
Q. Is that the truth, Mr. Tavel, that 139 men voted at Woodlawn precinct on the 6th day of last November for the two Congressional candidates?
A. I think so. I suppose so. Of course, I decline to state positively that they did.

With that becoming caution which any man, relying upon his mere recollection or upon anything except his official record, ought to manifest, he qualifies his answer in that way; but he goes on to verify his statement further:

Q. Do you believe that the 139 men whose names appear on this poll list were present, and each for himself voted at that polling place on the 6th of November, 1894?
A. Yes; I do believe it.

So, gentlemen, here is your own witness, a man who was an inspector of elections, and I have read you his testimony. You took a part of his testimony, a little bit of it, garbled it, presented it to this House as his testimony, and said that upon that testimony the minority asked the House to overturn the conclusions of the majority of the committee; but here I show you his positive testimony that he did sign that poll list and that he believed 139 votes were polled there that day, each man voting for himself as set forth in the return. Now, how is this testimony attacked? It is attacked by two witnesses, Seay and Cater. Seay is proven by the evidence to be a kind of a vagabond.

The evidence shows that he has abandoned his infirm wife and gone roaming over the neighborhood for a week at a time, and that when asked what he was doing he said, "I'm workin' for other people." "You were working for other people when you came to watch that precinct, were you not?" "It seems I was." He is one witness who contradicts Tavel, and Cater is the other. Now, Cater acknowledges that he has spent a part of his time in jail. I want to do him full justice. I do not pretend that the record discloses that he was in jail for stealing a mule or a hog, but I do say that it shows he was in jail for lack of influence enough among the respectable people of the community to be able to secure for himself an appearance bond.

Those are the two witnesses who are summoned into this court to contradict Tavel, one a roaming vagabond and the other a confessed jail bird, and their testimony is relied upon to invalidate returns which another witness, one of the inspectors of election, has sustained by his oath. Now, shall this poll be cast out? Do it if you like, gentlemen, but if you do, so far as I am concerned, you will do it over my protest. I would not cast out that poll for anybody. I would not disturb an official return in any election on behalf of any person on such evidence. I would rather leave the case to the certificate of the officers who made the return than to disturb it upon evidence like this, for remember when you do throw out that return you throw out the solemn act of three men acting under oath upon the testimony of one man who is a vagabond and of another who is a jail bird. These two men testify that they were at that poll and saw only 14 men vote, and that is the testimony upon which you are asked to throw out the poll.

Now, I will go to another point, for that is all the evidence upon this subject.

Mr. PITNEY. The gentleman says that is all the evidence on this subject. Is it not the evidence of Seay that he was there all day watching with his companion, and that he (Seay) was the last man that voted; and does not the poll list disclose the fact that his name is No. 14, while on the list there are returned 139 votes? Now, would it not have been very easy to contradict Seay by showing that he voted early in the day, or that others voted after him?

Mr. DINSMORE. My friend is still harping on my daughter, upon contestee's failure to take testimony, of which I think I have sufficiently spoken. When I said that was all the evidence in the case, I meant that these witnesses gave the only testimony upon which you relied to impeach the return at this poll.

Mr. PITNEY. But does not the return impeach itself on that evidence?

Mr. DINSMORE. I think not. That return is supported by the testimony and by the certificate and by the attestation under oath of three men acting under an official obligation. They have attested it and they support it by their testimony, and I do not think this House will disregard it because two tramps come in and seek to overthrow the testimony of these three men.

Now, I go to Orrville beat. William M. Booth and W. H. O'Brien are the two witnesses called here. These, with one other witness, E. M. Riley, are the only witnesses, I believe, who testify as to the number of votes that were probably polled in that place. O'Brien does not know. Booth does not know. I read from the evidence of Booth:

Q. How long were you in or about the polls?
A. Only a very short while.
Q. Did you see any colored men entering the polls or leaving while you were on the ground?
A. I did not take any particular notice. I saw some in the town.
Q. Do you recollect whether or not there was any crowd directly around the polling place, either when you entered or when you left the place?
A. No, sir; I do not really recollect.

Now, let me run hastily over the evidence of O'Brien:

Q. What is your name, how old are you, where do you live, and how long have you lived there?
A. My name is W. H. O'Brien. I am 44 years old. I live in Orrville precinct, Dallas County. I lived there for about eight years.
Q. To what political party do you belong?
A. To the Organized Democratic party.
Q. Did you or did you not vote on the 6th day of November, 1894, for a member of Congress from the Fourth Congressional district of Alabama?
A. I did, sir.
Q. For whom did you cast your ballot?
A. For Robbins.
Q. Were you at or about the polls much during that day?
A. I was not, sir.
Q. At what time did you arrive at the polls when you went there to vote, and how long did you remain?
A. I went there some time in the afternoon, and I remained there only a short time. I suppose that I was there possibly half an hour; not over that.
Q. According to your best recollection, was it after 2 o'clock when you were there?
A. I guess, sir, that it was about 2, or it may have been a little after that; I can not tell exactly.
Q. Are you positive, Mr. O'Brien, that it was not after 3 o'clock in the afternoon?
A. I am not positive as to that time.

Now, in evidence of this kind on the part of the contestant—and such has been the argument here—the object was to fix the time within which certain votes were polled and to connect that with other proof as to the number of votes polled about that time. I pause long enough upon this to call attention to the fact that the testimony of a witness as to his recollection of the hour at which a particular event occurs is always attended with great unreliability. No man can testify accurately in such a case unless there is some particular fact to fix his attention upon a particular time at which the event occurred.

Mr. PITNEY. Will the gentleman permit a question?

Mr. DINSMORE. I shall be very glad to answer, it if I can.

Mr. PITNEY. I venture to ask it because the gentleman stated to me yesterday that he would answer any questions.

Mr. DINSMORE. I do not think I have declined to do so in any instance. I shall be very glad to answer the gentleman, if I can.

Mr. PITNEY. What I wish to ask is this: Whether the evidence of O'Brien to the effect that he voted about 2 o'clock (his number on the poll list being 7), in connection with the evidence of Booth, who testified that he voted between 12 and 3 o'clock—nearer to 3 than 12, according to my understanding of his evidence (his number on the poll list being 294); in connection with Johnson's evidence that certain names on this poll list are the names of persons residing in another precinct; in connection with the further fact that there were produced in evidence five registry certificates of men whose names were on this poll list—produced from a custody other than that in which the law would leave them if those men had voted, for the law requires that the voter shall surrender his registry certificate to the inspectors of election when he votes; in connection with the additional fact that there was no inspector there representing Mr. Aldrich, and that there was no production of the registry—my question is, whether this evidence, taken all together, tends in any degree to impeach those returns, and if so, in what degree?

Mr. DINSMORE. The gentleman has propounded a great many questions in one. I shall endeavor to answer them to the best of my ability. In the first place, I stated a moment ago that the testimony of any witness as to the time when any particular event occurred is generally unreliable; and O'Brien's testimony as to the time when he voted is not, to my mind, so satisfactory that I would not upon it impeach any return, even in connection with any other evidence. The testimony in this case further shows that the bulk of the voters would be most likely to come in about the hour of noon, when people were taking a recess for their midday meal. That evidence is given by some one; I do not remember who. The testimony of O'Brien (his number being 194)——

Mr. PITNEY. O'Brien's number was 7.

Mr. DINSMORE. Well, sir, the testimony of O'Brien as to his vote I connect with the votes of the other witnesses who testify, and I conclude that they testified truly; that testimony of this kind where it is not contradicted is to be accepted as correct.

As to the five certificates of registration, the law does not require that they be preserved; they may be thrown down anywhere and fall into the hands of any idle or designing person.

Now, a word as to the testimony of Johnson as to finding on the list the names of persons who did not live in that beat. Mr. Gilbert Johnson is a ubiquitous witness. He testifies as to various beats. He does not restrict his testimony to people living in Lexington beat, where he resided; he goes over into Orrville and claims to be familiar with all the colored people in that beat. But his testimony, even if you accept it as true, is subject to the rule which I mentioned a while ago—that when a man simply comes in says, "Here is the name of a man who lives in another beat, not in this beat," such evidence is not sufficient to satisfy a court—and if this House is not a court it ought to be—that the identical man bearing that name was in another place and did not vote there upon that day.

Mr. PITNEY. But when Johnson mentions 25 different names I would ask the gentleman whether that does not raise some presumption of the truth of his testimony?

Mr. DINSMORE. I do not remember the number of names he mentions. The gentleman asks if this does not raise some presumption in favor of the truth of his testimony. How they struggle, Mr. Speaker; how they strive for some faint suspicion, even, when the burden of proof is on them to overturn the returns by satisfactory evidence, because you must attack the official acts of the sworn officers of election, who performed their official duties and verified it by their signature and their oath in order to overcome the presumption in favor of the contestee. And yet, notwithstanding this, with this burden upon them, the gentleman will jump at some vague suspicion.

Mr. PITNEY. Excuse me, I did not undertake to give my own opinion in reference to the matter. The question was intended to elicit an expression of the opinion of the gentleman himself, who has studied the case, as to whether he was not willing in view of this testimony to give some weight to this cumulative evidence.

Mr. DINSMORE. Well, Mr. Speaker, I hope the gentleman is satisfied with his statement. I must beg to be excused from further interruptions. I hope he will understand that I mean no dis-

courtesy to him, but I want to get through as soon as possible and not detain the House any longer than necessary. I have tried to be courteous to the gentleman in yielding to his inquiries.

Mr. PITNEY. I thank the gentleman for his responses.

Mr. DINSMORE. Now, to hurry on. There is another witness. Oh, what a herd of cattle has been brought into this case! We have a Mr. Riley who testified, one E. M. Riley, and his testimony will be found on page 50 of the record. He came to Orrville beat as a "spotter," or was sent for that purpose. He says, "I was intimidated," "I was scared." "They ran me away!" The gentleman from Indiana [Mr. ROYSE] argued that Riley was frightened away from the polls. Let us see what his own testimony is.

Q. Where do you reside?
A. In the city of Selma.
Q. How did you happen to be in Orrville on the 6th day of November, 1894?
A. I went there for the purpose of counting the men that voted in that precinct.
Q. Who hired you for that purpose?
A. Mr. G. B. Deans.
Q. Who is Mr. G. B. Deans?
A. He is the chairman of Mr. Aldrich's campaign committee.
Q. How much did Mr. Deans pay you for going to Orrville on that day?
A. I received $12.50.
Q. Your purpose in going there was to keep an account of the number of voters who voted at that precinct, was it not?
A. It was.
Q. Twelve dollars and fifty cents was the hire you were to receive for keeping that account, was it?
A. It was not.
Q. For what purpose was the $12.50 given you?
A. For staying there as long as I did.
Q. If you had stayed there longer would you have received more money?
A. If I had stayed there all day I would have received more.
Q. How much would you have received if you had stayed all day?
A. Twenty dollars.
Q. Was that the price that Mr. Aldrich paid for services of that character in this county?
A. I do not know.
Q. Was the price agreed on with you?
A. It was.

Now, they charge bribery against the contestee in this case. But, Mr. Speaker, there is not a shadow of testimony from the beginning to the end of this whole volume which has been brought here which attaches the faintest suspicion, even, against the contestee of any bribery, or anybody acting for him. And yet not only this witness, whose testimony I have just quoted, but divers others testify as to the bribery of the men on behalf of Mr. Aldrich in the election.

He was asked further:

Q. How long did you remain at the polls?
A. Between three and four hours, I think.
Q. At what time was the warning given you to leave?
A. I suppose between 10 and 11 o'clock.
Q. Did you or not leave at once?
A. I did not.
Q. Why?
A. Because I did not feel like it.
Q. Then you were not afraid of any bodily harm.
A. I certainly was or I should never have left.
Q. How was it, then, that you did leave within the fifteen minutes within which time you were warned to leave?
A. I did not say that I left within fifteen minutes.
Q. How long after the warning was given you before you left?
A. I do not know.
Q. Was it an hour?
A. I do not know.
Q. Was it two hours?
A. I do not know.
Q. Was it three hours?
A. It was not that long.
Q. Was it two hours and fifty minutes?
A. It was not that long.
Q. Was it two hours and thirty minutes?
A. It was not that long.
Q. Was it two hours and ten minutes?
A. It might have been.
Q. Was it two hours and five minutes?
A. It might have been.
Q. Was it two hours?
A. I do not pretend to say how long it was, for I do not remember.

He did not feel like going away from the polls, and yet he was "badly frightened," according to his own testimony. Now, what is the law in such cases? It was seriously contended by one gentleman who argued the case for the majority that there was intimidation here, when everybody familiar with the principles of the law of elections knows that unless somebody was influenced by intimidation, some voter deprived of his ballot or prevented from voting, or an effort had been successfully made by somebody to impede the progress of the election and actually succeeded in preventing the officers from the discharge of their duties, that such testimony is not worth a farthing. Besides that, this man did not live there at all. He could not have voted at that precinct. He said he was "frightened." Was he frightened, according to his own testimony? When he was asked why he did not leave, he said because he "did not feel like it."

Gentlemen, are you going to stand on the testimony of a bribed witness? It is no answer to say that they were only paid $20 a day to go and count men who went to the polls. I feel warranted in saying that this testimony from the very beginning showed that these witnesses were paid to watch and testify for the purpose of impeaching the returns; bribed to testify. That is the Orrville precinct.

Where is the testimony that attacks the returns? Nobody has testified as to the number of votes polled; not a witness called for that purpose, except the testimony of the officers themselves, which is testimony until it is overturned for fraud. The testimony, the certificates of election of the officers of election, who verified the accuracy and correctness of the returns by their official oath, is the only testimony that you have.

Now, let us go to Woodlawn beat. The testimony of witnesses in reference to this is set forth in the record. I wish to call your attention especially to the testimony of Louis P. Jones. He testifies that he did not stay there long, but that he was 150 or 200 yards off from the polling place. That he was in a position for two or three hours where he could see the voting place and those who went to it. According to his recollection, only one came into that polling place after he had been there. Let me read from his testimony:

Q. Did the colored people in Oldtown—I mean the colored voters—as a general thing register last May?
A. I do not know. When I registered none registered the day that I registered. The people were advised by circulars sent out by Dr. Moseley to the colored people in that precinct not to register, and the number that I talked with said that they were not going to register.
Q. Are the colored voters in Oldtown precinct Democrats or Republicans?
A. I do not know that. My best information is that they are Republicans.
Q. Do you know any Democrats among the colored people in this county?
A. I know some colored people who vote the Democratic ticket, if that makes them a Democrat.
Q. Do you vote the Democratic ticket?
A. Do I have to answer that question?
Q. Do you consider it disgraceful to vote the Democratic ticket?
A. No, sir; I do not.
Q. Louis, who did you vote for on the 6th day of last November for Congress?
A. The reason that I said that was because we all were instructed two years ago to vote it.

Then Lewis stopped and turned to the attorney who was taking the testimony for the contestant and says:

Is you Mr. Bowman? You instructed us to vote the Democratic ticket two years ago.

Then he is asked:

Q. Who did I tell you to vote for two years ago?
A. You said vote for Reuben F. Kolb, and you said that if anybody said that he was not a Democrat—I know you instructed us to vote for him. I do not know what else you said.
Q. Now, who did you vote for on the 6th of November last, for Congress, in Oldtown beat?
A. I voted for Mr. Robbins.
Q. You say that Dave Riggs did not vote there that day?
A. I said that he did not vote while I was there at the polling place. He did not go directly away with me. I saw him within twenty-five or thirty minutes after I left there. He came then to the place where I was standing in sight of the polls, and he told me that he had not voted.
Q. When you went away from there to go back home, did you go away from there together?
A. He went away, but did not go with me. He went in an opposite direction from where the polls were, and went in the direction of his home.
Q. What time did you leave that place to go home in the afternoon?
A. I do not exactly know. I suppose between 1 and 2, or probably it might have been 3 o'clock when I went home.
Q. On the road home did you meet any voters going toward the polling place?
A. No, sir.
Q. Pretty near all the voters in that precinct are colored men, are they not?
A. To my best judgment, I feel pretty sure that they are.
Q. Why did Dave Riggs say that he did not vote?
A. He said that he had not registered.
Q. Did you vote for Governor Jones two years ago?
A. No, sir; I did not vote for Jones or Kolb two years ago.
Q. You are a Democrat, are you not?
A. No, sir; I am not a Democrat, but I voted for Mr. Robbins because he has done favors for my race. I vote the Democratic ticket sometimes when I think it is to my interest to do so.

Again, on cross-examination, he was asked:

Q. Lewis, are you or not a representative colored man?
A. Well, I used to be, but I am not now.
Q. When did you quit being a representative colored man?
A. It has been a long time ago.
Q. The representative colored man will tell the truth on oath, won't he?
A. No, sir; he won't.
Q. Will a colored man who is not a representative colored man tell the truth on oath?
A. I have not known them all to be tried.

[Laughter.]

Here is a colored man testifying as to this beat. There is nothing in his testimony upon which it can be attacked save and except the one fact for which he was called to testify, namely, that there is the name of a Louis Jones on the poll list. I suppose they tried to get something out of him as to how many votes were polled. All he testifies to is that he did not vote, although his name is on the poll list. They ask you to throw this out because of the testimony of men who swear they did not vote, while there are names of a few on the poll list corresponding with theirs.

Now, the House was regaled yesterday by a lot of irrelevant testimony read by the gentleman from North Carolina [Mr. LIN-

NEY] not in support of the issue here. Evidence was introduced in behalf of issues already eliminated from this contest. Let me read the testimony of two or three other witnesses who were called by the contestant to testify in his behalf:

Q. What is your name?
A. Bob Adams.
Q. Where do you live?
A. In Oldtown beat, Dallas County.
Q. How long have you been living there?
A. For twelve years. I am a colored man and was a slave before the war.
Q. Did you register last May?
A. No, sir.
Q. Did you vote in the last November election for Congressman?
A. No, sir; I was in the field working.
Q. Is there any other Bob Adams living in that precinct besides yourself?
A. No, sir.
Q. Are you a Republican or a Democrat?
A. I am a Republican man.
Q. The colored people in that beat as a rule are Republicans, are they not?
A. Nearly all of them are.
Q. Were the colored people not advised by the leaders of the Republican party not to register and not to vote in any of the elections of last year?
A. I do not know about that.

This was in Oldtown beat. Here is a colored man who did not know about these instructions. I read this for the purpose of showing that these colored people were not all informed of the instructions; and this is in support of the theory and the evidence that colored people did vote in that contest and did vote for Robbins, for the testimony shows that in the Orville beat, and it is true with reference to all of them, the colored people voted generally with their landlords; that there are no white Republicans in that beat; that they work upon the farms with their landlords and usually vote with them. And there is other testimony that goes to show that this sometimes happens to a large extent throughout the county.

There was another witness named Gamble who testified that he did not vote. The name on the poll list was Gammon.

Q. Your name is G-a-m-b-l-e, is it not?
A. Yes, sir.
Q. And not G-a-m-m-o-n?
A. No, sir.
Q. You are not the Gammon who voted in Oldtown precinct on the 6th of November, 1894, are you?
A. No, sir; I did not vote.
Q. Oldtown precinct is a pretty large precinct, is it not?
A. Yes, sir.
Q. How large a precinct is it?
A. I do not know how large it is.
Q. About how many voters live in Oldtown precinct?
A. I do not know, sir.
Q. Do you know all the voters who do live in Oldtown precinct?
A. No, sir; I do not.
Q. There are lots of them there that you do not know, are there not?
A. Yes, sir.
Q. Do you take much stock in politics?
A. No, sir; a little sometimes.
Q. What was the election held for on November 6, 1894?
A. For Congress.

Here is another, George Walton, who is called to testify in behalf of the contestant. He testifies that he did not vote.

Q. George, how big a place is Oldtown precinct?
A. I don't know, sir.

That is the beat in which he lives.

Q. How many people live there?
A. I don't know, sir.
Q. Who is Vice-President of the United States?
A. I don't know that.
Q. Who was the Democratic nominee for Congress from this district?
A. I don't know, sir.
Q. Who was the Republican nominee for Congress in this district?
A. Mr. Kolb.

This witness is testifying with reference to the election for Congress in the Fourth Congressional district in Alabama in 1894. He is called to invalidate the return, to show that he did not vote, and he swears that he did not know who was the Democratic candidate, but that Mr. Kolb was the Republican candidate. Mr. Kolb had run for governor in the August election preceding, and was not a candidate then; and we are left to the inference that he thought he was testifying as to the August election and not as to the November election, because Mr. Kolb was not the Republican candidate, but Mr. Aldrich was.

I will not trespass upon the intelligence of the House to go further into this testimony. I have called attention to the manner in which this matter has been argued, upon excerpts from this testimony with reference to these beats, both on the part of my friend from Massachusetts [Mr. MOODY] and my friend from Indiana [Mr. ROYSE], without giving the testimony which bore more directly upon it, and which more amply and fully covered the ground. I maintain with my colleagues of the minority that these three beats ought to stand as returned by the officers of election, because they have been unsuccessfully assailed, not assailed by such respectable testimony as is entitled to the consideration of this House; that these three precincts should be counted as returned, which would show the contestee elected by more than 500 majority.

A few more words upon the subject of bribery. The evidence of Crocheron shows that he was approached and offered money to make a false return. The evidence of Bell shows that he received $30 or more for watching a precinct, when he did not live there, when he did not live in the county, but was a citizen of Texas.

Gentlemen, how does this appear to the calm, judicial mind? Suppose this were an action pending before a tribunal where cases are decided according to the sovereign principles of law, without bias, without prejudice, without fanaticism or party feeling. Why, it would not last as long as a snowflake would last in that torrid country referred to yesterday by my friend from North Carolina [Mr. LINNEY]. It may be sufficient testimony for you to unseat a Democrat; if so, do it; but I appeal to you once more to eliminate that part of the case from consideration which has been eliminated by the unanimous consent of the committee and endeavor to arrive at your conclusion upon the part which properly appeals to the judgment of members of this House. If you do apply the principles of law that you would apply if you were judges upon the bench, I verily believe you will not allow the returns from either Woodlawn, Oldtown, or Orrville to go out, but that you will leave them there standing upon the certification of the officers appointed, who did certify to them under oath; because I think I have shown that they are assailed by the flimsiest, most unreliable, most disreputable character of testimony.

I know the difficulty of carrying a case where there is fraud. I have not tried to dodge it. I have not tried to shield myself in any way from it. I say with you that I shall welcome the day, if it ever arrives—although it may be as far away as the millennium—when there shall be no fraud manifesting itself either in the South or in the North, either in Alabama or in Pennsylvania, either in Mississippi or in New York.

But the concluding remark yesterday of my friend from Massachusetts was that so jealous is he of the integrity of the associations of this distinguished body that he would not have its atmosphere contaminated by a person who comes from a district where all these frauds have been proven.

Mr. Speaker, I challenge one single word of this testimony from beginning to end that in anywise insinuates any improper conduct against the contestee personally. In what I am about to say I acquit the contestant. But my friend who is so jealous of the atmosphere of this Chamber, if he unseats the contestee welcomes to his association a man, although I say nothing against him, whose chief attorney is convicted by this evidence of bribery. The chairman of the committee who had charge of his campaign is convicted by this evidence of bribery. Let him who stands up for pure elections criticise evil and wrong wherever it appears, whether for him or against him.

The Speaker of the House appointed me to membership upon this committee, and in the selection he did me honor, but he imposed upon me burdens of which I could well wish to be relieved. If we are to be beasts of burden for the House in these election cases, all I ask is that you give to us credit for sincerity of conviction and honesty of conduct, and that you will weigh well our statements, our arguments, and the results of our labor, and determine the cause fairly and justly, and the minority will be content. [Loud applause on the Democratic side.]

Mr. DANIELS. Mr. Speaker, the gentleman from Virginia [Mr. TURNER] expected to address the House as one of the minority in the discussion upon this case, but so much time has been taken that he has given up the idea of saying anything in the House and desires to be at liberty to insert his remarks in the RECORD. I hope there will be no objection to the leave that the gentleman asks in this respect—to have his remarks printed in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Virginia be given permission to print remarks in the RECORD upon this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. DANIELS. Mr. Speaker, owing to the great time that has been consumed in addressing the House upon this question, I feel myself obliged now to compress whatever I may have to say within the shortest possible limit, and to assure the House in this respect that I shall endeavor to avoid wearying them by a lengthened discussion of the attributes of this case. To come down to the objection which has prominently been made and discussed here on the part of the contestee as to the authority of the notary, I desire to call attention of the House to the provisions of the statute upon that subject. Those provisions to a certain extent have been commentedupon by the other side; but in my judgment they leave the case entirely clear and free from the objections which have been raised against the testimony taken outside of the county of Shelby. The notary who took this testimony resided in that county; and it is objected here that because he was a resident of the county of Shelby he was without authority to take testimony in the county of Dallas.

Now, when we come to look at the statute in reference to the authority of the persons who are mentioned in the statute to take testimony in contested-election cases, we see that the intention of the law has been not to circumscribe the case within the author-

ity conferred upon the officer by the local laws of the State, but to designate by the term of the office the individual who should be authorized to exercise the authority conferred upon the officer by the language of the laws of the United States. It does not subject him to the qualification that he shall be limited in his authority by any State laws or any State adjudications upon this subject, but the laws of the United States have designated the class of persons by reference to their offices who shall be authorized to take testimony provided for by the statute of the United States in these contested-election cases. Take, for instance, the notary or any other officer who is mentioned or referred to in the statute of the United States, and he has no authority whatever under the local laws of his State to take one word of testimony in a contested-election case. The laws of the State have conferred no such authority upon him, but he is a State, a local, or a county or a city officer, and his duties and his power and authority are prescribed by the laws of the State, which of themselves exclude altogether the possibility of taking evidence in a case of a contest of this description. So that we are not to look at the laws of the State for the purpose of ascertaining the authority of the individual who is selected to take the testimony in a contested-election case, but we are to look at the statute of the United States, because it will be remembered that this is entirely a Federal proceeding, provided for by the Congress of the United States, to gather evidence to enable the House to determine who are or who are not elected as members to represent the district from which they appear as Representatives before the Congress of the United States. It is a matter entirely and exclusively subject to the law of Congress and not to any restriction whatever that is imposed upon the local officer, who is referred to as a local officer who shall exercise this broad authority created by the act of Congress.

We have only to look at the language of the law in order to see that it was the intention of Congress to cover the whole subject by its legislation, to prescribe the authority that should be exercised by the officer in cases of this description, and, without going further into general observations upon this subject, I will call the attention of the House to the language of the sections of the statute relating to this matter. They have provided that when there is a contested election and the person contesting the election is desirous of taking evidence he may apply to either of the officers for a subpœna, one of them being a notary. The statute provides that the person contesting the election may apply to either of the officers mentioned in this statute for the subpœnas to secure the attendance of his witnesses and the taking of their evidence. The statute does not by any language or by any possible construction of language limit or restrict the authority of the officer to the jurisdiction for which he may have been appointed or elected under the laws of the State, but it gives him ample and complete authority, equivalent to the entire necessities and requirements of the case, for instituting and carrying on the proceeding. Then the statute provides, among the officers to whom this application may be made, that the applicant may select a notary public for the purpose of exercising this Federal authority; and it proceeds further and declares that the officer—mark the language of the statute, gentlemen; it is not in the plural, it is the officer—that the officer to whom application is authorized to be made shall thereupon issue his writ of subpœna directed to all such witnesses as shall be named to him, requiring their attendance before him at some time and place named in the subpœna. There is no restriction there. On the contrary, does not the language of the statute impress itself upon your minds as being as broad as the legislative power could have made it, authorizing the officer and making it his duty to issue subpœnas for all the witnesses who may be named to him without restriction as to where any witness may reside or where he may expect to be examined with but one single exception? This subpœna is required, as I have already read, to command the witness to appear before the officer and be examined concerning the contested election. Then the statute provides further that in case none of the officers mentioned in section 110 are residing in the Congressional district—not limited, you see again, to the county, but to the Congressional district—that in case neither one of the officers mentioned in this section resides within the Congressional district where the election is proposed to be contested, application may then be made to two justices of the peace who may reside within the district, and whose authority will be clearly as broad as the Congressional district itself.

Now, what is the object of providing this authority to take the testimony before two justices of the peace if neither one of the other officers mentioned resides in the district, if they are to be limited by the extent of the authority or jurisdiction conferred upon them by local law? It is perfectly absurd to suppose that the Congress of the United States would so restrict the officer called upon to act in an emergency of this character. If that were the case, if the justices were selected where no other officer could be found in the Congressional district, and if the justices were to be restricted to their county, it will be seen at once that they could take evidence only in that county and that as to the rest of the district it would go entirely unprovided for. But the statute goes further and declares that no witness shall be required to attend an examination out of the county in which he resides or is served with a subpœna. Why make this provision for the protection of the witness and restrict his attendance to the county in which he resides or in which he is served, if the officer has no authority under the laws of the United States to go beyond the limits of the county? The provision would be entirely absurd under that construction, and it is warranted by no authority. Now, we go further. It is provided in section 117 that the depositions of witnesses residing out of the district and beyond the reach of the subpœna may be taken before any officer authorized by law to take testimony in contested-election cases, showing still the intention of Congress to be that the officer who is selected to take testimony in such cases shall act without restriction throughout the entire length and breadth of the Congressional district in which the contest is intended to be carried on. But if it turns out that the witness is in some other Congressional district, then the law has provided that you may go before an officer in that district and take that witness's testimony. And his authority has not been restricted to the county for which he may be an officer or to any particular county of his Congressional district, but it extends to the entire district in which he shall reside.

Again, the statute provides in section 120 that—

All witnesses who attend in obedience to a subpœna, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpœna.

Is not that broad enough to dissolve and dismiss all possible doubt as to the authority conferred by the statute in this matter? It has been seen that by the preceding provisions the officer is authorized to issue subpœnas for all the witnesses who may be named to him, without restriction as to the county, the only limitation being the Congressional district itself; and when these witnesses who are subpœnaed in this way appear, they are required to appear before the officer who issued the subpœna; and it is no matter where they shall appear, provided it is within the Congressional district in which the contest has arisen; and the officer has full and ample authority, and is positively required by this section of the statute, to go on and take the testimony of these witnesses.

By section 122 it is further provided that—

The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses, respectively.

You will see in this language another clear indication of the intention of the law. It does not refer to the "officer" of a county, but it is "the officer" who shall have issued subpœnas requiring the attendance of witnesses; he is the person who is to take the evidence, reduce it to writing, and send it to the Clerk of the House of Representatives.

Section 123 adds still further force to this construction of the statute. That declares that—

The officer—

Mark the language—indicating clearly that but one officer may be required to execute the entire purpose and authority of the statute. If this were not the case, we should find somewhere in the statute something to indicate an intention to restrict the examination to the authority conferred upon the officer by the State legislature. But there is not, either by direct language or by implication, anything in the statute in any form imposing this restriction upon the authority of the officer. On the other hand, an entirely new and independent proceeding is provided for by the language of the law. There is confided entirely to the authority and jurisdiction of one person the issuing of the subpœnas, the taking of the evidence, and the return of the evidence to the Clerk of the House of Representatives.

I continue the reading of section 123:

The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section 116. All papers thus produced, and all certified or sworn copies of official papers, shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

Can there be a doubt as to the intention of Congress in this matter? Can it be doubted that Congress intended to create an entirely independent proceeding of its own, one which should not depend upon the laws of the State, but to be within the scope of the language made use of, confiding the authority to any one of these officers to take the testimony within the entire length and breadth of the Congressional district, when applied to by either of the contesting parties—to issue his subpœnas, and to proceed to hear the evidence in the contest?

Of course, it would not be expected in a case of this description that legislation any less broad in its character would have been provided, because less broad legislation would not have been suf-

ficient to meet the emergencies or necessities of the case. It will not necessarily follow because the person selected is an officer of a particular description that the party to the contest would be able to find another within the district; and the language has been carefully drawn so as to make it the duty of this officer to issue subpœnas for all witnesses, to require the witnesses to be brought before him, to take their testimony, and to return it, together with copies of any documents or papers that may be produced before him, to the House of Representatives.

As will be seen, the duty as well as the authority of the House is singular in its character. Authority is not conferred upon two or more officers except in the case of justices of the peace where no one of these designated officers can be found within the district, but it is confided solely and wholly to the one officer, whatever his character may be officially, to go on and take all the evidence that may be required for the purpose of making up the case and sending it to the House of Representatives for its decision.

In the case of Washburn *vs.* Voorhees (reported in 2 Bartlett on Elections, 54) this question came before the House of Representatives in the year 1866. In that case it was objected, as it has been here, that the mayor of the city, who had no authority whatever outside the bounds of the municipality, was not authorized to go outside of that city and take evidence in a contested-election case. But that objection was met in the same manner in which it has been met here, though perhaps not quite so much in detail. The House concluded that there was nothing whatever in the objection; that Congress had substantially created a tribunal of its own, had prescribed the mode in which its authority should be exercised, the officer who should exercise it, and the manner in which the evidence and the papers should be returned to the House of Representatives. Upon this subject, the report of the committee in that case used this language:

> But the committee were of opinion that the authority to take these depositions was derived not from the statutes of Indiana, but from the statute of the United States already cited, the mayor of a city being one of the persons designated in that statute to take such depositions; and that he would have been authorized as such designated person to take those depositions had the statutes of Indiana conferred upon him no authority to administer oaths.

In view of this authority that has stood unquestioned since 1866 down to the present time, in view of the broad language of the statute of the United States and its manifest intention to confer upon the officer this extended authority, can there be a doubt that this notary had the power to go into the county of Dallas and take in the manner prescribed by the statute the testimony that has been objected to? It strikes me there is no plausible ground on which to sustain the objection which has been made. Looking to the intention of the law and the object to be attained, it being the object of Congress to build up a system of its own and to confer the authority upon any one of these officers mentioned in the statute to take the evidence anywhere within the Congressional district where it might be offered and to return it to the House of Representatives, it seems that this question is presented in such a form as not to be open to controversy.

Now, passing from that, I desire to call your attention to the manner in which the reports of the committee have been made that brought the case before the House for its consideration. Four members of the committee have in their report, which I have no doubt the House is familiar with, reached the conclusion that the contestant was elected in the district by a majority of 1,121 votes. That is the utmost limit that has been placed upon the evidence in dealing with the votes cast in this election in 1894 for Representative in Congress from the Fourth Congressional district in the State of Alabama. Now, in reference to the result, the other two members of the committee, Mr. COOKE of Illinois and myself, have not gone quite so far in determining what the majority of the contestant should be under the evidence produced and returned as the report to which I have just called your attention. We have, however, gone through these matters, precinct by precinct, carefully and systematically, and after a careful scrutiny of all the votes returned by the inspectors and clerks of the election precincts, have reached the conclusion, after going through, as I have said, with the utmost care, and looking at all the evidence bearing on the rights of each of the parties in this contest, that the contestant was elected by a majority of 601 votes. So, you will see that there is no substantial difference between any of the members of the committee, unless it be as to the number or size of the majority that the contestant is entitled to over the votes that were allowed the contestee at this election.

Mr. BARTLETT of Georgia. If the gentleman will permit me, he does not mean to say that, I suppose. The gentleman means, no doubt, no difference between the majority of the committee. The gentleman said of the whole committee. There is a marked difference in that regard.

Mr. DANIELS. The majority; that is right. I was comparing the two reports made by the majority members of the committee.

This difference, I may say, Mr. Speaker, has arisen concerning the large vote that was returned from one of the precincts in Dallas County for the contestee. That is the precinct known as No. 36, or the City precinct. There the vote returned by the inspectors and clerks of elections as having been taken in that election was 2,021 votes.

It will be recollected that the inspectors were to meet at 8 o'clock in the morning and prepare themselves for taking the vote by 9 o'clock, and that they were required to close the polls at 5 o'clock in the afternoon; and when you come to consider the vast number of names recorded as having voted during that time, you will see that it required the receiving of three or four votes every minute throughout the whole day, without cessation, to have taken the number of votes claimed to have been here cast and placed in the ballot box. They returned 2,021 votes, and of that 2,021 they have been generous enough to give to Mr. Aldrich, the contestant in this case, 5 votes.

Now, evidence is given by persons who went to the polls suspecting that there was to be mischief that day—for suspicion seems to have extended generally throughout the county—for the purpose of seeing and counting the individuals who went to these polls for the express or supposed purpose of voting at this election. One of these witnesses stationed himself at the court-house, near where the polls were opened, and another went to another part of the grounds, where they could see the two doors of the court-house, where voters would ordinarily enter the building, and one of them counted 715 persons as having gone into the court-house on that day, during the whole time, and the other one counted 723; and this count was made in such manner as to impress upon the mind of anyone reading the testimony that they had fairly and honestly, so far as they were able to, discharged the duty they had assumed to discharge, namely, to discover the number of persons who went to the polls on this occasion.

Now, other witnesses had their attention called to this remarkable return of 2,021 votes; among others Mr. Craig, a lawyer of extensive practice, who had held various positions of trust in the State of Alabama, and who had also been a member of Congress. He is a gentleman whose integrity is without the slightest reflection of suspicion, and his attention was called to the number of voters appearing to have cast their votes in this county of Dallas and in this particular precinct, and according to his statement all that he could recall of persons whose names were on the list thus returned was about 196 votes. Another gentleman, John A. McKinnon, was a physician in extensive practice in Selma, a man who was well acquainted with people there, who had the returns presented to him and went through them thoroughly, and stated in his evidence that he recognized the names of 221 persons, running down to No. 221 on the poll list, as citizens and voters in the city of Selma. Then his statement is that he ran down the list to 1234, from 221, and there was no person on the list whose name he could recognize as a person who was a resident or voter of the city. From 1234 to 1700 and more he says he found the names of persons that he was acquainted with and knew to be citizens of Selma, but when he proceeded from that point to 2021, there was not a single name of an individual that was known to him on the list who was a citizen or voter of that city. This was an intelligent man who had resided many years there, a physician of extensive practice, and who had also occupied an official position in taking statistics relative to births and deaths of the people residing in the city; and this testimony, after careful consideration of all the names on the list, after bringing to his recollection all the possibility of his acquaintance in the city, was that only about seven hundred or seven hundred and thirty or forty in this district of the names that were included upon that list did vote in this election.

Mr. Comptont, who was a responsible lawyer in practice there, also testified that he went to the polls, and it took him two minutes to take his ballot and prepare it and put it into the ballot box. It took an intelligeta lawyer two minutes to do that.

These circumstances were sufficient to impress upon the minds of the committee the fact that great frauds had been perpetrated in this locality, and that this list of voters, returned in this manner, was to a very great extent a mere myth, a mere misrepresentation, a mere fraudulent pretense that these persons had come to the polls in that city and had cast those votes. And we should have joined with the other members of the committee in rejecting every vote of this precinct down to 221, had it not been for the statement of Mr. Aldrich himself. That statement we considered, when added to the other evidence, conclusive upon us, and we were bound to allow the vote that we do allow in this precinct, namely, 762 to the contestee, giving to him, for the purpose of securing and maintaining the rights of the voters, the utmost liberality in the judgment that we reached concerning the transactions of that day. Now, upon this subject Mr. Aldrich says in his notice of contest:

> At precinct No. 36, said county, commonly called Selma or City beat, there were actually cast at said election only 767 votes.

Mr. BARTLETT of Georgia. Does not Mr. Aldrich, in his notice of contest, make that same statement and admission with reference to every other one of the contested beats in Dallas County?

Mr. DANIELS. I think not.

Mr. BARTLETT of Georgia. It is published so, anyway.

Mr. DANIELS. We will dispose of the others when we get to them. Now, under the circumstances, I will say that I desire to compress my remarks within the shortest possible limit, on account of the length of time that has been taken in this debate, and therefore I can not yield to questions.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon. I thought he did yield.

Mr. DANIELS. Now, it was in consequence of the evidence leading up to this point, indicating that over 700 people had gone to the polls that day and probably had gone there for the purpose of voting, and this unqualified admission of the contestant himself, that we were obliged to limit the vote—instead of striking it all down to 221—to 762 in favor of the contestant upon this occasion. There is the difference, substantially, between our report and the report made by the other four members of the majority of the committee. They have stricken out all these votes down to 221, while we have allowed to the contestee in this case 762. I say to you, gentlemen, in reference to these matters, that we pursued the utmost liberality in endeavoring to ascertain the vote of this as well as other precincts, for the purpose of determining who the legal voters were, how many legal votes were cast, and preserving their rights, instead of sacrificing them on account of the fraud and the illegality of other voters who went to those precincts, or who are represented to have gone to those precincts, and deposited their ballots.

Now, attention has been called by the gentlemen representing the minority of the committee to three or four precincts as precincts that should be maintained, which we have not allowed, which we have concluded were not sustained by the evidence taken before the notary upon this occasion and returned here for the consideration of the House. It is claimed on behalf of the contestee that the votes in these precincts, three or four in number, should be retained, and in that way a small majority will be given to the contestee, allowing him to retain his seat as a member of the House.

Now, in this respect I desire to call the attention of the House to the fact that there was returned for the contestee, as the majority received by him in this district, 3,738 votes. That is the return of the returning officers and the canvass as made by the secretary of state, and it was upon the strength of those votes, returned in this manner, canvassed in this way, that this certificate was given to the sitting member. But here in the examination which has taken place before the committee the evidence has been of so cogent and forcible a character as to prove to the satisfaction of the minority itself that this statement was an unmitigated and unqualified fraud; that instead of there being 3,738 majority given to him, there was given to him only a majority of 559, leaving a number exceeding 3,000, by the practical confession of the minority of the committee, or, to be precise, 3,177 votes, that could not be counted, even by the gentlemen who are disposed to be so liberal and so generous to the contestee in the disposition and determination of this contest.

So that they have cut down the majority that was returned in this manner from 3,738 to 559, thereby acknowledging that the sitting member sits here in this House under a load of 3,177 fraudulent or illegal votes. That is the position that he occupies here to-day, and it is only by unwarrantable criticisms upon three or four precincts, where the evidence against them is perhaps not quite so strong as it is in others, that he is secured this 559 votes as a pretense for retaining him in his seat.

Now, I desire to call the attention of the House to the evidence of one witness, and perhaps only one witness, relating to these different precincts.

That is, I believe, the precinct of Woodlawn. Two witnesses were produced on the hearing who testified that they were at the polling-place during the morning, early in the morning, before the polls were opened at all; that they remained there until the polls closed in the afternoon; and no more than 14 persons voted at that precinct during that day. And yet what do we find the officers of the election did? Why, they certify that 160 votes were taken and only two votes for Aldrich. Now, it is claimed on the part of the contestee that the majority of the committee are in error in rejecting this precinct, because the testimony of this John Lewis Tavel is in contradiction of these two witnesses, who swear that there were not more than 14 votes voted at the polls on the day of the election. I desire to call your attention to a few of the questions and answers to those questions by Tavel, for the purpose of ascertaining whether any person can give the slightest credit to the statement that he made. It is stated, as the fact is in the report of the minority, that he characterized these two witnesses as liars. He was asked:

Q. How many men voted at Woodlawn precinct on that day?
A. I do not know.
Q. Were there more than 14 votes polled there on that day?
A. I suppose so.
Q. Why do you suppose so?
A. From my recollection of the vote cast, there were more than 14.
Q. Do you swear positively that there were more than 14 votes cast at Woodlawn precinct on the 6th day of November, 1894, for a member of Congress from this district?
A. I refuse to answer that question. I recognize that I am under oath now.

He had been one of the inspectors of the election, and was called upon in behalf of the contestant here to prove what was the truth and the fact, supposing the truth could be elicited by questions put to him direct, as they were upon this subject. And yet you will see from the answers that he makes that he evades this entirely, substantially confessing that his mind is a blank on the subject, and when he is brought to the point where he must answer the question directly, fearing the consequences of perjury, he says, "I decline to answer."

Q. Do you say under oath that you saw 139 voters living in Woodlawn precinct, each for himself, cast a vote in that precinct before you, as one of the inspectors of election, on the 6th day of November, 1894, for a member of Congress?
A. I do not remember how many votes were cast that day.

Then again:

Q. Did you or not make and sign a certificate as one of the inspectors of election at Woodlawn precinct on the 6th day of November, 1894, to the effect that 139 votes were cast there that day?
A. If it is usual for inspectors to sign that sort of a certificate, it is very probable that I did so.

And yet, not knowing and really not believing that any such number of persons voted in this precinct on this occasion, not being able to state that more than 14 had gone there and voted, he is willing to sign this certificate, false in its character, representing that this large number of persons were there for the purpose of and giving their votes.

Now, objection has been taken also to Liberty Hill. I desire to call the attention of the House to that, and then I shall pass to the consideration of other matters. We depend mainly upon Rothschilds, one of the witnesses who were called. Mr. Rothschilds was sworn. In Liberty Hill 274 votes were returned, and not more than 30 white persons are stated by this witness to have resided in that precinct. Now, Mr. Kline, whose attention was called to the number of people that were there during election day, gives this answer:

Q. In your best judgment, how many men were in Safford on the day of the election?
A. I have no idea; I do not know whether there was 1 or 100.
Q. Do you think that there were as many as 150 there on that day?
A. I think that there were not.

And yet you find the inspectors of this election returned 274 votes there. Mr. Kline answered further:

Q. Do you think that there were as many as 225 there on that day?
A. My judgment is that there were not.
Q. Do you think that there were as many as 274 men in the town of Safford on the day of the November election between the opening and closing of the polls?
A. No, sir; I think there were not.

Now, Mr. Rothschilds was a person who had previously resided in this precinct, had been engaged in the business of a commission cotton merchant there, but at the time that this examination took place had removed and resided in a nearby precinct. He is asked:

Q. Have you or not an intimate acquaintance with the conditions and with the people who live in Liberty Hill precinct, Dallas County?
A. I have.
Q. Please state, in your best judgment, how many white voters reside in Liberty Hill precinct.
A. My best judgment is that there are about 30 residing there.
Q. How many colored voters?
A. From 200 to 300.
Q. About how many names of white men do you find on that poll list?
A. Thirty-one, if I am not mistaken.
Q. You are a Democrat, are you not?
A. Yes sir.

And that fact probably accounts for the cautious manner in which this man gave his testimony, restricting his answers in this way so as to do as little damage or detriment to his own political friends as possible. But we do not stand, Mr. Speaker, upon the testimony given in this matter by the witnesses whose attention was called to these particular precincts for the purpose of maintaining the integrity of the resolutions or the conclusions at which we have reached. We look outside of this for the purpose of ascertaining and determining what was the stimulating motive that operated upon the minds of these people upon the day or prior to the day of this election, and we charge that there was a conspiracy entered into on the part of the majority party to carry this election in such a manner as to secure the election of the contestee without reference to the number of votes that may have been polled and without having a bearing on any other consequences that might result from the violation of the law.

Now, what do we find in this respect? We find that before the election took place—and I call the attention of the House to this as a circumstance indicating the existence of such a conspiracy as is charged, because conspiracies may be established not only by direct evidence, not only by confessions of the persons who are engaged in them, but by circumstances tending to indicate clearly their existence, and such circumstances are potently and intelligently set forth in the record in this case brought before the House

for its consideration—it is stated on page 195 of the record that a list of names of persons suitable for inspectors was offered to the probate judge, and he was asked to select for each precinct a name which would be satisfactory to the Populists and to the other parties represented, and place that man on the board of inspectors for the purpose of endeavoring to manage the election in a careful, regular, and reasonably cautious manner. The men upon that list were reputable men, as appears by the statements made in the record without contradiction, and the list was presented to the probate judge, but the case says, "But whom they did not appoint and who were not appointed."

Now, why was it that the persons were not appointed who were selected in this manner to represent the minority to secure an honest and lawful election? It is not claimed that there was any expectation that the colored vote would find its way to these polls on that occasion. The colored voters had been advised by their leaders not to register and not to vote, because their votes would not be counted. There was a suspicion throughout the county that there was some rascality contemplated, and that votes would be returned for the sitting member here without reference to the actual number of voters or the actual circumstances of the case, simply for the purpose of putting him in as a member of this House. Now, to show that the Republicans did not generally vote, I simply call attention to one statement contained in the brief which was submitted to us on the part of the contestee. In that brief I find this statement:

It is admitted that the Republicans of Dallas County were requested not to vote, and did not vote.

So that the Republicans who were in the county did not go to the polls and deposit their votes in the ballot box or pass them through the hands of these inspectors at all. It is proved by the testimony of Mr. Craig, and is uncontradicted, that there are about 10,000 voters in the county, about 75 per cent of whom were Republicans, and only about 25 per cent, about 2,400 or 2,500, were whites and Democrats. Yet, Mr. Speaker, when you come to consider the votes at this poll, you have a return of 5,464 majority in favor of the sitting member, although in point of fact, when you come to sift down the votes actually given to and received for him, you find that there were not more than 1,003 votes cast there for the Democratic ticket in that county during that election, leaving over 3,185 spurious votes that were in the returns made of the vote in Dallas County from these 14 precincts.

Now, to go back again to the conspiracy, you find from the report of the minority of the committee that as to ten or eleven of these precincts they admit that the vote there can not be counted, and therefore that it should be rejected. This is substantially an admission that the vote cast there was spurious, and for this reason they admit that the vote of these ten or eleven precincts ought to be rejected. We agree that that is the case, but we insist further that these other three or four precincts which the contestee endeavors to save can not properly be counted for him.

Now, Mr. Speaker, how shall we establish the fact of this conspiracy? You have first the fact that the probate judge refused to appoint as inspectors the men whom it was proposed to put on the board of inspectors at each precinct in a position where they could see what was going on. Why was that refusal made, unless it was to avoid the possibility of having any person present who could be a witness of the iniquity and the villainy which was there to be transacted? It is not to be supposed that in the fifteen precincts of this county this large vote would be given in the different precincts, exceeding the white population so largely as it did, unless there had been some preconceived plan among the persons who were managing the election as to what should be the result. It would be quite outside of all experience to find so many isolated instances of fraud without any concert of action, precinct after precinct joining in returning an extravagant vote of this description. Why, then, was this done in the different precincts? It was because a plan had been laid down, a scheme had been concocted, by which these persons were to enter into a conspiracy to return votes that would place the contestee in a seat in this House, when, in point of fact, he had not been elected. Look through the list, which you will find in the printed record, and you will see the uniform manner in which these precincts were villainously carried by the return of a vote beyond that which was cast there, and beyond the white vote at those precincts, as has been proved by disinterested witnesses. We have exercised the utmost liberality in passing upon those beats so far as they can reasonably be supposed to present an honest return of votes, and therefore wherever there was supposed to be uncertainty as to the number of white votes cast at the polls, and there is a certainty as to the number of white people residing in the precinct, we have said: "Well, let it go; perhaps these white people did appear at the polls and cast their votes, and we will give the contestee the benefit of the doubt," while if we had drawn the lines with strictness and rigidly applied the evidence, we should have excluded certainly quite a large number of these votes and increased the majority of the contestant beyond what we have stated it in our report.

As we have gone through this vote, precinct by precinct—as the evidence has developed the truth of the occurrences attending the election in that district—we have found the vote to be in this condition—a condition which of itself, I may say, conclusively proves the existence of one of the foulest conspiracies to violate the laws and to poison the ballot box that has ever been brought to the attention of a Congressional or other legislative body: In Summerfield precinct, which is not questioned, they have returned 160 votes for Mr. Robbins, 2 for Mr. Aldrich; and the evidence is that the white vote of that district did not exceed 31. We have therefore reduced the vote 129. In Woodland beat, where the return was 130 for Robbins—where there were 14 white persons residing, and where the votes are proved by two witnesses to have been no more than that number—we have taken out that number, less the 9 returned for Mr. Aldrich, and left the vote 125 less for the contestee. So in Martins, the vote returned for Robbins was 503; in Orrville, 368; in Lexington, 250; in River beat, 276; in Oldtown, 278; in Union, 293; in Liberty Hill, 274; in Elm Bluff, 123; in Carlowville, 127; in Boykins, 24; in Mitchells, 389; and in the city precinct, 2,014, we having made, it will be remembered, a deduction of 1,253, the return having been 2,021.

That shows the vote in those precincts as returned by the officers, who were allowed to manage the election and control the ballot box as they pleased, in obedience to those who were in conspiracy with them. These votes amount to 5,241. Making the deductions which the evidence required should be made, the number is 4,118, leaving, as I have already stated, 3,185 spurious votes in those precincts, in addition to the 30 which appear to have been honestly given to the contestant.

Now, let me call attention to another thing which tends to emphasize the evidence of a flagrant conspiracy on the part of these officers. I refer to the cases in which no vote whatever was given to the contestant. It is not to be supposed that where such large numbers of votes were cast as 503, 278, 276, etc., there would be no vote whatever for the contestant; yet, according to the returns made by these officers in those precincts, not a single vote was given for him. All the votes in these precincts were in an unscrupulous manner turned into the ballot box as votes for the contestee and counted for him for the purpose of returning him here as a member.

Now, let us look further for the purpose of determining this question of conspiracy. When the witnesses were before the notary occasion was taken to offer evidence to the effect that these inspectors of elections were men of fair character. They stand here upon the presumption of fairness of character as a shield against these charges of fraud, illegality, and iniquity. Undoubtedly, Mr. Speaker, where a person holds an official position, the presumption is that he obeys the law and discharges his duties faithfully. So, there is a presumption of innocence in favor of every man accused of crime. Yet how easily and how readily this presumption is overthrown when a witness comes before a court of justice and gives evidence that an offense has been committed. By such evidence the presumption is entirely overthrown and the obligation is placed upon the person who claims and insists upon his innocence to vindicate himself if he can against the imputation of fraud and illegality.

Now, what have these officers done in these various precincts—either the 4 in which the minority contend the election was fairly conducted or the 10 where, as they concede, the election was not conducted in such a way as to entitle it to confidence? What is the position in which these persons place themselves? Notwithstanding the evidence of a very large number of fraudulent votes and the evidence given to establish the real vote in those precincts, no one of these persons, either in the 4 precincts or the 10, has gone upon the stand to testify that his conduct in connection with that election was legal and honest and that the returns made represented the true state of the vote cast. These circumstances of themselves, without anything further, are sufficient to overthrow every possible presumption in favor of their integrity.

Why, Mr. Speaker, when a charge is made against a person involving criminality or imputing disreputable conduct to him and he has an opportunity of taking the stand to testify that the charge is not true, would not an innocent individual inculpated in this manner instinctively take the stand to rebut such a charge and to attest his innocence? If these men had been innocent, if there had been a consciousness on their part that they could so testify, they would have rushed over each other for the purpose of reaching the notary and giving evidence in vindication of their action, showing that they had acted fairly and honestly and that the election had been legally and honestly conducted. But not one of them undertakes in this way to exculpate himself. The evidence of the few inspectors called for the contestant, with the exception of Tavel, to whom I have called attention, went directly to prove that in the precincts where they were inspectors the election was fraudulently carried on and the vote dishonestly returned.

I refer to these circumstances as cogent evidence establishing the fact that there was a foul conspiracy on the part of these in-

dividuals, in which the probate judge was a prime mover, and in which the officers of election, the inspectors and the clerks, were a party, to fabricate the returns and to place votes in the box and return them for the benefit of the contestee in this case; votes that under no possible circumstance was he entitled to or had he the merest shadow of a foundation to claim.

Now, sir, when we take into consideration these circumstances and the force and the effect of them, these voluntary abdications by these men who were implicated in this matter of fraud of all disposition to attempt to exculpate themselves, what other inference can be drawn from what has taken place than that there was this conspiracy? Was it not—in addition to the direct evidence given concerning the votes of this precinct—was it not the most comprehensive evidence that could be presented of the existence of a conspiracy, of a concerted action for the purpose of depriving the people of that locality of their rights and foisting a member on this House who had no right to a seat here? You know, as a matter of experience, that when there is concerted action taking place, when such a conspiracy is set on foot, it is not proclaimed to the winds of heaven; it is kept as secret as possible in the breasts of the parties to the illegal action—the participants and movers in the conspiracy themselves. The fact that they did not take any testimony to exculpate themselves is peculiarly convincing, because to do so would be to still further implicate themselves and acknowledge the existence of the fraud; and hence we are driven by force of circumstances to ascertain the existence of the concerted action by the existence of the incident of persons cooperating to secure the same end, and determine that fact by ascertaining that they are occupying the same position, that they are working to the same purpose and pursuing the same methods, all of which point to the one fact that the conspiracy was set on foot, and that each one was performing his share in the effort to make it a success; for, Mr. Speaker, if we see a number of persons engaged in bringing about a particular result, no matter what the result may be, and their actions are consistent with the existence of a design to bring about such a result, and that they finally do succeed in bringing it about, all must assume that there was some concerted action, some agreement or arrangement between them to cement their unity of conduct to reach the result afterwards accomplished. That is precisely the situation here. You have also, as I have said, the large votes that were returned from the different precincts, all indicating the improbability of any such a vote being given, and the conceded illegal vote of 3,185 for the contestee.

In reference to the Woodlawn precinct, the evidence of the witnesses shows that there were only 45 white voters in the precinct. In Lexington precinct there were only 45; in River precinct only 15 or 20, and in Oldtown from 175 to 200 voters in the precinct, and there was no distinction in that number between the white and the black. This number included all of them; and then you refer to the testimony of Mr. Craig, to which attention has already been called, that seven-tenths of the voters of these precincts of this county were colored and Republican and that the men had been persuaded not to register or vote at the polls, and counsel for contestee has admitted in the most solemn manner and in his brief that such was their action, and that these persons abstained from voting. At Liberty Hill the evidence shows that there were not over 30 white voters in the beat. At Carlowville only 31 to 33; at Mitchells, from 30 to 35; all going to show in every instance the same conspiracy existed through all these precincts, and that votes far in excess of the number of the white legal voters living in the precinct were returned at this election. No more flagrant violation of the laws of election—and they are frequent enough it is mournful to say—can be found in the history of any State or any locality in the Union, no matter how debased, low, or corrupt it may be, than is exhibited in the returns made on this occasion when they come to be gauged and measured by the circumstances to which I have directed your attention. What are we to say in reference to returns of such character? The minority say that there are at least 3,171 illegal votes, or fraudulent votes, and therefore 10 of the precincts must necessarily be thrown out. Where and why should they draw the line between the 10 and the 4? Where can be the difference? You see the evidence of conspiracy is as applicable to the one as to the other. The persons who were asked to be appointed on the board of inspectors were not appointed in either of the 4 precincts; the persons who were the inspectors in the 4 precincts neither of them asked to come on the stand and vindicate the integrity of his conduct. They are as dumb as an antediluvian corpse, and this very dumbness runs through the entire range of all the persons engaged in these official capacities on the day of that election in the entire 14 precincts. They all acted alike and from the same motives.

Now, as a matter of justice to the House, as a matter of justice to the people of the United States, as a matter of justice to the State of Alabama, where certainly the influence of your action must be felt in the future, and may have much to do in the way of redeeming the political delinquency of that State, is it not your duty, is it not the duty of the House, to speak out in potent terms and remove from their association the man who is here seated concededly representing 3,171 or more illegal or fraudulent votes, and where the evidence is so strong and so conclusive as further to show that by a majority of at least 601 he has no right here, but that the seat belongs to his opponent, the contestant in this case?

I leave this matter in your hands. The responsibility is upon the members of this House to vindicate the laws and the rights of Republican institutions. If such an election is to be tolerated, if it is to be allowed to be maintained, and if Representatives are to be chosen and returned in this manner, then so far we have no republican institutions, but this is a government of fraud, of trickery, of knavery, by debased persons who are willing, if they take an oath at all, to violate that oath and return whatever may to them appear to be necessary for the purpose of frustrating the rights of the people and placing in positions of honor and trust persons who have no right to be there. The integrity of the country, the integrity of the State, all require that there should be a signal vindication of the rights of the people, the rights of the law, and the rights of the State in the disposition of this case. [Applause on the Republican side.]

I ask now, Mr. Speaker, that a vote be taken on the two resolutions that are appended to the report of four members of the committee.

The SPEAKER. The Clerk will report the resolutions of the minority.

The Clerk read as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth district of Alabama for the Fifty-fourth Congress, and is not entitled to the seat.

Resolved by the House of Representatives, That Gaston A. Robbins was duly elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

Mr. DINSMORE. Upon these resolutions I ask the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on substituting these resolutions for the resolutions offered by the majority.

Mr. DANIELS. I should like to have it understood that this vote is as to whether Mr. Robbins is to remain in the seat or not. That is the substance of this, as I understand it.

The SPEAKER. That is the effect of it.

Mr. DINSMORE. Is the House called upon to vote on the resolutions of the minority?

The SPEAKER. The House is now called upon to vote upon the question of the substitution of the resolutions of the minority for those of the majority.

The question was taken; and there were—yeas 58, nays 173, not voting 124; as follows:

YEAS—58.

Allen, Miss.	Erdman,	McCulloch,	Spencer,
Bartlett, Ga.	Harrison,	McDearmon,	Stallings,
Bartlett, N. Y.	Hart,	McMillin,	Stokes,
Berry,	Hendrick,	McRae,	Sulzer,
Boatner,	Hutcheson,	Meyer,	Swanson,
Catchings,	Jones,	Money,	Talbert,
Clardy,	Kendall,	Moses,	Tate,
Cobb, Ala.	Latimer,	Neill,	Terry,
Cooper, Fla.	Lawson,	Ogden,	Underwood,
Crisp,	Layton,	Otey,	Walsh,
Crowley,	Lester,	Owens,	Wheeler,
Culberson,	Little,	Richardson,	Wilson, S. C.
Denny,	Maddox,	Sayers,	Yoakum.
Dinsmore,	McClellan,	Sorg,	
Downing,	McCreary, Ky.	Sparkman,	

NAYS—173.

Acheson,	Clark, Iowa	Gillet, N. Y.	Joy,
Adams,	Clark, Mo.	Graff,	Kem,
Aitken,	Cobb, Mo.	Grosvenor,	Kiefer,
Aldrich,	Codding,	Grow,	Kirkpatrick,
Allen, Utah	Coffin,	Hadley,	Knox,
Arnold, Pa.	Colson,	Hager,	Kulp,
Arnold, R. I.	Connolly,	Hainer, Nebr.	Lacey,
Avery,	Cook, Wis.	Halterman,	Leighty,
Baker, Kans.	Cooke, Ill.	Hanly,	Leisenring,
Baker, Md.	Cooper, Wis.	Hatch,	Leonard,
Baker, N. H.	Corliss,	Heiner, Pa.	Lewis,
Barham,	Crowther,	Hemenway,	Linton,
Belknap,	Crump,	Henry, Conn.	Long,
Bennett,	Curtis, Kans.	Henry, Ind.	Loud,
Bingham,	Danford,	Hicks,	Loudenslager,
Bishop,	Daniels,	Hilborn,	Low,
Blue,	De Armond,	Hill,	Mahon,
Boutelle,	De Witt,	Hitt,	Marsh,
Brewster,	Dingley,	Hooker,	McCall, Mass.
Broderick,	Dockery,	Howell,	McCall, Tenn.
Bromwell,	Eddy,	Hubbard,	McLachlan,
Brosius,	Ellis,	Huff,	Meiklejohn,
Brown,	Evans,	Hulick,	Mercer,
Brumm,	Fairchild,	Huling,	Miller, Kans.
Bull,	Faris,	Hunter,	Miller, W. Va.
Burrell,	Fischer,	Hurley,	Milnes,
Burton, Mo.	Fletcher,	Hyde,	Minor, Wis.
Burton, Ohio	Foss,	Jenkins,	Moody,
Calderhead,	Fowler,	Johnson, Cal.	Murphy,
Cannon,	Gamble,	Johnson, Ind.	Northway,
Chickering,	Gibson,	Johnson, N. Dak.	Overstreet,

Parker,	Royse,	Stone, C. W.	Walker, Va.
Payne,	Russell, Conn.	Strode, Nebr.	Wanger,
Pearson,	Scranton,	Strong,	Watson, Ohio
Perkins,	Settle,	Strowd, N. C.	White,
Phillips,	Simpkins,	Sulloway,	Willis,
Pickler,	Snover,	Taft,	Wilson, Idaho
Pitney,	Southard,	Tawney,	Wilson, N. Y.
Poole,	Sperry,	Thomas,	Wood,
Powers,	Stahle,	Towne,	Woodman,
Prince,	Steele,	Tracewell,	Wright.
Pugh,	Stephenson,	Tracey,	
Raney,	Stewart, N. J.	Updegraff,	
Reeves,	Stewart, Wis.	Wadsworth,	

NOT VOTING—124.

Abbott,	Dovener,	Lorimer,	Sauerhering,
Anderson,	Draper,	Maguire,	Shafroth,
Andrews,	Ellett, Va.	Mahany,	Shannon,
Apsley,	Elliott, S. C.	McCleary, Minn.	Shaw,
Atwood,	Fenton,	McClure,	Sherman,
Babcock,	Fitzgerald,	McCormick,	Shuford,
Bailey,	Foote,	McEwan,	Skinner,
Bankhead,	Gardner,	McKenney,	Smith, Ill.
Barney,	Gillett, Mass.	McLaurin,	Smith, Mich.
Barrett,	Griffin,	Meredith,	Southwick,
Bartholdt,	Griswold,	Miles,	Spalding,
Beach,	Grout,	Milliken,	Stone, W. A.
Bell, Colo.	Hall,	Miner, N. Y.	Strait,
Bell, Tex.	Hardy,	Mondell,	Tayler,
Black, Ga.	Harmer,	Morse,	Treloar,
Black, N. Y.	Harris,	Mozley,	Tucker,
Bowers,	Hartman,	Newlands,	Turner, Ga.
Buck,	Heatwole,	Noonan,	Turner, Va.
Clarke, Ala.	Henderson,	Odell,	Tyler,
Cockrell,	Hepburn,	Otjen,	Van Horn,
Cooper, Tex.	Hermann,	Patterson,	Van Voorhis,
Cousins,	Hopkins,	Pendleton,	Walker, Mass.
Cowen,	Howard,	Price,	Warner,
Cox,	Howe,	Quigg,	Washington,
Cummings,	Hull,	Ray,	Watson, Ind.
Curtis, Iowa	Kerr,	Reyburn,	Wellington,
Curtis, N. Y.	Kyle,	Robbins,	Wilber,
Dalzell,	Lefever,	Robertson, La.	Williams,
Dayton,	Linney,	Robinson, Pa.	Wilson, Ohio
Dolliver,	Livingston,	Rusk,	Woodard,
Doolittle,	Lockhart,	Russell, Ga.	Woomer.

So the motion to substitute was rejected.

During the roll call,

Mr. DINGLEY said: Mr. Speaker, I ask unanimous consent that the time for taking recess be extended until the case be closed, and that when the House adjourn to-night it be until Monday next.

The SPEAKER. The gentleman asks unanimous consent that the time for taking recess be extended until the case be closed, and that an adjournment until Monday next be taken by the House at the close of the night session. Is there objection to the proposition? [After a pause.] The Chair hears none.

The following pairs were announced:

Until further notice:

Mr. ANDREWS with Mr. MILES.

Mr. HARDY with Mr. RUSSELL of Georgia.

Mr. ROBINSON of Pennsylvania with Mr. RUSK.

Mr. SHERMAN with Mr. PATTERSON.

Mr. BOWERS with Mr. MAGUIRE.

Mr. WARNER with Mr. COOPER of Texas.

Mr. ANDERSON with Mr. WASHINGTON.

Mr. MORSE with Mr. HALL.

Mr. GRIFFIN with Mr. MCLAURIN.

Mr. CURTIS of New York with Mr. MEREDITH.

Mr. REYBURN with Mr. ELLIOTT of South Carolina.

Mr. ADAMS with Mr. TUCKER.

Mr. WATSON of Indiana with Mr. ROBERTSON of Louisiana.

Mr. GROUT with Mr. LIVINGSTON.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. BARTHOLDT with Mr. COWEN.

Mr. VAN HORN with Mr. ELLETT of Virginia.

Mr. ATWOOD with Mr. FITZGERALD.

Mr. MOZLEY with Mr. MCKENNEY.

Mr. HOPKINS with Mr. MINER of New York.

Mr. SMITH of Michigan with Mr. PRICE.

Mr. BARNEY with Mr. CLARKE of Alabama.

For this day:

Mr. TAYLER with Mr. KYLE.

Mr. HEATWOLE with Mr. SHAW.

Mr. DALZELL with Mr. BAILEY.

On this vote:

Mr. TRELOAR with Mr. CUMMINGS.

Mr. CURTIS of Iowa with Mr. TURNER of Georgia.

Mr. DRAPER with Mr. LOCKHART.

Mr. WOOMER with Mr. BUCK.

Mr. WALKER of Massachusetts with Mr. BLACK of Georgia.

Mr. VAN VOORHIS with Mr. WILLIAMS.

Mr. COUSINS with Mr. WOODARD.

Mr. HARMER with Mr. ABBOTT.

Mr. QUIGG with Mr. BELL of Texas.

Mr. GILLET of New York with Mr. STRAIT until Tuesday.

Mr. LINNEY with Mr. TURNER of Virginia.

Mr. WILLIAM A. STONE with Mr. COCKRELL.

Mr. TURNER of Virginia. I did not hear whether my vote was recorded. I am paired with my colleague on the committee, the gentleman from North Carolina, Mr. LINNEY. If he were present, he would vote "nay," and I would vote "yea."

Mr. GROUT. It had escaped me that I was paired. I withdraw my vote.

Mr. KYLE. My colleague, Mr. WILLIAMS, is confined to his room by sickness of himself, and I ask that he be excused.

There was no objection.

Mr. RICHARDSON. My colleague, Mr. WASHINGTON, is detained at his room by illness. I request indefinite leave of absence for him on account of illness.

There was no objection.

Mr. MCMILLIN. My colleague, Mr. PATTERSON, is paired with the gentleman from New York, Mr. SHERMAN. If not paired, he would vote "yea."

Mr. BAILEY. I am paired with the gentleman from Pennsylvania, Mr. DALZELL, and desire to withdraw my vote.

The result of the vote was then announced as above recorded.

Mr. DANIELS. I now ask for the passage of the resolutions reported by the committee.

The SPEAKER. The question now is on the resolutions of the majority, which the Clerk will report.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected as a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-fourth Congress from the Fourth district of Alabama, and is entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken.

The SPEAKER. Before announcing the vote, the Chair will submit the following requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of Illinois, until Monday next, on account of sickness.

To Mr. BRUMM, for one week, on account of important business.

To Mr. BUCK, for two weeks, on account of important business.

To Mr. MADDOX, for ten days, on account of important business.

To Mr. HARDY, for ten days, from Monday, March 16, on account of important business.

To Mr. LINNEY, for five days, on account of important business.

To Mr. BELL of Texas, for five days, on account of sickness.

To Mr. JOHNSON of California, for to-night, on account of sickness in family.

REPRINT OF BILL AND REPORT.

At the request of Mr. PICKLER, a reprint was ordered of the bill (H. R. 5549) to prevent discontinuance of pensions, to restore pensions discontinued, to establish uniform rates of pension, to facilitate the allowance of pensions in matters of proof, and for other purposes, and the report thereon.

COLUMBIA HOSPITAL.

The SPEAKER announced the appointment of Mr. COFFIN and Mr. LIVINGSTON as directors of Columbia Hospital.

The SPEAKER. On the question of agreeing to the resolutions of the majority, the ayes have it, and the resolutions are agreed to. The Chair understands that the member desires to be sworn.

Mr. DANIELS. I ask that Mr. Aldrich be sworn in.

Mr. Aldrich appeared at the bar of the House and took the oath of office. [Loud applause on the Republican side.]

The SPEAKER. The House is now in recess until 8 o'clock, and the gentleman from New York, Mr. PAYNE, will please take the chair at the evening session.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. Mr. PAYNE took the chair as Speaker pro tempore and directed the Clerk to read the special order.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

Mr. ERDMAN. Mr. Speaker, I should be glad——

The SPEAKER pro tempore. This motion is not debatable.

Mr. ERDMAN. Well, I want to say to the other side that if we are to do any business they must have a quorum here.

The question was taken on the motion of Mr. THOMAS, and the Speaker pro tempore declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The House divided; and there were—ayes 70, noes 1.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore. The point of no quorum is made. [After a count.] There are 76 members present; not a quorum. The only motions now in order are a motion for a call of the House and a motion to adjourn.

Mr. PICKLER. I move a call of the House.

The motion was agreed to; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Curtis, Iowa	Latimer,	Robinson, Pa.
Adams,	Dalzell,	Lawson,	Royse,
Aldrich, Ala.	Dayton,	Lefever,	Rusk,
Aldrich, Ill.	De Armond,	Leisenring,	Russell, Ga.
Allen, Miss.	Denny,	Lester,	Sauerhering,
Anderson,	De Witt,	Lewis,	Sayers,
Apsley,	Dingley,	Linney,	Scranton,
Arnold, R. I.	Dinsmore,	Linton,	Settle,
Atwood,	Dolliver,	Livingston,	Shafroth,
Babcock,	Doolittle,	Lockhart,	Shaw,
Baker, Md.	Draper,	Lorimer,	Sherman,
Bankhead,	Ellett, Va.	Loud,	Shuford,
Barney,	Elliott, S. C.	Maguire,	Skinner,
Barrett,	Fenton,	Mahany,	Smith, Ill.
Bartholdt,	Fitzgerald,	McCall, Mass.	Smith, Mich.
Bartlett, Ga.	Foote.	McCall, Tenn.	Southwick,
Bartlett, N. Y.	Fowler,	McCleary, Minn.	Spalding,
Beach,	Gamble,	McClure,	Sparkman,
Belknap,	Gardner,	McCormick,	Spencer,
Bell, Tex.	Gillett, Mass.	McCreary, Ky.	Stahle,
Bennett,	Griffin,	McDearmon,	Steele,
Berry,	Griswold,	McEwan,	Stephenson,
Bingham,	Grosvenor,	McKenney,	Stokes,
Black, N. Y.	Grow,	McLaurin,	Stone, C. W.
Boatner,	Hager,	McMillin,	Stone, W. A.
Boutelle,	Hall,	Meiklejohn,	Strait,
Bowers,	Halterman,	Mercer,	Strode, Nebr.
Brewster,	Hardy,	Meredith,	Strong,
Bromwell,	Harmer,	Meyer,	Strowd, N. C.
Brosius,	Harris	Miles,	Sulzer,
Brumm,	Hatch,	Milliken,	Swanson,
Buck,	Heiner, Pa.	Miner, N. Y.	Tayler,
Bull,	Henderson,	Money,	Tucker,
Burton, Ohio	Hendrick,	Morse,	Turner, Ga.
Cannon,	Hermann,	Moses,	Turner, Va.
Catchings,	Hitt,	Mozley,	Tyler,
Clark, Iowa	Hopkins,	Newlands,	Updegraff,
Clarke, Ala.	Howard,	Noonan,	Van Horn,
Cobb, Ala.	Howe,	Odell,	Wadsworth,
Cobb, Mo.	Howell,	Ogden,	Walker, Mass.
Cockrell,	Huff,	Otey,	Walker, Va.
Colson,	Huling,	Otjen,	Warner,
Cooke, Ill.	Hull,	Owens,	Washington,
Cooper, Fla.	Hutcheson,	Patterson,	Watson, Ind.
Cooper, Tex.	Hyde,	Pearson,	Wellington,
Cooper, Wis.	Johnson, Cal.	Perkins,	Wheeler,
Cousins,	Johnson, Ind.	Phillips,	Williams,
Cowen,	Jones,	Price,	Wilson, S. C.
Cox,	Joy,	Quigg,	Woodard,
Crisp,	Kendall,	Ray,	Woodman,
Culberson,	Knox,	Richardson,	Woomer.
Cummings,	Kulp,	Robertson, La.	

The SPEAKER pro tempore. The Clerk will now call the names of the absentees. Upon this call excuses will be in order.

Mr. MINOR of Wisconsin (when the name of Mr. OTJEN was called). Mr. Speaker, I desire to say that my colleague, Mr. OTJEN, is sick. I visited him at 6 o'clock this evening and found him in bed and forbidden by his physician to leave his room. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. NORTHWAY (when the name of Mr. BOWERS was called). Mr. Speaker, I am not authorized to say so, but I know that Mr. BOWERS has been detained from the House by sickness for about two weeks, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. POOLE (when the name of Mr. BREWSTER was called). Mr. Speaker, my colleague, Mr. BREWSTER, has been sick during the day, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. BAILEY (when the name of Mr. CULBERSON was called). Mr. Speaker, my colleague, Judge CULBERSON, is not well and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. LOUDENSLAGER (when the name of Mr. GARDNER was called). Mr. Speaker, my colleague, Mr. GARDNER, was called away on important business this afternoon. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. JENKINS (when the name of Mr. GRIFFIN was called). Mr. Speaker, I ask that my colleague, Mr. GRIFFIN, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HANLY (when the name of Mr. HATCH was called). Mr. Speaker, my colleague, Dr. HATCH, left the House this afternoon not feeling well. He is unable to be here this evening. I ask that he be excused.

Mr. PICKLER. I suppose that the Doctor did not expect that the point of no quorum would be made here to-night by a member of the Committee on Invalid Pensions.

The SPEAKER pro tempore. Debate is not in order.

Mr. HATCH was excused.

Mr. STEWART of New Jersey (when the name of Mr. HOWELL was called). Mr. Speaker, I ask that my colleague, Mr. HOWELL, be excused, as he is unavoidably detained from the House this evening.

There was no objection, and it was so ordered.

Mr. HICKS (when the name of Mr. HUFF was called). Mr. Speaker, I ask that my colleague, Mr. HUFF, be excused. He has been called away on important business.

There was no objection, and it was so ordered.

Mr. LOUDENSLAGER (when the name of Mr. KULP was called). Mr. Speaker, Mr. KULP is detained from the House by illness. I visited him this evening at half past 6 and found him sick in bed. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. STEWART of New Jersey (when the name of Mr. MCEWAN was called). Mr. Speaker, I ask that my colleague, Mr. MCEWAN, be excused, as he is unavoidably absent.

There was no objection, and it was so ordered.

Mr. ANDREWS (when the name of Mr. MERCER was called). Mr. Speaker, my colleague, Mr. MERCER, is absent from the House on account of sickness in his family. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MOODY (when the name of Mr. MORSE was called). Mr. Speaker, my colleague, Mr. MORSE, is detained at home by sickness. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FISCHER (when the name of Mr. ODELL was called). Mr. Speaker, my colleague, Mr. ODELL, is absent by leave of the House, and New York being one of the States having no leaves of absence on account of sickness, I ask that he be excused.

The SPEAKER pro tempore. If the gentleman is absent by leave of the House he does not require to be excused.

Mr. STEWART of New Jersey (when the name of Mr. PARKER was called). Mr. Speaker, my colleague, Mr. PARKER, expected to be here this evening, and if he does not arrive he is necessarily detained. [Laughter.] I therefore ask that he be excused.

There was no objection, and it was so ordered.

Mr. FARIS (when the name of Mr. ROYSE was called). Mr. Speaker, my colleague, Mr. ROYSE, has been in attendance at every Friday evening session since this Congress began. He is unavoidably absent to-night, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. BELL of Colorado (when the name of Mr. SHAFROTH was called). Mr. Speaker, my colleague, Mr. SHAFROTH, is in Pennsylvania at the bedside of his sick mother. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. CHICKERING (when the name of Mr. SHERMAN was called). Mr. Speaker, my colleague, Mr. SHERMAN, has been called to his home upon very important business. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MILNES (when the name of Mr. SPALDING was called). Mr. Speaker, my colleague, General SPALDING, is sick, and has not been out of his house since yesterday morning. I therefore ask that he be excused.

There was no objection, and it was so ordered.

Mr. POOLE (when the name of Mr. STRODE of Nebraska was called). Mr. Speaker, Mr. STRODE, not thinking any man in the American Congress would be mean enough to call "no quorum" on the Union soldiers to-night to keep them from getting their pensions, and not feeling very well, has absented himself from this meeting, the first Friday evening session he has failed to attend, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FARIS (when the name of Mr. STEELE was called). Mr. Speaker, my colleague, Major STEELE, returned from his home in Indiana yesterday and on the way contracted a severe cold. I talked with him this afternoon in the Hall and found that he was quite indisposed, and that is the reason he is not present this evening. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. HICKS (when the name of Mr. STAHLE was called). Mr. Speaker, I ask that my colleague, Mr. STAHLE, be excused. He is confined to his house by illness.

There was no objection, and it was so ordered.

Mr. TALBERT. Mr. Speaker, I ask that all those who are not here be excused because they are not here.

The SPEAKER pro tempore. That proposition is out of order.

Mr. CHICKERING. There are one or two here that ought to be excused because they are here. [Laughter.]

Mr. WALSH (when the name of Mr. SULZER was called). Mr. Speaker, I ask that my colleague, Mr. SULZER, who is absent on important business, be excused.

The SPEAKER pro tempore. Is there objection?

Mr. HEPBURN. I object.

Mr. WATSON of Ohio (when the name of Mr. TAYLER was called). Mr. Speaker, my colleague, Mr. TAYLER, left on the 7.30 train this evening to attend the funeral of a near relative. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. COFFIN (when the name of Mr. WELLINGTON was called). Mr. Speaker, my colleague, Mr. WELLINGTON, left here on Wednesday night feeling very ill, and is now sick at his home. I ask that he be excused.

There being no objection, Mr. WELLINGTON was excused.

Mr. MAHON (when the name of Mr. WOOMER was called). Mr. Speaker, as is known to the House, my colleague, Mr. WOOMER, is badly crippled. He is able to be in the House during the daytime; but it is exceedingly unsafe for him to come out at night. I ask that he be excused.

There being no objection, Mr. WOOMER was excused.

The roll call having been concluded,

Mr. TAFT. Mr. Speaker, my colleague, Mr. GROSVENOR, is ill at home. I ask that he be excused.

There being no objection, Mr. GROSVENOR was excused.

Mr. WALSH. Mr. Speaker, I understand that the objection to excusing my colleague, Mr. SULZER, is withdrawn.

The question being again put, there was no further objection, and Mr. SULZER was excused.

Mr. NEILL. Mr. Speaker, I ask that my colleague, Mr. DINSMORE, be excused. He is in somewhat delicate health, and when he closed his speech to-day was quite exhausted.

There being no objection, Mr. DINSMORE was excused.

Mr. PITNEY. In regard to my colleague, Mr. PARKER, who is one of the most faithful members in attendance on these evening sessions, I want to say that he has recently received news of the sudden death of his mother's brother; and he told me to-day that he was obliged to go home and attend the funeral, which is to be held to-morrow. I presume that he has departed from Washington on that errand. I therefore ask that he be excused.

There being no objection, Mr. PARKER was excused.

Mr. JENKINS. Mr. Speaker, I desire to ask an excuse for the gentlemen from Missouri, Mr. MOZLEY and Mr. BARTHOLDT, who have gone home on account of a death in the family.

There being no objection, Mr. MOZLEY and Mr. BARTHOLDT were excused.

Mr. JENKINS. I also ask an excuse for my colleague from Wisconsin, Mr. BARNEY. He has been called home by an important telegram. He did not disclose to me the nature of the business calling him away.

There being no objection, Mr. BARNEY was excused.

Mr. AITKEN. I ask an excuse for the gentleman from California, Mr. JOHNSON, who is busily engaged, no doubt, in looking after those diamonds which were stolen at his hotel.

Several MEMBERS. What is the excuse?

Mr. BARHAM. The gentleman from California was excused to-day, and there is no necessity that he be excused again.

Mr. BAILEY. I wish to make a parliamentary inquiry. If it is resolved to continue the session of the House and to revoke all leaves of absence, that would include, as I understand, those granted during this call. We are continuing the session of the House simply to undo what we have done, unless it is the purpose of the chairman of the Committee on Invalid Pensions to move an adjournment upon the completion of the roll call.

Mr. PICKLER. I did not catch the remark of the gentleman from Texas.

Mr. BAILEY. As we have been granting leaves of absence pending the roll call, my suggestion was that if the gentleman, on the completion of the roll call, should offer a resolution revoking all leaves of absence and ordering the arrest of absentees, every leave which has been granted during the last half hour would be revoked.

And I suggest that the way to reach it would be, first, if it is intended to arrest the absentees and bring them before the bar of the House, to order the arrest of those not recorded as present on this call, and then to excuse those members to whom it may be desired to grant leave of absence, which would have the effect of excluding them from arrest.

The SPEAKER pro tempore. The Chair would suggest that it would be competent to order the arrest of those who are absent without excuse without revoking the leaves of absence.

Mr. BAILEY. But the gentleman from South Dakota will understand, if all of the leaves are granted and not revoked, that it would be utterly impossible to obtain a quorum, and we may as well adjourn at once.

Mr. TALBERT. As I understand it, the rule applying usually to calls of the House does not apply to Friday night sessions, if I am not mistaken; that is to say, the rule applicable to the issuance of warrants on these occasions.

The SPEAKER pro tempore. The new rule, the Chair would state in response to the suggestion of the gentleman, does not, but the old rule, which has been readopted, does apply to such cases.

Mr. TALBERT. My understanding was that in adopting the new rule there was a proviso that the warrants of arrest should not apply to these sessions.

The SPEAKER pro tempore. The new rule has been adopted, which differs on that subject, but the old rule has been reenacted and remains in force as in former Congresses.

The Chair will state that 145 members have been recorded as present on this call; not a quorum.

Mr. PICKLER. I move the adoption of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The resolution was adopted.

Mr. HICKS. I rise to a parliamentary inquiry. Does that include the gentlemen whose names have been read and excused by the House this evening?

The SPEAKER pro tempore. No order has been made revoking the leaves of absence.

Mr. TALBERT. Mr. Speaker, if in order, I rise to move to reconsider the vote whereby the resolution was adopted. My purpose is simply this: This is the first Friday night that this proceeding——

The SPEAKER pro tempore. Debate is not in order at this time.

Mr. TALBERT. I move to reconsider the vote by which the resolution was adopted.

Mr. NORTHWAY. I move to lay that motion on the table.

Mr. POWERS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. POWERS. Mr. Speaker, I rise to debate that question.

The SPEAKER pro tempore. It is not a debatable question.

The pending question is the motion to lay on the table the motion of the gentleman from South Carolina, which is not debatable.

Mr. TALBERT. On that I demand the yeas and nays.

Mr. STEWART of New Jersey. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STEWART of New Jersey. I make the point of order that the gentleman from South Carolina is out of order; that he can not move to reconsider the vote because he did not vote for the motion.

The SPEAKER pro tempore. The Chair has no knowledge as to how the gentleman voted, there having been no roll call. The presumption is that he voted with the majority, and the point of order is not well taken.

Mr. TALBERT. The gentleman had better sit down until he learns something about the rules. [Laughter.]

The question being taken on the motion of Mr. NORTHWAY, it was adopted.

So the motion to reconsider was laid on the table.

Mr. TALBERT. Now, Mr. Chairman, I want to say I hope that resolution——

The SPEAKER pro tempore. Debate is not in order.

Mr. TALBERT. Excuse me; I thought the motion was carried. [Laughter.]

The SPEAKER pro tempore. No; the gentleman's motion was laid on the table.

Mr. POWERS. Mr. Speaker——

The SPEAKER pro tempore For what purpose does the gentleman rise?

Mr. POWERS. I ask unanimous consent for permission to make a speech. [Laughter.]

Mr. TALBERT and others. Regular order!

The SPEAKER pro tempore. The gentleman asks unanimous consent to be permitted to address the House. Is there objection?

Mr. TALBERT, Mr. PICKLER, Mr. HEPBURN, and others objected.

The SPEAKER pro tempore. Objection is made.

Mr. PICKLER. I demand the regular order.

Mr. POWERS. The House is very anxious to hear me, evidently. [Laughter.]

Mr. GRAFF. Before I make up my mind about objecting, I want to know on what side of the question the gentleman is going to talk. [Laughter.]

Mr. POWERS. On "our side," of course. [Laughter.]

Mr. MAHON. I ask unanimous consent that the gentleman be allowed to make a statement to the House of what he intends to say.

Mr. BAILEY. I move that the gentleman from South Dakota be excused, and as I do not desire myself to submit any remarks on the motion, I yield the floor to the gentleman from Vermont.

The SPEAKER pro tempore. The motion is not debatable.

Mr. POWERS. I make the point of order that I had the floor.

The SPEAKER pro tempore. The Chair overrules the point of

order. The House will be in order, and the Chair will recognize no gentleman unless order is restored upon the floor.

Mr. TALBERT. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. I want to inquire, if the gentleman had the floor, how he can be prevented from addressing the House?

The SPEAKER pro tempore. The gentleman did not have the floor.

Mr. POWERS. I rose and asked unanimous consent to make a speech. Objection was made from various quarters, but the same objections subsequently were withdrawn. Now, I insist that the original request is the only matter pending before the House. It is apparent and must be to the Speaker that there is a very general desire that my request be granted. [Laughter.]

The SPEAKER pro tempore. The Chair will state to the gentleman from Vermont that he did request the privilege of addressing the House. Thereupon numerous objections were made, and the question was decided. It could not be renewed by several members saying they withdrew the objection.

Mr. POWERS. I renew the request.

The SPEAKER pro tempore. The gentleman from Vermont asks anew the privilege of addressing the House.

Mr. HEPBURN (without rising). I object.

Several other members objected.

The SPEAKER pro tempore. Objection is made.

Mr. POWERS. No gentleman can object unless he rises in his place.

Mr. STEWART of New Jersey. Mr. Speaker——

Mr. POWERS. I raise the point of order that no objection can be made by a gentleman unless he rises in his place and addresses the Chair.

The SPEAKER pro tempore. The Chair has already announced that the request has been objected to.

Mr. BAILEY. I move to excuse the gentleman from Illinois [Mr. CANNON] from attendance upon this session of the House.

Several members objected.

Mr. BAILEY. I do not ask unanimous consent. I move that the gentleman be excused from attendance upon this session of the House.

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that in the opinion of the Chair the motion is not in order, for this reason: Under the rule the Clerk proceeded to call the names of absentees, when excuses were in order. Subsequently to that the House adopted a resolution to send for absent members. When any absent member is brought into the House, it will be competent then for the House to excuse him. Otherwise, while the House is under this order to bring in absent members, the Chair thinks that no motion to excuse a member is in order.

Mr. BAILEY. If the Chair please, I will be frank——

Mr. PICKLER. Mr. Speaker——

Mr. BAILEY (continuing). I will be frank in saying to the Chair that my purpose was, if the Chair held that way, to then appeal, and upon that to yield and permit the gentleman from Vermont [Mr. POWERS] to address the Chair; but now a serious question is raised, in which I feel some interest myself, and I desire to suggest to the Chair in all seriousness that the original call was for the purpose of rendering excuses for nonattendance, those excuses to be rendered by gentlemen who did not happen to be in the Hall of the House during the first roll call, but who had come in pending the second roll call. Any gentleman so coming in was privileged then, when his name was called, to rise and offer any excuse he pleased or ask to be recorded as present.

Mr. PICKLER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Texas is addressing himself to a point of order.

Mr. PICKLER. What point of order?

The SPEAKER pro tempore. Well, the gentleman is endeavoring to state it. The Chair will not interrupt the gentleman from Texas.

Mr. BAILEY. The Chair himself stated the ground of his ruling, and if the gentleman from South Dakota did not understand it, that is a matter between him and the Chair.

Mr. PICKLER. That is what I am trying to find out.

Mr. BAILEY. Then you very pertinently inquired of the Chair. I myself understood perfectly what the Chair decided. I understood the Chair to decide that it was not in order now to move to excuse any member of the House from attendance upon this session. From that decision——

Mr. PICKLER. Do you appeal from that decision?

Mr. HEPBURN. I desire to raise the point of order that no debatable question is now pending.

Mr. BAILEY. One point of order is now pending, Mr. Speaker, and another point of order can not be made.

Mr. HEPBURN. What I desire to suggest to the Chair is that no point of order is pending, the Chair having ruled upon the question.

The SPEAKER pro tempore. The Chair stated what, in the opinion of the Chair, is the rule upon the subject. The Chair did not finally rule upon the subject, although the Chair is prepared to rule.

Mr. PICKLER. I thought the Chair had ruled.

The SPEAKER pro tempore. The Chair will hear the gentleman from Texas upon the point of order.

Mr. BAILEY. Now, Mr. Speaker, this of course becomes a precedent, and I am sure that the Chair is as anxious that the precedent be a correct one as any member on the floor. You would find yourself in this condition: If, after the order of arrest had been made by the House, it should then come to the knowledge of any gentleman on the floor that a member included in the order of arrest was either himself sick or at the bedside of a sick member of his family, the Sergeant-at-Arms in strictness would, in obedience to the order of the House, be compelled to arrest him and take him from his own sick bed or from the bedside of a member of his family. I respectfully submit that it must be within the power of the House, at any time during the entire progress of the call of the House, to excuse any member for whom a good excuse is presented.

Mr. PICKLER. Will the gentleman from Texas allow me to ask him a question?

Mr. BAILEY. Certainly.

Mr. PICKLER. If, under the writ the Sergeant-at-Arms finds a member sick in bed, he returns that excuse here when he comes in with his report, does he not?

Mr. BAILEY. He is not at liberty to take an excuse. His order is to arrest him and bring him to the bar of the House.

Mr. PICKLER. He must either bring him to the bar of the House or report that he is sick, and he can be excused by the House.

Mr. BAILEY. His order is to arrest him. Let me suggest this to the gentleman: Suppose the Sergeant-at-Arms goes to a tavern and finds one of the members sick whom he has been ordered to arrest and he telephones that he has found Mr. A included in his warrant, and that Mr. A is sick, or that Mr. A sits at the bedside of his sick wife, will the gentleman from South Dakota insist that the Sergeant-at-Arms may, in his discretion, fail to carry out the order to arrest that sick member?

Mr. PICKLER. But the Sergeant-at-Arms can report that to the House, and the House can excuse him.

Mr. BAILEY. And the House can excuse before the Sergeant-at-Arms reports as well as after.

Mr. HULICK. Will the gentleman permit me to ask him a question?

Mr. BAILEY. Certainly.

Mr. HULICK. Suppose the Sergeant-at-Arms should find a member dead. Would he be required to bring his dead body here? [Laughter.]

Mr. BAILEY. Certainly he would not. You can not arrest a dead man.

Now, Mr. Speaker, rather than have the question incorrectly decided, as I raised the point merely and purely for the sake of permitting the House to gratify its anxiety to hear my distinguished friend from Vermont, I will withdraw the motion.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. BAILEY. Certainly.

Mr. WATSON of Ohio. Suppose he should find a member in jail. What would he do? Would he bring him to the bar of the House?

Mr. BAILEY. He could not.

Mr. WATSON of Ohio. Then your argument fails.

Mr. BAILEY. Oh, no; your question involves a conflict of jurisdiction, and does not reach my contention.

Mr. PICKLER. I rise to a parliamentary inquiry. I desire to inquire who raised the point of order upon which these proceedings have been based?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. PICKLER. Why is it not?

Mr. PITNEY. I rise to a point of order.

The SPEAKER pro tempore. One point of order is pending.

Mr. POWERS. I desire to be heard on the point of order.

The SPEAKER pro tempore. The present occupant of the chair has no desire to hear any further debate upon the point of order.

Mr. POWERS. That is an assumption that I hardly think is satisfactory to the House.

Mr. PICKLER. I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. PICKLER. Division, Mr. Speaker.

The House divided; and there were—ayes 22, noes 84.

So the motion was rejected.

Mr. PICKLER. I move——

The SPEAKER pro tempore. The Chair is ready to decide the point of order raised by the gentleman from Texas.

Mr. PICKLER. I move that all further proceedings under the call be dispensed with.

Mr. BAILEY. I know that all debate on the point of order is in the discretion of the Chair. If the Chair declares his readiness to rule, and does not desire to hear the gentleman from Vermont on the point of order, I withdraw the motion.

Mr. PICKLER. I move that all further proceedings under the call be dispensed with. [Cries of "Oh, no!"]

Mr. PITNEY. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PITNEY. I rise to a point of order.

The SPEAKER pro tempore. There is no proceeding before the House. The gentleman from South Dakota is recognized.

Mr. PICKLER. I move that all further proceedings under the call be dispensed with. [Cries of "Oh, no!"] It is evident that you can not get members here to-night, and I am opposed to our spending further time.

The question was taken; and the Speaker pro tempore announced that the noes seem to have it.

Mr. BISHOP. I demand a division.

The House divided; and there were—ayes 17, noes 86.

Mr. PICKLER. Mr. Speaker, I demand tellers on that. [Cries of "Too late!"]

The SPEAKER pro tempore. The Chair had not completed the announcement of the vote.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Thirteen gentlemen have arisen—not a sufficient number; tellers are refused, and the motion is lost.

Mr. PICKLER. Mr. Speaker, I move to reconsider the vote by which the House refused to dispense with further proceedings under the call.

Mr. COFFIN. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair will first state the question to the House. The gentleman from South Dakota moves to reconsider the vote by which the House refused to dispense with further proceedings under the call.

Mr. CURTIS of Kansas. Mr. Speaker——

Mr. EVANS. I move to lay that motion on the table.

Mr. LACEY. Mr. Speaker, I make the point of order that there has been intervening business, and that a motion to reconsider this kind of a motion can not be made after other proceedings have intervened.

The SPEAKER pro tempore. According to the recollection of the Chair, the vote has just been announced on the motion to suspend further proceedings, and tellers have been refused.

Mr. LACEY. There has been a motion to adjourn since.

The SPEAKER pro tempore. The Chair thinks the motion to reconsider is in order, and also the motion to lay the motion to reconsider on the table. The question is on the motion to lay on the table the motion to reconsider.

Mr. POWERS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. POWERS. I rise for the purpose of making a personal explanation.

The SPEAKER pro tempore. That is not in order. The question is on the motion to lay on the table the motion to reconsider made by the gentleman from South Dakota.

The question being taken, the motion to lay on the table was agreed to.

Mr. THOMAS. Mr. Speaker, I desire to ask whether the Sergeant-at-Arms is now after the absentees?

The SPEAKER pro tempore. The Chair supposes the fact to be that the warrant is now being made out for the arrest of absent members, but so far as the House is concerned, the Sergeant-at-Arms is already engaged in the performance of his functions under the order of the House.

Mr. POWERS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman from Vermont will state his question of personal privilege.

Mr. PICKLER. Mr. Speaker, I rise to a point of order.

Mr. POWERS. I believe I have the floor, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Dakota will state his point of order.

Mr. PICKLER. My point is, that during a call of the House no other business is in order, and the gentleman can not rise to a question of personal privilege at this time.

The SPEAKER pro tempore. The Chair thinks that unless the question relates to these proceedings under the call the gentleman from Vermont would not be in order.

Mr. POWERS. Mr. Speaker, I rise to a question of personal privilege, and claim the right to define it to the House.

Mr. BAILEY. Mr. Speaker, if the gentleman's question of privilege grows out of any matter connected with the call of the House, undoubtedly he has a right to be heard.

The SPEAKER pro tempore. In effect the Chair so stated. The Chair stated that the gentleman would not be in order unless the question of privilege to which he rose related to the proceedings under the call.

Mr. POWERS. It is entirely confined to the proceedings under the call.

The SPEAKER pro tempore. The gentleman from Vermont will proceed.

Mr. POWERS. Now, Mr. Speaker, all things come to them that wait. I rose in the utmost good faith to make a few humble remarks to this House, calculated to give the House instruction upon the subject then before it. [Laughter.] I was interrupted by my much-valued friend from Iowa [Mr. HEPBURN], but I will now disclose the real purpose of the speech that I proposed to make. I proposed to discuss the propriety of members absenting themselves from their duties here in the House to go home to make Presidential candidates [laughter], but my good friend from Iowa [Mr. HEPBURN], who has just arrived from a mission of that kind, raised an objection to my talking to the House. [Laughter.]

Mr. HEPBURN. May I be permitted to explain?

Mr. POWERS. I object. [Laughter.]

Mr. ARNOLD of Pennsylvania. I think the gentleman ought to be permitted to explain the platform. [Laughter.]

The SPEAKER pro tempore. The gentleman from Vermont has the floor and will please confine himself to the question of privilege.

Mr. POWERS. Mr. Speaker, the privilege which, I claim, has been violated, by the Chair especially, lies in this fact, that while the 356 members of this House, or so many of them as are present, were clamoring for an opportunity to listen to me, the Chair took it upon himself to prevent them from having that enjoyment. [Laughter.]

The SPEAKER pro tempore. The Chair thinks that the matter presented by the gentleman from Vermont does not amount to a question of personal privilege.

Mr. POWERS. The privilege which I claim is this: That every member of this House, when he rises in his place and addresses the Chair, is entitled to a respectful hearing, not only from the Chair, but from the audience. [Laughter.] The audience has given it to me——

The SPEAKER pro tempore. The gentleman from Vermont presents no question of personal privilege. He is out of order.

Mr. POWERS. I am coming to that. [Laughter.] The Chair, if he will be patient, will see in a few moments that I have a grievance here that ought to be remedied.

The SPEAKER pro tempore. Well, the gentleman will state his question of personal privilege.

Mr. POWERS. The privilege is the opportunity to make a speech for the edification and instruction of the House of Representatives [laughter] and the presiding officer of the House. Now, I was about, by way of preamble, to say [laughter]——

The SPEAKER pro tempore. The gentleman will state his question of personal privilege.

Mr. POWERS. I was just about to do so. [Laughter.] I am so constituted, Mr. Speaker, that I can not get at a question of personal privilege without going back and getting a starting point in the same way as a great historian always does. When he undertakes to write the story of a nation it will not do to start right off with current matters; he must go back and ascertain the causes that have led up to the current events.

Now, when I noticed the absence of my good friend from Iowa, although he was absent on a mission that in some sense I approve, nevertheless I thought he ought to have asked permission of this House if he was going to Iowa to assist in making a Presidential candidate, because there are lots of Reed men on this floor. [Applause.] There are lots of McKinley men. [Applause.] I do not know but there is now and then a Quay man. [Applause.] Why, sir, I noticed a few days ago that in the streets of Washington a gentleman was knocked down and robbed because he was trying to bet largely on the nomination of McKinley. I, being a Reed man myself, was not surprised that a man who was going around betting money on McKinley lost it. [Laughter.]

But when my friend from Iowa left his duties here to go out to Iowa to assist in nominating a Presidential candidate, it did seem to me that he violated my privilege, my personal privilege, in not asking my consent that he might go; because he is a Representative on this floor, and my constituency has the right to have the benefit of his valuable counsel in the administration of the affairs of this House; and when, therefore, he ran away from his duty here, he ran away from a duty in which I and my constituents are interested.

Mr. MAHON. Will the gentleman answer a question?

Mr. POWERS. With great pleasure.

Mr. MAHON. My friend seems to have some great trouble on his mind about the gentleman from Iowa having gone home to look after some one's Presidential "boom." I wish to inquire

whether the gentleman from Vermont is to be the "favorite son" from that State?

Mr. POWERS. Well, Mr. Speaker, as long as Pennsylvania is presenting rather curious quantities for that purpose, I do not know but that Vermont might as well go in. [Laughter.]

The SPEAKER pro tempore. The Chair hopes the gentleman from Vermont will be in order.

Mr. POWERS. I will come to the question directly, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is out of order.

Mr. POWERS. The question——

The SPEAKER pro tempore. The gentleman from Vermont will please resume his seat.

Mr. POWERS. Will the Speaker grant me this request—to ask the House if I may not print in the RECORD the remainder of my remarks. [Laughter.]

Mr. CHICKERING. Mr. Speaker, I ask that my colleague from New York, Mr. GILLET, who is now present, having come here on his own motion without being arrested, may have his name placed on the roll of those present.

Mr. BAILEY. He is entitled to that under the rule.

The SPEAKER pro tempore. He is not, as the Chair understands, pending a call of the House, without the consent of the House.

Mr. BAILEY. If he appears without being arrested, he is entitled to have his name entered on the roll.

The SPEAKER pro tempore. The rule is:

> Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

The name of the gentleman from New York [Mr. GILLET] will be entered on the Journal as present.

Mr. WALSH. Mr. Speaker, I move that the Sergeant-at-Arms be instructed to arrest the members of the Committee on Rules.

The SPEAKER pro tempore. The gentleman's motion is out of order, as the House has adopted an order for the arrest of all absent members. Therefore a motion to arrest particular members is certainly out of order.

Mr. WALSH. I submit as a question of order that the only way in which we can disentangle ourselves from this snarl——

The SPEAKER pro tempore. That is no question of order. The Chair has ruled the gentleman's motion out of order.

Mr. WALSH. I submit that it will be impossible for us to get out of this snarl unless we adopt a special rule, and the only way to get at that is to have the members of the Committee on Rules brought here.

Mr. PICKLER. Mr. Speaker, it being evident that the gentleman from Pennsylvania who has raised the point of no quorum is determined to defeat all pension legislation to-night, and as it is evident that we can not have a quorum by reason of the lateness of the hour, I therefore move that further proceedings be dispensed with. [Cries of "No!" "No!"]

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 34, noes 91.

So the motion was rejected.

Mr. AITKEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. AITKEN. What would be the effect if we were to adjourn at this time?

The SPEAKER pro tempore. The House would stand adjourned until Monday morning, and all proceedings under the call would fall.

Mr. AITKEN. Would not those members whose names are included in the warrant of arrest be required to make excuses on Monday?

The SPEAKER pro tempore. They would not.

Mr. AITKEN. Then I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 33, noes 81.

So the motion was rejected.

Mr. STEWART of New Jersey. I move that during the absence of the Sergeant-at-Arms the House take a recess, and that in the meantime the gentleman from South Carolina [Mr. TALBERT] be permitted to address the House.

The SPEAKER pro tempore. That motion is not in order.

Mr. HICKS. I desire to ask unanimous consent to consider a bill at this time.

The SPEAKER pro tempore. The Chair can entertain no requests of that character.

Mr. PICKLER. I move to dispense with further proceedings under the call.

The question was taken; and on a division there were—ayes 22, noes 80.

So the motion was rejected.

Mr. POOLE. Mr. Speaker, I would like to make a parliamentary inquiry. Is it not a fact that under the rules of the House Friday night sessions are entirely devoted to the consideration of private pension bills and bills of a similar character; and is it not also a fact that the entire evening has been frittered away up to this time by the objection of the gentleman from Pennsylvania [Mr. ERDMAN?]

The SPEAKER pro tempore. That is not a parliamentary inquiry. The gentleman is out of order.

Mr. CURTIS of New York. Mr. Speaker, it will be entirely useless to expect to secure a quorum of the House at this late hour, so I move that the House do now adjourn.

The motion was rejected.

Mr. BAILEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BAILEY. I desire to ask the Speaker if it is not true that he has just signed the warrant for the arrest of the absentees?

The SPEAKER pro tempore. That is hardly a parliamentary inquiry. The Chair would have no hesitation, however, in privately answering the gentleman, if he desires the information.

Mr. BAILEY. Then, as it is perfectly plain that if we arrest these absent members we can not get them here before the hour for adjournment, I move that the House do now adjourn.

The SPEAKER pro tempore. The Chair will state to the gentleman that there has been no intervening business since the last motion to adjourn.

Mr. BAILEY. I submit to the Chair that the Chair has signed the warrant for the arrest of the absent members, and that is very important business.

The SPEAKER pro tempore. That is hardly intervening business, so far as the House at large is concerned.

Mr. BAILEY. But the Chair does that as the organ of the House.

The SPEAKER pro tempore. The Chair thinks the motion is out of order.

Mr. WALSH. I rise to make a motion for a recess.

The SPEAKER pro tempore. The Chair will state that that is not in order. The House is without a quorum and proceeding under the rules to secure the attendance of its absent members.

Mr. CURTIS of Kansas. I desire to know if it is not in order to have another call of the House to ascertain who have left the House since the former call?

The SPEAKER pro tempore. The Chair thinks it is not in order to have another call upon a call. The officers of the House are engaged in executing the former order of the House.

Mr. BAILEY. I desire to say this, if the Chair will permit me, that that question has been raised and decided already.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BAILEY. On the point of order of the gentleman from Kansas.

The SPEAKER pro tempore. The Chair has already decided it.

Mr. BAILEY. I suppose the Chair wants to be right on the question.

The SPEAKER pro tempore. The present occupant of the chair thinks he is right.

Mr. BAILEY. If the Chair will permit me to say so, that question has been decided twice affirmatively. I had myself once the honor to be in the chair when it was decided, and followed a decision of Speaker Carlisle when he occupied the chair, and I suppose that the Chair does not want to hold that such a call would not be in order without proper consideration of the subject.

The SPEAKER pro tempore. The Chair does not think it would be in order to entertain another call of the House while one is pending and being prosecuted by the officers of the House.

Mr. BAILEY. I recall distinctly that the House was in the progress of a call. The gentleman from Mississippi [Mr. ALLEN] moved a further call of the roll, because it was believed that some members who had been arrested and brought to the Hall had again absented themselves. I then had the honor to be in the chair, and the question was not one free from doubt, but I thought then, as I think now, that the House must have the power to ascertain if absent members, having been arrested and having been brought before the House were still present. I decided that it was in order to order a further roll call, and upon investigation I found that Speaker Carlisle had decided the very question.

Mr. CURTIS of Kansas. Mr. Speaker, I desire to call the attention of the Chair to page 238 of the Manual:

> Pending proceedings under a call of the House, the House may order the roll call to be repeated to ascertain which of the members are then absent; and it is in order to direct the Sergeant-at-Arms to take into custody members who have absented themselves since the first call of the roll.

Therefore, Mr. Speaker, I move a call of the roll, to see what members have absented themselves since the former call.

Mr. PICKLER. I move to lay that motion on the table.

Several MEMBERS. Oh, no.

Mr. PICKLER. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PICKLER. It being evident that the opponents of pen-

sion legislation do not intend that there shall be any business done to-night, I move that further proceedings under the call be dispensed with.

The SPEAKER pro tempore. The gentleman from South Dakota moves that further proceedings under this call be dispensed with.

Mr. ARNOLD of Pennsylvania. Mr. Speaker, has not that motion been laid on the table?

The SPEAKER pro tempore. The motion of the gentleman from South Dakota is in order. The gentleman moves that further proceedings under the call be dispensed with.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PICKLER demanded a division.

The House divided; and there were—ayes 16, noes 71.

Mr. LACEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. As many as favor the motion of the gentleman from South Dakota to dispense with further proceedings under the call will, when their names are called, say "aye"; those opposed, "no."

The question was taken; and there were—yeas 32, nays 109, not voting 214; as follows:

YEAS—32.

Aitken,	Ellis,	Mahon,	Snover,
Bailey,	Fletcher,	McLachlan,	Strong,
Baker, Kans.	Grout,	Moody,	Sulloway,
Bishop,	Hooker,	Parker,	Talbert,
Clardy,	Hunter,	Pickler,	Thomas,
Corliss,	Jenkins,	Powers,	Tracewell,
Curtis, N. Y.	Johnson, N. Dak.	Russell, Conn.	Van Voorhis,
Daniels,	Kyle,	Simpkins,	Wright.

NAYS—109.

Allen, Utah	Erdman,	Kiefer,	Raney,
Andrews,	Evans,	Kirkpatrick,	Reeves,
Arnold, Pa.	Fairchild,	Lacey,	Reyburn,
Avery,	Faris,	Layton,	Shannon,
Baker, N. H.	Fischer,	Leighty,	Sorg,
Barham,	Foss,	Leonard,	Southard,
Bell, Colo.	Gibson,	Little,	Sperry,
Black, Ga.	Gillet, N. Y.	Long,	Stallings,
Blue,	Graff,	Loudenslager,	Stewart, N. J.
Broderick,	Hadley,	Low,	Stewart, Wis.
Brown,	Hainer, Nebr.	Maddox,	Taft,
Burrell,	Hanly,	Marsh,	Tate,
Burton, Mo.	Harrison,	McClellan,	Terry.
Calderhead,	Hartman,	McCulloch,	Towne,
Chickering,	Heatwole,	McRae,	Tracey,
Clark, Mo.	Hemenway,	Miller, Kans.	Treloar,
Codding,	Henry, Conn.	Milnes,	Underwood,
Coffin,	Henry, Ind.	Minor, Wis.	Walsh,
Connolly,	Hepburn,	Mondell,	Wanger,
Cook, Wis.	Hicks,	Murphy,	Watson, Ohio
Crowley,	Hilborn,	Neill,	White,
Crowther,	Hill,	Northway,	Willis,
Crump,	Hubbard,	Overstreet,	Wilson, Idaho
Curtis, Kans.	Hulick,	Pendleton,	Wood,
Dockery,	Hurley,	Pitney,	Yoakum.
Dovener,	Kem,	Poole,	
Downing,	Kendall,	Prince,	
Eddy,	Kerr,	Pugh,	

NOT VOTING—214.

Abbott,	Colson,	Hart,	McDearmon,
Acheson,	Cooke, Ill.	Hatch,	McEwan,
Adams,	Cooper, Fla.	Heiner, Pa.	McKenney,
Aldrich, Ala.	Cooper, Tex.	Henderson,	McLaurin,
Aldrich, Ill.	Cooper, Wis.	Hendrick,	McMillin,
Allen, Miss.	Cousins,	Hermann,	Meiklejohn,
Anderson,	Cowen,	Hitt,	Mercer,
Apsley,	Cox,	Hopkins,	Meredith,
Arnold, R. I.	Crisp,	Howard,	Meyer,
Atwood,	Culberson,	Howe,	Miles,
Babcock,	Cummings,	Howell,	Miller, W. Va.
Baker, Md.	Curtis, Iowa	Huff,	Milliken,
Bankhead,	Dalzell,	Huling,	Miner, N. Y.
Barney,	Danford,	Hull,	Money,
Barrett,	Dayton,	Hutcheson,	Morse,
Bartholdt,	De Armond,	Hyde,	Moses,
Bartlett, Ga.	Denny,	Johnson, Cal.	Mozley,
Bartlett, N. Y.	De Witt,	Johnson, Ind.	Newlands,
Beach,	Dingley,	Jones,	Noonan,
Belknap,	Dinsmore,	Joy,	Odell,
Bell, Tex.	Dolliver,	Knox,	Ogden,
Bennett,	Doolittle,	Kulp,	Otey,
Berry,	Draper,	Latimer,	Otjen,
Bingham,	Ellett, Va.	Lawson,	Owens,
Black, N. Y.	Elliott, S. C.	Lefever,	Patterson,
Boatner,	Fenton,	Leisenring,	Payne,
Boutelle,	Fitzgerald,	Lester,	Pearson,
Bowers,	Foote,	Lewis,	Perkins,
Brewster,	Fowler,	Linney,	Phillips,
Bromwell,	Gamble,	Linton,	Price,
Brosius,	Gardner,	Livingston,	Quigg,
Brumm,	Gillett, Mass.	Lockhart,	Ray,
Buck,	Griffin,	Lorimer,	Richardson,
Bull,	Griswold,	Loud,	Robertson, La.
Burton, Ohio	Grosvenor,	Maguire,	Robinson, Pa.
Cannon,	Grow,	Mahany,	Royse,
Catchings,	Hager,	McCall, Mass.	Rusk,
Clark, Iowa	Hall,	McCall, Tenn.	Russell, Ga.
Clarke, Ala.	Halterman,	McCleary, Minn.	Sauerhering,
Cobb, Ala.	Hardy,	McClure,	Sayers,
Cobb, Mo.	Harmer,	McCormick,	Scranton,
Cockrell,	Harris,	McCreary, Ky.	Settle,
Shafroth,	Steele,	Tucker,	Wellington,
Shaw,	Stephenson,	Turner, Ga.	Wheeler,
Sherman,	Stokes,	Turner, Va.	Wilber,
Shuford,	Stone, C. W.	Tyler,	Williams,
Skinner,	Stone, W. A.	Updegraff,	Wilson, N. Y.
Smith, Ill.	Strait,	Van Horn.	Wilson, Ohio
Smith, Mich.	Strode, Nebr.	Wadsworth,	Wilson, S. C.
Southwick,	Strowd, N. C.	Walker, Mass.	Woodard,
Spalding,	Sulzer,	Walker, Va.	Woodman,
Sparkman,	Swanson,	Warner,	Woomer.
Spencer,	Tawney,	Washington,	
Stahle,	Tayler,	Watson, Ind.	

So the motion to dispense with further proceedings under the call was rejected.

Mr. PICKLER. Mr. Speaker, I demand a recapitulation of the vote.

The SERGEANT-AT-ARMS. Mr. Speaker, I have a report to make.

The SPEAKER pro tempore. That is not in order at this time, until the vote is announced. On this question——

Mr. PICKLER. Mr. Speaker, I demand a recapitulation of this vote.

The SPEAKER pro tempore. Without objection, a recapitulation of the vote will be ordered.

Several members objected.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The gentleman from South Dakota——

Mr. CURTIS of Kansas. I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Several MEMBERS. Division.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the Chair, under the special rule, declares that the House stands adjourned until Monday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, recommending that Pueblo, Colo., be made a port of delivery, and transmitting a draft of a bill for that purpose—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement of the claim of the Sac and Fox Indians of the Mississippi, prepared in conformity with the provisions of the act of March 2, 1895—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a reply to the resolution of Congress approved March 2, calling for certain information respecting the harbor of Manitowoc, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William R. Hill, administrator of Clairborne B. Hill, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James McPeters, administrator of Nelson G. Allen, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SETTLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 880) designating Stamford, Conn., a subport of entry, reported the same without amendment, accompanied by a report (No. 766); which said bill and report were referred to the House Calendar.

Mr. PATTERSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala., reported the same without amendment, accompanied by a report (No. 767); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded, reported the same with amendment, accompanied by a report (No. 788); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to

which was referred House bill No. 4437, reported in lieu thereof a bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, accompanied by a report (No. 792); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPARKMAN, from the Committee on Public Buildings and Grounds, to which was referred House bill No. 317, to increase the limit of cost of the public building authorized by act of Congress approved June 30, 1886, to be erected at Savannah, Ga., and authorizing the Secretary of the Treasury to enter into a contract or contracts for the construction of any portion or the whole of said building, reported the same without amendment, accompanied by a report (No. 793); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LAYTON, from the Committee on Invalid Pensions: A bill (H. R. 7212) to increase the pension of Melita E. White, in lieu of House bill No. 5338. (Report No. 759.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 4548) granting a pension to Mary Arnold. (Report No. 760.)

The bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers. (Report No. 761.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson. (Report No. 762.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased. (Report No. 763.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor. (Report No. 764.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war. (Report No. 765.)

By Mr. AVERY, from the Committee on War Claims: A bill (H. R. 7214) for the relief of George J. Campbell, in lieu of House bill No. 1182. (Report No. 768.)

By Mr. COOPER of Texas, from the Committee on War Claims: A bill (H. R. 7246) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., in lieu of House bill No. 650. (Report No. 786.)

The bill (H. R. 937) for the relief of the officers and crew of the United States steamers *Forest Rose* and *Argosy*. (Report No. 769.)

A resolution (House Res. No. 203) to refer the bill (H. R. 933) for the relief of the owners of the steamer *Clara Bell*, together with papers accompanying the same, to the Court of Claims. (Report No. 770.)

By Mr. GIBSON, from the Committee on War Claims:

The bill (H. R. 6708) for the relief of the trustees of Carson-Newman College, at Mossy Creek, Tenn. (Report No. 771.)

The bill (H. R. 6649) for the relief of the trustees of Holston Seminary, at New Market, Tenn. (Report No. 772.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 2387) for the relief of Benjamin Peter Bailey, treasurer of the Missouri State lunatic asylum. (Report No. 773.)

The bill (S. 690) for the relief of Fanny B. Randolph and Dora L. Stark. (Report No. 774.)

By Mr. LESTER, from the Committee on War Claims:

The bill (H. R. 5808) for the relief of Leo L. Johnson. (Report No. 775.)

The bill (H. R. 5932) for the relief of Mrs. Sarah H. Wood. (Report No. 776.)

By Mr. MAHON, from the Committee on War Claims:

The bill (S. 1469) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852. (Report No. 787.)

The bill (H. R. 564) for the relief of William S. Grant. (Report No. 777.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 5312) for the relief of James R. Wyrick. (Report No. 778.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war. (Report No. 780.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 1508) granting a pension to the widow of Gen. John Newton. (Report No. 781.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 819) granting a pension to Catharine Leary. (Report No. 782.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 7127) granting a pension to Samuel D. Gilman. (Report No. 783.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4405) granting a pension to Augustus G. Cary. (Report No. 784.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 4268) granting a pension to Mrs. Christina Graham. (Report No. 785.)

By Mr. HULICK, from the Committee on the District of Columbia: The bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens. (Report No. 789.)

By Mr. HANLY, from the Committee on Claims:

The bill (H. R. 954) for the relief of J. C. Irwin & Co. and Charles A. Perry & Co. (Report No. 790.)

The bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps. (Report No. 791.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. OTJEN, from the Committee on War Claims, reported adversely (Report No. 779) the bill (H. R. 4936) for the payment of bounty to James Pebley; and the same was laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 7213) regulating certain prosecutions in the District of Columbia—to the Committee on the Judiciary.

By Mr. PHILLIPS: A bill (H. R. 7215) donating condemned cannon and cannon balls to Colonel Joseph H. Wilson Post, Grand Army of the Republic, of Zelienople, Pa.—to the Committee on Naval Affairs.

Also, a bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.—to the Committee on Naval Affairs.

By Mr. JOHNSON of California: A bill (H. R. 7217) to increase the limit of cost for the erection of a public building in Stockton, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. BROSIUS: A bill (H. R. 7247) to increase the circulation of national banks and promote the redemption of legal-tender and United States Treasury notes—to the Committee on Banking and Currency.

By Mr. SPARKMAN: A bill (H. R. 7248) to grant land to the State of Florida for the use of the normal college for white pupils at De Funiak Springs and for the use of the normal college at Tallahassee for colored pupils—to the Committee on the Public Lands.

By Mr. STEPHENSON: A joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay—to the Committee on Rivers and Harbors.

By Mr. POOLE: A memorial of the assembly of the State of New York, asking for the passage of a bill for the construction of a first-class revenue cutter for service on the Atlantic coast at or near New York Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: A memorial of the Commonwealth of Massachusetts, favoring the passage of House bill No. 306, to pension prisoners of war—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: A memorial adopted by the legislature of Massachusetts, in favor of House bill No. 306—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6534) to increase the pension of Mrs. Elizabeth M. Stevenson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 6198) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin H. March, guardian of Ruth March—Committee on Ways and Means discharged, and referred to the Committee on Claims.

The bill (H. R. 6793) to authorize a reliquidation of certain entries of merchandise—Committee on Ways and Means discharged, and referred to the Committee on Claims.

The bill (H. R. 5285) to refund certain import duties—Committee on Ways and Means discharged, and referred to the Committee on Claims.

The bill (H. R. 1935) for relief of Irwin Tucker—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 7218) removing the charge of desertion from the record of Louis W. Mayer—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 7219) for the relief of O. E. Noland, of Mancos, Colo.—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 7220) for the relief of Lewis C. Overman—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 7221) granting a pension to Lafayette Taber, of Fort Dodge, Kans.—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 7222) for the relief of Walter Langley—to the Committee on Military Affairs.

By Mr. COLSON: A bill (H. R. 7223) granting a pension to Sarah Floyd, of Keavy, Laurel County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7224) granting a pension to John W. Turpen, of Columbia, Adair County, Ky.—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 7225) for the relief of H. J. Alexander—to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 7226) for the relief of Twyman O. Abbott—to the Committee on Claims.

By Mr. FARIS: A bill (H. R. 7227) increasing the pension of William Goshen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7228) to increase the pension of William A. Rhoderick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7229) granting a pension to James L. Carty—to the Committee on Pensions.

Also, a bill (H. R. 7230) granting a pension to John W. Burton—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7231) for the relief of Kate K. Parsons, of Mayo, Knox County, Tenn.—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 7232) for the relief of John G. W. Brooks—to the Committee on War Claims.

By Mr. HICKS: A bill (H. R. 7233) for the relief of John Freyburg, of Saxton, Pa., granting him an increase of pension—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7234) to remove the charge of desertion from the military record of William A. Perry—to the Committee on Military Affairs.

By Mr. LOW: A bill (H. R. 7235) to increase pension of George W. Farnum—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7236) for the relief of Nimrod D. Kineaster, of Indianapolis, Ind.—to the Committee on Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 7237) for the relief of the First Methodist Episcopal Church South, of Point Pleasant, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 7238) for the relief of Andrew J. Holley—to the Committee on War Claims.

Also, a bill (H. R. 7239) for the relief of Hiram and Hatcher Short—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal Corps—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 7241) granting an increase of pension to Samuel S. Patterson, late of Battery C, First West Virginia Artillery, and a veteran of the Mexican war—to the Committee on Invalid Pensions.

By Mr. SORG: A bill (H. R. 7242) granting pension to Mrs. Elizabeth Dennon, widow of the late John Dennon—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 7243) granting a pension to W. S. Riggs—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: A bill (H. R. 7244) granting a pension to Willie L. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7245) for the relief of the trustees of the Braddock Street Methodist Episcopal Church, of Winchester, Va.—to the Committee on War Claims.

By Mr. SWANSON: A bill (H. R. 7249) for the relief of W. A. Burrell—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Washington Camp, No. 556, Patriotic Order Sons of America, of Washington, Pa.; also resolution of Mechanics' Council, No. 352, Order United American Mechanics, of Uniontown, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ADAMS: Resolutions of the Grocers and Importers' Exchange of Philadelphia, in favor of House bill No. 5213, introduced by Mr. WILBER—to the Committee on Ways and Means.

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Penfield, Pa., favoring the passage of joint resolution No. 11, amending the Constitution of the United States and prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on Indian Affairs.

Also, petitions of Earl C. Tuten and Edward T. Tuten, of Bellefonte, Pa , protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BAILEY: Petition of S. E. Watson, farmer, of Watson, Tex., on the monetary question—to the Committee on Coinage, Weights, and Measures.

By Mr. BAKER of New Hampshire: Petition of Union Lodge, No. 5, Order United American Mechanics, of Penacook, N. H., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BARHAM: Petition of citizens of Ukiah, Cal., asking relief for book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BISHOP: Petitions of C. W. Lee, August Greve, and Levi E. Palmer, publishers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRUMM: Petition of citizens of Girardville, Pa., protesting against sectarian appropriations of public moneys and urging the passage of the joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BURTON of Missouri: Memoranda of evidence to accompany House bill No. 5692, for the relief of Stephen W. Parker—to the Committee on Indian Affairs.

By Mr. BULL: Petition of Walter B. Frost, publisher, of Providence, R. I., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COFFIN: Resolutions of the Maryland Historical Society, praying for an appropriation to enable the Secretary of State to prepare for publication the records of the Continental Congress—to the Committee on Appropriations.

By Mr. COOPER of Texas: Papers to accompany House bill for the relief of H. J. Alexander—to the Committee on War Claims.

By Mr. COOK of Wisconsin: Protest of W. C. Young and 50 other citizens of Oshkosh, Wis., and vicinity, against the passage of joint resolution proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CURTIS of Iowa: Petition of A. J. Gault, publisher, of Wheatland, Iowa; against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of Dr. James A. Ray and 44 others, of Columbia County, Oreg., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. FARIS: Petition and evidence to accompany House bill No. 6146, increasing the pension of Jeremiah Lockwood—to the Committee on Invalid Pensions.

Also, petition and evidence to accompany House bill No. 6733, for the relief of George W. Winters—to the Committee on Military Affairs.

Also, petition and evidence to accompany House bill No. 7007, to pension Charles Wilson, alias Mike Noonan—to the Committee on Pensions.

Also, petition and evidence to accompany House bill No. 2380, for the relief of Frederick Hutton—to the Committee on Invalid Pensions.

By Mr. FLYNN: Paper to accompany House bill No. 7114, for a pension to Mrs. Henrietta Coffman—to the Committee on Invalid Pensions.

By Mr. HADLEY: Petition of F. M. Balt, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAINER of Nebraska: Petition of E. A. Walrath, of Osceola, Nebr., asking for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of Ashland Council, No. 81, Order United American Mechanics, unanimously asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HICKS: Petition of W. S. Kantner and William Heller, officers, and 51 members of Washington Camp, No. 402, Patriotic Order Sons of America, of Juniata, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of J. L. Sechler, of South Fork, Pa.; L. G. Lamade, of Altoona, Pa., and Lon A. Smitt, of Myersdale, Pa., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of W. V. Marshall, of Berlin, Pa., and Amos Claar, of Bedford County, Pa., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Lafayette Lodge, No. 37, Order United American Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of 25 ex-Union soldiers and sailors, in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions adopted by the Retail Grocers and Merchants' Association of Illinois at their third annual convention, sympathizing with the Cubans in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. HOOKER: Petitions of J. W. Crawford, E. J. Reynolds, and others, of Olean, N. Y., also T. S. Woodard, J. J. Crandall, and others, of Scio, N. Y., for amendment of postal laws so that religious literature, such as tracts, etc., be given the advantage of the act of Congress of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Petition of M. H. Wilson and 28 others, of Barron County, Wis., protesting against joint resolution proposing amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. KEM: Memorial of 195 citizens of Nebraska, relative to the bill ceding to the State of Nebraska the public lands for irrigation purposes—to the Committee on the Public Lands.

By Mr. LAYTON: Resolutions of the Maryland Historical Society, of Baltimore, for an appropriation to enable the Secretary of State to prepare for publication the records and papers of the Continental Congress—to the Committee on Appropriations.

By Mr. LINTON: Petition of George W. Owen, publisher, of Owotto, Mich., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Victor B. Rottiers and J. E. Austin, representing the Grand Army post at Birch Run, Mich., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUD: Petitions of Charles T. Bainbridge & Sons and N. Belfield & Co., Philadelphia, Pa., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Duncan McPherson and George Bentley, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McDEARMON: Petition of J. L. Sparks & Co., publishers, of Ripley, Tenn., protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Petition of the trustees of the First Methodist Episcopal Church South, of Point Pleasant, W. Va., with exhibits and evidence to accompany their bill—to the Committee on War Claims.

Also, evidence to support bill for the relief of Andrew J. Holley—to the Committee on War Claims.

By Mr. MILNES: Petition of Mrs. W. A. Gillespie, president, and other officers of the Woman's Christian Temperance Union of Kalamazoo, Mich., asking for the passage of a Sunday law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MONEY: Petition of Frank Burkitt and others, of Okolona, Miss., praying for the adoption of the proposed religious amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MORSE: Petitions of 83 citizens of Selma, Cal.; 10 citizens of New York City, N. Y.; 15 citizens of Millville, Mass.; 73 citizens of Waltham, Mass.; 10 citizens of Baltimore, Md.; 39 citizens of Kansas; 162 citizens of Pennsylvania, and 45 citizens of Lisbon, N. Dak., praying for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of the Massachusetts Woman's Christian Temperance Union, to authorize a commission to promote the arbitration of international disputes—to the Committee on Foreign Affairs.

By Mr. NORTHWAY: Petition of George C. Jackson, publisher, of Akron, Ohio, against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Petition of Wilson Post, No. 496, Grand Army of the Republic, of Zelienople, Pa., to accompany House bill No. 6894, for two condemned cannon and cannon balls; also, petition of W. H. Weier, commander of Post No. 573, Grand Army of the Republic, of Evans City, Pa., to accompany House bill No. 6894, for a condemned cannon—to the Committee on Naval Affairs.

Also, paper to accompany House bill granting a pension to Samuel S. Patterson—to the Committee on Invalid Pensions.

By Mr. POOLE: Petition of 200 citizens of Syracuse, N. Y., members of Salt City Council, Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of N. Belfield & Co., of Philadelphia, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of James M. Gillespie and 3 others, of Jonesboro, Ind., asking that the present low rate of postage be maintained on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mathew Atkinson and 40 others, of Red Key, Ind., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SORG: Paper to accompany House bill No. 7202, for the relief of Miss A. Dorsey—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: Petition of Abraham Lincoln Lodge, No. 7, Order of United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TERRY: Petition of L. P. Gibson, editor of the Journal of the Arkansas Medical Society, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL (by request): Petition of James Gordon, jr., and 69 other citizens of Jennings County, Ind., requesting Congress to pass joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TRACEY: Paper to accompany House bill granting a pension to W. S. Riggs—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: Petition of Noah Price, of Madison County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of James C. McCue, deceased, late of Albemarle County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Benjamin Bowman, of Rockingham County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WOOMER: Petition of Washington Camp, No. 160, of Richland, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *March 16, 1896.*

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

On motion of Mr. HOAR, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 10th instant, a report of the Director of the Geological Survey concerning the progress and result of public-land surveys in the Indian Territory under the direction of the Geological Survey, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of February 26, 1896, calling for information as to whether or not poaching is carried on to any extent in the Yellowstone National Park, whether animals from that park cross the boundaries thereof into Idaho and Montana and are there slaughtered contrary to existing law, etc., transmitting a report of the Secretary of the Interior and of the acting superintendent of the Yellowstone National Park for the fiscal year ended June 30, 1895, respectively, in which poaching

and the condition of affairs in the Yellowstone National Park generally are discussed; which, with the accompanying papers, was referred to the Select Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of February 13, 1896, information, together with a statement respecting certain railroads, their customs, rules, regulations, agreements, charges, and the reasonableness and legality thereof; which, with the accompanying statement, was referred to the Committee on Interstate Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Academy of Arts and Sciences, praying for the adoption of the metric system of weights and measures by all the departments of the Government; which was referred to the Committee on Finance.

He also presented a petition of the faculty of Shaw University, Raleigh, N. C., praying for the establishment of an international board of arbitration for the settlement of all international disputes; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Brigade Association, of Philadelphia, Pa., praying that the Senate be present at the dedication of the monument on the battlefield of Antietam on September 17, 1896; which was referred to the Committee on the Library.

Mr. GALLINGER presented a petition of C. W. Sawyer Post, No. 17, Department of New Hampshire, Grand Army of the Republic, of Dover, N. H., praying for the enactment of a service-pension law; which was ordered to lie on the table.

Mr. GALLINGER. I present sundry papers in connection with Senate bill No. 913, to provide for the incorporation and regulation of medical colleges in the District of Columbia, reported by me a few days ago. I move that the papers be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VEST. I present a memorial obviously intended for the Senate from members of the Ardmore Bar Association of the Indian Territory, containing an able argument in regard to the court system of that Territory. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. VEST presented the petition of G. M. Foster and sundry other citizens of Deepwater, Mo., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the common council of St. Joseph, Mo., praying for the enactment of legislation giving national recognition and making necessary appropriation for exhibits at the transmississippi exposition to be held at Omaha, Nebr.; which was ordered to lie on the table.

He also presented resolutions adopted at the annual convention of the Missouri Roads Improvement Association, held at Columbia, Mo., January 16–18, 1896, favoring the passage of House bill No. 6452, to establish engineering experiment stations in connection with the colleges established in the several States under the act of July 2, 1862; which were referred to the Committee on Education and Labor.

He also presented the memorial of M. V. Carroll, of Lamar, Mo., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented the petition of J. J. McClellan and 38 other citizens of Westport, Miss., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of E. N. Dingley and sundry other citizens of Kalamazoo, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of 15 citizens of Barnesville, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Bradner, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 25 citizens of Youngstown, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Encampment No. 41, Union Veteran Legion, of Cincinnati, Ohio, praying for the enactment of a service-pension law; which was ordered to lie on the table.

Mr. LINDSAY presented a petition of sundry citizens of Paducah, Ky., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a memorial of the American Protective Association councils of Omaha, Nebr., remonstrating against the placing and unveiling of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on Rules.

He also presented a petition of the South Side Improvement Club, of Omaha, Nebr., and a petition of the board of commissioners of Douglas County, Nebr., praying for the enactment of legislation giving national recognition and making necessary appropriation for exhibits at the transmississippi exposition to be held at Omaha, Nebr.; which were ordered to lie on the table.

He also presented the petition of L. M. De La Mater and sundry other citizens of Inman, Nebr.; the petition of D. L. Pond and sundry other citizens of Inman, Nebr.; the petition of John Thompson, of Clearwater, Nebr., and the petition of M. J. Marble and sundry other citizens of Geneva, Nebr., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Thad. Williams, of Fairbury, Nebr., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Moscow, Idaho, remonstrating against the passage of the Pacific Railroad funding bill; which were referred to the Committee on Pacific Railroads.

He also presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers of Chicago, Ill., praying for the enactment of legislation providing for the formation and adoption of a uniform railroad freight classification throughout the United States and the Territories; which was referred to the Committee on Interstate Commerce.

Mr. PALMER presented the petition of J. C. Crofts and 24 other citizens of Chicago, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. McMILLAN presented a petition of the Marine Engineers' Beneficial Association, No. 3, and of sundry vessel owners and other citizens of Detroit, Mich., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; and also for the passage of Senate bill No. 1242, to improve the merchant marine engineer service; which was referred to the Committee on Commerce.

Mr. QUAY. I present a memorial of the board of managers of the New York Produce Exchange, in behalf of what is known as the Bowling Green site for the new custom-house in that city. I move that the memorial be printed as a document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. QUAY presented a petition of 200 citizens of Blairsville, Pa., praying for the appointment of a national commission to investigate and report upon the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented a petition of Forward Grange, No. 1003, Patrons of Husbandry, of Pennsylvania, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a memorial of the United Labor League of Philadelphia, Pa., remonstrating against amending the shipping laws relating to the rights of seamen; which was referred to the Committee on Commerce.

He also presented sundry memorials of citizens of Hustontown, Coburn, Fleetwood, and Snyders, all in the State of Pennsylvania, remonstrating against the appropriation of moneys for sectarian purposes; which were referred to the Committee on Appropriations.

He also presented sundry petitions of citizens of Lawrence County, West Alexander, Elders Ridge, Philadelphia, Oakmont, Blue Rock, Hollisterville, New Castle, Pittsburg, Reading, Mohns Store, Aspinwall, Harrisville, Kenneth, New Alexander, Markleton, New Wilmington, Centerville, Parnassus, Washington County, Allegheny, Jefferson, Fayette County, Kendall Creek, Butler County, Shippensburg, Shenandoah, Potter County, Kittanning, Mount Pleasant, Indiana County, Manorville, Venice, Sewickley, West Lebanon, Allentown, Delano, New Hope, Norristown, Media, Lansdowne, Clearfield, Wilkesbarre, Frankford, Ewing, Saltsburg, Midway, and Delta, all in the State of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. HALE presented a petition of E. G. Parker Post, No. 99, Department of Maine, Grand Army of the Republic, of Kittery, Me., praying for the enactment of a service-pension law giving $8 a month to all honorably discharged Union soldiers of the late war; which was referred to the Committee on Pensions.

Mr. HANSBROUGH presented a petition of J. J. Crittenden Post, No. 31, Department of North Dakota, Grand Army of the Republic, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. LODGE presented a petition of the American Academy of Arts and Sciences, praying for the adoption of the metric system of weights and measures by all the departments of the Government; which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of sundry citizens of Jacksonville, Ill., and a memorial, in the form of resolutions adopted at a meeting of the American Patriotic League held in New York March 9, 1896, remonstrating against the appropriation of moneys for sectarian purposes; which were referred to the Committee on Appropriations.

He also presented a petition signed by sundry citizens of El Paso and Kappa, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Palmyra, Ill., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented a petition of the faculty and students of Guilford College, North Carolina, praying for the establishment of a permanent board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of Nicholas John, a citizen of the United States, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. PEFFER. I present the petition of O. W. Musson and 544 other citizens of Franklin and adjoining counties in Kansas, praying for the enactment of Senate bill 239.

Mr. CHANDLER. What is Senate bill 239, I will ask the Senator?

Mr. PEFFER. It is a bill to prohibit the collection of special liquor taxes from persons other than those who are duly authorized to engage in the traffic in intoxicating liquors by the laws of the several States. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PEFFER. I also present the petition of a very large number of colored citizens of the United States, beginning with a national conference held at Saratoga in August, 1894, praying for the passage of a bill for the erection of a national memorial home for aged and infirm colored people of the United States out of moneys now in the Treasury due the estates of deceased colored soldiers who served during the late war. The bill referred to is one now pending before the Committee on the District of Columbia.

In connection with the resolutions adopted by that conference, which was attended by delegates from all parts of the United States, there are 59 pages of foolscap paper filled with the signatures of colored people, so far as I know, from every State in the Union, certainly from a very large number of States, including, among others, the names of many of the most distinguished men. For example, here is the name of Charles H. J. Taylor, who is now recorder of deeds in the District of Columbia, of Rev. W. B. Derrick, D. D., missionary secretary of the African Methodist Episcopal Church, 61 Bible House, New York City, and James H. Gordon, president of the Baptist Ministers' Union of Philadelphia. Here is Bishop Walters, and George W. Clinton, editor of the Star of Zion; R. S. Rives, principal of the State Normal School, Goldsboro, N. C., and John C. Donly, editor of the African Methodist Episcopal Zion Quarterly, and a number of other teachers, professors, bishops, clergymen, all of the very best classes of colored people.

Then, beginning some distance farther along, here are special petitions of colored persons individually from all over the country praying for the passage of the bill.

I move that the petition may be referred to the Committee on the District of Columbia, and I will ask that committee to give due attention to it.

The motion was agreed to.

Mr. TURPIE presented the petition of William McFarland, of Batesville, Ind., praying for the correction of his military record; which was referred to the Committee on Military Affairs.

He also presented the petition of William H. Campbell and sundry other citizens of Fairmount, Ind., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a resolution adopted by the board of directors of the Merchants' Exchange of St. Louis, Mo., and resolutions adopted by the common council of the city of St. Joseph, Mo., favoring national recognition and the necessary appropriation for exhibits at the transmississippi exposition to be held at Omaha, Nebr.; which were ordered to lie on the table.

Mr. VILAS presented the memorials of J. S. Larson and 42 other citizens of Racine County; of C. B. Grant and 110 other citizens of Marquette County; of Alex. Patton and 31 other citizens of Monroe; of Ida Farrand and 71 other citizens of Milwaukee County; of Theodore Bethke and 168 other citizens of Milwaukee County; of P. R. Albrech and 30 other citizens of Fond du Lac County; of Hans Sorenson and 68 other citizens of Winnebago County; of John Behuken and 126 other citizens of Waukesha County; of Sanders Thompson and 64 other citizens of Dane County; of W. H. Sweet and 46 other citizens of Chippewa County; of A. E. Pound and 23 other citizens of Chippewa County; of John Copper and 48 other citizens of Washburn County; of Aaron Niles and 36 other citizens of Dodge County; of H. P. Jensen and 23 other citizens of Racine County; of Jacob Jensen and 45 other citizens of Waupaca County; of William H. Canfield and 23 other citizens of Sauk County; of E. Bushnell and 44 other citizens of St. Croix County; of George H. Kisner and 54 other citizens of La Crosse County; of Mrs. I. Thompson and 57 other citizens of La Crosse County; of J. L. Callahan and 56 other citizens of La Crosse County; of Mrs. Cora Saltz and 181 other citizens of La Crosse County; of Thomas Francis and 45 other citizens of Green County; of J. W. Blake and 106 other citizens of Walworth County; of F. P. Chase and 276 other citizens of Green County; of H. R. Johnson and 568 other citizens of Clark County; of Nicholas Meyer and 34 other citizens of Milwaukee County; of Herman Bichel and 26 other citizens of Jefferson County; of H. J. Pierce and 20 other citizens of Saul County; of M. H. Wilson and 27 other citizens of Barron County; of T. C. Duncan and 110 other citizens of Grant County; of E. M. Aldred and 29 other citizens of Grant County; of G. W. Waterbury and 31 other citizens of Sauk County; of John G. Mundt and 50 other citizens of Marathon County; of A. T. Potter and 39 other citizens of Vernon County; of Mrs. W. A. Saunders and 59 other citizens of Marathon County; of Rev. D. P. Olin and 40 other citizens of Marathon County; of Julia E. Murry and 77 other citizens of Richland County; of Albert Mathe and 83 other citizens of Portage County; of William Schroeder and 42 other citizens of Wood County; of O. N. Vig and 76 other citizens of Vernon County; of Julia Petersen and 54 other citizens of Waushara County; of Arthur Kellogg and 89 other citizens of Winnebago; of John F. Wood and 35 other citizens of Richland County; of Richard S. Drew and 32 other citizens of Wisconsin; of Rev. A. C. Tett and 56 other citizens of Dane County; of Henry Vitcsh and 85 other citizens of Marathon County; of L. E. Gatham and 35 other citizens of Door County; of L. B. Green and 46 other citizens of Jefferson County; of R. G. W. Collins and 12 other citizens of Iowa County; of Wilton Stoddart and 83 other citizens of Milwaukee County; of John H. Andrews and 87 other citizens of Winnebago County; of William Bowman and 31 other citizens of Dane County; of C. H. Crawford and 33 other citizens of Monroe County; of Eliza Mann and 49 other citizens of Door County; of A. L. Fox and 85 other citizens of Vernon County; of Carl Peterson and 13 other citizens of Wisconsin; of A. S. Bliss and 66 other citizens of Waupaca County; of O. H. McCrilles and 21 other citizens of Monroe County; of E. T. B. Snow and 87 other citizens of Milwaukee County; of Samuel Crockett and 177 other citizens of Marquette; of W. H. Tenks and 13 other citizens of Waushara County; of Andrew Neystron and 122 other citizens of Pierce County; of A. T. Know and 35 other citizens of Clark County; of J. H. Kleiner and 152 other citizens of Eau Claire County; of Spencer Scribner and 72 other citizens of Columbia County; of Prof. M. P. Cady and 121 other citizens of Shawano; of H. P. Anderson and 84 other citizens of Waushara County; of Grant Hawlins and 59 other citizens of Marathon County; of J. M. Wickware and 163 other citizens of Langlade County; of John A. Ogden and 119 other citizens of Langlade County; of Vesta Mack and 53 other citizens of Waushara County; of John Thornton and 25 other citizens of Polk County; of A. Anderson and 113 other citizens of Dane County; of Arthur M. Arveson and 174 other citizens of Langlade County; of W. W. Ames and 59 other citizens of Eau Claire County; of C. M. Stark and 101 other citizens of Waushara County; of R. Edger and 90 other citizens of Waushara County; of William Nohr and 107 other citizens of Portage County; of Walter Ledman and 23 other citizens of Vernon County; of C. W. Olds and 31 other citizens of Rock County; of Robert Kickbusch and 38 other citizens of Marathon County; of N. H. March and 51 other citizens of Marathon County; of Isaac Gilbert and 10 other citizens of Dunn County; of Richard H. Palmer and 96 other citizens of Dunn County; of A. C. Allen and 39 other citizens of Columbia County; of J. S. Bugh and 36 other citizens of Waushara County; of C. H. Dickinson and 70 other citizens of Rock County; of W. Bingham and 43 other citizens of Adams County; of Fred E. Moses and 139 other citizens of Door County; of Mrs. R. Town and 41 other citizens of Lincoln County; of

W. H. Farrell and 42 other citizens of Waupaca County; of George Heald and 106 other citizens of Polk County; of John Masbaum and 66 other citizens of Forest County; of P. J. Hanson and 53 other citizens of Monroe County; of Ira Whitehouse and 16 other citizens of Lincoln County; of Joseph Benton and 80 other citizens of Richland County; of J. B. Logue and 53 other citizens of Richland County; of Benjamin Jackson and 57 other citizens of Richland County; of John F. Thompson and 99 other citizens of Clark County; of Leona M. Hunt and 15 other citizens of Sauk County; of J. J. Butcher and 101 other citizens of Vernon County; of C. Crary and 101 other citizens of Vernon County; of J. C. Jacobson and 47 other citizens of Waupaca County; of Nathan Cary and 62 other citizens of Waupaca County; of Nels Johnson and 83 other citizens of Pierce County; of William Edwards and 167 other citizens of Jefferson County; of O. Paulson and 51 other citizens of Brown County; of John Mickelson and 81 other citizens of Brown County; of Mrs. George Richardson and 31 other citizens of Brown County; of Mrs. James Green and 51 other citizens of Brown County; of Mrs. W. H. Forest and 38 other citizens of Brown County; of John S. Rennings and 59 other citizens of Brown County; of Svend Christensen and 26 other citizens of Dane County; of A. G. Hughes and 101 other citizens of Rock County; of Anna M. Jensen and 121 other citizens of Brown County; of Thomas Pringle and 106 other citizens of Brown County; of Mrs. Henry Pearsell and 49 other citizens of Elroy; of Mrs. A. M. Mittlesteat and 15 other citizens of Lincoln County; of Edna Osgood and 36 other citizens of Marathon County; of D. H. Morgan and 28 other citizens of Green County; of W. G. Kendall and 8 other citizens of Waupaca; of J. R. Rice and 108 other citizens of Clark County; of G. E. Scott and 31 other citizens of Polk County; of Clinton Cardey and 24 other citizens of Grant County; of W. H. Madden and 101 other citizens of Marinette County; of S. G. Manchester and 53 other citizens of Marquette County; of Elmer Moon and 101 other citizens of Vernon County; of August Wolff and 156 other citizens of Barron County; of Anna Slaught and 71 other citizens of Grant County; of Albert Broughton and 244 other citizens of Green County; of William Proctor and 78 other citizens of Grant County; of Alex Irvin and 41 other citizens of Portage County; of H. D. McQueen and 32 other citizens of Portage County; of Ernst Sigglekow and 55 other citizens of Dane County; of D. Ayers and 26 other citizens of Rock County; of Almon Clarke and 88 other citizens of Milwaukee County; of H. M. Mills and 116 other citizens of Milwaukee County; of Charles A. Schall and 43 other citizens of Milwaukee County; of Alex Lawson, sr., and 25 other citizens of Door County; of John Clark and 12 other citizens of Dane County; of George Constance and 18 other citizens of Ashland County, and of C. M. Beard and 241 other citizens of Elroy, all in the State of Wisconsin, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. SMITH presented petitions of Junior Order United American Mechanics of Council No. 117, of Atco; of Council No. 23, of Asbury Park; of Council No. 125, of Atlantic City; of Council No. 208, of Atlantic City; of Council No. 214, of Arlington; of Council No. 51, of Allentown; of Council No. 119, of Bayonne; of Council No. 170, of Bayonne; of Council No. 3, of Bridgeton; of Council No. 188, of Boonton; of Council No. 79, of Beverly; of Council No. 107, of Belford; of Council No. 202, of Barnegat; of Council No. 49, of Califon; of Council No. 102, of Crosswicks; of Council No. —, of Cold Springs; of Council No. 60, of Cranbury; of Council No. 22, of Clayton; of Council No. 34, of Chatham; of Council No. 109, of Cedarville; of Council No. 64, of Cassville; of Council No. 138, of Camden; of Council No. 133, of Camden; of Council No. 122, of Camden; of Council No. 1, of Camden; of Council No. 151, of Camden; of Council No. 55, of Dunellen; of Council No. 110, of East Millstone; of Council No. 42, of Elmer; of Council No. 93, of Eatontown; of Council No. 16, of East Orange; of Council No. 25, of Freehold; of Council No. 213, of Fairton; of Council No. 65, of Farmingdale; of Council No. 141, of Fairhaven; of Council No. 191, of Flemington; of Council No. 115, of Frenchtown; of Council No. 91, of Goshen; of Council No. 48, of Glassboro; of Council No. 73, of Hopewell; of Council No. 183, of Hurffville; of Council No. 193, of Hardingville; of Council No. 218, of High Bridge; of Council No. 144, of Hamburg; of Council No. 54, of Hamilton Square; of Council No. 127, of Imlayston; of Council No. 106, of Jacksons Mills; of Council No. 2, of Jersey City; of Council No. 18, of Jersey City; of Council No. 35, of Jersey City; of Council No. 162, of Jersey City; of Council No. 168, of Jersey City; of Council No. 175, of Jersey City; of Council No. 155, of Kearney; of Council No. 190, of Little Falls; of Council No. 186, of Livingstone; of Council No. 176, of Lindenwold; of Council No. 94, of Junction; of Council No. 78, of Manasquan; of Council No. 204, of Millville; of Council No. 15, of Malaga; of Council No. 59, of Metuchen; of Council No. 171, of Millburn; of Council No. 153, of Middletown; of Council No. 139, of Monmouth Junction; of Council No. 36, of Newark; of Council No. 95, of Newark; of Council No. 130, of Newark; of Council No. 137, of Newark; of Council No. 159, of Newark; of Council No. 166, of Newark; of Council No. 180, of Newark; of Council No. 184, of Newark; of Council No. 192, of Newark; of Council No. 196, of Newark; of Council No. 215, of Newark; of Council No. 217, of North Long Branch; of Council No. 199, of Newport; of Council No. 10, of New Egypt; of Council No. 121, of North Branch; of Council No. 85, of Oakhurst; of Council No. 66, of Princeton; of Council No. 12, of Pleasant Mills; of Council No. 41, of Plainfield; of Council No. 147, of Passaic; of Council No. 112, of Pitman; of Council No. 222, of Peapack; of Council No. 185, of Paterson; of Council No. 63, of Perth Amboy; of Council No. 144, of Perth Amboy; of Council No. 136, of Rocky Hill; of Council No. 150, of Raritan; of Council No. 195, of Rockaway; of Council No. 165, of Ringoes; of Council No. 61, of Roselle; of Council No. 98, of Red Bank; of Council No. 31, of Rahway; of Council No. 33, of South River; of Council No. 211, of Summit; of Council No. 72, of Somerville; of Council No. 69, of South Amboy; of Council No. 14, of Swedesboro; of Council No. 49, of Tabernacle; of Council No. 128, of Titusville; of Council No. 210, of Turkey; of Council No. 50, of Trenton; of Council No. 90, of Trenton; of Council No. 100, of Trenton; of Council No. 36, of Union; of Council No. 30, of Vineland; of Council No. 225, of Verona; of Council No. 131, of Westfield; of Council No. 173, of Wenona; of Council No. 124, of Warren Paper Mills; of Council No. 108, of Windsor; of Council No. 16, of Washington, and of Council No. 40, of Woodbridge, all in the State of New Jersey, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Middlesex County, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Sarah Gregor and 39 other citizens of Barnegat, N. J.; the petition of F. P. Bunnell and 95 other citizens of Blairstown, N. J.; the petition of James S. Young and 62 other citizens of Garfield, N. J.; the petition of H. T. Beatty and 50 other citizens of Hoboken, N. J.; the petition of S. J. McDowell and 96 other citizens of Friesburg, N. J., and the petition of J. H. Egbert and 24 other citizens of Belleville, N. J., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. BAKER presented sundry papers and affidavits to accompany the bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy; which were referred to the Committee on Naval Affairs.

He also presented the affidavits of J. W. Powell and James W. Morgan, of Leavenworth County, Kans., to accompany the bill (S. 2400) for the relief of James W. Morgan; which were referred to the Committee on Claims.

Mr. WHITE presented a memorial of the Democratic State committee of California, protesting against the passage of pending funding bills with reference to the Central Pacific and other railroads and insisting upon the collection of all moneys due or to become due to the United States from those corporations; which was referred to the Committee on Pacific Railroads.

Mr. BRICE presented a petition of the National Association of Stationary Engineers, Excelsior Association, No. 36, of Cincinnati, Ohio, and a petition of the Association of Stationary Engineers, No. 2, of Cincinnati, Ohio, praying for the enactment of legislation to reorganize and increase the efficiency of the personnel of the Navy; which were referred to the Committee on Naval Affairs.

He also presented a memorial of 16 citizens of Wakeman, Ohio, and a memorial of sundry citizens of Ohio, remonstrating against the enactment of legislation providing military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of 23 citizens of Youngstown, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the H. P. Nail Company, of Cleveland, Ohio, praying for the passage of House bill No. 838, to provide 1-cent letter postage per half ounce; for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and for the passage of House bill No. 5560, to regulate the transmission of free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the memorial of Delight Couch and 34 other citizens of Center Groton, Conn., remonstrating against the passage of Senate bill No. 1055, to establish a bureau of military education and to promote the adoption of a uniform military drill in the public schools in the several States and Territories; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation granting protection to the suffering Armenians; which was ordered to lie on the table.

He also presented the memorials of Mary J. Wing, J. H. Sargent,

Howard Rand, S. F. Weeks, and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1265) for the relief of Emmart, Dunbar & Co., reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the joint resolution (S. R. 21) for the purchase of a statue of Victor Hugo, to be placed in the new building of the Library of Congress, reported it without amendment.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in Oregon, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 4781) to amend an act entitled "An act to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River," approved February 18, 1893;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, reported it with amendments, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1864) to amend the act creating the circuit court of appeals in regard to cases arising under the revenue laws, and for other purposes, reported it with an amendment.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims, to report it without amendment. I ask leave to submit hereafter a written report upon the bill.

The VICE-PRESIDENT. Leave will be granted. The bill will be placed on the Calendar.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 212) fixing the compensation of United States district attorneys, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 217) fixing compensation of United States marshals and deputies, and for other purposes, reported it with an amendment.

He also, from the same committee, reported two amendments intended to be proposed to the legislative, executive, and judicial appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 1537) to provide for the private sale of public lands in Missouri, reported it with an amendment.

Mr. FRYE. The senior Senator from Minnesota [Mr. DAVIS] is necessarily absent from the Senate this morning. He asks me to report favorably, with an amendment, from the Committee on the Judiciary, the amendment submitted by him on the 30th of January last, providing for a messenger for the United States circuit court of appeals of the eighth judicial circuit, intended to be proposed to the legislative, executive, and judicial appropriation bill, with a request that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The amendment will be so referred.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2182) for the relief of Anton Gloetzner, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the District of Columbia, to whom was referred the bill (S. 324) to provide for the appointment of a public administrator in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. VEST. I should like to hear the amendment read which is reported from the committee.

Mr. BACON. It simply limits the information not to be disclosed to communications confidential in their nature.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After the word "information," in line 6, the committee report to insert the words "confidential in its nature."

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Education and Labor, to whom were referred sundry memorials remonstrating against the introduction of military training in the public schools of the country, asked that the committee be discharged from the further consideration of the same, and that memorials be referred to the Committee on Military Affairs; which was agreed to.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

Mr. CHILTON. I am directed by the Committee on Civil Service and Retrenchment, to whom was referred the resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] December 16, 1895, relative to the number of aliens employed in the several Departments, to report it with amendments.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2513) to restore to the pension rolls the name of Agnes A. Blackman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2515) to increase the pension of Mrs. E. L. W. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2516) for the relief of Winslow Warren; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2517) to refer to the Court of Claims the war claims of the State of New Hampshire; which was read twice by its title.

Mr. GALLINGER. In connection with the bill which has just been introduced, I present a memorial from Governor Moody Currier, of the State of New Hampshire, which I move be printed as a document and referred with the bill to the Committee on Claims.

The motion was agreed to.

Mr. GALLINGER introduced a bill (S. 2518) removing the charge of desertion from the name of Myrick R. Burgess; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2519) to amend section 4746, Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2520) to require certain street railroads in the District of Columbia to issue and receive transfers, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2521) to provide for the drainage of lots in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post-road from Taiya Inlet to Lake Bennett, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN introduced a bill (S. 2523) for the relief of the widow and children of John Hamilton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2524) to increase the pension of Mary B. Le Roy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 2525) granting an increase of pension to James E. Swanson, of Florida; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 2526) for the relief of Twyman O. Abbott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2527) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer aid in the late war; which was read twice by its title.

Mr. CULLOM. I present certain papers to accompany the bill. I am not aware of the rule in such cases, whether the papers go with the bill to the Printing Office, or go directly to the committee to which the bill is referred. I hope the papers will not be lost, at any rate. I move that the bill and accompanying papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 2528) granting an increase of pension to Thomas J. Larrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2529) for the relief of Sarah E. Catton; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2530) to regulate street-railway fares and transfers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced a bill (S. 2531) for the relief of Elias Breese; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LINDSAY (by request) introduced a bill (S. 2532) providing for the withdrawal of distilled spirits from bonded warehouses by the distiller or owner, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. COCKRELL. I introduce, at the request of Mrs. Mary J. Custer, of Kansas City, Mo., a bill in regard to the flag of the United States. A plan of stars in the flag accompanies the bill, which I ask may be printed on one of the sheets with the bill, and that the bill and accompanying papers be referred to the Committee on the Judiciary.

The bill (S. 2533) to amend section 1791 Revised Statutes of the United States was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 2534) to amend section 4193 of the Revised Statutes, relating to the record of bills of sale, mortgages, hypothecations, and conveyances of vessels; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BAKER introduced a bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2536) for the relief of Lewis C. Overman; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2537) granting a pension to Virginia Wallach; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2538) for the relief of the Portland Company, of Portland, Me.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2539) to extend Connecticut avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITE introduced a bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park; which was read twice by its title, and referred to the Committee on Territories.

Mr. McMILLAN introduced a joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a joint resolution (S. R. 101) authorizing and directing the Secretary of War to ascertain the value and commercial importance of certain public works, and to make other investigations and report thereon; which was read the first time by its title.

Mr. QUAY. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Commerce, as follows:

Resolved by the Senate and House of Representatives, That the Secretary of War be, and he hereby is, authorized and directed to ascertain the value and commercial importance of all property rights and franchises belonging to or claimed by the Chesapeake and Delaware Canal Company, the Delaware and Raritan Canal Company, the Albemarle and Chesapeake Canal Company, the Atchafalaya Bay Company, its asignee or asignees, and of the canals at the falls of the Willamette River near Oregon City, Oreg., and the cost and practicability of the improvement of the Ohio River by movable dams or otherwise, so that there shall be a depth of not less than 6 feet at any point on the said river of a continuous inland waterway from the Delaware Bay to the mouth of the St. Johns River in Florida, of a ship canal across the isthmus of Florida, and of a ship canal between Lake Erie and the Ohio River, at a point at or near the city of Pittsburg, and for the purposes hereof the sum of $25,000 is hereby appropriated: *Provided*, That nothing herein contained shall commit the United States to the purchase of any improvements herein mentioned and that report hereof shall be made on or before the first Monday of December, A. D. 1897.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BRICE submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HOME FOR INFIRM COLORED PEOPLE.

Mr. PEFFER submitted an amendment intended to be proposed by him to the bill (S. 386) to provide a home for aged and infirm colored people; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WAR IN CUBA.

Mr. ELKINS. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Foreign Relations be, and it is hereby, instructed to submit to the Senate, before the vote is taken on what is known as the Cuban resolutions, now pending before the Senate, or the resolutions on the subject of war in Cuba that passed the Senate, a report giving all the material facts and findings of the committee in support of said resolutions; that said committee especially set forth in said report whether or not there exists a state of war in Cuba, and if so, how long it has existed, the number of men and officers engaged in the field and otherwise on either side; whether or not the insurgents in Cuba have adopted a constitution, and if so, when and where, and if they have an organized government in operation under said constitution, and at what place in said island; also, what part or portion of Cuba and what cities and towns inland and on the seacoast are now occupied by said insurgents; also, report what rights, if any, said resolutions, if passed, would confer on the Cuban insurgents, and how far they will affect, if at all, the relations of the United States with Spain under international law or existing treaties, and whether or not said resolutions, without executive action or concurrence, will have any legal or binding effect upon the United States, the Government of Spain, or the citizens of either country or the Cuban insurgents.

Mr. SHERMAN. Let the resolution go over; and now, if in order, I desire to call up the conference report upon the Cuban resolutions.

Mr. MITCHELL of Oregon. I have morning business to present.

Mr. QUAY. I wish to present morning business.

The VICE-PRESIDENT. Objection being interposed, the resolution will go over under the rule. The order of morning business is not yet concluded.

AMERICAN COTTON PICKER.

Mr. QUAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate the report submitted to the Commissioner of Patents on the tests and field work of the American cotton picker exhibited at the Cotton States and International Exposition lately held at Atlanta, Ga.

MARGUERITE SHANKLAND.

Mr. QUAY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Marguerite Shankland, daughter of Manning R. Shankland, deceased, late a clerk in the office of the Secretary of the Senate, a sum

equal to six months' salary, at the rate allowed by law to said clerk, out of the "miscellaneous items" of the contingent fund of the Senate; said payment to be considered as in lieu of all funeral expenses or other allowances.

BOAT RAILWAY AT THE DALLES OF THE COLUMBIA.

Mr. MITCHELL of Oregon submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to advise the Senate as to what steps, if any, have been taken by the Department of Justice, by proceedings in court or otherwise, to secure the condemnation of lands in the State of Oregon necessary for the use of the Government in the construction of the proposed boat railway at The Dalles of the Columbia, and if no such proceedings have been instituted, the cause for delay.

TREASURY SETTLEMENTS.

Mr. HILL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to Congress Treasury settlement No. 4813 of 1884 for appropriation, in favor of the Sun Mutual and other insurance companies of New York, for insurances paid on the steamer *Osceola*, heretofore reported for appropriation in Senate Executive Document No. 133, Fifty-third Congress, second session, and also to report Treasury settlement No. 9657 of 1894 for appropriation, in favor of the assignees of the Washington Marine Insurance Company of New York, for insurance paid on the steamer *Peerless*, heretofore reported for appropriation in House Executive Document No. 234, Fifty-third Congress, third session.

Mr. HOAR. I have an impression that that same order, or something substantially equivalent, in regard to the Sun Insurance Company has previously been adopted by the Senate, and that the matter will be found in a document.

Mr. HILL. I did not understand the Senator's remark.

Mr. HOAR. I desire to ask the Senator from New York if the information in regard to the Sun Insurance Company has not previously been furnished from the Treasury and is not already in one of our documents?

Mr. HILL. That may be. I think that is the case, but it is desired to use it again before the Committee on Appropriations.

Mr. HOAR. If the Senator desires to have it come in again from the Treasury Department, I have no objection to the resolution, of course.

The resolution was considered by unanimous consent, and agreed to.

WATER-SUPPLY INVESTIGATIONS.

Mr. BAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate a statement of the investigations by the Geological Survey now in progress under the clause in the appropriation act approved March 2, 1895, "for gauging the streams and determining the water supply of the United States," etc., and also of the reports now in preparation showing the results of the work. And he is further directed to state whether the information being obtained bears upon the methods of utilizing the water resources, and whether it is practicable to prepare in connection with the determinations of the water supply popular reports or bulletins showing the best methods of such ultilization.

MISSOURI RIVER IMPROVEMENT AT SIOUX CITY.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to cause to be prepared and submitted to the Senate a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa, in accordance with the report of Capt. H. F. Hodges, Corps of Engineers, dated November 16, 1894, and printed in House Executive Document No. 48, Fifty-third Congress, third session.

THE WASHINGTON GAS LIGHT COMPANY.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day.

The resolution submitted by Mr. CALL on the 9th instant, and modified on the 12th instant, was read, as follows:

Resolved by the Senate, That the Committee on the District of Columbia be, and is hereby, directed to obtain from the Washington Gas Light Company and report to the Senate a statement, under oath, showing the amount of cash on hand on the 1st day of January, 1895, including money on deposit in banks and elsewhere; also, a statement of the money received from consumers of gas; also, how much money received from other sources, each to be given separately; also, the disbursements of money and for what purpose; also, the amount of money at the close of business on the 31st of December, 1895, including money in bank and elsewhere; and also to report to the Senate such further facts in regard to the management of the business of supplying the people of Washington with gas and coal, and the price of each, and also the illuminating power of the gas so furnished, as they may deem material for action by the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. PLATT. It is rather unusual to pass a resolution directing a committee of this body to obtain certain information. I do not say that the Senate ought not to have the information; I think we ought to have it; but certainly if the committee is to be directed to obtain the information from a private corporation there should be attached to the resolution power to send for persons and papers, for it can not get it in any other way, except by having power to send for persons and papers, and to administer oaths.

Mr. CALL. I have no objection to such an amendment if the Senator from Connecticut desires it. I supposed the committee would use whatever means were necessary to accomplish the purpose if the resolution were passed; but I accept the suggestion of the Senator from Connecticut, and will add to the resolution the words "that the committee shall have power to send for persons and papers."

Mr. FAULKNER. I desire to state to the Senate that this subject has been under thorough investigation before the Committee on the District of Columbia of this body and also the committee of the other House, and as far as I could catch the terms of the resolution from the reading at the desk I think the information has already been furnished to the House committee and that it appears in a public document. If there is any fact called for by the resolution which is not in that document, in the information returned by the company to the House committee, I did not catch the reading of the resolution correctly. I think all the information asked for by the resolution is already in a document published by the House of Representatives, and in response to information called for by the House District Committee. We are investigating the same question in the Committee on the District of Columbia of the Senate. I will only say to the Senator from Florida—I am not positively certain that my statement is absolutely accurate, but if he will send for that document he can see very soon whether it does not embrace all the information that he proposes to call for.

Mr. CALL. This subject has been under investigation by committees of this body for the seventeen years in which I have been in the Senate of the United States. I have no other interest in the resolution than have the people at large here, and it was presented at the request, as I understand, of a large number of prominent people in the District of Columbia. However, as the Senator from West Virginia has made the suggestion that possibly there may be such information in a document already printed, I have no objection to a day's delay, and I will ask that the resolution may lie over until to-morrow morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

ORDERS FOR THE SEIZURE OF VESSELS.

Mr. LODGE. Mr. President, pursuant to the——

The VICE-PRESIDENT. Morning business has not yet been concluded.

Mr. LODGE. I beg pardon; I thought the morning business was concluded.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, which will be read.

The SECRETARY. A resolution, by Mr. CALL, directing the Secretary of the Treasury to inform the Senate what orders have been issued from the Treasury Department to seize vessels of the United States loaded with arms and munitions of war, etc.

Mr. CALL. I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PLATT. Let the resolution be read.

The Secretary read the resolution submitted by Mr. CALL on the 13th instant, as follows:

Resolved by the Senate, That the Secretary of the Treasury be directed to inform the Senate what orders have been issued from the Treasury Department to seize vessels of the United States loaded with arms and munitions of war, with passengers on board, suspected to be destined for foreign ports, and under what authority of law such seizures and arrests have been made.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 365) to fix the date of discharge of Thomas Johnson;

A bill (H. R. 2672) concerning tonnage tax;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; and

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan*.

THE FINANCIAL POLICY.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Illinois [Mr. PALMER], coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr. PALMER on the 13th instant, as follows:

Resolved by the Senate, First. That it is the policy of the United States to maintain the existing legal and commercial standard of value.

Second. That the unlimited coinage by the United States of silver dollars of 412½ grains of standard silver with forced legal-tender quality for all debts, public and private, would subvert the existing legal and commercial standard of value by establishing a standard of values based upon silver coinage only.

Mr. PALMER. The Senate seems to be now engaged in the discussion of two very important questions, and I am content that this resolution shall lie over. I propose, however, at some convenient time to ask the Senate to take up the resolution, when I shall submit some remarks upon it.

The VICE-PRESIDENT. Without objection, the resolution will go over.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. CANNON. I ask unanimous consent to call from the table the answer of the Secretary of the Interior to the resolution of inquiry which passed the Senate on the 4th instant, and I shall move to have that answer referred to the Committee on Indian Affairs. I desire to make a few observations upon it before it is committed, if I may have the permission of the Senate to do so. The whole matter will not occupy more than five minutes of time, and in all probability will not lead to any debate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah, to take from the table the communication referred to by him, the indorsement upon which will be stated.

The Secretary read as follows:

A letter from the Secretary of the Interior, in response to the Senate resolution of the 4th of March, as to the reason the nonagricultural and unallotted lands of the Uncompahgre Indian Reservation have not been restored to the public domain and proclaimed open to entry and location.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah, to refer the communication to the Committee on Indian Affairs.

Mr. CANNON. Mr. President, it would be unfair to send to the Committee on Indian Affairs, without a statement which will show to the Senate its utter incompleteness, this alleged answer to the resolution of the Senate, sent by the Secretary of the Interior, and without calling the attention of this body to the wrong which is being perpetrated, not only upon the people of Utah and of the West, but upon the Treasury of the United States, by the persistent inaction of the Secretary of the Interior and his refusal, by that inaction, to obey the mandate of the law. This communication is not an answer. It is merely an evasion. Where it is not discourteous to the Senate it is misleading. It is discourteous to the Senate in that it does not give any reply to a very proper inquiry propounded to the Secretary of the Interior by the Senate, but refers us to the geological report of some special agent, who was sent, outside of the law, with instructions to examine the character of the land which the law says shall be thrown open to settlement and mineral entry. It is no more a reply for the Secretary of the Interior to state to the Senate that certain valuable mineral deposits exist there than it would be a proper answer of the Secretary of the Navy to the Senate, had he been required by law to build certain warships, to say that some scientist had discovered a new barnacle which fastened upon the bottoms of vessels, and therefore the Secretary of the Navy deemed it inadvisable to execute the law.

The communication of the Secretary of the Interior is misleading, in this, that it states that the matter of the opening of the Uncompahgre Reservation is now in the hands of the President of the United States and the Secretary of the Interior has not been advised as to the President's purpose. Nowhere in all the voluminous correspondence which has been had on this question is there any showing, nor has there been any public showing by the Secretary of the Interior, that he has reported to the President of the United States according to the terms and provisions of the law the designation of the lands not allotted to the Indians.

I desire to call attention to the fact that the Senate may now have notice of it and that the Committee on Appropriations may have notice of it, that there was appropriated in 1894 the sum of $16,000 to pay for the work of a commission to allot lands in severalty to the Uncompahgre Indians and to treat with the Uintah Indians in Utah for the disposal of portions of their reservation. That commission was appointed in November of 1894, and proceeded to Utah, ostensibly to engage in its work of treating with the Indians, but as late as March, 1895, in communication with the Secretary of the Interior, the commission states that it so far has been unable to do anything because of the fact that the ground was covered with snow. The whole business has been conducted just along that line of ignorance and misconception. A commission was sent into the tops of the Rocky Mountains at the beginning of winter to examine the soil as to its character and fitness for agricultural purposes; a commission of gentlemen who knew nothing whatever concerning the character of the soil, no matter how estimable they may have been in other respects, was sent to the reservation and encamped there for months, drawing pay from the Treasury of the United States and absolutely performing no public service, as is shown by the official correspondence.

Mr. President, in asking that this so-called answer of the Secretary of the Interior shall go to the Committee on Indian Affairs, I desire most emphatically now to protest against any appropriation which may be charged to the account of the people of the West in treating with the Indians, which shall be so mismanaged; and I desire here and now publicly to protest against the implied assumption of the Secretary of the Interior that he alone knows anything about the character of the land in the Uintah and Uncompahgre reservations of Utah. I insist that he has not the right to set up his individual opinion against the declaration of the law of the United States, which says that, under certain contingencies, these reservations shall be declared open to settlement.

The men who have had this matter in charge have had the impertinence to assume that the only ones desiring to have the reservations opened were men who are the agents of corporations seeking to obtain control of the asphaltum lands of Utah.

The Secretary of the Interior intimates as the only possible reason for his failure to carry out the law, his individual opinion that it would be well for Congress to pass an act requiring that the mineral lands in the Uncompahgre Reservation shall be sold or leased at public sale to the highest bidder for cash; that if this were done vast sums of money would come into the public Treasury, and if the lands were allotted in the ordinary way, by settlement and mineral entry, the Government would be deprived of extensive profits which should go into its Treasury.

Mr. President, this is a misconception of the real situation. If these mineral lands should be put up at auction and sold to the highest bidders they would necessarily fall into the hands of large corporations. If they are located as are all other mineral lands of the United States, the hardy pioneer, the man who has made his prospecting trips through that region of country, will, under the law, take his just portion of the valuable land, paying therefor the price fixed by statute. The law restrains the entries on the asphaltum ground to 10 acres to each person, as it restrains the entries of all mineral lands to defined areas.

Mr. President, it would not be fair to leave the matter without protesting, in the name of the West, against the management of affairs so distant from Washington by a sentiment so wholly alien to the progress of the West. It is a great misfortune that the Secretary of the Interior is not required by law to know something of the country over which he exercises such absolute jurisdiction—a jurisdiction more autocratic than that of the Congress of the United States, because here, when laws are to be passed affecting the welfare of the West, there is discussion. With the Secretary of the Interior there is merely his dictum of personal opinion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah, to refer the communication of the Secretary of the Interior to the Committee on Indian Affairs.

Mr. GORDON. I hope the Senator will not object to the communication lying over for one more day. It is a new question to some of us, and I should like an opportunity of looking into it to some extent while the subject is still before the Senate.

Mr. CANNON. Certainly. I have no objection to that, Mr. President.

The VICE-PRESIDENT. The motion of the Senator from Utah will go over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts and joint resolutions:

An act (S. 477) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge for the southern district of Florida to reside at Key West;

An act (S. 636) to authorize the construction of a bridge across the Missouri River at or near Chamberlain, S. Dak.;

The joint resolution (S. R. 65) to print the annual report of the General Superintendent of the Life-Saving Service;

The joint resolution (S. R. 78) authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto; and

The joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.

JOINT RESOLUTION BECOMES A LAW.

The joint resolution (S. R. 43) authorizing and directing the Secretary of Agriculture to purchase and distribute seeds, bulbs, etc., as has been done in preceding years, having been presented to the President on March 3, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

IMMIGRATION REGULATIONS.

Mr. LODGE. Pursuant to the notice I gave on March 10, I desire to submit, very briefly, a few remarks upon Senate bill 2147, which I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read the bill, as requested.

The Secretary read the bill (S. 2147) establishing additional regulations concerning immigration to the United States, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens excluded from admission into the United States the following:

"First. All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

"Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Mr. LODGE. Mr. President, this bill is intended to amend the existing law so as to restrict still further immigration to the United States. Paupers, diseased persons, convicts, and contract laborers are now excluded. By this bill it is proposed to make a new class of excluded immigrants and add to those which have just been named the totally ignorant. The bill is of the simplest kind. The first section excludes from the country all immigrants who can not read and write either their own or some other language. The second section merely provides a simple test for determining whether the immigrant can read or write, and is added to the bill so as to define the duties of the immigrant inspectors, and to assure to all immigrants alike perfect justice and a fair test of their knowledge.

Two questions arise in connection with this bill. The first is as to the merits of this particular form of restriction; the second as to the general policy of restricting immigration at all. I desire to discuss briefly these two questions in the order in which I have stated them. The smaller question as to the merits of this particular bill comes first. The existing laws of the United States now exclude, as I have said, certain classes of immigrants who, it is universally agreed, would be most undesirable additions to our population. These exclusions have been enforced and the results have been beneficial, but the excluded classes are extremely limited and do not by any means cover all or even any considerable part of the immigrants whose presence here is undesirable or injurious, nor do they have any adequate effect in properly reducing the great body of immigration to this country. There can be no doubt that there is a very earnest desire on the part of the American people to restrict further and much more extensively than has yet been done foreign immigration to the United States. The question before the committee was how this could best be done; that is, by what method the largest number of undesirable immigrants and the smallest possible number of desirable immigrants could be shut out. Three methods of obtaining this further restriction have been widely discussed of late years and in various forms have been brought to the attention of Congress. The first was the imposition of a capitation tax on all immigrants. There can be no doubt as to the effectiveness of this method if the tax is made sufficiently heavy. But although exclusion by a tax would be thorough, it would be undiscriminating, and your committee did not feel that the time had yet come for its application. The second scheme was to restrict immigration by requiring consular certification of immigrants. This plan has been much advocated, and if it were possible to carry it out thoroughly and to add very largely to the number of our consuls in order to do so, it would no doubt be effective and beneficial. But the committee was satisfied that consular certification was, under existing circumstances, impractical; that the necessary machinery could not be provided; that it would lead to many serious questions with foreign governments, and that it could not be properly and justly enforced. It is not necessary to go further into the details which brought the committee to this conclusion. It is sufficient to say here that the opinion of the committee is shared, they believe, by all expert judges who have given the most careful attention to the question.

The third method was to exclude all immigrants who could neither read nor write, and this is the plan which was adopted by the committee and which is embodied in this bill. In their report the committee have shown by statistics, which have been collected and tabulated with great care, the emigrants who would be affected by this illiteracy test. It is not necessary for me here to do more than summarize the results of the committee's investigation, which have been set forth fully in their report. It is found, in the first place, that the illiteracy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics, and very lightly, or not at all, upon English-speaking emigrants or Germans, Scandinavians, and French. In other words, the races most affected by the illiteracy test are those whose emigration to this country has begun within the last twenty years and swelled rapidly to enormous proportions, races with which the English-speaking people have never hitherto assimilated, and who are most alien to the great body of the people of the United States. On the other hand, immigrants from the United Kingdom and of those races which are most closely related to the English-speaking people, and who with the English-speaking people themselves founded the American colonies and built up the United States, are affected but little by the proposed test. These races would not be prevented by this law from coming to this country in practically undiminished numbers. These kindred races also are those who alone go to the Western and Southern States, where immigrants are desired, and take up our unoccupied lands. The races which would suffer most seriously by exclusion under the proposed bill furnish the immigrants who do not go to the West or South, where immigration is needed, but who remain on the Atlantic Seaboard, where immigration is not needed and where their presence is most injurious and undesirable.

The statistics prepared by the committee show further that the immigrants excluded by the illiteracy test are those who remain for the most part in congested masses in our great cities. They furnish, as other tables show, a large proportion of the population of the slums. The committee's report proves that illiteracy runs parallel with the slum population, with criminals, paupers, and juvenile delinquents of foreign birth or parentage, whose percentage is out of all proportion to their share of the total population when compared with the percentage of the same classes among the native born. It also appears from investigations which have been made that the immigrants who would be shut out by the illiteracy test are those who bring least money to the country and come most quickly upon private or public charity for support. The replies of the governors of twenty-six States to the Immigration Restriction League show that in only two cases are immigrants of the classes affected by the illiteracy test desired, and those are of a single race. All the other immigrants mentioned by the governors as desirable belong to the races which are but slightly affected by the provisions of this bill. It is also proved that the classes now excluded by law, the criminals, the diseased, the paupers, and the contract laborers, are furnished chiefly by the same races as those most affected by the test of illiteracy. The same is true as to those immigrants who come to this country for a brief season and return to their native land, taking with them the money they have earned in the United States. There is no more hurtful and undesirable class of immigrants from every point of view than these "birds of passage," and the tables show that the races furnishing the largest number of "birds of passage" have also the greatest proportion of illiterates.

These facts prove to demonstration that the exclusion of immigrants unable to read or write, as proposed by this bill, will operate against the most undesirable and harmful part of our present immigration and shut out elements which no thoughtful or patriotic man can wish to see multiplied among the people of the United States. The report of the committee also proves that this bill meets the great requirement of all legislation of this character in excluding the greatest proportion possible of thoroughly undesirable and dangerous immigrants and the smallest proportion of immigrants who are unobjectionable.

I have said enough to show what the effects of this bill would be, and that if enacted into law it would be fair in its operation and highly beneficial in its results. It now remains for me to discuss the second and larger question, as to the advisability of restricting immigration at all. This is a subject of the greatest magnitude and the most far-reaching importance. It has two sides, the economic and the social. As to the former, but few words are necessary. There is no one thing which does so much to bring about a reduction of wages and to injure the American wage earner as the unlimited introduction of cheap foreign labor through unrestricted immigration. Statistics show that the change in the race character of our immigration has been accompanied by a corresponding decline in its quality. The number of skilled mechanics and of persons trained to some occupation or pursuit has fallen off, while the number of those without occupation or training, that is, who are totally unskilled, has risen in our recent immigration to enormous proportions. This low, unskilled labor is the most deadly enemy of the American wage earner, and does more than anything else toward lowering his wages and forcing down his standard of living. An attempt was made, with the general assent of both political parties, to meet this crying evil some years ago by the passage of what are known as the contract-

labor laws. That legislation was excellent in intention, but has proved of but little value in practice. It has checked to a certain extent the introduction of cheap, low-class labor in large masses into the United States. It has made it a little more difficult for such labor to come here, but the labor of this class continues to come, even if not in the same way, and the total amount of it has not been materially reduced. Even if the contract-labor laws were enforced intelligently and thoroughly, there is no reason to suppose that they would have any adequate effect in checking the evil which they were designed to stop. It is perfectly clear after the experience of several years that the only relief which can come to the American wage earner from the competition of low-class immigrant labor must be by general laws restricting the total amount of immigration and framed in such a way as to affect most strongly those elements of the immigration which furnish the low, unskilled, and ignorant foreign labor.

It is not necessary to enter further into a discussion of the economic side of the general policy of restricting immigration. In this direction the argument is unanswerable. If we have any regard for the welfare, the wages, or the standard of life of American workingmen, we should take immediate steps to restrict foreign immigration. There is no danger, at present at all events, to our workingmen from the coming of skilled mechanics or of trained and educated men with a settled occupation or pursuit, for immigrants of this class will never seek to lower the American standard of life and wages. On the contrary, they desire the same standard for themselves. But there is an appalling danger to the American wage earner from the flood of low, unskilled, ignorant, foreign labor which has poured into the country for some years past, and which not only takes lower wages, but accepts a standard of life and living so low that the American workingman can not compete with it.

I now come to the aspect of this question which is graver and more serious than any other. The injury of unrestricted immigration to American wages and American standards of living is sufficiently plain and is bad enough, but the danger which this immigration threatens to the quality of our citizenship is far worse. That which it concerns us to know and that which is more vital to us as a people than all possible questions of tariff or currency is whether the quality of our citizenship is endangered by the present course and character of immigration to the United States. To determine this question intelligently we must look into the history of our race.

Two hundred years ago Daniel Defoe, in some very famous verses called the "True-born Englishman," defended William III, the greatest ruler, with the exception of Cromwell, whom England has had since the days of the Plantagenets, against the accusation so constantly made at the time that he was a foreigner. The line taken by Defoe is the highly characteristic one of a fierce attack upon his opponents. He declared in lines which were as forcible as they were rough that the English-speaking people drew their descent from many sources; that there was no such thing as a pure-blooded Englishman, and that King William was as much an Englishman as any of them. The last proposition, in regard to the King, whose mother was a Stuart, was undoubtedly true. It was also superficially true that Englishmen drew their blood from many strains; but the rest of the argument was ludicrously false if the matter is considered in the light of modern history and modern science.

For practical purposes in considering a question of race and in dealing with the civilized peoples of western Europe and of America there is no such thing as a race of original purity according to the divisions of ethnical science. In considering the practical problems of the present time we can deal only with artificial races—that is, races like the English-speaking people, the French, or the Germans—who have been developed as races by the operation during a long period of time of climatic influences, wars, migrations, conquests, and industrial development. To the philologist and the ethnologist it is of great importance to determine the ethnical divisions of mankind in the earliest historic times. To the scientific modern historian, to the student of social phenomena, and to the statesman alike the early ethnic divisions are of little consequence, but the sharply marked race divisions which have been gradually developed by the conditions and events of the last thousand years are absolutely vital. It is by these conditions and events that the races or nations which to-day govern the world have been produced, and it is their characteristics which it is important for us to understand.

How, then, has the English-speaking race, which to-day controls so large a part of the earth's surface, been formed? Great Britain and Ireland at the time of the Roman conquest were populated by Celtic tribes. After the downfall of the Roman Empire these tribes remained in possession of the islands with probably but a very slight infusion of Latin blood. Then came what is commonly known as the Saxon invasion. Certain North German tribes, own brothers to those other tribes which swept southward and westward over the whole Roman Empire, crossed the English Channel and landed in the corner of England known as the Isle of Thanet. They were hard fighters, pagans, and adventurers. They swept over the whole of England and the Lowlands of Scotland. A few British words like basket, relating to domestic employments, indicate that only women of the conquered race, and not many of those, were spared. The extermination was fierce and thorough. The native Celts were driven back into the Highlands of Scotland and to the edge of the sea in Cornwall and Wales, while all the rest of the land became Saxon.

The conquerors established themselves in their new country, were converted to Christianity, and began to advance in civilization. Then came a fresh wave from the Germanic tribes. This time it was the Danes. They were of the same blood as the Saxons, and the two kindred races fought hard for the possession of England until the last comers prevailed and their chiefs reached the throne. Then in 1066 there was another invasion, this time from the shores of France. But the new invaders and conquerors were not Frenchmen. As Carlyle says, they were only Saxons who spoke French. A hundred years before these Normans, or Northmen, northernmost of all the Germanic tribes, had descended from their land of snow and ice upon Europe. They were the most remarkable of all the people who poured out of the Germanic forests. They came upon Europe in their long, low ships, a set of fighting pirates and buccaneers, and yet these same pirates brought with them out of the darkness and cold of the north a remarkable literature and a strange and poetic mythology. Wherever they went they conquered, and wherever they stopped they set up for themselves dukedoms, principalities, and kingdoms. To them we owe the marvels of Gothic architecture, for it was they who were the great builders and architects of mediæval Europe. They were great military engineers as well and revived the art of fortified defense, which had been lost to the world. They were great statesmen and great generals, and they had only been in Normandy about a hundred years when they crossed the English Channel, conquered the country, and gave to England for many generations to come her kings and nobles. But the Normans in their turn were absorbed or blended with the great mass of the Danes and the still earlier Saxons. In reality they were all one people. They had different names and spoke differing dialects, but their blood and their characteristics were the same. And so this Germanic people of one blood, coming through various channels, dwelt in England, assimilating more or less and absorbing to a greater or less degree their neighbors of the northern and western Celtic fringe, with an occasional fresh infusion from their own brethren who dwelt in the low sea-girt lands at the mouths of the Scheldt and Rhine. In the course of the centuries these people were welded together and had made a new speech and a new race, with strong and well-defined qualities, both mental and moral.

When the Reformation came this work was pretty nearly done, and after that great movement had struck off the shackles from the human mind the English-speaking people were ready to come forward and begin to play their part in a world where the despotism of the church had been broken, and where political despotism was about to enter on its great struggle against the forces of freedom. Let me describe what these English people were at the close of the sixteenth century, when the work of race making had been all done and the achievements of the race so made were about to begin. I will take for this purpose, not words of my own, but the brilliant sentences of one of the greatest of modern English writers:

> In those past silent centuries, among those silent classes, much had been going on. Not only had red deer in the New and other forests been got, preserved, and shot; and treacheries of Simon de Montfort, wars of Red and White Roses, battles of Crecy, battles of Bosworth, and many other battles been got, transacted, and adjusted; but England wholly, not without sore toil and aching bones to the millions of sires and the millions of sons these eighteen generations, had been got, drained, and tilled, covered with yellow harvests, beautiful and rich possessions; the mud-wooden Ceasters and Chesters had become steepled, tile-roofed, compact towns. Sheffield had taken to the manufacture of Sheffield whittles; Worstead could from wool spin yarn, and knit or weave the same into stockings or breeches for men. England had property valuable to the auctioneer; but the accumulate manufacturing, commercial, economic skill which lay impalpably warehoused in English hands and heads, what auctioneer could estimate?
>
> Hardly an Englishman to be met with but could do something—some cunninger thing than break his fellow-creature's head with battle-axes. The seven incorporated trades, with their million guild brethren, with their hammers, their shuttles, and tools; what an army—fit to conquer that land of England, as we say, and to hold it conquered. Nay, strangest of all, the English people had acquired the faculty and habit of thinking, even of believing; individual conscience had unfolded itself among them; conscience, and intelligence is its handmaid. Ideas of innumerable kinds were circulating among these men: witness one Shakespeare, a wool comber, poacher, or whatever else, at Stratford, in Warwickshire, who happened to write books—the finest human figure, as I apprehend, that nature has hitherto seen fit to make of our widely diffused Teutonic clay. Saxon, Norman, Celt, or Sarmat, I find no human soul so beautiful these fifteen hundred known years—our supreme modern European man. Him England had contrived to realize. Were there not ideas—ideas poetic and also puritanic, that had to seek utterance in the notablest way? England had got her Shakespeare, but was now about to get her Milton and Oliver Cromwell. This, too, we will call a new expansion, hard as it might be to articulate and adjust; this, that a man could actually have a conscience for his own behoof, and not for his priest's only; that his priest, be who he might, would henceforth have to take that fact along with him. One of the hardest things to adjust. It is not adjusted down to this hour. It lasts onward to the time they call "glorious revolu-

tion" before so much as a reasonable truce can be made and the war proceed by logic mainly. And still it is war, and no peace, unless we call waste vacancy peace. But it needed to be adjusted, as the others had done, as still others will do.

This period, when the work of centuries which had resulted in the making of the English people was complete, and when they were entering upon their career of world conquest, is of peculiar interest to us. Then it was that from the England of Shakespeare and Bacon and Raleigh, and later from the England of Pym and Hampden and Cromwell and Milton, Englishmen fared forth across the great ocean to the North American Continent. The first Englishmen to come here settled on the James River, and there laid the foundation of the great State of Virginia. The next landed much farther to the north. I will again borrow the words of Carlyle to describe the coming of this second English migration:

But now on the industrial side, while this great constitutional controversy and revolt of the middle class had not ended, had yet but begun, what a shoot was that that England, carelessly, in quest of other objects, struck out across the ocean, into the waste land, which it named New England. Hail to thee, poor little ship *Mayflower*, of Delft-Haven; poor common-looking ship, hired by common charter party for coined dollars; calked with mere oakum and tar; provisioned with vulgarest biscuit and bacon; yet what ship *Argo*, or miraculous epic ship built by the sea gods, was other than a foolish bumbarge in comparison? Golden fleeces or the like these sailed for, with or without effect; thou, little *Mayflower*, hadst in thee a veritable Promethean spark; the life spark of the largest nation on our earth, so we may already name the transatlantic Saxon nation. They went seeking leave to hear sermon in their own method, these *Mayflower* Puritans; a most honest indispensable search; and yet, like Saul the son of Kish, seeking a small thing, they found this unexpected great thing. Honor to the brave and true; they verily, we say, carry fire from heaven, and have a power that themselves dream not of. Let all men honor Puritanism, since God has so honored it.

At the period of these two English settlements, and just about at the same time, the Dutch settled at the mouth of the Hudson and the Swedes upon the Delaware. Both, be it remembered, were of the same original race stock as the English settlers of Virginia and New England, who were destined to be so predominant in the North American colonies. At the close of the seventeenth century and during the eighteenth there came to America three other migrations of people sufficiently numerous to be considered in estimating the races from which the colonists were derived. These were the Scotch-Irish, the Germans, and the French Huguenots. The Scotch-Irish, as they are commonly called with us, were immigrants from the north of Ireland. They were chiefly descendants of Cromwell's soldiers, who had been settled in Ulster and of the Lowland Scotch, who had come to the same region. They were the men who made the famous defense of Londonderry against James II, and differed in no essential respect either of race or language from the English, who had preceded them in America. Some of them settled in New Hampshire, but most of them in the western part of Pennsylvania, Maryland, and Virginia. They were found in all the colonies in a greater or less degree, and were a vigorous body of men, who have contributed very largely to the upbuilding of the United States and played a great part in our history. The German immigrants were the Protestants of the Palatinate, and they settled in large numbers in western Pennsylvania, Maryland, and Virginia. The Huguenots, although not very numerous, were a singularly fine body of people. They had shown the highest moral qualities in their long struggle for religious freedom. They had faced war, massacre, and persecution for nearly two centuries, and had never wavered in their constancy to the creed in which they believed. Harried and driven out of France by Louis XIV, they had sought refuge in Holland, in England, and in the New World. They were to be found in this country in all our colonies, and everywhere they became a most valuable addition.

Such, then, briefly, were the people composing the colonies when we faced England in the war for independence. It will be observed that with the exception of the Huguenot French, who formed but a small percentage of the total population, the people of the thirteen colonies were all of the same original race stocks. The Dutch, the Swedes, and the Germans simply blended again with the English-speaking people, who like them were descended from the Germanic tribes whom Cæsar fought and Tacitus described.

During the present century, down to 1875, there have been three large migrations to this country in addition to the always steady stream from Great Britain; one came from Ireland about the middle of the century, and somewhat later one from Germany and one from Scandinavia, in which is included Sweden, Denmark, and Norway. The Irish, although of a different race stock originally, have been closely associated with the English-speaking people for nearly a thousand years. They speak the same language, and during that long period the two races have lived side by side, and to some extent intermarried. The Germans and Scandinavians are again people of the same race stock as the English who founded and built up the colonies. During this century, down to 1875, then, as in the two which preceded it, there had been scarcely any immigration to this country, except from kindred or allied races, and no other, which was sufficiently numerous to have produced any effect on the national characteristics, or to be taken into account here. Since 1875, however, there has been a great change. While the people who for two hundred and fifty years have been migrating to America have continued to furnish large numbers of immigrants to the United States, other races of totally different race origin, with whom the English-speaking people have never hitherto been assimilated or brought in contact, have suddenly begun to immigrate to the United States in large numbers. Russians, Hungarians, Poles, Bohemians, Italians, Greeks, and even Asiatics, whose immigration to America was almost unknown twenty years ago, have during the last twenty years poured in in steadily increasing numbers, until now they nearly equal the immigration of those races kindred in blood or speech, or both, by whom the United States has hitherto been built up and the American people formed.

This momentous fact is the one which confronts us to-day, and if continued, it carries with it future consequences far deeper than any other event of our times. It involves, in a word, nothing less than the possibility of a great and perilous change in the very fabric of our race. The English-speaking race, as I have shown, has been made slowly during the centuries. Nothing has happened thus far to radically change it here. In the United States, after allowing for the variations produced by new climatic influences and changed conditions of life and of political institutions, it is still in the great essentials fundamentally the same race. The additions in this country until the present time have been from kindred people or from those with whom we have been long allied and who speak the same language. By those who look at this question superficially we hear it often said that the English-speaking people, especially in America, are a mixture of races. Analysis shows that the actual mixture of blood in the English-speaking race is very small, and that while the English-speaking people are derived through different channels, no doubt, there is among them none the less an overwhelming preponderance of the same race stock, that of the great Germanic tribes who reached from Norway to the Alps. They have been welded together by more than a thousand years of wars, conquests, migrations, and struggles, both at home and abroad, and in so doing they have attained a fixity and definiteness of national character unknown to any other people. Let me quote on this point a disinterested witness of another race and another language, M. Gustave Le Bon, a distinguished French writer of the highest scientific training and attainments, who says in his very remarkable book on the Evolution of Races:

Most of the historic races of Europe are still in process of formation, and it is important to realize this fact in order to understand their history. The English alone represent a race almost entirely fixed. In them the ancient Briton, the Saxon, and the Norman have been effaced to form a new and very homogeneous type.

It being admitted, therefore, that a historic race of fixed type has been developed, it remains to consider what this means, what a race is, and what a change would portend. That which identifies a race and sets it apart from others is not to be found merely or ultimately in its physical appearance, its institutions, its laws, its literature, or even its language. These are in the last analysis only the expression or the evidence of race. The achievements of the intellect pass easily from land to land and from people to people. The telephone, invented but yesterday, is used to-day in China, in Australia, or in South Africa as freely as in the United States. The book which the press to-day gives to the world in English is scattered to-morrow throughout the earth in every tongue, and the thoughts of the writer become the property of mankind. You can take a Hindoo and give him the highest education the world can afford. He has a keen intelligence. He will absorb the learning of Oxford, he will acquire the manners and habits of England, he will sit in the British Parliament, but you can not make him an Englishman. Yet he, like his conqueror, is of the great Indo-European family. But it has taken six thousand years and more to create the differences which exist between them. You can not efface those differences thus made, by education in a single life, because they do not rest upon the intellect. What, then, is this matter of race which separates the Englishman from the Hindoo and the American from the Indian? It is something deeper and more fundamental than anything which concerns the intellect. We all know it instinctively, although it is so impalpable that we can scarcely define it, and yet is so deeply marked that even the physiological differences between the Negro, the Mongol, and the Caucasian are not more persistent or more obvious. When we speak of a race, then, we do not mean its expressions in art or in language, or its achievements in knowledge. We mean the moral and intellectual characters, which in their association make the soul of a race, and which represent the product of all its past, the inheritance of all its ancestors, and the motives of all its conduct. The men of each race possess an indestructible stock of ideas, traditions, sentiments, modes of thought, an unconscious inheritance from their ancestors, upon which argument has no effect. What makes a race are their mental and, above all, their moral characteristics, the slow growth and

accumulation of centuries of toil and conflict. These are the qualities which determine their social efficiency as a people, which make one race rise and another fall, which we draw out of a dim past through many generations of ancestors, about which we can not argue, but in which we blindly believe, and which guide us in our short-lived generation as they have guided the race itself across the centuries.

I have cited a witness of the highest authority and entire disinterestedness to support what I have said as to the fixed and determinate character of the English-speaking race. Now that I come to show what that race is by recounting its qualities and characteristics, I will not trust myself to speak, for I might be accused of prejudice, but I will quote again M. Le Bon, who is not of our race nor of our speech:

Inability—

He says—

to foresee the remote consequences of actions and the tendency to be guided only by the instinct of the moment condemn an individual as well as a race to remain always in a very inferior condition. It is only in proportion as they have been able to master their instincts—that is to say, as they have acquired strength of will and consequently empire over themselves—that nations have been able to understand the importance of discipline, the necessity of sacrificing themselves to an ideal and lifting themselves up to civilization. If it were necessary to determine by a single test the social level of races in history, I would take willingly as a standard the aptitude displayed by each in controlling their impulses. The Romans in antiquity, the Anglo-Americans in modern times, represent the people who have possessed this quality in the highest degree. It has powerfully contributed to assure their greatness.

Again he says, speaking now more in detail:

Let us summarize, then, in a few words the characteristics of the Anglo-Saxon race, which has peopled the United States. There is not perhaps in the world one which is more homogeneous and whose mental constitution is more easy to define in its great outline. The dominant qualities of this mental constitution are from the standpoint of character a will power which scarcely any people except perhaps the Romans have possessed, an unconquerable energy, a very great initiative, an absolute empire over self, a sentiment of independence pushed even to excessive unsociability, a puissant activity, very keen religious sentiments, a very fixed morality, a very clear idea of duty.

Again he says:

But above all it is in a new country like America that we must follow the astonishing progress due to the mental constitution of the English race. Transported to a wilderness inhabited only by savages and having only itself to count upon, we know what that race has done. Scarcely a century has been necessary to those people to place themselves in the first rank of the great powers of the world and to-day there is hardly one who could struggle against them.

Such achievements as M. Le Bon credits us with are due to the qualities of the American people, whom he, as a man of science looking below the surface, rightly describes as homogeneous. Those qualities are moral far more than intellectual, and it is on the moral qualities of the English-speaking race that our history, our victories, and all our future rest. There is only one way in which you can lower those qualities or weaken those characteristics, and that is by breeding them out. If a lower race mixes with a higher in sufficient numbers, history teaches us that the lower race will prevail. The lower race will absorb the higher, not the higher the lower, when the two strains approach equality in numbers. In other words, there is a limit to the capacity of any race for assimilating and elevating an inferior race, and when you begin to pour in in unlimited numbers people of alien or lower races of less social efficiency and less moral force, you are running the most frightful risk that any people can run. The lowering of a great race means not only its own decline but that of human civilization. M. Le Bon sees no danger to us in immigration, and his reason for this view is one of the most interesting things he says. He declares that the people of the United States will never be injured by immigration, because the moment they see the peril the great race instinct will assert itself and shut the immigration out. The reports of the Treasury for the last fifteen years show that the peril is at hand. I trust that the prediction of science is true and that the unerring instinct of the race will shut the danger out, as it closed the door upon the coming of the Chinese.

That the peril is not imaginary or the offspring of race prejudice, I will prove by another disinterested witness, also a Frenchman. M. Paul Bourget, the distinguished novelist, visited this country a few years ago and wrote a book containing his impressions of what he saw. He was not content, as many travelers are, to say that our cabs were high priced, the streets of New York noisy, the cars hot, and then feel that he had disposed of the United States and the people thereof for time and for eternity. M. Bourget saw here a great country and a great people; in other words, a great fact in modern times. Our ways were not his ways, nor our thoughts his thoughts, and he probably liked his own country and his own ways much better, but he none the less studied us carefully and sympathetically. What most interested him was to see whether the socialistic movements, which now occupy the alarmed attention of Europe, were equally threatening here. His conclusion, which I will state in a few words, is of profound interest. He expected to find signs of a coming war of classes, and he went home believing that if any danger threatened the United States it was not from a war of classes, but a war of races.

Mr. President, more precious even than forms of government are the mental and moral qualities which make what we call our race. While those stand unimpaired all is safe. When those decline all is imperiled. They are exposed to but a single danger, and that is by changing the quality of our race and citizenship through the wholesale infusion of races whose traditions and inheritances, whose thoughts and whose beliefs are wholly alien to ours and with whom we have never assimilated or even been associated in the past. The danger has begun. It is small as yet, comparatively speaking, but it is large enough to warn us to act while there is yet time and while it can be done easily and efficiently. There lies the peril at the portals of our land; there is pressing in the tide of unrestricted immigration. The time has certainly come, if not to stop, at least to check, to sift, and to restrict those immigrants. In careless strength, with generous hand, we have kept our gates wide open to all the world. If we do not close them, we should at least place sentinels beside them to challenge those who would pass through. The gates which admit men to the United States and to citizenship in the great Republic should no longer be left unguarded.

O Liberty, white Goddess, is it well
To leave the gates unguarded? On thy breast
Fold Sorrow's children, soothe the hurts of fate,
Lift the down-trodden, but with hand of steel
Stay those who to thy sacred portals come
To waste the gifts of freedom. Have a care,
Lest from thy brow the clustered stars be torn
And trampled in the dust. For so of old
The thronging Goth and Vandal trampled Rome,
And where the temples of the Cæsars stood
The lean wolf unmolested made her lair.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 2672) concerning tonnage tax;

A bill (S. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; and

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan*.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 365) to fix the date of discharge of Thomas Johnson; and

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz.

FREE COINAGE OF SILVER.

Mr. PUGH. I ask that the House bill on the tariff, with the amendment of the Committee on Finance of the Senate, be laid before the Senate for the sole purpose of enabling me to address the Senate upon the amendment reported as a substitute by the Finance Committee.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair lays the bill before the Senate. It will be read by title.

The SECRETARY. A bill (H. R. 2749) to temporarily increase the revenue to meet the expenses of Government and provide against a deficiency.

Mr. PUGH, Mr. President, when my present term in the Senate expires on the 4th of March, 1897, I will have been a member of this body sixteen years. During that time I have been in personal and political association with representative men of all parties distinguished for more or less ability and learning. I have served on high committees with these representatives. I have heard and taken some part in the great debates on important national questions, especially the economic questions of tariff and currency. It must be conceded that the debates on the tariff and currency questions in the two last Congresses and the present session have never been excelled in ability and learning by any lawmaking body in the world.

All these opportunities and means of acquiring information to qualify the people and their representatives, aided by the American press as a powerful auxiliary in the undertaking, have been enjoyed by every voter in the United States who can read and understand the English language. Here we are to-day with about 70,000,000 of people, advanced in the highest civilization and increasing rapidly in number, and in all things requiring the use of money, with a system of government certainly equal to any the highest human capacity has ever originated and administered; blessed with natural advantages, unsurpassed in quality and inexhaustible in quantity, with human capacity, intelligence, energy, skill, and courage not equaled and certainly not surpassed by any population in the world, and supplied with marvelous inventions to aid in the great work of development and progress in agriculture, manufacturing, mechanics, and in transportation and commerce.

With all these wonderful advantages, agencies, and instrumentalities to promote and insure all forms of improvement and prog-

ress, why is it that the greatest ability, intelligence, statesmanship, and largest experience of which we justly boast in this great country present the spectacle to the world of confessed inability to understand so as to deal wisely and satisfactorily with present conditions? Who has shown a willingness, what party dares in this crisis to take the risk of formulating and presenting and advocating any specific remedy for the terrible evils that are now causing apprehension, uneasiness, and discontent all over this country? The universal inquiry is, what is the matter? Tell us what you think is the cause of existing troubles. Explain how it is that our people have never had such experience in the history of this country. Who is to blame, or is anybody to blame? Whenever there is any attempt to respond to any of these questions, the air is filled with contradictions and disapproval, and every suggestion is met with counter statements, charges, crimination and recrimination, and so the matter stands. What shall I say is the matter, and what shall I say is the remedy? From the beginning of our troubles, I have never had any doubt about their cause or its inevitable effects, or the remedy. The cause is manifestly the insufficient supply of money, and the lack of circulation and equal distribution of the money now in existence. In a word, it is inherent in our present inadequate and congested currency system. We are in the midst of the experiment to establish in this country the English system of finance.

The question of the quantity and character of money needed by the people in any country in their trade and commerce has always been and will never cease to be the subject of irreconcilable controversy. The parties to such a controversy make the conflict irrepressible between capital and labor. I can express an opinion, however, that will not be questioned, and that is that the people of the United States, according to number, resources, and the advantages I have mentioned, need more money and can make better use of more money than the people of any other country in the world. I have no doubt that the people of the United States can profitably employ double the quantity of money per capita that can be so employed by the same number of people in any other like area of country in the world. Take the character of our people and the character and geographical area of our country as I have described them and compare them with the same number and the same area of country anywhere in the world, and I challenge a denial of my statement that the people of the United States, in their trade and commerce and the development and maintenance of their resources and industries and means of transportation, require more money and can make more use and better use of double the quantity of money now in existence than any like number of people in any other country in the world, and they have less money according to the demand, capacity, and opportunities to use it than any other country in the world.

The PRESIDING OFFICER. Will the Senator from Alabama please suspend for a moment? The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. MORRILL. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. If there be no objection, such will be taken as the sense of the Senate. The Chair hears no objection. The Senator from Alabama will proceed.

Mr. PUGH. With a country superior in area and four times the productivity of the whole of Europe, we can not claim one-sixth the amount of gold now in existence in Europe. It has always surprised me why so much is said about per capita supply of currency. It is an invention of money owners and money lenders to mislead and deceive the people. Take present conditions in this country for illustration. It is estimated in round numbers that there is in existence in the United States say $600,000,000 in gold, $600,000,000 in silver, $346,000,000 in greenbacks, $150,000,000 in Sherman Treasury notes, and $207,000,000 in national-bank bills, all aggregating over $1,900,000,000. Put the per capita at $25 if you please, which is an extravagant estimate, it is intended by this deceptive rule to make the people believe that there is in actual circulation among the people in each State, accessible to the people, enough money to give $25 to each man, woman, and child. That the people in each county in every State in the Union have $25 for each man, woman, and child. What is the fact? Where is the $600,000,000 in gold? How much of it is in actual active circulation among the people? How many people have a single gold piece? Who sees any gold, and who handles any gold except the banks as a checking basis, clearing houses in settlement of balances, and bond syndicates. Gold has never been in general use; is not capable of being put into circulation among the people. Pierpont Morgan controls more gold than a million of workingmen in New York. It has never been and can never be made the money of the people, and that explains the persistent demand of its owners to make it the single standard of value and the only redemption basis of all currency. It insures contraction of currency and monopoly of prices. Then take the greenbacks. I doubt whether more than $300,000,000 have been saved from destruction. And since they have become a part of the endless chain to draw gold out of the Treasury they are and will continue to be hoarded in the Treasury and held by gold gamblers, and have practically lost most of their usefulness in circulation among the people. They have become the prize sought by gold speculators, and have nearly disappeared from use as money in circulation, and are being employed mostly in keeping up the raid on the gold reserve in the Treasury.

It may therefore be reasonably estimated that $900,000,000, made up of silver and silver certificates and the bills of national banks and some greenbacks, constitute the entire volume of our circulating medium that goes into markets and makes prices and serves the current use of money. If I am substantially right in my estimates, the deceptive and misleading test of sufficiency of the money supply by the per capita amount in existence would give the real quantity in actual circulation at about $13 per capita, certainly not over $15. And the truth is that in the Southern States, having no large cities where banks exist, the per capita would not reach $3. More than half the money in the Southern States at the $3 per capita is in the banks, and a large amount in actual use among the people is borrowed by them from the banks or money lenders at high rates of interest. The remarkable discussion of the currency question has been fruitful of surprises, and not the least among them is the contention of the gold advocates that the quantity of money or currency in existence or circulation is not an important or influential factor in the trade and commerce of the country and takes no part, or but an immaterial part, in fixing or regulating the prices of property, labor, and commodities.

This manifest absurdity is one of the necessities to which the advocates of gold as the only sound standard and redemption money are driven in the struggle to support their financial system. It is the gravamen of the present controversy about what is the best system of finance. If it makes no difference what is the amount of money in a country, it follows necessarily that the $600,000,000 of gold reported officially as being in the United States will serve all the purposes of a standard of values, and as a redemption basis for the support of an additional supply of sound money it is utterly useless, as there is no necessity to increase the quantity of money beyond the $600,000,000 in gold now in the United States. As the contention of the sound-money gold advocates is too glaring an absurdity, they move up a little and plant themselves on what they declare to be the crucial test of their sound-money system, and that is that gold shall be the only standard of all values and the only primary, irredeemable money, and that all other forms of currency, whether silver or paper, whether issued by the Federal or State governments, or by banks, State or national, shall be only secondary money and must be a representative of gold, and the equivalent of gold, because redeemable only in gold. The accuracy of the foregoing definition of the only financial system now recognized and sought to be enforced in the United States by the Cleveland Administration can not be questioned.

In opposition to the gold standard and gold redemption system of finance now being enforced in the United States, it is proposed and urged that Congress shall first restore silver to the same right of coinage that gold has by existing law by reenacting the coinage act of 1837 that President Jackson approved, and thereby reestablish the only true bimetallic system.

The foregoing statement defines and makes clear and unmistakable the financial issue upon which the people of the United States are now divided and terribly in earnest in the struggle of the respective parties for what each believes to be the better system.

It must be understood and kept constantly in view that the primary and paramount question is as to what shall constitute the coin standard and legal-tender redemption money of the United States. Shall coin standard and redemption legal-tender money be composed of only one metal, or shall it be composed of two metals? Shall we have gold only, or shall we have gold and silver as standard and redemption legal-tender money?

When the coin basis is established as it was by the coinage laws of the United States prior to 1873, the next and the secondary question as to our paper currency redeemable in both gold and silver without discrimination can be more easily adjusted. The question that overshadows all others is, shall the United States have a narrow, contracted, coin basis, made of gold metal, that is scarcer and harder to find and the least capable of being coined into pieces that can be used in circulation, and shall this one metal be made the only support for all the currency to be supplied to the people, and can no more currency be issued and put into circulation than can be redeemed in this one metal?

I am able to form no stronger conviction on any subject than that I have formed and cherished for many years, that no greater calamity could befall this splendid country than to keep it on gold

as the only standard and redemption money, and to subject the people of the United States to the use of only such an amount of paper currency and silver coin as would correspond with our supply of gold, in which alone it is all to be redeemable. The people of the United States will never submit to such a calamity if they are capable of self-government.

The most important question that has arisen during my service in the Senate, and the most important and far-reaching question that can arise in the next Presidential election, is the money question, now absorbing public attention in this country and in Europe. There is no subject with which the people and those who seek to represent them and those chosen to represent them ought to be more familiar than with the functions and value of money. In greater or less amounts money is employed in every human pursuit, and contributes materially to its success. Money is indispensable in every human pursuit and undertaking. For this reason the acquisition of money, money making, employs more human effort and a greater variety of human agencies than anything else. It is inexplicable why the problems of finance have so long baffled all degrees of human capacity, experience, and intelligence, and judging the progress and improvement in finance, as evidenced by existing financial conditions in Europe and the United States, the world has advanced but little from where it was in the beginning, when money as a standard of value was substituted in the place of barter. The impossibility of reaching a permanent solution of what seems to be the simple rules and principles of finance grow out of the great disparity between labor and capital as parties to the irrepressible conflict, in ability, opportunity, and means of investigation, to form opinions. It is an interminable and irrepressible conflict between opposing public and personal interests. My duties and responsibilities as a representative have required me to make finance and currency and the functions of money a study to the extent of my ability. I have read standard authors, heard and participated in the great debates in the Senate of the United States, in which all the learning upon this subject seemed to have been exhausted. I have read messages of Presidents, the reports of Secretaries of the Treasury, and after all this labor and opportunity to qualify myself to come to proper conclusions I find myself entangled by a most inexhaustible mass of perverted, and in numerous instances fabricated, history, interwoven and supported by the most plausible reasoning and misleading argument, requiring an amount of skill to discover error and expose it not generally possessed by people who have to labor and those not disposed to apply themselves to reading and study. A great number of such well-meaning people save themselves from the labor and trouble of making up their own opinions by accepting the advice of some one who is no better informed, but acts under the influence of his class or considerations of some personal advantage.

In this connection, I will call attention to a most remarkable state of things. Three years ago there was not a Democratic voter in Alabama or a Democratic newspaper who would not have resented any prediction that at any time in the future, under any circumstances, they would be found opposing the restoration of silver to free coinage and supporting the single gold standard. There was universal agreement and the most perfect harmony upon the question of finance prevailing in the Democratic party of Alabama and all the Southern States. While this is conceded to be an undeniable fact, it is claimed that those Democrats who now oppose free coinage and advocate the gold standard had the right to change, and it was their duty to change their opinions when additional information and additional reflection satisfied them that they had been in error, and seeing they were wrong they gave up silver and took to gold. This is all conceded, but how long will it be before they will make another change? How old must their opinions become before the authors of them can be accepted as standard authority on finance? For fifteen or twenty years, while the new Democratic converts to the single gold standard were advocating and struggling for free silver coinage in the Democratic party, the Republicans in Congress and their public speakers and newspapers in the country were flooding the country with every one of the identical facts and arguments these new converts are now parading and urging as the grounds for their conversion to the gold standard within the last two years.

I heard all these arguments by Republicans in the Senate for the last fifteen years. They were all made and published broadcast against the passage of the Bland-Allison Act seventeen years ago, and since then the Democratic party in State convention in 38 States declared for free-silver coinage, and in 1892 elected a Democratic Congress pledged to the passage of a free-coinage bill. How was it possible that a majority of the Democratic people and their Representatives in Congress in 1892 were so widely mistaken in the pledges of the Democratic party when Mr. Cleveland was last elected? If the Democratic party knew that Mr. Cleveland was for the gold standard, why elect a Senate and House to pass a free-coinage bill? Who believes there would have been any gold-standard Democrats to-day in Alabama, or elsewhere in the South, if Grover Cleveland had sent a message to Congress recommending that silver be restored to free coinage?

But at last this is a Government of the people, and they must take care of it, if they intend to take care of themselves.

As I have stated, there is no public question in which the people are more interested than that of money. How money shall be created and furnished to the people, in what kind and quantity, and how distributed. A financial system is made up necessarily of a trunk or body and branches. Like a tree, it must have a trunk or body to produce and support the branches. The trunk or body of the system is the standard of value and the redemption basis that supplies the limbs with nourishment and produces and supports the fruit of sound currency. The fundamental and primary question with which the people of the United States are now dealing relates to the body or trunk of the tree of finance. The first and paramount question is, shall thet runk or body of our system of finance be composed of two metals or only one metal? Shall the basis of the system be made up of gold and silver or of gold only? After we have decided the first and paramount question as to the composition of our coin standard of value and redemption support of other currency, then the next troublesome question is how shall our coin, our primary and standard money, be supplemented with additional and representative currency in sufficient amounts to meet the legitimate demands of the people in their trade and commerce. All the power that exists to decide these questions is vested in the Government of the people, State and Federal.

When the States framed and ratified the Constitution of the United States, they reserved all power over the subject of money except what they granted to the Federal Government and prohibited to themselves. The only power to create and define the value and functions of money is vested in the Federal Government by the language "That Congress shall have power to coin money and regulate its value," and the States prohibited to themselves "The power to make anything but gold and silver a legal tender in the payment of debts." Congress alone can coin money and regulate its value. Congress alone can create money. Money is the creature of law. The State can make nothing but gold and silver a legal tender in payment of debts. Paper can not be coined for any purpose, and therefore it can not be coined into money. It is manifest that nothing was intended to be coined into primary irredeemable legal-tender money but gold and silver.

When the Constitution of the United States was framed and adopted, no country or Government in the world was using gold alone as primary money or had made gold the single standard of value. Every country and Government in Europe had been for centuries in the equal use and allowed the free equal coinage of both gold and silver as primary money and the only standard of value. The universal use and coinage of both gold and silver was founded on the experience of each and every country and Government in Europe, acting alone and independently, without any international agreement. Without reference to degrees of intelligence or differences in commercial conditions, relations, or necessities, it has so happened that every Government in the world had failed to adopt and had never proposed the adoption of the single gold standard of value. Every country and Government on the globe that had adopted but one metal as their standard of value chose silver instead of gold, and have been for centuries in the sole use of silver instead of gold as their primary standard and redemption money.

Under these circumstances and conditions and in the face of this history, our forefathers adopted both gold and silver as primary standard money, without discrimination or limitation in coinage. The first exercise of the power to coin money and regulate its value was by members of Congress, many of whom had aided in framing the Constitution of the United States, and on the recommendation of Hamilton as Secretary of the Treasury, and the approval of Jefferson and Washington, the First Congress made 371¼ grains of pure silver and 412½ grains of standard silver a standard dollar, worth 100 cents, and declared that this silver dollar should be the unit of value in the United States. At that time the United States was just born into existence and had no experience of its own, and of course had to act on information furnished by the world's history and experience in finance. This law of the First Congress went into operation in 1792.

What reasons induced Hamilton and Jefferson to recommend and the First Congress of the United States to pass the free coinage law of 1792? In the report of Hamilton, as Secretary of the Treasury, which Jefferson approved, it is stated that—

> To annul the use of either gold or silver as money is to abridge the quantity of the circulating medium and is liable to all the objections which arise from a comparison of the benefits of a full circulation with the evil of a scanty circulation. On the whole, it seems most advisable not to attach the unit to either of the metals, because this can not be done effectually without destroying the office and character of one of them as money and reducing it to the situation of mere merchandise, and this would probably be a greater evil than any occasional variations in the unit from the fluctuations in the relative value of the metals.

This report states the reasons, which are as sound to-day as in 1791, why both gold and silver should be admitted to free and unlimited coinage at a fixed ratio, and these reasons are:

1. If you admit only one metal to coinage, you necessarily abridge the quantity of the circulating medium, and the quantity of the circulating medium is determined by the unrestricted coinage of both metals and decides whether we are to enjoy the benefits of a full circulation or suffer the evils of a scanty circulation.

2. "To abridge the quantity of the circulating medium by limiting coinage you give rise to all the objections which can arise from a comparison of the benefits of a full circulation with the evils of a scanty circulation."

Here then are unqualified opinions of Hamilton and Jefferson, expressed under the gravest responsibility and most mature deliberation that there are benefits to be derived from a full circulation of both metals and that evils would follow the scanty circulation of only one metal. And the report sustains the proposition that free and unlimited coinage of both gold and silver is an indispensable predicate of a bimetallic system of finance. But it is urged on the authority of Hamilton and Jefferson that if both gold and silver are admitted to free and unlimited coinage it must be done on a ratio fixed upon the relative commercial value of the two metals as bullion in the bullion markets. But under what conditions is this relative commercial value of the two metals as bullion to be ascertained and fixed by the law? At that time no government or country in the world was on the single gold standard. At that time every government and country in Europe granted the right and privilege of free unlimited coinage to both gold and silver.

So that the relative commercial value of the two metals in 1792 was fixed on the universal free and unlimited coinage of both metals everywhere in the world, except in the Orient, where silver alone was coined and used as money. The commercial ratio can only be fairly ascertained on the basis of the free and unlimited coinage of both metals. When the relative commercial value of the two metals is ascertained and fixed by law on a full and fair trial and experience of free unlimited coinage, as was done in 1792, Hamilton and Jefferson agreed that it would be a greater evil to even abridge the coinage of one metal than would follow from the occasional variations in the relative value of the two metals, as you can not even abridge the coinage of one metal without "effectually destroying the office and character of the other as money and reducing it to the situation of mere merchandise." Why is it that this axiomatic truth can be utterly denied and disregarded in formulating a bimetallic system of finances?

That is precisely what happened by the treatment of silver by our own Government from 1873 to the present hour. And it is precisely what is now being demonstrated by the present financial administration. The wise men who acted under the responsibility of passing the first law of the United States on the subject of money coinage well understood that the fundamental principle of money is that the value of each dollar in any country depends absolutely on the number of dollars in circulation in that country, whether they be gold, silver, or paper. The value of money and of everything else is regulated by the law of supply and demand. There may be, and is, greater variation in the demand for other things, but the demand for money is always constant and never ceases. The demand for money is "equal to the sum of the demands for all other things," as all the products of hand and brain are constantly offered in exchange for money.

It is an important fact that the Constitution of the United States is silent on every form of money except gold and silver, and all the express power of Government to deal with money as a legal tender is limited to gold and silver. There is no power anywhere to make gold or silver anything else than primary irredeemable and legal-tender money. Gold and silver are not issued as money on the credit of the Government. There is nothing behind gold and silver with which to compare it as money; it is money per se.

There is not a word in the Constitution that indicates the grant or existence of any power in Congress to make anything else money but gold and silver. Upon the principle of strict construction, always a rule of Democratic faith, there is no grant of power to Congress to charter banks, and the party has often so declared in national convention. The power to charter banks and to make anything else but gold and silver representative currency redeemable in coin has never been exercised by Congress with the support of the Democratic party.

It is most remarkable that after the United States have had a hundred years' growth and has developed into the proportions of a giant, and is attracting the admiration of the world, that our twelve millions of voters and their representatives should be seriously discussing the question of limiting the power of Congress to the coinage of only one metal as money, and driving the other metal, which we produce in our own country in greater quantity than anywhere else in the world, out of our coinage laws never to be restored, and the fabulous superstructure of wealth made up of the property, labor, and productions of seventy millions of people contracted in value to the standard of one metal that is produced in the least quantity in our own country, and that is the least capable of being handled and circulated among the people in their trade and commerce. But, incredible as it is, the claim is made that the Democratic party, State and national, is preparing, under the leadership of one man, to go back on its whole history, confess that it has been in error for a hundred years, and in solemn convention dedicate itself to the support of the gold standard and the policy of financial contraction. If such a revolution in the cardinal principles of the Democratic party on a subject of such vital and far-reaching importance ever becomes a success, it will be the most remarkable event in political history.

It can not be denied that the bimetallic system of finance established by the First Congress on the approval of Washington, Jefferson, and Hamilton was founded on the free and unlimited coinage of both gold and silver as standard money, and on the recognition of the theory that such coinage of both metals was a necessary constituent element in bimetallism, and that any limitation or discrimination in favor of either metal would degrade the other metal to the condition of mere merchandise and effectually destroy its money functions.

This bimetallic system of finance, consecrated by the deliberate sanction of Washington, Jefferson, Hamilton, and the unanimous vote of the First Congress, is now sought to be restored by at least 9,000,000 voters in the United States, who are unfortunately divided and distributed among different national parties so organized as to be dominated and neutralized in their numerical strength by the machinery of national conventions. When this system of bimetallism was put in operation it was soon discovered that a mistake had been made in fixing the ratio between gold and silver at 15 to 1, instead of adopting the French ratio of 15½ to 1. The American ratio of 15 to 1 was an overvaluation of silver as compared with gold to about 3 cents in the dollar, and this difference between the American and French ratio operated against an increase in the United States of the quantity of metallic money expected to be obtained from the coinage of both metals.

Gold was not taken to our mints because a loss would be sustained on it of over 3 cents on the dollar, which could be avoided by taking the gold bullion to the French or other foreign mints, where the ratio was more favorable to gold than in the United States. President Jefferson in 1806 issued an order suspending the coinage of standard silver dollars on information furnished by the Director of the Mint that as fast as our standard silver dollars were coined they were taken up and exported by brokers to make the 3 cents overvaluation of silver in the bullion market in the United States. The fact of the loss of our standard silver dollars by being exported is established by the order of Mr. Jefferson suspending their coinage. It seems strange that gold was not taken to our mint because it was undervalued in the ratio, and was carried to foreign mints to be coined at its full value with silver under the coinage laws of France, and that at the same time that gold was going abroad for an apparent good reason that our standard silver dollars, as fast as they were coined, were gobbled up by brokers to be carried away with gold to foreign countries; and to put an end to this loss of our standard silver dollars Mr. Jefferson ordered their coinage to be suspended. The fact is, we got but little increase in our supply of either gold or silver from the coinage of our own mint.

It is an undisputed fact that the United States Bank, then in operation, from the beginning of its existence, waged war upon any increase in our supply of specie currency composed of either gold or silver, and from the first day our mint was open to the coinage of gold and silver until the last charter of the United States bank expired in 1835 that bank employed all its power to prevent the circulation of gold and silver money and force both out of our country and thereby contract the supply of coin money so as to secure the monopoly of furnishing currency to the people. The causes I have mentioned produced the effect from 1792 to 1834 of scarcity in our supply of specie. There was but one mint in the United States, and that at Philadelphia, until 1835, when a bill was introduced to establish three branch mints, one at New Orleans, another in North Carolina, and another in Georgia, for the convenience of the miners of gold in North and South Carolina, and Georgia, which was vigorously opposed by Mr. Clay and the friends of the United States Bank.

As late as 1834, the amount of gold mined in the United States did not exceed one million and a half per annum; and at that time three-fourths of the gold and silver furnished to the entire world came from South America. On account of the scarcity of coin money in the United States, Congress resorted to the enactment of laws to invite foreign coin into our country by making it legal tender, and these laws continued in operation until 1857, when they were repealed. Under our laws legalizing foreign coin at least $110,000,000 of foreign silver came into circulation in

the United States, and with our subsidiary coins of half and quarter dollars and dimes we had more silver money in circulation in the absence of the coinage of our standard silver dollars, caused by the undervaluation of silver bullion, in 1834 than we now have in the United States, according to population. Suppose the coinage law of 1792 had fixed the ratio at 15½ to 1, like it was in France and like the average ratio was in Europe, who can discover any reason why the free and unlimited coinage of both gold and silver would not have continued to this day without any substantial variation in the value of the bullion of the two metals in the markets of the world?

The effect of the ratio of 15 to 1 in the law of 1792 and the effect of the change of the ratio to 16 to 1 in the law of 1834 was perfectly natural and legitimate on the plainest principles of finance. No bullion owner would carry his gold or his silver to the mint to be coined into money when his bullion was worth more uncoined than it would be when coined. To induce the owners of gold and silver bullion to take it to the mint to be coined into money, the ratio must be so fixed by law as to approximate substantially the bullion value of each metal when established on the unrestricted right of each metal to go into the mints to be coined into money. The ratio can not be fairly established when one metal has the unrestricted right of coinage into money and the other is mere merchandise, with no right of coinage into money.

The whole theory of bimetallism is founded absolutely on the unrestricted right of free and unlimited coinage and indiscriminate use of both metals. Free and unlimited coinage into money of both metals is an unalterable law of bimetallism. What is the unquestioned cause of the wide difference in the bullion value of gold and silver? It is that gold bullion can be now taken to the mints of the United States by its owners and coined into money. If any person owns 22.33 grains of pure gold he can take it to any mint and have it coined into a standard dollar with one-tenth alloy, making 25.8 grains of standard gold worth 100 cents. This right that the owners of gold bullion have to take it to the mints and have it coined into money free of expense makes the gold bullion as valuable to its owners as it is when coined into money. Stop the coinage of gold and take away the right of its owners to have it coined into money free of charge, and how much would gold bullion be worth as mere merchandise with all the demand for it as money taken away by law? Without the right to be coined into money there would be no demand for it except by jewelers and manufacturers for use in the arts, but when gold bullion can be coined into money, as soon as it is turned out of the mint the whole world joins in the scramble to get it.

Look at the spectacle presented in this country and Europe of the ferocious passion for gold. No such powerful combinations and instrumentalities were ever before employed in the world's history as are now at work to get possession of gold. How are we to account for this wild hunt for gold? It is certainly on account of its greatly increased value. It is because it is the only metal that can be coined into money, that is the only standard of all values of all things, and is the only money that has the right of being the redemption basis of all the currency that can be furnished to the people in their trade and commerce. With the quantity of gold limited by nature, and this one metal being the only standard of all values of all things, and the only money in which all currency that goes into circulation must be redeemable, who can tell how high this single standard of all values is to be raised? Who can estimate the purchasing power of gold when the demand for it and the scramble to get it absorbs the highest capacity, all the energies and activities of the world?

Will any honest man, with ordinary capacity and intelligence, deny that this extraordinary value and power have been imparted to gold by giving it the sole right of coinage into money, and, as money, making it the only standard of all values and the only redemption basis of all the currency permitted to circulate among the people, while at the same time excluding and denying to silver the right of any coinage, and placing it in the position of mere merchandise and degrading the silver money allowed to remain in existence and circulation as legal tender subsidiary money—that is, money under gold and dependent on gold for its soundness, and without being saved by this dependent relation to gold from the humiliation of being classed as "fifty-cent dollars."

When at any time in the history of any country in the world, where gold and silver had the same equal right of free and unlimited coinage at a fixed ratio, has silver bullion or silver money been worth less than gold, or had less purchasing power than gold in the markets of the world. And to-day in gold-using countries where silver is excluded from coinage over two billions of legal-tender silver coins are in circulation side by side with gold, and having less silver in the coins than in the silver dollars of the the United States; and, also, in the face of the undeniable fact that silver was never dropped out of the coinage laws of any country in the world because silver bullion or silver money was worth less than gold as bullion or money. Silver has never failed on any theater to maintain its parity with gold when both metals had the same right of coinage.

When I hear an advocate of the gold system of finance make the assertion that a restoration of silver to the same right of coinage now enjoyed by gold would give the people a debased currency, worth no more as money than silver is now worth as bullion without any right of coinage, I feel bound to discredit his sincerity or his ability to present and discuss the question understandingly. It is a self-evident proposition, founded on undeniable history, experience, and common sense, that silver bullion is worth only 50 cents in the dollar, for the plain reason that it is mere merchandise and has no right to be coined into money. If the deprivation of the right of coinage into money put the price of silver bullion down to 50 cents in the dollar, how can it be questioned that the restoration of the right of coinage will produce the same effect it has always produced in every country in the world?

When the owner of silver bullion is given the same right the owner of gold bullion now has to take his bullion to the mint and have it coined into standard legal-tender money, it is as certain as any human event can be that the parity between the two metals will be as completely restored as it has ever heretofore existed on terms of equality in coinage. But to assert that when both metals enjoy the same right of coinage into money that one of the metals will be worth no more as money than it is now selling for as bullion, when both are legal-tender 100-cent dollars, possessing the same purchasing power, is trifling with the common sense and common honesty of the people.

But the complaint is made that you are making by law 50 cents' worth of silver belonging to a miner worth a dollar to be put in circulation by the miner as a hundred-cent dollar free of charge for coining.

This is precisely what is now done by law for the miner of gold, and nothing more is asked to be done for the miner of silver. If you deprive the gold miner of the right of coinage, you strike down the price of his bullion below 50 cents on the dollar, as gold is not used as much in the arts as silver. It is the money function that creates universal demand for both metals and makes both equally valuable. But why not change the ratio from 16 to 1, so as to put a dollar's worth of silver bullion at present prices in a standard silver dollar?

Let us see how such a demand can be granted. What must be done and how must such a change operate? In the first place, any change in the ratio will require the recoinage of every silver coin in the United States, aggregating over $600,000,000. Secretary Carlisle states that it would take ten years to recoin our present supply of silver, and during the ten years not a dollar of our present stock of silver could be used in circulation. Then, again, if you make the ratio 32 to 1, just double what it is now, you strike down $300,000,000 worth of our present stock of silver, now legal-tender money, with the same purchasing power as gold. You make a debt payable in silver at 16 to 1 by contract payable in silver at 32 to 1, thereby doubling the amount of silver demanded by the contract when the debt was created. Then, again, how is the one-tenth alloy in our silver coins to be eliminated? It is utterly impracticable to change the ratio. If silver is ever restored to coinage, it will be at the ratio of 16 to 1, and the enemies of free silver coinage know it.

When you hear any man advocating the free coinage of silver on a change of ratio, put him down for the gold standard. If you are opposed to free coinage at 16 to 1, you will certainly act with the gold party, if you act at all. Then, again, how about an international agreement? The gold-standard nations of Europe are circulating as legal-tender silver over two billions of silver coins side by side with gold. If these nations were required to change their ratio and put as much silver in their coins as now amounts to a dollar's worth in gold, there would be a loss on the present value of their silver coins of one billion of money now equal to gold in debt-paying and purchasing power. So, away with all this nonsense about 50-cent dollars and a change of ratio.

But the Democrats who have been converted to the gold cure in the Cleveland infirmary have lately discovered that Andrew Jackson was an enemy of silver coinage and put this country on the gold basis by the act he approved in 1834 raising the ratio between gold and silver from 15 to 1 to 16 to 1, intending thereby to stop the coinage of silver dollars and have no bullion carried to the mints to be coined into dollars but gold. On this supposition Jackson was the most extreme contractionist who ever lived. He struck down the Bank of the United States and retired all its circulation, and he knew that we had but one mint at Philadelphia to coin gold and $1,500,000 was all the gold then annually mined in the United States, and that all the world was dependent on South America for gold. And how is it explained, on the supposition that Jackson favored the gold standard and opposed the free coinage of silver at 16 to 1, that among the last acts of his last Administration he approved the coinage law of 1837 which every friend of silver coinage in the United States is now struggling to

have reenacted? I challenge the production of a single sentence ever uttered by Jackson or a single act of his on the currency question that Mr. Cleveland would approve. No two Presidents were wider apart on the question of finance than Andrew Jackson and Grover Cleveland.

Remember that the contention is that the establishment of the gold basis was the intentional and desirable effect of the coinage acts of 1834 and 1837, which were allowed to remain in operation with the effect intended, and that for the purpose of stopping the coinage of silver dollars and putting the country on the gold basis the act of 1873 was wholly unnecessary and harmless. I can name Democratic Representatives in the House and Democratic members of Mr. Cleveland's Cabinet, who, until 1893, were clamorous advocates of the free coinage of silver at 16 to 1 and are now parading and perverting history since 1834, all the time in full view, to justify their sudden conversion to the English system of finance.

If it be true that the country was on the gold basis with the English system of finance for forty years prior to 1873, why is it that all knowledge of such a financial condition entirely escaped Senator R. M. T. Hunter, who during most of this time represented the great State of Virginia as Democratic chairman of the Finance Committee in the Senate.

The following is his report to the Senate in 1853, the very time the financial system was in full operation with the approval of Jackson and the Democratic party:

But the mischief would be great indeed if all the world were to adopt but one of the precious metals as the standard of value. To adopt gold alone would diminish the specie currency more than one-half; and the reduction the other way, should silver be taken as the only standard, would be large enough to prove highly disastrous to the human race. Indeed, a reference to the history of the precious metals and the general course of human production can scarcely fail to convince us that there has been a constant tendency to appreciate their value as compared with the residue of the property of the world, and that every extraordinary increase of the supply of the precious metals of which we have any account has exercised a highly beneficial effect upon human affairs.

When contracts are made by a standard which is gradually contracting, the advantages are on the side of capital as against labor, and productive energy is cramped by receiving less than a fair share of the profits of its enterprise. Before the inventions of substitutes for payments in coin, and before the increased supply of specie from the discovery of America, human history is full of the strifes between debtor and creditor, and human legislation is rife with experiments to limit the encroachment and engrossing power of capital. So much is the value of currency affected by the facility with which it may be counted and its convenience of transportation, that there will always be difficulty in supplying the place of small notes with anything but silver or that of large notes with anything but gold. We require, then, for this reason, the double standard of gold and silver; but above all do we require both to counteract the tendency of the specie standard to contract under the vast increase of the value of the property of the world. And what harm can arise from any probable increase of the precious metals, if both are allowed to swell the volume of currency? On the contrary, a more beneficial event for the trade, the industry, the moral and political condition of the world could scarcely be imagined.

Of all the great effects produced upon human society by the discovery of America, there were probably none so marked as those brought about by the great influx of the precious metals from the New World to the Old. European industry had been declining under a decreasing stock of the precious metals and an appreciating standard of value; human ingenuity grew dull under the paralyzing influences of declining profits, and capital absorbed nearly all that should have been divided between it and labor. But an increase of the precious metals in such quantities as to check this tendency operated as a new power to the machinery of commerce.

I shall have to ask the indulgence of the Senate to allow me to conclude my remarks to-morrow.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the conference report on the Cuban resolutions. It is not necessary to make a motion. I call up the report.

Mr. BERRY. I wish to state to the Senator from Ohio that I think two weeks ago to-day I secured the floor for the purpose of having considered the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas, which I had been trying to get considered for a long while. At the request of the Senator from Iowa [Mr. GEAR], I agreed to let the bill go over until the 16th of the month, at 2 o'clock, to-day, and by unanimous consent it was made the unfinished business for that hour, as the RECORD shows. I hope the Senator from Ohio will give me an opportunity to have the bill considered. I have been waiting and waiting, and I am very anxious to have it disposed of in some way or other, either passed or defeated.

Mr. SHERMAN. How long a time will it probably take to act upon the bill?

Mr. BERRY. I think we can get through with it in one day perhaps.

Mr. CHANDLER. I suggest to the Senator from Arkansas that his bill is the unfinished business, and it ought to remain such.

Mr. BERRY. Yes.

Mr. CHANDLER. But perhaps he will not think it advisable to go on with it until the Cuban question is disposed of.

Mr. BERRY. If I could have assurance that the Cuban question would end in any reasonable time. As a matter of course I do not wish to antagonize the conference report. I do not wish to put myself in that position at all, but I simply wish to have an understanding as to some time when the bill shall be considered.

Mr. SHERMAN. I shall be perfectly willing, so far as I am concerned, to agree to the Senator's bill retaining its place as the unfinished business; but as the conference report is a privileged question, and such reports usually occupy but little time, I must insist now that it shall be taken up. However, so far as I am concerned, I will do all I can to secure a hearing for the bill the Senator from Arkansas has in charge.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Chair understand that the Senator from Ohio asks that the unfinished business be temporarily laid aside?

Mr. CHANDLER. Retaining its position.

Mr. SHERMAN. Yes; retaining its place.

Mr. BERRY. Very well; I can not object to that, but I do hope Senate bill 502 will be acted upon when the Cuban matter is disposed of, or if the debate on the Cuban question is prolonged, that it can be laid aside, so that I may have one day for the consideration of this bill. We can dispose of the bill in one day, between 2 o'clock and the usual hour of adjournment, I think; but of course I do not wish to antagonize the conference report.

Mr. CHANDLER. I ask for a call of the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Hill,	Roach,
Allison,	Cockrell,	Hoar,	Sherman,
Bacon,	Cullom,	McMillan,	Smith,
Baker,	Daniel,	Mitchell, Oreg.	Teller,
Bate,	Dubois,	Morrill,	Tillman,
Berry,	Elkins,	Nelson,	Turpie,
Brice,	Frye,	Pasco,	Vest,
Burrows,	Gear,	Peffer,	Vilas,
Call,	Gordon,	Perkins,	Walthall,
Cannon,	Gorman,	Platt,	White.
Carter,	Harris,	Proctor,	
Chandler,	Hawley,	Pugh,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present. The Senator from Ohio asks that the unfinished business, Senate bill 502, be temporarily laid aside and that the Senate proceed with the consideration of the report of the committee of conference with reference to the resolutions regarding Cuba. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1230) to extend the limits of the port of entry of New Orleans;

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps; and

A bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes.

WAR IN CUBA.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] is recognized as being entitled to the floor upon the pending question, which is on concurring in the report of the committee of conference.

Mr. MORGAN. Mr. President, I had supposed that my colleague [Mr. PUGH] would proceed with his argument until it was closed, but it appears that he is not physically able to go further with it to-day; and as is customary with myself I will come in now for the purpose of filling up the time until some one who is more interesting is ready to proceed, or some subject that is better entitled to public attention has been called in the Senate.

I supposed when we entered upon the investigation of this matter in regard to Cuba it would be very becoming in us to go slowly and deliberately, but at the same time that when we had set our faces in a certain direction—the direction indicated by the resolutions passed by both Houses—we would persist in our action until we came to some final conclusion, because it is scarcely fair to ourselves, to Cuba, to Spain, or to the people of the United States that we should keep a subject in anxious agitation before the Senate for any considerable length of time, particularly one that attracts such grave attention and is in itself so very important as this subject must be admitted to be.

The resolutions of the Senate and of the House, adopted by an almost unanimous vote, with the exception perhaps of a mere verbal criticism, mean exactly the same thing; and there is, therefore, no substantial ground for any controversy between the two Houses as to the wording of the resolutions that we shall adopt. Personally I am entirely satisfied with either form of expression, believing that there is no substantial difference between the resolutions of the House and the Senate upon this subject.

I am more particularly of that view because neither the House nor the Senate has undertaken to reach any conclusion which in its effect upon the Government of the United States would be in the slightest degree mandatory. We have halted deliberately and purposely and wisely within the domain of opinion, without reaching the domain of mandate or enactment, in this matter. We have thought that it was our right and our duty to respond to the voice of the American people as it has been presented here in various memorials and petitions from State legislatures and from communities and from societies, some of them political, some religious, some commercial, and from the very large number of people of the United States, who, being perfectly aware of the situation of affairs in Cuba—being perhaps as well (or even better) advised on that subject as the Senate and the House—have thought that it was their privilege to present their views to the Congress of the United States in the form of petitions and memorials.

When the people of the United States unite, as has been done here very largely in the presentation of their opinions formulated in memorials and resolutions and petitions, we have the right to believe that they have taken a sincere and a sedate view of the question; that they know what they are talking about; and that the views and wishes they express in regard to Cuban independence and Cuban belligerency and the conduct of the war in Cuba are justified by their own examination into the facts.

Amongst the memorials which have been sent to the Committee on Foreign Relations of the Senate I find one from the general assembly of the State of New York, which, for the moment, I can not lay my hand upon. I can, however, state the substance of it. It is that the general assembly of the State of New York memorialize Congress that we shall recognize the existence of belligerency in the Island of Cuba. Another memorial I am informed has come from the State of Mississippi. The precise form of it I am not able to recall—I do not think that I have even heard it read. I will ask the Senator from Mississippi [Mr. WALTHALL] if I am mistaken in regard to a memorial having come from the legislature of his State on the subject of Cuba?

Mr. WALTHALL. There was such a memorial presented last Friday.

Mr. MORGAN. Coming from the legislature of Mississippi?

Mr. WALTHALL. From the legislature.

Mr. MORGAN. What was the purport of it, if the Senator will tell me?

Mr. WALTHALL. I can turn to it in a moment. Here it is, in the RECORD of Friday's proceedings.

Mr. MORGAN. It is as follows:

Concurrent resolution. Memoralizing the President and the Congress of the United States to grant belligerent rights to the Cuban Republic, and asking our Representatives and Senators in the Congress to vote for securing the same.

Be it resolved by the senate and house of representatives of Mississippi, That we extend our sympathy to the Cuban people in their struggle for freedom and independence, and we call on the Congress and the President of these United States and request them to grant belligerent rights to the Cuban Republic, and ask our Representatives and Senators in the Congress to vote for securing the same, and that the secretary of state be instructed to transmit a copy of the resolution to the President and Congress.

Passed the house January 29, 1896.

JAMES F. McCOOL,
Speaker of the House.

Passed the senate February 10, 1896.

J. H. JONES,
President of the Senate.

Approved February 24, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

There is a memorial coming from an extreme Southern State, a very close neighbor to Cuba. That memorial has been well considered. That is no claptrap. That is no suddenly formed opinion. That is not an opinion which is without foundation in justice and in fact. It comes from a great State that is entirely willing to make its contribution of whatever may be needed for the purpose of sustaining the attitude of the Government of the United States whenever it is taken upon this question. You will observe that in the resolutions of the Senate and of the House and in the report that is now the subject of discussion we have not gone anywhere near the extent that has been gone by the general assembly of Mississippi. Now, here is the memorial of the general assembly of New York:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 13, 1896.

On motion of Mr. Warner:

Whereas a condition of civil war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and

Whereas the struggle for independence and for republican institutions by the Cubans has awakened in the people of the United States a deep sympathy for their cause and a hope that they may succeed in their momentous contest:

Resolved (if the senate concur), That we participate in the deep interest which is felt for the success of the people of Cuba in their struggle to establish their liberty and independence.

Resolved, That the President and Congress of the United States be, and they are hereby, petitioned to extend to the insurgents of Cuba a formal recognition of their rights as belligerents.

Resolved, That copies of this resolution be duly certified by the clerk and forwarded to the President and presiding officer of the United States Senate and House of Representatives.

By order of the assembly.

A. E. BAXTER, *Clerk.*

Mr. HILL. Did the senate concur?

Mr. MORGAN. I do not know.

Mr. HILL. It does not seem to have done so.

Mr. MORGAN. It reads "by order of the assembly."

Mr. HILL. I will state that the legislature is composed of the assembly and the senate. The senate does not seem to have concurred.

Mr. MORGAN. This is a memorial of the house of representatives.

Mr. HILL. Of the assembly.

Mr. MORGAN. That means the house of representatives.

Mr. HILL. It would be analogous to the house of representatives; but there is a senate and an assembly.

Mr. MORGAN. They are the direct representatives of the people.

Mr. HILL. Both are elected at the same time.

Mr. MORGAN. Both are elected at the same time and comprise one general body of legislative authority. The people, therefore, of the great State of New York, which has the control—I might say the domination—of the commercial and financial power of the whole United States, in a certain sense, and perhaps of the whole Western Hemisphere, in a pretty large sense, have disrobed themselves of their fears and apprehensions. They have stepped forward in answer to this plea of the people of Cuba for independence and for recognition, and for justice, and have expressed themselves in that State through at least one of the houses—through the popular house—in favor of the attitude that a great many gentlemen in the House and the Senate of the Congress of the United States think ought to be taken—that is to say, direct, immediate recognition of the independence of Cuba.

Following that come some memorials from a mass meeting of citizens of Pawtucket, R. I., favoring the recognition of the belligerency of Cuba; a memorial from a public meeting held in Delaware, without any indication of the number of persons who were assembled, to the same effect; a letter from the secretary of the St. Louis Merchants' Exchange, favoring Cuba's belligerency; a memorial from the American Protective Association, favoring the acknowledgment of the independence of Cuba; a memorial from Joe Hooker Post, No. 21, Grand Army of the Republic, Mount Vernon, Ohio, in favor of granting belligerent rights to Cuba; resolutions of the Merchants' Exchange of St. Louis, Mo., asking Congress to grant belligerent rights to the people of Cuba, now struggling for their freedom; a petition of the Trades and Labor Assembly of Colorado in favor of the Cuban insurgents; a resolution of the Board of Trade of La Crosse, Wis., urging the recognition of Cuban belligerency; a resolution of the Rutland Board of Trade, of Vermont, urging Congress to recognize the belligerency of Cuba; a resolution of the Board of Trade of Kansas City, Mo., favoring the recognition by Congress of Cuba; a resolution from the Board of Trade of Kansas City, favoring the granting of belligerent rights to the people of Cuba; another resolution from the Board of Trade of Kansas City, requesting Congress to grant belligerent rights to the people of Cuba, largely signed; a resolution of the Board of Trade of Indianapolis, in favor of Cuban independence; a resolution favoring the recognition of Cuban insurgents, which was offered in the Senate by the Senator from Nebraska; a memorial from the A. P. A. of Nebraska, favoring the granting of belligerent rights to the Cuban patriots; resolutions indorsing the cause of Cuba passed by the Ministerial Association of Harrisburg, Pa. I shall read that for the purpose of getting before the Senate some idea of the sentiment of the religionists of this country on this subject. It is as follows:

Resolutions indorsing the Cuban cause, passed by the Ministerial Association of Harrisburg, Pa., Monday, October 28, 1895.

Whereas life, liberty, and the pursuit of happiness are the essentials for the maintenance of all that appertains to man; and

Whereas the monarchical tendencies of European powers have always tended to persecute and enslave America and Americans; and

Whereas, for the complete emancipation of American institutions guaranteeing the freedom and permanent establishment of a government "for the people, of the people, and by the people," our fathers were forced to have recourse to arms to break the yoke of British tyranny; and

Whereas the Monroe doctrine proclaims an edict dear to every American heart, "America for Americans"; and

Whereas the patriotic sons of Cuba find themselves to-day in the identical position which actuated our forefathers to strike for liberty; and

Whereas the despotism, the oppression, and the excessive burdens forced upon Cuba by Spain to maintain an oligarchy in Europe and an extravagant,

expensive, and unnecessary retinue in Cuba, to the detriment and political enslavement of a liberty-loving people, we find the stroke for liberty by the Cuban people to be patriotic and praiseworthy in every way; and

Whereas the Spanish authorities have not been able to crush out what was called a band of robbers, but have been taxed to their utmost ability by placing thousands of troops in the field and marshaling the aid of all other countries to deprive the Cuban patriots of the necessary resources to contend sucessfully with them; and

Whereas in the face of all of these difficulties the patriots have been able to increase their armies, organize and maintain a provisional government, and defeat the enemy upon many battlefields, they are entitled to belligerent rights under the usage and customs of international courtesies: Therefore

Be it resolved, That this ministerial association indorse and extend our sympathies to the Cuban cause, and hereby petition to the President and Congress of the United States to grant to Cuba belligerent rights and the recognition of her provisional government, thereby emphasizing the spirit and the letter of the Monroe doctrine, and that every American be allowed, without let or hindrance, to have commercial intercourse with the Cuban patriots, furnishing commodities or munitions of war without being subjected to the espionage and arrest by our officials or the military or naval despotism on the part of Spain.

Resolved, That a copy of these resolutions be sent to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives as our prayer in behalf of the independence of Cuba: Further be it

Resolved, That a copy be sent to the Cuban junta at New York, to be forwarded to the President of the Provisional Government, showing our appreciation and support in behalf of their noble cause.

H. C. C. ASTWOOD, *Chairman*.
W. H. MARSHALL.
WM. P. LAWRENCE.

In that memorial which comes from that body of ministers of the Christian gospel, there is presented in a condensed form nearly all that can be said on this subject so far as our rights, duties, and sympathies coincide in moving us to action. It contains also a statement in concise form of those facts which are undeniable to the whole American intelligence, a denial of which would shame any man who seeks to make it.

Resolutions were presented also from the city council of St. Augustine, Fla., favoring a recognition of Cuba; resolutions in the nature of a memorial of the city council of West Tampa, Fla., favoring recognition of the independence of Cuba; resolutions of sympathy with Cuba adopted by citizens of Quincy, Ill.; memorial from the city council of Tampa, Fla., favoring the recognition of Cuba; resolutions of a mass meeting of citizens of the city of Des Moines, Iowa, praying Congress to recognize the freedom of the people of Cuba; resolutions of George A. McCall Post, No. 31, Grand Army of the Republic, of West Chester, Pa., favoring the recognition by this country of belligerent rights to Cuba; resolutions adopted by the city council of Jacksonville, Fla., in favor of the recognition of the Cuban revolutionists as belligerents; resolutions of Nassau Camp, No. 104, United Confederate Veterans, of Fernandina, Fla., favoring the recognition by the United States of the Cuban revolutionists as belligerents; resolutions of the Ohio Normal University, expressing sympathy for the Cuban insurgents; resolutions of the students and teachers of the Normal University of Ada, Ohio—the same place, I suppose—in favor of Cuba, and signed by other persons; resolutions of the Board of Trade of Kansas City, Mo., requesting Congress to recognize the belligerent rights of Cuba; resolutions of 149 citizens of Fairfield, Iowa, praying for the recognition of the Cuban revolutionists; resolutions of citizens of Newark, N. J., expressing for Cubans who are struggling for independence their sympathy. These resolutions were passed by a mass meeting assembled in Newark on the 13th of December, 1895.

Then follows a memorial of citizens of Pueblo, Colo., expressing sympathy for the Cuban insurgents. A large mass meeting seems to have been held for the purpose of getting up that expression. Then follow a petition of citizens of Fremont, Nebr., asking recognition of Cuban belligerents; resolutions adopted at Providence, R. I., December 20, 1895, asking Congress to recognize now the belligerent rights of the Cuban revolutionists; resolutions of citizens of Akron, Ohio, in favor of the recognition of Cuban belligerents; resolutions adopted at a mass meeting held at Kansas City November 20, 1895, favoring recognition of Cuban belligerents; petition of the Houston Typographical Union, No. 87, favoring recognition of Cuban insurgents; memorial of the students and teachers of the Ohio Normal University, at Ada, Ohio—an additional one; resolutions of the National Grange of Patrons of Husbandry, favoring the acknowledgment of Cuban belligerency and extending sympathy to the Cuban cause; petitions of citizens of Madison, S. Dak., praying the Congress of the United States to grant to the Cubans belligerent rights; resolutions of a mass meeting of the people of Newark, N. J., recommending that belligerent rights be accorded to Cuba; petition from the Twenty-eighth Ward of the city of Philadelphia, praying for a speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; resolutions of sympathy with Cuban insurgents from the Federation of Labor.

Here are petitions from the people of Florida demanding belligerent rights to Cuba, largely signed; here is a petition from citizens of Minerva, Ohio, to the same effect, largely signed, headed by the question, "Shall Cuba be free?"; here are memorials from citizens of Florida, urging the Government of the United States to grant the Cuban combatants the rights of belligerents; a petition of citizens of Ashland County, Ohio, in favor of the recognition of Cuban independence; a petition praying for a speedy recognition of belligerency in favor of the Cuban patriots in their struggle for freedom by the citizens of Hobart, N. Y.; a petition of the citizens of Oregon, favoring the recognition of the independence of Cuba, extensively signed; a petition of citizens of Chicago, Ill., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for liberty, largely signed; a petition of sundry citizens of Akron, Ohio, in addition to those heretofore submitted; the petition of Amethyst Council, No 40, of Amethyst, Colo., A. P. A., for the recognition of the Cubans as belligerents.

Mr. President, I also hold here a mass of petitions signed by 1,688 individual citizens from all over the United States. It would seem that almost every county in the United States is represented in this wide reach and range of petitions.

Mr. SHERMAN. If the Senator will allow me, I am authorized to say that in the House of Representatives petitions and memorials from various parts of the United States to the same effect were presented, sufficient to fill a large box. There had been presented there many times the number that have been presented in the Senate.

Mr. HALE. We are all of us familiar with the methods by which a great many of these petitions come to us and are gotten up in all parts of the country. I do not know whether it is so in this case, but I presume it will be found by anybody who looks at these petitions that they are all upon printed headings sent out from a single source and signed and returned. The spontaneity of petitions of this kind comes not from the country at large, but from New York or Washington.

I do not suppose that the Senator from Ohio had strictly the right to refer to anything that occurred in the House of Representatives, but I have no doubt that what he states is true; that this deliberate plan, this whole proceeding prepense, has gone on and that petitions have gone to the other House just as they have come here.

Mr. MORGAN. In reply to what the Senator from Maine assumes or presumes in regard to these petitions, I will hand him this package of petitions, memorials, and resolutions and let him see how many of them are written in that way.

Mr. HALE. If the Senator will send them to my desk I shall be very glad to look at them.

Mr. MORGAN. The Senator can investigate to see whether or not anybody has been putting up a fraud on the Senate and House of Representatives of the United States in this matter.

Mr. FRYE. It is just exactly as easy to get remonstrances signed as it is to get petitions signed, and they are ordinarily obtained in the same way. I should like to inquire of my colleague if he has ever heard of a remonstrance being presented to Congress against the recognition of Cuban belligerent rights?

Mr. HALE. Yes. I will tell my colleague that I have had hundreds of letters from business men all over the country——

Mr. FRYE. I am not talking about letters.

Mr. HALE. They are to me of much more force and effect than these cut and dried petitions. I have had—and I am glad my colleague has brought me out on that point—hundreds of letters from business men all over the country, which I did not think it worth while to put before the Senate, protesting against this whole crusade.

Mr. FRYE. But there never has been presented a remonstrance on the subject to either House of Congress by anybody.

Mr. HALE. Letters are the best form of remonstrances that can be brought before Congress—earnest expressions of opinion of business and conservative men all over the country.

Mr. MORGAN. Mr. President, it has got to be the habit, and I think it is a very evil one, too, of men who are called business men—men who own estates and property—setting themselves against Congress and against the public sentiment of the people of the United States, widely, universally, and sincerely expressed, in private communications to Congress for the purpose of keeping down any legislation that might cost them a little money or a little disturbance of their peace or their business relations. I know we are in the presence of such difficulties as that; but men who thus seek privately to influence Senatorial action and are not willing to come out with their public protests and memorials and avow what they propose to have us do and to act upon are not much in the way of an enemy, when the American people happen to have one.

What chance, Mr. President, have the few representatives of these Cuban insurgents, who are denounced as robbers, as pirates, as mulattoes, as negroes, as Spaniards and dagos, and as a contemptible, low crowd by the high authorities, the ministerial authorities of Spain present in this Government, to manufacture

sentiment to influence the people of the United States or the Senate or the House of Representatives? None whatever. They have neither the money nor the means with which to do it. There is no indication in that mass of petitions of any false presentation of sentiment. I doubt not that every man who signed those petitions—and they are signed with pen and with pencil, and some of them signed with a cross mark—honestly expressed to the people of the United States what his convictions were. The Senator from Maine probably does not think that the legislature of New York or the legislature of Mississippi have gotten up any bogus representations here to us or have been operated upon by some spasm of indignation or patriotism to cause them to lay before us an earnest admonition and request to grant belligerent rights and also independence to the Island of Cuba.

The Committee on Foreign Relations had not supposed until this very moment that they were being dealt with improperly in the presentation of this great mass of petitions, and in all sincerity they have acted upon them as if they came voluntarily from the American people and expressed their honest views.

I brought these forward merely to show the amount of pressure that had been brought upon the Committee on Foreign Relations in the Senate, and in connection with that, to show how conservative and careful had been the action of that committee. Notwithstanding this very great pressure, and notwithstanding the gratification we could have given to hundreds and thousands, if not millions, of the people of the United States by being prompt and urgent in our response to their demands, we have gone as slowly and as patiently as it was possible for us, with a decent respect for the opinions of mankind, to the step in this direction which we have taken at last.

Not only that, but we were told in the debate the other day that the Spanish minister here had sent a paper or a memorandum of some kind before the Committee on Foreign Relations of the Senate which had not appeared anywhere in the papers in this case. There was such a paper sent to us, and it has not appeared. It was a memorandum sent by the Spanish minister through our Secretary of State, for the purpose of advising us of the situation of affairs in Cuba, with a view to get us to delay our action upon assurances from that minister that the steps which had already been taken in Cuba for the suppression of the rebellion were about to become successful. Any Senator who desires to do so is entirely at liberty to read it. So it is a matter of no consequence at all, except that, notwithstanding this great pressure of petitions and memorials to which I have just referred, the Senate Committee on Foreign Relations hesitated, stopped in their movements for a month or more, to see whether or not the Spanish minister was correct in his view of the progress of the efforts in Cuba to suppress this insurrection and rebellion. Therefore we have not come before the Senate of the United States or before the country without opinions deliberately formed, and without a careful investigation of every fact within our reach connected with this very delicate and very important subject. We have neither been asleep, nor have we been too hasty.

We have tried to control our action by a profound regard for the rights of Spain and the rights of the Government and the people of the United States, and a profound respect for the Senate of the United States. So that when we should come in here with our final action we should be able to present some scheme or project of action upon which both Houses could unite and which would present the views of the American people at this moment of time upon this great question, saying nothing about what progress we might make in our views upon further developments in either direction—either in favor of the revolutionists there or in favor of the Government of Spain—but confining ourselves, as we thought it our duty to do, to the situation as it appeared to be presented in the facts at the moment of our report.

Now, I trust that after this, Mr. President, there will not be anything more said or even thought in respect of the action of the committee to the effect that it has either been inconsiderate, or that it has been hasty, or that it has been too slow. I believe we have acted as dutifully as it was possible for a committee to do.

Mr. HALE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. I do.

Mr. HALE. I have not been present during the entire time of the Senator's remarks, and I do not know whether or not he has referred to the statement of the Spanish minister, which, to the surprise of some of the Senate, was brought before the body on Friday. If he has not, before he closes I hope he will explain to us what in some respects was a mystery.

The Senator from Ohio [Mr. SHERMAN], the chairman of the Committee on Foreign Relations, on Thursday referred to the Spanish case, which nobody outside of the committee before that had heard of, and stated that the committee did not have it before them; that the junior Senator from Massachusetts [Mr. LODGE] had communicated with the State Department and had learned the Spanish case from some statement of the Spanish minister, and had told the committee what it was. On the next morning the junior Senator from Massachusetts corrected the Senator from Ohio, and stated that he had had no personal communication with the Department, but that the case as made out for the Spanish Government by the Spanish minister had been presented to the committee, and had been read to them by my colleague [Mr. FRYE], upon which the Senator from Indiana [Mr. TURPIE], the third member of the committee, who appeared upon the scene, rose in his place and stated that the resolutions which had been reported from the conference committee had never been before the Committee on Foreign Relations and had never been approved by them.

Now, the Senator from Alabama [Mr. MORGAN], the fourth member of the committee, has arisen to more explanations. Before he sits down I hope he will state to the Senate whether the Committee on Foreign Relations, which the Senate trusts as a conservative committee to present this whole case to this body, did have the statement of the Spanish minister, because members of the committee complained bitterly that the Spanish minister had appeared and appealed to the country through the newspapers, but had not approached the committee through the proper channels. I hope the Senator will not leave the floor before stating, if the Spanish minister did through the State Department send a statement to the committee, why it was that in some way or other the committee did not report that fact to the Senate.

Mr. MORGAN. Mr. President, the notes of the Reporter will show that it has not been ten minutes since I stated that whole thing to the Senate.

Mr. HALE. I have just stated to the Senator that I was not present here all the time, and did not hear all he had said.

Mr. MORGAN. I can not keep the Senator from Maine in his seat, of course, but I suppose I must go back and repeat what I have said for his satisfaction.

Mr. HALE. Then I will ask the Senator to explain—for I do not think he has done that to the satisfaction of the Senate, although I was not here—why it was, if the committee had that document, had that statement, and had that case, it did not at some time, before it was unwarily disclosed to us by the Senator from Ohio, report it to the Senate, and give us the benefit of it?

Mr. MORGAN. The Senator from Maine is a lawyer, and he knows it is very seldom that an affidavit or a statement made on a motion for a continuance is offered in evidence on a final trial.

Mr. HALE. But this is not the case of a new trial. The Senate has never decided this case, and Congress has never decided it.

Mr. SHERMAN. I simply wish to say that what the Senator from Maine has said is not a correct statement of what I either said or did.

Mr. HALE. Did not the Senator say——

Mr. SHERMAN. I will not engage in any wrangle about it. I will refer to the RECORD.

Mr. HALE. Certainly we understood the Senator from Ohio, the chairman of the Committee on Foreign Relations, to state that the Spanish case had been brought out by the Senator from Massachusetts [Mr. LODGE], who had been in communication with the State Department, and who had told the committee what it was. The next day the Senator from Massachusetts himself rose in his place and corrected the Senator from Ohio and stated that the case of the Spanish minister was brought to the entire committee. I listened in vain, Mr. President——

Mr. MORGAN. If I can get the floor long enough to make an answer to a question that is a good deal longer than my speech, I will try to do it, and try to satisfy the Senator from Maine about this business before I get through.

Spain was anxious to delay action in the Senate of the United States. Spain was afraid, I suppose, that this grave body would get into a tantrum, and finding an opportunity, would launch forth some very belligerent declarations in regard to Cuba. And so the minister from Spain sent a memorandum to the Secretary of State, Mr. Olney, setting forth, according to what he thought, a proper view of the situation in Cuba as well as in Spain. Mr. Olney, so far as I know (I know nothing about it; the chairman of the committee can correct me if I am mistaken about it), concluded that it was his duty to send that paper to the Senate committee. I do not know whether it was called for or not. But at all events the paper came to the Senate committee. It was not sent in in any official form. The original paper which was submitted by the Spanish minister to the Secretary of State was sent to the committee. I was not there when the paper arrived, nor was I there when it was being read, being detained from the committee by some fortuitous matter. I came in just about the time of the close of the session, and the chairman called my attention to the fact that a paper from the Spanish minister had been read, and it being in the hands of the clerk of the committee, I asked leave to glance over it, as it was going right back to the State Department;

and I looked it over. The only impression it made upon me at the time was that it was a plea for continuance, for postponement, on the part of Spain.

Mr. HALE. Let me ask the Senator——

Mr. MORGAN. I have it here.

Mr. HALE. I am not going to ask the Senator about the text of the memorandum; but was any indication ever given to the Senate by the Committee on Foreign Relations that that committee had had any such paper——

Mr. MORGAN. There was no occasion for it.

Mr. HALE. Or that there was any case on the other side until it was unwarily brought out by the Senator from Ohio?

Mr. MORGAN. Ah, there is no use for the Senator from Maine to attempt to cast suspicion upon the integrity of the Committee on Foreign Relations in a matter of this kind.

Mr. HALE. I do not attempt to cast suspicion upon the integrity of the committee, but I do say that there is a general feeling that the committee itself has not communicated to the Senate any information whatever upon which it has based its action, and it never was more illustrated than it was on Friday, when the Senator from Indiana [Mr. TURPIE], in his seat, said that the resolutions reported by the committee of conference had never been approved by the Committee on Foreign Relations.

Mr. MORGAN. I have the floor on this question, and I am going to keep it until I get through with it.

Mr. HALE. The Senator can prevent me from asking a question——

Mr. MORGAN. The Senator from Maine is endeavoring to raise a case of surmise and suspicion against the Committee on Foreign Relations, that they have concealed from this body some fact that bears upon the condition of the case as stated by Spain. I will read the paper and comment on it as I go along, for the purpose of showing that nothing has been withheld here that Spain contended for at all. Nothing has been attributed to Spain that she does not admit, except perhaps in some casual remark by a Senator. But nothing in the way of facts has been presented on this floor in behalf of the committee that Spain does not admit.

Mr. HALE. I am very glad at this late day to have the Senator bring in the paper he has.

Mr. MORGAN. It is not a late day. The paper was sent back to the State Department because the Secretary of State required it to be done. He did not communicate to us a copy of it, as I think he should have done. He should have left it with the committee instead of keeping it as a state paper which he would not communicate. So on last Saturday I wrote to the Secretary of State and asked him for a copy of the paper. His reply to me was that he would consult the Spanish minister and, if he consented to it, I might have a copy.

Mr. HALE. Did he consent?

Mr. MORGAN. Yes. Mr. Olney says:

MY DEAR SIR: The Spanish minister says he has no objection to your reading the inclosed as part of your speech to the Senate on the Cuban resolutions. I accordingly send it to you.

There Spain, through her minister, seems to have some closer relation to the Secretary of State than has the Committee on Foreign Relations. He can send a paper up through the Secretary of State to be read in our committee room and withdrawn and carried back to the files of the State Department and kept there, not communicated; and when I asked that the paper might be sent here the Secretary says, "I will confer with the Spanish minister, and if he consents to it I will let you have a copy."

The committee did not keep a copy of the paper, as perhaps they might have done and as perhaps they ought to have done, because they regarded it precisely in the light in which it was intended to be considered, as a petition on the part of Spain for further time, that we would delay action until Spain got ready to have some very favorable report made by the Senate of the United States in her behalf. There is added to this a paper dated the 11th of January, 1896, marked "Confidential." I do not believe that paper was before the committee, but I am not certain of it:

SIR: In reply to a telegram addressed to the governor-general of Cuba, in which I asked Gen. Martinez Campos some questions whose answers I have not been able to inclose in my memorandum of yesterday for the short time I had at my command, I have received the following answer:

"The so-called insurgent government has no fixed residence. They came to the Villas and have returned to Camaguey. One hardly knows where they wander about as soon as a column of the army goes in their persecution. They do not live nor reside in any inhabited place, and do not exercise any act of civil government."

That is all true, no doubt—all true. How many places of habitation did the government of the confederacy have during the Revolutionary war in the United States? Nine different places to which they resorted, escaping from the British in one quarter to find protection in another.

Mr. SHERMAN. The Continental Congress moved back and forth from place to place.

Mr. MORGAN. Not merely the executive government, but the whole Congress moved backward and forward until they had nine habitations in the United States. The British Government could not chase them down sufficiently to capture them. Where was our Government when this Capitol was set afire and burned to the ground by the British who came across the Atlantic Ocean? A fugitive in Virginia. What was its local habitation then? Does this gentleman expect to make a point upon the people of Cuba because they are compelled in the exigency of their situation to change their government from place to place? Yet the truth is, as is shown by reports made and published in the Evening Star from Captain Mannix, who visited the place on two occasions, that there has been from the outbreak of the revolution a permanent capital in Cuba, at Cubitas, on the top of the mountains at the eastern end of the island. It has never been changed, it has never been attacked, and it has never been approached by the Spaniards. It is the place from which justice is administered and the civil law is executed in its protection of the rights of property, life, and liberty.

So the complaint of Martinez Campos, which is contained in the telegram that he sent to Mr. Dupuy de Lôme, is merely that the insurgent government has no fixed residence. "They came to the villas and have returned to Camaguey." What does he mean by "returned to Camaguey"? He means they came to the villas for the purpose of executing their orders and administering justice, as Mr. Mannix explains, through the prefects and subprefects of the different districts of Cuba. When they had gotten through with the establishment of civil government and their inspection of the offices of civil government there, they returned to Camaguey. Camaguey is the capital province of Cuba, and Cubitas is the town, the village, if you please, in which that government is established, and has been from the beginning. The Spaniards have never dared even to attempt to attack it.

That seems to have been a necessary part of the programme which Mr. Dupuy de Lôme wants to lay before the Government of the United States in order to satisfy us that it would never do for us to recognize the belligerency of a government which is scattered about as that is from place to place.

If the establishment of a government as a civil government depends upon the place where it is obliged to be in order to escape from capture, then, of course, those men can never establish civil government until they have first conquered and driven the Spaniards out.

Mr. HALE. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. HALE. Has the Senator read that most interesting account of the peregrination and wanderings of the correspondent of the Evening Star in trying to find this nebulous capital, in which he entirely failed?

Mr. MORGAN. Captain Mannix?

Mr. HALE. Yes.

Mr. MORGAN. Is that the name—Captain Mannix?

Mr. HALE. Does the Senator believe that there exists at the place which he has named anything that is in the form of a representative government?

Mr. MORGAN. I do.

Mr. HALE. Does he believe that at this place, at this small village which the correspondent either did not find or barely found, there exists any such legislative body, any such judicial tribunal, any such head of the army and the navy as existed at Montgomery, and afterwards at Richmond, in the Confederacy, or as existed all through the war of the Revolution, at the time of the rebellion, if you call it so—the war against Great Britain? Does the Senator believe that any such condition exists in Cuba to-day, or has existed for the last year?

Mr. MORGAN. I supposed I had the floor for the purpose of explaining this paper and making some remarks upon it. But I find I am here only for the purpose of answering questions like a school child at a kindergarten.

Mr. HALE. It is not my fault if the Senator appears like a school child who ought to be questioned. It is not my fault——

Mr. MORGAN. No; I will come at the Senator about that and put him on his answer to questions. When he got up here he asked me if I had read an article published in the Evening Star, in which its correspondent had wandered all through Cuba and had failed to find the capital.

Mr. HALE. Or barely found it.

Mr. MORGAN. No, sir. In the first question the Senator put to me he said Captain Mannix had failed to find it. Then, when he found that Captain Mannix, whose story he read just as well as I have, did find it, and not only found it, but afterwards returned to it and was treated with great hospitality and kindness while he was there, and had to march for miles on foot, meeting with many guards, in order to get there—when he found that he says perhaps Captain Mannix found it, and if he did it was some

miserable little village or place, one, perhaps, that a decent government had not any right to be at.

Mr. HALE. I took the Senator's words about a village. It is a very small place. There is no doubt about that.

Mr. MORGAN. It is a small place.

Mr. HALE. With that interruption, I am not going to worry the Senator any longer.

Mr. MORGAN. The Senator does not worry me. He is worrying——

Mr. HALE. I had the honor to address the Senate on the subject a few days ago, and I welcomed interruption. I was interrupted by several Senators.

Mr. MORGAN. I do not care about discussing that matter. If the Senator will just let me have a little breath of time to say a word or two together, it will be all right.

Mr. HALE. I do not think that any Senator can prevent the Senator from Alabama from occupying——

Mr. MORGAN. I will prevent interruption by refusing to let the Senator interrupt me.

Mr. HALE. I will not interrupt the Senator again.

Mr. MORGAN. Do not do it any more. If the Senator does, I will call him to order.

Mr. CHANDLER. While the Senator from Alabama takes a breath, will he allow me to make a statement about Cubitas?

Mr. MORGAN. Yes.

Mr. CHANDLER. Not only is the statement of the Senator from Alabama correct, but it is to be borne in mind that Captain Mannix described fully, when he went to Cubitas, exactly how he went, what train he took; that he went to Matanzas. He describes the whole physical conformation of the country after he reached the interior village, where is the capital. He describes his return from it, and he afterwards described another visit which he literally made there.

Mr. MORGAN. Yes, a second visit.

Mr. CHANDLER. And that the Spanish Government, with that information in their hands, have not taken the capital and never have dared to try to take the capital is very good evidence that the insurgents, whether or not they need to have a capital to entitle them to recognition as belligerents, have a capital, and that even all the Spanish troops in Cuba can not reach and capture it.

Mr. MORGAN. Gomez and Maceo have come nearer to capturing Habana than the Spanish Crown has ever come to capturing Cubitas.

Mr. CHANDLER. The insurgents have been within a half dozen miles of Habana, and there is no evidence that the Spanish troops have been within 50 miles of Cubitas.

Mr. SHERMAN. The insurgents have been within 10 miles of Habana within a few days.

Mr. MORGAN. That so great a man and so great a general as Campos, in reply to the telegram of the minister, could state no better reason than that for discarding the existence of a civil government in Cuba is something which to me is very surprising. Why did he not say a Cuban Government does exist; it has its prefects and subprefects, its collectors of taxes, its judicial organization? Why did he not say that it is supreme over the military, and that Gomez and Maceo hold their commissions to-day signed by Cisneros and countersigned by the secretary of war, combining together, the civil and military authority, all of the elements of a republic except a navy? They have not any navy because they have no money to buy ships and no chance to build them. The mere fact that Gen. Martinez Campos should say no more against the Government of Cuba than he has said in this dispatch is enough to convince any sincere man, it seems to me, of the actual existence of that Government in Cuba.

More than that, that government is not a stranger to Cuba. It is the same government, headed by the same men, Cisneros as president, Gomez as commander of the army, which capitulated in 1878, hauled down the flag of the lone star of Cuba upon terms and conditions made with Spain which recognized, expressly recognized, their existence at that time as a republic. When they went out as a republic they yielded up their sovereign authority, as they claimed it, into the hands of the monarchy of Spain. When it is found, as will be demonstrated even more fully than it has been, and beyond the power of all denial, that Spain has broken every covenant in that capitulation, when Cisneros comes back to the head of the civil government and Gomez comes back to the head of the war establishment, and they hold a convention for the purpose of establishing a constitution which is now printed in the records of Congress, sent to us by the Secretary of State—when that has been done, it is too late for General Campos or any person else to say that a government does not exist in the Island of Cuba on the part of the revolutionists which has power over life, liberty, and property; and to-day when any private citizen of the United States, of Spain, of Cuba, or of any other government comes within the purview of its power he is bound to yield his obedience, because it is at least a government de facto.

If an American citizen in the heart of the province of Camaguey should lend or give a thousand dollars to this provisional government, or this government de facto, for the purpose of carrying on the war and the Spanish monarchy after the war was over should arrest him on the island and try him for that as an act of treason or as a breach of their laws against the insurrection the Government of the United States would be bound to thrust its arm in and say, "Stop, you can not try this citizen and condemn him for obedience to a government de facto established in Cuba which you did not have the power at the time to overthrow." That is the situation, stated in a very brief way, but in a concise and perspicuous one, I trust, so that there can be no doubt left about it. That government is powerful enough to protect any man who is within reach of its influence, even though he enters its armies and takes the oath of allegiance to it, because he can not refuse to do it if he is conscripted or if enlistment is demanded of him.

The Spanish minister then goes on to state his reasons why we should not recognize the belligerency of the Cubans. He lays them out in extenso at an early day in the month of January; I do not recall the date. What does he say about it?

Sugar does not pay direct taxes. The especial tax on manufacture was abolished. The only tax now paid by sugar is 75 cents per ton on exports, with the name of "load permit."

If the crop could be entirely lost, and the average exportation of 600,000 tons were absolutely impossible, the loss for the treasury would be $450,000. This is less than 1 per cent of the war expenses.

The insurgents do not occupy any part of the country permanently.

That means the men in arms, of course, the insurgents. They "do not occupy any part of the country permanently." General Washington's army did not occupy any part of this country permanently while the Revolutionary war was going on. His army was operating from Quebec down to Savannah, back and forth, oftener chased than chasing. The people, however, who lived in the country were some of them hostile to the Government of Great Britain and some were friends to it. They were divided up into parties that were called Whig and Tory, in some communities about equally divided, and in some the Tories had the ascendency. They were not called the insurgents. It was the army led by General Washington that was called the army of the rebellion, the insurgent army. They moved about, of course, as military necessity required, from place to place. They had no great forts that they could fortify and remain in, and the Cubans would not take Morro Castle and agree to hold it as against a fleet, because they have not the powder and ammunition to do it with. They could not do it. That is not their style of fighting. Their campaign is not suited to any such exigency. He says:

The insurgents do not occupy any part of the country permanently. If they would occupy a well-known one the army would be there immediately.

That is to say, they will not sit down and let the Spaniards come up and cut their throats, and that is a very bad thing to do.

As they are all mounted and are continually changing horses it is easier for them to outmarch the troops.

We know that is so.

Their tactics has always been not to engage in a fight, and to destroy all the cultures and to attack the small towns garrisoned only by a very small force of militia.

Legitimate warfare, proper, good tactics.

If there are more than 20 soldiers they never approach the blockhouses. Only when their forces greatly outnumber those of the army a part of them stands to fight to better allow the others to follow their usual tactics.

That is from General Campos, an extract from that same dispatch. That is a serious complaint for General Campos to make against the Cubans, but the Cubans were whipping him with those tactics all the time. They drove him off the island, and they sent him 15 miles with his chief of staff at nighttime on foot through the morasses of Cuba, after they had whipped the army and driven it until he could not find it. I do not wonder that he complained at it. But, Mr. President, the complaints have been getting louder and louder from that day to this, and these Cuban tactics, it seems, are too much for the power of the Spanish army. He says:

Please consider this letter as a complement of my memorandum, and accept the assurance of my highest consideration.

E. DUPUY DE LÔME.

Now, here comes the memorandum:

The situation in the Island of Cuba, considered on a military point of view, is unchanged, and probably, taking only in consideration the final result of the war, has been bettered by the raid of the two Cuban leaders, Maximo Gomez and Maceo.

The advance of the command of those two men to the Province of Matanzas and Habana and to the limits of Pinar del Rio has been prepared with the intention of producing a theatrical effect and to impress the public opinion in the United States.

Mr. President, that is tragedy; they have been slain, and it has not been played with puppets either. That theatrical effect about which Mr. Dupuy de Lôme speaks has been a very severe effect upon the military situation of Spain in Cuba. He says:

It is probable also that has been planned—and in this they have utterly failed—with the desire of producing an uprising in some of the larger towns of the most thickly populated part of the island.

A month's time has revealed that they did not fail in that. Maceo went down in Pinar del Rio and came back with an army

at present estimated at an increase of 10,000 soldiers, more than half of them following Maceo in the hope of getting guns from the hands of the Spaniards or their dead comrades when they were killed in battle.

The reports of the press and of interested persons have presented the insurgents as a victorious army marching toward the capital of the island, and they have even considered the possibility of the investment of Habana.

They might well have done so. Circumstances have been strongly tending in that direction.

Nothing further from the truth—

Says the minister, and yet we hear by every mail that comes from Habana of the burning of railroad stations, the breaking up of the trains, and the destruction of the railroad lines within 7, 8, 10, and 15 miles all around Habana.

To understand the war in Cuba it is necessary to bear in mind the nature of the soil—

Now, mark this—

the nature of the soil and the kind of warfare that is only possible there. The commander-in-chief of the Spanish forces had to comply with the moral duty of every government to protect as much as possible the private property. The army has been scattered to garrison the sugar estates, and has been successful to a great extent in preventing the burning of the buildings and the destruction of the machinery. The rest of the forces have been in constant persecution of the insurgents, preventing them to remain in a place, obliging them to wander about, and succeeding in having engagements, which have never been decisive, because the policy of the enemy has been to disband at the approach of the forces of the army.

The war against the insurgents in Cuba can only be compared with irregular guerrilla wars and Indian wars, in which only by mere chance it is possible to deal a severe and decisive blow.

The same war, with the same guerrilla bands, that drove Napoleon out of Spain; the same tactics—Spanish tactics—applied to the Spanish army by these poor vagrant Cubans of whom he speaks.

The peace can only be attained by the constant persecution of the bands, by preventing them from establishing themselves in a part of the country, by lessening their number, by constant engagements, and by discouraging them, diminishing their resources and proving them that—

"To them" I suppose he meant—

that they can not succeed, because the greater and better part of the country not only is not with them, but against them.

That is a dolorous outlook for a man who is going to conquer that country in a few short months. How long are we to wait here until Spanish tactics and Spanish power can provide for Spanish authority in Cuba, against this declaration that "peace can only be attained by the constant persecution of the bands, by preventing them from establishing themselves in a part of the country, by lessening their number, by constant engagements," etc.? If that is the only chance to get peace in Cuba, good-bye to peace in that island; it will never be realized except when the Spanish power has consented to the independence of the people.

This fact—

He says—

has been completely demonstrated in the actual campaign. The insurgents, it is true, have gone from one place to another, and have traversed a large part of the island, but in doing so they have not been gaining ground, but changing the field of their operations.

The two principal leaders of the Cuban rebels, the Dominican Maximo Gomez and the mulatto Antonio Maceo, are now in the province of Habana, but, although to follow them it has been deemed necessary to withdraw an important number of troops from Puerto Principe, Santa Clara, and the western province of Santiago de Cuba, nothing has occurred there, showing not only that they have no means at their disposal, but also that the country at large is not in their favor.

And yet no single public meeting has ever been held in the Island of Cuba during this revolution outside of Habana to indicate that the people, as they call them, of Cuba are in favor of the monarchy and against the Republic.

It seems that this ought to be the moment to show sympathy and give support when the attention of the Spanish commander-in-chief has been called near the political and business capital of the island.

What does this mean? It is a suit to us, a petition to us, not merely that we should delay the action demanded of us by the people of the United States in their petitions and memorials and by these legislatures, but it is a moment that ought "to show sympathy and give support when the attention of the Spanish commander-in-chief has been called near the political and business capital of the island." That is to say, it is a confession that Gomez has been driven into Habana, and that is the critical moment at which the Government of the United States ought to give its support and express its sympathy for Spain as against the Cubans. They become the petitioners, they become the solicitors of our interference, and Spain to-day is angry with the people of the United States only because we have not expressed for them outward and open sympathy and issued proclamations and done all else to drive them from our coasts when they applied here for shelter against Spanish persecution. No words could more plainly express what is demanded of us than is contained in that paper. He proceeds:

The present advance is not difficult to explain. Maximo Gomez and Maceo had an engagement, if I well remember, on the end of November, in the State of La Reforma, near the line dividing the Province of Puerto Principe from the Province of Santa Clara. The commander of the Spanish troops defeated what he thought was the main body of the enemy, and went in the persecution of him in the region known as Camaguey; then Maceo and Maximo Gomez, taking advantage of the nature of the soil, pushed in two bodies to the west, leaving the Spanish columns and lines to their rear guard. It was the beginning of the raid that has brought so much destruction to property and that has so greatly influenced the public opinion and the press.

There he confesses that Gen. Martinez Campos was outwitted and defeated, in fact, in his purpose by Maceo and Gomez, and he laments that that is the cause of the destruction of the large amount of property in the Habana district and also down in Pinar del Rio:

Nothing is easier, although unfortunate, than what has been done by the two Cuban leaders. They are at the head of a few thousand men, in their great majority negroes, mounted, without commissary department to delay their movements. They meet or disband, according to the necessities of the occasion, marching continually, stealing and changing horses, avoiding the regular army, running and disbanding when the soldiers reach them, exchanging only a few shots, to reform again, sending marauding parties to destroy the cane fields.

A new description, a new history, of Francis Marion of the American Revolution. We did not find any fault with Francis Marion's tactics. We looked at the splendid results achieved by that gallant and devoted man, and his name will go down to history among the most splendid lights of the American military family.

It is well to say that nothing is easier than to burn the sugar cane. It has always been in Cuba a current proverb that a negro with a box of matches can prevent the gathering of the total sugar crop. The destruction has been confined, with very few sad exceptions, to the cane fields, a thing that has been impossible to prevent, as everybody familiar with the condition of the island well knows. They have not dared to approach the buildings and plantations that were protected by detachments of the army or volunteers, nor have they, in all the time that the revolution has lasted, tried to attack or hold any town of medium importance. Not a single town or village has risen in their favor, raising the rebel flag, although the bulk of the bands has passed sometimes at a near distance.

As it has been said above, the military situation of the island has not changed. The insurgents have not gained ground.

At the beginning of the military operations, after the arrival, late in December, of the third army corps of the 25,000 men to the Island of Cuba, and when the dry season was well settled, the insurgent chiefs have made a bold raid with the intention, that has not been concealed, of influencing public opinion abroad. That is all. They know that they can not succeed, and their only hope is founded, directed by the Junta of New York, in what they most desire—in the possibility of bringing difficulties in the relations of Spain and the United States. The Junta has not succeeded, although it has tried to; they have not been able, although engaged continually in it, to violate the neutrality laws that they have never obeyed, and now they look for an indirect intervention to help them in a fight that they can not win because they are a small minority.

The insurgents have ridden through the provinces of Matanzas—

Listen to this—

The insurgents have ridden through the provinces of Matanzas and Santa Clara and nothing else—

That was in January—

destroying a great deal of property of noncombatants, not only of the supporters of the Government, but also of foreigners. The excuse for such acts of unnecessary vandalism is that they want to cut the resources of the Spanish Government. This reason is too preposterous. The tax derived from sugar in the Island of Cuba can sustain an army of over 100,000 men in campaign only for a comparatively short time.

Therefore it is preposterous. That is all they had—their sugar and tobacco—for exportation, to get money with, and I have always understood that any belligerent power not only would, but that it had the right to destroy the resources of the enemy by burning up his crop or whatever else he had that would contribute to his strength.

Mr. SHERMAN. It was done on both sides in our civil war.

Mr. MORGAN. Of course it was.

The real reason of the destruction is to punish the landowners for their loyal support to the Spanish Government, which represents peace, freedom, and civilization in the island—

Well, I really enjoy reading such words coming from the pen of a Spaniard. "Peace, freedom, and civilization in the island"—

and at the same time to drive to their ranks the many laborers that will be left without the means of subsistence, and to prevent the desertion in their ranks that were anticipated the moment that many thousands of men that have been driven to their ranks by the crisis brought about by the low prices of sugar in the last years would be offered honorable means of gaining a salary.

The rebel bands that have been presented to the American public as an army have been near Habana. They have not been able to attack or even to surround the city, and it seems absurd even to consider it, remembering that to the present moment they have not even tried to hold a place where to establish what they call their government. They have destroyed the railroads in Matanzas, but these have been immediately repaired and are running, and have brought part of the troops by which they have immediately been surrounded. They are so now, and by enough forces to give us the hope that they will be compelled to fight, and that their retreat to a more favorable field for the operations of guerrilla bands will be prevented.

I suppose that the Senator from Maine [Mr. HALE] would be delighted with a resolution passed by the Senate of the United

States that the Cuban forces should stop and fight and should not run any more into the swamps, like Marion did. That would suit exactly. That is the sort of support we could give to Spain down there that would be of material assistance.

If the military situation has not changed, and to a certain point is better, the political also is not changed. The rebels, to answer the request of their sympathizers abroad, have formed what they name a government, and have written a constitution for the only purpose of printing it in the New York papers. But that government has no place where to reside; it has been wandering from one place to another in the fastnesses of the mountain of Najasa. They have no regular functions; there is no civil government; they do not exercise any jurisdiction in fact. The only one is that exercised by the rebel bands that wander about without a place where to rest. The direction of the rebellion is on the field and chiefly by the organization that with the name of "Junta" resides in New York, and is composed of individuals who have adopted the American nationality and sworn allegiance to the American flag.

It is said in Cuba that the actual war has been imported against the will of a large majority of the country. Everything has been planned abroad; for years political clubs established in the United States and in some countries of South America have collected funds and prepared the uprising, and when a law giving a large measure of self-government to the island, accepted and voted even by the Cuban deputies of the Home Rule party, was passed, when they were losing all hopes of having followers in Cuba, the war was imported by leaders that are mostly foreigners or colored men, and that were nearly all of them abroad.

The insurrection has spread, and it is not a wonder, taking into consideration the class of men that form its ranks. Out of a few young and enthusiastic men who have joined the ranks of the rebels, only what would be called in all countries old demagogues are at the head of the revolution. Not only they have not established a government, but they will not be able to form one, even if it were possible that the Island of Cuba would be separated from Spain.

The advance of the bands of Gomez and Maceo has brought close together all the political parties of the island deciding to support the Spanish Government, because even the most liberal and radical in the Home Rule party know that order and law are impossible in the present condition of the island without Spain.

In this revolution the negro element has the most important part. Not only the principal leaders are colored men, but at least eight-tenths of their supporters. The black population of the island forms a little more than one-third of the 1,600,000 Cubans, but they are strong and numerous in the eastern part, and the result of the war, if the island could be declared independent, will be a secession of the black element and a black republic on that part of the island.

The revolutionary organization that from New York has directed the present uprising has been mistaken in its appreciation of the forces of Spain. They did not imagine that Spain could send in a short time a large army with such facility and in Spanish bottoms. At the same time they have not been able to suppose that Spain could have, as she has and will have, the necessary money to sustain what she is bound to sustain, the integrity of her territory. They could not understand the unanimous and stanch determination of the political parties and of everybody in Spain to sacrifice the last man and the last dollar to prevent a bad minority of people without standing in the island to oblige the large majority to accept, against their will, a change of government that will bring the total destruction of an island that is to-day the richest territory of the Spanish-speaking nations in America.

In all what is said—

I suppose "that" is meant—

in favor of a few thousand rebels; all is forgotten about the large majority of Cubans loyal to Spain and ruined by the revolution; nothing is said of the hundreds of thousands of citizens born in Spain, but who have lived since childhood in Cuba, and by their economy and thrift have built the foundation of the riches of the island; nothing of the foreigners that want to be protected against their deliverers.

The insurgents have not shown that they can succeed; they have not established a government and will not be able to establish one. It is the opinion of everybody that in a very short time the main body of the insurgents, which is in a critical position, will be dealt with; but if the chances of war should make necessary the increasing of the Spanish forces, it is not idle to state that according to the latest orders of the war department of Spain, the 1st of January, 1896, the roll call of the standing army in Spain was over 83,000 men; and at the same time that in the system of mobilization that has brought to Cuba three army corps of 25,000 men each, 43 battalions of 1,000 men have not been touched, and can be sent at a moment's notice.

The Cuban insurgents are, and represent, a small minority of the people of the island; they do not occupy permanently any town or part of the territory; the principal feature of the revolution is a radical war; they have not a civil government established, and no civil and judicial jurisdiction is exercised; the revolution has been started from abroad, is maintained by foreign aid, and its last and only hope is to be supported by foreign intervention, obtained by a systematic misrepresentation of facts.

Now, I have read the whole of that miraculous and mysterious paper, and I have shown that it is what I claimed it to be, a mere petition for delay. And the Senate granted it by giving the delay, by waiting to see whether or not the conjectures of the minister from Spain would be realized in the near future or how the tide would turn.

Very soon after this was handed in, the Spanish Government, despairing of any conquest of the insurrectionists of Cuba through the powers of Martinez Campos, who was the greatest man, both in a military sense and in the sense of being a great statesman, that Spain has produced perhaps in a century, finding that he could not accomplish the result of the conquest of Cuba, recalled him and sent Weyler in his place. They threw the sword of extermination into the scale by sending Weyler to Cuba, and they determined that Cuba should feel the blade that leaves nothing to grow after it has struck.

Mr. SHERMAN. Will it be convenient for the Senator from Alabama to go on now, or does he desire that the Senate shall adjourn so that he may finish his argument to-morrow?

Mr. MORGAN. I will yield as soon as I mention one more fact which I wish to go into the RECORD this evening.

Mr. SHERMAN. All right.

Mr. MORGAN. The senior Senator from Maine [Mr. HALE], in his speech in opposition to this resolution and in opposition to the independence and the belligerent rights of Cuba, delivered in the Senate last week, relied almost entirely and based his argument upon an alleged dispatch that was received from the premier of the Spanish Government. He read it at large with an attentive, respectful, almost religious presentation, and after he had gotten it upon record he based his argument upon it to show the magnanimity of the Spanish Government, to show the grounds of their action in Cuba, and to show their relations with the Government of the United States.

Now comes out the declaration of Mr. Castillo that he wrote no such dispatch and was not responsible for it. The Senator from Maine was overreached; he mistook the Spaniard; the Spaniard, it appears, had neither mercy nor consideration in his heart for the poor people of Cuba. These poor mulattoes, negroes, vagabonds, described by the Spanish minister, Dupuy de Lôme, have no recognition at the court of Spain; never have had and never will have; and they quarrel with any American citizen, particularly with any Southern man who was raised in a negro community, who has been the owner of slaves, because he stands up on the floor of the Senate of the United States and demands for them all the rights of men. The Senator from Maine, when he presents these questions to the Senate of the United States, negatives that demand. He is not willing that they should be free men in Cuba, and I take it for granted that he is not willing they should be free men here, unless by some hook or by some crook they can be made to vote the Republican ticket.

I will close, Mr. President, at this place, retaining the floor.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. NELSON. I ask the Senator from Ohio to yield to me a moment to obtain the consideration of a bill for the benefit of a private soldier.

Mr. SHERMAN. I yield to the Senator from Minnesota.

MICHAEL RYAN.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 1816) for the relief of Michael Ryan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order dishonorably discharging Private Michael Ryan, Company I, Fifth Regiment United States Infantry, on September 20, 1865, and to issue to him an honorable discharge from the military service of the United States as of that date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHERMAN. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 17, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 16, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read, corrected, and approved.

BERNARD CAMPBELL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of February 13, 1896, I transmit a report from the Secretary of State, and accompanying papers, relating to the claim of Bernard Campbell against the Government of Haiti.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 13, 1896.

KANSAS CITY, FORT SCOTT AND MEMPHIS RAILROAD COMPANY.

The SPEAKER laid before the House the bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes, with Senate amendment.

The amendment of the Senate was read, as follows:

On page 1, section 1, line 8, after "*Provided*," insert:
"That such right of way shall be 50 feet in width on each side of the central line of the road. Said company also shall have the right to take and use for station purposes a strip of land 100 feet in width, by a length of 2,000 feet, in addition to right of way to an extent not to exceed one station for each 10 miles of road constructed within the limit of said reservation: *Provided further.*"

Mr. MILLER of Kansas. Mr. Speaker, I move that the House concur in the Senate amendment just read.

The amendment of the Senate was concurred in.

ARKANSAS NORTHWESTERN RAILWAY COMPANY.

The SPEAKER laid before the House the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, with Senate amendments.

The Senate amendments were read, as follows:

On page 2, section 1, line 13, after the words "Indian Territory," insert, "by way of the town of Wyandotte, where said railway company shall erect and maintain a depot within one-half mile of the business center of said town."

Page 3, section 2, line 20, after the word "taking," insert:

"And before said company shall enter upon the territory of any tribe of Indians within the Quapaw Nation for the purpose of constructing its line of railroad and telegraph it shall have the written consent of the general council of such tribe thereto, which shall be filed with the Secretary of the Interior."

Mr. DINSMORE. I move that the House nonconcur in the Senate amendments and ask a conference.

The motion was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 2114) establishing gas buoys in the St. Lawrence River—to the Committee on Interstate and Foreign Commerce.

The bill (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

The bill (S. 2251) to authorize the construction of a bridge across the Calumet River—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States.

The bill (S. 1922) creating an art commission of the United States, and for other purposes—to the Committee on the Library.

The bill (S. 2461) to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama and of the Tuskegee Normal and Industrial Institute—to the Committee on the Public Lands.

The bill (S. 2307) to provide increased accommodations for the second division of the equity court of the District of Columbia, and for other purposes—to the Committee on Appropriations.

The bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.—to the Committee on the Public Lands.

The bill (S. 1460) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters—to the Committee on Interstate and Foreign Commerce.

The bill (S. 460) for the relief of the executor of C. M. Shaffer, deceased—to the Committee on War Claims.

The bill (S. 1632) to permit owners of claims to iron and coal mines on forest reservations of the United States to perfect their title thereto and to procure a patent therefor, and for other purposes—to the Committee on the Public Lands.

The bill (S. 713) for the relief of the legal representatives of Chauncey M. Lockwood—to the Committee on Claims.

The bill (S. 1590) for the relief of Edward H. Murrell—to the Committee on War Claims.

The bill (S. 2262) to provide for the further distribution of the reports of the Supreme Court and of the circuit courts of appeals—to the Committee on the Judiciary.

The bill (S. 94) for the relief of Henry J. Hewitt—to the Committee on War Claims.

BREAKWATER IN MARQUETTE BAY.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to report to Congress, as soon as possible, a survey of a proposed breakwater, not less than 500 nor more than 1,000 feet in length, extending into Marquette Harbor, or bay, in Lake Superior, from the southeast corner, or headland, of Presque Isle, together with an estimate of the cost of such breakwater.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FOG SIGNAL ON NORTH PIER OF MENOMINEE HARBOR, WISCONSIN.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5363) making appropriation for a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purpose of establishing a fog signal at the north pier of the entrance to Menominee Harbor, Wisconsin.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I hope we will have the report read or some explanation of the bill made.

The SPEAKER. The Clerk will read the report.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5363) making an appropriation for a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, respectfully report the same back and recommend that the bill do pass.

Your committee believe, from the correspondence had with the Treasury Department and which is made a part of this report, that the interest of commerce and navigation demands the establishment of a fog signal at the point named.

TREASURY DEPARTMENT, *Washington, D. C., February 6, 1896.*

SIR: The letter from your committee of February 5, 1896, inclosing H. R. bill No. 5363, for a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, has been received.

In reply I have to say that the matter was referred to the Light-House Board, which reports that the following estimate was submitted by it:

Menominee light and fog-signal station, Michigan:

Establishing a fog signal at Menominee light station, Green Bay, Lake Michigan, Michigan $5,000

NOTE.—The increase in the number and size of vessels frequenting the harbor makes the establishment of a fog signal here necessary to the safety of navigation. (See page 183, Book of Estimates, 1896-97.)

The proposed appropriation has, therefore, the approval of the Board.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, *House of Representatives.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. Mr. Speaker, this bill makes an appropriation. Without taking the time necessary to explain why, I shall have to object unless the bill is amended by striking out "the sum of $5,000, or so much thereof as may be necessary, and the same is hereby appropriated," and that is all there is of it. I will have to object unless the gentleman recasts his bill.

The SPEAKER. Objection is made. The gentleman from Nebraska asks unanimous consent——

Mr. CANNON. Mr. Speaker, one word. I have no objection if the gentleman from Michigan will so amend his bill as to authorize this work, as other bills ordinarily passed. I have no objection to that.

Mr. STEPHENSON. All right.

Mr. MCMILLIN. I would ask the gentleman from Illinois——

The SPEAKER. The Chair will take that up later. The question is, Is there objection to the present consideration of the bill which the Clerk will read?

Mr. STRODE of Nebraska. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Atchison and Nebraska Railroad Company, a corporation organized and existing under the laws of the State of Kansas, and to the Chicago, Burlington and Quincy Railroad Company, a corporation organized and existing under the laws of the State of Illinois, as lessee in perpetuity of the railroad lines and property of said Atchison and Nebraska Railroad Company, the right of way for the railroad of said Atchison and Nebraska Railroad Company as so leased, 100 feet in width, 50 feet on each side of the center of the track, as existing and located on and since the 7th day of April, A. D. 1895, through the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska, and over the allotments in severalty of certain Indians thereon, commencing upon the allotment of Sidney Perry, at the southeast corner of said reservation, and extending northwestwardly to a point 1,274 feet west of the east line of the allotment of Stephen Story, in the southeast quarter of the northeast quarter of section 26, township 1 north, of range 18 east, in Richardson County, Nebr.: *Provided*, That this grant is upon condition that the grantees hereof shall, within —— days after the approval of this act, pay to said allottees, or their heirs, or to a parent or guardian of any minor allottee or heir, or to the Indian agent at the Pottawatomie and Great Nemaha Agency, for their use, at the rate of $25 per acre for the land hereby granted; and the receipts of any such persons, acknowledged in the manner provided for the acknowledgment on instruments conveying real estate in the State where said land is located, filed with the officer keeping the public record of land titles in the county in which said land is located, shall be evidence of such payment.

SEC. 2. That at any time hereafter when the encroachments of the Missouri or Great Nemaha rivers shall make it necessary for the grantees named in this act, their successors or assigns, to acquire other right of way through any part of such reservation, the allottees in severalty of allotments thereon, or their heirs, are hereby authorized individually to grant and convey right of

way to the said railroad companies over their respective allotments in the ordinary manner provided for the acquisition of title to real estate in the above-named States, respectively, or the said grantees may proceed against such allottees, or their heirs, as the owners of the several allotments, to condemn such right of way in the manner prescribed by the laws of such respective States as then existing.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I hope the report will be read.

The report (by Mr. FISCHER) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2912) to authorize the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian reservations in the States of Kansas and Nebraska, submit the following report:

The Atchison and Nebraska Railroad Company owns an important right of way along the Missouri River in the States of Iowa and Nebraska, running through the Sac and Fox and Iowa reservations and across certain allotted Indian lands. The right of way and track have been leased to the Chicago, Burlington and Quincy Railroad Company, who now use the same and over which a large quantity of freight and passenger traffic and the United States mails are daily carried.

The encroachments of the Missouri River, by changing its bed and by the caving in of its banks through the constant action at high water, have been such in recent months as to absolutely force the relocation of the right of way and track of said railroad farther inland and across certain allotted Indian lands on said reservation. The allottees of these lands and the railroad companies have agreed upon a new right of way now occupied by the latter, and one that is believed and hoped will be free from all encroachments in the future. This was necessary, or the company could not have continued its business as heretofore. The agreement is to the effect that the railroad company is to pay the allottees $25 per acre for lands actually taken, the Indians granting across said lands a right of 100 feet, or 50 feet on either side of the main track, for ordinary railroad purposes. The agreement is entirely voluntary, and the Indians are entirely competent to contract. The agreement upon the part of the allottees and the railroad company is as follows:

"The undersigned allottees or heirs of allottees of tracts of land as below described upon the Sac and Fox and Iowa reservations, in Doniphan County, Kans., and Richardson County, Nebr., and upon which there has recently been located and built part of the line of railroad of the Atchison and Nebraska Railroad Company, Chicago, Burlington and Quincy Railroad Company lessee, such location and building having been forced by the sudden encroachment of the Missouri River upon the line of said railroad as before located and operated, hereby state, the adults in person and the minors by parent, that we believe that $25 per acre is a fair and just price for the lands so taken and all damages to us upon such allotments, and that we are willing that a title to a strip 100 feet wide, being 50 feet on either side of the center of the track as now located, and as much wider as may be necessary in case required by cuts and fills, shall be granted to the said railroad company and its lessee by the proper authority of the United States of America upon there being paid or secured to us in such manner as such authorities may deem proper the said sum per acre for any land so granted."

In a letter of date January 6, 1896, from the Hon. Charles F. Manderson, formerly a United States Senator from the State of Nebraska, and a member of the Committee on Indian Affairs, to Senator ALLEN, he says:

"The $25 per acre provided to be paid is really more than the land is worth, but if any information is desired by the Senate Committee on Indian Affairs as to the value of the lands it will be found in the files of the Indian Bureau in letters from Agent Pinson, dated April 23, 1895, April 30, 1895, and a letter from the Indian Bureau to the agent dated March 29, 1895. From these letters it will appear that the sum of $25 per acre had been determined upon as a fair price for the lands before the agreement was signed by the allottees."

Your committee finds that it is highly important and necessary to the public service, as well as to the interests of the parties concerned, that this bill should be considered and promptly passed. The committee recommends that the bill be amended, as follows:

In line 24, section 1, insert in the blank space found in said line, between the words "within" and "days," the word "ninety."

In line 34 of section 1, after the word "payment," at end of said line, insert:

"*Provided further*, That said company shall first file with and secure the approval of the Secretary of the Interior to the map of definite location of the road as the same was located on the 7th day of April, 1895."

In line 1 of section 2 strike out the word "when" and insert in lieu thereof the following: "Whenever it shall be made to appear to the Secretary of the Interior that."

In line 14 of section 2 add the following:

"*Provided*, That said company shall first file a map of definite location of the location of the relocated line as provided for in section 1 of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STRODE of Nebraska, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CHATTAHOOCHEE RIVER.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

The bill was read, as follows:

Be it enacted, etc., That the city of Columbia, a municipal corporation under the laws of Alabama, its successors or assignees, be, and is hereby, authorized to construct, maintain, and operate a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Chattahoochee River at or near the city of Columbia, so as to connect with Georgia on the opposite shore: *Provided*, That any bridge built under the provisions of this act may be built as a drawbridge, or with unbroken and continuous spans, and it shall give a clear headroom of not less than 55 feet above high-water mark, as the same shall be fixed and determined by the Secretary of War: *And provided also*, That if said bridge shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with drawspans giving a clear width of waterway of not less than 100 feet on each side of the pivot pier; and said draw shall be opened promptly, upon reasonable signal, for the passage of boats: *Provided further*, That whatever kind of bridge is constructed the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board.

SEC. 2. That any bridge built under the provisions of this act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States passing over said bridge than the rate per mile paid for the transportation over the public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and approaches for postal telegraph purposes; and said bridge shall be so constructed and operated as not to interfere with the navigation of said river.

SEC. 3. That said municipal corporation shall have the right to charge and collect a reasonable rate of toll, to be approved by the Secretary of War, not exceeding the rate limited by the law of Alabama.

SEC. 4. That the bridge authorized to be constructed under this act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the proposed bridge, and a map of the location, giving for the space of one-half mile above and one-half mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plan and location of the bridge are approved by the Secretary of War, no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

SEC. 6. That Congress hereby expressly reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HARRISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMBASSADOR BAYARD.

Mr. HITT. Mr. Speaker, I ask consent of the House to fix upon the hour of half past 1 o'clock on Wednesday next for consideration of the resolutions in regard to certain speeches of Ambassador Bayard, which resolutions have been for some time on the Calendar.

Mr. McCREARY of Kentucky. The gentleman proposes to fix half past 1 o'clock on Wednesday?

Mr. HITT. Half past 1.

Mr. McCREARY of Kentucky. What time will be allowed for debate?

Mr. HITT. Oh, I suppose the time for debate will be very liberal, whatever the House seems disposed to desire. It is with the view of having discussion on both sides at a fixed time that I make this request.

Mr. McCREARY of Kentucky. Mr. Speaker, these resolutions are very important, and I think there should be opportunity for the fullest debate.

Mr. HITT. There will not be any restriction.

Mr. McCREARY of Kentucky. With that understanding, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that half past 1 on Wednesday be fixed for the consideration of the resolutions indicated by him?

There was no objection, and it was so ordered.

LIMITS OF THE PORT OF NEW ORLEANS.

Mr. NOONAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1230) to extend the limits of the port of entry of New Orleans.

The bill was read, as follows:

Be it enacted, etc., That the limits of the port of entry of New Orleans shall be, and the same are hereby, extended so as to include that portion of the parish of Jefferson on the west bank of the Mississippi River lying between the upper line of the parish of Orleans, west bank, the west bank of the said river to a point opposite the upper boundary line of the parish of Orleans, east bank, a line drawn thence back 4,000 feet, perpendicular to said river, and a line drawn thence parallel to the Mississippi River until it intersects said upper parish boundary line, west bank; and so as further to include that portion of the parish of St. Bernard lying between the lower boundary line of the parish of Orleans, east bank, the east bank of the Mississippi River to a point 3 miles below said lower boundary, a line drawn thence back 4,000 feet parallel to said lower boundary line, and a line drawn thence parallel to the Mississippi River, until it intersects said lower boundary line of the parish of Orleans.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CRISP. Mr. Speaker, has that bill been reported by a committee?

The SPEAKER. The Chair so understands. Does the gentleman desire to have the report read?

Mr. MEYER. I should like to have the report read, Mr. Speaker.

The report (by Mr. NOONAN) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1230) to extend the limits of the port of entry of New Orleans, beg leave to report as follows:

The present port limits of the port of New Orleans present a geographical absurdity. They include the parish of Orleans, with which the city is coterminous, and a strip of the parish of Jefferson, east bank, 3 miles front on the river, extending back to Lake Pontchartrain. This last-mentioned slice was added in 1888 for the purpose of taking into the port the terminus of the Tazan and Mississippi Valley Railroad. The parish of Orleans lies on both banks of the Mississippi River, but not on immediately opposite banks. For instance, on the east bank the parish fronts about 13 miles on the river; on the west bank it fronts about 23 miles on the river; but only about 4½ miles of these two sides of the parish and port are opposite each other, so that the port stretches out in two long wings, one on the east bank, 8½ miles long, and one on the west bank, 18½ miles long. The wing on the east bank is opposite the parish of Jefferson, west bank, and the wing on the west bank is opposite the parish of St. Bernard. These two portions of these adjacent parishes, while not legally within the port limits, are physically and commercially within the port, and ought to be legally in the port.

The present bill proposes to square up the port, so to speak, and to put both sides of the Mississippi River within the commercial limits of this great center of commerce at the sea end of the Mississippi Valley, within the limits of the port of New Orleans.

The commerce of New Orleans has flowed over and beyond her municipal limits. This has happened several times in her history. More than forty years ago the port limits were extended on the right bank from the then upper limits of the city to the then upper limit of the city of Carrollton. This extension then made took into the port limits three additional municipal governments situated in the parish of Jefferson, those of the city of Jefferson, the city of Lafayette, and the city of Carrollton. In process of time these three cities were absorbed by and were merged into the city of New Orleans and the parish of Orleans. Another extension on the upper right bank was made by special act in 1888, by which the limits were pushed 3 miles more up the river into the parish of Jefferson.

No extensions of the port have ever been made on the west bank of the river nor on the east bank below the ancient limits of the city. The overflow of commerce has at last reached these two localities, and hence the bill now reported. It proposes to push the port limits on the east bank 3 miles below the lower limit of the city into the parish of St. Bernard, just as the act of 1888 pushed them, on the same bank, 3 miles above into the parish of Jefferson.

It further proposes to push the port limits on the west bank from the upper limit of the parish of Orleans, west bank, to a point opposite the upper limit of the parish of Orleans, east bank.

Within the proposed extension on the lower east bank are situated the slaughterhouses and cattle market of the city of New Orleans and the very extensive terminals of the New Orleans and Western Railroad Company, called Port Chalmette, which has expended large sums in the construction of modern, improved, fireproof warehouses and compresses for the handling of cotton, of grain elevators, sheds, and wharves. This road is organized to build direct to Dallas, Tex., from New Orleans, but it appears that it is so situated and located as to operate as a practical belt road to all the lines of railway entering New Orleans, and that its extensive terminals are available to all these lines, and will largely cheapen the existing port charges on the handling of exports and imports.

Within the proposed extension of the upper west bank are situated the ferry and export and import terminal of the Texas and Pacific Railway Company, the export terminal of the Southern Pacific Railway Company, and the towns of Gretna and Gouldsboro, the site of large cotton-oil mills and refineries.

Under the law as it stands now no ship can land at any of these terminals for any purpose without the special consent of the Secretary of the Treasury, and unless day and night inspectors are detailed at the expense of the ship. No ship can discharge at these places, even with such consent, anything but bulk cargo, such as salt, iron, coal, and similar articles. No package freight of any kind can be landed except within the limits of the port.

It seems absurd almost to deny to two great transcontinental carriers, like the Texas and Pacific railroads, the former of which was chartered by a special act of Congress, and a road that may in time become also a transcontinental carrier, the right to connect with shipping as soon as they reach tide water, but to compel them to ferry every pound of import package freight over the Mississippi River, and also to pay the useless burden of drayage from ship's side to cars before it is ferried; and to compel all ships that connect with them, carrying bulk cargo or going to receive cotton, grain, and other products, to do their business under expensive and delay-producing regulations to which the other commerce of the port is not subjected.

As stated above, all of the commerce that comes to these terminals on both banks of the river is necessarily part of the commerce of the city of New Orleans. It comes consigned to her merchants. It is sold on her exchanges, handled by her labor, loaned upon by her banks, and insured in her insurance companies.

Her growing commerce and that of the Mississippi Valley, of which she is the geographical and natural outlet, demand that no unreasonable restrictions should hamper them, and that they should have the largest limits within which to expand. This bill has the approbation of the Treasury Department. It has passed the Senate without a dissenting voice, and we beg leave to report favorably on it and recommend its passage.

Some local opposition to this bill has arisen in certain circles in the city of New Orleans. Its passage is advocated by the Cotton Exchange, the Maritime Exchange, the Chamber of Commerce and Industry, the Produce Exchange, and large numbers of prominent merchants engaged in the shipping business and in the exportation of grain, lumber, and cotton. It is opposed by a majority of the city council, the Sugar and Rice Exchange, the Board of Trade, and the Merchants and Lumbermen's Exchange. Large numbers of the individual members of these opposing exchanges have signified by telegrams and memorials their desire to see the bill pass. The press of the city of New Orleans is unanimously in its favor.

Your committee consider, however, that the question of this port extension is a matter of national importance rather than of mere local import. If, as we believe, it will have the effect of cheapening the handling of exports and imports, and of doing away with unnecessary burdens upon the commerce of the Mississippi Valley passing through the port of New Orleans, not only will that commerce be thereby benefited, but the city of New Orleans herself will be increased in prosperity by the larger volume of that commerce which increased and cheapened facilities will necessarily bring to her doors.

Mr. HOPKINS. Mr. Speaker, reserving the right to object, I wish to ask the gentleman a question. I should like to know in what position this bill leaves the balance of the territory that is now within the limits of the port of New Orleans?

Mr. NOONAN. It does not affect it. This extension merely complies with the requirements of the commercial interests of that city.

Mr. HOPKINS. My idea in making inquiry is this: It will be remembered that in the first days of the present session I secured the passage of a bill through the House extending the limits of the port of entry of Chicago. I found in my investigation that the port of New Orleans extended clear up and took in a great part of the State of Illinois. Now, when this bill is passed defining the limits of the port of New Orleans, as it does, what will become of the balance of the territory?

Mr. BOATNER. This bill does not extend the port of New Orleans in that direction. It extends it down the river.

Mr. HOPKINS. So that it leaves the territory north of New Orleans precisely as it is.

Mr. NOONAN. Yes, sir; it does not interfere with that at all.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MEYER. Mr. Speaker, before the question is submitted to the House I desire to have read a protest in relation to this matter from the mayor and city council of New Orleans. The report of the Committee on Interstate and Foreign Commerce correctly states that there is a difference of opinion on the part of the commercial bodies of the city of New Orleans as to the advantage and propriety of granting this extension. In view of this I will not consume the time of the House by reading or having read either protests or the memorials in favor of the project, because perhaps they might appear to balance each other, but I would like to have the House informed how the authorized representatives of the city regard the pending question and submit the resolutions of her council. They should receive the careful consideration of this body.

The resolutions were read, as follows:

NEW ORLEANS, LA., *January 24, 1896.*

Gen. ADOLPH MEYER, *House of Representatives, Washington, D. C.:*

The following memorial, adopted by the council of the city of New Orleans, voices the expressions and desire of the mercantile, laboring, and all other interests of our city on the extension of port limits; show to the several Representatives and Senators; copies forwarded them by mail:

"Whereas there is now pending before the United States Congress an act extending the limits of the port of New Orleans so as to include the port of Chalmette in said port limit; and

"Whereas the adoption of said measure is in the interest of the New Orleans and Western Railway, and is inimical to the welfare and prosperity of our city; and

"Whereas the said New Orleans and Western Railway was granted the right of way through the parish of Orleans upon representations that said railway was to be the terminus of an interstate railroad; and

"Whereas the said representations have not been carried out; and

"Whereas the entire population of the city of New Orleans is deeply interested in the question now before our Congress, and its adoption would affect every interest depending upon our commerce: Therefore,

"*Be it moved by the council of the city of New Orleans in special session*, That we join in the universal protest of these interests, already forwarded to our Congressional representatives, and urge upon them the necessity of opposing the passage of the said project of the New Orleans and Western Railway.

"*Be it further moved, etc.*, That the mayor be, and he is hereby, directed to forward without delay copies of this motion to our Representatives."

Adopted by the council of the city of New Orleans in special session January 24, 1896.

DAN A. ROSE,
Clerk of the Council.

JOHN FITZPATRICK, *Mayor.*

A true copy.

CLARK STEEN,
Secretary to the Mayor.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. NOONAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ACCOUNTS BETWEEN TENNESSEE AND THE UNITED STATES.

Mr. McMILLIN. Mr. Speaker, there is on the Speaker's table a joint resolution which came from the Senate last Friday providing for the adjustment of certain accounts between the State of Tennessee and the United States. I ask consent that for the present the joint resolution lie on the table, the subject-matter being already before a committee of the House.

There was no objection, and it was so ordered.

FIRST NATIONAL BANK, SPRAGUE, WASH.

Mr. HYDE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

The bill was read, as follows:

Be it enacted, etc., That the First National Bank of Sprague, now located at Sprague, Lincoln County, State of Washington, is hereby authorized to change its location, or place where its operations of discount and deposit are carried on, to the city of Spokane, Spokane County, State of Washington, by and with the consent of the Comptroller of the Currency, whenever the shareholders owning two-thirds of the stock of said bank, at a meeting called for that purpose, determine to make such change: *Provided*, That said bank increase its capital to $100,000, so as to conform to the requirements of the law regulating national banks, and that a duly authenticated notice of said vote and of the new location shall be sent to the office of the Comptroller of the Currency; but the change of location shall not be valid until the Comptroller of the Currency shall have issued his certificate of approval of the same.

SEC. 2. That such name may be assumed in said new location as may have

been selected by the vote of the shareholders owning two-thirds of the stock of said bank, at a meeting called for the purpose, after the new name shall have been certified to the Comptroller of the Currency and shall have been approved by him.

SEC. 3. That all debts, liabilities, rights, provisions, and powers of said association under its old name shall devolve upon and inure to the said association under its new name.

SEC. 4. That nothing in this act contained shall be so construed as in any manner to release the said bank under its old name or at its old location from any liability, or affect any action or proceeding in law in which said bank may be or become a party or interested.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HYDE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHANGE OF REFERENCE.

Mr. BRODERICK. I am directed by the Committee on the Judiciary to ask that they be discharged from the further consideration of the joint resolution (H. Res. 106) proposing an amendment to the Constitution providing for the election of Senators of the United States, and that the resolution be referred to the Committee on the Election of President, Vice-President, and Representatives in Congress.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

JUDICIAL DISTRICTS IN TENNESSEE.

Mr. MCCALL of Tennessee. I ask unanimous consent for the present consideration of the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That the act of March 3, 1875, chapter 148 of the Supplement of the Revised Statutes of the United States, be, and the same is hereby, in all things, repealed, and that the county of Perry, in the middle judicial district of the United States in the State of Tennessee, be, and the same is hereby, set to, and shall hereafter compose a part of, the western judicial district of the United States in said State; and all cases now commenced or depending in said middle district affected by this act shall be heard, tried, and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in said middle district shall be prosecuted and punished in the same manner as if this act had not been passed.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MCCALL of Tennessee, a motion to reconsider the last vote was laid on the table.

FOG SIGNAL, MENOMINEE HARBOR, WISCONSIN.

Mr. STEPHENSON. I ask unanimous consent for the present consideration of the bill (H. R. 5363) making appropriation for a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purpose of establishing a fog signal at the north pier of the entrance to Menominee Harbor, Wisconsin.

Mr. CANNON. I understand the gentleman proposes to have this bill passed with an amendment. Let the amendment be read:

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"There is hereby authorized to be constructed at the north pier of the entrance to the Menominee River, Wisconsin, a fog signal, to cost not exceeding $5,000."

The SPEAKER. Is there objection to the consideration of this bill in the amended form just read?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. PAYNE. The title of this bill should be amended so as to correspond with its provisions.

Mr. CANNON. I ask that the title be amended so as to read, "A bill to authorize the construction of a fog signal at the north pier of the entrance to Menominee Harbor, Wisconsin."

The SPEAKER. Without objection, the change of title as proposed will be made.

There was no objection.

On motion of Mr. STEPHENSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ESTATE OF THOMAS H. MILLSAPS.

Mr. TRELOAR. I ask unanimous consent for the present consideration of the bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and instructed to issue duplicates in the name of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps, in lieu of United States 4 per cent registered bonds, issued under acts of Congress approved July 14, 1870, and January 20, 1871, numbered 122290, 122291, 122292, 122293, 130607, 130842, for $100 each, inscribed in the name of H. Webb, trustee, said bonds having been lost or stolen from the said W. H. Ferguson after assignment in blank and delivery by said H. Webb, trustee, to said Ferguson: *Provided*, That the said W. H. Ferguson shall first file in the Treasury a bond in a penal sum equal to the amount of said missing bonds and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or stolen bonds.

Mr. BLUE. Let us hear the report on this bill.

The report (by Mr. HANLY) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1716) for the relief of W. H. Ferguson, administrator of Thomas H. Milsaps, submit the following report:

This bill is the same as H. R. 4763, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

Mr. BLUE. Does the bill make any provision for a bond of indemnity?

The SPEAKER. The Chair understands there is such a provision.

There being no objection, the House proceeded to consider the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. TRELOAR, a motion to reconsider the last vote was laid on the table.

By unanimous consent, House bill No. 4763, similar in its provisions with the Senate bill just passed, was laid on the table.

WILLIAM H. DE FREEST.

Mr. CURTIS of Iowa. I ask unanimous consent for the present consideration of the bill (H. R. 3852) to amend the record of William H. De Freest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the record of the War Department in the case of William H. De Freest, late second lieutenant of Company B, First Iowa Cavalry, so as to grant him an honorable discharge: *Provided*, That this act shall not be construed to give to said William H. De Freest any pay or allowance for any period of time he was absent without leave and not in the performance of military duty, or to such time as he would have been discharged by limitation of time of enlistment or otherwise.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HULICK. I ask consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

Be it enacted, etc., That the act "to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," approved June 8, 1880, is hereby amended by inserting in said act in lieu of the words "with the rank, pay, and allowances of a captain in the Navy, or a colonel in the Marine Corps, as the case may be," the words "with the rank and highest pay of a captain in the Navy, or the rank, pay, and allowances of a colonel in the Marine Corps, as the case may be": *Provided*, That this amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty, and that the amount herein appropriated shall be payable from the appropriation "Pay of the Navy."

Mr. BLUE. What is the report on this bill?

The SPEAKER. The report will be read.

The report (by Mr. HULICK) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 3337) to amend the act of June 8, 1880, establishing the office of Judge-Advocate-General of the Navy, report:

The office of Judge-Advocate-General of the Navy was established by the act of Congress approved June 8, 1880, which reads as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to appoint, for the term of four years, by and with the advice and consent of the Senate, from the officers of the Navy or the Marine Corps, a Judge-Advocate-General of the Navy, with the rank, pay, and allowances of a captain in the Navy or a colonel in the Marine Corps, as the case may be. And the office of the said Judge-Advocate-General shall be in the Navy Department, where he shall, under the direction of the Secretary of the Navy, receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service, and perform such other duties as have heretofore been performed by the Solicitor and Naval Judge-Advocate-General."

From a reading of this law it will be seen that the Judge-Advocate-General is to be selected from the officers of either the Navy or the Marine Corps, and is to have the rank, pay, and allowances of a captain in the Navy or of a colonel in the Marine Corps, as the case may be. Now, the effect of this statute is to give an officer of the Marine Corps who fills the position of Judge-Advocate-General of the Navy the pay of a colonel in the Marine Corps. After twenty years' service this officer receives $4,500 per annum, which, together with commutation for quarters ($60 per month), makes an allowance of $5,220.

From the enactment of this law up to the 5th day of June, 1892, the office of Judge-Advocate-General was filled by appointment of an "officer of the Marine Corps," and he received pay and allowances of $5,220 annually. But on the 5th day of June, 1892, a vacancy occurred in the office, and the Presi-

dent filled the vacancy by appointing "an officer of the Navy" as Judge-Advocate-General.

Thereafter, when the officers of the Treasury were called upon to adjust the pay of the Judge-Advocate-General thus chosen from the Marine Corps, they ruled that in accordance with the provisions of the act above referred to he was entitled only to the shore pay of a captain in the Navy, which, according to the act of July 15, 1870, is $3,500, making a difference between the pay of the first appointee and the second (the present incumbent) of $1,720 per annum.

The question was referred to the Court of Claims by the Secretary of the Treasury, by virtue of authority conferred upon him by law, and that court sustained the decision of the Treasury Department. It certainly was not intended that an officer taken from the Marine Corps to serve as Judge-Advocate-General should receive a compensation so much greater than an officer taken from the Navy should receive for performing the identical (same) services.

Under the law as it is now a Marine officer who has just graduated from the naval school is eligible to appointment to the office of Judge-Advocate-General of the Navy, and would receive the pay of $4,570 per annum, while under the ruling of the Treasury Department a naval officer, no matter how long he may have been in the service, would receive only $3,500 per annum.

The proposed amendment will remedy this inequality, and will give to the Judge-Advocate-General of the Navy, when an officer of the Navy, $4,500 per annum, which is the pay of a colonel in the Marine Corps. There will still remain a discrepancy in the pay of each, as there is no allowance under existing law for quarters or commutation for naval officers.

This bill, while it will increase expenditures by $1,000 per annum, involves no increase of appropriation, the amount necessary to carry it into effect being payable from the appropriation "Pay of the Navy," a continuous appropriation. If passed it will give the incumbent of the office of Judge-Advocate-General of the Navy, if a naval officer, $4,500 per annum, which falls short by $720 of the amount received by the late incumbent of that office or which will be received by any officer of the Marine Corps appointed thereto who has had the same length of service as the present incumbent. It does not per se increase the pay of the office, but, as was stated in report No. 2191 upon House bill 9932, Fifty-second Congress, which bill was similar to the one now under consideration, it corrects an error in the law and simply carries out its true intent

Hon. H. A. Herbert, when chairman of the Committee on Naval Affairs of the House of Representatives, submitted to Congress a bill providing that the Judge-Advocate-General of the Navy, when an officer of the Navy, should receive the sea pay of a captain in the Navy. This bill was favorably reported by the Committee on Naval Affairs (vide report No. 2191, Fifty-second Congress, second session), but failed of action owing to lack of time.

The present Secretary and Assistant Secretary of the Navy are in favor of the person holding the office receiving the sea pay of a captain in the Navy.

The office of Judge-Advocate-General is one of great responsibility and requires a high order of talent to successfully perform the duties thereof.

By reference to article 14, page 7, of the United States Navy Regulations, the duties of that office are specifically set forth, to which reference is hereby made. The highest compensation that can be allowed under the present statute for the services of the Judge-Advocate-General of the Navy are not greater than the responsible duties of the office demand.

Your committee, having fully considered the bill referred to them, the object of which is simply to carry out the intent of the original act to give the Judge-Advocate-General of the Navy the sea pay of his grade, unanimously recommend its passage.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF FAIRPORT HARBOR, OHIO.

Mr. BEACH. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, authorized and directed to report to Congress a resurvey of the port of Fairport, in the county of Lake and State of Ohio, with an estimate of the cost of such improvements as may be recommended by the engineers in charge.

Mr. LOUD. I wish to ask one question about this joint resolution before consent is given. I see that resolutions of this kind are becoming very frequent, and I wish to inquire what is the ultimate object of the action requested? I should like a frank answer.

Mr. BEACH. Mr. Speaker, I very gladly state the object of this measure. The engineers have concluded that the improvements which have been outlined heretofore should be abandoned, because they are not in the right line of such improvements. I have a letter here from the engineer in charge, Colonel Smith, stating that all this preliminary work has been done, that the maps are nearly completed, and that no expense whatever will attend the carrying out of this resolution.

Mr. LOUD. I understand that; but the ultimate effect is to bring the matter into such shape that the River and Harbor Committee can, under the law, make an appropriation for it during this Congress. Is not that the ultimate effect?

Mr. BEACH. There is no appropriation at all, I will state to the gentleman, carried by the bill. There is a large unexpended appropriation remaining on hand for this purpose; but they do not wish to expend it along the line heretofore proposed.

Mr. LOUD. Of course I can not object to the consideration of this bill in view of the fact that I have allowed others to go through; but I call attention to the fact that these matters are brought to our attention very frequently during this session.

Mr. BEACH. This bill has been before the committee and favorably considered. I am satisfied that it will meet their approval.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

STAMFORD, CONN., SUBPORT OF ENTRY.

Mr. HILL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 880, and if consent is given I shall ask to substitute for the bill the Senate bill No. 494, constituting Stamford, Conn., a subport of entry.

The Senate bill was read at length.

Mr. HILL. Now, Mr. Speaker, I ask unanimous consent to substitute this bill for the House bill.

The SPEAKER. Has the gentleman the engrossed bill?

Mr. HILL. No. I presume it is at the desk.

The SPEAKER. The difficulty is that the engrossed bill is not here. The gentleman can make his request at another time when the bill is in the hands of a clerk.

HOMESTEAD LANDS, OKLAHOMA.

Mr. FLYNN. Mr. Speaker, I move to suspend the rules and pass the resolution I send to the desk.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider House bill 3656 in the House as in Committee of the Whole.

Mr. GROUT. What is the bill referred to?

Mr. FLYNN. This is the Oklahoma homestead bill.

Mr. RICHARDSON. We ought to have the title of the bill stated.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

The SPEAKER. Is a second demanded on the motion?

Mr. LACEY and Mr. McRAE asked unanimous consent that the second be considered as ordered.

There was no objection.

The resolution was then adopted, two-thirds voting in favor thereof.

The SPEAKER. The Clerk will now report the bill called up under the resolution by the gentleman from Oklahoma.

The bill was read, as follows:

Be it enacted, etc., That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes in the Territory of Oklahoma, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect.

SEC. 2. That all acts or parts of acts inconsistent with the terms and provisions of this act are hereby repealed.

Mr. FLYNN. Mr. Speaker, the bill which the House has so kindly decided to consider under the resolution just adopted relates exclusively to the Territory of Oklahoma. In view of the fact that the Department of the Interior has reported adversely on the bill, I invite a thorough consideration of its provisions, so that the House may fully understand what the proposition is before the vote is taken. I shall endeavor as briefly as possible to outline the situation which exists in Oklahoma, and to present some of the potent reasons why the full benefits of the homestead law should be conferred upon the settlers of that Territory, as they have been heretofore conferred upon the settlers of the surrounding States.

The first step looking to the creation of the Territory of Oklahoma was taken by Congress in 1889. In the geographical center of the then Indian Territory a tract of land comprising 1,887,800 acres was opened to homestead settlement. This legislation was had in the closing hours of the session, and Congress inadvertently failed to provide any legislation for the protection of the people who might go upon these lands. For more than twelve months nearly 100,000 people resided there without any form of civil government. They built cities and towns, they opened farms, and in a thousand ways illustrated to the world, in energy, in intelligence, and in marvelous progress, the highest qualities and possibilities of American citizenship. It is not extravagant for me to say that during this short period of time, under the inspiration of free homes, these first settlers of Oklahoma added twice the amount to the national wealth that is involved in the pending

bill. They did more than this. They established in the center of a great domain, larger in area than the great Commonwealth of Missouri, the germs of another American State, which in a little more than half a decade has ripened into a Territory fully qualified for the responsibilities of Statehood.

It was not until May, 1890, that Congress passed the act providing for a Territorial government and fixing the boundaries of the new Territory. These boundaries included all the lands and Indian reservations in the old Indian Territory lying west of the reservations occupied by the Five Civilized Tribes. The large portion of the lands in the new Territory had been ceded to the United States by the treaties made with the Indians in the years following the late civil war, and only a few thousand Indians were in actual occupancy of the various reservations.

Most of these Indians were there by Executive order, and in no case were the lands held by a fee-simple title. The Indians had reached a degree of civilization which fitted them for citizenship and the Government entered upon this policy of settling them upon lands in severalty, and of opening up the surplus lands to white settlement. In pursuance of this policy Congress passed an act constituting what was known as the Cherokee Commission and duly authorizing said commission to make agreements with all the tribes within the limits of Oklahoma Territory. As the result of the work of this commission, agreements were made and ratified by Congress by which the following lands were ceded to the United States exclusive of lands allotted and reserved:

Reservations.	Acres.
Cherokee Outlet, Oklahoma	732,280 1,822,240 2,806,350
Pawnee, Oklahoma	169,320
Tonkawa, Oklahoma	68,950
Sac and Fox, Oklahoma	364,536
Iowa, Oklahoma	207,028
Pottawatomie, Oklahoma	256,896
Cheyenne and Arapahoe, Oklahoma	3,500,562
Kickapoo, Oklahoma	85,000
Wichita, Oklahoma	491,388
Total in Oklahoma	10,484,550

It will be seen that the lands affected by the provisions of the bill aggregate 10,484,550 acres. The following, which I quote from the Report of the Commissioner of the General Land Office, shows the manner in which the lands are disposed of under the existing laws and the prices required to be paid by the settlers:

Sac and Fox and Iowa lands, Oklahoma, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 759), which provides that each homestead settler before receiving a patent shall pay $1.25 per acre for the land taken by him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, Oklahoma, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay $1.50 per acre for the land taken by him.

Kickapoo lands, Oklahoma, subject to disposal under section 3 of the act of March 3, 1893 (27 Stat. L., 563), which requires each homestead settler to pay $1.50 per acre for the land settled upon.

Cherokee Outlet lands, Oklahoma, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of $2.50 per acre for any land east of 97½° west longitude, $1.50 per acre for any land between 97½° and 98½° west longitude, and $1 per acre for any land west of 98½° west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands, Oklahoma, subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L., 644), which provides that each settler shall pay $2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, Oklahoma, which, when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 897), which requires each homestead entryman to pay $1.25 per acre for the land entered at the time of submitting his final proof.

Mr. Speaker, in the ratification of these agreements for the cession of the surplus lands to the United States, Congress departed from the homestead policy which guided its action in opening original Oklahoma. It gave the lie to the professions of all the political parties of this country which, in and out of Congress, have repeatedly resolved in favor of maintaining the homestead laws for the settlement and development of the public domain. These several acts require a continuous residence of five years on the part of the settler, and then exact from him a price which the whole experience in the settlement of the new States shows he is unable to pay. The bill under consideration requires the settler to live upon his claim for five years before he can obtain a title, to pay all the fees required by law, and allows him the privilege of commutation. In relieving him of the final payment it places him in a position to save himself and family from the loss of his home, which, in the case of a large majority, will surely come unless this bill becomes a law.

These lands in Oklahoma are covered by as worthy a class of men as ever settled upon the public domain, but they are now poor in purse. They are overwhelmed by the protracted financial depression and by the destructive climatic conditions which have lessened the agricultural productions of many sections of the country during the last two or three years. In a word, it is impossible for them to pay for the lands they occupy and, powerless to obviate the conditions by which they are surrounded, they appeal with confidence to Congress to treat them as other settlers have been treated in all the States of the West under the beneficent provisions of the general homestead law. More than 5,000 ex-soldiers who fought the battles of the Union reside upon these lands. They reside side by side with several thousand ex-Confederate soldiers struggling alike to repair their shattered fortunes by the establishment of useful and happy homes and in the building up of the institutions of civil and religious liberty which are the pride and glory of our wonderful civilization. It is for such men, for their families, for the education of their children, and for their homes, that I urge the passage of this bill.

But, sir, it may be said that the cost is too great. I answer no. The report of the Secretary of the Interior is misleading. It is destitute not only of every element of human sympathy, but of the substantial facts. With heartless indifference toward the present unfortunate condition of the pioneers of Oklahoma who occupy these lands, and apparently anxious to strike a fatal blow at all legislation in behalf of free homes, the Secretary would have Congress believe that more than $15,000,000 will be received from settlers under existing laws. He takes no account of the fact that there are now more than 7,000,000 acres of land in Oklahoma open to settlement, a great proportion of which will never be taken up for agricultural purposes. Much of this vacant land is within the limits of the reservations summarized in the Secretary's report, and should be deducted from his extravagant statement of prospective receipts. Nor does he mention the large amounts which will be paid into the Treasury for commutation of homesteads or the amounts paid under the laws now in force. Everybody but the present Secretary of the Interior knows that under the homestead law, as proposed in this bill, a large proportion of the settlers will, when times become better, voluntarily pay for their homes and secure a title to the same before the expiration of five years.

Take the number of commuted homestead entries made in the State of Kansas in the years 1885 to 1890, inclusive, and we have a fair illustration of the practical operation of the homestead policy in connection with this question of commutation. As shown by the records of the General Land Office, the number of homestead entries commuted to cash under section 2301, Revised Statutes, and the number of homestead entries commuted under section 2 of the act of June 15, 1880 (21 Stat., 237), with the number of acres disposed of and the amount paid for the same under each act, appear in the following table:

	Section 2301.			Section 2, act of June 15, 1880.		
Year.	No.	Acres.	Amount.	No.	Acres.	Amount.
1885	224	30,711.13	$44,206.64	796	124,181.28	$146,328.74
1886	727	108,343.39	143,339.81	662	103,262.55	135,367.61
1887	3,847	81,846.03	779,418.51	53	7,989.51	10,969.12
1888	7,457	1,149,364.69	1,525,907.60	14	2,160.00	3,295.00
1889	3,889	604,163.93	806,808.41	14	2,240.00	2,604.00
1890	882	135,303.48	178,189.90	7	1,001.84	1,982.26
Total	17,026	2,109,732.65	3,477,870.87	1,546	240,835.18	300,546.73

Thus it appears that from 1885 to 1890, inclusive, a period of only six years, 18,572 homestead entries were commuted in Kansas, upon lands adjacent to Oklahoma and not essentially different in character, embracing 2,350,557.83 acres, and yielding to the public Treasury the sum of $3,778,417.60. Now, sir, if we take a general survey of the free-home policy in all the public-land States we shall observe the same gratifying results. The following statements show the number of final homestead entries from the passage of the first homestead law in 1862 up to the close of the fiscal year of 1895, the number of acres, and the number of commuted homesteads.

Statement of the number and area of final homesteads from May 20, 1862, to June 30, 1895.

Year.	Number.	Acres.	Year.	Number.	Acres.
1862–1881	177,314	21,193,368.82	1890	28,080	4,060,592.77
1882	17,174	2,219,427.10	1891	27,686	3,954,587.77
1883	18,998	2,504,414.51	1892	22,822	3,259,897.07
1884	21,843	2,945,574.73	1893	24,204	3,477,231.63
1885	22,066	3,032,679.11	1894	20,544	2,929,947.41
1886	19,356	2,663,531.83	1895	20,922	2,980,809.30
1887	19,866	2,749,037.48			
1888	22,413	3,175,400.64	Total	488,837	64,828,208.97
1889	25,549	3,681,708.80			

Statement of the number of commuted homesteads under section 2301, Revised Statutes, and second section act June 15, 1880.

Year.	Number.	Year.	Number.
1881	5,867	1890	6,107
1882	7,498	1891	3,945
1883	8,411	1892	2,925
1884	9,623	1893	3,186
1885	7,633	1894	2,393
1886	5,887	1895	2,311
1887	10,522		
1888	14,208	Total	100,610
1889	10,094		

These figures show that in the country at large about one in five of all the final homestead entries have been actually commuted.

I have been unable to obtain all the official returns showing the amount of money already paid into the Treasury by the settlers of Oklahoma since the opening of the country. But I have the sum paid in the single year of 1894, amounting to $449,514.26. Here, again, the Secretary of the Interior ignores the facts in making the following statement:

As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many of them have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

It is certain that between one and two millions of dollars have already reached the Treasury from the Oklahoma settlers, mostly paid under the privilege of commutation, nearly half a million in the year 1894. But the Secretary is not satisfied with this display of ignorance or misrepresentation. He proceeds in his report to say:

The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians to recompense them for the cession of the lands. If homestead settlers are relieved from paying for them the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

Mr. Speaker, so far as Oklahoma is concerned, there is no truth in this statement of the Secretary. If this bill becomes a law, not an additional dollar will have to be appropriated for the Indians, and no treaty stipulations will be violated. The Indians have already been paid, or their funds invested, and in no form or manner are they interested, nor can they have any objection to the passage of this bill. On the contrary, as they are now the owners of land in severalty, they will be largely benefited by the increased prosperity which will follow its enactment into law.

It may be said that this bill provides for a special donation to the Territory of Oklahoma. This is not a correct statement of the case. In many instances, from the foundation of the Government, Congress has made a free distribution of the public lands in large quantities to the people and to the States and Territories. At first land was given as compensation for military service. This was done by Virginia as early as 1776. Then it was granted to aid in the construction of wagon roads, canals, railroads, and internal improvements designed to open up the new sections of our country. This was followed by the passage of the homestead law of 1862, based upon the principle that by residing upon and cultivating the land for five years and that by sacrifice and labor adding to its value and to the national wealth full compensation is rendered by the individual settler to the body politic.

No greater act of justice and no policy better adapted to conserve the welfare and increase the prosperity of the great body of the people was ever enacted into law by the Congress of the United States. As an incentive to the development of the vast and varied resources of our common country, the material results of this policy have been enormous. In a little more than a quarter of a century ten States have been added to the Federal Union, and the homeseeker has led the march of empire into all the unknown regions of our great domain.

I have here a statement showing that the assessed valuation of States and Territories in which homestead entries were made increased in the decade from 1880 to 1890 from $7,826,373,028 to $10,582,771,261, being an advance of $2,756,398,233.

Unlike the condition of affairs in the older and manufacturing States of the East, this great increase of wealth in the public-land States shows a marvelous evolution from natural resources, made possible by the liberality of the original homestead policy.

Mr. Speaker, in passing this bill you only treat Oklahoma in a more or less degree as the people of the States have been treated in the past. On the 23d of June, 1836, during the first session of the Twenty-fourth Congress, an act was passed providing for the distribution of the proceeds of the sale of the public lands among the several States. This sum was then in the Treasury, amounting to $28,101,644.91, and under the terms of the act was distributed as follows:

Valuation from census of 1890.

State.	Value.	State.	Value.
Maine	$955,838.25	Maryland	$955,838.25
New Hampshire	669,086.79	Virginia	2,198,427.99
Vermont	669,086.79	North Carolina	1,433,757.39
Massachusetts	1,338,173.58	South Carolina	1,051,422.09
Connecticut	764,670.60	Georgia	1,051,422.09
Rhode Island	382,335.30	Alabama	669,086.79
New York	4,014,520.71	Louisiana	477,919.14
Pennsylvania	2,867,514.78	Mississippi	382,335.30
New Jersey	764,670.60	Tennessee	1,433,757.39
Ohio	2,007,260.34	Kentucky	1,433,757.39
Indiana	860,254.44	Missouri	382,335.30
Illinois	477,919.14	Arkansas	286,751.49
Michigan	286,751.49		
Delaware	286,751.49	Total	28,101,644.91

The Senate Committee on Public Lands of the third session of the Fifty-third Congress, in Report No. 1043, in speaking of this subject, used the following language:

No part of it has ever been returned to the United States and never will be. The interests upon these several amounts, at the rate of 6 per cent per annum from the date of distribution to the present, would aggregate an enormous sum of money, and undoubtedly the States receiving the benefits of this distribution would regard it as a great hardship and injustice if they were now called upon to pay this debt or return the money with reasonable interest to the Government. As a matter of course, the repayment of the money will never occur, and it was never intended that it should.

Sir, when I recall this history of our public-land legislation, and the great liberality that has been practiced by Congress to all the States, I do not feel that I am asking too much for the constituency I have the honor to represent upon this floor. I will add, in passing, that in addition to the $28,101,644.91 distributed to the States mentioned, the sum of $9,292,453.89 has been paid to the States of Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Indiana, Iowa, Illinois, Ohio, Minnesota, Michigan, and Wisconsin, as 5 per cent of the net proceeds of the sales of public and Indian lands, making a grand total of $37,394,098.80. I appreciate fully the unanimity with which this bill is supported on both sides of the House, and I am confident that its passage will be fully vindicated, not only by the experience of the past, but by the reestablishment of the homestead policy in reality as well asin name.

Mr. LITTLE. Mr. Speaker, I would like to ask the gentleman a question?

Mr. FLYNN. Certainly.

Mr. LITTLE. Has the bill any effect on town sites, or does it relate exclusively to farming lands?

Mr. FLYNN. I am glad that the gentleman asked that question. It affects nothing whatever but farming lands. It is only the settlers who are most interested in the passage of this bill. They are mostly very poor. They are intelligent and honest, but their crops have failed and they are powerless to help themselves so far as paying for the land they occupy.

Mr. LITTLE. Will the gentleman permit another question? Is it not a fact that this Government has given to public corporations out of its domain much more land than is involved here, and would it not be equally as just to give it to its citizens for their homes?

Mr. FLYNN. I answer I think it would. But these grants were made before Oklahoma was opened. I will say that Congress has been fair to us in protecting the public-school system. The conditions in Oklahoma are different from what they are and were with reference to any other public lands opened to settlement. Great areas of land were settled in a single day in Oklahoma. The crack of a gun on a line of a certain reservation was the signal for thousands of people to flock onto the lands. They were represented to them as lands more fertile than those that Adam occupied in the Garden of Eden.

The truth is, the best lands in the valleys and along the waterways were taken up by the Indian allotments before the reservations were open to settlement. Some time in the future, when the Government shall provide for a system of irrigation, the lands reserved for settlement may be made more available for agricultural purposes than they now are. And I desire to express the hope that the time is not far distant when some practicable system of irrigation will be devised which will result in utilizing the fertile lands locacted in the semiarid sections of the country.

Mr. CULBERSON. Mr. Speaker, I desire to ask the gentleman from Oklahoma how this bill may affect the land in Greer County, Tex., since the Supreme Court has this morning decided that Greer County is a part of the public domain—a part of Oklahoma?

Mr. FLYNN. If that decision has been made, and if Congress takes no further action, settlers in that county will be entitled to 160 acres of land without the payment of a dollar except the office fees.

Mr. CULBERSON. The gentleman understands the situation——

Mr. FLYNN. I understand that the the lands in Greer County have been mostly sold by the State of Texas to those settlers, and in my judgment Congress will have to enact new legislation for their protection. Under existing laws a settler on those lands would be entitled to only 160 acres.

Mr. CULBERSON. Well, this bill has been sprung upon us, and the decision of the Supreme Court has also come very suddenly, and I will ask the gentleman if he is willing to accept the amendment which I send to the desk, and which I do not think will affect his bill at all, while it may save us a good deal of trouble?

Mr. FLYNN. I will hear the amendment.

The proposed amendment was read, as follows:

At the end of section 1 add the following:

"*Provided*, That the public-land laws of the United States are hereby suspended until further legislation by Congress, in so far as they may affect the territory hitherto known as Greer County, Tex."

Mr. FLYNN. I have no objection whatever to that amendment.

Mr. CULBERSON. Then we have no objection to your bill.

Mr. BLUE. Mr. Speaker, in reference to the amendment suggested by the gentleman from Texas, I desire to call the attention of the gentleman from Oklahoma to this point: It seems to me that that amendment is very sweeping. I think it would be proper enough to except Greer County from the operation of this bill——

Mr. CULBERSON. That is all the amendment does.

Mr. BLUE. I think not. I think it exempts Greer County from the operation of all the public-land laws. If you desire to exempt it from the operation of this bill, I think that is right enough, but if you propose to exempt it entirely from the public-land laws, that is an entirely different proposition.

Mr. FLYNN (to Mr. CULBERSON). Is not the only object of this amendment to get time to prepare the necessary legislation to protect those settlers?

Mr. CULBERSON. Yes, sir.

Mr. FLYNN. Then I see no objection to the amendment.

Mr. Speaker, I have taken more time than I intended in urging the passage of this bill. It is of transcendent importance to the people of Oklahoma. The future welfare of thousands of families depends upon the relief it affords. As I have said before, they have gone there to repair their shattered fortunes. With the relief which this bill gives they will emerge from the adverse conditions by which they are now surrounded, and will do their part faithfully and well in founding the institutions and developing the resources of the new State of Oklahoma.

Mr. McRAE. Mr. Speaker, when this bill was reported from the Committee on Public Lands I reserved the right to oppose it if upon investigation I should come to the conclusion that it ought not to pass. Letters and petitions from Oklahoma have convinced me that the bill ought to pass, and I shall give it my support. The complications growing out of the Greer County decision made by the Supreme Court to-day make it not only important that the principle of giving free homesteads in Oklahoma Territory should be adopted, but the amendment suggested by the gentleman from Texas [Mr. CULBERSON] also ought to be adopted, so that the actual residents upon the lands in Greer County—where some of them have been living for twenty-five or thirty or even forty years, where they have established their homes and reared their families—may have an opportunity to secure a legal preference right as against nonresidents and outsiders.

The House may not fully understand the great danger to which these people are subjected at this time by reason of this decision. Notwithstanding the fact that the settlers in Greer County may have purchased from the State of Texas their homes and improvements and may have resided there for thirty or forty years, no preference is given them under existing land laws if some boomers can beat them to the Land Office and enter the lands first.

Mr. CULBERSON. Then the gentleman from Oklahoma [Mr. FLYNN] was wrong in saying that they would be entitled to 160 acres each.

Mr. McRAE. The gentleman from Oklahoma, I assume, only meant to say that every citizen who was entitled to make an entry under the homestead law would have the right to file on 160 acres of land, but unless this resolution or something like it is adopted they are in danger of being "entered out," to use a Western phrase, by persons who have no just claim whatever to those lands in Greer County and now held by the court to be public lands. It is important to see that the purchasers from the State of Texas and actual settlers should be fully protected by giving them a preference over all others.

Mr. Speaker, the valuation fixed upon all the lands in Oklahoma as now constituted, including the Cherokee Strip, would aggregate $15,058,462. Just exactly how much of the lands have been entered the Land Office is unable to say. Nor is the Department able to inform us how much has been paid on the lands which have been entered. The gentleman from Oklahoma has approximated it. He thinks it is about $3,000,000.

There are no official data that I have been able to obtain on that point. The commutation feature of the homestead law has been extended to that Territory, and I am informed that most of the men who are able to commute their homesteads and pay the Government price have already done so or will do so. The information coming to me is to the effect that the class of people who now inhabit these lands, which before they entered them they supposed to be very rich and valuable, have been disappointed in that expectation, and it is now a hard struggle for them to support their families and pay local taxes. They now realize that they could have obtained better lands in organized States and Territories under the homestead law without being required to purchase them.

Blizzard after blizzard, one trouble after another, short crops last year and the year before, have made it utterly impossible, it is said, for many of these deserving people to pay out their lands. So that, after all, the question now is whether we shall enforce the law against these settlers and drive them off on account of their inability to pay and allow others with more money to take up the lands or whether we will remit to them the unpaid portion of the agreed price.

This question involves, so far as the contracts are concerned, the right to a considerable amount of money due for such lands; but if the statements as to the condition of the debtors are true, and I believe them, then I undertake to say that this Government is too magnanimous to drive from their homes these poor people, who have entered in good faith and are willing to attest that good faith by actual residence for at least five years, because they can not pay the purchase money. I rather think we should revive the hopes of these settlers by releasing all claims for unpaid purchase money.

If these lands were to go to the original boomers and sooners who got possession of them under the disgraceful and unjust methods under which they were opened, there would be, in my judgment, very strong reason why this bill should not pass. But the professional land jumpers and those who were allowed special privileges under the laws and regulations then prevailing, and by which they first got upon the lands, held them only long enough to find some honest settlers who would buy their claims. Many of those now on the lands have been forced to spend all they have in defending against fraudulent contests or to purchase the claims of professional land jumpers. The many relinquishments and new entries show that much of this was done. I am told, and I believe it is true, that a large majority—perhaps nine-tenths—of the persons who occupy those lands now are honest, bona fide settlers desiring to acquire homes for actual residence and not speculation. So I think the bill ought to pass; and if passed, it certainly ought to carry with it the amendment proposed by the gentleman from Texas.

Mr. TURNER of Georgia. Will the gentleman permit an inquiry?

Mr. McRAE. Certainly.

Mr. TURNER of Georgia. These lands are now held by virtue of purchase from the Government under the act opening Oklahoma to settlement, are they not?

Mr. McRAE. Under that act it was provided that those qualified to make entry under the homestead law might enter these lands by paying, in addition to the usual land-office fees, the price fixed by the Government for the alleged purpose of reimbursing it for the money paid to the Indians for their title.

Mr. TURNER of Georgia. These people hold under purchase from the Government at the price of $1.25 an acre?

Mr. McRAE. Well, the price is not uniform; it is all the way from $1 to $2.50 an acre, I think. It depends upon the quality and location of the land. In the arid region, where I believe no considerable quantity of the lands has been entered, I think the price fixed was $1 or $1.25 an acre; out nearer the Indian Territory, where the land was more valuable, the price was $1.50, $2, and $2.50.

Mr. TURNER of Georgia. In other words, the persons who now claim these lands hold them by purchase—not by homestead entry?

Mr. McRAE. Nobody except a person entitled to make homestead entry could acquire these lands; but in addition to complying with the terms of the homestead law as to residence and cultivation, the settlers were required to pay the Government the estimated and legal value, as I have already stated. It is both a homestead and a sale, or, in other words, they could only be sold for homesteads.

Mr. TURNER of Georgia. What is the aggregate of the obligation of these people to the Government?

Mr. McRAE. That, as I have said, is impossible to state. If the lands were all sold at the price fixed, the amount would be $15,058,462. But they have not all been sold, and may never be, to persons who will reside upon them.

Mr. TURNER of Georgia. Now, keeping in view the facts just stated by my friend from Arkansas, this bill is a proposition to donate to these parties somewhere in the neighborhood of $15,000,000 by remitting to that extent their obligations to the Government upon these lands.

Mr. McRAE. It is proposed by this bill to release to such settlers as have entered the unpaid purchase money due from them, whatever the amount may be, upon the theory that they can not pay. But I believe it is true—in fact the records of the Land Office show—that all of the lands have not been entered; and some of those entered have been paid for in whole or in part. While the bill does involve a release to a class of settlers of a large amount of money due from them—I should say from three to ten million dollars—the question for us to determine is whether we will insist upon payment when it will result in the loss or incumbrance of the homes of almost all of them.

Mr. TURNER of Georgia. Is it just to those who have paid in full that we should now release others who have not paid? Would not justice require us, if we passed this bill, to make a refund to parties who have already paid?

Mr. McRAE. Those who have paid might complain, but there is no proposition to refund any money, and I hardly think there will ever be any refunded. We can not expect to do exact justice to all, but we must not, if we can avoid it, do manifest wrong to the poor fellows who can not pay because some have paid. If you test it by the contractual rights existing between these settlers and the Government, of course they are entitled to nothing unless they pay. But we are proceeding upon the theory that many of them can not pay for the lands. The Government will not allow them to sell or mortgage. What are they to do? The declared policy of the Government is to hold its lands for those who will reside upon them. These brave, honest settlers have met that requirement fully.

They have built their homes upon the lands and are cultivating them in spite of all the unfavorable conditions. Are we to take the lands away from them and give them to others who have money? My feelings go out for these homeless, moneyless men, and I submit that it is better to say to them, that as they have made homes and improvements upon, cultivated and now live upon the lands, that they may retain them under the homestead law free from all payment. We can not afford to have this class of people feel that we have given others the benefit of their labor. Others will go on the lands if you drive these people off, and they will get the benefit of all the work that has been done by the people you make move. Looking at it from the standpoint of public policy, and believing that the present settlers have acquired an equity in the lands by reason of residence, I am unwilling to insist upon the payment of the money when I believe it can not be made. It is a mere gratuity, I confess, but still looking at the question from all sides it seems to me that the best way to deal with it is to say to them that no more payments shall be required. The Territory is weak and poor and the taxes high. Let us grant the farmers this relief and in some measure aid them in the struggle of life.

Mr. TURNER of Georgia. Let me ask the gentleman if it has been the policy of the Government hitherto, when lands are held of this sort, to release the claims of the Government against the residents thereon?

Mr. McRAE. This is about our first experience with settlers upon lands acquired from the Indians and sold under the homestead law, but as a matter of fact we have extended the payments for these parties on two different occasions for the same reason that we now propose to release.

Mr. TURNER of Georgia. These lands were originally acquired by purchase, and we paid for them from the Treasury of the United States, I believe.

Mr. McRAE. Yes, sir; and in much the same way we acquired all other public lands. But we paid more for some of these Indian lands than they were worth, and much more per acre than for other lands theretofore purchased.

Mr. TURNER of Georgia. I believe my friend stated that the Department did not recommend the adoption of this bill?

Mr. McRAE. The Department reported against the bill. The Commissioner says: "I am of the opinion that the contract between the Government and the settlers, and that between the Government and the Indians, as embodied in the existing statutes, should be adhered to and carried out in good faith. It follows, therefore, that this bill should not be passed." From his standpoint he is right——

Mr. PICKLER. What about the lands in Iowa and farther east—much better lands—which the people got free?

Mr. McRAE (continuing). The policy on the part of the Government since the passage of the homestead law has been to open up of all the public lands, except those purchased from the Indians, to settlement under the homestead law without purchase price. When this new policy of making the settlers pay for their lands was inaugurated, it was by the Indian Committee and not the Committee on Public Lands. I have never believed in it. I made several unsuccessful efforts to get certain military reservations opened free to our homestead settlers. Finally the change requiring payment was made and the same principle applied to both Indian and military reservations as the only way to get settlers upon such lands, but no one ever supposed that any of them would lose their lands on account of their inability to pay the price fixed. Mr. Speaker, time has demonstrated that those of us who favored the policy of opening them to settlement without payment were right.

The proposition involves a large amount of money to the settlers. There are hundreds and thousands of acres which the settlers must abandon if this legislation is not adopted, and the Government will get nothing unless another sale is made. I will admit for the sake of the argument that the Government can easily find men with money who will pay for the land. If you want to sell the public lands you can do so. The question is, Will you enforce the strict letter of their contracts for the money involved in them? There is no man here who is familiar with the conditions in Oklahoma who will insist upon such a policy.

These people come here and say to us, "We owe for the lands, but can not pay for them," and I am convinced that very few of the settlers are able to meet the other demands upon them for school and other taxes, to say nothing of paying for their homesteads.

So I hope that this bill will pass, and that the amendment of the gentleman from Texas will be incorporated in it, because I know from the experience in Oklahoma and the Cherokee Strip the amount of trouble that will result to the people of Greer County unless some relief is afforded to them by legislation. The public land laws should be suspended until proper legislation can be enacted for them.

Mr. MILES. Let me ask the gentleman this question: Do I understand you to state that the amount of money involved in this transaction to the Government and which will be surrendered by the operation of this bill is something over $15,000,000?

Mr. McRAE. The exact amount, I will state to the gentleman, is $15,058,462, if the lands should all be sold at the present price.

Mr. MILES. Then the lands have not all been sold?

Mr. CURTIS of Kansas. There is quite an amount that has been sold and paid for.

Mr. McRAE. But the bill does not involve the refund of any money paid, and what have been sold should be deducted from the sum I mentioned.

I will insert for the information of the House a table furnished me by the Department, which may be of some value to members in connection with the subject of the value of the different lands in Oklahoma Territory.

Mr. DOCKERY. The Government paid, I believe, about $8,614,000 for these lands?

Mr. McRAE. I am not certain of the amount paid for it. But, as I have stated, the Government paid more for the lands than they were worth, if we consider it from the standpoint of dollars and cents.

Mr. MILES. If the Government paid eight million and some hundred thousand for the lands, how do you get the claim of the Government now up to fifteen millions?

Mr. McRAE. The lands were valued at so much per acre to the settlers, and this is the valuation which reaches over fifteen millions. I am certain as to this, but not as to the cost of it.

Mr. MILES. That is to say, the Government sold at a higher price than it paid for the land?

Mr. McRAE. Exactly.

The table to which I refer is as follows:

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by settlers.	Amount that will be received from settlers under existing law.	Amount now paid.	Loss to United States if settlers are relieved from payment.
OKLAHOMA.	*Acres.*				
Cherokee Outlet	732,280	$2.50	$1,830,700		
	1,822,240	1.50	2,733,360		
	2,806,350	1.00	2,806,350		
Pawnee	169,320	2.50	423,300		
Tonkawa	68,950	2.50	172,375		
Sac and Fox	364,536	1.25	455,670		
Iowa	207,028	1.25	258,785		
Pottawatomie	256,896	1.50	385,344		
Cheyenne and Arapahoe	3,500,562	1.50	5,250,843		
Kickapoo	85,000	1.50	127,500		
Wichita	491,388	1.25	614,235		
Total in Oklahoma			15,058,462		$15,058,462

Mr. MILES. How much has been paid?

Mr. McRAE. I do not know; the gentleman from Oklahoma can perhaps state.

Mr. MILES. How much has been paid for these lands by these settlers who have not paid in full?

Mr. FLYNN. A little over $3,000,000; and let me say further,

with the permission of the gentleman from Arkansas, that this bill authorizes any person residing upon these lands, who can do it, to pay out, after residing on them twelve months; and that there are millions of acres of land charged to the settlers at from a dollar to two dollars and a half an acre that no Indian or white man will ever take.

Mr. McRAE. Right here I will read all the information I have from the Department on that point.

It is not practicable—

Says the Commissioner—

without an extended search of the records to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands.

As these lands have not been open to settlers for five years, very few have been able to make final proof thereon, and it is doubtful if many have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

Mr. LACEY. Mr. Speaker, the House seems disposed to pass this bill, but at the same time I think all the facts ought to be fully stated. Perhaps they have been stated with sufficient fullness already, but I will consume a little further time upon this bill, lest there might be criticism upon the passage of so important a measure without due and sufficient consideration.

The House, Mr. Speaker, is aware of the fact that there are upon the Calendar two bills; the Oklahoma free-home bill, which we are now considering under a resolution passed under suspension of the rules, and a general free-home bill, which has been reported by the committee, covering other lands in other States and Territories similarly situated. As for myself, I favor the passage of this special bill. I also favor the passage of the general bill, and I would vote for the passage of any special and particular bill applying to any one of the reservations situated similarly to these in the Territory of Oklahoma.

Originally the homestead law was something of a political question. That has disappeared. There were doubts upon the part of many as to whether the homestead law would work successfully or not. The first homestead bill that passed Congress was vetoed by Mr. Buchanan; but experience has taught us all, and I find no diversity of opinion upon the opposite sides of this Chamber as to the wisdom of the general homestead law.

I will here quote briefly from the report prepared by me on the general free-home bill:

The proposed bill does not involve any new and untried principle of legislation, but is only a return to the homestead law in its original form and purpose.

It will be proper to review briefly in this connection the history of the homestead act, which, after some years of discussion, finally became a part of the laws and marked a new epoch in the country's history when it finally became a law, May 27, 1862.

In 1852 the Free-Soil Democracy, in their platform at Pittsburg, declared the public lands to be a "sacred trust," and that they "should be granted in limited quantities free of cost to landless settlers."

In 1852 and until its final passage Hon. GALUSHA A. GROW, now again a member of this House, appeared as the champion of this great change in the land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 1, 1859, a homestead bill passed the House by a vote of 120 to 76. February 17, 1859, it was taken up in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate, and called up the bill for the purchase of Cuba in its stead.

The proposal to open free homes to the landless on the public domain gave way to a proposition to strengthen slavery by the purchase of more territory already fully occupied with slave labor. On a previous motion to postpone the consideration of the homestead bill the vote stood 28 to 28, and Vice-President Breckinridge gave the casting vote against the bill.

The bill was lost, but the agitation in its favor largely influenced subsequent political events.

March 6, 1860, Mr. Lovejoy, of Illinois, reported the Grow homestead bill favorably. March 12, 1860, it passed the House by a vote of 115 to 65.

In the Senate Mr. Andrew Johnson, of Tennessee, reported a substitute requiring homestead settlers to buy their land at 25 cents an acre at the end of five years' settlement. Senator Ben Wade moved to amend by substituting the House bill. The motion was lost by a vote of 31 to 26. May 10, 1860, the Senate passed Senator Johnson's substitute by a vote of 44 to 8.

The House refused to concur, and a conference was ordered, and the conference committee, after twelve meetings, accepted the Senate substitute. As expressed by Mr. GROW, it was "a half loaf."

The conference report was adopted by a vote of 115 to 51 in the House, and 36 to 2 in the Senate. Mr. Colfax stated that the proposed cost of 25 cents an acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first onward step in the line of a new policy. But on June 23, 1860, James Buchanan, President of the United States, vetoed the bill, and it failed to pass over his veto, the vote in the Senate being 28 yeas and 18 nays, 8 votes less than a two-thirds majority.

Mr. Buchanan declared the bill to be unconstitutional. He said that 25 cents an acre was a mere nominal price, and that it was equivalent to giving the land away. He declared that Congress had no power to grant free homes on the public domain, or to grant land for use in the education of the people.

The land, he said, was like money in the Treasury, and was a sacred fund that could only be disposed of by being sold for cash or for land warrants. The Louisiana purchase was paid for out of the National Treasury and Congress had no more power to give it away than they would have had to give the money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

He did not recognize the benefits that might result to the people at large by the transfer of an uninhabited wilderness into a populous and prosperous commonwealth.

The benefits to the old States by the addition of new taxpayers to the population did not seem to be appreciated by the President. The President did not realize that in this new homestead policy lay a germ of national growth of untold value, in which the old States would share the wealth to be added by the new members of the National Confederation.

The idea that an uninhabited public domain was a sacred trust which should be kept as a solitude until it could be sold for cash seems to have fully entered the mind of the Executive.

He was willing and desirous of paying $100,000,000 out of the funds in the Treasury for the purchase of Cuba, which would add new power to the cause of slavery, and he might well understand that a different result would follow the building up of new States in the West under a system of free homes.

When Hannibal was besieging Rome his camp near the city was sold at public sale in the forum, and in the darkest hours of 1861 and 1862 the homestead bill was considered almost within the sound of hostile guns.

Mr. Aldrich introduced the bill July 8, 1861, and it was referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy reported it favorably.

It was again referred to the Committee on Public Lands.

On February 28, 1862, it passed the House by a vote of 107 to 16.

March 25, 1862, Senator Harlan reported it favorably in the Senate, with amendments, and it passed as amended May 5, 1862, by a vote of 33 to 7.

The two Houses agreed upon a conference, and on May 27, 1862, after the details were finally agreed upon, Mr. Lincoln added another chapter to the great history of his life by approving the bill.

From that until the present the general policy of the homestead law has been accepted without question. Occasional amendments and modifications have been made, but the bill in its substance has been unchanged.

There have been purchased from various countries, including the cession from the State of Georgia, very large areas of land. The Louisiana purchase cost 3⅘ cents per acre.

The purchase from Spain, in 1819, cost 17.1 cents per acre. In 1848 the Mexican purchase cost 4½ cents per acre. The Gadsden purchase of 1853 cost 34.3 cents per acre. Alaska cost 1.19 cents per acre. The Georgia cession cost 10.1 cents per acre. The average cost of these entire purchases amounted to 4.7 cents per acre.

The total amount expended in the purchase of lands up to 1880, the time when the last full report was made upon this subject, was $88,157,389.98. Sales have been made from this land, and expenditures incurred in surveys and in the distribution and management of the public lands. The actual net cost, up to 1880, of all the public lands, after deducting what had been received from the same, was $121,346,746.85, which includes balance of expense of administration. The net cost, therefore, per acre is 17⅞ cents.

The census of 1890 shows that these different purchases have been included in States and Territories, and that the assessed valuation of real and personal estate situated within the States and Territories thus purchased amounted to $23,583,339,104, and upon this magnificent domain electoral votes in the next electoral college will be cast to the number of 158, or a trifle more than one-third of the entire electoral vote of the Union. So that the public-land policy and the purchases in the United States have been greatly to the benefit of this country.

The following is a statement of the same by States and Territories:

Valuation from census of 1890.

State and Territory.	Value.	State and Territory.	Value.
Michigan	$2,095,016,272	Florida	$389,489,388
Wisconsin	1,833,308,523	Montana	453,135,209
Minnesota	1,695,831,927	Wyoming	169,773,710
Iowa	2,287,348,333	Colorado	1,145,712,267
Missouri	2,397,902,945	New Mexico	231,459,897
North Dakota	337,006,506	Arizona	188,880,976
South Dakota	425,141,299	Utah	349,411,234
Nebraska	1,275,085,514	Nevada	180,323,668
Kansas	1,799,343,501	Idaho	207,896,591
Alabama	622,778,504	Washington	760,698,726
Mississippi	454,242,688	Oregon	590,396,194
Louisiana	495,306,597	California	2,533,733,627
Oklahoma	48,285,124		
Arkansas	455,147,422	Total	23,583,339,104
Indian Territory	159,765,462		

In 1862 the homestead policy was first inaugurated by the enactment of the original law. It has been followed from that time until some of these recent purchases from the Indians.

It is claimed by the Secretary of the Interior that this bill ought not to pass, because the loss to the Government would amount to $15,058,462. But this estimate is a very excessive one. It includes all the land, good, bad, and indifferent, at the full price provided by law and not at its cost to the United States; it makes no reservation of the sixteenth and thirty-sixth sections; it takes no account of town sites nor of the allotments in severalty to the Indians, nor of the worthless land which is to-day unsold and may remain unsettled for many years; and the report of the Secretary shows that there is to-day still remaining unsold in that territory 7,073,901 acres, so that this $15,058,462 is a gross overestimate.

It is true, Mr. Speaker, that these men were anxious to enter their homesteads under the existing laws, but we know full well that men without lands looking into the public domain always overestimate the desirability of the land which they are about to purchase and the advantages which will accrue to them by reason of settling in a new country.

I have here a list showing also the cash commutations in the past, and it is fair to infer that the commutations of homesteads will be as large in the future as they have been heretofore, and in the estimate made by the Secretary of the Interior he makes no allowance for the probabilities or absolute certainties of commutations that will be thus made, and does not take into consideration commutations that have been made under that act in the past in Oklahoma.

The Commissioner of the Land Office, at my request, has furnished a statement of commutations from 1881 to 1895, inclusive, which I will insert in my remarks.

It was not practicable to go back of 1881 because of the manner in which the records had been kept, as the other cash entries and homestead entries were all kept together:

Statement of the number and area of final homesteads from May 20, 1862, to June 30, 1895.

Year.	Number.	Acres.	Year.	Number.	Acres.
1862–1881	177,314	21,193,368.82	1890	28,080	4,060,592.77
1882	17,174	2,219,427.10	1891	27,686	3,954,587.77
1883	18,998	2,504,414.51	1892	22,822	3,259,897.07
1884	21,843	2,945,574.73	1893	24,204	3,477,231.63
1885	22,066	3,032,679.11	1894	20,544	2,929,947.41
1886	19,356	2,663,531.83	1895	20,922	2,980,809.30
1887	19,866	2,749,037.48			
1888	22,413	3,175,400.64	Total	488,837	64,828,208.97
1889	25,549	3,681,708.80			

Statement of the number of commuted homesteads under section 2301, Revised Statutes, and second section act June 15, 1880.

Year.	Number.	Year.	Number.
1881	5,867	1890	6,107
1882	7,498	1891	3,945
1883	8,411	1892	2,925
1884	9,623	1893	3,186
1885	7,633	1894	2,333
1886	5,887	1895	2,311
1887	10,522		
1888	14,208	Total	100,610
1889	10,094		

From this list I find that from 1881 to 1895, inclusive, there were 488,837 homestead entries made in the aggregate, comprising 64,828,208.97 acres. Of those entries there have been commutations to the amount of 100,610, making about one in five actually commuted in the past; and I understand that a full report from the Territory of Oklahoma will show larger commutations there than the average in the past in the country at large.

These men have entered upon the border lands of the arid region. Much of Oklahoma reaches beyond the safe and reliable line where rainfall is ample to raise a crop each year; and many of these settlers are in destitution.

From the reports we have received, Mr. Speaker, the probability is as to that region that a very large number, perhaps two-fifths or more, of these homesteaders will be compelled to relinquish their claims or be compelled to sell them to somebody in order to realize something by the sale of their improvements; and if unable to do this, they will be compelled to make commutation by borrowing the money to pay the debt to the United States, and then we would have a large area, practically the entire country, covered to almost, if not entirely, its full value by mortgages. These men in opening this country to settlement and creating a new commonwealth to be soon added to the sisterhood of States have gone through many hardships; and there is no reason why they should be made an exception to the rule which has existed since 1862, for thirty-four years, giving to settlers on the public lands permission to obtain their title by occupation and improvement in five years.

It makes no difference in principle what the land has cost the Government. The State of Iowa, that magnificent domain, perhaps the most fertile of any on the face of the earth, originally only cost the Government of the United States 3¾ cents an acre. Large bodies of that land was settled under the homestead laws twenty-five or thirty years ago which are now worth $35 to $50 per acre. Settlers there have gone through at least two grasshopper periods, through Indian scares, and the Spirit Lake massacre and all the other dangers and hardships that men undergo in all the early settlements, and to-day that land is in the highest cultivation and very valuable. But the settlers of every new country are compelled to pass through these hard experiences, and Oklahoma has been by no means an exception to the rule. It is true that Oklahoma cost more per acre in its purchase from the Indians than some other lands.

The highest cost price, I think, of any of the public domain in the United States purchased from any foreign Government is that which was purchased under the Gadsden treaty, and in the tarrantula Territory of Arizona, bordering on Mexico, it cost 34 cents an acre. In Oklahoma, however, the land cost more than that. But there is no reason why the man who takes a homestead under the Gadsden purchase should be better treated than the man who entered under the Oklahoma purchase, simply because the cost of Oklahoma was higher than the Gadsden purchase. Much of the land in Kansas and Nebraska was obtained by purchase from the Indians and opened up to homestead entry. In the Eastern States the Indians were moved by wars, and expensive wars at that. It was found cheaper to buy them off than to fight them. It is cheaper and better, as well as more humane, to furnish them with support than to kill them off. By our homestead system vast tracts have been opened to settlement and great strength has been given to the Government of the United States. In short, this policy has built up the West; it has settled the country west of the Missouri River, even into the arid belt beyond the one hundredth meridian, and many of the settlers in this region have gone into the arid land and are in suffering and want.

Now, Mr. Speaker, without abating one jot my faith in a general free-home bill, which I hope this Congress will pass before it adjourns, I am in favor of the passage of this bill or any separate bill for any one of these reservations that have been made subject to homestead entry; and I think that the homestead law is violated in spirit by requiring the homestead settler to buy the land after he has been compelled to comply with all the requirements of the old law. [Cries of "Vote!" "Vote!"]

Mr. GROSVENOR. Mr. Speaker, it is scarcely necessary for me to take any of the time of the House in support of the provisions of this bill. This bill simply carries out, in the interest of the settlers of Oklahoma, the true policy of the Government in the matter of homesteads. I do not wish to make a partisan speech or make any partisan reference. The policy of free homesteads to actual settlers is the policy now of the United States Government, and is the policy of the people of the country regardless of party. It has grown up to be essentially an American doctrine. The lands affected by this bill are lands that it is said cost the Government a larger sum of money than the public lands on an average; but that has never been a consideration with the Government in the matter of the granting of homesteads to actual settlers.

Gentlemen on the other side of the House have said something about the grants made by the Government in that same Territory to railroad lines. I am one of those who believe that no wiser act has ever been done by our Government than the giving to the railroads in that part of the country what are called land grants. I am not here to discuss the question of the abuses of the generosity of the Government, but here is a region rapidly becoming an important portion of the United States, filled with a most enterprising population, which, under existing law, would be put at a disadvantage as against the ordinary system and policy to the extent of a large number of millions of dollars. Now, I believe that the Government itself, the aggregation of the people of this whole country, will be better off, will be richer, five years from to-day by reason of the passage of this bill than if we exacted the price of these lands from actual settlers. Any other policy than this would destroy the hope of acquiring homes on the part of a great many of the people of that Territory; so I trust that the bill will be passed without further contention.

Mr. FLYNN. Mr. Speaker, I move the previous question on the passage of the bill.

The SPEAKER. The question is first on the amendment offered by the gentleman from Texas [Mr. CULBERSON].

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE DELIVERY IN TOWNS AND VILLAGES.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists.

The bill was read, as follows:

Be it enacted, etc., That whenever not less than 20 persons who receive their mail matter through the same post-office shall petition the postmaster at such office to appoint one or more letter carriers, who shall be at least 16 years of age, for the delivery of letters and other mail matter therefrom to the persons addressed, at their respective residences or places of business, and for the collection of letters and the conveyance and delivery of them to the post-office, said postmaster shall appoint a suitable number of letter carriers for that purpose, and it shall be their duty to report at least once a week to the postmaster appointing them the number of pieces delivered and collected by them and amount paid therefor.

SEC. 2. That at all places where the foregoing delivery and collections may

be authorized under this act the letter carriers thus appointed may receive of the person to whom he delivers letters or papers, or from whom he receives them for conveyance to the post-office, such weekly, monthly, or quarterly compensation as may be mutually agreed upon; and when no such agreement is made, they may demand and receive not exceeding 1 cent for each letter or other package which they deliver from or convey to the post-office: *Provided*, That the sum which each carrier thus collects shall be in full for his services; and none of such carriers shall have any claim upon the Post-Office Department for compensation for services rendered as a letter carrier: *Provided further*, That no letter or other mail matter shall be given to such letter carrier for delivery unless addressed to a person who has lodged at the post-office a written request that his mail matter be delivered to such letter carrier: *And provided further*, That if any person who shall have filed such written request shall refuse or neglect to pay the amount agreed upon or fixed by this act for the delivery or collection of any mail matter the same may be returned by the carrier to the post-office and thereafter the carrier shall not be required to deliver or collect any mail to or from such person. Each person so appointed shall give bond to the postmaster for the faithful performance of his duties in the penal sum of $100.

SEC. 3. That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing laws not inconsistent with this act.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. HOPKINS. Mr. Speaker, I reserve the right to object.

Mr. KYLE. I will ask, Mr. Speaker, what committee reports this bill?

Mr. SPERRY. It is reported unanimously by the Committee on the Post-Office and Post-Roads.

Mr. HOPKINS. Mr. Speaker, I wish to ask the gentleman in charge of this bill a question or two. I will premise by saying that I am in favor of extending the free-delivery system to the rural districts, but, after listening to the reading of the bill, it seems to me that it is a case of keeping the word of promise to the ear and breaking it to the hope. If I understand the bill correctly, it does not provide that the Government of the United States shall be responsible for any of the letter carriers who shall deliver the mails in the rural districts, and I understand that if no provision is made by the persons living in the neighborhood the mail carrier is to receive only 1 cent per letter.

Of course that will not be sufficient compensation to secure the services of any persons competent to perform this labor properly, and I do not understand that the provisions of the bill in this respect are very different from the law which exists to-day, and which permits any one person in a neighborhood, if he choose, to collect the mail for the entire neighborhood and deliver it. Now, if we are going to do anything in this line for the farming community, it seems to me that we ought to have something in the bill which will provide in an affirmative way for the appointment of these mail carriers or mail deliverers; give them an ample salary, and arrange the matter so that the people living miles away from the little commercial centers scattered through the country will get the full benefit of this legislation without having to join together and themselves pay the persons who deliver their mails. I think that if we are going to do anything for the farmers of this country in this respect, we ought to provide that Uncle Sam, out of his ample revenues, shall pay the salaries of these delivery men precisely as he does in our large cities, and wherever the free-delivery system exists.

Mr. LOUD. I hope the gentleman will withdraw the word "ample" in connection with our revenues.

Mr. HOPKINS. In the city of Chicago and in other places where the free-delivery system exists, the person who gets the benefit of it is not required to pay anything out of his own pocket to the person who delivers him his mail. The mail carrier is an agent of the United States and looks to the United States for his compensation. But in the bill here presented, if I understand it correctly, if the people living out in the country are to receive any benefit whatever from this legislation, they must join in an agreement with the mail carrier to pay him sufficient compensation for his services. Therefore, I repeat that this seems to me to be keeping the word of promise to the ear and breaking it to the hope, so far as the farmers of this country are concerned.

Mr. KYLE. Mr. Speaker, I understand that unanimous consent has not yet been given for the consideration of this bill.

The SPEAKER. It has not.

Mr. KYLE. Well, I would like the gentleman to withhold the bill for the present. I do not want to object, but I understand that the Post-Office Department is opposed to this bill, and the measure is a very important one, which some of us have not had an opportunity to examine. I am a member of the Committee on the Post-Office and Post-Roads, from which this bill is reported, but I have not examined the matter, although the gentleman says the bill has been unanimously reported, and I would like an opportunity to look into it.

Mr. MCMILLIN. I will ask the gentleman in charge of this bill whether the Postmaster-General has been called upon for an opinion concerning the desirability for this legislation?

Mr. SPERRY. The Postmaster-General was called upon, and he said he sympathized very strongly with the purpose of the bill, but he thought there might be some objections to it. Still, he certainly said he sympathized strongly with the bill.

Mr. MCMILLIN. His sympathies have not taken the form of a recommendation.

Mr. LOUD. This bill was not submitted to the Postmaster-General until after it had been recommended by the committee. When it was submitted to the Postmaster-General, he strongly dissented, I think, from the propriety of the measure; I have been trying to find his letter. It ought to be presented to the House, if we are going to consider this matter.

Mr. HOPKINS. The opposition of the Post-Office Department might, under certain conditions, be an argument in favor of the bill.

Mr. RICHARDSON. But in that case we would hardly allow it to pass by unanimous consent.

Mr. SPERRY. My friend from Mississippi [Mr. KYLE] was certainly present when this bill was considered in committee. I trust he will allow the matter to come before the House. Do I understand him to object?

Mr. KYLE. There is so much confusion that I can not hear what the gentleman says.

Mr. SPERRY. I ask the gentleman whether he will not allow the consideration of the bill to proceed without objection?

Mr. KYLE. I shall have to object.

Mr. SPERRY. Then I move to suspend the rules and take up the bill.

Mr. MCMILLIN. I believe there has been no recognition of the gentleman for that purpose. The Chair will allow me to suggest, deferentially, that, according to the uniform ruling, recognition for the purpose of asking unanimous consent does not carry with it recognition for the purpose of moving a suspension of the rules.

The SPEAKER. The Chair did not recognize the gentleman from Connecticut [Mr. SPERRY] for the purpose of moving a suspension of the rules, but only to make the request for unanimous consent.

Mr. SPERRY. What is the ruling of the Chair?

The SPEAKER. The request for unanimous consent is objected to.

Mr. SPERRY. Can I not move to take up the bill under a suspension of the rules?

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. CHARLES W. STONE].

CIRCULATION OF LIGHT-WEIGHT COIN.

Mr. CHARLES W. STONE. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5459 of the Revised Statutes of the United States be amended, so as to read as follows:

"SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens, or causes or procures to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aids or assists in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, or has in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, shall be imprisoned not more than five years and fined not more than $2,000."

Mr. CHARLES W. STONE. I ask unanimous consent that a second may be considered as ordered.

There was no objection; and the motion to suspend the rules was seconded.

Mr. CHARLES W. STONE. I ask now that the report, which is brief, may be read.

The report (by Mr. CHARLES W. STONE) was read, as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred the bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins, having considered the same, respectfully recommend that it do pass.

Section 5459 of the Revised Statutes provides for the punishment of the offense of fraudulently mutilating or lightening the gold or silver coins of the United States, but by some oversight or for some other unaccountable reason no provision is made for the punishment of the knowingly and fraudulently uttering or passing or attempting to utter or pass such mutilated or lightened coins. To supply this defect in the existing law is the primary purpose of the present bill, but in restating the section it has been deemed advisable to make it correspond in phraseology, as near as may be, with the other sections relating to counterfeiting coin of the United States, and it has also been deemed advisable to make the maximum limit of imprisonment imposed as punishment correspond more nearly with the maximum punishment provided by law for other species of counterfeiting the national coin and uttering such counterfeited coin. The defect in the existing law and the necessity for the proposed legislation are pointed out by the Chief of the Secret Service Bureau of the Treasury Department in his annual report for 1894, an extract from which is appended hereto.

[From the report of the Chief of the Secret Service Division of the United States Treasury Department for the year ended June 30, 1894.]

On February 1, 1894, I found the banking interests deeply concerned over the great number of light-weight gold coins in circulation.

These coins had been impaired by a new and ingenious method, namely: The milled or corrugated rim of the coin had been removed, decreasing its value about 5 per cent; new milling was then put on, and the coin, to all appearances, made perfect. I immediately put agents to work, with the result that all of the guilty persons are now serving terms in State prisons. One man was arrested in Sioux City, Iowa, on March 19, 1894, and, after trial, was sentenced to imprisonment for eighteen months; another and his wife were subsequently arrested in Baltimore, Md., and sentenced to four years and six months, respectively, under section 5459, Revised Statutes. In both instances a lathe and complete set of tools were captured. Since these arrests were made coins lightened in the manner above described have ceased to appear.

In the prosecution of these cases I was greatly surprised to learn that there is no law to punish uttering or passing such lightened or debased coins, knowing them to be such. I therefore earnestly recommend the passage of an act making it a felony to mutilate United States coins, or to utter, pass, or attempt to pass such coins, and ask that section 5459 of the Revised Statutes of the United States be amended to read as follows:

"Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens, or causes or procures to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aids or assists in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening the gold or silver coins which have been or which may hereafter be coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, or has in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whatsoever, shall be imprisoned not more than five years and fined not more than $2,000."

Mr. McMILLIN. Will my friend from Pennsylvania [Mr. CHARLES W. STONE] permit a question?

Mr. CHARLES W. STONE. Certainly.

Mr. McMILLIN. I was not able to hear distinctly the reading of the report, and therefore I may be asking a question that the report fully answers. But from what I can gather there has come into use a new process of diminishing the weight of coins, and then, after remilling, putting them in circulation dishonestly.

Mr. CHARLES W. STONE. The trouble is, there is now on the statute books no provision for punishing the uttering or putting into circulation of these coins that have been diminished in weight and value. The fact was brought to the attention of the Treasury Department that some persons were engaged in turning off from the edges of gold coins about 50 cents to a dollar's worth of gold, and then remilling the coins and putting them into circulation. Section 5459 of the Revised Statutes punishes diminishing the value of coin in that way, but there is no punishment now provided for putting such coin into circulation knowingly and with intention to defraud.

Mr. McMILLIN. Does the bill sufficiently guard from prosecution persons into whose hands these diminished coins may fall innocently? Is the penalty confined only to those who in the first place put these coins into circulation dishonestly?

Mr. CHARLES W. STONE. There are four sections of the Revised Statutes which now provide for the punishment of counterfeiting the gold and silver coins of the United States and the minor coins, and also for making coins which, though not necessarily in resemblance of legal coins, are used for the purpose of money. There is also in each case provision for punishing the putting into circulation of such counterfeit coin. In drawing this bill, I have made it conform to the provisions of existing law in regard to uttering or putting into circulation counterfeit coin. If the gentleman will examine the bill he will see that its provisions are very carefully guarded. The language is that any person "who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell," etc., "or has in his possession," etc., "knowing the same to be defaced," etc., "with intent to defraud any person whatsoever." I do not think the language could be more carefully guarded. In order that the punishment can operate there must be knowledge and fraudulent intent on the part of the person putting the coins into circulation, and when a person having the knowledge and the fraudulent intent passes such coins he ought to be punished.

Mr. CONNOLLY. Does this bill cover foreign coin?

Mr. CHARLES W. STONE. It covers "any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States."

I may say that the bill is in the form recommended by the Treasury Department to meet the oversight in the law which the recent prosecutions have made evident.

The SPEAKER. The motion is to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

CRIMINAL JURISDICTION OF THE SUPREME COURT.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1448) to withdraw from the Supreme Court the jurisdiction of criminal cases not capital and confer the same upon the circuit courts of appeals.

The bill was read, as follows:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as reads "in cases of conviction of a capital or otherwise infamous crime," be amended by striking out the words "or otherwise infamous," so that the same will read "in cases of conviction of a capital crime"; and that appeals or writs of error may be taken from the district courts or circuit courts to the proper circuit court of appeals in cases of conviction of an infamous crime not capital: *Provided*, That no case now pending in the Supreme Court or in which an appeal or writ of error shall have been taken or sued out before the passage of this act shall be hereby affected, but in all such cases the jurisdiction of the Supreme Court shall remain, and said Supreme Court shall proceed therein as if this act had not been passed.

Mr. CULBERSON. I demand a second. I would like to know whether this bill has been reported by any committee?

Mr. BAKER of New Hampshire. I wish to inform my colleague on the committee that this bill was reported from the Committee on the Judiciary.

I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. CULBERSON. Now will the gentleman explain the purpose of the bill and where it comes from?

Mr. BAKER of New Hampshire. This bill comes from the Judiciary Committee and is unanimously reported.

Mr. CULBERSON. I am a member of the committee and I never heard of it before.

Mr. BAKER of New Hampshire. The reason was that the distinguished gentleman was not present at the meeting of the committee which authorized the reporting of the bill. I had the honor to be directed to prepare the report, by the vote of those present in the committee, and did so on March 6. It has already passed the Senate and has the approval and request of the Supreme Court.

I suggest that the report be read.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals, have considered the same, and report it to the House with the recommendation that it be passed.

It is probable that the act of March 3, 1891, which established the circuit courts of appeals, inadvertently enlarged the right of appeal in criminal cases so as to include those not capital. However that may be, the practical result has been antagonistic to the general purpose of that act, as the following letter from the clerk of the Supreme Court, stating the criminal cases now pending in that court, will abundantly show:

"OFFICE CLERK SUPREME COURT OF THE UNITED STATES,
Washington, D. C., March 4, 1896.

"SIR: In compliance with your request in regard to the amount of criminal business on the docket of this court, I have to say that on the docket for 1894 there were 65 criminal cases, of which 17 were capital cases.

"Since the close of the last term and during the present term there have been docketed 28 criminal cases, of which number 16 are capital cases.

"There are now pending on the docket undisposed of, 42 criminal cases, of which 14 are capital cases.

"Very truly,
JAMES H. McKENNEY,
"*Clerk of the Supreme Court of the United States.*

"Hon. HENRY M. BAKER, M. C.,
"*Washington, D. C.*"

As the act of 1891 provides a court to which appeals from the circuit courts can be taken, and generally limits the cases appealable to the Supreme Court, it is reasonable to suppose that it was not its intention to greatly enlarge appeals to that court in criminal cases. The practice under it has greatly increased the business before the Supreme Court; and, in the opinion of your committee, the personal rights involved are not of such a nature as to justify a rehearing after an appeal to the circuit courts of appeals.

Your committee adopt the report of the Committee on the Judiciary of the Senate and append it hereto.

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[Senate Report No. 265, Fifty-fourth Congress, first session.]

The Committee on the Judiciary, to whom was referred the bill (S. 1448) to withdraw from the Supreme Court jurisdiction in criminal cases not capital and confer the same on the circuit court of appeals, have given the same consideration, and report it to the Senate with the recommendation that it be passed.

The entire purpose and the entire effect of the bill are to transfer appellate jurisdiction in criminal cases not capital from the Supreme Court to the several circuit courts of appeals in their respective circuits, saving only jurisdiction to determine cases already at its passage pending in the former.

Until the act of March 3, 1891, creating the circuit court of appeals, the Supreme Court possessed no appellate jurisdiction in criminal cases as such. By the act of September 24, 1789, no review whatever of any sentence of the circuit courts in criminal cases was provided, and for nearly one hundred and two years that wisdom of the fathers was accepted to govern and give efficacy and vigor to the criminal procedure of the Federal courts. By the act for the establishment of the circuit courts of appeals the appellate jurisdiction of the Supreme Court was extended to convictions "of a capital or otherwise infamous crime," thus suddenly going to the other extreme. This was not the carefully digested result of committee consideration, but was effected in the debate on the floor. It disregarded rather than profited by the experience of the century. It seriously hinders one of the best purposes sought through the creation of the new tribunals. Instead of relieving the Supreme Court, so that it may bestow on the great questions assigned to it the leisurely study, unvexed by the importunity of delayed and pressing business, which is essential to their wisest resolution, no matter what the learning or ability of the judges, the act of 1891 has cast upon this bench a large and increasing class of cases never before within its range, out of keeping with the nature of its jurisdiction otherwise, and involving points which by no means require for the safety of the citizen the labors of such a court, but which may as well be left to other courts.

As cases of the Government, and as involving life or liberty, they must also be advanced for hearing under the rule, and thus the beginning of every term finds an obstructing barrier of these appeals in the forefront of the docket.

It was said in behalf of this jurisdiction that it was a greater duty to protect the life and liberty of the citizen than his property. Not disputing the proposition, no good reason can be given why the circuit courts of appeals may not fully discharge the duty. They are of equal dignity with the highest courts of the States, and are the final arbiters in the Federal system of by far the greater number of causes arising within the limits of the Constitution. Besides, until their creation this full duty was done well and sufficiently by the circuit courts without review.

This argument overlooks, also, it seems to the committee, as do all invoked to the same end, the true place and service of the Supreme Court in our system of national judicature. It is not and ought not to be regarded merely as a tribunal of justice to determine causes between litigants, but rather as the expositor of the jurisdiction, laws, and principles of our system of Government as between the Union, the States, and the people, the judicial spokesman of the nation in causes resting upon international law and the interpretation of treaties, the restraining power against invasion of the Constitution by Congress or State legislature, the overruling guide and regulator of the Federal judiciary, suppressing differences and insuring continuing stability of doctrine, the head of one of the three departments which every free government must recognize and possess.

Except for the interposition of this criminal jurisdiction, out of character, the limits of appellate authority defined in the act of 1891 are in complete harmony with this place of the Supreme Court in our Government. Section 5 of that act reads as follows:

"SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts, directed to the Supreme Court, in the following cases:

"In any case in which the jurisdiction of the court is in issue, in such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

"From the final sentences and decrees in prize cases.

"In cases of conviction of a capital or otherwise infamous crime.

"In any case that involves the construction or application of the Constitution of the United States.

"In any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question.

"In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

"Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State nor the construction of the statute providing for review of such cases."

Contrasting this with the following section, which assigns the appellate authority in other cases to the circuit courts of appeals and by which the superintending control of the Supreme Court is preserved in every case, civil or criminal, either by certification by the circuit courts of appeals or by certiorari issued from the upper court, and the great care taken to set apart this court for service of supreme public import is made very manifest. There is nothing of personal right in any aspect, either as affecting property, life, or liberty, which enters into its jurisdiction. It is the public character of the question only which may justly invoke its judgment.

True though it be that its duty is to interpret and apply the Constitution and the law as they are, it is no less true that such a court is necessarily a lawgiver, expounding the law as it lies in and arises from most intricate and abstruse conditions, resolvable only by the lights of history and philosophy, together with the written words and unwritten doctrines which constitute our law.

To such a service free, ample argument at the bar, abundant, unvexed ease of consideration, not less than learning and wisdom, are indispensable. There is nothing in the nature of criminal causes that gives rise to questions specially worthy to engage the attention of such a court, save only when, as may sometimes happen in our system, a criminal case may involve some point of constitutional or Federal law. All such cases will remain within the jurisdiction of the court, being directly appealable for that reason; and even if they shall be first determined by the circuit court of appeals, they continue subject to the review of the Supreme Court upon certiorari.

Some of the committee think this all that need be preserved of this jurisdiction, even in capital cases. But out of deference to the sentiment which secured the enactment of the present law, and in hope sufficient relief may be gained, the bill is limited to other cases only.

Appended is a communication from the Attorney-General to the chairman of the committee, which exhibits the nature of the criminal cases not capital which have been imposed on the court since the act of 1891, and from the continuance of which only this bill will relieve it. It is highly probable the full comprehension of the term "infamous," as applied to statutory crimes, was not fully considered when it was adopted.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 1, 1896.

SIR: Your letter of yesterday, requesting me to send you a statement of the number and character of criminal cases which have been brought to the Supreme Court of the United States since the court of appeals act became a law, distinguishing between the capital and the noncapital, has had my attention. In reply I beg to say that the whole number of criminal cases taken to the Supreme Court since the passage of the act named is 123. Of these 51 are capital cases, 49 being indictments for murder and 2 for rape, leaving 72 cases less than capital.

You ask that I give the number of each class of cases noncapital, but, as you will see from the inclosed memorandum, the cases are miscellaneous in character, and can hardly be classified.

Respectfully, yours,

JUDSON HARMON,
Attorney-General.

Hon. GEORGE F. HOAR,
United States Senate.

Mr. BAKER of New Hampshire. Unless some gentleman wishes to be heard, or to make some inquiry in regard to the bill, I ask for a vote upon the motion.

Mr. CULBERSON. Well, I want to make a statement about this bill.

The SPEAKER. The gentleman will be recognized to control the twenty minutes in opposition.

Mr. CULBERSON. If I understand the bill as read from the desk, it takes away from the Supreme Court of the United States jurisdiction over all criminal cases less than capital. Now, for one hundred years of the life of this Government no criminal had the right to appeal from the circuit courts of the United States to the Supreme Court of the United States. After a long struggle here we provided by law that all criminals convicted in capital cases, or in felony cases punishable by confinement in the penitentiary, should have the right of appeal to the Supreme Court of the United States. Before that there was no appeal except from the district to the circuit courts of the United States. As the law now stands a person indicted and convicted of murder has a right to appeal his case to the Supreme Court and take the judgment of the highest court of the land on the conviction. If a person is indicted for a felony, the punishment of which is confinement in the penitentiary at hard labor, he is accorded the same right under the law. All criminals convicted of lesser offenses have the right to appeal their cases from the circuit courts to the circuit courts of appeals.

Now, if this bill passes in the form in which it is presented here there will be no criminal cases which can be appealed to the Supreme Court of the United States except in cases of conviction for capital crime, all other cases going to the courts of appeals.

I understand that the reason assigned for the enactment of this law is, that the Supreme Court is overloaded, that its docket is crowded, and that they do not want to do the work. Now, I suggest that the docket of the circuit court of appeals of the fifth district is in a far worse condition in that respect than the docket of the Supreme Court. We went to work a year or two ago and created a circuit court of appeals to relieve the Supreme Court of the burden of work then on it, and they had a right to apportion the work as it was apportioned under the law creating the circuit court of appeals. If this bill passes you put into the circuit court of appeals, now clamoring for more judges, for more help, saying that they are overloaded and can not get through with their dockets, all of these cases of felonies which are now tried in the Supreme Court; I mean all who are convicted of an offense punishable by imprisonment. Is that not so?

Mr. BAKER of New Hampshire. No, sir; for it is impossible for them to reach the Supreme Court until they have passed the circuit court of appeals.

Mr. CULBERSON. I think the gentleman is mistaken in that. The law provides that the appeal should lie directly from the circuit court in all capital cases, and in all cases wherein the punishment is confinement for life in the penitentiary they never go to the circuit courts of appeals.

Mr. BAKER of New Hampshire. They certainly do.

Mr. CULBERSON. Well, the law will settle it. I will send for the act of 1891; I think it will determine the question.

Mr. MCMILLIN. Right there, if it will not interrupt my friend, if I understand the effect of this bill, it is to abridge the right of appeal to the highest tribunal of the United States on the part of those who may be convicted of crime and sentenced to life servitude?

Mr. CULBERSON. That is what I say it will do.

Mr. MCMILLIN. It is an abridgment of the right of appeal.

Mr. CULBERSON. I think the man who is sentenced to the penitentiary has a right to appeal his case direct to the Supreme Court of the United States. That is the way I look at it, and that was the reason why we passed the bill in the form that we did. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman has consumed five minutes of his time.

Mr. CULBERSON. I yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I will probably not occupy all the time which has been kindly allotted to me by my friend from Texas, Judge CULBERSON, but I will take enough time to say that I do not believe any good can come from abridging the right of the American citizen to have the question of his liberty, the most important that can possibly be presented concerning him, tried by the highest judicial tribunal. I can not believe that after we shall have gotten the full benefit of the act which added eighteen or twenty new judges to the Federal judiciary and constituted new courts for the trial of causes which had theretofore gone to the Supreme Court of the United States, there will be any difficulty in having the United States courts dispose of those cases which really require revision. It seems to me best that these cases involving life penalties in the penitentiary should have a right of appeal to the Supreme Court, for the reason that there ought to be uniformity of decision in these cases. Where you have a number of circuits, and different tribunals, with different judges presiding over them and holding court at different places, I am wholly unable to see how you are going to have uniformity of decision in that very important class of cases. One judge or set of judges will hold one way, another a different way, and you will have no head to the system. I do not see any good that can come from it.

Mr. Speaker, before I take my seat I want to say that this country owes to the gentleman from Texas [Mr. CULBERSON] a debt of gratitude for putting some restraint upon the frightful encroachment of the Federal judiciary upon individual rights and the jurisdiction of the State courts. It is not inappropriate here to

say that there is not a field of jurisdiction over which they have not extended in an usurping way. He has to some extent restored to the people their rights; but this bill proposes to turn back the wheels of progress in the matter of giving fair and impartial trials. Why, only twenty years ago it was often found impossible to have an impartial jury in a Federal court. It will be remembered that we were able to get a rider upon an appropriation bill, under which the panel was selected part from one political party and part from the other, preventing forever partisan decisions in our Federal courts. I hope this House will not take a backward step. I can see no good that will result from refusing an appeal to the Supreme Court of the United States on the part of any citizen who has incurred the penalty of life servitude in the penitentiary.

Mr. CULBERSON. Has the gentleman from New Hampshire [Mr. BAKER] the act of 1891?

Mr. CONNOLLY. The circuit court of appeals act provides that all cases of conviction of a capital or otherwise infamous crime may go direct to the Supreme Court of the United States from the district court.

Mr. CULBERSON. That is what I said.

Mr. CONNOLLY. Either from the district or circuit court to the Supreme Court.

Mr. CULBERSON. That is what I said, that the law provided that they should go direct. Now, if I understand, the gentleman provides a circuitous route to get into the Supreme Court.

Mr. BAKER of New Hampshire. Not to go to the Supreme Court at all.

Mr. MCMILLIN. It is worse than a circuitous route. It is an absolute denial.

Mr. BAKER of New Hampshire. It goes from the district to the circuit, and from the circuit to the circuit court of appeals, and there receives final adjudication, in the circuit court of appeals, rather than in the Supreme Court, in all cases not capital.

Mr. CULBERSON. That is what I thought the bill meant, and that is exactly what it is.

Mr. CONNOLLY. Will the gentleman from Texas allow me to make a suggestion?

Mr. CULBERSON. Yes.

Mr. CONNOLLY. It is only about twelve years since any of these cases could go to the United States Supreme Court or to the circuit court at all.

Mr. CULBERSON. I am well aware of that.

Mr. CONNOLLY. The decision of the district court was final, and there was no appeal or writ of error allowed.

Mr. CULBERSON. I have just stated that to the House.

Mr. CONNOLLY. The circuit courts of appeals act allowed an appeal direct to the Supreme Court in these cases.

Mr. CULBERSON. I understand that.

Mr. CONNOLLY. This bill provides that an appeal shall lie to the circuit court of appeals, and that the adjudication of that court shall be final. It still allows that appeal.

Mr. CULBERSON. I understand that.

Mr. CONNOLLY. And I would suggest, further, to the gentleman while he is on the floor, that if this bill passes it divides the criminal business of the United States among nine different circuit courts of appeals. If the law is allowed to stand as it is, it brings all the criminals to one court. Hence the congestion of business in the Supreme Court. The effect of this bill is to divide it among nine different courts.

Mr. CULBERSON. Already congested.

Mr. BAKER of New Hampshire. To avoid that congestion.

Mr. CULBERSON. Mr. Speaker, the effect of the bill is to divide the criminal prosecutions among nine courts, whereas now they are all sent to the Supreme Court of the United States and have congested the business of that court. Now, I undertake to say that the circuit courts of the United States are in a far worse condition in this respect than the Supreme Court of the United States. We have created eighteen or twenty circuit judges to help the Supreme Court out of the dilemma from overcrowded dockets. I understand that the business of that court is not very large. Only 48 criminal cases have been reported to that court within the last twelve months, and the very object is, as the gentleman from Tennessee [Mr. MCMILLIN] says, in having these cases less than capital go the Supreme Court of the United States, to have a uniformity in the decisions, so that a man in Texas shall not be confined or put in the penitentiary and held there under a decision of the circuit court of appeals in that country which would not be tolerated by the circuit court of appeals at Chicago; so as to force a uniformity of decisions, and I expect that if you overload these circuit courts, as you are now, and as this bill tends to do, and will tend to do, you will have to increase that force, for, as far as the fifth circuit court is concerned, I know that it is impossible for the three judges of that court, two circuit judges and a district judge assigned to them, to discharge even the civil business before it—perfectly impossible. Now, do you not think that a man indicted and sent to the penitentiary for life under the Curtis bill, which is likely to become law, or do you not think that a man indicted and sent to the penitentiary for ten years or fifteen years ought to have the right to go to the highest court in this country and ask whether or not that conviction is just and proper and legal—or even for manslaughter?

I insist, Mr. Speaker, that this bill tends in the wrong direction. You already have an appeal from the circuit court of the United States to the circuit court of appeals in all criminal cases less than capital and less than felony; and I think that it is entirely proper to leave it so. I have no factious opposition to make to the bill.

Mr. TERRY. I desire to ask if this is the section of the law to which my friend from Texas referred, section 5 of the act of 1891, which provides that appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in case of conviction of a capital or otherwise infamous crime?

Mr. CULBERSON. Yes, sir; that is the section I refer to; and if a person is convicted of an infamous crime—that means a crime for which the man may be punished by confinement in penitentiary at hard labor——

Mr. TERRY. That is correct.

Mr. CULBERSON. Why, then he has a right, under the statute, to appeal his case to the Supreme Court?

Mr. TERRY. I think that right should be preserved.

Mr. RICHARDSON. Then this bill takes that away?

Mr. CULBERSON. This bill takes away that right.

Mr. MILES. I would like to ask the gentleman from New Hampshire if this bill has received the approval of the Department of Justice?

Mr. BAKER of New Hampshire. I do not know whether it has been to the Department of Justice or not. It has not from the House. Yes, sir; it has the approval, as the gentleman will find on page 3 of the report. It was sent there from the Senate, and the approval is in this:

Your letter of yesterday, requesting me to send you a statement——

Mr. MILES. I have the report. This is the letter from the Attorney-General?

Mr. BAKER of New Hampshire. Yes, sir.

Your letter of yesterday, requesting me to send you a statement of the number of criminal cases which have been brought to the Supreme Court, etc.

Now, Mr. Speaker, if this bill becomes a law the appeals which can be taken in infamous cases will be greater in the United States courts than the appeals ordinarily allowed in the State courts; and that in itself ought to be a sufficient answer to all the objections which have been raised upon the other side of the House. There is an appeal at present direct from the district court to the Supreme Court in all these capital and infamous cases, and the purpose of this bill is to have the cases not capital proceed in the regular order from the district court to the circuit court and from the circuit court to the circuit courts of appeals. That gives two appeals after the first trial——

Mr. CULBERSON. Is not the gentleman mistaken about that?

Mr. BAKER of New Hampshire. I think not.

Mr. CULBERSON. Murder cases are tried uniformly now in the circuit court of the United States.

Mr. CONNOLLY. Oh, not necessarily.

Mr. BAKER of New Hampshire. They may or they may not be.

Mr. CULBERSON. Well, if a man is tried in the circuit court he has an appeal, and the gentleman will recollect that the act of 1891 provides that all other appeals are abolished.

Mr. BAKER of New Hampshire. If he is tried in the circuit court he has only one appeal; if he is tried in the district court he has two under the provisions of this bill and the act of 1891, constituting the circuit courts of appeals.

Mr. CULBERSON. I beg the gentleman's pardon. That is not the law.

Mr. CONNOLLY. No, there is only one appeal—to the circuit courts of appeals.

Mr. BAKER of New Hampshire. Well, admitting that the gentlemen are right on that point, that gives the accused as many appeals as he has in any State in the Union. The object of this bill is to provide relief to the Supreme Court from the trial of little cases involving violations of internal-revenue laws, matters of pensions, matters of frauds upon the mails—the hundreds of little suits that are brought and then appealed from court to court in order to secure delay. It is not appropriate that the Supreme Court of the United States should be troubled with such little cases, which do not involve any great principle, any constitutional questions, and should thereby be prevented from promptly deciding those important questions which naturally and properly come before that high court.

Mr. MCMILLIN. If a question of the liberty of the American citizen is not of sufficient magnitude to engage the attention of the Supreme Court, will the gentleman kindly tell us what he thinks would be?

Mr. BAKER of New Hampshire. The liberty of the citizen is of the highest importance; there is no doubt about that.

Mr. McMILLIN. Yet, however important may be the right of liberty involved, even if the penalty is life servitude, so long as the actual life of the citizen is not involved you would cut him off from this appeal in order to give the Supreme Court time and opportunity to settle some question involving two thousand or three thousand or some other number of dollars and cents.

Mr. BAKER of New Hampshire. I do not know how the gentleman can get into the Supreme Court with his case involving $2,000.

Mr. McMILLIN. Well, make it $10,000, if you prefer; or make it any amount of dollars and cents. There is nothing on this earth that ought to be more sacred to the court and to Congress than the liberty of the citizen.

Mr. BAKER of New Hampshire. But when the man has had his several trials in courts of jurisdiction equivalent to that of the State courts in which he would be tried for his life, is any injustice, relative or otherwise, done to him by this proposition?

Mr. McMILLIN. Would not that same argument abolish the Supreme Court and leave all these questions of money to these other courts?

Mr. BAKER of New Hampshire. The primary purpose of the Supreme Court is to pass upon questions of constitutional law, laws, treaties, and matters which pertain to the whole nation, and the Supreme Court should always have an opportunity to give sufficient attention to those primary matters in order that no mistakes may be made in regard to them; but if the dockets of that court are lumbered up with cases pertaining to 4 gallons of whisky or 1 newspaper, then the court will find it impossible to give proper time and attention to the great constitutional and national affairs which it was instituted by the fathers to pass upon.

Mr. POWERS. In a prosecution under an indictment for manslaughter under your bill, if I understand it, the party charged can not get into the Supreme Court of the United States?

Mr. BAKER of New Hampshire. He can not get into the Supreme Court of the United States if he is charged with manslaughter, but he can go from the district court to the circuit court and from the circuit court to the circuit courts of appeals if this bill becomes a law, and that is more chance than he would have in the State of Vermont.

Mr. CONNOLLY. The gentleman is wrong. He can not go from the district court to the circuit court.

Mr. POWERS. No; but he can go from the circuit court to the circuit courts of appeals.

Mr. BAKER of New Hampshire. Well, that is as much opportunity for appeal as he would have in Vermont.

Mr. POWERS. But we have a great deal better courts there than your Federal courts. [Laughter.]

Mr. BAKER of New Hampshire. Possibly that was true when the gentleman himself was on the bench, but I doubt if it is now. [Laughter.]

Mr. NORTHWAY. The right of appeal in cases of manslaughter has always existed, has it not?

Mr. BAKER of New Hampshire. No, sir; until the act of 1891 there never was an appeal to the Supreme Court in manslaughter cases, but the act of 1891, which established the circuit courts of appeals, granted it for the first time in the history of the country.

Mr. NORTHWAY. Well, if it was granted at that time, was not that done for the reason that Congress felt that the right of the citizen had been abridged in that respect?

Mr. BAKER of New Hampshire. I am inclined to think that the granting of it was a mistake; that it was not intentional.

Mr. NORTHWAY. Was not that right of appeal considered as one of the rights that ought to be extended to the citizen, so that he might have the opinion of the highest court of the land when his liberty was at stake?

Mr. BAKER of New Hampshire. I do not think that was the intention of Congress, though, of course, I can not tell what the intention then was.

Mr. NORTHWAY. I understand that to have been the very object of the law.

Mr. BAKER of New Hampshire. Certainly this bill does not deprive an accused party of any benefit which he should enjoy as a citizen of the United States. It will leave an appeal which was never allowed until 1891.

Mr. POWERS. My friend seems to be reckoning by the number of chances which a man accused of crime will be allowed. I submit that is hardly a fair way to treat the right of a citizen to liberty. The question may be very important to the citizen whether he is allowed to appeal from one lower court to another lower court, or whether he is allowed to appeal from a lower court to the highest court known to the law.

Mr. BAKER of New Hampshire. The gentleman should remember that prior to the act of 1891, all these cases were ended in the circuit courts. Prior to 1891 there was no appeal allowed to any higher tribunal. If this bill passes, there is one more appeal than those which were allowed up to the passage of the act of 1891.

Mr. POWERS. The gentleman is wrong in his reckoning. He loses sight of the fact that these cases are not tried in the district court, but in the circuit court——

Mr. BAKER of New Hampshire. They may or may not be.

Mr. POWERS. Well, they are tried in the circuit court as a matter of fact, are they not?

Mr. BAKER of New Hampshire. They are sometimes tried there, and sometimes not.

Mr. POWERS. But that is the usual, the ordinary proceeding.

Mr. CONNOLLY. No, not the ordinary proceeding.

Mr. BAKER of New Hampshire. Most appropriately these cases should be tried in the district court.

Mr. POWERS. I sympathize with the suggestion of the gentleman that there is not very much of a criminal character which ought to reach the docket of the Supreme Court of the United States; but would it not be wise to eliminate from the jurisdiction of that court the lower grades of offenses, while retaining its jurisdiction over these great momentous questions of personal liberty, involving, if the party is convicted, a long term of imprisonment, possibly imprisonment for life? I throw out this suggestion, thinking perhaps the gentleman may see that his bill can be profitably modified.

Mr. BAKER of New Hampshire. I believe that the liberty of the individual American citizen is a question of as high moment as any that a court can pass upon; and if gentlemen are at all strenuous upon the point, I have no objection to so amending the bill as to allow appeals to be taken in capital cases and cases where the offense charged is manslaughter.

Mr. POWERS. We have many cases where the maximum punishment is a very long term of imprisonment. As these questions touch so gravely the right of personal liberty, it strikes me that the prisoner is entitled in such cases to a hearing before the very highest tribunal that the law has created.

It seems to me that we are improperly treating the two classes of cases as parallel when we say that because when a prisoner is charged with violation of a State law his last right of appeal is to the highest State court, therefore we are giving a prisoner charged with violation of Federal law an equal opportunity if we give him the same number of chances to take an appeal.

Mr. BAKER of New Hampshire. The only question, of course, would be the relative value of the circuit courts of appeals as a final tribunal and that of the Supreme Court of the United States.

Mr. POWERS. Not quite that. Sometimes the violation of a Federal statute creates more widespread injury to the public, is more heinous in its character, more grave in its consequences, than the violation of a State statute.

Mr. BAKER of New Hampshire. But the result to the individual would be practically the same.

Mr. POWERS. I feel quite sure that my friend from New Hampshire will on reflection find that his bill needs a little modification.

Mr. BAKER of New Hampshire. An amendment is being prepared to which I have no objection, excepting cases of manslaughter.

Mr. POWERS. There are other offenses which are punished quite as severely as manslaughter, although the punishment for manslaughter may be imprisonment for life or for a shorter term. But there are cases of counterfeiting and forgery——

Mr. BAILEY. Do I understand that the gentleman from New Hampshire [Mr. BAKER] agrees to accept an amendment?

Mr. BAKER of New Hampshire. Yes, sir.

Mr. BAILEY. Then I will inquire whether it is in order to propose an amendment to a bill which is being considered under suspension of the rules?

The SPEAKER pro tempore (Mr. PAYNE). It would not be except by unanimous consent.

Mr. TERRY. I do not see why it should be any worse to be put in the penitentiary for manslaughter than for some other offenses, and if we except cases of manslaughter, I do not see why other offenses should not be excepted.

Mr. BAKER of New Hampshire. I suppose the gentleman from Arkansas would discriminate as to different grades of crime, and I suppose he is perfectly willing that people should be punished in this country for crime.

Mr. TERRY. If I had to be put in a penitentiary (I do not know that I should like to be put there at all), I would rather be placed there for manslaughter than for some infamous offenses in respect to which this bill denies the right of appeal. For instance, I would rather be imprisoned for manslaughter than for theft, or embezzlement, or anything of that kind—offenses which inflict a worse stain upon a man's character than if in hot blood and under provocation he commits what the law calls manslaughter.

Mr. BAKER of New Hampshire. Do I understand the gentleman to say he would rather kill a man than steal a twenty-dollar bill?

Mr. TERRY. I would rather be in the penitentiary for killing, in hot blood, a man who had grossly insulted me than for going stealthily and stealing or embezzling another man's property. [Applause.]

Mr. CONNOLLY. Mr. Speaker, allow me to suggest now, to meet an objection which I think is fairly well founded to the bill, namely, that it allows an appeal to the Supreme Court where a man's life is involved, but denies the appeal when he may have been convicted and sentenced to life imprisonment, which to most men would be quite as bad as a sentence to death in a limited time, I propose to amend the bill for the purpose of meeting this point by inserting on page 1, in line 9, after the words "or otherwise infamous," the words:

Or cases in which a judgment of life imprisonment is rendered in the district court.

That would extend the right of appeal to all cases that are capital by statute without reference to the judgment of the court, because gentlemen must understand that whether a case is capital or not is not to be determined by the judgment rendered, but is to be determined exclusively by the indictment found. There may be a conviction on an indictment where a man is indicted on a capital charge, and the conviction may be for manslaughter, or it may be for assault and battery; but it is a capital offense, and hence appealable to the Supreme Court whether this bill passes or not. If the amendment I suggest shall be adopted, the bill carries to the Supreme Court all cases of judgments of the district or circuit courts in which the judgment shall be life imprisonment.

Now, gentlemen, these appeals in behalf of human life, and in behalf of human liberty, are very effective always in touching an American of a right mind. But gentlemen should bear in mind also that nearly the whole category of crimes, under the Federal law, are infamous. They are unlike our State statutes, wherein we make certain crimes felonies and others not felonies, and we make other crimes, again, misdemeanors. But under our Federal system of law nearly everything is infamous. Take, for instance, a man who is tried for selling a drink of whisky. He may be charged as a retail liquor dealer, and may be convicted of the charge. What, then, may his punishment be? It may be two years' imprisonment in the penitentiary; for a term of imprisonment of that length of time means necessarily in the penitentiary. Any imprisonment of a party for a year, or in excess of that, under the Federal statutes, must be in the penitentiary, and he can not be there except at hard labor. That has been settled by the Supreme Court.

Now, we have that condition where the man is indicted and convicted of selling a drink of whisky, and he may be sentenced to pay a fine of only $1, without imprisonment. That man has a right to appeal that case to the docket of the Supreme Court of the United States under existing law. Now, is there any sense in that?

Mr. RAY. Will my colleague allow a question?

Mr. CONNOLLY. Certainly.

Mr. RAY. Under our system of government is it not just that that man, who may be sentenced to the State prison for two years, shall be tried and convicted, if convicted, and sentenced under correct principles of law?

Mr. CONNOLLY. Oh, beyond all doubt.

Mr. RAY. Now, what is the object of the Supreme Court of the United States? Is it not to settle correctly contested principles of law that may arise in these cases? The object is to have one court where we may have the question finally determined, so that we may have a uniform rule running all through our modes of procedure in the courts of the United States.

Mr. CONNOLLY. From that I take it the gentleman would conclude that in every controversy between the United States and the citizen, whether the citizen be a criminal or not, he should have the right to appeal finally to the Supreme Court of the United States.

Mr. RAY. I would assert that, even if the punishment were not more than an hour's confinement in a county jail, if it could be done without incumbering our courts to such an extent that the administration of justice would be practically impossible. For, as a matter of abstract principle, it is just as essential that the man who is worth only a dollar, and that dollar is to be taken away from him, shall have the right to go to the Supreme Court of the United States and have the question of his rights determined as it is for the man who is worth ten millions and has a million involved in the controversy. I do not favor that. I do not argue that. I only make these suggestions as bearing upon the question of where we should make the dividing line, where we should cut off the right of appeal. I make these suggestions for that purpose and no other.

Mr. CONNOLLY. I concur with the gentleman fully about that, that as an abstract proposition I think it would be right that every citizen, in every controversy he may have with the Government of the United States, should have the right to go to the court of last resort in the United States, namely, the Supreme Court. But as a concrete question, as a practical question, is it possible that that can be done? We know it is not. Every gentleman knows that the line must be drawn somewhere for practical purposes.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the motion of the gentleman from New Hampshire to suspend the rules and pass the bill.

Mr. BAKER of New Hampshire. I ask unanimous consent that an amendment be offered.

Mr. CONNOLLY. I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. BAKER] asks to modify his motion, and moves to suspend the rules and pass the bill with an amendment, which the Clerk will report.

Mr. CONNOLLY. I ask unanimous consent for five minutes in which to call the attention of the House to the class of cases that are cumbering the docket of the Supreme Court under the statute as it stands.

Mr. CULBERSON. I have no objection to that, if time may be extended to this side of the House to a similar extent.

The SPEAKER pro tempore. Unanimous consent is asked to extend the time of the gentleman from Illinois [Mr. CONNOLLY] five minutes, and to grant a like extension to the gentleman from Texas [Mr. CULBERSON]. Is there objection?

There was no objection.

Mr. CULBERSON. Now, before the gentleman proceeds, will he be kind enough to suggest an offense which, under the law of the United States, is now punishable byconfinement in the penitentiary for life?

Mr. CONNOLLY. Well, sir, murder is one, for instance. Rape, within the jurisdiction of the United States, is another.

Mr. CULBERSON. The penalty for murder is hanging.

Mr. CONNOLLY. But it may be imprisonment in the penitentiary for life. So it may be for any of these offenses. I think he will find that the punishment may be less than death.

Mr. CULBERSON. I think the gentleman will find that he is mistaken.

Mr. CONNOLLY. Possibly I am. If I am, I will readily concede it. I am answering now upon the general principle.

Mr. CULBERSON. I beg the gentleman's pardon for interrupting him. I only ask the question because if there is any offense against the laws of the United States now punishable by confinement in the penitentiary for life it has entirely escaped my attention, and if there is no such case, then the gentleman's amendment would not be necessary.

Mr. CONNOLLY. My amendment would not effect anything if that is true. I think, however, the gentleman will, on investigation, find that there are many of these offenses in which the imprisonment may be for life.

Mr. CULBERSON. That may be so.

Mr. NORTHWAY. Your amendment would not take manslaughter into the United States Supreme Court.

Mr. CONNOLLY. If the defendant was sentenced for life.

Mr. NORTHWAY. But if he was sentenced for ninety-nine years, it would not?

Mr. CONNOLLY. No, sir.

Mr. NORTHWAY. What is the penalty for burning a Government building?

Mr. CONNOLLY. I could not tell that without referring to the statutes.

Mr. CULBERSON. I think it is death.

Mr. CONNOLLY. No; it is not death.

Mr. NORTHWAY. It may be imprisonment for twenty-one years, may it not?

Mr. CONNOLLY. I do not know.

Mr. NORTHWAY. Your amendment would not take that case into the Supreme Court of the United States.

Mr. CONNOLLY. No; it would not] I can modify it so as to provide where the sentence extends to imprisonment for life or for the term of ten years——

Mr. COOPER of Florida. Make it five years.

Mr. CONNOLLY. Very well. The House kindly extended my time to allow me to call attention to the class of cases that are now cumbering the docket of the Supreme Court, with the view of showing the absolute practical necessity for doing something. Instead of making the Supreme Court a hopper in which all the district courts may pour their criminal cases, this proposition makes nine different hoppers into which they may go.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. CONNOLLY. Yes; my five minutes will be up in a short time.

Mr. MILES. Could you not get at that reform better by providing that these petty offenses shall not be punishable by confinement in the penitentiary?

Mr. CONNOLLY. That would require a revision of the whole title of crimes in the Federal statutes. For instance, as I have said, one class of cases is the retailing of spirituous liquors. A

man may be punished by a fine of $1 or 1 cent, or he may be sent to the penitentiary for two years. Therefore it is an infamous offense, and he has the right of appeal, and without any question of principle or law being involved he has a right to appeal, and postpone the day of final conviction by means of the appeal.

Also, use of mails to defraud, larceny as postmaster, conspiracy to interfere with operations of mines, depositing in mails letter containing obscene matter, breaking into a post-office with intent to commit larceny, introducing beer into the Indian country, abstracting funds of bank, for committing pension frauds, perjury in land case, using mails to defraud, conspiracy to prevent the internal-revenue collector from discharging his duties, embezzlement of letters by postal clerk, violation of the interstate-commerce law, false entries in reports to Comptroller of the Currency, interfering with officers' election, making false entries in books and reports of bank, smuggling and sale of opium, bribery of custom officers to permit Chinese to land, receiving and selling smuggled cattle, taking unlawful fee in pension case (where the law limits the fee to $10 and he takes $15); in effect, all appeals to the Supreme Court of the United States; illegal dumping of refuse into harbor, taking illegal fees as United States commissioner, stealing of letter and contents by carrier, embezzlement of money-order funds, making a false affidavit to aid in a pension claim—all that class of cases are dumped now into the Supreme Court of the United States, and on that docket there are 254 cases of these classes. The Supreme Court are compelled to advance these cases in front of all the cases on their docket, so that all the great questions of constitutional law that it was originally designed that this court should settle for the country at large are compelled to wait, so that——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONNOLLY. I will only ask to have my amendment reported again, so that it may be understood it extends the operation of the proposed law to cases where the judgment is five years' imprisonment or more.

The SPEAKER pro tempore. Without objection, the amendment will be reported.

The Clerk read as follows:

In line 1, page 1, after the word "infamous," insert the following:
"Or cases in which a judgment of imprisonment for five years or more is rendered in the district or circuit courts."

The SPEAKER pro tempore. The gentleman asks unanimous consent that the motion of the gentleman from New Hampshire should include the amendment just now reported in the bill.

Mr. CONNOLLY. That extends it to all capital cases, and all others where the judgment rendered below shall be as much as five years' imprisonment.

The SPEAKER pro tempore. Is there objection to the request that the gentleman from New Hampshire may modify his motion as suggested? [After a pause.] The Chair hears none.

Mr. CULBERSON. Mr. Speaker, I have only to say now that the list of cases read by my friend from Illinois demonstrates the necessity of maintaining the law practically as it now exists, for every case he has read is a grave offense against the laws of the United States, in which surely we ought to have some uniformity of decision by the courts. I yield the balance of my time to the gentleman from Maryland.

Mr. MILES. I have no desire to address the House.

Mr. CULBERSON. I yield the floor.

Mr. MILES. I simply want to call the attention of the House to the fact, as the gentleman from Texas has been kind enough to yield me some time, that I asked the gentleman in charge of this bill a while ago if the bill had the approval of the Department of Justice, and he read a letter to the House in which there is not one word of approval given to this bill by the Attorney-General. The Attorney-General does state, however, that the total number of cases that have reached the Supreme Court to incumber the docket since the passage of the act read by the gentleman from Arkansas [Mr. TERRY] is only 123, and that 51 of these were capital cases, 49 being indictments for murder and 2 for rape, leaving 72 cases less than capital.

The further statement is made—

You ask that I give the number of each class of cases noncapital, but, as you will see from the inclosed memorandum, the cases are miscellaneous in character and can hardly be classified.

So that the House is asked to pass upon this bill without having knowledge as to the real character of the 72 cases which are less than capital. And I want to assert, Mr. Speaker, that I do not believe it is possible to cite on this floor a single instance of a case of the petty character referred to by the distinguished gentleman from Illinois [Mr. CONNOLLY], involving 2 gallons of whisky, ever having incumbered the docket of the Supreme Court of the United States. No such cases have reached that docket; and that is conclusively shown by a recital of the cases which are found in the report and which are shown, as remarked by my friend from Texas [Mr. CULBERSON], to be cases of grave consequence, both to the laws of the country and to the persons charged with these crimes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Hampshire, to suspend the rules and pass the bill with the amendment reported by the Clerk.

The question was taken.

The SPEAKER pro tempore. The noes seem to have it. Two-thirds not having voted in the affirmative, in the opinion of the Chair, the motion is lost.

SOUTHERN DISTRICT, CALIFORNIA.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5820) to create a second division of the southern district of California for judicial purposes, and to fix the time for holding court therein.

The bill was read, as follows:

Be it enacted, etc., That the county of San Diego, in the State of California, shall constitute the second division of the judicial district of the southern district of California, and a term of the circuit and district courts for said district shall be held therein at the city of San Diego on the first Monday in May and the first Monday in November of each year. The remaining counties heretofore embraced in said judicial district of the southern district of California shall constitute the first division thereof.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in the second division of said district shall be brought in said second division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this act, issued in either of the divisions of the judicial district of the southern district of California, may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States hereafter committed within the county comprising the second division of said district shall be prosecuted, tried, and determined at the terms of the district court hereinbefore provided for: *Provided*, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts for said district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at the city of San Diego, each of whom shall, in the absence of the clerks or marshal, exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure, and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district court of said southern district of California which would, if instituted after the passage of this act, be required to be brought in the second division of said district may be transferred by consent of all the parties to said second division of said district, and there disposed of in the same manner and with like effect as if the same had been there instituted, and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as taken at and returnable to the term of court in the second division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. I wish to ask the gentleman whether this bill creates a new court, or simply designates a new place for holding court?

Mr. BOWERS. It simply designates a new place, San Diego, for the holding of court. This is a money-saving bill. It was reported unanimously by the committee on the 11th of February last as a substitute for the original bill.

Mr. MCMILLIN. The judges are already provided?

Mr. BOWERS. Yes, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOWERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

TOWN SITES IN OKLAHOMA.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1191 to ratify an act of the Oklahoma legislature, approved February 27, 1895, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That article 4, chapter 12, of the act of the legislature of the Territory of Oklahoma of 1895 entitled "An act to authorize and provide for the vacation of town sites and additions thereto and the plats thereof proved up and patented under section 22 of the organic act in certain cases," approved February 27, 1895, be, and the same is hereby, in all things ratified and approved.

SEC. 2. That in all cases where a homestead entryman has perfected or shall hereafter perfect his title to the land embraced in his homestead entry or any subdivision thereof, under the provisions of section 22 of an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890, and the patentee or proprietor or proprietors of all the lots in any such town site or addition thereto have or shall vacate the same according to the law applicable thereto, and patents to the reservations for parks and for schools and other public purposes have not been issued and delivered for such reservations, all such reservations and unvacated streets leading to any such reservation shall, upon application to the Secretary of the Interior within six months from the date of the approval of this act or the vacation of any such town site or addition thereto and on payment of the original homestead price an acre for such lands, be patented to the proprietor or proprietors of such land containing such reservation: *Provided*, That if patent has already issued or shall hereafter issue for any such reservation to any town or municipality, such town

or municipality, through its presiding officer, may sell the same and any unvacated street leading to any such reservation at public or private sale to the highest bidder after thirty days' public notice of such sale, and convey said lands to the purchaser thereof by proper deed of conveyance and cover the proceeds of such sale into the school fund of such town or municipality.

The committee recommended an amendment striking out all after the enacting clause and inserting the following:

That in all cases where a town site or an addition to a town site, entered under the provisions of section 22 of an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890, shall be vacated in accordance with the laws of the Territory of Oklahoma, and patents for the public reservations in such vacated town site or addition thereto have not been issued, it shall be lawful for the Commissioner of the General Land Office, upon an official showing that such town site or addition thereto has been vacated, and upon payment of the homestead price for such reservations, to issue a patent for such reservations to the original entryman.

If the original entryman shall fail or neglect to make application for the reservations within six months from the vacation of such town site, or from the passage of this act, the reservations shall be subject to disposal under the provisions of section 2455 of the Revised Statutes of the United States as amended by the act approved February 26, 1895.

SEC. 2. That if a patent has already issued, or shall hereafter issue, for any such reservation, to any town or municipality, such town or municipality, upon the vacation of the town site or addition thereto, as aforesaid, may sell the same at public or private sale to the highest bidder after thirty days' public notice of such sale, and convey said lands to the purchaser by proper deed of conveyance, and cover the proceeds of such sale into the school fund of such town or municipality: *Provided*, That where, by reason of the vacation of an entire town site and all its additions, the municipal organization has ceased to exist, the reservations in such vacated town site which may have been patented to the town may be disposed of as isolated tracts under the provisions of section 2455 of the Revised Statutes of the United States as amended by the act approved February 26, 1895.

SEC. 3. That all laws and parts of laws, in so far as they conflict with this act, are hereby repealed.

Mr. OVERSTREET. I desire a vote on the substitute, not on the original bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Mr. Speaker, this is a very long and it seems to be a complicated bill. I do not feel like saying that it ought not to come up for consideration, but if it is to come up I would like to hear some explanation of its provisions.

Mr. OVERSTREET. Mr. Speaker, this bill seeks to correct a law which was enacted some years ago providing for the establishment of town sites in the Territory of Oklahoma. No provision was made for the vacation of those town sites when abandoned, and this bill seeks to establish a method for the change of title where the same has not changed through the municipal officers. Under the provisions of this measure, the Secretary of the Interior may treat these abandoned town sites as isolated tracts of land which may be sold under statutes already enacted. One provision is that no land shall be sold for less price than $1.25 per acre, the established schedule rate. The bill affects only those tracts of land in this one Territory, and only those cases where the owners have left the land and there are no municipal officers through whom the title may be changed.

Mr. LACEY. I would like to suggest also that the original bill was referred to the Secretary of the Interior, who referred it to the Commissioner of the General Land Office, and in the Land Office a substitute was drawn for the original bill, and it is the substitute which the committee have reported back and recommend to be passed.

Mr. MCMILLIN. Is there a recommendation by the Commissioner of the General Land Office of the passage of this bill?

Mr. OVERSTREET. Yes, sir. He recommended the substitute and prepared it.

Mr. MCMILLIN. I ask that the Clerk read the letter of recommendation.

Mr. OVERSTREET. Let the report be read.

The report (by Mr. LACEY) was read, as follows:

This bill was submitted to the Secretary of the Interior, and thereupon the Secretary submitted the following report and a substitute bill to the committee:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 11th instant, on H. R. 1191, "To reaffirm an act of the Oklahoma legislature approved February 27, 1895, and for other purposes."

The Commissioner is of the opinion, for the reasons in his report, that the bill a copy of which he herewith transmits should be substituted in lieu of H. R. 1191. I concur in the Commissioner's recommendation.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 11, 1896.

SIR: I have the honor to acknowledge receipt, for report in duplicate and return of papers, of House bill No. 1191, entitled "A bill to ratify an act of the Oklahoma legislature, approved February 27, 1895, and for other purposes."

The purpose of the bill is to provide for the disposal of reservations in town site commuted under section 22, act of May 2, 1890 (26 Stat. L., 81), where such town site has been "vacated" in accordance with the laws of the Territory of Oklahoma.

While the object intended by the bill is one for which some provision should be made, the measure proposed does not meet with the approval of this office in its present form.

I therefore have the honor to recommend the substitution of a bill of the form herewith inclosed in lieu of House bill No. 1191.

As the act of the Oklahoma legislature approved February 27, 1895, which the bill No. 1191 proposes to ratify contravenes no law of the United States and needs no ratification, that feature has been omitted from the form of bill submitted.

The papers are returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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SUBSTITUTE FOR THE BILL.

A bill to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a town site, or an addition to a town site, entered under the provisions of section 22 of an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890, shall be vacated in accordance with the laws of the Territory of Oklahoma, and patents for the public reservations in such vacated town site, or addition thereto, have not been issued, it shall be lawful for the Commissioner of the General Land Office, upon an official showing that such town site, or addition thereto, has been vacated, and upon payment of the homestead price for such reservations, to issue a patent for such reservations to the original entryman.

If the original entryman shall fail or neglect to make application for the reservations within six months from the vacation of such town site, or from the passage of this act, the reservations shall be subject to disposal under the provisions of section 2455 of the Revised Statutes of the United States, as amended by the act approved February 26, 1895.

SEC. 2. That if a patent has already issued, or shall hereafter issue, for any such reservation to any town or municipality, such town or municipality, upon the vacation of the town site or addition thereto, as aforesaid, may sell the same at public or private sale to the highest bidder after thirty days' public notice of such sale, and convey said lands to the purchaser by proper deed of conveyance, and cover the proceeds of such sale into the school fund of such town or municipality: *Provided*, That where, by reason of the vacation of an entire town site and all its additions, the municipal organization has ceased to exist, the reservations in such vacated town site which may have been patented to the town may be disposed of as isolated tracts under the provisions of section 2455 of the Revised Statutes of the United States as amended by the act approved February 26, 1895.

SEC. 3. That all laws and parts of laws, in so far as they conflict with this act, are hereby repealed.

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The proposed substitute of the Commissioner of the General Land Office effects the purpose for which the original bill was introduced and intended.

The reasons for the passage of the substitute sufficiently appear in the correspondence above.

The committee therefore recommend that all after the enacting clause be stricken out and that the above substitute be adopted and passed.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read, "A bill to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma."

FREE DELIVERY IN TOWNS.

Mr. SPERRY. Mr. Speaker, the gentleman who made objection some time ago to the bill for free delivery in towns and villages, after reading it, has withdrawn his objection, and I ask that the bill be now taken up and put upon its passage.

The SPEAKER pro tempore. The gentleman from Connecticut states that the objection made to the bill indicated by him has been withdrawn by the gentleman from Mississippi [Mr. KYLE] and asks that the bill be now considered. Is there objection?

Mr. MCMILLIN. Mr. Speaker, I do not see the chairman of the Committee on the Post-Office and Post-Roads in the House at this moment. He stated, I know, that he thought there was something in the files of the committee that would shed light on this measure and said that he would go and try to find it. I will ask the gentleman from Connecticut, therefore, to let this matter go over until another time, when the chairman of the committee shall be present.

Mr. SPERRY. Mr. Speaker, I have no objection to accommodating gentlemen, but I have called up this bill several times, and there has been objection made to what seems to me a very simple matter—a proposition to give the people of the rural districts greater mail facilities at no expense whatever to the Government. It does seem to me that this is a matter that ought not to be objected to.

Mr. MCMILLIN. Has the gentleman any objection to the chairman of the committee having charge of such matters being present when the bill is considered? I know that the chairman desires to be present, and that is why I have called attention to his absence at this time.

Mr. SPERRY. I did not understand that. When the bill was approved in the committee, I was put in charge of it, and the approval was unanimous. There was no objection whatever made to the bill.

Mr. MCMILLIN. The conversation to which I have already referred occurred since the gentleman from Connecticut under-

took to-day to bring this bill up. I have not seen the chairman of the committee since; but I know that after making the search for a certain paper he wanted to be present when this bill was disposed of. I hope the gentleman from Connecticut will not object to allowing the bill to go over until the chairman can be present.

Mr. SPERRY. I did not understand the chairman of our committee to oppose this bill.

Mr. MCMILLIN. He stated that he wanted to search the files for a particular paper, with the view of deciding whether the bill ought to be objected to. That is the way I understood him. It strikes me that no harm can come from allowing a measure like this to go over until the chairman of the committee that has had the matter in hand can be present. He said there was somewhere in the files a letter on this subject from the Postmaster-General, and he wanted to see whether he could find that letter. The bill may be entirely correct. If it should prove so on proper examination, I shall, of course, interpose no objection; on the contrary, I will heartily support the bill. If it gives better postal service than we have heretofore had, the gentleman will have no difficulty in getting it up and having it passed; and no man will more heartily aid him in securing its passage than myself. I am for all proper mail facilities, especially in the rural communities.

Mr. SPERRY. If the gentleman from Tennessee makes objection, of course I must acquiesce.

The SPEAKER pro tempore. Objection is made.

Mr. DALZELL. I move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. BROWN, for ten days, on account of important business.

To Mr. COLSON, for ten days, on account of important business.

To Mr. BURTON of Missouri, for one week, on account of important business.

To Mr. BURRELL, for ten days, on account of important business.

To Mr. HUFF, for four days, on account of important business.

To Mr. WILBER, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. GIBSON, by unanimous consent, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of William N. Duncan (Forty-fourth Congress), no adverse report having been made.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.;

Joint resolution (S. R. 47) relating to the Federal census;

Joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD;

A bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., and for other purposes; and

Joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

The motion of Mr. DALZELL was agreed to; and accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter of the Chief of Engineers, with an accompanying report, replying to the House resolution of March 2, 1896, relating to an estimate of the cost of deepening the channel of the harbor of Southwest Baltimore (Spring Garden) to the depth of 27 feet, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 3642) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, reported the same without amendment, accompanied by a report (No. 794); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred House bill No. 2758, reported in lieu thereof a bill (H. R. 7251) to fix the standard of weights and measures by the adoption of the metric system of weights and measures, accompanied by a report (No. 795); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 796); which said bill and report were referred to the House Calendar.

Mr. WALKER of Virginia, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the Senate (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River, reported the same without amendment, accompanied by a report (No. 799); which said bill and report were referred to the House Calendar.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 4157) to amend the postal laws relating to use of postal cards, reported the same without amendment, accompanied by a report (No. 801); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., reported the same with amendment, accompanied by a report (No. 802); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, reported the same with amendment, accompanied by a report (No. 803); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1176) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road," reported the same without amendment, accompanied by a report (No. 804); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BAKER of Kansas, from the Committee on Pensions, reported (Report No. 800) the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.; which was referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COFFIN: A bill (H. R. 7252) to authorize the construction of a bridge across the Eastern Branch of the Potomac River, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MINOR of Wisconsin: A bill (H. R. 7253) to provide for deepening the channel of the Fox River from the city of Green Bay to the city of Depere, Wis.—to the Committee on Rivers and Harbors.

By Mr. BARRETT: A bill (H. R. 7254) to establish the department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. MILES: A bill (H. R. 7255) providing for the establishment of a life-saving station on the coast of Maryland—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: A bill (H. R. 7256) for the relief of owners and claimants of land within the national parks and forest reservations in the State of California—to the Committee on the Public Lands.

By Mr. BELL of Colorado: A bill (H. R. 7257) making Pueblo, Colo., a port of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. HUBBARD: A bill (H. R. 7258) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864; also an act approved May 7, 1878, both in amendment of said first-mentioned act and also all other acts amendatory thereof; and to terminate the contract and agreement entered into between the Government and various railroads by virtue of the said first-named act and acts amendatory thereof and supplementary thereto, and to secure to the United States payment of all indebtedness of certain railroad companies therein mentioned—to the Committee on Pacific Railroads.

By Mr. BROSIUS: A bill (H. R. 7259) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883—to the Committee on Reform in the Civil Service.

By Mr. BLUE: A bill (H. R. 7260) donating 2 condemned cannon and 10 condemned cannon balls to Washington Post, No. 12, Grand Army of the Republic, Lawrence, Kans.—to the Committee on Naval Affairs.

By Mr. ALDRICH of Alabama: A bill (H. R. 7261) to retire the United States legal-tender notes and Treasury notes and to substitute therefore Treasury certificates; to coin into standard silver dollars all the bullion now in the Treasury, and for other purposes—to the Committee on Banking and Currency.

By Mr. SNOVER: A bill (H. R. 7262) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 7263) to extend Connecticut avenue—to the Committee on the District of Columbia.

Also, a bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COUSINS: A bill (H. R. 7265) to transfer the legal title and trusteeship of the lands of the Sac and Fox Indians of Iowa to the Secretary of the Interior—to the Committee on Indian Affairs.

By Mr. WHEELER: A bill (H. R. 7266) to grant lands to the State of Alabama for the use of the Industrial School for Girls, the Tuskegee Normal and Industrial Institute, the State Normal College, and the Normal and Industrial School at Normal, Ala.—to the Committee on the Public Lands.

By Mr. GROSVENOR: A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of the Chickamauga and Chattanooga National Military Park—to the Committee on Military Affairs.

By Mr. COOKE of Illinois (by request): A bill (H. R. 7321) to facilitate the trial of causes in the United States courts—to the Committee on the Judiciary.

By Mr. BREWSTER: A joint resolution (H. Res. 142) providing annual clerks to Members and Delegates of the House of Representatives—to the Committee on Accounts.

Also, a memorial of the assembly of the State of New York, in favor of the construction of a revenue cutter of the first class for service on the Atlantic Coast—to the Committee on Interstate and Foreign Commerce.

By Mr. CATCHINGS: A memorial of the legislature of the State of Mississippi, asking consideration of the bill to establish a military park at Vicksburg, Miss.—to the Committee on Rules.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the granting of pensions by the National Government to soldiers and sailors confined in Confederate prisons—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 1935) for the relief of Irwin Tucker, postmaster at Newport News, Va.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 2028) to authorize the Postmaster-General to credit the account of James A. Sexton with the amount of funds stolen—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 605) for the relief of F. M. Vandling, postmaster at Scranton, Pa.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 669) for the relief of Bessie McAlister McGuirk—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 1294) granting relief to H. R. Sturtevant, postmaster at Hartland, Vt.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 7267) for the benefit of Richard Gallivan—to the Committee on Claims.

Also, a bill (H. R. 7268) for the relief of Charles Morgan, M. C. Mordaci, C. B. Payne, and the Southern Steamship Company—to the Committee on Claims.

By Mr. BLUE: A bill (H. R. 7269) granting a pension to Mary J. Sherman, of Ottawa, Kans.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 7270) to restore Lieut. Samuel Howard to his proper rank—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARDY: A bill (H. R. 7271) for the relief of Wormley E. Wrae, of Hancock County, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 7272) for the relief of Bedford Potts, Boxville, Ky.—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 7273) granting a pension to Reuben Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7274) granting a pension to Charlotte Wantz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7275) granting a pension to Belle Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7276) granting a pension to Sarah M. Anderson—to the Committee on Invalid Pensions.

By Mr. DANFORD: A bill (H. R. 7277) for the relief of Thomas K. McCann, of Steubenville, Ohio—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 7278) for the relief of the widow and heirs of William J. Cunningham, deceased, of Vancamp, Wetzel County, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 7279) for the relief of H. H. John, of Mannington, Marion County, W. Va.—to the Committee on Military Affairs.

Also, a bill (H. R. 7280) for the relief of J. K. Botsford, of Wheeling, Ohio County, W. Va.—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 7281) for the relief of Winslow Warren—to the Committee on Claims.

By Mr. FLETCHER: A bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 7283) granting pension to Mary Dozha—to the Committee on Pensions.

By Mr. GAMBLE: A bill (H. R. 7284) to remove the charge of desertion from Patrick Dwyer—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 7285) for the relief of George McFarland—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 7286) to pension Henry Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7287) to pension James A. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7288) to pension Rebecca J. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7289) to correct the military record of James A. Root—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 7290) granting a pension to Charles W. Benedict—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 7291) granting an increase of pension to Rosa Karger—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 7292) granting a pension to James Rabern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7293) to place the name of William D. Rabern on the roll of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 7294) granting a pension to Sidney Bozarth—to the Committee on Invalid Pensions.

By Mr. LOW: A bill (H. R. 7295) for the relief of Theo. von Bremsen—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7296) for the relief of William Keating—to the Committee on Invalid Pensions.

By Mr. MILLER of West Virginia: A bill (H. R. 7297) for the relief of Thomas B. Kirk—to the Committee on Military Affairs.

Also, a bill (H. R. 7298) for the relief of John L. Charles—to the Committee on War Claims.

Also, a bill (H. R. 7299) to pension Jackson Lykins for services in the late war—to the Committee on Invalid Pensions.

By Mr. SNOVER: A bill (H. R. 7300) to place name of Ann McKay on pension roll as widow of George McKay, and to pay her accrued pension of said George McKay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7301) for the relief of deputy collectors and inspectors of customs in the district of Huron, Mich.—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 7302) for the relief of the heirs of Manette Marsons, deceased—to the Committee on Claims.

By Mr. STROWD of North Carolina: A bill (H. R. 7303) for the relief of C. H. Dupree, administrator of John G. Dupree, deceased—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 7304) for the relief of Henry C. Rawson—to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 7305) granting an increase of pension to James Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7306) for the relief of Edgar Carson, private and sergeant Company E, Fifty-eighth Indiana Volunteers—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 7307) for the relief of Michael Low—to the Committee on Military Affairs.

Also, a bill (H. R. 7308) for the relief of Milton Shootman—to the Committee on Military Affairs.

Also, a bill (H. R. 7309) for the relief of Ellkenney Broglin—to the Committee on Claims.

Also, a bill (H. R. 7310) for the relief of Warham Easley, of Grainger County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7311) to pension Giles M. Caton, of Sevier County, Tenn.—to the Committee on Invalid Pensions.

By Mr. STALLINGS: A bill (H. R. 7312) to increase the pension of Mrs. Amelia M. Carpenter—to the Committee on Pensions.

Also, a bill (H. R. 7313) granting a pension to John W. Porterfield—to the Committee on Pensions.

Also, a bill (H. R. 7314) to increase the pension of John E. Gullett—to the Committee on Pensions.

Also, a bill (H. R. 7315) granting a pension to Henry J. Helton—to the Committee on Pensions.

Also, a bill (H. R. 7316) granting a pension to Nancy Parker—to the Committee on Pensions.

Also, a bill (H. R. 7317) to increase the pension of Leroy M. Bethea—to the Committee on Pensions.

Also, a bill (H. R. 7318) granting a pension to Elizabeth Currey—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 7319) for the relief of John H. Alexander—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 680, Patriotic Order Sons of America, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ARNOLD of Rhode Island: Petition of Mary A. Babcock, president, and other officers of the Woman's Christian Temperance Union of Rhode Island, for arbitration between the United States and Great Britain on all subjects of difference—to the Committee on Foreign Affairs.

Also, petition of members of the Woman's Suffrage League of Rhode Island, to amend the Federal Constitution so as to prohibit the States from disfranchising citizens on account of sex—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of R. B. Buckley and 1,000 citizens of Anacostia and Southeast Washington, to amend the charter of the Capital Railway Company and for better street-car facilities—to the Committee on the District of Columbia.

Also, petition of R. G. W. Collins and 27 others, of Dodgeville, Wis., protesting against House bill No. 167, to protect the first day of the week in the District of Columbia—to the Committee on the District of Columbia.

Also, 10 petitions containing a total of 102 names of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, protests of R. G. W. Collins and 12 others, of Iowa County; P. S. Judson and 43 others, of Yuba, Richland County; G. W. Waterbury and 53 others, of Prairie du Sac; Herbert I. Pierce and 20 others, of Sauk County, all of the State of Wisconsin, against the proposed amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of J. C. Evans and 55 others, of Dodgeville, Wis., in favor of the proposed amendment to the Constitution of the United States, and prohibiting appropriations of money for sectarian purposes—to the Committee on the Judiciary.

By Mr. BELL of Colorado: Petition of citizens of Colorado, in favor of the Linton immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. R. Logan, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: Papers to accompany House bill No. 5501, for the relief of W. P. Marshall—to the Committee on War Claims.

By Mr. BERRY: Petition of Richard Gallivan, for the payment of a claim—to the Committee on War Claims.

By Mr. BLUE: Petitions of B. W. Leatherock and 22 others; J. A. Baird and 27 others; J. H. Thompson and 5 others; George G. Allman and 17 others, asking for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. G. Ellis and others, ex-prisoners of war, residing in Osage County, Kans., asking support of House bill No. 306, granting a pension of $12 per month and $2 per day for time spent in prison—to the Committee on Invalid Pensions.

Also, petition of Loyal Orange Lodge, No. 264, Kansas City, Kans., asking for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOUTELLE: Petitions of Fred Hall and B. H. Ladd, protesting against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Memorial of the New York Historical Society, in regard to the publication of the records and papers of the Continental Congress, House bill No. 129—to the Committee on Printing.

Also, memorial of the Pennsylvania Society of the Sons of the Revolution, in regard to the publication of the records and papers of the Continental Congress—to the Committee on Printing.

Also, petition of the Medical Reporter Publishing Company of Rochester, N. Y., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Memorial and resolutions of the Union Veteran Legion of Cincinnati, concerning service pension—to the Committee on Invalid Pensions.

By Mr. BULL: Petition of the Anthony and Washington Woman Suffrage League, of Anthony, R. I., for the passage of the resolution to prohibit the States from disfranchising citizens on account of sex—to the Committee on the Judiciary.

Also, petition of Barrington Council, No. 30, Order United American Mechanics, of Drownville, R. I., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of citizens of Wisconsin, for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, protest of residents of Wisconsin, against the passage of the joint resolution proposing an amendment to the Constitution of the United States acknowledging the Deity therein—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: Petition of Olliver Brothers, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COFFIN: Petition of citizens of Maryland, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Association of Agricultural Implement and Vehicle Manufacturers, for uniform classification to shippers—to the Committee on Railways and Canals.

By Mr. COX: Petition of A. L. Davis and others, of Columbia, Tenn., praying for relief for book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of S. H. Chester, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of W. I. Brotherton, asking that no tax be placed on tea imported into this country—to the Committee on Ways and Means.

Also, petition of Patterson & Schermerhorn, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Foster Bros., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Iowa: Petition of F. W. Ruxton, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Kansas: Petition of citizens of Quenemo, Kans., asking that religious matter, including tracts, etc., be mailed as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Milwaukee, Wis., against the erection of a bridge on the Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Labor Tribune, of Pittsburg, Pa., against the passage of the Loud bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: Petitions of Bloomingdale Council, No. 58; Belmont Council, No. 75; Ætna Council, No. 84, Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the committee of philanthropic labor, Ohio Yearly Meeting of Friends, held at Emerson, Jefferson County, Ohio, remonstrating against the introduction of military drill in the public schools—to the Committee on Military Affairs.

Also, remonstrance of J. F. Schofield and others, of Barnesville, Ohio, against the introduction of military training in public schools—to the Committee on Military Affairs.

By Mr. DOCKERY (by request): Petition of R. L. Macey, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. B. Cowley, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. P. Bratt and others, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of William H. Smith, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Lesueur, Minn., protesting against the Armenian outrages in Turkey—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Papers to accompany House bill for the relief of George McFarland—to the Committee on Claims.

By Mr. HADLEY: Resolutions of Edwardsville Post, No. 461, Grand Army of the Republic, requesting the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HALTERMAN: Petition of John Mundell Lodge, No. 22, A. P. A., having 79 members, indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. HARMER: Petition of Loyal Orange Lodge, No. 51, of Philadelphia, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Resolutions adopted by the citizens of Lesueur, Minn., relating to affairs in Armenia—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Petition of Matt. McCook and Jacob G. Schmidt, opposing the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HICKS: Petition of James Foust, president, and F. G. McKillip, secretary, and 118 other citizens of Altoona, Pa., protesting against the appropriation of public moneys for sectarian purposes—to the Committee on the Judiciary.

Also, petition of James Foust, president, and F. G. McKillip, secretary, and 118 other citizens of Altoona, Pa., praying for an amendment to the Constitution prohibiting any State from granting the right of suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. HILL (by request): Petition of the Danbury Medical Publishing Company, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS: Petition of H. Slade and others, of Elgin, Ill., in behalf of the Armenian sufferers—to the Committee on Foreign Affairs.

Also, petition of Evening Star Council, No. 22, Daughters of Liberty, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HITT: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, praying for legislation toward the formation and adoption of a uniform railroad freight classification throughout the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HULING: Petition of officers of Rome Council, No. 39, Order United American Mechanics, with a membership of 64, asking for the passage of a bill providing for inspection of emigrants by United States consuls—to the Committee on Immigration and Naturalization.

By Mr. JENKINS: Petition of George A. Wells, of New Richmond, Wis., and 100 others, asking for the further improvement of the harbor at Manitowoc, Wis.—to the Committee on Rivers and Harbors.

By Mr. KEM: Petitions of E. A. Browd and W. T. Phillips, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Moffat, E. M. Ladd, and 77 other citizens of Page, Holt County, Nebr.; also, petition of Sanford Parker, G. W. Smith, and 41 other citizens of O'Neill, Holt County, Nebr., asking favorable consideration of the plans proposed by the Hon. J. C. Coombs for the construction of a line of railroad from a point at or near North Platte, or Julesburg, Nebr., to Sioux City, Iowa—to the Committee on Pacific Railroads.

By Mr. KIEFER: Petition of W. F. Rowe, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of citizens of Lesueur, Minn., protesting against the Armenian outrages in the Turkish Empire—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of R. S. Martin, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the Chamber of Commerce of Milwaukee, Wis., protesting against the erection of any bridge across the Detroit River that does not span the entire waterway—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Petition of James Rabern, of Donansburg, Ky., for a pension under special act—to the Committee on Invalid Pensions.

By Mr. LITTLE: Petition of John Springston, of Fort Smith, Ark., for a pension—to the Committee on Pensions.

By Mr. LOUD: Petition of Cohen, Goldman & Co., Baltimore Storage and Lighterage Company, Pratt Food Company, and H. P. Nail Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gavin D. High, C. H. Eberll, M. Greenblatt, and E. D. McGraw; asking for favorable action on House bill No. 4566, to amend the postal laws relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Viola Council, No. 20, of Penn Grove, N. J., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, protest of W. A. Groynne, of Bridgeton, N. J., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOW: Petition of the New York Produce Exchange, for a new custom-house on the Bowling Green site, in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. MAGUIRE: Memorial of the Democratic State central committee of California, against refunding Pacific Railroad debts—to the Committee on Pacific Railroads.

By Mr. McCALL of Massachusetts: Petition of Mrs. L. A. Kimpton, Mrs. H. V. Bishop, and C. E. Kidder, asking that the law relating to second-class mail matter give every advantage to mailing of religious publications—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Petition of Meloan & Dale, publishers, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of William H. A. Harrison and 9 other ex-soldiers of the late war; also petition of Willis J. Gamble and 13 other ex-soldiers of the late war, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, protest of the Woman's Christian Temperance Union of Prescott, Ark., against renewing the license to sell beer on Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of W. W. Folsom, S. A. McNish, W. L. Wilmuth, and C. M. Wilmuth, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Evidence in support of House bill No. 1878, relating to the claim of John Crumpton for a pension—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of Mary A. McLellan, widow of Thomas C. McLellan, of Company F, Fourteenth Regiment Maine Infantry Volunteers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MINOR of Wisconsin: Petition of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, asking that railroads be required to give shippers uniform rates throughout the United States—to the Committee on Railways and Canals.

By Mr. MORSE: Petition of Rev. B. F. Foard and 53 other citizens of Kingman, Kans.; also petition of the Christian Endeavor

Society of Howard Presbyterian Church of San Francisco, Cal., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of citizens of Milwaukee, Wis., in favor of the passage of joint resolution No. 11, amending the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of P. V. Deuster & Co., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Petition of J. M. Fawcett, administrator of J. B. Fawcett and Joseph Watson, deceased, of Bolivar, Hardeman County, Tenn., asking reference of claim of Joseph Watson, deceased, to the Court of Claims, under the provisions of the act approved March 3, 1883—to the Committee on War Claims.

By Mr. SAUERHERING: Protest of Herman Bickle and 26 other citizens of Sumner, Jefferson County, Wis., against the passage of joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of J. D. Holchkiss, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Resolutions of grocers and importers of Philadelphia, Pa., in favor of 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Resolutions of the American Academy of Arts and Sciences, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Michigan: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, for the adoption of uniform classification of freight rates to shippers throughout the United States—to the Committee on Railways and Canals.

Also, remonstrance and petition of Donald McDonald and others, of Grand Rapids, Mich., urging the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. SPERRY: Resolutions adopted by the Patriotic Sons of America of New Haven, Conn., and by Putnam Lodge, No. 19, Order United American Mechanics, of Wallingford, Conn., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEELE: Petition of Timmonds & Saunders, proprietors of the Sun, Portland, Ind., against House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Eli M. Whitson and W. H. Campbell, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Protests of 569 citizens of Neillsville, Clark County; 36 citizens of Granton, and 19 citizens of Ashland, State of Wisconsin, against an amendment to the Constitution of the United States recognizing Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

Also, resolutions of the Military Order Loyal Legion of the United States, Milwaukee, Wis., to grant a pension to the widow of Gen. John Gibbon—to the Committee on Pensions.

Also, indorsement of the resolutions of the Commandery of the State of Washington by the Commandery of the State of Wisconsin, Military Order Loyal Legion of the United States, to revive the grade of Lieutenant-General in favor of Maj. Gen. Nelson A. Miles—to the Committee on Military Affairs.

Also, petition of Ayers Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STRODE of Nebraska (by request): Petition of the Summit Woman's Christian Temperance Union, of Pawnee City, Nebr., for the passage of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Fred Hassler, of Pawnee City, Nebr., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STROWD of North Carolina: Petition of C. H. Dupree, son of J. G. Dupree, deceased, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SULLOWAY: Petitions of Irving O. Sanborn, president, N. W. Russell, secretary, and 22 members of General Miller Council, No. 26, Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TAFT: Memorial of post-office clerks of Cincinnati, in favor of House bill No. 3273, providing for classification of service—to the Committee on the Post-Office and Post-Roads.

Also, memorial of John Campbell Post, No. 204, of Harmon, Ohio, against removing charges of desertion—to the Committee on Military Affairs.

Also, petition of the Cincinnati Association of Stationary Engineers No. 2, of Ohio, in favor of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, memorial of Encampment No. 41, Union Veteran Legion, of Cincinnati, Ohio, in favor of service pension—to the Committee on Invalid Pensions.

Also, memorial of Excelsior Association No. 36, of Ohio, in favor of House bill No. 3618—to the Committee on Naval Affairs.

By Mr. TERRY: Petition of Rev. H. M. Cryer and other citizens of Augusta, Ark., in favor of bill for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of Joseph A. Booker, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of Gilbert M. Stone, Myron C. Finck, Joseph Carroll, and 39 other ex-soldiers and ex-sailors, asking for the passage of a bill to grant a pension of $8 a month to every ex-soldier who served not less than ninety days in the Army or Navy of the United States during the war of the rebellion and was honorably discharged, and a pension of not less than $12 a month to the widows of said soldiers—to the Committee on Invalid Pensions.

By Mr. WHEELER: Telegram of James E. Webb and others, for action on bill for State Normal College at Florence, Ala.—to the Committee on the Public Lands.

Also, telegram of M. W. Camper, of the Business League of Florence, Ala., for the relief of the State Normal College at Florence, Ala.—to the Committee on the Public Lands.

By Mr. WOOD: Petition of the Woman's Christian Temperance Union of Beecher City, Ill., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. UPDEGRAFF: Petition of L. D. Rowley and others, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. A. Jordan, of McGregor, Iowa; C. M. Rice, and others, for the continuation of the pound rates of postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of Phillip Stark and others, of Hesper, Iowa, against military instruction in public schools—to the Committee on Education.

SENATE.

TUESDAY, *March 17, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the following act and joint resolutions:

An act (S. 1825) to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;

The joint resolution (S. R. 24) for the return to the State of New Hampshire of the flag of the Eleventh Regiment of New Hampshire Volunteer Infantry; and

The joint resolution (S. R. 54) authorizing the National Dredging Company to proceed with the work of dredging the channel of Mobile Harbor under the direction of the Secretary of War.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a memorial of the Board of Trade of Newark, N. J., remonstrating against the enactment of legislation reducing the rate of letter postage to 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, praying for the enactment of legislation providing for the formation and adoption of a uniform railroad freight classification throughout the United States and the Territories; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Summit Council, No. 87, Junior Order United American Mechanics, of Jersey City, N. J.; of

Englewood Council, No. 223, Junior Order United American Mechanics, of Englewood, N. J.; of Mountain View Council, No. 189, Junior Order United American Mechanics, of Mountain View, N. J., and of Eagle Council, No. 88, Junior Order United American Mechanics, of Spotswood, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. MITCHELL of Wisconsin presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the construction of a railroad bridge across the Detroit River at Detroit, Mich.; which was referred to the Committee on Commerce.

He also presented a memorial of the common council of Fond du Lac, Wis., remonstrating against the placing of slash boards on the Government dam at Menasha, Wis.; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation giving relief to the financial condition of the country; which was referred to the Committee on Finance.

He also presented a memorial of 84 citizens of Milwaukee, Wis., and a memorial of 35 citizens of Milwaukee, Wis., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon presented a memorial of sundry citizens of Moro, Oreg,, and sundry memorials of citizens of Eugene, Oreg., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

Mr. BACON presented a petition of sundry citizens of Red Oak, Ga., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of 110 citizens of Oklahoma Territory, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. PEFFER presented the petition of George Weber and sundry other citizens of Osage County, Kans., ex-prisoners of war, praying for the passage of House bill No. 306, granting pensions to soldiers and sailors confined in so-called Confederate prisons; which was referred to the Committee on Pensions.

He also presented the petition of B. F. Cargay and 92 other citizens of Kansas, praying for the passage of Senate bill No. 239, to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors; which was referred to the Committee on Finance.

Mr. GORMAN presented the petition of J. H. Smith and sundry other citizens of Cecilton, Earleville, and Warwick, all in the State of Maryland, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented the petition of R. M. Smith and 48 other citizens of Gaithersburg, Md., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the memorial of C. C. Hopper and W. D. Burchinal, of Chestertown, Md., and a memorial of the committee on philanthropic labor of the Baltimore Yearly Meeting of Friends, remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. TURPIE presented the petition of F. C. Smith and sundry other citizens of Clarinda, Ind., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Indiana Loyal Temperance Legion of Alton, Ind., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Jonesboro, Ind., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers, reported it without amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2297) to authorize the President to appoint Jacob E. Noel a lieutenant-commander on the retired list of the Navy, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 80) for the relief of John F. W. Dette, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2167) granting a pension to Joseph T. Bemis;

A bill (S. 1193) granting a pension to William Bradshaw;

A bill (S. 1245) granting a pension to Adelaide C. Palmer, widow of Thomas H. Palmer, deceased;

A bill (S. 2150) granting a pension to George W. Emery; and

A bill (S. 1852) granting a pension to Mrs. Ann Little.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2353) granting a pension to Delia Gilman; and

A bill (S. 1960) granting an increase of pension to Lucy Ord Mason.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them with amendments, and submitted reports thereon:

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight; and

A bill (S. 2200) granting a pension to William H. Morgan.

Mr. SHOUP, from the Commitee on Pensions, to whom was referred the bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2255) granting a pension to Lorenzo Meserth, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 511) granting a pension to P. F. Castleman, of Oregon, reported it with amendments, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1239) relating to the distillation of brandy from prunes, plums, and pears, and amending section 3255 of the Revised Statutes of the United States, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1806) granting a pension to George B. Custer, late a private of Company H, Seventy-third Regiment Indiana Volunteer Infantry, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company, National Guard of State of New York, reported it with an amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 2092) for the relief of the legal representatives of Edward Allsworth, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 308) for the relief of Daniel W. Perkins, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2368) granting an increase of pension to Edward Logan, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 1997) granting an increase of pension to Maria E. Baker, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1287) to place Francis W. Seeley on the retired list of the Army, reported it with an amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the District of Columbia, to whom was referred the bill (S. 1703) to amend section 416 of

the Revised Statutes of the United States, relating to the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others;

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg; and

A bill (S. 450) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia.

Mr. WHITE, from the Committee on Finance, to whom was referred the bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified, reported it without amendment, and submitted a report thereon.

REAR-ADMIRAL ROGER N. STEMBEL, RETIRED.

Mr. DUBOIS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 1906) in relation to the pay of Rear-Admiral Roger N. Stembel, retired, to report it favorably without amendment, and submit a report thereon. I ask unanimous consent to put the bill upon its passage. It is very short, only three or four lines.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That Rear-Admiral Roger N. Stembel, of the United States Navy, retired, be paid, out of any money in the Treasury not otherwise appropriated, the highest pay and compensation of his grade as a rear-admiral from and after the date of the passage of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PLATT. I should like to have some explanation of the bill.

Mr. DUBOIS. I will ask that the report be read. The bill comes unanimously from the Committee on Naval Affairs. It is a very deserving case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The Senate Committee on Naval Affairs, to whom was referred Senate bill 1906, "in relation to the pay of Admiral Roger N. Stembel," have had the same under consideration, and beg leave to make the following report:

Admiral Stembel entered the Navy in the year 1832. He served in the successive gradations of rank until the year 1861, when hostilities commenced between the United States and seceding States. He was then a commander. In 1861 and 1862 he was in the Western Gunboat Flotilla, commanded by Flag Officer Charles Henry Davis; served with distinguished gallantry in the battles of Lucas Bend, September 9, 1861; Belmont, November 7, 1861; Fort Henry February 6, 1862; in the bombardment and capture of Island No. 10, and in the battle with rebel rams at Craigshead Bend, near Fort Pillow, May 10, 1862.

In the last engagement he was officially reported by his flag officer as having distinguished himself.

See official copy of Records of Living Naval Officers hereto appended.

In the last of the above engagements he was desperately, almost mortally, wounded while commanding the gunboat *Cincinnati*. For more than twelve months this gallant officer was confined to his apartments, and for the most of that time hovering between life and death. His life was probably saved by the unremitting efforts and tender nursing of his devoted wife.

Admiral Stembel never recovered from the severe wound received in that fight. This wound practically disabled him for further active service during the remainder of the war, and since. But on account of his distinguished services he was regularly promoted until 1874, when he was commissioned a rear-admiral. He was retired December 27, 1872.

Rear-Admiral Stembel served his country faithfully since his entrance into the Navy in March, 1832, a period of sixty-four years. He spent large sums of money, of his own private means, during the time he was confined to his apartments in 1862 and 1863. He is now 85 years old. He is very feeble and has never recovered from the severe wound received May 10, 1862, but still suffers from its effects. He is partially paralyzed in the right arm and side to the knee. His eyesight has been seriously injured. These troubles are constantly increasing, and it is feared he will soon become a blind paralytic. He can not now leave his domicile without an attendant. These sufferings from conspicuous and gallant services rendered his country take his case out of the general law of August 6, 1882, and makes his case for special relief at least as meritorious as the cases of Vice-Admiral Stephen C. Rowan and Rear-Admirals John L. Worden and James E. Jouett.

He can not have long to enjoy the honor and emoluments proposed by this bill. But he desires to be placed upon the same plane as the three distinguished officers mentioned above.

The honor thus conferred will be a priceless heritage to his children.

Your committee reports back Senate bill 1906 with a favorable and strong recommendation.

Mr. HARRIS. Let the bill be read, if it has not been.

The VICE-PRESIDENT. The bill has been read.

Mr. HARRIS. What is the amount of pay granted?

The VICE-PRESIDENT. The Secretary will again read the clause of the bill referred to.

The Secretary read as follows:

The highest pay and compensation of his grade as a rear-admiral from and after the date of the passage of this act.

Mr. SEWELL. I should like to have an explanation of what the phrase "the highest pay" means.

Mr. DUBOIS. He is now retired on three-quarters pay. This gives him full pay. It makes a difference of one-quarter.

Mr. SEWELL. It makes an exception in this case over every other officer of the Navy?

Mr. DUBOIS. It makes an exception in this case; but exceptions have been made for the same reasons, though not so strong as in this case. It applies only to the rest of his life; it dies with him. He is 85 years old, and his services were conspicuous. There have been cases of the same sort.

Mr. SEWELL. It is all very well, but I can name twenty retired officers of the Navy who have earned full pay just as much as this one.

Mr. DUBOIS. No; I think not.

Mr. SEWELL. If it is going to be the policy of the Senate to do this, it is all very well; I do not object to it.

Mr. DUBOIS. The Senate has done it in cases similar to this, I will say to the Senator.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. LOTT.

Mr. HILL. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5229) for the relief of George H. Lott, to report it without amendment. The bill will take just a moment; it is recommended by the Department, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to George H. Lott, a citizen of Mississippi, $148, that being the amount deducted by the Post-Office Department from his pay as subcontractor on a mail route in that State because the mail service thereon was performed by the minor son of the postmaster at Stix, Miss.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CANNON introduced a bill (S. 2541) to fix the standard of weights and measures by the adoption of the metric system of weights and measures; which was read twice by its title, and referred to the Committee on Finance.

Mr. PEFFER introduced a bill (S. 2542) granting a pension to Stephen Maines; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2543) referring to the Court of Claims a certain claim for the use of hook attachments for firearms; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2544) to authorize the extension of the lines of the Potomac Light and Power Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 2545) granting a pension to Isadora N. Towle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introducted a bill (S. 2546) concerning the court of appeals in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 2547) granting a pension to Mrs. Adda F. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2548) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2550) to amend "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. GORMAN introduced a bill (S. 2551) to increase the pension of Jessie S. Habersham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2552) to remove the charge of desertion from the military record of Nathan M. Trail, alias David Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HALE (for Mr. PROCTOR) introduced a bill (S. 2553) to pension Mrs. Adelaide A. Ayot, widow of Alexis Ayot; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 2554) to increase the limit of

cost of the public building authorized by act of Congress approved June 30, 1886, to be erected at Savannah, Ga., and authorizing the Secretary of the Treasury to enter into a contract or contracts for the construction of any portion or the whole of said building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. CANNON introduced a joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation; which was read the first time by its title.

Mr. CANNON. Let the joint resolution be read at length. I ask for its immediate consideration.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Interior be, and he is hereby, directed to open for public entry under all the land laws of the United States all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, excepting from this order, however, any agricultural lands heretofore allotted or selected for allotment to said Uncompahgre Indians.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ALLEN. Let it go over and be printed.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over under the rule.

Mr. CANNON. I should like to have it printed, to be considered in connection with the motion I entered yesterday to refer to the Committee on Indian Affairs the answer of the Secretary of the Interior to the resolution of the 4th instant, so that the whole matter may come up at one time.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GORDON. The joint resolution goes over, I understand.

The VICE-PRESIDENT. That is correct. The joint resolution goes over.

Mr. ALLEN. And it will be printed?

The VICE-PRESIDENT. It will be printed under the rule.

SPRINGFIELD RIFLES FOR NATIONAL GUARD.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 300 copies of corrected Senate Report No. 468, Fifty-fourth Congress, first session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose;

A bill (H. R. 3852) to amend the record of William H. De Freest;

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin;

A bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins;

A bill (H. R. 5820) to create a second division of the southern district of California for judicial purposes, and to fix the time for holding court therein;

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

A joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay; and

A joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 818) for the relief of Halvor K. Omlie, of Homen, N. Dak.;

A bill (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., and for other purposes;

A joint resolution (S. R. 47) relating to the Federal census;

A joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD; and

A joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

RESOLUTIONS PASSED OVER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, which will be stated.

The SECRETARY. A resolution directing the Committee on the District of Columbia to obtain from the Washington Gas Light Company a statement of its affairs.

Mr. CALL. I have been requested to allow the resolution to stand over, as the parties at whose request I introduced it are obtaining some evidence.

The VICE-PRESIDENT. It will be so ordered.

The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Foreign Relations to submit to the Senate a report relative to the war in Cuba.

Mr. ELKINS. Let the resolution lie over until to-morrow.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin;

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

A joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay; and

A joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

A bill (H. R. 5732) to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins and for uttering or passing or attempting to utter or pass such mutilated coins; and

A bill (H. R. 5820) to create a second division of the southern district of California for judicial purposes, and to fix the time for holding court therein.

The bill (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 3852) to amend the record of William H. De Frest was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer,"

and for other purposes, was read twice by its title, and, on motion of Mr. HALE, ordered to lie on the table.

ORDER OF BUSINESS.

Mr. PUGH. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from Alabama yield to me for a moment? I gave way reluctantly a day or two ago in reference to the Du Pont case, which is a question of the highest privilege, I take it, and if pressed by those having it in charge I presume everything else would necessarily give way. I found out, however, that with the other question of privilege up, and other matters coming in from time to time, we were not making much headway, and therefore I have given way until a later day to the Cuban matter, and, as a matter of course, I gave way yesterday to the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. PUGH], who had given notice that they desired to address the Senate. That goes as a matter of course.

I am still willing, after the Senator from Alabama shall have concluded his speech, if the Cuban matter can be disposed of in any reasonable time, not to press the Du Pont case until it is disposed of. However, if it can not be disposed of within some reasonable time I shall feel compelled to ask that the Senate take up the question of high privilege and proceed with it to a finish. In any event, even if the Cuban matter is to go on this week and not be disposed of in the next two or three days, I should like at some opportune time that the Senator from Nebraska [Mr. THURSTON], who desires to address the Senate on the Du Pont case, might have the privilege of doing so, as he is compelled to leave the city very soon.

Mr. SHERMAN. In accordance with the universal courtesy which prevails in the Senate, I never like to interpose in the way of a Senator making a speech, because I think when he is prepared to speak he ought to have an opportunity to do so; but I do trust and appeal to the Senate that we shall dispose of the privileged question which is now pending before the body. I will not object at all to the Senator from Alabama finishing his speech. His colleague will then take the floor upon the Cuban resolutions; and I think after the speeches are made of which notice has been given that we should proceed to conclude that matter. It ought to be done within a day. I do not myself expect to say anything more upon the subject, and I do not therefore wish to fix any limit upon the debate; but so far as I am concerned, I shall press the consideration of the Cuban resolutions against any other proposition that may be made.

Mr. CHANDLER. Mr. President, concerning the brief remarks which I intend to submit upon the Delaware case at the earliest possible moment, I yield to the Senator from Nebraska [Mr. THURSTON], who informed me, as he has informed the chairman of the Committee on Privileges and Elections, the Senator from Oregon [Mr. MITCHELL], that he is going away the last of this week, and, therefore, if he speaks at all, he must speak this week. I will waive my desire in his behalf. I do think that both of these matters ought to receive the unremitting attention of the Senate. The Du Pont case certainly ought to go forward without much delay; and it is of pressing urgency to the public interests that the Cuban resolutions should be disposed of.

FREE COINAGE OF SILVER.

Mr. PUGH. I ask that the House bill on the tariff, with the amendment of the Committee on Finance, may be laid before the Senate for the purpose of enabling me to continue the remarks which I began yesterday.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Alabama, which will be read by title.

The SECRETARY. A bill (H. R. 2749) to temporarily increase the revenue to meet the expenses of Government and provide against a deficiency.

Mr. PUGH. Mr. President, I have read the messages of President Jackson and the debate in the Senate and the reports of the Committee on Finance, and any attempt to find anywhere any support of the single gold standard, or a single suggestion that the free and unlimited coinage of both metals ought to be prevented or suspended, is an indefensible perversion of the record of the Congressional debates, excusable only on the ground of ignorance or accepting as true deliberate misrepresentation of the report of these debates.

In 1834, and prior thereto, there was an inadequate supply of specie—both gold and silver. The production of our own mines of gold and silver was quite small and wholly insufficient to supply our demand. There was no suggestion of opposition to the coinage of either metal; the great anxiety was to secure and increase the coinage of both metals. There was no desire expressed by any Senator or Member that reducing the amount of gold to be coined in a dollar, so as thereby to make the ratio 16 to 1, would have any other effect than to increase the quantity of gold coined by our mint without interfering with or decreasing the amount of silver to be coined. The measure to increase the ratio to 16 to 1, instead of 15½ to 1, like the French ratio, was vigorously and ably resisted, solely on account of the doubt about the effect of the change to 16 to 1 in causing silver bullion to be withheld from coinage because of undervaluation.

The messages of President Jackson and the speeches of Senator Benton charged the reduction of the supply of the precious metals to the efforts of the United States Bank to contract the currency by warring on our supply of specie, and Senator Benton charged the four years' panic, from 1820 to 1824, to the persistent and unscrupulous warfare of the United States Bank upon our specie currency made up of both gold and silver.

It is admitted that the people of the United States are now practically unanimous in the opinion that silver should be immediately restored to equal coinage with gold, so that we can have the benefits of both metals as a coin standard of value and redemption basis of representative currency. It is universally conceded that the blessings and benefits that would be secured to the people of the United States by the equal coinage and equal use of both metals as a standard of value and basis of redemption can not be overestimated. All the arguments against and objections to restoring silver to free and unlimited coinage can be removed by an international agreement, over which it can not be denied England has absolute control.

This practically unanimous opinion and universal concession are a destructive and unquestioned judgment against the wisdom and safety and justice of the single gold standard, and the impossibility of its being continued as a dead weight upon the growth and prosperity of the United States. But there are powerful organizations and combinations in both the national Democratic and Republican parties who declare it to be their purpose to hold both parties to the maintenance of the gold standard, and the deprivation of all the blessings and benefits that would flow from the equal coinage and equal use of both gold and silver as standard and redemption money until England will agree to relieve the United States from the admitted evils of the gold system and consent to the restoration to mankind of the admitted blessings and benefits to flow from the restoration of silver to coinage.

These organizations and combinations are known to be founded on personal interest in utter disregard of the public welfare, and are therefore out of the reach of argument founded on public considerations. Money owners, money lenders, and speculators in the use of money, associated in banking corporations, chambers of commerce, and boards of trade, with vast capital invested in all the agencies of commerce and the means of transportation and industries requiring the employment of labor and the purchase of raw material, are sheltering themselves under the single gold standard by what they know to be the impossibility of obtaining the consent of England to any change or enlargement of her gold-standard system by restoring silver to free coinage. The unavoidable position of the gold-standard advocates of international coinage amounts necessarily to an acknowledgment that the United States must agree to be dominated by England on what shall be the financial system of the United States—a system involving as it does to a greater extent than anything else the future growth, prosperity, and welfare of this great country. The statement of such a proposition, supported by such powerful combinations, is enough to fill the producing and working people of the United States and all patriotic Americans with alarm and apprehension for the future of their country.

Why are the people of the United States asked to submit to the evils of the gold standard and to postpone the blessings and benefits admitted to exist in international coinage until we can try the hopeless experiment of securing the consent of England for our relief? It must be kept constantly in mind that the most powerful elements that make up the opposition to the coinage of silver are influenced by the most controlling motives of self-interest to have the system of gold finance in this country continued. These gold-standard advocates who insist that we shall wait for the consent of England know that consent can never be obtained. Whenever the people of the United States show their willingness to accept the gold system of finance and to continue its existence until changed by an international agreement, it becomes an absolute certainty that the evils of the gold standard must be endured as a permanently established financial system of the United States.

From the beginning of commercial power to 1873 England was acknowledged to be the greatest commercial country in the world. Her manufacturing power, her world-wide carrying trade extended English dominion over the world, and her supremacy was not questioned or interrupted until it was done by the manufacturing and commercial development of rival countries in Europe in close proximity to England and the unprecedented growth of the United States in all the elements of national greatness. Not one of the countries that have become powerful competitors of England in the struggle for commercial supremacy developed their ability to compete with her on the gold basis and a financial system of contraction. For sixty years after England established the gold basis, France and the other members of the Latin union and Germany and the United States held their gold and increased

their supply of gold and made rapid strides in manufacturing and mining, in agricultural and commercial elements of greatness, and all this wonderful progress was made as rivals of England, with unlimited coinage of silver money, and without any gold standard or contracted currency. In every country that has followed the example of England and gone with her to the gold basis by stopping silver coinage, it was done without any popular demand or public necessity for such a radical change and against the will and interest of the people, and in every country where the gold standard exists the people are demanding the restoration of silver to free coinage.

Take the history of the question in our own country while silver has been dropped from free coinage in every country in Europe just as it is to-day. From 1878 to 1893, when the United States was carried to the gold standard by influences dangerous to free representative government, silver was restored to coinage at the rate of $24,000,000, with power to increase it to $48,000,000, per annum, and under our coinage laws, passed over Presidential vetoes, we added to our supply of silver money over $500,000,000, and all the time we were doing it our gold supply was increasing more than in any gold-standard country in the world. If we had listened to the predictions and lamentations of the Democracy of the East, and the Republicans of the United States, our entire supply of silver money this hour would not have exceeded $50,000,000, and Senator SHERMAN declared years ago that $50,000,000 of silver was all we could coin without driving out all our gold and going to the silver basis, and President Cleveland declared in his message to Congress in 1885 that we then had $215,000,000 of silver, and if we coined any more we would drive out all our gold, go to the silver basis, and destroy the credit of the Government. I have presented facts of history as an answer to predictions and lamentations in the past, and nothing is left to the gold advocates but assertions and lamentations as to what will surely happen in the future if we are reckless enough to venture on free silver coinage without the consent of England. Let us test the predictions as to the consequences of free silver coinage by the rules of common sense and reason. If all the gold leaves and the banks return their circulation, as it is predicted, it will contract the currency about $900,000,000, and leave us to carry on our trade and industries and pursuits with only about $900,000,000. This would be a complete change in the policy of banks as shown in their history in England and the United States. The banks have always exerted their power to expel all metallic money from circulation to give place to their own paper currency.

If the rule that scarce money makes dear money holds good, what will our silver and greenbacks be worth when they are the only currency left in circulation while we are coining our silver bullion to supply the place now occupied by our gold and national-bank notes? It would be the most favorable condition that could exist for profitable banking on the silver basis.

Carlisle says that it would take ten years to coin silver enough to give us our present supply of currency. While this change was being effected there could not be a richer harvest insured to the national banks. If our present supply of currency is to be reduced one-half by free silver coinage, prices of commodities, labor, and property would be reduced to one-half of what they are now, and every dollar of gold in this country and that could be obtained in Europe would be instantly invested in the United States in the most valuable property in the world, and we would have the liveliest markets and the liveliest times that ever gladdened the hearts of our people. The whole prediction is utterly preposterous. No country in the world has any better property, real and personal, in the country and in cities, no better railroads, no better mills, foundries, and no such raw material of all kinds, and there would be no reason why gold would not stay here and come here from abroad for investment if silver is going to break down prices and put all the mills and furnaces and railroads in the market at starvation prices. Talk about the silver craze; it is nothing compared with the insanity of the gold conspirators to establish a despotism of money to which the people will never submit unless they are really crazy.

Where will the gold go for employment that can be more profitable than in the United States? Gold will seek investment or some use for profit, or it will be hoarded and kept useless. If it goes to gold-using countries it will add to the supply of gold and lessen the demand for it, and diminish its purchasing power by increasing the price of our commodities. What opportunities or inducements can be found for investment in any gold-using countries that do not exist and must continue to exist in greater degree in the United States? How can the supply of silver from free coinage prevent the production of commodities in this country for export to gold-using countries? Will cotton and grain and manufactured articles produced in this country by the use of silver be any less useful and necessary in gold-using countries because they were produced in a country on the silver basis? If, then, free silver coinage in this country alone will not stop the production of cotton, grain, and meat, what will prevent all these commodities going to Europe for sale and consumption?

If we continue to export our commodities to Europe, will we sell them for gold or for silver? Will the owner take silver to bring home, or gold? If silver goes abroad to buy our commodities it must be recoined or paid out as bullion at the price of bullion in Europe. If our silver is taken to Europe to pay for our commodities, or bought here in our silver coins to purchase them, what would be the difference in the price of our bullion abroad to be used there as money in buying our commodities and the price of bullion there under free coinage in Europe on an international agreement?

It is manifest, then, that our commodities would be sold in Europe, as they are now, for gold at gold prices, increased by a greater supply of gold from this country. It is not within the scope of human power to keep this country on the gold basis or to put it on the silver basis. The ability of the United States is so varied and wonderful, and is capable of such expansion in its application to the development of our inexhaustible resources and advantages, that the problem will soon confront us: What is to be the remedy when both gold and silver, and all the capacity of both metals combined, fail to answer the demand on them as a redemption basis of representative currency, and when the substitutes for money like checks and drafts prove insufficient to meet the demands of the world's increasing population and commerce for more money? Mr. Goschen, as chancellor of the exchequer, in his place in the House of Commons in 1883, declared that the problem as I have presented it in this country would soon be presented for solution by monometallic England and Germany.

If silver is ever restored to coinage, it must be done at the old ratio and by the numerical strength of Democrats who are making this struggle for success inside of their old, time-honored, historic, Democratic party. It is known that the free coinage of silver has a most powerful support in the Republican party, and the Populists or Third Party is practically unanimous upon that question. If every voter in the United States friendly to the restoration of silver to free coinage could be united upon one man as a candidate for President it can not be seriously denied that he would be elected by an overwhelming majority. That an overwhelming majority of the whole voting population favor the independent restoration of silver to free coinage at the old ratio can not be honestly questioned. But, unfortunately, the friends of free silver coinage are divided and fighting each other in separate organizations. This division is the greatest and only obstacle in the way of success in the next Presidential election and is the main reliance of the advocates of the gold plutocracy. I feel confident that the Democratic party of the United States contains at least five times the number to be found in any other party ready to vote to restore silver to free coinage.

The whole power of the Republican party will be employed to hold free-coinage Republicans in line with their party by the force of party organization. Practically all the leaders of the Populist or Third Party will exert their influence to hold free-coinage Democrats in that organization. The friends of free coinage must come together where their numerical strength is only to be found—in the Democratic party. It is utterly unreasonable to ask free-coinage Democrats to leave their party and come to a third party, made up of a mere fraction of the strength of free coinage to be found in the Democratic party.

What the gold-standard advocates in the Democratic party mostly desire, and what their skill and ability is being employed to accomplish, is to keep free-coinage Democrats away from Democratic primaries and thereby divide them on different candidates in the final election. The most valuable aid the gold party can get is from those who are working to keep the friends of free coinage out of the Democratic party. The great aim of both parties in the financial struggle of 1896 is to get possession of the White House. Since 1873, when silver was dropped from coinage without the knowledge of the people, the enemies of the free coinage of silver have had possession of the White House and every Executive Department of the Government. The veto is a powerful weapon of the gold champions in the warfare against silver.

It has been exercised three times to prevent legislation friendly to silver. It blocked the way of the passage of a free-coinage bill in 1890, and the Sherman makeshift was substituted for free coinage to avoid the exercise of the veto power by President Harrison. The friends of free coinage had a pronounced majority in both Houses in the Fifty-third Congress, but the will of this majority was paralyzed by the presence of the veto power in the hands of President Cleveland. Thus it has been made manifest that a majority of the people may demand the restoration of silver to free coinage through their trusted representatives in both branches of the law-making power, but one man decides that no such bill shall become a law by his approval. The different parties in the same election send representatives to Congress to pass a free-coinage bill, but one man in the White House blocks the way as now, so that it must be conceded that no legislation friendly to silver can become a law while Mr. Cleveland is President.

What, then, is the financial condition of the country under laws

that are now in operation, and must remain in operation until changed by legislation? As the law now stands, and as now construed and sought to be executed by the executive department of the Government, gold is the single standard of value and the sole basis of redemption of everything that is called sound money. Primarily it is claimed that there is now no money that is sound but gold, and every other description of currency is recognized as sound money for the sole reason that it is all falsely claimed to be redeemable in gold. It is admitted that our whole financial system depends for its existence and support upon one coin standard and one redemption basis made by one metal. It is also admitted that about $100,000,000 of borrowed gold constitutes the entire dimensions and strength of the standard of value and redemption basis that is available by the Government.

This $100,000,000 of gold is lying idle in the Treasury, dedicated to the single purpose of redeeming greenbacks and Sherman notes. More than half of the remaining $400,000,000 of gold outside the Treasury is in bank vaults as a checking basis for what is known as confidence or credit substitutes for gold in use by banks and clearing houses in settlements among themselves and for speculative uses. The balance of our gold supply outside the Treasury cuts comparatively but little figure in currency circulation that makes markets and prices. As a standard of value and redemption basis our gold supply makes the standard of value and redemption basis practically theoretical and nominal, with no real vitalizing power in our domestic trade and industrial pursuits. What is gold and what is our present supply of gold worth as a redemption basis of our currency supply? For all possible availability our entire gold supply is less than one-third of what is called our redeemable currency, and four-fifths of all our gold is outside of the Treasury and can be reached only by the sale of gold bonds. Our present supply of silver, coined and stamped by the Government as primary standard money, has been degraded by a perversion of the law that declared it to be standard money to the condition of secondary money, with no element of soundness except what it is falsely alleged to have on account of being hypothetically redeemable in gold which has no existence except in the will and pleasure of the New York bond syndicate. The whole system of gold finance now endeavored to be upheld is founded entirely upon Government credit that is available for the sale of gold bonds without a dollar's benefit to the country. There is no law in existence that makes silver secondary money, and no law that makes silver redeemable in gold. The whole pretense is founded upon a manifest perversion of the parity clause in the repealing act of 1893.

If it were a fact that our silver dollars were not worth more than 50 cents in gold, and that every holder of a silver dollar had the right to convert it into a 100-cent gold dollar, it would be a physical impossibility to obstruct the raid of the holders of silver dollars upon the Treasury to have their 50-cent dollars turned into gold dollars. If coined silver is really worth only half the value of coined gold, it is robbery to take our 100-cent gold dollars and exchange them for silver dollars worth only 50 cents; it is felonious. If the raid of the silver holders upon the Treasury to get gold were to commence to-morrow, as it would if the goldites tell the truth, they would not find a single gold dollar in the Treasury to exchange for their silver, and these silver holders would have to be sent back home until Mr. Cleveland could issue $600,000,000 of bonds to sell to Belmont and Pierpont Morgan to get gold enough to redeem our present supply of silver.

So much for the false pretense of making gold a redemption basis of our present supply of silver. But these gold advocates feel no apprehension on account of their unfounded assertion that our silver is redeemable in gold; because they know the assertion has no support in fact and the people have too much use for silver and confidence in it as money ever to be deluded into going to the Treasury to have it redeemed in gold. But the executive branch of the Government, with its head in the White House and its advisers in New York, are in a sea of trouble on account of the existence of the $346,000,000 of greenbacks that can not be reduced in amount under the law of 1878 that compels their reissue when redeemed, and also on account of the existence of the Sherman coin notes, amounting to about $146,000,000, which are allowed to be redeemed in gold.

The old greenback currency, which has been in use by the people as sound and safe currency for over thirty years, is greater in amount by $130,000,000 than the entire present circulation of the national banks. Greenback money was such a great favorite in the early years of its existence that the bonds of the United States were made redeemable in greenbacks, and it is an interesting fact that when Seymour was indorsed for President by the Democratic State convention of New York in 1868 the platform declared that the United States bonds were payable in greenbacks.

It is also an interesting fact that the same Democratic party lately in State convention in New York have declared in their platform that these same greenbacks ought to be retired from circulation and canceled, and that the same United States bonds must be paid in gold, or the Government will be discredited. There is also an interesting fact that when Mr. SHERMAN, as the financial leader of the Republican party, struck down silver in 1873 and got it out of the way of the gold standard and the national banks, the next obstacle in the way of the champions of gold and the national banks was this same greenback currency. Silver and greenbacks were both favorites of the people and of the Democratic party, but objects of hostility to the gold and national bank champions east of Washington. What movement was made by Mr. Sherman, as Secretary of the Treasury, to get rid of greenbacks after stopping the coinage of silver in 1873? Without authority of law, Secretary Sherman usurped the right to inaugurate the practice of redeeming greenbacks in gold when on their face they are redeemable in any lawful dollars. The gold-redemption policy was inaugurated as an inducement to the holders of the greenbacks to present them for redemption so that they could be retired and their place taken by national-bank bills.

This unauthorized practice was continued until it became a custom in the Treasury of redeeming greenbacks in gold, and without authority of law $100,000,000 in gold was reserved in the Treasury and dedicated to the sole purpose of redeeming greenbacks. This unauthorized custom had its origin in the interest of the national banks, so as to secure to them the place occupied by greenbacks in our volume of currency. It was considered a certainty that if greenbacks were redeemed in gold and canceled, the banks would soon have them retired from circulation and they would secure the monopoly of supplying the people with a currency. The banks made a raid on the Treasury for the redemption of greenbacks in gold and caused such a great contraction in our circulation in a few months that great alarm was produced throughout the West and South. For the purpose of putting a stop to this alarming contraction of the currency, bills were introduced in both Houses of Congress requiring that when greenbacks were redeemed they should be reissued and kept in circulation.

A bill for this purpose passed both Houses of Congress in April, 1878, and in the Senate the vote was 48 to 18.

Six of the 18 were gold-standard Democratic Senators from Eastern States, the same Democracy who are now trying to destroy the greenbacks, as they have succeeded in stopping the silver coinage. The law of 1878 compelling the reissue of greenbacks was the severest blow ever given the policy of contraction that has always been the paramount object of national banks and other money owners and money lenders. When silver was in the way of the gold contractionists they struck it down, not because it was silver, but because it was the most insurmountable obstacle they had to encounter in their purpose to get control of the supply of currency. For the same reason, greenbacks being in the way of contraction, and a standing menace to the gold standard, they must be retired out of existence and their place given to national banks. In its essence and character the gold system is necessarily founded on and productive of a contracted money supply. The circulation of currency can never be made greater than the gold basis upon which it depends for redemption, and this unalterable law insures a constantly diminishing supply of money, a descending scale of prices, languishing industries, dull markets, and hard times.

This law and its inevitable effects are fully understood by the advocates of the gold standard. The most dangerous representative money to the present maintenance of the gold standard is confessed by the President and his Secretary to be greenbacks. Under the law compelling the reissue of greenbacks when redeemed in gold the more valuable gold becomes; on account of the scarcity of money and increased purchasing power of gold, the greater the danger becomes that avaricious gold sharks will accumulate greenbacks for the purpose of making a raid upon any gold reserve in the Treasury.

The availability of greenbacks to satisfy the greed of gold sharks, and the use made of them for that purpose, has been fully established by recent experience. Under these circumstances it is a manifest necessity of the policy of contraction, which has been so declared by the President and Secretary Carlisle in their last utterances upon this subject, that the law requiring greenbacks to be reissued shall be repealed by the present Congress or the Congress and President to be elected in 1896. The confession is made public that the present gold policy of the administration can not be sustained as long as greenbacks and Sherman notes remain in circulation.

While the restoration of silver to free coinage is the paramount issue in future affirmative legislation, which can not be now secured over the veto of the President, it is a manifest fact that the destruction of greenbacks is to be the paramount issue with the gold-standard champions, who know they have the powerful aid of the President, which is worthless without the concurrent sanction of both Houses of Congress in repealing an existing law. The lawmakers are in the affirmative on this issue involving the life of the greenbacks, and would have had the same position on the unconditional repeal of the Sherman law, if it had not been surrendered to Executive influence. I think I can speak for the Senate, and safely give the assurance that no bill that repeals the

act of 1878, requiring the reissue of greenbacks, can pass this body. The gold-standard advocates have cornered themselves, and they must wriggle awhile on the inability of their gold basis to support our present superstructure of representative currency. When the Democratic and Republican conventions meet it will be made manifest that the gold standard and its kindred measure of contraction have come to a deadlock, and that Congress refuses to relieve the Administration by destroying greenbacks with gold obtained by the issue and sale of gold bonds. So that no ingenuity to be employed in framing straddling and double-meaning platforms to mislead the people can avoid making known unmistakably how the two conventions stand on the two paramount questions involving the continued destruction of silver and the future destruction of greenbacks.

If the conventions of the two national parties refuse to pledge themselves to the restoration of silver to free coinage, and declare in favor of continuing gold as the only standard of value and the only redemption basis of currency, they will be compelled to pledge themselves to repealing the law requiring greenbacks to be reissued when redeemed, and leaving the national banks the sole power of supplying the people a currency and regulating thereby the prices of labor, property, and productions in the United States. It is a significant fact that the same Democratic party that elected Tilden President also elected the members of the Congress that passed the Bland-Allison silver law in 1878, and at the same session, within a few days of each other, passed the act requiring greenbacks to be reissued when redeemed; and, most remarkable to relate, a Democratic President asks that same Democratic party to join him in repealing both these laws, to destroy both silver and greenbacks, and thereby strangle its own offspring.

Can any party carry these two mill rocks around its neck and avoid being sunk out of the reach of resurrection? The people must decide, and the future will record their verdict. Let us contemplate the possibility that both silver and greenbacks are to be destroyed and national banks left with the absolute power to regulate the supply of money and its distribution. What then is to be the future of this country? If national banks are to be the only source of currency supply, and if it be true that the prosperity of the country depends largely on the quantity of money in circulation, it becomes highly important to examine into the practice of national banks in the past in the exercise of this far-reaching power—a power considered as important and as dangerous as was ever exercised by any government on earth. It is conceded that the power and duty of furnishing an adequate supply of currency, the kind and safety of the currency to the bill holder, and the equal and just distribution of the currency among the people, are among the most difficult powers any government can exercise. Shall the Government abdicate these vital and dangerous powers to corporations of individuals?

Shall the Government issue this currency directly or shall it charter banks, and confer upon them the power and duty of supplying the people with a sound and adequate currency equally and fairly distributed, or shall the Government and the banks join in the exercise of this power? If banks are to be granted the sole power of issue, shall this franchise be given alone to national banks, or shall it be divided between national and State banks? And if divided between national and State banks, how shall the division be made? Upon these several questions the Democratic party is seriously divided and nearly as difficult to be harmonized as it is to harmonize the party on the gold standard and the restoration of silver to free coinage.

I have always been in favor of requiring the Federal Government to discharge the duty imposed upon it by the Constitution, of supplying the people with an adequate amount of currency, without shifting the responsibility upon fiscal corporations in the shape of national banks. The national banking system of the United States will compare favorably with any in the world, notwithstanding its liability to abuse, as shown in its history; but I am opposed to conferring upon national or State banks the absolute power of supplying the people of the United States with currency and deciding the amount of currency to be issued and how and when it shall be distributed. My greatest objection to the national banking system has always been and is now to the power they possess and have exercised of contracting at their will and pleasure the amount of currency issued to meet the demands of the people in their trade and commerce. There never has been a time during the existence of the national banks when they were bolder than they are to-day in seeking the sole power of supplying currency to be exercised for the purpose of establishing and enforcing the London and New York system of currency contraction to regulate markets and prices.

No Sovereign in England ever possessed a more dangerous power or would dare to exercise it to promote their interest to the same extent that it has been and would be exercised for such purpose by our national banks.

How have the national banks heretofore exercised the power of supplying the people with currency? It would consume a day to go into the history of the operations of the national banks the last quarter of a century. As a rule all the large national banks now do business on their deposits and realize immense profits. They attach but little value to the right of issuing bills under their present charters and under existing banking laws. The 4,000 national banks have out now $150,000,000 less circulation than was issued by 2,700 of these banks.

I desire to call especial attention to what a powerful factor the deposit system is in promoting the policy of currency contraction. As a rule people who make deposits in banks have a surplus of money and are generally free from debt. It is true that small sums aggregating large amounts are deposited in savings banks and in banks of issue, but the largest deposits are made by capitalists who hoard their money and keep it out of circulation, except when opportunity offers of making investments in bonds or gilt-edge securities.

It is also a fact that large sums are deposited by stockholders in national banks and the banks themselves keep a large surplus, accumulated in their business, and in these many ways the banks thrive and acquire riches by the use of capital on which they pay no interest or taxes. Every dollar the banks issue in their own bills adds that much to the volume of currency.

Every dollar that would be added to the present supply of money by the free coinage of silver would lessen the value of money deposited in banks, diminish its purchasing power, curtail bank loans and discounts, and greatly reduce annual dividends of banking corporations. Another powerful factor in promoting and enforcing the policy of currency contraction is gold and the gold standard of value and the gold basis of redemption currency.

I have already stated that gold itself enters but little into general circulation and can not be made into coins like silver that can be handled by the people in daily trade and ordinary business transactions. Money owners know these facts, and hence they selected gold for free coinage and excluded silver from the mints. When England established the gold standard her financiers had the sagacity to stop the coinage of silver only on private account. The Government of England has the right to coin silver, and she exercises that right every year to keep her people supplied with fractional silver coins in their retail trade.

England coined $10,000,000 of fractional silver in the two years of 1893 and 1894. You will be surprised to learn, on the authority of the report of President Cleveland's Comptroller of the Currency in December, 1885, that under act of Parliament of 1844 the Bank of England, in addition to the notes authorized to be issued on the security of the Government debt, is permitted to issue notes equal in amount to the bullion or coin which is transferred to and held in the vaults of the issue department of the bank. Of the coin and bullion held, says the Comptroller, 25 per cent may consist of silver, but it is very seldom that any circulation of the bank is issued on silver. So that the working people of England—the mechanics, the miners, the operators in factories, the servants, and railroad hands—are paid in silver coins with less silver in them than in our silver dollar. These people never see a gold coin, and gold is comparatively unknown among them as currency.

As a rule, gold never goes into general circulation in gold-standard countries. The reports of the Comptroller of the Currency show that hundreds of millions in gold have been deposited by gold owners in the Treasury and gold certificates of deposit issued by the Secretary. But to guard against these gold certificates going into circulation and to insure their use only in large settlements by the banks themselves most of the certificates are taken by the depositors in sums of $10,000 and $5,000, and none less than $500. But the most valuable invention of the banks to make up the insufficient supply of gold to meet their own demands and convenience in the important part they take in the trade and commerce of the people is the invention of checks and drafts as substitutes for money, called confidence or credit currency.

This check system in bank and clearing-house settlements dispenses with the actual use of 95 per cent of the amount of money involved in bank and clearing-house settlements.

The clearing house in New York is composed of 65 banks and the subtreasury. The settlements in the clearing house running through a year frequently aggregate over fifty billions of dollars, and not as much as 5 per cent of this vast amount was paid in money. The 95 per cent was settled in the checks drawn on and by the banks that were members of the clearing house.

If Congress can ever be induced to repeal the law requiring the reissue of greenbacks when redeemed, and authority granted to the President and Secretary to issue 3 per cent bonds payable in gold without limit, in amount to sustain the gold standard, and retire and cancel the greenbacks and Sherman coin notes, amounting to about $500,000,000, thereby contracting the currency over one-third of the entire amount in existence, and over one-half the present amount in circulation, such a panic would follow as would drive this country into revolution, and the only suggestion of any remedy to mitigate the evils of such unprecedented contraction is to trust to the national banks to fill up the vacuum created by the destruction of greenbacks and Sherman notes with the bills of national banks, to be issued at their will and pleasure to the

amount of $500,000,000, to be added to their present circulation of $207,000,000, making over $700,000,000 of national-bank bills.

Who is reckless enough to express the belief that the national banks can be trusted to issue such an amount of their bills to fill up the vacuum created by the destruction of the greenbacks and Sherman notes? If the banks could be compelled to issue their bills to the amount of $700,000,000 how could the banks float that amount of currency redeemable in gold? It would be impossible, and the banks will take no such risk. The national-bank bills would instantly take the place of the greenbacks and be absorbed by gold sharks and gamblers to draw gold out of the banks just as they now do so with greenbacks out of the Treasury. No, Mr. President, the gold system of finance can not be made to operate successfully in this country without inevitable disaster and ruin. It is bound to work its own destruction.

Mr. President, I will conclude by making a part of my remarks an article on the currency headed "Gold versus the Farmers," written by the largest cotton raiser in Alabama, known to me personally from his boyhood. He is one of the most practical and successful business men, who has made finance a study, and his argument is unanswerable.

GOLD VERSUS THE FARMER.

Mr. SHERMAN testified, and no one doubts the testimony, that the inflation of our currency by the issuing of many millions of greenbacks was followed by unexampled prosperity to every class of citizens except the money man, the fellow with the bills receivable, will emphasize the fact that at that time there was no coin in circulation. If a man wanted gold or silver he bargained for it. Yet Mr. SHERMAN said that laborers were well paid, farmers prospered, manufacturers got rich, and there was no word of complaint except from the creditor, and that was because his notes and mortgages were paid and there were no bargains being offered, and Mr. SHERMAN admitted that this was best for the community as the creditor could better afford to suffer. And the histories of all times and countries verify Mr. SHERMAN, that inflation with redeemable or intercommercial money is always attended by prosperity to the masses. This being the case—and no sane man will deny it—the only question at issue with the farmer and the masses and all directly interested in their welfare, has gold monometallism as it now exists brought contraction, is that contraction to their hurt, and will silver free coinage bring inflation, and is that inflation to their benefit? To-day our primal or money of last redemption is gold alone. And this about six hundred millions, or $10 per capita. When it suits the interest of a goldite he will parade the fact that we have ever so many millions of silver dollars more than ever before in our history, and that it is as good a dollar as any other dollar, and then stultifies himself by saying that the Government has no right to use this very good dollar to pay interest on coin bonds and to redeem legal tenders, and that it is right with its vaults full of those dollars to sell again and again other coin bonds, at a loss of many millions of dollars, to get the gold with which to pay claims that the contract states can be paid in coin.

Our present currency then, by the example of the Government itself, is based on gold, and it is enough to scare away from any enterprise whatever prudent men, who see the makeshifts to which our great Government has to resort to keep gold in its vaults. For ten years contraction has been going on. Depression in every class of business except money lending has kept by its side. Mr. SHERMAN said that inflation helped all business except the money lender. Contraction then hurts all business except the money lender. I will appeal to all citizens if for the last ten years any business has flourished except that of the money lender. Mankind is selfish. We all work for self and incidentally to benefit mankind. The law demonetizing silver was secured by Mr. SHERMAN, the representative of capitalists. When silver, the one-half of our money metal, was stricken from our currency, the remaining half, gold, was doubled in value; that is, to every man who owed money the debt was doubled, and every man who had or raised anything to sell got half price, and every man who had money could buy double as much; and this was done by a statute and in the interest of capitalists.

The free coinage of silver—who is fighting it the hardest? The gold mines, the money lenders of every description. Have we any gold mines down here? Have we any capitalist? It is true we have citizens with dabs of money and the Cleveland idea, who are sententiously for sound money. And I challenge anyone of them to explain the difference between the soundness of the two metals, both being under free coinage. Either one of them would be worth as much in one man's pocket as any other man's, and as much in one country as in any other country. The stamp of the Government simply gives legal-tender rights, and it would place the two metals in competition, and that means, as all competitions mean, that the one would restrict the price of the other. As regards the benefit to the silver mines, it would only come as silver advances.

The silverites assert, and they have all time and history with them, that to the extent the use of silver was increased that silver would advance, that to the very extent the use of gold was decreased that gold would decline. America owns the bulk of the silver mines, and the United States is the largest individual owner of silver, and would consequently be most benefited by the advance. England owns the majority of the gold mines, and is the largest holder of gold, and has been most benefited by the advance in gold, and would lose most by the decline, and we are called upon to sacrifice our own property for the benefit of any other man's property. It is asserted that the remonetization of silver would drive all the gold out and cause a panic. Does any man in Alabama know of a man or set of men who would turn their gold or any other property loose without they were willing and without getting market price? A business man will sell anything he has if the price is satisfactory, and there is no power on earth to make him do otherwise.

Under free coinage we would have the two moneys. If it paid to sell all the gold and keep the silver, would somebody explain how that would hurt us? If the gold went to glut markets of Europe, would it not make it cheaper there, and would not our crops which are exported and which will be measured into this very gold bring more of it? The United States depends almost entirely for its gold upon the cotton and other farm products which are exported. Is it our interest to bid gold up by withdrawing silver, or bid it down by using silver? The higher we bid it up the less we will get. The cheaper gold the more cotton will bring. The only way to cheapen gold is by using a substitute. Silver has up to the last twenty years been that substitute and competitor. And is there anything in recent years to make the farmer think that contraction is good for him? Money was intended for the convenience of man, not for his tyrant and master. Whether money is white or yellow has nothing to do with prosperity. Seven years' big crops made Egypt rich. A succession of big crops make American farmers poor, and yet abundant yields is the idealism of farming. And yet we are told by the goldite press that we make too much cotton, too much corn, too much everything; that it is the quantity that puts the price down. And yet the same press will assert that if we double the quantity of metal out of which we make primal money that we will have no money at all. Captain Johnson stated, and it is so, that in every gold-standard country the farmer had a hard struggle for a living and was getting poorer all the time, and that Japan and Mexico, silver countries, were developing faster, getting rich faster, than any other nation, and that more capital was going into Mexico for development than into the United States.

A lot of promoters insanely clamor for sound money in order to fix us a basis of credit, overlooking the fact that Lazarus never had any credit, and that prosperity, no matter what medium of exchange, is the only basis of credit. And to day we see the United States, at the dictum of Wall street, staggering under a load of credit, and the daughters of those very men made doubly rich by statute, in the utmost magnificence, marrying dukes and earls, and their sons startling the world with the extravagance of their displays.

B. B. COMER.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 1230) to extend the limits of the port of New Orleans;

A bill (S. 1716) for relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps;

A bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its name and location;

A bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes;

A bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

A bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes;

A bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River, in the county of Aitkin, State of Minnesota;

A bill (H. R. 7137) to provide for printing and binding for the Navy Department; and

A joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells.

WAR IN CUBA.

Mr. MORGAN. I ask that the conference report upon the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba be laid before the Senate.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Alabama calls up the conference report indicated by him. The question is upon concurring in the report, upon which he is entitled to the floor.

Mr. MORGAN. Mr. President, I have on several occasions since I have been in this body experienced the disadvantage of being compelled to break an argument upon a question in half and proceed on some later day to complete it. I never felt this disadadvantage more seriously than I do to-day. It seems to me that this is a case that deserves consecutive argument and treatment, because it involves principles of law which are intricate and undecided in the United States, and it involves also our relations with a foreign Government, which are delicate at this moment of time, are the subject of considerable irritation, an irritation not provoked by anything that has been done either by the people or the Government of the United States, but provoked, as I understand it, by the supersensitiveness of Spain, because she feels that the sand is crumbling from under her feet and that she is about to lose the beautiful gem of the Antilles to which she attaches such a vast importance, and always has, and justly. This gem of the Antilles is an orange that Spain and her feudal lords have been sucking now for nearly four centuries. While it is true that they have very nearly gotten all the substance, all of the juice and sweetness out of it, it still remains as the only territory that they seem to have a particular fondness for, and it seems to gratify all the tastes of Spain for dominion and power, accompanied with the control of men and things in the sense of the severest despotism.

The paper that I last read and commented upon yesterday was the best statement that the Spanish minister could then make, on the 11th of January, as to the prospects of Spain in her efforts to suppress the rebellion in Cuba. It was hastily withdrawn from the committee, no copy being left with us, and no one on the committee has seen it, I think, or has scarcely remembered its existence, until I presented it to the Senate yesterday, after it had been made the subject of animadversion of a somewhat severe character by the Senator from Maine [Mr. HALE] against the Committee on Foreign Relations. His animadversions, if they are due to anybody, are due to the Secretary of State and the Spanish minister, his particular friend, and I dislike to become a sort of scapegoat for what the Senator now finds upon looking into the subject is

the fault, if fault of any person, of Mr. Olney and Mr. Dupuy de Lôme.

That is a very weak statement, if it was then, or is now, all that Spain has to say about the Cubans and the war they are waging, and about her power to suppress the rebellion. I do not know why it has been held in seclusion, but I suppose, rationally I think, that this forecast of Spanish success and this prophecy of the suppression of the rebellion have been so utterly disproved by subsequent events that the reproduction of this paper would discredit Spain's capacity as a diviner of the future, and would increase into a wail of despair the note of anxious apprehension which pervades that statement.

Never was a demand for liberty met with a feebler protest; never was the success of an enemy disparaged by so weak a refutation; never did a victor have to recount so many defeats, such artful strategy, and so many narrow escapes, as the story of this war reveals as it is told in the letter of General Campos and the comments of the Spanish minister upon this semitragic warfare.

The plea of the Cubans for liberty is answered by the assertion that negroes are fighting those fierce yet sacred battles. The plea for independence is answered by the assertion that Gomez is a Dominican and Maceo a mulatto, and they could not conduct civil government if they had independence. The plea for humanity is answered by the fact the supplicants are mere subjects, not citizens with a voice that can even utter a prayer—poor, dejected outcasts without the right to human benevolence.

The PRESIDING OFFICER. The Senator from Alabama will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the unfinished business be temporarily laid aside, without losing its place.

The PRESIDING OFFICER. The Senator from Arkansas asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Alabama will proceed.

Mr. MORGAN. The plea set up by the Spanish minister for a further exercise of our long-suffering patience is that these miserable wretches are exceedingly hard to whip, because they will not stand up in line and be shot down. That, having few arms, little ammunition, and no artillery, after they have delivered a single blow they seek shelter in the thick woods, after the example of that fox, Francis Marion, whose headquarters were in the islets of the Dismal Swamp, in our Revolution. They are accused of discarding the strategy and high etiquette of chivalric warfare, knowing that the Spaniards who will kill them when they are captured, though they are left wounded on the field of battle, will receive honors, badges, and promotions for such service. Yet they turn their prisoners free, because they can not feed them and have no prisons like the Isle of Pines, Fernando Po, or Ceuta in Africa, to which they can condemn them, in chain gangs, to perpetual imprisonment.

These lawless rebels are charged with being naked and barefooted, without commissary trains, and in such bad plight and of such fierce and daring nature that the senior Senator from Maine [Mr. HALE] exhibits the deepest abhorrence when denouncing them as "guerrillas" and "savages."

For more than two centuries we have fought savages, in guerrilla warfare, savages compared with whom the worst of the Cubans and some of the Spaniards are preux chevaliers—very angels of light; yet our history in these five hundred wars has been humane, and we have never refused belligerent rights, as to the humanities of warfare, to any Indian tribe engaged in open hostilities. It is otherwise in Cuba, where the barbarities practiced by the monarchy, in former wars, of old, and of late, and at present, have provoked retaliation until human life, like that of serpents and noxious worms and beasts of prey, is considered as being fit only for extinction.

Spain has made this bad record so distinctly a part of her history that her wars with Cubans blush with the crimson hue of murder and are blackened with rapine as a universal assumption of fact. When the Spanish minister was sending his "memorandum" to the Senate committee as a plea for delay, we had the right to recur to the facts of the history of the last war of Cuba for independence, and to the outcry of the world against their repetition in the present war, and to ask ourselves if we could afford to give our silent acquiescence to the Spanish assertion that a million people are rebel traitors and deserve death in any form that Spanish ferocity or vengeance shall choose to inflict. We dared not to give such an answer to the petitions of our people, yet we were constrained into longer silence by our duty and our reverence toward our own country. We were compelled to answer that there is no reasonable ground for the expectation of any change for the better in the character of the present war.

The furtive allusion to sugar in the memorandum of the Spanish minister which I read yesterday, and to the burned plantations of our citizens in Cuba, intended to sweeten the invocation of our sympathy and for our aid in crushing the rebellion, did not serve to convince us that Spain, without our aid, could again subjugate these people in their war for justice, liberty, and life. That covert plea was almost a conclusive proof that Spain had despaired of success.

That memorandum treats of Cuba as a mere feudatory of Spain, whose people are incapable of self-government and do not deserve the treatment even that is due to coolies or serfs. This is the true relation between Spain and Cuba that has been established by the cruelties of that Monarchy. This is the blot on the escutcheon of Spain that will not out. It is not provincial or colonial; it is only feudal. What voice Cuba has in the Spanish Cortes is the voice of rulers selected for them and seduced into tyrannical exactions upon them by divisions of the spoils gained from their robbery.

The feudalists of Spain have their friends and supporters among the feudalists in Europe and America. Of late that new rank has had a great accession of strength, even in this plain Republic, notably among the nouveau richesse. Their power seems to brood over this Senate and to check the earnest movement of the people in the direction that their noble ancestry have never refused to march, whatever the peril or the cost. Facts that prove the existence of open war in Cuba are admitted in the memorandum of the Spanish minister, sent to the committee through the Secretary of State, which I read yesterday. And yet the feudalists demand further proof. The existence of an organized civil government among the insurrectionists, that they at least obey, is distinctly admitted by the Spanish minister. But its efficacy is denied, and it is alleged that it has no permanent capital.

It is the existence of war and not its atrocities, Mr. President, or its prospects of ultimate success, that gives to us the right to assert our neutrality as between these belligerents.

If open war exists in Cuba we can not afford to call it peace. As it is a war for the liberty of nearly 2,000,000 people, we are not unjust or inimical to Spain if our sympathies go out to the Cubans who put their existence in the scale, finding that life is intolerable under Spanish persecution.

It is not the location of the civil government, it is not its capacity to command the allegiance, the support, or the obedience of the people outside of the domain of its military command, but inside that territory, that fixes its right to recognition as a belligerent power. A de facto civil government, having power to command obedience to its decrees, within its military command, whether that power is civil or military, is a government that can conduct lawful warfare under the laws of nations. It needs no capital or seaport or garrisoned fortresses to prove its right to fight for the liberties of its supporters.

We did not hold permanently a single seaport during our war for independence, and our Congress, like a hunted hare, had its seat wherever it found temporary shelter.

The next open appearance of the Spanish minister, as he seems to be working a crusade for political influence and power against the Congress of the United States, is his appeal from an indulgent Congress, acting within the limits of its duty and without injustice to Spain, over its head to the people of the United States.

When the people of the United States, who are our constituents, impeach us and become our judges on the demand of a supercilious foreign minister, it will be high time for the Senate and the House to close their doors and go into retirement, for then it will become true, as it never has yet been true in America, that a foreign representative of a monarchy can call in question the House and the Senate, and members of the House and members of the Senate, for words uttered in debate on these floors, against which our Constitution protects us.

Before proceeding to discuss this matter I will first ask the Secretary to read that appeal and the answer of the agent of the Cuban Republic to it, and I will then remark upon both papers as coming from men who are equally reliable. I can not assume when dealing with Spaniards who speak unofficially that the office they may hold enhances their authority or that a Cuban is not entitled to credit because his credentials are not signed with the royal signet of Spain. I will ask the Secretary to read from the remarks of the Senator from Maine [Mr. HALE], which I will send to the desk, what the Spanish minister had to say in his celebrated diatribe against the Senate and against Senators particularly, commencing on page 2941 of the CONGRESSIONAL RECORD.

The Secretary read as follows:

Senator SHERMAN, in the sitting of February 28, quoted freely, among other things, from an article published in a New York morning paper of Sunday, February 23. He said, giving in very strong language his opinion of the present commander-in-chief of the Spanish army in Cuba, the following: "A book was published in Spanish, which I am very sorry I can not get from the library, written by a Spaniard by the name of Enrique Donderio, who came over from Spain with the Spanish troops to see the war of 1872, and who was so horror-stricken with the high crimes that he saw committed that he flew to the United States and there published his manuscript. Telling is this evidence, and it shows General Weyler," etc.

I have made an investigation about that book, and I have found that the name of the author is not Enrique Donderio, as originally printed, but Enrique Donderis. For this reason probably the Senator was unable to find the book in the Congressional Library. Should he have found it, he would have seen that in the book, which is a small pamphlet of 43 pages, not a single time the name of General Weyler is mentioned.

I have carefully read, and have had the pamphlet read by other persons, and I see in it that many horrors are described attributed both to the Spaniards and to the rebels, but in it, as I said before, and as I most emphatically affirm again, the name of General Weyler is not mentioned one single time. I have the book at the disposal of anybody who would like to controvert my statement.

I have been told that that person, Enrique Donderis, was a Spanish officer who fought in Spain against the Government, and was sent to Cuba. He fought there in the Spanish side, then deserted, and afterwards fought in the rebel ranks. But, although this fact has been stated by a Cuban sympathizer, it can not be vouched by me, and it is of no consequence.

What is important is that the honorable Senator from Ohio said in good faith that all the crimes that he related were attributed by Spanish authorities to General Weyler, and that his good faith has been imposed upon. General Weyler went to Cuba as a lieutenant-colonel in 1869, and returned to Spain as a brigadier-general in 1873. A part of the campaign he held the position of staff officer, he being one of the general staff, and some time later he held the position of colonel of a regiment of volunteers, which was made up and paid by the merchants of Habana. He defended the town of Holguin, being commander-general of that jurisdiction, but he has never had in Cuba other position than that of a subordinate officer.

In my investigations I have read many pamphlets written by Cubans during the war from 1868 to 1878, with all the natural bias when a contest is standing, and have failed to see the name of General Weyler recorded as responsible for the horrors that now, when he is at the head of the army against the rebels, are attributed to him.

MR. MORGAN AND HIS AUTHORITY.

Senator MORGAN, in the sitting of February 24, said that, according to official reports forwarded from Madrid by the United States minister, "13,000 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners, whom the Spanish minister admitted to have been put to death."

Senator MORGAN said that his authority was the American Cyclopedia. A friend of mine addressed Messrs. D. Appleton & Co., publishers of the cyclopedia, inquiring as to the authority of the book quoted by Senator MORGAN. In reply to his inquiry, Mr. Rossiter Johnson, associate editor of the American Cyclopedia, says that the article was written by Mr. Antonio Bachillery Morales, a Cuban, who was a decided and partial enemy of Spain, and that he presumes that it will be easy to get access to the official reports in the Department of State at Washington. I have accepted the advice, and in the State Department the following answer has been given me: "The minister of the United States to Spain, on the date of August 16, 1872, quoted from the Imparcial, described as a semiofficial journal of Madrid, of which the colony minister was the director until he entered the present cabinet, the following: 'From the beginning of the hostilities in Cuba 13,600 insurgents have been killed in battle, and 43,500 taken prisoners,' the minister adds, 'as it is believed that all prisoners of war taken are shot or garroted.'"

It is plain that the American minister, who was General Sickles, read the statement in a paper. The paper (El Imparcial) was owned by a cabinet minister (Señor Casset y Artime). General Sickles said, in a general way, that it was believed that the prisoners were all shot or garroted. Of course, that is not true; that simply is a belief, an opinion. From the expression of a belief an official report is made; from the statement in a newspaper that the prisoners were taken the conclusion that they were executed is derived, and because the Imparcial was the property of a minister of the cabinet the assertion is advanced that a cabinet officer admitted that they had been put to death. That has been said in the United States Senate and indorsed by a vote of that high body.

MR. LODGE AND A GARBLED INTERVIEW.

Senator CABOT LODGE, in a speech made on the 25th of February, quoted from the Liberal, of Madrid, an interview sent by telegraph from Cadiz in the moment in which General Weyler embarked for Cuba. The translation which has been given to the Senator from Massachusetts is a fraud. My attention was called to it by a telegram from Mr. Taltavull, correspondent in the United States of the Liberal, from Madrid, and a former member of the Cortes. This distinguished gentleman wired to me: "General Weyler never said, in any interview or conversation published in the Liberal, that he would exterminate the filibusters. What he said was that he would clean out the western provinces of Cuba of filibusters, and that he would exterminate the small bands of bandits." I have now before me the text of that interview. I will not stop to discuss the historical importance of a nonauthorized interview. But, even taking as granted that General Weyler said what is printed, the words that the person who has furnished documents to Senator CABOT LODGE have made him pronounce are not exact. The exact translation of what General Weyler said is: "On my arrival to Cuba I propose in the first place to clean out of filibusters the provinces of Habana, Pinar del Rio, and Las Villas; be it well understood that I refer for the moment to the large bands which have invaded them. Then will remain the small bands of bandits, which I will exterminate gradually."

Nobody can believe that General Weyler in the word "exterminate" meant to put to death; but even if that sense is applied to his words, it is necessary to understand what those bands of bandits in Cuba are and have been. I would like to know the opinion that the American planters, respectable, lawabiding citizens, who are working for their own interests and for the prosperity of Cuba, have in that respect; what would be done in this country with the people who have been kidnaping and blackmailing the honest toilers living out in the country. What treatment do they think deserve people like Manuel Garcia, Mirabal, Matagas, Perico Delgado, and others? The paper to which I refer is at the disposition of the Senator from Massachusetts, and of anybody who wants to see it.

CRUELTIES OF WAR.

I can not understand how all rules of war that have been given by all civilized nations are so criminal, so cruel, and so tyrannical when they are applied to Cuba. I have before my eyes a summary of charges of inhumanity in connection with the war of the rebellion in the United States to both sides, taken from American history. I am sure that many of them are false, most of them exaggerated, some necessary, and others unavoidable. But, taking only as an illustration and for the sake of argument what I see in that list, I can not understand how people who are familiar with those necessary evils of war have been able to use such harsh, unjust, and offensive language against Spain.

Mr. HALE. The Secretary may read the extracts which are cited there from contemporaneous literature about the struggle in America, which show how unreliable these are.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

"In an English paper of those days I read the following opinion of the American civil war: 'Stripped of its trappings, it is a mere quarrel for territory. The antagonists are acting like Delawares and Pawnees. War to the knife, pushed to absolute extermination, is what they have resolved on, and people breathe a language of massacre and extermination.'

* * * * * * *

"This charge was no more justified than the charges which are brought now against Spain. I said nothing when that language was used in the press, but I believe it is my duty, although against the conventionalities of my position, to appeal, as I have said, to the honest common sense of the American people when those words are uttered from the Capitol of the United States.

"Nothing is now done in Cuba that has not been done and has not been deemed necessary in other countries when at war. It would be possible and easy for me to quote many facts not different from those which now arouse public sentiment against Spain. I will only ask persons wanting an impartial and honest opinion to read what the commanders-in-chief of the American armies on both sides and what those of the armies of France and Germany have deemed necessary for the protection of their soldiers and the carrying out of the war.

"General Weyler has, in my opinion, been grossly traduced. I should add I feel confident that it is owing to misinformation, to an erroneous prejudice, to systematic attacks on him personally by interested enemies that the people of the United States and their public representatives have formed a monstrously erroneous opinion about the governor-general. The question of loyal politics does not enter into the subject. No matter whether a man is an ultra-Spanish Monarchist, a Liberal, a Home Ruler, or a Separatist rebel, there is no occasion to speak untruly about an individual who is in opposition to his views.

"Campos spoke kindly of Gomez personally, and I have yet to hear that General Weyler does otherwise. I see that the American newspapers publish charges that prisoners are ill treated and killed by summary execution. Here again is an incorrect representation of facts. I have been striving for autonomy for many years. I have ardently labored in the Cortes to secure all possible reforms and benefits that could ameliorate the condition of Cuba. I love my country, Cuba, and I will do all in my power to advance her interest. When I speak as I do I think I do so disinterestedly and fairly.

"I am astonished to perceive how unacquainted with the true conditions are the public men in Washington. When Cuba lies so close to the borders of the United States it would be supposed a much wider intelligence concerning the internal affairs of the island would exist. If the book said to have been quoted in Congress against General Weyler was by Enrique Donderis, I never heard of its author. I fancy it is a nom de plume.

"WILLIAM SHAW BOWEN."

Mr. MORGAN. Mr. President, the surprise of the Spanish minister that we get no better information from Cuba would certainly indicate that he knew that the channels of information were all open; when, on the contrary, there is a strict, rigid censorship on the cable between the island and the American coast; and I was informed yesterday by a Catholic priest, who knows perfectly well Cuba and Spain, that the mails between Cuba and the United States are constantly opened and their contents examined. He is a gentleman of veracity, and evidently of impartiality, because he was very strict in his expressions and careful not to offend either against Cuba or against Spain.

We know perfectly well that the information that comes to the United States from Cuba is doctored when it comes on the telegraph lines unless it happens to be favorable to the Spanish cause. We find, however, that the Spanish Government has access over the cable lines that run through Europe and across the Atlantic Ocean to the bosom of the Senate here for the purpose of informing Senators as to all that relates to the opinions, the decrees, the judgments, the forecasts, the prognostics, and the sentiments of the Spanish Crown as expressed throngh its premier. One side of this question seems to have full access to all the information that is favorable, while it is entirely shut off from the other side. The Committee on Foreign Relations have felt this embarrassment very much, as the people of the United States have, and they have been compelled to rely upon that suspected source of information, which, after all, when it is sifted out, is the best and truest source of information—the American press.

The minister from Spain, however, did not have any difficulty in ascertaining what I had said in debate in the Senate, for the RECORD discloses exactly what I did say, and it was very presumptuous on his part to misquote me as I was reported in that RECORD and to undertake to palm that off—a false quotation—on the people of the United States as being true. I must say that I have little respect for a minister or any gentleman who will misquote a Senator on this floor when he has the RECORD before his eyes and evidently was making up his statement from that RECORD.

In answer to this arraignment of myself, along with my colleagues on the committee, the Senator from Ohio [Mr. SHERMAN] and the junior Senator from Massachusetts [Mr. LODGE], before the bar of the American people, by the Spanish minister, I will take occasion to answer what he says as to the misquotation, or as to the affirmation which he says I made, by reading from the RECORD extracts to fully display the context of what I said on that subject.

The question was asked me by the Senator from Maine [Mr. FRYE]:

Has the captain-general ever been a Cuban?

I said:

Oh, no; that was never within the contemplation of the Government of Spain, so far as I have ever heard.

I do not know whether I am accurate about that or not, but I think I am. I had stated, as follows, a part of Spanish history in Cuba:

In 1851, 50 men of the Lopez expedition were shot in Habana. These are not referred to by General Grant except in general terms. In 1854 Pinto and his associates to the number of 100 men were shot or deported. Then followed

the ten years' war from 1867 to 1878, during the progress of which these enormities occurred to which General Grant refers. Spain had more than 90,000 troops in the field in that war. In 1869 the Spanish troops committed atrocities that shocked the civilized world in the wholesale slaughter of men, women, and children in Habana at the Villa Nueva Theater, at the Louvre, and in the sacking of the house of Aldama.

The number of these cruelties is almost beyond comprehension, and the loss of life is appalling. Spain marched into the war 80,000 troops and brought out 12,000. It is stated—

Here is the particular part of it—

It is stated on high authority that—

Now, quoting from the book—

according to official reports forwarded from Madrid by the United States minister, 13,600 Cubans had been killed in battle up to August, 1872, besides 43,500 prisoners whom the Spanish minister admitted to have been put to death.

Then I say:

I confess that when I came across that statement in an authentic history to which we give credit, I read it over and over to ascertain whether it could have been possible that such a multitude of humanity had been slaughtered within 90 miles of the coast of the United States during that ten years' war; and I inquired of myself, What has Christianity been doing in the world if in this age, the nineteenth century, it has been possible that such things could be done in an island like Cuba, and that this great and free Republic could stand indifferently by, knowing the facts, and not unsheath its sword and strike the brutal monarch to death who inflicted them?

Then the junior Senator from Maine addressed the following question to me:

Mr. FRYE. I failed to catch the name of the authority for the wonderful, the horrible statement which the Senator from Alabama has just made in relation to the slaughter of prisoners to the number of over 40,000.

Mr. MORGAN. I am sorry that for the moment I can not recall his name. I will hand it to the Senator.

Mr. FRYE. It is from history?

Mr. MORGAN. Yes; deliberately written, and written by a Spaniard.

The point is made there that he was a Cuban, but I suppose he is a Spaniard notwithstanding he is a Cuban, and his name shows that he is a Spaniard—

Mr. FRYE. Does the Senator credit it?

Mr. MORGAN. For a long time I hesitated to credit it, but I had to credit it or else deny the evidence of a deliberate statement made by a historian in a book of universal acceptance, one of reliable authority.

Mr. GRAY. Will the Senator from Alabama state the name of the historian or the book?

Mr. MORGAN. It is the American Encyclopedia, under the title of Cuba.

Then the Senator from Florida [Mr. CALL] interposed to read an extract from a newspaper, for which, of course, I had no responsibility, but which, I have no doubt, presented an exact statement of facts.

The country will see, when what I have read from the RECORD appears, together with the Spanish minister's arraignment of me, that he has misquoted that RECORD and has put me as stating that it had been officially communicated to the Government of the United States that 43,500 prisoners had been shot by the Spanish Government in August, 1872. The Spanish minister, in casting his eye over all of the statement I made, could find no error in it, except as to the question whether I had stated that this statement had been made as an official communication to the United States Government. He does not deny the fact that here was the series of bloody murders which I referred to. The statement of them spread before his eyes, and he does not deny any of them, but quibbles, in his arraignment of me, upon the point whether I had asserted that that was an official document or an official report. Why did he not when he was vindicating his country and arraigning me, come out and deny what I put upon that RECORD, and which he has not denied and can not deny in the light of truth? No, sir; the facts stand confessed against Spain through the lips of her own minister, because, having full opportunity to make denial, he evades it and leaves it unanswered and tries to force a controversy with me upon a misquotation of the RECORD of this body.

I should leave that subject just there, but I think that in justice to General Sickles I ought to call the attention of the Senate, if I have the document here—I supposed I had it, but can not at the moment lay my hands on it, and I shall cite it at some other time. It is a letter written by General Sickles on that occasion to his Government, in which he made the statement, not affirming that the 43,500 people had been actually slain, but giving the evidence upon which the statement was made, it being drawn from a newspaper that was then owned and conducted by a member of the imperial cabinet. I regret that the paper has been mislaid for the moment, because I wanted to give General Sickles the benefit of the full statement of all he said, and I shall place it in the RECORD later.

Mr. President, that letter of the Spanish minister found its way into the newspapers upon an alleged right of his to go into the public prints, provided he did not sign his official name to his communication, and arraign the Senate for words uttered in debate here. Some Senators have thought that it was a light matter that he should do this, and some have brought his accusations into the Senate with a spirit almost of hilarity, and have repeated them here upon his authority against Senators. I take occasion here totally to dissent from any opinion expressed, it makes no difference by whom, to the effect that a foreign minister in this country has the right to resort to the press for the purpose of affecting any measure or matter which is then pending before the Houses of Congress, or has been recently pending, or in regard to any policy of the United States which he may consider to be offensive or injurious to his country. I may be considered a little old-fashioned in referring to authorities which have been some time forgotten, at least by members of this body, upon a question like that.

Nevertheless, I think it is well worth our while on this occasion, when this flagrant abuse of our privileges has been entered upon, that we should record our opinions upon this question even at the expense of a little public time, for it certainly is time that the diplomatic affairs of this country were withdrawn from public tinkering and tampering by foreign ministers in the newspapers, and that they were confined to official statements between the Governments concerned. If the Senate is to be continually put in an uproar and confusion by telegrams coming from the premier of the Spanish Government to some newspaper editor in the United States, to be read here as authoritative statements of the attitude of Spain in regard to this question and of its feelings and purposes, then, sir, we had as well dismiss our Secretary of State, disband the whole of the State Department, and rely upon these men who have acquired eminence in one way and another in newspaperdom for the knowledge of what is transpiring in foreign Governments with reference to our affairs and official information as to the designs and purposes of foreign Governments toward the United States.

A country that addresses the American people on diplomatic questions or situations through the newspaper press so far violates all recognized rules of courtesy as to forfeit its right to any representation at this capital. Whether it is Congress, or either of the Houses, or the members thereof that is criticised by a foreign Government, or whether it is the President, or the Supreme Court that is assailed for official conduct, the offense is the same, and is inexcusable.

I will remark here that so far as my privileges as a Senator are concerned they are, equally with those of my colleagues on this floor and the members of the House of Representatives, very sacredly guarded by the Constitution of the United States. We have the right here, in the presence and under the eye of Almighty God, to state anything that we think it proper to state relating to matters pending in Congress, and the Constitution of the United States gives us a guaranty that we shall not be called in question for it in any other place. If I, in my place, were to make a statement about a citizen of the United States who has some supposed or actual connection with public affairs which would calumniate him, and which would be actionable or indictable for libel if uttered by a private person, the Constitution of the United States, in deference to the exalted position which my State has conferred upon me and the oath that I have taken, protects me and would stand as a shield between me and that citizen, and would give to me free liberty of speech, under my own control, under my own judgment, subject only to the ruling of the Senate as to whether it was appropriate and whether it was in order.

Mr. GRAY. The citizen's freedom of speech would not be curtailed.

Mr. MORGAN. The citizen's freedom of speech would not be curtailed, I very freely grant you, but the minister from Spain is not a citizen; and he is protected by the law of nations against any suit or proceeding on my part to hold him accountable for any calumny he may utter against me as a Senator or as a man. There the rule comes in that seals his mouth in respect of all communications and all utterances that affect the affairs of the Government of the United States, or that call in question the statements of any Senator made on this floor in regard to him or his Government.

The law of nations forbids a Senator or a Member of the House of Representatives, and equally forbids any citizen of the United States, from bringing an action or a criminal proceeding against a foreign minister who is enjoying our hospitality, it makes no difference how outrageous his action may have been, if it is not dangerous to the public peace. He can stand here, if he chooses to do it, and fulminate libelous accusations against members of the Senate or either of these bodies, and he will go entirely free and unwhipped of justice, unless the President of the United States sees proper to dismiss him and send him back to his country. There is where he has that advantage. He enjoys a hospitality in the United States that is absolutely sacred so far as his protection is concerned, and while he does that he makes accusations against Senators connected with the conduct of affairs in which his Government has a vital interest, and he does it under circumstances which disable us from doing anything else except to take this floor and vindicate and defend ourselves against his accusations. Perfectly ensconced in the provisions of international law, which protect him against liability in our courts, he violates that law of our own Constitution which throws around us the ægis of its protection and declares that we are not responsible elsewhere for words uttered in debate.

Now, let us see whether or not that agrees with the teachings

of our fathers upon this question. I will first read the minutes of a conversation between Mr. Jefferson, Secretary of State, and M. Genet, on July 10, 1793. First Genet asks Jefferson a question, to which he replied as follows:

* * * He asked if they (Congress) were not the sovereign. I told him no, they were sovereign in making laws only, the Executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least Congress are bound to see that the treaties are observed." I told him no, there were very few cases, indeed, arising out of treaties which they could take notice of; that the President is to see that treaties are observed. "If he decides against the treaty, to whom is a nation to appeal?" I told him the Constitution had made the President the last appeal. He made me a bow and said that indeed he would not make me his compliments on such a Constitution, expressed the utmost astonishment at it, and seemed never before to have had such an idea—

Mr. Jefferson proceeds:

He was now come into perfect good humor and coolness, in which state he may with the greatest freedom be spoken with. I observed to him the impropriety of his conduct in persevering in measures contrary to the will of the Government, and that, too, within its limits, wherein unquestionably they had a right to be obeyed. "But," said he, "I have a right to expound the treaty on our side." "Certainly," said I, "each party has an equal right to expound their treaties. You, as the agent of your nation, have a right to bring forward your exposition, to support it by reasons, to insist on it, to be answered with the reasons for our exposition where it is contrary; but when, after hearing and considering your reasons, the highest authority in the nation has decided, it is your duty to say you think the decision wrong, that you can not take upon yourself to admit it, and will represent it to your Government to do as they think proper; but in the meantime you ought to acquiesce in it, and to do nothing within our limits contrary to it."

I will presently call attention to a further declaration of Mr. Jefferson upon that subject, for I think the extract I have been reading is not the full statement of his entire views upon that occasion or upon some other, in which he was in conversation with M. Genet. Mr. Jefferson again said to the same person, November 22, 1793:

He (the President) being the only channel of communication between the country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation, and whatever he communicates as such they have a right and are bound to consider as the expression of the nation, and no foreign nation can be allowed to question it, (nor) to interpose between him and any branch of Government, under the pretense of either's transgressing their functions, nor to make himself the umpire and final judge between them.

Again, Mr. Jefferson, in a letter to M. Genet, dated December 31, 1793, writes as follows:

PHILADELPHIA, *December 31, 1793.*

To M. GENET.

SIR: I have laid before the President of the United States your letter of the 20th instant, accompanying translations of the instructions given you by the Executive Council of France to be distributed among the members of Congress, desiring that the President will lay them officially before both Houses, and proposing to transmit successively other papers to be laid before them in like manner, and I have it in charge to observe that your functions as the missionary of a foreign nation here are confined to the transactions of the affairs of your nation with the Executive of the United States, that the communications which are to pass between the executive and legislative branches can not be a subject for your interference, and that the President must be left to judge for himself what matters his duty or the public good may require him to propose to the deliberations of Congress.

Mr. Randolph, Secretary of State, said to Mr. Fauchet, June 13, 1795:

A foreign minister has a right to remonstrate with the Executive to whom he is accredited upon any of those measures affecting his country. But it will ever be denied as a right of a foreign minister that he should endeavor, by an address to the people, oral or written, to forestall a depending measure, or to defeat one which has been decided.

Here is a case which is a little closer, perhaps, in its application to the facts in this case than those that I have been quoting. It is in a letter of Mr. Livingston, Secretary of State, to Mr. Buchanan, on the 2d of January, 1833, in which he says:

Even though the Globe, as published during the Administration of President Jackson, should be regarded as a Government paper, the Government "is and can be, from the nature of our institutions, only answerable for official articles; on all the rest the Globe is as independent of the Executive as any other gazette." Hence, the Government, as such, can not be properly called on by Russia to explain the insertion of articles in the Globe injurious to Russia in relation to Poland, or the publication of what Russia may consider inaccurate and unjust report from France or England of Russian affairs.

That was a correspondence directly between our Government and the Russian minister. Then, again, Mr. Forsyth, in a letter to Mr. Livingston, March 5, 1835, after making some discussions of some preliminary matter, says this:

As one of its branches, the Chief Magistrate, in his messages, commits the Government to foreign nations no more than the two Houses of Congress can by their separate action, and it would be a most extraordinary movement of the foreign power to discuss the resolutions of either House of Congress, or of both, if passed by less than two-thirds, and not approved by the President, as if those resolutions were causes of complaint against the United States, to be subjects of discussion with the Executive. The President corresponds with foreign governments, through their diplomatic agents, as the organ of the nation. As such he speaks for the nation. In his messages to Congress he speaks only for the Executive to the legislature. He recommends, and his recommendations are powerless unless followed by legislative action. No discussion of them can be permitted. All allusions to them, made with a design to mark an anticipated or actual difference of opinion between the Executive and legislature, are indelicate in themselves, and if made to prejudice public opinion, will immediately recoil upon those who are so indiscreet as to indulge them. If they contain anything injurious to foreign nations, the means of self-justification are in their own power without interposing between the different branches of this Government—an interposition which can never be made, even by those who do not comprehend the true character of the Government and the people of the United States, without forfeiting the respect of both.

Again, he says:

Were any foreign powers permitted to scan the communications of the Executive, their complaints, whether real or affected, would involve the country in continual controversies; for, the right being acknowledged, it would be a duty to exercise it by demanding a disavowal of every phrase they might deem offensive, and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted, that no foreign power has a right to ask for explanations of anything that the President, in the exercise of his functions, thinks proper to communicate to Congress, or of any course he may advise them to pursue. This rule is not applicable to the Government of the United States alone, but, in common with it, to all those in which the constitutional powers are distributed into different branches. No such nation, desirous of avoiding foreign influence or foreign interference in its councils—no such nation, possessing a due sense of its dignity and independence, can long submit to the consequences of this interference. * * * If the principle is correct, every communication which the President makes in relation to our foreign affairs, either to the Congress or to the public, ought in prudence to be previously submitted to those ministers, in order to avoid disputes and troublesome and humiliating explanations.

Then Mr. Buchanan, while Secretary of State, in a letter to Mr. Rosa in 1845, says:

Communications of the President to Congress and the debates of Congress are domestic matters, concerning which this Department will not entertain the criticisms or answer the questions of foreign sovereigns.

Would that we had somebody here now who had a just conception of the constitutional rights of the different departments of this Government.

There are various authorities following in the same line, but I shall not detain the Senate by reading them. I will cite, however, Mr. Lawrence's Wheaton, edition of 1863, page 385, for the information of any gentlemen who may desire to prosecute the study of this question further.

Mr. Webster, Secretary of State, said to Mr. Hülsemann:

The President's communications to Congress are matters of domestic concern which are not within the range of the official notice of foreign sovereigns.

Then Mr. Marcy says:

The President's annual message is a communication from the Executive to the legislative branch of the Government; an internal transaction, with which it is not deemed proper or respectful for foreign powers or their representatives to interfere, or even to resort to it as the basis of a diplomatic correspondence. It is not a document addressed to foreign governments.

Mr. Seward, on the 2d of January, 1868, said:

It is neither convenient nor customary with the executive department to discuss or give explanations concerning the expressions of opinions which are made in incidental debates and resolutions from time to time in either or both of the legislative bodies, at least until they assume the practical form of law. When they assume that form they are constitutionally submitted to the President for his consideration, and he is not only entitled, but he is obliged to announce his concurrence or nonconcurrence with the will of the legislature.

It would not be becoming for me to entertain correspondence with a foreign state concerning incidental debates and resolutions in regard to the treaty for the two Danish islands while it is undergoing constitutional consideration in the Senate and in Congress.

Mr. Fish, in 1878, says:

Correspondence by a foreign minister with the press in this country on subjects connected with his mission, such correspondence involving an appeal to the people on diplomatic issues, is ground for his dismissal.

A case could scarcely be more perfectly in point than that which falls within the denunciation of that great Secretary, Mr. Fish. I have not asked any dismissal of this minister; I do not expect to do so, and I regret this serious breach of privilege on his part. Let him stay if he wants to, or if his Government is satisfied. But I have a right as a member of this House to claim the protection of the Constitution of my country against any attack that may be made upon my vote or my speeches on this floor by one who holds a commission as a minister from a foreign government, and who, under that commission, enjoys our hospitalities and is protected against any liability to legal redress. Under the eye and in the presence of the American people, as an American Senator, I feel perfectly protected against those assaults, and I am quite sure the Senator from Ohio [Mr. SHERMAN] and the junior Senator from Massachusetts [Mr. LODGE] feel in like manner protected against them.

Attorney-General Lee has given us a proper view of this question, and I will read what he says. It is an opinion delivered at a time when the United States was a weak infant as compared with its present strength, but in the hearts of those great and noble men who won the liberties of these people and established this Republic upon eternal foundations there was a regard for national honor and duty and a protection of the different departments of this Government which, I am sorry to say, has disappeared, if the expression of some Senators and their conduct in bringing in the Spanish minister's accusation against us as an arraignment is to be the criterion. This letter is addressed to the Secretary of State, and is in response, doubtless, to a demand from the Secretary of State as to what was the state of the law upon a certain proposition.

PHILADELPHIA, *July 27, 1797.*

You will observe—

He says—

that my letter of this date contains an answer to yours of the 24th instant upon one of the subjects which you submitted to my consideration; and I shall now give my opinion on the other.

The Chevalier de Yrujo, in sending a translation of his letter to you of the 11th instant to Benjamin Franklin Bache and William Cobbett, and directing

it to be printed, deviated from propriety. A foreign minister here is to correspond with the Secretary of State on matters which interest his nation, and ought not to be permitted to do it through the press in our country. He has no authority to communicate his sentiments to the people of the United States by publications, either in manuscript or print, which he shall write and circulate while resident among us; but his intercourse is to be with the Executive of the United States only, upon matters that concern his mission or trust. His conduct in this instance I deem a contempt of the Government, for which he is reprehensible by the President.

I can not discover that this letter is libelous on the Government or any public officer, though it may be charged with a degree of indecency and insolence.

The publication of it by Mr. Bache first, and Mr. Cobbett afterwards, can not be considered as criminal, unless in the light of a contempt to the Government of the United States, for they ought not to have joined the minister in the act. I am of opinion, therefore, that no prosecution of either of the editors can be maintained for a libel in this instance, and that no legal prosecution of either of them is advisable.

Why not? Why could it not be done? Because they had acted in concert with a foreign minister, and the law of nations protected him against a suit for libel.

Mr. President, I have gone into this subject for the purpose simply of giving the authority upon which I make the emphatic denunciation of any right of a Senator of this body to take the public prints of this country in which he finds accusations written and signed by a foreign minister which are in any way derogatory to any member of this body, or which in any way might affect his vote or action upon any question, and repeat them, approvingly, to the Senate. I claim the privilege to deny this right as against my brother Senator, as well as against a foreign minister. Whoever may treat the subject lightly, I can not do so, not because I am wounded in spirit, for I have a perfect indifference to what Mr. Dupuy de Lôme may say about me and my conduct upon the floor of the Senate, but I have a regard for my privileges and rights and my duties and the honor of the position which I hold in the Senate, which I am not going to subordinate quietly and without a word of protest to any man who lives, and more especially to a foreign minister whose country is now being made the subject of serious examination in the councils of the Senate.

Sir, we have brought no accusations like this at any time against any other country. The accusations of the kind that we have been forced to bring into this record were produced in justice to the history of the occasion and in justification of the attitude of the Senate committee in reporting this very mild resolution, expressing only our opinions. We had the right to resort to the history of Spain and Cuba, recorded in books of authority recognized on all sides, for the facts that have hitherto formed a part of their conduct in their dealings with each other. It was not expected of the committee, I hope, that they should write up the history of all that Spain has done and of all the blood she has shed since the times of the wars of Pizzaro and Cortez down through those of the Netherlands and through the civil turmoils that have agitated Spain from year to year during the whole of this century. It was not requisite that we should form a compendium of history when the facts are open to the access of every mind and the scrutiny of every eye, and bring it here to inform Senators as to what the history of Spain has been, or that it has impressed upon her warfare in Cuba a type of ferocity which is utterly inconsistent with the civilized methods of conducting war in modern times.

Mr. HALE. Before the Senator departs from his strictures upon the Spanish minister for the writing of the letter which he has characterized in so strong terms, I call his attention to the statement which the chairman of the Committee on Foreign Relations, the Senator from Ohio [Mr. SHERMAN], made upon this subject when he last addressed the Senate, showing that he, although chairman of the committee, has not this feeling about that communication which the distinguished Senator from Alabama has. For he says, if he Senator will allow me to read three or four lines:

As I said before, I do not complain that the Spanish minister wrote his letter. I think he had a right to defend his country and his countrymen whether here or anywhere, before the people or in the Department of State. I do not believe in the narrow idea that a man may not defend his Government and people anywhere wherever he goes and in any community.

Mr. MORGAN. The Senator from Maine is very apt in quoting the Senator from Ohio when he happens to make an expression, perhaps thoughtlessly or in the heat of debate, out of which he can get some possible comfort for the peculiar attitude that he holds toward us. But when it comes to following the Senator from Ohio in the facts that he states, that Senator is put upon excruciating interrogatory all through the debate. When it comes to expressing differences of opinion upon questions of law with the Senator from Ohio, the chairman of the committee, the Senator from Maine experiences no difficulty in finding in the midst of his own great researches of law a full and complete answer, to his own satisfaction, to all that the Senator from Ohio had to say. When it comes to speaking of the presidency by the Senator from Ohio of the great Committee on Foreign Relations the Senator from Maine has no sort of compunction about insinuating, I will not say accusing, that the Senator from Ohio has been guilty of suppressing papers that ought to have come before the Senate in the course of the investigation of this case.

Mr. HALE. The Senator I think will allow me——

Mr. MORGAN. Wait until I get through my answer.

Mr. HALE. Very well.

Mr. MORGAN. When the Senator from Maine is able to quote upon me an expression of the Senator from Ohio that he is indifferent to what the Spanish minister did, the Senator from Maine does it with great unction. But the Senator from Ohio is no higher authority for me upon questions of my Senatorial rights and propriety than he is to the Senator from Maine upon questions of fact and his demeanor in office in connection with this business.

I do not agree with the Senator from Ohio upon that subject, though I did not intend to take occasion to say so until I have been called in question and compelled to do it.

Mr. HALE. I made the citation for the purpose of showing that the two eminent Senators do not agree upon this subject. But the Senator from Alabama must not charge that I insinuate, in any form or by any suggestion, that the Senator from Ohio has deliberately suppressed facts. I did not need to do that. There would have been no justification for it. I simply took the ground and, I think, showed pretty conclusively that the Senator from Ohio had been imposed upon, and that he had honestly and seriously and in good faith read from what he thought was good authority, but which, it was discovered afterwards, was no authority whatever. All that the Senator from Ohio said was that the paper that he read from, not the original authority, had General Weyler's name in it. He did not claim or assert that the original book, which he thought he was representing to us from the paper, contained any allegation against General Weyler.

I wish to say now here that the Senator from Alabama has no right to use the words that he has used when he charged me with insinuating that the Senator from Ohio undertook to delude the Senate or to deceive it. I never thought of it; I never harbored that idea; and I was careful, very careful, sir, entirely to exclude it from what I said.

Mr. MORGAN. Mr. President, the Senator from Maine called the Committee on Foreign Relations in question time and again, yesterday and previously, upon the proposition that a paper had been before the committee which they had not produced here and of which they had made no mention. He dwelt upon it as a circumstance to convey the idea of a suspicious and clandestine movement on the part of the committee to keep from the Senate the possession of facts in regard to the case of Spain. That is patent. The Senator, with an art which of course is creditable to his tact and talent, in his statement made a moment ago has evaded the question. He has tried to turn the issue between him and me upon the question whether or not an accusation was made against the Senator from Ohio in regard to his quotation from some Spanish book that he found. No, sir. My remarks were addressed to this proposition.

The Senator from Maine, as I understood him, distinctly attempted to cast reproach upon the Committee on Foreign Relations because a paper came before the committee which had not been mentioned in debate, and which, as he characterized it at the time—I do not quote his words, but I have the idea—was inadvertently brought into this debate by some remark of the junior Senator from Massachusetts [Mr. LODGE].

I do not care to wrangle about personal matters in this debate, so far as I am concerned. I have no feeling about the question between the Senate or Senators and the minister from Spain, but I want this business to stop. Senators time and again have been arraigned on this same kind of appeal because of expressions and facts that they have stated here. Personally I have suffered egregiously in that matter, and I stood with mute astonishment when compelled to feel and to know that I had a Government that was entirely indifferent to my rights as a Senator.

There is no man in the United States—there is no man in the world—who can make an accusation against the President of the United States on this floor which treats him with injustice or can make a statement of fact which does him wrong without calling me to my feet for the purpose of vindicating that high representative of the sovereignty of the American people. And so the Department of State and the President of the United States owe it to Senators and Members of the other House, owe it to the legislative department as much as they owe it to the department of the judiciary, that when those who are enjoying the hospitality of this country and have official connection with it make accusations against us or criticisms of what we do or how we vote here, to call them to order and tell them that that thing must be corrected or they must cease to enjoy our hospitality. When we place the Government back upon the line of conduct such as I have read to-day from these eminent American statesmen and jurists, then we will have a Government that we can respect and love, and until we do it we will have a Government that will receive only our silent, unspoken contempt.

Now, having gone through with this matter, there is an answer to what the minister from Spain has said, coming from an authority that is quite as respectable as his in point of personal character. I refer to the letter written by Mr. Quesada, which, I believe,

is his name, who is the representative of the Cuban Government at this capital, and who when he had a case to make in favor of Cuba sent his communication to the Department of State. Although he had no ministerial or official recognition, the Secretary of State thought enough of it to communicate it to a committee of the Senate, and it has now become one of the published documents of this controversy. Strip Mr. Dupuy de Lôme of his royal commission and put him upon his Spanish blood and his Spanish character and his history, of which I know nothing—I do not even know the gentleman personally—and bring Mr. Quesada here upon his history and his Spanish blood and his character, of which I know nothing, for I do not know the man—confront them as they are confronted through the newspapers, and let both speak.

Sir, if the letter of the Spanish minister arraigning the Senate of the United States and appealing from this body to the people had not been introduced here by a member of this body, no one could ever have induced me to go to a newspaper to find Mr. Quesada's answer to it. But it has been invited and it must go into the RECORD, with the permission of the Senate. Will the Secretary please read the letter of Quesada?

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

HIS REPLY TO DE LÔME—HORRORS OF SPANISH WARFARE RECALLED BY A CUBAN—CRIME CHARGED TO GENERAL WEYLER—SECRETARY GONZALO DE QUESADA, OF THE CUBAN DELEGATION, SAYS SENATORS SHERMAN, MORGAN, AND LODGE SPOKE THE TRUTH, AND THAT THEIR STATEMENTS CAN BE SUBSTANTIATED, DESPITE THE SPANISH MINISTER'S ASSERTIONS TO THE CONTRARY.

Editor Post:

Minister Dupuy de Lôme, against all propriety and precedent, has turned from his unsuccessful work in diplomatic circles to the newspaper arena. The Cubans are glad to see him discuss this burning question of the revolution in the public press, which he has so often condemned, but we will not allow him to distort facts, as he has to his Government, if the reported cable be true in which he said that the President of this great country had taken him into the confidence of the Administration and declared that during Mr. Cleveland's term of office the Cubans would not be recognized as belligerents.

Mr. Dupuy de Lôme will find that we are prepared to meet him here, none the less, as our gallant armies in Cuba meet the thousands of unfortunate recruits who fight to maintain oppression and the power of Spain in the island which so liberally pays a Spanish minister in Washington to insult the land from which comes his salary.

The newspapers of this country need no defenders. In every one of them the minister sees an enemy, because he does not want the truth to be known. Why have the correspondents been denied entrance into the ranks of the Cubans? Why have they all had to leave the island? To-day an American reporter—Michelson—tells of his experiences in the Morro for trying to expose the fruits of Gen. Valerian Weyler's recent brutal proclamations—"a massacre of unarmed, peaceful country people at the town of Guatao, a dozen miles from Habana, by Spanish volunteers," and describes the tortures to which Walter Grant Dygart, an innocent American, is subjected.

Sylvester Scovell, another reporter, was thrown into jail as soon as he arrived in Cuba, and yet Dupuy de Lôme cynically says that statesmen do not know the real situation in Cuba.

HORRORS OF 1871 RECALLED.

But let us refute the minister's statements. The book of Donderis exists, and if the name of Weyler does not specifically occur it is because Valmaseda and other superiors of his take the credit for his atrocities. Will Minister Dupuy de Lôme deny that eight students were butchered in Habana in November, 1871? Will he deny the assassination committed by Burriel in the *Virginius* affair, where Americans and Cubans were murdered and afterwards their private parts desecrated, as was done with the brave Crittenden and his 50 Kentuckians, from whose skulls Spanish beasts drank Spanish wine? Is the crime of the Mora family of the 6th of January, 1871, forgotten by Spain, when two of Cuba's most beautiful women and their children were violated——

Mr. CHANDLER. I suggest that the reading of the remainder of the extract be omitted. The Senator from Alabama has no objection.

Mr. MORGAN. Let it be inserted in the RECORD. I am sorry to have it to do, Mr. President, but at the same time——

Mr. HALE. I should be very glad indeed to have it read.

Mr. CHANDLER. If the Senator from Maine insists on having it read, all right.

Mr. MORGAN. All right; let the Secretary go ahead.

Mr. HALE. I have read it myself. I should like to have it read, and I should like to have the whole tone of it regarded by Senators, so that it may be taken for what it is worth.

Mr. CHANDLER. The Senator from Alabama asks not to have it read, and the Senator from Maine insists on having it read.

Mr. HALE. Yes, I should be very glad to have it read.

Mr. MORGAN. I make no indorsement of the truth of what is stated in the paper. What I mean to say is that, so far as I know and believe, the author of this paper is quite as good a character as Mr. Dupuy de Lôme.

The VICE-PRESIDENT. The Secretary will continue the reading.

The Secretary read as follows:

Is the crime of the Mora family of the 6th of January, 1871, forgotten by Spain, when two of Cuba's most beautiful women and their children were violated, insulted, and burned alive to conceal the horrible crime? And did not Hamilton Fish, the Secretary of State of the United States, himself take cognizance of the barbarities committed by Spain's officers, among whom was Weyler?

Can Mr. Dupuy de Lôme deny this crime of Weyler committed under his command on the farm of Lavado, in the territory of Las Tunas? There are witnesses to this occurrence, and it is no excuse for Weyler to say that he only obeyed orders, or for De Lôme to argue that he was a subordinate.

Two young men, Eugenio and Lorenzo Odoardo, brothers, and relatives of Aguilera, the vice-president of the Cuban Republic, were sick on their farm. They were cared for by a lady, who was accompanied by her daughter 8 years old. The troops of Weyler surprised the place, captured the men and the woman and child, and took them to the camp of Weyler. Weyler ordered the men to be killed with machetes in the presence of the lady. He formed the soldiers in a circle, placed in the center the poor woman and the child, despoiled the woman of her clothes, and, naked, forced her to dance by whipping her before the drunken and passionate soldiery. All the efforts of the virtuous woman to cover herself with the child were unavailing; the troops laughed and jeered; the unfortunate victim was given up to the lust of the troops; she died the next day. Weyler was the executioner of the French family of Rigoteau, for which Spain had to pay a large indemnity.

DIARY OF IGNACIO MORA.

Let Dupuy de Lôme read the diary of "Ignacio Mora," a copy of which is in my possession, dated the 27th of May, 1872, the very epoch in which Weyler was in command of the Spanish forces in that province. "The details," he declares, "which the postillira, Juan Lorres, gives me of the operations of the enemy are horrible. They assault the families; they rob them.

"They killed Mercedes Hernandez and the wife of Lieutenant-Colonel Sanchez. They also assassinated the children of that unfortunate woman. They committed other assassinations. On the 1st of June, 1872," he says in the Migial, "they killed Juana Gregoria Torres, after violating her, and her child, a few months old. The total number of murders committed in Canto from the 8th to the 28th of May was 28, of which 13 were women and 11 children. In Estancia Grande they killed 3 women and a child of 8 years."

Weyler branded the Cuban women in the bosom, as if they were cattle. He killed the prisoners in the jails by suffocating them with charcoal. It was this man of whom Martinez Campos said once that if he came to Cuba the very dead would rise against Spain.

The French papers of a year ago tell how he crushed anarchism in Barcelona. He arrested by wholesale innocents and suspects in the darkness of night. He tortured them most inhumanly. If Minister De Lôme wants to know how, he can read the press of that time. I dare not repeat, for decency's sake, the torments to which he submitted the prisoners. He gave them salt codfish as their only food and tantalized them by offering them water which he did not allow them to touch. He applied the inquisition. He killed 200 people, among them women and children.

I have asked for the terrible exposure of his acts published in a Parisian paper, and when it comes I shall send a copy to the minister who defends the man who is to-day sending hundreds of men to Africa and the Isle of Pines, and who is, in fact, clearing the prisons by killing the captives. Of course Mr. De Lôme would like names of persons who have seen these horrors. They dare not speak. They know what happens to those who disobey the decrees of the autocrat; but the book of blood will ere long be published, similar to the one which was published in the last war, a copy of which Minister De Lôme can obtain in New York, and in which he will see the thousands of defenseless Cubans executed by his Government, by his nation, which lost Italy by her crimes, the Low Countries by her murders, and the entire American Continent as a punishment for her extermination of the Indian, for her treachery and ingratitude to the native races. The data used by Senator MORGAN "were from the official reports forwarded from Madrid by the United States minister," were revised by Mr. John D. Champlin, and are incontrovertible, and as to the translation of Senator LODGE, in which the word "exterminate" is used for "clean out," there is no essential difference; it is a mere quibble of the casuistic mind of Philip II.

PROPERTY OF THE SLAIN.

And as to the conduct of the war, when in the history of any civilized nation has the property of the slain gone to the general and officers of the victorious army? Gen. José Marti was killed at Don Rios; instead of his watch and valuables being given to his widow and only child, the watch was given to the minister of war in Spain, the ring was kept by an officer of the noble Spanish army, who took it from the dead hero's finger, and the rest of his things were distributed among the gallant representatives of the chivalric mother country.

Of the horrors committed in this revolution by the Spanish commander the American press have daily reports. It is indeed worthy of note that the Cubans have not been the authors of those reports, and it would be too much for Minister de Lôme to declare that either the great American press has sold itself to the Cubans or that all the American newspaper men send "exaggerated reports to cater to the American taste."

I will very soon publish as many of General Weyler's innumerable crimes as possible. I am now getting such accurate facts together as will identify Weyler as the author of similar if not the same crimes exposed by Donderis in his book, and by citing year and place prove to the world that Tourquemada, Alva, Morillo, and Bores, Spanish angels, renowned in history for their humane methods, are all incarnate in the captain-general of Cuba, Valeriano Weyler, "the Butcher."

GONZALO DE QUESADA,
Secretary of the Cuban Delegation.

WASHINGTON, *March 8.*

Mr. HALE. I desired that this recital by this man, as horrible as it is, should be read to the Senate that Senators may have time to reflect that it is not the fashion in this country to make charges of that horrible kind which are past human belief without furnishing testimony. The American people and the American Senate will not believe those things of any man unless facts are given, unless there is something more than a promise to give facts, but will demand that they shall be supported by evidence. I do not credit those recitals as against this Spanish general in the least. I believe they are figments of the brain and could not have been true.

Mr. MORGAN. In his statement the Spanish minister goes on to open up the war of 1868–1878—the ten years' war—and undertakes to refute some statements made in regard to that war. The statement which I had the honor to submit upon the authority of General Sickles, which is found to be sustained in his letter to the Secretary of State, when that gets into the RECORD—I have misplaced it for the moment—related entirely to the conduct of the war during the former ten years. I have here statements from General Grant and Mr. Fish, made directly to the Spanish minister, which themselves show that much of what is stated there by these Cubans is true. I rely upon that authority. I do not rely upon this authority, and yet I know of no reason why Mr. Quesada is not a man of as good reputation as Mr. Dupuy de Lôme. The mere horror of the transactions which are there recited will not do as a disapproval of their existence. If we were to tell all we know of the Duke of Alva in the Netherlands before we could believe that in regard to Spain——

Mr. HALE. It certainly throws the burden upon those alleging

such atrocities. The Senator is an old lawyer, and he must admit that.

Mr. MORGAN. It is rather impossible now to prove by living witnesses all that was done in that war, and yet I have some evidence before me of men who participated in it, and whose character is vouched for on the floor of the Senate, which I shall presently proceed to read. This is a very disagreeable thing to me, extremely so, in fact; it is a very disgusting thing; but it must be remembered that both of the controversialists bear the Spanish name and are of Spanish blood, and doubtless both of them have worn Spanish titles of honor among the old families of Spain.

If I were reciting the horrors of warfare that have existed in the United States on the part of the Ute Indians, the Apaches, the Arapahoes, the Cheyennes, the Comanches, etc., I would perhaps have to go into the details of greater horrors than have been detailed here. At the same time we know how very true are the awful recitals of our own American history in respect of those savage tribes. Men who can accuse each other and their Government of having been particeps criminis in horrible iniquities of this kind and go into the public prints and present them are men who on both sides are to be regarded with caution, I will grant you, in accepting their statements; but when they are at war so near our coast and war on the property of our own people, and when they take our own men captive in their armies, and the like of that, it becomes us to look at both pictures and see what is possible among such people.

I do not deal with Spain, I must say, in this matter as I would deal with Canada at all. I would deal with both Canada and Spain upon their historical record. We can not be expected to go back and hunt up the evidence to prove all these transactions, the onus of which the Senator from Maine would cast upon us. But before I get through with my remarks I will cast upon him the onus of denying what Mr. Fish said to Admiral Polo in a communication which he sent to him, which involves not all the details but horrors equivalent to those that are presented in the statement made by Mr. Quesada.

Now, inasmuch as we must have evidence brought here, under the requirements of the Senator from Maine, I will send to the desk an article taken from the New York Tribune of recent date upon the subject that I referred to in the speech I had the honor to make in this case when trying to present it on behalf of the committee in the first instance. I believe the New York Tribune is accredited as high authority in its anti-Cuban sentiments.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

[New York Tribune, March 16, 1896.]

INNOCENT MEN SHOT DOWN—A STORY OF A SPANISH OUTRAGE IN THE TEN YEARS' WAR—THEY WERE CUBAN MEDICAL STUDENTS AND THEIR CRIME WAS VISITING A CEMETERY, WHEREIN A BURIAL PLACE WAS FOUND TO HAVE BEEN DISTURBED.

"Whenever you read accounts of Spanish atrocities in Cuba do not make the mistake of believing that they are in any way exaggerations. I have lived in Habana, and while not personally familiar with this present war, I was there during the ten years' war, and I know whereof I speak." This statement was made in Brooklyn yesterday by a medical student of one of the colleges in New York, who is an American, born in Habana. His father is at present in Cuba, and a well-known man there, but in order to save his family in Cuba from annoyance and persecution the student stipulated that in the story he was about to tell his name should not be mentioned.

"I want," he continued, "to tell you a tale of a Spanish outrage which happened in Habana in 1878, almost at the close of the ten years' struggle, which I witnessed. In all the terrible history of Spanish misrule and butchery in that island, the killing of seven innocent medical students by the order of the captain-general, at the instigation of a mob, is about the most heartless and inhuman act that I ever heard of, and I tell it simply to illustrate Spanish methods, and to show that in the present war similar cruelties are being enacted which the world will never hear of. In Habana there is an old cemetery surrounded by four stone walls, built with niches in tiers, and thick enough to hold a coffin lengthwise. The fronts of these niches are covered by a panel of thick glass, so that the coffin may be seen inside. In the latter part of 1878 one of the Spanish generals died and his coffin was placed in one of the niches. The Habana Medical College at that time was situated near the cemetery.

"One day fourteen students, having nothing else to do, visited the cemetery. That night one of the cemetery attendants noticed that the glass in the Spanish general's niche was scratched. He told the parish priest of the 'outrage,' and the priest in turn sent word to the authorities. Next day a number of policemen visited the college and arrested every student—to the number of about fifty—who had been at the college on that day. They were taken to the Spanish jail, and at once a report spread through the city that a Spanish grave had been desecrated by young Cubans. The volunteers, who, let it be understood, consisted of Spaniards living in the island and of some of the lower classes, were aroused. Within an hour the jail was surrounded by a howling, frenzied mob. Balmaceda was absent in the eastern part of the island at that time, and the segundo cabo, or lieutenant-general, was in command. He assembled his troops in front of the palace and told them he would investigate the case and punish where punishment was due.

"NO EVIDENCE AGAINST THEM.

"A commission of Spanish officers was immediately assembled and the case was tried then and there. Not a single well-known Cuban was called into the case. The gardener of the cemetery, who had been called as a witness, said that he had noticed some scratches on the glass and had also seen that a few flowers were missing. Further testimony on the part of the assistant gardener showed to the commission that the students were in no wise guilty of any wrongdoing whatsoever. The assistant gardener said that the scratches had been on the glass several days before. Upon hearing this the Spanish commission shut him up and practically threw him out of the room.

"Then, out of the whole commission arose one Spanish officer, Captain Capdevilla, and said that there was nothing upon which to hold the students. He advised their release and the dispersion of the mob, and said if these students were harmed it would be an act of inhumanity. The captain was immediately put out of the room, and next day was arrested for treason for daring to voice such sentiments in a high military court of Spain. The mob was every minute growing larger and more vociferous for the lives of the students. A great uproar was heard without the palace, and the segundo cabo appeared on the balcony and made a speech, saying there was really no evidence against the students. The volunteers and their supporters would not have it this way and demanded the lives of some of the accused men. There was a further conference of the commission, and the additional fact was brought out that of the 14 students who visited the cemetery only 7 were in that part of the inclosure where the grave was located, and only one youth among this number possessed a diamond ring with which it might have been possible to scratch the glass. With this flimsy accusation and in order to appease the volunteers, the commission decided that 7 of the boys, whose ages ranged from 14 to 20 years, should be killed and the other 7 transported to an African dungeon.

"The parents of the unfortunate prisoners became frenzied when they heard of the sentences. They offered the weight of the prisoners in gold to the Spaniards if they would free them. The commission was obdurate. The volunteers must be appeased. The prisoners had to be killed.

"SHOT DOWN BY A REGIMENT.

"Next day was a fête day. Early in the morning, as the seven young fellows were lined up in front of a blank wall surrounding the Carcel, a brother of the youngest prisoner offered to stand up for him and be shot, but this was not allowed. Instead of having a file of soldiers, as is usually the case, the lieutenant-general called out an entire regiment to perform the massacre. The order to fire was given and the seven were literally shot to pieces.

"I know of similar atrocities committed in that war, of which General Weyler is guilty, and while he had nothing to do with that particular massacre, he is inhuman enough for anything. The strict censorship now prevailing prevents the world from hearing of crimes equally as bad which are committed every day. If the Cubans can hold out for another summer, or if, by chance, the war should be prolonged for two summers, fever would reduce the present number of 130,000 Spanish troops on the island to about 13,500. In the end Cuba will be free."

Mr. HALE. Read the name. A statement of that kind ought not to be given to the Senate without giving the name.

The PRESIDING OFFICER (Mr. CHILTON in the chair). There is no name attached, the Chair is informed.

The SECRETARY. New York Tribune, March 16, 1896; not signed.

Mr. HALE. This purports to give the personal narration of somebody, and is there no name signed to it?

The PRESIDING OFFICER. There is no name, the Secretary informs the Chair.

Mr. HALE. It does not seem to me that that is a very good piece of evidence. If that is a case of mob violence and a lieutenant-general protesting against it——

Mr. MORGAN. The Senator can comment on the evidence when it gets into the RECORD.

Mr. HALE. I certainly supposed it was going to be followed by giving the name.

Mr. MORGAN. I had stated that I got it from the New York Tribune, which has been an anti-Cuban paper, I understand. I supposed the New York Tribune would not without some excuse publish those facts. I referred to that same incident in the first speech I made on this subject in the Senate, that to which Mr. Dupuy de Lôme replied. He made no reference to my statements on that subject which I extracted from history and not giving the details. He had a safe opportunity to reply to it and deny it if it was not true. I suppose whoever reads about such things at all knows about that massacre of students in Habana.

If the Senator from Maine requires witnesses to be brought and names to be stated, as a matter of course they ought to be brought here to the bar of the Senate, and in such a case I would ask that the Spanish minister and Mr. Quesada be summoned to the bar of the Senate in order that we might examine them, if we are going into that sort of detail. What I am trying to do is to get a general and I trust a just view of what is the situation in Spain as respects the feeling of those people and of that Government against the Cubans. I have here——

Mr. HALE. If the Senator will allow me a moment I shall not then interrupt him again.

Mr. MORGAN. I do not like to be replied to as I go along. The Senator from Maine will have plenty of time. I did not interrupt him to any extent, and such a course diverts me from my ideas and keeps me on my feet until after a while I shall get so weary that I can not say anything.

Mr. HALE. I thought in a case of that kind some authority should be given for such a statement.

Mr. MORGAN. I think not.

Mr. HALE. I do not agree with the Senator.

Mr. MORGAN. I do not agree that any more authority should be given to that than to an extract taken from the public history of an important event. This paper is a historian; it professes to be. It selects its extracts with a view of informing the people of the United States. The Tribune certainly would not put an article of that kind into its paper that was not well authenticated in history.

A letter was written on the 6th of March, 1896, from Virginia, to a member of this body. The gentleman who wrote the letter is known to some Senators on this floor, and he is known to be a man of good reputation.

Mr. HALE. Who is he?

Mr. MORGAN. I will not give his name, but I will show you the letter. I will myself read the letter.

MARCH 6, 1896.

DEAR SIR: Noting that certain cowardly sheets, always opposed to everything American, are trying to break the force of your statements of Spanish atrocities in Cuba by alleging them to be vague, general assertions, made on hearsay, and incapable of proof, permit me to offer this testimony as to what I have myself seen and heard in that island.

In 1869, 1870, and 1871 I served as captain of cavalry in the liberating army of Cuba under General Ryan and General Federico Cavada, my observations extending from the north coast to the south, and from Las Tunas in the east to Cienfugos in the west, embracing some 300 miles of the center of the island.

The Spaniards held the cities, towns, and some of the plantations in the sugar-producing part of Santa Clara, with forts and strong garrisons; the Cubans held all of the country beyond gunshot from the Spanish forts.

There was fighting somewhere almost every day. The Spanish operated by marching strong columns through the country, gathering up all they could carry off, and burning houses and whatever else they could not carry. The Cubans operated by ambuscading the columns, making sudden attacks on the forts, blockading them, cutting off detachments, convoys, etc. The Spaniards could beat us in a pitched battle, from their superiority in equipment; but they lost in action or by death and desertion at least five men to our one.

We were compelled to adopt this system by the nature of the country, which does not admit of the maintenance of large armies in the field, and by the want of arms. We had plenty of men, but not more than one gun to four men. Hundreds were camped, unarmed, in different places, waiting for arms to come from the States. We could not reduce the Spanish forts for lack of artillery, but sometimes carried them by surprise or assault. In these cases they were dismantled and destroyed, as it was not our policy to stand a siege in them.

The whole country was laid waste. The Spanish burned every house they came to. They killed every man and boy they found, whether armed or unarmed. Sometimes they killed the women and girls; sometimes they * * * sometimes they carried them on with the column; and sometimes after killing the men they left the women crying over the corpses and the ashes of their homes.

The population of the country and the refugees from the cities had taken to the woods, and lived in palm-leaf huts and wigwams in the depths of the forests and swamps and in caves in the mountains; but when these hiding places became well known from the numbers resorting to them, they were noted by Spanish spies, who often carried the enemy there and surprised the women and children, the old, and the sick and wounded before they could get away into the woods.

Neither side gave quarter to prisoners, and every victory ended in a massacre, except that Spanish prisoners who elected to join the liberating army were released and received into full fellowship. Most of our drillmasters and many of the officers and men were Spaniards.

This violation of the laws of war was forced upon us by the Spanish Government. The Cubans wanted to save all prisoners and exchange them, and the Spanish in the field would have agreed to it; but the administration required all prisoners to be put to death, and we were obliged to retaliate in self-defense. It would have been suicidal madness to send hundreds of men back to the Spaniards to fight us again and carry them information as to our positions, numbers, etc.; and we had nowhere to keep them until the war ended. The course of the Spanish Government in Cuba is exactly the same as was the course of Philip II in the Netherlands. Three centuries have not changed it in one iota. Valmaseda, Weyler, and Pando are just Alva, Vargas, and Tel Rio over again—

Mr. HALE. My attention was called away for the moment. What is the date of these occurrences? I did not catch that.

Mr. MORGAN. 1869, 1870, and 1871—

For specific allegations I mention these:

In May, 1870, an American named Coyneo, who wished to leave the island, surrendered to the Spanish in the neighborhood of Najasa. He was murdered, and we found his body, fearfully mutilated, in the road where they left it.

In May, 1870, in Las Temas, on a forced march, we had to leave one of our men who was wounded. Three days afterwards we found him in the same place, where the Spanish had overtaken him. He had a large chunk cut out of his throat by what they call "dos puñalados," and was dead.

About the same time, between Najasa and Yara, six unarmed men who were gathering bananas for their families were surrounded by the Spanish and murdered. Our men found them lying dead. Each one had a banana rammed down his throat by way of a joke.

Two days before the action at La Gloria, in June, 1870, while scouting with General Ryan, we found the body of an old, unarmed man who had been surprised and murdered by the Spanish while he was getting honey out of his beehives.

Brig. Gen. Edwardo Del Marmol, chief of staff to General Cavada, was shot through the body in the action at Altamira, in July, 1870, and was carried to a potrero in western Camaguey to be nursed. The Spanish came suddenly and butchered him in his bed.

At the Caridad of Curana, in August, 1870, Capt. Ramon de Varona, of the staff of General Ryan, was on sick leave at a retreat where were his lovely young wife and several other ladies and girls belonging to the leading families of Camaguey. The Spanish surprised them, killed Captain Varona, unarmed and sick, in the presence of the ladies, stripped his corpse, mutilated it in the most atrocious manner before them, and dragged it about with a rope around the neck. The Spanish commander (name unknown to me) then pointed to the terrified and sobbing ladies, and told his men that they "could take their choice of those rebel bitches"; and the ladies were treated in a manner not fit to be described.

Two days afterwards I saw two of these ladies and a colored woman who had been present, and heard them relate what had happened.

In August, 1870, in the vicinity of Rio Seco, while looking for the chief of ordnance, I came to a house in the woods occupied by others of the Varona family. The ladies were in tears, and told me that their brother, a young boy, had been shot down by the Spanish the day before. He was unarmed, and, as I understood, not over 11 years old.

In August, 1870, near Rio Seco, I was told by several families living there in the woods that the Spanish had come to a house near by a few days before, and finding no one but women spared their lives, but burned their house and carried off one of the daughters, who was a beauty, behind an officer. They tore the girl from her mother's and sister's arms, and swore they would kill her and the whole family if she did not go. These Spanish were a part of the force of Colonel Monteneo, then commanding at Santa Cruz del Sur. The poor girl's name was told to me, but I do not remember it now after so many years.

In June, 1870, near La Glorico, I heard General Ryan examine a Spanish prisoner. This man gave a detailed account of the state of certain Spanish camps, and named certain Cuban ladies whom he had seen kept there by certain Spanish officers, describing their wretched condition, their appearance, and their actions very minutely. His statements had every appearance of truth. The Cuban officers who were present said that they knew the ladies named, and that they were at that time prisoners in the hands of the Spanish.

Capt. Henry Earl, of Brooklyn, who won great distinction in the patriot service before his death, showed me the marks of the wounds given him by the Spanish after the action in Holguin in 1869. They found him lying on the field after the fight, shot him and bayoneted him several times, and left him for dead. General Jordan had gathered up some of his wounded and left them in a house to be cared for. The Spanish surrounded the house, set it on fire, and burned up the wounded men. One of these was a young New Yorker, a sort of clerk to General Jordan. I have heard, but do not remember, his name.

Gen. Ignacio Agramonte, General Ryan, General Cavada, and many other officers and men whom I knew personally, were at different times taken by the Spanish. They were in every instance murdered. I never heard of anyone escaping death.

I knew a family named Mola, prominent people, living in the western part of Camaguey. The mother and three young daughters were refined, cultivated ladies, famous for kindness and courtesy to everyone, and much beloved. Major Mercer, of Boston, our chief of artillery, and I had especial cause, as strangers, to thank them for hospitality and kindness. Some time after we went westward into the Villas with Cavada these four ladies and one of the sons, a boy of about 10, were murdered by the Spanish. A captain and his men came to their house one night, seized them, * * * murdered them and their mother and brother, and burned their house down over their bodies. The only one who escaped was the youngest boy, aged about 7. In the confusion and darkness he slipped into the bushes near the house and saw and heard what was done. I did not see this, but it is matter of common notoriety.

I have seen hundreds of burned houses, bones, and graves, and have heard many circumstantial and undoubtedly true narratives of Spanish atrocities, but prefer to give these specimen cases which came under my own observation, and when I can give the time and place. This sort of war was waged all over Cuba. The present war is just the same as the last; the same men, Weyler, etc., are in command. The Cuban question is just this: Are 1,500,000 people to be massacred that Spain may hold the island a few years longer, or is it to be stopped? The only way to keep the Cubans down is to kill them all; and if all these were killed and the island repeopled from Spain, a new war for independence would come as soon as a native-born generation grew up. All the Cubans are for independence. Those in the Spanish cities are forced into the so-called volunteer battalions to save their lives, families, and property; but the Spanish do not dare to trust them where they would have any chance to desert, knowing they would go over to the patriots by whole battalions.

As for the objection that the Cubans wage only guerrilla war, it is the sort of war that gives them the advantage, and they would be fools to give it up to wage grand guerre.

Maximo Gomez is a great captain, who understands how to handle his men so as to neutralize the many advantages enjoyed by the Spanish. His vigorous offensive obliges them to divide their forces and guard a hundred points at the same time, while he selects his point of attack and is as successful as a man with a knife can hope to be in fighting a man with a gun.

It is the sort of war by which Robert Bruce freed Scotland; with which Spain opposed the great Napoleon, and by which her other colonies obtained their independence.

It is the sort of war which General Washington proposed to adopt in our own Revolution when he expected to be driven out of Pennsylvania to his last stand in Virginia's mountains. It is the war which Nathaniel Green, Daniel Morgan, Henry Lee, William Campbell, Isaac Shelby, John Sevier, Thomas Sumter, and Francis Marion adopted for the recovery of the Carolinas and Georgia after the Continental armies had been destroyed at Charleston and Camden.

Why, then, should any American denounce the Cubans as guerrillas? Are not these good examples to follow?

There is only one way to settle the Cuban question. Every generation that grows up is going to fight for independence. Millions of people may be butchered, and the struggle may go on for centuries, but in the end the Cubans will be free.

The writer of that letter is a graduate of the Military Institute of Virginia and also of the University of Virginia.

Mr. THURSTON. Mr. President, I desire to give notice that on to-morrow morning, during the morning hour and after the dispatch of the ordinary routine business, I shall ask unanimous consent to present an argument, by request of the chairman of the Committee on Privileges and Elections, in favor of the seating of Henry A. Du Pont as Senator from Delaware.

Mr. MILLS. I want to say to the Senator that I have the floor for to-morrow by common consent, and have had it given to me for three or four days on this question. I understand that we are to have this question concluded before we take up the Du Pont case, and I must object to yielding the floor now and further giving way, as I have given way for three or four days.

Mr. CHANDLER. I will say that there is no such understanding as that the Du Pont case is not to be taken up until the Cuban question is disposed of.

Mr. MILLS. I understood from the Senator from Oregon [Mr. MITCHELL] that he intended to give way, and let the Cuban question go on.

Mr. CHANDLER. There will be no difficulty in having the Senator from Nebraska and also the Senator from Texas speak to-morrow; but the reservation was distinctly made that, as the Senator from Nebraska [Mr. THURSTON] was obliged to go away at the end of the week, he should be permitted to speak on the Du Pont case.

Mr. THURSTON. I am perfectly willing, if it be agreeable, to have my announcement take effect on Thursday morning just the same. I only wish an opportunity to speak before I leave.

Mr. MILLS. All right. There is no objection to that.

Mr. CHANDLER. Do I understand the Senator from Texas to claim the whole day to-morrow?

Mr. MILLS. Oh, no; but I wish to follow my friend from Alabama [Mr. MORGAN].

Mr. MORGAN. Mr. President, I have an interview of General Sickles, which he did me the honor to send me with his card. Of course it is a correct and authentic interview, and I will ask the Secretary to read it.

Mr. PLATT. What is the date of the interview?

Mr. MORGAN. It is a very recent date. I believe I have General Sickles's note here transmitting the interview to me.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Gen. Daniel E. Sickles, who was United States minister to Spain during a part of the ten-year Cuban rebellion, and whose dispatches from Madrid while minister were mentioned in the recent debate in the Senate over the Cuban resolutions, was interviewed by a Sun reporter yesterday at his home in Fifth avenue.

"While you were minister to Spain," asked the reporter, "did you have occasion to consider the question of the shipment of arms and ammunition to Cuba?"

"Yes, I did," said the General, "and I must say that there seems to be a great deal of misapprehension about the rules of international law, and our own law as well, on that subject at the present time. In the absence of a recognized state of war it is no offense for sailing vessels or steamers sailing from this port or any other American port to carry arms and ammunition for whomsoever it may concern. No Government can, by the law of nations, be held responsible for the shipments of arms, munitions, or material of war made by private individuals at their own risk and peril. These views have been repeatedly declared by our Government.

"During the former insurrection in Cuba, Captain-General de Rodas issued a decree in contravention of this principle. He closed a number of ports, interdicting trade with them of any kind, and threatened the summary execution of the officers and crews and passengers of vessels transporting arms or passengers suspected to be in the interest of the insurgents, affecting to treat them as pirates. This extraordinary decree caused a profound sensation in the United States, and our Secretary of State, Mr. Fish, addressed the Spanish minister under date of July 16, 1869, a strong protest, in which he said:

"'The transport on the high seas in time of peace, by outsiders, of what is commonly known as contraband of war is a legitimate traffic and commerce which can not be interfered with or denounced unless by a power at war with a third party in the admitted exercise of the recognized rights of a belligerent. The freedom of the ocean can nowhere and under no circumstances be yielded by the United States. While Spain disclaims a state of belligerency, or until the United States may find it necessary to recognize her as a belligerent, the United States can not fail to look with solicitude upon a decree which, if enforced against any vessel of the United States, can not but be regarded as a violation of their rights that may lead to serious complications.'

"Again, in a note to the Spanish Government, written by Secretary Fish on the 18th of April, 1874, he makes this declaration:

"'A friendly government violates no duty of good neighborhood in allowing the free sale of arms and munitions of war to all persons, to insurgents as well as to the regularly constituted authorities; and such arms and munitions, by whichever party purchased, may be carried in the vessels on the high seas without liability to question from any other party. In like manner the vessels may freely carry unarmed passengers, even though known to be insurgents, without thereby rendering the government which permits it liable to a charge of violating its international duties. But if such passengers should be armed and proceed to the scene of the insurrection as an organized body which might be capable of levying war, they constitute a hostile expedition, which may not be knowingly permitted without a violation of international obligations.'"

These extracts from the notes of Secretary Fish, as they were quoted by General Sickles, are particularly interesting when considered in connection with the recent seizure of the steamship *Bermuda* off Liberty Island. More interesting still is this statement, which the General went on to make:

"I have satisfactory reasons for believing and knowing that our Government to-day accepts and enunciates the same views of international law and of our own laws expressed by the Administration of President Grant. I have it from the best authority that this Government can not and will not stop the shipment of arms and ammunition from any of our ports; nor will it stop the departure of passengers on a vessel bound for any foreign port. What it must stop is 'any military expedition or enterprise' intended to make war on a nation with which we are at peace. That is to say, if some ammunition and men are sent off together under circumstances such as show an intent to do hostile acts on foreign territory or on the seas against a friendly nation, our neutrality laws and our international obligations are violated.

"Surely ample room may be found between these several lines of procedure for the friends of the Cuban patriots to supply them with arms and ammunition, and even with men, if men were necessary, without violating our laws. If passengers embark let them do so in the usual way. Their destination concerns nobody but themselves. They are free to go where they choose to go. If arms and ammunition are shipped, as may be rightfully and lawfully done, do not send men with them in the same vessel. If men are sent let them go by themselves, unarmed. Such shipments of arms or such embarkation of passengers may be made, and should be made, in open day without concealment or secrecy, because no law is violated and no interference would be lawful. I am persuaded if the course thus outlined should be followed, our Cuban friends could supply their people with all they need without any other risk than capture by the Spanish land and naval forces within Spanish jurisdiction; that is to say, in Cuba or within a marine league of the shore of the island."

"General, have you noticed in the recent Senate debates a reference to some of your dispatches, in which you speak of the shooting of prisoners of war in Cuba during the former insurrection? If so, the Sun would like to have a reference to them and know something of their purport," said the reporter.

"Yes," replied the General, "my instructions from Washington frequently directed me to invite the attention of the Spanish Government to the barbarous and inhuman manner in which prisoners of war and noncombatants suspected of sympathy with the insurgents were put to death. The dispatch referred to in the Senate debate is my No. 426, dated August 16, 1872, and appears in the red book for that year on page 563. I referred to the hostilities in Cuba as 'four years of war without quarter.' This was notorious. These campaigns had been conducted mainly under the direction of Count Valmaceda. His campaigns were as conspicuous for cruelty as for incapacity. His decree of April, 1869, indicated his character and temper. He waged a war of extermination without quarter, against which our Government made repeated remonstrances. The decree to which I refer declared:

"'That any man from the age of 15 years upward found away from his habitation, and not proving a sufficient motive therefor, would be shot.

"'That every habitation unoccupied would be burned.

"'That every house not flying a white flag should be reduced to ashes.'

"Repeated reclamations were made by the Government of the United States for indemnity for the lives of American citizens shot pursuant to that decree. In Madrid no one doubted or denied, so far as ever I heard, that prisoners of war were shot. In the dispatch referred to I quoted statements from the Imparcial, a semiofficial journal in Madrid, of which the colonial minister at that time had been the director until he entered the cabinet, showing the captures of prisoners and war material in Cuba up to August, 1872, and the number of insurgents killed in battle.

"I was justified from the notoriety of the facts undisputed in adding to the number of slain in battle 13,600, as alleged, the number of 43,500 claimed to have been taken prisoners. This statement was made in these words:

"'As it is believed that all prisoners of war taken are shot or garroted, it would appear, taking the total of killed in battle and prisoners captured, that more than 57,000 insurgents have fallen since the war began.'

"I may remark, however, that this computation was based upon the assumption that the figures given in the semiofficial organ of the Government were accurate. It must be said that as a rule no dependence could be placed upon such figures. It was customary to amuse the Spanish public then, as now, with frequent reports of battles won and captures made of prisoners and war material. Indeed, scarcely a month passed during the long years the war continued in which statements were not published in the Madrid journals, claimed to be gotten from official sources, that the rebellion in Cuba was practically ended, that only a few roving bands of insurgents kept the field so long as they could hide in the mountains inaccessible to Spanish troops.

"Mr. Fish stated in his dispatch No. 432, dated October 29, 1872, page 582 of the red book of that year, that 'the insurrection in Cuba has now lasted four years. Attempts to suppress it, so far futile, have been made, probably at a sacrifice of more than 100,000 lives and an incalculable amount of property.' In my dispatch No. 374, dated May 30, 1871, page 71 of the red book of that year, I stated that 'reports of the most cruel severities against prisoners of war and against noncombatants perpetrated by both parties continue to reach Madrid.' Mr. Fish wrote to Mr. Cushing, my successor, on February 6, 1874, that 'our people are horrified and agitated by the spectacle at our very doors of war, not only with all its ordinary attendance of devastation and carnage, but with accompaniments of barbarous shooting of prisoners of war or the summary execution by military commissions, to the scandal and disgrace of the age.' Of course, all our people are familiar with the slaughter of the prisoners of war taken on the *Virginius* in 1873, the horrors of which I need not repeat.

"Our people, who are accustomed to regard the Spanish nation at home as chivalrous and cultivated, of course find it difficult to reconcile a belief in such atrocities as take place in Cuba with their high conceptions of Spaniards at home. The solution is to be found in the peculiar situation of things in Cuba.

"Mr. Fish points out in the dispatch to which I have just referred 'that the struggle is continued in Cuba with incidents of desperate tenacity on the part of the Cubans, and of angry fierceness on the part of the Spaniards unparalleled in the annals of modern warfare.' Again he says that 'by the slaveholders' resolutions of January, 1869, in Habana, General Dulce, whose generous intentions have been feelingly referred to by Admiral Polo, was driven out of the island, and the substance of political power passed into the hands of the Casino Espanol, where it has since remained.' This Casino Espanol is the governing power in Cuba to-day, as it was in 1874, when Mr. Fish wrote the passage quoted.

"If the Spanish governor of Cuba disobeys the wishes of the Casino, his position is made inestimable. If he conducts war in a civilized way, the volunteer guard, organized by the Casino and inspired by it, menace the captain-general with their vengeance, and he is forced to succumb or quit his post. This has recently happened to Captain-General Martinez Campos, as it happened to General Dulce, in the former insurrection. Dulce was succeeded by De Rodas and Lamacida, and Jobellas, and Campos is now succeeded by Weyler. The volunteers rule the Spanish authorities of the island at the instigation of the Casino.

"The truth is that the authority of the Spanish Government is not recognized in Cuba unless it is agreeable to this dominating class, incorporated in the Casino Espanol and its instruments known as the volunteers. We are, therefore, confronted not with the question how far we should respect the sovereign rights of Spain in Cuba, but rather how far we are expected to tolerate a condition of things existing on the island which prevails in spite of Spanish authority, in a great degree, and for which an irresponsible body, such as I have described, is essentially accountable.

"The responsibility of the Spanish Government for the atrocities and outrages committed in Cuba, as well upon the persons and property of American citizens as upon the insurgents, is found in the fact that since 1825 the captain-general of Cuba is endowed by the Government with plenary powers to suspend the execution in Cuba of any law of Spain or any decree of its executive government at his pleasure. Whenever, therefore, the Madrid Government may attempt to mitigate the horrors of war or to introduce into the struggle any of the amenities of civilized hostilities, the Casino Espanol, with its branch of volunteers, creates a situation in Habana, compelling the captain-general to yield to its demands and to execute its will regardless of the instructions or wish of the Spanish Government."

Mr. MORGAN. If I had chosen I could have rested this whole matter upon that interview and statement of General Sickles, which he did me the honor to send me in a letter post marked, I think, the 14th of this month, March. Every one who knows anything of General Sickles, not merely in regard to his ability, but his Americanism and his truthfulness and uprightness and honor, knows that he has no motive in bringing these facts to the attention of the American people except to keep his own Government, which he loves very dearly and in whose service he has made sacrifices, on proper ground in regard to this transaction between Spain and the United States respecting Cuba.

Now, I have here a letter from a native American, dated Philadelphia, February 13, 1896. He sent his card along with the letter. He resides in Philadelphia. His card is open to the inspection of any Senator who desires to see it. I do not feel authorized, however, to put his name in the RECORD. I will read what he says to show what were his personal experiences in the Island of Cuba during the previous ten-years war:

BELLIGERENT RIGHTS—WHY THEY SHOULD BE ACCORDED TO THE STRUGGLING CUBAN REVOLUTIONISTS.

To the Editor of the Press:

SIR: The New York Herald published an editorial on the 10th instant entitled "The Government should go slow in the matter of belligerent rights." This article evidently emanated from the brain of an overzealous Spanish sympathizer. He says first, "Government action is quite different from popular sympathy." If this is, as I understand it, a government of the people, by the people, and for the people, therefore the will of the sovereign people should prevail. Then why go slow in recognizing the belligerency of Cuba? Did Spain go slow when she recognized the Southern Confederacy? We have nothing to lose by recognizing the Cubans; on the contrary, we would have considerable to gain; they would owe us a debt of gratitude and all their imports would come out of this country, while most of their products would seek our markets, being the nearest of access. If we do not recognize them we lose their friendship and gain nothing; for, granting that Spain is responsible for damage done to American properties up to the present time,

what does that responsibility amount to if she will not pay—in fact, does not pay the numerous claims our citizens have against her? Outside of the Mora claim, which took twenty-seven years to collect, can anyone tell me of any other claim paid by her to citizens of this country in the last thirty-five years?

The comparison made between the insurrection of 1868 and the present insurrection is not a fair one. In the former the Cubans never had in the field more than 7,000 men, and they were confined to the eastern district and never came as far as Colon, yet it lasted ten years. In the present revolution the Cubans have marched at will from Cape Maisi to Cape San Antonio, the full length of the island. They now have in the field nearly 60,000 men, well organized; they also have an established government, which virtually occupies the whole island, excepting the seaports, which are occupied by the Spaniards, backed up by a strong navy. It would be folly for the Cubans to capture a seaport, that they could only hold a few hours, with great sacrifice of human lives.

Give them recognition and they will soon have afloat enough cruisers to wipe out Spain's navy. By recognition it will shorten the struggle and save thousands of lives, as Spain would soon be obliged to give up the contest. If not recognized the war will last as long as there is a Cuban living, for Spain is doomed to lose the last jewel of her tyrannical crown. The Herald states that Spain would board our vessels on the high seas. What of that? If the vessel's papers are in order and her cargo legitimate and lawful merchandise it would be allowed to proceed; if she has contraband of war let them capture her if they can; these are the chances of war. As far as recognition interfering with our commerce with the Island of Cuba, this is erroneous, as we have none now; therefore, if Spain blockaded the ports of Cuba it would be no loss to this country, for you can not lose what you do not possess.

The Cubans are not fighting for autonomy; they want independence the same as we fought for when we seceded from England, and when recognized by other nations, let us then reciprocate and give them the same chance that we had. Blaine was in favor of reciprocity, and it worked well while it lasted. General Campos tried to reciprocate with the Cubans by being humane with prisoners, as the Cubans were with his soldiers; because he was humane, tyrannical Spain recalled him and sent to Cuba in his place General Weyler, commonly known as the butcher, and she says with instructions to be humane. How can you make a lamb out of a hyena? This is an impossibility. Time will tell, and a very short time at that, how he carries out his instructions. Let this Government act—not slowly, as the Herald suggests, but swiftly; it can not be too swift—and Spain will understand that the United States are not going to tolerate or allow her to murder innocent and inoffensive old men, women, and children.

From my own personal observation, during the years 1863-1879, at which time I resided in Cuba, I know that if a race of people ought to have their independence they are the Cubans. Under the Spanish rule they are not allowed to have any voice in the government of the island, and are taxed to such an extent that if any city in the United States should try to collect an equal amount per capita it would refuse to pay and revolt in a short time and not stand it as the Cubans have for years.

Why should the United States recognize them? Because they have suffered so much through Spanish misrule and are only trying to be recognized as human beings and of some value to this world. We not only ought to recognize them, but to help to drive the Spanish from this part of the world. We have not to go to Armenia to find work for the Red Cross Society, for in Cuba I have seen men torn from their homes at night, taken on board of a Spanish man-of-war, condemned to exile to the Isle of Fernando Po, and not even allowed to say good-bye to their families. Men taken from trains and shot. Prisoners would be condemned without being allowed any defense, and sent to Habana, but never reach there—shot on the way by the guards, who said they tried to escape.

In February, 1896, I was in Habana; heard some of the shots that sent some of the Cubans to their final resting place. They came from the country under promise of full pardon if they would leave the island; they came under this promise to Habana, went on board the royal mail steamer, and were shot down by the harbor police, acting under the orders of the Government, while talking to their wives and children in their staterooms. These men had come under a flag of truce, supposed to be respected by all nations of the world, but not by the Spanish Government. Under such state of affairs as this a halt should be called and the Spanish rule in America should be made a thing of the past. The nation that should do this is the United States. Instead of going slow in giving the Cubans belligerent rights they should go fast to help them to their independence. These are the ideas of

A NATIVE AMERICAN.

PHILADELPHIA, *February 13, 1896.*

Those are the ideas of a native American, whose name is here. If the Senator from Maine wants to know it I will give it to him, but I will not put it in the RECORD. That is only a part of the recitals I could bring upon authentic statements of personal knowledge in regard to the ten-years war.

Here is a man, J. Frank Clark, who is the correspondent of the Richmond (Va.) Times, and who writes from Habana under date of March 7, 1896. He goes on to say:

Arrests of civilians under the sweeping provisions of General Weyler's proclamations of February 16 have been made at such a rate and in many cases with so little evidence of guilt that General Weyler was compelled a week ago to issue instructions to his officers to be more careful, as he required more proof than verbal denunciation. Yesterday he issued a circular, in which he stated that absolute proof must be furnished by other than interested parties before accused prisoners will be deported, and warning commanders that they will be held responsible for false arrests. Without doubt General Weyler has in view the effect of this order abroad as well as here, for the manner in which Cubans who have never borne arms against Spain have been dragged from their homes, from their families, the stores, or their farms and thrown into prisons with felons and after a few days' delay placed on board ship for what is probably the vilest penal colony on the face of the earth has become a shame that cries aloud for redress.

General Weyler upon his arrival set at liberty a number of these civilian prisoners whom General Pando had taken from their daily occupation in the eastern end of the Island. I saw twenty of them at the palace one day. They were white, intelligent looking, and bore the appearance of being shopkeepers or clerks. They were not bronzed by exposure to the weather, as all who are in the field are. The only evidence against these men was a paper purporting to be a list of the people who were aiding and communicating with the enemy. It was made up by a Spaniard. Since that time General Weyler has released others captured in the same way. Hundreds have, however, been sent to Ceuta, Africa, and to the Isle of Pines, and the arrests are increasing in number.

DOES WEYLER APPROVE?

General Weyler has removed the alcaldes of all towns in whom he had not absolute confidence, and has appointed the ranking military officers of regular troops or volunteers alcalde or mayor. These men are usually of the grade of lieutenant or major. They possess arbitrary powers. Under the proclamation the life or death of every man, woman, or child in their zone is in their hands. A large proportion of these commanders believe Weyler to be a man of severe measures, a man who will quietly approve any extreme act on their part. They look upon his circulars as intended for effect in the United States. They look for no punishment for summary executions of Cubans who sympathize with the insurgents. They expect praise and promotion for shooting war prisoners as soon as taken. In their reports they are careful to have the prisoners or the peaceful citizens killed found in the field after an engagement, but between the lines the manner in which the victims met their death is not difficult to decipher.

He then gives a number of other cases, which I will not stop to read, but will insert in my remarks:

OTHER MASSACRES.

Dozens of reports of affairs similar in that unarmed citizens are killed by Spanish troops have been received here, but the authorities have placed such obstacles in the way of correspondents that it is impossible to visit the localities and establish the facts. In a dozen cases refugees from towns where fights have occurred state that after the rebels are driven away citizens who took no part were shot down and counted in the official reports as dead insurgents. The Government officials deny these stories, and while it is common talk in Habana that certain affairs were butcheries the correspondents are in most cases obliged to accept the Government version.

I have visited towns where nearly every family had fled in terror, leaving dishes standing upon the tables and everything in disorder, showing the haste in which homes were abandoned. I talked with the few who remained, and was told that the people did not dread the insurgents, but fled from fear of the excesses of the Spanish troops. On the other hand, in some sections where towns have been used by the Spanish, the insurgents have burned the whole town, and the people were left homeless. Other towns which have harbored rebels have been destroyed by the Spanish troops, and the wreck and ruin which is being visited upon the fair Island of Cuba is pitiful to contemplate.

NATURE ALONE IS KIND.

But for the warmth of the climate and the ease with which life is sustained in the tropics thousands would have perished ere this, and the island would be a charnel house before the end is reached. In many towns there have been no provisions for weeks. People have lived by sucking sugar cane and eating plantains. Families have camped for days upon the ruins of their homes in burned districts, sleeping upon the ground nights and crawling under a thatch during the heat of the sun. Those who could have sought refuge in the cities, and the few in proportion who had the means have escaped to the United States, Mexico, or some other country where peaceable citizens are not liable to summary execution.

There is a great deal more of it, but I do not choose to encumber the RECORD with these statements on either side further than to show that a state of open, horrid war exists in Cuba, and it is a war which involves the peace, the property, the rights, the liberties, and the lives of American citizense who happen to be there.

Our treaty of 1795 and all our treaties since that time, though none has really changed the attitude of the Governments toward each other since that date on this question, guarantees to our citizens the right to go into Cuba and reside there and carry on business and the like of that, and gives the same right to Spanish people who come here. It is as much our duty to protect the Spaniards in this country as it is theirs to protect our people in Cuba.

Are they able to do it? Can they do it? The Spanish Government and the Spanish minister, in his memorandum which he sent to the Committee on Foreign Relations, show their utter inability to do it. War is flagrant in that country, without the ability of either side to protect American property and citizens against the other. I merely want to establish that proposition; and it is not a matter of concern to me whether one Spaniard who is called a Cuban is more ferocious than another who is called a Spaniard proper.

That is not a question for us to decide. We are not weighing our sympathies in the balance. Neither our sympatny nor our indignation ought to enter into this case at all. Yet we can not of course avoid it in giving our votes. But the line of action for us to take is to declare that a state of open, public war exists in Cuba and that the laws of war shall apply to it. We can not protect our citizens otherwise. Are we to stand still when we know that our people and their property are being sacrificed in Cuba, and to wait, how long we do not know, ten years or twenty years, for a termination of a guerrilla warfare that exists there, which may amount to the extermination of the native population and almost the entire Spanish army as well? Are we to wait for that result before we can interpose for the purpose of taking care of our people?

These resolutions, as has often been observed, are matters of opinion. We go no farther than the boundary and domain of opinion. The other House put in the opinion that in certain contingencies and events the Government of the United States ought to be prepared to intervene. I like the resolution of the House better than that of the Senate merely because it takes that ground, for if this matter is to continue, and the outrages and the horrors of the ten-years war is to be repeated, as they are being repeated, by the very same people and under the same circumstances, then I say that it becomes our duty to do that which General Grant was so anxious to do—intervene and stop it. Yet we do not undertake on our part to declare for intervention, except that on certain conditions and under certain circumstances it should become a matter of duty on the part of the Government of the United States. That is our opinion, and is only expressed as our opinion.

I expected when I rose to speak on this case, now for the fourth time, that I would have an opportunity of answering some of the

flings which have been thrown at the Committee on Foreign Relations, such as that it is a sleepy committee and the like of that, by the senior Senator from Massachusetts [Mr. HOAR] and the Senator from Maine [Mr. HALE]. But I believe, sir, that the occasion is one of too great solemnity and too great importance to permit me to thrust myself into this debate personally or as a member of the Committee on Foreign Relations. I can only say that we have most carefully, attentively, faithfully examined into all of the great mass of petitions and of opinions expressed by thousands of American citizens in legislative assemblies and elsewhere, and we have undertaken in forming our opinions, and only to that extent, to conform them to what we believe to be the truth as it has been ascertained and expressed by the great body of American citizens. There is where we stand, in perfect line with the American people in the expression of their candid, honest, sincere, and well-sustained opinion.

Now, it will not do for the purpose of overturning those opinions for anyone to say that that committee must have summoned before it those who were personal eye observers of all these things. American opinion is formed justly and honestly upon the broad facts of the case as they are known to the American people. They have sought for information through the best and most sincere and candid sources of information, for the purpose of informing themselves as to the opinions that they ought to entertain. These are not new to us. They are old opinions. They are opinions that have been crystallized in respect to Cuba and her relations to Spain now for more than forty years—yes, through the whole of this century.

The House resolution now before us and the Senate resolution differ only as a strong expression of opinion differs from one that is stronger and a wide field of consideration differs from one that is wider.

In both resolutions the two Houses have confined themselves to the mere expression of opinions, neither of them having taken any action that is intended to define the legal attitude of the Government or the people of the United States toward Spain or Cuba.

Our attitude toward Spain is that of peace. Our relation to Cuba is that of peace and sympathy.

We have opinions as to the conduct of Spain, in peace and war, toward her "gem of the Antilles" that are disagreeable to that monarchy that we feel at liberty to express; that our people, almost with one accord, have expressed; that we are compelled to express, as they relate to the condition of a people who are so near to our borders, and so intimately associated with our people, socially and commercially; opinions that we would express if Cuba were as distant from us as Armenia is. A decent regard for the liberty that is sustained and encouraged by our own free institutions requires us, at least, to disavow our open or tacit approval of the conduct of Spain toward Cuba for the last thirty years.

In doing this in proper language, which conveys no censure, if we offend against Spain, we disclaim such a purpose, but we will not on that account violate, or conceal the truth. The expression of our opinion on this subject has given grave offense to Spaniards and probably to Spain, which we would deeply regret if they were unjust; as they are not.

These opinions have given serious offense to some cidevant Americans who edit newspapers, and others who write anonymous threats in letters and on postal cards to members of Congress.

That interesting body of emigrés in the great cities of Europe, new pupils in the old schools of feudalism, who, to escape taxation and the duties of American citizenship, and to enjoy the good society to which our coupon bonds admit them and the hospitalities they would otherwise seek for in vain in the kitchens and servants' halls of London, Paris, and Berlin, are very much offended at the American opinion about Cuban affairs that is expressed in the votes of the two Houses on these resolutions.

The newspapers they own and control in New York, London, and Paris flare up in fervid abuse of Congress for responding to the uttered voice of the American people and for daring to utter a word of sympathy for Cuba.

Yet they are not bold enough to attack the 262 votes to 17 in the House and the 64 votes to 6 in the Senate who voted these opinions.

The story of "Johnny Hook," read by the Senator from New York on last Thursday, and the resolutions of the general assembly of that great State, and of Mississippi, which I have read, seem to convince them that they are a little overmatched by the people and the two Houses of Congress, and in their anger they turn upon individuals of the Senate Committee on Foreign Relations and rend us.

I have never had a very high respect for those foreign princes and prime ministers whose personal familiarity with our refugees from social coventry is sold for money or whose recognition is won by their mean and slavish contributions to their vainglory.

The most degrading phase of contraband diplomacy is the recent travesty of informing our Government, through certain newspaper owners, of the views of European royalty as to American affairs and politics.

Next to that is the meanness of that species of cowardice that selects a single friend of a great movement of the people, voiced in the resolutions of Congress, and assails that movement by making a personal assault on him.

I would not make a personal matter in the Senate of anything that such persons choose to say about me in their newspapers, but the effort to disparage a great public measure by attributing to me a purpose in its advocacy that has no place in my thoughts, and never had, is a wrong against the public welfare.

If I were asked, as I may have been, and as has often been asked on the floor of the Senate in this session of Congress, where we are to get the money to meet the expenses of war, if we should have to meet its horrors, I would answer that we would not find it necessary to borrow it, as our mines would furnish all we might need for that purpose. This is true; but it is no more a reason for going to war than would be the increased value of iron, or coal, or wool, or cotton, or sugar, or copper that would result from war.

The production of both gold and silver would be increased by any foreign war in which we might engage.

I saw the Confederacy arm its soldiery, while the war was flagrant, by digging the iron ore and the coal from the earth to fashion into guns and swords, and the saltpeter from the caves to manufacture gunpowder.

Since that development of the genius of our people I have never feared that the mighty resources of our people will not be equal to any war that may befall us.

Such fears only beset those feudalists who are rich enough to dread the taxes of warfare and the cost of hiring substitutes. If the liberties and rights of our people rested alone upon the shoulders of gamblers in stocks and men who make corners on the food and raiment of the patriotic soldiers who must fight our battles, the bulls and the bears of the great exchanges would crucify the Republic and cast lots for its raiment, in the presence, even, of the thick darkness that would enshroud its death.

No; I would not sacrifice any honest American citizen, however poor, in a cause that is not holier than life and sweeter than all its hopes. Yet I would not sacrifice his liberties or the true honor of his country to secure the comfort or increase the wealth of every heartless monopolist and nabob in Europe and America.

I abhor the man who would sacrifice human life in any cause save that of justice and liberty. It is this that excites my utmost resentment, when I see men, women, and children starved by feudal monopoly in any of its hideous forms. It is this that compels me to despise the minions of monopoly—the craven feudatories—when, for hire, they sell their influence to increase poverty and breed despair, and seek the shelter of our flag to betray our people by vile assaults upon true Americans who would defend them with their lives.

The Senate, that stands in perpetual organization as the bulwark of the Republic—an eternal rock of defense—is the body that these hired traitors assail with unceasing warfare. That they find support in high feudal quarters, and sometimes in the membership of this body, is as true of us as it was in other times when the foundations of government sank and disappeared in anarchy. But our Senate is an everlasting rock of defense to the Republic, and the powers of death will not prevail against it.

Some Senators have done me the injustice, through a total misunderstanding of my position on these resolutions when they were pending in the committee, to charge me with the motive and purpose of fomenting a war with Spain.

I state without hesitancy that the cry of Cuba for justice, humanity, and mercy, in which there thrills a plea for liberty to which we have listened for a half century, has the full right of appeal to all that I am and all that I feel as a citizen of the United States. It has not fallen upon dull ears or a listless and hardened heart. But for the restraints imposed upon me by the solemn responsibilities of my duty as a Senator I would be abreast with the foremost of those tens of thousands of Americans who urge us to decisive intervention in the name of humanity.

But every member of the Committee on Foreign Relations and its records and the records of the Senate will bear me witness that I have moved slowly and with extreme caution in the course of our progress in this matter.

I have not the honor of the acquaintance of the Spanish minister or of any Cuban agents, and I have even been rude in my refusal to receive or communicate with the Cuban agents while this matter was pending in the committee. Above all else I desired to reach impartial conclusions upon the best evidence that was available as to our rights of neutrality by recognizing that open, general war that now exists in Cuba between the people and the Crown. My vote was for delay until we could be reasonably sure of our ground, although I felt that patriots were dying for the cause of liberty while we deliberated about our giving a wound to the pride of the Spanish monarchy. I knew from the past history of Spanish

wars, beginning with the conquests of Cortez and Pizarro, and in the Netherlands, and the civil war in Spain at the close of the last century, and in the wars of the Mexican revolution and those of Central and South America, and especially in the great ten-years war for emancipation and civil liberty in Cuba, and the wars for the republic in Spain, that Spanish enemies were all treated as rebels and traitors, and that submission or extermination was the sole alternative of Spanish ferocity.

Extermination is the established penalty for resistance to any demand of Spain when made upon Spanish subjects. If we must support their dominion against alleged insurrectionists, we must also support the utter ruin and destruction of those who rebel against Spanish authority for whatever cause. It is dear price for an American to pay for the forms and ceremonies of international comity and for the good will of a tyrannical despotism.

Yet such seemed to be the demand of our own Government in its long and oft-repeated vigilant watch and guard against our own people which has converted every great harbor on our eastern and southern coasts into a Spanish picket post, on which we have mounted guard with police and soldiers and warships, with their guns pointed at our own shores.

On my part, I have followed these movements of our Government "afar off," but with faithful obedience.

So I waited in silent discontent while the tide of blood still flowed and the fires of desolation swept the beautiful island.

At last the time for action came; the time when threadbare patience could no longer conceal the demand of duty, and the committee took up its responsible task.

I had offered no resolution in the Senate or in the committee, and had the whole field to select from. They were all intense in expression and decisive in their proposed action.

Any one of them would have provoked Spain to war as certainly as a torpedo in the neck of a Spanish bull would excite him to deadly war against the matador.

And yet not one of them that related to belligerent rights was, in law or by intention, in the least degree hostile to Spain.

No decent, law-abiding, or self-respecting nation in Christendom would have treated such resolutions as derogatory to its pride, insulting to its honor, or unfriendly in purpose.

Yet I had read enough of Spanish history in Cuba from authentic statements of our own Government, made directly in the teeth of Spain, to know that any movement, even to lessen the horrid barbarities of Spanish warfare, would cause her to charge upon us as a Spanish bull would charge a red flag in their national sport.

When we took up this mass of petitions lying before me, which is growing daily, I presented a declaration and resolutions that were the mildest possible plea for humanity in the mere conduct of the war. I will ask the Secretary to read them.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army; due respect to cartels for exchange of prisoners and for other military purposes; truces and flags of truce; the provision of proper hospitals and hospital supplies and services to the sick and wounded of either army.

Resolved further, That this representation of the views and opinions of Congress be sent to the President, and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents as the same are recognized under the laws of nations.

Mr. MORGAN. I will have the declaration preceding the resolutions and forming the report of the committee inserted in my remarks without stopping to read it. The Senate is familiar with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report submitted by Mr. MORGAN, from the Committee on Foreign Relations, January 29, 1896, is as follows:

The Congress of the United States, deeply regretting the unhappy state of hostilities existing in Cuba, which has again been the result of the demand of a large number of the native population of that island for its independence, in a spirit of respect and regard for the welfare of both countries, earnestly desires that the security of life and property and the establishment of permanent peace and of a government that is satisfactory to the people of Cuba should be accomplished.

And to the extent that the people of Cuba are seeking the rights of local self-government for domestic purposes, the Congress of the United States expresses its earnest sympathy with them. The Congress would also welcome with satisfaction the concession, by Spain, of complete sovereignty to the people of that island, and would cheerfully give to such a voluntary concession the cordial support of the United States. The near proximity of Cuba to the frontier of the United States, and the fact that it is universally regarded as a part of the continental system of America, identifies that island so closely with the political and commercial welfare of our people, that Congress can not be indifferent to the fact that civil war is flagrant among the people of Cuba.

Nor can we longer overlook the fact that the destructive character of this war is doing serious harm to the rights and interests of our people on the island, and to our lawful commerce, the protection and freedom of which are safeguarded by treaty obligations. In the recent past and in former years, when internal wars have been waged for long periods and with results that were disastrous to Cuba and injurious to Spain, the Government of the United States has always observed with perfect faith all of its duties toward the belligerents.

It was a difficult task thus forced upon the United States, but it was performed with vigor, impartiality, and justice, in the hope that Spain would so ameliorate the condition of the Cuban people as to give them peace, contentment, and prosperity. This desirable result has not been accomplished. Its failure has not resulted from any interference on the part of our people or Government with the people or government of Cuba.

The hospitality which our treaties, the laws of nations, and the laws of Christianity have extended to Cuban refugees in the United States has caused distrust on the part of the Spanish Government as to the fidelity of our Government to its obligations of neutrality in the frequent insurrections of the people of Cuba against Spanish authority. This distrust has often become a source of serious annoyance to our people, and has led to a spirit of retaliation toward Spanish authority in Cuba, thus giving rise to frequent controversies between the two countries. The absence of responsible government in Cuba, with powers adequate to deal directly with questions between the people of the United States and the people and political authorities of the island, has been a frequently recurring cause of delay, protracted imprisonment, confiscations of property, and the detention of our people and their ships, often upon groundless charges, which has been a serious grievance.

When insurrections have occurred on the Island of Cuba the temptation to unlawful invasion by reckless persons has given to our Government anxiety, trouble, and much expense in the enforcement of our laws and treaty obligations of neutrality, and these occasions have been so frequent as to make these duties unreasonably onerous upon the Government of the United States.

The devastation of Cuba in the war that is now being waged, both with fire and sword, is an anxious and disturbing cause of unrest among the people of the United States, which creates strong grounds of protest against the continuance of the struggle for power between Cuba and Spain, which is rapidly changing the issue to one of existence on the part of a great number of the native population.

It is neither just to the relations that exist between Cuba and the United States nor is it in keeping with the spirit of the age or the rights of humanity that this struggle should be protracted until one party or the other should become exhausted in the resources of men and money, thereby weakening both until they may fall a prey to some stronger power, or until the stress of human sympathy or the resentments engendered by long and bloody conflict should draw into the strife the unruly elements of neighboring countries.

This civil war, though it is great in its proportions and is conducted by armies that are in complete organization and directed and controlled by supreme military authority, has not the safeguard of a cartel for the treatment of wounded soldiers or prisoners of war.

In this feature of the warfare it becomes a duty of humanity that the civilized powers should insist upon the application of the laws of war recognized among civilized nations to both armies. As our own people are drawn into this struggle on both sides, and enter either army without the consent of our Government and in violation of our laws, their treatment when they may be wounded or captured, although it is not regulated by treaty and ceases to be a positive care of our Government, should not be left to the revengeful retaliations which expose them to the fate of pirates or other felons.

The inability of Spain to subdue the revolutionists by the measures and within the time that would be reasonable when applied to occasions of ordinary civil disturbance is a misfortune that can not be justly visited upon citizens of the United States, nor can it be considered that a state of open civil war does not exist, but that the movement is a mere insurrection and its supporters a mob of criminal violators of the law, when it is seen that it requires an army of 100,000 men and all the naval and military power of a great kingdom even to hold the alleged rebellion in check.

It is due to the situation of affairs in Cuba that Spain should recognize the existence of a state of war in the island, and should voluntarily accord to the armies opposed to her authority the rights of belligerents under the laws of nations.

The Congress of the United States, recognizing the fact that the matters herein referred to are properly within the control of the Chief Executive until, within the principles of our Constitution, it becomes the duty of Congress to define the final attitude of the Government of the United States toward Spain, presents these considerations to the President in support of the following resolution:

"*Resolved by the Senate (the House of Representatives concurring)*, That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army; due respect to cartels for exchange of prisoners and for other military purposes; truces and flags of truce; the provision of proper hospitals and hospital supplies and services to the sick and wounded of either army."

Resolved further, That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

FEBRUARY 5, 1896.—Mr. MORGAN, from the Committee on Foreign Relations, reported the following concurrent resolution as a substitute for concurrent resolution No. 19, reported January 29, 1896:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. MORGAN. I felt that I owed an explanation to the committee for the mildness of such a response to the demand of our people for a more cogent expression.

I said to the committee, in substance:

"I offer this declaration because it places the United States on ground that no civilized nation can possibly criticise. I do this in the firm conviction that when we listen to the petitions of our indignant people and turn our faces in the direction they are moving, the first step we take, however short, whether it is an inch or an ell, will result in a war with Spain. I keep my eyes fixed steadfastly on that result without reference to its justice, wisdom, or necessity. Spain can not conquer Cuba with her burden of debt and the political dissensions that lurk about the

Spanish throne. Spain knows this, and her pride will force her to prefer to lose Cuba in conflict with some great power rather than surrender it as she has done her other American possessions, to a body of insurrectionists whom she despises and denounces in the most opprobrious terms. So far as I am concerned I am convinced that war with Spain is inevitable as the outgrowth of this Cuban affair. It will come at an early day, and nothing but our denunciation of the Cubans can delay the conflict. In voting for this mild declaration I feel that I am in the act of drawing the sword and laying it upon this table, and am saying to Spain. 'Take it up if you will.'"

The committee laid aside my resolutions and adopted, provisionally, a much stronger one than those which I proposed.

At the next meeting the committee adopted my declaration and resolutions and ordered me to report them to the Senate, which I did.

Within twenty-four hours the cable brought us accounts that this overture excited anger in Madrid for its insolence, contempt for its weakness, and derision for its singularity, and with it there came a storm of blustering gasconade.

Campos was recalled, and the temper of Spain was heated to the degree that only Weyler could keep pace with. Weyler was ordered to Cuba. The committee met again and concluded, after anxious discussion, to set aside the resolutions they had ordered me to report, and directed me to report the resolution that passed the Senate after being amended with the addition of the resolution for Cuban independence offered by the Senator from Pennsylvania.

Now, what excuse can there be for the attack made upon me in the Senate, followed by some newspapers in New York, charging me with drawing the sword and challenging Spain to take it up, and that I had said to some person whose name is not mentioned that I desired a war with Spain because it would result in the remonetization of silver?

Why did they not charge that motive to me for the earnest support I gave to Mr. Olney's noble avowal and definition of the Monroe doctrine? Men from the North send me postal cards warning me that Maceo is a negro, a very black one, they say, and advising me to quit the country and consort with him in the Cuban cabinet.

This thrust deserves, at least, a parry. The freedom of the slaves was a prime factor in the ten-years' war in Cuba, which begun at the close of our civil war. In both wars negro troops were used, and with nearly equal savagery. In Cuba, as in our Southern States, the mass of the negro population adhered to their masters. In Cuba the masters took sides with the Government; in the United States the Government was at war with the slaveholders.

General Grant and Mr. Fish, his Secretary of State, desired above all things else connected with Spanish troubles the emancipation of the slaves. The Republicans in Spain adopted the American demand for emancipation, and upon these ideas they dethroned Amadeus and established a Republic. In the time of the Republic an ordinance of gradual emancipation was proclaimed. But the Spanish sugar planters and the New York sugar merchants and refiners found it to their interest to crush out Gomez and Cisneros, who were fighting for the full emancipation of the negroes, and for the independence of the island, and General Grant and Mr. Fish came to believe that the Republic in Spain, having been abandoned in favor of the Crown, that it was better for the Cubans that they should surrender on pledges guaranteeing important liberties to them, and that a republic was then impossible in the island.

General Grant, acting against his personal convictions and the humane sympathies of his nature, sent in his message of June, 1870, refusing to recommend the recognition of belligerent rights for the Cubans. That refusal virtually ended the war, and Gomez became the active promoter of the general capitulation. The terms of that capitulation were in letter and spirit violated by Spain, and Gomez and Maceo returned to take up arms and Cisneros to resume the civil presidency, and the emancipated slaves, one-fifth of the population, united with them to raise again the flag of Cuban independence.

The negro population in Cuba is about in the same proportion that exists in the United States. This added element of military strength accounts, in a large degree, for the great increase of the forces at war with Spain.

Those men of the North mistake me when they assume that I could have any prejudice toward the negro race that would cause me to deny to them good government, safety in life and property, and every personal liberty that I enjoy in our free Republic.

I do not believe, any more than Congress or the people of the District of Columbia believe, that the negro race is a useful or necessary factor in the government of a great Republic. We place the Indian tribes and the Chinese on even a lower scale in political government, while we give them full measure of liberty. But the negro has the same right as the white man to escape from the tyrannical despotism of Spain and to have a fair opportunity to enjoy the true and full value of independence. That blessing, like the air of the heavens, the sweet waters that flow from the green hills, and the safe shelter of the roof tree of home, should be the heritage of every freeman.

I would rather be in the cabinet of a republic with Gomez and Maceo than in the cabinet of the Spanish monarchy with Valmaseda and Weyler.

I gather my impression of the war policy and methods of the Spanish monarchy from the records of impartial history, without any prejudice against these people. The progress of civilization seems to have no effect or tendency to mitigate the stern rule of extermination applied by Spain to all who are found in rebellion against her authority. No country in Europe, and probably none in the world, has suffered more revolutionary changes in government than Spain has had during the present century.

In the previous growth of the Spanish monarchy both hemispheres were watered with innocent blood and dotted with graves of innocent people of all ages and conditions, to extend the dominion of avarice and pride through the destruction of all opposing political or religious parties and sects that Spain had the power to crush. After Protestant Netherlands had fought for her liberties and had lost a full generation in the struggle, Spain's period of decline set in rapidly. Since the year 1800 scarcely a period of three years, on the average, has elapsed without a change of government in the mother country or in the colonies that involved war, attended with great sacrifice of life.

In the transitions of the colonies into independent republics under our great example, this young and then unproved Republic, the near neighbor and sympathetic exemplar of free constitutional government by a course of honorable justice and firm assertion of our rights and the careful observance of duty, maintained its neutrality during the prevalence of wars for independence in the great colonies of Spain.

We did not withhold our expressions of sympathy for the colonies in revolt, or refuse to recognize their rights as belligerents, or their independence when that was won or appeared to be certain of realization; yet we took no part in these wars, and had no thought of taking advantage of them for territorial aggrandizement. These facts should impress Spain with our sense of justice and duty, when, to save our people from suffering the losses and hardships of the present war in Cuba, we seek only to apply the laws of civilized warfare to an open, confessed, and universally admitted state of civil war in that island.

We do not seek to change our relations to Cuba upon any claim of right to interfere in the domestic affairs of Spain in that island any more than we do in Puerto Rico, where war does not exist. Our duty is to our own people, and it is a duty that Spain can not prevent us from performing. We have, in a spirit of forbearance, omitted to demand our rights in the chronic state of war that has afflicted Spain during all this nineteenth century, and have gone no further than to protest against the losses of liberty, life, and property that have been entailed on our people in these Cuban insurrections. We have stood by while our people were being murdered in Cuba and their property confiscated without law or a trial, and only in a few cases have we been able, after long delay, to collect the price of this blood in money. We find now that our forbearance is reckoned with as if it were weakness, and our neutrality is abused by Spain.

I prefer, and our people demand, that Spain shall not destroy our citizens or their property on a credit, but she must hereafter pay as she goes. We no longer choose to permit our people to be persecuted and slain by either party in Cuba under the pretext that neither of them has the power to prevent such wrongs, and if it must be, we will intervene to prevent it, even at the risk of shocking the keen sense of propriety that some Senators are troubled with.

In the midst of the last ten years' war in Cuba Spain, on the 11th of February, 1873, discarded the monarchy and established the republic under Fiqueras. It had been three years in process of full development, but the tendency was all the time toward the republic. Isabella fled to France in 1868, and a triumvirate under Serrano formed a provisional government. Cuba was immediately involved in revolution. Much blood was shed in Spain to promote the republic, and many lives were destroyed in Cuba to sustain the same cause.

The emancipation of the slaves was the avowed task of the Republic of Spain, and in this Government General Grant felt that Cuban independence would ultimately find its greatest ally and friend.

No one could have been more determined than General Grant was that the republican movements in Spain and Cuba should result in the abolition of slavery. This great purpose inspired and strengthened every hope of good that he expected from that revolution both in Spain and Cuba. Spain was striving to put down monarchy at home and to put down the republic in Cuba. Spain, whether it was monarchic or republican, clung to slavery in Cuba, and a large body of Cubans demanded the abolition of slavery and the republic, with national independence.

General Grant was convinced that the success of the republic

in Spain would result in the abolition of slavery in Cuba, and that the people of Cuba would not be able, against the opposition of both parties in Spain, to abolish slavery. His policy then became clear and definite. It was to encourage the republic in Spain on the condition that the Republic would abolish slavery in Cuba. This condition was accepted by the republic in Spain and was ultimately accomplished.

The people of the United States were restive under the horrors of the Spanish methods of warfare in Cuba, and in 1870 General Grant sent his message to Congress to inform them of the grounds upon which he discouraged their demand for belligerent rights for the Cubans in arms. This was when the insurrection had progressed only a single year.

Had the United States then recognized the rights of belligerency in favor of the Cubans, it would have united all parties in Spain against the emancipation of the slaves. The great and inspiring hope of a voluntary act of emancipation would have perished and the antislavery men in the United States would have been driven to the alternative of liberating the slaves in Cuba by force, and to the odium of encouraging a servile insurrection in order to promote anarchy for the sake of emancipation. The other alternative, of procuring the freedom of the slaves in Cuba through the creation of the republic in Spain, was free from any strain on American sentiment and was joyfully accepted by the President.

But General Grant would not intervene to repress the people of Cuba in their struggle for independence. All he could do, until emancipation of the slaves was secured, was to await results without interference. His good offices were constantly pressed upon the Republic of Spain for a settlement that would add to their decree of emancipation of the slaves a guarantee of equal rights and liberties to the native white Cubans. This pledge was obtained from Spain, and Gomez and Cisneros laid down their arms and, accepting this pledge, became most active and efficient in persuading the Cuban people to desist from further warfare. The treaty was made and broken by the Spaniards, cruelly broken, and the emancipated slaves are united with the native white people in a renewed demand for the republic, for liberty, for justice, and for the safety of life.

General Grant could not openly declare this great line of policy. That would have been fatal to his success. If our people could have seen it they would have been more patient during the eight years of cruel warfare that followed after the repressive message of 1870. But they felt that their Government was looking with indifference upon the horrible saturnalia of blood and fire which President Grant mentioned, as a warning to Spain, in the message of 1870, and they went alone and in small bands to the devastated islands, to help the patriot people in their war for existence.

General Grant was far from viewing those atrocities with indifference. I will read a letter of Mr. Fish to Admiral Pablo after awhile that will clear that point, and will show the grounds on which I rest our present action. That letter would sustain a line of action far more decisive and effectual than is now proposed. I have not chosen to adopt it, on my part, because I do not wish to give Spain any pretext for any result that her conduct has invited which would seem to cast the blame on the United States.

Let the attitude of Spain toward the native people of Cuba, black and white, find its justification or its excuse in her own policies and counsels, and not in anything short of a positive duty that we shall do.

In my studies of the situation in Cuba and of the duties of Congress connected with it I have taken the message of 1870 as my guide, although I believe it is far too narrow in its limitations upon our rights, and I have found that the facts of the war in Cuba and the law as it is stated in that message bring the case entirely within the most restricted requirements of that paper.

We have never settled the powers of Congress, acting independently of the President, as to mandatory action with reference to the recognition of a state of belligerency or a declaration of war. We do not know what is, or will be, the policy of the President in the Cuban imbroglio. Acting, then, as representatives of States that memorialize Congress and the people who shower petitions upon us, it is wiser that our response to them should indicate clearly the opinions of Congress rather than some decisive act to which the Executive might dissent. When the people and Congress have expressed their opinions in a way that is practically unanimous, if the President does not concur he will assume the responsibility.

The letter to which I referred, Mr. President, is that of Mr. Fish to Admiral Polo de Bernabé, who was at that time the minister of Spain to this country. Mr. Fish says, in some of the places which I will quote, what I will read. I will put the entire part of the letter referring to this matter in the RECORD as an appendix to my speech. On the 10th of September, 1869, the minister of transmarine affairs at Madrid, in an official paper, said:

A deplorable and pertinacious tradition of despotism, which, if it could ever be justified, is without a shadow of reason at the present time, intrusted the direction and management of our colonial establishment to the agents of the metropolis, destroying, by their dominant and exclusive authority, the vital energies of the country and the creative and productive activity of free individuals. And although the system may now have improved in some of its details, the domineering action of the authorities being less felt, it still appears full of the original error, which is upheld by the force of tradition, and the necessary influence of interests created under their protection, which, doubtless, are deserving of respect so far as they are reconcilable with the requirements of justice, with the common welfare, and with the principles on which every liberal system should be founded. A change of system, political as well as administrative, is therefore imperatively demanded.

Mr. Fish says, after quoting this remark:

But while admitting the existence of the injuries which had provoked the outbreak at Yara, the government of the revolution of 1868 refused to remedy them until the armed insurrection should be suppressed. "Spain would already have given all constitutional liberties to Cuba," said Mr. Silvela to General Sickles, "if the unfortunate insurrection of Yara, and the cry of 'Death to Spain,' uttered by some Cubans, had not alienated the sympathies of the nation, and obliged the government to accept the impolitic contest to which it was provoked. The government considers that it can come to no definite decision in regard to the political situation and future government of the Island of Cuba until the insurgents lay down their arms and cease the struggle."

That is the quotation. Then Mr. Fish says:

This would indicate that it is the resistance to admitted wrongs, and not the wrongfulness of resistance, which Spain is endeavoring to repress.

I pass on to some few other extracts. Mr. Fish says:

It must be frankly confessed that there were many persons in the United States who shared the theoretical opinions of the Spanish statesmen, but who could not agree in the diametrically opposite policy which Spain pursued toward Cuba under their directions.

It was natural for the people of the United States to feel an interest in the prosperity of Cuba. This and the reasons for it were well understood at Madrid. Mr. Martos, in the presence of his colleagues, Mr. Becerra and Mr. Rivero, had officially spoken to General Sickles of "the common interests shared by the United States and Spain in Cuba." He said "that whatever retarded the prosperity of the island was injurious alike to both countries; that the welfare of Cuba was of more commercial importance to the United States than to the mother country."

Mr. Fish says upon this quotation:

This wise statesman might have added that the interest of the United States in Cuba was heightened by a desire that the deadly struggle on the island might end in the acquisition of self-government (whether under or free from Spanish rule was, of course, immaterial to an American) and in the abolition of slavery. Such was undoubtedly the fact. The undersigned feels convinced that these views were shared by the mass of the liberal statesmen of Spain, modified probably by the patriotic wish that the island should retain its political connection with Spain. But it could not be expected that foreigners would share in the full warmth of this wish of Spanish statesmen. The mass of the people of the United States certainly gave little heed to the matter beyond the natural preference that a disturbing element of European politics should be removed from the American system.

I must pass on, because the time is drawing near when I must take my seat.

On the 24th of March, 1869—

Said Mr. Fish—

the captain-general of Cuba issued a decree, which is referred to by Admiral Polo, and from which the following is an extract:

"Vessels which may be captured in Spanish waters, or on the high seas near to the island, having on board men, arms, and munitions, or effects that can in any manner contribute, promote, or foment the insurrection in this province, whatsoever their derivation and destination, after examination of their papers and register, shall be de facto considered as enemies of the integrity of our territory, and treated as pirates, in accordance with the ordinances of the navy.

"All persons captured in such vessels, without regard to their number, will be immediately executed."

A copy of this decree was received at this Department on the 2d of April, 1869, and the undersigned, although but then just entered upon the duties of his office, and greatly pressed with other public matters requiring immediate attention, put everything aside, by direction of the President, and on the next date wrote as follows to the minister of Spain at Washington:

I will only quote from that one paragraph:

This Government certainly can not assent to the punishment by Spanish authorities of any citizen of the United States for the exercise of a privilege to which he may be entitled under public law and treaties.

Mr. President, that is the law of Spain to-day in this war. Mr. Fish says further:

The order to indiscriminately slaughter "all persons captured in such vessels, without regard to their number," could not but shock the sensibilities of all humane persons. The undersigned felt, however, unwilling to object to the execution of the order, except when proposed to be enforced against citizens of the United States.

I am sorry he was unwilling to do that, but he had a great motive, or the President had, which held him in check.

In regard to the second point thus stated by Admiral Polo's esteemed predecessor, the undersigned was constrained by a due regard to universally recognized principles of international rights and duties to declare that, in the absence of a recognized state of war, it was no offense in the sailing vessels and steamers of the United States to carry arms and munitions of war for whomsoever it might concern.

I am sorry that the Senator from Massachusetts [Mr. HOAR] is not present to hear this overturning of the sedate and sage enunciation of the law made by the chairman of the Judiciary Committee two or three times in this debate.

The undersigned has uniformly said that no government can by the law of nations be held responsible for shipments of arms, munitions, or materials of war, made by private individuals at their own risk and peril. If a state of war should exist, if Spain should be entitled to the rights of a belligerent, parties concerned in the shipment of arms and military supplies for her enemy would incur the risk of confiscation by her of their goods; but their act would involve no ground of reclamation against their government in behalf of Spain; and consequently no right to invoke the aid of that government in preventing the perpetration of the act. Such it is believed is the established law of nations, and such the received rule even when the shipment of arms and munitions is made from the territory

of the country whose citizens may be the parties engaged in the introduction of these supplies for the use of one of the belligerents.

Further on Mr. Fish says, when speaking of the decree of the 24th of March:

The objectionable decree of the 24th of March was soon followed by a proclamation of Count Valmaseda still more abhorrent to the sense of the civilized world. By this proclamation, made at Bayamo on the 4th of April, 1869, which reached the Department of State on the 9th of May, the following announcement was made to Cubans who believed with Mr. Castelar, General Prim, Mr. Becerra, Mr. Silvela, Mr. Martos, Mr. Rivera, and other Spanish statesmen, that Cuba was suffering under oppression and wrong which ought to be remedied:

"First. Every man, from the age of 15 years upward, found away from his habitation (finca), and does not prove a justified motive therefor, will be shot."

That is Weyler's decree now, with a little sugar coating:

Second. Every habitation unoccupied will be burned by the troops.

That is in full force under Weyler's decree.

Third. Every habitation from which does not float a white flag, as a signal that its occupants desire peace, will be reduced to ashes.

Women that are not living at their own homes, or at the house of their relatives, will collect in the town of Jiguani, or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

What will happen to them on the way God only knows. Mr. Fish further says:

The courses of trade and of social intercourse had carried many citizens of the United States into Cuba. When, therefore, this proclamation reached the undersigned, the President thought it right toward Spain that, although scarcely crediting the genuineness of the document, the undersigned should send the following notice to Mr. Lopez Roberts:

"In the interest of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me, in the most forcible manner, to protest against such a mode of warfare, and to ask you to request the Spanish authorities in Cuba to take such steps that no person having the right to claim the protection of the Government of the United States shall be sacrificed or injured in the conduct of hostilities upon this basis."

Mr. MILLS. Mr. President, I wish to announce to the Senate that in the morning, after the disposal of the routine business, I wish to address the Senate on the Cuban question, if there be no objection. I have been waiting for several days, and I am compelled to leave the Chamber now, or I would remain and take the floor after my friend from Alabama has concluded.

The PRESIDING OFFICER. The notice will be entered.

Mr. MORGAN. In my comments upon this matter, I shall be very brief, and shall conclude in a few moments. I desire to omit everything except what is absolutely essential to my purpose to show that there exists in Cuba to-day the same condition of affairs, the same decrees, issued even by the same men that Mr. Fish was denouncing in this letter to Admiral Polo in 1874. That was long after the message of the President of June, 1870, from which the Senator from Maine [Mr. HALE] read a brief extract:

The United States were in a state of war when the orders referred to were issued—

That is, the orders of our people—

Spain had not been slow in forcing upon them in the very incipiency of the rebellion her recognition of a state of war. She does not now recognize that she is herself at war, but appeals, as a precedent for her conduct, to rules prescribed for armies in the field. If she claims the rights, it is but logical that she accept the consequences of a state of war.

I have pointed out in the course of this debate, from the reports of our own consuls, that the Spaniards treat our exports from this country into Cuba as being contraband of war at their will and pleasure. So they claim all the rights of war, but are not willing to submit to any of its disabilities, the very case that Mr. Fish is commenting upon. Says Mr. Fish further:

The undersigned is confident that Admiral Polo will feel a sincere pleasure in thus knowing that his information respecting these instructions has been incorrect. Even had it been correct, the accomplished and generous minister from Spain and the undersigned would alike feel unwilling to contend that two wrongs could make a right.

Even in such case, however, it would be remembered that a worthy precedent might be found in the practice of the United States during a rebellion of the most mighty proportions, pending which not a prisoner was killed in cold blood; not a political crime, however grave, was visited with capital punishment. The soil of the United States remains to this day unstained by the first drop of blood taken from a political offender. Had this example been followed wherever a political insurrection had arisen, many might now be living whose blood cries aloud against the cruelty of some rulers. Christendom generally applauds the example of clemency and generosity which the United States thus exhibited.

The same spirit of generous regard for life and forgiveness marks the policy of the United States in other respects, and makes their penal codes look to the prevention more than to the punishment of crime, and often withholds the enforcement of penalties when the danger against which they are denounced is supposed to have passed. It is with much regret that it is seen from the correspondence with the representatives of Spain for the past five years, and from the frequent complaints (in the note of Admiral Polo, now acknowledged) of the omission of the United States to enforce penalties and inflict punishment, that Spain does not sympathize with the policy of clemency and forgiveness, and seems to regard punishment as the test of the sincerity with which crime is denounced and as the sole means of preventing at least political offenses. The examples of the condition of the two countries must be the criterion to determine the comparative merits of the antagonistic systems.

He then goes into an extensive discussion here of the rights of vessels on the high seas, and speaking of the restrictions imposed upon them and also of restrictions imposed upon land, he says:

In consequence of these severe measures against the persons and properties of Cubans who shared the opinions of the liberal statesmen of Spain respecting the injuries which had been inflicted upon their native country, many fled from the island to the United States. And the undersigned can not disguise from himself that these Spanish subjects, driven from their native country, have attempted to abuse the hospitality of the United States—

The very accusation that is made here now by the present minister from Spain against the refugees from Cuba—

that they have tried to make use of their safety here in order to regain what they had lost in Cuba, and that they have been restrained only by the perpetual vigilance and zeal of the officers of the United States. Alas! if the ears of the ministers of Amadeo and of the Republic could have been opened to the complaints of their Cuban friends, what criminations might have been spared us!

I believe, Mr. President, that I shall refrain from further quotations from this very remarkable and very able letter, which covers the whole subject of the present Cuban insurrection. I noticed while that war was in progress Mr. Fish called to the attention of the Spanish Government in this letter to 22 cases of serious outrage against the property and lives of American citizens which remained to be adjusted after the war was over. I do not want to pile up a docket of that kind under these circumstances; I do not want to stand by until murder has been perpetrated, attended with extreme cruelty and outrage, and to wait until some future time when, possibly, this revolutionary movement may be crushed out, for us to demand of Spain as many even as 22 cases of reclamation and damages for wrongs we have suffered.

We have suffered enough; we have spent enough money in standing guard for Spain, and in keeping our people out of Cuba, and in restraining them, and in capturing their property and confiscating it when the slightest proof of conspiracy could be found to exist in regard to a purpose of invasion of Cuba—we have spent enough, and we have suffered enough, and have stood these outrages long enough; and, now that Spain is engaged in a war with Cuba that, evidently, is hopeless, I think, sir, that we may be pardoned if we express our opinion, to say the least of it, that war prevails there, and that those people ought to be entitled to the rights of belligerency, and our people ought to be entitled to the rights of neutrality, and be allowed the benefits of neutrality.

I regret, Mr. President, that I have had to spend so much time in the discussion of this question; I never went into anything with more reluctance; but I have felt compelled to take all this toil upon myself simply because, in the accident of the passage of the resolutions through the committee it devolved upon me to make the report of the action of the committee, which put me in charge virtually of these resolutions.

Sir, when we met in conference we found that the disagreement in these opinions of the two Houses related only to verbal criticisms, and nothing more. I have said before, and I repeat it, that the resolutions of either body would be entirely satisfactory to me; but in the House of Representatives, immediately after we sent our resolution to them, there was reported a resolution which involves a mere difference in stating an opinion and caused no jar upon my feelings or sensibilities. I remembered that we were attempting to do nothing but to express our opinions.

After the resolution of the Senate went over to the House it there met the resolution reported from the Committee on Foreign Affairs, to which, of course, the House of Representatives felt naturally disposed to adhere. They passed their resolution; it was brought here; we disagreed to the amendment which they proposed to the Senate resolution; and that disagreement brought us into a conference. In that conference we considered both of the resolutions, in fact, the whole programme of our previous action in both committees; and I think that we came to a patriotic conclusion when we determined that the two Houses of Congress, in taking this mild but firm action on our part, would do injustice to the will, to the honor, to the express professions and belief of the people of this country if we should recede and find that we were incapable of agreeing in the method of the expression of our opinions.

There is no preference in favor of the one over the other, except that I believe, as I said to the committee at the time the resolutions were before it, that the passage of the amendment which was offered by the Senator from Pennsylvania [Mr. CAMERON] to the effect that the President of the United States shall use his good offices with the Government of Spain to induce that Government to recognize the independence of Cuba might be considered by that Government, and very naturally I think would be considered by that Government, as an intrusive overture on our part, irritating to their feelings. I have not any doubt that such would be the fact.

Now, I repeat what I have said on several occasions since I have been on my feet to-day. I do not wish to give to Spain or to any nation of this earth any apparent ground for criticising our action. I want us to stand on a line that includes our rights beyond dispute. That is the reason I have been willing to put up with opinions when I believed that acts ought to have been the expression of our opinions. I have never had any doubt that even the expression of an opinion unfavorable to the fanatical and deluded monarchy would be regarded as an act of hostility that would compel Spain to throw down the gage of war.

APPENDIX.

No. 21.

Mr. Fish to Admiral Polo de Bernabé.

DEPARTMENT OF STATE, *Washington, April 18, 1874.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the reception of the note of 2d of February last, which his excellency Admiral Polo de Barnabé, the envoy extraordinary and minister plenipotentiary of Spain, addressed to him respecting the *Virginius*, and the assumed relations of the United States toward the insurrection in Cuba.

The pressure of business incident to the session of Congress and a severe indisposition have prevented an earlier reply to that note.

The undersigned has observed with regret in Admiral Polo's note harsh expressions and unwarranted criticisms upon the official conduct of officers of the United States, which he feels confident would not have obtained admission to the paper had they attracted the attention of the accomplished minister of Spain, whose sense of justice would not allow him to give expression to what his sensitiveness and regard for the proprieties of diplomatic correspondence would not permit him calmly to accept.

The undersigned finds in the historical part of Admiral Polo's note many misapprehensions of facts (as the facts are understood by this Government), and many errors of omission, which need to be corrected before entering upon the particular argument respecting the *Virginius*. The undersigned will endeavor to do this as briefly as possible.

The insurrection which broke out at Yara, in the autumn of 1868, has had the unusual good fortune of having the justice of the complaints, which it alleges in its justification, recognized by those who are engaged in suppressing it. On the 10th of September, 1869, the minister of transmarine affairs at Madrid, in an official paper, said:

"A deplorable and pertinacious tradition of despotism, which, if it could ever be justified, is without a shadow of reason at the present time, intrusted the direction and management of our colonial establishment to the agents of the metropolis, destroying, by their dominant and exclusive authority, the vital energies of the country, and the creative and productive activity of free individuals. And although the system may now have improved in some of its details, the domineering action of the authorities being less felt, it still appears full of the original error, which is upheld by the force of tradition, and the necessary influence of interests created under their protection, which, doubtless, are deserving of respect so far as they are reconcilable with the requirements of justice, with the common welfare, and with the principles on which every liberal system should be founded. A change of system, political as well as administrative, is therefore imperatively demanded."

But while admitting the existence of the injuries which had provoked the outbreak at Yara, the government of the revolution of 1868 refused to remedy them until the armed insurrection should be suppressed. "Spain would already have given all constitutional liberties to Cuba," said Mr. Silvela to General Sickles, "if the unfortunate insurrection of Yara and the cry of 'Death to Spain,' uttered by some Cubans, had not alienated the sympathies of the nation and obliged the Government to accept the impolitic contest to which it was provoked. The Government considers that it can come to no definite decision in regard to the political situation and future government of the Island of Cuba until the insurgents lay down their arms and cease the struggle." This would indicate that it is the resistance to admitted wrongs, and not the wrongfulness of resistance, which Spain is endeavoring to repress.

One of the two great questions at issue between the insurgents and the authorities of Spain was understood to be the future condition of the African race in the island. The insurgents, as early as the 26th of February, 1869, decreed the abolition of slavery "in the name of liberty and the people." This act met with no response from Spain. The eloquent Mr. Castellar, when a member of the Cortes, without the responsibilities of government, said:

"I am an advocate of abolition in Cuba, with a due regard to all intercsts. I am an advocate of colonial reforms, and of every possible liberty to Cuba and Porto Rico."

But when, in the turn of events, he attained to power, he was unable to do anything for Cuba, and retired with slavery untouched and with reforms still a dream.

It can not be a matter for wonder that persons in other lands sympathized with the great and liberal statesmen of Spain in their convictions that a large measure of reform was needed in Cuba, and held that one of the greatest of all was the abolition of slavery. And perhaps less surprise will be manifested that such sympathizers in other lands could not comprehend why such distinguished statesmen should insist upon subjugating the Cubans, who had taken up arms to resist oppression, before consenting to relieve them from the wrongs which they were admitted to be enduring.

It must be frankly confessed that there were many persons in the United States who shared the theoretical opinions of the Spanish statesmen, but who could not agree in the diametrically opposite policy which Spain pursued toward Cuba under their directions.

It was natural for the people of the United States to feel an interest in the prosperity of Cuba. This and the reasons for it were well understood at Madrid. Mr. Martos, in the presence of his colleagues, Mr. Becerra and Mr. Rivero, had officially spoken to General Sickles of "the common interests shared by the United States and Spain in Cuba." He said "that whatever retarded the prosperity of the island was injurious alike to both countries; that the welfare of Cuba was of more commercial importance to the United States than to the mother country."

This wise statesman might have added that the interest of the United States in Cuba was heightened by a desire that the deadly struggle on the island might end in the acquisition of self-government (whether under or free from Spanish rule was, of course, immaterial to an American) and in the abolition of slavery. Such was undoubtedly the fact. The undersigned feels convinced that these views were shared by the mass of the liberal statesmen of Spain, modified, probably, by the patriotic wish that the island should retain its political connection with Spain. But it could not be expected that foreigners would share in the full warmth of this wish of Spanish statesmen. The mass of the people of the United States certainly gave little heed to the matter beyond the natural preference that a disturbing element of European politics should be removed from the American system.

In the rapid progress of events, however, they, in common with the rest of the civilized world, were soon forced to give attention to Cuban affairs. The authorities in that island began to exercise rights of war in time of peace, and to trample out liberties which their superiors at Madrid desired to maintain and extend.

Admiral Polo expresses the opinion that the insurrection "did not find extensive sympathies in the Island of Cuba," and that "it was but a little while before its locality was limited to the eastern part of the island."

Such was not the tenor of the information received at this Department.

It is now more than five years since the uprising, and it has been announced, with apparent authority, that Spain has lost upward of 80,000 men and has expended upward of $100,000,000 in efforts to suppress it; yet the insurrection seems to-day as active and as powerful as it has ever been. And the suggestion that its locality was limited to the eastern part of the island leads one to inquire whether Villa Clara and the other of the Cinco Villas, and the railway between Nuevitas and Puerto Principe, are in that district.

Indeed, until the receipt of Admiral Polo's note, the undersigned had supposed that the extent of the disaffection in Cuba was urged as an extenuating motive for the remarkable series of measures which the undersigned will soon notice.

Soon after the outbreak of the insurrection this Government, of its own accord, without being thereto moved by the representative of Spain, caused inquiries to be made respecting "rumors of a projected expedition against Cuba" from New York, with a view, should circumstances require it, to the issue of such instructions as might be necessary for "the defeat of the schemes in question." The officer charged with the inquiry answered that he had made a thorough investigation, and added:

"It is true that a number of well-known filibusters have opened an office at 498 Broome street, in this city (New York), for the ostensible purpose of enlisting men for the invasion of the Island of Cuba, but really with a view of making money out of the resident Cubans in this city who sympathize with the cause. But I am happy to inform you that thus far they have been unsuccessful."

This fact, which exhibits the anxiety of this Government to perform its international duties, is apparently referred to by Admiral Polo with a purpose of showing a want of diligence on its part in that respect; since, in quoting the report of the officer, the passage which is underscored is omitted.

On the 24th of March, 1869, the captain-general of Cuba issued a decree, which is referred to by Admiral Polo, and from which the following is an extract:

"Vessels which may be captured in Spanish waters, or on the high seas near to the island, having on board men, arms, and munitions, or effects that can in any manner contribute, promote, or foment the insurrection in this province, whatsoever their derivation and destination, after examination of their papers and register, shall be de facto considered as enemies of the integrity of our territory, and treated as pirates, in accordance with the ordinances of the navy.

"All persons captured in such vessels, without regard to their number, will be immediately executed."

A copy of this decree was received at this Department on the 2d of April, 1869, and the undersigned, although but then just entered upon the duties of his office and greatly pressed with other public matters requiring immediate attention, put everything aside, by direction of the President, and on the next date wrote as follows to the minister of Spain at Washington:

"It is to be regretted that so high a functionary as the captain-general of Cuba should, as this paper seems to indicate, have overlooked the obligations of his Government pursuant to the law of nations, and especially its promises in the treaty between the United States and Spain of 1795.

"Under that law and treaty the United States expect for their citizens and vessels the privilege of carrying to the enemies of Spain, whether those enemies be claimed as Spanish subjects or citizens of other countries, subject only to the requirements of a legal blockade, all merchandise not contraband of war. Articles contraband of war when destined for the enemies of Spain are liable to seizure on the high seas; but the right of seizure is limited to such articles only, and no claim for its extension to other merchandise, or to persons not in the civil, military, or naval service of the enemies of Spain, will be acquiesced in by the United States.

"This Government certainly can not assent to the punishment by Spanish authorities of any citizen of the United States for the exercise of a privilege to which he may be entitled under public law and treaties.

"It is consequently hoped that his excellency the captain-general of Cuba will either recall the proclamation referred to or will give such instructions to the proper officers as will prevent its illegal application to citizens of the United States or their property. A contrary course might endanger those friendly and cordial relations between the two Governments which it is the hearty desire of the President should be maintained."

The order to indiscriminately slaughter "all persons captured in such vessels, without regard to their number," could not but shock the sensibilities of all humane persons. The undersigned felt, however, unwilling to object to the execution of the order, except when proposed to be enforced against citizens of the United States.

Almost simultaneously with the receipt of this startling news, Mr. Lopez Roberts, on April 5, 1869, made of the undersigned the request referred to by Admiral Polo, that the President should issue a proclamation to restrain military expeditions against Cuba, accompanying the request with allegations "that piratical expeditions are in preparation against the legitimate government of Spain in Cuba," and that "arms and ammunition are sent there in sailing vessels and steamers."

In regard to the second point thus stated by Admiral Polo's esteemed predecessor, the undersigned was constrained by due regard to universally recognized principles of international rights and duties to declare that in the absence of a recognized state of war it was no offense in the sailing vessels and steamers of the United States to carry arms and munitions of war for whomsoever it might concern. The undersigned has uniformly said that no government can by the law of nations be held responsible for shipments of arms, munitions, or materials of war made by private individuals at their own risk and peril. If a state of war should exist, if Spain should be entitled to the rights of a belligerent, parties concerned in the shipment of arms and military supplies for her enemy would incur the risk of confiscation by her of their goods; but their act would involve no ground of reclamation against their government in behalf of Spain, and consequently no right to invoke the aid of that government in preventing the perpetration of the act. Such it is believed is the established law of nations, and such the received rule even when the shipment of arms and munitions is made from the territory of the country whose citizens may be the parties engaged in the introduction of these supplies for the use of one of the belligerents.

In regard to the first point thus taken by Mr. Lopez Roberts, the undersigned could not but observe that the allegations respecting alleged piratical expeditions were not only wholly unsupported by proof, but were in themselves extremely improbable.

It is quite competent for a State to apply the term of "piracy" by its municipal acts to any offenses, however trivial, and to affix to them punishments it may deem appropriate. But in thus applying the title of a crime known to international law to offenses created by municipal law, it can not invoke upon the latter penalties which international law denounces against the crimes which the nations of the world recognize as "piracy."

Within its own territorial jurisdiction the application of terms and of epithets, or even the denunciation of punishments, except so far as they may offend humanity or the civilization of the age, might not be objected to; and the undersigned does not at present feel called upon to deny that the penalties thus denounced may be enforced (without right or question by other powers) upon those who may commit the acts to which these terms are applied within the territory of the state enacting the municipal law. But it would be inappropriate to apply either such definitions of crime or penalties to matters occurring without its territorial jurisdiction, or in discussions with other powers.

Piracy, as an offense against the unwritten but universally recognized law of nations, has been made the subject of many definitions. The definition by Wheaton, as explained by his commentator, Dana, would probably be recognized by the courts of all civilized powers.

Wheaton defines this crime "to be the offense of depredating on the seas without being authorized by any sovereign State, or with commission from

different sovereigns at war with each other"; and Dana, in his note upon this definition, says "to constitute piracy jure gentium, it is necessary, first, that the offense be adequate in degree—for instance, robbery, destruction by fire, or other injury to persons or property—must be committed on the high seas and not within the territorial jurisdiction of any nation; and, second, that the offenders, at the time of the commission of the act, should be in fact free from lawful authority, or should have made themselves so by their deed, or, as Sir L. Jenkins says, 'out of the protection of all laws and privileges,' or, in the words of Duc de Broglie, 'quin'a ni feu ni lieu'; in short, they must be in the predicament of outlaws."

It did not appear to the undersigned from any evidence that was laid before him at that time by Mr. Lopez Roberts, or from any other source, that any parties were undertaking or contemplating military expeditions from the United States against Cuba, or were proposing to make any "piratical expeditions."

The undersigned therefore felt constrained to reply, on the 17th of the same April, in the following language:

"After a careful examination of Mr. Roberts's note, the undersigned fails to perceive the necessity or the propriety at this time of a proclamation by the President of the United States such as Mr. Roberts desires.

"The publication of an instrument of the character asked by Mr. Roberts would be the exercise of a power by the President which is resorted to only on extraordinary occasions and when peculiar circumstances indicate its necessity. Such a power is not to be invoked lightly, or when the laws are in unquestioned vigor and efficiency, are respected by all persons, and are enforced by the ordinary agencies.

"At present this Government is not aware of any invasion of the Island of Cuba, or of any other possessions of Spain threatened from the United States, nor is any such believed to be in the course of preparation. Mr. Roberts has, on several occasions, intimated to the undersigned the existence of individual or private attempts in different parts of the country to violate the neutrality laws of the United States. In every such instance, as Mr. Roberts very justly admits in his note, the proper officers of the Government have been called upon immediately to vindicate the supremacy of the law, and no single instance is known or is believed to have arisen in which their interference, thus invoked, has not been efficient to prevent the apprehended violation."

The justice of these views of the undersigned on the 17th of April, 1869, have been amply vindicated by subsequent events.

Instead of resorting to the exceptionable and uncertain measure of a proclamation, this Government availed itself of the agency of special and peremptory instructions to executive officers; and by this means succeeded in preventing the formation of military expeditions in every case referred to by Admiral Polo, except in the case of the *Catharine Whiting*, and in that case it entirely broke up the proposed expedition by the use of force.

The objectionable decree of the 24th of March was soon followed by a proclamation of Count Valmaseda still more abhorrent to the sense of the civilized world. By this proclamation, made at Bayamo on the 4th of April, 1869, which reached the Department of State on the 9th of May, the following announcement was made to Cubans who believed, with Mr. Castelar, General Prim, Mr. Becerra, Mr. Silvela, Mr. Martos, Mr. Rivera, and other Spanish statesmen, that Cuba was suffering under oppression and wrong which ought to be remedied:

"First. Every man, from the age of 15 years upward, found away from his habitation (finca), and does not prove a justified motive therefor, will be shot.

"Second. Every habitation unoccupied will be burned by the troops.

"Third. Every habitation from which does not float a white flag, as a signal that its occupants desire peace, will be reduced to ashes.

"Women that are not living at their own homes, or the house of their relatives, will collect in the town of Jiguani, or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly."

The courses of trade and of social intercourse had carried many citizens of the United States into Cuba. When, therefore, this proclamation reached the undersigned, the President thought it right toward Spain that, although scarcely crediting the genuineness of the document, the undersigned should send the following notice to Mr. Lopez Roberts:

"In the interest of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me, in the most forcible manner, to protest against such a mode of warfare, and to ask you to request the Spanish authorities in Cuba to take such steps that no person having the right to claim the protection of the Government of the United States shall be sacrificed or injured in the conduct of hostilities upon this basis."

Admiral Polo now attempts to defend these orders by saying that—

"Such rigorous measures are not confined exclusively to Spain; that the code of instruction for armies in the field published by the War Department of the United States during the civil war which terminated in 1865 authorized the destruction of every kind of property belonging to the enemy, and the penalty of death on every one who, in a section of territory occupied or subjected by one of the Federal armies, attempted to resist said army or the authorities which it had established."

The United States were in a state of war when the orders referred to were issued. Spain had not been slow in forcing upon them in the very incipiency of the rebellion her recognition of a state of war. She does not now recognize that she is herself at war, but appeals, as a precedent for her conduct, to rules prescribed for armies in the field. If she claims the rights, it is but logical than she accept the consequences of a state of war.

The instructions for the government of armies of the United States in the field, referred to by Admiral Polo, were promulgated on the 24th of April, 1863. The undersigned takes the liberty of quoting several passages from them, which sufficiently illustrate the humane and Christian spirit which pervades them—a spirit characterized by Dr. Bluntschli as "en corrélation avec les idées actuelles de l'humanité et la manière de faire la guerre chez les peuples civilisés."

"Martial law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not martial law; it is the abuse of the power which that law confers. As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity, virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

"Military necessity admits of all direct destruction of life or limb of armed enemies and of other persons whose destruction is incidentally unavoidable in the armed contests of the war.

"Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and a hostile country itself with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of the war will admit.

"The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women, and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

"Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and indeed modern war itself, means to obtain that object of the belligerent which lies beyond the war. Unnecessary and revengeful destruction of life is unlawful."

The undersigned is confident that Admiral Polo will feel a sincere pleasure in thus knowing that his information respecting these instructions has been incorrect. Even had it been correct, the accomplished and generous minister from Spain and the undersigned would alike feel unwilling to contend that two wrongs could make a right.

Even in such case, however, it would be remembered that a worthy precedent might be found in the practice of the United States during a rebellion of the most mighty proportions, pending which not a prisoner was killed in cold blood; not a political crime, however grave, was visited with capital punishment. The soil of the United States remains to this day unstained by the first drop of blood taken from a political offender. Had this example been followed wherever a political insurrection has arisen, many might now be living whose blood cries aloud against the cruelty of some rulers. Christendom generally applauds the example of clemency and of generosity which the United States thus exhibited.

The same spirit of generous regard for life and forgiveness marks the policy of the United States in other respects, and makes their penal codes look to the prevention more than to the punishment of crime, and often withholds the enforcement of penalties when the danger against which they are denounced is supposed to have passed. It is with much regret that it is seen from the correspondence with the representatives of Spain for the past five years, and from the frequent complaints (in the note of Admiral Polo, now acknowledged) of the omission of the United States to enforce penalties and inflict punishment, that Spain does not sympathize with the policy of clemency and forgiveness, and seems to regard punishment as the test of the sincerity with which crime is denounced, and as the sole means of preventing at least political offenses. The examples of the condition of the two countries must be the criterion to determine the comparative merits of the antagonist systems.

Prior to this time (namely, on the 12th of February, 1869), a decree, with an explanatory statement, had been issued by the captain-general, taking from the jurisdiction of the ordinary courts a large class of crimes, and forcing American citizens charged with such crimes to be tried before a court-martial, in violation of the provisions of the treaty of 1795. When it is remembered that this decree was issued about the time when it was officially announced to the undersigned that "the rebels have no communication with each other, they occupy no place as a center of operations, nor have they in the whole island a single city, a single town, a single village or hamlet, nor even a point on the coast where they might collect their forces and date their orders and proclamations," Admiral Polo will comprehend the magnitude of this assault upon the rights secured to citizens of the United States by the treaty of 1795.

The English translation of the text of this decree is as follows:

"In use of the extraordinary faculties with which the provisional Government of the nation has invested me, I decree the following:

"ARTICLE 1. Crimes of infidencia shall be tried by ordinary court-martial.

"ART. 2. Prosecutions already commenced shall follow the legal process prescribed by the laws for the tribunals of justice.

"ART. 3. All aggressions, by act or by word, against any of the delegates of the Government, shall be considered as a crime against the authority, and will subject its author to trial by court-martial.

"DOMINGO DULCE.

"HABANA, *February 12, 1869.*"

"SUPERIOR POLITICAL GOVERNMENT OF THE EVER-FAITHFUL ISLAND OF CUBA—OFFICE OF THE SECRETARY.

"For the better understanding of the decree published yesterday (the 12th of February), it is made known that under the word infidencia, which is made use of in article 1, are understood the following crimes: Treason, or lesa nacion, rebellion, insurrection, conspiracy, sedition, harboring of rebels and criminals, intelligence with the enemy, meetings of journeymen or laborers and leagues, expressions, cries, or voices subversive or seditious, propagation of alarming news, manifestations, allegations, and all that, with a political end, tends to disturb public tranquillity and order, or that in any mode attacks the national integrity.

"It is also made known that robbery in uninhabited districts, whatever may be the number of the robbers, and in populated districts, if the number of the robbers be more than three, shall be tried by court-martial, as also the bearers of prohibited arms. And by order of his excellency the superior political governor, the same is published in the Gazette, for the general knowledge."

On the 15th of April, 1869, the same policy which had prompted the authorities in Cuba to deprive citizens of the United States of personal rights guaranteed to them by treaty, led to a decree of embargoes of property, which, so far as it applied to the properties of citizens of the United States, was also in direct violation of the rights secured by the treaty of 1795. The publication of this decree was followed by the publication of another decree (made on the 1st day of April), interfering with the free alienation of property on the island. And two days later another decree was published, creating an administrative council, to take charge of the embargoed estates. Under the operation of these several decrees a vast amount of the property of citizens of the United States is understood to have (illegally, and in violation of law and right) come into the possession of subjects of Spain, without having yet been accounted for or refunded.

When these decrees came to the knowledge of the undersigned he addressed the following communication to the predecessor of Admiral Polo, under date of April 30, 1869:

"I am instructed by the President to inform you that this Department has received from the United States consulate in Cuba a decree dated the 1st day of April current, and promulgated by the captain-general of the island on the 15th of this month, which virtually forbids the alienation of property in the island, except with the revision and assent of certain officials named in the decree, and which declares null and void all sales made without such revision and assent.

"In view of the intimate commercial relations between Cuba and the United States, and of the great amount of American property constantly invested there in commercial ventures as well as in a more permanent form, the President views with regret such sweeping interference with the rights of individuals to alienate or dispose of their property, and he hopes that steps may be speedily taken to modify this decree so that it shall not be applicable to the property of citizens of the United States, and thus prevent disputes and complaints that can not fail to arise if its execution is attempted as to such property."

It is with regret that the undersigned finds himself unable to accept the declaration in Admiral Polo's note, made in connection with the seizure of private estates and the transfers of private property, that it was not without waiting for manifestations of disloyal sentiments and purposes that the decrees were made respecting the sales and embargoes. The undersigned is of opinion that a recurrence to the correspondence which he has had the honor to conduct with the Spanish legation in this capital, and through the legation of this Government at Madrid, will recall many instances of interference with the private rights and property of citizens of the United States who

have had no connection with the insurrectionary movements in Cuba, and many where Spain has practically admitted the precipitancy of her officers in their haste to lay hands on private property, and has in many instances promised, and in a very few instances has granted, the restoration of property thus unlawfully seized. And in this connection the undersigned must be permitted to express the regret with which he observes the introduction into a diplomatic note of the cases of "eminent banking and commercial houses of New York and other places," which, by agreement between the two Governments, have been referred for adjudication to an international commission, and the prejudgment and denunciation of these eminent houses as having "lent their names to a pretext."

On the 7th of July, 1869, the captain-general of Cuba decreed:

"ARTICLE 1. There shall continue closed to import and export trade, as well for vessels in foreign commerce as also those in the coasting trade, all the ports situated from Cayo Bahia de Cadiz to Punta Mayso, on the north, and from Punta Mayso to Cienfuegos, on the south, with the exception of those of Sagua la Grande, Caibarien, Nuevitas, Gibara, Baracoa, Guantanamo, Santiago de Cuba, Manzanillo, Santa Cruz, Zaza, Casilda, or Trinidad, and Cienfuegos, in which there are established custom-houses or collection offices.

"Those who attempt to enter the closed ports or to hold communication with the coast shall be pursued, and, on being apprehended, prosecuted as infractors of the laws.

"ART. 2. In accordance with the same, there shall also be prosecuted vessels carrying powder, arms, or military supplies.

"ART. 3. The transportation of individuals for the services of the insurrection is much more grave than that of contraband, and will be considered as an act decidedly hostile, being proceeded against in such case as an enemy, the vessel and its crew.

"ART. 4. If the individuals to which the preceding article refers come armed, they will afford proof in fact of their intentions, and will be tried as pirates, the same as the crew of the vessel.

"ART. 5. There shall also be held to be pirates, in conformity with law, vessels which may be seized bearing a flag not recognized, whether the same be armed or not as vessels of war.

"ART. 6. On the high seas contiguous to those of this is land the cruisers shall confine themselves to exercise over such vessels as may be denounced, or those that by their proceedings excite suspicion, the rights stipulated in the treaties signed by Spain with the United States in 1795, with Great Britain in 1835, and with other nations subsequently, and if in the exercise of these rights vessels should be found recognized as enemies of the integrity of the territory, they shall be brought into port for the corresponding legal investigation and trial."

This extraordinary decree caused a profound sensation in the United States, and the undersigned, as soon as it was received, addressed a note of inquiry to the predecessor of Admiral Polo, dated July 16, 1869, the material parts of which he takes the liberty of transcribing, as Admiral Polo seems to be under a misapprehension respecting it:

"The decree of the captain-general, De Rodas, assumes powers and rights over the trade and commerce of other peoples inconsistent with a state of peace, and which the United States can be expected to allow their vessels to be subjected to only when Spain avows herself to be in a state of war, or shall be manifestly exercising the rights conceded only to belligerents in the time of war.

"The first article of the decree proposes to close certain ports, embracing a large extent of the Island of Cuba, against the peaceful commerce of foreign countries. Without contesting the right of a government in time of peace to exclude from its ports the trade and commerce of a friendly people, the undersigned assumes that the exercise of this power is to be understood purely as a municipal act, to be executed and enforced wholly within the recognized exclusive jurisdiction of Spain, and only as to ports which are in the possession of the Spanish authorities. In case the success of the insurrectionary party should put any of the ports declared to be closed in their possession, the United States, as a maritime nation, will regard an effective blockade to be necessary to the exclusion of their commerce.

"The second article of the decree is vague in the absence of the limits within which it proposes to prohibit the carrying of powder, arms, or military supplies.

"The transportation on the high seas, in time of peace, of articles commonly known as contraband of war is a legitimate traffic and commerce which can not be interfered with or denounced unless by a power at war with a third party in the admitted exercise of the recognized rights of a belligerent. The freedom of the ocean can nowhere and under no circumstances be yielded by the United States. The high seas contiguous to those of the Island of Cuba are a direct pathway of a large part of the purely domestic trade of the United States. Their vessels trading between their ports in the Gulf of Mexico and those of the Atlantic coast pass necessarily through these waters. The greater part of the trade between the ports of the United States on the eastern side of the continent and those on the Pacific Slope of necessity pass in sight of the Island of Cuba.

The United States can not, then, be indifferent or silent under a decree which, by the vagueness of its terms, may be construed to allow their vessels on the high seas, whatever may be their cargo, to be embarrassed or interfered with. If Spain be at war with Cuba, the United States will submit to those rights which public law concedes to belligerents. But while Spain disclaims a state of belligerency, or until the United States may find it necessary to recognize her as a belligerent, the Government of the United States can not fail to look with solicitude upon a decree which, if enforced against any vessel of the United States on the high seas, can not but be regarded as a violation of their rights that may lead to serious complications.

"The sixth article of the decree refers to certain rights claimed to be stipulated by the treaty entered into between Spain and the United States in 1795.

"The undersigned desires to call the attention of Mr. Roberts and of the Government of Spain to the fact that the treaty of 1795 confers upon neither of the contracting parties any rights on the high seas over the vessels of the other in time of peace.

"The articles of the treaty of 1795 from I to XI, inclusive, define and regulate the reciprocal relations and obligations of the parties without reference to either party being engaged in war. The portion of the treaty from the twelfth article to the eighteenth contemplates exclusively their relations as neutrals, the duties and powers of each toward the other when one or the other may be engaged in war with a third party. The eighteenth section recognizes and regulates the right of visit or of approaching time of war, for the inspection of the passport and the identification of the nationality of a vessel of commerce by the vessels of war, or by any privateer of the nation which shall be at war. It confers no right; it limits and prescribes the manner of exercising a belligerent right when such may exist.

"The clear object and intent of this provision of the treaty is the avoidance of discussion and annoyance and the prevention of abuse or indiscretion in the exercise of a belligerent right. Its location in the treaty, the recognition of the right of a privateer (who has no existence except in war) as having the same power and right in the particular referred to with a national vessel of war, and the whole scope and aim of the eighteenth article of the treaty, established beyond possibility of question that it refers only to the rights which one of the parties may have by reason of being in a state of war.

"The treaty authorizes nothing but the inspection of the passport of the vessel of trade met with, while the sixth article of the decree of General De Rodas contemplates a search as to the character of the vessel beyond the limitation fixed by the treaty.

If Spain be engaged in the war, it is essential to the rights, as well as to the definition of the duties, of the people of the United States that they be publicly and authoritatively advised thereof and admonished as to their obligations and liabilities in their new relation with a friendly power. And such admonition admits of no avoidable delay in view of the vast commerce that will thus be subjected to restriction, limitation, and possible detention.

"The undersigned therefore respectfully desires to be informed by Mr. Roberts, at the earliest practicable moment, whether, in the issuance of this decree, it is to be understood by the United States that Spain recognizes that she is in a state of war and claims the rights of a belligerent.

"The undersigned has the honor further to say to Mr. Roberts that the Government of the United States can not fail to regard the continuance of the decree referred to, or any exercise on the high seas near the Island of Cuba, by any vessel of war or privateer of Spain, of the right to visit or board any vessel of the United States, under color of the provisions of the treaty of 1795, as involving the logical conclusion of a recognition by Spain of a state of war with Cuba.

"Before concluding, the undersigned begs to call Mr. Roberts's attention to the very grave complication which might ensue from any interference with a vessel of the United States engaged in a lawful voyage, passing near the Island of Cuba. The United States maintain the right of their flag to cover and protect their ships on the high seas.

"In conclusion, the undersigned expresses the hope that Mr. Roberts will speedily be at liberty to announce the formal abrogation of a decree which causes so much serious apprehension to the Government of the United States, and against which this Government feels bound most earnestly to remonstrate."

In deference, as it was understood, to these views expressed by the undersigned on behalf of this Government, the decree of the captain-general was modified as follows on the 18th of July, 1869:

"In view of the determinations adopted by the Government of the United States of America, as reported by his excellency the minister of Spain in Washington, under date of the 15th instant, and which were published in the Official Gazette of the following day, and in order at the same time to relieve legitimate commerce from all unnecessary interference, in use of the faculties which are conferred upon me by the supreme Government of the nation, I have determined to modify my decree of the 7th instant, leaving the same reduced to the first five and essential articles."

In consequence of these severe measures against the persons and properties of Cubans who shared the opinions of the liberal statesmen of Spain respecting the injuries which had been inflicted upon their native country, many fled from the island to the United States. And the undersigned can not disguise from himself that these Spanish subjects, driven from their native country, have attempted to abuse the hospitality of the United States—that they have tried to make use of their safety here in order to regain what they had lost in Cuba, and that they have been restrained only by the perpetual vigilance and zeal of the officers of the United States. Alas, if the ears of the ministers of Amadeo and of the republic could have opened to the complaints of their Cuban friends, what criminations might have been spared us!

Admiral Polo, in his review of the vessels which, he says, have taken or attempted to take men and arms from the United States to Cuba, speaks particularly of the *Mary Lowell*, the *Salvador*, the *Grapeshot*, the *Catherine Whiting*, the *Hornet*, the *Lillian*, the *Upton*, and the *Virginius*. He also makes reference to the *Florida*, the *Edgar Stuart*, the *Anna*, the *Fanny*, and the *Webster*.

The imperfect and in many respects erroneous manner in which Admiral Polo has referred to the vessels which he has named, and his entire neglect to notice the many proofs of the constant vigilance and of the anxious desire of the United States to perform all their international duties to Spain, make it necessary for the undersigned to give a brief review of what was actually done by the United States in respect of these matters.

It may give precision to the review to first define succinctly what the United States understand to have been their duties toward Spain as a neighbor and as a friend.

The repeated references by Admiral Polo to the doctrines laid down in the course of the discussion at Geneva induce the undersigned to say at the outset not only that the particular references and citations are from the argument of counsel, which in forensic discussions among all nations is permitted to take a wider latitude of expression than is usual in official or judicial statements, which are supposed to express settled convictions; but also that these discussions at Geneva were predicated upon the admission of a recognized state of war; and that if Spain is prepared to concede that there is a state of war in Cuba, with belligerent rights in each party to the conflict, and shall accede to the three rules set forth in the treaty of Washington, then the United States may be prepared to concede to Spain what they claimed of Great Britain at Geneva, namely, that their duties as a neutral toward Spain as a belligerent will not thereafter be fully performed by simply acting upon information which may be furnished by Spanish agents, without themselves originating any action; that, in the language of their own countercase at Geneva, "they would not thereby be relieved from the duty of an independent, diligent, and vigilant watchfulness in order to prevent evil-disposed persons from violating their neutrality."

But the undersigned is also constrained to insist that the idea of neutrality in international discussions is inseparable from the idea of a belligerency to which the neutral is not a party; and to repeat that he is unable to comprehend how propositions for the regulation of the conduct of a neutral in a state of war can be pertinently applied to the conduct of one sovereign state toward another friendly sovereign state in time of peace. Thus, when Peru, between whom and Spain a state of war existed, requested the United States to detain a large number of vessels of war, which certain contractors were constructing within the territories of the United States for Spain, it became the duty of the United States to detain the vessels; but, when the assent to their release was given by Peru, it was not regarded by Spain or by the United States as any violation of international duty to permit the vessels to be constructed and delivered and dispatched, notwithstanding the existence of an armed insurrection against Spain in Cuba. Nor can it be claimed that the United States have been guilty of any neglect or want of duty in allowing Spain on more than one occasion to make use of their public dockyards for the preparation of vessels of war.

So far as relates to the past, Spain has never been willing to concede that a state of war exists in Cuba. The rights and duties of the United States toward Spain, therefore, from the commencement of the insurrection, are to be measured by the rights and duties of one nation toward another in case an insurrection exists which does not rise to the dignity of recognized war.

What one power in such case may not knowingly permit to be done toward another power, without violating its international duties, is defined with sufficient accuracy in the statute of 1818, known as the neutrality law of the United States.

It may not consent to the enlistment within its territorial jurisdiction of naval and military forces intended for the service of the insurrection.

It may not knowingly permit the fitting out and arming or the increasing or augmenting the force of any ship or vessel within its territorial jurisdiction, with intent that such ship or vessel shall be employed in the service of the insurrection.

It may not knowingly permit the setting on foot of military expeditions or enterprises to be carried on from its territory against the power with which the insurrection is contending.

The learned and accomplished minister of Spain, toward the close of his able discussion of this subject, cites the authority of Lord Palmerston to establish that a sovereign power "should not permit its territory to be made use of as a place of shelter, from which communication should be carried on for the purpose of disturbing the tranquillity of the neighboring states."

These duties of good neighborhood were recognized by this Government more than a quarter of a century before Lord Palmerston made the speech referred to by Admiral Polo; and the neutrality law of 1818 was then enacted for the purpose of defining the acts of disturbance which should be prevented, and of providing a punishment for such persons as might be found to be guilty of them.

But a friendly government violates no duty of good neighborhood in allowing the free sale of arms and munitions of war to all persons, to insurgents as well as to the regularly constituted authorities; and such arms and munitions, by whichever party purchased, may be carried in its vessels on the high seas, without liability to question by any other party. In like manner its vessels may freely carry unarmed passengers, even though known to be insurgents, without thereby rendering the government which permits it liable to a charge of violating its international duties. But if such passengers, on the contrary, should be armed and proceed to the scene of the insurrection as an organized body, which might be capable of levying war, they constitute a hostile expedition which may not be knowingly permitted, without a violation of international obligation.

During the late Franco-German war each party was free to purchase arms and munitions of war in this country, and did so, and Frenchmen whose hearts were with their struggling countrymen at home, or Germans who wished to join the invading armies of Germany, were free to leave the shores of the United States for that purpose, so long as they left as private citizens, unarmed, and without engagement made in this country to enter the service of a belligerent. They did thus leave, in vessels of several different nationalities. Neither this Government nor any other neutral government which may have allowed its merchant-marine to transport the arms and munitions of war or the passengers to Europe was guilty of a violation of its duties as a neutral.

Even recognized war, therefore, can not oblige neutral nations to contract the right of their citizens to engage in such commerce, which is lawful in time of peace, or to abridge the liberties of persons enjoying the protection of their flag, to such a point as to render illegal either of these proceedings, although in time of actual war the transportation on the high seas of articles known as contraband of war is to be made subject to the right of capture. But in time of peace no vessel of war has the right to capture, or even to interfere with, molest, or detain upon the high seas a regularly documented vessel of another power.

This doctrine is not new in the intercourse of nations.

On the 10th day of April, 1858, Mr. Cass, then Secretary of State of the United States, wrote to Lord Napier, the envoy of Great Britain:

"Undoubtedly a right vested in the armed cruisers of one state to stop and examine the merchant vessels of another might be so exercised as to contribute toward the suppression of crimes upon the ocean. But this power of armed intervention might also be exerted at the expense of the maritime rights of the world. Such an exercise of force, so liable to be abused, will never meet the concurrence of the United States, whose history abounds with admonitions warning them against its injuries and dangers. They have no disposition to surrender the police of the ocean to any other power, and they will never falter in their determination to enforce their own laws in their own vessels, and by their own power, and to oppose the pretensions of every other nation to board them by force in times of peace. * * *

"To permit a foreign officer to board the vessel of another power, to assume command in her, to call for and examine her papers, to pass judgment upon her character, to decide the broad inquiry whether she is navigated according to law, and to send her in at pleasure for trial, can not be submitted to by any independent nation without injury and dishonor. The United States deny the right of the cruisers of any other power whatever, for any purpose whatever, to enter their vessels by force in time of peace. No such right is recognized by the law of nations. As Lord Stowell truly said, 'I can find no authority that gives the right of interruption to the navigation of states upon the high seas, except that which the right of war gives to belligerents against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the ocean, except upon the belligerent claim.'"

On the 8th of June, 1858, Mr. Dallas, the minister of the United States in London, had an interview with Lord Malmesbury at the foreign office on the subject of the detention and visitation of documented vessels of the United States by British cruisers on the high seas. Lord Malmesbury furnished Mr. Dallas with a written minute of the conversation which then took place:

"Her Majesty's Government are not prepared to justify or excuse such acts on the part of their officers as have been complained of by the United States Government, if they are truly reported. Her Majesty's Government recognize the principles of international law as laid down by General Cass in his note of the 10th of April, and that nothing of the treaty of 1842 supersedes that law. Her Majesty's Government, however, think it most indispensable in the interest of civilization and the police of the seas that there should be a power of verifying the nationality of a vessel suspected, on good grounds, of carrying false colors.

"Her Majesty's Government would wish to learn from the United States Government their views in detail on this point, in the hope that some mutual arrangement, by way of proceedings, to be executed by our respective officers, may be found effective without being offensive. The French have lately proposed and laid down this one, viz, that a boat may be sent alongside of a suspected ship, and may ask for papers, but not, unless invited, board the vessel. Such is our arrangement with France. Lord Malmesbury has given Mr. Dallas a copy of our instructions to our officers. Pending our negotiation on the above point, orders will be given to discontinue search of United States vessels."

On the 16th of the same June the Senate of the United States unanimously adopted a resolution—

"That American vessels on the high seas, in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel, by force, or by the exhibition of force, on the part of a foreign power is in derogation of the sovereignty of the United States."

It is also understood that the enlightened Government of Spain has, in the recent case of the *Deerhound*, recognized the justice and force of the principle thus established in practice by France, Great Britain, and the United States.

That vessel was dispatched from Plymouth, England, with a cargo of arms, ammunition, and military clothing, destined for the Carlist insurgents in the north of Spain. She was captured by a Spanish cruiser on the high seas off the coast of Spain and taken into port. Lord Granville demanded her release, saying:

"Her Majesty's Government can not acquiesce in the competency of the Spanish Government to refer to a prize-court the case of the *Deerhound;* neither can Her Majesty's Government admit that legal jurisdiction can be assumed by the Spanish Government over a British ship which, in time of peace, has been seized upon the high seas by a public ship of Spain."

The Government of Spain surrendered the *Deerhound*, and Mr. Carvajal informed the representative of Great Britain—

"That if her release was agreed upon, it was only because of her having been captured in neutral waters."

The learned minister of Spain seeks to maintain, by a citation from an eminent English publicist, that this right of transportation may be subordinated by the necessities of self-preservation in the government which is contending with an insurrection. It is not necessary for the undersigned to assent to or to deny the justice of this proposition in the extreme case and with the great limitations stated by Sir R. Phillimore. But the acute intelligence of Admiral Polo can not fail to perceive that the supposed act of self-preservation is none the less an act of war because alleged to be done in self-defense; and the undersigned can not permit himself to assume that Spain maintains that such an invasion of the territory of another power as Phillimore refers to would confer upon the courts or military authorities of the invading nation the right to try and condemn, for alleged crimes, persons who might be captured on neutral soil. In the case of the *Virginius*, had Spain, after her capture by the *Tornado*, restored her and her passengers and crew to the United States, to be dealt with according to their laws, the appropriateness of the citation from the British publicist would appear to be more manifest.

Admiral Polo also cites an extract from a speech by Lord Lyndhurst in the House of Lords, in March, 1853, in which the learned jurist endeavored to convince that distinguished body that by the laws of England—

"If a number of British subjects were to combine and to conspire together to excite revolt among the inhabitants of a friendly state, and those persons, in pursuance of that conspiracy, were to issue manifestoes and proclamations for the purpose of carrying that object into effect; above all, if they were to subscribe money for the purpose of purchasing arms to give effect to that intended enterprise, such persons would be guilty of a misdemeanor, and liable to suffer punishment, and that foreigners residing in England are punishable by the common law precisely in the same manner, and to the same extent, and under the same conditions as natural-born subjects."

In view of events which have taken place since that speech was delivered, the undersigned might, were it necessary, feel disposed to doubt whether Lord Lyndhurst correctly interpreted English law, as understood by its administrators. But it is needless to dwell upon that consideration, because, as the undersigned has already pointed out, the United States have not left the character of that class of acts to be determined by unwritten common law, but have provided by statute which of them, if committed, should be regarded as criminal, and punished accordingly.

In the same connection Admiral Polo refers to a decision of a British court respecting the law of libel. It is not understood what precise bearing upon the present discussion this reference is intended to have. If it be intended to suggest the propriety or the expediency of limiting the freedom of public discussion in the United States upon the Cuban insurrection, the reply must be courteous but peremptory and distinct, that the suggestion can not be entertained. This Government tolerates the greatest freedom and latitude of discussion of public subjects. It even permits, without objection, a journal in New York, which is currently reported to receive pecuniary support from official Spanish sources, to indulge in language vulgarly abusive and libelous toward the President of the United States and the undersigned, and calculated to excite disrespect toward the Government and to destroy confidence in the institutions of the country.

The amiable and just minister of Spain will not ask a government which permits such freedom in a foreigner to restrain its own citizens within narrower limits. And it will probably occur to him that a comparison of the tone, temper, and modes of expression of the journals of this country (where no censorship prevails) toward Spain, with those of the journals of Madrid and Habana (where it is understood that the government assumes the responsibility of controlling what shall appear) toward the United States, will show that the American press is quite as temperate, wise, moderate, and just as is the Spanish.

The undersigned will now proceed to show that the United States have faithfully performed all their international duties toward Spain during the existing insurrection.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 18, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 17, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. McRAE. Mr. Speaker, as I understood the reading, the Journal states that the Senate amendment to House bill No. 5564 was concurred in. According to my understanding of the motion of my colleague [Mr. DINSMORE] and the action of the House upon that motion, the amendment was nonconcurred in.

The SPEAKER. The statement should be that the amendment was nonconcurred in. The correction will be made.

The Journal as corrected was approved.

The SPEAKER. In connection with the same bill the Chair omitted by some oversight to put the question on agreeing to the request of the Senate for a conference. The Chair now desires to state that the House yesterday nonconcurred in the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes. On that bill the Senate requested a conference, and the motion to agree to that request was made, but not put. Without objection, the request of the Senate for a conference will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 1816) for the relief of Michael Ryan; and

A bill (H. R. 5229) for the relief of George H. Lott.

COLLECTION OF REVENUE.

Mr. PAYNE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LACEY in the chair) and proceeded to the consideration of the bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

Mr. PAYNE. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. McMILLIN. The gentleman, I suppose, will make a statement concerning the bill before proceeding to its consideration by sections?

Mr. PAYNE. The bill will be open to general debate, of course.

Mr. McMILLIN. The reason I make the suggestion is that I desired that my colleague, Judge TURNER, who has had this matter under investigation, being on the subcommittee which brought in the bill, should be present, and if the purpose was to proceed otherwise than by general debate it was my intention to have asked for the reading of the bill.

I have no objection to the request of the gentleman from New York.

Mr. PAYNE. Mr. Chairman, this is a bill to amend certain portions of what is known as the customs administration act, an act that became law on the 10th day of June, 1890. The customs administration act is the culmination of a number of years' investigation upon the subject of a speedy, an honest, and a full collection of the revenues of the Government under the tariff. That bill inaugurated in some respects an entirely new system of general laws upon the subject. Under the former laws the questions of value and classification were determined in the first instance by the single appraiser and what was termed a merchant appraiser. The law of 1890 provided for a Board of General Appraisers, who sat in review of the decisions of the local appraisers, both upon the law and the facts; and the law of 1890 made this decision of the Board of General Appraisers conclusive on the fact so far as the value of the goods was concerned. But it provided for a review by the circuit court of both the law and the facts in reference to the classification of the merchandise. Of course the classification of the merchandise was often, if not generally, the more important fact to be determined. We have had experience under this law of 1890 now for about six years, and it has been found generally to have saved a good deal of revenue to the Government as well as prevented a good deal of fraud in the collections of the revenue. At the same time, years of experience have developed various weak spots in the law with reference to which the consensus of opinion of those who have been engaged in administering it is that there may be found some remedy.

Of course, Mr. Chairman, it is utterly impossible to enact any law that will make all men honest. No law can be framed to collect the revenues of the Government where the duties are ad valorem that is not open to evasion by reason of fraud, fraudulent invoices and fraudulent valuations, even though the invoices and the valuations are made under the oath of the importer, and the experience under this law up to the present time has been that various methods of evasion have been resorted to to escape the payment of duties. The most favored one is that of importing goods on consignment. For instance, a large manufacturing concern will have a local agent in New York, generally some clerk, to whom the goods are consigned, and as there is no sale there is no necessity for any declaration of sale, or for any false affidavit as to sale, and the value depends, largely—entirely, so far as the declaration of the importer is concerned—on the honesty and truthfulness of the importer of the goods.

In such case it has been found difficult for the appraiser to get at the true value of the importations. The law requires that the values on which the duties are to be assessed shall be the market value on the day of the export at the port of exportation, in usual wholesale quantities. It very often happens, also, that an importer will buy from the foreign manufacturer the entire output of his factory for a season. Bills have been imported amounting to £100,000 in the course of the year, where the importer on this side takes the entire output of the mill or factory, and of course he purchases at a lower price in this manner than if he purchased in the usual wholesale quantities; and yet the invoice may truthfully specify the price paid when the goods were bought, while at the same time, as a matter of fact, the rates will perhaps be 5 per cent below what the goods could be bought for by another importer from the same place, purchasing in the same market, in usual wholesale quantities.

Now, the object of the law of 1890 was that you provided thereby for a review of the facts by the general appraisers after the importer had made his declaration. Appraisers in the first instance were to be appointed who would find out the exact market price, in usual wholesale quantities, on the day of importation, at the place from which the goods were imported. This involved, on their part, not only an examination of witnesses at the port where the goods were imported, but also involved the collection of facts in various ways; by correspondence with the consuls residing abroad, and otherwise; by ascertaining from trade journals the value of the goods; and sometimes they were driven to entirely different methods in order to find out the true value; because it sometimes happens that a factory will run for a whole year on a particular style of goods peculiar to that factory—no other factory making the same kind of goods—and hence there was no other market price and no market price for that particular class of goods outside of that particular factory. If, therefore, the importer bought the entire output of the factory at 5 per cent below the wholesale prices, which he would be charged if the importations were made in the usual wholesale quantities, of course it was impossible, or next to impossible, to get a true valuation of the goods.

There was no market price for that particular kind of goods. The appraisers resorted, under that law, to different methods of calculating or getting at the market value. In the first place, they endeavored to ascertain the market price, in the usual wholesale quantities, of similar goods, or goods approaching this particular importation in character. Then they were also authorized, under section 8 of the law, to resort to the cost of production abroad, adding to that whatever cost there might be for rent of mills, for wear and tear of mills, interest on investment, insurance, cost of agents, and all that sort of thing, and in that way to use the matter of cost as an element in determining the value of the goods.

We have added an amendment to this bill which also authorizes them to ascertain the market value of that same kind of goods in this country, at the place where the goods are imported, and by figuring back, deducting the cost of the importation, of freight, etc., to ascertain as nearly as possible the market price or the cost price of those goods at the port from which they were exported. Not that any of these methods is to be used by the appraisers as the exclusive method by which they shall ascertain the market value of those goods, but they may use any or all of them for that purpose.

Another design of the law of 1890, and perhaps one of the most important features in that law, was that the President should appoint these nine general appraisers, who should be at the outset or who should become experts in their vocation, having a technical knowledge themselves as to the different classes of goods, able themselves to judge, able from inspection of the goods, from analysis, from examination, to calculate the cost of those goods, and by comparison with similar goods to be able to establish the market price, and the market price in usual wholesale quantities at the port of exportation on the day on which they were exported. That was one of the principal designs of the law. They were to be divided into boards of three, to whom these questions were to be referred.

Now, of course, the House will readily see that if the law provided that if these boards of appraisers should have these general powers, and could use their own knowledge as well as the evidence that was taken down before them in fixing prices or in reporting facts as to classifications, and afterwards the court should review those facts, the court not having the technical knowledge of the appraisers, the court not having the information which the appraisers might receive from consuls residing abroad, and having, as the court would have in many instances, other evidence before it in regard to the facts, might come, and courts have come in some instances, to an entirely different conclusion from that to which the appraisers came, whereas if the court had had all the knowledge before it upon which the appraisers acted it would have found the same facts in regard to those goods, both in regard to the classification and the value.

The law of 1890 did not seek to make this board of appraisers a court in which counsel should appear and contests should be made and suits should be tried; but rather their duties were to be similar to those of boards of assessors for taxation in different States, and they were to act similarly to boards of assessors. They might hear evidence, but they could take their own general knowledge, their own technical knowledge, into account.

In the several States the action of boards of assessors may be reviewed upon certiorari, but not upon the facts; they may be reviewed upon the law in the case. There must be some summary method in order to reach the true value as a subject for taxation, either in local taxation in the several States or in collecting revenue duties. It often happens that the attorneys for the importer would produce before the appraiser only a portion of their evidence, leaving out the principal part of it, and after the appraisers had made their determination in one way the attorneys would go before the circuit court and produce all their evidence, evidence that was not produced before the board of appraisers, and in that way they would make confusion and reverse rulings, and make costs to the Treasury and of course cost to their clients.

We have sought to remedy some of these evils in this bill, in

the fourteenth and fifteenth sections of it. We provide that the findings of fact by the general appraisers shall be final and conclusive upon all parties, officers of the Government, importers, and every one interested. In the first place, the facts are established by the local appraiser, and the assessment of duty is made. Then there can be an appeal from the local appraiser to the Board of General Appraisers. The latter can hear evidence. They can ascertain the facts. They can use their own technical knowledge which they have gained by years of experience. They can take into consideration the information which they receive from consuls who investigate abroad, and after they have received all this information, witnesses on the part of the importer, as well as witnesses on the part of the Government giving in their testimony—we say that their determination as to the fact, both in regard to value and in regard to classification, shall be final and conclusive.

But we do not take away the right of appeal upon questions of law. These can be reviewed by the circuit court of appeals, and to the circuit courts of appeals we give jurisdiction to hear those cases and to hear those appeals. We provide that the board of assessors shall report their findings of fact; that they shall not report their evidence, but simply the findings of fact and their decision thereon, and that the circuit court of appeals may review the questions of law. They may send a case back to the appraisers for findings of fact upon some other question which they deem important to the solution of the question of law; and when they have received the final findings of fact from the board of appraisers those findings of facts are conclusive. We also provide for an appeal from the circuit court of appeals to the Supreme Court. Either the Supreme Court may certiorari the case or the circuit courts of appeals may by their own motion allow an appeal to the Supreme Court.

Mr. JOHNSON of California. Will the gentleman permit me to ask him a question?

Mr. PAYNE. Certainly.

Mr. JOHNSON of California. Do you provide that this board of appraisers shall have the power to administer oaths, and that a prosecution for perjury can be maintained against anyone who appears before them?

Mr. PAYNE. I think that is in the section that we did not amend—a section in the original bill.

Mr. JOHNSON of California. The reason I ask is, that I was informed that it was not. I do not claim to be posted, and I ask you the question, because as I understand the proposition you propose to make this a final decision upon the facts, the same as a referee would make.

Mr. PAYNE. I would say in our amendment we have made no provision of that kind, and I may be in error in saying that it is in the original act. I think it is there, however.

Mr. JOHNSON of California. I only ask, then, if the gentleman does not think it ought to be, so that there would be some penalty on those who swear falsely?

Mr. PAYNE. I think so. I think every man who makes his affidavit and gives his testimony in any case ought to be held under the pains of perjury if it is false, and if that is not in here I think it ought to be.

I would say that in adopting this amendment the committee have been guided by the suggestions of the Secretary of the Treasury, by the board of appraisers, and also by a report of a commission which was formed in 1893, of which ex-Secretary Fairchild was the president, and, with ex-Collector Magone, Mr. Dunn of Arkansas, a former member of Congress, and another gentleman, composed the commission. They very strenuously recommend the amendment of section 15 which we have adopted, and also section 7.

Another evil that has grown up under the present law is the multiplication of protests. For instance, a case arises as to a particular class of goods. Perhaps the hat-trimmings case is a good illustration. Every importer of that class of goods, even where the duty does not amount to more than $5, makes his protest. It costs him nothing—simply the drawing up of a protest. It is probably done by a lawyer who takes the case on shares, and the drawing of the protest does not cost anything, and then the protests will lie there for years until some other man has taken a case to the Supreme Court and got a decision. If that decision is against the Government, immediately all these protestors make a claim for the remission of the duty. The chances are all in their favor. If they win they get the duty back; if they lose they lose nothing. In the meantime they have paid the duty in the first instance, and they have sold their goods to the customers and to the consumers without a farthing of reduction on account of the protest fee. The profits in these cases, I am told, are usually divided between the importer and the attorney who is lucky enough to have had a case on conditional fees, in what proportion I am unable to state exactly.

These protests figure up in the thousands. They are not only a source of labor and annoyance to the Government, but they are encouraged under the law and under the present administration of it. Various methods have been suggested to get rid of this evil. The best suggestion that the committee has had made to them is this, recommended by all those who are familiar with the administration of this law, some who are Government officials and some who are not—the requirement of a fee of $2 to be paid for every protest, to be paid by the importer in the first instance, and to be refunded to him only in case he shall eventually succeed in the protest. And we have incorporated that amendment in the bill.

Another important change that we have made in the law or propose to the law is that in reference to additional duty in case the value of the goods as fixed by the appraisers exceeds the value of the goods as declared in the invoice by the importer. Under the law, if a man imports $2,000 worth of goods on which the duties are 50 per cent, we will say, and on which the duty would be $1,000, and the value of the goods is raised by the appraisers 10 per cent, say to $2,200, he would simply have to pay $1,100 in duty; or, in other words, he would have to pay the duty at the same rate upon the additional value. He would not have to pay a farthing more of duty than he would had he made an honest statement of the value in his invoice and declaration and fixed it at $2,200 in the first instance.

Now, if the valuation by the appraisers exceeds the valuation in the invoice as fixed by the importer more than 10 per cent, then he has not only to pay the duty upon the goods at the valuation of the appraisers, but also additional duties, which have been construed by the Secretary to be penal duties. These additional duties are at the rate of 2 per cent over the total value of the invoice as fixed by the appraisers for every 1 per cent of increase in the appraisers' value over the value fixed by the importer. Taking the same cost of importation of $2,000 at the importer's value, increased to $2,250, or more than 10 per cent by the appraisers, he would have to pay $1,100 in duty, and also, exceeding 20 per cent, 2 per cent for every 1 per cent of increase, 20 per cent upon the full $2,200, or $440 penal duties in addition thereto.

The result of that is that whenever a man wants to defraud the revenue and undervalues his goods for that purpose he is very particular not to undervalue them more than 10 per cent. He works up just as close to that line as he thinks safe, because he knows that if he gets his goods through at his own valuation he saves 10 per cent of their value, and that, at the worst, if his valuation is increased by the appraisers only 10 per cent, he will still pay only the duty that he would have to pay if he had invoiced the goods himself at their true valuation. The committee think that system is wrong. They think it offers a premium upon fraud and holds out a temptation to undervaluation, and they propose that the increased duty because of undervaluation shall begin at the very point where the valuation of the appraisers exceeds the valuation of the importer, and shall be 1 per cent for every 1 per cent of increase.

Thus, if a man imports goods at a certain valuation of his own and the appraisers add even 1 per cent to that valuation, the duty will be increased not only to the proper rate that he would have to pay according to the valuation of the appraisers, but also 1 per cent upon the total appraisers' valuation of all the goods for every 1 per cent of increase, so that if the valuation is increased by the appraisers 5 per cent, the importer pays not only the ordinary duties but an additional duty of 5 per cent upon the whole invoice as valued by the appraisers. Take an example: A man imports $2,000 worth of goods at 50 per cent duty, yielding a thousand dollars of revenue; his valuation is increased by the appraisers 5 per cent, making $2,100; that would make the duty, at 50 per cent, $1,050; but in addition to that, on the plan the committee recommend, there will be a duty of 5 per cent upon the $2,100, which makes an additional duty of $105 as a consequence of the undervaluation by the importer.

This plan removes the temptation to undervalue goods down to 10 per cent below what they are really worth, or even to 1 per cent below what they are really worth. The objection has been made to this that in some cases and on some classes of goods it is impossible even for experts to agree upon values so closely that the difference between them will not be 3 or 4 or 5 per cent, and as to some classes of goods this may be so. For instance, novelties, things that are for a passing fashion and that have never been in the market before, experts might very well differ in their valuations of such goods 5 per cent or even 10 per cent, but those goods are almost an infinitesimal percentage of the total amount of importations. Then, in addition to that—and this is a consideration that greatly moved the committee in making their recommendations—the importer of the goods knows better than any other man living what their market value is. He knows it at the time he imports them.

It does not make any difference whether they are consigned goods or purchased goods or the exclusive output of a factory, the importer knows better than any other man their market value at the date of importation. Therefore, let him state honestly and truly in his declaration the value of the goods in usual wholesale quantities on the day of importation, and he need have no cause for fear. Why? Because he can bring his witnesses before the

appraisers and prove the actual market value of the goods and prove it more definitely and with greater certainty than any counterproof can be made, and if he is honest in his declaration and honest in his proof the committee believe that no such importer will ever suffer because we place this increase of duty at the line of the increase of valuation by the appraisers over the valuation of the importer.

But on the other hand, even if some innocent man does suffer, we believe it is due to the Government, we believe it is due to the great mass of honest importers, that there should be some punishment for undervaluation, beginning at the very point of undervaluation. Hence we have fixed it at 1 per cent increase of duty for every 1 per cent increase of valuation by the appraiser's over the importer's valuation. The importer can not only be heard before the local appraiser, but he can also be heard before the General Appraisers. He has full opportunity for a hearing, and we have no doubt that the law, as it has been administered by the present Board of Appraisers, and as it is proposed by the recommendations of the committee, will result in a more faithful collection of the revenue from those who seek to evade it, and at the same time will be beneficial to those who come in honestly and are willing to pay their dues to the Government under the tariff law.

There are other amendments which the committee have proposed which are of minor importance, and yet some of which are of considerable importance in the administration of the law. Some of them are intended to compel the importer to specify in detail all the charges in his invoice, all the facts upon which he makes up his valuation. Another source of fraud is in the fact that the importer under the present law states the price at which he bought the goods in one currency while the exchange upon that currency was in his favor, and then pays the duty upon another basis of currency. The committee limit his statement, therefore, not to the currency in which he bought the goods, but propose that—

If the merchandise was actually purchased, the declaration shall also contain a statement of the currency and the amount which was actually paid for the merchandise by the purchaser.

To the same section we have added a provision which, if we can secure the legislation which this bill asks for from other Governments, will subject a foreign exporter to the pains and penalties of perjury if he makes a false affidavit in a foreign country. Under the present law these declarations are taken before our consuls; and those officers being, of course, not authorized by the local laws to administer oaths, there is no punishment for false swearing before them in connection with invoices. They might just as well be signed without the formality of an oath so far as punishment is concerned. Great Britain already has a law upon her statute books authorizing her local officers to administer oaths in these cases in her own ports where these declarations are made by the exporter, and providing punishment for false swearing in such cases. We have added to section 3 an amendment which after a certain lapse of time will, under the direction of the Secretary of the Interior, prevent the importation of any merchandise unless the exporter in the foreign country has first made the necessary declaration or affidavit before a local officer of that country empowered to administer such oaths, the oath being administered under a local law which will make false swearing punishable. We believe that, upon suitable notice, laws similar to those of Great Britain on this subject will be enacted by all these foreign countries, because exportations from those countries to this, except at the discretion of the Secretary of the Treasury, will be prevented after a certain time unless such laws are enacted. In this way we expect to get some hold on the other side where there is false swearing in connection with the exportation of merchandise to this country.

Mr. WALSH. Why is the matter left in the discretion of the Secretary of the Treasury?

Mr. PAYNE. Because it must be a matter of negotiation. None of these other countries now have such laws except Great Britain. We must give the lawmaking power of the different countries time to act. We can not fix a rigid rule and say that such action must be taken before a certain date. So we leave the matter in the discretion of the Secretary of the Treasury, he being in full accord with this provision of the law. We believe that in this way the change can be brought about without friction, and sooner and better than it could if we should adopt a positive enactment of law to apply after a certain date.

Mr. WALSH. But you give the Secretary of the Treasury, under this section, general discretion as to the taking of the oath.

Mr. PAYNE. If a particular country does not pass a law authorizing the oath to be administered before its local magistrates, we must of course give the Secretary of the Treasury this general discretion as to the requirement of the oath. If there is no officer in the foreign country authorized to administer the oath, of course we should not undertake to say that goods shall not be exported from that country to this unless we give the Government of the country time to act. The lawmaking power must have proper opportunity to get together and act on the question.

Mr. WALSH. Is not an affidavit taken falsely before a notary public in any of these other countries punishable by the pains and penalties of perjury?

Mr. PAYNE. Unless the officer is authorized by law to take affidavits in such cases, the oath would not be worth the paper on which it is written, so far as punishment for perjury is concerned.

Mr. HEPBURN. Could not a remedy be provided by enacting that in case the oath or statement accompanying the invoice or indorsed upon it should be found by our appraisers to be incorrect, our consul should be prohibited in future from taking the oath or declaration of the person who had made that false statement? Could we not in that way guard against the possibility of that person continuing to engage in the export trade to this country?

Mr. PAYNE. Possibly such a provision might have been put in this bill as an additional remedy. It would be rather drastic, because the person making the exportation to this country may make a mistake. Upon questions of value there is always room for differences of judgment or opinion. We thought that the provision in the bill was at least a step in the right direction. If it should not work successfully, perhaps some suggestion like that of the gentleman from Iowa might help the efficiency of the law.

Mr. JOHNSON of California. Does not this whole matter illustrate the absolute necessity of abolishing the ad valorem system of collecting revenue from customs?

Mr. PAYNE. Of course the gentleman from California and myself would have no difference of opinion on that question.

Mr. JOHNSON of California. Then, why not just present that kind of a bill and give us good, sound Republican specific duty taxation in our customs laws?

Mr. PAYNE. Simply because we are trying now to put before this House a bill which shall become a law. If we were simply "playing to the galleries," we would introduce the other kind of a bill for purposes outside of this Chamber and outside of the question of making the bill a law. I hope to be able to join with the gentleman from California in the Fifty-fifth Congress in enacting the sort of a law which he suggests. [Applause on the Republican side.]

Mr. WILLIAM A. STONE. You hope, then, to have such a bill signed when it has been passed.

Mr. PAYNE. In section 4, we simply provide for a particular statement in invoices by requiring the importer to state the name of the consular district in which and the name of the place from which the merchandise was procured, and the place of production or manufacture. This is simply to close one door of fraud which now exists. Persons go back into the interior—pretend to send goods from an interior town where there is no market. We propose to require that there shall be a statement of the consular district and the place of production or manufacture. And at the end of the section we also provide for the penalty of the bond—we provide the terms and condition of the bond—which seems to have been left out of the original act, the penalty to be double the estimated duty.

In section 5, we make a proviso, as follows:

Provided further, That no person holding a license to transact business as custom-house broker, under the provisions of section 23 of the act of August 28, 1894, shall be designated to administer oaths and take acknowledgments under the provisions of this section, and the power to administer such oaths and take such acknowledgments is hereby revoked as to all persons so licensed to transact business as custom-house brokers at the date of the passage of this act.

Under the present law the oaths are usually administered by custom-house brokers. Of course this is a practice that ought not to be allowed, because the brokers are really the agents of the importers and take the oaths of their own clients. We have had some suggestions with reference to the oaths of brokers since the bill was reported, and shall offer a further amendment to cut off brokers, their employees and clerks, from taking the oaths.

Other amendments to the section make more specific the language of the declaration.

The amendments to section 7 are those to which I have already alluded in regard to making the additional duty 1 per cent for every 1 per cent of increased value. Now, we have made this an additional duty, not a penalty, and we have prescribed in the law that neither the Secretary of the Treasury nor anyone else shall have the power to remit this additional duty. We believe that when a penalty is put into the law or a remedy is inserted the only way to induce a strict observance of the law is to make the penalty or the remedy certain of enforcement. If some one has power to remit it, it will be usually remitted, and the importer will undervalue, with the idea that in the end he will get the additional duty remitted. So we have provided that this additional duty shall not be remitted under any circumstances. But we have also put a limit upon the amount of the additional duty, which is not contained in the present law, and say that it shall never exceed more than 50 per cent. We also provide that when the value is increased beyond 50 per cent the goods shall be forfeited to the Government.

Mr. ARNOLD of Rhode Island. Is there any penalty for the importer making false specification of the goods?

Mr. PAYNE. There is the usual penalty for fraudulent specifications, and if the fraudulent importation exceeds in value 50 per cent, the goods are forfeited to the Government. The limit under the old law, on the amount of increase in the appraised value over the imported value, was 100 per cent where the goods became forfeited to the Government. We have placed it, as I have already said, in this bill at 50 per cent instead. There is this to be said in reference to the matter, that when there is a case of forfeiture it is a case in the courts and for the jury to determine upon the facts presented. So that nobody is to be deprived of his property without due process of law and after a trial of the case.

In section 10, we have provided, at the end of the section, as follows:

And the local appraisers, or persons acting as such, shall state for the information of the collector the character and component material of the merchandise.

This is simply an additional specification provided.

At the end of section 11 we provide an additional means by which the appraisers can get at the exact value of the goods, in the following words:

Provided also, That it shall be lawful for appraising officers in determining the dutiable value of such merchandise to take into consideration the wholesale price at which such or similar merchandise is sold or offered for sale in the United States, after deducting estimated duties thereon, the cost of transportation, insurance, and other actual and necessary expenses from the place of shipment to the United States and a reasonable commission, if any has been paid, not exceeding 6 per cent.

This is simply an additional method by which they can ascertain the value of the merchandise, and we also provide at the end of section 13—

That the general appraiser who acted originally in a case shall not be one of a board to decide the same case.

Of course the value of that amendment is apparent without any explanation on my part.

In section 14, we have provided that in case of a notice of dissatisfaction by the importer he shall give notice in writing—

Setting forth therein distinctly and specifically and in respect to each entry or payment the reasons for his objections thereto—

That is the present law so far, but we add—

with a sample of the articles or merchandise, where the same are of a kind that a sample can be conveniently attached to and accompany said notice, and where the character or quality of the articles or merchandise is in question, attached to or accompanying said notice, certified or authenticated by the appraiser or appraising officer as being a part of the particular importation as to which the protest is made.

The simple effect of that provision being to carry a sample of the goods, with the papers in the case, for the examination of the Board of Appraisers, and that is the object of the amendment. That section also includes the provision, to which I have already alluded, to require the payment of the sum of $2, to be known as a protest fee, etc.

Mr. WALSH. Is there any penalty for a false sample?

Mr. PAYNE. Not any more than there would be for a false affidavit.

Mr. DALZELL. That is covered by the general law?

Mr. PAYNE. It is covered by the general law in relation to frauds upon the Treasury—the general section.

Mr. BARTLETT of New York. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. BARTLETT of New York. Should not provision be made in this bill for the appointment of counsel to appear before the General Appraisers?

Mr. PAYNE. We think not, for this reason: This is a question of assessment really, and counsel would be as much out of place and the hearing of witnesses would be as much out of place as would counsel and witnesses and testimony and examinations and the turning into a court of the local boards of assessors in States.

Mr. BARTLETT of New York. Is not this the Board of United States General Appraisers?

Mr. PAYNE. Certainly.

Mr. BARTLETT of New York. And does the gentleman from New York say that the employment of counsel before such a Board would be out of place?

Mr. PAYNE. I do.

Mr. BARTLETT of New York. Is the gentleman not aware that there is an existing provision of law by which counsel are now employed, and that that provision of law is found in the general deficiency bill of June 30, 1895?

Mr. HOPKINS. This does not interfere with that law.

Mr. PAYNE. We do not repeal that provision.

Mr. BARTLETT of New York. No, that is very true, but here is a new statute covering the general subject-matter, and there ought to be a provision in this statute for the permanent employment of such counsel.

Mr. DALZELL. But this statute purports to be an amendment to the other. That is all it is.

Mr. BARTLETT of New York. Mr. Chairman, I should like to call the attention of the gentleman from Pennsylvania to the fact that under the law as it now stands counsel are employed under a provision inserted in the general deficiency bill of 1895. Now, as in this bill you are treating of the whole subject-matter, why should you not cover the employment of counsel in this bill?

Mr. DALZELL. Because this bill does not undertake to do anything but amend certain particular sections of the existing law. As the gentleman will see, it is entitled "A bill to amend an act," etc., and certain specific sections of that act are taken up and amended. The law that the gentleman refers to still remains the law, of course.

Mr. BARTLETT of New York. Well, the difficulty with the existing law is this, that the appropriation of $3,500 is inadequate.

Mr. HOPKINS. That is a matter to be determined in the appropriation bill when the payment of counsel is provided for. It would not be a part of this bill anyway.

Mr. BARTLETT of New York. It might come in as a new provision. In any act amendatory of another act you can insert absolutely new provisions of law.

Mr. PAYNE. But this bill is not to provide new offices and to fix their salaries at all. It is simply to amend certain provisions of existing law, leaving the rest of the law as it is and leaving the provision for counsel as it is. Now, if that salary is inadequate it can be remedied in the appropriation bill. I will say further to my colleague that this bill will be read through by sections. It answers the gentleman's question to say that there is no amendment to this bill that provides for counsel.

Mr. DALZELL. Or that interferes with existing provisions in that regard.

Mr. PAYNE. Or that interferes with the provision of law to which the gentleman refers.

Now, section 15 I have alluded to before. It is an entirely new section, and provides for the finding of facts by the Board of General Appraisers, and for the review of the case upon questions of law only by the circuit court of appeals, instead of the United States circuit court, as at present.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question there?

Mr. PAYNE. Yes.

Mr. BAKER of New Hampshire. The old administrative act provides also for a review of questions of fact. Why is that omitted from the present bill?

Mr. PAYNE. I made quite an elaborate statement in reference to that, and it would require me some time to repeat it.

Mr. BAKER of New Hampshire. I was not present and did not hear it. Probably I should have been delighted if I had been here to hear it.

Mr. PAYNE. We shall reach that in the reading of the bill by sections later.

Mr. BAKER of New Hampshire. I suppose the gentleman will explain the meaning of the provision in line 23, on page 24, that the evidence taken by the Board of General Appraisers shall not be considered by the court.

Mr. PAYNE. This is all the same scheme we have defined in this bill to make the findings of fact by the Board of General Appraisers final and conclusive, and have done that by appropriate and proper language.

Mr. BAKER of New Hampshire. I have no doubt the language is proper, but I doubt the propriety of the language.

Mr. PAYNE. I believe that the decisions of this Board upon questions of facts should be final, for the reason that they make them not only on the evidence produced before them, but from their general knowledge as experts and from the information they receive from the consuls at foreign ports, and other evidence that they can not reproduce before a court, and hence I say it is not on the findings only, and not on the evidence introduced before the court. Our design is, and I believe it is in the line of a better administration of the law and the protection of Government revenue, and for the protection of honest importers, to make their conclusions of fact final and only allow the courts to review the question of law. That is the reason.

Mr. BAKER of New Hampshire. Is it not true, as a matter of fact, that the courts upon appeal have found as many errors in the findings of fact by the Board as in the law as administered by them?

Mr. PAYNE. On the other hand, the evidence before the committee was that very seldom had they been reversed upon questions of fact, and it is only in questions where the court had acted upon different evidence from that upon which the Board of Appraisers acted. That is, in some cases they were reversed on questions of fact when the Board had acted on the theory of this present law, that they should take into account their own knowledge and experience with similar goods and their own information; and the court had reversed them because the court had before it different testimony as to the facts from that which the appraisers had. In other cases the importers had kept back a part of the evidence, so as to take an appeal to the court, and had appeared before the court with new witnesses upon new questions of fact, and, of course, different results followed.

Now, I believe that these general appraisers, one of whom is often appointed by the court to report upon additional facts, are amply qualified and competent, and should be, under this law, to find upon the questions of fact; and when they have found, I believe that, for the purposes of taxation, their findings on questions of fact should be as conclusive and final as are the findings of the local board of assessors in the gentleman's own State upon questions of the value of property.

Mr. BAKER of New Hampshire. But the whole question would go up to the court if there is an appeal from the appraisers. That is all that is asked here—that all questions relating to the importation should go up on the appeal; and the gentleman will undoubtedly admit that if the facts are found hostile, the importer would have but very little chance on his appeal.

Mr. PAYNE. Sometimes yes, and sometimes no.

Mr. BAKER of New Hampshire. If the facts are found against a man there is not much chance for him in any court.

Mr. PAYNE. If you have had your day in court there ought not to be.

Mr. BAKER of New Hampshire. It is important that they should have a correct finding of facts as well as that they should have a correct finding of the law.

Mr. MCMILLIN. But my friend from New York, if the gentleman and the gentleman from New Hampshire will permit, ignores the fact that upon the question of facts this man has never had a day in court. He has had a day before the appraisers only.

Mr. PAYNE. In the first place, he has had a day before the local appraisers, and then he appeals from the local appraisers, and he has a day before the General Appraisers, where the facts are all under review, and they have an opportunity to find them one way or the other.

Mr. MCMILLIN. And then when he gets a hearing there is no opportunity to hear him on the facts.

Mr. PAYNE. He has had an opportunity in two courts, if you choose to call them so, upon questions of fact—two opportunities to be heard as to findings. Now you still want to continue that to the circuit court of appeals, and afterwards, I suppose, to the Supreme Court.

Mr. BAKER of New Hampshire. If the gentleman will permit me, if the case has arisen where there is no board of general appraisers, there would be an appeal from the individual appraiser to the general Board, and when he goes before the other board, his case having been heard before an officer of the Government whose natural predisposition is to enforce the law roughly against the importer, he never has a judicial review in regard to the facts, a determination of the rate of duty that he is to pay; and I submit that is not right.

Mr. PAYNE. On the contrary, both the natural inclination and the practice of the appraisers are not to injure the importer, and their findings of fact lean toward the importer.

Mr. BAKER of New Hampshire. There is a difference of opinion on that subject.

Mr. WALSH. This bill does not give the importer the right to be represented by counsel?

Mr. PAYNE. There is nothing said about it in the bill.

[Here the hammer fell.]

On motion of Mr. MCMILLIN, by unanimous consent, the time of Mr. PAYNE was extended.

Mr. PAYNE. The remainder of section 15 gives the circuit court of appeals jurisdiction to hear and determine these appeals from the Board of General Appraisers, and also provides for a review by the Supreme Court in certain cases. It is not necessary for me to go into particulars on that branch of the subject.

The only amendment in section 19 is made by striking out the words "for importation to the United States or consigned to the United States for sale" and inserting "in usual wholesale quantities"; so that it will read:

SEC. 19. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise, as bought and sold in usual wholesale quantities at the time of exportation to the United States in the principal markets of the country from whence imported and in the condition in which such merchandise is there bought and sold in usual wholesale quantities.

This is simply an amendment in the direction of the original bill making the provision more definite and specific.

Section 2 of this bill provides for the establishment and equipment of sampling works or the leasing of buildings—

For the sampling and assaying of imported silver ores and other ores containing lead, at the ports of Elpaso, Tex.; Northport, Wash., and Bonners Ferry, Idaho, and at such other ports as in the judgment of the Secretary of the Treasury the interests of the revenue demand; and the Secretary of the Treasury is hereby authorized, in case of importation of said ores at ports at which no facilities as above are provided, under such regulations as he may prescribe, to send a portion thereof to any port having said facilities, at which port said portion may be sampled and assayed. The collector at the port of importation shall thereupon liquidate the entry upon said assay.

That involves an appropriation not to exceed $45,000, and is recommended by the Secretary of the Treasury as necessary for the proper enforcement of the present tariff laws in respect to lead ores and silver-bearing lead ores. It seems to be absolutely required for the protection of the revenue that something of this kind should be done, and the Secretary recommends that the points named in the bill are the points at which it is necessary that these sampling and assay works should be established at once. The committee will offer an amendment providing that one-fifth of each cargo of ores shall be sent to these works, because it seems to be necessary that as much as that shall be sent. But the reason for this requirement will be explained when the amendment is offered.

Section 3 simply preserves the rights accrued under the present law at the time these amendments shall go into effect—all rights of appeal and other rights that have accrued up to that time.

Section 4 provides that the act shall take effect on and after July 1, 1896. It is necessary that this act shall not take effect until some time after its passage, because there must be time to give notice to consuls and other officers of the United States residing abroad of the change in the law, and July 1, 1896, being the beginning of the ensuing fiscal year, was chosen as the most appropriate time for the act to go into operation.

That, Mr. Chairman, is all that I desire to say at this time.

Mr. DALZELL. Mr. Chairman, in view of the suggestion made by the gentleman from California [Mr. JOHNSON], and in order to make the statement as to this bill complete, I want to call attention to the fact that section 16 of the existing administrative law contains this provision:

SEC. 16. That the General Appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

The next section provides:

SEC. 17. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required by a general appraiser, or a board of general appraisers, or a local appraiser or a collector, he shall be liable to a penalty of $100; and if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or Board of General Appraisers, or local appraiser, or collector, where there is no appraiser, may make of the merchandise, shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or Board of General Appraisers, or local appraiser, or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited.

So that there was no necessity for making any additional provision in the amendment now suggested by the committee.

Mr. WALSH. That does not give the right to the importer to have witnesses subpœnaed?

Mr. DALZELL. Not at all. I was answering the suggestion made by the gentleman from California, that there is no provision in the amendment suggested by the committee clothing the Board of General Appraisers with power to administer oaths, or making a false oath taken before them perjury.

Mr. WALSH. My suggestion was addressed to the remark of the gentleman from New York [Mr. PAYNE], that the importer had his day in court.

Mr. DALZELL. That is an entirely different matter, and the gentleman from New York [Mr. PAYNE] has already replied to his colleague on that point.

Mr. WALSH. I did not understand him to say that the importer had power to compel the Board to issue subpœnas for witnesses in his behalf, or anything of that kind.

Mr. DALZELL. I do not know how that is. I understand, however, that the practice is to call such witnesses.

Mr. WALSH. The Board may do it, but there is nothing to compel them to do it, so that the importer can not really be said to have his day in court.

Mr. TURNER of Georgia addressed the Chair.

Mr. PAYNE. I do not know how much time is required for general debate. Perhaps we might fix a limit if the gentleman from Georgia [Mr. TURNER] will make some suggestion.

Mr. TURNER of Georgia. I do not think, so far as I have any information, that there is any disposition to prolong the debate on this side. If the gentleman from New York will allow the debate to proceed, I think he will find he can reach a vote at a very early time. I only wish to say that this bill contains some good things, and some other things that in my individual opinion are not so good. These reforms are in the direction of a more rigid enforcement of the customs laws. So far as I am concerned, I do not care to protest against the rigorous administration of the tariff laws. My sympathies would be in the direction of a facilitation of imports in another way; I mean by lightening the rates of duty. So long as these rates remain, I am willing that they should be rigidly, impartially, and expeditiously enforced.

I think some of the increases of rigor provided for in this bill might have been omitted. My effort in the committee was to mitigate them to some extent. But I am bound to admit that one of the changes in what is called the penal duty in the seventh section

of the original act, and the removal from the Secretary of the power to remit the penalty—these provisions and some others are, I think, rather severe. But as they seem to have the approval of those who are now charged with the administration of the law, and were recommended by that gentleman whose name is given to the commission mentioned by the gentleman from New York, and whose practical judgment in this field I most thoroughly admire and appreciate, and are supported by the majority of the committee, I stand, as it were, between the upper and the nether millstone, and I submit.

Mr. McMILLIN. Mr. Chairman, I sympathize with what has just been said by my colleague on the committee, the gentleman from Georgia [Mr. TURNER], concerning some of the provisions of this bill. I concur with him that there are many good features in the bill, but I would say with even stronger language than he has used that there are other features which I can not commend at all. I will very briefly call attention to them, and when we get to the consideration of the measure under the five-minute rule they can be more elaborately argued and amendments offered.

Sir, the first provision of the bill to which I wish to call attention is the one which was discussed by the gentleman from New Hampshire [Mr. BAKER] and the gentleman from New York [Mr. PAYNE], by which they propose to take away in this bill, in toto, from any court recognized as a court in the United States, the right to pass upon the facts involved in a controversy arising out of an importation. Let this not be forgotten—that you are taking away by this bill the only right that the American citizen who makes an importation has to a rehearing by a court of the United States of the matter in controversy. It is true that he has at first a hearing before the appraiser, or rather it would be a more correct statement to say that the appraiser fixes the value. He may then be heard by the Board of General Appraisers. But heretofore the right has existed on the part of the importer to appeal the controversy to the courts of the United States on questions both of law and fact if he was dissatisfied with the decision of the Board of General Appraisers. This right of appeal on the facts is taken away by this bill. Now, it is true that the gentlemen supporting this measure see fit to call this Board of General Appraisers a court. It discharges some of the functions that are ordinarily discharged by a court, but it can with no more propriety be called a court than the original appraiser might be so called.

Not only that, but as has been stated by the distinguished gentleman from Georgia [Mr. TURNER] the recommendations of the gentleman—Mr. Fairchild—whose suggestions in other regards were taken in framing this bill, have not so far as I have been able to ascertain from the reading of the bill been followed in these matters. The commission with which that gentleman was connected, as well as the Treasury Department, urged strenuously that the right should exist in the Board of General Appraisers to send the whole record back for complete record if they thought the prior action not sufficient as to matters either of law or of fact. Even that right is taken away by the bill. If the Board of General Appraisers—this so-called court, which is called upon to adjudicate questions of law and of fact—should be unable to make up a decision on the record as submitted to them, the right does not exist, as was recommended by Mr. Fairchild, to send the record back. That is my understanding from my reading of the bill. If I am in error I want to be corrected. I had to glance hastily at the newly printed bill and therefore may not have gotten an accurate idea of this point.

Mr. PAYNE. We have followed exactly the recommendations of Mr. Fairchild, which is, that if in rendering a decision on a question of law the court should find it necessary to have additional information upon matters of fact, it may send the record back for an additional finding upon the matter of fact. That is all that Mr. Fairchild recommended upon this question; and we have followed his recommendation exactly.

Mr. McMILLIN. I stated, Mr. Chairman, I might be in error as to that point, because the bill as now printed does not contain the italics which were in the former print, and in my hasty investigation I supposed I was correct in the statement I have just made.

Mr. PAYNE. And further, if the gentleman will permit me, we have followed, I will say, exactly Secretary Fairchild's recommendation in regard to the construction of section 15, with the exception that we have put in the clause, in distinct terms, giving the circuit court of appeals jurisdiction in these cases. We thought that there might be a doubt as to the matter, in the way the provision was originally drawn, but that is the only change from the recommendation of Secretary Fairchild.

Mr. McMILLIN. As to the next point—and I am glad that the other feature is retained—let me say the revision of these cases, as made up by the record and passed on by the court, can not subsequently be reviewed by these officers. Hence the right of appeal, on the facts presented, is practically taken away. The record as made up is to stand, and the Board is not required to return to the court of appeals any of the evidence taken by them in the case. Their adjudication of facts on the record must stand, and even the right to amend the record does not increase or warrant the power of the appraisers by which they can overrule the original ruling of the appraiser on the question of facts presented.

But, Mr. Chairman, there is another feature to which I wish to call the attention of the committee very briefly. I was convinced when this matter was pending in committee that it was a subject that I should antagonize there, and I feel it of sufficient importance to justify me in antagonizing it here on the floor of the House. It is this: Under the proposition as it first came to the committee, in reference to the appraising board, where there was a difference between the invoice value of the importation and the real value, the bill undertook to fix the penalties that were called penal duties, or additional duties, to those carried by the law. As I conceive, it was very wisely provided there that the penal duties should not attach unless there was a difference of at least 10 per cent between the invoice value of the importation and the findings of value of the board of appraisers. It was at first thought by the committee that this difference might be fixed at 5 per cent, and I confess that I might have been content with 5 per cent; but when the committee undertakes to fix the penalty on the invoice because there is a difference between the invoice and the value as fixed by the appraisers which is less than 5 per cent, I think they go into an impracticable administration of the law and undertake to fix penalties for that which is impossible.

We had extensive hearings before the Committee on Ways and Means. We had hearings on the part of every class of feeling with reference to tariff for protection and penalties through the whole range of the subject, and we had members of the board of appraisers themselves before us. And when all men who came before the committee to testify agreed that the difference of opinion between even experts as to the value of imports would vary from 5 to 10 per cent on an invoice, it suggested to me the propriety of so framing this portion of the bill that its enforcement might be practicable and its operations reasonable. The expert said that it would be wholly impracticable for two men to come to the same conclusion as to the value of the goods to such an extent that the difference between them would amount to no more than 1 or 2 or even 5 per cent on the valuation. And yet the committee proposes to attach a penalty when there is a difference of 1, 2, 3, or 4 per cent, when one of the greatest experts introduced before the committee said that no two men could reach even approximately the same conclusion as to the value of the goods. He favored these changes in the main, except the one I am indicating, and I do not know how he stood on that. But in regard to this question of valuations he said that any man who would be a sufficiently competent expert on silks, say, to fix the value of an importation unerringly within 10 per cent on the foreign amount could command $20,000 a year in any of the great wholesale houses of the country, for he would be a phenomenon.

Mr. STEELE. Let me ask the gentleman if this was not recommended by Secretary Fairchild?

Mr. McMILLIN. I am not positive as to his exact recommendation in this respect.

Mr. STEELE. And also the present assistant treasurer?

Mr. McMILLIN. As I was saying, I do not recollect Secretary Fairchild's recommendation. The recommendation of Mr. Hamlin on this subject is contained in the bill as drawn.

Mr. STEELE. Mr. Fairchild also recommended it.

Mr. McMILLIN. That may be.

But, Mr. Chairman, I do not care to go into the discussion of the question further at this time. I only desired to say that it seems to me wholly impracticable to undertake to fix a penalty for every increase of duty where a man is honestly trying to perform the duties of a good citizen and is conducting his business in an honest and legitimate manner. It is manifest that where there is such difference of opinion as to the values of commodities existing even among experts it would be very easy to trump up charges against the honest merchant and subject him to gross and serious hardships. Believing such to be the case, I thought it necessary to call the attention of the House to the fact, and shall not detain the committee longer until we proceed to consider the bill under the five-minute rule.

Mr. WILSON of Idaho. Mr. Speaker, I am in favor of the passage of this act in its entirety, because I believe it will better provide for the collection of the revenues. Regardless of our opinions on the tariff question, we all ought to agree that the customs laws should be enforced, and that if additional legislation is necessary to carry them into effect it should be enacted.

I am especially interested in section 2 of the pending bill, because it provides better facilities for the collection of the duties on lead-ore importations, and it is for the purpose of urging the necessity for that legislation that I ask the indulgence of the House for a short time.

The lead-mining industry in the United States has been confronted with many difficulties. The demand for lead in this country has always been greater than the supply, and we have yearly had large importations of lead. The State which I have the honor to represent in this House is very largely interested in the lead-mining industry, producing annually about one-fourth of the total lead product of the whole United States. The Director of

the Geological Survey, who is charged with the collection of information on this subject, estimates that in the calendar year 1894—this being the last calendar year as to which we have information on the subject—we produced in the United States 162,686 short tons of lead. Of this amount Colorado produced 50,000 tons; Idaho, 33,000 tons; Utah, 23,000 tons; Montana, 9,000 tons, and Nevada, New Mexico, Arizona, California, Missouri, Wisconsin, and Tennessee the balance. The imports of lead-silver ore for the fiscal year ended June 30, 1894, amounted to 37,289,610 pounds, on which duties were paid amounting to $559,344.23, while there was imported for the fiscal year ended June 30, 1895, 44,783,181 pounds, with duties paid at $339,274, thus showing an increase of 20 per cent in the quantity imported, with a decrease of 40 per cent in revenue.

The total imports of lead for the fiscal year ended June 30, 1895, were 174,546,752 pounds, of which 124,878,009 pounds came from Mexico, and 12,094,603 pounds from British Columbia. Of the balance, in round numbers, 10,000,000 pounds came from the United Kingdom, and 26,000,000 pounds from Belgium. The lead from the United Kingdom, Belgium, and other nations came in the shape of pigs and bars, having been originally mined largely in Spain and Italy. Statistics therefore show that for the last fiscal year three-fourths of our competition in the matter of lead production has been from Mexico, and more than half of the other fourth has been from the nations of the south of Europe.

In my State there is invested in this industry, at a low estimate, not less than $25,000,000, and more than 25,000 people, directly or indirectly, are sustained from this industry. Of the entire cost of production 85 per cent is paid to labor, the value of the lead in the ground not being over one-fourth of a cent per pound. Lead miners are skilled laborers and have always received wages as such in this industry in Idaho and elsewhere throughout the United States. The average of wages paid for a series of years has been from $2.50 to $4 per day. The great lead-producing nations with which our country comes in competition are Spain. Italy, Greece, Mexico, and Australia. Our importations in the past have come largely from Mexico and Spain. More than three times as much lead-silver ore was entered at the port of Elpaso, Tex., from Mexico during the year 1894 than at all the other ports of entry in the United States. The base bullion importations pass largely through the port of New York, and most of this comes from Mexico. It will be seen, therefore, that Mexico and Spain are the two principal nations which compete with our producers in the lead markets of the United States. For this reason those engaged in lead mining here have labored under disadvantages such as have not been felt by any other industry of like proportions in the United States.

It is a well-known fact that the wages paid the laborer in Spain and Mexico are lower than is received for like service in any other country in the world outside of Asia and Africa. The miner in Mexico, if he may be dignified by that name, receives from 40 to 60 cents per day, while the miner in Idaho and the entire Rocky Mountain region receives at the present time from $2.50 to $3.50 per day. In addition to this, transportation charges are not equalized. The smelting plants of the United States, where lead ore is sold, are located at Kansas City, Omaha, Denver, Aurora, Ill., and in New Jersey. It costs $14 per ton to ship lead ore from the Cœur d'Alene mining district, in Idaho, to Denver, and $16 per ton to Omaha, while, owing to water competition part of the way, and other causes, lead ores are shipped from Mexican ports to Aurora, Ill., and to New Jersey for less than $8 per ton; in other words, the transportation charges are about one-half, while the labor cost does not exceed one-fourth what the same charge is to the lead producers in Idaho. It is therefore absolutely impossible to compete successfully unless we have tariff protection, and that protection is extended in its fullness and entirety by a law honestly and faithfully administered. The necessity for this has always been recognized by our Government. Under the McKinley law the duty on the lead contents of lead-silver ore was 1¼ cents per pound and the duty on pig lead was 2 cents per pound. Under the present law, known as the "Wilson bill," the duty is three-fourths of a cent per pound on the lead contents of lead-ore importations and 1 cent per pound on pig lead.

Mr. Speaker, it is not my purpose now to urge especially the necessity for additional protection to the lead-mining industry. I am aware that a protective tariff measure of any kind can not now become a law, much as our industry needs it. I am also not unmindful of the fact that a material change in our tariff law can not at the present time be brought about. For years, however, it has been apparent to all those who have given any attention to this question, that large quantities of lead in the shape of lead-silver ore have been imported into the United States upon which the duties levied by law have not been paid. I believe that more extensive violations of the revenue laws have taken place in the matter of these importations than in any other known to our system.

The fact that silver-lead ores when imported come in large quantities, always by the carload and often by the train load and ship load, and the further fact that these ores contain at least two mineral elements. to wit, lead and silver, has made this a fruitful field for those who desire to evade the payment of the duties prescribed by law. The efforts of those interested in lead production in the United States have been put forth to prevent this violation of law, but so far they have been unsuccessful. As fast as some amendment to the revenue laws was secured which was intended to correct the evil those whose interest it was to violate the law have found some other method equally effective. Under the former statute the Treasury Department, following a precedent that had no application, held that when silver-lead ore was imported into the United States, if the value of the silver in the ore was greater than the value of the lead, then it was to be classified as silver ore, and was to be admitted free of duty. Under this ruling the lead producers of Mexico found it possible to import into the United States thousands of tons of silver-lead ore annually without paying a cent of duty thereon. In order to evade entirely the payment of duty it was only necessary to show that the value of the silver contents of the sample selected from the importation was greater than the value of the lead contents. This was most successfully done by a false sample, but under such ruling could be legally done by an honest sample if the ore were properly graded with respect to its silver composition. The Government, therefore, under this ruling lost thousands, I may say hundreds of thousands, in revenue, and the lead miners of the United States were forced to compete with the lead miners of Mexico.

This error was corrected by a change in the statute when the McKinley law was passed, making the lead contents dutiable regardless of whether it was greater or less in value than the silver contents of the ore. Unfortunately, however, a reduction of 50 per cent was made in the duty in the Wilson bill, so that our lead miners were not long permitted to enjoy the advantages which this statute would otherwise have given them. They have therefore been denied even the protection it was manifestly intended they should receive for many years. In this connection I desire to call the attention of the House to the fact that this industry has been forced to compete, not with English-speaking nations, not with France and Germany and the States of northern Europe, but with the toilers of the Mediterranean and Mexico, the poorest paid labor in the world. Moreover, during the last quarter of a century the value of silver in the silver-lead ores, such as are produced in the Rocky Mountain region, has, owing to the demonetization act of 1873, been constantly decreasing, until to-day it is worth less than half its value prior to the passage of that act. The joint product of our mines being lead and silver, we have therefore suffered from this fearful competition and from a constantly decreasing market for our product, which under the law enjoyed little or no protection.

Lead to-day is worth about $2.90 per hundred pounds, less than it ever has been before in the history of our country; the year 1894 showing an average price of $3.12 per hundred pounds. Our large lead-silver mines are on the verge of being compelled to close down owing to the extraordinarily low price of their joint product. This would make millions of capital idle, and throw thousands of miners out of employment and force them to enter into competition with others in the already overstocked labor markets of the United States. The margin of profit has been annihilated in this industry, and if the present low price of lead is to continue the lead-silver mines of the Rocky Mountain region can not continue in operation. This ought not to be so, and would not be so under normal conditions.

Mr. Speaker, the lead-mining industry in my State alone is capable of furnishing an annual output, under proper protection, of at least 60,000 tons, thereby increasing the production of the United States sufficiently to supply the entire demand.

Some of the smelting interests in the United States have opposed the lead producers in the matter of a proper tariff protection to this industry in the past. This is contrary to the established policy of the United States, and it is scarcely discernible at first blush why the interests of the smelter and the producer should be antagonistic. As a matter of fact, these interests should not be opposed to each other, and had it not been for the unfortunate location of some of the smelters there never would have existed any antagonism between these industries. Owing to their location some of these smelters have found it to their advantage to purchase foreign ores in large quantities. It has been claimed by them and others interested in foreign lead-ore importations that it is necessary to have foreign lead ores, or more so-called wet ores, to be used for fluxing purposes with our so-called domestic dry ores. This reasoning is not founded on fact, because it is well known that for some time there has been a dearth of dry ores at these smelters and a premium has been paid for them. It is also a well-known fact that the lead ores of my State and of the Rocky Mountain region generally are more than sufficient to smelt all of the dry ores produced in the United States. The average per cent of lead in ores produced in the Cœur d'Alene mining district is from 50 to 60, while 1 ton of ore from the districts of Idaho is sufficient to smelt 5 tons of so-called dry ores. These smelting interests have contended that there is a shortage of fluxing ores and that the policy of the Government should be to increase importations of lead ores

from Mexico for fluxing purposes and to aid in smelting the dry ores of the United States. There is nothing in this contention, as the history of this product so abundantly shows. The ores produced from the mines in the United States can be smelted without the addition thereto of any foreign ore, the statement of these smelting interests to the contrary notwithstanding.

The present bill is not intended to in any wise change the tariff law, but solely for the purpose of aiding in the collection of the revenue therein required. It provides for the erection of the Government sampling works at the ports of Elpaso, Tex., Bonners Ferry, Idaho, and Northport, Wash., and such others as may be designated by the Secretary, as the interests of the revenue may require. At these ports the large silver-lead ore importations take place. We have not had an honest sample of lead-ore importations for the reason that the temptation and opportunities for fraud were so great that it has always been accomplished. These statements are not made as coming from the producers, but they can be and are substantiated by the revenue officers. We are simply asking the passage of a law which will enable the strict enforcement of a revenue statute already enacted.

Mr. Speaker, representing the lead-ore producers, I ask in their behalf that every pound of lead imported into the United States shall be required to pay the duty levied by law. The importance of this will be appreciated when it is understood that under the law the duty of three-fourths of a cent a pound is levied and collected on the entire importation if the lead contents of the ore predominates in value; while on the other hand, if the sample and assay shows that it does not predominate in value, the duty is collected only on the amount of lead actually contained in the ore as shown by the sample. In the past this has not been done for the reason that the Government has had no proper facilities for ascertaining the lead contents of imported ores. These ores, when imported, have been generally shipped to the smelters in bond and the sampling has been done by those who either imported the ore or purchased the same from the importer. If a Government official was present when the sampling was done, he was a low-salaried subordinate official who, if not corrupted, could be easily deceived. It has never been the policy of the Government to permit those directly interested in the importation to determine the quantity or value thereof for the purpose of estimating the revenue, and that rule should not be deviated from in this instance.

Mr. Speaker, in behalf of the lead producers and lead miners I ask that the Government exercise the same care in the collection of this revenue as it does in the matter of all other importations. The present bill provides that the Government itself shall do the sampling and assaying at works erected, established, and owned by the United States for that purpose. The bill further provides, as amended by the committee, that at least one-fifth of the importation shall be thus sampled and assayed. If this is properly done by Government officials at Government sampling works, and the entry liquidated in accordance with the sample, I believe the door to fraud will be closed.

On this question there should be no difference of opinion. Whether the Representatives of this House favor a tariff for protection, a tariff for revenue, or absolute free trade with regard to the importation of lead ore, they all ought to agree that the law upon the statute books should be enforced, and that if it can not be enforced as it at present exists, legislation in aid thereof should be passed to accomplish the purpose.

In behalf of the interest of the Government, which means many thousands of dollars in revenue annually, and in behalf of the lead producers and miners of the United States generally and of my State in particular, I ask the enactment of this law.

I have appended to my remarks tables showing statistics of production, consumption, importation, and prices of lead in the United States.

APPENDIX.

The following tables have been taken from the Sixteenth Annual Report of the Director of the Geological Survey, and are authentic:

IMPORTS.

Lead imported and entered for consumption in the United States, 1867 to 1894.

Years ending—	Ore and dross.		Pigs and bars.		Sheets, pipe, and shot.		Shot.		Not otherwise specified.	Total value.
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
June 30—	*Pounds.*		*Pounds.*		*Pounds.*		*Pounds.*			
1867	611	$25	65,322,923	$2,812,668	185,825	$9,560	.....	.....	$6,222	$2,828,475
1868	6,945	239	63,254,677	2,668,915	142,137	7,229	.....	.....	6,604	2,682,987
1869	.....	.....	87,865,471	3,653,481	307,424	15,531	.....	.....	18,885	3,687,897
1870	5,973	176	85,895,724	3,530,837	141,681	6,879	.....	.....	10,444	3,548,336
1871	316	10	91,496,715	3,721,096	86,712	4,209	.....	.....	8,730	3,734,045
1872	32,231	1,425	73,086,657	2,929,623	15,518	859	.....	.....	20,191	2,952,098
1873	.....	.....	72,423,641	3,233,011	105	12	420	$50	21,503	3,254,576
1874	.....	.....	46,205,154	2,231,817	.....	.....	30,219	1,349	36,484	2,269,650
1875	13,208	330	32,770,712	1,559,017	.....	.....	58	4	25,774	1,585,115
1876	.....	.....	14,329,366	682,132	.....	.....	20,007	1,204	27,106	710,442
1877	1,000	20	14,583,845	671,482	.....	.....	16,502	1,242	1,041	673,785
1878	.....	.....	6,717,052	294,233	.....	.....	15,829	963	113	295,309
1879	.....	.....	1,216,500	42,983	.....	.....	3,748	209	930	44,122
1880	.....	.....	6,723,706	246,015	.....	.....	1,120	54	371	246,440
1881	5,981	97	4,322,068	159,129	.....	.....	900	65	1,443	160,734
1882	21,698	500	6,079,304	202,903	.....	.....	1,469	99	2,449	205,651
1883	600	17	4,037,867	130,108	.....	.....	1,510	79	8,630	138,234
1884	419	13	3,072,738	85,395	15,040	630	.....	.....	1,942	88,030
1885	4,218	57	5,862,474	143,103	971,951	22,217	.....	.....	1,372	166,749
1886	715,588	9,699	17,582,208	491,310	27,357	1,218	.....	.....	964	503,191
December 31—										
1887	153,731	21,487	7,716,783	219,770	27,941	1,280	.....	.....	302	242,845
1888	88,870	2,468	2,582,236	69,891	23,103	1,202	.....	.....	977	74,538
1889	328,315	7,468	2,773,622	76,243	35,859	1,417	.....	.....	1,297	86,425
1890	493,463	12,947	19,336,233	593,671	68,314	3,338	.....	.....	1,133	611,089
1891	105,898	6,721	3,392,562	104,184	334,179	12,406	.....	.....	604	123,915
1892	127,873	9,932	1,549,771	110,953	90,135	6,207	.....	.....	2,063	129,155
1893	12,686	354	3,959,781	163,484	59,798	2,955	.....	.....	1,691	168,484
1894	33,030,250	437,999	30,168,529	895,496	44,080	2,050	.....	.....	534	1,336,079

WORLD'S PRODUCTION.

The world's production of lead during the years 1886 to 1893, inclusive.

[Metric tons.]

Countries.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
Germany	91,000	95,000	97,000	100,000	101,000	95,000	98,000	95,000
Spain	a102,000	a119,000	129,200	136,900	140,300	145,700	152,200	154,200
Great Britain	a51,000	a50,000	a50,000	a47,809	49,800	49,000	44,900	38,200
Austria	8,000	7,800	8,000	8,000	8,300	7,600	7,300	6,900
Hungary	2,100	1,800	2,000	2,300	1,200	2,100	2,300	a2,300
Italy	19,000	a19,000	17,000	18,000	17,700	18,500	22,000	19,900
Belgium	10,000	10,000	11,000	9,400	9,600	12,700	10,100	11,800
France	4,000	a5,000	6,500	5,400	4,600	6,700	8,800	a9,000
Greece	a10,000	12,500	14,500	13,500	14,200	13,300	14,400	a14,800
Other European countries	a2,000	a2,000	a2,000	a2,000	a2,000	a2,000	a2,500	a3,000
United States	119,387	132,150	137,790	141,852	130,272	161,948	157,187	147,627
Mexico	16,000	18,100	30,100	27,500	22,300	30,200	47,500	64,100
Australia	a5,000	a10,000	a19,000	a35,000	40,500	56,000	54,000	58,000
Other countries	a1,000	a1,000	a1,000	a1,000	a1,000	a1,000	a1,000	a1,000
Total	440,487	483,350	525,090	548,752	542,772	601,748	622,187	625,827

a Estimated.

PRICES.

Average monthly prices of common pig lead in New York City.

[Cents per pound.]

Months.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
January	4.09	3.65	4.57	4.27	4.80	3.82½	3.82½	4.34½	4.17	3.80	3.12
February	3.98	3.65	4.75	4.43	4.92	3.68	3.79½	4.28½	4.11	3.89	3.18
March	4.12	3.67	4.87	4.35	5.14	3.69	3.91½	4.32½	4.16	3.91	3.24
April	3.84	3.63	4.77	4.29	4.72½	3.64½	3.87½	4.20½	4.22	4.02	3.21
May	3.64	3.67	4.72	4.49	4.24	3.79½	4.13	4.25½	4.21	3.82	3.19
June	3.62	3.73	4.77	4.62	3.88	3.97½	4.37	4.41	4.12	3.61	3.10
July	3.58	4.06	4.88	4.50	3.96	3.88	4.43	4.39	4.10	3.40	3.10
August	3.58	4.25	4.75	4.55	4.43	3.82½	4.51	4.44	4.02	3.27	3.17
September	3.61	4.26	4.63	4.44	4.99	3.92½	4.86	4.50	4.07	3.72	3.07
October	3.69	4.10	4.23	4.30	4.45	3.82½	5.21½	4.34	3.90	3.40	3.02
November	3.46	4.12	4.32	4.35	3.67½	3.79	4.90	4.17	3.78	3.29	3
December	3.60	4.57	4.32	5	3.73	3.82	4.19	4	3.74	3.21	3
Yearly average	3.73½	3.94½	4.63	4.46½	4.41	3.80½	4.33½	4.32½	4.05	3.61	3.12

IMPORTATIONS ENTERING VARIOUS PORTS.

Imports of lead in 1894.

Customs district.	Pounds.	Customs district.	Pounds.
Arizona (ore)	1,130,508	Omaha (base bullion)	2,369,473
Corpus Christi (ore)	1,819,066	Boston (pig)	1,863,556
Paso del Norte (ore)	32,101,412	Philadelphia (pig)	2,466,124
Puget Sound (ore)	2,455,329	Pittsburg (pig)	1,003,245
Saluria (ore)	3,781,280	All other districts	5,265,876
San Francisco (ore)	961,181		
New York (chiefly base bullion)	84,264,861	Total	139,481,911

CONSUMPTION.

Estimate of United States lead consumption in 1894.

	Short tons.
Supply:	
Product, desilverized lead (including lead refined in bond)	181,404
Soft lead	37,686
Imports foreign refined lead	8,200
Stock, domestic, January 1, 1894	7,496
Stock, foreign in bond, January 1, 1894	3,302
Total	238,088
Deduct:	
Foreign refined in bond and exported	29,000
Lead in manufactures exported under drawback	950
Stock, domestic, January 1, 1895	8,586
Stock, foreign in bond, January 1, 1895	7,181
Total	45,717
Consumption	192,371

Another method of arriving at the consumption which yields approximately the same result is the following:

Estimate of consumption in the United States in 1894.

	Short tons.
Lead from United States sources	162,686
From foreign sources	35,000
Stock, domestic, January 1, 1894	7,496
Total	205,182
Deduct stock, domestic, January 1, 1895	8,586
Deduct lead in manufactures exported under drawback	950
Total	9,536
Consumption	195,646

PRODUCTION OF ORE BY STATES.

Source of lead in American ores smelted by silver-lead smelters and refiners in 1894.

States or Territories.	Short tons.	States or Territories.	Short tons.
Colorado	50,613	California and Rocky Mountain States	478
Idaho	33,308	Miscellaneous	150
Utah	23,190	Missouri, Kansas, Wisconsin, and Tennessee	8,614
Montana	9,637		
Nevada	2,254		
New Mexico	2,973		
Arizona	1,480	Total	132,697

PRODUCTION OF REFINED LEAD.

Production of refined lead in the United States from 1825 to 1894, both inclusive.

Years.	Total production.	Desilverized lead.	Soft lead.a	From foreign ores and base bullion.	Net American product.
	Short tons.	*Short tons.*	*Short tons.*	*Short tons.*	*Short tons.*
1825	1,500				
1830	8,000				
1831	7,500				
1832	10,000				
1833	11,000				
1834	12,000				
1835	13,000				
1836	15,000				
1837	13,500				
1838	15,000				
1839	17,500				
1840	17,000				
1841	20,500				
1842	24,000				
1843	25,000				
1844	26,000				
1845	30,000				
1846	28,000				
1847	28,000				
1848	25,000				
1849	23,500				
1850	22,000				
1851	18,500				
1852	15,700				
1853	16,800				
1854	16,500				
1855	15,800				
1856	16,000				
1857	15,800				
1858	15,300				
1859	16,400				
1860	15,600				
1861	14,100				
1862	14,200				
1863	14,800				
1864	15,300				
1865	14,700				
1866	16,100				
1867	15,200				
1868	16,400				
1869	17,500				
1870	17,830				
1871	20,000				
1872	25,880				
1873	42,540	20,159	22,381		
1874	52,080				
1875	59,640	34,909	24,731		
1876	64,070	37,649	26,421		
1877	81,900	50,748	31,152		
1878	91,060	64,290	26,770		
1879	92,780	64,650	28,130		
1880	97,825	70,135	27,690		
1881	117,085	86,315	30,770		
1882	132,890	103,875	29,015		
1883	143,957	122,157	21,800		
1884	139,897	119,965	19,932		
1885	129,412	107,437	21,975		
1886	135,629	114,829	20,800	5,000	130,629
1887	160,700	135,552	25,148	15,000	145,700
1888	180,555	151,465	29,090	28,636	151,919
1889	182,967	153,709	29,258	26,570	156,397
1890	161,754	130,403	31,351	18,124	143,630
1891	202,406	171,009	31,397	23,852	178,554
1892	213,262	181,584	31,678	39,957	173,305
1893	229,333	196,820	32,513	65,351	163,982
1894	219,090	181,404	37,686	59,739	162,686

Imports of lead during the year ended June 30, 1895.

Customs districts.	Quantities.	Values.
	Pounds.	
Baltimore, Md	400	$8
Boston and Charlestown, Mass	5,183,410	115,765
New York, N. Y	99,523,755	1,240,703
Perth Amboy, N. J	6,420,533	57,582
Philadelphia, Pa	4,896,012	101,145
Corpus Christi, Tex	104,950	2,070
New Orleans, La	750,000	22,500
Paso del Norte, Tex	30,826,022	323,766
Saluria, Tex	5,910,364	50,111
Arizona	2,009,631	40,197
Puget Sound, Wash	3,054,765	70,926
San Francisco, Cal	1,200,324	28,882
Chicago, Ill	8,584	328
Detroit, Mich	3,004	50
Minnesota, Minn	886,347	48,498
Montana and Idaho	418,374	10,879
Denver, Colo	12,334	247
Omaha, Nebr	7,774,978	149,513
Pittsburg, Pa	5,562,956	222,750
Total	174,546,752	2,485,920

Imports of lead during the year ended June 30, 1895—Continued.

Articles and countries.	Quantities.	Values.
	Pounds.	
Belgium	25,758,284	$527,460
France	447,818	9,861
Germany	896,208	17,569
Netherlands	200	20
Spain	560,761	12,775
United Kingdom	9,663,756	212,018
Bermuda	6,457	98
Dominion of Canada—		
Quebec, Ontario, etc	42,865	720
British Columbia	12,094,603	279,146
Mexico	124,878,009	1,423,150
West Indies—		
British	2,526	33
Danish	350	11
Peru	139,788	1,660
Japan	9,406	421
British Australasia	45,721	978
Total	174,546,752	2,485,920

Mr. HEPBURN. Mr. Chairman, this bill, to my mind, is one of very great importance. From the cursory examination which I have been able to make of it, I approve of that which it contains; and whatever criticism I desire to make is with regard to those matters of primary importance that it does not contain.

I have heard the statement made by those that I think were competent to speak, and I have heard it repeated over and over again, that the Government lost, in the collection of its revenues, $50,000,000 each year through fraudulent undervaluation at the port of New York. I had at one time some opportunity to investigate these matters. I ascertained this fact, Mr. Chairman, that it is not American citizens who are engaged in the importing trade; that more than two-thirds of all the dutiable importations into this country come through the port of New York, and that fully 75 per cent of the imports at the port of New York are made by foreigners, and more than 50 per cent of them are mere consignments. It has got to be such a matter, I might say, of scandal that there are very many of our own merchants dealing in foreign merchandise who will not attempt to import the merchandise they desire to sell, but they buy it, duty paid, from these consignees in the city of New York.

I remember hearing one of the largest merchants in the city of Chicago say, three or four or five years ago, that his house had not imported a yard of silk from Lyons for ten years; that they could not do it; that the manufacturers would say to them, "We will sell to you at New York. Our agents are there." I remember hearing another Chicago merchant say that his firm had not imported kid gloves for years, because they could buy them more cheaply, duty paid, in the city of New York than they could import them and pay the duty.

Mr. Chairman, in an investigation that I once made I ascertained this astonishing fact, that less than 4 per cent of all the invoices received at that port during a period of three months were changed in any particular from the valuation fixed by those persons most interested in undervaluation.

When you remember that a single item would change the character of this invoice so that it would become incorrect and pass into another channel, and there are often many hundreds of items in a single invoice, it is safe to say that not 1 per cent of all the foreign values fixed on these importations are ever changed in the custom-house at New York. We accept, as a rule, the valuation fixed by those persons most interested in undervaluation. Therefore it is necessary that something should be done to correct this. I know that there are aids; that there must be a declaration on the part of the importer, and that that must be submitted to the consul and verified by him. As a matter of fact that is a mere matter of form. No oath is required; it is a mere statement that is indorsed upon the invoice and a verification by our consular officer. As a matter of fact he never sees the importation. He has no opportunity for inspection. He can not assert from knowledge that the true price or value of the article is stated in the invoice. As a matter of fact these certifications are signed in blank, and are attached by some subordinate whenever the party interested presents his invoice, and the $2.50 is always collected. Then it comes to our port and the entry is sought to be made. The declaration is filed under oath. Who takes the oath? Not the importer, not a reputable merchant, but one of the hundreds and thousands of customs brokers that infest the custom-house in the city of New York—some of them reputable men, and some of them men whose employment perhaps is because of the facility with which they can take oaths.

Now, these are the men who verify these invoices; and then our examiners in the appraiser's office accept, as I have said, 96 per cent of all of them as implying verity, and accept their valuation. Now, it does look to me as if there is a remedy. It is true that the persons who sign these declarations that are sent to the United States are beyond the jurisdiction of our laws that propose to punish perjury; but there is a way to reach them. Suppose that importation is made and that it is raised to a penalty of sometimes, say, 50 per cent—as in a few cases I have known. Suppose that there is an increase in the valuation by our officers. I would say, then, to the consul that he should be forbidden to certify statements made by that importer. Let him feel that he must deal fairly and honestly with us and give us true values in his invoice or he can not trade with us. That would stop it more effectually than if the oath was administered within our own jurisdiction, where we might punish him.

Another means by which the customs revenue is constantly harmed, in my judgment, grows out of the methods pursued. There is not one word in this bill in regard to this great evil. We are pursuing, gentlemen, precisely the same methods in the port of New York that we did fifty years ago. Here will come in a French liner with 16,000 packages of merchandise. It will be unloaded in eighteen hours from five hatchways, all provided with steam appliances, and yet we send precisely the same number of inspectors to superintend that work and look after the interest of the customs that we did fifty years ago, when a 500-ton brig would anchor out in the harbor and take fourteen days or twenty days or thirty days to unload her cargo by the slow processes then in use. We send two customs officers on board each of these vessels whose duty it is to see what merchandise comes from the vessel, and the disposition of it. It may take four channels as it leaves that vessel, and yet these two men are expected to do all of this work, and do it, so far as it is done, alone and unaided.

Mr. BAKER of New Hampshire. There are always two men at each hatchway.

Mr. HEPBURN. I beg your pardon; that is not the fact. There are two to a vessel, and these two go into the little glass custom-house on the wharf, and the only business that they do, and the only thing that they know, is to see that the reserve packages that are to go to the appraisers' store are not sent in some other direction. That is all they do. I have been there from day to day; I have seen the operation of it, and I am talking about what I know. I have examined nearly every one of these inspectors under oath, and reported the testimony to the Treasury Department, and I know that I am talking the true facts in regard to this matter.

Now, Mr. Chairman, I have put the question to many and many an inspector under oath, "How do you know there were not fifty packages of silk or fifty packages of champagne not on the manifest of this vessel that was delivered on that wharf and distributed throughout this city?" And every one of them answered, "I do not know and I could not know." I had formerly some such idea as my friend from New Hampshire [Mr. BAKER] seems to have as to the manner in which this business was done. I supposed it was done in a businesslike way. I supposed that these inspectors would check every package as it came from the hold of the vessel and that they would see where it went. But instead of that, when I came to investigate, I found that they went into this little customs room (called "the custom-house") on all the principal wharves, and that their business was simply to see to it that the 10 per cent on packages reserved for the appraisers' stores got there, and even that they did not always know.

These packages are unladen. They are distributed by the officers of the steamship companies, not by the officers of the United States. Some one prepares a ticket showing the packages upon the dray. That is sent back to the two inspectors. They examine the permits for landing or distribution that they have received, and see to it that none of these particular packages are covered by the permits. That is their business; that is what they do. If there is an order for unloading at night, the same two men and no more are there. They are the guests of the steamship company; they have the best stateroom that stands vacant. They get from the steamship company $10 each for this extra service, and as long as that unlading is going on, night or day, these two men alone are charged with this duty. Now, I do not find anything in this bill to remedy that state of things.

Mr. DALZELL. Can you suggest a remedy?

Mr. HEPBURN. Yes, sir; I could suggest a remedy.

Mr. PAYNE. What is it—appoint better men?

Mr. HEPBURN. I could suggest a remedy.

Mr. DALZELL. Well, do so.

Mr. HEPBURN. The difficulty is this: The steamship companies that are doing business in New York and the importers who are doing business there dominate the customs officers of the United States.

Mr. PAYNE. The trouble, then, is in the officers more than in the law?

Mr. HEPBURN. No; I do not think it is, because I would make the law so stringent that the officers would have to do their duty. One trouble, Mr. Chairman, is this: In the politics of this country, by both the great parties, the four great offices connected with the collection of the revenue at the port of New York are

regarded as local offices, belonging to the spoils of either party in the city of New York. There is the trouble. Here is a great national office, that of collector of the port of New York, where one hundred and twenty-five millions of our revenue are collected annually. A New Yorker is always collector of the port of New York; a New Yorker is always appraiser of the port of New York; a New Yorker is always naval officer at the port of New York; a New Yorker is always surveyor of the port of New York. There are 2,300 employees to be appointed by these officers, at salaries ranging from $800 to $5,000 a year. The men who are appointed to these great offices and changed with each National Administration have all that they can do in looking after the politics of their offices, superintending the appointments, making the necessary changes, dividing them equally among the representative districts, holding the scales of justice fairly between the various assembly districts of that city.

There is one of the great troubles. Why, sir, as an illustration of how this operates, let me call your attention to this fact: In one year recently 90,000 first-class cabin passengers landed at the port of New York, and there was collected that year from the personal effects or the importations of those passengers an average of $1.11 per head. Now, everybody who knows anything at all about the situation, knows that there was something wrong there.

Another difficulty: Merchandise coming to the port of New York is entered in large quantities for warehouse purposes, where it may remain for three years before the entry for consumption takes place. That merchandise is in the custody of the warehouseman. He pays all of the expense of the surveillance on the part of the United States. I remember one instance where a warehouse on a given day contained, by estimate, $15,000,000 worth of merchandise. There was a storekeeper there to superintend that building, which had eight openings for the reception of merchandise and the same number for taking it out. That storekeeper testified that he never saw anything that came in and never saw anything that went out, that he made all his entries from data furnished to him by the clerks of this concern, and very many of the entries in his books were found to be in the handwriting of those clerks. Now, although the law required that there should be an inventory taken every year and an inventory taken whenever the storekeeper was changed, it was found that in that warehouse there had not been an inventory taken for seven years. What was to prevent that merchandise in bond being taken out the next day after it was stored and put into consumption, the importer having the use of his money during all the time, and then, the day before the expiration of the three years, making his entry for consumption, paying his duties, and hiding the whole transaction in the bosoms of himself and of the storekeeper?

Mr. WALSH. May I ask when that investigation was made?

Mr. HEPBURN. It was made in the year 1891 or 1892. These practices have grown up. They do not belong to one Administration or another. They grow out of the fact that while the chief officers—the collector, the surveyor, the naval officer, the appraiser—are changed with the change of the Administration or oftener, there is below those officers a chief who is not changed; who is retained from Administration to Administration as a valuable officer; kept there year after year and term after term, his politics being of such an adjustable character that he can meet all exigencies of changing Administrations. Thus the thing goes on—the same old "grind" and the same old methods. On one occasion, when one of these officers had his attention called to the fact that the statutes peremptorily required that there should be an inventory each year of the merchandise in each bonded warehouse and an inventory whenever there was a change of the storekeeper, he replied, "That statute has become obsolete." [Laughter.]

Now, Mr. Chairman, I believe that all the propositions of the committee embraced in this bill are in the nature of improvements. I especially approve that provision with regard to limiting the character of the appeal to be taken from the General Appraisers. It must be remembered that these appraisers as a rule have been selected with great care. The President in making his selections was exceedingly fortunate, it seems to me, with reference to a majority of them. Some of the best experts in this country are now upon that Board. It was expected when they were appointed that this would be the case; that the persons selected would have a great store of information upon the subjects coming before them; that when they would look at a particular article their knowledge of its manufacture, the locality of its production, cost of material and of labor would give them accurate ideas with regard to what ought to be the market value.

Now, Mr. Chairman, that was the idea that controlled the organization of that Board. It is not a court in a certain sense. It is not a court in that its findings must always be dependent upon the evidence adduced. It is a commission. It is what it claims to be, a board of expert appraisers. There are in my belief no better judges to be found in the United States upon the questions submitted to this Board than the three active men upon the Board who try the great majority of these cases. They are Mr. George Tichenor, Judge Somerville, and Mr. Lunt, men of rare intelligence, of great experience, of large observation. No other men have had the opportunities they have had to acquire the knowledge which will enable them to enter just and wise judgments. Just think, Mr. Chairman, after those three men have investigated a question, have heard such evidence as may be brought before them, have utilized their particular experience and their remarkable opportunities for observation—after all their qualifications have been brought to bear upon the decision of the question—imagine appealing the matter to a New York City jury [laughter]—I can not think of anything more ludicrous—and a jury usually organized, in feeling at least, to decide against the customs officers.

This bill makes a provision which I would not have put in it if I had been drafting it. I believe that the decision of those General Appraisers ought to be final with reference to the facts; and that the courts ought to be required to accept it as final. Why, Mr. Chairman, think of it! This is a revenue measure. I undertake to say that the importer of foreign merchandise into this country has no rights that the Government is bound to respect save those that it chooses to give him. He is seeking a privilege; and he can have that privilege upon our terms; and Congress would have a right to say, if it saw fit, that the finding of the collector in the first instance should be final, or that the action of the appraisers should be final; certainly it may say that the action of this appellate Board shall be final.

Mr. DALZELL. Does the gentleman mean that he would have the decision of the Board of Appraisers final both as to law and fact?

Mr. HEPBURN. No, sir; but as to matters of fact.

Mr. DALZELL. It is so provided in the bill.

Mr. HEPBURN. No, sir; here is a provision that the court may send the matter back for additional findings.

Mr. DALZELL. But except in that instance the finding of the Board of Appraisers is final.

Mr. HEPBURN. Mr. Chairman, the necessity for such a measure as this has become apparent in practice. It has grown to be the habit of certain importers not to make their case before the appraisers. Unwilling to make it there, they prefer to take it to the appellate court and there introduce their proofs. Some remedial legislation has been attempted once or twice, but it has been futile. Now the importers will be required by stress of circumstances to put in their whole case and to give the Board of General Appraisers the benefit of whatever information they may have.

I want to say a word further with regard to the authentication of the declaration of entry which is to be made. I believe the committee ought to have required that this be made by the importer. Under the existing law it is made by an irresponsible agent, who may never have seen the merchandise or know anything about it; who has perhaps never seen the invoice until within an hour of the time that he makes oath upon it. Yet he makes the statement that the values stated are the true values in the country of import at the time of importation. He is not responsible in a criminal sense; he is only responsible in case there is an increase; and this under the old law was a very inconsiderable responsibility, because only in the rarest instances did the increase ever reach penalty. I have seen many and many an invoice in which the increase of value was 8 per cent, 9 per cent, 9½ per cent—anything to keep it below 10 per cent, where the penalty would attach. In that case the importer was not in any sense responsible. I think we could correct this by requiring the oath to be made by the importer. It would sometimes, I admit, be an inconvenience; but, in my judgment, it would save millions to the revenue.

I think the committee have done well in reporting the provision requiring a fee in case of protest; but I do not think they have gone far enough. The fee ought to attach to every assignment in the process. Under existing circumstances a protest in practice means really nothing to the officer to whom it is addressed. It is not intended for that purpose. It is intended for future use in case of litigation. And a process will sometimes contain a hundred different assignments, without any particularity as to which is at that time relied upon. Take it in the hat-trimmings cases, for instance. It had been the habit to protest that everything—and the protest was made broad enough to cover that clause of the tariff bill—the protesters claiming that the duty on hat trimmings was 20 per cent, while the Government was collecting 50 per cent, treating them as manufactures of silk. Now, some cases have been decided against the United States in the Supreme Court already; and the difference between these two sums amounts in the port of New York alone—or did amount at the time I last investigated the matter—to some $34,000,000; and that is a claim that is now being urged against the Government of the United States. Under that clause they imported bolts of velvet very many yards long and 18 inches wide and called it hat trimmings. Everything that can possibly enter into the manufacture or the trimming of a hat is called hat trimmings, and under the decisions

of the Supreme Court thus far the contention of the importer has prevailed; and the only safety of the Government is this, that when they try the specific cases before a jury it is hard to convince a jury that a bolt of velvet 100 feet long and 18 inches in width is a hat trimming; and so they can not always get the judgment in their favor.

Mr. DALZELL. Not even from a New York jury.

Mr. HEPBURN. Not even from a New York jury, whatever they may get from a Philadelphia jury. [Laughter.]

I hope the committee will not stop with this bill, admirable as it is, but will go on and correct some of the other glaring abuses which ought to be corrected, and which would result in supplying the Government with something or other to fill up our annual deficit. [Applause.]

Mr. PAYNE. Mr. Chairman, I think now we ought to fix a limit upon the general debate. As I understand it, the gentleman from Pennsylvania [Mr. GROW] would like thirty minutes.

Mr. WALSH. I would like to have a brief time myself.

Mr. PAYNE. I ask that all general debate be closed in one hour.

Mr. BAKER of New Hampshire. May I suggest to the gentleman that I would like eight or ten minutes myself?

Mr. PAYNE. I do not think there will be any difficulty in giving the gentleman that time out of the hour. I make that request, Mr. Chairman, that the general debate be limited to one hour.

There was no objection.

The CHAIRMAN. As to the division of the time, the Chair will recognize the gentleman from New York for ten minutes, if that time will be agreeable to him.

Mr. WALSH. Mr. Chairman, I have been in this House since last December and thought when I came here that I came from a city of some importance. But this is the first time that I have had the pleasure of listening to such an extended dissertation on the city of New York and the methods in vogue at its custom-house. I asked the gentleman while on the floor what time he referred to in the statements he was then making. He said 1891. The history is a little ancient, and administrations have since changed. But at the same time I will say, for the benefit of those who are believers in ultra civil-service reform, that the doleful administration of the custom-house in the city of New York, as pictured and graphically described by the gentleman from Iowa [Mr. HEPBURN], is the result after the civil-service system had been in vogue in the custom-house in the city of New York for eight or ten years.

But, sir, while it seems from the remarks of some of the speakers that an effort has been made to make this a question of revenue and a party question, it is really too important to be considered from any party standpoint. There are two features of the bill which, in my opinion, would work great injustice to the merchant, especially the penalizing clause for undervaluation of imports, as well as the clause relating to appeals.

The gentleman from Iowa said that this is a board of appraisers, not a court. It is a board of appraisers. But an importer has not his day in court; he goes before the Board and takes such justice as they may see fit to give him, and nothing more. The appraisers are men who are appointed by the Government for this special duty. It must be assumed that they have the interests of the Government at heart, and that they are against the importer nearly always. They may issue processes if they see fit; they may refuse to issue the process if they see fit; and so an importer is absolutely without remedy and has no right, and has not, in the usual acceptation of the term, his day in court until he reaches his appeal.

Now they seek to take from the importer the right of appeal—not absolutely the right of appeal, for they still allow the circuit court of appeals to review the questions of law alone. But, my dear sir, in a tribunal constituted as is the board of appraisers in our ports of entry, why the most important question that an importer can have decided by a court of appeals is necessarily the question of fact, and he has not an opportunity to demonstrate the facts he claims to exist. He has no process at hand to secure the attendance of witnesses and their testimony, and place the facts before the board of appraisers. Besides that, upon the question of undervaluation, the principle is no doubt a splendid one. It is that undervaluation of goods, dishonest importations, should be prevented; and those who undervalue goods, dishonest importers, and those who aid or abet them in any of the ports of the nation, should be punished not only by penal duties, but in other ways if you can accomplish it.

But to penalize a man who imports, when he honestly goes beyond the limit, say one-half of 1 per cent, or 1 or 2 per cent, is carrying the matter to too great an extreme.

In this House there are probably from 150 to 200 lawyers. We had a discussion the other day as to the value of the services of judges, marshals, and district attorneys. You saw what a difference there was between us, almost in every part of the House, as to the value of those services.

Take your suit of clothes and ask a tailor in the city of Washington what that suit of clothes is worth, and ask another the same thing, and you will find that they vary from 1 to 5 per cent. Take an article of jewelry, a watch, or a diamond, and ask the opinion of experts as to its value, and you will find that they differ from 1 to 10 per cent.

So I think some allowance ought to be made for an error in judgment, and I shall at the proper time offer an amendment by which a merchant or an importer who makes an honest mistake of from 1 to 5 per cent shall escape the penalty; but if he goes over that, or over 6, or whatever in the judgment of the House is proper, then he should be penalized. It seems to me that by bringing it down to 1 per cent, or the half of 1 per cent, it is calculated to draw too strict a line on the importer. It is bringing the principle to a drastic conclusion.

The administration of the custom-house in the city of New York is as good as the administration of any custom-house in the whole of the United States. The incumbent of that office, a resident of New York, was recommended to that office by the best business men in New York City, and he carries on a thorough businesslike administration of that office. He has earned the respect of all parties and all classes of citizens. Nearly all his subordinates are civil-service appointees, and if any complaint is to be made for maladministration, I judge from the remarks of the gentleman from Iowa [Mr. HEPBURN], it is in the department of appraisers, and that is the only department where officers are appointed for life. Now, gentlemen, it is your experience that wrongdoing does not grow up in one or two days or one year. It is the bank cashier who has occupied his office for twenty years, and who has become the trusted and confidential man, who makes the defalcation. So it is with the appraisers. Their terms should be shortened. They ought not to hold positions for life, as some of them do.

Again, some reform should be made by which merchants who are rivals in the same line of business should not be on any board of appraisers with those whose interests are affected by their decisions, because that creates jealousy, and is apt to create a prejudice in the minds of the men upon whom an appraiser is passing judgment.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GROW] is recognized for thirty minutes.

Mr. GROW. Mr. Chairman, the sure and certain mode to prevent fraudulent invoices on foreign importations is by specific duties in the tariff, and on all articles upon which it is not practicable to have a specific duty only, then by combining a specific duty with an ad valorem duty would reduce in part the inducement for false invoicing.

This bill is a great improvement on the existing law regulating the collection of duties, but I do not propose to discuss directly any of its provisions. The importation of the products of foreign countries average annually from seven hundred and fifty to eight hundred and fifty million dollars in valuation at the point of shipment. As a rule, about one-half of these imports are admitted duty free.

I desire to call the attention of the committee briefly to two points in a tariff which are pertinent to the collection of revenue. First, a tariff with reasonable protective duties is the best of any to raise revenue until the home market is supplied, or nearly so, by the protected article. The question of revenue is the great one in adjusting a tariff, and next to that is protection to home industries. The second point to which I wish to call attention is that as the amount of home production of a protected article increases the importation of a like foreign article decreases, and the price lessens until the home market is supplied by the home article, when the price will be less than at any former time. On the first point, that a protective tariff is the best for raising revenue, the following table of a few articles of importation, taking the last fiscal year of the McKinley tariff and the first year of the present tariff fully proves the proposition.

Articles.	Year.	Values.	Duties.
Tin plate	1894	$11,655,638	$9,609,175
	1895	12,936,294	7,336,748
		1,280,656	2,272,427
Earthen, stone, and china ware	1894	6,698,441	3,865,683
	1895	9,263,425	3,232,749
		2,564,974	632,934
Glass and glassware	1894	5,035,672	3,500,224
	1895	5,939,914	3,124,638
		904,242	375,586
Breadstuffs	1894	1,197,711	530,943
	1895	1,667,653	432,413
		469,942	98,530

Articles.	Year.	Values.	Duties.
Provisions	1894	1,801,161	650,235
	1895	2,026,077	544,031
		224,916	106,204
Fruits and nuts	1894	9,895,926	2,847,107
	1895	11,735,145	2,739,634
		1,839,219	107,473
Malt liquors	1894	1,543,817	776,200
	1895	1,634,444	637,511
		90,627	138,689
Brandy	1894	630,096	584,687
	1895	749,765	510,211
		119,669	74,476
Flax and hemp	1894	20,210,958	7,467,344
	1895	20,905,786	7,243,541
		694,828	223,803
Iron and steel	1894	20,559,368	14,063,671
	1895	24,047,406	11,641,561
		3,488,038	2,422,110
Carpets (Aubusson, Axminster, etc.)	1894	768,395	470,627
	1895	792,035	316,814
		23,640	153,813
Wool and manufactures of	1894	24,786,560	21,194,427
	1895	37,013,821	20,922,886
		12,227,261	271,541

In these 12 articles the valuation in 1895 is greater than in 1894 by.. $23,903,372
And the revenue collected is less 7,493,988

The articles of pure luxury are increased in amount of importation, but the revenue collected on them is less on the larger importation in 1895 over 1894.

The entire dutiable imports in the fiscal year 1892 was $369,402,804, and the revenue collected in customs was $174,124,270.

The amount of dutiable imports in 1895 was $368,736,170, being almost the same amount as in 1892, but the revenue collected from customs in 1895 was $147,901,218—twenty-six millions less than in 1892. The excess of exports over imports in 1892 was $202,875,686; in 1895 it was $75,568,200.

Tin plate is a good illustration of the point that protective duties are best for raising revenue, at least until the home industry is fully developed. The following shows the amount of importation and duties collected under the different rates since 1889:

	Quantity imported.	Valuation.	Duties collected.	Rate of duty per pound.
	Pounds.			*Cents.*
1890	674,664,458	$20,746,428	$6,746,645	1
1891	1,057,711,501	36,355,580	10,577,115	1
1892	403,030,785	11,793,299	8,801,358	2.2
1893	613,679,990	17,252,219	13,500,960	2.2
1894	436,780,713	11,655,638	9,609,175	2.2
1895	534,514,907	12,936,295	7,336,748	1.1

With an importation in 1893 of 60,984,468 pounds less than in 1890, the duty collected was $6,754,315 more than in 1890. But the opponents of a protective tariff would probably say that this increased revenue was only adding so much more to the cost to the consumer.

The following table shows the foreign importation, the home production, rate of duty, and revenue collected, with the market price of tin plate for a series of years, and steel billets from which the plates are rolled:

Year.	Foreign importation.	Home production.	Rate of duty per pound.	Average duty collected.	Average price per box 108 pounds I. C., 14 by 20.	Average price per gross ton steel billets. Pittsburg.
	Pounds.	*Pounds.*	*Cents.*			
1882	430,746,895	----------	1.1	$4,837,216	$5.20	----------
1889	727,945,972	----------	1	7,279,460	4.55	----------
1890	674,664,458	----------	1	6,746,645	4.50	----------
1891	1,057,711,501	----------	1	10,577,115	5.20	$36.32
1892	403,030,785	13,646,719	2.2	8,801,358	5.30	25.32
1893	613,679,990	99,819,202	2.2	13,500,960	5.37	23.63
1894	436,780,713	139,223,467	2.2	9,609,175	5.28	20.44
1895	534,514,907	193,801,073	1.1	7,336,748	4.22	16.58

In the fiscal year 1890 the foreign importation of tin plate was 675,000,000 pounds in round numbers; the rate of duty was 1 cent a pound. Customs revenue collected, $6,746,645. In 1893 the import was 614,000,000 pounds, round numbers, being in round numbers 62,000,000 pounds less in 1893 than 1890, the rate of duty being 2.2 cents per pound. Customs revenue collected in 1893 greater than in 1890, $6,754,315. In the fiscal year 1895, the first year under the existing tariff, the import was 534,514,907 pounds, being 97,734,194 pounds more than the year 1894, the last of the McKinley tariff, when the rate of duty was 2.2 cents a pound; and the customs revenue on this almost 100,000,000 pounds more was $2,272,427 less than in 1894.

In 1882, when the importation was 430,746,895 pounds, and the rate of duty was 1.1 cents per pound, and none was made at home, the price per box, 108 pounds, of I. C., 14 by 20, tin plate in New York, wholesale, was $5.20 per box. In 1894, when we imported only 6,000,000 pounds more, but made at home 139,223,467 pounds, the price was $5.28, the price per box not varying much between the dates when the duty was 1.1 cents a pound and when it was 2.2 cents a pound. In 1882 not a pound of tin plate was produced in this country. In 1895, 193,801,073 pounds were produced, one-fourth of the entire consumption of the country, and the same kind of a box of tin plate then sold wholesale in New York for $4.22, and last January the same kind of box sold for $3.80, being lower than ever at any time before.

The effect of protective tariffs, instead of enhancing prices, is to reduce them in all cases where natural facilities exist for the production of the protected article, so as eventually to supply the home market.

It is home competition that reduces prices to the consumer. In such cases, as the home production increases the importation of the like foreign article decreases, and the price of the protected article in our market is lessened until the home market is supplied by the home article, and then the price will be less than at any former period. The fact is conclusively proven by a comparison of the selling prices for a series of years of pig iron, steel rails, tin plate, and almost any other protected product.

The following table shows it would be true of the home production, the importation, and the market price of pig iron, from 1870 to 1895, inclusive:

Years.	Production, gross tons.	Imports, gross tons.	Average price, gross ton.	Rate of duty per ton.
1870	1,665,178	153,283	$33.25	$7.00
1880	3,835,191	700,864	28.50	7.00
1890	9,202,703	134,955	18.40	6.72
1891	8,279,870	81,916	17.52	6.72
1892	9,157,000	82,891	15.75	6.72
1893	7,124,502	62,936	14.52	6.72
1894	6,657,388	23,747	12.66	4.00
1895	9,446,308	16,239	12.00	4.00

In 1890, when the home production of pig iron was 5,367,512 tons more than in 1880, and the importation was 565,909 tons less, the selling price was $10.10 per ton less, the duty being only 28 cents per ton less.

Since 1890 the home market has been practically supplied by home production, and pig iron, No. 1, anthracite, is now selling at $12 per ton; being $21.25 per ton less than in 1870 and $6.40 less than in 1890, the duty only $2.72 less.

In 1868 was the beginning in this country of the manufacture of steel rails for market, and the following table shows a like result in this industry since that time.

Year.	Imported, in gross tons.	Product, in gross tons.	Price, in currency.	Duty.
1867	145,579	2,277	$166.00	
1868	223,287	6,451	158.50	45 per cent.
1869	279,610	8,616	132.25	
1870	356,387	30,357	106.75	
1871	505,538	34,152	102.50	$28 per ton.
1872	133,738	83,991	112.00	
1873	142,474	115,192	120.50	
1874	89,746	129,414	94.25	$25 per ton.
1875	16,316	259,699	68.75	
1876	None.	368,269	59.25	
1877	31	385,865	45.50	
1878	9	499,817	42.25	
1879	22,372	618,850	48.33	$28 per ton.
1880	141,277	864,353	67.50	
1881	222,596	1,210,285	61.13	
1882	162,621	1,304,392	48.67	
1883	34,125	1,156,911	37.75	
1884	2,745	999,367	30.75	
1885	2,138	963,750	28.50	
1886	41,581	1,579,395	34.50	$17 per ton.
1887	137,588	2,119,049	37.08	
1888	63,016	1,390,975	29.83	
1889	6,202	1,513,045	29.25	
1890	204	1,871,425	31.75	
1891	253	1,298,936	29.92	
1892	347	1,541,407	30.00	
1893	932	1,130,368	24.29	$13.44 per ton.
1894	608	1,017,098	24.00	
1895	776	1,150,000	22.00 28.00	$7.88 per ton.

In 1880, when the home production of steel rails was 833,996 tons more than in 1870 and the importation was 215,110 tons less, the selling price was $39.25 per ton less than in 1870. In 1890, when the home production was 1,007,072 tons more than in 1880 and the importation was 141,073 tons less, the selling price was $35.75 per ton less than in 1880. Since 1890 the home market has been supplied by home production and the market price has been reduced, so that steel rails are now selling at $24 per ton, being $4 per ton less than was the amount of the first duty imposed on steel rails. Since 1880, twenty million tons of steel rails have been made in this country.

But without the duty of $28 per ton from 1870 to 1880 there would not have been made in this country during the year 1887 2,000,000 gross tons of steel rails, and annually since sufficient to supply the home market. Who will say that it would have been better to have bought abroad, no matter at what price, the 20,000,000 tons of steel rails that have been made in this country since 1880? The advantages of the amount of taxable property created in the States by the development of this vast industry; the amount paid in wages to labor; the amount of transportation for the railroads in bringing together the crude materials and distributing the finished product; the furnishing of clothing, provisions, dwellings, and all other material and supplies for the labor necessary for this production and for the persons dependent upon it, would all have accrued not to our people, but to the people of the country from whom we bought.

The country that produces for itself the products consumed by its people has both the articles produced and the money paid for their production instead of but one of these values, as would be the case in buying abroad. A protective tariff by which labor is secured the supplying of the home market gives to it at the same time the ability to buy.

Without the means to buy, what difference does it make to him what a thing sells for? High or low is of no consequence to him unless he has wherewith to pay. As the Irishman said: "Shure, it would make no difference to me if the Astor estate was to be sold at $500, I couldn't buy a cint's worth of it."

Cheapness is of no consequence without the ability to buy. The consumer buys cheapest in all cases where he pays easiest. A laborer buys a coat for $12, and his wages are $2 a day. It takes him six days to pay for the coat. Suppose that the same quality of coat, precisely in every way, sells at $9 and the wages of the laborer are $1.50 a day, it takes six days to pay for the coat. In that case the $12 coat is just as cheap, as the $9 one is really no cheaper to him than the one that sold for $12. But suppose his wages are $1.25 a day and the coat costs $8, then it takes almost the wages of six days and a half to pay for the coat. In that case the $8 one is dearer to him than the $9 or the $12 coat.

Free traders and most writers on political economy assume that no matter what the pay of the laborer may be, it is just as well for him, provided everything he buys is graded relatively to the price he receives for his day's work. That is, if he receives $1 per day it is just as well if the price of everything he buys is half what it would be if he received $2 per day.

That might be true if his only object in life is a bare subsistence and he is never to accumulate anything from his earnings; but if he is to save anything then the larger the price he is paid for his labor, even though everything else be in proportion, the greater the opportunity for saving. This statement as to wages and prices called the purchasing power of a dollar is the only plausible reason free traders can give for reconciling labor to their theory. But in the way it is used it is simply stating a mathematical proposition, which is correct in mathematics but wholly incorrect when applied to business transactions.

Should the laborer receive $1 per day and pay 5 cents a pound for sugar and $6 a barrel for flour and 10 cents a pound for beef, would it be possible in ordinary times of peace, should his wages go up to $2 per day, that sugar would be 10 cents a pound and flour $12 a barrel and beef 20 cents a pound? His wages could be doubled, but it would be a rare state of things, even if possible, that everything he buys should at the same time be doubled in price. That might be the case if his wages regulated the price of what he buys. But the price of all agricultural products is regulated not by his wages, but mostly by short or abundant crops. His rate of wages has nothing whatever to do in fixing the price of agricultural products or of the groceries and provisions that he might buy at the store.

The only way to test the advantage of wages compared with the price of things would be on a percentage of what he could save from his earnings. Say he could, by proper economy, save one-tenth of his wages. If he is paid $1 a day, then his savings would be 10 cents. If he is paid $2 a day, they would be 20 cents. In one case it takes ten days to save a dollar, in the other, five—though he should pay twice as much for everything he buys.

In the course of regular business, not including stock and bond speculations or mining ventures, individual fortunes are made by economizing the profits in the production and the exchange of the products of labor. If that is done by our own citizens, the fortunes thus accumulated are expended as a rule in the communities where they were made; some in costly living, which, however, gives greater employment to all kinds of labor; some in munificent charities which will last as long as human suffering; some in great public improvements, constructing new arteries of trade and channels of commerce that will last as long as the mighty rivers they span or the granite mountains they scale—all contributing to the wealth, the greatness, and the glory of our country.

So that while a tariff arranged with reasonable protective duties is best for revenue it at the same time builds up all the great industries of the country.

We reach a true idea of the rate of wages at different times by a comparison of what it costs the laborer to live. If the laborer to-day with ordinary economy can save 10 cents on the dollar—10 per cent of the wages he receives—then supposing he receives $2 a day he can save 20 cents. It would take him half as long to earn a dollar in the one case as in the other, though he might pay twice as much for everything he buys.

Labor has the greatest interest in supplying the home market in all cases where climate and soil will admit its being done to advantage. Why open our markets to the products of foreign countries, where misery and want sit at the fireside of the laborer? Why should we bring the same state of things to the fireside and home of American labor?

In the first place, a protective duty raises the greatest revenue; secondly, a protective duty gives to the laborer of this country the supplying of the home market in all cases where climate and soil will admit of its being done. Thus we add to the greatness and glory of the Republic in all branches of industry and lay the foundations for a higher, nobler, and better civilization. [Loud applause.]

Mr. Chairman, I ask consent to append to my remarks a table showing the condition of the steel-rail industry from its beginning in this country.

Mr. JOHNSON of North Dakota. I hope the gentleman will also give statistics in regard to steel rails.

Mr. GROW. I have asked consent with reference to steel rails, because I had not referred to the table while speaking, though I stated the fact.

The table is here appended showing the condition of the steel-rail industry:

Production and prices of American Bessemer steel rails, imports of steel rails, and prices of English steel rails, from 1867 to 1894.

In the following table the prices of British steel rails at British ports from 1867 to 1878, inclusive, are taken from a statement presented by Mr. H. V. Poor to the Ways and Means Committee of the House of Representatives in February, 1880; for 1879 the price is an average from Fossick's Chart, an English statistical publication of high standing; and from 1880 to 1893, inclusive, the prices have been averaged from weekly English quotations in the New York Iron Age. Mr. Poor's figures represent average quotations.

All the other figures in the table are compiled from the statistical records of the American Iron and Steel Association. The cost in currency at American ports of English steel rails is obtained by reducing the gold price per ton free on board to American currency and adding the duty, and also by adding for the years from 1867 to 1889, inclusive, $3 for freight, insurance, and commissions, and $1.50 for the same items for the years 1890 to 1893, inclusive. The imports from 1867 to 1871 and from 1890 to 1892, inclusive, include both iron and steel rails.

Calendar years.	United States.					Great Britain.		English cost higher than American, per ton.
	Production, in gross tons.	Imported, in gross tons.	Duty.	Average price of gold.	Average price of steel rails in currency.	Price in gold f. o. b. at English ports.	Cost in currency at American ports.	
1867	2,277	145,579	45 per cent ad valorem.	138	$166.00	$85.70	$135.60	
1868	6,451	223,287		140	158.50	61.32	128.68	
1869	8,616	279,610		126	132.25	54.99	112.52	
1870	30,357	356,387		115	106.75	50.37	87.44	
1871	34,152	505,538		112	102.50	54.99	96.31	
1872	83,991	133,738	$28 per ton from Jan. 1, 1871, to Aug. 1, 1872; $25.20 to Mar. 3, 1875; $28 from that date to July 1, 1883.	112	112.00	67.64	110.48	
1873	115,192	142,474		113	120.50	80.05	122.32	$1.82
1874	129,414	89,746		112	94.25	68.75	108.58	14.33
1875	259,699	16,316		114	68.75	44.28	85.82	17.07
1876	368,269	None.		110	59.25	32.12	69.43	10.18
1877	385,865	31		105	45.50	29.20	63.21	17.71

Calendar years.	United States.					Great Britain.		English cost higher than American, per ton.
	Production, in gross tons.	Imported, in gross tons.	Duty.	Average price of gold.	Average price of steel rails in currency.	Price in gold f. o. b. at English ports.	Cost in currency at American ports.	
1878	491,427	9	$28 per ton from Jan. 1, 1871, to Aug. 1, 1872; $25.20 to Mar. 3, 1875; $28 from that date to July 1, 1883.	102	$42.25	$25.55	$57.68	$15.43
1879	610,682	22,372		100	48.25	26.88	57.88	9.63
1880	852,196	141,277		100	67.50	34.42	65.42	
1881	1,187,770	222,596		100	61.13	30.41	61.41	.28
1882	1,284,067	162,621		100	48.50	26.27	57.27	8.77
1883	1,148,709	34,125		100	37.75	22.72	53.72	15.97
1884	996,983	2,745		100	30.75	23.19	43.19	12.44
1885	959,471	2,138		100	28.50	23.11	43.11	14.61
1886	1,574,703	41,581	$17 per ton from July 1, 1883, to Oct. 6, 1890.	100	34.50	18.70	38.70	4.20
1887	2,101,904	137,588		100	37.08	19.70	39.70	2.62
1888	1,386,277	63,016		100	29.83	19.15	39.15	9.32
1889	1,510,057	6,202		100	29.25	24.57	44.57	15.32
1890	1,867,837	204		100	31.75	23.37	44.87	13.12
1891	1,293,053	253		100	29.92	21.34	36.28	6.36
1892	1,537,588	347	$13.44 per ton from Oct. 6, 1890.	100	30.00	20.63	34.97	4.97
1893	1,129,400	932		100	28.12	18.55	33.49	5.37

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. GROW] will have consent to publish statistics in connection with his remarks.

There was no objection.

Mr. CLARK of Iowa. Mr. Chairman, instead of debating the pending question upon its merits or pretending to do so, it might perhaps be more appropriate and more within the scope of my purpose if I should present a question of high parliamentary privilege. We are discussing a revenue bill; and the framing of such a bill is the one highest and most exclusive function of this House and of every parliamentary body. But, sir, I have sat here as a new member of this House, and from the beginning of the session I have heard gentlemen on both sides of this Chamber on nearly every question that came up cite the "by your leave" of the head of a Department as the condition under which the pending measure was to be considered. Scarcely any bill, public or private, has been brought before this high legislative body of the American people—the exponent of the legislative prerogatives of the people in the person of their representatives—without some member rising and asking, "Is the Secretary of that Department, is the head of that bureau, on record before this Congress with a report in favor of the measure?" as if that were an inevitable condition of legislation by the representatives of the American people.

I had hoped, Mr. Chairman, that this Congress would agree to consider a revenue bill—a measure which, according to the evolution of free government and the history of parliamentary institutions, has been recognized by the Constitution of the United States as the one high privilege of the House of Representatives—I had hoped that such a bill at least might be considered without some gentleman citing that the Secretary of some Department or other favored this or that provision. [Applause.] Yet, during this discussion, I heard my friend from Idaho [Mr. WILSON], who comes here representing a great people of this Republic, born out of the hearts and the homes of all the centuries of the Atlantic Coast, of all the centuries that have been home making and liberty building in this land: that have contributed of the best blood, the hearts and lives of the best sons and the best daughters that the East could furnish to go and build Commonwealths like that of Idaho and the rest of the Western part of this Republic—I heard that gentleman, representing in this House all its development from the earliest centuries until the present, rise and commend the approval of this House to a feature of a revenue bill because the Secretary of a Department was in favor of it.

Mr. WILSON of Idaho. Will the gentleman from Iowa permit me?

Mr. CLARK of Iowa. Of course.

Mr. WILSON of Idaho. I did not ask whether any head of a Department approved the measure. I stated that my people approved it, and that the head of the Department also joined in its approval.

Mr. CLARK of Iowa. Mr. Chairman, in my view, in this forum of the lawmakers of the American people, it would be sufficient for the gentleman to say simply that his people and the people of the country are in favor of it. That should be ultimate with him and with me and with the other members of this House as Representatives.

I am a new member, and doubtless I shall soon pass away from this House, but I hope that there are within this Hall some members on both sides of the Chamber—I hope there are representatives of the great party of Democracy, that has represented from the time of Thomas Jefferson the great throbbing heart of a party devoted to the people as the people; I hope that gentlemen on this side of the Chamber, as the exponents of the party of Abraham Lincoln and of human liberty—I hope that whether I pass away or not there are other members of this House on both sides of the Chamber who will sit here long enough to have it established as the imperative rule that if any member on either side cites the opinion of any Department officer or any bureau officer of this Government for any purpose except as furnished by said official in answer to a call for information, such a representative of the American people in this House shall be in contempt of Congress. [Loud applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, the pending bill is one which should have, and I trust has, no politics in it. It is simply an attempt to discover the best way to execute the collection laws of the country, and the Committee on Ways and Means is to be congratulated that it has produced so good a bill as that which is now before us for our consideration.

I should not say a word, Mr. Chairman, in reference to the bill or utter a word of criticism upon it if it were not so good that it can be made approximately perfect, and the few words which I do wish to utter on this question are more in the nature of suggestion than of criticism.

We were all greatly interested in the remarks of the gentleman from Iowa [Mr. HEPBURN], in which he particularized the methods of doing business in the custom-house of the great port of this country. I have no special criticism to make on that point, nor upon his remarks, for in a general way I agree with him. But undoubtedly it is true that in some matters of detail he was in error, and that the facilities for committing fraud upon the customs revenues in the great port of New York are not so great as he has represented them to be. He would find if he went to one of the great landing wharves, where the foreign steam vessels are unloading in New York, that it is difficult if not impossible to take a package from the landing wharf unless accounted for, and if it is ordered into the warehouse it must be accounted for there, and if it is an article that goes into consumption the duty must be paid or secured to be paid before it can be removed. He would find greater difficulties, I apprehend, in withdrawing the goods from the warehouse than he has claimed to exist.

Mr. NORTHWAY. Now, will the gentleman permit me to ask him a question? Does the gentleman speak from actual knowledge or from hearsay?

Mr. BAKER of New Hampshire. I speak from both.

Mr. NORTHWAY. The gentleman from Iowa spoke from actual knowledge of the facts, as I understand it.

Mr. BAKER of New Hampshire. He spoke from investigation. I speak from actual contact with the business, from official connection with it, and from personal observation.

Mr. HEPBURN. Will the gentleman permit me a moment?

Mr. BAKER of New Hampshire. I have but a very limited time and would prefer not to be interrupted in what I am saying.

Mr. HEPBURN. I only wanted you to correct some of the things that you have already said. [Laughter.]

Mr. BAKER of New Hampshire. If I had time, I should be very glad to indulge the gentleman, and will be pleased at any time when there is sufficient opportunity to discuss these material points and other points connected with the administration of our customs laws with him.

The gentleman from Iowa pointed out how easily frauds could be committed on the customs revenues, and spoke particularly of the declaration before the foreign consuls, and asserted that foreigners who import goods into this country are entitled to no consideration from this Government. As a matter of law, that is true. But it is equally true, Mr. Chairman, that the citizens of no foreign country are bound to respect or obey the laws of this country with reference to importations unless within our jurisdiction. So it is as broad on one side as on the other. But when the lawmakers of our country shall arrive at the conclusion, which has been advocated from the foundation of the Government to the present time, that duties should be assessed, not on the foreign values, but upon the actual value at the custom-house in this coun-

try when they come in direct competition with the goods manufactured here of a similar character by American labor, and that the value on which the duties are to be assessed is to be settled by a board of appraisers as learned and practical as the gentleman suggests, then we shall have come to a condition of affairs that will justify us in making a proper estimate of what the duties will be for any coming year. It will be very accurate, indeed, because we shall know, in comparison with the articles we produce, if they are produced here at all, just what the value will be, what the rate of duty will be, and what will be the aggregate of collections. The committee has proceeded in a slight degree in this line in the proviso on page 18, of section 11, where they say:

Provided also, That it shall be lawful for appraising officers in determining the dutiable value of such merchandise to take into consideration the wholesale price at which such or similar merchandise is sold or offered for sale in the United States.

If the committee had gone a little further, and adopted the whole of the suggestion to which I have referred, we should have arrived at a conclusion which, although not without difficulty, yet would have made fraud upon the revenues of the Government almost impossible.

I wish to refer briefly to section 15, where I have a word of criticism to offer. Under this section all questions of fact are to be determined by the appraisers and no tribunal can subsequently pass upon a question of fact raised. Under the administrative act of 1890 this is not so. The courts passed on the law, and the facts also, and the boards of appraisers were required to pass on to the court to which an appeal might be taken a statement of all of the facts and the evidence taken by them upon the pending question, and yet this bill provides, in section 15, that the Board of General Appraisers shall not return to the said circuit court of appeals any of the evidence taken by or before them in the case.

Why not, if the purpose is to ascertain exactly the duty and the quantity of duty which should be assessed upon any given importation? If it is the intention to obtain an honest and just determination of the question, why should not all of the evidence which is before the board of appeals be passed on by the tribunal or court to which the appeal is taken? I certainly can not comprehend any reason why this should not be done; but the findings of fact are all excluded. Now, the findings of fact are generally determinative of the question of the duty to be assessed. The point of law is brief and simple, in comparison with the questions of fact, because the law generally specifically settles what the duty is if it is determined what the article is upon which the duty is assessed; but when we come to the point of the rate of duty, come to those questions where the duty is assessed according to the principle of law, there comes the gist of the whole controversy, and under this bill no appeal will lie from that determination. To this section of the bill I express my dissent and enter my protest.

There are some other matters in connection with this bill which I think could have been improved along the very lines of progression which the bill itself presents; but the grand overlying principle of it all, which is necessary in order that the duties assessed by this Government should be accurately determined and honestly collected, is that they shall be assessed upon the valuation which they have when they enter this country, and not when they leave the foreign country, when they enter directly into competition with the goods that are manufactured in this country, and are about to enter into the consumption of our people. I hope that the Committee on Ways and Means, in this Congress or in some subsequent Congress, will carefully consider this phase of the question, and will let us have a tariff which shall be Americanized and popularized in its every branch and upon every subject.

Mr. PAYNE. I ask that the Clerk proceed with the reading of the bill by sections.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding $100 in dutiable value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported, the name of the consular district in which and the name of the place from which the merchandise was procured, and the place of production or manufacture; which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof; and in default of such production when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof: *Provided*, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice the collector shall require a bond for the production of a duly certified invoice in a penal sum which shall be double the amount of the estimated duties, and in the sum of $100 if the merchandise be entered free of duty; and when it shall be found on liquidation of the entry thereof that said merchandise is exempt from duty, or subject to a specific duty, and that the amount of duty assessable thereon is not dependent upon the price or value thereof, in such cases the bond given for production of a duly certified invoice may be canceled, in the discretion of the Secretary of the Treasury, without requiring the production of such invoice.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the gentleman in charge of this bill to a difficulty that will arise under this section, where a pro forma invoice is filed and the undertaking is made that the true invoice will be furnished. That bond is absolutely worthless, for the reason that unless you have the true invoice it is impossible for you to recover upon the bond, and that becomes an incentive not to furnish the invoice. It results in the absolute nullification of this whole section requiring an invoice. I want to call the attention of the gentleman to this fact, for the reason that at one time not long ago there were 14,000 of these bonds in the hands of the district attorney of the city of New York, nct one of which could he successfully bring suit upon, and you might just as well not have a bond, for the reason that you can not establish the damages unless you will make the same liquidated damages and require the court to assess that amount in case of the failure to produce the true invoice. This is substantially the old law. I think that this section is a good one, if you will insert there a provision that will treat the penalty in the bond as liquidated damages and let the language be so forcible that the court must assess judgment in that amount.

Mr. PAYNE. I want to say to the gentleman from Iowa that this section was reviewed both by the Secretary of the Treasury and by the appraiser who appeared before the committee, and they never raised the question raised by the gentleman from Iowa, but they did think that the penalty of the bond should be prescribed in the act. Hence we have added, on that suggestion, an amendment which is all new matter, from line 8, page 6, to the end of the section, where it prescribes—

In a penal sum which shall be double the amount—

and so forth. All they suggested was that we fix this penalty in the bond. They seemed to think that the only difficulty was the lack in that respect, that the statute had failed to fix the penalty of the bond, and if the penalty of the bond was fixed under this provision in double the amount, as is required under this provision, and with the limitations that follow, that was all that was necessary to make this section effective.

Mr. HEPBURN. If the gentleman will think for a moment, suppose you bring an action upon this bond for a failure to produce the true invoice. The entry has been made under the pro forma invoice. Now, how will you secure a recovery for anything more than mere nominal damages? How can you prove the damages? The measure of damages undoubtedly would be the loss that the Government suffered through the undervaluation—the difference between the true value and the value stated in the invoice. Now, if there is no invoice, how can you establish that? You never can have a recovery, and you will be in precisely the same condition as the Department was under the old law. This was substantially the law prior to 1890, and there were these 14,000 bonds in the hands of the district attorney for the district of New York at one time. I did not observe this before, or I should have called the attention of the gentleman to it. If you will make this liquidated damages, you will obviate the difficulty.

Mr. TURNER of Georgia. To what case does the gentleman from Iowa refer, in which it was held that these bonds could be recovered upon only in the way in which the gentleman has stated?

Mr. HEPBURN. I can not recall a case, but I know that the district attorney for a long time refused to bring suit, because he could not secure recoveries in the absence of the invoices.

Mr. PAYNE. There was nothing in the law that required any penalty in the bond at that time.

Mr. HEPBURN. I am speaking of the old law, prior to 1890.

Mr. PAYNE. Prior to that there was no penalty.

Mr. HEPBURN. Oh, yes; there was a penalty.

Mr. TURNER of Georgia. I think the gentleman's criticism is rather extreme on the language of the present bill. It strikes me that way, if the gentleman will permit me to say so.

Mr. HEPBURN. Will the gentleman suggest a way in which a recovery can be had for more than nominal damages in the absence of the invoice?

Mr. HOPKINS. If the gentleman will look at this language, commencing with the sentence in line 4:

And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice, the collector shall require a bond for the pro-

duction of a duly certified invoice in a penal sum which shall be double the amount of the estimated duties, and in the sum of $100 if the merchandise be entered free of duty.

Now, will not that statement answer the purpose, giving the value on the invoice, and then the penalty would be double that?

Mr. HEPBURN. That would be a penalty on the bond, but I am speaking about an action. When you come to recover on the bond you have got to establish the measure of damages. Now, what will be the measure of damages, if the gentleman will permit me, in that case?

Mr. TURNER of Georgia. If the gentleman from Iowa were presiding in a court I think he would undoubtedly hold that the prosecuting attorney could approximate the damage by any evidence he could offer.

Mr. HEPBURN. The amount of the damages would be the undervaluation, and the invoice is required in order to secure the Government against undervaluation.

Mr. TURNER of Georgia. Yes.

Mr. HEPBURN. Now, if they do not produce the invoice, how can you recover anything more than nominal damages?

Mr. TURNER of Georgia. The gentleman assumes that there can be no approximation of the damages in the absence of the invoice. In that absence could not the prosecuting attorney prove the damage by any other kind of proof accessible that is known to the law?

Mr. HEPBURN. I would submit to the gentleman that it would be impossible in the absence of the invoice to recover anything more than mere nominal damages.

Mr. TURNER of Georgia. The gentleman will understand me that I suggest that the failure to produce the bond is a breach of the bond.

Mr. HEPBURN. I understand that the failure to produce the invoice is a breach of the bond.

Mr. TURNER of Georgia. And the measure of the damages, as the gentleman has stated. We ascertain what that damage is to the Government and undertake to prove, in any competent way the attorney may see fit, that the court would admit, approximately, the measure of the damages.

Mr. HEPBURN. I have failed to make myself understood by the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNOLLY. I move that the gentleman's time be extended.

Mr. PAYNE. I think there is something in the criticism of the gentleman from Iowa. I do not see in such a case as that how anything more than nominal damages could be recovered, unless the Government should be able to prove that. By not producing the duly certified invoice the question of the amount of damages could not be determined, and the Government would be defeated by reason of that. I think there is something in the gentleman's suggestion.

Mr. TURNER of Georgia. Does not the man who fails to comply with the bond take the risk of having damages assessed at a higher rate?

Mr. PAYNE. Certainly; but suppose the pro forma invoice—the invoice in form, I believe it is called in the bill—does approximate the real value of the goods, so that the Government loses nothing, it should have the right to require the duly certified invoice, and to enforce the requirement by a recovery of more than nominal damages on the bond.

Mr. TURNER of Georgia. In a case like that which the gentleman now puts, as I understand it, there is no damage suffered by the Government.

Mr. PAYNE. Say the case is correctly stated by the criticism of the gentleman from Iowa, that this leaves it for determination upon the pro forma invoice instead of the duly certified invoice. It makes it merely a formal invoice to act upon, and damages could be recovered. I think there is something in the gentleman's criticism.

Mr. TURNER of Georgia. The gentleman assents to the proposition laid down by the gentleman from Iowa, that the Government is precluded from recovering any damages except nominal, except where the man furnishes his bond.

The CHAIRMAN. The Chair would call attention to the fact that there is nothing before the committee.

Mr. PAYNE. I move to strike out the last word, then.

Mr. TURNER of Georgia. On the basis of the motion just made by the gentleman from New York, without having personally examined this question, it strikes me, from the statement made by my friend from Iowa, that the Government is not precluded from bringing a suit for damages in any way.

Mr. PAYNE. I do not think it is; but the question is, can the Government collect any damages that would make it a punishment if the importer should resort to the pro forma invoice instead of the duly certified invoice, and——

Mr. TURNER of Georgia. But the gentleman is aware that the appraisers have very large powers and agents going about all over the world——

Mr. PAYNE. That is all true.

Mr. TURNER of Georgia (continuing). To prove undervaluations.

Mr. PAYNE. Still, I think we should not approve a pro forma bond.

Mr. HEPBURN. If the gentleman will permit me, I insist that it is absolutely impossible to recover unless you have that invoice. There is no other evidence that you can have. How can you establish the fact that there has been undervaluation unless you have that invoice? That is the first point, the starting point, and the difference between the valuation in that invoice and the true valuation would be the measure of the damages; so you must have the invoice in order to show the variation that there is between the two, that variation constituting the actual damages that the Government suffers. Therefore, with all due respect to the gentleman from Georgia, I do not see how it is possible in any instance to recover without that evidence; nothing else can take its place.

Mr. PAYNE. Mr. Chairman, I will ask to have this section passed over for the present and we can return to it later.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port, at the time of entry by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently: *Provided further*, That no person holding a license to transact business as custom-house broker, under the provisions of section 23 of the act of August 28, 1894, shall be designated to administer oaths and take acknowledgments under the provisions of this section, and the power to administer such oaths and take such acknowledgments is hereby revoked as to all persons so licensed to transact business as custom-house brokers at the date of the passage of this act.

Mr. PAYNE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after the word "four," in line 17, page 7, the following: "nor any agent or employee of such broker"; also, after the word "broker," in line 21, insert "and their agents and employees."

Mr. PAYNE. The idea of this amendment is to prohibit the clerks, agents, and employees of these brokers from making these oaths and declarations, as well as the custom-house brokers themselves.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased, may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to the cost or value given in the invoice, or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall be limited to 50 per cent of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted nor payment thereof in any way avoided except in cases arising from a manifest clerical error, nor shall they be refunded in case of the exportation of the merchandise and shall not be subjected to the benefit of drawback: *Provided*, That, if such appraised value of any merchandise shall exceed the value declared in the entry by more than 50 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violations of the customs laws; and in any legal proceedings which may result from such seizure such undervaluation to be shown by the appraisement shall be presumptive evidence of fraud and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence: *Provided further*, That the forfeitures provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *And provided further*, That all additional duties, penalties, or forfeitures, applicable to merchandise entered by a duly certified invoice shall

be alike applicable to goods entered by a pro forma invoice or statement in form of an invoice. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

Mr. WALSH. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after the word "entry," in line 19, page 13, the words "six per centum."

Mr. WALSH. The effect of this amendment would be to change somewhat the reading of this clause and make it read as follows:

And if the appraised value of any article of imported merchandise, subject to an ad valorem duty, or to a duty based upon or regulated in any manner by the value thereof, shall exceed the value declared in the entry 6 per cent there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, etc.

The bill as it is reported from the committee inflicts a penalty where there is any undervaluation. As I said in my former remarks, it is almost impossible for any importer, or any appraiser, or any expert, to get at the exact value of any article, and the law under which we are living now allows 10 per cent leeway. My amendment reduces it to 6 per cent, or I would be willing to make the rate 5 per cent; but I say that it is a great hardship on the importer or the merchant to hold him down to the exact valuation of any article that he imports into this country. You penalize him by an additional 1 per cent duty; not 1 per cent on the undervaluation, but 1 per cent on the value of the whole importation. I claim that that is a great hardship and it will tend to make the merchant overvalue his goods to a slight extent and pay an increased duty on them, thus increasing the cost of such articles to the consumer.

Mr. PAYNE. Mr. Chairman, this amendment simply provides for 6 per cent of fraud. That is the whole proposition. The additional duty can not be incurred unless there is fraud in the valuation. If the appraisers add 6 per cent to the importer's valuation, then the line of additional duty commences there.

Mr. McMILLIN. The gentleman has said that this is only a tax of 6 per cent on fraud. Does he not know that this imposition is to be placed on the goods, however honestly the mistake may have been made originally?

Mr. PAYNE. If I said a tax of 6 per cent on fraud, I did not mean it. I meant that this offered a premium of 6 per cent on fraud—that it gave a chance for the importer to advance his goods 6 per cent without incurring the risk of losing a dime.

Mr. WALSH. Does not the present law allow 10 per cent?

Mr. PAYNE. It does; and that is one of the worst features of the present law, if not its worst feature. It encourages more fraud, undervaluation, and crimes against the revenue than any other feature in the present administrative law; and it was because the committee wanted to reduce those offenses to a minimum that they made the increased duties commence at the point of the increased valuation, ascertained by an honest appraisement by the Board of Appraisers. If the appraisers increase the importers' valuation only 1 per cent, then there is an increase of only 1 per cent in the duty.

Mr. WALSH. An increase of 1 per cent not on the overvaluation, but on the whole importation.

Mr. PAYNE. An increase of 1 per cent on the valuation of the whole importation. Now, the provision of the bill is no hardship to the honest importer. He has a hearing before the appraiser; his witnesses are heard; he can prove the value of his goods, which he knows better than any other man. There is no hardship on him. This provision will operate only against those who may seek to evade the law, and we want to cut off the opportunity of evasion even by those who would evade the law by only 6 per cent of undervaluation. We want to reduce the evasion to a minimum. We want to provide, in effect, that if there should be only 1 per cent of undervaluation additional duty to the extent of 1 per cent shall be added upon the appraised value of the goods.

The committee considered this matter. We considered the advisability of fixing the line at 5 per cent or at 10 per cent. It was the judgment of the committee, following the judgment of the board that examined the question for months in the city of New York, the board of which ex-Secretary Fairchild was chairman—following the judgment of that board we have made the increased duty commence with the increased valuation of the Board of Appraisers. I hope that the amendment will be voted down and that the section will be allowed to stand as reported.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. McMILLIN. I move pro forma to strike out the last word. Mr. Chairman, no hope that we shall be able to change the report of the committee impels me to consume the time in discussing the amendment of the gentleman from New York, which I rise to support. But it presents a very important question, and it is well enough that the facts should go along with the enactment of the provision embraced in this bill.

My friend from New York [Mr. PAYNE] speaks very emphatically against this amendment and in favor of the bill. One would suppose from the burden of his remarks that this is a penalty placed upon "fraudulent" invoices. If it were so, there might be some plausibility in the pending provision of the bill. But, on the contrary, if A, for instance, buys a bill of goods and gets a bargain of 5 per cent in their value, which is not uncommon in commercial transactions, and then invoices the goods at exactly what he paid for them, this board, taking charge of him under the provision of this law, would tax him not the ordinary tax on the goods, but would first impose the statutory rates on the valuation at which the goods were invoiced, and then would tax him 100 per cent on every cent he had gained in his original trade.

On account of the importance of this question I may be pardoned for reiterating what I said in the opening discussion—that the experts who came before the Ways and Means Committee were unanimous in one thing at least—that there is no man living who in a very large class of goods could come within 5 per cent of uniformity in undertaking to fix their value. Therefore in this bill the committee put a penalty upon any bargain that a man who purchases goods may make. They put a penalty upon any trade he may have made in which he took advantage of the reduced prices at the mill from which he bought. They put a penalty upon his buying in very large quantities in case the invoices follow the actual cost of the goods and happen to be a little below valuations, which the experts themselves say can not be accurate in uniformity. That is what is proposed by this measure.

The proposition embraced in the amendment of the gentleman from New York [Mr. WALSH] deserves enactment, whether it be enacted or not. Of course you have the majority and have the power to enact these provisions into law; but the question is, What is just and right in dealing with the American people? If our tariff laws are not on the right basis we ought to put them on the right basis. If the duties are too high we ought to lower them; if they are too low we ought to raise them. We should collect a regular statutory rate from everybody. This, I think, is the correct principle. I sympathize with what has been said in regard to the strict enforcement of the tariff laws. I am in favor of the strict enforcement of all laws. If they are good laws that is the way to get benefit from them; if they are vicious it is the way to get them repealed. But when all the experts concur in affirming that there can not be an accurate standard fixed for appraisement, I say that within the limit where they say the discretion even of wise people may vary it is not well to fix penalties which are based upon the idea that great fraud has been committed and that a great reform is to be wrought by statutory penalties. Do justice by the American people—by importer and consumer alike.

Mr. DINGLEY. I rise to oppose the pro forma amendment. In reply to the statement of the gentleman from Tennessee [Mr. McMILLIN], I desire to say that it is the judgment both of the Treasury Department and of the board of which ex-Secretary Fairchild was chairman that the point of additional duty should commence at the point of undervaluation. Allow me to read what ex-Secretary Fairchild says in his report on this point:

This penalty or additional duty is required not only to punish and prevent willful undervaluations, but also to operate as a constant inducement to the importer to state with the greatest possible accuracy the true market value—

And I may say the importer knows the exact market value of the goods which he imports; in many cases he is the only man who does know accurately their exact market value—

and thus to aid the Government appraising officers in the performance of their duties. Under the present system the importer has a margin of 10 per cent within which he may incorrectly state the market value, subject to no greater risk, should his entry be advanced, than the payment of the regular duty upon the amount added by the appraising officer to make market value.

And as a rule he states the market value where there is a difference, or if there is a difference in valuation, substantially 10 per cent below the market value, because he has 10 per cent lee way.

If, however, no margin is allowed for difference of opinion between the appraising officer and the merchant, there is always an inducement to the importer to state the market value as accurately as he can, irrespective of the price he may himself have paid.

And for this reason that board presided over by Secretary Fairchild, as well as the Treasury Department, unanimously agree that the assessment of additional duty should begin at the point of undervaluation.

For that reason I think the amendment should not prevail.

The question being taken on the amendment proposed by Mr. WALSH, it was rejected.

The Clerk proceeded to read the bill.

Mr. HEPBURN. I wish to make a suggestion to the gentleman in charge of the bill at this point. I suggest the following amendment: In lines 21 and 22, on page 14 of the bill, strike out the words "case or package" and insert the word "invoice"; so that section would read, or that portion of the section:

Provided further, That the forfeitures provided for in this section shall apply to the whole of the merchandise or the value thereof in the invoice containing the particular article or articles in each invoice which are undervalued.

The reason, Mr. Chairman, is this: That often a large number of packages may be opened at the same time, and the difficulty arises as to which particular package a particular article which is in question as to its valuation was in; and if you attempt a forfeiture of the article in a given package it would become a matter of great difficulty often to establish the fact, as the Government would have to establish it, that the articles objected to, or a number of articles to which objection is made, were in a particular package or case.

I think the amendment would greatly improve the bill and simplify very much the procedure under it.

Mr. PAYNE. Mr. Chairman, the additional duties provided for in section 7 relate only to the value of the merchandise in the case or package concerning the particular article or articles in question. It relates to the particular articles in value which are contained in the package or case.

It seems to me that it would add very greatly to the penalties imposed by the bill if you forfeit the goods contained in the whole invoice because of the fact that objection is made to the appraisement, or valuation rather, of an article in a particular package. It would be an unusual and unnecessary hardship.

The difficulty is this: These cases of forfeiture must be tried before a jury in the courts, and the penalty would be made so severe by the adoption of the amendment that immediately the importer gets the sympathy of the jury, and it becomes impossible, except in the plainest cases, to establish the guilt of the party and secure the forfeiture of the goods. I do not think the amendment would be in the line of a better collection of the customs duties, and I hope it will not prevail.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word.

The forfeiture referred to would be only possible in a flagrant case, where the undervaluation was very great indeed, and where the increase of value fixed upon the goods by the customs officers is at least 50 per cent. Now, in a case of that kind, where there is such a flagrant attempt at fraud, it seems to me we ought not to deal very gently with the fraudulent importer, but, on the contrary, that he ought to be made an example of, and that at least, in endeavoring to do so, the Government should protect itself as far as possible in all matters of proof.

Suppose we bring an action of forfeiture for gross undervaluation of an importation of merchandise, and we have in our possession certain articles. The burden will be on the Government to show that all of these articles were taken from a case or package, and the one particular case or package with reference to which the fraud was charged.

I think it would be much better to relieve the Government from the necessity of making such proof, and to remove the contention altogether, because the burden is on the Government, and in making it you only make loopholes for the escape of the defendant, whereas the adoption of the amendment would simplify the matter to such an extent that collateral questions of this character could not be raised at all.

However, if the gentleman in charge of the bill thinks it is not desirable, I will not insist, but will withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of $7,000 a year. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President for inefficiency, neglect of duty, or malfeasance in office. They shall be employed at such ports and within such territorial limits as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers and duties devolved upon them by this act, and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements and classifications for duty of imported merchandise as may be needful to secure lawful and uniform appraisements and classifications at the several ports. Three of the general appraisers shall constitute a board, and at least one board shall be on duty as a board of general appraisers daily (except Sunday and legal holidays) at the port of New York during the business hours prescribed by the Secretary of the Treasury, at which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the Board of General Appraisers on duty at said port.

Mr. TURNER of Georgia. I move to strike out the last word. I do that for the purpose of calling the attention of the gentleman in charge of the bill to what might be a possible construction of section 12, which had not occurred to me before. Section 12 provides—

That there shall be appointed by the President, by and with the advice and consent of the Senate, etc.

Would that have the effect to supersede the present Board of Appraisers and require new appointments, or has the attention of my friend been called to that?

Mr. PAYNE. I will say to the gentleman from Georgia that the bill provides an amendment to section 12 of the act of June 10, 1890, and that the only difference between this and the original section is, that in line 18, on page 19, we have interpolated the words—

Shall constitute a board, and at least one board.

That is the only change we have made in the original section. I do not see how this could possibly provide for the appointment of a new board or a change from the present one.

Mr. TURNER of Georgia. But this is a new statute, when you have enacted this.

Mr. DALZELL. It is only an amendment.

Mr. PAYNE. It is amended so as to read as follows——

Mr. TURNER of Georgia. If the gentleman is content with it, I have no further suggestions.

Mr. DINGLEY. And the amendment consists in interpolating the words—

Shall constitute a board, and at least one board.

That is all that is done to the section. I will say that this bill as drafted has been submitted to the Board of Appraisers themselves, and also to the Treasury Department.

Mr. TURNER of Georgia. Perhaps I ought to state to the gentleman that I had some connection with an amendment to this law some time ago, and I know that on that occasion we followed this form, and that the Board of Appraisers were very much afraid that if enacted in that shape it would supersede them, and we had to change it to meet their whim. I simply call the attention of the gentlemen to it in order that they may not overlook it.

Mr. PAYNE. If there is any possible reason for the gentleman's criticism, that would be very easily obviated by adding the words at the end of section 3—

But not in any way to interfere with the terms of the present Board of Appraisers—

or something of that kind.

Mr. DINGLEY. I suppose there would have been no question about it if the first paragraph had read:

That section 12 is hereby amended by inserting, after the word "appraisers," the words "shall constitute a board, and at least one board"; so that said section shall read as follows.

If it had been put in in that form, there could have been no question at all about it. I can hardly see how the fact that the mere amendment itself is not recited in the first clause can change the effect of the law.

Mr. HOPKINS. I should like to call the attention of the gentleman from Georgia to the first section. It goes on to state that this is to amend an act approved June 10, 1890. The language is:

That chapter 407 of the Statutes at Large of the United States of America, volume 26, entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, be, and the same is hereby, amended in the several sections herein named so as as to read as follows.

Now, the only change in section 12 is found in line 18, in the words:

Shall constitute a board, and at least one board.

The purpose of this being to leave the law, so far as the appraisers are concerned, precisely as they are now, it seems to me.

Mr. TURNER of Georgia. I am quite content myself. I may, perhaps, be overcritical, but that was the view taken two years ago, I remember.

Mr. EVANS. They did not take that view this year.

Mr. TURNER of Georgia. The gentleman can see that it is possibly liable to that construction.

Mr. DINGLEY. Did not the act to which the gentleman refers enact the section as original, instead of amending it so that said section should "read as follows"?

Mr. TURNER of Georgia. My friend may remember that the administrative portions of the last tariff law were embodied in the act revising the rates, and where there was no change the same language was employed as was employed in the act of 1890, so that it comes back to the same question precisely.

Mr. DINGLEY. My impression is that the act of 1894 reembodied the act of 1890 as new legislation, and did not propose to amend it. Therefore, there was the difference which I have suggested. It repealed all acts to the contrary.

Mr. TURNER of Georgia. That is true; but I submit whether it is possible this could be held to be a new statute.

Mr. HOPKINS. Let me suggest to the gentleman that under the language of section 1 of the bill section 12 would not be in the bill at all except to show the members of the House what words are to be interpolated in the bill, and that this will remain as it is now on the statute book, with the addition of the words which have been stated.

Mr. DINGLEY. Eight sections of the act of 1890 are not touched by this bill.

Mr. STEELE. And remain on the statute book.

Mr. TURNER of Georgia. I withdraw my formal amendment.

Mr. BELL of Colorado. I send up an amendment, Mr. Chairman.

The Clerk read as follows:

On page 19, line 4, after the word "of," strike out the word "seven" and insert in the place thereof the word "five."

Mr. BELL of Colorado. Mr. Chairman, I do not rise for the purpose of antagonizing this bill. It seems to me, from my small experience in such matters, to be a good bill, but it does seem to me that it is about time we were economizing in salaries of officers. Now, I do not doubt but what these are very important positions, but I find to-day that in every business department of this country, except with the official classes, every day it becomes harder and harder for any class of men to make a salary of $5,000, and it does seem to me that $5,000 is ample compensation for these general appraisers. It is not true, as usually supposed, that the men who occupy and perform this kind of work can make as much as $5,000 in private vocations. It is not true that this kind of work is done by high-priced men. As a matter of fact, you may take every Department of this Government, and I may say the most important class of the departmental work is not done by the chief, or the man who gets the higher salary, and it seems to me that $5,000 ought to be ample remuneration for these general appraisers.

Mr. HOPKINS. Does the gentleman understand the nature and character of the work performed by these gentlemen?

Mr. BELL of Colorado. No, sir; I do not claim to understand in detail what they are to do; but I do claim to know that this detail work and this class of work is done all through every department of life by men that only receive $2,000 to $2,500 per annum for their services.

Mr. HOPKINS. I wish to state to the gentleman that before our committee the effort was made to increase rather than to decrease the salaries, because it requires so much skill and so much ability that it was difficult to secure the right kind of men—that private individuals and corporations were paying all the way from $12,000 to $20,000—for specialists of the character that the Government required to perform this kind of work.

Mr. BELL of Colorado. Yes, sir; I understand that that claim is always made, and the whole tendency of every department of the Government is to raise the salaries. We learned that very distinctly the other day, when we had up the marshal bill and the bill for the district attorneys, and we will find it in every department of the Government; but I venture the assertion that if you pay $4,000 or $5,000 you will get just as good ability as you will if you put it at $7,000. There will be plenty of men to take it, and the real ability that performs this kind of work never gets the high pay. It is the man who directs the real ability that obtains the pay. The man who manages is really a figurehead, and he obtains the high pay and the expert does the technical work.

Mr. HOPKINS. Right there let me suggest that this work can not be done by clerks or persons other than those designated in the bill. It is because of their special intelligence on the special lines of their work that they are employed by the Government; and they save millions of dollars for the few thousands that are paid for their salaries.

Mr. BELL of Colorado. That may all be; but if you can obtain sufficient ability for $5,000 it is not necessary to pay more. I have no doubt any number of men will take the offices if this salary is put in front of them. I know there is a tendency to increase every salary of this Government, and the only good business to-day in the United States is official business. The man who does not hold office finds it harder every day to obtain a dollar, but he who holds an official position, with the increasing value of the dollar has his salary constantly going up without increasing the number of dollars. I am opposed to making low salaries. I think they ought to be reasonable, and I think that $5,000 is ample compensation, and is enough. [Cries of "Vote!" "Vote!"]

The question was taken on the adoption of the amendment, and the Chairman announced that the noes seemed to have it.

Mr. BELL of Colorado. Division.

The committee divided; and there were—ayes 15, noes 73.

So the amendment was rejected.

The Clerk read as follows:

SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within ten days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within ten days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment the reasons for his objections thereto, with a sample of the articles or merchandise, where the same are of a kind that a sample can be conveniently attached to and accompany said notice, and where the character or quality of the articles or merchandise is in question, attached to or accompanying said notice, certified or authenticated by the appraiser or appraising officer as being a part of the particular importation as to which the protest is made; and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon, together with the sum of $2 with each notice, to be known as a protest fee, which fee shall be refunded by the collector to said owner, importer, consignee, or agent, only in case a refund of the duties or other exactions as claimed by him shall be made in pursuance of law. Upon such notice and payment the collector shall transmit the invoice and all the papers, samples of the merchandise, and exhibits connected therewith, to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court of appeals for a review of the decision of the board upon any questions of law within the time and in the manner provided for in section 15 of this act. Notice of at least twenty days of the time set for hearings held under the provisions of this section shall be given by mail in writing, directed to the importer, his authorized agent, or attorney, at his place of business or residence: *Provided*, That at any time within thirty days after any decision is made by a board, such decision may be vacated and set aside by the board making it, on application in writing accompanied by satisfactory showing by the party interested that such notice was never given or received.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word, for the purpose of calling the attention of the gentleman in charge of the bill to the clause beginning in line 23, page 22, which reads as follows:

And, if the merchandise is entered for consumption, shall pay the full amount of the duties and charges ascertained to be due thereon, together with the sum of $2 with each notice, to be known as a protest fee, etc.

I suppose that is intended to be the fee in each protest; but would it not be better to make the fee a less sum, say $1, and fix that as the fee for each assignment in the protest, so that absolute particularity, the very thing that the protest rests upon, should be stated? Would not that be better than the present method, where perhaps one hundred causes of protest will be assigned in one printed blank; for it is the custom of the brokers to group together every possible objection that occurs to them in the protest, so that there is no directing of the attention to the special thing that is relied upon. Under the present system, the broker gathers together in his protest all these grounds, hoping that, through some future decision, he may gain an advantage. It is, of course, entirely proper that he should have the right to protest; but it is also proper to require him to specify the very ground of his protest. In the matter of a demurrer to a pleading the court requires particularity; requires the very difficulty that is complained of to be pointed out; but that is not required in these protests, and often they are filed when there is no purpose at all of proceeding at present in the case, the intent simply being to await the chance of obtaining some advantage. I think that if the gentleman in charge of the bill would modify this provision so as to fix some small fee, and to impose that fee upon every assignment in the protest, the effect would be that nothing would be put in the protest but that upon which the man relied.

Mr. PAYNE. I think the difficulty with my friend's suggestion would be that thereafter the notice of protest would contain but one assignment, and all the reasons alleged for the reversal of the decision of the appraisers would be stated in that one assignment, so that the result would be the payment of a fee of but $1 instead of $2. It would be very easy to make one assignment setting forth all the reasons.

Mr. HEPBURN. I think not. It seems to me that it could be so arranged that for each particular objection there should be a fee, and that the effect would be to bring these protests down to the very matter that was relied upon, instead of permitting the filing of protests covering—as they sometimes do now, I think I am safe in saying—one or two hundred alleged causes.

Mr. DALZELL. Would not the proper remedy for the difficulty which the gentleman points out be a provision of law as to the form of protest, making it incumbent on the protestant to put in his protest simply those things on which he relied?

Mr. HEPBURN. You do that now. That is the old law, and yet under that law this abuse has grown up, and I am sure it has cost the Government a great many hundred thousand dollars. Take, for instance, the steel-broom cases, or the coverings case, the one costing $10,000,000 and the other more than $3,000,000. Take the hat-trimmings case, which will cost probably $34,000,000 or more. If there had been a particular protest required by law, containing nothing more than what was relied upon in that particular case, those protests would not have been filed, and there would have been no standing for those cases in court. But under the present system men just lay these protests up, so to speak, for future use.

Mr. PAYNE. Mr. Chairman, the opinion of the Board of

Appraisers was that the fee of $2 provided in the bill would sufficiently discourage the practice of piling up these notices, and the Department confirmed that opinion. This fee was also suggested by the Fairchild commission; they thought this fee would be ample to guard against the abuse of the piling up of these protests.

Mr. DINGLEY. Mr. Chairman, right on that point I may say that the committee thought at first that they would make the protest fee larger, but in view of the objections that were raised to any protest fee it was thought that the end could be accomplished by making the fee a small one, only $2, and even against that more protests came up from importers than against any other feature of this bill. I think 100 importers in one city have protested against even this two-dollar fee, and if the fee should be made $1 for each assignment, which would probably make the protest fees in some cases as high as $50, I am sure that we should have the country in an uproar. I believe that the practical end in view can be attained by the small fee proposed; at least that is the judgment of the Assistant Secretary of the Treasury, who has charge of customs matters, and it is also the judgment of the Board of Appraisers.

Their idea is that this is the mean amount which may be fixed to secure the results which they hope from any fee. As the gentleman from Iowa says, it is true that there are piled up at the custom-house and in the Treasury Department thousands of protests made upon mere speculation, in the hope that somebody will raise a case at some time, that that particular duty will be declared illegal, and that then they will come in and demand a refund from the Treasury. That is true, and it is because of that fact that the committee have reported any protest fee, and yet there is great objection among the importers to even the fee fixed in this bill; more objection, as I have already said, than there is to any other feature of the bill. The committee thought, therefore, that it might be wiser to go no further at this time than they do go in the bill. Perhaps by and by it may be desirable to go further, even to the extent proposed by the gentleman from Iowa, but I think that on the whole, in view of the facts that the Board of Appraisers and the Treasury Department concur in recommending a two-dollar fee for a simple protest, it is best for the present to leave this matter where the bill as reported by the committee leaves it.

The CHAIRMAN. As the Chair understands, the pro forma amendment of the gentleman from Iowa is withdrawn.

The Clerk read as follows:

SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as hereinbefore provided, as to the construction of the law respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, and not afterwards, apply to the circuit court of appeals of the United States within the district in which the matter arises for a review of the questions of law only involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court of appeals a concise statement of the errors of law complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon said circuit court of appeals, or any judge thereof, shall order the Board of General Appraisers to return to said circuit court of appeals the record, which shall consist of the invoice and the papers and exhibits connected therewith, originally transmitted by the collector to the said Board, together with their findings of facts in the case and with their decision thereon. The Board of General Appraisers shall not return to said circuit court of appeals any of the evidence taken by or before them in the case. The findings of fact returned as aforesaid shall be conclusive as to all questions of fact arising in the case upon all parties and upon said circuit court of appeals; but said circuit court of appeals, if it deems the findings of facts returned by the Board of General Appraisers insufficient to enable the said court to determine the correctness of the decision of the said Board of General Appraisers upon the questions of law involved in respect to classification and rate of duty, may submit such question or questions as it deems advisable to said Board of General Appraisers and require a further finding or findings of fact thereon; and the said Board of General Appraisers shall forthwith, on receiving an order from the said court for further findings of fact on questions submitted to them by the said court, as hereinbefore provided, proceed to determine such questions and return their findings of fact thereon to the said circuit court of appeals. The aforesaid returns shall constitute the record and case upon which said circuit court of appeals shall give priority to and proceed to hear and determine the questions of law only involved in such decision of the said Board of General Appraisers respecting the classification of such merchandise and the rate of duty imposed thereon under such classification. The decision of said court shall be final, and the proper collector or person acting as such shall liquidate the entry accordingly: *Provided, however*, That in such cases the said circuit courts of appeals shall have the same power to certify questions of law to the Supreme Court of the United States, and the said Supreme Court of the United States shall have the same powers to take control of such cases by certiorari or otherwise, after they have been brought into the said circuit courts of appeals, that are now conferred by law upon said courts, or any of them, in respect to subjects within the appellate jurisdiction of said circuit courts of appeals. All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 24 of this act. For the purposes of this act the circuit courts of appeals of the United States shall have jurisdiction and authority to order and adjudicate in the cases so presented, and shall be deemed always open, and said courts, respectively, may establish and from time to time alter rules and regulations, not inconsistent herewith, for the procedure in such cases as they shall deem proper.

Mr. PAYNE. There are one or two verbal amendments which I desire to submit for the purpose of correcting the text of the bill. I move the amendment which I send to the desk.

The Clerk read as follows:

In line 22, page 24, strike out "facts" and insert "fact"; strike out also the word "with" where it occurs the second time in the same line; so that the clause will read:

"Together with their findings of fact in the case and their decision thereon."

The amendment was agreed to.

Mr. PAYNE. I move further to amend by striking out, in line 4, page 25, the word "facts" and inserting in lieu thereof the word "fact."

The amendment was agreed to.

Mr. McMILLIN. Mr. Chairman, there are three amendments I desire to submit; but as they all relate to a single matter, I propose to offer them together that they may be voted upon as one proposition, thereby presenting the question intelligibly, and saving time and trouble. One amendment is to insert after the word "law," in line 5 of this section, the words "and facts"; so as to read, "the construction of the law and facts." I desire further to amend by striking out the word "only," in line 11, and inserting in lieu thereof the words "and facts."

Mr. WALSH. I have prepared an amendment covering exactly the same ground as the amendment which the gentleman from Tennessee suggests.

Mr. McMILLIN. Has the gentleman a substitute for this portion of the bill?

Mr. WALSH. Yes, sir.

Mr. McMILLIN. I withdraw my amendment and yield to my friend, as his amendment brings up, I understand, the same question which I desired to submit.

Mr. WALSH. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out in line 11, section 15, the words "only involved in such decision" and insert "and fact; but on such review no evidence can be considered which was not before the board or appraiser appealed from; and all evidence taken before said board or appraiser whose decision is appealed from shall be considered by the circuit court of appeals."

Strike out "not," in line 23; so as to make the clause read: "The board of appraisers shall return to said circuit court of appeals any of the evidence taken by or before them in the case."

Strike out all after the word "case," in line 25, page 24, down to and including the word "appeals," in line 3, page 25, the words struck out being as follows: "The findings of fact returned as aforesaid shall be conclusive as to all questions of fact arising in the case upon all parties and upon said circuit court of appeals."

Mr. WALSH. My amendment would make the portion of the section to which it applies read as follows:

May within thirty days next after such decision, and not afterwards, apply to the circuit court of appeals of the United States, within the district in which the matter arises, for a review of the questions of law and fact; but on such review no evidence can be considered which was not before the board or appraiser appealed from and all evidence taken before said board or appraiser whose decision is appealed from shall be considered by the circuit court of appeals.

Mr. Chairman, I think this amendment will obviate one of the objections made by my colleague from New York that the circuit court of appeals could not obtain the same evidence which the appraisers could obtain. This substitute legalizes all evidence taken before the Board of Appraisers and gives the court acting on the appeal the power to consider any such evidence.

Mr. HOPKINS. Why would the gentleman carry these matters into the circuit court of appeals?

Mr. WALSH. I understand that is the language of the statute.

Mr. HOPKINS. The gentleman does not aim simply to give the parties additional time?

Mr. WALSH. I have no disposition to change the place now provided by law for the hearing of appeals.

Mr. HOPKINS. But your amendment contemplates that after the decision of the appraisers the parties may go into court and hold up these matters for five or ten years.

Mr. WALSH. No, sir. These questions are not held up now for five or ten years. Yet there is an appeal to-day to the Board of General Appraisers and an appeal from that Board to the courts.

Mr. HOPKINS. That is one of the very things we are trying to remedy.

Mr. DINGLEY. There are cases of this kind that have been pending in court now for more than ten years.

Mr. WALSH. Well, they must either be very important cases or else there is nobody to look after them.

Mr. HOPKINS. Among the evils which we desire to cure are the delays which have resulted in the past from allowing parties to carry these appeals into the courts.

Mr. WALSH. Allow me to say that when an appraisement is made, the most important question in connection with that appraisement is whether as a matter of fact it is right or wrong. The question is entirely one of valuation, and that may be, of course, the most material thing upon which an appeal is desired.

Mr. HOPKINS. But your amendment allows an appeal not only on the law, but the facts.

Mr. WALSH. Yes, sir.

Mr. HOPKINS. And the amendment would allow these cases

to be taken before a judge and jury who know nothing about such questions, but who would undertake to revise the judgment of these experts on questions of fact. In one sense it is an absurdity, as you will readily see, for you take it into a forum where they are entirely unacquainted with the facts and the expert knowledge on which the decision was rendered.

Mr. WALSH. Now, let us see just how absurd it is. What is the course in our State courts? In all of our courts at common law you try questions of the sanity or insanity of people, for instance, before a jury; and what is the procedure in this and kindred cases?

Mr. DALZELL. But, if the gentleman will permit me to interrupt him, we do not try questions of the assessment of property, where taxation is to be imposed, before a jury.

Mr. WALSH. Certainly not.

Mr. DALZELL. And does not the gentleman recognize also that the determination of the appraisers on questions of fact is frequently based on testimony which would not be competent in any court of justice at all? Does not the gentleman recognize further the fact that some of the testimony on which the decision of the appraisers is rendered is incapable of being introduced in any court of justice, because it is testimony that results from personal knowledge, personal experience and observation and expert information of the person or persons who make the deposition?

I wish to say to the gentleman, if he will permit me, that this is a matter, of course, about which there is no partisanship whatever. It is merely a question of the most perfect administration of our customs law. It is a matter about which those persons—able men who have been engaged in the administration of the law for years—all agree. In this case Secretary Fairchild, who was at the head of the Department for four years; the present Secretary, who has been three years at its head, and an old collector of the port, of long experience, all of them on the Fairchild board, agree in this recommendation. There is not a single dissentient voice. The appraisers all agree to this proposition, and, so far as I know of matters before the committee, as to this proposition no protest has been made from any quarter whatever. If there has been any such I have neither seen nor heard of it. I submit, then, that the judgment of this board and of men of this class is worth very much more in matters of this kind than any theories we can advance in the House.

Mr. WALSH. I admit, Mr. Chairman, that the judgment of experts is valuable in all cases in which their testimony is taken as experts. I am also willing to admit that the gentlemen appointed in the Departments here, who have been engaged in this business for many years, are experts in their line of duty and that their opinion is valuable on a question of this character.

But at the same time I submit that overvaluation is sometimes made by the appraisers themselves at ports in the United States as well as elsewhere; and experience has demonstrated that their overvaluations, in this country at least, have been reversed by the highest tribunal in the land. But an importer who has been unjustly treated by the appraisers heretofore has had a chance to have their judgment reviewed by competent tribunals on his own presentation of his case. That is denied under the pending bill, and that is the objection I make to it. He can not go to this Board and under the forms of law secure from them a subpœna for the witnesses he may require in order to prove his side of the case. The appraisers have a right to shut out all of the testimony that may be produced in his behalf under the law, and the only tribunal before which he can have a review of his case, if injustice has been done to him, is the appellate court. There he can get his subpœna, present his witnesses, and submit the evidence in his case.

To obviate the objection of the gentleman from Illinois and the gentleman from Pennsylvania, that you can not use the evidence taken before the appraisers in a court, the amendment that I have offered, if adopted, expressly legalizes any evidence the appraisers may use in this connection. If, for instance, it be a letter from a foreign consul, the amendment legalizes it, and makes it available for use under the circumstances mentioned, and it can be used in the court of appeals just as if it was the evidence of a sworn witness before the court.

Mr. DALZELL. How would you get the expert knowledge of the parties before the court on that sort of a record?

Mr. WALSH. Can you not take the findings of their testimony as used before the appraisers? Such depositions are used in many other cases, as I started to say a few moments ago, in the State courts at common law.

Mr. DALZELL. But it would be useless to have that testimony over again before the court unless you were able to present the expert knowledge of the witness, which would not be available for examination and cross-examination before the court.

Mr. HOPKINS. The courts would be helpless under the operation of such an amendment as this if it should be adopted.

Mr. WALSH. Let us see how helpless they would be——

Mr. HOPKINS. If the gentleman will permit me a moment, he will see the absurdity it would involve, for this reason: If you take their findings, the findings of the Board of Appraisers, as a matter of fact, how are you to determine what weight the court would give to such testimony, or how would you compare it with other evidence offered? How would you compare it with the evidence of some other party? The trouble is that the adoption of such amendment would involve you in a maze of difficulties.

Mr. WALSH. But we get rid of a maze of other things, and I think we do substantial justice.

Mr. HOPKINS. Not at all. The importers get their goods; they get them under such conditions, of course, as the United States sees proper under its revenue laws to impose. Now, we say, on the question of valuation, that they shall be concluded by the findings of the appraisers upon any question of law raised.

Mr. WALSH. What question of law can arise, except a question of classification?

Mr. DINGLEY. The construction of conflicting provisions of statutes.

Mr. WALSH. That is not a matter for the appraisers.

Mr. DINGLEY. That is a question of law which goes to the court.

Mr. WALSH. I know, but the appraisers rarely have anything to do with that.

Mr. DINGLEY. They decide it in the first instance, and on appeal it goes to the court.

Mr. HOPKINS. And appeals on the facts should not go to the courts.

Mr. WALSH. I can not imagine any other case where a question of law would arise. Every appeal is on a question of fact and every reversal is on a question of fact. It seems to me that appeals should be allowed on questions of fact.

Mr. HOPKINS. It is because of those things that the Secretary has recommended that appeals on the facts be done away with.

The amendment of Mr. WALSH was rejected.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 2. That said chapter 407 of the Statutes at Large is further amended by adding the following:

"The Secretary of the Treasury is hereby authorized to expend, from the appropriation for collecting the revenue from customs, a sufficient sum, not to exceed $45,000, to provide for the purchase of the necessary land, and for the construction and equipment of sampling works thereon, or for the leasing of suitable buildings and equipment for the sampling and assaying of imported silver ores and other ores containg lead at the ports of Elpaso, Tex., Northport, Wash., and Bonners Ferry, Idaho, and at such other ports as in the judgment of the Secretary of the Treasury the interests of the revenue demand; and the Secretary of the Treasury is hereby authorized, in case of importation of said ores at ports at which no facilities as above are provided, under such regulations as he may prescribe, to send a portion thereof to any port having said facilities, at which port said portion may be sampled and assayed. The collector at the port of importation shall thereupon liquidate the entry upon said assay."

Mr. PAYNE. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert at the end of section 2, line 12, page 28, the following words:

"In no instance, however, shall a less portion than one-fifth of any importation of ores be sampled and assayed."

Mr. PAYNE. Mr. Chairman, the reason for this amendment is that in order to prevent fraud it seems to be necessary that at least one-fifth of such ores should be sampled and assayed. The duty depending upon the metal of chief value in the ore, unless at least one-fifth is assayed it opens the door for fraud or for mistake against the Treasury of the United States. This amendment is recommended by the Treasury Department and by the customs officers.

Mr. McMILLIN. I will ask that the amendment offered by my colleague on the committee be reported again. I was unable to hear it.

The CHAIRMAN. The Clerk, without objection, will again report the amendment.

The amendment was again reported.

Mr. PAYNE. If I may be permitted, I should like to withdraw the amendment which I have just submitted, and to substitute another which is in a little better form and accomplishes just the same result.

The CHAIRMAN. The gentleman from New York withdraws the amendment and offers the following.

The Clerk read as follows:

Strike out, in line 8 of page 28, the words "under such regulations as he may prescribe" and add, after the word "assay," in line 12, on page 28, the following:

"In no instance, however, shall a less portion than one-fifth of any importation of ores be sampled and assayed."

Mr. McMILLIN. Has the gentleman any information as to what portion is now assayed?

Mr. PAYNE. I understand it is the usual practice now to assay one-fifth. This amendment is recommended by the Treasury Department, and also by the customs officials who are accustomed to assay and sample these ores.

The original bill, from which this amendment is taken, provided that one-fifth should be sampled and assayed; and the Committee on Ways and Means, acting on a suggestion from a gentleman who wrote to the committee, which suggestion seemed to be reasonable, struck out the words which I offer to substitute now. Afterwards they found on examination they had made a mistake and that it would be unsafe to provide that there should be less than one-fifth sampled and assayed. We supposed when we had put in the language "under regulations prescribed by the Treasury Department" that we had guarded against any chance for fraud; but the Treasury Department did not want that language left in the law. They wanted an absolute requirement that should be binding upon all collectors and all officials to sample at least one-fifth.

Mr. McMILLIN. I suppose it is a matter that is now controlled by regulation and direction of the Department, is it not?

Mr. PAYNE. It would be under the bill as printed without this amendment.

Mr. McMILLIN. It is done in that way now, as a matter of fact, is it not?

Mr. PAYNE. I am inclined to think that it is now under the direction of the Department.

Mr. McMILLIN. I have no particular anxiety about the matter, but it struck me——

Mr. PAYNE. The act of 1894 provides "in such quantities as are in accordance with commercial usage," or something to that effect, and I understand commercial usage is that at least one-fifth shall be sampled and assayed. This simply makes it absolute, and is in accordance with the suggestion of the Treasury Department.

Mr. McMILLIN. I shall offer no amendment and shall accept the gentleman's judgment in the matter, but it struck me it was one of those things that we could very properly leave to the wise discretion of the administrative department of the Government, and that we would accomplish all that is necessary by doing so.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. PAYNE. Mr. Chairman, we passed over section 4, at the suggestion of the gentleman from Iowa.

The CHAIRMAN. The committee will return to the consideration of section 4.

Mr. HEPBURN. Mr. Chairman, I move to amend section 4 by inserting, after the word "duty," in line 6 in the bill that I have, the words:

Provided, That the penalties named in said bond shall be held as prima facie evidence of the amount of damages in case of suit being brought on such bonds for failure to produce such duly certified invoice.

Mr. McMILLIN. Mr. Chairman, I was unable to catch the amendment or the page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 10, after the word "duty," insert:
Provided, That the penalties named in said bond shall be held as prima facie evidence of the amount of damages in case of suit being brought on such bonds for failure to produce such duly certified invoice.

Mr. McMILLIN. I see that I have the wrong copy of the bill; and I will make the point of order on that until I can see the purport of the amendment.

Mr. NORTHWAY. Mr. Chairman, I would like to offer as a substitute for the amendment offered by the gentleman from Iowa that which I will read.

Strike out after the word "duty," in the same line 10, and insert the following:

Which sums shall, where there is a breach of the bond, be respectively treated as liquidated damages in favor of the Government, which damages may be reduced by proof introduced by the party whose duty it is to produce such certified invoice.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Ohio.

The Clerk read as follows:

After the word "duty," in line 10, on page 6, insert the following:
"Which sums shall, where there is a breach of the bond, be respectively treated as liquidated damages in favor of the Government, which damages may be reduced by proof introduced by the party whose duty it is to produce such certified invoice."

Mr. NORTHWAY. The effect of this——

Mr. McMILLIN. I make the point of order that this section has been passed.

Mr. NORTHWAY. It was reserved.

Mr. McMILLIN. Oh; it was reserved at the time? I did not know that.

Mr. NORTHWAY. I do not know but that each amendment would reach the same result. The effect of the amendment I have offered would be, if there was a breach of the bond and suit was brought upon it, all they would have to do would be to aver the breach of the bond, the amount of the damages, which would be stated as liquidated, and that would allow the defendant to introduce his proof; and if he were able to produce the certified invoice and show it that would reduce the damages, otherwise the Government would recover the amount of liquidated damages. I do not know but what the effect of the amendment offered by the gentleman from Iowa would be the same.

Mr. PAYNE. Mr. Chairman, I do not like the substitute offered by the gentleman from Ohio. It seems to me contradictory in terms. Liquidated damages can not be reduced by proof. To say that they are liquidated and then in the same breath provide that they could be reduced by proof is a contradiction in terms, it seems to me. The result desired is better obtained in the amendment offered by the gentleman from Iowa.

Mr. NORTHWAY. The gentleman forgets that the liquidated damages may be provided for in the contract.

Mr. PAYNE. You limit the amount of damages, and under the amendment offered by the gentleman from Iowa the penalties in the bond are held as prima facie evidence of the amount.

Mr. NORTHWAY. Under my amendment the amount is fixed as liquidated damages, and that is the damage for the breach of the bond.

Mr. PAYNE. Now, in the same breath the gentleman says they are liquidated damages and that they shall be reduced by proof. I think it is a great deal better to say that the amount of the penalty shall be prima facie evidence of the damages.

Mr. WILLIAMS. It is now five minutes after 5 o'clock, and a right interesting discussion has just been broached between the gentleman from New York and the gentleman from Ohio. I would like to suggest to the gentleman from New York that he make a motion that the committee rise.

Mr. PAYNE. I want to suggest to the gentleman from Mississippi that this is the last amendment to this bill, and I think we are just about to dispose of it.

Mr. WILLIAMS. The gentleman is by no means certain of that.

Mr. PAYNE. I ask the gentleman from Ohio to withdraw his substitute.

Mr. WILLIAMS. I may have six amendments to offer.

Mr. PAYNE. Well, we have simply recurred to this place for the purpose of this amendment. The section was passed over for this purpose, and I do not think you will have an opportunity to offer six amendments.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Ohio for the amendment offered by the gentleman from Iowa; and, without objection, the substitute offered by the gentleman from Ohio will be again reported.

Mr. HEPBURN. Mr. Chairman, I would like to substitute for the amendment offered a while ago the one I send to the desk.

The CHAIRMAN. Unanimous consent is asked by the gentleman from Iowa to substitute for the original amendment one which the Clerk will read.

The Clerk read as follows:

Amend, in line 10, page 6, by inserting after the word "duty," the following:
"*Provided*, That the amount of the penalty in such bond shall be prima facia evidence of the amount of damages to be assessed thereunder in any judgment to be rendered thereon in favor of the United States in any suit brought on such bond."

The CHAIRMAN. If there be no objection, this amendment will be considered as substituted for the original amendment offered by the gentleman from Ohio.

Mr. NORTHWAY. I withdraw my amendment, Mr. Chairman.

The CHAIRMAN. The question, then, is on the amendment just read.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to. The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, and had instructed him to report the same with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? [After a pause.] The Chair hears no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Pending the motion to adjourn,

The SPEAKER. The gentleman from Tennessee [Mr. COX] desires to have the report withdrawn which was filed by mistake with bill No. 506 and to have a proper report substituted for it.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells;

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

A bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota;

A bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes;

A bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes;

A bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

A bill (H. R. 7137) to provide for printing and binding for the Navy Department;

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps;

A bill (S. 1230) to extend the limits of the port of New Orleans; and

A bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEISENRING, for ten days, on account of sickness.

To Mr. TRACEWELL, for ten days, on account of important business.

To Mr. KULP, for ten days, on account of sickness.

To Mr. EDDY (on motion of Mr. KIEFER), for fifteen days, on account of sickness.

The motion of Mr. PAYNE was then agreed to; and the House accordingly (at 5 o'clock and 11 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior in relation to an appropriation to meet the expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forest policy for the forest lands of the United States, was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 490) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor, or under the proclamation of the President of June 15, 1863, reported the same without amendment, accompanied by a report (No. 819); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter, reported the same without amendment, accompanied by a report (No. 821); which said bill and report were referred to the House Calendar.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 30) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported the same without amendment, accompanied by a report (No. 834); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6713) to extend North Capitol street to the Soldiers' Home, reported the same without amendment, accompanied by a report (No. 835); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 948) to remove charge of desertion against Jacob M. Hamburger. (Report No. 805.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 2376) for the relief of Capt. Robert E. Bryant. (Report No. 806.)

By Mr. NEILL, from the Committee on War Claims:

A resolution (House Res. No. 205) to refer the bill (H. R. 932) for the relief of Mrs. Catharine Barry Meeha, and all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 932. (Report No. 807.)

A resolution (House Res. No. 206) to refer the bill (H. R. 4011) for the relief of Jacob A. Wolfson, with the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 4011. (Report No. 808.)

By Mr. LESTER, from the Committee on War Claims:

The bill (S. 93) to permit Anna M. Colman, a widow, to prosecute a claim. (Report No. 809.)

A resolution (House Res. No. 207) to refer the bill (H. R. 1276) for the relief of the legal representatives of Ann D. Halsey, deceased, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 1276. (Report No. 810.)

A resolution (House Res. No. 208) to refer the bill (H. R. 5716) for the relief of the legal representatives of Alfred Duplantier, deceased, with accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5716. (Report No. 811.)

By Mr. OTJEN, from the Committee on War Claims:

The bill (S. 60) for the relief of George A. Orr. (Report No. 812.)

The bill (S. 90) for the relief of William P. Buckmaster. (Report No. 813.)

By Mr. GIBSON, from the Committee on War Claims:

The bill (H. R. 1718) for the relief of William M. Henry. (Report No. 814.)

The bill (H. R. 6928) for the relief of the La Grange Synodical College of Tennessee. (Report No. 815.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (S. 32) for the relief of the legal representatives of John C. Howe, deceased. (Report No. 816.)

The bill (S. 1464) for the relief of the estate of Michael Knight. (Report No. 817.)

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 907) for the relief of the heirs of Edmund Wolf. (Report No. 818.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 807) granting a pension to Charles Williamson. (Report No. 822.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 6590) granting a pension to William Greer. (Report No. 823.)

The bill (S. 724) granting an increase of pension to Helen M. Mallery. (Report No. 824.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 5938) for the relief of Pricilla R. Burns. (Report No. 825.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 1699) for the relief of William Loring Spencer. (Report No. 826.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 6552) granting an increase of pension to Alexander C. Morrison. (Report No. 827.)

The bill (H. R. 6549) granting a pension to Gideon L. McGinnis. (Report No. 828.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers. (Report No. 829.)

The bill (H. R. 6472) granting a pension to Olive M. Lewis. (Report No. 830.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 5852) to increase the pension of Josiah P. Bradbury. (Report No. 831.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore. (Report No. 832.)

The bill (S. 148) granting a pension to Catharine Dillon. (Report No. 833.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 515) granting a pension to William Grose. (Report No. 836.)

The bill (S. 1672) granting a pension to Lue R. Brown. (Report No. 837.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50. (Report No. 838.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 506) for the relief of Stewart & Co., A. P. H. Stewart, agent, Weed, Witter & Co., and C. A. Weed & Co. (Report No. 839.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. AVERY, from the Committee on War Claims, reported adversely (Report No. 820) the bill (H. R. 87) for the relief of Henry Judge; and the same was laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY: A bill (H. R. 7322) to maintain and protect the integrity of the coins of the United States—to the Committee on Banking and Currency.

By Mr. CATCHINGS: A bill (H. R. 7323) to extend Seventeenth street north to Park street—to the Committee on the District of Columbia.

By Mr. GAMBLE: A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to said State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for other purposes—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 7325) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895—to the Committee on the District of Columbia.

By Mr. AVERY: A bill (H. R. 7326) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases—to the Committee on War Claims.

By Mr. MURPHY of Arizona: A bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. PICKLER: A bill (H. R. 7371) granting settlers the right to make second homestead entries—to the Committee on the Public Lands.

By Mr. WHEELER: A bill (H. R. 7372) to donate the public lands located within the State of Alabama to the State of Alabama for educational purposes—to the Committee on the Public Lands.

By Mr. OGDEN: A resolution (House Res. No. 210) requesting the Postmaster-General to furnish certain information in relation to the salaries of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 209) to pay F. S. Bishop, for services performed in the Clerk's document room—to the Committee on Accounts.

By Mr. SIMPKINS: A memorial of the general court of the Commonwealth of Massachusetts, relative to granting pensions to prisoners of war—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 7327) for the relief of the Christian Church, of Corinth, Alcorn County, Miss.—to the Committee on War Claims.

By Mr. BAKER of Maryland: A bill (H. R. 7328) for the relief of the legal representatives of Robert R. Vandiver, deceased—to the Committee on War Claims.

By Mr. BLACK of New York: A bill (H. R. 7329) to pension Franklin Weiss—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 7330) granting an increased pension to Albert G. Mack—to the Committee on Invalid Pensions.

By Mr. BRODERICK: A bill (H. R. 7331) for the relief of George Ritchey—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 7332) granting a pension to Eugenia Mitchell—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 7334) to increase pension of N. T. Applegate, who served in Company B, Twenty-eighth Kentucky, in late civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7335) to place John J. Brewer on pension roll, soldier, late war—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 7336) granting an increase of pension to James B. Crawford—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7337) for the relief of Benjamin F. Vennum, of Wheeling, Ohio County, W. Va.—to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield—to the Committee on the Judiciary.

By Mr. HADLEY: A bill (H. R. 7339) for the relief of Hester Hough, widow, and Edward A. Hough, Robert B. Hough, and John W. Hough, children of Sebra Hough, deceased—to the Committee on War Claims.

By Mr. HALTERMAN: A bill (H. R. 7340) to correct the military record of James Jones—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 7341) to increase the pension of William M. Cockrum—to the Committee on Invalid Pensions.

By Mr. HOPKINS (by request): A bill (H. R. 7342) to pension Ella S. Mannix—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 7343) for the relief of the estate of William P. Burrough—to the Committee on Claims.

By Mr. LORIMER: A bill (H. R. 7344) to grant Mary S. Callan, of Washington, D. C., an increase of pension—to the Committee on Pensions.

By Mr. McLAURIN: A bill (H. R. 7345) for the relief of the estate of Christopher W. Dudley, deceased, late of Marlboro County, S. C.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7346) granting an increase of pension to John A. Worswick—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7347) to remove the charge of desertion from the record of Henry Smith, of Company H, Purnell Legion, Maryland Volunteer Infantry—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7348) granting a pension to Mowry A. Baker—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 7349) to pension Lewellyn D. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7350) to increase the pension of Susan D. Yates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7351) for the relief of Benjamin Franklin Handforth—to the Committee on Military Affairs.

By Mr. SNOVER: A bill (H. R. 7352) to grant muster pay and allowance of captain to Michael Sheehy from June 30, 1864, to March 25, 1866—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7353) for the relief of the estate of Wirt Adams, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WOODARD: A bill (H. R. 7354) for the relief of the estate of Thomas W. Nicholson, deceased, late of Halifax County, N. C.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 7355) for the relief of B. F. Andrews—to the Committee on War Claims.

By Mr. SWANSON: A bill (H. R. 7356) for the relief of Lewis McKensie, deceased—to the Committee on Claims.

Also, a bill (H. R. 7357) for relief of Mary Weaver, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7358) granting a pension to Charlotte Larrance—to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 7359) for the relief of William M. Goforth, of Sevier County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7360) to pension A. D. Rutherford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7361) to pension John S. Boling, of Sevier County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7362) for the relief of the personal representatives of Michael Staples, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7363) for the relief of S. M. McGuire, of Whitepine, Jefferson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7364) to correct the military record of Thomas Burnett—to the Committee on Military Affairs.

Also, a bill (H. R. 7365) to increase the pension of Darius M. Acuff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7366) to pension John Alexander Kelly, of Knox County, Tenn.—to the Committee on Pensions.

Also, a bill (H. R. 7367) to pension Jane Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7368) to pension Nancy A. Robbs, of Roane County, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7369) to pension Elizabeth Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7373) to increase the pension of Jordan A. Lively—to the Committee on Invalid Pensions.

By Mr. MOODY: A bill (H. R. 7374) granting a pension to Charles S. Hardy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7375) granting a pension to Susan I. Barrows—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 7376) for the relief of Ezekiel Downey—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 7377) granting an increase of pension to Silas H. Mickey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Grocers and Importers' Exchange of Philadelphia; asking for favorable action on House bills Nos. 833, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Pennsylvania: Petition of Lawrence Grange, No. 533, of Clearfield, Pa., recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. ALLEN of Mississippi: Affidavits to accompany House bill for the relief of the Christian Church at Corinth, Alcorn County, Miss.—to the Committee on War Claims.

By Mr. BARHAM: Petitions of the Plumas County Publishing Company and E. M. Wilson, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRETT: Petition of Loyal Orange Lodge, No. 88, of Malden, Mass., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BISHOP: Petitions of Charles S. Hilbourn, Robert Collins, John N. Lathwell, and W. C. Brown, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BLACK of New York: Petition of Loyal Orange Lodge, No. 61, of Troy, N. Y., asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of William H. Nichols, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers, in regard to uniform classification of freight—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Petition of 39 citizens of Palestine, Tex., for the relief of agents of the Southern Methodist Episcopal Church—to the Committee on War Claims.

By Mr. CROWLEY: Petition of John H. Brooks, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers, praying for the enactment of a bill for the protection of farming implements—to the Committee on Interstate and Foreign Commerce.

Also, letter and papers of the National Board of Trade, regarding House bill No. 4566, to amend the postal laws, and favoring 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petition of J. C. Biesenthal and 32 other citizens of New York City; also petition of A. S. Trier and 33 others, of New York City, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. CURTIS of Iowa: Petition of Iowa department of the Military Order of the Loyal Legion of the United States, for the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, petition of citizens of Stanley, Iowa, for a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS of Kansas: Petition of citizens of Topeka, Kans., in favor of amending the Constitution of the United States so as to acknowledge Almighty God—to the Committee on the Judiciary.

Also, petition of J. G. Ellis and other veterans of the late war, in favor of House bill No. 306, granting $12 per month pension and $2 per day for time served in rebel prisons—to the Committee on Invalid Pensions.

By Mr. DAYTON: Petition of John H. Spragg and 33 others, of West Virginia, praying for the submission of an amendment to the Constitution recognizing the Supreme Being—to the Committee on the Judiciary.

Also, papers to accompany House bill granting an increase of pension to Silas H. Mickey—to the Committee on Invalid Pensions.

Also, petition of James B. Morgan and A. A. Martin, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of John M. Stanley, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Petition of George J. Bischof and others, favoring House bill No. 2758, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. FLETCHER: Petition of H. N. Owen, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolution adopted by the National Association of Manufacturers, in behalf of a consular inspection department in the consular service of the United States—to the Committee on Foreign Affairs.

Also, memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, in behalf of a uniform classification of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, memorial adopted by the New York Historical Society, of New York City, for the publication in full of the proceedings of the Continental Congress—to the Committee on Appropriations.

Also, petition of A. H. Butterfield, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Papers to accompany House bill for the relief of Hester Hough and others, being the affidavits of Hester Hough and Robert Bruce Hough—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Buckingham Lodge, No. 15, Order United American Mechanics, of Unionville, Conn., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILBORN: Petition of Lodge No. 206, Order Sons of St. George, of Oakland, Cal., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Will L. Dunn, of Rio Vista, Cal., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Remonstrance of W. H. Parker, of Stanley, Wis., and 75 others, against the passage of joint resolution No. 11, proposing an amendment to the Constitution of the United States "acknowledging Almighty God as the source of all power and authority in civil government, Our Lord Jesus Christ as the ruler of nations, and His revealed will as of supreme authority in civil affairs"—to the Committee on the Judiciary.

Also, remonstrance and petition of Council No. 93 of the American Protective Association, of Chippewa Falls, Wis., and its 926 members individually, against continuing the statue of Père Marquette in Statuary Hall, and praying for its immediate removal—to the Committee on the Library.

By Mr. JOHNSON of North Dakota: Petition of J. M. Wylie and 500 other citizens of Drayton and vicinity, in North Dakota, in favor of amending the preamble of the Constitution of the United States so as to specifically recognize God—to the Committee on the Judiciary.

By Mr. KERR: Petition of Husted & Williams, of Norwalk, Ohio, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of T. M. Beer, of the Ashland Printing Company, against the passage of House bill No. 4566, relating to an amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of Cigar Makers' International Union of America, No. 98, of St. Paul, Minn., in favor of House bill No. 3346, to impose a tax on sweat shops—to the Committee on Ways and Means.

Also, resolutions of Methodist Ministers' Association of St. Paul, Minn., in favor of prohibiting issuance of Government license in territory where local action prohibits such issuance—to the Committee on the Judiciary.

By Mr. LAYTON: Memorial of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, praying for the enactment of a law authorizing the railroads of the United States to give shippers uniform classification—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Petitions of Albert R. Williams and others, also of John McGregor, jr., and others, all of Detroit, Mich., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. McCALL of Tennessee: Protest of citizens of Jackson, Tenn., against the appropriation of public moneys for sectarian undertakings, and a petition praying for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McCLURE: Petition of Rev. Thomas K. Davis, Rev. S. F. Scovil, and 25 other residents of Wooster, Ohio, praying for the submission of an amended form of the preamble of the Constitution of the United States, for ratification in the conventions of the several States, acknowledging Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

Also, petition of 53 members of the Evening Star Council, Order United American Mechanics, of Uhrichsville, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. P. Sanders and 14 other citizens of New Philadelphia, Ohio, praying that religious matters, including tracts, etc., be given every advantage of the act of Congress of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolution of Ransom Post, Grand Army of the Republic, of Wells, Minn., favoring a service pension and a pension for prisoners of war—to the Committee on Invalid Pensions.

By Mr. MEIKLEJOHN: Resolutions from citizens of Pierce, Nebr., indorsing the bill providing for the promotion of Nelson A. Miles, United States Army, to Lieutenant-General—to the Committee on Military Affairs.

Also, resolutions from the commissioners of Douglas County, Nebr.; also from the South Side Improvement Club of Omaha, Nebr., indorsing the bill providing for the transmississippi and international exposition, to be held at Omaha, Nebr.—to the Committee on Ways and Means.

Also, resolutions of disapproval of the placing and unveiling of a statue of Father Marquette, S. J., in Statuary Hall, Washington, D. C., from the A. P. A. councils of Omaha, Nebr.—to the Committee on the Library.

Also, petitions of J. M. Pill and King & Croin, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the South Side Improvement Club, Omaha, Nebr.; also of the board of county commissioners of Douglas County, Nebr.; also of the Omaha Real Estate Exchange, in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

Also, resolutions and protest of the A. P. A. councils of Omaha, Nebr., against placing and unveiling of the statue of Father Marquette, S. J., in Statuary Hall, at the Capitol, Washington, D. C.—to the Committee on the Library.

Also, petition of H. F. McIntosh and G. M. Hitchcock, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Sunshine Publishing Company, Omaha Progress Publishing Company, C. E. Byars, J. W. Shank, Will L. Sisin, and Clement Chase, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Petition of George W. Brownell and others, of Millwood, W. Va., praying for the passage of an amendment to the pension laws—to the Committee on Invalid Pensions.

Also, petition of Buffalo Council, Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also (by request), petition of George A. F. Cooding, of Huntington, W. Va., praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: Petition of J. B. King and 16 other citizens of Lomax, Ill., praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PUGH: A remonstrance of numerous citizens of Boyd County, Ky., against the appropriation of public moneys for sectarian purposes, and a petition favoring an amendment to the Constitution prohibiting such appropriations—to the Committee on the Judiciary.

By Mr. REED: Petition of Joseph Sherwood, George Caswell, Harmon Varrell, and Charles M. Powell, of U. S. S. *Bibb*, for pension legislation to apply to their cases—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of S. M. Miller and others, of Darby, Delaware County, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, protests of citizens of Chester and Thurlow, Pa., against the appropriation of public funds for sectarian purposes; also petitions favoring the passage of joint resolution No. 11, amending the preamble to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Washington Camp, No. 478, Patriotic Order Sons of America, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of W. W. Woodruff and other citizens of Westchester, Pa., protesting against military training in public schools—to the Committee on Education.

By Mr. RUSK: Petition of the Maryland Historical Society, for an appropriation to enable the Secretary of State to prepare for publication the records and papers of the Continental Congress—to the Committee on Appropriations.

By Mr. SCRANTON: Petition of C. J. Woodworth and others, protesting against the passage of House bill No. 4566, relating to postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Petition of clerks in the Railway Mail Service in New York State, asking for the passage of House bill No. 1, for a reorganization of the mail service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Marcy Grange, No. 720, of Marcy, N. Y., favoring the passage of House bill No. 5213, fixing a tax upon the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. SIMPKINS: Petition of F. B. Goss, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of A. P. Burr and 50 others, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, protest of the vessel owners of Grand Haven, Mich., against the passage of House bills Nos. 4331 and 5815, respecting the manning and equipping of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAFT: Memorial of the Manufacturers' Association of Piqua, Ohio, urging the adoption of the 1 cent letter postage bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Resolutions of Washington Camp, No. 353, of Blue Bell, Montgomery County, Pa.; also of Washington Camp, No. 669, of Keelersville, Bucks County, Pa., Patriotic Order Sons of America, indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WASHINGTON: Petition of J. A. Tarpley and 16 other citizens of Nashville, Tenn., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the bishops of the African Methodist Episcopal Church, asking favorable consideration of bills for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

Also, petition of Revs. B. F. Haynes and Sam P. Jones, editors of the Tennessee Methodist, Nashville, Tenn., opposing House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *March 18, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

BOAT RAILWAY AT THE DALLES OF THE COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 16th instant, certain information as to what steps have been taken by the Department of Justice, by proceedings in courts, or otherwise, to secure the condemnation of lands in the State of Oregon necessary for the use of the Government in the construction of the proposed boat railway at The Dalles of the Columbia River; which was referred to the Committee on Commerce, and ordered to be printed.

THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, a letter from the Commissioner of Indian Affairs, showing the present state and condition of the funds or annuities of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole tribes of Indians, under the control of the United States, and for the future payment of which the United States is obligated by law or treaty; which, with the accompanying letter, was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

The following enrolled bills and joint resolution, having heretofore received the signature of the Speaker of the House of Representatives, were signed by the Vice-President:

A bill (S. 1230) to extend the limits of the port of New Orleans;

A bill (S. 1716) for relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps;

A bill (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its name and location;

A bill (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes;

A bill (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

A bill (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

A bill (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes;

A bill (H. R. 6250) to authorize the construction of a bridge across the Mississippi River, in the county of Aitkin, State of Minnesota;

A bill (H. R. 7187) to provide for printing and binding for the Navy Department; and

A joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Society of Civil Engineers, praying for the enactment of legislation to promote the regulation and unification of time throughout the world; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of 106 citizens of Chapin, Ill., and a memorial of sundry citizens of Duquoin, Ill., remonstrating against the appropriation of money for sectarian purposes; which were referred to the Committeee on Appropriations.

He also presented the petition of J. P. Amonett, of Mount Sterling, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Lomax, Ill., and a petition of sundry citizens of Chicago, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. GORDON presented a petition of the Board of Trade of Brunswick, Ga., praying for the enactment of legislation reducing the rate of letter postage to 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Georgia Historical Society, of Savannah, Ga., praying that an appropriation be made for the publication of the papers and records of the Continental Congress; which was referred to the Committee on the Library.

Mr. PEFFER. I present the petition of Rev. B. F. Foard and 153 other citizens of Kingman, Kans., praying for the adoption of what is commonly known as the Christian amendment to the preamble of the Constitution of the United States. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PEFFER. I have here a petition to which I again wish to call the attention of the Committee on Finance through its chairman, the venerable Senator from Vermont [Mr. MORRILL]. The petition contains something over 10,000 names of citizens of the State of Kansas scattered over different portions of the State. Much the larger proportion of the signers are qualified voters of the State. Their petition is in this form:

To the Senate and House of Representatives
of the United States in Congress assembled:

Your petitioners, residents of the State of Kansas, do most earnestly petition your honorable body to so amend the internal-revenue laws of the United States as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of the State of Kansas. And your petitioners will ever pray.

These people understand very well what they are petitioning for, yet the wording of their petition is more or less unfortunate. What they really want to do, Mr. President——

Mr. HOAR. Will the venerable Senator from Kansas state the purport of the petition?

Mr. PEFFER. In just a moment I am going to do so.

Mr. PLATT. How about the "venerable"?

Mr. PEFFER. I am the most venerable of the Kansas Senators. I have been tarrying some time at Jericho.

The bill is now before the Committee on Finance. It is entitled "A bill to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors." There is a bill of similar character pending in the House of Representatives. It is for the enactment of some such legislation as is proposed in the bill that the people of our State are petitioning.

I might as well say in this connection I have discovered that a number of people in different portions of the country misunderstand or misapprehend the scope of this proposed legislation. It is not to be confined to States where prohibitory liquor laws are in force, but to be extended to all States where there are any laws restricting the traffic in intoxicating liquors. The object of the legislation is simply to restrain it to the persons who are authorized by the laws of the several States to engage in that kind of traffic; in other words, to limit it to the State laws.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. WILSON presented a petition of the Board of Trade of Goldendale, Wash., praying that an appropriation be made to provide for the opening of the locks of the Columbia River to navigation; which was referred to the Committee on Commerce.

He also presented a petition of Union Grange, No. 109, of Crescent, Wash., praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Tacoma, Wash., praying for the adoption of an amendment to the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control; which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of the State of Washington, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of sundry citizens of Pennsylvania, and a petition of 82 citizens of Massachusetts, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of the Summit Woman's Christian Temperance Union, of Pawnee City, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Joint American Protective Association councils of Omaha, Nebr., remonstrating against the placing and unveiling of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the South Side Improvement Club, of Omaha, Nebr.; of the board of commissioners of Douglas County, Nebr., and of the Northwestern Irrigation Convention of Sturgis, S. Dak., praying for the enactment of legislation giving national recognition and making necessary appropriation for exhibits at the transmississippi exposition to be held at Omaha, Nebr.; which were ordered to lie on the table.

Mr. SHERMAN presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the construction of a rail-

road bridge across the Detroit River at Detroit, Mich.; which was ordered to lie on the table.

He also presented a petition of 8 citizens of Columbus, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Trades League of Philadelphia, Pa., praying for the establishment of a department of trade and commerce; which was referred to the Committee on Commerce.

He also presented the petition of James P. Butman and 35 other citizens of Searsport and Belfast, Me., praying for the enactment of legislation to conserve the mutual interests of shipowners and seamen; which was referred to the Committee on Commerce.

Mr. STEWART. I present the memorial of Anson Wolcott, of Wolcott, Ind., relative to the monetary laws and the monetary conditions of the United States. The memorial contains a great deal of valuable information, and I move that it be printed as a document and referred to the Committee on Finance.

The motion was agreed to.

Mr. KYLE presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers, praying for a uniform railroad freight classification throughout the United States and the Territories; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented a petition of the board of church extension of the Methodist Episcopal Church of Philadelphia, Pa., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Palouse, Wash., remonstrating against the passage of the Pacific railroad funding bill; which was referred to the Committee on Pacific Railroads.

Mr. SHOUP presented the petition of John E. Beede and 61 other citizens of Idaho County, Idaho, praying that an appropriation be made for removing the obstructions to navigation on the Clearwater River, Idaho, from the junction of Snake and Clearwater rivers at Lewiston, Nez Perces County, Idaho, to the junction of the South and Middle Fork of the Clearwater River in Idaho County; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2404) defining and regulating proof in certain pension cases, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2519) to amend section 4746, Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (S. 2280) for the relief of the late Andrew S. Core, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents, reported it without amendment.

Mr. BACON, from the Committee on Naval Affairs, to whom was referred the bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo., reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 250) for the relief of W. H. L. Pepperell, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively, reported it with amendments, and submitted a report thereon.

FAST-MAIL SERVICE.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads to report back to the Senate an amendment submitted by the Senator from Kansas [Mr. BAKER], which was referred to the Committee on Post-Offices and Post-Roads, intended to be proposed as an amendment to the bill making appropriations for the service of the Post-Office Department. The provisions of the amendment offered are that there shall be appropriated for necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $81,700. The committee report back the amendment without recommendation, with the request that they be discharged from its further consideration, and the suggestion that the amendment be referred to the Committee on Appropriations.

In this connection, the committee found itself very much embarrassed. The amendment offered by the Senator from Kansas is apparently and undoubtedly a very wise amendment and should be incorporated into the provisions of our statutes. The Committee on Post-Offices and Post-Roads, however, have no jurisdiction in this matter, nor have they any information or sources of information which would lead them to report intelligently upon an amendment of so important a character and concerning which the Committee on Post-Offices and Post-Roads ought naturally to be informed. As a matter of fact, however, the amendment should go to the Committee on Appropriations, in which alone is deposited the information as to the different post routes. Before we could report intelligently upon the question it would be important for us to know what postal facilities exist in that section of the West, what special trains are being run to carry the mail out of Chicago, what subsidies are being granted to other lines, and how prompt, efficient, and frequent the service is. The Senate might be of the impression that the Committee on Post-Offices and Post-Roads have this information. We have it not. While this is an important matter looking to the transportation of the mails, and while it is apparently entirely competent and proper for the Senator from Kansas to refer it to the Committee on Post-Offices and Post-Roads, it is necessary for us to report it back and ask its reference to the Committee on Appropriations, because we have not the facilities to report intelligently upon such a measure.

It has grown to be the practice in the Senate that whoever wants an amendment placed upon an appropriation bill shall refer it to some committee, and upon a favorable report from that committee the amendment is not subject to a point of order. The Committee on Post-Offices and Post-Roads would, with the superficial information it has been able to acquire, be very glad to see this amendment passed, but we can not report amendments of this kind so long as the general information as to the carriage and transportation of the mails, the general questions as to what service should be facilitated, as to what communities should be favored, as to how mail should be hastened, is not intrusted to the committee. Until that information is at hand it is utterly impossible for us to report on these amendments other than as we are compelled to report to-day.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes; which was read twice by its title.

Mr. WILSON. I ask that the bill be referred to the Committee on Public Lands.

Mr. PLATT. Would not the Senator as soon have it referred to the Committee on Territories? I make no question, however, in regard to it.

Mr. WILSON. We have such a bill before that committee now, and they instructed me to draft a new bill.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. NELSON introduced a bill (S. 2556) granting an increase of pension to Lewis D. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2557) granting a pension to Sarah E. Boyd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2558) granting a pension to Oscar W. Lowery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 2559) granting a pension to Albert H. Aldrich; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2560) granting an increase of pension to Oscar S. Collins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2561) amending section 5347 of the Revised Statutes of the United States, relating to offenses by masters and officers of American vessels; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL (by request) introduced a bill (S. 2562) for the relief of Hanna Louisa Marie Frye, widow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced a bill (S. 2563) to make persons in the Government service eligible for transfer into the classified civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. MANTLE introduced a bill (S. 2564) to ratify an agreement with the Indians of the Blackfeet Reservation, Mont., and

making appropriations to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2565) to ratify an agreement with the Indians of the Fort Belknap Reservation, Mont., and making appropriations to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SHERMAN (by request) introduced a bill (S. 2566) declaratory of the pension act of June 27, 1890; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2567) to establish a postal telegraph system and to enlarge the postal facilities of the people of the United States; which was read twice by its title.

Mr. BUTLER. I ask that the bill may be printed and lie on the table. In a few days I shall ask leave to call it up and submit some remarks upon it.

The VICE-PRESIDENT. The bill will lie on the table for the present.

Mr. TELLER introduced a bill (S. 2568) directing the Secretary of the Interior to pay to Andrew Bevins Read, administrator of the estate of Phineas W. Read, deceased, the accrued pension on certificate No. 183178; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2569) for the relief of the legal representatives of Alexander C. Crawford; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island; which was read twice by its title.

Mr. ALDRICH. I am extremely anxious that the joint resolution shall be before the Committee on Commerce at their meeting to-morrow, and I ask that a special order may be made for its printing.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Commerce, and a special order will be made for printing it.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

Mr. KYLE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Patents, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPRINTING OF CUBAN RESOLUTIONS.

On motion of Mr. SHERMAN, it was

Ordered, That Senate concurrent resolution 19, part 5, which passed the House of Representatives with an amendment in the nature of a substitute relating to Cuba, be reprinted for the use of the Senate.

ORDER OF BUSINESS.

Mr. THURSTON. I am advised by the Senator from Texas [Mr. MILLS] that he is entirely willing that I should proceed this morning with my argument upon the Du Pont case.

Mr. LODGE. I wish to offer a resolution.

The VICE-PRESIDENT. The Chair will state to the Senator from Nebraska that the morning business has not yet been concluded.

Mr. THURSTON. I merely desired to state that I should like recognition at the conclusion of the morning business.

The VICE-PRESIDENT. The Chair will recognize the Senator from Nebraska at that time.

INTERSTATE COMMERCE CLASSIFICATION.

Mr. CHANDLER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be directed to transmit to the Senate a statement showing each case in which it has ordered any carrier or carriers, subject to its jurisdiction, to make any change in the classification of freight or in the rates charged for moving passengers or property, or any modification in the practices affecting such charges, and in connection with every such order; the classification or rates or practices in effect at the time when complaint was filed; those in effect at the date of the order; those directed to be placed in effect; those, if any, put in effect in compliance with such order, and those in effect at the present time, in each case as aforesaid.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GORMAN. I suggest to the Senator to add to the resolution the words "and their reasons therefor in each case," so that the Commission may state the whole case.

Mr. CHANDLER. There is no objection to adding the words "and the reasons for their action in each case."

The VICE-PRESIDENT. The resolution will be so modified.

The resolution as modified was agreed to.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. LODGE. I submit a resolution and ask for its present consideration. I will state that I am directed so to do by the unanimous vote of the Committee on Civil Service and Retrenchment. I submit the resolution in the absence of the chairman, not as a report, but I offer it as a resolution for present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be, and is hereby, empowered to fully investigate and report upon the administration of the civil-service law in the Government Printing Office as affecting the separation from service of the 35 ex-employees referred to in the printed correspondence furnished the Senate under Senate resolution of January 29, 1896.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HILL. Let it go over, Mr. President.

The VICE-PRESIDENT. Objection being interposed, the resolution will go over under the rule.

PUNISHMENT OF INDIANS FOR RAPE.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to consider whether the penalty prescribed for Indians who commit the offense named in section 5345 of the Revised Statutes of the United States and the act of March 3, 1885, section 9, ought to be made less severe, and report by bill or otherwise.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MEIKLEJOHN, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

The message further announced that the House had passed a bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890; in which it requested the concurrence of the Senate.

RESOLUTIONS PASSED OVER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, proposing to direct the Committee on the District of Columbia to obtain from the Washington Gas Light Company a statement of its affairs.

Mr. CALL. Let the resolution go over without losing its place.

The VICE-PRESIDENT. Without objection, the resolution will go over.

The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day, proposing to instruct the Committee on Foreign Relations to submit to the Senate a report relative to the war in Cuba.

Mr. ELKINS. As the Senator from Nebraska [Mr. THURSTON] desires to speak this morning, I ask that the resolution may go over for to-day without prejudice.

The VICE-PRESIDENT. Without objection, it is so ordered.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. CANNON. Will the Senator from Nebraska yield to me for a moment?

Mr. THURSTON. Certainly.

Mr. CANNON. I desire to call up from the table the joint resolution that went over yesterday for one day relating to the Uncompahgre Indian Reservation, and to ask unanimous consent that it be considered at this time. I will state to the Senator from Nebraska that if there shall be debate on the measure I shall not press it unduly.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of a joint resolution which will be read.

The Secretary read the joint resolution (S. R. 102) directing the

Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Interior be, and he is hereby, directed to open for public entry, under all the land laws of the United States, all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, excepting from this order, however, any agricultural lands heretofore allotted or selected for allotment to said Uncompahgre Indians.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GORDON. I do not wish to interrupt the orderly proceeding, but may I ask the Senator from Utah exactly what the proposition is?

Mr. CANNON. It is a joint resolution which aims to compel the Secretary of the Interior, if law can compel him to do so, to comply with the provisions of the statutes of the United States which require that upon the allotment or selection of lands by the Indians in the Uncompahgre Reservation all the remainder of that vast domain of more than 2,000,000 acres shall be thrown open to public entry. A statute of the United States already on the books provides the process by which this shall be done. It has not been done, and the joint resolution is intended as a mandate to the Secretary of the Interior to execute the law.

Mr. GORDON. Mr. President, I am not prepared to discuss that proposition this morning. However, I think I ought to say to the Senate, for certainly some one ought to say it, that the Secretary of the Interior, through the agencies furnished him by the Government, has ascertained that there is vast mineral wealth of a particular character in that Territory; that there is in it asphalt to a very large amount. The Secretary has called the attention of Congress to that fact and requested that Congress shall take action upon it. The whole purpose of the Secretary of the Interior is to protect the Government against the rapacious efforts of people who want to control this entire deposit, and it must commend itself to all. His effort is to get the Congress to consider thoroughly, before we take action upon the opening of that territory, the fact that there are vast deposits of asphalt there. I have conferred with him freely on the subject. His idea is that the Government of the United States ought to receive some benefit from it either through royalty or sale, or that the people ought to get the benefit of a reduced price of this material, which is used in nearly all the cities of the Union, by having some sort of competition in its production instead of having it go into the hands of one great corporation. I simply make this suggestion to the Senate. It is a matter of moment, and I think it ought to be looked into.

As to the assault made upon the Secretary of the Interior for withholding his action upon this matter until Congress could be informed of the new developments that have been made, we certainly have precedents in the past.

Mr. CHANDLER. Will the Senator from Georgia allow me to ask him a question?

Mr. GORDON. Certainly,

Mr. CHANDLER. I ask the Senator whether he or any other Senator has introduced a bill to repeal the existing law, or whether any bill has been introduced for that purpose in the other House? I understand the Senator to admit that the present law for opening the reservation to settlement is peremptory. The Secretary of the Interior disobeys that law. He speaks of it to Congress in his report. Is that sufficient, I ask the Senator? Should not the Secretary go on and obey the law and open the reservation, or should not the Senator, or some Senator who justifies the Secretary of the Interior, introduce a bill to repeal the provision requiring the reservation to be opened to public settlement?

Mr. GORDON. I will say to the Senator——

Mr. HOAR. Will the Senator from Georgia allow the joint resolution to be read once more before he proceeds?

Mr. GORDON. Certainly.

The VICE-PRESIDENT. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. GORDON. I understand the Senator from Nebraska [Mr. THURSTON] wishes to go on with his speech. I suggest, therefore, that this matter, which is one of great importance, shall go over for the present.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over.

Mr. BROWN. Let it go over without prejudice, so that it can be taken up to-morrow.

The VICE-PRESIDENT. Is there objection?

Mr. VEST. Is the joint resolution to go over until to-morrow?

Mr. CANNON. That is, to come up as the unfinished business to-morrow morning.

The VICE-PRESIDENT. The Chair thinks it will require a motion to bring it before the Senate again.

Mr. CANNON. I ask unanimous consent that the joint resolution may come up as a special order to-morrow morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. SHERMAN. I must object to anything being interposed to take the place of the Cuban resolutions now pending before the Senate.

Mr. CANNON. I beg the Senator from Ohio not to object to my request. If anything of more importance is brought before the Senate we will yield, but this is a question of paramount interest and it will not take long to dispose of it.

Mr. SHERMAN. We will wait and see to-morrow. I think the Cuban resolutions which are pending ought to be disposed of, and I feel compelled to object.

Mr. CANNON. I will state to the Senator that I will yield in case any matter of more importance is presented.

Mr. WOLCOTT. May I interrupt the Senator from Utah for a moment? We have before us the Du Pont election case and the Cuban resolutions. They are both of them matters which come regularly and daily before the Senate, and which seem, both of them, in a fair way to settle themselves. I suggest to the Senator from Utah that it is not yet 2 o'clock. All other business ought not to give way because those two matters are before the Senate. I know nothing as to this measure except that I know something of the oppression that the Western States and Territories suffer because of the maladministration of Indian affairs. I suggest to the Senator from Utah that he can move to take the joint resolution up, and that it is very possible, although perhaps not probable, that the Senate may conclude that this matter is entitled to a few minutes at least during the interim of the Cuban resolutions and the seating of Mr. Du Pont, and agree to the motion to take up a measure that affects 2,000,000 acres of land in that promising State. I suggest to the Senator from Utah to move to take it up. At least we can have a vote upon the question.

Mr. BERRY. When was the joint resolution introduced?

The VICE-PRESIDENT. It was introduced yesterday.

Mr. GORDON. As I understand the rules, the joint resolution can not come up if there be objection to it; and I object to its consideration this morning.

Mr. WOLCOTT. Why not, if I may ask?

Mr. VEST. The Senator from Utah can move to take it up, notwithstanding the objection.

The VICE-PRESIDENT. The Chair thinks a motion to proceed to the consideration of the joint resolution will be in order.

Mr. WOLCOTT (to Mr. CANNON). Make the motion.

Mr. PLATT. Does one objection carry over a resolution which was introduced yesterday and has come up in the regular order of business this morning?

The VICE-PRESIDENT. This is a joint resolution. The Chair thinks that an objection would prevent its consideration and require a motion. The Senator from Utah asked unanimous consent for its present consideration. Objection being interposed, the Chair will entertain a motion to proceed to its consideration.

Mr. PLATT. The objection, then, is to its third reading. It will come up to-morrow for its third reading.

Mr. PASCO. The joint resolution has been read only once, I understand.

The VICE-PRESIDENT. It has been read twice.

Mr. CANNON. I move that the joint resolution be taken up for consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Utah that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CANNON. Mr. President, I do not desire to so far intrude upon the courtesy of the Senator from Nebraska as to make this a protracted discussion, and therefore I will state very briefly the points of fact which lie behind and support the joint resolution.

By the appropriation act of 1894, there was granted a fund of $16,000 for the purpose of paying the expense of a commission to treat with the Uncompahgre Utes for the relinquishment of all their land not selected for agricultural purposes and for treatment with the Uintah Utes on the adjoining reservation for the purpose of obtaining some concessions from them in the same direction.

Mr. President, at that time, and for years previously, it had been as well known to the people of the United States that a vast deposit of asphaltum existed there as it is now suddenly known to the Secretary of the Interior. Had he been anywhere nearly so well informed concerning a question of importance within the domain and jurisdiction of the Department over which he presides as every man, woman, and child who can read who lives west of the Mississippi was informed, it would not have been necessary for him to suspend the operation of the law while he should send some special agents there to make investigations. Year after year these asphaltum beds have been worked, and the products have been carried with great toil and labor to the railroad, a distance of 70 miles, and have been shipped from Utah to St. Louis and other points where they are consumed.

The commission went there, as I said the other day, at the beginning of winter to make its examinations. It has labored until within a few days past, under written, and I fear under special oral instructions from the Secretary of the Interior. It is now on furlough. Practically all that the commission can do concerning the Uncompahgre Reservation has been done. The gentlemen constituting that body have no doubt discharged their duty as they were instructed to discharge it, but it has seemed from the beginning that the Secretary of the Interior never intended that the Uncompahgre Reservation should be thrown open under the law. If there had been a deep purpose to put into the possession of some monopoly in the United States these vast deposits of mineral wealth, the Secretary could not have proceeded in a more logical and determined manner to secure that result than he has proceeded.

Mr. President, I say if there had been selected by the Department of the Interior at the time of the passage of this act three men who were informed with regard to the situation there, and who were under instructions to execute the law, not two months and not $2,000 would have been required for all the work prescribed by the law. Nearly the entire sum of $16,000 has been practically expended, and we are not, so far as the Interior Department is concerned, one step nearer to the consummation of the purpose prescribed by law; and the Secretary is before the Committee on Appropriations by communication asking for some allowances for the further prosecution of this and similar purposes.

Everything which Congress needs to know is now before this body in official communications from the Indian Office and the Secretary of the Interior. The lands to be allotted to the Indians are indicated; every portion of that great reservation which is susceptible of agricultural cultivation is designated in the official report. It is therefore merely to avoid the thrashing over perpetually of old chaff by Congress that I have taken this method of bringing the matter to the attention of this body in the hope that the joint resolution may pass and preserve us from longer and costlier delay. The method of the Interior Department on this question is not how to do it, but how not to do it. That seems to have been the purpose continuously with regard to Western questions.

I say, in conclusion, Mr. President, that the official communications furnish all the evidence which is necessary to support this resolution; every question which can properly arise under it has been answered in the past. I think that Congress can not do more fairly by the public time, which is valuable, and by the public Treasury, which should be protected, than to pass this joint resolution now, without going further back in order to make greater delay and greater expense.

Mr. WOLCOTT. Mr. President, I desire to call the attention of the Senate to the fact that the effect of this joint resolution is merely to require the Secretary of the Interior to carry out existing law, and that the effect will be not to give away these lands, which may have minerals upon them, but to give them where they belong, to the public, and when they become public lands there is thrown around them the safeguards of the law. We are supposed to have sufficient and adequate laws applicable to the public domain. We provide as to coal lands that if they are so near a railroad so much shall be paid for them; if they are more remote from a railroad so much less shall be paid. As to mineral lands, we provide the form of entry, the form of preemption; we provide the work that must be annually done; we provide as to how these different deposits shall be stated and placed on the maps; we provide how much shall be paid for them, and we grant patents for them only after the expenditure of $500 of work upon a claim. The effect of the opening of these claims is to bring all this vast wealth, if it exists, to the public. Nobody is benefited by it but the public and the prospectors whom the law encourages to go upon the public domain.

I apprehend, Mr. President, that there would be no objection to this resolution if it were fully understood that what is being done in the Department of the Interior is not for the purpose of conserving the public interest and holding these deposits, be they valuable or worthless, from the public or from public entry, but it is that a law providing for the allotment of lands to the Indians shall not be so complied with as to prevent the Secretary of the Interior from continuing those lands in Utah which ought to be public lands from being opened to public entry and public occupation.

It is not, Mr. President, as if there were a scheme to give somebody something out of the public domain. It is to open the land to the public, where the prospectors, whom the law encourages to go upon the public domain, may give to the public and to the citizens of our country the fruits of their intelligence, so that this land may become valuable and help to contribute to the revenues of our country.

Mr. HOAR. I wanted to ask the Senator from Colorado a question before he sat down. He said that this joint resolution was simply an order to the Secretary of the Interior to obey the law. How does the resolution, then, change the law, if it merely orders the Secretary to do what the law has already ordered him to do?

Mr. WOLCOTT. I can say to the Senator from Massachusetts that as to this matter, for intimate knowledge of which I rely largely upon the Senator from Utah [Mr. CANNON], the effect of the joint resolution is to request the Secretary of the Interior to carry out existing law. It is true, as the question of the Senator from Massachusetts would suggest, that it would seem folly to call upon an official of the Government to do his duty; but it so happens, Mr. President, that again and again at each session of Congress it is necessary to introduce resolutions to compel the performance of his public functions by some officer of the Government. For instance, wisely or unwisely, in the matter of patents to lands to the Pacific railway companies the Secretary of the Interior has deemed it to be wise, in what he considers the public interest, to withhold the granting of patents; and resolutions are now pending before the Senate calling upon the Secretary of the Interior to perform his duty, to issue patents for those lands, and to carry out the provisions of the law with which he is intrusted.

It is for these reasons, Mr. President, and to bring to the Secretary the moral pressure of a resolution of Congress, that this resolution has been introduced, in the hope that when it is passed the Secretary of the Interior will not conceive himself to be superior to the law.

Mr. VEST. Mr. President, there was a time in the history of this country when a Cabinet officer who deliberately violated a statute or an instruction given him by Congress would have been brought to the bar of this Senate because he had trampled upon the legislative department of the Government and violated his oath of office.

Mr. President, I happen to know all the facts in regard to this matter. I will state very frankly why I happen to know them. Some years ago a company was organized in the city of St. Louis for the purpose of opening up certain gilsonite or asphalt deposits near what is called now the Uncompaghre Reservation, which is in the State of Utah. A large amount of money was invested by these constituents of mine, and they have brought out, at considerable expense, large quantities of this asphaltum or gilsonite, which is used in roofing and for the purpose of paving streets. It is a large industry, and phenomenal prices have been paid for asphaltum, conspicuously in this city. Asphalt has been heretofore brought from an island in the West Indies, and the streets of Washington are to-day paved with this West India asphalt. The prices of this asphalt, as I say, have been phenomenal and almost fabulous. Recently discoveries have been made in the Indian Territory of asphaltum, but the largest deposit known in the world has been found in the Uncompahgre Reservation, in what is now the State of Utah.

The company to which I refer in the city of St. Louis did not go into the reservation, but they bought lands outside of the reservation and wagoned their products down to the Union Pacific Railway, and brought it then to the different cities in the United States, where it has been sold. They have been enabled to sell it at much reduced prices, and they have broken to a large extent the monopoly which has heretofore existed in favor of the West India asphalt. They propose now to build a railroad, at an expense of over $2,000,000, and have the capital to build it, provided this reservation shall be opened. They do not want the asphalt lands, because the asphalt exists in such enormous quantities, as shown by the report of the Geological Bureau, that there can be no monopoly in regard to it. There are six veins, ranging in width from 4 to 12 feet, extending for miles, to a depth of from 1,000 to 5,000 feet. That is the report of the experts. There is asphaltum enough there to supply this country for centuries to come, besides exporting largely to foreign countries. It needs no words from me to show to the Senate the advantage to the general public in opening up such a deposit as this and having railroad transportation to bring it to the cities of the United States for municipal and private purposes.

Mr. President, this is no new question, although it seems novel to the Secretary of the Interior. This subject has been before Congress for several years. We passed an act in 1890, Senate bill 1762, introduced by the Senator from Colorado [Mr. TELLER]. It was debated in the Senate, all the facts were known, and the statement was made again and again as to these enormous deposits of asphalt on this reservation. That bill provided that, after allotting the agricultural lands in the reservation of the Uncomphagre Ute Indians, these mineral or asphalt lands should be sold at $20 an acre to the men who had gone in and discovered them, for a number of miners in Colorado, not knowing where the lines lay between Colorado and the Territory of Utah, had gone upon the Uncomphagre Reservation and staked out, as they call it, claims covering these asphalt lands. That bill was passed by Congress and went to the President of the United States——

Mr. HILL. In what year was that?

Mr. VEST. In March, 1890. The bill went to President Harrison and was vetoed by him upon the ground that it gave undue advantages to the men who had gone across the line unlawfully into an Indian reservation. It was sent with his veto to Congress, and nothing more was done with the matter until 1892, when the Senator from Colorado introduced Senate bill No. 574, which obviated, as he supposed, the objections President Harrison had made to the former bill, and this bill was reported favorably by the Committee on Indian Affairs to the Senate, but the session expired without action. Again, in 1894, the junior Senator from Colorado [Mr. WOLCOTT] introduced Senate bill 1887, which was favorably reported to the Senate, but no action was taken upon it.

In the meantime, in August, 1894, this question was brought before the Appropriations Committee of the Senate, and a provision was agreed upon by all parties in interest, which is found in the Indian appropriation act of August 18, 1894, the twenty-first section of which I will ask the Secretary to read, as it fully explains the position of this matter at present. The preceding section, let me observe——

Mr. WOLCOTT. I ask that the Senator from Missouri permit also to be read the last ten lines of section 20 in that connection, which show the duty of the Secretary of the Interior in the matter.

Mr. VEST. I am obliged to the Senator. I was about to state myself the contents of the last portion of the preceding section, but the Secretary can read it, and it will speak for itself.

Mr. GORDON. Before the Senator has that read, I wish to ask him a question, with his permission.

Mr. VEST. With great pleasure.

Mr. GORDON. Is it made the duty of the Secretary of the Interior or of the President of the United States to issue the proclamation opening this reservation?

Mr. VEST. The President, of course. The President issues all proclamations. This Uncompahgre Reservation was set aside by Executive order, and these Indians were put upon it with the understanding that the agricultural lands should be allotted to them in severalty. Of course the President of the United States issues the proclamation. In his reply to the resolution of the Senator from Utah, the Secretary of the Interior says he is not able to say when the President will issue his proclamation; but after the Secretary has read what I have sent to the desk I will make a statement, which I think will make it very clear that this whole thing comes from the Secretary of the Interior, and the President of the United States, in my opinion—I am authorized from what I know of the facts to make the statement—knows nothing about it.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

All necessary surveys, if any, to enable said commission to complete the allotments shall be made under the direction of the General Land Office. Said commissioners shall, as soon as practicable after their appointment, report to the Secretary of the Interior what portions of said reservation are unsuited or will not be required for allotments, and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry, as hereinafter provided.

SEC. 21. That the remainder of the lands on said reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately open to entry under the homestead and mineral laws of the United States: *Provided*, That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, on any lands containing asphaltum, gilsonite, or like substances: *Provided*, That after three years' actual and continuous residence upon agricultural lands from date of settlement the settler may, upon full payment of $1.50 per acre, receive patent for the tract entered. If not commuted at the end of three years the settler shall pay at the time of making final proof the sum of $1.50 per acre.

Mr. VEST. Mr. President, every Senator will notice that this is a mandatory statute and specifically required the Secretary of the Interior, after he had made these allotments in severalty, to proceed as indicated by that statute in opening up the reservation, and then that these mineral claims, asphalt or otherwise, should be sold at $1.50 an acre. Instead of carrying out this provision of the law, which was considered by all as an adjustment and settlement of the whole matter, the Secretary of the Interior in his report, which is the answer he gives to the resolution of the Senator from Utah, says that since the passage of the act of August, 1894, which has been read by the Secretary, more full information has come to Congress in regard to the enormous deposits of asphaltum upon these lands, and he makes that an excuse for evading the duties which Congress had placed upon him, and recommends that these lands be now put up to the highest bidder.

If, as the Senator from Georgia intimates, this is a plan for wealthy corporations to get possession of these lands, the scheme of the Secretary of the Interior would bring about that identical result. If these lands were put up to the highest bidder, as a matter of course the poor men would be excluded, and it would be impossible for any miner who had made discoveries there to get one inch of these asphaltum lands. There would be no bidding except by wealthy men; there would be no contest except between the St. Louis corporation and a corporation of the city of New York, which last summer appeared upon the scene and became also a bidder for these lands, or proposed to get some interest in them and to make some adjustment with the St. Louis company by which a profit would accrue to their stockholders.

Mr. President, the point of this whole matter is, Did Congress know what it was doing? Was it known to the Congress of the United States that these asphaltum deposits were upon that reservation? Every Senator who has ever had any knowledge of this matter knows that there was full information upon that subject. I know personally that the Secretary of the Interior was told in regard to the extent of these deposits. I went with the president of the St. Louis company to the office of the Secretary of the Interior with specimens of this asphaltum, and I heard the statement of the president of the company to the Secretary in regard to these six veins, accompanied with the information that the deposit was so enormous that it would supply the world for the next three hundred years to come.

The Secretary of the Interior in 1893, immediately after he went into office, knew all about these deposits. The extent of them was stated in debate upon this floor over and over again. The senior Senator from Colorado [Mr. TELLER] and myself debated it. We both recognized and stated the enormous extent of these asphaltum deposits in the Uncompahgre Reservation, and now the Secretary of the Interior discovers all at once that Congress did not know the extent of these deposits, and therefore this legislation must be changed. We discussed this identical proposition as to the putting up of these lands to the highest bidder. I stated then, as I state now, that my constituents wanted nothing better, that they were a wealthy corporation, and expected to make their money principally from the transportation of asphaltum by the railroad that they proposed to build, and that if they wanted any of these lands besides what they now own outside of the reservation they could buy them to any extent from the men who were permitted to enter them, or if they were put up at public auction they could outbid any other competitor. After deliberation in the conference committee the provisions just read were adopted. The Senator from Washington [Mr. WILSON], then a member of the House of Representatives, was one of the conferees, if I am not mistaken—that is so, is it not?

Mr. WILSON. In response to the Senator from Missouri, I will state that I was one of the conferees on that measure.

Mr. VEST. That is my recollection. I remember to have talked with the Senator in regard to it. In the conference committee all parties in interest agreed. With the understanding that this law should be carried out, the provision was placed in the appropriation act—which has been read by the Secretary—to enable these poor men who went in and found these claims in good faith, believing they were still upon the soil of Colorado, to obtain the lands by paying $1.50 an acre for them. Now, I ask the Senator from Georgia by what sort of right did the Secretary of the Interior nullify this act of Congress? Under what sort of claim of law has he the right to assume that Congress does not know what it is doing?

Mr. President, this practice of Cabinet officers disregarding law has grown up until it demands the reprehension of Congress. We had a provision of law for the distribution of seeds which was nullified practically by the Secretary of Agriculture. He appointed a commission of his own creatures, who made a report to him. He then obtained an opinion from the Attorney-General and stopped the distribution. Congress passed a resolution compelling him to make the distribution for this year, and I undertake to state now, at the risk of being called a prophet of evil, that the seeds will not be distributed, that there is no intention to distribute them. The interviews with the Secretary of Agriculture show that he proposes to put the onus upon Congress of having thrown away the $129,000 appropriated for seeds, when the ends of the law as we intended will never be subserved. Now comes the Secretary of the Interior, who says that he assumes that Congress did not know anything about these enormous deposits of asphalt, that the discoveries have been made since the act of 1894 was passed, and he therefore takes the responsibility of saying to the President of the United States that the proclamation should not be issued.

I went to the Secretary of the Interior early last summer and called his attention to the fact that my constituents were ready to build this railroad. I stated to him that it was not often, even in our wealthy and enterprising country, that private citizens could be found who would go into the Rocky Mountains and build a railroad of more than 45 miles at their own expense in order to develop a great industry like this. I called upon him repeatedly and was always met with the assurance that as soon as the commission which we had established by law reported—a portion of which law was read here—that he would be prepared to act upon it and the proclamation would be issued.

The commission finally reported, declaring that certain townships were absolutely worthless for agricultural purposes and contained only asphaltum. Then the Secretary told me that the proclamation, after it had gone through the Land Department and the subsidiary Indian Office in the Interior Department, away from the

Commissioner of Indian Affairs, was ready, and he had sent it to Buzzard's Bay to the President. I called again and again, and no proclamation could be found. Finally, after my return from Europe, I found telegrams from my constituents urging me to see why this matter had not been concluded. I went to the Secretary and was then informed for the first time that he and the President—who, of course, acted upon his suggestion—had come to the conclusion that Congress did not know what was best for the public interest and they proposed to put up these lands to the highest bidder. I told him then such an act could not be passed; that it would be called a rich man's act and would shut out men who had discovered these deposits, and I said, "When you make that recommendation who will introduce that legislation? It will not be introduced by any Western Senator or Representative. You will find a combined and solid opposition to any such law." Then he said he would get some friend from Georgia to bring it into the other House and have it acted upon.

I did not bring this matter into the Senate. When Utah came in as a State I assumed that the Senators and Representatives from that Commonwealth would take charge of it, as it immediately concerns their people, but I can not do less than state the facts as I know them.

Here is a positive statute nullified by the head of a Department, with no excuse except the paltry one that he assumed that Congress did not have the information, which we have had for seven years, and with which we are all thoroughly acquainted.

Mr. President, I am sorry to say it, but there seems to be a disposition on the part of the present Administration to treat the Western people as if they were in a condition of pupilage, as if they did not know their own rights and their own interests, and they must be informed ex cathedra from the East in regard to what is best for them and what should be done for them. Even the President of the United States lately on a missionary occasion [laughter] spoke of the West as a land of immorality and crime. He stood with the ghastly light of the hell holes of the rum cellars of New York blazing upon him and cantingly said, "Home missions must be used to civilize and Christianize the men who have left their homes in the civilized East and gone out among the mountains and valleys of that wild and woolly West." [Laughter.] Our President stood with Dr. Talmage on one side and the Rev. Sheldon Jackson on the other, and gave us a new version of that blessed old missionary hymn which we have heard so often in our childhood:

From Montana's sinful mountains,
From Utah's wicked plains,
They call us to deliver
Their land from Error's chains.

[Laughter.]

We are told by high ecclesiastical authority that his excellency has lately laid down his honors at the feet of Jesus. I am glad to know it. It has been the general impression of the Democratic party that the mugwumps and incense burners have got all those honors and intended to keep them. I have great respect for the Christian religion and missions at home and abroad; but, Mr. President, the President's intimation is a slander upon the men who, with rifle in one hand and ax in the other, have gone out and blazed the pathway of civilization in those Western wilds.

I am a Western man, and went to Missouri when it was the frontier, in sight of the Indian and buffalo. I have lived with those people nearly fifty years, and I say to our President now that if he will pretermit hunting ducks in North Carolina and silver Democrats in Kentucky long enough to come West we will show him a God-fearing, self-respecting, law-abiding people; we will show him churches in which there is real and unaffected piety; we will show him happy and Christian homes where "the saint, the husband, and the father prays." Our spires may not go so near heaven as do those of Eastern cities; we may not have organs that roll delicious tones along fretted aisles; but we have a people who fear God and observe all the Commandments as they are given unto them. And in comparison with this humble but real worship I am tempted to quote those beautiful lines of the Scotch poet:

Compar'd with this, how poor Religion's pride,
In all the pomp of method, and of art,
When men display to congregations wide
Devotions ev'ry grace, except the heart.

This, Mr. President, is what we have come to at last, that the President of the United States in his official capacity says to the people of the whole world that in one portion of this country their surroundings are such that missions—home missions—are necessary in order to bring the people to a proper knowledge of what is orderly and right.

But I did not rise for the purpose of again criticising this Administration. I rose to say most emphatically that the habit of Secretaries or members of the Cabinet deliberately trampling upon the laws of Congress and refusing to carry them out has gone to an extent that demands immediate notice at the hands of the legislative department of the Government.

Mr. VILAS. I desire to submit an amendment to the joint resolution.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wisconsin will be stated.

The SECRETARY. Add at the end of the joint resolution the following proviso:

Provided, That any lands containing asphaltum or gilsonite or like substances shall be reserved for further disposition by Congress.

Mr. VILAS. Mr. President, I wish to call attention for a moment to one or two points in connection with this matter. In the Fifty-second Congress, when I was serving on the Committee on Indian Affairs, a bill to accomplish the purpose of transferring these valuable asphaltum lands to the hands of a corporation that was seeking to obtain them was introduced afresh in Congress. The Senator from Missouri [Mr. VEST] has spoken of that bill and said that it was favorably reported. In the previous Congress, the Fifty-first, a bill had been passed which would practically have accomplished the end, but the President, General Harrison, vetoed the bill and Congress refused to pass it over his veto. Then the bill I hold in my hand was introduced in the Fifty-second Congress, being Senate bill 574, which provided, as it was introduced, that—

So much of the Uncompahgre Ute Indian Reservation in the Territory of Utah as is contained within the following description—

Naming two ranges of townships and two towns which comprised the gilsonite land—

is hereby declared to be public lands of the United States and restored to the public domain.

Then it proceeded to provide that after the passage of the act any of the lands that might be more valuable for mineral purposes than for agriculture should be open for exploration, etc.

Mr. WOLCOTT. What year was that?

Mr. VILAS. That was in the year 1892. The bill was introduced on the 10th of December, 1891, in the first session of the Fifty-second Congress.

That bill, being referred to the Committee on Indian Affairs, was reported back by the committee favorably in a technical sense, as the Senator from Missouri stated, but perhaps not favorably when you consider the nature of the report. The report proposed a substitute for the bill, and that substitute provided—

That the Secretary of the Interior is hereby authorized to cause to be surveyed, in accordance with the laws of the United States, but subject to his special direction in order to the proper division into lots of land having mineral thereon, so much of the land or country lying within the Uncompahgre Ute Indian Reservation as is contained within—

Naming the designations mentioned in the other bill. It was then provided that after the completed survey and platting of the land the Secretary of the Interior should dispose of the same at public auction, after due notice, etc. I will not stop to read the bill in detail.

The report of the committee which accompanied the bill as it was returned to the Senate I will ask the Secretary to read, because it states the facts substantially and the reasons that governed the committee on the subject.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read Senate Report No. 240, Fifty-second Congress, first session, submitted by Mr. VILAS, from the Committee on Indian Affairs, February 16, 1892, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 574) to change the boundaries of the Uncompahgre Indian Reservation, have examined the same and report a substitute therefor, with a recommendation that it pass.

Since the land mentioned in this bill was included within the Uncompahgre Ute Reservation it has been discovered to contain large and valuable veins of gilsonite or asphaltum. The discovery does not appear to have been made by any particular person or under any such circumstances as gives any particular person the least equitable claim beyond the general public; neither could any private parties have acquired by any attempted location or settlement or other form of claim the slightest right to any special preference or recognition on the part of the Government. In opening these lands to the public, therefore, two principles ought to receive acknowledgment; the one that the value of these mineral veins belongs to the general public and ought to be enjoyed by receiving to the credit of the general public account their money worth and not be allowed to pass under some pretext of disposition to the enrichment of private parties through any favoritism of legislation or administration, and the other that an equal opportunity ought to be afforded to all citizens to obtain upon equal terms these valuable mineral lands.

There seems no other practicable way to accomplish these objects but to dispose of the lands to the highest bidder at auction. All other modes of disposition of public lands now provided by law are merely farcical when applied to such a case as this. The mineral laws are not adapted in nature to lands of this kind, because the gilsonite or asphalt is easily discoverable and requires no such protracted and costly exploration as must be given, or as usually is given, by those who seek for gold or silver or other mineral.

The consent of the Indians is not required to this disposition, nor is provision due that the proceeds of the sales shall be set apart to the use of the Indians, for the following reasons:

The Uncompahgre Utes, in the first place, have no right in this reservation except the right to an allotment of agricultural land, for which the United States must be paid, out of the tribal funds derived from the proceeds of the lands ceded by the Utes in Colorado, the sum of $1.25 per acre; and, secondly, because the Utes are already provided with sufficient tribal funds for their needs. That they have no claim to these lands will appear from an examination of the agreement made with them for the cession of their lands in Colorado and their removal to Utah, and the acts of Congress on the subject. It

was simply agreed that the Uncompahgre Utes should remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land should be found there, and if not, then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah, and that allotment of agricultural and grazing land should be made to the different members of the tribe in specific quantities, respectively; but it was provided that the United States should be reimbursed at the rate of $1.25 per acre for all such lands so allotted to these Indians out of the proceeds of the lands which the Utes ceded to the United States in Colorado. Thus it becomes apparent that not only did the Uncompahgre Utes take by their agreement no right to any lands in Utah, except the right to have allotments made to them, but that even for the allotments the United States were to be reimbursed because of the fact that the Indians have the proceeds realized from the sale of their lands in Colorado. Nor did the agreement or the statute make any provision for this reservation or for any rights in other land than such as should be allotted. (21 Stat. L., page 199.)

The commission appointed for the purpose of executing the agreement was abolished by Congress (22 Stat. L., 449) before having completed all the work of allotment agreed upon, and perhaps these Indians were not then ready to enter upon the advanced condition which individual allotment implies and requires. An Executive order was therefore made on the 5th of January, 1882, directing that a certain tract of country, which embraced the lands mentioned in this bill, should be "withheld from sale and set apart for a reservation for the Uncompahgre Utes." This gave no title, but was a provision to answer the execution, at a suitable future time, of the agreement with them. The lands embraced within this reservation amount to 1,933,440 acres (Report Indian Commissioner of 1890, page 443), while the entire number of the Uncompahgre Utes is but 988 persons, according to the enumeration reported in 1890 (same volume, page 419). Two hundred thousand acres will be sufficient to make all the allotments required by law. Besides, the lands proposed to be disposed of under this bill are not of a nature suitable for allotment, being generally rough and mountainous.

Nor does there appear to be any necessity, or any just obligation so arising, on the part of the Government to apply the proceeds of these lands to the creation of another fund for these Indians. The 5 per cent fund of the Utes is now $500,000, and the 4 per cent fund $1,250,000, the two yielding $75,000 a year annual interest (same report, page 426). In these funds the Uncompahgre Utes share with the Uintahs, the Southerns, and the White River Utes. They are also within the provision which authorizes the President to distribute $4,000 a year to those manifesting special excellence. They will share, besides, in all the residuary proceeds resulting from the sale of the Ute lands ceded in Colorado, after the United States shall have been reimbursed.

There appears, therefore, no reason for requiring the assent of the Indians to this disposition of mineral lands, which will not affect in any way their rights in the reservation, nor for putting the proceeds to their use. These justly belong to the general Treasury.

There remains for consideration only the questions whether the time has arrived for the United States to dispose of these mineral beds, and if so, in what manner the disposition should be made, upon which the views of the committee have already been submitted.

The method of disposition now recommended is in accordance with that adopted by the Senate in the second session of the Fifty-first Congress for the disposition of the mineral lands now proposed to be sold in the bill (S. 4242, Fifty-first Congress, second session) which passed the Senate after the President returned with his objections the bill passed during the first session (S. 1762), but which, the House of Representatives having amended, failed to pass both branches of Congress.

Mr. VILAS. After the report was made and the bill placed on the Calendar, I received a good many solicitations and held some interviews with representatives of the company of which the distinguished Senator from Missouri has made mention, and a great effort was made to cause a change in the disposition of the Indian Committee, which insisted that those valuable asphaltum lands should be sold for the benefit of the United States.

Let me remark that this particular body of asphaltum or gilsonite lands lies directly on the western border of the Uncompahgre Reservation, to which the Uncompahgre Utes were sent a good many years ago. They are not lands which belong to that tribe of Indians. They belong to the United States, and in the treaty by which the Uncompahgre Utes were sent to those lands no rights were given them to the lands in fee or to any of the minerals in them. The only use to which the Ute Indians could claim the lands should be put for their benefit was an allotment to them of the agricultural lands.

Let me remark another thing: Gilsonite was not discovered, according to the evidence that was presented at the time to the Committee on Indian Affairs, as the result of laborious prospecting, expensive and self-denying labors on the part of explorers such as in the case of gold and silver have often to be submitted to, but it was known for a long time before to many persons. It lay open to view, as it was stated at the time, upon the surface of the ground. It was in large patches, and while it is true that valuable veins may also exist, the Committee on Indian Affairs at that time had information——

Mr. CANNON. Will the Senator from Wisconsin allow me?

Mr. VILAS. With pleasure.

Mr. CANNON. I should like to ask the Senator at what date this public exposure was made of the existence of gilsonite in such large quantities?

Mr. VILAS. Until this morning my attention had not been particularly called to this subject for now a number of years, and I am unable to be specific as to dates, though at the time when the report was made which I was required by the committee to write and present I did have information in respect to the details.

Mr. CANNON. Was it not previous to 1892?

Mr. VILAS. Oh, yes. There is no doubt about the fact, as was stated by the Senator from Missouri—I agree with him—that knowledge of the existence of this gilsonite was not the product of anybody's prospecting exploration or sudden discovery. It was a thing known to those who, though perhaps rarely, traversed the wilds of that western region, rough, inhospitable, and uninhabitable almost as it is.

Mr. CANNON. Will the Senator permit me again?

Mr. VILAS. With pleasure.

Mr. CANNON. Then, the statement in the answer or purported answer of the Secretary of the Interior based on the report of 1895 that the existence of those deposits and their extent was not fully known is a misconception?

Mr. VILAS. I do not know at all, and I doubt if the Senator from Utah knows, the fullness of the information which the Secretary of the Interior possessed on this subject at any time. I should dislike to say that the information which the Committee on Indian Affairs had at that time was full, but it was certainly sufficient to show that valuable deposits of gilsonite and asphaltum were there and were well known and had long been well known to be there.

Mr. CANNON. It is not the fullness of the information possessed by the Secretary of the Interior of which we complain. It is his paucity of information with which we are finding fault.

Mr. WOLCOTT. Will the Senator from Wisconsin permit me to call his attention to what was referred to very pertinently by the Senator from Utah?

Mr. VILAS. If the Senator from Colorado will permit me, I was just about to read it. I hold it in my hand, I suppose, and I was about to call attention to the difference between the statement of the Secretary of the Interior on the subject and that which I have made, or the Senator from Missouri [Mr. VEST] or the Senator from Utah [Mr. CANNON] has made.

Mr. WOLCOTT. I do not think the Senator yet comprehends. If he does, I hope he will dwell in his reading upon this point. The Secretary in his report states that the information which he conveyed in his two prior annual reports had not been as fully brought to the attention of Congress at the date of the passage of the act as now, and that therefore he is holding on to them, apparently. I call the attention of the Senator from Wisconsin to the fact that the information conveyed to Congress by the reports of the Senate Committee on Indian Affairs is very much more full and complete and authentic than any information which at any time has been conveyed to Congress by the Secretary of the Interior, and that this information was known to Congress long before the present incumbent became Secretary of the Interior.

Mr. VILAS. I think it was, but perhaps the present incumbent of the Secretaryship of the Department of the Interior did not happen to know that fact.

Mr. WOLCOTT. Oh, Mr. President, I think there is no fact which the present incumbent of that office does not consider that he knows.

Mr. VILAS. Let us do justice to the Secretary of the Interior. I do not know but that I might even appeal to my distinguished, eloquent, and always delightful friend the Senator from Missouri [Mr. VEST] to do justice to the President, notwithstanding his views of the usefulness of religion for the West, and I agree that it is no better for the West than for the East and that there is no more necessity for the inculcation of the principles of piety there than here. I am not quite sure but that the country would send the first home missionary very near to the place where we are now sitting.

Mr. President, the discussion of views of that kind, innuendoes against the Secretary or the President upon other subjects, can not be received by the Senate to affect the question of the soundness of their judgment or the honesty of their purposes in regard to these valuable lands lying in the Uncompahgre Ute Indian Reservation. I was told in the session of 1892 by a very intelligent, highly educated, scientific gentleman in the employment of the same company of which the Senator from Missouri has spoken that the asphalt or gilsonite there to be found is a richer body than is known anywhere else; that it is worth millions of dollars in all probability; that it is available not only for the making of streets, with which we ordinarily associate the term asphalt, but that it is of great value in the making of paints and varnishes; that its uses in the arts have only just become understood, and hardly yet understood; that undoubtedly it will be extended to a very great many different objects of utility to which it has not yet been applied.

Now, if the President of the United States and the Secretary of the Interior have to find these to be the facts, I submit that it is only just and fair that they should be laid before Congress. We are told here, as if they were rebelling against an act of Congress, as if this body had displayed its wisdom on the subject——

Mr. VEST. I simply wish to ask the Senator from Wisconsin if this very proposition now submitted in the report of the Secretary of the Interior was not incorporated in the report which the Senator has caused to be read here and not adopted by Congress?

Mr. VILAS. I will state exactly what the fact is about that matter, as I think. The statement made by the Senator from Missouri is true. There should be added to it the qualification that just as soon as the Committee on Indian Affairs made their

report for that disposition of those lands by which the object so loudly proclaimed would have been accomplished and the public would have been sharers in this valuable mineral, the company which was interested in the bill as it was originally introduced ceased its efforts for its passage, and the bill was never called up.

Mr. VEST. If the Senator will permit me, I beg to state to him that within my personal knowledge he is misinformed. The bill which passed and went to the President never originated with that company. It was drawn by the Senator from Colorado [Mr. TELLER], and he alone was responsible for it. It was passed through Congress by the efforts of the Senators from Colorado and the Delegate from Utah. It did not originate with the St. Louis company at all. I know, because I am familiar with every step of this whole proceeding, that when the Senator made the report I advocated it, and the St. Louis company were perfectly willing to accept the measure.

Mr. TELLER. Will the Senator allow me to make a suggestion?

Mr. VEST. Certainly.

Mr. TELLER. I at that time and for a long time was under the impression that the company were hostile to it, instead of the company having anything to do with it; that they had no more to do with it than the Vice-President had—not a particle.

Mr. VEST. None in the world; they had nothing to do with it. Let me say to the Senator from Wisconsin—and I know what I state to be absolutely true—that the only interest the St. Louis company have is to get this reservation opened, so as to make the asphalt a marketable product. They expect to make their money out of the railroad. They can get all the lands they want. They have now a large quantity of land outside of the reservation that they own in fee, and with their capital they can buy any quantity of it, because it is there in enormous quantities, as the Secretary says. What they want to do is to build a railroad, and they have had the money ready for two years to build the road, but by the delay of the Interior Department they have been unable to progress with the work. That is the fact.

Mr. VILAS. I did not intend the suggestion of any Senator being concerned in the matter.

Mr. VEST. Oh, I know that.

Mr. VILAS. It may be that the origin of the bill vetoed by President Harrison was different from what I supposed it to be, because I was not then here and I did not know how it originated. I observe also that the bill of which I have been speaking, which was reported by the Committee on Indian Affairs in the Fifty-second Congress, was introduced by the Senator from Colorado. What I happen to have known in relation to it is that the agent of this company (and I am acquainted with a very wealthy and distinguished gentleman who is one of the owners of the company) coming from him and bringing along his card or a letter, I have forgotten which, solicited the passage of some bill which should open that portion of the Uncompahgre Ute Reservation, so that it could be obtained.

Mr. VEST. There is no doubt about that.

Mr. VILAS. They sought it diligently, and they protested with me privately in argument against the report which the Committee on Indian Affairs through me had made, and sought to have it changed. We believed it was right. We watched that business here, not indulging in any suspicion by any means, but lest there should be some injury done to the public interests we watched the bill through that session of Congress, not caring about its passage, but only to see to it that if it were passed the proper provision should be contained in it, so that the value of these mineral lands should be received by the people of the United States and not go to some private concern without a fair compensation to the public for them.

Mr. VEST. If my friend will permit me, I promise not to interrupt him again.

Mr. VILAS. The Senator from Missouri can interrupt me at his pleasure.

Mr. VEST. The Senator is entirely right, I have no doubt, in the statement that the St. Louis company sent its agents to him and asked that the report of the committee should be changed; and I now remember the reasons. It comes back to me distinctly, and I myself conferred with the Senator in regard to it frequently. The St. Louis company wanted the report changed because they did not believe that bill could be passed on account of the opposition of the Senator from Colorado, who was opposed to putting up the lands to the highest bidder, on the ground that then his constituents in Colorado, who had gone in and made these claims, being poor men, miners, would be shut out, and that the rich corporation would have a monopoly of the bidding. That is all the opposition that was made. There has been but one object on the part of the St. Louis company, and that was to open the reservation on some terms, they did not care what, but to open it; and their only opposition to the bill in that form was because they did not believe it could be passed.

Mr. TELLER. Will the Senator from Wisconsin allow me to say a word?

Mr. VILAS. With great pleasure.

Mr. TELLER. I do not intend to go into any discussion of this matter. I introduced the bill originally to open this land. I introduced it at the request of a large number of citizens of my State who had gone in there and made improvements on the land, supposing at the time that it was in the State of Colorado, and who afterwards learned that it was in the State of Utah. The line between Utah and Colorado in that section is not run, and it was impossible to know its location. The people who went in there supposed it was, as I said, in the State of Colorado and not on an Indian reservation or on any reservation. The bill passed and was vetoed. Then I introduced another bill.

I want to say that so far as the St. Louis company is concerned, when I introduced the first bill I had never heard of the St. Louis company; I did not know that there was such a company in existence. I was very much opposed to and asserted that I would oppose any proposition to sell the land. I knew if that was done it would pass into the hands of capitalists, to the exclusion of a lot of men who had made these discoveries, who had gone in there in good faith and worked on this property; and I believed it was a great deal better that that land, no matter how valuable it might turn out to be, should be distributed among the hardy Western people who had gone in there and discovered that there was something of value on the land than that it should go to some rich miners. I knew if it was put up for sale every one of them would lose all that he had invested. Therefore I was intending, when the bill came up, to oppose it very actively, and I think I so stated perhaps on the floor of the Senate. I know I made that statement to several Senators. I regarded it as a great outrage upon the people who had gone out there. I regarded the veto of the bill as a very great mistake, and I attributed the veto at that time to the influence of certain people who wanted the land put up for sale that they might buy it, to the exclusion of the hardy pioneers and miners.

Mr. WHITE. If the Senator from Wisconsin will permit me, I desire to ask the Senator from Colorado a question for information. I am not familiar with the facts in this case. Are the parties to whom the Senator from Colorado has alluded as being at one time bona fide occupants of this land still in possession of it, or what is the character of their present claim?

Mr. TELLER. I think those people have maintained—at least the last I knew of it they had attempted to maintain—some kind of a right to it, so that when it was opened up they could go on the land.

Mr. WHITE. My point was simply whether they were in a condition where, if the status of the matter was such as to permit the location, they would be able to exercise the equitable right to which the Senator from Colorado alludes.

Mr. TELLER. Some of those people told me during the last summer that they had maintained their possession by doing work on it every year, and while they knew they could not get it under the strict rules of law they believed when it should be opened that they would have the preference. I am satisfied that those miners will have the preference if there is no provision of law that cuts them out, because there is a feeling in a community like that to maintain the right of the original occupants, if possible. That is a sort of unwritten law in a mining country. If a man can show that he was the first discoverer, technicalities do not stand very much in the way of his maintaining that possession.

Mr. VILAS. Mr. President, the Senator from Colorado, of course, states the facts, so far as he had connection with them, exactly as they were, but so far as he indicates the facts according to his information in regard to the possession of those lands, I am inclined to think, from my remembrance of the testimony and evidence that were submitted at the time, that he is quite in error. It is true, however, let me say to the Senator from California [Mr. WHITE], that certain parties who have claimed to be discoverers of the asphalt drove some stakes, and by occasionally visiting the land, perhaps driving some other stakes or something of that sort, have striven to maintain a theory of claim upon it; but at the time when they asserted originally their claim of discovery the asphaltum was known to a great many people to exist.

Mr. BROWN. May I interrupt the Senator from Wisconsin?

Mr. VILAS. Certainly.

Mr. BROWN. I wish to make a short statement on this subject.

Mr. VILAS. I yield with pleasure to the Senator from Utah.

Mr. BROWN. The minerals were discovered in the usual way by prospectors, under the belief of the prospectors at the time that they were not on the Indian reservation. They believed, as the Senator from Colorado has said, that they were over the line in Colorado. They staked out their claims according to the law, and they have maintained them by doing estimate work ever since. As the Senator from Colorado has said, it may be a question of law as to whether they will have the right to maintain the claims. The Supreme Court of the United States has decided that if they made the locations in good faith, believing they were off the reservation, they will have the right to go back and claim their original location; in other words, after we shall have opened this reserva-

tion it will date back to the original location, so that the original discoverers will get the benefit of their discovery.

Mr. VILAS. The Senator from Utah has stated correctly the exact theory by which the exploiters of this asphaltum seek to secure possession of it under the law which was passed as a part of the Indian appropriation act of 1894, and to which I shall call attention presently. But, while he seems to confess that the claim is wrong in law, he appears to think that it is right in fact, and he asserts, I suppose upon information, that those prospectors did discover the mineral. On the contrary, the Committee on Indian Affairs used the following expression in regard to that claim in 1892:

> The discovery does not appear to have been made by any particular person or under any such circumstance as gives any particular person the least equitable claim beyond the general public.

It was upon that basis, as I remember it, although I have not the message before me at this moment, that President Harrison vetoed the bill which had passed in the Fifty-first Congress. That bill, as it passed, was drawn obviously with the purpose of giving to the asserted prospectors an advantage in the effort to secure those lands when they should be opened. For that reason it was vetoed by the President.

Mr. TELLER. The bill provided for that, I think, in terms.

Mr. VILAS. It contained words that certainly would have been construed to that effect, and I think pretty nearly in terms.

Mr. TELLER. I intended that those prospectors should have that benefit. That was my idea when the bill was introduced.

Mr. VEST. That is what the bill provided.

Mr. VILAS. While the bill may be said to have practically provided for it, it is not explicit.

The VICE-PRESIDENT. The Senator from Wisconsin will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business; which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BROWN. I move that the Senate proceed with the consideration of the joint resolution which is now before the Senate.

Mr. MITCHELL of Oregon. I hope the Senator from Utah will not make that motion, but will ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BROWN. Very well. I ask that the unfinished business be temporarily laid aside without prejudice, that the joint resolution may be proceeded with.

Mr. BERRY. If I may be permitted to make a remark, I will state that if the joint resolution can be finished now by unanimous consent, laying aside temporarily the unfinished business without losing its place, and if it is the desire of the Senate to finish the joint resolution, I will make no objection, but I hope that no motion will be made which will displace the bill which is the unfinished business and which I have been so earnestly seeking to have considered. If the Senator from Utah desires to ask unanimous consent to lay aside the unfinished business temporarily, I will make no objection, but if that is not agreed to I do hope the Senate will not, by taking up another measure, displace the bill which is now the unfinished business.

Mr. BROWN. I ask unanimous consent that the joint resolution may be proceeded with. It is nearly finished, and we would like to dispose of it now.

Mr. VILAS. I think we ought to devote a little more time to the joint resolution. It has been referred to no committee, I understand; it has just been introduced, and is sought to be passed in such a manner as that if it were passed it would imply a reflection upon the Secretary of the Interior, even upon the President, perhaps, and I think we ought to have a pretty fair and full consideration of it.

Mr. WOLCOTT. Will the Senator from Wisconsin allow me to make a suggestion to him?

Mr. VILAS. Certainly.

Mr. WOLCOTT. I think the Senator must know, as the rest of us know, that if the joint resolution goes over without further action or a unanimous agreement or understanding in regard to its future consideration it lies buried with the probabilities one hundred to one that it can never again be successfully brought up. If we could have this afternoon upon it, or so much of the afternoon as is necessary, we could reach some final conclusion upon it; and I do trust the Senator from Wisconsin will not object that this measure, which has been, as the Senator from Missouri said, before Congress for seven years, and which simply presents to the Senate the question as to whether the Secretary of the Interior shall be reminded that it is his duty to carry out the provisions of existing law, may stand before the Senate until we reach some disposition of it.

The Senator in charge of the Du Pont case is willing, I understand, that we shall take the time. My impression is that the Cuban insurgents may also, perhaps, wait one more afternoon until we settle this question for Utah. It is a good deal more important to us, Mr. President, as a country, that we shall determine whether these 2,000,000 acres of land are to be opened or not, whether these deposits shall be made available for the public or not, than it is to spend our time upon these other academic discussions. I hope the Senator from Wisconsin will consent, and if he does not consent I trust the Senator from Utah will move that the Senate shall proceed to the consideration of the joint resolution.

Mr. BERRY. Mr. President——

Mr. WOLCOTT. I understand that the measure which the Senator from Arkansas has in charge is before the Senate by unanimous agreement. I do not apprehend that the motion of the Senator from Utah, if it shall be made, will necessarily displace the bill of the Senator from Arkansas.

Mr. BERRY. It will. I will state to the Senator from Colorado that under the rule the Arkansas bill is the unfinished business, and taking up any other business, except by unanimous consent, and laying that bill aside temporarily, does displace it. It will be no longer the unfinished business if it is decided by a vote of the Senate to take up another measure.

Mr. WOLCOTT. Very well. Then I ask that we may have unanimous consent that the consideration of the pending joint resolution shall follow the measure which the Senator from Arkansas has in charge, if he is ready to proceed with that bill.

Mr. GORDON. As one Senator who is somewhat interested in this discussion, I am ready to consent to that arrangement.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. SHERMAN. The Senator from Nebraska [Mr. THURSTON] has undoubtedly the right to the floor, and by the established courtesy he ought to be allowed to proceed and make his speech.

The VICE-PRESIDENT. Certainly; but it is the duty of the Chair to submit the request of the Senator from Colorado to the Senate.

Mr. GORDON. I understand the Senator from Utah to consent to the proposition made by the Senator from Colorado.

Mr. BROWN. I am willing to take the proposition made by the Senator from Arkansas and let the joint resolution follow, as unfinished business, the bill which he has in charge.

The VICE-PRESIDENT. Will the Senator from Arkansas state his request again?

Mr. BERRY. The request was made by the Senator from Colorado [Mr. WOLCOTT], as I understood it, and it is that as soon as the Arkansas bill is disposed of, then the joint resolution which has been under consideration shall become the unfinished business.

The VICE-PRESIDENT. Is there objection to that request?

Mr. MITCHELL of Oregon. None except this, Mr. President, that the proposed arrangement shall not interfere with any privileged question.

The VICE-PRESIDENT. Is there objection to the request with the modification suggested by the Senator from Oregon?

Mr. VILAS. I wish to make a parliamentary inquiry. Is the bill in reference to the settlement of the claims of the State of Arkansas with the Government now the unfinished business of the Senate?

The VICE-PRESIDENT. It is now the unfinished business.

Mr. VILAS. And is that bill to be at once proceeded with?

Mr. BERRY. I sincerely hope so.

Mr. GORDON. In behalf of the Senator from Nebraska, I hope my friend from Arkansas will not press his bill to-day.

Mr. MITCHELL of Oregon. There will be no trouble about that.

Mr. GORDON. I have no doubt unanimous consent will be given to the Senator from Nebraska to proceed without displacing the unfinished business.

The VICE-PRESIDENT. The Chair will certainly recognize the Senator from Nebraska, in accordance with previous notice.

Mr. BERRY. Certainly.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Arkansas.

Mr. ALLISON. Subject also to the consideration of appropriation bills when they are ready. Otherwise, I must object.

Mr. MITCHELL of Oregon. That is always understood.

Mr. ALLISON. If that is understood, I have no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. VILAS. That disposes of the joint resolution, then, for the present?

The VICE-PRESIDENT. For the present.

Mr. BROWN. The order is that the joint resolution stands as the unfinished business after the bill of the Senator from Arkansas is disposed of.

The VICE-PRESIDENT. The Chair so understands, with the modifications as to the matter of privilege and appropriaton bills, as indicated by the Senator from Oregon and the Senator from Iowa.

Mr. MITCHELL of Oregon. I now ask unanimous consent that

the unfinished business, which is Senate bill 502, be temporarily laid aside in order that the Senate may proceed to the consideration of the Delaware case.

The VICE-PRESIDENT. Is there objection?

Mr. BERRY. As I understand, that is for the purpose of permitting the Senator from Nebraska to make his speech.

Mr. MITCHELL of Oregon. That is all.

Mr. BERRY. I express the hope that when the Senator from Nebraska has concluded we may take up Senate bill 502 and dispose of it without further delay. I therefore yield to the Senator from Nebraska for that purpose.

Mr. CALL. I merely wish to say that the other privileged question, the report of the committee of conference on the Cuban resolutions, will come up, I understand, immediately after the speech of the Senator from Nebraska.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none.

ARKANSAS AND NORTHWESTERN RAILWAY COMPANY.

Mr. PLATT. There is lying upon the table of the Senate a request for a conference from the House of Representatives on a bill of that body which passed the Senate with amendments. I ask that it may be laid before the Senate.

The PRESIDING OFFICER (Mr. NELSON in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas and Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLATT. I move that the Senate insist upon its amendments and accede to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PLATT, and Mr. ROACH were appointed.

NAVAL SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

Mr. HALE. There is a bill from the House of Representatives, No. 3337, which came over last evening, and which I asked should remain upon the table, amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer," and for other purposes.

I should like to call up that bill now and have it acted upon, instead of the bill on the same subject which has been reported by the Senate Committee on Naval Affairs, which will save us going through the form of passing the Senate bill.

Mr. HILL. Certainly the Senator will not ask to have that done now?

Mr. HALE. I certainly shall not do so if any Senator objects.

Mr. HILL. I want to make some inquiries about the bill, and I should like it to lie over for the present.

Mr. HALE. Then I ask that the bill lie upon the table; and I will say to the Senator from New York that I shall not call it up without notifying him.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the following resolution, reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. THURSTON. Mr. President, when I yielded the floor to the Senator from Utah [Mr. CANNON] I of course had no idea that it would lead to an extended debate, but I feel that I have been amply repaid for any delay in the matter. I have been strengthened and refreshed by the outburst of harmony and felicity that seems to perennially abide in the household of the opposition party, and I therefore feel that in proceeding to the discussion of this question we commence upon the assumption that there is the utmost harmony upon both sides of this Chamber, and that we are in the best possible temper to take up and pass upon a legal question without being in any manner embarrassed by political considerations.

Mr. President, I should not of my own motion have volunteered to make an argument in the case of Henry A. Du Pont, but I confess I have esteemed it not only a privilege but a pleasure as well to be invited to that task by the chairman of the Committee on Privileges and Elections. I have been for so many years of a busy life devoted to the examination and presentation of legal problems that I am delighted to have an opportunity to speak before the Senate of the United States upon a case which, it seems to me, rests wholly and alone upon the consideration and determination of questions of law.

It is somewhat remarkable, Mr. President, and yet not wholly so, that the press and the public in anticipating judgment in this case have divided the Senate on party lines, and have already declared that the vote, so far as Republicans and Democrats are concerned, is the same as cast. And yet, sir, we are sitting here in the court of the highest jurisdiction in this country to pass upon a question which can not seriously disturb the balance of power in the Senate, to pass upon a question which, no matter how grave and important its present disposition may be, is of far more importance in the establishment of a rule which shall prevail in the election of Senators in this country for all time to come. But it is not altogether strange that the public and the press of this country have divided the judges or the jurors here according to political lines, for as we look over the judicial history of this country as it has had to deal with and pass upon questions of a quasi political character we are startled to find how often judges have divided upon matters of the greatest importance in accordance with the political convictions of the individuals constituting the tribunal.

When we remember that the greatest special court ever called in this country, the Electoral Commission, divided on purely partisan and political lines, and that the casting vote was only looked upon anxiously because of a doubt as to the political antecedents of one member of that court, it is not strange that the people of this country have come to anticipate that every tribunal which takes up and deals with a case involving party considerations is to be warped and bent in either direction according to party bias. I do not, however, consider that it is particularly a matter of reflection even upon the distinguished membership of this great body that we are in a measure swayed and influenced by our political convictions and our political beliefs. We in this country, all over the land, are strong in our political convictions; we are strong in our fealty to party; we are strong in our desire for party success. That desire influences alike the judgment of all the people, in the lowest and in the highest ranks of life, and it is not strange that some of this human nature should inevitably come in and have its place and find its expression in the decision which is to be reached in this body. Yet, sir, so far as it may be possible, the case before the Senate is one which should be divorced from all questions of party; and in that spirit of presentation, from the legal and not the partisan standpoint, I shall endeavor to proceed.

I desire that any Senator upon this floor who has at any time a pertinent suggestion or inquiry may feel at perfect liberty to make it. It will not disconcert or discommode me in the least. My hope and my aim is to erect an argumentative structure which can not be overthrown, and I am perfectly willing to test its strength at any point. It is only the builder of a house of cards who fears attack as the work goes on.

Mr. President, it is fortunate for us all that in the present case there are certain great landmarks established by common consent, and with the statement of those great landmarks, to which in the discussion we should closely cling, and by which we should establish all our lines of survey, it seems to me that the whole case is presented to the Senate, and there remains nothing thereafter for us to do except to apply the constitutional question to those landmarks; and this application being made, the result will inevitably follow.

What are those landmarks? On the first Tuesday of January, 1895, there was a governor, a senate, and a house of representatives in the State of Delaware. The senate was composed of 9 members; the house of representatives of 21. Both bodies were full; there was no vacancy; the title of every senator and of every representative had been passed upon and conceded; and we concede it here. That state of things continued until, under the act of Congress, the legislature commenced to ballot for a United States Senator. Ballots were had day by day and no election resulted. On the 8th day of April following the commencement of the legislative session the governor of the State of Delaware departed this life. That fact was made known to the Delaware senate. It attested it by spreading upon the records a statement, accompanied by appropriate resolutions to the departed.

On the 9th day of April William T. Watson, the speaker of the senate of the State of Delaware, was in the presence of the senate, as attested by its records, called to the bar, and there was administered to him by direction of the senate the oath of office as governor of the State of Delaware. With respect to that I shall have something to say later. The record shows that the senate of Delaware not only inducted him into the office of governor, but that it ushered him out of the senate. Afterwards, on May 9, 1895, in the joint convention, Henry A. Du Pont received 15 votes as United States Senator.

Sir, those are the facts that are conceded; they are the landmarks of the case, and approach it as you may, reason in a circle as you may, the only question remaining is as to whether or not after Watson was inaugurated as governor there were 29 or 30 members of the legislature of Delaware entitled to sit in that legislature and to vote for United States Senator. That is the only question; there is no other.

Mr. PALMER. Will the Senator, as he invited questions, allow me to make an inquiry?

Mr. THURSTON. Certainly.

Mr. PALMER. I ask if the Senator contends that the events which he relates vacated Mr. Watson's office of speaker of the State senate?

Mr. THURSTON. I am coming to that.

Mr. PALMER. Is not that the true point?

Mr. THURSTON. The question is, Did the law of the land and the constitution of Delaware as applied to the conceded facts create a permanent or a temporary vacation of the office of State senator or a suspension of its functions in the person of William T. Watson?

Mr. PALMER. If the Senator will pardon a still further interruption——

Mr. THURSTON. I am very glad to be interrupted.

Mr. PALMER. I understand the facts to be materially different. If it is true that he vacated the office of senator; if that is the fact, and Mr. Watson after that time ceased to be a senator, is not that the real and essential fact?

Mr. THURSTON. No; that is only one of two facts to be established from the law, because, if Mr. William T. Watson was not authorized under the constitution of his State to exercise the functions of senator on the 9th of May, 1895, then there were only 29 members of the joint assembly entitled to vote, or who can be said to have voted for a Senator of the United States. The Senator will admit, I presume, that a vote which a senator was not authorized to cast is no vote and has no place upon the record, and can not be counted.

Mr. PALMER. In my mind it is exceedingly important to determine whether the act which the Senator has described vacated the office of senator or merely suspended his functions. It is material, in my judgment, to decide that question. I should be glad to have the view of the Senator on that.

Mr. THURSTON. I shall address myself to a consideration of both those propositions later on, because it will be readily seen that they are questions upon which we may naturally differ.

As I said, with those facts conceded, all that the Senate of the United States or any other tribunal has to do in order to determine how many members could vote for Senator on the 9th day of May, 1895, is to apply the law of the land and the constitution of the State of Delaware. Therefore, the only question is upon the determination as to what the law of the land was and what the constitution of the State of Delaware was on the 9th day of May, 1895. Yes; I will put it within still narrower limits: The only question is to determine what the constitution of the State of Delaware was on that day. It is conceded that the common law of England, which was adopted by our colonies at a very early date, is the law of this land, except as it is changed by constitutional provision or statutory enactment. It is admitted, I say, that the common law is a part of our rule of action in this country as much as it was a part of the rule of action of the people of the mother country at the time we adopted it. It has been established by the unchallenged citation of authority on the part of the chairman of the Committee on Privileges and Elections that under the common law no man has a right to hold and occupy and exercise two incompatible public offices at the same time.

Mr. PALMER. Will the Senator allow me to interrupt him for a moment?

Mr. THURSTON. Certainly.

Mr. PALMER. I ask the Senator now what incompatibility there would be on the part of Senator Watson, or Governor Watson, appearing in the joint session and voting as a member of the legislature with any duty that the constitution of Delaware imposed upon him?

Mr. THURSTON. Mr. President, the common law has never yet seen fit to go into the minute inquiry as to whether one particular function of one particular office was incompatible with the exercise of another function of another office; but the rule is that if the general duties and powers of one office are inconsistent with the general duties and powers of another, the incompatibility exists, and the officer holding one can not hold the other, not for any purpose or to any extent.

Mr. PALMER. If the Senator will allow me, the functions of the governor of the State of Delaware are defined by the State constitution, and the functions of the speaker of the senate of that State are defined by the same constitution, but the functions imposed upon the legislature of the State are derived from the Federal Constitution. What incompatibility can there be between the performance of a duty as a member of the legislature imposed upon him by that Constitution and the duties of governor as depending upon the constitution of Delaware?

Mr. THURSTON. The laws of the United States permit the lawful legislature of each State to elect a Senator to represent that State in the Senate of the United States, and you do not escape the proposition that the offices of governor and senator are incompatible by attempting to point out that the performance of one particular legislative duty on the part of Mr. Watson was not inconsistent with the performance of all the duties and all the obligations of the office of governor. For, unless Mr. Watson was authorized under the constitution of Delaware to exercise the office of senator, to sit in the senate of the State of Delaware for all purposes and at all times, there is no law, there is no constitution, there is no practice, there is no precedent which would warrant that he should come into that senate for certain specified purposes, and at the same time remain ineligible for the performance of the other functions of that position.

Mr. ALLEN. As the Populists, in the light of what has been said, may be the turning point of the jury, the turning wheel——

Mr. CHANDLER. Why does the Senator not say the only impartial Senators? [Laughter.]

Mr. ALLEN. That is what I meant to say.

Mr. CHANDLER. I knew the Senator was struggling with that idea, and I wanted to help him out. [Laughter.]

Mr. ALLEN. I call my colleague's attention to this fact: When the constitution of Delaware of 1776 was formulated and adopted Delaware was an independent State. Delaware owed no allegiance whatever to this country or to England except that precarious allegiance dependent on the success or failure of the Revolution. I want to ask my colleague whether Delaware as an independent sovereign at that time did not possess the power by constitutional enactment to declare that, notwithstanding there might be an incompatibility between the exercise of the duties of two offices, the same individual, in the event of death or in the event of some matter to be determined by the constitution, could discharge those duties?

Mr. THURSTON. Unquestionably.

Mr. ALLEN. Then the question here, and the only question, is whether Delaware by her constitution did so declare.

Mr. THURSTON. I shall reach that point a little later on. I intended to state when I brought the argument to that point that in my judgment that was the only question.

I was proceeding to suggest that the common law, unless changed by statute—and there is no pretense of a statute changing it in the State of Delaware in respect of the matter now before the Senate—the common law, unless changed by some specific provision of the constitution of the State of Delaware, prevented, in the State of Delaware, any one man from exercising in his own person the duties and functions and powers of two incompatible offices.

Mr. PLATT. I desire to inquire whether the Senator from Nebraska makes in his mind any distinction between the words "exercise an office" and "hold an office"?

Mr. THURSTON. I do not. I shall argue that more fully later on. I have that point in mind.

Mr. PEFFER. I wish to ask the Senator from Nebraska whether his attention has been called to a clause in the constitution of Delaware wherein certain offices are enumerated as offices no more than one of which shall be held at one time by any person in the State, thereby excluding all others?

Mr. THURSTON. Will the Senator cite me to the particular provision to which he refers?

Mr. PEFFER. With pleasure. I will hand it to the Senator presently.

Mr. THURSTON. A little later on I shall reach the question of the construction of the constitution of Delaware. I have not yet arrived at that point in my argument.

In order that I may proceed logically, I will restate that, unless modified by the constitution of Delaware, the common law of England was a part of the law of that State at the time of this election, and unless expressly permitted by the constitution of Delaware, no man in that State could have exercised in his own person the duties, powers, privileges, and rights of two offices incompatible in their functions.

Then I proceed to the proposition that, under the facts admitted, the question as to whether or not there is a constitutional modification of the common law in the constitution of Delaware is purely and simply a matter of constitutional construction, of the correct interpretation of the fundamental law of that Commonwealth.

I go a step further. It is insisted upon our part that there are certain sections of the constitution of Delaware, which, by express provision, prohibit and prevent any one person in the State of Delaware from exercising at the same time the functions of the office of governor and those of State senator; and again I say that the decision as to whether or not our contention in that respect is right rests solely and alone upon the correct interpretation and construction of the constitution of the State of Delaware.

It is insisted upon the other side that there is express authority given in the constitution of Delaware to the president of the senate of that State, under certain contingencies, such as are shown by the record, to exercise at one and the same time in his own proper person the duties, powers, and functions both of governor and of senator of the State of Delaware. Again I say that for the determination of that contention we turn, and we turn alone, to the proper interpretation and construction of the constitution of the State of Delaware.

So, Mr. President, reason this matter around the circle as you please, you come back to the ultimate proposition, the facts being

conceded, that a conclusion must be reached, and can only be reached, by establishing a correct interpretation and construction of the constitution of the State of Delaware.

Having reached that point, I come for a moment to the consideration of the contention upon the other side that the whole matter here is res adjudicata, having been decided by the senate of the State of Delaware, a final tribunal for that purpose, and that the Senate of the United States is estopped by something that was done in Delaware from now passing upon and determining this question. If the whole case rests, as it does from any point you look at it, upon the establishment of a correct interpretation and construction of the constitution of the State of Delaware, I ask Senators upon the other side to show me by what warrant of law, in or out of the constitution of the State of Delaware, the senate of that State is authorized to place an abiding interpretation on the provisions of its own constitution, under which it was brought into existence, and under which it proceeds. Where is the section which authorizes in any case, or under any circumstances, the senate of the State of Delaware to place abiding construction, binding upon all men and upon all tribunals, State and national, upon the provisions of the constitution of the State of Delaware?

Mr. President, the true construction of the constitution of the State of Delaware is a matter of consideration and adjudication by any tribunal wherever and whenever such construction may affect a case which properly comes before it. The legislature of the State of Delaware has the right, the undoubted right, to pass upon the election and qualification of its own members; it has a right also to determine and adjudicate upon any question of fact or any mixed question of fact and of law which enters into the necessary determination as to whether or not a man bringing credentials to its doors has a right to admission; whether he has been elected to fill an office that is vacant, whether he has been elected by the proper constituency, whether his certificate is right, or whether he has the qualifications such as the law and the constitution prescribe. All these, I admit, are within the jurisdiction of the senate of the State of Delaware, and whenever it fairly acts in pursuance of that power and renders judgment, even the Senate of the United States is estopped from turning back the pages and writing across them its disapproval.

Mr. President, I admit that the senate of the State of Delaware, at the time of its organization, did pass upon and establish the fact that nine members of that senate were duly elected and qualified. As the records show, it inducted them into office. What of it? Does the Senator pretend to tell me that if within ten days thereafter there had been spread upon the records of the senate of Delaware a resolution declaring that one member of that body had died, there would still remain for voting or for any other purposes nine members on a subsequent day? Does the Senator mean to tell me that, having spread upon the record its declaration that death had visited one of its members, it would still further be necessary for the senate to declare his seat vacant? Sir, a resolution declaring the death is a resolution in and of itself declaring a vacancy.

I come now to another question. Suppose that after that legislature had been assembled the question arose as to the constitutional qualification of one of its members, and the senate, having that under consideration, solemnly resolved and spread upon its record a finding that he was but 20 years of age, and had stopped there. The constitution of that State says that to be a senator one must be 27 years of age. I possibly go a little further than the chairman of the committee did the other day, but I insist on the application of the old rule of geometry, which is as true in law as in mathematics, that things which are equal to the same thing are equal to each other, and when the senate establishes and spreads upon its record a declaration that a member is only 20 years of age. and the constitution of his country says he must be 27, he eo instanti ceases to be a senator and can no longer sit and vote and exercise the functions of that office.

Mr. MITCHELL of Oregon. That was my precise contention. If it appears upon the record that a person was admitted, the record showing that he was not of the constitutional age, then he was no senator, and any votes he might give would not bind the United States Senate. I did concede, however, that if the senate of Delaware should admit a person to the senate, passing upon the question of fact as to his age, and nothing appeared on the record to show that he was not of constitutional age, in that case I thought the adjudication of the senate of Delaware would be binding upon the Senate of the United States.

Mr. THURSTON. In the absence of a record and the establishment of facts which create a constitutional inability to hold office, of course that is true; but it is to the contrary when the disqualifying facts are spread upon the record.

Mr. PALMER. If the Senator from Nebraska will allow me, the question which I wish now to ask will be directed largely to the Senator from Oregon.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. THURSTON. Certainly.

Mr. PALMER. I wish to ask if the verdict of a jury without the judgment of a court concludes any right? I understand the Senator from Nebraska to say that if the senate were to find the mere fact that the party was only 20 years of age that would be equivalent to a declaration, that it would be a judgment of ouster against him.

Mr. THURSTON. I say it would be.

Mr. PALMER. Then, does the Senator mean to say that a verdict of a jury, which may be reversed and set aside by the court, concludes any rights whatever?

Mr. THURSTON. No; and for this reason a jury is only one-half of the court, and the whole court, the jury and the judge, must act together before judgment can be pronounced; but there is no division of functions in the senate of a State. Those of the jury are those of the judge; when one acts the other acts, and you can not sever their acts into the acts of the jury as distinguished from the acts of the court.

Mr. PALMER. If the Senator assumes that the senate of Delaware did or did not find some facts which impeached the seat of Mr. Watson, those facts are subject to reconsideration; but would that amount to an adjudication that he was not entitled to his seat?

Mr. THURSTON. Unquestionably they are subject to reconsideration, as a judgment is under a statute during the term, but until it is set aside by the action of the same power which establishes it it remains a judgment of the court.

Mr. PALMER. The Senator and I are both more familiar with court proceedings than with parliamentary proceedings, and I ask would a finding of that fact be a judgment of ouster against the senator?

Mr. THURSTON. I think it would unquestionably in a body of that character, where the functions of the jury and the court are all so commingled that they can not be separated; in other words, when that senate, sitting as a court, finds that a man is dead and declares that he is dead, it is not necessary to go further and declare the office vacant. If it is so in the case of death, it must be so in the case of any other declaration which, by the application of the constitution of the State to that declaration, establishes the inability on the part of the incumbent to further exercise the duties of his position.

Mr. ALLEN. I should like to ask my colleague a question.

Mr. THURSTON. Certainly.

Mr. ALLEN. I am seeking information which I very much need.

Mr. THURSTON. I am not prepared to admit that there is any information which my colleague needs.

Mr. ALLEN. I understand my colleague to take the position that the finding of the fact that a given senator is under age, 20 years of age, ipso facto creates a vacancy. Suppose, now, he is permitted to sit there as a senator de facto and to vote upon acts of the legislature. We will take a case where it requires a two-thirds vote to pass corporation acts in a State upon a yea-and-nay vote, and the passage of the bill turns upon his vote. Does my colleague, under those circumstances, claim that that act of the legislature would be void, no vacancy having been declared by the senate?

Mr. THURSTON. Unquestionably, if there appeared upon the record of the senate—I do not care in what language it is couched—a declaration that is inconsistent, by the mere application of the constitution, with the further exercise of the duties of that office.

Mr. ALLEN. Let me make a suggestion at this point, if my colleague will indulge me.

Mr. THURSTON. Certainly.

Mr. ALLEN. Suppose a case were brought before a jury, either civil or criminal, it would not matter which, and it was determined and ascertained by the court before the case was submitted to the jury that one of the 12 jurors is not a citizen of the United States or of the State, but notwithstanding that fact he was permitted to sit and act as a juror until the conclusion of the case; would that vitiate the verdict which might be rendered by the jury?

Mr. THURSTON. It would be ground for setting aside the verdict in any tribunal to which the judgment went.

Mr. ALLEN. I put in my question, if my colleague will recollect, the fact that his lack of citizenship was known to the parties and to counsel and to the court before the case was submitted to the jury and before it was tried. Now, if the case is tried with full knowledge upon the part of counsel and the parties to the case that this particular juror is not a citizen of the State or of the United States, I suggest to my colleague that they are estopped by their conduct and that the verdict is not vulnerable for that reason.

Mr. THURSTON. My colleague suggests a case which in my judgment is not in point, for the reason that in the case he states the judge of the court is the determining power, and the case he states predicates that the judge overrules the objection to the juror.

Mr. ALLEN. No; not at all.

Mr. THURSTON. The judge is the determining power.

Mr. ALLEN. Let us take this case. A and B are trying a case before a jury of 12 men in a court of record. It is known to counsel and to the parties at the time the jury is impaneled that one juror is not a citizen of the State or of the United States. That is capable of proof. The judge himself knows nothing about it. With that knowledge they try the case and a verdict is rendered. A motion to set aside the verdict and grant a new trial is made. It is made to appear upon the motion by competent evidence that the parties to the case and their counsel knew before the jury was finally impaneled and the case finally submitted that this man was not a citizen. I submit to my colleague that under those circumstances—while I am a juror in this case and express no opinion with reference to its merits—the rule is universal, without exception, that the parties are estopped by their previous knowledge.

Mr. FRYE. Is that true in a capital case?

Mr. ALLEN. In a great many States it is true in capital cases. But this is not a capital case, I infer. It is ordinary litigation legislation.

Mr. THURSTON. The cutting off of a political head can hardly be compared with cutting off the head of an individual.

But my colleague does not state a case in point, for, by his very statement, if the judge goes on with the jury as to the disqualifications of one member of which there is testimony, the judge thereby adjudicates upon that question of fact.

Mr. ALLEN. I suggest to my colleague at this point that whatever form the facts may assume, the senate of Delaware either by affirmative or negative action has adjudicated upon the question of the qualification of its membership.

Mr. THURSTON. I will come to that point shortly. I understand perfectly well that there is a question of disputed fact in this case, and I shall endeavor fairly to discuss and consider as to whether or not, after what I term an adjudication of a vacancy in that office, there was a reconsideration of that act. I shall discuss that question fairly at the proper time.

Mr. President, suppose the senate of the State of Delaware should declare by resolution that one member of that body was not qualified under the constitution. When it establishes the fact, the declaration amounts to a full, complete judgment of ouster.

Mr. ALLEN. Will my colleague permit me at this point?

Mr. THURSTON. Certainly.

Mr. ALLEN. Suppose an individual is holding an office by virtue of an election or an apparent election. As a matter of fact he has not been elected, but that fact has not been adjudicated. Does he not hold his office until such time as some tribunal determines that he was not elected?

Mr. THURSTON. Unquestionably.

Mr. ALLEN. And ousts him in fact as distinguished——

Mr. THURSTON. All that has nothing to do with this proposition, because I concede that there must be a tribunal which pronounces judgment, or at least takes action, which is equivalent to pronouncing judgment, that the party is no longer entitled to hold or perform the duties of his office.

Mr. ALLEN. I understand my colleague to say that the discovery of the finding of the fact by some tribunal that the senator was only 20 years of age when he should be 27 ipso facto created a vacancy. Now, if that be true, would not the discovery of the fact that an individual who claimed to be elected by virtue of a popular vote had not been elected ipso facto create a vacancy there? In other words, he claims by color of law, by color of title, that he holds the office either de jure or de facto until such time as a competent tribunal declares an ouster in fact.

Mr. THURSTON. I go a little further than the Senator from Connecticut [Mr. PLATT] the other day said he was willing to go. I admit that a party coming into office as senator in the senate of the State of Delaware and being admitted there will be presumed to have the necessary constitutional qualification until such time as there is established—established, I say, not by outside rumor, not by the town-crier, not by a justice of the peace, but established by that tribunal itself—those facts which constitute ineligibility to that office.

Mr. GRAY. That is, by the senate of Delaware.

Mr. THURSTON. By the senate of Delaware. So I say when they declare that a member of their body died yesterday and spread that on the record, it is a judgment of ouster or a judgment of vacancy. I would hardly call it a judgment of ouster, because I have no possible idea as to whether or not a deceased senator can come back and participate in the proceedings of the body that he has left. But it is a judgment of vacancy, and thereafter, in determining as to how many men can sit and vote in that body, reference must be had to that declaration and that adjudication that one man is dead; and the establishment of the death upon the record establishes the vacancy in and of itself.

So I say, in the case at bar, that if the constitution of the State be as I think it is, if it be true (and I am merely predicating this argument at present on the assumption which I make that it is true) that the constitution of the State of Delaware does not permit a man who is sworn in as governor of the State longer to sit and exercise the functions of State senator, then when the Senate establishes by its records that he has been sworn in as governor it is just like the establishment of the fact of his death.

Mr. ALLEN. Will my colleague permit me to make a suggestion?

Mr. THURSTON. Certainly.

Mr. ALLEN. I suggest to my colleague that the simile he makes, in which he says the ascertainment that the disqualified senator of Delaware was disqualified would be similar to a case of death, is, in my judgment, unsound in this respect. In the one case there is a man in esse, a being endowed with all the faculties of a man, exercising in fact and discharging the duties of the office of senator. In the other case there is an absolute vacancy by death; there is no body or anything else in existence. Therefore I call my colleague's attention to the fact that there is some difficulty with the simile.

Mr. THURSTON. If the officer officially dies it does not make any difference that the man walks and is still on earth. It is just the same in one case as in another.

Mr. ALLEN. If my colleague will permit me——

Mr. THURSTON. I wish to say that while I am willing to yield for suggestion or inquiry, as I stated, I do not care to yield for detailed argument.

Mr. ALLEN. I will not interrupt my colleague after this.

Mr. THURSTON. If the Senator from Nebraska wishes to ask me any question or to make any pertinent suggestion, he can do so. The Senator will have time for his argument. I do not care to yield to that in detail.

Mr. ALLEN. I am a juror and my colleague is the lawyer. I, as a juror seeking enlightenment, wish to put a question to the lawyer.

Mr. THURSTON. Certainly; I yield to any question.

Mr. ALLEN. The question is whether it would not require, in the case my colleague mentions, the order of the senate creating a vacancy in the case of the living individual occupying the office, as the hand of death created the vacancy in the other case. Would it not require some action on the part of the senate? I beg my colleague's pardon; I shall not interrupt him any more.

Mr. THURSTON. There must be, in my judgment, simply an establishment of the disqualifying fact by the body in which he sits as a member. When that body establishes and puts upon its record the disqualification itself, the results follow, the same as when a man is dead he does not come back. When they declare that he is no longer officially qualified to sit in the senate, he may be there in body, but he is not there as an officer. He may lift his voice, but it will not be in parliamentary debate. He may vote, but his vote is like the wind outside. It is not a part of the proceedings of the senate of the State of Delaware.

I insist that the senate of the State of Delaware not only established by affirmative action the disqualification of Mr. Watson further to sit as a member of that body, but that it did pronounce a judgment of ouster absolutely, or else you can not give to the plain and explicit language which was used by that legislative body any reasonable interpretation. I have understood that it is never presumed—and that is the established law of the land—that a legislative body uses a sentence or a word except for a purpose. Members of bodies may use superfluous words and for very little purpose, but when the body acts it is always held that every word employed has a purpose and a meaning, and they must be given their plain intent and meaning in their construction.

Now, on the 9th day of April, 1895, the senate resolved:

Resolved by the senate and house of representatives of the State of Delaware in general assembly met, That the members of the general assembly have heard with the deepest sorrow of the death of his excellency, Joshua H. Marvil, late governor of the State of Delaware;

There they declare a vacancy in the office of governor. Now, Senators will agree with me that no other or further judgment was necessary upon that point completely and thoroughly and irrevocably to establish the fact that there was a vacancy in the office of governor. They did not say so; they did not say, "There is a vacancy because the governor is dead." They said, "The governor is dead." The vacancy was there because he was dead.

Now, what else did they do?

Resolved, That the Hon. James L. Wolcott, chancellor, be, and he is hereby, invited to administer the appropriate oaths of office to William Tharp Watson, speaker of the senate, who, by reason of the death of the governor, the Hon. Joshua Hopkins Marvil, shall, under the constitution, exercise the office of governor until a governor elected by the people shall be duly qualified.

They established the death. They directed the oath of office as governor to be administered in the presence of the senate to that man whom the constitution had pointed out as the successor of the governor in the exercise of that office. What else? William T. Watson rose before the senate and, as appears by the record, solemnly swore, among other things:

That I will perform the duties of the office of governor of the State of Delaware with fidelity.

Now what else? The senate had established the death of the governor; it had sworn in one of its members as governor, and what else? The record further goes on:

Thereupon the speaker called Mr. Pyle to the chair, and retired from the senate chamber.

Mr. PALMER. May I be permitted to ask the Senator from Nebraska a question at this point?

Mr. THURSTON. Certainly.

Mr. PALMER. Does the Senator believe that it was at all necessary to the accession by Mr. Watson to the exercise of the office of governor that he should have taken any oath whatever? In other words, does not the Senator believe that the constitution casts the exercise of the office of governor upon the speaker of the senate ex officio, and that the oath taken by him was entirely unnecessary?

Mr. THURSTON. I have not deemed it necessary to pursue that inquiry. I cited the administration of the oath simply for the purpose of showing what was done in the presence of the senate of Delaware, and the declaration thereby of the senate that Mr. Watson had succeeded to the duties of the office of governor.

Thereupon the speaker called Mr. Pyle to the chair and retired from the senate chamber.

Why spread that upon the record? Mr. Watson had been in the senate day after day, and I have no doubt he had retired from the senate a hundred times, and yet never was any official notice taken of it. He had gone out and had come in and yet it was never spread upon the records. What else? Here I come to what I consider to be most vital action on the part of that senate. Mr. Watson was governor; had taken the oath; had retired from the senate; was in possession of the governor's office. His associates spread upon the record the fact that they had ushered him out of the senate. What else?

Mr. Pierce offered a resolution, which, on his motion, was read, as follows:

"*Resolved*, That the thanks of the senate are eminently due, and are hereby tendered, to Hon. William T. Watson, speaker of the senate, for the courtesy, intelligence, impartiality, and fidelity which have uniformly characterized the discharge of the delicate and responsible duties of said office."

Why pass that resolution if he still remained a member of that body and was entitled to sit with them for two years more? Mr. President, we build no monuments to the quick; we inscribe no epitaphs for the living, and neither do we place upon the records of official life our eulogiums to those who hold high position until the hour of the termination of their office has come. Not during but at the end of an official career do our associates testify to the fidelity of the performance of the functions of the position, and we are extremely fortunate if they do it then.

All this is material because it shows, in my judgment, what every citizen of the State of Delaware believed; it shows what the purpose of the senate was in taking this action; it shows what its idea was of the result of that action, for it shows that as senator of that body they had bid him good-bye and godspeed, had resolved to his virtues; and when he went out of that senate chamber it is useless to pretend that his associates ever expected to welcome him back there on any day or in any hour as a member of that senate, to sit with them and act with them and vote with them for any purpose or upon any measure.

The Senator from the State of Indiana [Mr. TURPIE] grew eloquent the other day in showing that four men retiring, as this man retired from the legislative halls to take the office of governor, had, after their functions as governor ceased, come back and resumed their seat and place again. And he says that it is a strong argument, and he waxed eloquent upon it, to show the interpretation, settled and fixed, that the people of the State of Delaware have placed upon their constitution. Yet, sir, how much stronger is it that his own associates in the senate bid him good-bye, put upon the record that he had left? They inducted him into one office and ushered him out of the other and said, "Good-bye; God bless you; you have been a good officer."

Mr. HOAR. "Don't you come back here again."

Mr. THURSTON. Yes; "Don't you come back here again." Not only that, but the further admission is upon the record that of the whole 10 men who had left the senate or the house and had been inducted into the office of governor during one hundred and two years of Delaware life never a one of them, while he exercised the office of governor, sat for one moment again in the seat that he vacated when he went into the office of governor, never voted upon a measure, never asked the right to act as senator, never after signing an executive commission on one side of the capitol slipped over into his seat in the senate and voted there. Not only that, but of the 10 men who were called from the legislative to the executive office not one of them, including William T. Watson, ever drew a cent of pay as senator of the State of Delaware for any of the hours he spent in the executive office.

Mr. MITCHELL of Oregon. But did draw the governor's salary.

Mr. THURSTON. But did draw the salary as governor. Yet the Senator from Indiana appeals to our reason to show that a hundred years of Delaware interpretation is to be respected by the Senate of the United States. If that be so, then I appeal to the Senate of the United States to respect that same hundred years of interpretation which compelled every man who went from the legislative to the executive office to remain out of the senate of Delaware so long as he remained governor.

Why, sir, the people of the State of Delaware inherited from the mother land the good old principles of the common law that no man could hold two incompatible offices at the same time. And, notwithstanding the fact that the illiteracy of the East has been referred to on this floor to-day, I guarantee that there was not a man in the State of Delaware who did not in his simple mind, or his learned mind if you please, know and believe that no man in that State under the common law had any right to sit as governor one hour, as senator the next hour, and to alternate from one office to another as his will or his fancy might dictate.

Mr. MITCHELL of Oregon. The governor himself in this case states that he did not believe he had any right.

Mr. THURSTON. Yes, and the governor himself, as the uncontradicted affidavits show in this case, did not himself believe when he went back and undertook to assume the duties of that office that he had any right there. Two of his associates swear that he told them so just before he attempted the rôle of the usurper. He told them so, and he does not contradict it.

It is a little out of place here, but the Senator from Indiana quibbles and cavils at the fact that vote after vote was taken that day in the joint assembly, as if a man who was elected on one vote is not certainly elected on twenty-eight. But he said that the second vote was taken because of the hope, and the third vote was taken because of the hope, and each succeeding vote was taken because of the hope—yes, each succeeding vote was taken because of the hope, fruitless in this case—that a Democratic governor of the State of Delaware would at some time in that proceeding see fit to cease the violation of the constitution of his State and obey the law. That was the hope that held them there voting for twenty-eight consecutive times, the hope that at some time in that proceeding he would remember the oath, sworn before Almighty God, to obey the constitution of the State of Delaware; the hope that at some hour in that joint convention William T. Watson would be guided by his own conscience, and not, as he says he was, by the direction of his party managers.

Mr. PALMER. Does the Senator think they were inspired by that hope during all that time?

Mr. THURSTON. Sir, the Republicans in Delaware, like the rest of the country, have long ago ceased to hope for any reform or goodness from the Democratic party.

Mr. HOAR. I should like to ask the Senator from Nebraska a question, if he will allow me, in this connection.

Mr. THURSTON. Certainly.

Mr. HOAR. So far as he is informed during all that long senatorial contest, which occupied months, and they came certainly on one day so near an election that Mr. Higgins would have been chosen if his men had all been there, did any newspaper of any part of the country anywhere count Governor Watson in estimating the probable votes as among the resources of the Democratic candidate? In the estimate of the probabilities of the numbers on one side or on the other up to that hour had they ever counted him?

Mr. GRAY. Allow me to say that, as a matter of fact, he was never counted out of the probabilities on any side by any class of newspapers or by any class of public men.

Mr. HOAR. The Senator from Nebraska will pardon me. I did not mean to interrupt his argument.

Mr. THURSTON. It may be that he was counted by those same party managers who finally induced him to come back.

Mr. GRAY. By the party managers of both parties he was counted in as a potential factor in that election.

Mr. HOAR. The point whether he was counted by the newspapers of the whole country——

Mr. GRAY. Oh, I know nothing about what was done in regard to that outside of Delaware.

Mr. HOAR. I think I know about it, out and in both.

Mr. GRAY. I know about it in the State. I do not speak about what was said outside.

Mr. HOAR. The newspapers of the whole country, including Delaware, had the reports of those votes from day to day, until the final vote was taken for Senator, and statements that the political complexion of those men might be bent, but so far as I have ever heard and so far as I believe in saying there will be so many Republicans and so many Addicks men and so many Democrats, nobody ever reckoned upon this governor's vote until he made that bargain with these four men that he would come in and vote if they would see that the result of the bargain was obtained.

Mr. GRAY. That is not true in Delaware. It may be true as to statements made outside, but it is not true in Delaware.

Mr. PALMER. May I ask the Senator from Massachusetts a question?

Mr. HOAR. I beg the Senator's pardon for the interruption.

Mr. THURSTON. I yield to the Senator from Illinois.

Mr. PALMER. I want to ask the Senator from Massachusetts a question. Was there ever a time from the beginning of the balloting until the 9th of May when the vote of Senator Watson would have elected a Democrat?

Mr. HOAR. No; and there was not a time from the 9th of April to that day when he had any constitutional right to give it.

Mr. THURSTON. Mr. President, I have more confidence in the newspapers than I have in politicians, and should hate to believe that any reputable newspaper of the United States ever supposed for a single day during which that joint convention was held that the governor of the State of Delaware was a constitutional shuttlecock, to flit hither and thither between the governor's office and the senate.

It is said, however, and a very specious argument is built up therefrom, that William T. Watson did not become governor of the State of Delaware, and the whole pivotal point in the argument of the Senator from Indiana rests upon that assertion. He iterated and reiterated that he did not become the governor of the State of Delaware. Well, he took the oath as governor, the same oath that the man took whom he succeeded. He occupied the same office; he performed every act and every duty that the other man did or could perform. Not only that, but, as was suggested, he was called governor, not as I was once called judge, because my opponent was elected, but he was called governor because he was governor and in the office and exercising its powers; and not only that, but I venture to say, and I do not think anybody will deny it, that after he went into the governor's office he signed every commission, every message, every official document as governor.

Do Senators pretend to tell me he was simply speaker of the senate of the State of Delaware exercising the functions of governor? Did he ever sign a commission in that way, with that title? Never. It is claimed that he was holding simply as presiding officer of the senate, and yet, sir, under the constitution he may have been required to act as governor, under contingencies likely to arise, long after the expiration of the constitutional term as speaker of the senate. For it might well be that while he was still exercising the office no election of a governor at the next general election should be had, or that the man elected then might die before qualifying, or refuse to qualify. It is not necessary to show that this contingency did happen. It is only necessary to test the question by showing that it might have happened, and that Mr. Watson might, under the constitution, which directed him to exercise the office of governor until his successor was elected by the people and qualified, remain governor months, even years, after the expiration of his term as senator. Not only that, but suppose the governor elected by the people at the next general election failed to qualify, a new legislature would come in and they would elect a new president of the senate, and William T. Watson's term as senator would be over, yet he would still, under the direction of that constitution, perform the duties of the executive office until a governor elected by the people should qualify. Do gentlemen pretend to tell me that if that contingency should happen, and the new legislature, of which he was not a member, should come in and be organized and elect a president of the senate, the new president of the senate could go into the governor's office and turn William T. Watson out? No, sir. He is not directed to go in there as an officer; it is simply the specification of one particular individual, by office, upon whom the mantle of the executive shall fall in a certain emergency; that is all.

But the Senator from Indiana says that in all cases the governor elected by the people is called governor in the constitution, and the man who comes in to fill his unexpired term is not called governor in the constitution, but is referred to as the person exercising the duties of governor. Let us see. Section 5 of Article III of the constitution of Delaware provides that—

> No member of Congress nor person holding any office under the United States or this State—

What? Shall be governor? No—

> shall exercise the office of governor.

The same language; and yet the Senator from Indiana says that the constitution does not refer to the speaker of the senate, after he comes into the office, as governor, because he is not governor. Well, sir, if the constitution of Delaware does not mean governor when it refers to the person exercising the duties of that office, then that provision of the constitution could not refer to the governor, but could refer only to William T. Watson, or to whoever came in in case of a vacancy to exercise the duties of the office; and therefore if the gentleman is right, if the constitution when it says "governor" refers to the governor by election, and when it says "person exercising the duties of the office" means simply the temporary man, this section 5 does not refer to the governor elected by the people, but it refers and can only refer and must refer to the man who comes in there to exercise that office in case of a vacancy; and then the constitution will read:

> No person holding any office under this State shall exercise the office of governor in case of a vacancy under the constitution.

Mr. PALMER. Will the Senator from Nebraska allow me to ask him a question?

Mr. THURSTON. Certainly.

Mr. PALMER. I understand the Senator to assert that no senator can be governor. Is it not true that the constitution says that in certain cases a senator shall be governor?

Mr. THURSTON. I will admit that there is a provision of promotion, but that is all it is, in my judgment. It is not a warrant to exercise the two offices at the same time. But that does not get away from the proposition I addressed to the Senator from Indiana, who insisted that this constitution in some places said governor and in others referred to the exercise of the office of governor; and who said that when it said "governor" it always meant the governor elected by the people, and when it said "exercise the office of governor" it always meant the man who came in to fill a vacancy, and therefore this interpretation is true. The constitution expressly declares that no State officer, no man holding any office under the State, shall exercise the office of governor.

Mr. President, I do not insist upon the refined and subtle distinction as made by the Senator from Indiana. I prefer to be generous and not hold him to the application of his own doctrine. Without reviewing in detail all the places wherein these terms are used in the constitution, it is perfectly evident and apparent to any man who has had to do with the construction of laws and constitutions that the constitution uses the term "governor" and the words "exercise the office of governor" as interchangeable, meaning the same, applied to the same individual. The governor elected by the people is one of the men "exercising the office of governor" who shall hold no other State office; the man who comes in to fill a vacancy is also exercising the office of governor, and therefore, by express provision and specification, is also the man who shall hold no other State office. I insist that there is no clause in that constitution which authorizes a senator of that State, as senator or while senator, to hold or exercise the office of governor of that State.

Mr. PEFFER. Now, will the Senator at that point refer to the constitutional provision which I marked out for his attention some time ago? I think it comes in place right there.

Mr. THURSTON. I will do so: "That no person shall hold more than one of the following offices at the same time, to wit"——

Mr. PEFFER. That is it.

Mr. THURSTON. "Treasurer, attorney-general," etc., "register, or sheriff."

Mr. PEFFER. Does not that exclude all other offices?

Mr. THURSTON. Oh, not at all, Mr. President; that does not limit the common law in any respect. It will be seen by a careful analysis of the duties and responsibilities of the offices specified that they are all executive offices and might not be incompatible one with the other, or they might be.

Mr. PEFFER. But the word "executive" does not appear.

Mr. THURSTON. But the proposition still holds good that the common law is enforced in the State of Delaware unless it is modified or limited by constitutional provisions, and that is not a limitation of it. That does not declare that the legislative and executive offices are not incompatible one with the other. The whole theory of our Government is built upon the superstructure of the parceling out of the three great powers of government that reside, in the first instance, in the people. It has been from the very first the aim and the purpose of the fathers, and of all succeeding generations, to retain by constitutional provision a clear demarkation, well defined and insurmountable, between the exercise of the functions of one of these great branches of the Government and the other. For, Mr. President, under the government of despotism they were all vested in and exercised by one person. The one supreme head made the law; the one supreme head interpreted the law and pronounced judgment, and the same supreme head executed the judgment. That was despotism. Our fathers laid out a government of liberty, and they found that liberty could not be preserved to the people except by separating these three great powers of government and vesting them in different officials. Sir, when the time shall come that the people of this country are ready to strike down these great bulwarks of constitutional liberty and commence to permit the exercise of any two of its distinct powers and functions in the person of one man, that day the disintegration of popular constitutional government has begun. That day the era of despotism is already in sight. The bulwark of liberty is in the demarkation between these great powers of the Government—legislative, executive, and judicial—and I challenge these gentlemen to find me, except for mere temporary purposes, wherein any constitution in this country has permitted that the functions of these several branches of the Government, fundamental in their distinction one from the other, have been

recommingled and brought together in the person of one man. It is fundamental in our theory of our Government; it needs no constitutional provision.

The people of this country know, thank God, that it is incompatible for one man to be the executive and the legislature, and if it is incompatible for one man to be the executive and the legislature so it is also pro tanto an impossibility for one man to be a part of the executive and a part of the legislative branches of the Government at the same time. We aim to prevent it. We have asserted that the limitation exists in all the States, from ocean to ocean, and stands as the law understood of all men.

I grant you, sir, that there are cases of mere temporary moment when it is permitted, from the very necessity of the case, that one man shall perform two distinct duties and hold two distinct offices, but I call the attention of the Senate to the fact that the constitution of the State of Delaware has not, in any place, provided for any of those mere temporary, passing, limited, fleeting emergencies. There is not a provision in the constitution of the State which provides for the exercise of the office of governor by any man when the governor is out of the State temporarily or is sick. There is no provision in your constitution, so far as I have discovered, which provides for any of those mere incidental and temporary vacancies. If there is it certainly is not the provision under consideration in this case.

Mr. PEFFER. Would not such a case be included under the word "inability"?

Mr. THURSTON. I shall come to that in a moment. The Senator from Massachusetts [Mr. HOAR] suggests that there is no provision for filling his office when he is duck hunting. [Laughter.] I ask the Senator from Delaware does he know of any provision of the constitution which provides for any mere temporary performance of the duties of the office of governor on account of an inability not producing a vacancy in the office?

Mr. GRAY. None at all. If the Senator will pardon me—for I do not wish to interrupt him in the course of his argument—I think there is not only no provision in the constitution providing for such a temporary exercise of the office not amounting to a vacancy, but that there is nothing in the constitution within its four corners that is even capable of having the inference drawn from it that there is anything provided for except a vacancy upon the emergency described in the constitution.

If the Senator will allow me, while I am on my feet I will say—I did not wish to interrupt him, but have been enjoying his argument by listening—he was speaking a moment ago of the universality (I am not using his exact language) of the American doctrine of incompatibility, and stated that there was nowhere between the oceans any instance of a governor exercising the legislative power, or a legislature usurping the executive power, or one person seeking to exercise a part of the one or the other, and the Senator dwelt very eloquently on that general fact——

Mr. THURSTON. I did not make it quite that broad; but I ask a citation of any such case.

Mr. GRAY. In Rhode Island, in 1842, a constitution for that State was adopted—how long it continued in force I am not able to tell the Senator or the Senate—but in it we find that so far from regarding the office of governor and member of the legislature or the exercise of the executive and legislative powers as incompatible, it expressly provides that—

The governor, and in his absence the lieutenant-governor, shall preside in the senate and in grand committee—

Whatever that may be—

The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

That is, the governor shall have a right to vote in case of equal division.

Mr. CHANDLER. If the Senator from Nebraska will allow me a moment—I did not like to interrupt the course of his argument wherein he so eloquently stated the American doctrine of incompatibility of offices connected with the different branches of the Government, but since the suggestion of the Senator from Delaware, I ask to make this statement: The Senator from Nebraska said that it needed no constitutional affirmation to establish this division of the three branches of the Government. The Senator did not mean that there were no such constitutional affirmations, for, as I shall take occasion to show, feebly following in the footsteps of the Senator from Nebraska, there are express provisions to that effect in 39 of our 45 State constitutions, and in nearly every one of the 39 cases there is the express provision, not only for the division of powers, but that no person or collection of persons belonging to any one branch of the Government shall exercise any of the functions belonging to any other branch of the Government. To this there are six exceptions. Delaware is one of them; New York is one of them; Pennsylvania is one of them; but I submit to the Senator from Nebraska and to the Senator from Delaware that those exceptions were not because the principle was not the same in those States, but because it had become a universal, fundamental American principle. There is no such clause in the Constitution of the United States, for illustration, for the Constitution of the United States contains no bill of rights, no laying down in its original draft of fundamental principles, but here are these 39 cases out of 45, and the Senator from Delaware has discovered, with all his diligence in this direction, that out of the 45 States where this principle prevails, in Rhode Island, down as late as 1842, there was this commingling of offices in that one case, and in 1844, when they adopted the new constitution in Rhode Island, they inserted the same provision. Now, I ask the Senator from Delaware whether in all his researches he has found any other case where the governor of a State at the same time has ever acted as a member of the legislature?

Mr. GRAY. Mr. President, we are both presuming upon the extreme indulgence of the Senator from Nebraska.

Mr. THURSTON. Not at all.

Mr. GRAY. I merely rose for the purpose of calling the Senator's attention, if perchance he had forgotten it in the heat of his argument, to the fact that there should be no inherent incompatibility, in the American sense, between the exercise to a limited degree of legislative and executive functions by the same person, inasmuch as we had in an American State constitution, that we admitted to be consonant with the American spirit, this instance of the express devolution of both legislative and executive functions upon the same individual.

Mr. CHANDLER. I shall have the pleasure, I hope, in my argument, to convince the Senator from Delaware that the Rhode Island case proves the rule, and, instead of breaking down this great principle of American constitutional law, which has been so magnificently vindicated by the Senator from Nebraska, this case in little Rhode Island proves the rule. Hence it was that I wanted to ask the Senator from Delaware right here and now whether he has found any other case?

Mr. GRAY. I shall be glad to hear the Senator.

Mr. CHANDLER. Has the Senator found any other case?

Mr. GRAY. I do not want to trespass further on the Senator from Nebraska.

Mr. CHANDLER. The Senator can answer that question, and then I shall sit down. Has the Senator found any other case?

Mr. GRAY. The Senator from Nebraska [Mr. THURSTON] has the floor.

Mr. THURSTON. Mr. President, the Senator from New Hampshire [Mr. CHANDLER] has used such delightful adjectives in his reference to me that I am willing to give him all the time he desires.

I did not intend to have it understood, in presenting the general proposition of the division of powers under our form of Government, that there might not be isolated cases wherein the people of some State had thought it would be entirely safe to a limited extent, and guarded by constitutional provisions, to let one man occasionally exercise some of the functions of both kinds of office, and I imagine that in Rhode Island the people of that State live so neighborly and so close together that they had an idea that they could keep their eyes on all their officers at all times of the day.

Mr. GRAY. That was the way in Delaware.

Mr. THURSTON. And that was the way in Delaware. It seems, however, that "eternal vigilance is the price of liberty" in Delaware.

Mr. President, I address myself to the suggestion of the Senator from Kansas [Mr. PEFFER], and I do it for the purpose of emphasizing the proposition that under the true construction of the constitution of Delaware it will not be found, and can not be found, that the people of that State ever intended that, after the transfer of the speaker of the senate to the executive office, he should still remain in the performance of his duties as senator. The constitution provides:

If upon a vacancy happening in the office of governor—

I am indebted to the Senator from Delaware for his very frank and explicit statement that he agrees with me in my understanding of the meaning of that provision. The constitution makers of Delaware did not provide, and did not intend to provide, in that instrument anywhere for the mere case of any temporary absence or inability of the governor to perform the duties of his office. They limited the induction of another man into that position expressly and solely to a case when a vacancy occurred. That vacancy can only be a vacancy of one of four kinds specified and limited in the constitution. It must be a vacancy caused by death, by resignation, by removal, or by the inability of the governor. I grant that the constitution of Delaware might have provided that during the inability of the governor So-and-So might perform the duties of the office—and that is substantially the provision we have in some of our Western States; I presume in Kansas, and I know in Nebraska—that a certain designated official shall temporarily perform the duties of or act as governor; but Delaware made no provision for that kind of a case. It only provided that where that inability resulted in a vacancy in the office it should

be filled, and in the last clause of that provision of the constitution is the declaration that I consider very material:

The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

In my judgment—and in that I may possibly be wrong—a vacancy in the office of governor of Delaware by reason of inability can not be established in any other way than by the exercise of the power of the legislature set forth in that provision; in other words, a governor may lie at the point of death; he may be carried off by the public enemy; he may be paralyzed, speechless, powerless, and yet there is no vacancy in that office, and there can not be a vacancy in that office until the constitutional authority establishes it under that constitutional provision. That is the most natural thing in the world.

Who would be the man to say when inability had reached the point which would create a vacancy in that office? The doctor? By what authority? The speaker of the senate, seeking the office? How? He would be a mere usurper if he undertook to enter upon the performance of the duties of the office of governor unless and until there had been established in a constitutional way a vacancy in that office. The constitution provides that it shall be determined by two-thirds of the legislature, but nothing is filled until a vacancy happens. When a vacancy happens, we are all agreed that the former governor, whether he is dead or has resigned, or whether he has reached that point of inability which may create the vacancy, can never go back into that office unless he is reelected by the people. That is the constitution. Whenever that emergency happens the executive term is ended, done, complete; and from that hour, and until a new governor is elected by the people and duly qualified, there is one continuous vacancy in that office for the whole remainder of the term. It can not be shortened. The man whom the constitution puts in there to be governor when the vacancy happens remains there for the whole time, and he can not be dislodged by the return and the demand of the governor whose inability produced the vacancy. The old governor, who has been declared to be under inability sufficient to constitute a vacancy in office, never comes back and raps upon the door with power of official demand.

Mr. CHANDLER. May I ask the Senator whether he is making his argument based upon the peculiar provision of the constitution of Delaware, and assuming the case of which he speaks, that the disability or vacancy has been actually declared by the legislature?

Mr. THURSTON. Oh, no; I am not assuming that. I do not need to reach that point as to whether the vacancy has been declared in this case. They said he was dead, and therefore there was a vacancy.

Mr. CHANDLER. I am not speaking about this case, but the general argument of the Senator. I agree with him if the legislature declares a vacancy and if the person designated by the constitution assumes the office of governor, that the governor who has been ousted, so to speak, by the declaration of the legislature, can not get back into office—certainly he can not get back without action on the part of the legislature restoring him; but I do not agree with the argument of the Senator from Nebraska that in no case, under no constitution, where a governor once ceases to act, although he is a living governor, he never can get back, and I take the case which was suggested to me by the Senator from Massachusetts the other day, the same case to which the Senator from Nebraska has alluded, where there is a capture of the governor by the public enemy.

Mr. THURSTON. The Senator misunderstands me in my presentation. In the Delaware plan their governor may go over to New York and stay a week; he may be captured and carried off by the enemy. That does not necessarily, and of itself, create a vacancy in that office; and I insist that the vacancy can not be created except by a determination of the legislature that the inability has reached that point where it does exist.

Mr. CHANDLER. I call the Senator's attention to the inconvenience, so to speak, of that argument. Of course this is all a remote field of speculation; but if the governor is taken sick, he can not call the legislature to meet if it is not in session; if the governor is captured by the public enemy, he can not call the legislature together to declare the vacancy; and hence the Senator's argument would seem to leave Delaware without an executive in two cases, we will say of the insanity of the executive or the capture of the executive. That may possibly be so under the peculiar provisions of the Delaware constitution, or on account of omissions in the Delaware constitution; but I do not understand it to be a public law or public constitutional law of the various States of the Union.

Mr. THURSTON. Almost every State with whose constitution I am familiar has an express provision, which is entirely wanting in the Delaware constitution, for the mere temporary exercise of the duties of the office of governor in case the governor is out of the State or sick.

Mr. MITCHELL of Oregon. If the Senator will allow me a moment on that point, I will say that I think there can be no question at all that the express provisions of the constitution of Delaware settle this matter precisely as the Senator from Nebraska states it. In the first place, it declares in section 14 of Article III:

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability—

They are all there together—

the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

While the last clause of the same section provides:

The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

So the inability must be declared by a two-thirds vote to make a permanent vacancy; but when that vacancy is created and the speaker of the senate succeeds to the exercise of the office of governor, he is there until his successor is elected by the people and qualifies.

Mr. THURSTON. Unquestionably that is the constitution of Delaware. However unfortunate it might be in an emergency, there is no constitutional provision for any mere temporary exercise of the office of governor of Delaware such as the Senator from New Hampshire [Mr. CHANDLER] points out.

Mr. CHANDLER. I am not now undertaking to controvert that proposition as to the Delaware constitution, but I do call the attention of the Senator from Nebraska to the fact, which I have verified by very careful examination, that nearly all the State constitutions, although they have many provisions generally the same, are diverse in their various methods of providing for establishing vacancies in the office of governor and of filling them.

Mr. THURSTON. In almost every other State of this Union, in fact in all, so far as I know or have had occasion to examine, the constitution does provide somebody to act, and tells how he shall act and when he shall act in every case of temporary absence or inability.

Mr. CHANDLER. I should like to add one other fact, with the permission of the Senator from Nebraska, to which I call the attention of our excellent friend from Kansas [Mr. PEFFER], who is trying to keep his mind in a judicial frame in connection with this inquiry, and that is that the major part of the cases where there is this temporary provision are cases where a member of the executive department of the government, like the secretary of state, is empowered to exercise these powers temporarily, and not a case where an officer of the legislative branch of the government exercises them.

Mr. THURSTON. The usual provision is that some other executive officer shall perform the duties during the mere temporary absence or disqualification of the governor.

Mr. President, I have devoted myself, perhaps, more fully than necessary to establish the proposition that the constitution of Delaware only provided that the speaker of the senate should be inducted into the office of governor when a vacancy occurred, not a mere temporary vacancy, but a vacancy that extinguished the remainder of the term, but the point is especially important in view of the interpretation which is to be placed upon the provisions of the constitution of the State of Delaware with reference to the filling of that office by putting in the speaker of the senate. If it were a mere temporary vacancy of an hour or a day or a week or even a month, liable to be put an end to by the return of the original incumbent, it might well be that it would not be dangerous or improper to permit one man to exercise temporarily the duties of the two offices. But if there was a reason why the people of the State of Delaware saw fit or thought it necessary to prohibit by constitutional provision that one man should be the governor elected by the people and at the same time a senator in the legislature, the same reason exists with all its force as against the man who is called in to fill the whole remainder of the term. For it may be a year, two years, or, in a remote contingency, several years that he could stay in that office after being once sworn in. I say if the people of that State deemed it necessary to guard against the holding of the office of governor elected by the people and the office of senator elected by the people in the person of one man, it was equally important as a guard for their liberties that they should make the same provision apply to whatever man came into that office to hold it for that unexpired term. No Senator can point out to me any reason in the world why there was not and is not the same necessity of guarding against a combination of the exercise of those two offices in the person who fills out the balance of the term as there was to guard against it in the person of the man who was put in in the first instance.

Mr. PASCO. Will the Senator from Nebraska allow me to interrupt him for a moment?

Mr. THURSTON. Certainly.

Mr. PASCO. I understand the Senator to claim that the speaker of the senate acts until the close of the term?

Mr. THURSTON. He acts until a governor elected by the people is qualified.

Mr. PASCO. And that may be before the close of the term?

Mr. THURSTON. It might or it might not.

Mr. PASCO. I understood the Senator to say——

Mr. THURSTON. As I argued earlier in my presentation, while in the ordinary course of affairs a general election would come on and the new governor would be elected and qualified before the term of the senator expired, yet under that further contingency provided for by the constitution the new governor might die before being qualified, or he might refuse to qualify, and therefore from year to year and for a half dozen years there might remain that one single vacancy, and the man in there would stay until a successor was elected by the people and duly qualified.

Mr. PASCO. It is to that point that I wish to direct the Senator's attention, because the language of the constitution is that he shall serve until there is an election of a governor by the people, and not until the close of the term. Delaware may have annual elections. It is evident from what I notice in the constitution that they have biennial elections. He might serve only a few months.

Mr. THURSTON. They do have general biennial elections, so that in the ordinary case I admit that the new governor would be elected within two years from the time of the vacancy. But in the contingency I state—and we must interpret the constitution in view of any contingency that may arise—he might have to remain in the office long beyond the period of his term as senator and for a longer time even than the original governor.

Mr. MITCHELL of Oregon. The Senator from Nebraska will allow me. It is shown in this case that four out of the ten men who succeeded to the exercise of the office of governor did hold for a considerable length of time beyond the expiration of their terms as senators.

Mr. PASCO. The vacancy might occur in the middle of the second year. He would then only discharge the duties of the governor's office for a few months. As I understand it, the term of a senator is four years, so that for two years after, and until the end of the senatorial term, the senator might act as senator and speaker of the senate after the duly elected governor had entered upon his office.

Mr. THURSTON. In the actual case before the Senate Mr. Watson had less than two years to serve as senator at the time the vacancy happened, and he would have held the governor's office at least until the next annual election; I think until the next biennial election. But in any event it is true that under the constitution, in the happening of emergencies thereby provided for, the man may be put in that office to stay there beyond the expiration of his senatorial term.

Mr. CHANDLER. Will the Senator from Nebraska allow me for a moment?

Mr. THURSTON. Certainly.

Mr. CHANDLER. In the case of Governor Watson it will be necessary for him in the ordinary course of procedure to remain governor some three months after his original senatorial term expires.

Mr. THURSTON. Yes.

Mr. CHANDLER. And again, for the benefit of the Senator from Florida [Mr. PASCO], I wish to state that in no case has a governor ever gone back to be speaker of the senate. Does the Senator from Nebraska understand me to be right in this respect, that in no case has the governor gone back to be speaker of the senate? The cases cited are those where the governor has gone back and again acted as senator.

Mr. MITCHELL of Oregon. But not as speaker.

Mr. CHANDLER. But never as speaker; never as presiding officer of the senate. That office has gone forever when he takes the oath as governor.

Mr. PASCO. I was not calling attention to that fact, but to the requirement of the constitution that the speaker of the senate shall exercise the office until a governor elected by the people shall have duly qualified, and he may be duly qualified in two months. There may then be an opportunity for the senator to go back to the speakership and his ordinary senatorial work, and he does not, as the Senator from Nebraska stated, necessarily serve in all cases until the end of his term. That is the point to which I wished to direct attention.

Mr. THURSTON. No; I said until the end of the governor's term.

Mr. PASCO. It is not until the end of the governor's term.

Mr. THURSTON. Not necessarily to the end of the original governor's term, but in the case before the Senate——

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. THURSTON. Certainly. The Senator from Kansas will permit me to make one statement first, however. The Senator from New Hampshire [Mr. CHANDLER] refers to the fact that in this exact case Senator Watson's term as senator would expire under the constitution before the new governor would be elected and qualified. I hardly agree with the Senator as to the time, however. While Senator Watson was elected at the fall election of 1892, under the constitution he would not take his seat as senator until the first Tuesday of January following, and therefore I think that Senator Watson's actual term was from the first Tuesday of January, 1893, until the first Tuesday of January, 1897, while the governor elected at the same biennial election under the constitution is to qualify and be inducted into his office on the third Tuesday in January. Therefore in the case before the Senate there could be no election of a new governor until the fall election of 1896, this year, and he would go into office under the constitution on the third Tuesday of January following. And in the precise case before the Senate the term of the senator necessarily would expire before the governor would come in.

Mr. PASCO. It would seem to me that the governor elected to fill a vacancy might come into office directly after the election is held, and in that case he would not necessarily be obliged to wait until the January following before qualifying. It would be an election to fill a vacancy.

Mr. THURSTON. I am aware that that contention might prevail. I do not wish to say that it could not, although it would appear that as the constitution provides that the election shall take place at the regular annual election, the other provisions of the constitution with respect to the inauguration of a governor would also apply.

Mr. PEFFER. Will the Senator from Nebraska now permit me?

Mr. THURSTON. Certainly.

Mr. PEFFER. The Senator from Nebraska is discussing the pivotal point in this whole question, if I understand it, and it is very important that we understand one another concerning the meaning of the word "vacancy," and also of the word "inability," and of the other words that are used in connection with the word "vacancy." I understand the Senator from Nebraska to mean that no vacancy, as the word is used in the constitution of Delaware, happened except such a one as extends from the time of the happening until the end of the term.

Mr. THURSTON. No; as extends from the time of the happening until an election and qualification of a new governor.

Mr. PEFFER. That would be the end of the term of the officer?

Mr. THURSTON. It would be, in this case.

Mr. PEFFER. Yes.

Mr. THURSTON. But it might not be, because if a governor were elected, his term is four years. A month after his election he dies. The vacancy would necessarily extend until his successor was elected at the next general election; and that is in two years, and not at the end of four years.

Mr. PEFFER. So I understand.

Now, the word "inability" is used in connection with the word "vacancy," and what I wish to get at just now is whether the Senator wishes to be understood as saying that the word "inability" can not, under a proper construction of the Delaware constitution, be anything else than such a continued disability as will reach to the end of the term of the particular office in question.

Mr. THURSTON. It can not be any other than such an inability as results in vacating the office. The Senator from Delaware [Mr. GRAY] agrees with me that the constitution so provides; that it does not provide for any mere temporary filling of the office until that governor comes back. When the vacancy happens that governor is out.

Mr. PEFFER. The Senator will pardon me if I appear to be persistent, because I am exceedingly anxious to understand this subject.

Mr. THURSTON. I appreciate that.

Mr. PEFFER. How would the Senator dispose of a case of this kind: Suppose there were a temporary paralysis of the governor or a temporary aberration of mind, or something of that sort, which physicians would probably not regard as fatal or as continuing more than a month or two months or three months—would that be an inability according to the Senator's understanding of the word as used in this connection?

Mr. THURSTON. Unfortunately, and I think by common consent, it is agreed that there is no provision in the constitution of Delaware which provides for anybody to exercise the office of governor other than the governor elected by the people until the office is vacated, and the inability which would justify the induction of the speaker of the senate into the office of governor for the balance of the term must have reached that point where it creates and produces a vacancy in the office, and a vacancy once occurring it can only be filled in the constitutional way.

Mr. PEFFER. I wish to call the Senator's attention to an act of Congress passed on the 19th day of January, 1886, providing for successions to the exercise of the office of President in certain cases. It reads as follows:

That in case of removal, death, resignation, or inability—

The Senator will observe that the word "vacancy" does not occur.

Mr. THURSTON. I understand.

Mr. PEFFER. The Senator will see in a moment what I am driving at.

That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior shall act as President until the disability of the President or Vice-President is removed or a President shall be elected.

Now, in that case, suppose that the President and Vice-President are both dead, or suppose, what would be a plainer case perhaps, that both of them are unable physically from one cause or another—suppose they are imprisoned, imprisoned by an enemy, or any other cause—to discharge the duties of the office, and the Secretary of State is placed in charge of the office. Does that fact vacate the office of Secretary of State?

Mr. THURSTON. In my judgment not. The Constitution of the United States is essentially and radically different, and provides for another class of cases for which the constitution of Delaware does not provide. The Constitution of the United States provides somebody to exercise the office in case of disability, and to exercise it until, and only until, the disability is removed, while the constitution of Delaware, using language that was unnecessary to have been used if it was simply intended to provide for that case, says that in case of vacancy on account of death, etc., or inability, the office shall be filled, not until the disability is removed, but until a governor elected by the people is qualified.

Mr. PEFFER. There is just one more question. Does the inability to which the Senator refers occur before a judgment by the legislature, of whom two-thirds are required to declare it?

Mr. THURSTON. I have an idea that if the inability were actual and the president of the senate saw fit to act on his own judgment and should enter into and assume the duties of that office, it would be held that his acts were valid. But the constitution provides no tribunal which shall determine when that vacancy or inability exists, except the legislature, and it is perfectly apparent that the constitution of Delaware has not taken into account any mere temporary incidental inability of the governor to perform the office.

Now, Mr. President, in view of the proposition that the new man coming into that office is necessarily to remain there as his predecessor would have remained, or at least for what may be a long term, covering more than one session of the legislature possibly, as I have said, if the people were justified in saying that it was dangerous, and so dangerous that it must be provided against, that one man in his own person at the same time should exercise the office of governor elected by the people and member of the legislature, it was also just as dangerous and just as much a case to be provided against that the same thing should not be done by the man whom the people have not elected to fill that office, for it may well be that they could more safely trust the man elected by the people than they could the man upon whom the duties of the office devolved.

But it was suggested the other day that Watson went into that office not as governor but as speaker of the senate. Who would have been impeached had he committed a high crime in the exercise of the office of governor? Would you have impeached the governor or the president of the senate? If impeachment lies against the president of the senate it can only lie against him for malfeasance in the office of speaker of the senate. It is probably true that impeachment does not lie against a senator as such. It seems to me that the mere statement of the proposition is conclusive that if William T. Watson had committed a high crime in the exercise of the office of governor it would have been the governor and the governor's office that would have been liable to impeachment, and not the senator and the senator's office. Unless this is so the person exercising the office of governor can not be impeached, no matter what high crimes he may commit.

I will somewhat abridge the latter part of my argument, owing to the fact that I have taken up more time than I had intended. I hasten on without pausing to more thoroughly discuss those provisions of the constitution which it seems to me specifically declare that these two duties, these two functions, these two offices, shall not be exercised simultaneously and at the same time by any one man.

Passing over those points, which have been so thoroughly discussed and so thoroughly presented before, I come to the contention of the other side, that by the senate of Delaware or by the joint convention after he became governor, William T. Watson was adjudicated back into the senate. That is the proposition. They insist that something took place in the senate or the joint convention of Delaware which, by a tribunal having exclusive jurisdiction, reestablished the right of William T. Watson to sit and vote as a senator.

In the early part of my argument the gentlemen upon the other side insisted that even the solemn spreading upon the records of the senate of established facts which in and of themselves constituted an inability to hold the office was not a judgment of ouster, and yet they turn now on this proposition and insist that a blank sheet, the absence of any record of the senate of Delaware in the nature of an adjudication of any kind, is a judgment that William T. Watson was voted back into the senate, and his right there passed upon by the senate of Delaware or the joint convention. William T. Watson was sworn in as governor on the 9th day of April, 1895, in the presence of the senate, his oath was spread upon the record, they bade him good-bye, and they put that also upon the record. They inducted him into the office of governor and they ushered him out of the office of senator and spread that upon the record.

Mr. MITCHELL of Oregon. They passed a resolution thanking him.

Mr. THURSTON. They passed a resolution tendering him thanks. I do not know that the Senator from Oregon was in when I referred to that this morning.

Mr. MITCHELL of Oregon. No; I was not in.

Mr. THURSTON. I said at that time, if I remember the language, that we do not build monuments to the quick nor inscribe epitaphs to the living. It is at the end of an official term, it always is, that we spread upon the records of official bodies the eulogium to the officer who has filled the place. They sent him out. They say he came back and his seat there was readjudicated. By what action? I turn to the pages of the journal of the senate of the State of Delaware and they are not written upon in that respect. They have not spoken. The gentlemen upon the other side who insist upon the finality of a judgment which does not appear on the record at all insist upon establishing that judgment by affidavit.

Mr. HILL. Will the Senator allow me a moment?

Mr. THURSTON. Certainly.

Mr. HILL. I observe that after he had taken this oath to which the Senator has referred and became governor a resolution was offered, as follows:

Resolved, That the thanks of the senate are eminently due, and are hereby tendered, to Hon. William T. Watson, speaker of the senate, for the courtesy, intelligence, impartiality, and fidelity which have uniformly characterized the discharge of the delicate and responsible duties of said office.

It was "William T. Watson, speaker of the senate," to whom they referred.

Mr. THURSTON. The gentleman is merely quibbling. That is a mere quibble. That resolution in all human probability was drawn and in the hands of the man who presented it before the oath of office as governor was administered to Mr. Watson.

Mr. HILL. I supposed the Senator was claiming that this resolution of thanks was entitled to some weight; that it had some significance. Therefore I called his attention to the fact that it is an admission that he was speaker of the senate then and there.

Mr. CHANDLER. It is an adjudication, he claims.

Mr. HILL. Call it anything you please. It did not refer to him as the late senator at all. The Senator from Nebraska brought it in as entitled to some weight on this judicial question; that is all.

Mr. PASCO. It was after he was sworn in as governor.

Mr. HILL. The resolution was adopted after he was sworn in as governor, as the Senator from Florida suggests.

Mr. CHANDLER. If the Senator from Nebraska will allow me, it seems to me that it has just as much weight as the fact that Watson took the chair and crowded out Mr. Records and assumed to act as speaker of the senate about five minutes before they went into joint assembly.

Mr. THURSTON. As I suggested, that is the mere refinement of a quibble. There is no doubt that that resolution was drawn—probably it had been written on a typewriter—that morning before the commencement of the session and was in the hands of the man who presented it. The mere grammatical construction of it has nothing to do with the question.

Mr. HILL. The Senator does not answer my question.

Mr. THURSTON. That it was deemed the proper occasion for the passage of such a resolution was like holding funeral services and delivering an oration over the dead.

Mr. HILL. That may be, but I supposed the resolution referred to some live person, namely, the speaker of the senate. That is what I supposed it referred to. It does not even refer to him as the late speaker. There may be some evidence here that the Senator seems to know about and that nobody else knows about to the effect that there was a typewritten copy made in the morning; but something that I do not find existing here. If the resolution is entitled to any weight at all it is the fact that the resolution speaks of him as the speaker of the senate.

Mr. MITCHELL of Oregon. I should like to ask the Senator from New York a question.

Mr. HILL. As the Senator from Delaware suggests to me, it speaks of him as quick, not as dead.

Mr. MITCHELL of Oregon. I ask the Senator from New York if he ever heard of a case where a legislative body stopped in the

middle of a person's term to thank him for his conduct as presiding officer?

Mr. HILL. There is nothing in law to prevent its being done, and it seems from the terms of this resolution that it was done, and done while he was speaker, and so it speaks of him as speaker, not the late speaker, not a dead speaker, but a live speaker. That is the point. I would not have noticed it except that the Senator from Nebraska spoke of the fact that this vote of thanks was a very significant point on this question, whereas I claim that it argues right to the contrary.

Mr. THURSTON. Mr. President, I once knew an indictment to be quashed because a boy who forged an order did not understand the use of grammar, and wrote it, "This boy had my authority to get them harness." The court held that that was a mere recital of a past event. But I do not think the fact that the man who drafted that resolution did not understand grammar, although he may have lived in Delaware, is a fact from which the Senate of the United States is to adjudge and determine that the speaker was still there as speaker. It is the mere inadvertence in the use of a grammatical term; it is a mere accident.

Mr. HILL. I am sorry to hear this reflection upon Senator Pierce—a Republican, and supposed to be well educated, and from Delaware—who offered the resolution. I think he knew what he was about.

Mr. THURSTON. The Republican party does not rely upon the grammatical knowledge and the higher education of its membership. We are not educated in all the refinements of the schools, like so many of our Democratic brethren. What we rely upon is the good common sense and everyday patriotism of the members of the Republican party in the United States. However, Mr. President, I find myself most agreeably diverted, but still diverted from the course of my argument.

Mr. HILL. I will not use the old saying as to what is the last refuge of certain gentlemen; that it is an appeal to patriotism. I will not quote that.

Mr. THURSTON. I am delighted to be interrupted by the Senator from New York. In fact I had no idea that I was doing anything which entitled me to expect his return to the Senate for the purpose of taking a hand in this discussion. But, Mr. President, William T. Watson went into the governor's office and stayed there for just a month. The records of the State senate do not show that he ever came back into that body and exercised any of the duties of that office.

Mr. MITCHELL of Oregon. The journal shows he did not.

Mr. THURSTON. It shows that he did not. It is only by the consideration of ex parte affidavits on the floor of the American Senate and by the highest tribunal of adjudication, that it can be claimed for one single moment that William T. Watson ever came back into the Delaware senate and did anything in the nature of exercising the duties of that office.

I will not stop to repeat the able, extended, and conclusive argument of the Senator from the State of Oregon [Mr. MITCHELL] made the other day upon the proposition that the proceedings of the legislative body must be tested by what they have spread upon the record. He did no act which compelled the senate of that State to pass upon that question before they went into joint convention. He did no act which required the senate to pass upon the question of his right to sit there and act there and vote there as a senator. There is not an act, not a line on the record to show it, but there is an express negative of it. The affidavits filed in the case wherein they pretend to say that he voted on a certain corporation bill are negatived by the record, which shows that no corporation bill was before the senate on that morning. Not only that, sir, but every vote taken in the senate during that whole morning is spread on the record by the yeas and nays, and there were never more than 8, and there were 8 votes cast on every one of those measures. Watson did not vote. The other 8 all voted time and time again. Watson never voted; the record does not show that he voted; the record denies it. He came in there simply by the courteous permission of the senate and nothing else; there is no pretense of an adjudication, there was nothing to act upon.

But it is said that he seized the gavel of authority and headed the procession to the joint assembly. Many a man has marched at the head of the procession before now without its being held that he was thereby commissioned as brigadier-general and entitled to the rank from that time on. The fact that he marched at the head of that procession does not entitle him to say that he was adjudicated as still in the office of senator. But they went into the joint convention, and he did preside, and senators, awed by the fact that the governor of the State was there pretending to act as senator, kept silent. It is said that silence gives consent, but, sir, did that joint assembly have the least tittle of authority to pass upon the question of Mr. Watson's power to still act or vote as senator? Not the slightest. The moment you assert that proposition you are met with the fact that if any action on the part of that joint assembly can be held as an adjudication of the right of a senator to act and to sit as a senator, then it must be because there is jurisdiction in that joint convention to pass upon the title. If there is authority in that joint convention to pass upon the title of senator then he can by that joint convention be voted out of office by the members of the house alone against the negative vote of the whole senate, because the house outnumbers the senate. The mere statement of that proposition is sufficient to show that whatever was done in that joint assembly there was no authority and no pretense of authority that it could bind the Senate of the United States or anybody else upon the question of William T. Watson's right to exercise the office of senator.

I have not altogether completed the argument that I set before me, but I hasten to a close. The facts in this case are established on record, are admitted by the parties, and all that remains in order to pronounce the correct judgment is to interpret the constitution of the State of Delaware as it applies to those facts. Sir, that interpretation of the constitution of the State of Delaware is not within the power of the senate of Delaware to make. It has not that right. It is not a court for that purpose. If it pretends to act, its construction of the constitution of Delaware is not binding upon any other tribunal before which or in which that question may come for decision.

Sir, we are to establish a permanent rule that is to govern the future election of Senators of the United States. It is a question rising high above party considerations. It is a question purely of a patriotic and a legal character. I hope, sir, that in the determination of this question the Senate will rise to the dignity and importance of the power vested in it under the Constitution of the United States to pass for itself upon the election and qualifications of each of its own members.

Mr. CHANDLER. I desire to speak upon the pending resolution. I do not desire to proceed to-night. The Chair will inform me what agreement was made about the resolution.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Chair understands that the unfinished business is now properly before the Senate. The Secretary will announce the bill by title which is the unfinished business.

The SECRETARY. A bill (S. 503) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. MITCHELL of Oregon. I move that the Senate adjourn.

Mr. NELSON. I hope the Senator from Oregon will withdraw the motion.

Mr. MITCHELL of Oregon. I yield to the Senator from Minnesota.

Mr. NELSON. I ask unanimous consent for the consideration of Senate bill 2221. It relates to a few settlers in my part of the country.

Mr. BERRY. Let it be taken up without displacing the unfinished business.

The PRESIDING OFFICER. The Senator from Minnesota asks that, temporarily displacing the unfinished business, the Senate shall proceed to consider a bill which will be read by title.

The SECRETARY. A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out section 1, in the following words:

That those persons, their heirs, or legal representatives, who, between the 15th day of August, A. D. 1887, and the 1st day of January, A. D. 1889, settled upon and made final proof and final entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards canceled, or who, for a period of six months, settled upon, improved, and cultivated such lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry and receive a patent therefor of a quantity of land, of any of the unappropriated public lands of the United States equal in acreage to the land so entered or settled upon and improved in the said second indemnity belt as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry.

And to insert in lieu thereof the following:

That those persons, their heirs or legal representatives, who, between the 15th day of August, A. D. 1887, and the 1st day of January, A. D. 1889, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor, of a quantity of land of any of the unappropriated public lands of the United States within the State of Minnesota, equal in acreage to the land proved up and entered in the said second indemnity belt, as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those persons, their heirs or legal representatives, who, within the period aforesaid, for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a

view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter under the homestead laws of the United States a quantity of land of the unappropriated public lands of the United States, in the State of Minnesota, equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COSTS AND FEES IN CIRCUIT COURTS OF APPEALS.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 1862) to amend the act creating the circuit courts of appeals in regard to fees and costs, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that, without displacing the unfinished business, the Senate shall consider the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the second section of an act to establish circuit courts of appeals, passed March 3, 1891, be amended so that the clause therein which now reads, "The costs and fees in the Supreme Court now provided for by law shall be costs and fees in the circuit courts of appeals," shall read, "The costs and fees in each circuit court of appeals shall be fixed and established by said court in a table of fees, to be adopted within three months after the passage of this act: *Provided*, That the costs and fees so fixed by any court of appeals shall not, with respect to any item, exceed the costs and fees now charged in the Supreme Court." The senior justice each circuit court of appeals shall, within three months after the fixing and establishing of costs and fees as aforesaid, transmit the same to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table, making the same, so far as may seem just and reasonable, uniform throughout the United States. The table of fees, when so revised, shall thereupon be in force for each circuit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TURPIE. Mr. President——

Mr. HOAR. I desired to ask unanimous consent to call up another bill, which will take but a moment, but I will yield to the Senator from Indiana, as I have had my turn once, if the Chair will recognize me afterwards for that purpose.

W. W. ROCKHILL.

Mr. TURPIE. I ask the Senate to take up for present consideration the bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid United States.

The PRESIDING OFFICER. Is there objection to the consideration of the bill, temporarily displacing the unfinished business?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repay W. W. Rockhill, postmaster at Fort Wayne, Ind., $117.50, to reimburse him for moneys erroneously reported and paid as "key deposit forfeiture fund," when the same should have been reported "key deposit redemption fund."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. SHIPMAN.

Mr. ALLEN. I ask unanimous consent to call up for consideration the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John J. Shipman $17,811.96, with interest as provided by law, the same being the amount found by the Court of Claims to be due to the said John J. Shipman from the United States for stone furnished and delivered by Shipman to the United States and used by it in the construction of a lock on the Big Sandy River, near Louisa, Ky.

Mr. PLATT. What is the Calendar number of the bill?

Mr. ALLEN. No. 403. This bill is reported unanimously by the Committee on Claims, and a similar bill has, I think, been reported and passed by this Chamber before. The present Presiding Officer [Mr. FAULKNER in the chair] is the author of the bill.

Mr. PLATT. I wish to make a single inquiry about it, and that is, whether the judgment of the Court of Claims was for interest?

Mr. ALLEN. No, sir; I think not. My recollection is that the amount recited in the bill is the principal alone.

Mr. PLATT. I ask that that clause of the bill be again read.

Mr. ALLEN. I am not the author of the bill; the present occupant of the chair is the author of the bill.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

The sum of $17,811.96, with interest as provided by law.

Mr. ALLEN. The amount named in the bill is for the principal alone; not for the interest.

Mr. PLATT. The bill reads for so much money "with interest as provided by law." The law does not provide any interest against the United States, as I understand it. The bill certainly gives no idea as to how much will be carried as interest. I think the bill, if it is to carry interest, ought to specify it, so that we would know exactly how much interest is to be paid.

Mr. ALLEN. If the Senator will permit me, I reported the bill some time ago, but my recollection is that the report provided simply for the payment of the principal. However that may be, to save all question, let the words "with interest as provided by law" go out of the bill.

Mr. PLATT. That will be satisfactory.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, after the word "cents," it is proposed to strike out the words "with interest as provided by law."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CHANDLER. I ask that the bill be again read.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read the bill as amended.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HABEAS CORPUS CASES.

Mr. HOAR. I ask unanimous consent for the consideration at this time of the bill (S. 1864) to amend the act creating the circuit courts of appeals in regard to cases arising under the revenue laws, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That section 766 of the Revised Statutes be amended to read as follows:

"SEC. 766. The appellate court, or any judge or justice thereof, may, at his discretion, order any or all proceedings against the person so imprisoned or confined or restrained of his liberty to be stayed: *Provided*, That no such appeal shall be had or allowed after six months from the date of the judgment or order complained of."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read: "A bill to amend section 766, chapter 9, of the Revised Statutes, in regard to habeas corpus."

LAURA C. DODGE.

Mr. MCMILLAN. I ask unanimous consent of the Senate for the present consideration of the bill (S. 2347) for the relief of Laura C. Dodge.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "twenty to," to strike out "fifty" and insert "forty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Laura C. Dodge, dependent widow of the late Capt. Frederick Laighton Dodge, United States Army, from $20 to $40 per month, said increase to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN CAMDEN, N. J.

Mr. SEWELL. I ask unanimous consent for the immediate consideration of the bill (S. 1256) to increase the limit of cost for the erection of a public building in Camden, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the amount heretofore fixed as the limit of cost for the erection of a public building in Camden, N. J., $125,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK ISLAND BRIDGE.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (H. R. 6936) for the reconstruction of the Rock Island Bridge.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIFLES FOR NATIONAL GUARD.

Mr. HAWLEY. I ask unanimous consent for the present consideration of Senate bill 1169.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guard thereof in exchange for other rifles now held.

The bill was reported from the Committee on Military Affairs with an amendment, to add as an additional section the following:

SEC. 3. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act and the act of February, 1887, purchase for the use of its National Guard or reserve militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared.

The amendment was agreed to.

Mr. SEWELL. I ask the chairman of the Military Committee why would not an equal number of arms be taken in exchange?

Mr. HAWLEY. I think that was reconsidered because in some cases there would not be an equal number. There would be some of the National Guard who would not perhaps have any arms to exchange. I understand the Ordnance Department thought it better not to have that provision in.

Mr. SEWELL. I will only speak of the State of New Jersey. We have in our State, purchased during the war to a great extent, thirty or forty thousand stands of arms which we wish to retain. We will only draw under this act about 4,000 stands of arms. We do not want to be deprived of the supply of these arms, guns, batteries, and everything else which the State has supplied and which we keep on hand.

I move to amend in the first section of the bill, where it speaks of turning into the Ordnance Department "all the arms," by inserting "an equal amount of arms."

Mr. HAWLEY and Mr. PLATT. "An equal number of arms."

Mr. SEWELL. Very well; "an equal number of arms." What applies to New Jersey will apply to pretty much all the States.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. In section 1, line 12, after the word "therefor," it is proposed to strike out "all the" and insert "an equal number of"; so as to read:

That each State or Territory be required on receipt of the new arms to turn into the Ordnance Department, United States Army (without receiving any money credit therefor), an equal number of arms, etc.

Mr. HAWLEY. There is nothing whatever compulsory about this exchange.

Mr. BATE. I understand this to be optional with the States. This is to enable them to make the exchange if they desire. It is not compulsory.

Mr. HAWLEY. It is entirely optional.

Mr. BATE. Certainly. There is no constraint about it. Whether it is much or little, the States can exchange a few or many arms, as they desire, as I understand the bill and as it was understood by the committee.

Mr. HAWLEY. So I understand it.

Mr. SEWELL. Not under the bill as it has been read. It requires that all the arms of a State shall be turned in, no matter how many new arms may be required.

Mr. BATE. I do not understand it in that way, but they will get their proportion and retain such as they choose.

Mr. SEWELL. I suggest to the Senator from Tennessee that the amendment I have offered, that it shall be an equal number, is but fair.

Mr. BATE. The intention of the committee was as I have stated.

Mr. HAWLEY. The Senator means on page 2, line 12 of section 1, to strike out the words "all the" and insert "an equal number of."

Mr. SEWELL. Yes, sir.

Mr. HAWLEY. I shall want to move technically a reconsideration, in order that I may consult with the Ordnance Department as to whether this will be satisfactory to them. The bill was practically drawn by that Department after long and careful consideration. I will let the bill lie over until to-morrow, when it can be looked into.

Mr. SEWELL. I suggest to the chairman of the Committee on Military Affairs that we ought to be governed by our own judgment of the proper action to be taken, and not by the Ordnance Department. If the State of New Jersey, or any other State, wishes to take advantage of drawing, say—in the case of my State—4,500 stands of arms in exchange for a similar amount of arms, we ought to have that privilege. If we have been provident enough by expenditures which commenced before the civil war, and which enabled us at that time to put in the field the first organized brigade in the Army and to equip them with arms and ammunition, baggage wagons, and steamers to carry them to their destination, we ought not to have a penalty inflicted upon us, in order to obtain these 4,000 stands of arms for the equipment of our present quota of militia, to turn in 40,000 stands of arms, with several batteries of artillery, as this bill would oblige us to do.

Mr. HAWLEY. Nothing at all is said in the bill about artillery.

Mr. SEWELL. The bill says "arms."

Mr. HAWLEY. Yes.

Mr. SEWELL. Which amounts to the same thing.

Mr. HAWLEY. No; it says "Springfield rifles." I will, however, assent to the amendment, though I do not think the State of New Jersey would be required to send in those arms under this proposed law; but I ask the Senator what they are?

Mr. SEWELL. I can not state now.

Mr. HAWLEY. The desire of the Government is that the National Guard, or the organized militia, shall all have the same arms. Everybody who has had any experience knows how inconvenient it is to have different calibers and different arms. In the State of New York they have a caliber of .50. That is an awkward caliber and frequently causes great inconveniences in warfare. But I will assent to the change proposed by the Senator from New Jersey.

Mr. SEWELL. There are several thousand stands of arms in the Springfield Arsenal of this caliber, with which it is very desirable that the National Guard should be equipped. They should all have arms of the same caliber, so as to draw the same ammunition.

The militia of the State of New Jersey, as are the militia of all other States similarly situated, are very desirous to have this bill passed; but I do not think it is just the proper thing that the United States should take all our arms in order to enable us to get the 4,000 provided for by the bill.

Mr. HAWLEY. I am willing to accept the amendment proposed by the Senator from New Jersey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ILLINOIS AND MISSISSIPPI CANAL BRIDGE.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEASING OF LANDS IN ARIZONA.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to lease the lands reserved for university purposes, and all of the school land in the Territory of Arizona reserved by law for school purposes, under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the reservations were made, except that it shall not be necessary to submit the leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of the lands and leases may be paid out of the proceeds derived from such leases; it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State, and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public school fund of the Territory, and shall not be used for any other than public school purposes.

Mr. BERRY. I move to amend by adding at the end of the bill the proviso which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following:

Provided, That the proceeds of leases of university and normal school lands shall be placed to the credit of their separate funds for the use of said institutions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WET DOCK OPPOSITE GOSPORT NAVY-YARD.

Mr. DANIEL. I ask unanimous consent for the consideration at this time of the bill (S. 1211) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport Navy-Yard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF JUDGES OF COURT OF CLAIMS.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter the annual salary of the chief justice of the Court of Claims shall be $6,500 and of the judges thereof each $6,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I desire to have a brief statement printed in the RECORD to go with the bill which has just been passed, which is a report from the committee,

The PRESIDING OFFICER. If there be no objection, the statement submitted by the Senator from Massachusetts will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The paper referred to is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims, respectfully report:

By some legislative inadvertence the compensation of the judges of the Court of Claims has been overlooked for a period of twenty-four years, while the salaries of almost all other officers of the Government—legislative, executive, and judicial—have been adjusted to meet the increased expenses of modern life, as will appear in the following tables:

In February, 1855—	
The salary of the judges of the Court of Claims was	$4,000
The pay of Senators and Representatives ($8 a day) was, say	1,500
The salary of the judges of the Supreme Court	4,500
The salary of the judges of the District of Columbia	2,300
The salary of the President	25,000
At the present time—	
The salary of the judges of the Court of Claims is	4,500
The salary of Senators and Representatives	5,000
The salary of the judges of the Supreme Court	10,000
The salary of the judges of the District of Columbia	5,000
The salary of the judges of the district court of appeals	6,000
The salary of the President	50,000
If the salary of the judges of the Court of Claims had been increased—	
In the ratio of the President's, it would now be	8,000
In the ratio of Senators and Representatives	13,333
In the ratio of the judges of the Supreme Court	8,884
In the ratio of the District of Columbia judges	8,000
And if the salary recently attached to the District court of appeals be taken as a criterion, it would be for the judges	6,000
And for the chief justice	6,500

It is now forty-one years since the Thirty-third Congress established the Court of Claims and fixed the salary of the judges at $4,000. The pay of the members of that Congress ($8 a day) could not have exceeded $1,500 a year as their average annual compensation, yet they did not hesitate to attach to this court a salary which was nearly three times their own, and but $500 less than that of the Supreme Court, and which was then sufficient to command the experience, integrity, and ability peculiarly needed in the judges of such a court.

It is twenty-four years since any attempt was made to increase the salary, and then by some mischance, which can not now be explained, a conference committee having charge of the legislative, executive, and judicial appropriation bill placed the increase at $500 when each of the Houses had separately voted to make it $1,000.

While there has been on the one hand this remarkable legislative inadvertence as regards the compensation of the judges, there has been on the other an even more extraordinary increase of their labors and responsibilities. To the general jurisdiction of the court Congress has, from time to time, added a great number of subjects of special jurisdiction which, in the magnitude of the amounts involved and the novel and varied character of the cases tried, probably exceeds that of any other court of original jurisdiction in the world.

The captured-property cases related to a fund in the Treasury of $31,722,466.20, and presented questions of law then absolutely novel and of the gravest character. The amounts claimed reached the enormous aggregate of $77,785,962.10, and the recoveries against the fund $9,833,423.16. (See 18 C. Cls. R., 700.)

The Hot Springs (of Arkansas) cases brought six different titles to the property before the court, prosecuted by six adverse parties, one of whom was the United States. Three of the contending claimants had been in possession of that valuable property for fifty years, and their litigation between themselves had gone on for thirty years, their suits more than once coming up to the Supreme Court, but always without a final result.

The Court of Claims, when this subject of litigation was added to its jurisdiction, assumed the functions of a court of equity, brought the conflicting titles to an issue in one suit, adjudged the Government to be the owner of the town of Hot Springs as well as of the springs themselves, ousted the intruders, and put a receiver in possession of the property. Its action was affirmed by the Supreme Court, and the United States then and thereby acquired possession of their own lands of which they had been dispossessed for half a century. (10 C. Cls. R., 289.) The improvement which has taken place in the moral and sanitary condition of that great natural sanitarium since the judgment of the Court of Claims was rendered is one which benefits thousands of the people of this country; and it is safe to say that that property—the town and the springs—at the present time exceeds in value to-day all the judgments that have been recovered against the Government in this court.

Congress have also invoked the assistance of the Court of Claims in cases which were not based on claims against the United States.

The first of these were the claims of contractors against the District of Columbia, growing out of the city improvements made or instituted by the territorial or Shepherd government. These have all been tried and disposed of, and are at an end.

Congress have also authorized the court to hear some very remarkable cases, being those of the Delawares, Shawnees, and freedmen of the Cherokees, not against the United States, but against the Cherokee Nation. These cases presented the novel spectacle of Indian tribes voluntarily seeking a judicial forum of the United States to settle their own financial difficulties.

The cases involved more than a million dollars, and were determined by the constitution and laws of the Cherokee Nation. They also involved difficult and novel questions of communal ownership, and represented more than 4,800 communal owners, each of whom claimed a several and personal interest in the subject of litigation—the proceeds of their lands. These cases have been affirmed by the Supreme Court, and these intestine difficulties of the Cherokee Nation happily brought to an end by the interposition of this court of the United States.

In the Mexican award cases—cases growing out of awards against Mexico under the treaty of 1868—the Government instead of appearing in its usual character of defendant has gone into the Court of Claims, under a special act of Congress, as complainant and filed a bill in equity to vacate and set aside awards against Mexico, on the ground that they were procured by fraud. The cases involve more than $500,000, and some most important principles of international and municipal law in which the honor of the United States is likewise involved.

It is also to be remembered that most valuable service has been rendered by this court in exposing and preventing frauds against the United States, and that immense amounts have been saved to the Government by judicial investigation. In the case of De Groot (5 Wall. R., 419), an Executive Department had awarded the claimant $119,234; in the case of Gordon (7 id., 188), $66,519; in the case of Chorpenning (94 U. S. R., 397), $443,010. In all of these cases judgment was against the claimant, yet the record in Gordon's Case discloses these extraordinary facts:

There had been allowed and paid to the claimant for property destroyed by United States troops $8,873; then $100 for an error of calculation in the first "award"; then $8,997.94 for interest; then $10,004.89 for more interest; then $39,217.50 for property previously found not to have been destroyed by United States troops; and finally, $66,519.85 on a "revision" of the previous awards. This last allowance had not been paid to the claimant, and his suit to recover it brought the matter into the Court of Claims and made public the payments which had been made.

In the Chorpenning case the claimant had previously brought the same claim before the court by a suit, in which he demanded only $176,576. (3 C. Cls. R., 140.) Judgment went against him, and he then went to Congress, and on the last night of the session obtained a reference of his claim to the Postmaster-General (16 Stat. L., page 673), by whom he was allowed, as above stated, $443,010. Before this was paid the matter attracted public attention. Payment was suspended and the claimant compelled to go into the Court of Claims, which again decided against him.

The danger of the legislative and executive branches of the Government investigating cases on the ex parte evidence of the claimants may be further illustrated. Since the expiration of the captured-property act, Congress has, by special acts, referred five cotton cases to the court, acting on the strongest ex parte evidence—the affidavits of apparently respectable witnesses. The aggregate of the amounts claimed was $1,169,192.57. In only two of them did the parties recover, and the aggregate of these two recoveries was only $146,523.41, leaving an unfounded balance of $1,022,669.16. In one of these cases the opening paragraph of the opinion thus describes it (25 C. Cls. R., 446):

"This is an extraordinary and important case. It is extraordinary on account of many matters appearing in its history and testimony; important because of the large amount of money in controversy and the questions of law involved in its decision. The attention of the court was occupied many days on the trial, and counsel have exhausted the resources of great professional ability in the presentation of the law and evidence. More than 2,000 printed pages of testimony have been discussed and considered in the determination of the questions of law and fact presented by this record. More than 150 witnesses have been examined, many of whom have been questioned to an extent most unusual in judicial investigation. Many of them have the highest intelligence, while others have the lowest order of mental capacity. Some are subject to the influence of a great interest in the result of the cause, while others are impressed by great prejudice against one side or the other."

The last annual report of the Attorney-General shows of claims adjusted during the preceding year that the aggregate of the amounts claimed was $3,971,302, but the aggregate of amounts allowed by the court $1,371,622.

So long as claimants can appear at the bar of Congress or before the Executive Departments and say that injustice has been done to them, so long a sense of right and natural sympathy will prompt relief; and experience shows that the more fictitious the claim, the more plausible it can be made to appear. Since such transactions as the above can be brought to light through judicial proceedings, they have wholly ceased. It must now be taken as a fixed fact that hereafter, as at present, demands against the Government must be investigated and, so far as possible, finally determined by a judicial tribunal.

Assuredly, then, it seems most unjustifiable to single out the judges on whose integrity and ability the Government depends for protection, and leave them the only judges whose remuneration receives no attention from Congress.

To the foregoing instances of special jurisdiction might be appended a long list of claims which have been referred to this court, some by public and some by private acts of Congress, such as the claims of Indian tribes against the United States (the Eastern Cherokees, the Western Cherokees, the Choctaw Nation, the Miamis, the Pottowatomies, the New York Indians); such as the Indian depredation claims, numbering more than 10,000, which had been many years in Congress awaiting legislative action; such as the French spoliation cases, cases of the last century, involving as intricate questions of international and mercantile law as ever perplexed a court; such as the Carondelet Commons Case, where the title to 6,050 acres of what is now a part of the city of St. Louis was in dispute, and $2,420,000 involved in the litigation.

In a single suit in the Court of Claims, one of the Pacific Railroad cases (20 C. Cls. R., 112)—

The Government recovered on its counterclaim	$4,487,807.39
And the claimant on its demand	2,910,124.18
And the Government had judgment for the balance	1,577,683.21

Thus the extraordinary fact appears that the largest amount recovered in the Court of Claims was recovered by the United States. If this recovery of $4,487,807.39, and the value of the town of Hot Springs, and a number of recoveries by the Government on other counterclaims were reckoned up, it is not improbable that the still more extraordinary fact would appear that the Government has recovered more in this court than has been recovered against it.

The aggregate of judgments against the United States rendered by the

Court of Claims from 1867, when the annual reports of the clerk begin, to 1895, both inclusive, is $38,185,049.17. This does not include Congressional or French spoliation cases where the facts are reported for the consideration of Congress, but does include the decrees rendered against the captured property fund. Subtracting them, $9,833,423, will leave as the aggregate of judgments against the Government on its liabilities proper for the last twenty-nine years the sum of $28,351,626.17. The amount claimed in those suits was about $169,000,000.

It may therefore be reiterated that while the compensation of the judges of the Court of Claims has been singularly overlooked, no judges in the United States have been so weighted with personal responsibility, and no court has had such vast and varied and difficult subjects of jurisdiction committed to it, or has received more repeated manifestations of trust and confidence from the legislative power.

ANNIE E. NOLAN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Annie E. Nolan, widow of Nicholas Nolan, late major Third United States Cavalry, at $50 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. PLATT. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MRS. JULIA JONES DUNCAN.

Mr. CHANDLER. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan, at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

Mr. CANNON. I ask unanimous consent for the consideration of the joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was reported from the Committee on the Judiciary with an amendment, to strike out all after the resolving clause and insert:

That all of the real estate now in the hands of the receiver of the late corporation of the Church of Jesus Christ of Latter-Day Saints, and all the rents, issues, and profits arising therefrom, which includes all the money held by him, be, and the same are hereby, granted and conveyed to the Church of Jesus Christ of Latter-Day Saints, the expenses of the receivership to be allowed by the supreme court of the State of Utah being first paid, and said receiver, after the payment of said expenses, is hereby required to deliver the said property and money to the person or persons constituting the first presidency of said Church of Jesus Christ of Latter-Day Saints, or to such person or persons as he or they may designate.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on the Judiciary reported an amendment, to strike out the preamble; which was agreed to.

MICHAEL E. BRICKER.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll Michael E. Bricker, of Edgerton, Ind., late a private in Company D, Tenth Regiment Ohio Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROCEEDS OF SALES OF PUBLIC LAND IN CALIFORNIA.

Mr. WHITE. I ask unanimous consent to call up the bill (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of that State, or may hereafter be made, to aid in the support of the public or common schools of said State. The sum of money necessary to pay the 5 per cent is appropriated.

Mr. PLATT. How much does the bill carry?

Mr. WHITE. I do not know the exact amount. A similar bill has passed the Senate twice without objection and has been reported favorably by the committee in the House of Representatives at this session, as it was at the last session. California is the only public-land State that has not got its money, although it has been due for many years. No committee that has ever investigated the subject has reported adversely to the bill. It proposes to grant to California 5 per cent of the net proceeds of the sales of the public lands in that State. Every other public-land State, and there are 16, has had a similar act passed. As I stated, a similar bill passed the Senate at the last session without objection, and also the session before; it was favorably reported in the House last session, and there is a favorable report on the Calendar of the other House now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY THE COMMITTEE ON INDIAN AFFAIRS.

Mr. PETTIGREW. I ask unanimous consent to call up the resolution relating to an investigation by the Committee on Indian Affairs.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution reported by Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, February 12, 1896, as follows:

Resolved, That the Committee on Indian Affairs be instructed, as now constituted, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the coming recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority, and in the manner, and to the extent provided in said resolutions, and, in the pursuance of such investigations, to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the Five Nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee.

Mr. HILL. What committee has reported the resolution?

Mr. PETTIGREW. The Committee on Indian Affairs reported it, as did also the Committee to Audit and Control the Contingent Expenses of the Senate.

I will say to the Senator from New York, also, that we have under consideration before the Committee on Indian Affairs the question of furnishing a government for the Five Civilized Tribes in the Indian Territory, a very important matter, which will probably not be disposed of at this session of Congress. We are very liable to need to investigate the subject with great care.

Mr. HILL. When is it proposed to conduct the investigation?

Mr. PETTIGREW. The resolution gives the committee power to conduct the inquiry in the recess between now and next fall.

Mr. HILL. Why should that power be given now before it is absolutely determined that the investigation can not be made before the expiration of the session?

Mr. PETTIGREW. The resolution also gives the committee power before the close of the session to send for persons and papers and conduct an investigation here, if it thinks best.

This power has been given to the Committee on Indian Affairs every session but one since I have been a member of this body, and in no instance has the committee taken a trip to any agency. It is not now the intention of the committee to do so. For my part I have no time to make trips unless it is absolutely necessary. But it seemed to the committee necessary that we should have this power.

Mr. HILL. Why not strike out that provision, then? If we have passed several resolutions of this character and the committee never has conducted any such trip, why insist upon it now?

Mr. PETTIGREW. Because we think it is wise to have the power and the authority in case the necessity arises; and the necessity is more liable to arise now than heretofore, because

the furnishing of a government to the Indian Territory is becoming more pressing every day and must be disposed of.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. HILL. The resolution has been reported from the Committee on Contingent Expenses?

The PRESIDING OFFICER. The resolution has been reported from the Committee on Indian Affairs and also from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PLATT. It is true that this is in the main a resolution which has been passed every year, I think, for a number of years. It is also true that the Committee on Indian Affairs has not made trips away from the city of Washington to investigate questions arising in the administration of the Indian service. I am bound to say, however, that I think it has been a neglect upon the part of the committee to perform duties which it ought to have performed, and they have been neglected because it was impossible for members of the committee to go.

I am one who believes that a good deal of money would be saved to the Government if the committee had the power to visit Indian reservations and make examinations of matters which are going on in the administration of the service and if it would go and make those investigations as occasion arises. I think there is great need for investigation by the committee, but I fear the committee will never have the time or the opportunity to discharge what I think are its duties in this respect.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 7250) to amend "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate adjourn.

Mr. WOLCOTT. Will the Senator from Florida kindly withdraw his motion and substitute for it a motion to proceed to the consideration of executive business?

Mr. CALL. Certainly. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 19, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 18, 1896.

COMMISSIONER OF FISH AND FISHERIES.

John J. Brice, of California, to be Commissioner of Fish and Fisheries, vice Marshall McDonald, deceased.

ASSISTANT SURGEONS, MARINE-HOSPITAL SERVICE.

Sherrard R. Tabb, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Henry S. Mathewson, of New York, to be an assistant surgeon in the Marine-Hospital Service of the United States.

COLLECTORS OF CUSTOMS.

Charles H. Bateman, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts, to succeed Stuart F. McClearn, whose term of office expired by limitation March 12, 1896.

George P. Decker, of New York, to be collector of customs for the district of Genesee, in the State of New York, to succeed George H. Houck, removed.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. George Horace Morgan, Third Cavalry, to be captain, March 15, 1896, vice Drew, Third Cavalry, retired from active service.

Second Lieut. Edwin Moore Suplee, Second Cavalry, to be first lieutenant, March 15, 1896, vice Morgan, Third Cavalry, promoted.

POSTMASTERS.

Joseph N. Wheatley, to be postmaster at Chestertown, in the county of Kent and State of Maryland, in the place of James A. Shaw, deceased.

Thomas A. Weger, to be postmaster at Delphos, in the county of Allen and State of Ohio, in the place of Charles P. Washburn, whose commission will expire April 4, 1896.

Franklin Sansom, to be postmaster at Indiana, in the county of Indiana and State of Pennsylvania, in the place of Jonathan L. Langham, whose commission will expire March 21, 1896.

George W. Merrill, to be postmaster at Orange, in the county of Franklin and State of Massachusetts, in the place of Edward A. Goddard, whose commission will expire April 4, 1896.

Louis R. Benedict, to be postmaster at Ellenville, in the county of Ulster and State of New York, in the place of Edgar D. Russell, deceased.

James V. Crawford, to be postmaster at Morristown, in the county of St. Lawrence and State of New York, in the place of Thomas W. Pierce, whose commission expired February 29, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 18, 1896.

COLLECTOR OF CUSTOMS.

John H. Puck, of Ohio, to be collector of customs for the district of Miami, in the State of Ohio.

INDIAN AGENT.

F. Glenn Mattoon, of Coal Harbor, N. Dak., to be agent for the Indians of the Fort Berthold Agency, in North Dakota.

POSTMASTERS.

Lizzie M. Calder, to be postmaster at Willow, in the county of Glenn and State of California.

Mary Bryce, to be postmaster at Winters, in the county of Yolo and State of California.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 18, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGES OF REFERENCE.

On motion of Mr. HENDERSON, by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of bills of the following titles, and the same were referred to the Committee on Interstate and Foreign Commerce:

A bill (H. R. 2571) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory; and

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory.

WIDOW OF THOMAS L. YOUNG.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk. If its consideration be agreed to, I propose to offer an amendment in the form of a substitute.

The Clerk read as follows:

A bill (H. R. 1743) for the relief of the legal representatives of Thomas L. Young.

Be it enacted, etc., That the claim of the widow, heirs, or legal representatives of the late Thomas L. Young, who served as captain of Benton Cadets, Missouri Volunteers, and as major, lieutenant-colonel, and colonel of the One hundred and eighteenth Ohio Volunteer Infantry, in the late war of the rebellion, for a balance or balances of wages earned by him as said officer in the suppression of said rebellion and not yet paid to him or to his widow, heirs, or legal representatives, be, and the same is hereby, referred to the Court of Claims for due investigation according to law, and jurisdiction is hereby conferred upon said court to render a judgment for the amount, if any, found due from the United States upon the said claim.

Mr. BROMWELL. I ask the Clerk to read the substitute which I propose to offer.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert the following: "That the claim of the widow of the late Thomas L. Young, who served as an enlisted man and officer of the Regular Army of the United States and afterwards as captain of Benton Cadets, Missouri Volunteers, and as major, lieutenant-colonel, and colonel of the One hundred and eighteenth Ohio Volunteer Infantry in the war of the rebellion, for the sum not exceeding $478 as the balance or balances of wages earned by him as said officer in the suppression of said rebellion, but not heretofore paid to him or to his legal representatives, be, and the same is hereby, allowed; and a sufficient sum to pay the same is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated."

Mr. CANNON. Mr. Speaker, as I understand, this bill proposes simply to give to the widow of General Young, lately a member of this House, $478.

Mr. BROMWELL. That is exactly what my amendment provides for.

There being no objection, the House proceeded to the consideration of the bill.

The substitute proposed by Mr. BROMWELL was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BROMWELL. I ask that the title of the bill be amended by striking out "legal representatives" and inserting "widow."

The SPEAKER. Without objection, the title will be so amended.

There was no objection.

On motion of Mr. BROMWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

DEEPENING CHANNEL AT HAMPTON ROADS.

Mr. TYLER. I ask unanimous consent for the present consideration of the Senate joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, requested to furnish estimates as early as possible of the cost of broadening and deepening a channel to a width of 150 yards and to a depth of 28 feet from Hampton Roads to the United States navy-yard, Norfolk, Va., and also of improving the Western Branch of Elizabeth River and making the channel 200 feet wide and 20 feet deep for a distance of about 1 mile, as indicated by the report of Gen. Thomas L. Casey, Chief of Engineers, in Appendix J 15 of the Annual Report of the Chief of Engineers for 1895, pages 1300-1302.

Mr. CANNON. As I understand, this resolution simply proposes to ask for an estimate. From what committee does it come?

Mr. TYLER. From the Committee on Rivers and Harbors.

Mr. CANNON. It has been reported by direction of that committee?

Mr. TYLER. Yes, sir.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. TYLER, a motion to reconsider the last vote was laid on the table.

INTEROCEANIC RAILWAY COMPANY.

Mr. SHERMAN. I ask unanimous consent for the consideration of the bill which I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory.

Be it enacted, etc., That the provisions of section 9 of the act entitled "An act to grant to the Interoceanic Railway Company a right of way through Indian Territory," approved March 3, 1893, be, and the same hereby are, extended for a further period of three years.

SEC. 2. That section 1 of said act be so amended as to make the city of Fort Smith the terminus of said road on the western border of the State of Arkansas.

SEC. 3. That section 2 of said act be amended to read as follows:

"SEC. 2. That a right of way of 100 feet in width through said Indian Territory is hereby granted to the Interoceanic Railway Company, and a strip of land 100 feet in width, with a length of 2,000 feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every 10 miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines, and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

SEC. 4. That section 6 of said act be amended by striking out all after the word "*Provided*" and inserting the following: "That a map of defined location, showing the entire route of said road through the Indian Territory, shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

SAFETY OF RAILWAY TRAVEL.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893, was read, with the amendments reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. What committee has reported the bill?

Mr. BENNETT. The Committee on Interstate and Foreign Commerce. It is a unanimous report.

Mr. RICHARDSON. It seems to me this is a bill which should have been considered by the Judiciary Committee. It provides for suits in the United States courts by the district attorney, upon information filed, and it contemplates the imposition of heavy penalties. I shall object.

CHANGE OF REFERERCE.

Mr. HEPBURN. I desire to ask that the bill (H. R. 268) concerning carriers engaged in interstate commerce and their employees, which was referred to the Committee on Interstate and Foreign Commerce, be referred to the Committee on Labor. It is the same bill that committee had charge of during the last Congress, and properly, I think, goes to the Committee on Labor.

The SPEAKER. In the absence of objection, the change of reference will be made.

There was no objection, and it was so ordered.

HENRY H. BAILEY.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion now standing against Henry H. Bailey, private of Company H, First Massachusetts Heavy Artillery, and record the fact that this soldier died on or about December 21, 1862, while in the service of the United States and in the line of duty.

Mr. BARTLETT of New York. Before consent is given, Mr. Speaker, I hope the gentleman will make some explanation of this bill.

Mr. KNOX. This matter has been before the Committee on Military Affairs, and if the gentleman desires it, I will have the report, which is quite full, read.

Mr. BARTLETT of New York. I would like to have the report read.

The Clerk proceeded to read the report (by Mr. BISHOP), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3582) entitled "A bill to remove the charge of desertion now standing against Henry H. Bailey," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This soldier enlisted September 1, 1861, and served faithfully until December 21, 1862, when he is charged with desertion.

The proof submitted to your committee appears to conclusively show that at the date such soldier was marked as a deserter he was ill and apparently somewhat demented. While in such condition he wandered out from his tent in the night and has never been heard from since. His command was at the time located near Harpers Ferry, and so strong was the belief that in his demented condition he had fallen into the canal that his body was dragged for in the canal by his comrades the next day, but without success.

He left a young wife at home, and other friends, to whom he was warmly attached, and with whom he had until that time constantly corresponded, but none of them have had one word from the soldier to indicate that he was alive. The only reasonable inference to be drawn from such circumstances as are here shown is that the soldier either fell into the river or wandered away and died.

The absence of a soldier for thirty-three years under such circumstances should be the strongest presumption of death at time of disappearance.

The report of the War Department is hereto attached.

Mr. BARTLETT of New York. Mr. Speaker, I withdraw the demand for the further reading of the report.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

GEORGE W. HARBAUGH.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 377) for the relief of George W. Harbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove from all the records in his Department the several charges of desertion appearing on the rolls and hospital record of George W. Harbaugh, as a late private in Company G of the Sixth Regiment of Wisconsin Volunteer Infantry, and as a late private in the Sixth Independent Battery, Ohio Light Artillery, and in Battery M, Fourth United States Artillery, and grant to said George W. Harbaugh an honorable discharge of date October 30, 1863, from Company G, Sixth Regiment of Wisconsin Volunteer Infantry, and also grant to said George W. Harbaugh an honorable discharge of date June 24, 1865, from the Sixth Independent Battery, Ohio Light Artillery.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BAKER of New Hampshire. Let me ask if this has been considered by the committee at a Friday evening session?

Mr. JENKINS. It has been, and received a favorable report.

Mr. PICKLER. And was passed by the last House.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

COMPULSORY PILOTAGE.

Mr. COOPER of Florida. Mr. Speaker, the chairman of the Committee on Merchant Marine and Fisheries to-day filed the report of the committee on House bill No. 2673, for the abolition of compulsory pilotage. I ask leave that the minority may file their views in connection with the same bill and be given until Tuesday next for that purpose. This is agreeable to the chairman of the committee.

Mr. PAYNE. There is no objection to that.

There being no objection, the views of the minority were authorized to be filed, when prepared, with the report of the committee.

CASSIE A. DAVIS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James R. Davis and mother of Mary T. Davis, an invalid daughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James R. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of $30 per month, in addition to the $12 which she is now receiving as a widow; said $30 per month to be in lieu of the $2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I will reserve the right of objection until I can hear an explanation or the report read.

Mr. POWERS. I ask that the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5814) granting an increase of pension to Cassie A. Davis on account of Mary T. Davis, dependent daughter of James F. Davis, have carefully examined the evidence and report as follows:

The soldier died from causes arising in the service, and the widow is pensioned at $12 under the general law, and $2 additional on account of the daughter, Mary T. Davis.

The evidence shows that said daughter is as helpless as an infant, and much more troublesome. She can not speak, can not feed or dress herself, can not masticate her food, and can not make known her wants to anyone but her mother, who is required to be in constant attendance on her, and so is unable to do anything for her own support.

It is absolutely necessary that the pension be sufficient to provide for the needs of both, and your committee therefore recommend that the bill do pass.

Mr. POWERS. Mr. Speaker, I would like to make a brief statement before the request for unanimous consent is submitted.

This, in my judgment, is the most deserving bill that has been presented for the consideration of the House respecting an increase of pension on the score of an invalid child. This case exists in my own town and I know personally all about the facts. They are stated correctly in the report of the committee, to the effect that this daughter is helpless and the mother is being paid a pension of $2 a month under the act of 1890 on account of the invalid daughter. She requires the constant attendance of her mother, thus depriving her mother of an opportunity to gain a livelihood in any other way. The child can not speak, or dress, or feed herself, and is absolutely and wholly dependent on the watchful care of her mother, who is obliged to attend upon her every moment in the twenty-four hours when the child is awake.

Under the law of 1890, as recently construed, the Department is paying the mother $2 a month on the score of a helpless daughter. The committee, as I understand, unanimously agree that it is a case deserving of special consideration, and I hope that every gentleman present will see the entire propriety of the increase asked.

Mr. LOUD. Will the gentleman submit to an inquiry there?

Mr. POWERS. Certainly.

Mr. LOUD. Does not the gentleman recognize the fact that there are many hundreds, probably thousands, of exactly similar cases throughout the country?

Mr. POWERS. I suppose there are other cases, not so many as my friend states, but there may be an occasional case of this kind. It is entirely abnormal and out of the usual course of events, but here is the fact. It is certified to by physicians and by the neighbors, and I know about it personally.

Mr. LOUD. This is quite outside the law, and goes upon the theory that it is the duty of the Government to support those who are in need.

Mr. POWERS. Every special pension bill that we pass goes outside of the law.

Mr. LOUD. Some have more merits than others.

Mr. POWERS. This has more merits than any you ever heard of.

Mr. BARTLETT of New York. I should like to ask why this bill should be taken out of the regular course of procedure, and why it should not be considered on Friday night, the regular pension night?

Mr. POWERS. I am very glad my friend has propounded that inquiry. I omitted to state the special reason for calling it up at this time. It is far down on the Calendar and probably will not be reached during the session. This mother is threatened with the necessity of appealing to the poorhouse for her own support, as well as that of the daughter, unless this relief is speedily granted. I will say to the gentleman from New York that if it is a proper thing to pass this bill, I am sure he will agree with me in saying that we can not be too quick in doing it.

Mr. BARTLETT of New York. I will say in answer to the gentleman that I do not think it is right to enlarge the operations of the act of June 27, 1890, merely because a person is in want. Let the local authorities of Vermont take care of these cases. I object.

CONTESTED-ELECTION CASE, BOOZE VS. RUSK, THIRD MARYLAND DISTRICT.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask recognition for the gentleman from Illinois [Mr. PRINCE], in order that he may present a unanimous report in an election case.

Mr. PRINCE. Mr. Speaker, I wish to present a report in the case of William S. Booze *vs.* Harry Welles Rusk, from the Third Congressional district of the State of Maryland. It is a unanimous report, and I move the adoption of the resolutions.

The resolutions were read, as follows:

Resolved, That William S. Booze was not elected a Representative in the Fifty-fourth Congress from the Third district of the State of Maryland, and is not entitled to the seat as such Representative.

Resolved, That Harry Welles Rusk was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of the State of Maryland, and is entitled to retain his seat as such Representative.

The resolutions were agreed to.

Mr. PRINCE. Mr. Speaker, I desire to have the report printed in the RECORD.

The SPEAKER. Without objection, the report of the committee will be printed in the RECORD. Is there objection?

There was no objection.

The report is as follows:

The Committee on Elections No. 2, to whom was referred the contested election case of William S. Booze *vs.* Harry Welles Rusk, from the Third Congressional district of the State of Maryland, report that, after having heard the argument of counsel for the respective parties, read their briefs, and carefully considered the evidence adduced and questions involved, they submit the following: This district is composed of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Fifteenth, and Sixteenth wards of the city of Baltimore. At the election held therein on the 6th day of November, 1894, William S. Booze, contestant, was the Republican candidate, and Harry Welles Rusk, contestee, was the Democratic candidate.

On the face of the return the district gave a majority for contestee of 518. A certificate of election was thereupon issued to him by the governor of the State of Maryland, by virtue of which he now holds his seat in this Congress. Contestant claims that he was legally elected, and his contention is based upon the following grounds, which will be considered in proper order:

First. That he was deprived of a large number of ballots which were cast for him at the election, and a number of ballots were improperly counted for Mr. Rusk, as is shown by the recount and inspection of the original ballots cast at said election. Relative to said contention, your committee found that the voting was carried on under the provisions of the Australian ballot law, so far as the same has been made applicable to Maryland; that the ballot boxes were produced from the proper custody, appeared to be properly sealed, and the ballots preserved in the manner required by law.

That a recount of the ballots was had which resulted in a net gain to the contestant of 101 votes. That as a result of the recount by the examiner of the ballots in the rejected ballot boxes there was a net gain to the contestant of 30 votes, making in all a net gain for contestant, as result of the recount and in support of his first contention, of 131 votes. Contestant's second contention was that a number of legal bona fide voters of said district who intended to vote for him at said election were refused the right to vote by the officers of election in said district. Your committee finds from the evidence of witnesses who testified that they were denied the right to vote at their respective precincts simply because some one had already voted on their names. Forty persons testified that had they been allowed to vote they would have voted the Republican ticket, and on that account your committee believe that 40 votes should be added to the vote of contestant.

As to the third contention of contestant, that a large number of fraudulent and illegal votes were cast at said election for the contestee, and improperly counted for him, your committee find that while the evidence is not of the highest order and of the most convincing character, yet it seems to show that 161 such votes were counted and cast for the contestee. Your committee therefore believe that 161 illegal and fraudulent votes which were counted and cast for the contestee should be deducted from his vote. The fourth contention of contestant is, that in several precincts of said district fraud, irregularities, and intimidation were openly practiced and perpetrated by the political adherents of the contestee, Mr. Rusk, to such an extent as to render the election in said precincts void and require the rejection of the returns from said precincts in determining the true results of said election. One of the precincts attacked was the eighth precinct of the Fourth Ward, in which it was alleged that fraudulent voting was allowed with impunity; that a Republican judge was denied access to the books between 5 and 6 o'clock; that ballots were taken from ballot clerk before names found; that at time of count Republican judge was ordered from the box, and that the polls closed three minutes too soon. Your committee find from the evidence of Thomas M. White, the Republican clerk of this precinct, that no improper voting was done; that the ballot clerk was simply hurried; that nothing was done to affect the result of the election; that the number of ballots given out by the ballot clerk tallied exactly with the list of names in the poll books; that the polls did not close three minutes too soon. Your committee did not believe that the evidence would warrant the throwing out of the returns of said precinct. Contestant insisted the seventh precinct of the Second Ward should be thown out, because he claimed that a Democrat who pretended to be a Republican was appointed as a Republican clerk; that a Republican whose fingers were cut off was appointed ballot clerk; that a Republican was appointed judge who was not fully acquainted with the people of the ward, and that the ballot box appeared at the station broken open.

Your committee find from the evidence that the person who was appointed clerk testified himself that he had been a Democrat, but that he was at the time of his appointment a Republican, and had voted the straight Republican ticket ever since the first election of Benjamin Harrison; that the Republican ballot clerk, whose fingers were cut off, could write his name, and that he was appointed by the Republican executive of the ward; that the Republican who was appointed judge had lived in the precinct for upward of twenty years; that the ballot box, in carrying it to the station by the handle, broke open at the lock, which was immediately wrapped and tied up, and as soon as the judge reached the station house he closed the box in the presence of the police by pasting a slip of paper over the lid, thus fastening it, and on this paper he wrote, "Lock broken carrying to station house."

W. D. Myer, a Republican, testifies in substance to the above relative to the breaking of the ballot box. The contents of the box were found intact and the ballots counted by the examiner exactly tallied with the lists on the poll books.

Your committee did not believe that the evidence would warrant the throwing out of the returns of said precinct. Contestant insists that the fifth precinct of the Second Ward should be thrown out because the Republican

challenger was driven or scared away from the polls, and because the police census and the registration of the precinct differ. Your committee find from the evidence that there is nothing to show that the challenger was driven away or induced by sinister motives to leave the polls. Your committee also find from the evidence that there was a difference between the police census and the registration of the precinct. Under the law of Maryland the voter, in order to be registered, has to appear before the registration board, consisting of three members, two of the majority party and one of the minority party, and make oath that he has been a resident of the State for one year and of the voting district for six months, and that he has attained the age of 21 years.

There was ample opportunity under the law to purge the registration list by applying, first, to the board of registration; should they refuse, then to the court of appeals. The court of appeals of Maryland, in the case of Langhammer *vs.* Munter, says: "The fact that a man's name does not appear upon the police census of registered voters is too uncertain to be entitled to much weight."

The court declined to strike names from the registration list because their names did not appear on the police census returns.

Your committee did not believe that the evidence would warrant the throwing out the returns of said precinct. Your committee also believe that in said Congressional district repeaters voted at said election, and that they voted for contestee, and have been deducted from his vote, as heretofore shown. Inasmuch as the committee is of the opinion that, after giving the most liberal interpretation to the evidence introduced by the contestant, he has failed to prove himself entitled to the seat which he claims, it recommends the adoption of the following resolution:

Resolved, That William S. Booze was not elected a Representative in the Fifty-fourth Congress from the Third district of the State of Maryland, and is not entitled to the seat as such Representative.

Resolved, That Harry Welles Rusk was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of the State of Maryland, and is entitled to retain his seat as such Representative.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS.

Mr. BENNETT. Mr. Speaker, the gentleman from Tennessee has withdrawn his objection to the bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers, etc."

Mr. RICHARDSON. I withdraw the objection that I made.

Mr. HOPKINS. My colleague [Mr. CANNON] examined that bill, and he thought it a matter that ought to be carefully considered before it passes the House. He was called out, and requested me, if it should come up, to interpose an objection.

The SPEAKER. Objection is made.

ENOCH DAVIS.

Mr. CURTIS of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2735) for the relief of Enoch Davis.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Government be, and hereby are, directed to liquidate and settle the claim of Enoch Davis, late a member of Company G of the Sixth Regiment of Iowa Volunteer Infantry, for pay and bounty; and the sum of $300, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the amount that may be awarded to him on account of said claim.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. MAHON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2735) for the relief of Enoch Davis, submit the following report:

This claim was before the Committee on War Claims of the Fifty-first and Fifty-second Congresses; was on each occasion favorably reported upon, but no final action was taken in the House of Representatives.

The present bill proposes to pay the claimant the same amount as was recommended by the committee on former occasions, and is identical with the bill which received favorable action by the committee of the Fifty-second Congress.

A copy of the report of the Fifty-second Congress is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 278, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3176) for the relief of Enoch Davis, having examined and considered the same, report the same back to the House with a recommendation that it do pass.

A bill identically like this passed the Senate in the Fifty-first Congress and was favorably reported in the House, the House adopting the Senate report, which we now do, as follows:

[Senate Report No. 65, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 570) for the relief of Enoch Davis, report as follows:

Enoch Davis was a private in Company G, Sixth Iowa Infantry Volunteers. He served his original enlistment of three years and then reentered as a veteran soldier in the same regiment and company, and thereby became entitled to certain bounty, a part of which he has never received, for the reason that he was marked on the rolls of his command as having deserted.

The rolls show him to have been absent on the 21st of June, 1865, the day on which his regiment was mustered out of the service at Louisville, Ky.; hence the entry thereon that he was a "deserter." It appears, however, from his own affidavit that he left but the day before to visit friends across the Ohio River in Indiana, with no idea of deserting, but intending to return. The next day his regiment was mustered out, and there was no one to whom he could report.

Affidavits from two of his officers and several of his comrades satisfactorily show that he was with his company until the day before its discharge. They also show him to have been an excellent soldier in camps and in battle, and that he was twice wounded in battle.

Standing on the rolls as a deserter, Davis made application to Congress for a correction of his record; and under similar proof to that now filed with this committee Congress passed an act June 8, 1880, correcting his record and ordering the proper officer to give him an honorable discharge. This was done, but the disbursing officer refused, under a technicality of the law, to pay him the balance of his bounty. Hence this bill S. 570.

It is hardly to be believed that so good a soldier, serving so long a time—up to the close of the war—would desert after the war was over and while waiting to be discharged, which would have been only one day after he absented himself from his command.

The committee, believing the absence of Enoch Davis to have been merely temporary and free from any intention of desertion, recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. POWERS. I understand the gentleman from New York [Mr. BARTLETT] withdraws his objection to the consideration of the bill which was under consideration a few minutes ago.

The SPEAKER. The Chair will recognize the gentleman later.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. PLATT, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 1906) in relation to the pay of Rear-Admiral Roger N. Stembel, retired; in which the concurrence of the House was requested.

MARY B. HOUK.

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to pay Mary B. Houk, widow of Col. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, a pension of $50 per month in lieu of the pension she is now receiving.

The Committee on Invalid Pensions recommended an amendment, striking out "fifty" and inserting "thirty."

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4606) granting an increase of pension to Mary B. Houk, respectfully report:

The facts in this case are as follows:

Mary B. Houk is the widow of Hon. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, and who died in May, 1891, while a member of Congress.

Mr. Houk was drawing a pension for chronic diarrhea at the time of his death, and had suffered from this disease for many years, in consequence of which he had become very much debilitated. While in this condition he accidentally drank a dangerous liquid, to get which out of his stomach an emetic was necessary. But his weakness was such that he died of heart failure, resulting directly from his vomiting, but indirectly from the debility arising from the diarrhea.

Mrs. Houk applied for a pension under the general law, but her claim was rejected on the ground that her husband's death did not result directly from his disability, but from heart failure, as already stated. She thereupon applied for a pension under the act of 1890, and was granted a pension as a widow without other means of support than her own daily labor.

Mr. Houk left no property except an average amount of house furniture. His widow has a daughter about 12 years old, and no means of support, as the Pension Bureau has adjudicated.

Under these circumstances the committee feel amply justified in recommending the passage of the bill to increase her pension from $8 a month to $30 a month.

Mr. GIBSON. I desire to state to the gentleman that this is only the statutory amount. The law allows $30 a month to the widows of colonels.

Mr. BARTLETT of New York. I should like to know whether the cause of death is traceable to disability in the service?

Mr. GIBSON. It really is, indirectly.

Mr. BARTLETT of New York. I should like to have you explain that.

Mr. GIBSON. He was very feeble, and died really from the effects of the disability for which he was pensioned. The bill was passed unanimously by the Committee of the Whole, and unanimously passed through the Committee on Invalid Pensions. Judge Houk was a member of this House for twelve years, and was known to a great many members of the present House.

Mr. COX. Will my colleague yield to me for a moment?

Mr. GIBSON. Certainly.

Mr. COX. What amount of money was appropriated by Congress for his widow? He was a member when he died, and an amount of money was appropriated by Congress for his widow and child.

Mr. GIBSON. She only got one-half the amount, I will state to the gentleman.

Mr. COX. What was the amount?

Mr. GIBSON. I can not answer that.

Mr. COX. Mr. Speaker, that question was carefully examined in a previous Congress, and a substantial amount of money was appropriated to the widow of Mr. Houk and their child; and if that was not enough it is astonishing to me, after that appropriation was made, you now propose to add to that a pension.

Mr. GROUT. I would ask the gentleman from Tennessee if the sum to which he has referred was more than the usual sum?

Mr. GIBSON. I will state to the gentleman from Tennessee in that connection that Mrs. Houk only got one-half of the amount heretofore voted by Congress to the widow of a deceased Congressman. I want to say further that this is not a charity; Mrs. Houk is entitled to this pension under the law of the United States of America as it stands to-day on the statute book.

Mr. COX. I know she gets a pension, and you know and I know a controversy arose here as to the amount to be appropriated, and then the question came up as to who should have the money.

Mr. GIBSON. This is not that, but a pension.

Mr. COX. A pension to whom?

Mr. GIBSON. A pension to Mrs. Mary B. Houk.

Mr. COX. She is entitled to a pension.

Mr. GIBSON. That is what I say. That is why I want the House to give it to her.

Mr. COX. Then why not apply to the Pension Office?

Mr. GIBSON. This was considered in Committee of the Whole, and discussed in Committee of the Whole.

Mr. COX. Is not the object of this bill to increase the pension of Mrs. Houk?

Mr. GIBSON. It is simply to give her the statutory pension of $30 a month.

Mr. COX. If that is so, why not get it from the Pension Bureau?

Mr. GIBSON. For the reason already stated. The Pension Bureau allows pension only for the immediate cause of the husband's death. The immediate cause of Judge Houk's death was heart failure.

Mr. COX. We will not talk about that.

Mr. GIBSON. She is pensioned at the rate of $12 a month as a pauper widow.

Mr. BARTLETT of New York. The gentleman from Tennessee stated that this party was drawing a pension of $8 a month before, and he now states that she draws $12 a month.

Mr. GIBSON. Twelve dollars. I beg pardon; it is $8, under the act of 1890.

Mr. BARTLETT of New York. I should like to ask the gentleman, if this House is only to give this lady what she is already entitled to by statute, why pass this bill?

Mr. GIBSON. I will state that the Commissioner of Pensions rules technically, and under the ruling of the Commissioner of Pensions the immediate cause of the husband's death must have been incurred in the service. Now, the immediate cause of Judge Houk's death was heart failure, as found by the Pension Bureau, resulting from this excessive vomiting; but if the man had been stout he could have overcome it. He was debilitated, having chronic diarrhea, from which he had suffered for over thirty years, and for which he was pensioned. If he had been a stout, able-bodied man, he could have thrown that off his stomach; but in his weak condition he was overcome by the excessive vomiting, and died of heart failure; and that was the immediate cause of death. I hope the gentleman will not interpose an objection. This bill passed the Committee of the Whole unanimously, and also passed the Committee on Invalid Pensions unanimously. Out of respect to an old member of the House, I hope the gentleman will interpose no objection.

Mr. COX. I had the very highest respect for Mr. Houk; but what I want to know, and what this House wants to know, is what pension you now propose to give Mrs. Houk?

Mr. GIBSON. Thirty dollars a month—what the statute gives.

Mr. COX. If the statute gives it to her, why should the House give it to her?

Mr. PICKLER. The Pension Office claims that it can not be sufficiently shown that death was caused by the disability incurred in the service. The Committee on Invalid Pensions think indirectly it is shown. Now, this bill only proposes to give Mrs. Houk a pension at the rate she would be entitled to as a widow according to the rank of her husband in the Army.

Mr. COX. That is upon the idea and basis that his death was caused from disease contracted in the service?

Mr. PICKLER. Yes, sir.

Mr. GIBSON. For chronic diarrhea.

Mr. COX. Mr. Speaker, I object.

Mr. GIBSON. I hope the gentleman will not object.

CASSIE A. DAVIS.

Mr. POWERS. Mr. Speaker, the gentleman from New York who interposed an objection to the bill which was recently called up on my motion withdraws his objection with the understanding that I consent to an amendment striking out "thirty" before the word "dollars" and inserting in lieu thereof the word "twelve." I understand that that will make the bill unobjectionable to the gentleman, and I accept the amendment.

The SPEAKER. The Clerk will again report the title of the bill.

The Clerk read as follows:

The bill (H. R. 5814) granting a pension to Cassie A. Davis.

Mr. BLUE. Mr. Speaker, may I ask the gentleman from Vermont why this bill has not been considered in Committee of the Whole, like other pension bills?

Mr. POWERS. I would say to my friend from Kansas that the Committee of the Whole has been engaged during the entire session in considering other pension matters. If the gentleman was present at the session on Friday evening last he probably learned the true character of that meeting. This bill is brought up now because of its special urgency to keep a poor woman from going to the poorhouse, and I hope that I shall have the hearty support of my friend from Kansas in rescuing her from that fate.

Mr. BLUE. Mr. Speaker, if I remember correctly, the time of the session on Friday evening last was largely taken up by a humorous speech by the gentleman from Vermont. I object. [Laughter.]

CAPT. HENRY S. PRATT.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue, in the name of Henry S. Pratt, late captain of Company A, Tenth New York Cavalry, an honorable discharge as of date the 18th day of May, 1863, and that so much of Special Order No. 263, of the War Department, dated May 5, 1863, in conflict with his honorable discharge be, and the same is hereby, annulled and set aside, said order having been issued under a misapprehension of the facts in the case: *Provided, however*, That nothing in this act shall be construed so as to authorize the payment to the said Henry S. Pratt, or to his heirs or legal representatives, of any pay or allowances to which he was not entitled at the date of his original discharge from the military service.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt, having considered the same, report the bill back to the House with the recommendation that it do pass.

REPORT FROM WAR DEPARTMENT.

The records show that Henry S. Pratt was mustered in as first lieutenant Tenth New York Cavalry to date September 27, 1861, and as captain to date December 12, 1861, for three years.

He performed active field duty until August 31, 1862, when he was captured by the enemy. After his exchange he rejoined his command December 19, 1862, and served with it until on or about May 5, 1863, when he and eight other officers of his regiment were summarily dismissed by order of the War Department. * * *

The facts connected with his dismissal are as follows: On the 21st of April, 1863, Col. John C. Lemon, Tenth New York Cavalry, and Capt. Delos Carpenter, of the same regiment, made affidavit that Captain Pratt had by falsehood and fraud obtained from the Government the sum of $86.80 for the pretended use and risk of one horse and equipments for two hundred and seventeen days, whereas he was only entitled to such pay for the term of seventy-eight days.

The affidavits were referred to the Judge-Advocate-General, who, on April 22, 1863, forwarded them to the Secretary of War with the recommendation that Captain Pratt and the other eight officers be dismissed and their pay withheld and applied to reimburse the Government.

After ineffectual efforts looking to a revocation of the dismissal, the case was reopened on the request of Colonel Irvine, who succeeded Colonel Lemon in command of the Tenth New York Cavalry, and was referred by the Secretary of War to General Canby for report. After a careful examination of the facts that officer, on the 17th of January, 1864, reported as to the merits of the case and recommended that the disability incident to Captain Pratt's dismissal be removed.

The following is a copy of General Canby's report in the case:

WAR DEPARTMENT, *Washington City, January 7, 1864.*

W. W. Paige, Henry Field, Henry S. Pratt, John Ordner, L. S. Baldwin, late captains of the Tenth New York Volunteer Cavalry, ask to be reinstated, having been dismissed May 4, 1863, on charge of "fraudulently receiving from the Government pay for risk and use of horses while they did not have horses."

It appears that charges of the above nature were preferred against these officers and four others, since reinstated, by I. C. Lemon, late colonel, and D. Carpenter, late captain, of that regiment, who both resigned when on the point of being tried on charge of incompentency, etc. Lemon's statement, as shown by letters of Hon. Thomas T. Davis, Lieutenant-Colonel McIrvine, Tenth New York Cavalry, and others, is not entitled to credence, and has, in fact, been disproved by the reinstatement of four of the officers against whom he preferred charges, and by his own recommendation to that effect in the cases of Captain Field and three others.

It seems that these officers charged the Government from the dates of their commissions (part of the time before the regiment was complete and ordered into the field) with 40 cents per day "for the use and risk of their own horses and horse equipments," and received pay for same in the summer of 1862; that Colonel Lemon himself called their attention to this claim, and recommended them to make out their papers, and that he did not make the charges upon which they were dismissed until nine months after they had received the money.

Captain Ordner stated under oath that until he purchased a horse in Baltimore, in the spring of 1862, and for the whole time charged previous to that date, he had at his command and owned a horse at his home in Buffalo.

Captain Pratt makes a similar statement, supported by the evidence of Lieutenant-Colonel McIrvine, Tenth New York Cavalry.

Captains Paige, Baldwin, and Field state under oath that up to the time they purchased their horses they had each a hired horse constantly at their disposal and in use whenever required. These statements are supported by the sworn evidence of the parties hiring the horses.

No mention is made in either of these five cases of equipments.

These officers were dismissed without a hearing, and on the statements only of Lemon and Carpenter.

The Judge-Advocate-General considered that a revocation of the order of dismissal was not justified, from the apparent fact that these officers did not actually have, use, and risk their own horses and equipments, as required by act of Congress July 22, 1861.

On the other hand, the officers claim that they were told by Colonel Lemon that this allowance was part of their pay and emoluments, the same as subsistence and forage, and that this view was approved by Major Turner, to whom the case was submitted in the first instance, and who dismissed the charge as frivolous.

These officers all produce certificates from general and field officers showing their character as gentlemen and as brave and faithful officers and good disciplinarians. They disclaim any intention of wronging the Government.

The abuse for which these officers were dismissed was common at the time, under the false impression that this allowance was a part of their pay and emoluments, and this abuse had its influence in causing the repeal of the original law so far as company officers were concerned. There is no question that the charges were made in violation of the law.

Four of the nine officers who were dismissed under this charge of fraud have been restored, and it seems just that at least Captains Ordner and Pratt (who certify under oath that they actually owned horses during the time charged), if not also Captains Paige, Baldwin, and Field (who hired horses), should receive the same favorable consideration.

Respectfully submitted, with the recommendation that the disability be removed in all these cases.

ED. R. S. CANBY,
Brigadier-General, Assistant Adjutant-General.

Thereupon the Secretary of War, on February 6, 1864, removed the disability resulting from the dismissal.

Official statement furnished by Hon. THEODORE L. POOLE, M. C.

By authority of the Secretary of War:

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, January 29, 1896.

In view of the fact that Captain Pratt is exonerated in the foregoing report, which shows that he was a faithful and competent officer, and that if he committed any error it was the fault of the colonel of his regiment, who preferred charges against the said Pratt for acting under his (the colonel's) direction, your committee are unanimous in recommending the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. POOLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES W. RINEHARDT.

Mr. HANLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to correct the military record of Charles W. Rinehardt, late third-class musician in the United States Marine Corps Band, by removing the charge of desertion against him therefrom, and granting him an honorable discharge as of date August 15, 1882.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Reinhardt, and to grant him an honorable discharge, having considered the same, would respectfully report the same back to the House with the recommendation that it do pass.

This young man enlisted in the Marine Band; afterwards all of his family died except his father, who desired the consolation of his only child in his old age, and he went home. Your committee think his leaving the service excusable.

The facts are fully set forth in the reports and affidavits hereto annexed.

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[In the matter of House bill No. 4919, House of Representatives, for the relief of Charles W. Reinhardt.]

Charles F. Reinhardt, being duly sworn, on his oath says: That he is aged 63 years, and resides at Lafayette, Ind.; that he is the father of said Charles W. Reinhardt; that said Charles W. Reinhardt is his only child; that his brother and sister and mother died after his enlistment in the Navy, which left me alone, helpless, and heartbroken in my declining years; that I am much in need of his services and his company.

He is a good boy, my only hope; but being handicapped by reason of being a deserter at large, he can be of no service or comfort to me unless the charge of desertion can be removed, and he be permitted to again come home and give me aid and comfort the few short years I have to live; and I hope that you will be charitable to me; that you will restore to me my only living child, one who was my pride, and is now my only hope. His habits are good, and his record in the service was first-class.

I went to considerable expense to educate him in music, and he enlisted without my consent. He was made to believe that he could be honorably discharged at any time he so desired.

CHAS. F. REINHARDT.

Subscribed and sworn to before me this 23d day of December, 1893.

[SEAL.] WILLIAM C. MITCHELL,
Notary Public.

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To the Senate and House of Representatives of the Congress of the United States:

Whereas Charles W. Reinhardt, son of Charles Reinhardt, an old and well-known and highly esteemed citizen of Lafayette, Ind.; did, on the 15th day of August, 1882, desert from the Marine Corps at Washington, D. C., and is still a deserter at large; and

Whereas the circumstances under which he enlisted in said Marine Corps on February 9, 1881, and deserted, at the time mentioned, are as follows, viz: He, said Charles W. Reinhardt, lived in Lafayette, Ind., from the time of his birth, in 1859, until 1878, when he left for Leipsic, Germany, to finish his musical education at the conservatory of music in that place. He remained there two years. On his return to the United States he met Mr. Sousa, the then director of the Marine Band, and finally enlisted, as aforesaid. After enlisting he wrote to his father, Charles Reinhardt, telling him what he had done. His father was much displeased and sharply reprimanded him for enlisting as a third-class musician on so small a salary, i. e., $21 to $24 per month. He replied that there was no opening except in the third class, and that Mr. Sousa assured him that the members of the corps were earning from $60 to $125 per month extra from outside engagements. But shortly after his enlistment this source of income was cut off by an act of Congress prohibiting military bands from taking outside engagements. Being greatly disappointed at the turn things had taken, young Reinhardt became despondent and finally deserted, as stated above, and is now a deserter at large; and

Whereas since said Charles W. Reinhardt deserted from the Marine Corps his mother, brothers, and sisters have all died, leaving his father alone in his old age, except this one remaining son; and

Whereas said Charles W. Reinhardt, except his one act of desertion, has always borne a good reputation and had always been a good and useful citizen:

Therefore, considering the offender's youth, his former irreproachable character, the circumstances under which he entered and left the service, the yearning of his aged and lonely father to have his son with him in his declining years, and believing that to relieve this young man from the consequences of his one thoughtless act could work no harm to the service, we, the undersigned, respectfully pray this Congress for the passage of a special act relieving Charles W. Reinhardt from the charge of desertion.

IRA J. CHASE, *Governor of Indiana.*
CLAUDE MATTHEWS, *Secretary of State.*
DAVID P. VINTON, *Ex-Judge Circuit Court.*
JAMES MURDOCK.
FRANCIS JOHNSON.
B. MILN SMITH, *Postmaster.*
W. C. L. TAYLOR.
JNO. S. WILLIAMS.
B. LANGDON, *Judge of Circuit Court.*
JOHN F. McHUGH,
Senator Tippecanoe County, and City Attorney of Lafayette.
GEO. T. BEARDSLEY, *City Treasurer.*
F. E. D. McGINLEY, *Mayor.*
WILLIAM V. STUART.
J. M. DRESSER.
W. C. MITCHELL, *Ex-County Clerk.*
DAVID H. FLYNN, *County Clerk.*
J. FRANK BYERS, *County Auditor.*
JOHN M. LA RUE, *Ex-Judge Superior Court.*

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NAVY DEPARTMENT, *Washington, August 27, 1892.*

SIR: The Department has considered the statement made by you in June last, addressed to the President of the United States, and by his direction referred to this Department, in which you request the pardon of Charles W. Reinhardt, a deserter from the United States Marine Corps.

In reply I have to inform you that it appears from the record of service of Reinhardt that he enlisted in the Marine Corps at Washington, D. C., for five years, and was rated third-class musician, February 9, 1881; that he deserted from the Marine Barracks at that place August 15, 1882, and that he is still a deserter at large.

The Department is empowered to remove the charge of desertion only in cases coming under the provisions of the act of Congress "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, which applies only to deserters from enlistments during the late war, or when such charge is conclusively shown to have been erroneously entered or retained upon the records. It appearing that the charge of desertion was properly entered on the records of the Marine Corps against the name of Reinhardt, the Department has no power to remove said charge, and in view of the facts stated, no recommendation for pardon can properly be made in his case. An application might very properly be made to Congress by the friends of Reinhardt for the passage of a special act for his relief from the charge of desertion.

Very respectfully,

F. M. RAMSAY,
Acting Secretary of the Navy.

Mr. LOUIS KIMMEL,
United States Marshal's Office, Washington, D. C.

Mr. LOUD. Mr. Speaker, I would state to the gentleman from Indiana that there is abundant power now in the Secretary of the Navy to grant this person a deserter's discharge, and that is all he is entitled to.

Mr. HANLY. I think not.

Mr. LOUD. Oh, I am satisfied of it. I have secured such discharges myself in meritorious cases.

The SPEAKER. Objection is made.

ARKANSAS NORTHWESTERN RAILWAY COMPANY.

The SPEAKER appointed as conferees on the part of the House on the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, Mr. SHERMAN, Mr. MEIKLEJOHN, and Mr. LITTLE.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The first thing in order is the call of committees.

The committees were called.

RECESS.

Mr. LOUD (at 1 o'clock and 15 minutes p. m.). Mr. Speaker, I ask unanimous consent that the House take a recess for fifteen minutes.

There was no objection, and it was so ordered. The House accordingly took a recess until 1.30 p. m.

The recess having expired, the House reassembled at 1.30 p. m.

AMBASSADOR BAYARD.

Mr. HITT. Mr. Speaker, I call up the special order, the resolution in relation to certain speeches delivered by our ambassador to Great Britain.

The SPEAKER. The Clerk will read the resolution.
The Clerk read as follows:

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Boston, England, on August 2, 1895, as follows:

"He (the President of the United States) stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way—and I tell you plainly that it takes a real man to govern the people of the United States"; and

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Edinburgh, Scotland, on November 7, 1895, as follows:

"In my own country I have witnessed the insatiable growth of that form of state socialism styled 'protection,' which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind to familiarize it with reliance upon State aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause. * * *

"It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the public conscience by schemes of corrupting favor and largesse to special classes, whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen": Therefore,

Be it resolved, That it is the sense of the House of Representatives that Thomas F. Bayard, ambassador of the United States to Great Britain, in publicly using the language above quoted, has committed an offense against diplomatic propriety, and an abuse of the privileges of his exalted position, which should make him the representative of the whole country, and not of any political party. Such utterances are wholly inconsistent with that prudent, delicate, and scrupulous reserve which he himself, while Secretary of State, enjoined upon all diplomatic agents of the United States. In one speech he affronts the great body of his countrymen who believe in the policy of protection. In the other speech he offends all his countrymen who believe that Americans are capable of self-government. Therefore, as the immediate representatives of the American people, and in their name, we condemn and censure the said utterances of Thomas F. Bayard.

Resolved further, That in the opinion of the House of Representatives public speeches by our diplomatic or consular officers abroad which display partisanship, or which condemn any political party or party policy or organization of citizens in the United States, are in dereliction of the duty of such officers, impair their usefulness as public servants, and diminish the confidence which they should always command at home and abroad.

Mr. HITT. Mr. Speaker, two days after the last election, which took place on Tuesday, the 5th of November, the ambassador of the United States to Great Britain delivered an address in Edinburgh, in which he inveighed in a violent diatribe against the policy, the dominant tenet in the political creed, of the Republican party in the United States. It was an amplification and repetition of a plank in the national Democratic platform denouncing protection as a fraud and robbery. The question in the election that had just passed had been, in largest part, the question between the protectionists or Republicans and their opponents, the Democrats. The distinguished audience whom he addressed had in the papers of that morning and that afternoon read the details of the election in the United States, and no doubt with great regret, all of them recognizing that with the coming ascendency of the party of protection in this country a policy was to be expected which would have what they considered a depressing effect upon British interests.

It was under these circumstances that this passionate partisan speech was delivered by our ambassador on a foreign platform to foreigners. It drew attention in that country and in every other, and it again revived attention to a speech which our ambassador had made a short time before, in August, at old Boston in England, in which he had said that his countrymen were "a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and I tell you plainly that it takes a real man to govern the people of the United States; fortunately in this case there is a real man to govern the people of the United States and hold their highest office."

These utterances excited painful attention and great regret all over this country. They were brought to the attention of Congress as soon as this body assembled, but the House, moving with caution, instructed a committee to ascertain whether such statements had been made by an ambassador of this country and what action should be taken in the premises if they had. That committee, after due deliberation, reported a resolution of inquiry which was adopted by the House, asking the President whether, in fact, such declarations had been made by the American ambassador to Great Britain; and if so, what action had been taken thereon. By and by the President sent us all the correspondence, with the information that all that was alleged to have been declared by our ambassador in Edinburgh last November was indeed said by him, and that no action had been taken thereon whatever. That is the case on which your committee have reported the resolutions now pending, expressing the disapproval of this House of the action of an ambassador of the whole people of the United States in making passionate, partisan declarations—in indulging in anathemas aimed at a great part of his countrymen.

There was an implied doubt in the inquiry of the House. We wished, we hoped, at the first news, that it would be found on examination that the declarations made by our representative abroad had not been accurately reported; that it might turn out that he had used such general terms that they could be accepted as not offensive to his countrymen; that it was perhaps mere "academic" discussion of cold, general questions of political science, which, in the condensed form of the news report, had seemed harsh and partisan. But not so; all such hopes were dissipated by the full text. When we came to read the very words, as sent by his own hand, it was found that he spoke of a party cry, a partisan word, and in his first line strictly limited it to its harshest meaning. He sharply defines "protection" as he denounces it, not as a general term in political science, or as it might be treated in discourses in the French Academy or at a German university. He says:

In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection."

That which is styled "protection" in his own country is all that he speaks of—exactly that and nothing more. The word "democrat," the word "democratic," the word "republican," the word "republicanism"—all these have a general significance as they are found in literature, in political science, and in history. In that sense every member of the Republican party is a believer in democracy as opposed to aristocracy; and every Democrat in this Hall and in this country is a republican as opposed to a monarchist. They have a general definition far different from what they mean in his own country, where what are styled "Democrat," "Democracy," and "Democratic" refer to the adherents and tenets of a powerful political organization, and what are styled "Republican" and "Republicanism" refer to a party organization and a party creed; and what is styled "protection" in this country, in the strife of parties, is a party tenet, the essence of Republicanism. So it is known and understood by every boy on the street when he sees the word "protection" inscribed on a transparency in a political procession.

There was no mistaking his meaning. To such an audience, depressed with the day's news of the success of the protectionists in the elections in the United States on the previous Tuesday, our ambassador broke out in bitter denunciation of what was styled "protection" in his own country as "corrupting public life, banishing men of independent mind and character from the public councils, lowering the tone of national representation, blunting public conscience, divorcing ethics from politics, placing politics upon the low level of a mercenary scramble, and throwing legislation into the political market, where jobbers and chafferers take the place of statesmen."

It was said on this floor, when the question was first brought up, that the President of the United States had uttered similar sentiments in the past. He uttered them at home, in the midst of political strife. The ambassador uttered them abroad, just after an election favorable to protection, and after he had made a previous speech to Englishmen saying the American people were self-confident and oftentimes violent, whom it took a real man to govern, but fortunately they had a real man holding the office of President.

If the gentleman who uttered those words had been an American citizen, traveling in his own personal private capacity, we could have taken no notice of them, whatever might have been our opinion of the good or the bad taste of an American talking in that strain in other countries. If Americans when abroad choose to reflect upon their country or their countrymen or their institutions, it is their right; as private citizens they can do it. But not so with a man who goes from our Government to the court of the British Empire clothed with authority—who stands for the majesty of the whole Republic—who represents every citizen in all this country. He is received as a public representative, and as such his statements are accredited, justly accredited, as they would not otherwise be. When he speaks of his country he represents his countrymen—he represents all of them; and his words, whether to our honor or dishonor, are taken as the voice of the nation. Therein we all were wounded when he spoke with this bitter tongue of more than half his countrymen.

His predecessor, Mr. Lowell—a famous personality always and everywhere honored, but who when ambassador was treated with still greater respect, with the profoundest regard—when he was speaking to an English audience one day, and reference was made to American politics, said, "It is a rule with us, recognized as most fit, that family affairs should not be discussed before strangers." [Loud applause.] That same Lowell once delivered an address in England with a title which could be perverted by a narrow-minded man into a partisan word. The subject of the address was "Democracy." But he treated it in a higher sense, with a loftier spirit. It contained no partisan railing; and when he concluded an Englishman would have vainly asked of his neighbor, "Is he a Democrat, or is he a Republican?" No; he was an American, and only an American. He conducted himself in accordance with the duty of an ambassador in his action and his utterances.

In truth, I believe there has not in a hundred years been a public utterance by any representative of the United States on any spot of the globe, from the humblest consular agent to an

ambassador, made either in eulogy or in denunciation of political parties at home.

When the ambassador went to old Boston the account before us says that he was taken on a special train, that the bells in the city were rung upon his arrival, that flags decorated the public buildings as the cortage passed, and that he was welcomed by the mayor and dignitaries of the city. That gentleman has been in Europe before, when he was not an ambassador, and when he then arrived in towns the flags were not displayed on the public buildings, nor the bells rung, nor special trains, nor mayors, nor civic dignitaries necessary.

He was presented to that great audience in Edinburgh with the profoundest respect as the American ambassador, and with such surroundings our ambassador launched into these anathemas upon his countrymen. Had he been at home, had it been before election, he might have used strong partisan language and it would have fallen unheeded, but this was addressed to foreigners, and every American of every party, of every shade of political opinion, felt the impropriety.

When, by reason of inquiry of this House, the President, through the Secretary of State, sent to the ambassador for information as to his speech, the ambassador replied transmitting it and justifying it. He challenged article 7 of the instructions to diplomatic officers as not having been violated. Think of it—an ambassador and an ex-Secretary of State defending himself against the offended sense of propriety of the whole nation by citing the mere strict letter, the bald letter, of a rule of the Department. He says no political canvass was approaching in that country. What had a speech denouncing a party in his own country to do with party conflicts in England? It is prohibited by the regulations that any officer in our service shall take part in the political contests of the country to which he is accredited. But no President, no Secretary of State, has ever deemed it necessary heretofore to caution even the humblest or the most ill-informed consular agent that he was not to go abroad and talk about our domestic politics. That has never been included in the regulations. He says, in justifying this strange speech:

The judgments so delivered were formed by me after careful deliberation.

Does anybody doubt that? Is that any justification? His old speeches in other places, in partisan conflicts here, undoubtedly expressed similar sentiments, and no one questioned his sincerity. But that was in his campaigns at home, when he was not an ambassador, but an ordinary Democratic politician trying to catch votes. What has that to do with the gross impropriety of taking these violent sentiments, these partisan likings or dislikings to other lands, and uttering them when acting as the representative of all the people? In this justifying dispatch he seems unconscious of the real nature of his offense.

He wounded the feelings of all Americans at home, not because he censured Republicans or Republican tenets, not because he was a Democrat—that we knew from other sources. Had a Republican, acting as ambassador, indulged in railing at the Democratic creed or its adherents as degrading and corrupting public life, is there a man in the whole country among the millions of Republicans who would not have felt hurt, humiliated, and offended at such a gross impropriety and injustice on the part of the representative of all the Democrats as well as all the Republicans in the United States?

There lies the offense; not in the sincerity of the belief, not in the truth or falsity of what he utters; that has nothing whatever to do with it. The seventh article of the instructions in their spirit prohibits any such course, and the sincerity of the belief of the man who uttered such sentiments has nothing to do with the question.

One of the essential qualifications of a diplomatic agent is to observe at all times a proper reserve in regard to the affairs of his Government.

That, Mr. Speaker, was issued by Secretary of State Bayard. [Applause.]

It is forbidden to diplomatic agents abroad to participate in any manner in the political concerns in the country of their residence; and they are directed especially to refrain from public expressions of opinion upon local, political, or other questions arising within their jurisdiction.

It is deemed advisable to extend a similar prohibition against public addresses, except upon exceptional festal occasions, in the country of official residence. Even upon such occasions the utmost caution must be observed in touching upon political matters.

If our representatives abroad are to be cautious in touching on political matters in other countries, how much more in touching upon those that reach the quick sensibilities of the millions of their countrymen at home?

Now, when this was reported in the papers some were incredulous, some censured, some criticised, and some regretted. The press of the country, with almost absolute unanimity, rebuked or censured or criticised the passionate partisan strain of the ambassador. Even the English press, which was in sympathy with the political economic views of the ambassador, felt and expressed also their sense of the impropriety of the utterances. One of the great London journals, explaining to its readers the close relation of protection to American politics, illustrated the irritation of the American people at the utterances of their ambassador by saying:

How would we feel if the British ambassador at Washington had delivered a speech at some public assembly in America in favor of Irish home rule and denouncing the Tory party, that prevailed at the last election?

The London Times, in a comment on the speech, which is a curious mixture of patronizing and contempt, said that—

Speeches such as those made by Mr. Bayard would not be delivered by a European diplomat, and even in Mr. Bayard's case they were rather surprising.

Now, after the declaration by our ambassador that the political faith of one of the great parties of this country was degrading and corrupting, after he had taken a declaration found in the national Democratic platform, that protection is a fraud and a robbery, and translated it into his own more impulsive, specific, and passionate phrase, what action did the President take with reference to it? None whatever. Not a suggestion of admonition, although he had delivered his "judgments after careful deliberation" in such strain as this:

In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, to familiarize it with reliance upon state aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble, than any other single cause. * * * It—

The policy of protection—

has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen.

Does that refer to the displacement of parties in this Hall from the aisle on my right to the aisle on my left? The result of the last election has in fact so increased the Republican or protectionist members of this House that they now occupy it clear around from the end of the Hall on my right to the aisle on my left, beyond which the Democrats extend one-third of the House, instead of the great majority they formerly had. Is there anyone on the floor so bitterly imbued with partisan sentiment that he would utter in any presence such a slander as that the displacement on this floor by the last election put "jobbers" and "chafferers" in the place of "statesmen"? Could we, would any Republican here, find it in his heart to say that the result of the previous election where we were displaced and the Democrats given control of this House put jobbers and chafferers in the place of statesmen? No Representative of a district here on either side would use such language. Is that the language for a representative of the whole people of the United States? Had action been taken by the Executive, as has been so often done in cases of indiscretions and improprieties far less than this by our officers abroad, this might have passed without notice by the House. But the President replies to our inquiry that though months have gone by no word, even of admonition, has been given to this offending officer.

Mr. Speaker, the indiscretions and the offenses of consuls and ministers abroad have often been rebuked by admonition or by censure, and sometimes by recall by the Department itself. There are innumerable examples of this. One of the early ministers we sent abroad was James Monroe, afterwards so justly famous, then young in the public service, and who indiscreetly made a glowing address in the French National Convention a few days after the fall of Robespierre in 1794. It was undoubtedly an ill-advised thing to make such a speech to that blood-stained, dreadful assembly. For that he was rebuked by an admonition from the Secretary of State, and General Washington wrote a few words about it which it is worth while to read and ponder to-day in connection with the pending question.

The truth is Mr. Monroe was cajoled, flattered, and made to believe strange things. In return he did or was disposed to do whatever was pleasing to that nation, reluctantly urging the rights of his own.

It often happens that a minister takes on the hue or opinions of the country where he resides in its contests with other countries. I have seen that often. In the contest between Chile and Peru in 1881 it so happened that our ministers to those Republics came to Washington on leave of absence at the same time, reporting at the Department on the same day. I heard them both. Each stated that the country to which he was accredited was in the right and that the other was the aggressor, and they spoke almost as if attorneys for those Governments. That is but natural, and it is a caution constantly given to our representatives to beware of it, but we never before had one who needed cautioning to prevent his speaking against his own people.

The ambassador himself justified his course in his letter before us to the Secretary. He sends a copy of this speech issued by the "Printers in Ordinary to Her Majesty." His speech has been reprinted in this country as a partisan pamphlet by the New England Free Trade League. The committee charged to consider this

question has reported resolutions censuring such utterances. Is it not time that Congress should speak?

The minority in their report say that the proposition to censure by resolution is "unwarranted and unprecedented." Whether it is warranted or not I think nearly every citizen of the United States is perfectly qualified to answer, and the press of the United States long ago answered.

It is not unprecedented—far from it. The very last Congress passed a resolution to censure Mr. Stevens, minister to Hawaii. The minority find fault with this as an invasion of the functions of the Executive with which Congress should not interfere. It is not so considered by the President. The President, by his influence and pressure upon Democratic members in this House, drove through a resolution, by the votes of reluctant members here, censuring Minister Stevens, who, it was alleged, had been too strongly zealous for his country, though the Democratic committee of the Senate afterwards found on careful examination that he had acted throughout within the line of patriotic duty. You who were members of the last House, many of you, know that that vote was reluctant, gathered up from men who disliked it to the very last moment. I heard them myself in conversation disavow their sympathy with the resolution, but they said they would yield because it lay so close to the heart of the President. He was then bent on overturning the Hawaiian Republic and restoring the Queen.

We have often had ministers who went to the verge of indiscretion in the performance of their duties, where they were influenced by the public opinion where they resided, taking sides with that country in its contests with neighboring countries. But in none of these cases was fault found with the patriotism of the minister, nor did he indulge in any criticism of his own country. So, too, within a few days the Spanish minister in this city has been criticised for some public utterances, but they were not harsh judgments of his own people or any part of them. Minister Stevens was not condemned by the Democratic majority of this House for any word or act against any of his countrymen. If that was an occasion for a resolution of censure by the House, the gentlemen who voted for it must agree that this is a far more fitting occasion for the House to act.

In these resolutions the House lays down a just rule for all our diplomatic and consular officers in all countries—that they should not in public speeches display partisanship, or condemn any political party or party policy or organization in the United States; that such conduct is in dereliction of their duty, impairs their usefulness, and diminishes the confidence they should always command. Such a rule of conduct I think ought to have the vote of every member of the House and the assent of every American, so that it will never again happen that an ambassador representing the seventy millions of the great Republic will anywhere in the world forget that he represents, not a party, but the whole people, and that it is his duty not to darken the good name of any part of them. It is a wrong to the country he represents, to that great Republic with whose majesty and dignity he is clothed, and to all the people for whom he speaks in all his public utterances. [Applause.]

Mr. MCCREARY of Kentucky. Mr. Speaker, I am opposed to the pending resolutions, and I hope after proper consideration they will not be adopted. Three months ago resolutions relating to the impeachment of Hon. Thomas F. Bayard, United States ambassador to Great Britain, were presented in this House, based upon brief extracts from two speeches delivered by him in Boston, England, and Edinburgh, Scotland. The Constitution of the United States provides that civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors. Treason consists in levying war against the United States or in adhering to their enemies, giving them aid and comfort. A high crime or misdemeanor is an offense indictable under common law or statute law. It is apparent, therefore, that the proposition to impeach Ambassador Bayard for his utterances in public speeches is absurd and unwarranted. Leading Republicans caused the resolutions to be amended before they were sent to the Committee on Foreign Affairs, so as to practically annul all attempts at impeachment.

Resolutions of censure were also offered in the House of Representatives, containing the same extracts from the two speeches made by Ambassador Bayard, and they were also referred to the Committee on Foreign Affairs. That committee, after holding these resolutions for nearly two months, reported to this House the resolutions now under consideration to censure and condemn Ambassador Bayard. The delay of the majority of the Committee on Foreign Affairs in ordering any report on the Bayard resolutions and the delay in this House in considering the resolutions show plainly that there are many Republicans who are doubtful about the propriety of such action by the House and who are not eager to vote condemnation and censure upon one of our worthiest diplomatic officers.

The resolutions reported are unprecedented in Congressional history. No diplomatic officer has ever in the past been censured or condemned by the House of Representatives for freedom of speech. The framers of the resolutions did not dare to make them joint resolutions or concurrent resolutions, but made them simply House resolutions. They were unwilling to allow the Senate of the United States to consider them, for they well knew that such resolutions would never receive the indorsement of the Senate.

The proposed action by the House of Representatives is an invasion of the rights and authority of the President of the United States. Cooley, in his Constitutional Limitations, says:

> The Government of the United States is one of enumerated powers, the national Constitution being the instrument which specifies them and in which authority should be found for the exercise of any power which the National Government assumes to possess.

The Constitution of the United States provides for three coordinate branches of government—the executive, legislative, and judicial. In enumerating the powers of the legislative branch of the Government the House of Representatives is given no authority whatever to confirm or censure diplomatic representatives. On the contrary, it is specially provided in the enumeration of the powers of the Executive that—

> The President shall have power, by and with the advice and consent of the Senate, to nominate, and by and with the advice and consent of the Senate, to appoint ambassadors and other public ministers and consuls.

The House of Representatives has no authority in the appointment or confirmation of ambassadors or ministers, and in all the years that have passed since the organization of our Government the House of Representatives has never attempted before to censure or condemn a diplomatic officer for his public utterances. The House of Representatives might as well censure a judge of the Supreme Court of the United States for a decision rendered by him, or a United States Senator for a speech made by him, as to censure a diplomatic officer for his utterances.

Since the organization of our Government the President of the United States has controlled our diplomatic officers, and the commissions issued to them declare that each is appointed for and during the pleasure of the President. He has recalled them, or removed them, or reprimanded them when, in his judgment, it was deemed proper. There are many cases to support this position, but I will only refer to a few. In 1890, while Mr. Mizner was United States minister to Guatemala, an attempt was made to arrest General Barundia, a passenger on the American steamer *Acapulco*, in the port of San Jose in virtue of a letter from Mr. Mizner to the captain directing his surrender. No judicial warrant or proceeding appears, and the attempt at arrest was made by the military commandant of the port and a squad of soldiers. General Barundia resisted and was killed. Mr. Blaine, then Secretary of State, November 18, 1890, recited and analyzed the case, and by direction of the President Mr. Mizner was recalled and removed.

In 1869 Mr. Motley was commissioned as minister to Great Britain and charged with the conduct of the Alabama claims negotiation. His course gave great dissatisfaction to the President, and on July 1, 1870, his resignation was called for by the President, and he resigned and another minister was appointed.

In 1892 Mr. Scruggs was minister of the United States to Venezuela, and was invited August 26, 1892, by direction of the President of the United States, to resign, and did resign. I did not expect to bring into this debate the old and worn-out subject of Hawaii, but my friend and colleague from Illinois [Mr. HITT], who preceded me, said President Cleveland forced the Democratic members of this House last Congress to pass the Hawaiian resolution. I deny that statement fully and positively, and I am surprised that the present chairman of the Committee on Foreign Affairs should have made it.

The resolutions which were introduced by me in the House of Representatives with regard to Minister Stevens and the Hawaiian Islands were passed by the House of Representatives by 101 majority, and there were but two Democrats in this House who voted against them. The Hawaiian resolutions were not analogous to the resolutions now being considered. We are now called on to censure and condemn an ambassador for freedom of speech. Mr. Stevens, the minister to Hawaii, was censured and condemned because of his acts; because he had violated his instructions; because he had violated international law; because he had taken down the Hawaiian flag and run up the American flag and declared a protectorate in Hawaii. The President of the United States—a Republican President—disavowed the action of Mr. Stevens, and he was condemned because of his acts and not because of his utterances.

I will read the resolutions adopted by the House of Representatives:

> *Resolved*, First. That it is the sense of this House that the action of the United States minister in employing United States naval forces and illegally aiding in overthrowing the constitutional Government of the Hawaiian Islands in January, 1893, and in setting up in its place a Provisional Government not republican in form and in opposition to the will of a majority of the people, was contrary to the traditions of our Republic and the spirit of our Constitution, and should be and is condemned.

Second. That we heartily approve the principle announced by the President of the United States that interference with the domestic affairs of an independent nation is contrary to the spirit of American institutions. And it is further the sense of this House that the annexation of the Hawaiian Islands to our country, or the assumption of a protectorate over them by our Government, is uncalled for and inexpedient; that the people of that country should have absolute freedom and independence in pursuing their own line of policy, and that foreign intervention in the political affairs of the islands will not be regarded with indifference by the Government of the United States.

It is evident that there is no analogy between the proposed action in regard to Ambassador Bayard and the action taken in regard to the Hawaiian Islands. A treaty was sent to the Senate for confirmation by President Harrison, which required our Government to pay three millions and a half of dollars in order to annex Hawaii, and President Cleveland, after he was inaugurated March 4, 1893, wisely withdrew the treaty from the Senate, and the House of Representatives indorsed him for so doing. My friend from Illinois [Mr. HITT] in his speech this morning said that the President of the United States by his power induced Democrats to adopt those resolutions. I say to-day that, practically, the most important of those resolutions, to wit, the last one, has been indorsed by the Republican party at this session of Congress. We indorsed the President for withdrawing the treaty of annexation, and this Congress has been in session for three months and nothing has been done in regard to annexing the Hawaiian Islands to the United States.

Mr. Speaker, if the speeches of Mr. Bayard referred to in the pending resolutions require any action by the President, I am sure he will do his full duty at the proper time. The Edinburgh speech was delivered November 7, 1895, and the resolutions assailing Mr. Bayard were offered in the House of Representatives on the 10th of December, one month after the speech was made.

Mr. TURNER of Georgia. Is there not an error in relation to the election? The last general election was a year prior to the 5th of November, 1895.

Mr. McCREARY of Kentucky. I thank my friend from Georgia [Mr. TURNER]. He has called my attention to the error of the gentleman from Illinois [Mr. HITT]. The election of members of Congress was in November, 1894, and the Edinburgh speech was made on November 7, 1895, or more than one year after Congressmen were elected in the United States. The gentleman from Illinois [Mr. HITT] is therefore in error in the statement he made, that Ambassador Bayard's Edinburgh speech was made just after he had heard from the Congressional elections in the United States.

I have stated that no diplomatic officer was ever censured or condemned for his public utterances. There is, however, one case where the acts of a diplomatic officer have been condemned by a resolution of the House of Representatives, and that is the case of a prominent Republican, Hon. Robert Schenck, minister to Great Britain, whose conduct in connection with the Emma silver mine was investigated by a committee of the House of Representatives and resolutions reported and adopted condemning his action.

It is hardly necessary in this connection for me to remind members of this House that Mr. Schenck was also made conspicuous while representing the United States at the Court of St. James by an address which he wrote on the subject of draw poker.

To those who have not seen the book containing this address I now exhibit a copy which I have obtained from the Library of Congress. There was no effort made to censure Minister Schenck for anything written in this book nor for his departure from the ordinary and regular duties of an American minister.

The title of the book is Rules for Playing Poker, by Hon. Robert C. Schenck, envoy extraordinary and minister plenipotentiary of the United States of America near Her Majesty the Queen of Great Britain and Ireland. [Applause.]

I will read only the first line in the book: "The deal is of no special value, and anybody may begin." [Laughter.]

The position of the American ambassador at London is unique and different from that of any other American ambassador or minister accredited to any other nation of the world. He is an English-speaking ambassador, and he represents a country whose laws and institutions are in many respects similar to those of the country to which he is accredited. The English people invite him to their great college commencements, public assemblages, and important banquets. Nearly all of our American ministers have made themselves more or less conspicuous by their speeches while officially representing the United States at London. Edward Everett while minister to England made 12 speeches, and in the preface to the volume containing these speeches he says:

This interchange of public courtesies between a foreign minister and the people among whom he resides is a valuable step in advancing the civilization of the present century.

In former times the public intercourse of a foreign minister was exclusively with the government or court to which he was accredited. At the present day in England and in this country he is a welcomed guest on all public occasions not in their nature exclusively national. The change appears to me favorable to a good understanding between the countries in many important respects.

I now refer to the gentleman to whom my distinguished colleague, the gentleman from Illinois [Mr. HITT], referred—James Russell Lowell—the gentleman whom my colleague on the committee held up as a man who while he was minister to Great Britain did not speak on political subjects. Mr. Lowell made a number of speeches. The chief address and the best made by this great Republican was on "Democracy."

I read from his address on "Democracy." He says:

Universal suffrage has in the United States sometimes been the instrument of inconsiderate changes under the notion of reform; and this from misconception of the true meaning of popular government.

He was then discussing universal suffrage. He says again:

The arguments against universal suffrage are equally unanswerable. "What," we exclaim, "shall Tom, Dick, and Harry have as much weight in the scale as I?" Of course, nothing could be more absurd; and yet universal suffrage has not been the instrument of greater unwisdom than contrivances of a more select description.

That is what Mr. Lowell says; that is an extract from his speech on "Democracy." But I will give you another. He did not forget to talk about protection:

I hear Americans sometimes playfully accused of sending you all your storms, and I am in the habit of parrying the charge by alleging that we are enabled to do this because in virtue of our protective system we can afford to make better bad weather than anybody else.

Thus this paragon, this perfect minister to whom the gentleman from Illinois referred, discussed universal suffrage and discussed also protection.

I have here a book that was written by Charles K. Tuckerman, who was at one time minister of the United States to Greece. In speaking of the minister to England he says:

When this gentleman, on his arrival in England, was invited to a reception by the Chamber of Commerce at Liverpool, that respectable and influential body of free traders hoped to elicit from the new minister of the United States an opinion favorable to the principles they espoused. But Mr. L. (the minister) disappointed them. He was the last man to commit himself to that doctrine; for he had accumulated a large fortune from his cotton mills which but for protection would not have been realized. He told them in his address that were he an Englishman, residing in England, he should certainly be a free trader, which sentiment elicited a burst of applause.

It seems that even a Republican minister, when he was in England, did not like protection as well as some of my Republican friends in this House. He certainly was not in favor of censuring and condemning a minister for referring to protection, because he himself referred to it. He said also, being an American, living in his own country, his interests there demanded the protection of American industries. Which statement was received with appalling silence, and the sagacity of the diplomatist, in the opinion of the Chamber of Commerce, fell considerably below par.

But, Mr. Speaker, I have not time to read any more extracts. I call the attention of members of this House to the great speech made by Mr. Edward Phelps. When he was minister representing the United States at the Court of St. James he made a great speech at the same place at which Mr. Bayard spoke. He made his speech before the Edinburgh Philosophical Institution, and he made it on "The law of the land." Every minister whom we have had in England has been conspicuous more or less for the speeches he has made, and it is unjust and unfair to select garbled extracts from Mr. Bayard's speeches as a pretext or excuse for censuring and condemning him. Ambassador Bayard is not the first diplomatic representative of the United States who has been assailed by his political opponents while representing the United States in England. Martin Van Buren was assailed while he was minister to England, and the criticisms helped to open the way for him to be Vice-President and President of the United States. The attacks on James Buchanan made by his political opponents for conduct and expressions while he was United States minister at London helped to elect him President in 1856. A vote of censure now, prompted by prejudice and partisanship, will not injure Hon. Thomas F. Bayard. The animus and purpose are too well understood. It may prove a garland of distinction and open the way to him for higher offices and greater honors.

The people of our country are behind Mr. Bayard in his opposition to protection and trusts in far greater numbers than they are behind those who seek to condemn and censure him. The people know that Thomas F. Bayard has proved himself a patriot, a statesman, and a faithful public servant; that he was conspicuous for many years as United States Senator, and faithful and able as a Cabinet officer; that he has filled the great office of ambassador of the United States in England with ability and honor; that he has won the respect and regard of the English people; that he has done much to promote good will and friendship between the people of Great Britain and the United States; that he has added to the reputation and importance of our great country abroad, and that he has by a long life of usefulness at home and faithful service abroad earned not the censure but the thanks of the American people. [Applause.]

Even if there are Representatives in this House who believe that Mr. Bayard has been guilty of an indiscretion or an impropriety, I ask them to pause and refuse to commit a greater indiscretion or impropriety by making an unwarranted intrusion upon the rights and prerogative of the President and by doing that which will echo through Europe as well as through our own country and

cause the people to ask what is the standard of public decorum in America, and what has caused the House of Representatives of the United States to assume authority and power which it is not entitled to and which has never been assumed before under the same circumstances. Besides, at this time to censure Mr. Bayard will be detrimental to cordial and pleasant relations between our country and Great Britain, and would detract from the prestige and confidence which he should have when he, as a diplomatic officer, represents our country in negotiations concerning important questions now pending.

Mr. Speaker, what has caused the pending resolutions to be presented? Why has this attack been made upon an American ambassador? It is not because he made a brief extemporaneous speech at Boston, England, when invited to address the grammar school and present the awards, but it is because of his reference in his Edinburgh speech to "protection" and "trusts." The high priests of protection are moving forward to that point where their pet schemes of protection and their combinations and trusts are not to be criticised, and the freedom of speech, even in an academic address, is to be denied. If Thomas F. Bayard is to be tried because of speeches made by him, he should not be tried or condemned upon one phrase, but he should be tried on the whole context, and the full meaning of the speech should be considered. He says in his lettter to the Secretary of State, in referring to his Boston speech:

At some personal inconvenience and hoping to strengthen the ties of friendly good will between the people of this country and my own, I made the journey to Lincolnshire, returning to London by midnight. The exercises were of a very simple and informal nature, and without a note or prepared words of any kind I made a short prefatory speech and handed over the prizes to the successful competitors. In the afternoon we adjourned to a public hall or hotel, where a dinner was served, and, as is customary here, there were toasts and responses, and I responded to the health of the President of the United States and subsequently to a toast to myself. So far as I was concerned, everything was impromptu, and a kindly, humorous, postprandial tone prevailed. It seems a reporter was present, but I did not see him.

Mr. Speaker, now let us compare the words presented in the pending resolutions for which an American ambassador is to be censured and condemned with the full statement made by him. The pending resolutions declare that Mr. Bayard said:

He, the President of the United States, stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and I tell you plainly it takes a real man to govern the people of the United States.

It will scarcely be denied, I presume, that our people are strong and self-confident, and when he said oftentimes violent people he may have been thinking of the riots at Chicago and Pittsburg and other points, where United States troops were necessary to preserve order. The full text of his extemporaneous speech, when called upon to respond to a toast to the health of the President of the United States, is as follows:

The office of President of the United States is not only one of great dignity, but it is one of great responsibility and great anxiety. He is called to that position by the voice of his countrymen—not unanimously, for that would be impossible, but is called by a majority of the voices of his countrymen and against oftentimes a powerful minority. Therefore there is no bed of roses for the man who occupies the position of President of the United States. He stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who seek to have that way frequently obstructed, and I tell you plainly that it takes a real man to govern the people of the United States. [Cheers.] Fortunately in this case there is a real man to govern the people of the United States and hold their highest office. [Cheers.] He may displease a great many, he may disappoint and obstruct a great many, and I hope he will continue to do so [cheers], but, on the other hand, there is not a man, woman, or child in the United States that does not in his or her heart respect the man who is their chief ruler. [Cheers.] His life is an open one; it is simple, straightforward, easy to be understood; it is surrounded by none of the forms that prevent inspection; it can be understood as fairly as the life of any private citizen, and even more so, because attention is directed to it.

We told something of the fierce light that beats upon a throne, and the fierce light that beats upon a throne beats also upon a presidency, and every act, public or private, is open to inspection and receives it. Now, it is characteristic, and it is a great deal to be said for our race—I say our race ["Hear!" "Hear!"], for it is the same [cheers]—that whenever the people have been left free to choose their own ruler they have chosen the men, they have chosen a class of men who, however mistaken they may have been in the eyes of certain people—they have chosen a class of men about whose personal character there is not the slightest stain to be perceived. [Cheers.] To-day, therefore, in what we call in our simple fashion the White House—it is a good color; it is white, and it is pure [cheers]—there is a manhood that has never shrunk, an honesty that has never been questioned, and an ability that finds respect everywhere. [Cheers.] These are the man's qualities; but in addition to that, my friends, there are the charms of as sweet a womanhood as ever dwelt in a man's house. [Cheers.] Little children cluster round his knee, and a fond and pure mother watches over them and rears them, and to-day the American people have the great cause of profound satisfaction that the home of their chief ruler is the home of an honest manhood, of a pure womanhood, and of an innocent childhood. [Cheers.]

Surely there is nothing in this speech to justify the adoption of the resolutions now under consideration.

Mr. GROSVENOR. Mr. Speaker, I do not want to question the sweet womanhood or the prattling childhood, but I want to ask the gentleman from Kentucky if it is a true statement where the ambassador says that Mr. Cleveland governs the people of the United States; and if the gentleman thinks it is true, will he kindly state in what way Mr. Cleveland governs the people of the United States, and especially whether he can govern the Democratic party; and further, whether he can govern the gentleman himself upon any question of politics?

Mr. McCREARY of Kentucky. I thought my friend from Ohio [Mr. GROSVENOR], who is generally dignified, desired to ask me a question for information, but the latter part of his question shows he is trying to be facetious.

Mr. GROSVENOR. I desired information.

Mr. McCREARY of Kentucky (continuing). I suppose that he is to-day so happy over having been recently selected as a delegate at large from the State of Ohio to help nominate McKinley for President that he is inclined to be humorous. [Laughter and applause.] But I will answer the gentleman's question. The President of the United States, in my opinion, governs the people according to the requirements of the Constitution of the United States, and I am ready always to uphold the President of the United States when I believe he is discharging his duty faithfully and according to the Constitution and the laws.

I shall not dwell longer on the Boston speech, for it is perfectly clear to my mind that the real gravamen of the charge against Mr. Bayard and the real cause of this attack is the reference to "protection" in his Edinburgh speech. His address on "individual freedom the germ of national progress and permanence," taken as a whole, is a scholarly, able, patriotic, and thoroughly American address. In it he refers to the wonderful growth and development of our country, its freedom, its inventions, its productive industry, its progress in science, literature, and art, its opportunities for intellectual advancement, its wonderful agricultural advantages, and he makes many other eloquent and appropriate allusions; but the reference to protection and trusts is the so-called offense against diplomatic propriety and the so-called affront to the devotees of protection and trusts for which it is now asked that he be censured and condemned.

There are many extracts from this great speech that I would be glad to read to the members of the House of Representatives. To fair-minded men who are not blinded by protection prejudice or political partisanship I believe they would offset any alleged indiscretion in the brief extract which has been thrust in the pending resolutions, and which no more represents the real speech, taken as a whole, than does one stone taken from this great Capitol represent the symmetry and proportions of this splendid building. I will, however, venture to read a few eloquent, forcible, and appropriate extracts from Mr. Bayard's speech at Edinburgh.

He spoke ably and forcibly of capital and labor. He said:

It is clear and indubitable that the interests of capital and labor are united by a common fate; they are copartners, not adversaries, and there should be no obscuration of this important truth. The legislation or the party management that proceeds upon the false idea that the interests of capital and labor are divisible and antagonistic should alike be condemned, for the prosperity of each is bound up with the other, and the principles of personal liberty are equally necessary for the welfare of both.

He said further:

Autocracy, plutocracy, oligarchy, socialism, or mob rule, each and all are equally fatal to well-ordered government, of which the end is the personal liberty and happiness of the individual, a society in which the essential unit is a free man.

His reference to the freedom of the individual is worthy of the most careful consideration. It is as follows:

The freedom of the individual in human society is, and always must be, the essential and immutable factor to meet and obediently to recognize and carry out the developments of the Supreme will as it shall be permitted to become known to the minds and consciences of men, if progress or even permanence in civilization is hoped for. For, as man is "heaven born and destined to the skies again," the laws that placed him here will surely vindicate themselves. * * * In the scrupulous safeguarding of personal liberty, independence in judgment, thought, and lawful action, the true seed of progress and permanence can alone be found.

Of truth, free conscience, and mental exertion he said:

Truth has been called the daughter of time, and assuredly the history of the nineteen centuries which have passed since the light of the Christian moral order has been shed upon the world discloses the indubitable fact that every discovery under which improvement in human relations has been accomplished and by which the civilization of mankind has progressed has been brought into the world's use through the channel of an individual mind, and in no instance by the associated power of mankind. No great discovery can be named which has opened new fields of beneficent and useful industry, increased benevolence, widened and deepened sympathies, and elevated human thought and action but is due to the free conscience, private judgment, and mental exertion of an individual.

His eloquent and appropriate allusion to the growth and development of our country must have made an impression even on his English audience. On this subject he said:

You will, I believe, agree with me in holding the rapid growth and development of the United States to be the most remarkable page in the history of civilized mankind. The echoes of the savage war whoop, the crack of the rifle, the sound of the settler's ax, and crash of the falling timber had scarcely died away when behold, a continental civilization presented itself. One flag waving from the Atlantic to the Pacific shores, and from the Frozen Ocean and the Canadian line to the gulfs of California and Mexico, over the homes of nearly seventy millions of self-governing, vigorous, and intelligent people, sanguine of the future and animated with the best results of the world's progress in the scale of civilization. Yet little more than a century has rolled by since, breathless, bleeding, clad in ragged homespun, but radiant with solemn triumph—

Rough, poor, content, ungovernably bold;
War in each breast, and freedom on each brow!

their ancestors, emerging from an unequal contest, gathered themselves together as a family of republics, united under a single independent Government, stepped into the family of nations, and calmly took their place at the council table of the world's powers.

This marvelous progress can only be adequately accounted for by the freedom permitted to the units of that population, to each individual citizen, without surrender of conscience, to enjoy the admitted right to accomplish his own manhood, to be fully himself, to select the suitable occupation for which instinctively he felt himself to be competent, and upon which he embarked with the energy born of hope and confidence.

I close with his reference to liberty and law, which is as follows:

No proclamation of their liberties, from Magna Charta on this side of the Atlantic to the colonial Declaration of Independence on the other side, or the written Constitution that followed it, was a mere recital of measures or a dry catalogue of statutes, but each and all were vitalized by the eternal principles that make and keep men free, and were laid down with stern and clear significance, not for a day, but for all time, principles of daily life and action, to which the changing forms and conditions of society as it progressed would be adjusted and guarded at every point, and shining like a golden thread through every sentence was the liberty of the individual. * * *

No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the Government, from the highest to the lowest, are creatures of the law, and are bound to obey it.

I wish I had time to read other extracts from this scholarly and eloquent speech, but I will not trespass upon the time of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COX. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended, so that he may conclude his remarks.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the gentleman from Kentucky be permitted to conclude his remarks. Is there objection? The Chair hears no objection.

Mr. McCREARY of Kentucky. I am very grateful for the courtesy of the House.

Mr. Bayard's utterances at Edinburgh on the subject of protection and trusts were no stronger than the declarations which he often made in the Senate of the United States, and which other Democratic leaders have often made, or than were made in our last national Democratic platform. I have no doubt it seemed proper to him in the elaborate address he was making that he should refer to protection.

The platform on which the President was elected who appointed him ambassador to Great Britain declares: "We denounce Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few."

His statements in his Edinburgh speech that protection "fosters class legislation," "creates inequality of fortune," and "dangerously depletes the Treasury," are true, and are supported by facts which can not be satisfactorily controverted.

The Democratic national platform adopted in 1892 denounced the McKinley tariff law enacted by the Fifty-first Congress as the "culminating atrocity of class legislation," and the people indorsed the truth of this statement when they elected Grover Cleveland President.

If we wish proof of the "inequalities of fortune," we have but to read the reports of two eminent statisticians, who have shown that less than 50,000 persons in the United States own one-half in value of all the property in the United States, while 68,000,000 people own the other half.

That a Republican protective tariff "dangerously depletes the Treasury," is shown by the fact that at the close of Mr. Cleveland's first Administration, in 1889, he left in the Treasury $97,874,422 of free gold in excess of the gold reserve, while at the close of President Harrison's Administration there was in the Treasury of the United States less than $1,000,000 above the gold reserve, and if the just indebtedness then due had been paid, there would have been no available money in the Treasury.

A considerable deficit in the Treasury during President Harrison's Administration was only avoided by the use of a fund of nearly $60,000,000 which had been placed in the Treasury by the national banks, and it is well known that before President Harrison's Administration ended orders had been issued for the preparation of plates and the printing of bonds for issue, and it was only by a great strain that the issue of bonds was postponed and this burdensome legacy given to President Cleveland's Administration.

Thus we see that the allegations made by Ambassador Bayard, to which I have referred, are strongly supported by facts, and when we remember the assessments and large contributions which have been made by great companies and corporations interested in protection to elect those favorable to their interests, we can but admit that the tendency of protection is to corrupt and debauch public sentiment and "throw legislation in the political markets."

In seven Congresses Democrats have earnestly worked for tariff reform. In the last Congress their hopes were partly realized. The advocates of a protective tariff have run the whole gamut of subterfuges. In the early years of the Republic they plead infancy, and assured the people that a protective tariff was only necessary to foster and encourage our infant industries. When these industries became gigantic and full-grown and equal to any in the world they plead "war necessity," and declared that high-tariff rates were necessary to raise extraordinary sums of money needed to preserve the Union and defend the nation's life. But they did not tell the people that for every dollar that went into the Treasury of the United States at least four dollars went into the pockets of the manufacturer because of the tariff laws.

As far back as 1861, when Mr. MORRILL of Vermont reported the tariff bill that bore his name, he made the distinct pledge in Congress that "this is intended as a war measure, a temporary measure, and we must give it our support as such." Thirty-five years have passed since that pledge was made. The Union is preserved, peace reigns supreme, and fraternity and friendship bless every part of our country; but the advocates of protection are not willing that that pledge shall be redeemed. When the McKinley bill, in 1890, was passed, the Republicans admitted that they were in favor of protection for protection's sake. The mask was then thrown aside, and the battle for protection has grown stronger as the years roll on.

At the present session of Congress, on Christmas day, Republican Congressmen prepared a bill, which was passed next day with less than two hours' discussion on each side, which increased the tax on wool and woolen goods 40 per cent and made a horizontal increase on all other articles, except sugar, of 15 per cent, thereby adding about $44,000,000 annually to the burdens of taxation imposed upon the people, and this, too, when the President and the Secretary of the Treasury declared that it was not necessary to increase the revenue. In 1884, 4,874,000 American citizens who elected Grover Cleveland declared against Republican protection, and 5,556,000 American citizens, who in 1892 elected Cleveland a second time, reaffirmed their previous declarations, and expressly declared against Republican protection.

The question of so-called protection is a living, important, absorbing question, which is engaging the attention of the civilized world. Our consuls abroad make reports on the effects of a protective tariff, and our diplomatic representatives are continually required to consider and discuss matters affecting protection and conduct negotiations concerning reciprocal trade relations. It was natural, therefore, in a comprehensive address to educators and students, that Mr. Bayard should give his views on protection.

Mr. Speaker, when a citizen of our free country becomes an ambassador or a minister should he be required to surrender or suppress his true sentiments? Should he not have the right to speak his sentiments politely and respectfully if they are in accord with the policy of the Government he represents? The people of the civilized world are aware of the political revolutions which occur in this Republic, and they are aware that we do not have in this country a special diplomatic corps in office for life, but that our ambassadors and ministers are appointed from the political party in power. They are men who supported the President whose commissions they bear, and they uphold the policies of his Administration. "Their views on these policies should give no offense at home if they give none abroad." Members of the American Congress should not be afraid of the discussion of any great national or international question in which the people of the world are concerned, in order that truth and the best interests of mankind may be advanced. Rule 64 of personal instructions to the diplomatic agents of the United States in foreign countries was very pointedly referred to by the gentleman [Mr. HITT] who preceded me.

A careful examination of that rule will show that it refers to the duty of diplomatic representatives as regards the public or political affairs of the government to which they are accredited.

Rule 65 is taken literally from a circular issued by Mr. Seward October 1, 1862, and has been since universally interpreted as referring to political matters concerning the country of the diplomatic agent's residence. In its present context it obviously bears an explanatory relation to what precedes, and as used by Mr. Seward it similarly explained and defined the instructions it supplemented. Like the consular prohibition, the collateral diplomatic rule has never been enlarged to cover all domestic questions or politics and forbid their discussion.

Mr. Speaker, I have already spoken longer than I intended, and I appreciate the attention and indulgence of my colleagues of the House of Representatives. In conclusion I wish to say, when the present Speaker of this House was chosen in Republican caucus he is reported to have given to his supporters a wise warning when he said:

History will accord us praise for what we did in the Fifty-first Congress, and it may accord us praise in this Congress for what we did not do.

I am sure the Republican majority in this House will have more praise for abstaining from the adoption of the pending resolutions than they will have if they adopt them.

Great and important problems which concern Great Britain and the United States have to be solved in the near future. In the crisis which may come in the consideration of great international questions and in the maintenance of a doctrine which is sacred to our country and dear to our people, we need an able, well-equipped, and experienced ambassador such as Hon. Thomas F. Bayard, and

he should not now be embarrassed or his usefulness impaired by being censured and condemned. [Loud applause.]

Mr. DRAPER. Mr. Speaker, I shall say the little that I have to say from a conservative standpoint, or at least one that I believe to be conservative. I should not speak at all on these resolutions were it not for the fact that my position on the committee and my relations to gentlemen from my own State who are in a sense responsible for the consideration of this subject seem to make it necessary for me to define my position better than I could do by a mere yea or nay vote.

The two resolutions are of a radically different character. The first condemns and censures the utterances referred to of Ambassador Bayard, and also says that in publicly saying these things he has committed an offense against diplomatic propriety and abused the privileges of his exalted position. The second resolution makes simply a general statement in regard to the kind of speeches which should not be made by diplomatic officers abroad, and which might well be a part of our diplomatic rules.

I presume I am not alone in the House in feeling that while the speeches of our ambassador in England may call for some action on our part, the extreme wording of the first resolution presented goes a long way toward defeating its own object.

This does not seem to me a suitable occasion for sensationalism or exaggerated denunciation.

We have sufficient trouble and threatenings of trouble already, in our foreign affairs, without unnecessarily discrediting an ambassador that we have not the power to remove.

Now, I do not believe that there is a man on this floor who thinks the speeches referred to were in good taste, or that they ought to have been made by an American diplomatic representative in a foreign country.

My point is that the case can be better reached without personal denunciation, and by a simple resolution like the second one before us, stating that no American diplomat abroad ought to make partisan addresses, or addresses reflecting on the views and purposes of a large part of the American people.

More than this, it is fair to say that, in my belief, this first resolution would never have been before us if gentlemen on both sides of the committee who agreed in the main had shown a willingness to act together on this matter from a broad, national standpoint, without considering party lines.

I hope that this error will not be perpetuated in the action of the House. If every member who has said privately that he is opposed to denunciatory resolutions on this subject votes as he has talked, we shall be better satisfied with the result when we review the work of the session.

Action should be taken that will embody the substantially universal sentiment of the House, rather than extreme action supported merely by a party vote.

I desire to appeal to the common sense of the House, a quality that perhaps as much as sentiment ought to be recognized in dealing with the delicate questions that have relation to our foreign affairs.

If in order, I shall ask now that votes be taken on the two resolutions separately; but if not, I shall hope to be recognized to make that request when the proper time arrives. [Loud applause.]

Mr. COUSINS. Mr. Speaker, it is a matter of great regret that the nation should be obliged to suffer the humiliation that necessarily ensues from any inquiry by the Congress into the conduct or official character of a prominent representative of the Government. The censure of a high official is not only a disapproval of his misconduct, but is likewise a confession to the world which reflects somewhat upon the Government that is obliged to make it. Nevertheless, the duty to disapprove a wrong must not be shirked for the mere sake of avoiding the humiliation which may possibly attend it. The subject having been brought to the attention of this body, it must in some manner be disposed of. Either we must approve or we must disapprove. For my own part, I would very much prefer that it had never become necessary for this subject to be projected into Congress. To be obliged to make a public record of an exceptional performance so out of color and keeping with the high character that has heretofore characterized and been maintained in our representation at the Court of Great Britain is for me a matter of profound regret.

When we recall the names of the many and distinguished representatives who in times past have represented this Republic at the Court of St. James, we wish that the succession of honor and dignity and ability had not thus been broken. But this deliberate and unexampled breach of diplomatic etiquette—this ungrateful, unprovoked, and unbecoming insult to a majority of the people of America, to her distinguished living and to her honored dead, by one who bore their confidence, their mission, and credentials—must not be left unchallenged, since it has entered the annals of our diplomatic history. The charge on which this resolution rests is not denied. It is, in fact, admitted. The answer of the President to the inquiry of the House of Representatives contains both speeches of Mr. Bayard that are complained of.

The first speech delivered at Boston, England, is reported in the Boston Guardian and the Lincolnshire Independent of August 10, 1895, under the following headlines:

BOSTON, EAST AND WEST—THE AMERICAN AMBASSADOR VISITS THE BOROUGH—SPEECH DAY AT THE GRAMMAR SCHOOL—COMPLIMENTARY DINNER—PRESENTATIONS OF AN ILLUMINATED ADDRESS.

This account of the performance is authentic, because Mr. Bayard attaches it to his letter to the Secretary of State, Mr. Olney. His only explanation of the silly affair is that he spoke "without premeditation," that everything was "impromptu," and that "a humorous postprandial tone" prevailed, and that the reporters failed to catch his words, sometimes in Latin, and confused them. [Laughter.]

This authenticated account goes on to say that his excellency (Mr. Bayard) was accompanied by his worship the mayor, who wore his "robes and chain of office," and that several of the best citizens were present. It also informs us that Mr. Bayard's lineage can be traced back to the same family as that of the "ideal chivalry," the Seigneur Pierre du Terrail de Bayard, the chevalier sans peur et sans reproche. [Laughter.]

Having thus laid a substantial foundation for the social standing of the American ambassador extraordinary and plenipotentiary among the grammar scholars of Lincolnshire, the account further says that:

Mr. Bayard's acknowledgment was marked by a depth of feeling, a sincerity of tone.

Now, whether it was "humorous and postprandial" or with "depth of feeling" and "sincerity of tone," the confusion, Mr. Speaker, is no doubt satisfactorily explained by the newspaper account of the ambassador attached to his letter to the Secretary of State, and which says that—

Some of those who took part in the evening proceedings betrayed a lack of appreciation of the importance of the guest, otherwise they would not have interrupted his remarks by the cracking of filberts.

[Great laughter.]

I am not quite sure, Mr. Speaker, that we should hold an ambassador extraordinary and plenipotentiary, etc., strictly responsible for his "postprandial" Latin jokes delivered to a grammar school of English pupils while cracking filberts. It is possible that some future generation of Lincolnshire pupils, in a more serious and thoughtful mood and in more solemn environments, may translate the Latin of the minister into genuine English humor.

Of course it is a terrible thing to perpetrate a joke that may lie dormant in an English community for a generation until the pupils who cracked filberts during its delivery in Latin have grown old and passed away, but, as Mr. Nye suggested, "even after that it is liable to break out on their posterity." [Laughter and applause.] And so time may eventually vindicate the Latin portions of Mr. Bayard's address, and reconcile his own and the English reports and appreciation of it.

Passing over, for the present century, Mr. Bayard's facetious acknowledgments, we come to the evening speech, which is mostly in English, and about which there is no confusion and which caused so much of cheering in England and so little in America. [Laughter and applause.]

Responding to the toast "The President of the United States," among other things he said:

He stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who seek to have that way frequently obstructed; and I tell you plainly that it takes a real man to govern the people of the United States. Fortunately in this case there is a real man to govern the people of the United States and hold their highest office. He may displease a great many, he may disappoint and obstruct a great many, and I hope he will continue to do so, etc.

Then he proceeds to assure his English audience that the life of the President is "an open one" and "straightforward," and that "his honesty has never been questioned," and that "little children cluster around his knee" [laughter]; and that for four years of his life it was his duty to see Mr. Cleveland "in the morning and at noon and at midnight, in the household and out of it," every day, and that he saw him in times of trial and of pleasure, and that he was always "true and steady and manly and just." How refreshing all this is to the people of America, Mr. Speaker, to know that their representative at the Court of St. James has assured our ancestors that although we are a "violent" people, nevertheless "in the present case" we have a President strong enough to govern us, and that after all he is not a bad man, and that he is honest and straightforward, and does not eat little children, but allows them to cluster around his knees. [Laughter and applause.] What occasion was there for assuring Great Britain as to the personal character of the President of the United States? Is it necessary for the people of America to rent a house in London and pay the salary of an ambassador in order to maintain and defend the personal character of our President [laughter and applause], and to testify, as he does, that for four years the President has been watched at morning, noon, and midnight, and found to be all right both in and out of his household? [Laughter.]

Even if it were true that as a nation we are often violent, is it the business of one of our own family to gossip it across the seas? All peoples and all governments, perhaps, have their faults; but does it become the function of the office of our representatives abroad to exploit our defects in foreign lands? Imagine, if you please, the English ambassador at Washington to-day prating to an American audience about the personal character of Her Majesty and about the faults of the people of her realm. Think of the ambassador extraordinary and plenipotentiary of the English Government descanting to an American grammar school upon the power of the Queen to govern a turbulent and violent people. Imagine the representative of the French Republic glorying in the delight that the President of France had displeased a great many of his people, and hoping that he might continue to do so.

Such a declaration, Mr. Speaker, by any of the representatives of foreign powers at Washington would challenge the credulity not only of their own countries, but of every citizen of America endowed with common patriotism and good taste. It goes without the saying, the world over, that the President of the United States is a strong man, likewise an honest man. Can you improve virtue by averment, or integrity by official proclamation? It was evidently not only Mr. Bayard's intent to contrast the President with the so-called violent people, but it was also his intent to distinguish him from other Presidents, for mark you, he says:

In this case there is a real man to govern the people of the United States.

Who could become President of the United States except a real man? [Laughter.] Of course the President of the United States is a strong man. But then, Mr. Speaker, are there not others? [Laughter.]

Look, for example, into the Senate of the United States. Have our memories lost the name of that Senatorial Hercules who, less than two years ago, compelled our real and powerful and honest President to acquiesce in a bill of legislation which he had designated as perfidy and dishonor? [Laughter.] Aye, Mr. Speaker, it would seem that strong men exist even beyond official circles; for has it not been averred by gentlemen upon this floor, who will oppose this resolution, that once upon a time, not very long ago, a certain business man of New York City wove about the will of the strong and honest President a web of speculation and extracted from his helpless, honest hand, below the market price, $62,000,000 of Government bonds, that fasten the chain of debt upon the so-called violent people for generations yet to come, and which will clank around our national form and humiliate us as we cross the threshold into the twentieth century? [Applause on the Republican side.] Why, sir, we are evidently a nation of strong men.

Mr. SULZER. Mr. Speaker, will the gentleman give way?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SULZER. Just for a question. If what you say is true, and you believe it, why do you not have the courage to pass a resolution here to investigate it?

Mr. COUSINS. Why, my dear sir, this is the only opportunity I have had of appearing when this subject was under consideration. [Laughter.]

But, Mr. Speaker, if Mr. Bayard would behold a real Ajax up to date, unterrified, let him go to the Department of Agriculture and I will show him what is strong. [Laughter.]

Mr. Speaker, I deny the right and the propriety of our foreign representatives to criticise their own Government abroad, or to cast reflections upon the Government whose confidence and mission they bear. I deny the declaration of Mr. Bayard that the people of America are ofttimes a violent people. I say that a hundred years of free government in the United States challenges the history of the world for a corresponding century of patience, morality, and progress. [Applause.] And as for the present time, no people since the creation of this world ever exhibited such enduring patience as have the people of America under the past three years of gross and blundering misrule. [Applause.] If there have been acts of violence, they have been exceptional, and do not merit the characterization which has been uttered by this recreant ambassador and applied to the people of America as a whole.

Somebody estimates that getting born costs the people of the United States $250,000,000 annually, getting married $300,000,000, and getting buried $75,000,000. But, Mr. Speaker, that is absolutely nothing. The cost of being governed by this Administration, the extra cost to business and to commerce and to labor over and above what it ought to be, would marry and bury every man, woman, and child in America every month, and then pay the cost for every one of them to be born again in the latest and most approved fashion. [Laughter.]

According to Bradstreet's figures, which nobody denies, showing the bank clearings, the business transactions in the United States of America during the first ten months under the operation of the Wilson-Gorman tariff law was $6,144,834,680 less than for the corresponding ten months prior to June 30, 1891. In other words, $600,000,000 per month less than for the corresponding ten months prior to June 30, 1891. Nevertheless, during all the trials of these three years the people have been patient and long-suffering.

But even if a patient people could forgive this ambassador for his extravagant and senseless criticism on this first occasion, what must they think of his ungrateful, unprovoked, and violent indictment against the people of his country, delivered on the 7th of November last, before the Edinburgh Philosophical Society, in which he departs from the legitimate and natural pursuance of his subject and deliberately insults not only the majority of the people of his own native land, but the high and dignified position which he occupies? As to the matter which he uttered on this last occasion, Mr. Speaker, there can be no question.

There was no heterogeneous mixing of Latin and of English, no cracking of filberts or of jokes. It was a speech deliberately and carefully prepared, a copy of which he attaches to his response to Mr. Olney and which we have before us as an official document, and in which we find this false, extravagant, and shameful language:

In my own country I have witnessed the insatiable growth of that form of state socialism styled "Protection," which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, to familiarize it with reliance upon State aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause.

Step by step, and largely owing to the confusion of civil strife, it has succeeded in obtaining control of the sovereign power of taxation, never hesitating at any alliance or the resort to any combination that promised to assist its purpose of perverting public taxation from its only true justification and function, of creating revenue for the support of the Government of the whole people, into an engine for the selfish and private profit of allied beneficiaries and combinations called "trusts." Under its dictation individual enterprise and independence have been oppressed and the energy of discovery and invention debilitated and discouraged.

It has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted.

Mr. Speaker, in the first place, every line and syllable of that diatribe against the people of America is refuted by the history and experience of the United States. [Applause on the Republican side.] In the second place, it is a political harangue, violating the express regulations and instructions given by authority of our own Government to all consular officers of the United States. In addition to his own instincts of propriety, every consular officer is charged with these regulations and instructions. Some of them have been read in your hearing by the chairman of the committee. Let me read them again:

They will not give publicity through the press or otherwise to opinions injurious to the public institutions of the country or the persons concerned in their administration.

They—

are not allowed to allude in public speeches to any matters in dispute between the United States and any other government; * * * it is a still better rule to avoid public speeches when it can be done without exciting feeling in the community in which the officer resides. They will be particularly careful to refrain from unfavorable comment or criticism upon the institutions or acts of the Government to which they are accredited.

And then follows the two regulations read, I think, by the chairman of our committee, as follows:

One of the essential qualifications of a diplomatic agent is to observe at all times a proper reserve in regard to the affairs of his Government; and the knowledge of these affairs, possessed by persons belonging to the legation, must be regarded as confidential.

It is deemed advisable to extend a similar prohibition against public addresses, except upon exceptional festal occasions in the country of official residence. Even upon such occasions the utmost caution must be observed in touching upon political matters.

As we learned from the chairman of the Committee on Foreign Affairs [Mr. HITT] the other day, it was once proposed to enlarge these instructions so as to forbid the discussion of all domestic questions or politics; and Mr. Blaine, who at that time was Secretary of State, said:

No; such instructions are unnecessary. We never have had and never will have an officer who will go abroad and talk about our affairs at home.

Strange as it may seem, the very first to violate these instructions is one who used to give them over his own signature. Thomas F. Bayard issued similar instructions when Secretary of State, closing with this injunction:

They are to be carefully observed in all respects.

I am, sir, your obedient servant,

T. F. BAYARD.

Looking across the sea to his native land, whose mission and confidence he bore, the same Thomas F. Bayard, ambassador of the United States at Great Britain, on the 7th day of November last, saw the party of protection and of progress carried back to power on the tide of the popular will. Putting his ear to the ground, even in a foreign land, he could hear the victorious tread of the triumphant column of protection, once led by the immortal Lincoln, and he could not resist the temptation, even though he had to violate the delicate proprieties of the office which he held and the instructions which he bore, to satisfy the vengeance of his ancient prejudice. [Loud applause on the Republican side.] And so he toadied to the Cobden Club and the school of Manchester and to his prejudice, and told Great Britain that protection in America had "banished men of independent mind and character

from its public councils." When he knew that the list of its illustrious advocates, beginning with the distinguished names of Washington, Madison, and Franklin, had never ceased to grow where progress marked the way until it had recorded in the register of independent mind and fame the names of Clay, of Jackson, of Webster, of Lincoln, of Grant, of Garfield, of Randall, and of Blaine. [Loud applause on the Republican side.] And he knew that almost on the very day he uttered that indictment, the list of independent minds that champion the doctrine of protection in America had grown to the greatest and most significant majority that ever spoke their independence at a popular election. [Applause on the Republican side.]

He knew when he uttered that libel on the memory of the greatest statesmen of America that if you should blot out the list of names identified with the doctrine of protection in our history you would leave it a literary desert as insignificant and barren of achievement as Disraeli's grandfather's Chapter of Events that never took place. [Laughter and applause.] Smarting with the certain knowledge that the free-trade policy of his party in America has again been demonstrated as an ignominious failure and overf whelmingly defeated by the independent votes of labor and o-capital, he splutters out the partisan assertion that under the dictation of protection "individual enterprise and independence have been oppressed" and the "energy of invention and discovery debilitated and discouraged."

Why, Mr. Speaker, on the contrary, by the stimulus and safeguard of protection the genius of America developed a continent. It has achieved the impossible. It went into the ground and found the iron, and brought it out to the light and usefulness. It formed it into wheels and turned it into shafts. It set the spindles turning and the axles whirling. It took the wool and cotton from the Middle, the Southern, and the Western States that had been feeding English looms and sent them spinning through our own. It touched the deft and cunning hand of toil and made invention dream of better things, and since that time God only knows the limit of inventive genius in America. [Applause.]

With a band of iron in either hand it started at the Orient and with its sublime and determined face toward the west it took up its continental march. It would not stop. Where it could not find a place to stand it spanned with iron. It laughed and toiled and hurried on, until at last it found the Occident. [Applause.] Then it became a moiling, tireless spider and wove the desert into a web of commerce. It stopped at every station and took the produce of the farm and left the product of our own American factory. It looked into the childhood face of citizenship and, studying its tendency of faculty or genius, opened a thousand doors of various and different enterprise and said: "Denizen of the free Republic, take your choice." In short, it set America to work and at the highest wages ever paid in any land. [Applause.]

Mr. Speaker, how much time have I left?

Several MEMBERS. All the time you want. Go ahead.

Mr. Speaker, when I contemplate this statement in the declaration of our ambassador to Great Britain I am reminded of what I have thought many times about the progress, the inventive genius and discovery of my own country during the period which he describes. I remember, only a year or two ago, when I came for the first time over the Alleghanies and down to Harpers Ferry. It revived in my recollection the great things that history had portrayed to me and I recalled the prophecy, the grandest prophecy, in my judgment, that ever has been made in the history of this country, made and fulfilled in the lifetime of the man who uttered it. It was the prophecy of Wendell Phillips, the proud and persecuted Puritan of Boston, the man who walked across the stage of life without looking either side to catch his image in the mirrors of the world. As I recall it now, this was his prediction:

As long as there is a slave within our borders there can be no union; yet I believe in the possibility of justice, in the certainty of union. Years hence, when the smoke of this conflict clears away, the world will see under our banner all tongues, all creeds, all races, one brotherhood, and on the banks of the Potomac the genius of liberty robed in light, four and thirty stars for her diadem, broken chains under her feet, and an olive branch in her right hand.

[Applause.]

I looked at that Potomac River that winds and turns and runs through all that beautiful and picturesque domain of Virginia and Maryland, even as it runs like a silver thread throughout our history. Then, I thought, a little farther over, away down in that beautiful and sunny South among the tropic's flowers and here and there upon the cotton fields, an aged generation of the ebon sons of Africa bend above the tombs of slaves, dusky children clasp their hands above the graves of sable mothers from whose bosoms they were torn in infancy, and weep in freedom as did the parent in her bondage.

Over there an old log cabin, down by the tangled swamp a toothless hound. The whipping posts are gone. Uncle Tom lives only in memory. It was the ruins of that romantic land of slavery. But on those ruins, even in the Southland, industry had reared her temples, and in them freedom turned the wheels of commerce, and over them there shone the banner of the Union, and not one star was gone. [Applause.]

It seemed to me that there was a fulfillment of the Phillips prophecy. And when I went back over the Alleghanies, down into the great White City of the West, that miracle of modern municipalities; I walked into the archway of the greatest exposition of all history. I went up and down the aisles in those great buildings that represented all the nations of the earth. Why, sir, there was the flag of France—France that was the first to make America her debtor, France who gave us Lafayette—splendid, splendid France! There was the emblem of the German Empire—Germany that sends us more hard-working citizens perhaps than any other power. And there was Russia's emblem—stern old Russia of the snows, whose cheering voice thundered from St. Petersburg when our nation's heart was in despair, and said to those imperial scoundrels who were about to interfere, "Hands off!"—Russia, who has always been our friend!

There was the flag of every nation. I looked at that great array of buildings, in which Cæsar might have gloried, and on which Phidias and Angelo might muse, seeming more like the growth of centuries than of a single year. I walked up and down the aisles of that manufactures building, and I saw the handiwork of mankind—of Jew and Gentile, of Oriental, of Pagan, and of Christian—lying side by side with that of our own American artisans, and I thought to myself, "This is enough to fill the prophecy—the Genius of Liberty robed in light." [Applause.] And then I went into that great building over the vast archway of which there were inscribed the names of Liszt, of Mozart, and Beethoven, and I heard the melodies of Paderewski mingled with those of our own great Thomas orchestra, and when the last low tones had died away, it was nighttime then; and I went out by those little inland lakes that washed their waters up against the marble terraces. I saw the great light that had emanated from the brain of Edison within a decade, and I thought to myself, "Surely here is the Genius of Liberty." I thought to myself, "What if only Washington could be excused from his seat of everlasting glory up there by the God of nations long enough to be here and receive our imperial guests for us. What if they could only excuse Abraham Lincoln from high heaven long enough to visit Illinois again, and say to the kings and queens and to the freemen of all the earth, 'Welcome to America and to Chicago, the metropolis of my adopted State!'" Ah, I thought if only the nameless, unknown veterans who bore the colors under Washington and those who fell before rebellion's awful fire could be there and see the glory of the cause and country that they died to save! That was my thought on that occasion. Now I think, bringing it up to the present, that if some man in the midnight hour had written over the archways of that great exposition the statement of Mr. Bayard, that the "energy of invention and discovery have been debilitated and discouraged," there is not a Democrat in the United States who would not have concluded the next morning that somebody had escaped from Jacksonville. [Laughter and applause.]

Sir, there is not a man, woman, or child who if any one of them had seen the sentiment of Bayard displayed anywhere on that great Exposition ground would not have made affidavit that it was uttered either by a lunatic or by an enemy of the United States. [Applause.] There was not an owl that perched upon the rafters in that great electric building that was erected to the memory of Edison that would have had so little patriotism in its measly soul as to have thought of hooting such an utterance. There was not a bat that alighted in the top of the great monastery over there by the agricultural building that would have dared to squeak such a sentiment as Bayard has uttered to Edinburgh. What a recommendation was that shameful utterance for the greatness of our country!

But last of all, Mr. Speaker, our ambassador confides to Edinburgh the startling news that protection in America dangerously depletes the Treasury! Shades of Ananias! [Laughter and applause.] Why, even Edinburgh knows that the champions of protection took the Treasury of the United States when there was nothing in it but a Democratic free-trade vacuum and filled it up with gold and silver coin. [Applause.] So that the greatest charge that existed against us four or five years ago was the fact that we had $400,000,000 saved. Suppose that to-day we had $400,000,000 collected instead of $200,000,000 borrowed, what a splendid Navy we could have—a Navy big enough at least to go duck hunting with. [Laughter.] If we had those four hundred millions we should then have the courage of our convictions and could "recognize" whom we pleased. [Applause.]

Even Edinburgh knows, and knew at the time that this speech was delivered by Mr. Bayard, that from the time the party of protection took the Treasury of the United States. for twenty-five successive years there was never a deficiency until the black raven of free trade perched again above our Treasury door, and hooted "Surplus, surplus never, never more." [Applause and laughter.]

No, Mr. Speaker, our ambassador to Great Britain has not only violated the regulations of his commission, not only been false

to his position, but false to the facts of his own country. Who would have thought that within forty years after the eyes of the immortal Lincoln were closed in martyred death amid the homage and adoration of this great and grateful land—that within so brief a time the ambassador of his country to the mother land would so far forget the dignified and delicate requirements of his high position as to thus stigmatize and villify the honest followers and the exemplifiers of one of the first and dearest principles of the great emancipator. [Applause on the Republican side.] When we ask our history for such an example it gives us back no answer. We look in vain for such ignoble precedent. It was reserved, in the fullness of time, for this period of calamities.

Mr. Speaker, no citizen of the United States claiming the protection of the American flag and enjoying the distinguished honor of representing this great Republic in any foreign court can be excused for publicly condemning either the principles or the followers of Abraham Lincoln, and he who does it should either be recalled for his imbecility or censured for his impudent misconduct. [Applause on the Republican side.]

One word more and I am done. Nearly a half century ago, when the Hon. Richard Rush, a Democrat, was our representative in Paris, his party in America, through the chairman of its national committee, requested him to lay before the National Assembly and executive government of France resolutions of congratulation on the change of government which had been recently declared. He declined to do it, and in replying to his party in America used this noble language in a letter addressed from Paris to Benjamin F. Hallett, Boston, chairman of the committee of the national convention of the Democratic party of the United States.

LEGATION OF THE UNITED STATES, *Paris, July 31, 1849.*

DEAR SIR: (After acknowledging receipt of the resolution and referring to certain occasions on which he had presented communications from the Government of the United States he says:)

On all of the foregoing occasions I appeared for the whole United States—the United States in their aggregate character, great, powerful, and known. I acted in my representative capacity. I am here in no other. Can I waive it or step down from it? These are party resolutions. It is so avowed with frankness on their face. They point to the existence and necessity of parties in free States.

* * * * * * *

Is it for me to exhibit the political parties into which we divide? Being here on national grounds, I can only hope to act or speak with due effect when speaking or acting in full identity with the national will; not as fluctuating through the different parties among ourselves, but as heard in the voice of the nation which wields the strength of all parties. Then we are really powerful. What are we in the eye of Europe, without this unity of name and power?

* * * * * * *

Dear sir, your sincere and faithful servant,

RICHARD RUSH.

[The reading of the above was greeted with frequent applause on the Republican side.]

While censuring with regret our ambassador at London, let us commend him to an earnest contemplation of this great example to a wider tolerance of his fellow-citizens at home and to the patriotism that becomes an American. [Continued applause.]

I yield ten minutes of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, there is a question of fact which I desire to look into, and one of the elements I can not look into to-night. I ask, therefore, that I may reserve the time allotted to me until a later stage in the debate.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks permission to reserve the ten minutes yielded to him by the gentleman from Iowa [Mr. COUSINS]. Is there objection?

There was no objection.

Mr. DINSMORE Mr. Speaker, I realize the embarrassment in which I find myself in attempting, at this late hour of the day, to address the House, after the most attractive speech of my distinguished friend from Iowa [Mr. COUSINS]. I can not hope, sir, to entertain the House as he has done, nor to amuse the galleries with bright sallies of wit. My hope must be in the soundness of my position, the just sense of this body, and the strength of the cause which I advocate. [Derisive laughter on the Republican side.]

Mr. Speaker, notwithstanding the affected amusement which this remark has provoked, there is strength in my cause, and the opposition only attempt to deride what they have utterly failed to assail and are wholly unable to meet with dignified and pertinent argument. I applaud the sentiments expressed by the gentleman from Iowa [Mr. COUSINS] in his glowing apostrophe to our great country, its thrift, its energy, its resources, its achievements. He can not boast of more national pride or love of country than I possess. But I take issue with his statement that all our progress and material prosperity have come by the agency of protection.

I maintain, sir, that the American people have achieved their greatness despite protection; that they have, notwithstanding the discriminations of unjust protection fostered, promoted, and enlarged by the Republican party, notwithstanding the burdens of protection which the toilers have borne upon their backs, accomplished our national prosperity—a prosperity wrought by the unprotected, but enjoyed and realized by the favored few who constitute the protected class. While they have not reaped the rewards of their own labor, but have seen them transferred to the possession of the few, who toiled not for them, with magnificent forbearance, with patient and patriotic fortitude they have gone steadily forward and made this great country what it is.

Mr. Speaker, it is important to consider what it is that is presented to the House for its consideration. What is the purpose of the resolutions which have been offered here? Gentlemen have indulged in expressions of regret, more feigned, I fear, than real, that they are called upon to pass resolutions condemnatory of a public officer representing the Government of the United States at a foreign court. They deplore the fact that this matter is presented to Congress to consider and determine by its deliberation. How came it here? Who brought it here? For what purpose were these resolutions introduced? Let the Republicans who are responsible for them explain.

What is to be accomplished, Mr. Speaker? Have the gentlemen who have already addressed the House shown any salutary end to be subserved? Have they revealed any benefit to be conferred upon our public service in asking you to consider and pass these resolutions of condemnation? Have they pointed out to you any good to be accomplished by it? No, Mr. Speaker, the majority need not try to disguise it, the fact is plain to all, and I admonish them now the country will understand they emanate from partisan spirit and seek party advantage alone. The majority has seized upon a paltry pretext to assail a Democratic official, even at a risk of sacrifice of national dignity. To me it seems a most inexcusable, not to say reprehensible, proceeding. No complaint is made that any injury has resulted to anybody as a result of the speeches of Ambassador Bayard, save as certain supersensitive people are wounded in feeling. This is the gravamen of Mr. Bayard's offense. They say the American people have been insulted.

But let us come at once to the question here. That question is, Is it the duty of the House of Representatives to censure Thomas F. Bayard, the ambassador of the United States, for certain expressions contained in his accredited speeches? If it is our duty, why is it? I assert that it in no sense belongs to the duties of this House. If Thomas F. Bayard has been guilty of any high crime or misdemeanor, if he has been guilty of any such outrageous conduct as disgraces the service or dishonors his country, bring in your articles of impeachment that you used at the beginning of this episode under false pretense, merely to get immediate consideration and an opportunity to gratify your impetuous desire to speak upon it. We all knew what would result; that gentlemen only desired an opportunity to defend the system of protection which Mr. Bayard had assailed, that they would content themselves with denouncing him and dwelling upon the beauties of protection; that they cared not to devote themselves to a defense by their efforts of the dignity of the foreign service of the United States.

Mr. Bayard is a servant of our people, and since this matter has come here you owe it to yourselves to deal fairly with him as a representative of all the people of the country and to deal with this question upon its merits, and to settle it according to the duty which is presented to you. I reassert, it is no part of the duty of the House of Representatives to pass resolutions of condemnation against Mr. Bayard when it is only contended that he was guilty of an indiscretion, or at most an impropriety.

It in no sense belongs to the province of the House of Representatives or of Congress to hold foreign ministers responsible for the propriety of their conduct. There is not a precedent for it anywhere in the diplomatic history of our Government. When the honorable chairman of the Committee on Foreign Affairs this morning said, in answer to the views of the minority, that there is a precedent and cited the case of Mr. Stevens, formerly United States minister to Hawaii, and the resolutions of the Fifty-third Congress condemnatory of his conduct, I respectfully submit to him that it is not a precedent.

It has been said, and truly said, that the cases are not analogous. Mr. Stevens was not at the time of the passage of those resolutions a minister of the United States. His term of office had expired. He had been succeeded by another. His successor had been installed and accredited to the Government where he had resided as the representative of the United States, and he had returned to his home at the time, and the resolutions, introduced in that Congress and passed, dealt with an entirely different question—one more material, one more formidable, than the one presented in these resolutions. His offense was not a breach of propriety, but an unwarranted and outrageous abuse of his authority; a palpable violation of his instructions, making his country guilty, through him, of a breach of national good faith and its solemn treaty with a friendly power.

The resolutions reveal the nature of the charge against him. Let me read them. But first let me remark that the resolutions were offered after the attention of the country had been called to to the disturbances existing in Hawaii and Minister Stevens's

participation therein had been brought officially to the attention of the House. Gentlemen had harangued the House and the country upon the subject. The world's attention had been directed to it and the part played in it by an officer of the Government of the United States, and it was the duty of Congress to explain to the world the position which we occupied in the matter, because, as a great nation, we have a foreign policy—a policy of noninterference in the affairs of other nations—and by the act of that minister, if we adopted it and acknowledged it to be ours, we departed from that policy and adopted one entirely different, one claiming the right for ourselves of determining who should govern in a foreign State, even to the extent of overturning the recognized and legally constituted Government. Here are the resolutions, the first of which it is sufficient to read:

Resolved, First. That it is the sense of the House that the action of the United States minister in employing naval forces and illegally aiding in the overthrowing the constitutional Government of the Hawaiian Islands in January, 1893, and in setting up in its place a Provisional Government not republican in form and in opposition to the will of a majority of the people, was contrary to the traditions of our Republic and the spirit of our Constitution, and should be and is condemned.

What was it that was charged against Mr. Stevens? Everybody knows that a ship of war of the United States was there at Honolulu. Everybody knows that at the request of the minister to Hawaii the troops from that ship were landed there at the time there was a popular insurrection. Whether the government sought to be established was a better one than that existing and the one then at issue is entirely irrelevant to the question now at issue. The question was, Had the Government which was overturned been recognized by the United States, and was it a Government with which we had at the time a treaty of peace and friendship?

Everybody knows what was done. The Fifty-third Congress disavowed the action of that minister and placed upon the record these resolutions of its disavowal. There was a purpose to be accomplished in that. In this there is no such purpose. Neither, Mr. Speaker, are the gentlemen who seek to pass these resolutions actuated by a purpose of elevating and purifying and reforming the foreign service of our country; but they seek an opportunity to hurl anathemas against Mr. Bayard simply because he is an official of the Democratic party, and because as such he has the courage to speak his convictions as an American freeman.

Mr. Speaker, that magnificent American citizen has never, under any circumstances nor in any presence, failed in the courage of conviction. A worthy son of a long line of illustrious sires, he has maintained the ancestral honor and chivalry, and has been ever the bold advocate of right and justice, the champion of freedom and liberty, the defender of the oppressed and the poor. When our civil war had ended and the soldiers of the South had laid down their arms, the Chevalier Bayard, with the spirit of the great soldier Grant and the great-hearted citizen Lincoln, was foremost in their defense against those who sought to oppress and humiliate them. He interposed himself and received all the darts of malice and hate full and fair on his own untarnished shield, and they fell broken and battered at his feet. There are gentlemen here who have not forgotten his glowing words of patriotism and courage, his proud defiance, when, in the United States Senate, in 1876, he inveighed against political intolerance and sectional animosity. He was criticised and taunted by Mr. Boutwell, a Senator from Massachusetts, and his motives questioned. Let me quote those words:

The Senator has suggested that in some way I have been a party to some act or deed unfaithful to the integrity of the Government of this country. I will simply say that every drop of blood in my body comes from men and from women who, since this Government was established, never harbored a thought or did an act unfaithful or unpatriotic.

No man can assert the contrary. The Senator dare not do so. He might attempt it by an innuendo, by classifying me with those whom he terms the enemies of the country; but he knows as well as I that the man who says I ever did an act or uttered a word unfaithful to the integrity of my country's Government has lied in his throat. [Applause in the galleries.]

He bids me beware of November. In November the people of this country will submit their candidates for the popular verdict, and then the Senator may repeat his speech where he pleases. Then he may assault men as he pleases. If it shall please a merciful heaven to give to this country a feeling of fraternity and union, then he and those who think and act with him will be consigned to private life and to an absence from political power. * * *

Is it to be held up to me as a source of reproach that I have tried to make my brethren of the South feel that this was their country, that this was their Government, and that they were bound to come and support it and find protection as they give it allegiance? If it be a crime, then I am the greatest sinner on earth.

If such feelings, such professions, and such principles shall consign me forever to a minority, then welcome the shades of private life with the unstained conscience that I shall carry there with it. I would rather have it than all your power, than all the power the people of this country can give, for I have something they did not give, and which they can not deprive me of, and that is my own self-respect. [Applause.]

These are the passionate utterances of patriotism, true patriotism and courage, and I commend them to the gentlemen of the House who seek now to belittle him, but whose assaults will be fruitful only of their own discomfiture, because I warn you, gentlemen, you can not tear him from the hearts of Americans.

It has been asserted that he violated the instructions issued to him by his chief. The gentlemen who have preceded me have made this assertion. They have read from the instructions. I shall ask the patience of the House while I refer to them again, to show you that Mr. Bayard in this did not violate any instruction which had been issued to him by the Department of State. What are they?

One of the essential qualifications of a diplomatic agent is to observe at all times a proper reserve in regard to the affairs of his Government.

Now, let us stop long enough to consider these instructions in reference to the duties which ministers are called upon to perform.

In regard to the affairs of his Government he is to maintain at all times a proper reserve. Where? At his post. With whom? In his relations with the officers and people of the country to which he was accredited. What affairs of his Government? Those affairs in which the two Governments are mutually concerned.

Mr. TURNER of Georgia. That refers to state secrets.

Mr. DINSMORE. He is especially instructed as to confidential matters in regard to the affairs of his Government.

And the knowledge of these affairs possessed by persons belonging to the legation must be regarded as confidential.

There is nothing in all this to prevent the expression of his opinion as an American citizen. But what else?

The attention of diplomatic agents is especially called to the provision of law by which they are forbidden to correspond in regard to the public affairs of any foreign Government or in regard to any matter which may be a subject of official correspondence or discussion with the Government to which they are accredited with any newspaper or other other periodical, or with any person other than the proper officers of the United States.

They are forbidden—

To participate in any manner in the political concerns of the country of their residence.

What is his residence? That does not mean the country of his own home. It means the country of his temporary official residence. They are precluded from expressing—

Opinions upon local political or other questions arising within their jurisdiction.

Then Mr. Bayard is charged with a violation of that instruction. What "local question" did he speak of? What matters did he refer to in his Edinburgh speech within his local "jurisdiction"? What provision of this instruction has he violated? Not one.

The gentlemen know, they must know, that the construction that has been placed upon this is contrary not only to the letter, but to the spirit also.

It is deemed advisable to extend a similar prohibition against public addresses except upon exceptional festal occasions in the country of official residence. Even upon such occasions the utmost caution must be observed in touching upon political matters.

Why? Why is this injunction? To prevent any embarrassment in the relations of the ambassador with the court to which he is accredited, and with other diplomatic representatives. Caution must be observed in speaking of political matters, so that no offense may be given to any in his official circle which might impair his influence and usefulness.

It means that and nothing more, and no gentleman can with any consistency contend that it means otherwise. These are all the instructions upon the subject, and I think I have shown that there is not one of them that has been violated by Mr. Bayard in the speech which he made at Edinburgh, or in the one which he made in Boston, and the effort of these gentlemen to show otherwise falls futile and a failure. What, then, remains, if our ambassador has not violated an instruction? You still propose to censure him, and for what? For indiscreetness? For impropriety?

I tell you that is no part of your duty. It is an assumption upon your part to take up the affairs of another department of the Government and deliver lectures to its officers. The idea of the House of Representatives, of all bodies under the sun, contending that it should make itself "the glass of fashion and the mold of form" on matters of propriety! What scenes are enacted here! What a paragon of propriety is this same House! No question that comes into it gets out of it without partaking in some degree of a partisan character. Men here are actuated by the fierce passion of partisan zeal. It is so upon all occasions, and that, in itself, is evidence of the propriety of restricting the action of this body within our proper jurisdiction and refraining from inter eena f with the jurisdiction of other officers of the Governmennc iretn entirely different department of the public service.

But, Mr. Speaker, the pending resolution is in criticism, in censure, of two speeches made by Ambassador Bayard. The first one to which I shall allude, and which has been alluded to by gentlemen who have preceded me in this discussion, was made at Boston, England, before the pupils of a grammar school. The last gentleman who spoke, my friend from Iowa [Mr. COUSINS], was pleased to indulge his humor upon that speech and upon the character of the remarks made by the ambassador on that occasion.

Mr. Speaker, it is well enough for him to laugh who can offer no better argument. But take the speech itself, consider the conditions under which it was made, consider the youthful minds to which it was addressed; remember that Mr. Bayard was attempting

to instruct those young people with reference to the conditions which existed in America, and you may take the part of that speech which is characterized as most offensive by the opposition and I maintain that there is no offense in it. Mr. Bayard said that it required a strong man to govern the American people; that the President stood in the midst of a strong, self-willed, and oftentimes a violent people. The gentleman from Ohio [Mr. GROSVENOR] asked my colleague on the committee [Mr. MCCREARY of Kentucky] if he thought the President of the United States did "govern" the people of America, and if he was his governor. Gentlemen resent the statement that they are governed.

Mr. Speaker, in the sense in which the ambassador used the word "govern" I say that the President of the United States does govern the American people. Why is it that the chief executive of every State in the Union is called a "governor"? Is it not because in a sense he does govern? As the word was used by Mr. Bayard, and as it is used by every American, the President of the United States is a governor. He is a governor in the sense of standing as the Chief Executive of the country, holding the administrative power in his hand. He is the Commander-in-Chief of the Army and Navy of the United States. He has the power to appoint the officers of the Government. He participates in making the laws of the Government, and it is his duty to see that they are executed, enforced, and obeyed. In this sense he is a governor and does govern, and only in this sense was the word ever used by Ambassador Bayard. But Mr. Bayard also said that our people are ofttimes a violent people, and we are told that that is an insult to the American people.

Mr. Speaker, it is only an insult to the man who wants to be insulted by it. The American people are a strong people. The very genius of our institutions makes us strong and willful. In this country every man is a sovereign; he has a right to use his influence, his vote, his personal power for his own advancement and the advancement of his people as he understands his and their necessity. He asserts himself. The American people are ofttimes a violent people; not violent as a whole. Mr. Bayard did not mean that this characteristic is everpresent, or that it could ever be asserted by any class to the overthrow of peace and general order. How often have we seen evidences of the violence of our people! The history of the country is full of them. When, a few years ago out in one of the western Territories, at Rock Springs, the people rose up and by the strong hand slew dozens of Chinese, was that a scene of violence? Was not that a matter which appealed to the executive power and to the good sense and judgment of the Chief Executive of the country, happening as it did in one of the Territories of the United States?

We have had many such instances. Remember the Mafia affair at New Orleans. Recall the recent riots at Chicago, where men, laboring men, ground down under the heel of combined capital and power, the uniform friends of the Republican party, united together for the purpose of trying to defend themselves against that great organized combination. They resented the changes that had been brought about by their employers and insisted that they had a right to a continuance of their previous wages and of the conditions that had previously prevailed; and when their demand was refused they struck and laid down their tools, as they had a right to do. Nevertheless, smarting under injury and wrong, they went beyond the bounds of right, as men frequently do in such cases. These men were urged to extremes, and they did go to extremes. They undertook to prevent the employment of other men and resorted to violence, to the destruction of property, to all manner of violence, and to threats of injury to life itself.

Was this violence? Were these American people? Do these facts authorize and justify the statement made by our ambassador when he spoke at Boston, England, saying that our people are often a violent people? Take the early days of our Republic, when Jefferson's time as President was largely consumed in suppressing riots and disorders that existed throughout every part of the land. Why, Mr. Speaker, naught but the violence of the American people ever gave to Thomas Jefferson and Old Hickory and Abraham Lincoln the opportunity to show the strength of their characters, that they were "strong" men, and their capacity to "govern" the American people. When the rumbling of nullification came up from South Carolina, and this country was threatened with violence, stern old Andrew Jackson laid his strong grasp upon the question and settled it to the pacification of the people of the country. I say it does require a strong man to govern our people, and it is no insult to them to say it, but rather a compliment to the energy, the independence, the manliness, and stern determination of American citizenship. [Applause.]

But there was another speech; and what was said in that speech? Ah, there is "the milk in the cocoanut." Mr. Bayard dared to use expressions there which aroused the sensitive feelings of people in this country who live and fatten upon discriminations against the poor and the lowly. That is what caused these resolutions to come here. Whence comes this pseudo righteous indignation on the part of gentlemen who represent the protective theory in the House of Representatives? Why is it that you rise up so quickly? It is not the man, Mr. Speaker, who feels strong in his cause that springs up so eagerly to defend it against criticism; it is not the man who feels that he is fortified in the right that can not brook any criticism of his views. Ah, can it be that these gentlemen who represent protection and stand by the bond that binds together the different factions of the Republican party in this country—the party of greed, the party of unjust discrimination, the party that is not willing to stand upon the equal rights of all the people, but holds itself together by fostering classes at the expense of a large majority of the people of the country—can it be because you have seen the sands shifting from under your feet, that the sentiment is growing in favor of justice and equality? By the verdict of the people of the United States in 1892 upon this very question you saw yourselves hurled from power.

You know it is true—it is confessed by the leaders of the Republican party to be true—that this was the issue. Upon this issue the people spoke, and in it you see the handwriting on the wall for the future. My friend from Illinois, the chairman of the committee [Mr. HITT], when he spoke this morning asked whether it was the result of the demoralizing influence of protection that these seats were made vacant and members were transferred to that side; whether a like cause produced the reverse result in 1892. I do not say that it was because members elected to this Congress came here as the result of bribery and corruption that that side was filled, but I do say that when Republicans refuse to assist the manufacturers extract their unjust tribute from the people those manufacturers will cease to support them if they can find others who will, and they can not be found in the Democratic party.

The Democratic party has no favored influences behind it. It appeals alone to the untrammeled patriotism of the people, to those who love liberty and exact equality. Mr. Bayard meant exactly what he said. He meant that the tendency of protection is to corrupt and debauch public sentiment; the tendency of it is to "throw legislation in the political markets and relegate it to jobbers and chafferers who take the place of statesmen." Mr. Bayard did not pretend to say that when a man is turned out of office it is in all cases the result of this influence, but he says that the tendency of this system is to bring about these results. And I verily believe it is so. And we are not alone in that view. I may cite the testimony of distinguished individuals not of our faith to bear out this theory. Within the last forty-eight hours we have seen evidence brought before the public bearing out the statement of Mr. Bayard on this question.

For the edification of the House and in illustration of this subject let me read what I find in the press of yesterday morning, the Washington Post, upon this very identical issue. Does anybody know who Mr. CHANDLER is? I mean a Senator of the United States from the State of New Hampshire of that name. This paper gives an interesting interview with that gentleman, from which I read. The reporter asks him:

> What is thought and said among the Republicans whom you have met about the recent developments showing that money contributions are being solicited from the manufacturers of the East to help Mr. McKinley?

Here is Mr. CHANDLER'S reply:

> It has been very seldom that I have heard more indignation expressed on any minor subject of politics than within the last few days as information has come as to the extent to which these levies upon protected interests are being made. Anger is uttered by the friends of all other candidates, and also by the most sagacious politicians, who have no preferences as yet.

Anger! Anger at what? What is the provocation that arouses the anger of these leaders of the Republican party? Why, that money is being levied upon the protected industries in the interest of the boom of a certain candidate for the Republican nomination for the Presidency. Does this illustrate, does it justify, the position taken by Mr. Bayard? "Levies upon protected industries," says Mr. CHANDLER, "are being made" in behalf of the boom of a Republican candidate. But that is not all. There is more of this delicious reading:

> To invade Senator QUAY'S State with demands, oral and written, that the Pennsylvania manufacturers are under such obligations to Mr. McKinley that they ought to furnish cash contributions with which to secure the election of McKinley delegates to St. Louis seems to be a most ill-advised proceeding.

Demands, oral and written, in the State of Pennsylvania, upon the manufacturers thereof are, he says, "out of place—not in keeping with propriety."

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. DINSMORE. I will, with pleasure.

Mr. GROSVENOR. I ask the gentleman whether he indorses the truth of that statement?

Mr. DINSMORE. Mr. Speaker, that is a matter entirely beyond my ken. The gentleman from Ohio must not attempt to hold me responsible. I am only telling the House what one of the most respected and respectable leaders of the Republican party says. I can not undertake to testify on the subject. I am not taken into

the councils of the Republican party. I can only pick up bits of information its leaders see proper to possess me of.

Mr. GROSVENOR. I want to say that that has been already characterized as an absolutely false statement, without any qualification whatever, and I defy any man to prove the truth of any one of the statements mentioned in that report.

Mr. DINSMORE. I do not pretend to know whether the statement be true or otherwise, but when this thing comes before the country, between the men who are clearly reaching out for the protected interests of the country and asking their support to place them in power, it must go to each individual for what it is worth. I have no doubt if the contest were confined to the nominees of the Democratic and Republican parties this painful, most disagreeable story would not have obtained currency. The embarrassment grows out of the fact that the candidates for the Republican nomination are now scrambling for the manufacturers' support. [Applause on the Democratic side.]

Mr. BARRETT. Will the gentleman allow me to ask him a question?

Mr. DINSMORE. Certainly.

Mr. BARRETT. The gentleman has alluded to an alleged statement that money was being contributed for a political campaign by the protected interests of the country, a statement which has been contradicted and has been again denied to-day on the floor of the House by the gentleman from Ohio [Mr. GROSVENOR], who knows whereof he speaks.

Now I desire to ask the gentleman whether he will express his opinion on a fact not disputed, and that is that the ministership of the United States to Italy was bargained and sold by a Democratic candidate for the Presidency for $50,000, in hard cash, a statement which has never yet been denied from any quarter?

Mr. SULZER. That is not a fact. I deny it. It is not true in any sense of the word. [Applause on the Democratic side.]

Mr. DINSMORE. Oh, Mr. Speaker, the gentleman is trying to bring in matters that are entirely irrelevant to what I am talking about. That statement has been denied and is denied. The gentleman rises to interpose another case when he finds himself in an embarrassing and exposed situation.

If it were true, which it is not, it would only argue that some candidate was willing to promise a fat office for the support of a wealthy citizen with his money to buy torches and hire brass bands. But we are here proving by Republican evidence that the protection system is vicious and debauches political society.

You gentlemen who advocate protection, you who live by the fostering influences that are held out by the legislation of your party against the mass of the people, are quick to rise up on such occasions. You are quickly sensitive to these criticisms. But do not forget that I am not giving Democratic testimony, but the deliberate statement of a man standing high in the councils of the Republican party. He says that oral and written demands are made on the people of Pennsylvania—the manufacturers of Pennsylvania—to contribute to the McKinley campaign fund, and he does not think that fair or right. [Laughter and applause on the Democratic side.]

Well, there is some more of this. [Renewed laughter.]

A MEMBER. Read it all.

Mr. DINSMORE. I will read a part of it.

Mr. CHANDLER goes on to say a little further:

This seems to be an ill-advised proceeding.

[Laughter.]

And then adds:

Yet the evidence seems to be clear that a systematic and widely extended levy upon the protected industries of the country has been projected and is going forward, to what extent remains to be discovered.

Mr. CHANDLER says that even he does not know how far it has gone.

Again, speaking of the McKinley boom, he says:

Ever since the movement for McKinley began it has been rumored that Mr. Mark Hanna, now one of the Ohio delegates at large, has been expending money in Mr. McKinley's interest. There has been an unwillingness to believe this and a disposition to attribute Mr. Hanna's exertions to sincere and disinterested friendship for Mr. McKinley.

He says there has been an unwillingness to believe this, but adds:

But nobody now is so charitable. It is beginning to be believed that the McKinley movement is to be a boodle canvass from start to finish.

[Great laughter and applause on the Democratic side.]

This belief will be injurious to Mr. McKinley.

[Renewed laughter.]

Well, I should suppose it would be, perhaps, if he had any other support than the Republican party.

It will be still more injurious to the Republican party, especially if Mr. McKinley is nominated.

It will be remembered that the authorship of the expression, "Frying the fat out of the manufacturers," was accredited first to Senator Edmunds, another prominent Republican, a long while ago.

The issue will be made by our opponents whether we are to have a President who was nominated by "fat-frying," by the moneyof millionaire manufacturers, and is to be elected by similar corrupt methods applied to the suffrage in the States.

Now, my friend from Ohio, Mr. GROSVENOR, submitted an interrogatory to me while I was speaking a few moments ago and called on me to respond. I wish to say that I do not assume to be informed of the details of the methods resorted to by the Republican party to keep itself in power. But I refer him again for an answer to the response made by the distinguished authority to which I have been alluding for some time, and whose remarks I commend to his careful consideration.

I was very cautious in speaking about McKinley—

Says Mr. CHANDLER. [Laughter.] He did not want to overstate the matter—

but it certainly does seem to me that he is in the hands of unscrupulous managers.

[Laughter.]

They say that this year the Republicans can elect a yellow dog if we nominate one. At the same time, look at the situation. If McKinley is nominated we shall have to meet the charge that we fried the fat out of the manufacturers in the last campaign; that he fried the fat out of them again to secure his nomination, that he is continuing to fry the fat to buy his election, and that as a result, he will pay his political debts with a high-tariff bill framed solely in the interests of the manufacturers.

Now, Mr. Speaker, when Republicans come before the country, and protectionist Republicans, too, and testify to this condition of affairs in the political organization of their party, what can be said against Mr. Bayard, a foreign ambassador of the United States, who made no charge against any party, but in discussing a great economic question, a purely academic question, dared to give expression to the views which prompted him as an American citizen in holding to his theories of government, views which have been justified by every precept and declaration of his party, its every tradition and experience throughout all the past? There is no secret about it. Everybody knows the position of the party upon this question. Yet protection is the basic stone of the Republican organization; protection not of the individual, not of each and all of the people of the country, but protection of certain manufacturing industries in the country in the hands of men of wealth and capital, for whose benefit they levy tribute upon the millions of producers who earn their bread in sweat and toil, and in which protection these same toilers have no share whatever.

Now, Mr. Speaker, from the very statement made by the distinguished Senator from New Hampshire do we not see that "legislation is falling—has fallen—into the political market, where jobbers and chafferers take the place of statesmen"? That is what Mr. Bayard said.

Mr. TURNER of Georgia. And into a mercenary scramble.

Mr. DINSMORE. And, as my distinguished friend by my side suggests, into a mercenary scramble among the people as to who shall get the spoils and pay the biggest price? Now, I want to call attention further to Mr. Bayard's remarks. What was the purpose of this address? What was the subject of it? It was an address delivered by Mr. Bayard upon "Individual freedom the germ of national progress and permanence."

Individual freedom, not only in America but throughout all civilization, the right of man to participate in his self-government, and as to the principles which were most conducive to the broadest recognition of human rights. The burden of this address is individual freedom. He says in one place:

The forces of productive industry were never so great and the burdens upon their products were never so heavy. Combination and consolidation to resist injustice and competition for success have gradually arrayed capital and labor in opposite camps, in which the power of each is separately and too often adversely organized, and serious conflicts have occurred, and conflicts more serious are impending, which threaten disaster to that tranquillity and good order of the State which are essential not only for its progress but for the maintenance of the civilization to which the world has attained. * * *

When I contemplate the autocratic power which is exercised in some countries to-day, and behold the organized and associated powers of wealth and numbers welded in such an overwhelming phalanx in others, I ask, Where is the safety and personal freedom of the individual? How is it to be guarded and secured? For the freedom of its individual members is the essential basis of the freedom of the state. The movement of the day, sometimes open, sometimes concealed in the robes of philanthropy and paternalism, but more often discernible in policies purely selfish, is toward state socialism as an opposing force to autocracy. But either is despotism and fatal to that individual freedom of man's mind and soul which is the instrumentality by which the world, under the very laws of its origin and progress, has been raised from brutality and barbarism to its present standard of civilization.

These problems of society rise on every side, and the peace and order of the world are seriously menaced.

I told you that Mr. Bayard was discussing this as an academic question. He is not confining it to his own country. He does refer later on to his own country, but he speaks of the general view he is taking of it as a question which interests civilization everywhere:

The centripetal forces seem to move almost irresistibly toward consolidation and centralization, and in the presence of such exaggerated militarism, with its stupendous powers; with the vast plutocratic combinations of incorporated wealth and capital so closely in alliance; with the widespread national and international popular organizations of labor, with their solidified, massed, numerical force, one asks, with just alarm, what is to become of the

individual, the free man, the essential unit of a society that hopes to retain the principle of growth and progress; of adaptation to those advances and improvements which demand the open mind, the complete liberty of human faculties, first for their discovery, and after that for their reception and assimilation? Is there not cause to fear lest between the upper and the nether millstones of the twin despotisms, military absolutism and socialistic tyranny, the freedom of the individual may be ground to death?

I read this to show the topic and burden of his address all through, which is the recognition that should be given by all governments to the social unit, the individual man; and, Mr. Speaker, on this foundation all good government is erected:

We are witnessing in our day the decline and fall of empires once mighty in their material force, but now inert, decrepit, devoid of the seminal principle of growth or the sustenance of a moral order. And it is plainly apparent that these are the necessary and logical consequences of despotic government, the destruction of personal freedom, the enfeeblement of the moral fiber, the paralysis of individual intellectual and moral growth.

* * * * * * *

It has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted.

The gentleman says it is meant for the Republican party. Why do you say that? The Republican party is not meant; but it is meant for that class of citizens and subjects of the different governments of this world who demand that government shall be administered for their benefit, discriminating against other people. They demand the levy of tribute for their sake on other individuals, and this is in utter nonconformity with any just principle of government.

But my friend who last addressed the House so entertainingly and so eloquently referred to a long line of statesmen whom he enumerated, whom he aligned upon the side of the protective system.

Webster, said he, and Clay and Lincoln. Hear what Mr. Webster said in answer to the position taken by the gentleman that all the great achievements of American manhood and thrift have been under the benign influence and made possible by the system of protection. Here is what Webster said in speaking of the great merchant marine of the United States, of our ships, and our commerce:

How, sir, do shipowners and navigators accomplish this? How is it they are able to meet and in some measure to overcome universal competition? Not, sir, by protection and bounties, but by unwearied exertion, by extreme economy, by unshaken perseverence, by that manly and resolute spirit which relies on itself to protect itself.

That is the language of Webster. He did not adopt the sentiment expressed by the distinguished gentleman from Iowa, nor did he adopt the sentiment expressed by any of these gentlemen. Webster paid a higher tribute to American character than my friend. Webster said he should rely and did rely on his own energy, his own power of achievement and accomplishment, upon his own intellect, his own brawn; and it is these that have made the American character great, Mr. Speaker.

The tendency to establish a system of protection, building up one interest at the expense of other interests, has a tendency to debauch political society. It is necessity that is the mother of invention, not protection, not discriminating laws. "Necessity is the mother of invention," and therefore my friend, when he speaks of the great march in discovery and inventions and science by the people of the United States, is wrong when he attributes it to protection, because protection enables men to obtain unearned profits. Protection is not protection if it does not enable him for whose benefit it is imposed to demand of him who deals with him more for his merchandise than he could otherwise demand for it.

Protection does not foster an industry unless it gives power to take from the pockets of those who consume the products of that industry more than could otherwise be obtained for them, and the only means by which more can be obtained is by precluding others from coming here and selling us articles of the same character at cheaper prices, every dollar of the excess price being taken from the pockets of the consumer, every cent of it taken from the toil and sweat of labor and given to the men who do not earn it, to the men who still stand up in solid column with those of his own persuasion and vote the Republican ticket and contribute of his unjust gains to nominate as his candidate one who personifies the principles by which they live. [Loud applause on the Democratic side.]

Mr. Speaker, I have no interest in who shall be the nominee of the Republican party, but some of these people—some of these leaders of the Republican party—resent this boom which has been manufactured for Mr. McKinley by the use of "fat" fried out of the manufacturers, because they say "there are others." [Laughter and applause on the Democratic side.] There are other people in this country who favor protection. There are other people who have illuminated the subject and enlightened the country upon it. There are other people who are familiar with the details, and who are willing to have the manufacturers' votes. Why, that is true. There are men of eminent ability, men of learning, men of leadership. But they must settle the controversy among themselves. Shake not your gory locks at us; you can not say we did it. The testimony as to that does not come from us. That is testimony from good Republican authority to us, and by good authority I mean certainly a reputable witness. [Laughter.]

But, Mr. Speaker, shall the House of Representatives by the passage of resolutions indulge in the censure of Ambassador Bayard? Why is he to be made the first example? This is a new departure in the history of Congress. Why did not a Republican Congress select a Republican victim? Why not go into the judiciary of the country and denounce the learned judges on the Supreme Bench of the United States for daring to speak out against this plutocratic power, operated in the interest of a select few? Doubtless all of you remhmber the decision of the Supreme Court of the United States in 20 Wallace, in the case of the Loan Association against Topeka. This principle is spoken of by the learned judges, Republican judges. Here it is in the Supreme Court reports of the Government of the United States, coming from the highest judicial tribunal in the world. It is placed upon record there. Say the Supreme Court, by Justice Miller, a member of that great court:

The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people. It was said of Chief Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 cents imposed by the United States on the circulation of any other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can readily be employed against one class of individuals and in favor of another so as to ruin the one class and give unlimited wealth and prosperity to the other if there is no implied limitation of the uses for which the power may be exercised.

Then he goes on with this language:

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and to build up private fortunes——

The SPEAKER. The gentleman's hour has expired.

Mr. MILES. Mr. Speaker, I move that the gentleman's time be extended.

Mr. TUCKER. Mr. Speaker, my friend is nearly through with his remarks and asks unaimous consent that he be allowed to continue his remarks this evening.

The SPEAKER. The gentleman asks unanimous consent that he be permitted to continue his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BARRETT. Does that mean that the time is to be actually divided between both sides?

Mr. DINSMORE. I am sure that nobody will have reason to complain as to the division of the time. I will draw my remarks to a speedy conclusion.

But, says Justice Miller:

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

Ah, Mr. Speaker, here you have the Democratic view. Here you have the view that was sustained by the great statesmen whom the gentleman from Iowa ranged before the House to-day. A tax which is imposed for the purpose of raising revenue for defraying the necessary expenses of the Government is a legal, constitutional, just tax; but a tax which is taken by the hard hand of power to bestow a fostering protection upon any industrial institution is robbery.

Why were not resolutions introduced to censure Justice Miller, of the Supreme Court? You seem to cover all creation, gentlemen of the House of Representatives. Your powers are not restricted to the legislative department of the Government. They are in the Constitution, but not in your conceit. No pent-up Utica confines your powers. You just reach out and take in all creation, notwithstanding the provisions of the Constitution as to the restricted jurisdiction of the different departments of the Government.

Mr. Speaker, I would like to go further into Mr. Bayard's views, to read them and to place them before the country as they appear in this magnificent speech which I commend rather than condemn before the people of this country. What is it he has done? He has stood as an American citizen speaking, in the face of the world, in advocacy of one of the dearest of all the inestimable blessings which the American people enjoy, the right of the individual citizen, the freedom of the man, the sovereign unit of American society, in whose behalf Mr. Bayard uttered these bold statements, which I indorse from beginning to end with heart and soul [applause on the Democratic side]; a sentiment, Mr. Speaker, which not only lies at the foundation of our Government, but which is the chief stone of the corner, the beautiful keystone of the arch which, while it adds to the beauty and symmetry of the fabric, strengthens and holds up the whole towering superstructure.

Individual rights, equality before the law! This has ever been the slogan of Democratic battle—the recognition of the rights of every citizen, and the denial of the right of Government to lay its hand upon your property and deprive you and your wife and children of it, and bestow it upon others who did not toil to earn it. Then, Mr. Speaker, shall we be told that a representative Democrat, I care not where, I care not in what character nor in what presence, shall be denied the privilege of opening his mouth and speaking for the birthright of American freemen? Go tell the eagle that bathes his plumage in the pure air and golden sunlight of God that he shall not send forth his hoarse cry of defiance from his eyrie on the rock! [Applause.] Go tell the antlered monarch of the forest, that drinks from the brook in the valley and crops the flowers from the hillside, that sniffs the breeze, that when danger approaches he shall not sound a shrill note of alarm on the crisp morn to his following herd!

Mr. Speaker, as air and light are gifts of God to created living things, his greatest gift to man is the right of equal government, the right to enjoy the widest liberty, and the right to be protected form unjust taxes and unjust discriminations. This, Mr. Speaker, is democracy. This is Americanism. This is republicanism in its broadest sense; not in the narrow partisan sense. It is what every man, whether in office or in private life, should ever dare to speak for; and so long as I have the power of utterance I expect to stand by it. Mr. Bayard's speech was addressed to the manhood of the world; to those who are willing that the rights of the individual shall be conserved and protected; to those who are unwilling that the hand of taxation shall be laid upon the masses for the benefit of any special class. To these it comes as a glad message and is welcome. If it is unwelcome to those who hold different views, I care not. I say, with all dutiful respect to individual gentlemen, that I am indifferent how they regard it. Let the galled jade wince! [Prolonged applause on the Democratic side.]

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask the gentleman to withdraw that for a moment that I may offer a resolution.

Mr. HITT. Very well.

CLERK HIRE FOR COMMITTEE ON BANKING AND CURRENCY.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask present consideration for the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the chairman of the Committee on Banking and Currency be authorized to expend not to exceed $150 as compensation for the employment of stenographers and typewriters, in addition to the $150 covered by resolution passed February 15, current session of Congress, the same to be paid out of the contingent fund of the House.

The resolution was adopted.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1816) for the relief of Michael Ryan; and

A bill (H. R. 5229) for the relief of George H. Lott.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOVENER, for ten days, on account of important business.

To Mr. GILLET of New York, for five days, on account of important business.

To Mr. PARKER, for six days, on account of important business.

The House then, on motion of Mr. HITT (at 5 o'clock and 25 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Postmaster-General, transmitting a reply to the House resolution of January 7 in relation to the changes in the clerical force and clerks employed in lieu of canceling machines—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting copies of the findings filed by the court in the cases of W. S. and J. N. Chaney, executors of Andrew J. Chaney, deceased; William Edmiston, jr., executor of William Edmiston, deceased, and Nelson Mullins against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2673) to remove discriminations against American sailing vessels in the coasting trade, reported the same without amendment, accompanied by a report (No. 848); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred House bills Nos. 41 and 3814, reported in lieu thereof a bill (H. R. 7383) to finally adjust the swamp-land grants, and for other purposes, accompanied by a report (No. 853); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5983) authorizing the town of Shawnee, Oklahoma Territory, to sell and give title to certain lots in said town of Shawnee, reported the same with amendment, accompanied by a report (No. 854); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred House bill No. 143, reported in lieu thereof a bill (H. R. 7411) to provide for the erection of a monument at Fort Recovery, Mercer County, Ohio, accompanied by a report (No. 855); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under Clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 2889) for the relief of James Miller, of Bourbon County, Ky. (Report No. 840.)

The bill (H. R. 5911) to direct the Secretary of War to appoint a commission to ascertain and report the facts concerning the taking of property for the use of the Army of the United States and destroyed at Cynthiana, Ky., on June 11, 1864. (Report No. 841.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 5880) granting an increase of pension to Greenville Puckett. (Report No. 842.)

The bill (S. 1343) granting an increase of pension to Enoch G. Adams. (Report No. 843.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 997) granting a pension to Ella D. Cross. (Report No. 844.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting. (Report No. 845.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4494) granting a pension to Barton S. Dawson. (Report No. 846.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 1646) for the relief of Dolly S. Brown. (Report No. 847.)

By Mr. CURTIS of Iowa, from the Committee on the District of Columbia: The bill (S. 789) for the relief of Kate Winter. (Report No. 850.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 6417) to complete the military record of Caleb L. Jackson. (Report No. 851.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 4519) granting a pension to John Zellers. (Report No. 852.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7378) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber farming, and grazing lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. WILSON of Idaho: A bill (H. R. 7379) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895—to the Committee on Public Buildings and Grounds.

By Mr. ALDRICH of Alabama: A bill (H. R. 7380) for the erection of a public building at Talladega, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ODELL: A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y.—to the Committee on Naval Affairs.

By Mr. HILL: A bill (H. R. 7382) to increase the elasticity of national bank note circulation—to the Committee on Banking and Currency.

By Mr. SCRANTON: A bill (H. R. 7384) to establish a military post at or near Scranton, Pa.—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 7385) ceding the territory known as Greer County to the State of Texas—to the Committee on the Territories.

By Mr. MEIKLEJOHN: A bill (H. R. 7391) granting to the incorporated town of Valentine, in the county of Cherry and State of Nebraska, certain lands, and for other purposes—to the Committee on the Public Lands.

By Mr. NEWLANDS: A bill (H. R. 7407) to prevent the destruction, defacement, or removal of surveyors' stakes or monuments—to the Committee on the Public Lands.

By Mr. McLACHLAN: A bill (H. R. 7408) to provide for the purchase of a site for the Government Printing Office, and the construction of buildings therefor—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A joint resolution (H. Res. 143) appropriating $500 to pay for expenses to be incurred by the investigation of the titles and claims of purchasers and settlers in the county of Greer, in the State of Texas—to the Committee on the Public Lands.

By Mr. WOODMAN: A resolution (House Res. No. 211) to appoint W. D. Catlett to the charge of the ladies' reception room—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6519) granting a pension to Herman Dellit; and the same was referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HEPBURN: A bill (H. R. 7386) for the relief of Henry H. Wright—to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 7387) granting a pension to Charles F. Berger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7388) to carry out the findings of the Court of Claims in the case of Henry Sharp—to the Committee on War Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 7389) to pension Mrs. Sarah E. Wedelstedt—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7390) for the relief of Cyrus Martin—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7392) granting a pension to Ann S. Andrews—to the Committee on Invalid Pensions.

By Mr. MONEY: A bill (H. R. 7393) in relation to the pay of Rear-Admiral Roger N. Stembel, retired—to the Committee on Naval Affairs.

By Mr. NEILL: A bill (H. R. 7394) granting an honorable discharge to John W. Ballard, sergeant Company C, First Missouri Cavalry—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.—to the Committee on Military Affairs.

By Mr. ODELL: A bill (H. R. 7396) for the relief of John King—to the Committee on Military Affairs.

By Mr. RAY: A bill (H. R. 7397) granting an honorable discharge to Ephraim Odell—to the Committee on Military Affairs.

Also, a bill (H. R. 7398) granting a pension to Rachel Engle, widow of Jacob Engle, late corporal Company H, One hundred and ninth Regiment New York Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7399) granting a pension to Robert Persley, late a Government employee in the United States military railroad service—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7400) for the payment of 19 Treasury settlements heretofore certified and reported by the Secretary of the Treasury for appropriation—to the Committee on Appropriations.

By Mr. STEELE: A bill (H. R. 7401) for the relief of Henry C. Corbet—to the Committee on War Claims.

By Mr. STOKES: A bill (H. R. 7402) for the relief of St. Stephen's Church—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 7403) granting a pension to Joseph Kemer—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 7404) for the relief of John W. Smith, of West Virgina—to the Committee on War Claims.

By Mr. McCLURE: A bill (H. R. 7405) for the relief of Jonathan Frampton—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7406) for the relief of S. N. Young and wife—to the Committee on Claims.

By Mr. NEWLANDS: A bill (H. R. 7409) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress—to the Committee on Claims.

By Mr. LINTON: A bill (H. R. 7410) to amend the military record of Robert Tubbs—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of E. P. Williams and other citizens of Duquesne, Allegheny County, Pa., praying that religious publications be given every advantage in circulation of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of 64 citizens of Camden, Allegheny County, Pa.; also petition of 65 citizens of Dravosburg, Allegheny County, Pa., praying for free commerce on the Monongahela River—to the Committee on Rivers and Harbors.

By Mr. BROMWELL: Resolutions of the Bronze Club of Cincinnati, Ohio, opposing the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. BULL: Petition of the Reliance Mill Company, H. C. Clark, president, of Providence, R. I., for an appropriation to widen and deepen the draw way of the stone bridge over Seaconnet River, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. COOK of Wisconsin: Remonstrance of Col. J. A. Watrous, of Milwaukee, Wis., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of Liberty Bell Council, Junior Order United American Mechanics, Pittsburg, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial in "Pittsburg defense claims," for reference of the claims to the Court of Claims for file with House bill No. 6625—to the Committee on War Claims.

By Mr. FLETCHER: Petition of the Civil Engineers' Society of Minneapolis, Minn., in favor of amending the Aldrich bill, relating to public buildings—to the Committee on Public Buildings and Grounds.

By Mr. GROUT: Petition of Ezekiel Emerson, of Rochester, N. Y., and 11 others, in behalf of a service pension of not less than $8 per month—to the Committee on Invalid Pensions.

Also, testimony in the case of Lucinda Andrews, of Essex, Vt., daughter of Gideon Curtis, a soldier in the Revolutionary war and the war of 1812—to the Committee on Pensions.

By Mr. HENDERSON: Resolutions of the Iowa Commandery of the Loyal Legion of the United States, for the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of Rev. T. C. Smith and 50 other citizens of Clarinda, Iowa, praying for an amendment to the Constitution recognizing Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

By Mr. HITT: Petition of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill., for an investigation of the Brooklyn Navy-Yard—to the Committee on Labor.

By Mr. JENKINS: Remonstrance of W. L. Sadler, of Clearlake, Wis., and 100 others, against the passage of joint resolution proposing an amendment to the Constitution of the United States so as to acknowledge Almighty God—to the Committee on the Judiciary.

By Mr. KIEFER: Petition of W. W. Pendergast, State superintendent of public instruction, of St. Paul, Minn., in favor of House bill No. 5969, to adjust land grants for educational purposes—to the Committee on the Public Lands.

By Mr. LOUD: Petition of C. W. Simpson, publisher, of Colorado, Tex., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Kennard Shoe Company and S. H. Chisholm, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Petition of Thomas Bridgford and 24 other citizens of Cambridge, Mass., asking favorable consideration of religious publications under the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Massachusetts Historical Society, urging legislation enabling the Secretary of State to prepare for publication the records of the Continental Congress—to the Committee on Appropriations.

Also, resolutions of the Mount Vernon League, of Boston, Mass., indorsing a bill to amend the immigration laws of the United States—to the Committee on Immigration and Naturalization.

By Mr. McLAURIN: Petition of the members of St. Stephen's Evangelical Lutheran Church; also petition of the members of the Ladies' Aid Society of St. Stephen's Evangelical Lutheran Church; also petition of the officers of St. Stephen's Evangelical Lutheran Church, for relief for the destruction of their church at Lexington, S. C., during the late war—to the Committee on War Claims.

By Mr. MEREDITH: Paper to accompany House bill for the relief of Cyrus Martin—to the Committee on War Claims.

By Mr. MILLIKEN: Paper to accompany House bill granting a pension to Ann S. Andrews, of Belfast, Me.—to the Committee on Invalid Pensions.

By Mr. MEYER: Petition of publisher of the Republican, New Orleans, La., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: Petition of L. C. Patterson and 46 other citizens of Butler, Pa.; also petition of Rev. S. F. Hotchkin and 45 other citizens of Philadelphia, Pa., praying for the recognition of God in the Constitution—to the Committee on the Judiciary.

Also, petition of Hope Council, No 41, Order United American Mechanics, of Attleboro, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of National Temperance Society of New York City, praying Congress to authorize a commission to make an impartial inquiry into the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. OVERSTREET: Petition of E. G. Regannas and 59 others, of Hope, Ind., asking for the passage of an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of J. J. Johnson and 60 others, asking relief for J. W. Thomas, to accompany House bill No. 2252—to the Committee on Invalid Pensions.

By Mr. PARKER: Petition of the Woman's Christian Temperance Union of New Jersey, praying for the establishment of a commission on arbitration—to the Committee on Foreign Affairs.

By Mr. RAY: Affidavits and certified copy of divorce of Rachel Engle, in support of her claim to be reinstated as a pensioner—to the Committee on Invalid Pensions.

Also, petition of veterans from Delaware County, N. Y., in favor of increase of pension—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Petition of the Scranton Board of Trade, Scranton, Pa., favoring the passage of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petition of G. F. Hall and 59 other citizens of Adrian, Mich., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. STRODE of Nebraska (by request): Petition of E. D. Howe and J. B. Pepoon, of Elk Creek, Nebr., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Petition of citizens of Altoona, Pa., for the passage of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Alex. Hayes Council, No. 399; Winifrede Council, No. 19, and Maple Grove Council, No. 318, Order United American Mechanics; also Troy Hill Council, No. 319, Junior Order United American Mechanics; also of Washington Camp, No. 109, Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Bennett, Pa., opposing a change in the present postal laws with reference to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petition of J. E. Godbey and George Thornburgh, praying for favorable action on House bills Nos. 838 and 4566, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of R. C. Britton and others, of Saugatuck, Mich.; also petition of H. W. Williams, of South Haven, Mich., against the passage of House bills Nos. 4331 and 5815, respecting the manning of steam and sail vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of E. E. Ellege and others, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. WOODMAN: Petition of certain members of the House of Representatives, to accompany a resolution (No. 211) to authorize the Doorkeeper of the House of Representatives to appoint W. D. Catlett employee in charge of the ladies' waiting room—to the Committee on Accounts.

By Mr. WOOMER: Petition of O. M. Wendling and 99 members of Washington Camp, No. 58, Patriotic Order Sons of America, of Jonestown, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *March 19, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

TREASURY SETTLEMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report of the claims of Treasury settlement No. 4813 in favor of the Sun Mutual Insurance Company, of New York; the Commercial Mutual Insurance Company, of New York; the Atlantic Mutual Insurance Company, of New York; the assignees of the Washington Marine Insurance Company, of New York, and of Treasury settlement No. 9657, in favor of the assignees of the Washington Marine Insurance Company, of New York; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of R. L. Magruder, William T. Reed, Thomas E. Ogram, Jacobs Bros., and sundry other citizens of Washington, D. C., praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of sundry citizens of Wisconsin, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Woman's White Ribbon Society of Minnesota, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of John W. Wilson and sundry other inmates of the Nebraska Soldiers and Sailors' Home, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Aaron Hough and sundry other citizens of Bartlett, Nebr., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the law of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented a petition of sundry citizens of the Little Rockies mining district, of Choteau County, Mont., praying for the enactment of legislation providing for the opening to public settlement of a portion of the Belknap Reservation, ceded to the Government by the treaty with the Gros Ventres and Assinaboine Indian tribes October, 1895; which was referred to the Committee on Indian Affairs.

He also presented a petition of 127 citizens of Bozeman, Mont., a petition of 48 citizens of Boulder Valley, Mont., and a petition of 102 citizens of Red Lodge, Mont., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. KYLE presented a memorial of the Peace Association of Friends of Mount Vernon, S. Dak., and a memorial of sundry citizens of Badger, S. Dak., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. CULLOM presented a petition of sundry citizens of Benton, Ill., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 14, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Rockford Central Labor Union, of Rockford, Ill., remonstrating against the enactment of legislation providing for the coast defenses of the country, and also against increasing the military power of the United States; which was referred to the Committee on Coast Defenses.

Mr. CALL. I present a paper, in the nature of a memorial from R. N. McConnell, of Oklahoma City, Okla., in relation to a bill which has already passed the House of Representatives, requiring one year's continuous residence in a Territory as a prerequisite to obtaining a divorce there, and giving the reasons why such a bill should not become a law. I move that the memorial be referred to the Committee on Territories.

The motion was agreed to.

Mr. DAVIS presented a memorial of James Bryant Post, No. 119, Grand Army of the Republic, of Minneapolis, Minn., remonstrating against the proposed change in the arrangement of the stars and stripes on the national flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the Civil Engineers' Society of St. Paul, Minn., praying that the bill (H. R. 1470) providing for the appointment of a commission of public architects be amended so as to provide for the appointment of at least one civilian civil engineer; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Minnesota, praying for the enactment of legislation granting protection to the suffering Armenians in Turkey; which was ordered to lie on the table.

He also presented the memorial of H. E. Crane and sundry other citizens of Minnesota, and a memorial of sundry citizens of Minnesota, remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States and also against the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. COCKRELL presented a memorial of the National Woman's Christian Temperance Union of Kansas City, Mo., remonstrating against the enactment of legislation to establish a bureau of military education and to promote the adoption of uniform military drill in the public schools of the several States and Territories; which was referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying for the passage of House bill No. 4447, to create an Executive Department to be known as the Department of Commerce; which was referred to the Committee on Commerce.

Mr. McBRIDE presented a petition of Lucea H. Additon, president, and 150 other members of the Multnomah County Woman's Christian Temperance Union, of Portland, Oreg., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented the petition of T. P. Kane and 102 other citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which was referred to the Committee on the District of Columbia.

Mr. WOLCOTT presented a memorial of the Civic Federation of Denver, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of Cripple Creek, Colo., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented a memorial of Council No. 58, American Protective Association, of Crested Butte, Colo., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

Mr. THURSTON presented a petition of sundry citizens of Clearwater, Nebr.; a petition of sundry citizens of Inman, Nebr., and a petition of sundry citizens of Geneva, Nebr., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SQUIRE presented a petition of sundry citizens of Battleground, Wash., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 14, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of San Francisco, Cal., praying for the passage of Senate bill No. 1242, to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; which was ordered to lie on the table.

He also presented a petition of the county commissioners of Mason County, Wash., and a petition of the town council of Waterville, Wash., praying for the speedy construction of the Nicaragua Canal under the control of the Government; which were referred to the Select Committee on the Construction of the Nicaragua Canal.

He also presented a memorial of sundry citizens of Stillaguamish, Wash., and a memorial of sundry citizens of Norman, Wash., remonstrating against the appropriation of money for sectarian purposes; which were referred to the Committee on Appropriations.

Mr. QUAY presented a petition of the claimants to accompany the bill (S. 2398) to refer the claims of Armstrong and others to the Court of Claims, heretofore introduced by him; which was referred to the Committee on Claims.

Mr. BAKER presented additional papers to accompany the bill (S. 1959) to restore John F. Lewis to the United States Army with the rank of captain of infantry, and place him upon the retired list, heretofore introduced by him; which were referred to the Committee on Military Affairs.

Mr. DANIEL presented the petition of John Taylor Wood, of Washington, D. C., praying for the enactment of legislation removing his political disabilities; which was referred to the Committee on the Judiciary.

HARBOR AT STILLWATER, MINN.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn., to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BREAKWATER IN MARQUETTE BAY.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay, to report it without amendment. It is of the same character as the joint resolution just reported by the Senator from Minnesota, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARBOR OF FAIRPORT, OHIO.

Mr. SHERMAN. As the chairman of the Committee on Commerce is not present, I move that that committee be discharged from the further consideration of the joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor. The measure is similar to the one just passed. It is necessary to have a survey of the port of Fairport, and a joint resolution is required. I therefore ask that the Committee on Commerce be discharged from its further consideration and that it be put upon its passage.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Committee on Commerce will be discharged from the further consideration of the joint resolution. The Senator from Ohio asks for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FRYE. I simply wish to say that the joint resolution from which the Senator from Ohio had the Committee on Commerce discharged, and which is now upon its passage, I was instructed by the committee to report favorably this morning.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROVIDENCE RIVER AND NARRAGANSETT BAY.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island, to report it without amendment.

Mr. ALDRICH. As this is a joint resolution of inquiry, and the information sought, to be available, must be obtained at once, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. It is a joint and not a concurrent resolution?

Mr. ALDRICH. It is a joint resolution. It requires the assent of the other House and the approval of the President. That is the way I intended to have it.

Mr. HOAR. The committee came to that conclusion?

Mr. FRYE. We came to the conclusion that a joint resolution is necessary.

Mr. HOAR. A statute?

Mr. FRYE. Yes, sir.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3432) for the relief of John E. Evans, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (S. 1544) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 134) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases;

A bill (S. 1090) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases;

A bill (S. 1198) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases;

A bill (S. 1793) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; and

A bill (S. 2548) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases.

Mr. COCKRELL. I am also directed by the Committee on Military Affairs to report a bill. I shall hereafter submit a written report to accompany it.

The bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy was read twice by its title.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1471) to establish the customs collection district of Santa Barbara and to make the city of Santa Barbara a port of entry and delivery, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 574) granting a pension to Caroline A. Slocum, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1269) granting an increase of pension to John S. Hall, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 594) for the relief of Augustus Boyd, reported it with an amendment, and submitted a report thereon.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 1731) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895, reported it with an amendment, and submitted a report thereon.

NOTES ON THE YEAR'S NAVAL PROGRESS.

Mr. HALE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper cover 2,000 additional copies of Notes on the Year's Naval Progress, General Information Series, No. XIV, prepared by the Office of Naval Intelligence, Navy Department, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for use of the Office of Naval Intelligence, Navy Department.

CANAL AND LOCKS AT THE CASCADES OF THE COLUMBIA.

Mr. McBRIDE. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of the canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canals and locks to navigation, to report it without amendment, and I ask for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution.

Mr. MITCHELL of Oregon. I hope my colleague will ask for the present consideration of the joint resolution.

Mr. McBRIDE. I have done so.

Mr. MITCHELL of Oregon. I will state that it is recommended by the Chief of Engineers, and has the unanimous approval of the Committee on Commerce of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. ALDRICH. From the Committee on Rules I report the resolutions which I send to the desk, and I ask for their present consideration.

The resolutions were read, as follows:

Resolved, That Rule XXV be amended so as to include within the list of standing committees a Committee to Establish the University of the United States, to consist of nine Senators, and a Committee on Forest Reservations and the Protection of Game, to consist of seven Senators, and a Committee on Corporations Organized in the District of Columbia, to consist of five members; and that from and after June 30, 1895, the designation of the Committee on Epidemic Diseases shall be Committee on Public Health and National Quarantine.

Resolved, That the membership of the Committee to Establish the University of the United States, the Committee on Forest Reservations and the Protection of Game, and the Committee on Corporations in the District of Columbia continue during the present Congress the same as the select committees on those subjects are now constituted, and that the said select committees be, and are hereby, abolished.

The Senate, by unanimous consent, proceeded to consider the resolutions.

Mr. ALDRICH. These are changes made in the form of the committees named, and they are changes that were generally agreed to at the time the organization of the Senate was completed. I think there will be no objection on the part of anyone to the adoption of the resolutions. The purpose is simply to make the select committees standing committees, and the membership of the select committees is to remain as the membership of the standing committees constituted for the present Congress.

Mr. HARRIS. May I ask the Senator from Rhode Island whether either resolution proposes to abolish any of the committees; and if so, which committees?

Mr. ALDRICH. It simply changes the names of three committees and makes those three committees standing committees of the Senate instead of select committees.

Mr. HARRIS. It continues the committees under another name and makes them standing instead of select?

Mr. ALDRICH. Precisely.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2571) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite; which was read twice by its title, and referred to the Committee on the Library.

Mr. McMILLAN introduced a bill (S. 2572) to incorporate the Convention of American Instructors of the Deaf in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GIBSON introduced a bill (S. 2573) to extend Seventeenth street NW. to Park street; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 2574) to tax immigrants coming to the United States not in vessels of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2575) granting an increase of pension to William Carothers; which was read twice by its title.

Mr. COCKRELL. To accompany the bill, I present a petition numerously signed, and the affidavits of Dr. Daniel Ross and of Messrs. H. S. Dewitt, Isaac M. Seals, J. C. Mummey, and J. T. Sipe. I move that the bill, with the accompanying papers, be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DANIEL introduced a bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the joint resolution (S. R. 6) proposing an amendment to the Constitution, providing for the election of United States Senators by the people; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

CLATSKANIE RIVER IMPROVEMENT.

Mr. MITCHELL of Oregon submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate at his earliest convenience an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon, from its mouth to the town of Clatskanie, based upon report transmitted to Congress and printed in House Executive Document No. 330, Fifty-third Congress, third session, and other data in possession of the War Department.

RESOLUTIONS PASSED OVER.

Mr. BLANCHARD. I ask unanimous consent to call up for consideration the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company.

The VICE-PRESIDENT. The morning business is not yet concluded.

The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, proposing to direct the Committee on the District of Columbia to obtain from the Washington Gas Light Company a statement of its affairs.

Mr. CALL. The resolution may lie over for to-day.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HARRIS. I ask the unanimous consent of the Senate to consider at this time the bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn. It is a little bridge bill passed by the House, reported by the Committee on Commerce without amendment, and if it leads to two minutes' debate I will withdraw the request.

Mr. BLANCHARD. I have just submitted a request which precedes that of the Senator from Tennessee.

Mr. SHERMAN. I desire to call up the conference report on the Cuban resolutions, which is a privileged question.

The VICE-PRESIDENT. The Chair will state that the morning business has not been concluded. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a preceding day, proposing to instruct the Committee on Foreign Relations to submit to the Senate a report relative to the war in Cuba.

Mr. ELKINS. Let that go over until to-morrow.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. LODGE], coming over from a previous day, proposing an investigation by the Committee on Civil Service and Retrenchment upon the administration of the civil-service law in the Government Printing Office.

Mr. BLANCHARD. I ask the unanimous consent of the Senate for the present consideration of Senate bill 2132.

Mr. CHANDLER. What becomes of the resolution of the Senator from Massachusetts [Mr. LODGE]?

Mr. HILL. The Senator from Massachusetts is absent. I suggest that it go over.

The VICE-PRESIDENT. The Chair understood that the resolution would go over.

Mr. CHANDLER. I did not hear the announcement of the Chair. It goes over, retaining its place, without objection?

The VICE-PRESIDENT. It will be so ordered.

ORDER OF BUSINESS.

Mr. SHERMAN. I call up the conference report, the privileged question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba.

Mr. SHERMAN. No motion is required. Being a privileged question, it comes up of itself, although any Senator can raise the question.

Mr. HARRIS. I appeal to the Senator from Ohio to allow me to ask the Senate to consider the little bill that I have indicated. It will not consume three minutes of time, and I am compelled to leave the city to-morrow to be absent two or three weeks. It will be a personal accommodation to me if he can allow the bill to be considered this morning.

Mr. SHERMAN. The trouble is that there are a number of Senators in precisely the same position, and I think this privileged matter ought to be disposed of.

The VICE-PRESIDENT. The Chair will entertain the motion of the Senator from Ohio as a privileged motion. The Chair is of opinion that it requires a motion.

Mr. SHERMAN. Under the circumstances, I will yield, if no one else objects, although other Senators have insisted that we shall go on with the Cuban resolutions this morning.

Mr. BLANCHARD. I trust the Senator from Ohio will include me also in that permission.

Mr. SHERMAN. There is the difficulty.

Mr. BLANCHARD. I addressed the Chair before the Senator from Tennessee for the purpose of calling up a little bill. My bill is a very short one, and I have been absent from the Senate for four weeks.

The VICE-PRESIDENT. The Chair had recognized the Senator from Louisiana for that purpose.

Mr. HARRIS. I have no objection to the Senator from Louisiana calling up his bill, but I am trying to make terms with the Senator from Ohio.

Mr. BLANCHARD. The Senator from Ohio has agreed to yield, I understand.

Mr. HARRIS. If the Senator from Ohio does not object, I shall certainly not object to the consideration of the bill in which the Senator from Louisiana is interested.

The VICE-PRESIDENT. Is there objection?

Mr. SHERMAN. What is the question?

The VICE-PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of a bill which will be read for information.

Mr. SHERMAN. I feel bound to object. I have already given notice that I would ask the Senate to proceed with the Cuban resolutions at this time; and I must insist upon it.

Mr. HARRIS. I want to say that but for the fact that I am compelled to leave the city to-morrow, after the statement of the Senator from Ohio, I should withhold my request to take up the bill, but it being important to pass this bill at an early day, if at all, I must beg the Senate to consider it at this moment.

Mr. BLANCHARD. I yield to the Senator from Tennessee.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent for the present consideration of a bill which he will indicate.

TENNESSEE RIVER BRIDGE AT KNOXVILLE.

Mr. HARRIS. I ask the Senate to consider the bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAR IN CUBA.

Mr. SHERMAN. I now call up the privileged question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba.

The motion was agreed to.

Mr. STEWART. Mr. President——

Mr. SHERMAN. If the Senator from Nevada will allow me, I wish to state that I have heard from the Senator from Texas [Mr. MILLS], who is entitled to the floor, and he states that he is sick in bed. He is therefore not able to be present.

Mr. STEWART. Mr. President, I do not propose to prolong this discussion. I am anxious for action. The facts are too notorious to need further statement. Spain has sent during the present war more than 125,000 soldiers against a population of 1,500,000. That population has resisted Spain in this last war for more than a year. It is known of all men that for nearly a century this contest has been going on, and the people of Cuba have been struggling for liberty. If such people, situated as they are, are not entitled to the sympathy and support of the people of the United States, our boast of being lovers of liberty is vain. It is a reproach to the American people that we have stood by so long and witnessed the vain attempts of Spain to govern Cuba.

The whole situation discloses the motive for this extraordinary effort on the part of Spain to subject Cuba to slavery. The population of Cuba is about fifteen hundred thousand, two-thirds of

Spanish descent, one-third colored. The area is about 43,000 square miles. In area and population Cuba is about equal to Virginia or Tennessee. Virginia, for example, has an area of 42,450 square miles and a population of between sixteen and seventeen hundred thousand. Virginia has been struggling under a debt of less than $30,000,000. See how Cuba is situated, and judge ye whether she is not the victim of a conspiracy to enslave her.

Spain is indebted about twelve hundred million dollars. Three hundred million dollars of her bonded debt is secured by the customs revenues of Cuba, and a much larger proportion of the interest on that debt; then the interest on $300,000,000 must come from Cuba. Is it right for us to stand by and see Cuba enslaved for the purpose of paying this debt?

We have one example before us which ought to make humanity blush. A profligate Khedive of Egypt involved that country in a debt of $500,000,000, receiving for that amount of bonds about 60 cents on the dollar. The money was wasted in extravagance and foolishness. To collect that debt Great Britain took military possession of Egypt and compelled with the lash the payment of the interest and much more. There are 7,000,000 or 8,000,000 acres of land in Egypt which are annually cultivated. It requires the proceeds of that quantity of land to pay $25,000,000 of interest on $500,000,000 of 5 per cent bonds, and from $27,000,000 to $28,000,000 annually to support the expenses of a government to enslave them. From $52,000,000 to $53,000,000 is raised upon less than 8,000,000 acres of land, and it is done with the lash.

That same policy is being extended to this hemisphere. Cuba is already pledged for $300,000,000, and the expense of the present war will be added, so that her obligations will be more than the obligations of Egypt. She will have more than $25,000,000 per annum to pay for interest on the public debt, besides the armies that will be necessary for her to support, which will be used to subject her to slavery. If it were not for the obligations resting upon Cuba, if it were not for the purpose of enslaving her to make her pay for her own subjection, Spain would have abandoned her long ago. She would be compelled to abandon her to-day if the bondholders were not aiding Spain for the purpose of maintaining their security on Cuba.

If Spain holds Cuba she must hold Cuba as she has for the last one hundred years; she must hold her with an army; she must increase the debt; she must enslave her people. There is no possibility of any arrangement between Cuba and Spain which does not mean slavery of the most degrading kind for Cuba.

What would be thought if there were a mortgage of over $300,000,000 resting on Virginia or Tennessee? They are as able to pay as Cuba. What would be thought if a proposition was made to collect that amount from them with the lash? The foundation of this attempt to hold Cuba rests on the idea of greed. Is it honest, is it just, to enslave Cuba because Spain has incurred this vast debt in attempting to enslave Cuba? The debt under which Cuba groans grows out of the inability of Spain to govern her, grows out of the vast armies which have been sent there, grows out of the military persecution of Cuba; and as the military persecution goes forward the debt is increased.

We know that this is a chronic war; we know that Cuba is our neighbor, and that the people of the United States sympathize with Cuba. If the Government and the people of the United States have any duty, it is to humanity and to liberty. Here is the time, and Cuba is the object to which that sympathy should be extended, and it is extended by the American people. We can judge of this as we please. The heart of every patriot in the land goes out to Cuba, to that suffering people. Every freeman in America protests against the enslavement of that people to support Spanish armies, to collect taxes and deprive the people of the common rights of humanity. Why, then, do we need any refinement of debate? Reports from committees amount to nothing. It has been even suggested in this Chamber that we ought not to act without the report of a committee. The facts are known to all men. Cuba is at our doors. She has been groaning under Spanish oppression for a century. Her people have caught the spirit of liberty born on this continent. They are as brave, as self-sacrificing, and as heroic as any people that have ever lived on earth. They ask our sympathy in their struggle for liberty. Shall we answer the demand of the American people and extend that sympathy in the most effective way, by resolution or otherwise—anything to make it effective—and answer the aspirations of the American people, or shall we spend our time quibbling about the fact as to whether there is war in Cuba? War in Cuba! How many soldiers will it take to make war against a million and a half of men, women, and children? Is not the fact that 125,000 soldiers have been struggling for the past year ineffectually to restore peace evidence enough of war? Has not this struggle been going on during all our lives?

I hope we shall have action, and speedy action, on this conference report; and if it does not bring results let us pass a joint resolution and throw the responsibility on the Executive for thwarting the desires, the anticipations, and the hopes of the American people.

Mr. GRAY. Mr. President, in the first place, I rise to a parliamentary inquiry. I should like to have the question stated in the form in which it will appear upon the Journal. Is it an affirmative or a negative question?

The VICE-PRESIDENT. The question is upon agreeing to the conference report.

Mr. GRAY. Mr. President, as I do not agree to the conference report, I feel it imcumbent upon me to state very briefly the reasons which compel me to withhold my assent to that report. This matter of an expression of opinion by the Senate and House of Representatives concurrently in regard to the state of affairs in Cuba and the war now being waged there by the insurgents against the Spanish Government has been thoroughly discussed in the Committee on Foreign Relations, in the first place, and afterwards upon the floor of the Senate upon the report made from that committee. The resolutions adopted are expressive of the sense of the Senate, and in them they asked that the House of Representatives might concur. Those resolutions confine themselves to an expression of opinion of the two Houses of Congress that "a condition of public war exists" in the Island of Cuba "between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba;" and they further express the opinion—

> That the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerency in the ports and territory of the United States.

That resolution received not only the cordial assent of the Committee on Foreign Relations, but it received the overwhelming assent of the Senate, after due debate and consideration.

The last resolution went further:

> *Resolved further*, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. President, that resolution, couched in carefully considered and courteous language, also received the almost unanimous assent of the Senate of the United States. These two resolutions were sent to the other House, and in due course came back stricken out, and a substitute adopted by the House of Representatives was presented to the Senate as the action of that House.

While it is easy enough to say that the two sets of resolutions, those adopted by the Senate and those afterwards adopted by the House of Representatives, are substantially the same, that both express the sympathy of this country for the patriots of Cuba who are struggling for independence, and both give voice to that feeling which exists in this country undeniably in favor of any people who unfurl the banner of freedom and make a patriotic and gallant attempt to uphold it, still in a matter of this kind, where words are things, where the phraseology, though apparently differing little, may mean much, it is consistent with the dignity and sense of duty, I submit, of this body to insist upon the form in which they have chosen to give expression to their views in regard to this unhappy condition of things in this near-by island.

It would be vain to attempt to disguise the feeling of sympathy which occupies the breast of every true American in regard to this struggle. There is no use in attempting to stifle the expression of that feeling. It has been lying dormant sometimes, it is true, in the hearts of the American people, for more than a generation, and yet the Government of the United States, as in duty bound, has been observing strictly its duties toward the friendly Government of Spain; it has strictly enforced the neutrality laws which the law-making power has placed upon the statute book; it has suppressed all aid in the shape of military expeditions; it has discouraged those who would by force of arms and with their lives in their hands stand by the side of those men struggling for the freedom of their country; and it has gone to the very verge of international obligations in protecting Spain from the effect of this widespread sympathy in our country. But, Mr. President, in this, as in all other free countries, government can not deal with opinion, government can not deal with the expression of opinion; and that opinion to which I have alluded in regard to the struggle in Cuba has found proper, respectful, and courteous expression in these resolutions of the Senate.

However much Spain may be irritated, however much she may regret or complain that this feeling of sympathy exists here, and that these resolutions should find hearty support here, she has no right, from any international point of view, to find fault or call to account the Government of the United States for this expression of the opinion of its people.

Mr. President, all these resolutions of the Senate attempt to do, confining themselves within what I believe, and a majority of this Senate I think believe, is within the sphere of its power, is to express its opinion, and in expressing this opinion of the Senate and asking the concurrence of the House of Representatives, giving expression also to what we believe to be the opinion of the great

mass of the people of this country. Having done so much—it seems to me that we could do no less—having expressed that opinion, we have left to the executive branch of this Government what undeniably belongs to it solely, that is, to possess itself of the requisite information and to act in accord so far as it may with this opinion of the two Houses and the opinion of the American people so far as it may think the opinion of the Houses voices the opinion of the American people. But upon that branch of the Government rests the responsibility; and I do not complain that it should proceed with caution, with circumspection, and with a desire, holding in its hands perhaps the issues of peace and war, to do only that which, from every point of view, internationally, morally, and patriotically it is its duty to do.

But there is no reason, Mr. President, why we should here in the Senate abandon the form of resolution and of expression of opinion which we have so deliberately adopted. There is no reason why, having first acted in this matter, we should accept the substitute resolution offered by the House of Representatives, our own resolutions, prior in point of time, being contemptuously swept aside, and adopt other language and resolutions expressing a different attitude on the part of the Government of the United States and of the Congress of the United States from that adopted by the resolutions of the Senate.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. STEWART. Would not the passage of either of these resolutions be a sufficient warrant, guaranty, or indorsement of the general proposition contained therein to enable the President to proceed to recognize the belligerent rights of Cuba or to recognize the independence of Cuba, and to proceed in that line without any further action if the President shall feel disposed to do so?

Mr. GRAY. I think he would be justified in taking that course after satisfying himself as to the facts.

Mr. STEWART. Would the resolutions not be a sufficient indorsement of the principle to warrant him in doing so?

Mr. GRAY. I do not think, as I have already said, in a matter of this kind, where the subject is a delicate one, as all matters of international concern are, that we should use language which has not been carefully considered. The language of the Senate resolution has received the overwhelming assent of this body. There are grave objections, as I conceive, to the language used by the House resolutions; and although it may be well enough to say in a broad sense that the one set of resolutions and the other mean the same thing, I do not think so. At all events, I do not think that the House resolutions put the attitude of the Congress of the United States where it ought to be as correctly as do the Senate resolutions.

I will only occupy a moment in stating, what I think I ought to state, that in voting against this conference report I abate not one jot or tittle of what I have already said on the floor of the Senate in regard to this struggle in Cuba, my own individual sympathy, and hope that it may be successful, and that Spain may be led to recognize the right of the people in that unhappy island to a government of their own. But, sir, I want, while I am on my feet, to call attention to one or two matters which seem to me to justify the language used by the first Senate resolution.

We declare in that resolution that in the opinion of the two Houses of Congress a state of public war exists in the Island of Cuba. In the dispatch about which so much has been said, which appeared in a New York paper, authorized, at all events, as is conceded on all hands, by the prime minister of Spain, it appears that he called this war a civil war. God knows the news and the facts which come to us fully justify him in using that well-understood phrase as describing the condition of things in that island. With 120,000 men composing the army of Spain to put down what has been characterized on this floor as a mere emeute, a mere struggle with a few guerrilla bands, a war that has already existed for one year, and the end of that year finding those guerrilla bands, that are so sneeringly spoken of, in occupation of at least two-thirds of the island, holding more and not less of the territory which is in dispute—surely, looking at the facts as they appear upon the surface, facts which can not be denied, we are justified, after this lapse of a year, in speaking of this as a public war between those who are struggling for the independence of Cuba and the Spanish Government.

I do not need to dwell upon the incidents of past history. For more than a generation, as I have already said, Spain has failed to give a government to that island that has made its population reasonably content; there has been a constant state of war for nearly fifty years, with intervals of enforced peace. There was a war, which we have all talked about here, lasting for ten years, from 1869 to 1879, a war that was only ended by concessions on the part of Spain. The arms of the insurgents were never laid down even at the end of that long period of battle, of suffering, and of trial until concessions had been made that promised to give them, in part, the fruition of good government, for which they had been struggling.

Mr. PLATT. Will it interrupt the Senator if I ask him a question?

Mr. GRAY. Not at all.

Mr. PLATT. We have very few facts afforded us by the report of the Committee on Foreign Relations in regard to this matter, and I wish to inquire whether the charge, which has been so often made, that Spain failed to carry out its promises made at that time, or what the Senator calls the "concessions," is true, whether Spain has lived up to the concessions and promises upon which peace was established, or whether she has broken those promises; and if so, in what respect?

Mr. GRAY. I can not answer the Senator from Connecticut except by saying that the very causa causans of the present rebellion, of the present war, is asserted to be the failure of Spain to keep those promises, to grant those concessions in the direction of self-government upon which peace was obtained and the arms of the insurgents grounded.

Mr. PLATT. That is just what I am trying to get at, whether that is so or not. I had a document at my desk yesterday giving the terms upon which the insurgents capitulated in 1878 or 1879; and while I have heard it stated here over and over again that Spain did not keep her promises in that respect, I have been very anxious that we should be informed by the Committee on Foreign Relations in what respect she broke those promises.

Mr. HALE. Let me ask the Senator if he, as a member of the Foreign Relations Committee, has in any way the underlying facts of the proposition which he is now stating, that this last revolt arises in a measure from the fact which he assumes, that Spain did not carry out the provisions of the pacification of Zanjon? First, I ask the Senator if he has read the terms of the promise? I would not ask this question, except that we all feel that it is remarkable in so important a matter as this that the Committee on Foreign Relations has not furnished us with any pertinent facts as to the situation.

Does the Senator know that Gen. Martinez Campos, who is almost universally lauded now in contradistinction to General Weyler, has stated in clear terms, giving the pacification of Zanjon, the items of the documents in detail; that Spain has carried out those provisions, has given home rule to Cuba, has established a council, which is made up half by election and half by appointment of all Cubans; that representation in the Cortes has been accorded, that there are members now from Cuba and Puerto Rico in the Spanish Cortes under that pacification, and that just as Spain was enlarging those concessions for the establishment of more autonomy and home rule this revolt most untimely broke out? Does the Senator know that that is so?

Mr. GRAY. No; I do not know that that is so.

Mr. HOAR. Will the Senator allow me?

Mr. GRAY. I will content myself with that answer. I just answer now that I have no personal information on that subject.

Mr. HALE. I will only state that I have the documents, and that they will not be put in as anonymous documents, but will be put in as authentic documents, verifying the facts I have stated.

Mr. GRAY. Let me say that I was speaking of what I believed, whether on sufficient evidence or not is perhaps not pertinent just now. The legal question that is raised by these resolutions is not whether there was a justifiable action on the part of the insurgents, but whether public war existed or no, and whether the Cubans were wrong or right and were entitled to our sympathy or our denunciation is not the question presented when the matter of belligerency is under debate.

Mr. HALE. The Senator had gone further and stated his belief——

Mr. GRAY. I did go further.

Mr. HALE. That one of the largely contributing causes to this revolt was that Spain had not carried out the terms of pacification, and it was to that I addressed myself.

Mr. GRAY. Certainly.

Mr. HOAR. In that connection let me answer both questions at once.

The Senator from Ohio [Mr. SHERMAN] referred the other day—I have looked carefully at the report of his speech since, so that I make no mistake—to some promises which Spain had made at the conclusion of the old rebellion in 1878, I think that was the year of pacification, but, at any rate, whatever the time was, and said that Spain promised to do so and so, and among those promises was one to grant representation in the Cortes, and other things which he did not name, and he put in "and so forth," or some phrase of that kind, and to abolish slavery. He said Spain had failed to keep every one of those promises except as to the abolition of slavery.

Mr. SHERMAN. I hope the Senator will allow me to say——

Mr. HOAR. In a moment. The Senator said Spain refused to keep the promise to grant representation in the Cortes. As I

understand, the Senator from Ohio was totally mistaken in that belief. Spain has kept the pledge, which the Senator said she had not, to grant representation in the Cortes. Now, I want to know if the Committee on Foreign Relations stand by or do not stand by that statement of the Senator from Ohio?

Mr. GRAY. Mr. President, the Senator from Ohio is chairman of the Committee on Foreign Relations, and can answer perhaps better than I can.

Mr. HOAR. Does the Senator so understand it for one? Does the Senator understand that Spain has broken her promise to grant representation in the Cortes?

Mr. GRAY. I do not understand that the Committee on Foreign Relations have passed definitely upon that question. What they were called on to pass upon was whether, in their opinion, such a state of public war existed in Cuba as would entitle it to a recognition of belligerency.

Mr. HOAR. Then those of us who happen to think that that is an important fact, as the Senator from Ohio has stated, or he would not have used it in his argument, are left without light from the Committee on Foreign Relations whether that was so or not.

Mr. SHERMAN. Now, I hope I will be allowed to state that I read from a letter written one year after the arrangements had been made by Campos, in which he states specifically that Spain violated all its engagements except the one as to the abolition of slavery.

Mr. GRAY. That is a very important statement by the chairman of the committee. I merely replied that I did not think that the committee in its action was considering the truth or falsity of the claim made by the representatives of the insurgents, but that their proper duty was to consider whether it was such a state of public war as would justify its recognition by the Government of the United States.

Mr. PLATT. Will the Senator allow me to put in at this stage of the debate the bases of the pacification? It is a little long, but I should like to read it, if the Senator will allow me.

Mr. GRAY. I shall be glad to hear it.

Mr. PLATT. It is as follows:

ARTICLE 1. Concession to the Island of Cuba the same political privileges, organic and administrative, enjoyed by the Island of Puerto Rico.

That is all that relates to home government.

2. Oblivion of the past, as regards political offenses committed since the year 1868 up to the present, and the liberty of those under trial or who are fulfilling sentences within or outside of the island. A general pardon to the deserters from the Spanish army, without distinction of nativity, this clause to be extended to all those who have taken any part, directly or indirectly, in the revolutionary movement.

3. Freedom to the slaves and Asiatic colonists now in the insurrectionary ranks.

4. No person, who in virtue of this capitulation recognizes and remains within the authority of the Spanish Government, shall be compelled to render any service of war, so long as peace is not established in all the territory.

5. Every person who desires to leave the island shall be at liberty to do so, and he shall be furnished by the Spanish Government with the means therefor, without entering a town if he should so desire it.

6. The capitulation of each force shall take place outside the towns, where the arms, implements of war, shall be laid down.

7. The general-in-chief of the Spanish army, in order to facilitate the means for uniting the other departments (in this convention), shall make free all the means of communication by sea and land that he can dispose of.

8. The agreement made with the central junta shall be considered as general and without special restrictions for all the departments of the island which accept these propositions.

JOVELLAR.

HABANA, *19th February, 1878.*

Mr. SHERMAN. Will the Senator allow me?

Mr. PLATT. One moment. There are three other articles——

Mr. SHERMAN. I should like to read in connection with that General Campos's statement.

Mr. PLATT. In one moment. There are three other articles in a decree issued by His Majesty the King:

ARTICLE 1. Commencing with the next coming legislature, the Island of Cuba shall have its representation in the Cortes of the Kingdom upon the same terms with Puerto Rico and in accordance with its population.

ART. 2. The provincial and municipal laws of the peninsula of 2d October, 1877, published in the Gaceta de Madrid of the 4th of the same month and year, shall also be adopted in its government and administration in the manner now in force in Puerto Rico.

ART. 3. The Government of His Majesty will be solicited to apply to this island in succession, with the modifications it may deem expedient and in virtue of the provisions of article 89 of the constitution of the Monarchy, other laws already promulgated or which may be promulgated for the peninsula.

Now, if Spain failed to keep those promises, I want to know in what respect. I do not care what somebody says about it.

Mr. SHERMAN. Will the Senator allow me to read from General Campos himself? One year after he made the agreement that was read by the honorable Senator, in a letter published in Madrid July 27, 1879, after the peace of Zanjon, he says:

Promises never fulfilled, abuses of all kinds, no provision made for agriculture and public works, the exclusion of the natives from all branches of administration, and other faults in plenty, gave rise to the insurrection of Yara.

At the close of the war of 1878, the insurgents had held power and possession of nine-tenths of Cuba for ten years. Finally they were persuaded to enter into negotiations for terms, and General Campos held out to them the offer that they could have autonomy, that they could have representatives in the Cortes, that they could have a body of some 30 persons to make laws for them, that they should have protection and education, and that slavery in that country should be abolished. Those terms were agreed upon. The Cubans thereupon laid down their arms, and what was the result? The Cortes refused to carry the promise into execution, and General Campos within a year after that wrote a letter in regard to the course of the Spaniards in that matter in which he said what I have read.

It is the statement made by General Campos, who made the agreement himself, that Spain violated it in every respect.

Mr. GRAY. That is a very formidable statement to the cause of Spain, it seems to me, in this regard, a statement from her own captain-general, from a man of undoubted intelligence, patriotism, and ability, and it seems to me that it goes as far as we need go in pursuit of the truth when we consider that we are only concerned as a question of law with recognizing whether a state of actual war exists, and not as to how the war occurred.

Mr. HALE. If the Senator from Delaware will allow me, the Senator from Ohio [Mr. SHERMAN], on March 12, said:

I have here an interesting fact which I think I ought to present to the Senate. At the close of the war of 1878 the insurgents had held power and possession of nine-tenths of Cuba for ten long years, fighting constantly. Finally they were persuaded to enter into negotiations for terms, and General Campos, who was then in command, a liberal and broad-minded soldier, held out to them the offer that they could have autonomy.

Now he goes on and gives instances of how it was to be given—

That they could have representatives in the Cortes.

Does anybody deny that they have such representation?

Mr. SHERMAN. They have one representative.

Mr. HALE. I have a list of the members of the last Cortes, elected both from the Island of Cuba and Puerto Rico, and there are 45 members of the House of Deputies and 14 or 15 senators.

Mr. GRAY. How many of those representatives are appointed either actually or practically by the captain-general or the governor of Cuba?

Mr. HALE. Not one. I will go on a little further:

That they could have a body of some 30 persons to make laws for them; that they should have protection and education, and that slavery in that country should be abolished. Those were the terms which were agreed upon. The Cubans thereupon laid down their arms, and what was the result? The Cortes refused to carry the promise into execution, and General Campos within a year after that wrote a letter in regard to the course of the Spaniards in that matter.

Now, Mr. President, it is undoubtedly the fact, and it can and will be established, that every essential in that pacification of Zanjon has been granted by Spain.

Mr. GRAY. From what did the Senator read?

Mr. HALE. I was reading just now from the Senator from Ohio [Mr. SHERMAN]. Later, on the same day, the Senator said:

If Spain should renew the treaty of Campos of 1878 and faithfully observe it, the people of Cuba would eagerly accept such terms.

It has never been allowed to come before the Senate or the American people that every distinctive proposition of importance in the pacification of Zanjon has been accorded by Spain. The council of 30 persons, all Cubans, half appointed by the governor-general and half selected by the Cubans, has been in session and acting ever since.

Mr. SHERMAN. The great body of the people of Cuba are deprived of the right to vote at all.

Mr. HALE. The Senator says the people of Cuba are deprived of the right to vote. The facts do not carry out that assertion. There was a full system of voting with only a very small qualification of $5 taxes, and upon that every Cuban was allowed to vote. Then, in addition to that (we have been going on with the statement here that the Cubans have but one representative in the Cortes), I have a list which I will show to the Senator and the Senate and country, giving the names of the men who have been elected to represent Cuba in the Cortes, and, as I have said, there are 45 in the House of Deputies and 12 or 14 in the upper branch, called the Senate, and not one of those men to-day is in this revolt. Every man of them is against it. They have issued a proclamation, a manifesto, declaring that just as Spain was about to give increased representation and enlarged suffrage this revolt broke out.

I say everything of importance has been granted by Spain, and the immaterial things with reference to education, which are great in themselves, but have to be carried out according to conditions, have not been able to be carried out, because there has been a tendency to break out in revolt ever since.

I speak with some feeling in this matter, because I am laboring under a sense of indignation at the suppression of the real facts in this case and the assumption that the population of Cuba is in this revolt. The committee has kept the facts from the country.

Mr. GALLINGER. Mr. President——

Mr. GRAY. If the Senator will excuse me, as I expected to speak only five minutes when I got up——

Mr. GALLINGER. I have listened with a great deal of interest to the Senator's fervid oratory on this subject. I wish to ask the

Senator from Maine [Mr. HALE] if he does or does not know the fact that in Cuba a public meeting can not be held without a Government functionary to attend the meeting, who can suppress it whenever it suits his convenience?

Mr. HALE. The Senator from New Hampshire is speaking of something about which I know nothing.

Mr. GALLINGER. The Senator from Maine is talking about the independence and the liberty that the Cubans have, and I want to ask him what kind of liberty they have when they can not even hold a public meeting without its being suppressed at the wish of the Government.

Mr. HALE. I know of countries enjoying a great measure of liberty where the government does exercise, I will not say supervision, but some watchfulness, in times of military peril. There never was a government that did not.

Mr. GALLINGER. I spoke as to time of peace.

Mr. HALE. There were times in our emergency, during the suppression of the rebellion, when——

Mr. GRAY. Will the Senator from Maine allow me to interrupt him for a moment?

Mr. GALLINGER. I merely wish to say that this was not in time of military insurrection, but in time of peace.

Mr. HALE. What I was talking about was whether the promises were maintained and kept. This debate, as the Senator knows—and the Senator himself has shared in it—has gone on the theory that the pacification of Zanjon had been in all important matters violated. The Senator from Ohio states that. He goes on to state——

Mr. SHERMAN. General Campos states it.

Mr. HALE. I beg the Senator's pardon. General Campos, in what the Senator read, does not in any way deny that any of these important things—the abolition of slavery, the granting of the right of representation in the Cortes, the granting of a Cuban council for government—has been granted.

Mr. GRAY. We have been very much entertained with the state of belligerency which seems to exist between the Senator from Maine and the members of the Foreign Relations Committee. But what I was discussing and attempting to state in justification of my course in regard to the conference report is, in the first instance, that we are not concerned with the righteousness of the cause of the Cuban insurgents, so far as this resolution goes. It merely undertakes to say that a state of public war exists. It declares a fact, and it does not undertake in the first resolution to go into the causes that have animated the American people or the American Congress in giving this heed to the grewsome spectacle that is now being enacted before our eyes in that little island.

It does not lay the blame on anyone. It recognizes or is of the opinion that there ought to be a recognition of a state of public war precisely as Spain and France and England recognized a state of public war in this country without reference to their sympathy for or against the cause of those who had seceded from this Union of States. On the contrary, we may presume that the sympathies of those countries were against the great underlying cause which induced the secession of 11 States, to wit, the existence of slavery; but nevertheless they were compelled to take notice of the fact, and upon that fact the national and executive action was based and international relations were brought about.

Now, Mr. President, after dealing with the form of the resolutions I was proceeding to state what I can not find it in my heart to suppress, and that is my own sympathy with what I believe to be the attempt of a brave and gallant people to achieve for themselves the blessings of a free and independent government for that island. It is not an ordinary insurrection or émeute against established policy. We find a people here segregated, 3,000 miles away from the parent and governing country, in an island that geographically and politically presents all those elements that go to make up a people as distinguished from a faction or from a mere band of insurgents, bounded by the sea, hemmed in by the waters of the great Atlantic Ocean, separated from all other people and countries and with an aspiration the justice of which no American can deny. It is impossible at this late day, after all our history of a century of sympathy with every struggling republic in this hemisphere or anywhere in the world to tell us that our pulses must not beat a little quicker when we hear that men have gone out with arms in their hands ready to die for that form of government which we so proudly cherish to-day.

Mr. President, talk about a cause for an insurrection; the prima facie justification of the cause is when a people so situated band together and forsake home and comfort, abandon wives and children, and appealing to the God of nations and the God of battles for the justice of their cause offer up their lives a willing sacrifice in order that tyranny may be resisted and liberty and freedom established for those they leave behind them. That is prima facie evidence that there is a cause. No people so situated ever took such a course as that where they were living under a government that gave them a reasonable share in that liberty which belongs of right to all people and is the just inheritance of all God's creatures.

I was proceeding to say that our special and particular interest in this matter as a Government, as a nation, and as a people is the geographical proximity of that island to our own shores. We may sympathize with Armenia, but she is not our next-door neighbor. Here, however, is a community whose troubles, whose distresses, whose sufferings are taking place right before our eyes, and how long are the American people to sit quietly without any expression of sympathy when men are dying right before their faces in defense of what all Americans believe to be the rightful inheritance of mankind, the right of self-government.

Mr. HALE. Now, let me ask the Senator from Delaware, does he think it possible that there was ever an unjustifiable revolt that was in itself unreasonable and that was under conditions where wise and prudent men, loving liberty, would not advise it and sustain it? I ask if there was ever such a revolt that did not invoke all the eloquence and all the figures and all the metaphors of freedom? Does the Senator think it is possible, I repeat, that there might be an unjustifiable revolt anywhere?

Mr. GRAY. There have not been many.

Mr. HALE. Now, I should like to follow that——

Mr. GRAY. There have not been many. I can not review the whole history of the world in a moment and commit my judgment to a categorical answer or any answer other than I have given. There have not been many.

Mr. VILAS. How was it with the revolt that took place about thirty-five years ago?

Mr. GRAY. Let me read a text from which every sermon on political liberty has been preached from the time it was uttered until now, a text to which I subscribe with my whole heart, and which receives the assent, the cordial assent, of my best and most patriotic judgment. I read this, sir, in a volume that lies in the desk of every Senator:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers—

Where?—

> from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Mr. President, it is because the American people are permeated with the spirit of that text, it is because they believe in that great charter of their liberties, that to-day their hearts go out in sympathy to those who, as Washington said, have unfurled the banner of freedom in that Ever Faithful Isle of Cuba.

Mr. HALE. Now, right in the presence of that majestic declaration of the fathers, which the Senator will bear in mind is all upon the proposition that the people are struggling for liberty, does not the Senator think that there ought to be some information furnished which shall show that it is by the people, the whole people; I do not mean everybody, but the whole people, comprising the intelligent and educated people and people of substance; I do not say people of fortune alone, but to show that it is something more than an outbreak, a revolt only of particular classes? Does not the Senator think there ought to be some information furnished to us showing that the people of Cuba who are people of education and of substance are engaged in this revolt?

Mr. GRAY. That is almost too sweeping an inquiry to apply to a people struggling for liberty. The Senator will remember that in the Revolution that resulted in the independence of the then colonies, and afterwards the thirteen United States, there were large sections of our people, not ignorant, not slavish, not degraded, who resented the movement of that part of the people who struck for separation from the mother country; that there were great bodies of the population who believed not only that the war was improvident and inexpedient, but that it was unlawful and treasonable; and that they went from the country during the war and after the war by hundreds and by thousands to seek protection and to seek a home under the rule of the parent country. If we had had that test applied to our struggle for independence in the Revolution we would have been devoid of the sympathy of all the civilized world, because we could not have lived up to the test that the Senator from Maine would apply to the people of Cuba.

Mr. HALE. I do not insist upon the test that there shall be anything like unanimity, but what I insist upon, and what I think Senators feel who feel as I do about the matter, is that in Cuba, taking into account the question of misgovernment heretofore, or alleged misgovernment, what is called the Home Rule party, who have been calling for real reforms, reforms that would give them a representative government, representation in the European parliament, which our fathers demanded in 1776, and a council at home for home government, the abolition of slavery, great reforms in themselves—the entire party there who have been struggling for that, and therefore upon those things appeal to us for sympathy, is opposed to this revolt.

I am not speaking now of the Spanish Crown; I am not speaking of Spanish officials. My sympathy and my belief in this matter are not based upon that consideration; I care nothing for them. I have no communication with them in any way. But the Senator does not seem to know—it does not seem to have been brought out—that the party of reform and of liberalism in Cuba, who have been striving for these reforms and gradually getting them inaugurated since the pacification of Zanjon, and were on the eve of getting more reforms, are almost or entirely to a man opposed to the revolt, and they claim that there is no substantial part of the Cuban population that is in this revolt. If that is the case it is not the situation the American Revolution presented, because, while there was the faction of which the Senator speaks, he knows that the best part of the country was in the movement for independence—not all, but the best part of it.

Mr. GRAY. In the few interruptions that I may be permitted to make in the speech of the Senator from Maine I want merely to bring out the fact that, apart from the statement of the question I have just made, we are concerned merely with the recognition of a fact, and not with the causes justifying that fact; that my own course and my own sympathy, as I believe the sympathy of the American people, are founded upon a state of things that amply justifies the extension of that sympathy to this people.

Mr. President, we know how difficult it is in the excitement of a civil war to get at a clear, calm, and definite statement of the case on the one side or the other. Every report that comes to us from that unhappy island is colored, and naturally colored, with the prejudices of the environment in which the report starts. If it comes from Habana and from the seat of the captain-generalcy, we know it has been subjected to an espionage and surveillance that deprive it of the authenticity we would be glad it should possess. I confess also that where we now and then receive a scant report directly from the Cuban insurgents we have to take it with some grains of allowance. So we are thrown back, at the best, upon an examination of what we would call in court the circumstantial evidence of the case; and what is that circumstantial evidence, or, at least, what are its salient features?

Mr. President, can we shut our eyes to the fact that the great, gallant military nation of Spain has thought it necessary to send 120,000 of her best troops to Cuba in order to suppress this insurrection? Can it be that Spain has so far fallen from her ancient renown and her ancient military prowess that her soldiers must be multiplied by 10 in order to face the half-clad negroes and mulattoes who are spoken of here and compel them, half armed or unarmed, to submit to the power and might and puissance of that great and mighty Kingdom?

Mr. HALE. Does the Senator know how many years it took the entire Government of the United States to put down the Seminoles in Florida—little struggling bands of only a few hundred Indians? Does he know that before Osceola bended the knee the United States Government spent six years and sent 9,000 troops down there, 20 to 1 that the struggling Indians had? And yet from 1836 and 1837 up to 1841, 1842, and 1843, the Government was never able to conquer the little bands of Seminole Indians in the Everglades of Florida. So the argument that many troops must be sent there does not apply.

Mr. GRAY. That is true, perhaps, but does not the Senator recognize that when this Government was fighting those Seminole Indians it was fighting a war of extermination? They were savages. We claimed their land. We claimed that we had a right to wipe them off the face of the earth whenever they resisted the authority of the United States or declined to obey its behests in any particular.

Mr. HALE. But it took a great while to do it.

Mr. GRAY. And so it is that you can only justify the course of Spain upon the theory that she feels compelled to send enough soldiers into that island to exterminate the population, to make the island a desert, and then call it peace.

Mr. HALE. The Senator is diverting——

Mr. GORDON. Will the Senator from Delaware allow me to make a suggestion here in connection with the point made by the Senator from Maine?

Mr. GRAY. Certainly.

Mr. GORDON. The Senator from Maine surely will recognize the fact that the Seminole war was waged in the Everglades of Florida, where it was almost impossible to find solid ground on which a white man's foot could stand, and where it was impossible for even the bravest men to penetrate to the hiding places of the Seminoles.

While I am on my feet, if the Senator from Delaware will pardon me, I want to ask the Senator from Maine where is the parallel that he has suggested between this and the war in Cuba? The leaders of the Cuban insurgents have again and again approached the very capital of that island instead of hiding in the swamps, as did the Seminole Indians, while the Cuban guns were thundering but a few weeks ago in the ears of the captain-general of Cuba.

Mr. HALE. If the Senator has appealed to me, I will state that I cited it because there are similarities. I cited the instance as showing that a great government, engaged in putting down a rebellion, may be compelled to spend immense sums of money and sacrifice great numbers of troops when the element against them is small before it puts it down. The present situation, while not the same that it was in the Everglades of Florida, is to a degree like that. The insurgents here have the great advantage that the Indians had. It is hard to get at them; they appear and disappear; they do not fight battles. It takes time to do it.

Now, as to extermination, the Senator from Delaware very adroitly sought to shift the issue and pertinency of my illustration, which was simply given when he was discussing how long Spain had been in putting down the revolt. Now he says that the Seminole war was a case of extermination on the part of the Government, and he asks if I am in favor of extermination. The Seminole war was not extermination.

Mr. GRAY. I do not care to go into a discussion of the Seminole war. I think I have been indulgent enough.

Mr. HALE. I want to say that it was not a war of extermination. There never was a campaign opened when proclamation was not issued by the commanders there that if the Seminoles laid down their arms as other Indians every right of theirs would be preserved. Osceola would not lay down his arms. It became extermination because the Indians insisted on fighting.

Mr. GRAY. Now, Mr. President, so much for one great bit of circumstantial evidence that a state of public war exists in Cuba. Notwithstanding what has been said by the Senator from Maine, how are you going to reconcile it with your intelligence, with your common sense, that there in that island, containing a population about equal to that of the State of New Jersey, 120,000 soldiers, presumably brave and gallant soldiers, have been unable to suppress these insurgent bands, this revolt, these guerrillas, as they are sneeringly called? How do you account for it except by the fact that the spirit of liberty and independence permeates that whole population, or practically that whole population, and nerves their arms and gives them thews of steel to smite the oppressor that would subdue them again to the despotism in which they have been living?

Mr. President, I said there was something else. Spain considers it a war. The interview with the Spanish premier states that he called it a civil war in Cuba. We all recognize it, and why are we to be criticised here in the Congress of the United States for expressing our opinion that a state of public war exists? The resolution does not declare belligerency—that belongs to the Executive; but it may stimulate and support the Executive when he comes to use the means that are in his power and are not in ours to investigate this subject and see whether the dignity and the character and the international obligations resting upon the United States do not all justify him in acting in the spirit of this resolution and accord to these people, not the boon, but the recognition of the undeniable fact that public war exists upon that island. Whatever may be the result of it, if Spain shall again succeed in reducing that island into subjection or whether these patriots achieve what they are sacrificing their lives to achieve makes no difference. We are dealing with the present, and that is our duty, and our only duty.

But what I have said does somewhat concern the last Senate resolution, which says—

That in the opinion of the Senate the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

There is nothing in that disrespectful to Spain. She has no right to resent it. We ask for nothing but those friendly offices which one nation may offer to another in its distress and in its troubles to compose the difficulties upon some grounds that shall be just not only to Spain but also to the people of Cuba. What right has she to object to such a resolution as that?

Mr. President, international law is nothing but the body of those rules that govern intercourse of civilized nations. In their foundation and in the moral support they receive they differ nothing from those rules which govern the intercourse of civilized men in civilized society. What man, seeing his next-door neighbor engaged in a family quarrel which threatens the death of his wife and the maiming of his children, would not go and say: "For God's sake, stop this horrible struggle; let me see if I can not bring about a better state of things and restore peace at least to this distracted household"?

Mr. President, this family quarrel has been going on for fifty years, and we have stood by, loyal to our international obligations, never seeking to offend the great and renowned monarchy of Spain, but respecting her noble traditions, respecting the noble blood that courses in the veins of her people, recognizing them as a gallant and great people. But we have stood by this little neighbor, the Island of Cuba, and have heard the cries of distress. We have heard, too, the wail of the wounded and the dying year after year, and still have maintained our law-abiding character and still intend to maintain it. But are we to steel our hearts, to shut up

the fountains of our sympathy and say that we no longer are men, but are only pawns on the chessboard of international law?

Mr. President, it is not human nature. We can not avoid noticing this terrible and horrible state of things that is right under our own eyes and forces itself upon our attention. We have a right, regarding the peculiar and exceptional situation in which the island rests with reference to the United States, to say to Spain, "We protest against your attempting to subjugate this people unless you can so bring about a state of things that she shall be content with a reasonable measure of self-government and of good government that you may accord her." Govern her decently; that is all we ask.

We do not want the island. I have seen it stated that the press of France and of Germany have spoken of these debates in Congress as being actuated by the desire for territorial aggrandizement on the part of the United States. I have not heard one man within the Halls of Congress or outside of them say that he either expected or desired as an American that the Island of Cuba under any circumstances or conditions should be annexed to the United States of America. There is no sordid motive actuating the American people in the expression of the sympathy which is welling up all over this land toward those people, whom we can not help regarding as patriots struggling for liberty. There is no selfish motive; it is purely the same feeling which we accorded, and which was so eloquently expressed by the statesmen of two generations ago, toward the struggling republics of South America, or more than a generation ago to the people who had raised the banner of freedom in downtrodden Hungary.

There never has been an occasion in the history of the world since the United States achieved their independence where a struggle for freedom was being patriotically made that the sympathies of the American people have not gone out to that struggle and found expression in the halls of Congress. We are self-restrained in the character of these resolutions. We are not insulting to Spain, nor do I, in supporting these resolutions, mean to pass any reproach upon her except that she has failed in all these long years to so govern that little island as to make it reasonably content. If she be in such a situation that she can not make concessions and can not acknowledge the independence of this people, if pride or circumstance of any kind prevent her, national traditions or what not, then God help her and God pity her, for she can not, with all her pride and with all her tradition and with all her history and with all the ability that characterizes her people, resist the course of events, or the manifest destiny of every people in this Western Hemisphere of the world.

Mr. President, it is not simply this year's war we are dealing with. Ten years, from 1868 to 1878, and a period of enforced peace and of ill-concealed discontent in the interval, and back of the war of 1868, and through every administration, attracting the attention of every Secretary of State from 1850 down to the present time, the troubles of Cuba have formed part of the diplomatic business of the United States. I alluded the other day to what Mr. Everett said away back in 1852. He said:

> Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Puerto Rico—

This is a state paper, it is written and published from the Department of State of the United States—

> A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so; no word or deed of his will ever question her title or shake her possession. But can it be expected to last very long?—

That was said nearly fifty years ago—

> Can it resist this mighty current in the fortunes of the world? Is it desirable that it should be so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least $12,000,000?

Mr. President, we can not, our common sense, our judgment, and our intelligence can not abdicate their seats and leave us without a discriminating opinion in regard to the events of the world that are transpiring right at our doors. We know something of the history of the world, we know something of the causes of events, and while human hearts beat in human breasts sympathy will well up and find expression for a downtrodden and suffering people wherever in God's world they are making the fight for liberty and for independence.

Mr. President, I have but few words more to say. I know that the history of the late war in some of its aspects is not applicable to our duty in the present situation, but some challenge was made, some challenge has been made upon this floor by the Senator from Maine, of the correctness of certain statements which appeared in public prints in regard to the conduct of the Spanish authorities in suppressing the revolution from 1868 to 1878. I agree with him that statements of that kind charging such gross cruelties and inhumanities upon a friendly people ought not to be made without authentication and without due authority. Therefore I did not approve at the time of the reading of that report from the newspaper by the Senator from Ohio. But if it be pertinent at all to discuss that, and as it has been challenged and a statement made in regard to the conduct of the war against Cuba from 1868 to 1878 by the Senator from Maine, I want to call his attention to a statement that does not lack authority and that is justified in being read in the presence of the American Senate. I allude to a letter from Mr. Fish, then Secretary of State, dated April 18, 1874, to Admiral Polo de Bernabé, who was then the minister of Spain in the United States. It is a long letter, growing out of the *Virginius* affair, but he says in the opening:

> The insurrection which broke out at Yara—

I call the attention of the Senator from Maine to this—

> The insurrection which broke out at Yara, in the autumn of 1868, has had the unusual good fortune of having the justice of the complaints, which it alleges in its justification, recognized by those who are engaged in suppressing it. On the 10th of September, 1869—

Says Mr. Fish—

> the minister of transmarine affairs at Madrid, in an official paper, said:
> "A deplorable and pertinacious tradition of despotism, which, if it could ever be justified, is without a shadow of reason at the present time, intrusted the direction and management of our colonial establishment to the agents of the metropolis, destroying by their dominant and exclusive authority the vital energies of the country and the creative and productive activity of free individuals. And although the system may now have improved in some of its details, the domineering action of the authorities being less felt, it still appears full of the original error, which is upheld by the force of tradition, and the necessary influence of interests created under their protection, which doubtless are deserving of respect so far as they are reconcilable with the requirements of justice, with the common welfare, and with the principles on which every liberal system should be founded. A change of system, political as well as administrative, is therefore imperatively demanded."

Mr. President, that is from a responsible minister of Spain in regard to the then incipient rebellion in Cuba.

Mr. HALE. I caught something there that is important historically. Will the Senator read over the particular revolt, with the local name given, that Mr. Fish uses there?

Mr. GRAY. "The insurrection which broke out at Yara in the autumn of 1868."

Mr. HALE. What is the date of that letter?

Mr. GRAY. The date of Mr. Fish's paper is April 18, 1874.

Mr. HALE. And the revolt is alleged as breaking out in 1868?

Mr. GRAY. In the autumn, he says.

Mr. HALE. I wanted to get that fact, because it does not seem to accord with the time referred to before.

Mr. GRAY. I think I am justified in relying upon Mr. Fish as as an authority of sufficient respectability to read in the Senate of the United States. Mr. Fish quotes the minister of transmarine affairs at Madrid, when that minister says:

> A deplorable and pertinacious tradition of despotism, which, if it could ever be justified, is without a shadow of reason at the present time, intrusted the direction and management of our colonial establishment to the agents of the metropolis, destroying by their dominant and exclusive authority the vital energies of the country and the creative and productive activity of free individuals.

Mr. Fish goes on and speaks of what I have just read:

> But while admitting the existence of the injuries which had provoked the outbreak at Yara, the government of the revolution of 1868 refused to remedy them until the armed insurrection should be suppressed. "Spain would already have given all constitutional liberties to Cuba," said Mr. Silvela to General Sickles, "if the unfortunate insurrection of Yara, and the cry of 'Death to Spain,' uttered by some Cubans, had not alienated the sympathies of the nation, and obliged the government to accept the impolitic contest to which it was provoked. The government considers that it can come to no definite decision in regard to the political situation and future government of the Island of Cuba until the insurgents lay down their arms and cease the struggle." This would indicate that it is the resistance to admitted wrongs, and not the wrongfulness of resistance, which Spain is endeavoring to suppress.

Nothing more epigrammatical and sententious and weighty than that sentence has been uttered in this whole debate.

Mr. HALE. I wish to call the attention of the Senator to a mistake manifestly made on the part of the Senator from Ohio. The Senator from Ohio has invoked the expression and the letter of Gen. Martinez Campos in referring to the revolt at Yara as a justification of his statement that Spain had not carried out the pacification of 1878. It turns out that the revolt at Yara was in 1868 and that General Campos is talking about the course of the Spanish government and misgovernment ten years before the pacification. I am obliged to the Senator for bringing out that fact, because the Senator from Ohio laid great stress, after he declared that Spain had not carried out the provisions of the pacification of 1878, on the statement that Gen. Martinez Campos refers to that, when Gen. Martinez Campos is referring to a revolt that was ten years before that.

Mr. GRAY. I am not concerned with any dispute the Senator from Maine may have with the Senator from Ohio.

Mr. HALE. I was glad——

Mr. GRAY. Except, I will say, that this language of Secretary Fish is in regard to an insurrection which broke out at Yara in the autumn of 1868, not the insurrection of Yara, but the insurrection which broke out at Yara in 1868 and continued for ten long years.

Mr. HALE. But what I suspected was (and I am glad this has been brought out) that General Campos was not talking about anything that had taken place after the pacification, but of what took place before.

Mr. GRAY. Oh, the war went on. It commenced at Yara in the autumn of 1868 and went on for ten years, and thousands of lives were sacrificed and millions of treasure expended. It was only ended, not by the overthrow of the insurgents in arms, but by concessions made to them and promises that were entered into by the Government of Spain, or its military authority, that the reforms they were seeking would in a large measure be granted.

Now, then, one thing more may be pertinent as a fact, an incontrovertible fact, of the history of that melancholy period, for Mr. Fish quotes it in this same dispatch. On the 24th of March, 1869, the captain-general of Cuba issued a decree which is referred to by Admiral Polo de Barnabé, and from which I will read an extract. I think we may take this as authentic history. Here is the decree by the captain-general:

Vessels which may be captured in Spanish waters, or on the high seas near to the island, having on board men, arms, and munitions, or effects that can in any manner contribute, promote, or foment the insurrection in this province—

A barrel of biscuits could do that—

whatsoever their derivation and destination, after examination of their papers and register, shall be de facto considered as enemies of the integrity of our territory, and treated as pirates, in accordance with the ordinances of the navy.

Now—

All persons captured in such vessels, without regard to their number—

All persons—

will be be immediately executed.

Mr. President, if we wanted anything to characterize the manner of warfare to which these poor people were subjected in all those melancholy years here we have it. If that be true, no wonder they went out to the field with arms in their hands and under the blue sky offered up their lives a willing sacrifice in order that their wrongs might be in some degree righted.

Mr. HALE. Does the Senator know that that policy was undertaken by the Federal Government in 1861?

Mr. GRAY. God forbid that that should be true.

Mr. HALE. That policy was undertaken. Of course it was not carried out.

Mr. GRAY. God forbid that that should be true.

Mr. HALE. What the Senator has stated always——

Mr. MORGAN. Why was it not carried out?

Mr. HALE. It could not be carried out. Nobody expected it to be carried out.

Mr. MORGAN. You did not dare to attempt it.

Mr. HALE. Our Government took the ground that any persons found under just such conditions as the Senator has described would be treated as pirates, and that means but one thing. No; it could not be carried out; nobody ever expected that it would be carried out. If the Senator from Delaware will allow me——

Mr. GRAY. Do not answer me now; I am going to close. You have stated that fact. I am coming to a conclusion, and then the Senator may take the floor.

Mr. HALE. I will answer the Senator.

Mr. GRAY. Certainly; I will be glad to hear the Senator from Maine.

I am not dealing now with the loose statements of excited and prejudiced correspondents; I am not dealing now with the waifs of newspaperdom; but I am dealing with sober history cited by the State Department of the United States. It would be no reply if, as the Senator from Maine says, it is true that this Government ever resorted to any measure so inhuman and so cruel as that which I have just read as the decree of the captain-general of Cuba; but I do not believe, notwithstanding the statement of the Senator from Maine, that that is true. He has been misinformed. He has misread the history of our country, for I as one citizen of this great Republic would hang my head with shame if it could be told me with any semblance of truth that under this flag any inhumanity so gross as that could have been committed or that its bright and unsullied folds had ever been stained by such a crime as is set forth in the proposal of that captain-general.

It is true that under the remonstrance of the Secretary of State, Mr. Fish, that order was modified, but not until after American citizens spattered with their blood the white walls of Morro Castle, and it was not until the remonstrance of this Government was brought to the attention of Spain that her agents were transgressing those great laws of humanity as well as of war that Spain declared that they had acted without her authority; and it is to her lasting credit that she disavowed the barbarity of her own military commanders.

Mr. President, I have not said and I have not intended to say one word that can justly wound the sensibilities of a loyal Spaniard or the Spanish Government. I do not mean to say that they take pleasure in this situation. I do not say that they may not in the heat of their patriotism resent it; but when they come to consider it calmly and dispassionately they will agree—it seems to me all reasonable men will agree—that the Congress of the United States could do no less than they have done in giving utterance to the sympathy of the American people for the people of Cuba in this crisis of their existence, and in expressing their desire that Spain, without rupture of our friendly relations, should sit down with us at the council board of nations and consider whether there might be some other issue to this distressing conflict than the extermination of a brave people fighting for their liberties.

Mr. CHILTON. Mr. President, it is not to be expected that the tendency of opinion in the Senate can be arrested by any words spoken in these closing moments of the first act in the play of Cuban intervention; but I am well satisfied that whether that play shall turn out to be a farce or a tragedy, we are now called upon by the conference committee to take an incautious part.

I suppose that there are few in this body who believe that a concurrent resolution will in itself possess any operative force upon the questions involved, and if the President shall ignore it altogether we may escape larger consequences than a sense of disappointment, some disturbance of business, and a little general banter at our expense. But if by experimental methods we should start a succession of dangers which finally prove uncontrollable, our responsibility will not be less because it has been unnecessarily assumed.

I do not wish to be understood as condemning concurrent resolutions in all cases, because they sometimes afford a useful means of giving expression to the opinion of Congress; but in the present embarrassed condition of the business of the country we should not deal with a critical question like this in any other than a direct and responsible way.

Mr. President, there are very few who do not sympathize with those who strike for local self-government and independent nationality in Cuba or elsewhere. Who could resist a feeling of elation if to-morrow the news that Cuba had conquered her independence should be flashed around the world? But the heart would throb to the same news if Jamaica or Ireland was engaged in a struggle for home rule against England. In either case we should be willing to use all the peaceful instrumentalities of international intercourse to aid those who labored to be free. So it was that from the beginning I for one have desired to vote for a joint resolution recognizing, in the usual diplomatic tone, the belligerency of the Cuban insurgents.

I am aware that according to the formularies of some law writers there are possible deficiencies in the Cuban claim to this recognition; but while the insurgents may have no settled capital, and no ports, the length of time during which they have conducted the war, the number of men in the field, the large amount of territory in their possession and other like conditions constitute such actual belligerency as entitles them to be put upon an equal footing with the Spaniards under our neutrality laws. That much we ought to do.

Mr. FRYE. Will the Senator allow me to interrupt him a moment?

Mr. CHILTON. Yes, sir.

Mr. FRYE. I wish to understand distinctly what the Senator said a few moments ago. Did I understand him aright that he was willing to vote for a joint resolution recognizing belligerency?

Mr. CHILTON. Yes, sir.

I have not seen the duty which I think is now imposed upon us more clearly stated than in a few words from Mr. Pomeroy in his work on International Law. I ask the Secretary to read what I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

To refuse such recognition might, under some circumstances, have the direct effect to cause the country so refusing to take the part of the mother country and against the rebels. As a consequence, if another power remains strictly neutral to the contest, that very attitude must involve the recognition of the insurgents as belligerents. Unless another power desires to take active part in the hostilities, and throw the weight of its influence, and, under some circumstances, the positive aid of its executive power, in favor of the mother country, it must treat the rebels as belligerents.

The propositions, therefore, which I lay down and maintain are: First, that as in general every nation has a right to remain neutral in every such contest, every nation has a right to recognize both parties as belligerents, the contest as proper war; and the mother country would have no legal ground of complaint at such act and attitude; second, that in general it is the duty of every nation to take this position of neutrality. The only exception to these rules which appears to me admissible is the case where another nation may be bound by treaty stipulations with the mother country to give active aid in putting down the rebellion.

* * * * * * *

Without this species of recognition the insurgents could not send out armed men-of-war against the commerce of the mother country. Having no national basis, such armed vessels would be piratical and liable to be treated as such by all the nations of the world.—*Pomeroy*, page 275.

Mr. CAFFERY. Will the Senator yield to me for a moment?

Mr. CHILTON. Yes, sir.

Mr. CAFFERY. Does the Senator hold that in expressing his willingness to vote for a joint resolution recognizing the belligerency of Cuba he would do so under the sanction of international law?

Mr. CHILTON. Unquestionably.

Mr. CAFFERY. Then, quoting from Mr. Pomeroy, I draw the Senator's attention to the case that he puts and the application of his doctrine, and inquire of the Senator whether the conditions mentioned by Pomeroy exist in the case of Cuba? He puts this interrogation, and answers it:

Pomeroy on International Law, section 235:

Again it has been asked, If the Irish people should rebel would our Government immediately recognize them as belligerents and the contest between them and England as a proper war? I answer: This would depend on circumstances. To make the case parallel to ours it should appear that the Irish rebels had organized a government which they claimed and acknowledged to be supreme; that the power of this government should extend over some definite and considerable portion, at least, of Ireland; that from that portion of territory thus held the English civil authority should be expelled for the time being; that the insurgents should conduct their resistance in a military manner, and that the measures of repression should be entirely military. If all this should take place the United States might and should treat the contest as a proper war and the parties as belligerents.

Now, I propound the question whether the conditions laid down by Mr. Pomeroy in this extract for a proper recognition on the part of the United States of the Irish insurgents as belligerents applies to the case of Cuba?

Mr. CHILTON. Yes, sir. I have no hesitation in answering the Senator that I think the conditions now existing in Cuba constitute the equivalent of the conditions which are laid down by Mr. Pomeroy and other writers upon international law.

The mere recognition of belligerency is a familiar step in international association, and if it stands alone Spain can have no plausible ground for offense. It would seem the part of prudent management, therefore, to await further developments before going beyond that point. I can not believe that the duty of our Republic in the present posture of affairs is performed by absolute nonaction.

Mr. CAFFERY. Will the Senator allow me to interrupt him again?

Mr. CHILTON. Yes, sir.

Mr. CAFFERY. The Senator asserts that the same conditions apply now to Cuba as in the hypothetical case stated by Mr. Pomeroy as applying to Ireland. I ask him, where have we any proof of the fact that the Cuban insurgents or rebels hold any definite portion of the territory of Cuba, that they have expelled from that portion of the territory thus held all Spanish authority, that they have a regularly organized army and carry on their military measures and operations under the acknowledged and accepted rules of war?

Mr. CHILTON. We have the same evidence which we have that Dr. Jameson made a raid into the Transvaal or that a war was in progress a few months ago between China and Japan; we have the same evidence that proves to us any other recent historical fact. We need no other evidence.

Therefore, if a joint resolution recognizing the belligerency of the Cuban insurgents stood here alone, I would vote for it without hesitation. But, Mr. President, temperate action upon this question does not seem to be popular.

The first resolution on this subject was presented on the 29th of January from the Committee on Foreign Relations of the Senate. I ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities, including the treatment of captives who are enlisted in either army; due respect to cartels for exchange of prisoners and for other military purposes; truces and flags of truce, the provision of proper hospitals ei,lhod saplp spsutau and services to the sick and wounded of either army.

Resolved further, That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

Mr. CHILTON. That resolution was a mere request to the President of the United States to ask Spain to accord belligerent rights. It was manifestly pacific, and, of course, could have given no offense in any quarter. Next, we find the Committee on Foreign Relations reporting a substitute for that resolution, which I will also ask the Secretary to read. That is the substitute long debated here by the Senator from Alabama [Mr. MORGAN], the Senator from Ohio [Mr. SHERMAN], and others.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. CHILTON. Mr. President, the expression desired to be made was still clear and moderate and touched alone the question of belligerency. The only objection I found to it was that it was concurrent, not joint, and spoke for Congress rather than the Government. I am aware that the Senator from Alabama has argued here that Congress has the power, independently of Presidential action, to grant belligerent rights to other nations or peoples, but I have yet to hear any other Senator assert that proposition.

Mr. MORGAN. If the Senator will allow me, I did not argue that as a proposition involved in this case at all.

Mr. CHILTON. Then I misunderstood the Senator.

Mr. MORGAN. That was a question asked me by the junior Senator from Maine and also by the Senator from Massachusetts, and I stated at the time that it was not at all involved in the resolutions or the action of the Senate, and therefore I was only expressing my opinion upon it at their request, but it did not enter into the case.

Mr. CHILTON. The Senator expressed the opinion that a concurrent resolution would be effective to constitute the recognition of belligerency, as I understood him.

Mr. MORGAN. Yes; and I think so now.

Mr. CHILTON. That is the point I am getting at. I am not aware that anybody else has taken a similar position. I want to say that I am as far from giving my adhesion to the contrary theory that the power of according belligerent rights is vested exclusively in the President. We all admit that the President is the organ of this Government in speaking to other Governments. He has formal control of our foreign relations, just as he has formal control of the Army and the Navy; but, sir, I have not been able to find in our Constitution the slightest trace of an intention to vest in the President the sole determination of our relations to foreign countries. If in the exercise of some other constitutional function he should find it necessary to determine the question of belligerency, he would do it for himself; but his decision would not be final and binding on the Government; he could not recognize belligerency if Congress, by a two-thirds vote over his veto, should adopt a different policy, nor could he obstruct a recognition of belligerency if Congress in the same way should determine otherwise.

Mr. MORGAN. That is in accordance with the view and opinion that I have had the honor and at the same time the misfortune to express here; that is to say, that when the Congress of the United States, the two Houses, arrive at the point where they express a declaration of war, or a declaration recognizing the belligerency of two foreign countries by a two-thirds vote, then the President certainly has not anything more to do with it; and the power that recognizes that belligerency comes from the political department of the Government of the United States and is omnipotent.

Mr. CHILTON. It comes from the political department, just like every other power comes from it.

Mr. MORGAN. I do not care about the method.

Mr. CHILTON. Our independent action does not make the recognition effective, but we do it by virtue of that superior authority vested in Congress to overrule, by a two-thirds vote, even a veto of the President. That is the way it comes.

Mr. WHITE. Will the Senator allow me a moment?

Mr. CHILTON. Certainly.

Mr. WHITE. As I understand, the position of the Senator from Texas is somewhat different from that of the Senator from Alabama; that is, the Senator from Texas contends, as I understand, that the passage of a joint resolution presented to the President, in case of his nonconcurrence and the adoption thereof by each House by a two-thirds vote, would make it efficacious; whereas the Senator from Alabama contends that it need not be presented to the President at all. I understand that to be the difference.

Mr. MORGAN. I merely contend that the power comes from the two Houses because they are the political department of the Government.

Mr. WHITE. That is general, of course. I was trying to get the Senator from Alabama down to a real expression.

Mr. CHILTON. The position as originally stated by the Senator from Alabama differs from mine just in the respect which has been alluded to by the Senator from California; I can not help believing that his present statement is a modification of his words as originally reported, but of course no modification of his intention.

Mr. MORGAN. No; I think not.

Mr. CHILTON. Mr. President, we can derive very little light from the precedents in our history on account of the fact that there has never been an occasion when the President and the Congress were at variance on this question.

Mr. MORGAN. I hope there never will be again.

Mr. CHILTON. The judicial authorities do not speak in uniform tones upon the question. If you take the celebrated case of Kennett *vs.* Chambers, in 14 Howard, which involved a consideration of the relations of the United States to Texas at the time of the revolution of 1836, the obvious deduction to be drawn from Chief Justice Taney's words in that opinion is that the power to recognize belligerency belongs to the treaty-making department of the Government, which is the Senate and the President. It seems to me, however, that the best doctrine on the question is that stated in several opinions which I have examined, and from which I have made one or two selections. Justice Nelson, in The United States *vs.* Baker, 5 Blatchford, page 6, speaking of the recognition of belligerency, says:

It involves the determination of great public and political questions which belong to the departments of our Government that have charge of our foreign relations, the legislative and executive department.

Mr. Justice Field, in United States *vs.* Greathouse (2 Abbott, U. S., pages 364–380), says:

The court * * * can not treat any new government as having authority to issue commissions or letters of marque which will afford protection to its citizens until the legislative and executive departments have recognized its existence.

These authorities treat the question as always one for the political department of the Government, but they refer both to the legislative and executive branches as making up this political department. Such in my opinion is the proper construction of the Constitution. To hold differently would be to assert that this great subject of foreign relations is excepted out of the general plan of our Government. Nothing but the clearest language could justify such a conclusion, and no such language is found in our Constitution.

Believing, therefore, that the Senate possessed a share in the jurisdiction to accord belligerent rights to other nations, peoples, or districts, and that the facts warranted such action, I could have supported a declaration of that sort in regard to the Cubans if it had been shaped into a joint resolution, so that the voice of this great Government might be spoken in all its constitutional vigor.

But a turn of the wheel was taken, and we find the resolution of the Senator from Pennsylvania [Mr. CAMERON] added to the other. It was accepted by the Committee on Foreign Relations. It is very brief, but for the sake of accuracy I will read it to the Senate:

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

The best interpretation of the meaning of that resolution is found in the remarks of the Senator from Pennsylvania himself, and I desire to quote briefly from those remarks, delivered here on Thursday, February 20. Speaking of the offer of mediation made by General Grant at the time that distinguished Senator was a member of his Cabinet, he says:

In doing so he not only recognized both parties to the conflict as on an equal plane, but he also warned Spain that if such mediation should not be accepted direct intervention would probably be deemed a necessity on the part of the United States. * * * Evidently the Government of the United States can do no less than take up the subject precisely where President Grant left it and to resume the friendly mediation which he actually began, with all the consequences which necessarily would follow its rejection.

It is very plain that the resolution offering friendly offices in the beginning contemplated something else in case Spain should not yield to our mediation, and I thought it was unfortunate that that resolution should be added to the other in regard to belligerency.

Mr. MORGAN. That was done by a vote of the Senate.

Mr. CHILTON. I understand that.

Mr. MORGAN. It was not done by the committee.

Mr. CHILTON. The committee accepted it, as I understand.

Mr. President, I believe that any combination of the question of belligerency and the question of mediation is likely to open the way to diplomatic recrimination and strain between Spain and the United States. I do not think these two things ought to be combined at all.

But even that was not enough. Another turn of the wheel was made, and we find presented to this body the resolutions adopted by the House of Representatives, which are three in number. They have been often read, and I shall not read them again.

Mr. CAFFERY. Perhaps I did not distinctly understand the Senator from Texas, but I desire to know from him whether he holds, and whether the authorities he quotes sustain him in that view, that mediation would be received as an unfriendly act?

Mr. CHILTON. No, sir; not in itself.

Mr. CAFFERY. I understood the Senator to say that mediation might lead to intervention, and intervention might lead to complications which might result in unfriendliness.

Mr. CHILTON. Under diplomatic usage, mediation pure and simple is not necessarily an unfriendly act, but I was interpreting the resolution of the Senator from Pennsylvania by the speech of that Senator. That was the point. I was giving to that resolution his interpretation, because we must treat all these resolutions by the circumstances that surround them. But even the combination resolution does not seem to have been severe enough, and we are now asked to accept the resolutions of the House of Representatives. I shall not quote them verbatim, but they are substantially as follows:

First, that we should recognize the belligerency of the Cubans; second, that the United States should use their good offices to procure for the people of Cuba a government of their own choice; and third, that the United States should be prepared to intervene if necessary.

Thus the proposed expression of Congress has been amended, conferred about, and sharpened until it is now regarded as distinctly hostile to a friendly nation. The objection to the resolutions is not only the language in which they are clothed, but because they come here as a sort of natural preliminary to war between this country and Spain. What else are we to expect from them when the long-eminent Senators from Alabama and Ohio have said of resolutions much milder that they carried the danger of war. On Friday, February 28, the Senator from Ohio [Mr. SHERMAN] said:

I do not disguise the dangers, the possibilities of hostile movements, into which our Government may be drawn. I know that the people of Spain are a sensitive, a proud, a gallant people, and will not submit to what they consider an injustice without resentment and resistance.

Not only so, Mr. President, but the language of these resolutions is the language of war. When a nation talks about "intervention" the world understands it to be a threat of war. I ask the Secretary to read a quotation from Wheaton's International Law, contained in a note on page 120, in regard to the meaning of the words "intervention" and "interposition." The extract is very short.

The PRESIDING OFFICER (Mr. HILL in the chair). The Secretary will read as indicated, in the absence of objection.

The Secretary read as follows:

Publicists have assigned the words intervention and interposition to express the interference of one state in the affairs of another by force or with force as the known ultimate sanction. * * * But the term mediation is limited to an offer of advice or of assistance in the way of arbitration, leaving the acceptance of the offer to the free will of the other party.

Mr. CHILTON. I have had that read simply to show what diplomatists understand to be the meaning of the word "intervention," which is used in the third resolution presented by the committee of conference. But I want to say that not only is the language of the resolution the language of hostile purpose, but, sadder still, Mr. President, the popularity of these resolutions in the United States is the popularity of war, and it is against this spirit of war that I protest.

What will the American people gain by war with Spain? What will the great cause of civilization and humanity gain? The first signal of armed conflict would summon Congress to remain in session. More revenue would be needed, bonds would be authorized, all existing political issues would be instantly swept to the rear in a universal roar of national excitement. The question would be to get money, and get it quickly, and trust to the future to provide a way of paying out. Our bonds or our customs duties—perhaps both—would be made payable in gold. Senators may say no, but tell me what became of the anti-tariff people; what became of the anti-bond people; what became of those who opposed national banks when the last war came on? They quickly dropped into a helpless minority, and it became high tariff, more bonds, unlimited greenbacks; anything to wage the war to success. And those expedients of war necessity are to-day the very things which perplex our councils and rest like a brake beam upon the progress of the American people.

I feel sure if the United States made armed intervention in Cuba we would finally work our will, but I do not believe we could do so without a malignant war. It would be a contest of many months—possibly years. When we had organized our fleets and mustered our armies—when we had driven the Spanish navy out of American waters and had overrun Cuba with our conquering banners, we might be sobered by the taste of carnage, but we could not then stop to count the cost. It would be represented by disordered business at home, by the stoppage of the transportation of our cotton and other products to Europe, by many millions of dollars of expenditure, by taxes rising higher and still higher, and by thousands and thousands of brave Americans sacrificed to the joint destruction of fevers and bullets in the West Indies.

But that, even, would not bring the end. When the Spanish people had lost possession of Cuba our position would hardly be improved. We would have torn away their afflicted colony, but their privateers would still swarm the sea and, like new *Alabamas*, would ravage American commerce throughout the world. To stop this scourge we would be forced to hunt Spain upon the mainland of Europe. Who can reckon the expenditure of agony and treasure which such a project would involve? Who can measure the desperate resolution of even a feeble people when fighting at the doors of their own homes? When war once began our pride would then be truly involved. We would then have a

real reason to animate American patriotism. There would be no differences at home when the prestige of our devoted country proved to be at stake, and the last man and the last dollar would be offered if necessary to close the war in triumph. We are too strong not to prevail in the end, but when we contemplate that end, who can find charms in its outline? Helpless orphans and desolate wives, the wounded in every hamlet, the growth of military methods in our Government, the demoralization of useful men, the corruption of politics, and finally and most fearfully, because it always endures after the other evils of war have yielded to the influence of a few years of nature's quiet, the common people of this country would drag the ball and chain of an immense bonded debt for fifty years after a victorious peace. Others may justify themselves in driving this great American ship boldly upon hidden rocks, but I have seen enough as boy and man in the thirty years which have passed from 1865 to 1896 to teach me to look upon war as the chief destroyer of the natural chances of the humble and the hard working.

There is, of course, one thing more dreadful. Whenever the national character is at issue no true American can hesitate. He will make instant choice of a grievous alternative. There are times in the history of nations when a point of prestige becomes involved—a point of prestige so keen, so vital, so identified with the honor of the country that it must be defended at every hazard. Such was the right of search claimed by England and contested by our arms in 1812. Such is the Monroe doctrine. It is the jewel of the American heart. To yield it to the pretensions of a foreign adversary is to publicly confess the sinking of the national spirit and the renunciation of the national destiny.

But the question of interfering in Cuba is not such an issue. We are asked to make a distinct departure in our foreign policy. We hear a great deal of talk about barbarities practiced by Spanish authority, but I have yet to see authentic evidence of such conduct in the present war. There may have been excesses, but they are chargeable to both combatants, and are generally disavowed by those in command.

The time may come when the United States will have grown so powerful that they can lay down, as of absolute authority, rules of international action upon the American Hemisphere. With this great power will come the responsibility of interposing for humanity and liberty whenever the circumstances require it. Such a policy will be the legitimate outgrowth of the Monroe doctrine, which will be developed to guard the peace and freedom of the whole Western World.

But we have not yet reached that time. We are strong, very strong, but we are not yet so strong in comparison with possible adversaries that they will yield to our intervention without a mighty trial of arms.

Why not make war on Russia to liberate the victims of political prosecution who languish in Siberian exile? Why not make war on Turkey to protect Christian missionaries of our own kin whose safety has been violated in a country to which they have dedicated their lives? The reason is apparent. The cause of liberty, the cause of civilization, the cause of American blood and sacrifice, is dear to us, but the difficulties of applying a remedy would be so tremendous, the burden of expense so vast, that we are justified in waiting. We are pledged to settle internal problems. It is a false and mocking patriotism which calls us away until we have put those who strive at home in a more prosperous condition. We feel that under God our first duty is to the millions who follow hard lives in this country of our love, and that we can not perform that first duty well if we now engross the strength of the nation in vindicating the cause of the oppressed in other lands.

There is still another consideration which impresses me with great seriousness. It is the fear that when we undertake Cuban intervention the annexation of that island to the United States will be the result. I know that some who support these resolutions do not favor annexation. It seems to me, however, that he is but a careless student of affairs who can not see that once embarked on a project of intervention the winds and waves of human action will be too strong for opposition, and that Cuba will come under the American flag as surely as we fire a gun in her behalf. The Senator from Delaware [Mr. GRAY] a few moments ago said he had not heard anybody express himself in favor of annexation. I wrote down the next day after the distinguished Senator from Missouri [Mr. VEST] spoke this expression from him:

> I admit, but it is not necessary to discuss it here, that the ultimate and logical result of independence in Cuba would be that it would become a part of the United States.

Mr. WHITE. If the Senator from Texas will allow me, I will call his attention to the remark of the distinguished Senator from Ohio [Mr. SHERMAN], who expressed the conviction that Cuba ought to be annexed to Mexico.

Mr. CHILTON. Mr. President, have we not seen enough of the problem of mixed races, which for so many years has embittered the brother's cup of true American manhood? For more than a half century the negro question formed the groundwork of difference between the North and the South, until it finally culminated in red-handed war. And when the main question was settled by the issue of that struggle the problem seemed to have lost none of its complexity. For thirty years it has divided the good people of this Union. There is not in this Chamber to-day a Senator called Democratic from all the New England States nor a Senator called Republican from all the Gulf States. In England, I believe, you find Liberal and Conservative members of Parliament interspersed throughout the country. We find similar conditions in France and other representative Governments. It is only here that we constantly witness this bane of division upon sectional lines.

And now, when it is hoped that the race problem is likely to disappear from our politics, after all the heart bleeding it has produced, let us ponder long before we set in motion a train of events which may bring another puzzle of mixed races to confound us.

It is no part of wise statesmanship to settle questions before their time. When the disorders of our financial system are corrected, when a fair plan of taxation is insured to the people, the power of unlawful combination disciplined, our population enhanced, our vast undeveloped territory well settled, it will be time enough to search out new fields for the beneficent application of American principles.

But the duty of to-day seems to me clear. We have at home "wrongs which need resistance." We have have at home "rights which lack assistance." We have at home "a good that we may do." That work now demands all our time, all our treasure, and all our capacity.

Mr. CAFFERY. Mr. President, in submitting what few remarks I intend to make on this question I propose to discuss it from a point entirely of international law. I will first take up the resolutions.

The first resolution is a declaration of an opinion that a state of public war exists in Cuba. The second is, that we believe the establishment of a government by the choice of the people of Cuba is the proper thing to do, and that the United States should use its good offices and friendly influences to that end. The third is, that on account of our nearness to Cuba and the necessary commercial relations we have with that island, we should be prepared to intervene in its affairs whenever we think it necessary.

Mr. President, if anything would convince the Senate and the country at large that this is not that branch of Government which should undertake to pass upon the question of belligerency, it is the character of the evidence adduced to establish it. There have been charges—most of them very ancient—of the most repulsive cruelty. They have been denied. Cuban sympathizers give highly colored and exaggerated statements of the power and prowess of the insurgents. Spanish officials vehemently deny the truth of these statements.

Blood-curdling and horrid cruelties, nearly a generation old, not coming as authoritative evidence, are paraded before the Senate, with all the trappings of a sensational tragedy, to show the present condition of affairs.

Mr. President, all of the matters relating to the past cruelty of General Weyler, the atrocities that characterized the war originating in that country in 1868 and lasting until 1878, are utterly extraneous and foreign to any intelligent discussion of this question.

We have highly colored pictures of the war that is being carried on in Cuba to-day. We have what upon their face would appear to be pure fancy sketches of great atrocities; of great battles, and of the seat of a great government being found in the jungles of the Island of Cuba. The description given by a newspaper correspondent of his visit to the camp of the President of the Cuban Republic, Mr. Cisneros, almost transcends in romantic power the descriptions of the Arabian Nights themselves. He describes the seat of government as being located in the midst of a dense forest, almost unapproachable, the capital buildings built of poles with a roof of leaves or straw, or something of that sort, over them.

Mr. President, the question of belligerency is cognate and closely allied to the question of independence. They are both facts, and in our international dealings with these questions we must consider them as facts to be sustained by that sort of evidence and testimony which will establish the truth of any other fact.

I ask the Senate and I ask Senators whether we have any proof to establish belligerency in the sense of international law? We have common rumor to show that a state of hostilities exists in Cuba. That is a current fact. Have we any proof whatever to show the character, the size, or the strength and the operations of the insurgent and Spanish armies except loose newspaper reports, upon which no man would found a judgment or a conclusion? I challenge the Senators who undertake to say that there is a state of belligerency in Cuba to point to the competent and sufficient evidence upon which they make that statement.

Mr. President, what are the vehicles of communication between

the United States and foreign States? How do we know what transpires in a foreign State with any degree of certainty or accuracy? Are we to rely upon highly colored newspaper statements? Are we to rely upon statements of partisans and superheated zealots? Sir, we are to rely upon the information carefully gathered in a foreign country by our accredited agents, our ministers and consuls resident in that country. If there is any other means of establishing with that degree of certainty which the status of belligerence requires, I am unaware of it.

The adherents of one side make statements which, upon their face, are subject to suspicion. The adherents of the other side make counter statements equally suspicious.

When we deal with facts we must perforce deal with them according to the recognized method of sustaining or overthrowing them. We must have competent witnesses. They must be in a matter of this sort at least credible witnesses. They must be in a position to know whereof they speak. I want to know whether the Senate of the United States will deliberately undertake to make a solemn declaration of belligerence between the contending factions in an insurgent country upon such statements and upon such evidence as we have been treated with in the Senate. Not one single scintilla of proof accompanies the original report of the Foreign Relations Committee, of which I am aware, establishing the fact of belligerence; and since that period we have been treated with extracts from the Encyclopedia Americana, showing the enormous extent of the atrocities in Cuba twenty-five years ago. We have been treated with extracts from a book by a Mr. Donderio or Donderis, the authenticity or truthfulness of which has been flatly contradicted or denied. And outside of those statements and others germane to them we have nothing here to show such an important, such a momentous, fact as that of belligerence between two contending forces in the Island of Cuba. All this has been done on the floor of the Senate.

Mr. President, I believe that the question of recognizing belligerence must reside exclusively with the executive branch of the Government. It is admitted and conceded that the power to recognize independence, a cognate power, belongs to the Executive. There may be cases where a treaty can be made with a de facto government between the President of the United States and the representatives of that Government, and ratified by the Senate, as the Constitution requires; but preliminary to any such treaty is the recognition of the ambassadors or ministers of the de facto government with whom we treat; and that is primarily and exclusively an Executive function. The Constitution of the United States, in the second part of section 2, provides that the President shall appoint all ambassadors; he shall make treaties. He nominates and appoints ambassadors and the Senate ratifies or confirms the appointment. So with treaties. Now, if you can imagine a case where the recognition of a de facto government can be made through the form of a treaty, then you have the coordinate jurisdiction and coordinate power of the executive branch and a part of the legislative branch in recognizing a de facto government.

Mr. President, to follow out this idea, and I will quote some authorities afterwards, if the recognition of a de facto government is a pure matter of fact (we have nothing to do with the de jure character of the government), and if the Executive has the initial power to recognize a de facto government even by way of a treaty, and as a state of belligerence is another question of fact, it appears to follow, by a chain of reasoning which I think to be irresistible, that the President of the United States, the executive branch of the Government, is the sole power with whom is lodged the power to recognize belligerence.

Mr. ALLEN. I should like to ask the Senator from Louisiana a question:

Mr. CAFFERY. Certainly.

Mr. ALLEN. This touches upon a very vital constitutional question. The Senator from Louisiana asserts a very dangerous doctrine, in my judgment, one that can not be sustained by any process of reasoning, and the Senator from Delaware [Mr. GRAY] asserted the same thing in substance to-day, when he says that the power to recognize the belligerency of another nation or people is exclusively an executive power. I should like to ask the Senator to be kind enough to cite the authority, if he has it, upon which he bases that conclusion.

Mr. CAFFERY. I stated to the Senate that the power to recognize a de facto government, in my opinion, and it is also supported by abundant authority, is lodged exclusively with the executive branch of the Government; that it being conceded that he could exercise the greater power, and the less power being one of a cognate character closely allied to that of independence, I deduced the conclusion that the power to recognize belligerency belongs exclusively to the executive department.

Mr. ALLEN. The Senator from Louisiana, as I said, is talking upon a very important question. Let it be conceded that authority may be found in international law applicable to the case of a kingdom or an empire, where the power of the executive is undoubted; but has the Senator any authority applicable to a government like ours, where the governing power rests in three coordinate departments, which would lead him to believe that this high power is exclusively in the executive department?

Mr. CAFFERY. I know of no instance of a government like ours with three or less coordinate branches of the government that has a specific provision in that regard. But I contend that the Executive is the organ by and through which we have our international and foreign intercourse and dealings. He appoints ambassadors, and by an implication irresistible, he receives them, although there is no definite provision in the Constitution allowing him to receive ambassadors. He appoints and receives ambassadors. He can receive an ambassador from a de facto government, and thereby recognize it, and that recognition is full and ample. If recognition is made by and through the instrumentality of a treaty, the only way I know of where the concurrence of another branch of the Government could intervene, the primary step, the initial proceeding for that treaty, is an Executive act recognizing the embassy from a foreign country. I reason thus: That in all civilized governments of which I have any knowledge the executive branch of the government is that branch which controls and directs and has the administration of foreign affairs; further, that the Constitution, by granting power to the Executive to make treaties and appoint ambassadors, ministers, and consuls, necessarily clothes him with the control and administration of foreign affairs; that the usual and ordinary exercise of foreign jurisdiction is the reception and recognition of foreign ambassadors and other representatives; that the usual mode of recognizing the independence of a state is by recognition of its representatives, which is solely an Executive power and function.

I argue that if the question of belligerence, which is a pure question of fact, depends for its solution on facts, and as the Executive is the sole respository of those facts which are sufficient and competent for governmental action, I conclude, therefore, that the President of the United States is the sole power indicated by the Constitution to recognize belligerence.

Mr. ALLEN. Will the Senator from Louisiana permit me again?

Mr. CAFFERY. Certainly.

Mr. ALLEN. Suppose as a matter of fact that this nation were engaged in open war with another nation and that the President by any means should come to the conclusion that he would receive an ambassador or a minister from the nation with which we were engaged in war, would that fact result in the conclusion of peace ipso facto, or would it not rather be a usurpation by the Chief Executive of the constitutional power of Congress to declare war and conclude peace?

Mr. CAFFERY. The constitutional power of the President to entertain ministers and make treaties is also conceded. Now, if the ambassador were permitted by the President of the United States to enter his official circle to hold official intercourse with him for other than a declaration of peace, I think he could entertain him.

Mr. HOAR. I should like to ask the Senator from Louisiana in this connection if the President as Commander in Chief of the Army would not have a perfect right to conclude an armistice or truce with a country with which we were at war and to suspend hostilities and to receive any kind of diplomatic or other agent from the enemy?

Mr. CAFFERY. Clearly so.

Mr. HOAR. Leaving the ultimate declaration of peace to Congress?

Mr. CAFFERY. Clearly so.

Mr. ALLEN. Could the President conclude peace with a country with which we were at war?

Mr. CAFFERY. The power to conclude peace is a specific power granted to Congress. The President can not solely make peace.

Mr. ALLEN. Would not that embrace——

Mr. CAFFERY. The power to declare war and conclude peace is a Congressional power.

Mr. ALLEN. Would not that embrace the lesser power to make an armistice?

Mr. CAFFERY. I think not. I think the President as Commander in Chief of our forces could entertain an embassy or a proposition for an armistice submitted by envoys from a power with which we were at war. An armistice is recognized among civilized nations as a proper appendage of war. It grows out of war; it is an incident of war; and therefore the power of the President of the United States as Commander in Chief of the Army would extend to all incidents of war. The case put by the Senator from Massachusetts [Mr. HOAR] is one of those incidents, and therefore comes within his power as Commander in Chief of the Army.

Mr. WHITE. I ask the Senator from Louisiana, with his permission, in view of the question addressed to him a moment ago by the Senator from Nebraska, who asked whether there was any authority for the recognition of belligerency by the President

alone, whether the numerous instances cited by Mr. Wharton in section 71 of his Digest, with which I know the Senator is familar, do not contain such declarations?

Mr. CAFFERY. Yes. sir.

Mr. WHITE. And whether it is not also true that in the Prize Cases the Supreme Court of the United States held that Mr. Lincoln recognized the belligerency of the Southern Confederacy even without intending it?

Mr. CAFFERY. By proclamation of blockade?

Mr. WHITE. Yes.

Mr. CAFFERY. That is true. Of course that fortifies the reasoning. Judge Grier in the Prize Cases decided that the President of the United States unwittingly recognized the belligerence of the Southern Confederacy by a proclamation of blockade, thereby stating that he could do it not only directly but indirectly.

Mr. PALMER. The Senator from Louisiana will allow me to make one remark?

Mr. CAFFERY. Certainly.

Mr. PALMER. I desire to say that Mr. Lincoln did not do it unwittingly. He did it deliberately.

Mr. CAFFERY. I am glad to be corrected. This shows that Mr. Lincoln understood he had the exclusive power to recognize domestic belligerence.

Judge Story was a very accomplished international lawyer. He was one of the most accomplished and profound judges whom we ever had upon the Supreme Bench. He says, in regard to the question of the recognition of the independence of a country:

The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. At all events, in the case of a revolution or dismemberment of a nation, the judiciary can not take notice of any new government or sovereignty until it has been duly recognized by some other department of the Government to whom the power is constitutionally confided.

SEC. 1567. That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power) is not so obvious.

From the international law digest of Mr. Wharton, volume 1, section 71, I quote Mr. Seward:

The question of recognition of foreign revolutionary or reactionary government is one exclusively for the Executive, and can not be determined internationally by Congressional action.

Mr. President, there are some resolutions which have been at different times introduced into the two Houses of Congress in regard to the question of the recognition of independence, and they are very carefully drawn. They all seem to acknowledge that the power of ultimate recognition rests exclusively with the Executive. I will read the resolution introduced in the House of Representatives at the first session of the Twenty-fourth Congress, July, 1836, page 1218 of the Journal. It reads thus:

By Mr. Mason, for the Committee on Foreign Affairs.

The committee recommend the adoption of the following resolutions:

1. *Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

The second resolution, which I will not read, simply states that the House views with satisfaction the efforts of the President to get that information.

Here is a resolution introduced by Mr. Clay in the House:

[Second session, Sixteenth Congress, Annals, page 1082, February 10, 1821. By Mr. Clay.]

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of said provinces.

Here is another one in regard to the independence of the United States of Colombia:

[First session, Seventeenth Congress, January 31, 1822, page 854, Annals. By Mr. Trimble, in the House.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and requested to acknowledge the independence of the Republic of Colombia, and by an interchange of accredited ministers place the political relations of that Government with the United States on an equal footing with those of all other independent nations.

And be it further resolved, That such of the Spanish provinces in South America as have established and are maintaining their independence of Spain ought in like manner to be acknowledged by the United States as free, sovereign, and independent Governments.

There was a decision referred to which I have before me. I think it was slightly inaccurately quoted by the present incumbent of the chair, the Senator from Texas [Mr. CHILTON]. It is the case of Kennett *vs.* Chambers. I think the language of that case is somewhat different from that quoted by the distinguished Senator from Texas. Chief Justice Taney in rendering the decision in this case said:

It is not necessary, in the case before us, to decide how far the judicial tribunals of the United States would enforce a contract like this when two States, acknowledged to be independent, were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations.

That department which is charged with our foreign relations exclusively is the executive department. The only participation whatever of any other branch of the Government in the exercise of any power relating to our intercourse with foreign countries is the power of the Senate to ratify treaties and to confirm the appointment of ambassadors and other ministers. In so far as the recognition of the independence or belligerency is concerned, it occurs to me to be quite clear that if it is once established that the power to recognize independence resides exclusively in the executive branch of the Government it must perforce, a fortiori, reside in that department to recognize belligerency.

It would seem to follow from a chain of reasoning that is irresistible. Mr. President, is not the spectacle presented in this debate sufficient to convince us that that power must reside with the Executive? Is not the spectacle presented in this debate of evidence thirty years old brought to bear upon this question of the present, and having no sort of reference to the question before us, our judgment deliberately sought to be concluded by evidence that would establish nothing, sufficient to convince us that that department of Government exclusively, outside of any influence of the passions or excitement of the moment, is the branch to recognize belligerency?

I have been led somewhat in my former remarks and in answer to questions that have been propounded to me to discuss the character of testimony to establish belligerency and to the law under which we act. It matters not what may be our sympathy for any people struggling for liberty as long as we are bound by this code of international law, consecrated by the wisdom of ages; that law which softens the asperities of war and mitigates its horrors. There is no other law—not even the sublime law, the elevated law of humanity—that can be invoked as having the potency of guiding our official judgment as to a matter of fact.

I listened with great pleasure to the eloquent speech of the Senator from Delaware [Mr. GRAY] on this subject. He is moved in common with the vast mass of the population of this country to sympathize with the Cubans. But are we to determine this question upon mere matters of sympathy or are we to determine it upon the language and the spirit of the international code? If we are to run a propaganda of humanity and Christianity all well and good; let us discard these laws; let us put aside such writers as Vattel, Grotius, Wharton, Wheaton, Pomeroy, Hare, Woolsey, and Dana; let us put aside the common practice of civilized nations, and let us go out upon an expedition to relieve the oppressed of all nations upon the high grounds of humanity, or religion, or some other sublimated ground. But we must cling to this law or we shall be outlawed from the circle of civilized nations.

In the argument of the Senator from Texas [Mr. CHILTON] I submitted to him the application of the doctrine of belligerency, or the doctrine of the recognition of belligerency as taken from Mr. Pomeroy. Mr. Pomeroy limits and qualifies to a great extent the definition of belligerency as laid down by Mr. Dana, as laid down by Mr. Hall, as laid down by other international writers. Mr. Dana's definition of belligerency would embrace the whole of the insurgent territory as occupied and held by the successful insurrectionary forces. Mr. Pomeroy limits the occupation to certain well-defined territory, to a most considerable portion of the territory where the insurgent forces are warring, and he says it is indispensable that the power of the mother country shall be expelled from the country in insurrection and the country be held by the insurrectionary troops. There must be an organized government, capable of fulfilling all the functions of government, and the war must be carried on according to the rules of civilized warfare.

Apply these tests to the case of Cuba. Can any Senator say, first, that there is an organized government capable of fulfilling all the functions of government? Can he say, second, that there is any definite, well-defined portion of the territory of Cuba held positively, held exclusively, by the insurgent troops? If any Senator can say so, I do not know where the evidence is upon which he predicates that statement. It is not before us. There are loose statements in regard to the power of the insurrectionary forces. One day we hear of a terrific engagement at one point. They fight for five hours in an open field; they start off with a regiment of a thousand men, and before the contest is over in the flanks and on the rear there are two or three other regiments, and there are two or three men killed. But we do know from the reports of our consular agents that war is not carried on in the island of Cuba according to the rules of civilized warfare on the part of the insurgents. There is indiscriminate destruction of the property of that island. Rapine, fire, and sword appear to be sweeping that island with the besom of destruction, not by the Spaniards, but by the insurgents.

Mr. DANIEL. Why do not the Spaniards stop it?

Mr. CAFFERY. That question was successfully answered by

the Senator from Maine [Mr. HALE] when he asked why we did not put down the Seminole Indians in the Everglades of Florida. The Island of Cuba, according even to these consular reports, is the ideal country of guerrilla warfare. It is a long island with but slight width. I believe it is stated, though I am not certain about it, that the broadest portion of it is only about 50 miles wide. Upon one end of it, at Pinar del Rio, I think the width is about 25 miles. The island is 750 miles long. The settlements, the plantations, are along the seaboard, on either coast of the island. In the middle of it is a ridge of mountains, and those mountains are filled with inaccessible jungles and swamps. Therefore, a man, even with as little military knowledge as I have, which is but a trifle, knows that a country possessing such peculiar physical aspects and conformation is the ideal country in which to wage a guerrilla warfare.

Mr. HOAR. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. HOAR. Necessarily I was absent in the early part of this debate, so I have not had the advantage the Senator has had; but has anybody mentioned in the debate the name of a single town held by the insurgents?

Mr. CAFFERY. Not one. I will state to the Senator from Massachusetts that that is one of the conditions that Mr. Dana in his note to Wharton lays down as essential to the acknowledgment of belligerency, and so have all the international law writers whom I have consulted. They make the statement that where war is isolated in the interior, and where the conflicting interests are not dangerous to the commerce of a country, there is very little place for the recognition of belligerency. It is only when the insurgents have their cruisers and steamers upon the ocean where questions arise that might make it necessary for the state having commerce with the insurgents to recognize their belligerency.

I have here a statement that I have gathered from the consular reports as to the commencement of this insurrection. Here is a letter from Mr. Hyatt to Mr. Uhl. Mr. Hyatt appears to be in sympathy with the insurgents, as every patriotic man will be, if they are really trying to effect their independence and are really deserving of it:

CONSULATE OF THE UNITED STATES,
Santiago de Cuba, March 1, 1895.

SIR: I have the honor to inform you that last evening I cabled you "Province under martial law," which I now confirm.

On the 27th ultimo the governor-general of the island issued a decree, copy inclosed being extract from official bulletin, declaring this province in a state of war, giving the military authorities control of all matters appertaining to public order, and giving insurgents eight days to present themselves and be exempt from punishment.

I will skip part of it and go on to his statements. He says:

There have been a number of scrimmages with troops in the province, and several on both sides killed and wounded. The insurgent element so far is confined mostly to the negro population, which predominates. The whites and property owners hope that the reforms promised by the Government will be put into effect and that the movement will be suppressed before much property is destroyed and lives lost.

So, early in March, 1895, this insurrection occurring in the month previous, there is a statement that the property owners and the whites of that island had not up to that date joined in this movement, and that it is confined mostly to negroes, which predominate in that island.

Mr. PLATT. What is the date of the letter from which the Senator is reading?

Mr. CAFFERY. March 1, 1895.

Mr. GIBSON. From what is the Senator reading?

Mr. CAFFERY. I am reading from the consular reports obtained from the Department of State by the Committee on Foreign Relations.

I will read the letter of Mr. Barker to Mr. Uhl, of April 4, 1895, just a month and four days after the letter I have just read:

COMMERCIAL AGENCY OF THE UNITED STATES,
Sagua la Grande, Cuba, April 4, 1895.

SIR: In view of the sensational and contradictory reports sent out from this island regarding the uprising here, it may not be improper that I give the Department my impressions of the true status of affairs, based on a close intimacy with those whose opinions should be considered of value.

An important and significant fact in the present disturbance is that the movement has not received the countenance or sympathy of any political party in Cuba, which, if continued, must render the effort being made a failure. That an uprising was intended there is not a shadow of doubt, as is shown by the large number of arms found concealed at various points on the island. But it is also evident that the movement was precipitated, the more rational and sober-thinking men of the party recognizing the fact that the time for striking the decisive blow had not yet arrived; but the hot-headed element, seeing in the promised reforms to the island a comparative prosperity and consequently a death blow to their aspirations for independence, precipitated the movement, trusting that continuous successes before the finishing of the crop would bring to their aid those who were lukewarm.

Mr. President, this first letter states that this uprising was comparatively insignificant; that it had not been acceded to or joined in by any portion of the white population; that it was being urged on and participated in by the negroes. I make no reflection on that; I state merely the fact as stated by this consular agent.

As a matter of course these gentlemen are selected to represent the United States in these colonial provinces with reference to their ability and competency, and the presumption is that they are fully informed of the facts which they tell us, and are competent to form a complete judgment. Mr. Barker states that this uprising had not, up to the 4th of April, 1895, received the support of any political party in Cuba, and that for fear the promised reforms, the promises made by the Spanish Government in pursuance, I suppose, of the treaty of capitulation between Martinez Campos and the insurgents in 1878—a dread that the Spanish Government would yield these reforms—the hot-headed undertook to precipitate a revolution, thinking that if these reforms were given there would be no revolution.

Mr. DANIEL. If the Senator from Louisiana will permit me to interrupt him, he does not read all of the letter of Mr. Barker.

Mr. CAFFERY. I will read any part of the letter which the Senator thinks may be of use to him, for I want to be perfectly fair. I do not wish to suppress any part of the testimony.

Mr. DANIEL. I know that. The consular agent is speaking of a condition which existed nearly a year ago. He also says:

It is safe to say that there are at present large bodies of insurgents, under arms, in the jurisdiction of Santiago de Cuba. Spain must have to meet these twice their number, as the country is an ideal one in which to harass regular troops, who are not familiar with the country.

The communication then goes on to describe the then existing condition of affairs.

Mr. CAFFERY. Yes, sir; I did not mean to suppress that.

Mr. DANIEL. I have no idea that the Senator wishes to suppress anything.

Mr. CAFFERY. That escaped me. The commercial agent says:

It is safe to say that there are at present large bodies of insurgents, under arms, in the jurisdiction of Santiago de Cuba—

If the Senator will read these reports carefully, he will see that the uprising started in the Province of Santiago de Cuba—

Spain must have to meet these twice their number, as the country is an ideal one in which to harass regular troops, who are not familiar with the country.

Another important factor to be considered is the ravages that will be made among the Spanish soldiers during the summer months by yellow fever, which will far exceed their losses in action.

Mr. President, I have looked over these reports, and I have read what I think is the most important portion of them so far as relates to this discussion. Subsequently, however, to this date—some of them run up as far as December, 1895—there are reports of larger bodies of insurgents. There is one report which states the supposed number of men enlisted in the insurgent army to be 40,000. There are constant statements in these letters of accessions to the Spanish troops from Spain by new arrivals; but nowhere in these reports is it stated that the Spanish army is composed of exactly so many men. So we are left in some doubt, or, in fact, we are left without any evidence whatever to show the exact number or the approximate number of the Spanish forces in that country.

Mr. President, I can not, even if this body had the power, which I deny, to recognize belligerence, conscientiously, in the discharge of this important and most delicate function, vote that there is a condition of public war in Cuba. It matters not to me, Mr. President, whether this concurrent resolution has no force or not—that it has no force goes without saying—if this belligerence is a matter of fact, and I am called on to decide the fact to exist, I halt immediately at the threshold and say that your testimony does not justify the conclusion you have reached. What have we to do in this very great and dignified body in regard to issuing pronunciamentoes? Are we concerned with expressions of opinion which bind nobody, which have no weight, except for mischief? Everybody knows that the popular mind is excited; everybody who is at all conversant with the ease with which popular enthusiasm may be molded into thunderbolts of war knows the danger of the two Houses of Congress deliberately expressing an opinion that a state of public war exists in Cuba.

I do not undertake to say that this resolution will be a mere brutum fulmen as respects its moral effect, but I do undertake to say that it will be a mere brutum fulmen as respects its legal effect, and I am not willing, charged with the responsibility of voting upon all questions under our own Constitution and under that code of international law which controls the action and binds the conscience in foreign matters, to say that a certain state of affairs exists which does not exist.

Mr. PALMER. As the Senator from Louisiana will not conclude before the hour of adjournment, will he yield to me for a moment?

Mr. CAFFERY. I yield to the Senator.

Mr. PALMER. I merely wish to announce that at the conclusion of the remarks of the Senator from Louisiana I desire to address the Senate on the pending conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 377) for the relief of George W. Harbaugh;

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2735) for the relief of Enoch Davis;

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey; and

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1816) for the relief of Michael Ryan; and

A bill (H. R. 5229) for the relief of George H. Lott.

COMMITTEE SERVICE.

Mr. HARRIS. This morning the Senator from Rhode Island [Mr. ALDRICH], the chairman of the Committee on Rules, presented a resolution which changed the name of two or three committees, and formed standing committees of some select committees; after which, in conference with the financial clerk, the fact appeared that the clerks of those committees are not provided for, and under the resolution of this morning their salaries will cease from to-day. The Senator from Rhode Island being compelled to leave the city, requested me to present the resolution which I send to the desk to cure that defect. I ask for its present consideration.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Tennessee asks unanimous consent for the present consideration of a resolution which will be read.

The Secretary read as follows:

Resolved, That the Committee to Establish the University of the United States, the Committee on Forest Reservations and the Protection of Game, and the Committee on Corporations Organized in the District of Columbia, be, and they hereby are, authorized to employ each a clerk.

Mr. HARRIS. Each one of those committees as a select committee had a clerk, and under the resolution of this morning the clerks can not be paid, nor are they authorized to hold their positions, without the passage of this additional resolution.

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 377) for the relief of George W. Harbaugh;

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2735) for the relief of Enoch Davis; and

A bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

The bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Friday, March 20, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 19, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

JAMES DUKE.

Mr. OTJEN. I ask unanimous consent for the present consideration of the bill (H. R. 572) for the relief of James Duke.

The bill was read.

Mr. PITNEY. I should like to hear the report.

The report was read in part, when

Mr. PITNEY said: I waive the further reading of the report.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. LOUD. I should like to hear some explanation. It seems plain that this man deserted and afterwards reenlisted. How much bounty did he get when he reenlisted?

Mr. OTJEN. He did not get any. This man obtained leave of absence for twenty-four hours to visit the Seventeenth Wisconsin Regiment. Before the expiration of his twenty-four hours' leave the steamer to which he belonged went away down the Mississippi. As soon as he found that the steamer was gone he reported to Major McCauly, of the Seventeenth Wisconsin. Major McCauly took him to General McPherson, who advised him to wait until the steamer should return. But the steamer was soon afterwards blown up. As soon as Admiral Porter came there with his vessel this man went aboard and reenlisted. He told his story to the Admiral, who told him he was all right. The man served two years after that.

Mr. LOUD. That seems to be a very good story, but while it may appear to be very plausible at the present time, it can not be a true story, because I do not think any officer of the United States Navy would have allowed a man to reenlist when he was known to be a deserter. I shall object.

PATRICK RAINEY.

Mr. CROWTHER. I ask unanimous consent for the present consideration of the bill (H. R. 2328) for the relief of Patrick Rainey.

The bill and report were read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAKER of New Hampshire. I wish to ask whether this bill has received consideration at any Friday night meeting?

Mr. CROWTHER. It has not.

Mr. BAKER of New Hampshire. Then I object.

WITHDRAWAL OF A REPORT.

Mr. HANLY. A report which I filed (Report No. 288) contains, as I have since discovered, some inaccuracies of fact. I should like permission to withdraw the report for correction.

The SPEAKER. Without objection, leave will be granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

A bill (S. 1862) to amend the act creating the circuit courts of appeals in regard to fees and costs, and for other purposes;

A bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States;

A bill (S. 1864) to amend the act creating the circuit courts of appeals in regard to cases arising under the revenue laws, and for other purposes;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 1256) to increase the limit of cost for the erection of a public building in Camden, N. J.;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guard thereof in exchange for other rifles now held;

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona;

A bill (S. 1211) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport Navy-Yard;

A bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims;

A bill (S. 2129) granting an increase of pension to Annie E. Nolan;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints; and

A bill (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in paper cover 2,000 additional copies of Notes on the Year's Naval Progress, General Information Series, No. XIV, prepared by the Office of Naval Intelligence, Navy Department, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for the use of the Office of Naval Intelligence, Navy Department.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6936) for the reconstruction of the Rock Island Bridge;

A bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid the United States;

Joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay;

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor; and

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2176) granting a pension to Thomas Pollock—to the Committee on Pensions.

AMBASSADOR BAYARD.

Mr. HITT. Mr. Speaker, I desire to call up the resolutions from the Committee on Foreign Affairs which were under consideration yesterday.

The SPEAKER. The gentleman from Illinois [Mr. HITT] asks unanimous consent that the House resume the unfinished business of yesterday. Is there objection? The Chair hears none.

Mr. HITT. Gentlemen opposing these resolutions have consumed thus far the greater part of the time. The arrangement is that the gentleman from Ohio [Mr. TAFT], a member of the committee, shall now address the House.

Mr. TAFT. Mr. Speaker, no one, I believe, disputes the fact that the President of the United States is the only authority having jurisdiction over Ambassador Bayard. But this fact does not carry with it the proposition advocated by our Democratic friends, that the House has no power and no right under the Constitution to express its sentiments in regard to the conduct of a diplomatic official. We are challenged to produce a precedent for the resolution pending before the House.

Mr. Speaker, it is a matter of congratulation that never before in the diplomatic history of the country has a similar instance occurred where a representative violated his duty and the Executive failed to reprimand. This is a part of our history, of which Republicans and Democrats alike should feel proud. It is a source of deep regret on this side of the House that we are compelled to take cognizance of a flagrant breach of diplomatic duty, and are forced now to make a precedent for all time to come.

Democrats say that they would not vote to censure a Republican ambassador were the conditions of this case reversed. They are perfectly safe, Mr. Speaker, in making that statement. They feel morally certain that no Republican diplomatic representative would ever so far forget himself and his duty as to indulge in indiscreet public utterances on home politics. A Republican diplomat drops his politics the moment he crosses the boundary line. He represents his entire country.

The complaint against Mr. Bayard is not that he is a free trader in home politics, but that, as an ambassador of the whole American people, he took his home politics with him to a foreign country and exploited them before a foreign audience. Under the unwritten law of the land Mr. Bayard, as the American representative, was invited to deliver an address before the Edinburgh Philosophical Institution. He accepted the invitation; and this privilege, a privilege secured solely by his official position, he abused by attacking a great political party in his own country. I say a political party because protection is the foundation principle of the Republican party. [Applause on the Republican side.]

To criticise an American ambassador is a most ungracious duty. The American people prefer to relieve their foreign representatives of all criticisms whatsoever, especially of a partisan character, to the end that those representatives may feel secure in the undivided support of their own countrymen. When an ambassador, however, abandons his nonpartisan character, he not only embarrasses the Executive, but also invites the widest range of criticism upon all of his personal acts. If Mr. Bayard fails to see anything reprehensible in those acts, which are almost universally recognized by his countrymen as manifest violations of diplomatic etiquette, diplomatic duty, and diplomatic honor, it must be because old age is mellowing those mental faculties which several years ago dictated stringent rules for the government of the diplomatic service, and which were so keen to dispose of Lord Sackville-West for a comparatively trivial offense.

In censuring Mr. Bayard, the Republican party do not seek to weaken the strong natural bonds existing between the two great branches of the Anglo-Saxon race, but rather to repudiate the idea that those bonds can be strengthened by casting the slightest taint on the "kin beyond sea."

But, Mr. Speaker, Mr. Bayard, and his friends desire that all parts of his address shall be construed in their relations to each other. How can this be done when he himself neglects to do so? Following the extract from the Edinburgh speech quoted in the preamble of the resolution, Mr. Bayard says:

Under its dictation—

He is speaking now of the principle of protection—

individual enterprise and independence have been oppressed and the energy of discovery and invention debilitated and discouraged.

What more damaging statement than this could be made, Mr. Speaker, in a country where the young man looks to our Republic as a refuge which will afford him the best opportunities for the development of his individual powers and for the success of his individual enterprise? Mr. Bayard himself virtually contradicts this in another part of his address, which I will read, in which he says:

You will, I believe, agree with me in holding the rapid growth and development of the United States to be the most remarkable page in the history of civilized mankind. * * *

This marvelous progress can only be adequately accounted for by the freedom permitted to the units of that population, to each individual citizen, without surrender of conscience, to enjoy the admitted right to accomplish his own manhood, to be fully himself; to select the suitable occupation for which instinctively he felt himself to be competent, and upon which he embarked with the energy born of hope and confidence.

As this rapid growth and development of the United States especially took place between the years 1865 and 1892, it is difficult to see what excuse Mr. Bayard has for saying in one part of his address that protection had oppressed individual independence, and in another part that the unlimited enjoyment of individual freedom had caused the rapid growth and development of the United States during a period when protection was our national economic policy. Mr. Bayard ought to edit his address more carefully and make all parts harmonious.

It is further urged, by way of extenuation and defense, that this address is especially admirable on account of its literary merits. Standards of literary merit vary greatly, but I venture to assert that a vast majority of those who have read this address, and of those who have attempted to read it, will join issue at once upon that point. It was an unfortunate custom which forced Mr. Bayard upon a literary platform in quasi competition with Mr. Lowell and Mr. Phelps.

Mr. Lowell's address on Democracy was a masterpiece of literary workmanship; Mr. Phelps's speech on the Law of the Land was a splendid specimen of clear and cogent reasoning; Mr. Bayard's essay on Individual Freedom will be remembered chiefly for its stilted pedantry and pompous verbosity. The Magna Charta, the Declaration of Independence, and the Federalist are all papers of mighty import to the human race; but they serve sometimes as prolific sources of ostentatious, philosophical observation when a pedantic essayist strives for profundity of thought on constitutional questions. [Applause and laughter on the Republican side.]

We have been taught to believe that the individual in this country has a larger range of freedom than in any other country on the habitable globe. Our self-esteem as a nation is slightly shocked when our ambassador in effect insists that Anglo-Saxon civilization nurtures and develops individual freedom equally well everywhere, without particular reference to the form of government. Undoubtedly the proprieties of the occasion required our ambassador to maintain that the individual freedom of the Englishman was as great as that of the American, but in maintaining this what right had he, in singling out his own people, to say:

In my own country I have witnessed the insatiable growth of that form of state socialism styled protection?

And then follow allegations and statements which ought to cause a blush of shame to any American foreign representative publicly uttering them in a foreign country.

In view of the fact that this House of the Fifty-fourth Congress, with its remarkable Republican majority, succeeded to the House of the Fifty-third Congress, with its remarkable Democratic majority, Mr. Bayard condescends to divide the membership of this House into two classes, the "jobbers and chafferers," who are protectionists and Republicans, and the "statesmen," who are free traders and Democrats. [Laughter on the Republican side.] Every dollar of the salary which Mr. Bayard will draw during the coming year ought to sink deep into his tender conscience because the dominant party of "jobbers and chafferers" controlling the legislation in this House passed that amount to his credit in the diplomatic appropriation bill.

He closes this part of his address by making the astonishing allegation that in this country, under the influence of protection, "personal liberty ceases to be the great end of the Government." What a monstrous libel upon his own Republic! And yet this is said to be a mere discussion of an economic theory upon an academic platform.

It was the arraignment of his own country before the assembled culture of Scotland. It was a proclamation to Great Britain that in the United States, where protection prevailed, personal liberty

had ceased to be the great end of the Government. To be the more effective, and therefore the more censurable, such an arraignment must be upon an academic platform.

If Mr. Bayard, in yielding to the gentle and subtle influences of old age, had circulated his ideas in the drawing rooms of aristocratic London, little or no attention would have been paid to him; but our ambassador proclaimed them upon the platform of the Edinburgh Philosophical Institution, a society composed of learned men, who give tone to public sentiment. For that reason he should be held to a strict accountability for his statements.

Contrast, if you please, the undiplomatic and derogatory criticism of his own country with the high encomium of Scotland with which he closes his address. The conviction is forced upon one that he is willing to secure a little personal popularity by violating the most obvious rules governing the conduct of diplomats the world over.

When an ambassador of the United States has reached the point where he is willing to secure personal approbation at the expense of the dignity of his own country, and when his self-importance has become so expanded as not to permit him to recognize that his own position, strength, and influence in a foreign land depend upon the support of a united, dignified, and proud nation, it is high time that this House, in reflecting public sentiment, should, by resolution of censure, command him to maintain the dignity of his own country and to subordinate his personality to the interests and the good name of the entire American people. [Applause.]

Mr. GROSVENOR. Mr. Speaker, I desire to call the attention of the House and, in so far as it takes an interest in a matter of this sort, the country to some references made yesterday by the gentleman from Kentucky [Mr. McCREARY] from which, in my judgment, an unfair inference is likely to be drawn against the memory of a man whose great public service to the country in time of war and in time of peace, as well as his distinguished American character, deserve better treatment at the hands of the Congress of the United States.

I refer to the attack, which was only inferential, and therefore the more insidious and the more damaging, made upon the character and career of General Schenck while the minister of this country at the Court of St. James. What the particular purpose of the gentleman was I do not know. The matter was not germane to any question pending before this House. It was wholly extraneous—brought in here from the outside and placed in the CONGRESSIONAL RECORD for some purpose, I assume; for I do not suppose that the gentleman from Kentucky uses idle words and performs idle feats of posturing here upon a question of this character. Assuming now, in the first instance, that there was something in the career and conduct and life of General Schenck while a member of the diplomatic corps of the United States that does not conform to the high standard of morality taught and practiced by the gentleman from Kentucky, assuming that it was outside his official conduct, what has that to do with the question under consideration? We are not investigating the career of Mr. Bayard in social life in the city of London.

Mr. McCREARY of Kentucky. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. McCREARY of Kentucky. Do you deny anything I said about Mr. Schenck, the former minister to Great Britain?

Mr. GROSVENOR. I propose to deny that unfair inference apparently sought to be made by you.

Mr. McCREARY of Kentucky. What was that inference?

Mr. GROSVENOR. Let me make my speech and you will then see.

Mr. McCREARY of Kentucky. Do you deny anything I said with reference to Mr. Schenck?

Mr. GROSVENOR. The inference was of two kinds, that there were two matters of history and two matters of record in which there was a ground of censure against him as minister abroad in some way reflecting upon the duty of Congress in the matter on this question under consideration.

Mr. McCREARY of Kentucky. The gentleman does not represent me correctly.

Mr. GROSVENOR. Then if he was——

Mr. McCREARY of Kentucky. There was no inference about it. I charged that a committee of members of the House of Representatives investigated the conduct of Mr. Schenck, and on their report a resolution was adopted condemning him.

Mr. GROSVENOR. I decline to yield. I decline any further interference. If the gentleman did not mean to assail the character of a dead man, if he did not intend to be a ghoul that digs about the grave of a dead man and drag him up here for some purpose, that is a matter——

Mr. McCREARY of Kentucky. I candidly stated facts.

The SPEAKER. The gentleman from Kentucky is not in order.

Mr. McCREARY of Kentucky. I desire to know if I can be attacked without having an opportunity to defend myself?

The SPEAKER. The gentleman will wait. He can not interrupt the gentleman without his consent.

Mr. GROSVENOR. There is no attack here. I am attacking no one. The gentleman's language is before me, and I am making this point—if he would not interrupt me—that either there was a purpose or inference to assail the memory of General Schenck or else it was idle words, nothing but words. Now, then, if I am right about that, how can the gentleman escape that proposition?

Mr. McCREARY of Kentucky. Are you willing to yield to me?

Mr. GROSVENOR. I do not want a speech.

Mr. McCREARY of Kentucky. You spoke of me——

The SPEAKER. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I decline to yield. It is not necessary; but to please the gentleman I will say that he either meant something or nothing, and he can take either horn of the dilemma.

Mr. McCREARY of Kentucky. I am willing to tell you what I meant.

The SPEAKER. The gentleman from Kentucky knows as well as anybody in the House that he is not in order.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to respond to a question asked by the gentleman.

The SPEAKER. The gentleman from Kentucky will not persist, of course.

Mr. McCREARY of Kentucky. I am not going to take time unless he gives it.

Mr. GROSVENOR. I have only a very brief time.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. GROSVENOR. I do not. It is not necessary. It would only be a repetition of what we heard yesterday. It could not be anything else. Now, what was it? Did he mean to assail the character of General Schenck? If so, I am here to defend him. Did he mean nothing? If so, I am here to protect the memory of General Schenck against the inference that somebody else may draw from the meaningless utterances of the gentleman from Kentucky. What is the result? In regard, first, to the Emma mine. I am aware that a report was brought in here with 800 pages in it, and I am aware of a great deal more than that. I stand here and say that the conduct of General Schenck in his relation to the Emma mine, as illustrated and made perfectly plain by the subsequent history of that transaction, leaves that distinguished American without a blot upon his record, either public or private, and time will vindicate what I say by vindicating him.

What is the highest proof of it? He became the owner of a large number of shares in that enterprise. There never was the slightest evidence that he was guilty of willful or knowing fraud, and the best evidence of his good faith was that he invested a large sum of money in that property. Now, let me tell the gentleman from Kentucky what he doubtless did not know. General Schenck was reduced to comparative poverty in the long years of his sickness after his return from Europe and his retirement from public life, and yet so strong was his faith, so conscious was he of his good faith in that matter, that until the day of his death he paid every assessment upon that stock, and it stands to-day on the books of the company in London, his property, with every dollar of assessment paid up to the hour of his death. When others sold out he stood fast and held on. And that is not all. He left behind him a very small and limited estate and three helpless daughters, proud of the record of the man whom I am vindicating, and so imbued were they with the spirit which animated their father, and so full was their knowledge of the integrity and purity of his life and purposes, that they, out of the mere bare means of support left them, have, up to this current year, paid the assessments upon that stock, and have carried it along with the hope which they inherited from their father that it would ultimately become valuable, relying always upon his declaration that it was valuable, and with the higher and better and purer hope that they would vindicate the memory and honor and integrity of their father by paying these assessments and holding on to that stock until it might become valuable. So much for the Emma mine.

I come now to the reference, the cruel reference, made by the gentleman from Kentucky to the publication of the rules of the game of poker. There is not an intelligent American on this continent who has attained the age of responsibility and can read and write but has read over and over again the full explanation made by General Schenck, the full explanation made by the lady who was concerned in the matter, and to whom I shall refer, and the full and complete vindication against any imputation of impropriety on his part, if impropriety there was, in the publication of that little pamphlet. Let me repeat briefly what there was of that affair, which is brought in here for some purpose or for no purpose. General Schenck, I believe, had some knowledge of the game of draw poker. I am abusing no confidence when I say that he told a friend of his once that he knew just enough about it to always lose his money in the game. [Laughter.]

I do not wonder, Mr. Speaker, that the gentleman from Kentucky is shocked that an American plays poker. [Laughter.]

The gentleman seems to stand here to rebuke the people of America who indulge in that great Western game. But there are grades and differences and degrees, and one thing I may add about General Schenck, which I have from a gentlemen who knew a great deal more about him than I ever did—that is, that he died without leaving any unpaid poker debts. [Laughter.] That is at least something. In a company at the house of a distinguished Englishman, where the game of poker had been introduced, General Schenck had talked about the rules of the game—I think he knew more about the rules than he did about the practice—and a lady, a distinguished lady, asked him to make, for her benefit, a written memorandum of the rules of the great American game.

General Schenck, in compliance with the lady's request, and for no other purpose, wrote out a few leading rules of the game of draw poker, and that lady, without his knowledge or consent, printed the little pamphlet which the gentleman from Kentucky paraded here yesterday. When General Schenck heard of it he was very much mortified—not that he was a hypocrite, for General Schenck never tried to pose before the people of the country in a rôle that he was not fitted for. [Laughter.] But he was mortified that a publication of that character should be made and his name placed upon it, because he feared the inference might be drawn that he was selling it for private gain, and he at once explained to the American people in a publication which nobody has ever contradicted, and which was confirmed by the lady concerned, the circumstances under which he had written the rules and the circumstances under which they had been published, and nobody ever in my hearing until yesterday tried to make any capital out of that matter.

General Schenck was one of the great men of the United States. He was elected to Congress as early as 1843 or 1844 from the State of Ohio. He became one of the leaders on this floor. When the war began he was at the very head of the Republican minority on the floor of this House. He was a distinguished leader and champion of Republicanism, a man who very early discovered what was the real purpose of the war of the rebellion, and he promptly entered the service. He was in the first battle of Bull Run. At the head of the First and Second Ohio Volunteers he stood there like a wall of adamant when terror and disorganization swept away, practically, the Union forces. He was at once recognized by Mr. Lincoln as a man of commanding power and influence, and he was retained in the service during the whole war. He fell almost mortally wounded at the second battle of Bull Run. He was a soldier in the Army, a soldier in battle. General Schenck was in the Eastern army, standing like a wall between this capital and the onslaught of Early's command. He won the distinction that he deserved; he became a major-general. He earned it on the battlefield, and he earned it in the councils of Lincoln, who sent for him over and over again to consult with him about important matters. So much for General Schenck so far as his military career is concerned. I will put into my speech in the RECORD a few comments of the National Cyclopedia of American Biography, which speaks very briefly of his career as a soldier.

At the outbreak of the civil war in 1861 Mr. Schenck tendered his services to the Government and was commissioned brigadier-general of volunteers. On June 17 he was ordered to take possession of the Loudoun and Hampshire Railroad in Virginia as far as Vienna. The general commanding, wishing to secure the road, ordered General Schenck, with one regiment, to establish guards at certain points designated along the road. The instructions were in writing and were obeyed implicitly, General Schenck accompanying the expedition. When approaching Vienna, however, with two companies of the regiment, the train was fired on by a Confederate force, 3 cars were disabled, 10 men killed, and 2 wounded. The frightened engineer on the locomotive at once uncoupled the engine, it being in the rear of the train, and returned to Alexandria. General Schenck immediately rallied his few men and recharged with such courage that the Confederates, 800 in number, withdrew under the impression that a superior force of Federals must be near. This occurrence was the occasion of very severe attacks upon the General in the Northern press, but Lieut. Gen. Winfield Scott, then the head of the United States Army, afterwards declared that he was not to be blamed, but rather to be praised for his conduct.

At the battle of Bull Run (July 21, 1861) General Schenck commanded a brigade in General Tyler's division, and it was against his orders—indeed in face of his declaration that if the officers persisted in their determination to retreat from the position which had been assigned to them, he would bring them before a court-martial—that the brigade did join in the disgraceful and needless flight to Washington on the part of the Federal forces, which became a marked feature of that day's military operations. He was next assigned to the command of a brigade in West Virginia, under General Rosecrans, and was actively and creditably engaged in the several campaigns on the Kanawha and New rivers. Ordered thence to the Shenandoah Valley for his march to the relief of General Milroy, his part in the battle, and the subsequent retreat, he had the satisfaction of knowing that his departmental commander, General McDowell, pronounced these achievements the most brilliant which had thus far marked the campaigns in that region. At the battle of Cross Keys (June 7, 1862) the fighting by Schenck's brigade was sharp, protracted, and effective, the enemy falling back in confusion. When the left wing of the Federal forces gave way, however, that brigade, with the troops commanded by Generals Milroy and Cluseret, were ordered to fall back to the strong position which they had occupied before the battle, and did so in good order. When General Fremont (commanding the department) was relieved of his command, he turned it over to General Schenck, who during the necessary absence of General Sigel, had command of the First Corps of the Army of Virginia.

At the second battle of Bull Run (August 28, 29, 30, 1862) he was severely wounded in the wrist, and was carried from the field, but not until his insistence that the sword which had been knocked from his hand should be found and taken with him to the hospital was complied with. It was not until December 11 of that year that he was able to again take service, and he was then assigned to the command of the Middle Department, Eighth Army Corps, with headquarters at Baltimore, Md. Here his administration was marked by his well-known executive ability, firmness, and determination. But at this juncture it was felt that his personality and powers and experience could be used by his country to greater advantage in her civil councils than in her military activities, and therefore, on December 5, 1863, he resigned his commission in the Army to take again his place in the lower House of Congress, to which he had been elected from the Third Ohio Congressional district. Upon resuming the seat which had been his a dozen years before, he was appointed by the Speaker chairman of the Committee on Military Affairs.

It has been well said by Mr. Whitelaw Reid, that "a history of his career in the Thirty-eighth, Thirty-ninth, and Fortieth Congresses, for he was renominated and chosen by his party without opposition at each election, would be a complete history of the military history of the country through the most eventful years of the war, and after its close, and a comprehensive account of the whole cause of public affairs in Congress during that period. He resumed his position as one of the leaders of his party, and no man in Congress seemed so much actuated, not merely by the general ideas of radical Republicanism, but especially and conspicuously by a fervid hatred of Confederates and of the Confederacy." His ferocious party onslaught upon Fernando Wood, of New York City, a member of the House generally credited with secession sympathies, exhibits the man in his marked characteristics. Mr. Wood had closed a defense of Mr. Long of Ohio, whom it was proposed to expel from the House for peculiarly obnoxious conduct. General Schenck rose to reply, and said: "A student on natural history would have much to learn on this floor. Some specimens of the snake family are so slippery that it seems impossible to classify them or to hold them to any position. I find myself at a great loss to understand what grounds are occupied by the member from New York who has just taken his seat. * * *

"Being neither against the war nor for the war, he would send commissioners to Richmond to treat with those arrayed in arms against the country, to offer them terms of peace. How many others on his side of the House may agree with him I know not. But I do know this: Whenever any such propositions of Northern Democrats have appeared in print, their offers or suggestions of peace have invariably been received by the rebels at Richmond with scoffing, and repelled with scorn. The member and his friends, then, are willing and propose to crawl on their bellies to the feet of rebels and insurgents in arms, and looking up piteously to say, 'Oh, our masters, notwithstanding all your scoffing and scorn, though you may spurn us from your presence, we implore you to say whether you will not graciously agree to make some terms with us.' I can not comprehend this abasement in any other way. Thank God! I belong to no such party as that. For the sake of manhood and humanity I would not trust too far those who do. * * * He (Wood) would propose terms of peace, and that peace he would offer to those who scorn him. But still he would press upon them his good offices. He sings the siren's song of peace for the effect that it may have at home. For that he is willing to crawl prostrate to the feet of insurgents in arms, and say to them, 'Do with us as you will; tear from the flag of our glorious Union half its gleaming stripes; blot out as many of those stars as you can reach and extinguish; only join us again that you may help us to save the Democratic party, so that we may hereafter, as heretofore, enjoy power and the offices together. For these we will so humble ourselves as none of God's creatures ever humbled themselves before.'"

And if the gentleman from Kentucky desires it, I can put in a few extracts from another page of the same volume showing that after the war is all over a soldier upon the one side has seen fit to drag in here the personality and the public career of another soldier, now dead, who happened to be on the other side:

He served in the war from 1862 until its close as major and lieutenant-colonel of cavalry under Morgan and Breckinridge.

Now, Mr. Speaker, this is all I have to say about the matter. I have no feeling on the subject. General Schenck was one of the distinguished men of my State. To-day he is the idol in memory of the old Republicans of Ohio—men who belonged to the Whig party and afterwards to the Republican party. They are not willing that any inference shall be drawn from any public declaration that General Schenck was less than a magnificent American, a true patriot, a splendid citizen, and a devoted friend of the American Union and the liberties of the American people. [Loud applause.]

Mr. PEARSON and Mr. MCCREARY of Kentucky addressed the Chair.

The SPEAKER. How much time does the gentleman from Kentucky [Mr. MCCREARY] desire to occupy?

Mr. MCCREARY of Kentucky. Only a few minutes.

The SPEAKER. The gentleman from Kentucky will proceed.

Mr. MCCREARY of Kentucky. Mr. Speaker, in referring yesterday to the record of General Schenck I did not seek to attack him; I did not seek to say anything except what the record shows. And I am surprised, therefore, that the gentleman from Ohio [Mr. GROSVENOR] should wince so much and rant so much simply because I stated facts.

In order to substantiate what I said yesterday, which was called out because resolutions were pending here which sought to censure and condemn our present ambassador to Great Britain, I thought it was appropriate that we should give to this House, in a fair discussion of the question, any instance where a minister or ambassador had been condemned or censured. In looking over the history of the past, I found but one minister to Great Britain who had been condemned, and that was Gen. Robert C. Schenck. I did not attack General Schenck; I simply sought to give to the House information, and I based what I said upon the report of a committee of the House of Representatives, which showed that on the 28th day of February, 1876, the House of Representatives adopted a resolution in the following words:

Resolved, That the Committee on Foreign Affairs be authorized and instructed to inquire further into the connection of the United States minister

at the Court of St. James with the Emma mine, so called; that it have power to send for persons and papers; and leave is given to said committee to sit during the sessions of the House.

That committee performed its work, and gave us a volume, which I hold in my hands, of 800 pages; and the committee in concluding their report say:

The committee therefore submit the following resolution and unanimously recommend its passage by the House:

"*Resolved*, That this House condemns the action of Gen. Robert C. Schenck, United States minister at the Court of St. James, in becoming a director of the Emma Silver Mine Company of London, and his operations in connection with the shares of the said company and the vendors thereof, as ill advised, unfortunate, and incompatible with the duties of his official position."

I simply stated facts such as are shown by the reports made in the House of Representatives. That resolution, which was reported to this House by Mr. Hewitt, of New York, was afterwards adopted. I referred to this case simply to show that there had been a resolution heretofore adopted condemning the acts—not the words, the acts—of a gentleman who had been minister to Great Britain. Now, that is all I have to say on that point.

I had heard that while General Schenck was minister to England he wrote a book on "draw poker." I felt, in investigating this matter at a time when another minister was being so severely arraigned, that we should look into the history of other ministers to Great Britain. I sent to the Congressional Library to ascertain if that book was in the Library, and the Librarian, Mr. Spofford, sent me the book of Robert C. Schenck on "draw poker." I simply referred to it as a fact. And I now substantiate all I say by showing to this House the report and the book.

Mr. CANNON. Will the gentleman from Kentucky allow me a word?

Mr. McCREARY of Kentucky. Certainly.

Mr. CANNON. General Schenck is dead and gone; and will the gentleman from Kentucky inform the House how in any way the correctness or incorrectness of any action of General Schenck, while he was minister at the Court of St. James, excuses, justifies, or palliates the action of the present minister to the Court of St. James?

Mr. McCREARY of Kentucky. I will answer the question. Mr. Speaker, it was a legitimate subject for me to refer to. There were members of this House who had charged that a minister to England had been condemned, and that therefore it was proper and right now to condemn Mr. Bayard. I drew the line between the acts committed by General Schenck, when he was investigated and a report presented to the House of Representatives containing 800 pages, and this case of Mr. Bayard, in which there is a report from the Committee on Foreign Affairs seven lines in length. I made a comparison between the two cases, and I said that this was the first time in the history of the United States when an effort was made to censure and condemn a minister for words spoken in a speech.

Mr. PEARSON. Mr. Speaker, this discussion is taking such a wide range that the real issue may be obscured. But I desire to serve notice upon the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Arkansas [Mr. DINSMORE] that they can not play the game of the cuttlefish in this discussion and obscure the issue and leave out of sight the real defendant. I have promised my friend from Virginia [Mr. TUCKER], my colleague on this committee, for whom I have the highest respect, that he will not say anything more complimentary to Mr. Bayard in this debate than I myself shall say, and say sincerely.

Mr. Speaker, I am one of those who believe that the good name of our public servants constitutes a large part of the national wealth, a form of wealth that I would not barter for all that lies above or beneath our soil. And I desire to say in justice to my own feelings that I take no pleasure in joining in the humiliation of a lofty spirit or in the degradation of an illustrious name. And I wish to say in candor to my Republican friends that I have been an admirer and a supporter of Thomas F. Bayard, and I say here to-day that among the many eminent men whose names have illustrated the pages of American history "scarcely one bears a more splendid and none a more stainless name." The Lees and the Randolphs of Virginia, the Pinckneys and the Rutledges of South Carolina, the Livingstons and Jays of New York, the Adamses and Washburns of New England, the Carrolls of Maryland, and side by side with these names you must rank the Bayards of Delaware, a name that goes back spotless and shining into the mists of the Middle Ages.

I am, Mr. Speaker, perhaps one of the few members here present who have visited that old castle in the Ardennes Mountains, just above the little town of Dinant, on the Meuse River, known as La Roche à Bayard. This is the spot referred to by the eloquent gentleman from Iowa [Mr. COUSINS] in his address on yesterday, when he spoke of the lineage of the Bayard family being traced back to that ideal of chivalry, the Seigneur Pierre du Terrail de Bayard, the "chevalier sans peur et sans reproche"—an impregnable fortress, bounded on three sides by the river and a natural rock wall several hundred feet in height, where he could be attacked but from one quarter, and where he was never known to turn his back on either enemy or friend. I have stood there on that rock and reflected with pleasure—that was some years ago—that this is indeed a splendid name, and one that is still worthily borne in my own country by a man who unites all of the qualities that make the model gentleman, just as his ancestors united the qualities that made the ideal knight.

Mr. Speaker, I say this in all sincerity, and pay this tribute to the name of Mr. Bayard as a matter of justice and right. But I desire to say, in justice to myself, to this House, and to my country, that I regret exceedingly that the Executive of this nation, by timely action, or that our ambassador, by reasonable explanation, or that the Democrats of this House, by reasonable concession in this matter and by a nonpartisan treatment of the question, had not relieved us of the necessity of demanding the censure of such a man.

Now, sir, there are only two questions involved in this case. The first is the question of power. Has the House of Representatives the power to pass the resolutions of censure? And second, Is the offense such as to justify this proceeding? Now, as to the question of power, that has been settled. The resolution of the minority in this case declares that the action of the majority, as proposed in the resolution of censure, is unwarranted and unprecedented. With great respect to the other side of the House, I desire to call their attention to the fact that two years ago a resolution was adopted, introduced by the then chairman of the Committee on Foreign Affairs, the gentleman from Kentucky [Mr. McCREARY], which in words and in terms censured the conduct of our minister to the Hawaiian Islands. And what is the difference between that case and this? There are just two points of difference: There the facts were denied and disputed; the allegations of facts were distinctly denied by the minister. Here the facts are admitted. And yet in that case the Democratic party on the floor of the House exercised the right to censure a man for raising the American flag, while we are here to-day to censure an ambassador of the United States for lowering the national honor. [Applause on the Republican side.]

Now, I know the respect that the gentleman from Kentucky has for authorities, and but for that fact I would not trouble the House by reading a passage from one of the great lights of his party, to wit, Thomas H. Benton, with reference to the powers and duties of the House of Representatives.

Mr. Benton made this statement in reference to the powers of the House at a time when he was a Senator and was defending the power that we have and should exercise. In his Thirty Years' View he says (volume 1, page 208):

The high functions of the House were given it for wise purposes, for paramount national objects. It is the immediate representation of the people, and should command their confidence and their hopes. As the sole originator of tax bills it is the sole dispenser of burthens on the people and of supplies to the Government.

Listen to this, my friends, if you kindly will:

As sole author of impeachments it is the grand inquest of the nation, and has supervision over all official delinquencies. Duty to itself, to its high functions, to the people, to the Constitution, and to the character of democratic government require that it resume and maintain its controlling place in the machinery and working of our Federal Government, and in preventing an increase of the evils of our diplomatic representation abroad.

The gentleman surely will not contend any longer upon the question of power. It is simply now a question of propriety. Shall we exercise this undisputed right? Of course we do not expect our Democratic friends to argue from a point of consistency. That is not in their creed.

Mr. BARTLETT of New York. Will the gentleman yield for a question?

Mr. PEARSON. I will yield to the gentleman from New York after I shall have finished these remarks, which will be brief, and he can bottle up his question for the present. [Laughter.]

Mr. Speaker, we come to the question of propriety. If Mr. Bayard had been some obscure official, at some insignificant post, we might have passed by this incident; but standing as he does in the highest position in our foreign service, at the proudest Court in Christendom, we can not afford to ignore or to condone his conduct and his words.

A large part of the debate of yesterday was devoted to a discussion of the merits of protection. The merits of protection are not here involved. I am here to say to my Democratic friends that even if we admit the truth of all the unjust and intemperate assertions of Mr. Bayard, we do not and can not defend his words. I will ask the gentleman from Kentucky, if a man denounces his mother as a woman of vicious habits, and proclaims this among strangers—I ask the gentleman from Kentucky if that man is justified because he can prove the truth of his charge? Was it right for a man representing the entire body of the American people, standing in the old capital of Scotland, close by the Holy Rood, in sight of that old castle whose foundation goes back beyond the memory of man—was it right, was it proper, was it decent, for our ambassador to stand there in such a place, with such surroundings and before a critical and cultured audience, and

to brand the believers in this country in the doctrine of protection as jobbers and chafferers?

And by the way, Mr. Speaker, as the facts are conceded, let it also be conceded in candor that when a man denounces the believers in protection he denounces the Republican party of the United States. That is the bed-rock principle of that party, and you can not get away from that proposition. I trust my friend will not dispute it. The gentleman from Arkansas [Mr. DINSMORE] yesterday in his remarks said it was the "base stone" of the Republican party. Therefore when Mr. Bayard stood there and used these words that have been quoted and that are recited in the report, when he charged the whole of the American people who believe in this doctrine with believing in—

A form of "state socialism" which has done more to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, to familiarize it with reliance upon state aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause—

I ask my Democratic friends if they can justify such words as those, and if they can complain of Lord Salisbury, supposing they do justify those words—can they complain of Lord Salisbury, if he believed that the American people were such creatures as are here described, for declining to answer our demands in regard to Venezuela or otherwise treating us with respect?

I ask them further, if these words of Thomas F. Bayard are true, how can a proud and sensitive man represent such creatures as he here depicts? If he had the chivalry of that old ancestor of his, whom the kings of the earth deemed it an honor to have come before them and make them knights—kings as they were, they esteemed it an honor to be knighted by the imposition of his glorious sword—if this were a worthy descendant of that great man, he would not represent such creatures as he describes us to be.

Now, Mr. Speaker, it is a very curious thing in this discussion that this tirade of Mr. Bayard was delivered exactly three days after the greatest victory in American history had ever been achieved for the doctrine of protection. There was a little dispute yesterday between the gentleman from Kentucky—a little confusion of mind as to the dates in this case. I desire to say that there were two great victories for protection preceding this deliverance of Mr. Baryard, the first in November, 1894, and the next in November, 1895. The first victory was, as the gentleman said, in the matter of the election of Congressmen. But here were two lights that were shed upon the gentleman from Kentucky and the minister to Great Britain, and it seems to have the effect that increased light has upon the owl, the more light the more dazed the creature seems to be, and less capable of perceiving the natural objects of vision. [Applause.]

I desire to——

Mr. McCREARY of Kentucky. Will the gentleman from North Carolina allow me to interrupt him, as he referred to me?

Mr. PEARSON. Certainly.

Mr. McCREARY of Kentucky. When you referred to the elections of 1894 and 1895, which you say were so strongly for protection, why did you not refer to the election of 1892, when 5,567,000 Democrats elected Grover Cleveland and voted down the McKinley proposition?

Mr. PEARSON. I will say that the election of 1892 is a "back number," and the men who were elected in that contest have now been condemned to private life, and will be in the next election. [Applause on the floor and in the galleries.]

Now, let me call my friend's attention to the existing situation that was presented to Mr. Bayard at the time when he made this speech. It was this: Three days after the friends of protection had swept these United States, the whole Northern part of it, from Cape Cod to Salt Lake—it was just three days after they had carried not only the North, but after they had crossed down to the State of Maryland and removed the despot's heel from off her shore; and let me say, furthermore, if I can get the attention of my friend from Kentucky, for the first time in a generation the Republican cohorts, holding up the banner of protection, had invaded the State of Kentucky and carried their banner to victory. [Loud applause.] More than that, in the very native home of Bourbonism and the original habitat of blue grass and of the venerable gentleman who now antagonizes these resolutions [applause], and at the very moment when Mr. Bayard was speaking and holding up the cause of free trade, the dilapidated hulk of the Democratic ship, battered and beaten, was sailing up Salt River under the tattered and dishonored flag of free trade. [Renewed applause.]

Mr. Speaker, from the day that George Washington put his illustrious signature to the protective-tariff bill in 1789, on the 16th day of May of that year—from that day until the 4th of November last there never had been such a victory for the cause of protection, even in the time of war, even in the year when Abraham Lincoln ran for President the second time, and even when this House had only a portion of the States of the Union represented. The Democrats had 36 votes here; and now how many have they from the Northern States? Exactly a baker's dozen. [Laughter.] The unlucky number of 13. And if you will leave out of account the cities of New York, Boston, and San Francisco, where the foreign population have not yet learned American ideas, and consequently invariably return Democrats here—leave out of account these great cities, and your entire membership from the Northern States can be counted on the fingers of this hand. [Applause.] Was that a time, when you find this House in such a shape, for you to denounce the doctrine of protection. It needs no defense at my hands. Mr. Speaker, I shall not detain the House with the discussion of its merits, but I desire to go on record, inasmuch as that doctrine has been so furiously assailed, as expressing this deliberate belief: That the policy of protection has done more to raise the standard of wages in these United States, to bring happiness and comfort to the homes of our working classes, to stimulate inventive ingenuity, to develop our varied resources, to convert potential into actual wealth, and pour revenue into the Treasury, to make the nation independent, proud, and strong—aye, more than that, to save the nation's life in time of war—than any other single cause. [Applause.]

Now, the House must have been very much interested yesterday in watching the maneuver of the gentleman from Arkansas [Mr. DINSMORE]. Finding that the law and the facts in this case were against him, he proceeded to bring in an issue which, I think, Mr. Speaker, ought not to be discussed in this House, and which I know the Republicans of this House will not allow the Democrats of this House to decide; and that is, who is to be the Presidential candidate in the coming contest? I shall only say this, and I shall say it deliberately, that the cause of protection has triumphed in the last two elections, and it will triumph in the election for which we are now preparing; and more than that, the American people have a settled conviction in their minds that there will be no genuine return to prosperity in this country until there is a genuine American protective tariff on our statute books. [Applause.] And while I know that the Republican party's great embarrassment in this emergency is the superabundant wealth of Presidential candidates, or rather of Presidential timber, the Democratic party will not be permitted to decide who that candidate shall be; but I will tell them, and I will tell the country, and I will tell any person who chooses to ask of the matter, that the man who will carry our banner to victory in the coming contest will be that man who measures up most nearly to the ideal standard, to the living impersonation, of the beneficent doctrine of protection. [Loud applause on the Republican side.] Let me tell my friends on the other side that they make a mistake when they spring this question here. We are more likely to go contrary to what we think you want, gentlemen, than to agree with you. It has been considered good policy among Republicans when they see what the Democratic party wants to do exactly the reverse.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. PEARSON. Not right now. I will hear the gentleman later. I want to add this, Mr. Speaker. The first applause which greeted the eloquent speech of the gentleman from Arkansas yesterday came from his friends when they heard him take that tack. Many of them had been leaving this Hall, but when he entered upon that theme they rushed back to hear and applaud what he might say in disparagement of the man whom the Democrats most do fear. By that applause they "gave themselves away," and they did not injure the man against whom the gentleman from Arkansas read here an irresponsible interview. The question in this matter is not the character of General Schenck; it is not the character of Mr. Lowell; it is not the character and prospects of any man who is to be our candidate for the Presidency. The question is simply this: Shall we permit our minister to Great Britain to use such language as he has used and let it go unrebuked? I speak here as a Southern man; I speak here as a protectionist. I will say to my friend from Ohio [Mr. GROSVENOR] that it was my misfortune, or my good fortune, to be only 8 years of age when the war broke out, but if I had been eight or ten years older I should, of course, have cast my lot with my people in the South, and I should then perhaps have commanded his attention more closely than I am commanding it now. [Laughter and applause.]

Mr. GROSVENOR. I want to assure the gentleman from North Carolina that I have heard every word of his eloquent speech. It is a bad habit of mine, which a lifetime has built up, to be engaged in reading or writing while listening, but the most instructive——

Mr. PEARSON. Mr. Speaker, I decline to be interrupted except by applause. [Laughter.] But let me say here seriously on this question of protection that I propose to speak as a loyal Southern man who believes in the doctrine and who is glad to come here to add to the number of its friends, and when any man assaults that doctrine he assaults not only me but he assaults the 16,869 believers in that doctrine who sent me here to uphold it. [Applause.] My friend from Ohio speaks as a man who has been

on the battlefield, and I take it for granted that he has been; but I want to call his attention and the attention of the gentleman from Iowa and of the gentleman from Pennsylvania to one fact. Will you not admit, gentlemen, that the men who opposed you in that conflict were as brave as yourselves? Will you not concede that that means as brave as any that ever lived in the tide of time? [Applause.]

How did you defeat them? When did you first mark the wavering of their columns? When did you first observe the weakening of their serried ranks? It was after every Southern port had been blockaded, after the munitions of war and the means of getting them had been cut off. It was then for the first time that you noticed the failing strength of your brave adversaries. Why was it? It was because we of the South had been an agricultural community, while you of the North had been a manufacturing community. The South had for a long time opposed the doctrine of protection and had not felt its benefits. The North had realized its benefits and gone largely into manufacturing enterprises and had thus become independent. Those poor men of the South, after they were cut off by the blockade from the outside world, had no means at home of repairing their losses in the way of military stores or other supplies. They could not make cannon, as you could. They could not make powder, except in a very few places. They could not make shot, nor shell, nor blankets, nor any of the various necessaries for carrying on war. You could make everything that your men needed, and I venture to say here, and I hope I shall not be misunderstood, that you must have been victorious in the end in that conflict even if the depleted ranks of Southern heroes had been recruited again and again. The result would have been the same, because you could make what you needed, while they were cut off from what they must have in order to maintain the contest.

Now that that war is all over and that we can accept its results, can we not all admit that protection helped to save this Union? Can we not admit that protection helped to give us one flag, over one splendid and harmonious Republic, instead of two flags waving over an uncertain number of discordant States; to give us one Constitution under which we can march on to one common, glorious destiny? And I can say further, Mr. Speaker, reverently, truthfully, and loyally, knowing the splendid courage of the Southern men, knowing their devoted loyalty, knowing their matchless, voiceless, fruitless sufferings, that if they could speak from the sunken trenches to which your bullets and your bayonets consigned them, they would echo the voice and the sentiment of the living: "It is better as it is—one flag, one country, one universal freedom." [Prolonged applause.] I feel that I have not gone out of my way in saying thus much for the cause of protection.

Now, Mr. Speaker, if we pass this resolution we declare to the world that we intend to maintain and to defend the policy which has made us prosperous in peace and invincible in war. Pass it, and if it carries a sting to a lofty spirit it will carry a warning to all meaner ones. Pass it, and hereafter when our ministers and other representatives go to the Department of State for instructions it will not be necessary to admonish them that the man who carries the nation's commission abroad ought not to denounce his countrymen among strangers. Pass this resolution, and if our representatives abroad can not boast of our institutions they will at least pay us the poor tribute of their silent contempt. Pass it, and let it never be expunged until the day of doom, until that day of gloom and shame when the representatives of the American people will no longer dare to defend the fair name of their country against all enemies, foreign and domestic, against the assaults of the open foe, and against the insolence of the public servant who would exalt his party by debasing his country. [Loud applause.]

Mr. TUCKER. Mr. Speaker, if I can recover sufficiently from the spell of the eloquence of the gentleman from North Carolina [Mr. PEARSON] and of my friend from Iowa [Mr. COUSINS], I desire to submit some observations on the pending resolution. I did not have the good fortune to attend the Chicago Exposition; but since hearing the gentleman from Iowa [Mr. COUSINS] on yesterday I rather congratulate myself that I was saved the trouble, because we have had it so beautifully portrayed by him that a visit would have been unnecessary.

My friend has brought to the protection side of his argument some allies that are new to me. I was aware that pretty much everything in heaven above, in the earth beneath, and in the waters under the earth was claimed for the protection side; but until yesterday, when claimed by the gentleman, I think the country has remained in ignorance of the fact that even the owls and the bats and the croaking ravens which he discovered at the Exposition were to be considered loyal allies of the protectionists.

Mr. Speaker, it is not surprising to me, on second thought, that the owl or the bat should be a protectionist, for they are blind in the face of light—fit companions to my honorable friends on the other side. [Laughter and applause.] And the croaking raven has been summoned as another ally to our friend's protection party. From the time that the first tariff bill was passed that my friend refers to, in 1789, down to the present day the class of men that got the first taste of protection have been croaking for more and were never satisfied until the McKinley bill passed into law—the consummation of their fondest hopes!

And my honorable friend has described, with humorous touches, the visit of the raven, that bird of evil, as he sat crouched above his chamber door after the election of 1892. Its direful prophecies as heard by the gentleman were not caught by the people of the United States, but if I may enter the domain of imagination into which we are invited by the gentleman I can the more easily discern the raven on that night when the people of the United States had spoken with an emphasis not to be misunderstood, not seated above his chamber door, but upon the Goddess of Liberty on this capital, and its hoarse voice muttering in sepulchral tones:

The McKinley bill, nevermore!

[Laughter.]

Mr. Speaker, I desire to return my personal thanks at the outset to my friend who spoke on yesterday so beautifully about the Chicago Exposition. I went through it in imagination, pictured by his imagery, his art, his skill. But, sir, as I heard him depict the glories of the Republic as seen at Chicago, all brought about as he claimed by this power of protection—when I heard him tell how, leaving that Exposition, he traveled eastward, carrying with him the impressions of that great scene, on to the city of Washington, and how on reaching Harpers Ferry, on the Potomac, the gateway to the most beautiful valley in our land, his imagination spontaneously ran riot with his thoughts in painting that beautiful picture of liberty and freedom—liberty of thought and freedom of action—the thought occurred to me, Why is it that my friend who had been visiting Chicago, the home of the sainted Lincoln (to use his words), the home of Grant, the friends of protection—why was it as he sped his way across the continent through the prairies of Indiana, the home of Benjamin Harrison, the friend of protection, and across the broad area of Virginia's proudest daughter, Ohio, the home of your Garfields, your Grosvenors, your Wades, your Hayes, all friends of the protective doctrine—why was it that that beautiful apostrophe to liberty and freedom came to my friend's mind, not when he was dwelling among the heroes of protection and bound by the intellectual slavery which it teaches, but only when he had inhaled the pure air of old Virginia, in sight of the home of that doughty champion of the people's rights, beneath the shadow of those hills that guard the home of William L. Wilson, the glorious champion of commercial freedom? [Applause.]

His mind, once fettered, burst its bands in an atmosphere where commercial bondage had received its death blow.

I want to remind my friend that there is yet hope for him. No bird freed from its cage ever sang a sweeter song to liberty than he. So when his mind was once disenthralled and freed from the slavery of the protection idea, and only then, did it evoke a sentiment, the inspiration of the moment, natural to his heart and worthy of all commendation. If my friend will only give us the pleasure of his presence just a little more in old Virginia, along the murmuring waters of the Potomac and the Shenandoah, I think I can safely guarantee to the country some future effusions on liberty and commercial freedom that will be creditable alike to him and his people.

Now, Mr. Speaker, I can not, without seeming to be fulsome in flattery, say what I would like to say about my friend's speech. But really I think he got a good way from the point under discussion. Indeed I think I am not stating it too strongly when I say he soon landed in Chicago, and stayed there most of the time during its delivery. I want the House to look at this question frankly, fairly, and honestly, and let us see what is the charge made in the resolutions. The resolutions recite the fact that Mr. Bayard used these words:

He, the President of the United States, stands in the midst of a strong, self-confident, and oftentimes violent people—

Do you object to that? No; you say we do not object to the word "strong." We do not object to the word "self-confident," but just think of speaking of the American people as "oftentimes violent."

But let me read further:

Men who seek to have their own way—

Are you that sort of men? How did you get here? By allowing your opponents to have their way and yielding to them without a struggle?—

Men who seek to have their own way; and I tell you plainly that it takes a real man to govern the people of the United States.

Now, suppose Mr. Bayard had used this language instead of the above:

The President of the United States stands in the midst of a weak, distrustful, and amiable people, men who never seek to have their own way; and I tell you plainly that any man, however pusillanimous and weak he may be, can govern the people of the United States.

[Laughter.]

Would you have condemned that language?

Mr. LACEY. Would not that have been about as near the truth as the other? [Laughter.]

Mr. TUCKER. Well, if the cap fits you, my friend, you may wear it. It does not fit me. [Laughter and applause on the Democratic side.]

Why, Mr. Speaker, if that had been said of the American people you would have heard a howl from Dan to Beersheba. But these resolutions are sought to be justified because Mr. Bayard used the word "violent." What does "violent" mean? It means "vehement," "impetuous," in the above connection, and for my part, looking at the history of the Anglo-Saxon people and their splendid achievements in civil liberty and human progress, I am proud to claim descent from such a race, "strong," "self-confident," and even sometimes "violent." Magna Charta could never have been wrested from an unwilling king by a weak and vacillating people. This continent that my distinguished friend described in his address on yesterday could never have been redeemed from the wilderness by any other than such a people. But you object to the term "violent." Are you trying to deceive yourselves, gentlemen, about that? Are you afraid to say openly that you believe the American people are "sometimes violent"?

Mr. GROSVENOR. All the people, you say? [Laughter.]

Mr. TUCKER (continuing). Have we had no violence at Homestead, at Chicago, at New Orleans, in Oregon—aye, more, my friend referred to the condition of things in Kentucky a few moments ago; have we had no violence there? No; but we have had the military called out by a Republican governor. I suppose it was thought proper to use it as an escort of honor to the legislature. [Laughter and applause.]

Now, gentlemen appeal to us to be honest. Be honest with yourselves first. Gentlemen will not deny the fact that the American people are sometimes violent.

Mr. BAILEY. Will the gentleman permit a question?

Mr. TUCKER. With pleasure.

Mr. BAILEY. It is true that men sometimes steal down in Virginia, but would the gentleman like to have the people of Virginia characterized as "sometimes thieves"? [Applause and laughter.]

Mr. TUCKER. I am very much obliged to my friend. I have no objection to any man in Virginia who deserves the appellation being called a thief, but I prefer my friend to take another example; for instance, Texas. [Laughter.] I have no objection to its being said the records of the courts of Virginia show that some men have been convicted of stealing. But, Mr. Speaker, such a question is trifling with the subject.

Mr. GROSVENOR. Will the gentleman allow me a question just there?

Mr. TUCKER. Certainly.

Mr. GROSVENOR. You understand that Mr. Bayard's remark included the American people as a whole.

Mr. TUCKER. Yes.

Mr. GROSVENOR. How could you say, then, that the fact that one man steals in a given place, or commits violence in a particular place, or that there is mob law somewhere would justify a characterization of the entire people?

Mr. MEREDITH. Why, they stole the Presidency once, in 1876. [Laughter.]

Mr. GROSVENOR. And that is just why you are feeling bad all the time.

Mr. TUCKER. My friend has come to me with all the sweetness and amiability of old Santa Claus [langhter], whose prototype he is; and my friend never comes to us in debate without bearing "good things," just as Santa Claus does when he comes. My friend asks me now, with a sweetness of tone that would charm a bird out of a tree, whether this is not a general charge. Does it not comprehend all the people? Why, as soft and sweet and amiable as is my friend's manner now, would it shock this House if I say that I have seen even so amiable a gentleman as he violent in this House? [Laughter.]

Mr. GROSVENOR. Were you violent at the same time?

Mr. TUCKER. Well, you generally make me violent. [Laughter.] Why, Mr. Speaker, you are trying to fool yourselves. Violent? Let me refer the gentleman from Iowa to an authority on this subject, one perhaps he has never seen, and one I feel sure that very few of my Republican brethren have seen—I want to refer you to the Book of Books. There it is written by the pen of inspiration, by Almighty God himself:

The Kingdom of Heaven suffereth violence, and the violent take it by force.

Not a sweet, amiable man like my friend from Ohio. [Laughter.] John Randolph on one occasion said that he had read that passage a hundred times and had never understood it. I am very much afraid my friends on the other side have never read it once, and therefore it is not to be expected that they should understand it.

The violent take it by force.

Not the weak, hesitating, indifferent man. So that the ultimate hope of every rational being, that peace which we hope for as the end of all things in the life beyond the grave, here we are told, by the pen of inspiration itself, can only be attained by a violent struggle. And yet gentlemen come in here and are seeking to criticise a man like Mr. Bayard for speaking the truth, when you know it is the truth.

Now, let us see, Mr. Speaker.

Oftentimes violent people, men who seek to have their own way—

Do you object to that? Do you know anything about the American people? Of all the people on the face of God's earth I honor them because they do try to have their own way, and no other people's way; and the only way you gentlemen ever got here was by having in you that principle which you are trying to condemn in these resolutions—

men who seek to have their own way, and I tell you plainly now—

I believe my honorable friend from Ohio criticised this passage yesterday—

and I tell you plainly that it takes a real man to govern the people of the United States.

Great exception is taken to the word "govern." Is my friend not governed? The idea is that our people are self-governing. Why, Mr. Bayard, in this very pamphlet, on page 13, in his Edinburgh speech, illustrating his meaning, speaks of our people and the flag that waves over them from the Pacific to the Atlantic coast as "seventy millions of self-governing, vigorous, and intelligent people."

But gentlemen object to being governed. Have you not a governor in Ohio? Have you not a governor in M—I was going to say in Massachusetts; but, Mr. Speaker, the hand of Providence has recently taken from that old Commonwealth its governor, whom we all honored and respected in this House years ago. But has not every State in this Union a governor? What do you mean by it? Do you mean that the people are not self-governing? Oh, you are sticking in the bark, and you know it. What do you mean by saying that the man who is President is governing the United States? You mean that he is executing the laws of the United States. And do you object to saying that he must be a real man? Ah, my Republican brethren, do you object to that? In this day of President making—in this House, elected for one purpose and devoted to another, that of President making—do you shrink from that standard of manhood which has been erected for you by Mr. Bayard?

Are the friends of that statesman from the far-off home of the gentleman of Iowa afraid to trot him up to be measured by this standard, that it requires a real man to be President? Is my friend from Ohio afraid to put up his candidate, the Napoleonic gentleman from Ohio, and have his measure taken by that standard? Or are the friends of that masterful man who has stood in this House as the leader of his party for years afraid to measure him by the standard of real manhood? It looks to me, Mr. Speaker, as if gentlemen were oversensitive, afraid that this test of real manhood might exclude some favorite son from entry in this go-as-you-please Presidential hurdle. I want a real man for President. Do not be afraid of your candidate on that line.

Now, Mr. Speaker, I think if there ever was a bald pretense, if there ever was a piece of buncombe gotten together in the House of Representatives upon which to base a censure, the first part of this resolution contains it from beginning to end.

But now we come to the next resolution. Mr. Bayard has stirred up a hornet's nest. He has assailed protection, which, like the sacred animal of Egypt, can be touched by no impious hand. He has offended the national honor and the national dignity, it is said. Why, Mr. Speaker, our Republican brethren are as sensitive about this matter of protection as a man whose father was hanged, who never could see a rope without fainting. [Laughter.] What are you afraid of? I will tell you before I close what you are afraid of. You came to this House from the last campaign proclaiming from every stump that if you got power you would write upon the statute books of the country a high-tariff law, and you have been afraid to do it. You have been afraid even to try it; and you have passed a little bantling, a 15 per cent increase, a horizontal Morrison bill. Truly, Mr. Speaker, the stone which the builders rejected, the same has become the head of the corner. That horizontal principle which used to be the embodiment of laziness, as Governor McKinley called it, is now the principle upon which you stand in this House. But, Mr. Speaker, this is remarkable.

In my own country—

Says Mr. Bayard—

I have witnessed the insatiable growth of that form of state socialism styled protection—

Is it not insatiable? Did it not start in 1789 with an 8 per cent tariff duty, and did it not land in the McKinley bill with a 50 per cent duty, or thereabouts? The more it got the more it wanted. In 1789 they had it for the protection of the infant. After a

hundred years the infant was still in its swaddlings, but it required more food—

which I believe has done more to foster class legislation and create inequality of fortune—

Is not that true?—

Go, Mr. Speaker, to the agricultural States of this Union, and then to the manufacturing States, and see if this is not true; and mark the disproportionate increase of wealth in each. Thirty years ago, if you went to the city of New York and walked down the street, a millionaire was pointed out to you as a very remarkable man, something worth seeing. Go there now, and you can not keep out of the way of them. I can, but you can not. [Laughter.] Where did it come from? You boast that since the war—my friend from North Carolina has just boasted—that the protective system has been stronger and higher than ever before, and the higher you have gotten it the more inequality you have had. A hundred millionaires to-day where one existed thirty years ago! You have had a high protective system since the war, and it has brought with it the inequality of fortune which Mr. Bayard so aptly describes.

Mr. MILLIKEN. Will my friend allow me to ask him one question there?

Mr. TUCKER. Certainly.

Mr. MILLIKEN. Is it not true that great fortunes in this country, like that of Jay Gould and those engaged in the oil trust, have been made from avocations that have not been protected?

Mr. TUCKER. Well, I think that may be true in those cases. My friend has excepted two.

Mr. MILLIKEN. I could except a great many more, but I did not want to take up the time of my friend.

Mr. POWERS. What about "Boss" Croker?

Mr. TUCKER. I believe he is in the horse business. That is an agricultural product; and if he is a millionaire, I am sure he did not make it out of horses or any other agricultural product. To continue, Mr. Bayard says:

Has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils—

Why, Mr. Speaker, where is William L. Wilson? A Cabinet officer in this Government; but if the reports are to be believed, it can not be doubted that he was defeated for Congress by money supplied from the protected industries of this country. Where is that great tribune of the people, William R. Morrison, of the State of Illinois? Years ago you remember that memorable fight, when by the use of money gathered from these same gentlemen he was required to retire to private life, only, as some of us believe, to return again in triumph to a House whiter than this and more commensurate with his ability and rugged character. [Loud applause on the Democratic side.]

To corrupt public life. To lower the tone of national representation, blunt public conscience, create false standards in the popular mind * * * divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause.

Mr. Wilson, in a speech delivered in this House on April 7, 1892, declared openly that the protected industries of this country assembled here through their agents had left their final demands upon the table of the Ways and Means Committee—a member of that committee I see sitting before me to-day—and their demands were written into the law of the land as they, and not as the taxpayers, asked. I quote from his speech:

HOW TARIFFS ARE MADE.

Mr. Speaker, we have had in this debate a series of extravagant eulogies on the tariff law of 1890. The gentleman from Maine [Mr. DINGLEY] pronounces it to be "consistent, comprehensive, and complete, with all the different parts properly and justly related." The gentleman from Pennsylvania [Mr. DALZELL] eulogizes it as "complete, comprehensive, and logical." Other gentlemen have used stronger words of praise.

Now, sir, I want to call the attention of the House to the manner in which a "consistent, logical, and complete" protective tariff is built up.

The gentleman from Maine doubtless thinks he is one of the chief architects of the present law. My friend from Michigan [Mr. BURROWS] and my friend from New York [Mr. PAYNE] each for himself indulge the same pleasant illusion. They were all members of the committee which reported the law to this House.

Unfortunately, Mr. Speaker, there is abundant and unimpeachable evidence to destroy all their claims.

I turn to the very schedule of the law now under consideration and I find that Mr. McKinley, in presenting to this House the conference report, September 27, 1890, said of it: "This schedule has the hearty approval of the National Wool Growers' Association, and of the several State associations throughout the country."

In the next sentence he says, "And, Mr. Speaker, that is entirely true also of the tobacco schedule," although he omits to say who had approved this latter. As to the great and comprehensive metal schedule, constituting so large a part of the tariff and contributing so much of its political and pecuniary strength, I read in the report made by Mr. James M. Swank, secretary of the American Iron and Steel Association, made to the president of that association, that "during the long period in which this measure (the McKinley bill) received the consideration of Congress the views of this association concerning the proper framing of the metal schedule of the new tariff were frequently solicited and were promptly given"; and as he adds that "the schedule as adopted is the most harmonious and completely protective of all the metal schedules" in our tariff legislation, we are not left in doubt that the views so "promptly" given were "promptly" accepted.

So much for the origin of three important schedules. Let us pursue this investigation a little further Turning to page 290 of the hearings before the Committee on Ways and Means of the last Congress, I find that Mr. William Whitman, president of the National Association of Wool Manufacturers, said he "had framed two clauses" prescribing the taxes on women's and children's dress goods, and these clauses turn up as Mr. Whitman framed them as sections 374 and 375 of the McKinley Act, with a blank in the provisos, filled doubtless according to the same gentleman's suggestion. [Laughter.]

At page 281 of the hearings, Mr. Isaac N. Heidelberger, in behalf of the Wholesale Clothing Manufacturers, submitted a memorandum of their demands, and that memorandum, so far as it related to woolen clothing, is substantially embodied in paragraph 396 of the act. [Laughter.]

The makers of firearms appeared (at page 1255) with the sections they wished "incorporated and made a part of the tariff schedule of duties," and those sections appear in their own words as paragraphs 169 and 170 of the act, with a single trifling change. [Laughter.]

Again, at page 92 of the hearings may be found the demands of the tin-plate makers—that were going to be—proffered by the trusted counselor of my friend from Michigan [Mr. BURROWS], and although thousands and tens of thousands of consumers and laborers protested against these demands, Mr. Cronemeyer's wishes are exactly embodied in paragraph 143 of the McKinley bill. [Laughter and applause on the Democratic side.]

Mr. Miller rose. [Cries of "Sit down!" "Sit down!" on the Democratic side.]

Mr. WILSON of West Virginia. I hope the gentleman will not break up this recital. In a few minutes I will yield to him. At page 79 of these hearings, Mr. Charles S. Landers, representing the makers of table cutlery, presented the corrections and amendments which they wished to the Senate clause, and at paragraph 167 of the act his memorandum appears in the very words in which he wrote it. [Laughter and applause on the Democratic side.]

On page 65 of the hearings Mr. W. F. Rockwell makes known the demands of the makers of pocket cutlery, and these demands literally reappear in paragraph 165 of the bill. [Applause on the Democratic side.] Now I understand for the first time in my life how a "consistent, logical, complete" protective tariff is framed, "with the different parts properly and justly related." [Renewed applause.] Our friends upon the other side merely leave the blanks on the committee table and look at the ceiling or stroll around the Capitol while the parties who desire to tax the people come and fill in the blanks according to the suggestions or their own greed of selfishness. [Applause.]

Mr. MILLIKEN. Will my friend allow me to ask him one more question, and I will not interrupt him further?

Mr. TUCKER. Yes, sir.

Mr. MILLIKEN. I would like to ask him if he believes that the elections in the Southern States and in the great cities of the North, whose corruption have been as notorious as the existence of the elections themselves, were inspired under a protective tariff?

Mr. TUCKER. Well, I hope my friend will not invite me into a field that is so foreign to this discussion. I should be very glad on another occasion to join battle with him on that subject; but it is so entirely foreign to this, I trust he will pardon me if I decline to go into it.

I believe that Mr. Bayard believed what he said about the protective system was true, and so believing I think he had the right to say it, for he was speaking as a private citizen, expressing his own individual views, and in nowise was he speaking in his representative capacity. I want to call your attention first to a speech of Mr. Russell Lowell, and I beg the attention of my friends who are so much concerned on this subject. Here is Mr. Lowell, an honored gentleman from the old Commonwealth of Massachusetts, a distinguished Republican, in a speech on "Democracy," delivered at Edinburgh while he was minister to Great Britain. He uses this remarkable language:

If universal suffrage has worked ill in our larger cities, as it certainly has, it has been mainly because the hands that wielded it were untrained to its use. There the election of the majority of the trustees of the public moneys is controlled—

Selah—

by the most vicious and ignorant of the population, those coming to us from abroad, wholly unpracticed in self-government and incapable of assimilation by American habits and methods.

How do you like that?

Mr. MILLIKEN. Well, I will say, in reply to my friend, that some of these men who led these ignorant foreigners were too much versed in politics and understood how to manipulate the ignorant too well.

Mr. TUCKER. Oh, my friend is dodging there.

Mr. MILLIKEN. I do not dodge.

Mr. TUCKER. My friend does not dodge when he gets in a fair, open field; but he is seeking shelter behind the bushes now.

Mr. MILLIKEN. I supposed that I was always in a fair field in a discussion with my friend from Virginia.

Mr. TUCKER. The point is whether Mr. Lowell, as minister of this country to Great Britain, was justified in declaring in a public speech abroad, not in his official capacity, but as an individual citizen, that the men who held the purse strings in our great cities were elected by an ignorant and vicious population. But that is not all. I have a sweet morsel here for some of you brethren:

The English race—

Says Mr. Lowell in that same address—

if they did not invent government by discussion, have at least carried it nearest to perfection in practice. It seems a very safe and reasonable contrivance for occupying the attention of the country and is certainly a better way of settling questions than by push of pike. Yet if one should ask it why it should not rather be called government by gabble—

I hope gentlemen understand—

government by gabble, it would have to fumble in its pocket a good while before it found the change for a convincing reply.

Mr. Speaker, the censors of public servants of that day could not have been as watchful as they are at this time, or certainly they would have called attention to this disparagement of their eloquence. [Laughter.]

Mr. CLARK of Iowa. Does not the distinguished gentleman from Virginia know that a Republican Administration displaced Mr. Russell Lowell, distinguished as he was, from the diplomatic service of this country because he had uttered sentiments like that?

Mr. TUCKER. I do not know that. I will be perfectly frank with the gentleman. Let me understand him. Does he state that Mr. Lowell was dismissed from the public service because of these utterances?

Mr. CLARK of Iowa. Oh, no.

Mr. TUCKER. Very well. We are trying him now, not upon what was the occasion of his dismissal, but because he uttered what I have read, and a Republican Administration practically declared him not guilty of any offense, for at least, by the gentleman's own admission, he was retained in the public service after these utterances. If you say that they dismissed him afterwards because he had done something worse, possibly that may be true; but why was he not dismissed for this, if Mr. Bayard is to be censured for his utterances? For my part, I never knew that Mr. Lowell had been dismissed.

Mr. CLARK of Iowa. I did not say that he was dismissed. I said that he was displaced, discontinued from the service, and another appointed who more fully and correctly represented American sentiment.

Mr. TUCKER. Now, Mr. Speaker, I want to call attention to another proposition. I say that if Mr. Bayard believed in the truth of these statements he had a right to utter them.

Mr. MILLIKEN. My friend has been quoting from the Bible. Does he not know there is excellent authority for saying that the truth is not to be told at all times; and may it not be possible that, even if these things were true, our minister ought not to have uttered them on that occasion?

Mr. MAGUIRE. That is the part of the Bible that the Republican party have taken for their guide. [Laughter.]

Mr. TUCKER. Mr. Speaker, in these days of hypercritical criticism let us not inaugurate a new doctrine by declaring that a man is to be criticised for telling the truth. Let us take hold of the man who is telling a falsehood and, in our new rôle of setting everything to rights, for the sake of all that is good and pure and holy, let us begin with the lie and the falsehood and not criticise a man for telling the truth.

Now, Mr. Speaker, I have ample authority for asserting the right of Mr. Bayard, if he believed these statements to be true, to utter them. In 1852, when the great Webster was Secretary of State, there came to this country a noble patriot who enlisted the sympathies of our people in the cause of freedom. Kossuth, the Hungarian patriot, visited this city, and in his honor a banquet was given which Mr. Webster attended as one of the honored guests. He was called on for a speech on that occasion. Remember, he was Secretary of State of the United States, and this country was on peaceable terms with Austria. In response to that call Mr. Webster made a speech in which he expressed the hope that Hungary might become independent of all foreign powers, expressed his aspirations for "Hungarian independence," "Hungarian self-government," "Hungarian control of Hungarian destinies."

All through the land Mr. Webster was criticised and assailed. He was attacked because as Secretary of State he had undertaken to take part in that struggle between a country that was at peace with us and certain patriots who sought to be free from foreign control. What was his defense? Mr. Webster boldly defended himself upon the ground that he had spoken at that banquet in his private capacity, not as Secretary of State, but as a citizen of the United States, and that as such he had a right to appear and express his sentiments and his sympathies. So Mr. Bayard appeared on these occasions abroad as a citizen. Every step in this indictment which you have drawn against him shows it. He exercised a right secured to him by the first amendment to the Constitution, which guarantees to every man free speech. Yet now you seek to censure him, because, forsooth, he has uttered an expression that cuts deep into the hearts of the protected industries. You have resolved, first, that protection is a good thing, and second, that no man shall open his mouth against it, and I serve notice on you now that you can not stifle the conscience of a free people by such attempts.

The proceeding against Mr. Bayard on account of his remarks on protection amounts in its last analysis to the proposition that whenever the Congress of the United States may see fit to assume in its legislation that a certain principle is beneficent, an American minister can not, even in his individual capacity, by philosophical reasoning and appeals to experience, question the beneficence of such principle before any foreign audience. To this conclusion we must necessarily come, for if it once be admitted that he can enter into such a discussion he may and indeed must be permitted to invoke the evidences of experience wherever he may find them. It would be absurd to compel him to exclude the grounds of an intelligent judgment upon a general principle because those grounds happened to exist in his country.

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia be permitted to conclude his remarks.

There was no objection, and it was so ordered.

Mr. TUCKER. I am very much obliged to the gentleman from Texas and to the House. I shall seek not to impose upon your indulgence, gentlemen.

Mr. Bayard further said:

> It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted.

Can any man doubt the truth of every word of this. Is commerce, which is trade, increased or enlarged by others dealing with us? Does any man doubt that the system referred to dangerously depletes the Treasury? The McKinley bill, the ideal protective bill, went into operation October, 1890. The Wilson bill, which repealed it, went into operation August 28, 1894. The revenues of the Government from customs for the fiscal year of 1889 were two hundred and twenty-three millions, for 1890, two hundred and twenty-nine millions. These were years prior to the adoption of the McKinley bill, or rather prior to its operation, for the fiscal year ended June 30. In 1891 we find, under the operation of the McKinley bill, the revenues dropped to $219,000,000; in 1892, to $177,000,000; in 1893, $203,000,000, and in 1894, to $131,000,000. Now, Mr. Bayard states that this system dangerously depletes the Treasury. The public record shows that from 1890 to 1894, under the operation of the McKinley bill, the revenues had fallen from $229,000,000 to $131,000,000, whereas, under the Wilson bill, the revenues have increased from $131,000,000 in 1894, to $152,000,000 in 1895, and if the increase continues through this fiscal year at the rate it has during the past eight months the revenues for the fiscal year ending June 30, 1896, from tariff duties, will go as high as $165,000,000.

Mr. Speaker, there was something said yesterday in reference to the Presidential question; and there has been a defense of himself published this morning in one of the papers from one Mark Hanna, of Ohio, in reference to the part which he is alleged to have taken in this Presidential canvass for one of the candidates. I understood the honorable gentleman from Ohio [Mr. GROSVENOR] yesterday to deny in toto all charges which were brought against Hanna of frying the fat out of the manufacturers in the interest of his candidate. But I find that his defense is drawn by a special pleader. It is artful; but it does not go to the root of this matter. I want to call the attention of the House to one expression in the indictment which was drawn by Senator CHANDLER the other day in these words:

> I expect to hear from Mr. McKinley—
>
> Says Senator CHANDLER—
>
> without delay in a public utterance. If he does not speak directly or authoritatively through some reliable representative, the belief will gain ground that he has placed himself in the hands of managers who are seeking to nominate him by the lavish use of money, and who will own him, and make merchandise of him if he is elected.

Mr. Hanna this morning says in his denial that he has not furnished any money for this corrupt purpose. That is not an answer to Senator CHANDLER'S charge—the charge is that money is being used by men, among whom is Hanna, who propose to make merchandise of the great office of President. And when men high in the councils of the Republican party, indorsed by gentlemen on the other side from the Presidential steal of 1876 down to the present time, come and declare through the public prints that there is danger of any man being elected to the Presidency who is to be owned and used as merchandise, Mr. Speaker, do not the words of Mr. Bayard fall as lightly on the public ear as rain upon the roof in times of drought? "Corrupting public morals!" "debauching the people!" when here is a witness of unquestioned authority, not brought here by subpœna, not summoned, but freely testifying to his belief that the time has come when there is danger of that being done. See exactly what this witness states in an interview in the Washington Post, March 17, 1896:

> Senator CHANDLER'S interview was read far and wide and led to very general comment. Amid all the talk, however, and with the knowledge that General GROSVENOR had come out in a long interview, Senator CHANDLER did not retract anything that he had said. On the contrary, he repeated with even more emphasis the statements he had made in the Post.
>
> "I was very cautious in speaking about McKinley," said he, "but it certainly does seem to me that he is in the hands of unscrupulous managers. They say that this year the Republicans can elect a yellow dog if we nominate one. At the same time, look at the situation. If McKinley is nominated, we shall have to meet the charge that we fried the fat out of the manufacturers in the last campaign, that he fried the fat out of them again to secure his nomination, that he is continuing to fry the fat to buy his election, and that as a result, he will pay his political debts with a high-tariff bill framed solely in the interests of the manufacturers. With such charges as these to meet on the stump, the campaign on the part of the Republicans will be defensive instead of offensive."

And now, Mr. Speaker, I want to bear witness to the impropriety, in my judgment, of one of the declarations of this witness. Senator CHANDLER, in his indictment, seeks to bring up the condition of Governor McKinley in his private financial troubles; and see what he says on that subject:

All Republicans sympathize with McKinley in his business misfortunes, and all over the country contributions were freely made to pay the honorable debts he had incurred and to keep such a distinguished and honored leader of the party from insolvency. But it is now, by reason of recent disclosures, a pertinent inquiry: Who raised and handled those contributions, how large were they, and what is Mr. McKinley's present financial condition? Are the men who raised these personal contributions now going over the same ground they have before traveled, gathering moneys for corrupting State and district conventions; and is our next President, if Mr. McKinley is the nominee, to be controlled and dictated to by Mr. Hanna and a set of associates who have established their domination over a President by the money they have furnished for him and his uses?

Ah, Mr. Speaker, when I read the words of Mr. Bayard condemning protection, and the defense of Mark Hanna, the successor to Foster in the fat-frying business, by Mr. GROSVENOR, and the stinging arraignment of Mark Hanna by Senator WILLIAM E. CHANDLER for boldly attempting to debauch the country and mortgage the Presidency before it is attained, I am prepared, realizing their force, their strength, their applicability to the present condition of affairs, to exclaim, "That's what is the matter with Hanna!" [Laughter.]

Mr. NORTHWAY. Will the gentleman permit me a question?

Mr. TUCKER. Certainly.

Mr. NORTHWAY. Suppose that all that Senator CHANDLER has said were true, which I deny, would the gentleman from Virginia regard it as legitimate for Ambassador Bayard to deliver that kind of "gush" before an English audience in denouncing his own countrymen?

Mr. TUCKER. My friend has misunderstood my point. I am merely examining your witnesses to prove my case. [Laughter.]

Mr. NORTHWAY. You do not call that proof?

Mr. TUCKER. No proof! I do not know anybody that knows better about the inside workings of the Republican party than WILLIAM E. CHANDLER. [Applause on the Democratic side.] I know no gentleman better qualified by education and by association to know exactly what is going on in the Republican party.

Mr. NORTHWAY. I understand the gentleman to accept him as a witness on the principle that he has turned state's evidence.

Mr. TUCKER. Well, yes; I have to take him that way. I suppose the gentleman had in his mind the familiar story of the old man who was convicted on the evidence of a man who had turned state's evidence, when he said that he was always sure that the biggest rascal was the first always to turn state's evidence.

Mr. NORTHWAY. And you are going on the principle that you have no other evidence to bolster your case. Is not that it?

Mr. TUCKER. No, my friend; there is ample evidence. It is written in the records of this Government. I have just quoted from Mr. Wilson's speech to show it.

Mr. NORTHWAY. What is the "ample evidence"?

Mr. TUCKER. There is ample evidence of the fact that the protected industries of this country have the "fat fried" out of them annually or semiannually to carry the "grand old party" once more to victory.

Mr. NORTHWAY. Let me ask this question: Suppose such a statement were true, would it be right for one of our ambassadors to say so before a foreign audience? Suppose that our ambassador privately believed that the republican form of government was bad, that we should have some other form, that officers, for instance, should be appointed for life, would the gentleman deem it proper for him to go before a foreign audience and denounce republicanism, the very form of government that had sent him to that country?

Mr. TUCKER. I will answer my friend in this way. He is putting a supposititious case that can not arise. Suppose Mr. Bayard had been delivering a temperance speech on the occasion in question, would my friend think it a subject of criticism if he, in the course of it, had referred to the fact that even in America intemperance had grown to be an enormous evil and vice? I see no reason why he should not have mentioned the fact.

Mr. NORTHWAY. But suppose he was undertaking to demonstrate that our form of government was wicked and our people bad, and referred to the style of election held in the State of Virginia as an illustration, would you regard that as a proper reference on his part? [Laughter.]

Mr. TUCKER. No; because I would know that he was perfectly ignorant then of what he was talking about. [Laughter and applause on the Democratic side.]

Mr. McCALL of Massachusetts. Let me ask the gentleman this: If the Democratic Administration in the last three years has not effectually fried the fat out of all our industries? [Laughter and applause on the Republican side.]

Mr. McMILLIN. Not in the way the gentleman from Virginia is talking about.

Mr. TUCKER. If tribute were levied upon them by both sides it would indeed be cruel and unusual punishment.

But, Mr. Speaker, I must hasten on. I wish to say in conclusion that these resolutions, proposed to be adopted by the House, do not mean anything——

Mr. NORTHWAY. Then why do you oppose them?

Mr. TUCKER. I oppose the resolutions presented by the majority of the committee because they mean nothing. I always like my vote to indicate something when I cast it.

But I want, in all seriousness, to call the attention of the House to the fact that seven years ago we were taught by the present occupant of the chair how "to do business." It was a difficult lesson for some of us to learn, as it was then taught. We did not take to it very kindly, but we were forced to accept it. We learned it—we learned how to do business. The House met here in December last, and the same oracle which had taught us how to do business years ago said "now do nothing." [Laughter.] "I taught you how to do business; the country has sent you here because they were disgusted with these Democrats who could do nothing. But I think the Republican party will be benefited in the Presidential election this fall if the present status is preserved; so do nothing; I repeat it, do nothing"—and this House has done it, with conspicuous diligence. [Laughter.]

The people sent you here to do what? They sent you to do what we had failed to do; and the first declaration of policy, Mr. Speaker, declared to your pupils, whom you had taught how to do business, was, "Do nothing;" and assiduously have they done nothing. And, sir, no principle is better established than that "Satan finds some mischief still for idle hands to do." [Laughter and applause.]

You are bound to have something to do; you have started on a "jingo" raid; you have tried to involve us in war with Spain; you have brought in bills to appropriate condemned cannon by the armful and passed them. The people were demanding such measures of relief, no doubt. I want to do you justice. You passed also with commendable zeal a bill to prevent prize fighting and bull fighting. Picture, if you can, the thrill of joy that awakened the despondent hearts of the toiling millions that such relief had at last come to them through the courage and benefaction of a Republican Congress. You have passed bills by the dozen allowing telephone companies to operate in the Indian Territory, that the proceedings of your "do-nothing Congress" may be the more readily vouchsafed to the strolling Indians of the plains.

But what have you done in response to the calls of the people of the country that put you here for a purpose? I ask gentlemen to consider, what have you done in response to the demands of the people of this country except to pass your jingo resolutions, your bills to give away condemned cannon, etc., and that little fippenny bit of a tariff bill, when you promised them the McKinley bill? But while I am no prophet, nor the son of a prophet, I venture to assert that the time will never come when the Republican party will ask in this country again for a McKinley bill. You promised it in the last campaign, but you dare not walk up to the captain's desk and settle according to your contract.

Now, Mr. Speaker, I am opposed to the resolutions proposed by the Committee on Foreign Affairs for another reason. I honor Thomas F. Bayard as a citizen of America. I have from my youth up watched his course with pride, as a man that the youth of the country could follow and honor without question. He needs no eulogy at my hands, for under the fierce light of public and private criticism "he has ever worn the white flower of a blameless life." Nor can I forget that in those dark days that followed the late civil war, when reason was dethroned in these halls and passion was holding high carnival, when my people in the South lay prostrate, bleeding at every pore, with anxious hearts and eager eyes straining to catch the sound of one sympathetic voice amid the roar of unbridled passion, Thomas F. Bayard stepped into the arena almost single-handed and alone and cheerfully accepted the gage of battle in behalf of a brave but friendless people. Heaven forgive me, Mr. Speaker, if ever I forget such heroism as his in defense of our suffering people! To him we looked; to that—

Good gray head which all men knew!
That iron nerve to true occasion true!
That tower of strength! That tower of strength!
Which stood four-square to all the winds that blew.

I can not forget when in the Chamber at the other end of the Capitol in those days of our calamity there was no voice raised in our defense and no arm uplifted to save us, when the demon of passion with uplifted arm was seeking to drive the last weapon of destruction through the heart of my people, Thomas F. Bayard, with no armor save that of truth and justice, with a chivalry and courage worthy of a knight of the days of King Arthur, met his antagonists in open field and received upon his breast the blow which was intended for others. I can never forget it, sir. No Southern man will ever forget it. No man that loves liberty, courage, honor, and justice can forget his matchless fight for this brave people.

You may pass these resolutions. They will have no effect on Mr. Bayard. They will return to plague the inventor. You can no more hammer down that granitic figure that represents this country abroad to-day, at the Court of St. James, by these resolu-

tions than you could hope to break down Gibraltar with a toy pistol. You may go on and pass your acts of censure, and prove yourselves faithless to the people by violating every pledge you have made them; but believe me, you are not fooling them by this process. The eyes of the country are upon you, and Mr. Bayard will still live in the hearts of the people of this country as long as the fires of liberty burn upon our altars and patriotism has its votaries, as a pure and undefiled statesman, who loved honor and justice, and he will ever stand in the history of our country—

> Like some tall cliff that lifts its awful form,
> Swells from the vale, and midway leaves the storm,—
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head.

[Applause.]

Mr. McCALL of Massachusetts. Mr. Speaker, after three days of debate upon a subject which is not complicated there is not very much left to be said, and I understand that it is a good deal like tearing a passion into tatters for anyone at this point to manifest any great amount of emotion over the speeches set forth in the resolution.

My friend from Virginia who has just addressed the House [Mr. TUCKER] made an effort to convince us that he really liked to have an ambassador abroad call this nation a "violent" nation. I observed, however, that when he was stating his proposition in various forms he showed that it was difficult for him to get himself quite to that point by saying not "oftentimes violent," as Mr. Bayard said, but by saying "sometimes violent."

Now, Mr. Speaker, it seems to me that Mr. Bayard, although he showed every desire to eulogize Mr. Cleveland, might have accorded him praise which a great statesman would have more highly relished. Instead of saying that the American people are confronted with great problems, the solution of which requires the brain of a statesman, he attributed to us those qualities of disorder which made out of Mr. Cleveland, in order to govern us, not a great statesman, but a great high sheriff, a great policeman, one whose strong hand could keep down this violent and unruly people.

The gentleman has alluded to the address made by Mr. Lowell. If anyone desires to see how far Mr. Bayard has erred, if anyone desires to see a model of a philosophical address upon the one hand and a model of partisan harangue on the other, for the first let him take Mr. Lowell's address upon "Democracy" and for the second Mr. Bayard's address at Edinburgh.

Mr. Bayard was good enough to inform us that he delivered this address before a philosophical society. It was very kind of him to give us that information. Otherwise we might have inferred that it was delivered before a Democratic convention.

I do not question the proposition that it was the duty of the President of the United States in the first instance to take some action in this matter, but I am utterly unable to respect the proposition advanced by the Democratic members of the Committee on Foreign Affairs, that the House of Representatives does not have the power to investigate the conduct of any officer in the Government and to express its opinion upon the facts found. That power is inherent in this House. Under the Constitution we are the immediate representatives of the people, and their only direct representatives. The President himself is chosen by electors who are chosen by the different States. He is elected for four years. The Senators are elected by the States, without regard to their population, and for the long term of six years. This House springs directly from the people, from districts substantially equal in population, and it receives an added popularity from the frequency of its election. There is no detail of this Government so trivial and no officer so high as to be outside of the sphere of its scrutiny and care.

Now, Mr. Speaker, it is unnecessary to go far to find an exact precedent for the resolutions now before the House. In the last Congress the distinguished gentleman from Kentucky, then chairman of the Committee on Foreign Affairs [Mr. McCREARY of Kentucky], who on this occasion heads the minority, claiming that the House has no jurisdiction, presented a resolution to this House:

> That it is the sense of this House that the action of the United States minister to the Hawaiian Islands in connection with the revolution that occurred there should be, and is hereby, condemned.

Mr. Speaker, that was upon an international question, it was with regard to the action of a foreign minister, and it was a resolution passed in the House of Representatives. What is the present case? There is even no international question. It is no concern of Great Britain how high a standard we hold up for our public officers. We can enforce, either at home or abroad, a high degree of respect on the part of our public servants, and there is no international question about it. Then, again, Mr. Bayard delivered this speech before a nation that was so closely connected with us by kinship and other ties as to make the affront upon one nation almost an affront on both. If the House of Representatives could censure that old hero, John L. Stevens, for, perhaps, being too zealous an American, for going in the line of the ideas of the Administration that then prevailed, for running up the American flag over that little band of our countrymen who had carried out across the Pacific the institutions of New England and the institutions of the Anglo-Saxon race, then, I say, with far greater propriety and with just as much constitutionality can we censure Mr. Bayard for hauling that flag down. The flag is nothing but an emblem. It simply typifies the dignity and honor of the country, and Mr. Bayard's speeches were reflections on both.

While, therefore, the House has the right to act, I regret that the President did not discharge an obvious duty and administer the reproof that the case required. He apparently regarded it from a purely personal standpoint, because if the American people were set forth as a "violent" people and a people difficult to govern, that did not at all detract from the strength of the hand which kept them from anarchy and held them down. And if Mr. Bayard declared in Edinburgh that the American protectionists were corrupt and American protection was wicked, no one had used words more numerous and certainly more large to establish that proposition than Mr. Cleveland himself. Mr. Cleveland apparently eliminated the American people from the transaction and complacently absorbed the praise that was given him at their expense.

If the Boston speech were the only one concerned here, it would hardly be necessary to give it any attention, although he showed in that speech an underlying contempt for republican institutions. It was delivered upon what he terms a "humorous and postprandial occasion," and a great deal is to be pardoned in a speech made under such circumstances. It is to be noticed, however, that not even under the postprandial influence that prevailed did he use one word that could by any possibility be construed to reflect upon Grover Cleveland; but he did use language concerning the American people which could be construed as reflecting upon them, and which indeed was susceptible of no other construction.

In regard to the Edinburgh speech, that has been so often read during this debate that I will not weary you by making more than an allusion to it. But it is entirely apparent that he was referring to protection, as it is a campaign issue in this country. He said:

> In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to foster class legislation and to create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils * * * than any other single cause.

And—

> Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen.

This was nothing more in effect than personal abuse; not merely denunciation of the principles of the party to which he was opposed, but an abuse of every member of that party.

One of the "jobbers and chafferers" who established the principle of protection in this country was George Washington. Another one who aided him in establishing that principle was Alexander Hamilton; and if you take out of our history the achievements of those men who have advocated the doctrine of protection you have taken out much indeed that is glorious.

Mr. Speaker, the principal purpose I have in speaking to-day is to say that while I shall vote for these resolutions I regret that the Committee on Foreign Affairs did not report them in a somewhat different form. I think that as this is a legislative act it should have been general in its form, with its motive clearly the statements in these two speeches of Mr. Bayard. That would have had all the effect of censure, and at the same time would not have followed precedents, which I do not regard as the very best, of aiming legislation, as was done by the last House of Representatives, directly against an individual. The effect would have been no different. It still would have been a censure upon Mr. Bayard, but would at the same time have indirectly accomplished that by laying down a salutary general rule.

Such a censure as that he deserves. When we think of the great men who have represented this country at the Court of St. James—John Quincy Adams, and his son, Charles Francis Adams, who was there during the storms of war, and by his diplomacy, patriotism, and great discretion enhanced the good opinion that was entertained of this country there, and of the wit and learning of Lowell and Motley—and then when we contemplate our present ambassador to that court, making statements that Mr. Bayard admits he made, we are filled with shame and humiliation. The shame and humiliation, Mr. Speaker, came upon this country when Ambassador Bayard uttered those speeches, and we can, perhaps, remove them to some degree, in view of the fact that the President has taken no action, by expressing our consideration of them as the representatives of the people. [Loud applause on the Republican side.]

Mr. BARRETT. Mr. Speaker, one of the greatest poets of England, Samuel Taylor Coleridge, has characterized in his own language the situation which we are confronted with to-day.

These are his words, and I desire to call them to the especial attention of the gentleman from Virginia who has just taken his seat. He says:

When a party man talks as if he hated his country, saddens at her prosperous events, exults in her disasters, and yet all the while is merely hating the opposite party and would himself feel and talk as a patriot were he in a foreign land, he is a party man. The true monster is he (and such, alas, there are in these monstrous days, "vollendeter Sundhaftigkeit") who abuses his country when out of his country.

Mr. Speaker, that is the text upon which I propose to base my advocacy of these resolutions. I do not intend in the few remarks that I shall make to be led into any extraneous discussion as to whether any personal friend has contributed out of his own pocket to the necessary campaign expenses of a Presidential candidate, or to be diverted to a discussion of whether or not protection has been the national policy of this country. The attempt to befog the offense of Ambassador Bayard with other issues is too clear.

I wish to confine myself to Thomas F. Bayard, who now misrepresents the United States of America at the Court of St. James, and to prove by the record that any censure passed upon him by this House will be less than he deserves. I will not long discuss the Boston speech.

As has been said by my colleague who has just concluded [Mr. MCCALL], it was a speech made as part of the proceedings of a long and varied day. He presented diplomas; he was, in turn, presented with a book which cost at least 67 cents at some London bookstore. He was taken to a banquet where he toasted the Queen of England, where the President of the United States was toasted, where Mr. Bayard himself was toasted and presented with an illuminated address. I think that under such circumstances, after so many bumpers, anything that he may have said is hardly worthy of serious criticism.

I do object, however, to the statements which he made at Edinburgh, uttered in sober calmness, written out with deliberation, made not only to reflect upon the people of his own country and the fiscal policy of England's greatest colonies, but also to inject his personal opinions into an active campaign that was then being carried on in England, a speech at variance with his own public record, a declaration to which his own votes cast in the Congress of the United States give a distinct and absolute rebuttal. Without reading any extract from the Edinburgh speech, which has been fully set forth here, I desire to call the attention of our Democratic friends who maintain that Mr. Bayard's utterances were perfectly proper to the comments which have been made upon them in the English press; all American newspaper criticisms, almost as a unit condemnatory, I omit. Naming the English press, I take as the most radical representative of it that former American, George W. Smalley, who can be counted upon at any time to voice the most conservative anti-American sentiment of the British public. Said Mr. Smalley in the London Times of December 26, 1895, speaking of Mr. Bayard's speech:

Most of his friends at home regret the indiscretion of his Edinburgh address and the lesser indiscretion of the Boston speech. On that point there is much difference of opinion between London and New York or Washington. It is thought very generally and very strongly that an ambassador ought never to have let loose his invective abroad against a great party of his own countrymen or to have denounced a policy which is the policy probably of a majority—certainly of at least a very large minority—of the American people. The attack was direct, vehement, personal, and altogether indefensible.

I find in the Melbourne Age, an English paper of noted ability, published at the very antipodes of the world, this comment upon Mr. Bayard's taste in making this Edinburgh address:

As a matter of taste alone, Mr. Bayard's conduct was execrable. To criticise in an adverse spirit the fiscal policy of his own country in the foreign State to which he was accredited is a departure in international politics which is almost without a parallel. At home he was quite entitled to advocate his sectional views, but as a representative of the nation at large he was obviously not justified in vilifying the majority of the people by whom his salary is paid. His conduct amounts to a virtual impeachment of his own country at the bar of British opinion. Nothing could be grosser or more untrue than Mr. Bayard's denunciation of his political opponents as the authors of corruption in the political life of the United States. Every community represented in any way in Great Britain is interested in putting a stop to such proceedings as those of Mr. Bayard.

Again, in order to show the effect of this language of Mr. Bayard in affording arguments to those who desire to make light of our institutions and of our country, I quote from a paper called The Rockhampton Bulletin, published in the city of Rockhampton, on the eastern coast of Australia. What does this paper say and what inference does it draw from Mr. Bayard's remarks? In its issue of November 15, 1895, this paper, speaking of the charges made by Mr. Bayard, says:

If such open corruption were practiced in these colonies the men guilty of it would be visited with stern punishment at the first election. But that is not the case in the United States. The national tone has been so lowered by a long course of this corruption that little notice is taken of such practices. Politics are reduced to the level of racing, where every kind of swindling is indulged in, and only once in a while is any culprit punished.

Mr. Speaker, these extracts will indicate to the House something of the impression made upon the British public and upon people throughout the world by the speech of our ambassador to England in derogation of the good name and the policy of the United States. And yet members on the other side of this Chamber have seen fit to rise here and claim that, as he told the truth, as they claim, in a party way, to see it, he was justified in making such statements. Not only has the attempt been made to defend Mr. Bayard, but it has also been sought to impeach the motives of those who have called him before this bar. I find in the New York Herald an article in defense of Mr. Bayard written by this same George W. Smalley, which illustrates this attempt to impeach the motives of those who have asked that Mr. Bayard be censured for these libels upon his own people. Here is what Mr. Smalley says in the New York Herald about those who support this action:

He would not violate his duty. He would not disobey the instructions of his Government in order to obey the inner circle of the Federation and the murderers of Cronin. Mr. BARRETT comes from a State which was once the foremost American Commonwealth, and which to-day may boast that 40 per cent of its population is Irish. He is doing, in his own way, the work which Sullivan and Finerty and Rossa and the rest tried to do in theirs and failed. He ought to be proud of his success and of his position on the left flank of a party which identifies itself with assassins and dynamiters.

There you get an idea of the attempt which has been made to have it known in England and in this country that the men and the Republican party who are seeking to hold Mr. Bayard to some decent sense of accountability are linked hand in hand with "assassins and dynamiters"! Now I wish to say, Mr. Speaker, in order that there may be no misunderstanding about it, that my ancestors have lived on this American soil for many more years than the ancestors of Mr. Bayard. If I, as a member on this side of the House, am to be accused of being hand in hand with "assassins and dynamiters," this at least can be said that we never struck hands with Mr. Thomas F. Bayard in a dishonest and cowardly attempt to strike down the flag of the United States and to disrupt the Republic. [Applause.] How many of these "assassins and dynamiters," as Mr. Bayard's apologists term them, ever voted with or supported any other party than that which made him our representative in Great Britain?

At this point I want to do justice to a gentleman who has written me a letter in regard to a misrepresentation made by Mr. Bayard. Mr. Bayard, in his Edinburgh attempt to discredit the national policy of his country by contrasting it unfavorably with that of England, made a reference to our shipping laws. In doing so he endeavored to justify himself by pretending to quote from an address delivered at a congress of farmers at Atlanta by a former commissioner of navigation.

This former commissioner of navigation, Mr. W. W. Bates, writes to me from Chicago. This is what he says:

927 MONADNOCK BLOCK,
Chicago, Ill., January 8, 1896.

DEAR SIR: I have been ill or would sooner have sent you the inclosed clipping from the Inter Ocean of this city, showing that in his quotation from my address at Atlanta (which find inclosed) Mr. Bayard garbled its words and meaning. If you do anything further with the case I hope you will show what manner of man he is to make quotations.

Very respectfully, yours,
WM. W. BATES,
Ex-Commissioner of Navigation.

Hon. W. E. BARRETT,
House of Representatives, Washington, D. C.

I have examined Mr. Bates's address; I have compared it with Mr. Bayard's quotations; and I affirm that Mr. Bates tells the literal truth when he says that in order to substantiate a partisan, political speech intended to tickle British ears at our expense our ambassador deliberately, intentionally, and maliciously misquoted and misrepresented the utterances made by Mr. Bates. Is that becoming in the "academic" utterances of our chief foreign ambassador?

It has been claimed here, Mr. Speaker, by inference, if not by direct assertion, that Mr. Bayard was justified in making this speech, or at least that there is no excuse for criticising him on account of it, because he has not directly violated any of the instructions of the Department. Yet, when the gentleman from Kentucky read those instructions it appeared as a matter of fact that this ambassador was ordered by the Department never to interfere in, by word or act, the political issues of the country to which he was accredited.

You on the Democratic side may be aware that there is a very large protectionist sentiment growing up in Great Britain. You may be aware that a very few days after this speech was delivered by Mr. Bayard there was a notable gathering of members of Parliament and men prominent in public life in Great Britain to inaugurate a movement to establish protection in that country. You may have noticed that within a few days the Government of Great Britain, although nominally for free trade, has adopted an order that no cattle shall be imported into Great Britain under any circumstances whatever, and that the Canadian high commissioner has entered his solemn protest against that order.

Wishing to ascertain from a responsible source whether such a sentiment existed in Great Britain, I wrote a letter to one of the most conspicuous members of the House of Commons, whose name had come to me through newspaper channels as interested in this protectionist discussion. His reply goes to show that Mr. Bayard, in a public speech in the country to which he was accredited, in

endeavoring to prejudice the principle of protection and to furnish arguments against its adoption, was directly violating the orders of the Department, in which it directed that he should not interfere in any political issue at stake in that country. Says this member of Parliament:

PARIS, *December 31, 1895.*

* * * * * * *

You will probably by this time have seen the London Times newspaper of December 14, in which there appears a report of the meeting to which you allude as having been held the previous day, and you will therein find an answer to part of your inquiries.

I may add, however, that it is beyond all question that there has been of late an immense change in English public feeling upon the question of protection. The former prejudice in favor of so-called "free trade" has yielded to a very general desire to consider fiscal subjects upon their intrinsic merits, as applicable to particular cases and industries, apart altogether from their relation to abstract theories one way or the other. Among owners and occupiers of land it is difficult to meet with a free trader, though the laborers in rural districts are only beginning to realize that the reduction in arable cultivation and the wholesale throwing of land out of any cultivation whatever means ruin to them also.

The fact is that, owing to their wages having been kept up artificially for some years past, they did not feel the pinch, which, however, has at last come and is rapidly bringing all the agricultural classes into line upon this question. The manufacturing interests are likewise more and more coming round to the necessity of protecting themselves against foreign competition, and protection has strong support in many of the largest towns of Lancashire and Yorkshire, while the shopkeepers in the mother country towns, who depend for customers upon the agricultural interest, are all over the country largely protectionist. How far our public men have advanced in this direction it is difficult to judge definitely until the newly elected members come to deal with the question in the House of Commons, but you may be sure that no Parliament for fifty years has contained so many supporters of protectionist principles, though I ought to add that until the country has given out its views more clearly than has as yet been the case I do not anticipate any immediate change of our fiscal policy. I was very glad to see the action you took with reference to the extraordinary course adopted by your ambassador in his speech at Edinburgh.

Yours faithfully, JAMES LOWTHER.

Hon. W. E. BARRETT.

I claim, therefore, Mr. Speaker, that Mr. Bayard, in injecting himself into a public discussion which was being carried on by the public men of Great Britain concerning their own fiscal policy, has directly violated the instructions which our friends on the other side have claimed do not apply to his case.

In addition, Mr. Bayard's speech contains studied reflections upon that part of our system of laws which in so many States of the Union regulate the hours of labor of mechanics and artisans. Among the noblest sections of our statute books, in which respect it is a source of pride to say that Massachusetts leads the van, are those which seek to elevate labor by protecting it against the unhealthful and unendurable hours of employment. They mark the height of civilization and form one of the bright, redeeming features in the social outlook. And yet, in this tirade of his, Mr. Bayard has directed his spleen against a system well established both in England and America. Is this "academic"? Or is it rather another exhibition of Mr. Bayard's constant evident lack of appreciation of the masses of the people and the legislation which seeks to improve their condition?

But they say he did nothing in the way of action; that all he did was in the way of words; and that you can not criticise a man for free speech. The gentlemen who make this defense must realize that sometimes a man occupying a high public place may by traitorous or indecent language do a graver injury to his country than would some humble man who in momentary rage might try by force of arms to destroy his government.

But, to show that we can take cognizance of words, I wish to call attention to a very peculiar coincidence. In 1797 the first articles of impeachment known to the history of this Government were presented; and the man who presented those articles on the part of this House was James A. Bayard, of Delaware, a progenitor of the man now under discussion. He presented those articles against Senator William Blount, of Tennessee. One of the charges was—

That he had conspired and contrived to diminish and impair the confidence of the Cherokee Nation in the Government of the United States.

I say that whereas the elder Bayard, in the later days of the last century, with a quick sense of loyalty, brought in an impeachment against a man who had tried to impair the confidence of the Cherokee Nation in this Government, we find here a man of the same name, holding a great position at a court where our interests are most at stake, deliberately going about in that country and raising up a cry of denunciation and attack upon the people whom he represents, which, if it had been true, would have justified this country being held in contempt by the very people with whom he was bound to maintain our credit.

Senator William Blount resigned his seat in the Senate. In the elder Bayard's day it was an offense to "diminish and impair confidence in the Government of the United States."

It is alleged also that we have no right to criticise an officer of the executive department. I think it was the gentleman from Kentucky who raised that issue here yesterday. Has he forgotten that in 1862 this House of Representatives passed a resolution seriously censuring the then Secretary of War, Mr. Simon Cameron? And has he forgotten that Abraham Lincoln, then President of the United States, in sending to the House of Representatives a remonstrance against that resolution, did not undertake to argue for a moment that the House had not the right to pass that censure, but simply said that he indorsed all that Mr. Cameron had done, and if the censure was proper at all it should have been equally applied to himself and to the other members of his Cabinet?

In this case the censure of the House, if these resolutions are adopted, must be partly borne by the President for retaining in so important a post a man with such ideas of official propriety.

I think, Mr. Speaker, that the gravity of Mr. Bayard's offense is demonstrated beyond question. I think that the propriety of the action proposed by the House of Representatives must be apparent, politics aside, to all the members.

But we are confronted with the statement that a man who is the representative of such an illustrious lineage, a man who has been such a cynosure, as the gentleman from Virginia [Mr. TUCKER] said Mr. Bayard had been, in the eyes of the young men of his State and of the country, a man who has held such high public places, a man who has been honored by his people, and who has been consistent in a long public career, ought not to be held up for public criticism because of one lapse in the course of a lifetime.

While I have not any personal feeling against this representative at the Court of Great Britain, I think it is but fair to him as well as to the members of this House that something of his relations toward the Government of the United States in the past should be made known.

Not so many years ago a considerable section of this country found itself forcibly attempting to disrupt the Union. Concerning the action of men whose States went into the rebellion I have no criticism in this connection to make. Especially for those who bravely risked their lives upon the field of battle on the issues then made up I have nothing but admiration. Bravery and devotion, even to a wrong cause, may command honest regard.

On the 9th day of July, 1861, when Fort Sumter had been fired upon, when the issue of war had been framed, when the forces were massing for the great battle of Bull Run, Thomas F. Bayard made a speech in the little town of Dover, Del., which I have been at some pains to secure, and which I shall ask to have printed in full in the RECORD with my remarks.

Coming from a Northern man in a Northern State, where no attempt at secession was made; coming from a man who at the time bore a commission under which he had sworn to maintain the Union, it is a speech which amply foreshadows the Edinburgh condemnation. In that speech he pleaded that the country might be divided. He urged that the Administration of President Lincoln was acting in an unconstitutional way; that the efforts to coerce the seceding States were unwarranted; that they could not and should not be coerced. He then, as now, showed that his sympathies were in any line that would be pleasant upon the ears of those who disagreed with us.

BAYARD FOR PEACE IN 1861—THE FULL TEXT OF HIS FAMOUS DOVER SPEECH EARLY IN THE WAR—REMARKS ON WHICH THE CHARGE OF DISLOYALTY TO THE UNITED STATES GOVERNMENT HAS BEEN FOUNDED—MR. BAYARD REGARDED PEACE, NOT CIVIL WAR, AS THE TRUE ROAD TO REUNION.

[From the Delaware Gazette of July 9, 1861.]

MY FELLOW-COUNTRYMEN: By no narrow party name, in no narrow partisan spirit, do I address you, but as an assemblage of American freemen do I congratulate you upon our meeting of this day. Important as are the issues we are here met to consider, one result is accomplished most gratifying to all fair-minded men which I can not pass by without notice. I mean the right of meeting unrestrained and of free, unrestrained discussion by freemen of this Government and the policy and measures of those into whose hands it has temporarily been intrusted. It is well known to us all that a reign of terror was sought to be inaugurated in this State, as it has been throughout the North, and for this purpose troops, not of our State, were encamped upon our peaceful soil at the instance of these politicians among us, whose insolence and oppression are limited only by their fear and their ability to do mischief.

To-day we stand here in the spirit of freemen to vindicate our privilege and perform our duty as citizens despite the reiterated threats of a profligate and lawless press in neighboring cities upon the north, echoed by papers in this State equally shameless and corrupt.

It is known to us all that personal intimidation has been applied to each man present to deter him from coming here to-day. That many worthy but timid men have been affected by such miserable means is not to be denied, but the best answer to these hounds of the mob who sought to prevent a lawful meeting called in the sacred name of our country's peace is the assemblage now before me. Never in this State has it been exceeded in numbers and respectability. We have, it is true, no high judicial officer to leave the bench and take part in the excited scenes of politics; we have no delegation of persons from the city of Philadelphia, but we have the substantial citizens of Delaware, with as great a stake in her fair name and prosperity as any others in her borders.

In times of danger and distress like the present the country needs most the intelligent aid of her best citizens, and now, if ever, should they give her the best efforts of their hands and hearts, undeterred by the wild passions and frenzied violence which have swept over the Northern States like a whirlwind.

The question for every good man now to ask is: "My country, what can I do to restore your peace and happiness?" The past and its lessons should not be lost upon us, but to inquire now into the original cause or causes of our troubles would not be within the scope of these remarks nor useful at present. The practical question before us forbids mere speculation; it stares us in the face—a hard, stern fact.

Eleven States have withdrawn from the Federal Union with solemn and deliberate action, and have united under a new government. They have made their declaration of independence of the Government under which we

live and express their determination to maintain it at every cost. With this secession, or revolution, or rebellion, or by whatever name it may be called, the State of Delaware has had naught to do. To our constitutional duties toward each and every member of the Union we have been faithful in all times. Never, never has a thought, a word, an act of ours been unfaithful to the Union of our fathers. In letter and in spirit it has been faithfully kept by us. But the stern fact is still before us, and but two alternatives present themselves. Shall we make war upon and subjugate this new Confederacy or shall we peacefully treat with them and consent to their self-government, trusting to time, which is the greater healer of all wrongs and passions, to bring them again voluntarily into a common government with us?

Take the proposition of war, of horrid civil war, my countrymen; grant to the Northern arms complete success. Suppose that every Southern city be reduced to ghastly ruin, every peaceful Southern home desolated, and every Southern man slain or made captive. This is the evident completest realization of that dream of conquest so horribly satisfactory to those minds in control of the Northern press. But what then? Will a union with slaves and the possession of a desert satisfy you? You do not and can not expect love and aid in times of your necessity from those States you have so cruelly subdued. It is too plain, therefore, that your success in such a war would be the most fatal injury to yourselves.

And is such a war necessary for the peace and happiness of the United States? For half a century we have lived at peace with Great Britain, with her Canadian Possessions upon our northern border. Upon the south Mexico holds her Government with no threats of trouble to us or our citizens. Why, then, may not two American confederacies exist side by side without conflict, each emulating the other in the progress of civilization? The coterminous kingdoms of Europe offer many examples of similar peace and prosperity. With such a sickening alternative as civil war, why should not the experiment at least be made? It is this question we are to pass upon to-day. I believe with the late Senator Douglas, who has before been quoted to-day, that "A war is a disunion, certain, final, inevitable," and so believing, I oppose it. I believe solemnly that the war inaugurated by Abraham Lincoln and his Cabinet is worse than fruitless; that it will prove more disastrous to the North than to the South, and never will accomplish its professed objects.

Already it has driven out of our Union four States, while others stand in doubt. When I take up the public papers and see the markets of the world disordered and depressed by the mere apprehension of this war; when I turn to our own business circles and see men of wealth reduced to poverty, our merchants bankrupted, our mechanics and laboring men threatened with absolute starvation, I would fain hide my face in grief. But confronting this wide scene of human distress I sadly seek to find relief from it. If war, or the mere prospect of it, has in three short months worked all this distress, what an increase of trouble are we to anticipate should it proceed in all its detail of oppressive taxation, destruction, demoralization, and sorrow. Human governments were ordained for the happiness and protection of society. If peace will restore and secure these blessings to the people of the United States, even though a number of their former associates have gone off under a new and independent organization, in the name of Heaven let us raise our voice for it.

Shall this earnest cry for peace be stifled at the bidding of a host of fanatical and cowardly editors, aided by an army of greedy contractors and public leeches, stimulating an ignorant mob to denounce and attack us as traitors and secessionists? We know it shall not, and this day do we proclaim our duty to our country and our intention to perform it.

The Cabinet of Abraham Lincoln have affected to treat all the seceded States as still members of the Union. If so, surely they are entitled to all those privileges which the Constitution gives them, while they are also subject to its penalties. Yet war in all its forms, by land and sea, with all its severities, has been levied against these States, and the forms and most positive limits of the Constitution, which is the supreme law of this land, to the President and Cabinet as to the humblest private citizen, have been steadily and contemptuously disregarded in its prosecution. The act of war is a solemn act at any time; in a war against our brethren of the South it is surely tenfold so. By the express terms of the Constitution, the right to declare war is delegated to Congress. The President has no such power. But he has, without even the forms of submission to Congress, in palpable violation of the charter of Government, which is his guide as it is ours, summoned a gigantic army, and that, too, for an extended time, exceeding the term limited by the Constitution for the appropriation to support armed forces. The question of peace or war, I say, was never reposed in any President or Cabinet. Congress alone possesses the power to declare war, and in the present case I protest that our people have never been allowed any opportunity to vote and express their wishes on this momentous and terrible issue. Had it been given them last winter, I believe our beloved Union would this day have been firmly knit by the bonds of good will and good faith which originally formed it and alone can preserve it.

But the infractions of the Constitution by those officials into whose hands the reins of government have passed have not ended here. The invasions of personal liberty in our sister State of Maryland have been such as to justly alarm and almost dishearten those who believed our free institutions were not mere forms, to be blotted out at the caprice or tyranny of our temporary rulers.

The seizure of telegraphic messages, the invasion of the privacy of the mails, the arrest and imprisonment without judicial process of citizens, have followed each other in startling succession. These acts are simply usurpations, not without color of law, but against express rights.

You and I are citizens of Delaware. To her laws and government we owe allegiance. Through our State we owe allegiance to the Federal Government, of which she is a member. But as State officials can command us to no duty unknown to State laws, neither can a Federal officer claim any authority over us in matters not within his constitutional and legal control. A palpable infraction of our written charter of government by our rulers justifies disobedience upon the part of a citizen as much as lawful orders are entitled to loyal compliance.

And, fellow citizens, never in our nation's history were her citizens called upon more strictly to call her agents to account than now. The so-called "military necessities" are beguiling and dangerous in the extreme. The conquest of the South will be a poor recompense to the North if our system of Government be the price we are to pay for it. Obedience and good faith toward a Government which protects him is the primary duty of a good citizen; but where that Government is one of limited power, and those limitations created for the preservation of individual liberty against the aggression of rulers or majorities, let us take heed lest in seeking to place a yoke upon others we awake to find one upon our own necks. Who can say, with the present war measures of the Administration and the spectacle of Maryland before us, how long a trace of constitutional liberty will remain for the other States in the Union, and how soon a stern military despotism may usurp the place of the Constitution and the laws? Let us as freemen stand prepared in all lawful ways to resist the inauguration of such a degrading condition of affairs, no matter how plausible or specious may be the plea under which it is urged.

Let no man believe that he may ever safely violate a great principle. The poisoned chalice will some day be commended to his own lips. And if we to-day pass lightly over the outrage upon the rights of John Merryman, we may to-morrow mourn in our own persons of similar wrongs to his. If he has transgressed the laws, let them be fully vindicated. But it has been our boast that the humblest person, nay, the meanest felon, has civil rights preceding his punishment which no ruler can justly deny him of. Let us stand by the laws.

The matter, in conclusion, I ask you to hear and consider carefully.

A gentleman from Newcastle County, who has been your United States Senator for more than ten years past, I have the honor to call my father. If there be one thing he has tried fully and fairly to do, it has been to represent the people of this State. And you will do him the justice to say he never deceived you nor ever will. His worst foe will agree to that. The present issues that distract our country were not in existence when he was chosen as your representative, and of late, as you are aware, having taken decided ground upon them, he has been called upon by voices many and loud to resign his seat in the Senate.

The motives of those who have been the most prominent in such requests are of little moment, although their disguise is in many cases but flimsy. To a just man, however, a sense of good faith and self-respect would prevent his remaining at any time in a false position. If, therefore, he professes to represent a people, it must be in fact, not in name only. The legislature now in existence were not elected with reference to present issues, nor can they claim to represent public sentiment in regard to them. The proposition of Mr. Bayard, then, is that the legislature shall resign their seats, and he will then resign his seat in the Senate. The governor, under the provisions of the constitution, can call a special election to fill the vacancies in the legislature, and at an extra session in the next month the public sense can be fairly taken, and the will of the majority expressed. If it be then found that the people of Delaware are in favor of carrying on this war against the Confederate States, they will elect such a legislature as will send a proper man to the Senate to carry out such a policy and sustain the present Administration. If not, they may elect whom they see fit, to lend his power to restore peace to our land.

Let us, fellow-men, follow peace as our bright North Star, whose radiance may be mild but never delusive or uncertain, while in the calamities of war, and in that worst of wars, a civil war, we shall only reach by sheer exhaustion the peace we can now command in ten days by treaty.

At this very time Mr. Bayard was an officer in the military service, bound by oath to defend the Union.

I wish to call the attention of the House to the fact that in 1861, about the time the rebellion of the States was got under way, there existed in Delaware a little regiment of militia, which had had no organization of a palpable form. In that winter an attempt was made to secure arms from the Federal Government for the use of the regiment. Arms were issued. During the spring of 1861 that regiment was drilled and put in a considerable state of efficiency under a commission from the State of Delaware, and bearing arms furnished by the Government of the United States.

When Sumter was fired upon and the militia of the South were rallying for the support of their cause, and loyal men were responding with no less ardor and valor in maintenance of their side from all over the country, when the patriotic men from Delaware by twos and threes, and by scores, without organization, were wending their way to seek service in behalf of the Federal Government, not a word was said nor a suggestion made on the part of this well-disciplined militia that they desired to enter the service to defend the Union. As the spring and summer wore away, the Government at Washington became more strongly established. It was time to act! An officer of the Union Army was sent to Delaware, because it was believed that these troops were not loyal to the nation. He was sent to take from them the arms which they had secured from the Federal Government. That order was carried into effect, and you will find in the report of the officer who seized these arms that he took from the company commanded by "Capt." Thomas F. Bayard 60 stand of arms! The Chevalier Bayard of whom we have heard in this debate died in the battle line defending his flag. This one, who wanted his country peacefully divided, was disarmed by the order of his Government.

Mr. Blaine, who after a long and heated political career, in which his best friends were often found on either political side, who had never been known, except under the stress of provocation, to say an unkind thing or to utter an unpleasant thought of any man, wrote a book which is now read by thousands of people of this country as a standard authority on the political history of the last generation. In that book he spoke of all the great Democratic leaders, all the men whose praises have been treasured on the other side, in words of high admiration and of praise. In those two great volumes there is not an unkind remark about any contemporary, with two exceptions. One of them was Mr. Thomas F. Bayard. This is what Mr. Blaine said of Mr. Bayard at the time when the life of the nation was at stake:

It was evidently not deemed prudent by Mr. Bayard to repeat his disunion views. After Fort Lafayette, at Mr. Seward's command, had opened its doors to men who publicly expressed disloyal sentiments in the North, Mr. Bayard gave to the rebellion the benefit of his silence. The great struggle went on; myriads of patriots stepped to the ranks of the Union Army; the people were fired with love of country; from every loyal platform and every loyal pulpit rang out words of faith and hope for the cause and for its defenders. But Mr. Bayard's silence was unbroken even by the thunders of Gettysburg, almost within sound of his home, or by the closing and complete triumph of the national arms. He has spoken words of sympathy and encouragement to the enemies of the Union. He never uttered a word of cheer for its friends.

Is it strange, Mr. Speaker, that in the atmosphere of the British court, where men who had theretofore been most loyal and devoted to the principles and institutions of their country, have sometimes seemed to falter and weaken; is it strange that a man who, in the extreme moment of national peril, when others were

doing what they could by voice and action to maintain the integrity of the Government, had it said of him, in a calm, dispassionate way, that not one word or sign of encouragement for the defenders of the Union ever emanated from his lips—is it strange that such a man, in the atmosphere of the British court, forgets what is due from him to his country as its accredited representative?

An attempt has been made to quote the words of the late James Russell Lowell in his English speech on "Democracy" as an excuse for Mr. Bayard's utterances in an attack upon this country. Let me say of Mr. James Russell Lowell that while he was not a politician and was not used to public life, but a man of letters, the address on "Democracy," which has been quoted here is, throughout its length and breadth, a deliberate and sincere defense of American institutions and American principles. It is true that he brought out, by admission, some of the faults, by everyone admitted, connected with the government of large cities, but he showed that this Government of the rule of democracy had builded more deeply and constructed more loftily than anyone had ever dreamed, and had laid the foundations for a national happiness unequaled in the history of the world.

It has been suggested, Mr. Speaker, that Mr. Bayard in making these utterances against protection and in favor of free trade was animated by principles which he could not lay aside and which he could not suppress. The inference has been that Mr. Bayard as a free trader was so devoted to those academic theories that no matter under what circumstances he might be situated he felt bound to give utterance to them.

Mr. Bayard in his speech at Edinburgh denounced monopolies and trusts. He denounced the system of protection under which they had been built up. Mr. Bayard an enemy of monopoly! Mr. Bayard opposed to protection! Perhaps so, when the interests of other States were concerned. Certainly not when Delaware monopolies and tariffs hung in the scale. The great Diamond Match Trust found in the Senate of the United States when its cause was on trial no other advocate than Thomas F. Bayard. Even when its monopoly was shown and when its suppression of free competition had been fully made clear, Mr. Bayard still stood in the Senate of the United States and endeavored to put on a tariff bill legislation which should protect it in its monopoly.

In the summer of 1882 a tariff bill was under discussion in the Senate of the United States. One of the things which the Republicans, then in control, joined by a great many Democrats, attempted to accomplish was to strike off the internal-revenue tax on matches. Matches at that time were manufactured in this country by the great Diamond Match Trust, which had its headquarters in Wilmington, Del., and its manufactories scattered over eight or ten States of the Union. It had passed regulations in regard to the sale and consumption of its product and would not sell to anyone who would not agree to those restrictions.

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. I will ask the gentleman from Massachusetts how much more time he requires?

Mr. BARRETT. I think I can get through in fifteen minutes.

Mr. HITT. I ask unanimous consent that the gentleman's time be extended fifteen minutes.

There was no objection.

Mr. BARRETT. As I was saying, Mr. Speaker, an attempt was made to take off the internal-revenue tax on matches, which was a monopoly managed by a trust whose headquarters was Wilmington, Del., and which had then not one single advocate in the other branch of Congress except Mr. Bayard. That it was a trust is shown by the declaration of Senator MORRILL, who said of it:

> The only parties in this country who desire assistance of this tax are monopolies.

Mr. VEST of Missouri, then as now one of the leading Democrats in the United States Congress, made this statement concerning it:

> It is one of the most monstrous and odious monopolies known to the people of the United States.

When the matter came to a vote, be it said to the credit of the Democrats of that body that, although Mr. Bayard—this sincere free trader and hater of monopolies and trusts—devoted all his personal interest and influence as the Democratic leader to secure the retention of that tax, yet besides himself only seven Democratic Senators could be found to join with him, and the tax was stricken off by a vote of 44 to 8. In the succeeding winter the tariff bill was considered again. He endeavored to have a high protective duty put upon matches to protect this "most monstrous and odious monopoly" from competition.

Mr. VEST again objected, and when Mr. Bayard attacked him, Mr. VEST declared in language which is worthy of consideration by the Democrats in this House, saying:

> As a Democrat I announce that I believe in a tariff for revenue, with discriminations in favor of American industries and American protection, reiterating simply the declaration of all the leaders of the Democratic party since 1836, reiterating simply the declarations in the platform of the Democratic party.

Later Mr. Bayard advocated a high protective duty on gunpowder, which was also a product peculiar to his town of Wilmington. I call out these facts, Mr. Speaker, in order to show that in the attacks made by Mr. Bayard upon protection he could not set up any claim of personal consistency. His own record as a Senator shows that when the "trust and monopoly" was in his own town, when the "protection" was for a Wilmington product, he could appear as the advocate of the "monopoly" and of high protective duties. [Applause.]

My friend the ex-governor of Kentucky, in his able presentation here yesterday afternoon, alluded to the fact that one minister had been recalled with his hearty approval, because he had failed to maintain the honor and dignity of the American flag. He alludes to an incident of recent history—the Barrundia case—with which his name is connected inseparably. In this matter, where a man was shot to death on an American ship by a posse of one of the small Central American Republics, while the American minister and the commander of an American man-of-war with guns shotted refused to interfere to prevent that outrage, my friend from Kentucky approved the recall of Minister Mizner. I agree with him that it was a case which should bring a blush. Yet he can not forget that Minister Mizner based his defense—and the only defense he had to make—upon a letter of instructions issued to him and to the other ministers of the United States abroad, by Mr. Thomas F. Bayard when he was Secretary of State. I say to my friend from Kentucky that if he disapproves and condemns that cowardly murder of an unarmed man under the flag of the United States for political reasons, that he will find that the only justification ever given for its being permitted was a letter of instructions issued by Thomas F. Bayard when he was Secretary of State of the United States.

Mr. Speaker, a great deal has been said here by the Democrats about partisanship and the failure of the Republican party to maintain its pledges since it came into power in this House. The party has left undone many things which it would have done if it had been in full possession and control of the legislation of this Government. I undertake to say that the history of this House has been that the Republican majority has given up any attempt at partisan advantage; has given up any effort to enforce its peculiar views upon the country in the field of legislation in order to remedy national needs upon lines which could receive the signature of the President of the United States. And "this miserable 15 per cent horizontal tariff bill," to which the gentleman from Virginia [Mr. TUCKER] has referred, was simply an effort made by the Republicans of this House—abandoning for the moment, under the pressure of circumstances, the principles to which they are devoted—to give to the Government money enough to maintain it and its credit at home and abroad.

We passed a bond bill to prevent further scandals in the issue of bonds and the Secretary of the Treasury publicly assailed it.

We are going to pass an immigration bill. We are going to pass a bankruptcy bill, to care for the flood of bankruptcy which Democratic rule brought upon us.

When the time comes, when the next Congress shall meet in this Capitol with a tremendous Republican majority in this branch and an ample Republican majority on the other side, and a true and tried Republican President in the White House, we propose to pass a tariff bill of which no man will be able to say that it is a monument of "party perfidy and dishonor." [Applause.]

We will put our currency on a sound and permanent basis. We will take from American industry the bonds which now embarrass us. Accuse us of partisanship, Mr. Speaker. Was it partisanship when we tried to uphold the President's hands in the Venezuelan matter? If there ever was an opportunity where a hostile majority could have taken issue on the method in which the proper thing was done, it could have been found in the President's unexpected and wicked arrangement of messages to this Congress on the financial and Venezuelan matters, calculated to drive the great commercial centers into a panic.

But under the guidance of the Speaker and of the able chairman of the Committee on Foreign Affairs, the Republicans of this House, without any attempt to make party advantage out of it, adopted the suggestion of the President of the United States and put into his hands such ample authority as has enabled him, for the moment at least, to rescue out of complete popular condemnation an Administration of which up to the time of the Venezuelan incident not one favorable word had been uttered for months, and which had deservedly lost the confidence of the country. [Applause.]

We have sunk partisanship in the desire to bind up and not open the nation's wounds, confident that with the record already made no further demonstration of Democratic incompetency is necessary in order to insure Republican victories in the autumn.

In presenting these resolutions in regard to the conduct of our foreign ministers, it is not solely with Mr. Bayard's case that we have had to do. We wish to establish the precedent for all our ambassadors and representatives abroad that they are to maintain and uphold the dignity and prestige of the United States of America under all circumstances. We propose, beginning with

the 4th day of March, 1897, to have for ambassadors abroad men who will represent the noblest patriotic instincts of our people. We propose to have such respect felt for us abroad that when the Congress of the United States sends to Lord Salisbury, as we did in the Venezuelan matter, a demand that he should submit a case to arbitration, he will not bow our minister out of his antechamber as he bowed Mr. Bayard, and keep him for five months waiting for an answer. Who could blame him, when Mr. Bayard allowed five months to elapse before he presented to the British minister the resolutions of the American Congress? When we come into control on the 4th day of March, 1897, we propose to do a great many things which we can not do now. But this thing we can do to-day; this thing we propose to do—to have it understood throughout the length and breadth of all the world that no man who, bearing the commission of the United States, shall attempt to drag down her name and fair fame among the nations, shall pass unrebuked by the representatives of the people.

Mr. Speaker, this incident is soon to close. I wish, as has been stated by several gentlemen on this floor, that these resolutions might have been supported by every member of this House. I understand (and I trust I am not violating any confidence in the statement) that every effort was made by the Republican members of the Committee on Foreign Affairs—that they were willing to go to any length and to give up any particular phraseology or the naming of individuals—in order to have the minority agree with them upon some resolution of censure upon such conduct as that of Mr. Bayard. But as the Democratic minority in the committee did not respond to such efforts, and as it appears to be quite certain that the majority of their number on this floor do not propose to act in that spirit, we will pass the resolutions as they are before us.

We accept their challenge as to which party will stand best before the American people—the one which resented and rebuked such utterances as those made by Mr. Bayard, or the party which seeks to condone and defend them. By our votes we indicate our views as to the propriety of the American ambassador to Great Britain when he publicly attacks the political policy of his own country and acts there, as has been done in the present instance, the part of a man who is trying, though bearing our proud commission, to do all that he can to encourage that haughty disregard of our interests which has been the uniform course of the British Government from the days of the Stamp Act to the present time!

I thank you, Mr. Speaker, and I thank the House. [Loud applause.]

Mr. HITT. Mr. Speaker, this debate has now extended very far. About the same amount of time has been consumed in favor of the resolutions as has been occupied against them. I propose, if it should meet the concurrence of the House, to ask that the debate close at half past 4 o'clock to-day, and that we then proceed to a vote.

Mr. McCREARY of Kentucky. Mr. Speaker, this debate has consumed nearly two days; but there are three or four gentlemen on this side who wish and expect to speak, so that it will be impossible, if we are to do justice to them, to close the debate this afternoon. I suggest to my friend from Illinois (because I would myself like to close this debate as soon as we can consistently) that we fix 2 o'clock to-morrow for taking the vote. I remind my friend from Illinois of the fact that a number of gentlemen, not believing that a vote would be taken this afternoon, have left the Hall. If we fix the vote for 2 o'clock to-morrow all members will have an opportunity to be present.

Mr. HITT. Would it not accommodate all who want to speak if the vote should be taken at 1 o'clock to-morrow?

Mr. McCREARY of Kentucky. I think 2 o'clock would be best. A part of the morning will perhaps be consumed in other matters.

Mr. HITT. Very well. Mr. Speaker, I ask unanimous consent that this debate be closed at 2 o'clock to-morrow, and that a vote upon the resolutions be then taken.

There was no objection.

Mr. HITT. I presume it will be understood that the time occupied in debate (including that already consumed) shall be equally divided between the two sides.

Mr. McCREARY of Kentucky. I understood the gentleman to say that the two sides have used about the same time.

Mr. HITT. Nearly the same.

The SPEAKER. Exactly the same.

Mr. McCREARY of Kentucky. Very well; then let the time be equally divided from now until 2 o'clock to-morrow.

Mr. COOPER. Mr. Speaker. it is said that when the great New York merchant, A. T. Stewart, was asked the secret of his success in life he said that he had made one-half of his great fortune in attending to his own business and the other half in leaving other people's business alone.

Mr. Speaker, there is no maxim that could be quoted here more appropriately and be more properly given serious consideration by this House than that under which he conducted his great business affairs. We have undertaken to meddle with and to manage the affairs of every nation, and of every department; and have done everything except those things that the people of the United States sent us here to do.

For the form of these resolutions I care nothing; for the criticisms that have been made and for the pretenses under which they are introduced I care nothing. I go behind the form and the pretense to the spirit and substance of the resolutions, and find that this is merely an incident in a crusade in the interest of that exorbitant, insatiate plundering form of protection which the people of the United States repudiated so overwhelmingly at the polls under the designation of "McKinleyism." It is the lesson of all history that the greater the abuse the more intolerant it is of criticism, and we have a striking illustration of that truth presented here to-day. This proposed censure is not because Mr. Bayard, in an elevated, scholarly, and creditable address, used certain words that more or less concerned the status of things in America, but it is because he told the truth and called to the attention of the country those evils toward which, unless the progress of the Republican party be speedily checked, we are rapidly hastening.

Mr. Speaker, the banquet from the substance of the people is being spread, and the harpies, the vultures, the unclean birds who are to feast on it, are hastening on their way. All the skies above our heads are darkening with their approach and we can hear the flapping of their wings.

That species of high protection of which Mr. Bayard spoke, called McKinleyism, is a false pretense and a fraud wherever you touch it. I have sat here upon this floor and heard statements made which I would have supposed arose from a total want of consideration or knowledge of the subject if it had not been that gentlemen who were deemed to be sufficiently conversant with public affairs to hold a seat on this floor were uttering them.

Now, in the few minutes at my command I shall undertake to expose and refute some of these statements and pretensions. We have been told that the remedy for the condition of the Treasury, the proper provision for replenishing the gold reserve and for checking gold exports, is to raise the tariff schedules and tax the people higher. What are the facts in this connection? During the year ending June 30, 1891, the first year under the McKinley Act, the net loss of gold to this country by exportation was $68,130,087, while the net loss by gold exports during the last fiscal year was $30,117,376, and if we deduct the gold that was brought into the country by bond sales, yet the net gold exports in the first year of the McKinley Act exceeded the net gold exports in the first year of the Wilson Act, notwithstanding the many difficulties under which we have labored during the latter time irrespective of tariff.

During Mr. Cleveland's first Administration, before McKinleyism, we imported $54,772,000 more gold than we exported. Under Harrison, McKinleyism, and Republican rule we exported $122,624,000 more gold than we imported.

At the close of Mr. Cleveland's first Administration he left in the Treasury $97,874,422 of free gold in excess of the gold reserve, while at the close of Mr. Harrison's Administration he left in the Treasury only $987,000 above the gold reserve, and that would have been swept away if held-up bills had been paid.

A deficit in the Treasury under Mr. Harrison's Administration was only avoided by the use of a trust fund of nearly $60,000,000, which had been deposited in the Treasury by the national banks. Before Mr. Harrison went out of the Presidential office orders had been given in the Treasury Department by the Republican Secretary of the Treasury for the engraving of plates for the printing of bonds for issue, and the Republican Administration of Mr. Harrison barely managed to put off the issue of bonds long enough to leave it to fall upon Mr. Cleveland's Administration. All these and all our subsequent financial troubles, as far as the Treasury is concerned, have been the products of the McKinley Act, the Sherman Act, unwise and injurious laws concerning the currency, and other vicious Republican legislation. In truth, Republican financial and currency legislation has had two principal culminations since the war in two great crises and panics which it caused, or at least greatly aggravated—the great panics of 1873 and of 1893; and for all the losses, prostration of business, hardships and sufferings during and in the years following each Republican legislation is largely responsible.

We are told that the gold depletion is due to the Wilson Act, and that the restoration of McKinleyism will cure the existing evil, when the fact is that the depletion began in the first year after the McKinley Act was passed; and experience has demonstrated the fact that the high tariff then inaugurated did not afford any remedy, for the comparison of the figures I have given will show that under the Wilson Act the depletion of the country of gold was less during the first year of its operation than it was under the McKinley Act during a corresponding period.

The fact is, that the banks supplied the drain of gold for export during the earlier part of Mr. Harrison's Administration until they

were unable in prudence or became afraid to do so longer. Then the drain of gold from the Treasury began, which had taken out of the Treasury many millions of gold and had reduced the free gold in the Treasury to almost nothing before the end of Mr. Harrison's term, and so was left by the Republican Administration to invade the gold reserve as soon as the Democratic Administration came in under Mr. Cleveland.

We are further told that the farmers have been injured by the Wilson Act because it encourages the importation of agricultural products from other countries. And yet in 1891, under the McKinley Act, the imports of agricultural products were larger than under the first year of the operation of the Wilson Act. The foreign farm products imported under the McKinley Act in 1891 amounted in value to $67,757,438, while such imports under the Wilson Act in 1895 amounted to only $59,012,028.

So, Mr. Speaker, we are told that all the industries of the country, and especially the woolen industry, to which attention is called, flourished under the McKinley Act, and that the same industry has been seriously injured under the operation of the Wilson bill. Do not gentlemen know that there has been, under the first year's operation of the Wilson Act, more woolen machinery put into operation, more mills built, more men employed, more wages raised than in any equal time in the whole operation of the McKinley Act?

The American Wool and Cotton Reporter some time since published a statement contrasting the condition of the woolen industry in May, 1892, under the McKinley Act, under a Republican Administration, before the election of Mr. Cleveland and a Democratic House, with the condition of that industry on the 1st of June, 1895, under the Wilson Act and under a Democratic Administration. It states that in May, 1892, there were in operation in the United States 7,784 sets of cards of woolen and worsted, 71,000 looms of woolen and worsted, and 43,601 knitting machines, while about June 1, 1895, there were in operation 8,456 sets of cards, 77,100 looms, and 64,250 knitting machines. The Reporter adds that these must have increased since in every particular, as there is a most imposing list of enlargements of woolen mills and installations of new machinery since January 1, 1895, exclusive of 38 brand-new woolen mills and a large number of new knitting plants, as shown in the Reporter of July 4, 1895. It is also further stated that between March, 1895, and the date of the article in the Reporter wages had been increased in about 50 woolen factories.

We are told that the American tin-plate industry is being destroyed under the Wilson Act, and gentlemen upon that side of the House, when that assertion is made, applaud with all the enthusiasm of ignorance. Do they not know that under one year of the Wilson Act the tin-plate industry has developed more than under three years of McKinleyism? Yet such is the fact, and they can find it in any reputable trade journal of this country. Do they not know that the output of iron under the Wilson Act in the last year was the greatest ever known in the history of this country? Do they not know that the cotton industry is prospering? Do they not know that the revenues are increasing from customs dues and otherwise?

Now, Mr. Speaker, if I had time to go into the details of each of these assertions I could demonstrate to the House, item by item, the truth of what I have said. Are the gentlemen ignorant of the fact that the wages of more than a million of laborers have been raised under the Wilson Act? Some of them say these are only partial restorations from decreases made after the election of 1892, when Democratic government was foreshadowed. The facts are all against you, gentlemen.

The Reform Club of New York printed before the elections of 1892 a detailed statement showing the reduction of wages and the discharge of employees in more than a thousand protected establishments under the McKinley Act, before there was any Democratic election, and the fact is that these increases of wages within the last year under the Wilson Act, varying from 10 to 20 per cent, are made in numerous instances in industries where the cuts had previously been made under the McKinley bill, not after any Democratic election, but prior to the election of 1892, and the rates of wages have been largely restored under the Wilson Act. It has been well said that the McKinley Act was a wage reducer, mill closer, and panic producer, and that the whole McKinley period was one of wage reductions, strikes, and riots.

Gentlemen, all that this country needs, so far as tariff legislation is concerned, at present to conserve and secure its prosperity is that you of the Republican party should give heed to the utterance of one of your greatest leaders. The business interests of this country, threatened with a tearing up by the roots, threatened with an extortionate protection crusade, say to you to-day, abide by the great declaration of President Grant, "Let us have peace." All they need is peace from your threatened disturbances.

The people hardly realize or believe that you dare do that which you have in mind. A few weeks ago I conversed with a large manufacturer of New England, and I said: "Now, outside of politics, getting down as between men, how are the cotton and woolen mills of New England getting along and doing?" He said: "They are doing very well. There are some old concerns with antiquated machinery that are not willing to improve their plants who desire to have increased protection rather than improve their methods of production. They want higher tariffs, and are complaining; but the great majority of the woolen and cotton mills of New England are doing well and do not need any disturbance of the tariff."

Now, for one moment let me call your attention to this question of the farmer's wool. You have many of you here spoken eloquently about the benefits and the protection the farmer got on wool under the McKinley Act, and the disasters to wool under the Wilson Act. Now, on page 441 of the CONGRESSIONAL RECORD, in the proceedings of the Senate, is printed a communication by Judge Lawrence, the president of the American Wool Growers' Association, in which he comments on the McKinley Act, on what was known as the Dingley bill, recently passed through this House, and on the Wilson Act. The Dingley bill, mind you, was the bill prepared by the present House, that knows how to manage everybody's business but its own. After going on to say that you probably did not know what you were doing, he says, speaking of the Dingley bill:

> This is no protection at all. Inadequate protection is no better than free wool. Evidently the Committee on Ways and Means, for want of time and mature consideration—

You remember how that great measure—great in the amounts of increased tariff taxes proposed, but not great either in actual or expected results—you remember how it was railroaded through here. The president of the Wool Growers' Association says:

> Evidently the Committee on Ways and Means, for want of time and mature consideration, did not understand this, or their bill would have been so framed as to give some measure of protection.

So every man of you, who promised the woolgrowers in your district that you would give them "some measure of protection" came here and voted only for a bill that the president of the Woolgrowers' Association says gave them nothing. But what does he say of the McKinley Act, that measure under which you now say your cup of happiness was full? He says of the McKinley Act and its effect on wool and sheep:

> Under it prices of wools constantly declined, and the inevitable result would soon have been a failure to secure prosperity to American sheep husbandry. Even in Texas, where the cost of growing wool is as low if not less than any other State, sheep declined in numbers from 4,218,812 in 1890 to 2,859,269 in 1894.

That is the statement of the president of the American Wool Growers' Association as to the benefits given to American woolgrowers by the McKinley Act. Mr. Speaker, the people of this country will not be left without a shield against the assaults of those who now have these designs of private benefit—I was about to use another word, but will not—these designs of private benefit to be derived from the taxation of the people. Let not gentlemen deceive themselves. To-day the Philistines dance and make merry; but, my friends, Samson's locks will grow again. The great Democratic party of this country, which has been the party of the people and the true protection of the people through all its history, will rise up in its strength and will become their bulwark in the future, as in the past.

These proceedings here to-day but teach a lesson which I would to God every Democrat in this land could take to heart, as I have it in my heart, as a matter of the deepest and sincerest conviction and aspiration that the labor, the thought, the desire, the effort of every Democrat should be toward an end superior to all temporary differences, superior to all temporary questions, and that is the unity, the perpetuation, and the victory of the Democratic party. [Applause on the Democratic side.] Gentlemen come in here and censure Thomas F. Bayard. Who is Thomas F. Bayard, and who are his censurers? Not all of these gentlemen, I feign would believe, are actuated simply by the desire of a little man to gain some temporary notoriety by an attack upon a great man. Not all of them, I trust. Some are actuated by the fanaticism of high protectionism, of which I have spoken. What does this resolution accomplish? What can it accomplish? In itself it is futile.

It is said that Mr. Bayard has committed an indiscretion or impropriety in certain language he has used. If that were true, which it is not—I will not rehearse that, because it has been discussed—but if it were true, does that justify this House in committing not only an impropriety, but attempting usurpation? There has been some light and foolish talk about the attention Mr. Bayard ought to give to such resolutions; even that he should resign. I have no apprehension that Mr. Bayard will contemplate anything of the sort; but if he did, then he would act with impropriety; he would not only act with impropriety, but unfaithfully to the Constitution of his country, because the Constitution has divided the departments of the Government, and it has given us our sphere and our jurisdiction; it has defined that of the executive and that of the judiciary. When we undertake to censure a minister of the United States merely for language used or

in any way to interfere in the conduct of his office in any matter that does not require impeachment or that does not require some declaration of policy upon our part in some matter that may come into legislative action, or that does not abridge or affect the privileges of this House, then, in any other case except those that I have enumerated, when we attempt such a course we simply attempt an assault, not upon Thomas F. Bayard, or any individual, but upon the Constitution of our country, which we are sworn to support.

Mr. Speaker, there is in all peoples capable of self-government a high self-respect, a wise self-control and abstinence which leads them to abstain from a frivolous interference or hasty or intemperate interference with the affairs of branches of the Government not committed to their hands. A capacity for that self-control and abstinence is a large part of the capacity for self-government. Those people who have it are capable of self-government; those who have it not are incapable of self-government. I trust, Mr. Speaker, the introduction of such resolutions as these, so trivial in their character, so uncalled for by the occasion——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Florida. I trust, Mr. Speaker, that they do not indicate a decadence of those qualities which I have mentioned which have been in all times past some of the highest attributes of the American people. [Applause on the Democratic side].

Mr. HITT. Mr. Speaker, I yield fifteen minutes to the gentleman from Ohio [Mr. WATSON].

CONTESTED-ELECTION CASE—BENOIT VS. BOATNER.

Mr. TAYLER. Mr. Speaker, I desire to present to the House the report of the majority of the Committee on Elections No. 2 in the contested-election case of Benoit against Boatner, and to say that I will call it up for consideration here and disposition to-morrow morning immediately after the reading of the Journal.

Mr. HITT. Will that require discussion?

Mr. TAYLER. It will not require lengthy discussion.

Mr. HITT. The special order calls for a vote to-morrow at 2 o'clock upon the pending resolution, and there is a provision as to the time after the ordinary business of the morning.

Mr. TAYLER. I do not know whether under the arrangement made that time could be put a little later in the day.

Mr. HITT. At 2 o'clock the House will be at liberty to consider this question.

Mr. TAYLER. Two o'clock will suit just as well to take up the Boatner case.

Mr. HITT. After the vote, which is called for at 2 o'clock.

Mr. TAYLER. Precisely.

Mr. BOATNER. Does the gentleman make his report in that case now?

Mr. BAILEY. Do I understand that leave has been granted the minority to present their views?

The SPEAKER. If it is asked for, the Chair has no doubt it will be granted.

Mr. BAILEY. I was absent from the floor a moment. Has the request been made?

The SPEAKER. It has not been made.

Mr. BAILEY. Then I make it.

The SPEAKER. The gentleman from Texas asks that leave may be granted the minority to file their views. Without objection, the suggestion will be agreed to. The Chair desires to say that the chairman of the committee said to him that he wanted to call up this case right after the reading of the Journal, in which case the Chair supposes the House could make a provision to allow a reasonable time in addition to 2 o'clock for the disposal of this case if it should turn out to be necessary, but that can be disposed of to-morrow.

Mr. HITT. The gentleman has agreed to a proposition to let the election case be taken up immediately after the vote on the pending resolution.

Mr. McCREARY of Kentucky. I understand there is to be no debate on the election case.

Mr. TAYLER. There will be the reading of the reports.

Mr. McCREARY of Kentucky. About how much time will that consume?

Mr. TAYLER. Half or three-quarters of an hour, perhaps.

Mr. BAILEY. Before the gentleman from Ohio proceeds, in order that there may be no misunderstanding, and in order that this matter may be understood, the contestee is to have as much as ten minutes to make a statement. It simply gives the gentleman an opportunity to explain the case and why he assents to the case being voted on without further argument.

Mr. TAYLER. Not for the purpose of discussion, but as an explanation why the case is brought to a vote at once.

AMBASSADOR BAYARD.

Mr. WATSON of Ohio. Mr. Speaker, the resolutions before the House present a novel and important question, and are entitled to earnest, fair, candid, and dispassionate consideration. I ask that the Clerk read the resolutions:

The resolutions were read, as follows:

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Boston, England, on August 2, 1895, as follows:

"He (the President of the United States) stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way—and I tell you plainly that it takes a real man to govern the people of the United States"; and

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Edinburgh, Scotland, on November 7, 1895, as follows:

"In my own country I have witnessed the insatiable growth of that form of state socialism styled 'protection,' which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind to familiarize it with reliance upon state aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause. * * *

"It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the public conscience by schemes of corrupting favor and largesse to special classes, whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen": Therefore

Be it resolved, That it is the sense of the House of Representatives that Thomas F. Bayard, ambassador of the United States to Great Britain, in publicly using the language above quoted, has committed an offense against diplomatic propriety, and an abuse of the privileges of his exalted position, which should make him the representative of the whole country, and not of any political party. Such utterances are wholly inconsistent with that prudent, delicate, and scrupulous reserve which he himself, while Secretary of State, enjoined upon all diplomatic agents of the United States. In one speech he affronts the great body of his countrymen who believe in the policy of protection. In the other speech he offends all his countrymen who believe that Americans are capable of self-government. Therefore, as the immediate representatives of the American people, and in their name, we condemn and censure the said utterances of Thomas F. Bayard.

Resolved further, That in the opinion of the House of Representatives public speeches by our diplomatic or consular officers abroad which display partisanship, or which condemn any political party or party policy or organization of citizens in the United States, are in dereliction of the duty of such officers, impair their usefulness as public servants, and diminish the confidence which they should always command at home and abroad.

Mr. WATSON of Ohio. The ambassador admits the correctness of the language attributed to him by the committee, but offers no apology, excuse, or justification for the same. The question thus presented is grave and important, the determination of which is destined to have a far-reaching effect upon the diplomatic system of our Government, and merits the calm and deliberate judgment of this House.

I can think of few spectacles, Mr. Speaker, more humiliating to the American people than the conduct of their ambassador on these occasions.

In speaking of us as a "strong, self-confident, and oftentimes violent people, who seek to have their own way," he directly implies that we are unwilling to yield to the supremacy of law, are self-willed, violent, turbulent, defiant, and incapable of self-government. Such an utterance was a slander upon the American people. We justly boast of the supremacy of law and are proud that our judiciary stands as one of the bulwarks of our national liberty. But, sir, the ambassador's unfortunate language at Edinburgh was a most disrespectful reference to a political and economic principle long cherished by a large majority of the people of this country. And who was it who spoke in this way? Was it some obscure individual, some one whose utterances would attract no attention, excite no comment? By no means. It was the American representative to the highest court on earth. He had long been a distinguished lawyer and was a member of the United States Senate for more than twenty years. He knew that protection was a principle in which the great majority of the American people believed, and which they have cherished from the foundation of the Government. He knew that the greatest men of this nation had advocated it and taught it. He knew that Washington and Jefferson, Madison, Hamilton, and Franklin, those mighty men who guided the infant Republic through the perils of the Revolution and wrote the Federal Constitution in the blood of English statesmen, believed in this doctrine. He knew that Jackson, the most enduring name his party ever placed upon its national banner, and the great Webster and Clay, the immortal Lincoln, and the eloquent Garfield, all believed in it, and that from the teachings of these mighty men the American people had learned to cherish this doctrine as sacred almost as the Constitution. [Applause.]

While a Senator of the United States Mr. Bayard was chosen as the leader of the Cabinet. As Secretary of State he became the head of the diplomatic service of the Republic. Trained in that school, he knew that an ambassador who represents his government at the court of another government is bound by every rule of official deportment and diplomatic conduct to always speak respectfully of his own people. As the head of our diplomatic service, over his own signature and official title, he issued to our corps of foreign representatives personal and official instructions the spirit of which he was the only one to violate.

What strange and unknown influence is it, Mr. Speaker, which

causes a high official to prescribe a rule of conduct to-day and violate it to-morrow? I am not familiar with all the circumstances under which this unfortunate speech was delivered, but I know that it was in the capital of a foreign country jealous of our national policy and power; that it was in one of the great intellectual centers of Europe, in sight of one of the great universities of the world and within the shadow of the monument erected by his countrymen to the memory and genius of the immortal Scott, and near that other monument, tall, grand, and beautiful, standing on the Necropolis, facing the rising sun and the limitless sea, Scotland's contribution to the memory, the character, the life, the genius, and the achievements of the noblest benefactor of the human race and the greatest name that adorns history—Abraham Lincoln—surroundings, sir, which ought to inspire any man with love and zeal for his native land. [Applause.]

Under such circumstances every American citizen had the right to expect that if reference was made by his ambassador to his country it would be some laudatory word for what his country had accomplished for human liberty. But you read his speech in vain for such a eulogy. Liberty was his theme. He spoke of personal liberty and independence, but the party, the power, the spirit, the genius, and the love for humanity, which gave liberty and independence to a race of slaves, found no mention by him. I do not know if Mr. Bayard was in sight of the American flag when he uttered the words of the resolution; if he was, it is a wonder that the very stars upon it did not cry out against him. This nation fought the war of the Revolution, fought the war of 1812, fought all the border wars, fought the war with Mexico and planted our flag upon the fallen throne of the Montezumas; fought the first year of the great war of the rebellion under an American flag made in England. It was not until 1862, when Congress had the courage and patriotism to place a protective duty upon the material from which the flag was made, three-quarters of a century after our national existence began, that the genius and labor of the American people was able to overcome foreign competition and make the flag at home. [Applause.]

Prior to that time we were forced to buy the material of which the flag was made—forced to buy the red, the white, and the blue—to buy, sir, the very stars themselves of foreign manufacturers; and after we had brought the fragments here and made from them that beautiful and starry emblem of human liberty, which stirs the human soul wherever it is seen, we placed it at the head of the American Army, and marching that Army out to battle, drove from the field in overwhelming defeat the very men who sold us the flag. [Applause.] We could do that, and we did; but we could not make the flag, because we could not make the material from which the flag was made; and when Mr. Bayard spoke of the great system of American protection, he denounced the only system that ever gave to the American people an American flag made of American material by American labor. And after the American flags were made at home the United States purchased them from the American manufacturer at 50 per cent less than was paid the British manufacturer for the same article; and the American manufacturers were paying their workmen 50 per cent more wages than the foreign manufacturers were paying theirs.

It is a forcible and, I trust, patriotic illustration of the principle that where there is no American competition in the manufacture of an article which the American people must have we pay the price for it the foreign manufacturer demands. [Applause.]

But, sir, there is another view to be taken of this question. This Congress had hardly started on its career before this House expressed its confidence in the principles of American protection by passing a protective tariff bill—not as high a protective bill as many of us wished, and not as high as many of us hope this Congress will pass before it adjourns, but it was a bill distinctively protective; and by that act we proclaimed our faith in the principles of protection to American industries. [Applause.]

Every citizen of this Republic who voted in 1894 for a Republican Representative in this House expressed his faith in the principle of protection to American laborers and American manufacturers; and the extracts from the speech of the American ambassador set out in the second resolution before the House are an insult to every citizen of the Republic who voted in that way and to every member of this House who voted for the tariff bill which the House passed. We owe it, therefore, to our constituents and ourselves to rebuke this insult. Let us adopt this resolution and send the word into every American home where the blessings of protection are seen and enjoyed [applause] that this House reasserts its faith and belief in this beneficent doctrine by reproving our ambassador who was so unfortunate as to utter the language referred to.

But the real and far-reaching iniquity of this speech is yet to be seen. I ask the House to pause and think of the occasion on which it was delivered. Here is America, the most enlightened and prosperous country on the globe. Here Christianity, literature, science, art, education, music, poetry, painting, and philosophy have exerted their greatest power on the greatest number. Here life is best. The American people are the highest product of Christ's influence on the human race. [Applause.] There is England; her history runs to the middle centuries, and though it is marred by the bloody reign of cruel kings and queens, she is great and powerful, our only competitor in the race for national glory.

From this country to that goes an ambassador, clothed with the insignia of authority, the representative of the highest civilization and the greatest Government to the next highest civilization and the next greatest Government, and in the presence of an audience which came to greet an American official of highest rank, and in which was much of the scholarship and beauty and grace of the Old World, this vituperation of, this disregard for, the great principle of American protection was exhibited. I do not doubt but such an audience blushed for shame at such unprecedented violation of international diplomacy and policy. What, sir, must have been the effect of such a speech at such a time and place upon such an audience; and what must be its effect upon the people of free-trade England and Scotland, to have a policy that is as old as our Government and sacred to millions of our citizens designated as "the insatiable growth of that form of state socialism styled 'protection,'" by the highest diplomatic officer of our Republic? But, Mr. Speaker, while it is true that England and Scotland as nationalities oppose the doctrine of American protection, it is equally true that for that very reason thousands of their sons have left their homes, left family, left wife and children, left native land forever, and braved the perils of the sea, to live in this country, because here manhood and womanhood were protected; here the rights of the laborer were asserted; here toil found better compensation than in any country of the world. How must such men have felt at this assault upon our American protective policy by the American ambassador at such a time and place?

Mr. Speaker, in the name of every foreigner who has come to our shores to better his condition, to enjoy a larger and fuller manhood, to breathe a freer air, and live a nobler and higher life than he could under the dynasties of Europe, I arraign Thomas F. Bayard before the bar of American sentiment for his unpatriotic and un-American utterances. [Applause.]

Think of the effect of such a speech upon our diplomatic policy, for if such a course can be pursued by our ambassador to the Court of St. James, why can it not be pursued by our ambassador to the court of France, or Russia, or that of Germany, or Austria, or Mexico, or Japan, or China, and so on, until every ambassador and consul now representing this Republic abroad, if he so desires, can speak in some disrespectful manner of the great institutions of this country? for it must be remembered that Mr. Bayard has expressed his personal views of this great American policy. Suppose that some other American policy should be distasteful to some other American ambassador or consul, and he should attack that policy in some public utterance made in his receptive country because it did not meet his personal views, is it not apparent that the result would be the demoralization of our entire diplomatic system? If our ambassadors and consuls can be allowed to express at will their disapproval of some great national home policy and criticise it in a foreign country which is unfavorable to such a policy, how long can this country maintain that dignity which our diplomatic relations demand?

The resolutions before the House are not meaningless. They present a grave and serious question, and this Congress must have the courage to meet it as it deserves. If we fail to rebuke the ambassador who has been so unfortunate as to utter the language attributed to him, we shall learn that this course will not meet the approval of the American people and that American diplomacy will have received a shock from which it will not soon recover. [Applause.]

But the whole of Mr. Bayard's vicious attack does not appear from the language of the resolutions. I regret that the committee has not reported more of the speech. Continuing his criticism upon our policy of protection, he said (in addition to the language reported by the committee):

> Step by step, and largely owing to the confusion of civil strife, it [the policy of protection] has succeeded in obtaining control of the sovereign power of taxation, never hesitating at any alliance or the resort to any combination that promised to assist its purpose of perverting public taxation from its only true justification and function, of creating revenue for the support of the Government of the whole people, into an engine for the selfish and private profit of allied beneficiaries and combinations called "trusts." Under its dictation individual enterprise and independence have been oppressed and the energy of discovery and invention debilitated and discouraged.

Again he says:

> It is incorrect to speak of "protection" as a national policy, for that it can never be, because it can never be other than the fostering of special interests at the expense of the rest, and this overthrows the great principle of equality before the law and that resultant sense of justice and equity in the administration of sovereign powers, which is the true cause of domestic tranquillity and human contentment. The value of "protective" taxation to its beneficiaries consists in its inequality, for without discrimination in favor of some one there is no advantage to anyone, and if the tax is equally laid on all, all will be kept upon the relative level from which they started: and this simply means a high scale of living to all, high cost of production of everything, and consequent inability to compete anywhere outside the orbit of such restrictive laws.

But the enfeeblement of individual energies and the impairment of manly self-reliance are necessarily involved, and the belief in mysterious powers of the state, and a reliance upon them to take the place of individual exertion, fosters the growth of state socialism, and personal liberty ceases to be the great end of government.

I do not wish to be understood as denying Mr. Bayard the right to entertain these views. He has that right. But I deny his right in his official capacity as American ambassador to utter such views at the time and place he did. Therein lies his offense. It is an established principle of international law that an ambassador should not criticise his receptive Government. It is equally important that he should not criticise his own country while representing it abroad. [Applause.]

In all the history of diplomatic relations between the great Governments of the world no instance can be found wherein a representative of one Government, in the presence of a great and cultured audience and of an energetic press which would send his speech throughout the world, criticised a policy of his home Government which he knew had long been the cherished policy of a majority of its citizens. We look in vain for a precedent for conduct like this. This nation is the first to furnish an ambassador so bold and forgetful as to traduce upon a great occasion and in the presence of an unfriendly audience the cherished policy of his home country. He knew he was speaking to an unfriendly and un-American audience which would welcome un-American sentiment. He knew also that one might as well undertake to eliminate the Epistles of Paul or the Revelations of John from Holy Writ as to eliminate the benefits of protection from American history [applause]; yet in the presence of such an audience he struck protection his hardest and bitterest blows.

No excuse or justification can be made for such conduct, and none is sought to be made. The continued silence of our ambassador is a challenge to this House. He has expressed no regret, entered no plea of extenuation, given no explanation, offered no reason or excuse for his conduct.

In my judgment, there is but one course for the House to pursue. Let the resolutions pass, and before the sun sleeps in a western sky let the trained lightning of the eternal heavens announce in every foreign court that the American Congress will resent any insult offered the American people. [Loud applause.]

During the delivery of the foregoing remarks,

Mr. BAILEY said: I ask unanimous consent that the time of the gentleman be extended.

Mr. HITT. The gentleman from Texas will remember that the time allowed for debate has been limited. If this gentleman's time is extended, he may use up the time of other gentlemen. I do not understand that it is proposed to extend the time for the vote.

Mr. GROSVENOR. I hope the gentleman may have at least five minutes longer.

Mr. HITT. I should be very glad to assent to the request, but the five minutes are not mine to yield. It can only be done by postponing the time for the vote.

Mr. BAILEY. Then I ask unanimous consent that the time of the gentleman be extended for five minutes, and that the hour for taking the vote be postponed for the same time, if that is agreeable to the chairman of the committee.

Mr. HITT. I make no objection.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

Mr. MCCREARY of Kentucky rose.

Mr. HITT. If agreeable to my friend from Kentucky I will now take ten minutes, which I yield to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, in rising to say a few words on this resolution I do not wish to go into details or to discuss political issues, but to speak sentiments of Americanism that I hope will be approved by all who are Americans, whether Republicans or Democrats. The questions involved in this resolution are bigger than politics and commensurate with the broadest patriotism.

Wherever an American sword is drawn on foreign soil it is always drawn for America and all America. The heroes who wrought such miracles of valor on the soil of Mexico, who marched from Matamoras to Buena Vista, from Vera Cruz to Mexico, blazing their way with bonfires of victory, these heroes who won such fame for themselves and for all of us, never thought in the day of battle whether they were Whigs or Democrats, Northerners or Southerners, Easterners or Westerners; they thought only of their country and their whole country, its honor and its flag, and their only purpose was to so act as to show themselves worthy of their fatherland and able to carry its banner to victory and their cause to a glorious consummation. [Applause.]

AMERICAN SWORDS DRAWN FOR ALL AMERICA.

Yes; whenever an American draws his sword on foreign soil, he draws it for all America—for the North and the South, for the East and the West; he draws it for the nation, and for the whole nation. He goes forth as an American soldier, panoplied in the whole armor of American citizenship, and with the breastplate of American patriotism over his heart; and if ever an American soldier shall put his foot on foreign soil with any other sentiment in his heart than that of undivided devotion to his whole country, there is great danger of that soldier proving a coward or a traitor.

And so when I see or hear a civilian representative of the United States preferring his section to his whole country, or preferring his party to the whole people, or preferring his denomination to the whole body of his Christian countrymen, then I will show you a man who does not carry a big, full, round American heart in his bosom, and who when an emergency arises will be apt to prove a coward or a traitor. No such man can worthily represent our country in a foreign land. [Applause.]

So, when Mr. Bayard, without excuse or provocation, went out of his way to defame his own countrymen and to denounce a majority of our people as corruptionists in principle and conduct, he showed himself utterly unworthy of being our representative in a foreign land; and his utterances have generated the belief in many patriotic minds that our representative in England is too much of a Democrat to be an American and too much of an aristocrat to be a patriot.

AMERICAN CANNON SPEAK FOR ALL AMERICA.

When the cannon of the United States roars in a foreign land or upon a foreign sea, it speaks for all America. It is not loaded with Democratic balls or Republican powder: it is not aimed by cross-eyed sectionalism, nor is the match applied by the hand of religious sectarianism, but that cannon is loaded with American ammunition, is aimed by single-eyed American patriotism, and is fired by the hand of American valor. The thunder of its discharge is the unanimous utterance of patriotic America, and the cannon ball, as it batters down the defenses of the enemy or lays low the soldiers of the adversary, says in effect, "Take this from the hand of all America." [Applause.]

So, when a civil representative of the United States stands up to speak of his country in a foreign land he should not be loaded with the ammunition of political controversy; he should not aim his remarks to strike down or wound any citizen of his country; he should carry in his heart no feeling of hostility to any party or creed or doctrine, but his heart should be big enough and open enough to take in his whole country, all of its parties, all of its creeds, and his utterances should be so big in their Americanism, so broad in their patriotism, so magnanimous in their sentiments, that every true American, no matter what his party or his creed, would feel that his own heart had been voiced and his own thoughts spoken. [Applause.]

And when Thomas F. Bayard raised his hand and his voice against a large portion of his countrymen he showed himself false to his country and better fitted to speak in a meeting of ward heelers the ribald diatribes of free-trade demagogues than to stand forth as the representative of all America in the British Empire. [Applause.]

AMERICAN WAR SHIPS BATTLE FOR ALL AMERICANS.

When the battle ships of Decatur belched forth their iron balls upon the Algerines he did not stop to inquire whether the Americans held as prisoners by the Algerines were Methodists or Baptists, Presbyterians or Catholics. The fact that they were American citizens and Christians and were enslaved by Mohammedan pirates was all that Decatur cared to know, and his guns spoke for America, and for all America. [Applause.]

What would have been thought of Decatur had he sought to liberate none but those who agreed with him in politics or religion? Oh, Mr. Speaker, when a man authorized to speak for America speaks in a foreign land he should speak for all America, not for any party nor for any creed, nor as the advocate of any doctrine or the champion of any faction.

When Captain Ingraham run out the guns of his war ship at Smyrna and demanded that Martin Koszta be restored to his freedom as an American citizen, he did not stop to inquire whether Koszta was a native-born or naturalized American, whether he was a Protestant or a Catholic, a Whig or a Democrat; all he inquired about was whether he was an American, and when Koszta declared that he was, Captain Ingraham, noble American hero that he was, run up his war flag, cleared his decks for battle, loaded his cannon to the muzzle, and notified the Austrian commander to surrender Martin Koszta, or, by the Spirit of America, he would take him by force of battle. [Applause.]

This is that intense spirit of Americanism that should inspire the heart and characterize the utterances of every American who is honored by this country with a commission to represent it in a foreign land. The moment he remembers party he stumbles, and the moment he prefers a faction he falls. And when Mr. Bayard showed by his utterances in England that he preferred his party to his whole people, and that he had feelings of animosity toward a majority of his countrymen, then he committed what in peace we call a blunder, but what in war we call a crime. [Applause.]

OUR REPRESENTATIVE IN ENGLAND SPEAKS FOR HIS "MASTER."

Our representatives in England were formerly called "ministers," but a few years ago they came to be denominated "ambassadors." A minister represents a nation, but an ambassador represents a king, an emperor, or a kaiser. I regretted this change in the designation of our national representatives, and I fear that Mr. Bayard does not consider himself the representative of our country and its people, but simply as the personal representative of President Cleveland. And it may be this is the reason he stands forth in England to glorify his "royal master," Grover Cleveland, at the expense of the great mass of the American people. It may be this is the reason that Mr. Bayard tells the people of England that "He (the President of the United States) stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek their own way; and I tell you plainly that it takes a real man to govern the people of the United States." He wants to make the people of England believe that Grover Cleveland is a king, who "governs the people of the United States," and that he, Thomas F. Bayard, stands there in England as the ambassador of King Grover I. [Laughter and applause.]

When Bayard denounced the protective American policy as a "form of state socialism" that "fosters class legislation," "creates inequality of fortune," "corrupts public life," "lowers the tone of national representation," "blunts the public conscience," and "places politics upon the low level of a mercenary scramble," he showed that he thought more of the free-trade statesmen of old England than he did of such grand American statesmen as Washington, Clay, Lincoln, and Blaine, and that he preferred the plaudits of English free traders to the good will of the great body of the American people.

BAYARD STANDS UP FOR PARTY AND BELITTLES HIS COUNTRY.

And when Mr. Bayard went further and said that our policy of protection to American industries and American laborers "tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor," he made statements that not only are the reverse of the truth but sentiments the American people have just voted down by an immense majority. Instead of voicing the opinions of the American people, as he was in duty bound to do, he actually insults the great majority of the American people and sets himself up as a common scold and unlicensed critic of his own countrymen. He takes the weapon our people have given him to be used for our welfare and with it strikes us across our faces and on our backs. Selected for a friend, he turns out to be an enemy. Chosen as a republican, he seems to be a monarchist. The disguise is stripped from him by his own hand and discloses him as more of a Democrat than an American, and less of a patriot than a demagogue, as having more love for England and her policies than for America and Americans, as having in his heart sentiments that better fit him to be a subject of England's free-trade Queen than as the representative of the free, patriotic, and equal citizens of the United States of America. [Applause.]

In the best days of the Roman Republic her public men when abroad always stood up for Rome, "that from her seven hills ruled the world." They were never for Marius nor for Sylla, never for Cæsar nor for Pompey. But after the Republic was overthrown, then Rome's representatives in foreign lands represented the Emporer, and no longer cared for the Roman people. If they pleased Cæsar they were happy.

CLEVELAND A CÆSAR, AND BAYARD A TOADY.

Mr. Bayard seems to think that it is a matter of no consequence whether he represents the American people or not; that he is doing his whole duty when he represents Cæsar. Hence he glorifies Mr. Cleveland, but stigmatizes the great body of the American people. In order to write Mr. Cleveland up he writes all the balance of us down. Mr. Cleveland seems to be his idol, and he wants to be his high priest on English soil. [Laughter.]

If there be anything the average American despises more than anything else in a public man it is toadyism. Mr. Bayard is the toady of toadies, and a spirit of independent patriotism could no more dwell in such a breast than an American eagle could live in a bat roost. It is a flagrant shame that we are represented abroad by such an unworthy specimen of Americanism.

Some ask: "Will he resign if we pass this resolution of censure?" No; he will not resign. Cleveland loves toadies and toadies love masters, and Cleveland and Bayard suit each other exactly. He will not resign. No such good fortune is in store for the American people. But one of the very first things the next President of the United States will do after taking the oath of office will be to send to England some protective-tariff, patriotic, brave-spirited Republican to take the place of Thomas F. Bayard, the free-trade toady and unblushing defamer of his own countrymen. [Applause.]

THE TRUE AMERICAN REPRESENTATIVE.

A man who represents us abroad should represent our aspirations, our glories, our mighty deeds, our grand principles, and our liberal patriotism. When he goes abroad he should leave his politics behind; he should lay aside his State love; he should remember that he goes abroad to represent us all, and he should swell up to the high and grand stature of an ideal American citizenship. America should be his Jerusalem, and he should open his western windows and, looking out over the broad Atlantic, pray for the land of his birth, as Daniel of old prayed for Jerusalem.

America! America!
Land of the mighty and the free,
Thy States seem crystallized in one
As they loom up beyond the sea.
The stars shine with a single light;
But nearer viewed have seas and shores;
So, when upon thy soil I stand,
I see thy parts and hear uproars.
But when I cross the ocean wide,
And view my native land afar,
Thy parts all melted are in one,
And thou dost shine a single star.
I see no parties and no sects,
I hear no clamors and no sighs,
But one harmonious brotherhood
Seems there to dwell in paradise.

[Prolonged applause.]

Mr. SULZER. Mr. Speaker, I wish to read a few lines from a statement issued by the last speaker [Mr. GIBSON] and sent to his constituents in east Tennessee, as I am informed; but I will not ask leave to print in toto. He says in this statement:

The number of pension calls made by me on the Commissioner of Pensions since my term began is 1,400.

Figuring that out according to my arithmetic, there would be an average of about 14 calls a day during the one hundred days of this session. He has done remarkably well. [Laughter.] Indeed, Mr. Speaker, this is a wonderful circular. Here is another extract from it:

Rally, once again, boys!

In other words, send GIBSON back to Congress and the country will be safe. [Laughter.]

The gentleman from Tennessee further says in this circular:

Some few Democrats are charging me with being "egotistic."

[Laughter.]

It is a very remarkable circular. I never saw one like it before. I hope everybody will read it, especially in the gentleman's district. I wish to say, Mr. Speaker, that I do not know who these Democrats are who designate the gentleman as "egotistic," and for one I do not charge the gentleman from Tennessee with being "egotistic." [Laughter.] But I think I know something about campaigning, and I do not hesitate to say that if any candidate in the North should get up a circular like this thus early in the campaign and should send it to all his constituents under the privilege of the frank, I am inclined to believe that there are just a few of those constituents who would believe that the gentleman was just a little "egotistic." [Laughter.]

Mr. GIBSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. Does the gentleman from New York decline to yield?

Mr. SULZER. I decline to yield for the moment.

The SPEAKER. The gentleman from New York declines to yield.

Mr. GIBSON. The man that will make a false charge against me is a coward.

The SPEAKER. The gentleman from Tennessee must take his seat. He is out of order.

Mr. SULZER. Mr. Speaker, I did not hear the gentleman's remark, and I am sorry I did not, but I suggest that the next time he procure a trumpet. However, I was going to say that from my knowledge of human nature and from the short experience I have had with the people of the world, I firmly believe that on election day the gentleman from Tennessee who has sought to criticise the manhood and cast aspersions on the honor and the reputation of Thomas F. Bayard will find a great many constituents in his district who will believe that he is just a little "egotistic." [Laughter.]

Now, Mr. Speaker, if the gentleman from Tennessee says he did not send out this circular to his constituents, and that he did not frank it, I desire to withdraw my remark about that, but I am reliably informed by a member of the House it is a fact that he had done so.

Mr. GIBSON. I would like to know who your informant is.

Mr. SULZER. Do you deny that you have sent this circular out under a frank?

Mr. GIBSON. I deny it utterly. It is an infamous lie. Your informant is the originator of a vile slander, and if you repeat it you are no better than he is.

Mr. SULZER. I am very sorry, Mr. Speaker, that I have said anything to offend the gentleman from Tennessee, If I have said anything that offends him, or that does him injustice, I will courteously and manfully apologize and take it back.

Mr. GIBSON. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield?

Mr. SULZER. I decline to yield just now, Mr. Speaker. I believe that gratitude is the fairest flower that sheds its perfume in the human heart, and I want to say that when a man deliberately gets up on the floor of this House and attacks a gentleman across the sea who represents this great country at the Court of St. James, a man who is not here to defend himself, I think it is only fair and proper to call attention to some of his own weaknesses and shortcomings. No fault should be found, at all events. It is only Democratic gratitude. I undertake to say, Mr. Speaker, that if Thomas F. Bayard stood on this floor to-day there would be very few Republicans that would dare to say a word against him. [Derisive cries on the Republican side.] Laugh; but those that laugh last laugh best. It is all well enough to be brave and talk in a loud voice and wildly gesticulate when the man you are calumniating is not present; but I say to you, with all due respect to my distinguished friend from Tennessee and other eloquent gentlemen on that side, that you can calumniate Thomas F. Bayard and he is not calumniated; you can slander him and he is not slandered; you can vilify him and he is not vilified. He is a Democrat, and were he as chaste as ice and as pure as driven snow he could not escape Republican calumny.

I believe the Republican party has made a mistake in trying to use the good name and fame of Thomas F. Bayard for political purposes. The pending resolutions are introduced here not for the mere purpose of censuring Mr. Bayard, but for the purpose of making an issue for the Republican party in the next campaign—not the true issue, not the issue about which the people want to know, not the question where you [the Speaker] and all the other candidates of the Republican party for the Presidency stand, and that is on the currency question. That is the all-important question to-day. It will be the great question in the next campaign. It can not be ignored, it can not be disguised, and it can not be shifted and put out of the way for some lesser question. You must meet it in this campaign. Ignore it, repudiate it, and you are lost. Do not deceive yourselves about it. If you do, let me tell you that you can not deceive the people. There is some satisfaction in that consolation.

Where does the Republican party stand to-day on this question? Where do its candidates stand? Echo answers, Where? McKinley straddles the currency issue; ALLISON straddles the currency issue; Morton has not said a word on the currency issue, and there are others. I do not know of a single Republican candidate for the Presidency who has yet dared to come out boldly, manfully, and courageously and say, "I stand for honest money; I stand upon this platform for a sound, honest, and inviolate currency. Here I will take my stand and fail not." The Republican party thus far in this Congress and in this campaign does not meet the sound-money question or the silver issue, but it is attempting to evade it and again bring up the old question of protection and make that question the paramount and the vital issue in the coming campaign.

If you want to do that we are perfectly willing and perfectly satisfied to meet you again on the protection issue in 1896. We met you on it in 1892. The people decided it then and they will decide it again, and in my judgment the same way. And whenever you try to make the people of this country believe that the principle of protection as written by the manufacturers of this country in the McKinley bill, word for word, line for line, and paragraph upon paragraph—the principle of protection that robs the many to enrich the few; the kind of protection that discriminates against the masses in favor of the classes; the sort of protection that makes the rich richer and the poor poorer; the partisan, prejudiced, political protection that seeks to divide this country by a line of financial demarcation more pronounced and more dangerous than Mason and Dixon's line—you will find that the people will be against you and against your party next fall just as they were four years ago, and with as large and as decisive a majority.

Mr. WILLIAM A. STONE. Have you not first got to find the candidate who will accept your nomination?

The SPEAKER. The gentleman from New York must not be interrupted without his consent.

Mr. RICHARDSON (to Mr. SULZER). Tell him you said nothing about his candidate—Mr. QUAY.

The SPEAKER. The gentleman from Tennessee must not interrupt the gentleman from New York.

Mr. RICHARDSON. I thank the Chair. But the Chair did not call the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] to order.

The SPEAKER. The Chair stopped the gentleman from Pennsylvania. The gentleman from New York is addressing himself to the resolutions, and should be listened to. [Laughter.]

Mr. SULZER. Mr. Speaker, I have often thought during the short time I have been here that if the distinguished gentleman who sits in the chair were listened to more there would perhaps be more business done. [Laughter.]

I do not stand here to defend Mr. Bayard. He needs no defense. He will live in American history long after his detractors and defamers are dead and forgotten. The speech of Mr. Bayard, which the gentleman from Massachusetts [Mr. BARRETT] criticised a little while ago, will live long after the gentleman from Massachusetts [Mr. BARRETT] is gathered to his fathers, and, like them of such distinguished lineage, forgotten. It will live long after the gentleman from Tennessee has ceased to send his placards to his constituents, with his beautiful photograph on them, with the old flag of the Union on the left side and the old flag of the Union on the right side, and above them, "Rally, boys; rally once again!" In other words, "Send GIBSON back to Congress and the country will be safe." [Laughter.]

Mr. Speaker, what a spectacle is here presented to the people of this country! We have been in session for over three months. What have we done? Have we done anything that the people elected this Congress to do? Have we remedied a single evil that afflicts the body politic to-day? Have we passed a single bill granting any relief to the people of this country? Have we done a single thing to be proud of that we can point to with feelings of pride? No; not at all. When this Congress began its session the policy of doing nothing began, and from that day to this the Republican majority here have absolutely and assiduously lived up to that policy, and, in my judgment, they do not intend to do anything for the balance of the session. Instead of wasting three days to censure poor Bayard, while occupying only thirty-five minutes to offer relief to the heroic Cubans, and only two hours and a half to offer sympathy to the poor Armenians——

The SPEAKER. The gentleman's time has expired.

Mr. SULZER. Just a few words more, Mr. Speaker. If we are not going to do anything, if we are not going to grant any relief to the people, would it not be well to at once pass the necessary appropriation bills and speedily go home? It would be to the advantage of the Republican candidates for President, and also in the interest of the tax-paying people of the United States. But I am afraid, if you go on much longer doing these silly, ridiculous, nonsensical, preposterous things like this Bayard business and the other things that you have been doing since the session began, the people in the next campaign will rise up in Mr. BARRETT's district and will say, "What has the Republican party done?" And Mr. BARRETT with his usual eloquence will vociferously exclaim, "We censured poor Bayard!"

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Just one moment more, Mr. Speaker.

The SPEAKER. The Chair has no power to extend the gentleman's time.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALSH. I ask unanimous consent that my colleague's time be extended.

Mr. HITT. That can only be done by deferring the time for the vote.

Several MEMBERS. Defer it.

Mr. SULZER. I do not ask more than a couple of minutes more.

The SPEAKER. The Chair has no authority to give the gentleman any more time.

Mr. JOHNSON of California. I ask unanimous consent that the time for taking the vote be postponed for five minutes, in order to enable the gentleman from New York [Mr. SULZER] to continue his speech for that length of time. It is not hurting us, and it is pleasing him. [Laughter.]

The SPEAKER. The gentleman from California asks that the time for voting be postponed for five minutes, to enable the gentleman from New York [Mr. SULZER] to occupy five minutes more. Is there objection? The Chair hears none.

Mr. SULZER. And the constituents, those poor, deluded constituents in Brother GIBSON's district, will rise up and say, "GIBSON, what has the Republican party done in the Fifty-fourth Congress?" And GIBSON will hold up his hands and say, "We censured poor Bayard." [Laughter and applause on the Democratic side.] The people of the North, the people of the South, the people of the East, and the people of the West will rise up and say to the Republican statesmen and the Republican stump orators in the campaign, "What has the Republican party in the Fifty-fourth Congress done for us?" And every Republican stump orator will answer back in those stentorian and eloquent words, "We have censured poor Bayard." [Applause and laughter.] And throughout the country the voice of the stump orator will be heard echoing and reechoing, reverberating and reverberating,

from one end of the land to the other, the sad and startling refrain, "We have censured poor Bayard!"

Oh, my friends, what a great party the Republican party is to-day. What a great party the G. O. P. presents to-day, when its only issue is protection and "We have censured poor Bayard."

I am afraid that you have made Mr. Bayard a greater man in the estimation of the American people by your attacks upon him and by your denunciations of him than you imagined. If the issue this fall is to be "We have censured poor Bayard," remember that once before a similar issue was made in this country, and the diplomat who was censured became the President of the United States by a majority of all the people. I say to you that when you pass this resolution you humiliate the American people in the eyes of the people of every foreign country. You impair the usefulness of Mr. Bayard and you bring disgrace upon our institutions and upon our country.

If, as you say, you think he has done anything wrong as an American citizen at the court of a foreign power, in a representative capacity, the spirit of human kindness should animate your hearts and you should not accentuate his indiscretion or his fault, but rather endeavor to cover it up by saying nothing at all about it.

Mr. Speaker, I sincerely hope that these resolutions will not pass. They are undignified, they are un-American, they are unprecedented. They are undignified because they are silly, trivial, and ridiculous; they are un-American because they are humiliating to the people of this country, and they are unprecedented because there has never been a time when anything like this has been attempted in Congress before; and I hope the day will never come when it will be again attempted. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. GIBSON. Mr. Speaker, I rise to a personal explanation.

Mr. HITT. This, of course, will not come out of the time allowed for the debate.

The SPEAKER. It will come out of the time between now and 2 o'clock to-morrow.

Mr. GIBSON. I only want about two minutes.

Mr. HITT. That can only be done by extending the time for taking the vote.

Mr. HOPKINS. But the gentleman rises for a personal explanation.

The SPEAKER. The Chair will recognize the gentleman from Tennessee.

Mr. GIBSON. Mr. Speaker, I wish to say two things, and two things only. First, in reference to the charge that I have franked to my people the circular referred to by the gentleman from New York. In the first place, I will say, that circular is yet in the hands of the printer, so far as I know. It has not gone to the public at all. It has not even been delivered to me, except a few samples. Somebody has stolen the copy the gentleman has, and the law books say that if there were no receivers there would be no thieves. [Laughter and applause.] Another maxim of the law books is that the receiver is as bad as the thief. I have not sent out a copy of it, and had no thought of franking it. If the gentleman judges me by his own code of morality, I have no doubt he would frank such a circular. But I have a higher code of morality than the gentleman seems to carry under his vest. [Laughter.]

Another thing, the gentleman from New York exhibited my picture to the House, and now I wish to exhibit this picture of him to the House, and ask to have it made a part of my remarks. It is a picture in words, and is headed, "Timely advice to Mr. Seidlitz Powder." [Laughter.] No, not exactly that, but "Kindly advice to Mr. SULZER."

This is from a Washington letter to the New York World:

> Mr. SULZER, our own Mr. SULZER, was much watched and noticed. As all the world knows, he has been speaker of our assembly and has shown all kinds of talent. He is the man who spoke of Croker as "that silent, farseeing statesman." If Mr. SULZER has principle or gets any he ought to become something of a man. It is a fact beyond question that he has the best face, in some respects, among all the Congressmen in this House. It is a strong face, an old-fashioned face. It looks something like the face of Henry Clay. It is a very self-conscious one at present.
>
> Mr. SULZER must let us with kindness warn him against the danger of too great self-concentration. He thinks even about his coat. He undid all but the lowest button of it as he walked out on the floor to be sworn, and tried to walk like a tired statesman. But he really wants to be great. When REED—already great in national matters—began to speak, SULZER leaned forward in his chair and listened to him with flushed face and very bright eyes, gripping the arm of his chair tightly at the same time. It is said that SULZER looks upon REED as his prey in this Congress, and means to show him that a speaker has come on from New York to teach him some new things. SULZER should take smaller game for a while, but perhaps he will grow up to REED.

[Great laughter.]

Now, Mr. Speaker, he has shown my picture to this House; I show his picture to this House. "Look on this picture, and then on that." [Laughter.]

Another word. He says that when I go to Tennessee, in answer to their question, "What have you done?" I will say to them, "I have abused Bayard." Now, when he goes back to New York and the people of New York say, "Mr. Seidlitz Powder, what did you do while in the Congress of the United States?" he will say, "I abused GIBSON." [Laughter.]

Mr. SULZER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from New York.

Mr. SULZER. Mr. Speaker, what the gentleman from Tennessee has read about me in a clipping from the New York World is what another man wrote about me. I did not write that, and if there are men on the newspaper press who sometimes abuse me and maliciously malign me and say unkind things about me and make unkind comparisons with other great men about me [laughter], that is not my fault. I can not help that. That is some other person's fault. But the gentleman from Tennessee [Mr. GIBSON] wrote everything in this circular himself, and about himself, and in praise of himself, and against the Democrats, and then signed his own name to it, put his own picture on it, put on the American flag, told what a great man he was, told how many good bills he had introduced, how many good resolutions he had offered, told how many Departments he had visited, how many speeches he had made, how well they were received in the House, how they were applauded, how he always got the Speaker's eye, how he never had any trouble, how he was the friend of the old soldier, the old soldier's wife, the old soldier's children; and he wound up by telling his constituents, "Do not fail to attend your county convention, and be sure to take your neighbors with you. Do not forget the day and hour—the words 'day and hour' in italics [laughter]—set for your convention. I am putting my trust in you and your neighbors. If you get more than one of these letters give it to your neighbor."

I did not write what he read about me from the New York World, but he can not get upon the floor of this House and deny that he wrote all in this circular about himself.

Mr. GIBSON. What of it? It is all right.

Mr. SULZER. Is it? I am glad you like it. I find no fault with it if you do not. I do, however, find some fault with the World correspondent who wrote the article you read about me. He hit me on several weak points [laughter], and as he had known me for years, knew all about me, knew my record, I thought it was unkind of him to come down here on the first day of the session and write me up and tell all about me, and give me away, as it were. [Laughter.] I thought that was just a little unkind; but if you like what you wrote about yourself I find no fault with it, my dear Brother GIBSON, and if I have——

Mr. GIBSON. I wish you would have it printed in the RECORD. [Laughter.]

Mr. SULZER. I will do it for you. There is nothing mean about me. Mr. Speaker, I send this circular to the Clerk and ask permission to print it in the RECORD as a part of my remarks. I offer it as a part of my remarks, because if the gentleman is not going to frank it, I want to give him a chance to frank it with as much morality of feeling and with as much compunction of conscience for himself as he thinks I possess. I never claim any more morality or any more virtue or any more honesty for myself than I am willing at all times to concede to the rest of the good people of the world.

Mr. Speaker, if I have said anything unkind, or if the gentleman has taken any offense at what I have said, I am very sorry. I did not intend any offense, and I hope I have given none; but I will say this, that I saw that this debate in regard to Mr. Bayard was degenerating into a farce, a roaring farce. I thought I would play my little part in it. If I have done it successfully without offending the distinguished gentleman who presides here or any of the members I am entirely content and satisfied. When I was a boy, and ever since, when there was a circus in town, it has been my unvarying and determined effort and desire to go if I could. I always tried to get to the circus if I could, but always as a spectator. I am glad that I got to this great circus in the House of Representatives in regard to Mr. Bayard. I am glad that I have been able to play a part in it, not the part of the clown, I hope, but the part, if I may say it, of the ringmaster, and that I have had the opportunity to snap the political whip at some egotistical and foolish Republicans who think they are a great deal better and a great deal wiser, more knowing, and a great deal holier than this poor man Bayard whom they have attacked, not wisely, but too well. [Applause.]

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. One moment. The Chair desires to say that if any document is to be printed which has not been read, it must be by consent of the House.

Mr. HITT. I object to printing in the RECORD the paper which has been referred to by the gentleman from New York, unless it be by order of the House.

The SPEAKER. Objection is made.

Mr. HITT. I object also to the personality offered by the gentleman from Tennessee [Mr. GIBSON].

Several MEMBERS. He read that.

Mr. HITT. That which he read as a part of his remarks of course goes into his remarks.

REPRINT OF A DOCUMENT.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of House Document No. 247, which is exhausted.

Mr. RICHARDSON. May I ask what that document is?

Mr. SHERMAN. That is the report on life-insurance companies.

Mr. RICHARDSON. Oh, yes.

The SPEAKER. Is there objection to the request of the gentleman from New York for the reprint of this document?

There was no objection.

CONTESTED-ELECTION CASE—BENOIT VS. BOATNER.

Mr. BAILEY. Mr. Speaker, the minority have been unable to complete the views which they desire to file in the contested-election case of Benoit *vs.* Boatner. They are in course of preparation, and I ask unanimous consent that they may be sent to the Printing Office after the House shall have adjourned.

The SPEAKER. The gentleman from Texas asks unanimous consent that the views of the minority may be sent to the Printing Office after the House shall have adjourned, as if they were filed during the session of the House. Without objection, it will be so ordered.

There was no objection.

CHANNEL FROM HAMPTON ROADS TO NAVY-YARD, NORFOLK.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ODELL, for five days, on account of business.

To Mr. HUBBARD, indefinitely, on account of sickness in his family.

To Mr. DAYTON, for two days, on account of important business.

To Mr. BURTON of Ohio, until Monday, on account of business of the House.

To Mr. BROMWELL, until Monday, on account of business of the House.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending additional appropriation for acquiring land and making improvements in the United States custom-house and post-office building at Newark, N. J.—to the Committee on Appropriations, and ordere to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting copies of the findings filed by the court in the cases of J. R. Bondurant, administrator of Elizabeth C. Bondurant, deceased; Margaret Ray, and Joanna Summers against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6787) to provide for the transfer of the Fort Sidney Military Post Reserve to the State of Nebraska for educational purposes, reported the same without amendment, accompanied by a report (No. 856); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 2659) to regulate the practice of veterinary medicine and surgery in the District of Columbia, reported the same with amendment, accompanied by a report (No. 870); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4267) granting an increase of pension to Gabriel Widmer. (Report No. 857.)

The bill (H. R. 6792) granting a pension to Hannah R. Quint. (Report No. 858.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton. (Report No. 859.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne. (Report No. 860.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry. (Report No. 861.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 4512) for the relief of C. J. Winne. (Report No. 862.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 1624) for the relief of Anna W. Osborne. (Report No. 863.)

By Mr. HANLY, from the Committee on Claims: The bill (S. 509) for the relief of John W. Lewis, of Oregon. (Report No. 864.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers. (Report No. 865.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 1631) granting a pension to Emeline Filgate. (Report No. 866.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3481) granting a pension to James L. Wing. (Report No. 868.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (S. 757) granting an increase of pension to Adelaide Morris. (Report No. 869.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 7412) donating condemned cannon, cannon balls, and shells to the State of Rhode Island to decorate the camp of the militia of said State—to the Committee on Naval Affairs.

By Mr. SKINNER: A bill (H. R. 7413) to regulate street-railway fares and transfers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 7414) to amend section 3904 of the Revised Statutes of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. CORLISS: A bill (H. R. 7415) for the protection of American labor and to establish additional regulations concerning immigration to the United States—to the Committee on Immigration and Naturalization.

By Mr. GAMBLE: A bill (H. R. 7416) to provide for the location of a fish-cultural station at Spearfish, S. Dak., and for the purchase of a site and the erection of buildings and equipments therefor—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDERHEAD: A bill (H. R. 7417) to continue the construction of buildings at Fort Riley, in accordance with the act approved January 29, 1887—to the Committee on Appropriations.

By Mr. BINGHAM: A bill (H. R. 7418) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs—to the Committee on Ways and Means.

By Mr. BOUTELLE: A joint resolution (H. Res. 144) proposing an amendment to the Constitution of the United States providing for the succession to the Presidency in a certain contingency—to the Committee on the Judiciary.

By Mr. DENNY: A resolution (House Res. No. 214) to instruct the Committee on Appropriations to report on the suspension of payment of an award to the estate of Roger A. Hiern, late of Alabama—to the Committee on Appropriations.

By Mr. POOLE: A memorial of the legislature of the State of New York approving the Linton bill (H. R. 1) and praying its passage—to the Committee on the Post-Office and Post-Roads.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7188) granting a pension to George Rodney

Burt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7331) for the relief of George Ritchey—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7419) for the relief of Jacob Aills—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: A bill (H. R. 7420) granting a pension to Elizabeth M. Sale—to the Committee on Invalid Pensions.

By Mr. CURTIS of New York: A bill (H. R. 7421) increasing the pension of James B. Skinner—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7422) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va.—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 7423) to pay certain judgments against the United States, rendered by the district court for the third judicial district of Oklahoma Territory, and for other purposes—to the Committee on Claims.

By Mr. JOY: A bill (H. R. 7424) granting a pension to John Deming—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 7425) for the relief of George S. Simon—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 7426) to increase the pension of Samuel McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7427) for the benefit of Sanford Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7428) for the relief of W. H. Bently—to the Committee on War Claims.

Also, a bill (H. R. 7429) to increase the pension of John T. Burgess—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 7430) for the relief of the trustees of Mount Holly Baptist Church, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7431) for the relief of Edwin O. Sargent—to the Committee on Military Affairs.

Also, a bill (H. R. 7432) to amend the naval record of Lieut. Commander William L. Stone—to the Committee on Naval Affairs.

By Mr. NEILL: A bill (H. R. 7433) for the relief of Elizabeth Lindsey and others, assignees of Beverly Hodges—to the Committee on the Public Lands.

By Mr. SOUTHWICK: A bill (H. R. 7434) to increase the pension of Edward P. Quinn—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7435) for relief of William M. Dotson—to the Committee on Military Affairs.

By Mr. STROWD of North Carolina: A bill (H. R. 7436) for the relief of the estate of John R. Biglow—to the Committee on War Claims.

Also, a bill (H. R. 7437) for the relief of Thomas H. Atkinson—to the Committee on Pensions.

By Mr. WOODMAN: A bill (H. R. 7438) for the relief of Edwin F. Brooks—to the Committee on Claims.

By Mr. OWENS: A bill (H. R. 7439) for the benefit of John D. Langhorne, late of the United States Navy, mileage due him by the United States—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 7440) to increase the pension of Albert G. Dow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Protests of Moses Lowers, publisher of the Roscoe Forum, of Washington County, Pa., and George W. Campbell, of the Springfield Mountaineer, of Fayette County, Pa., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of 64 citizens of Jefferson, Greene County, Pa., praying that religious publications be given every advantage in circulation of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Woman's Christian Temperance Union of Greene County, Pa., against the passage of any measure looking toward military training in the public schools of the country—to the Committee on Education.

By Mr. BABCOCK: Protest of members of Arena Council, No. 52, of Arena, Wis., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, nine petitions, containing a total of 89 names, of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BAILEY: Petition of J. C. Bayne, of Trenton, Tex., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Petition of George Walker Lodge, No. 100, American Protestant Association, in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BRODERICK: Remonstrance of A. Nottingham and 50 others, of Jefferson County, Kans., against the appropriation of public moneys to sectarian institutions—to the Committee on Appropriations.

By Mr. BROMWELL: Memorial of the Cincinnati Chamber of Commerce, in relation to House bill No. 3212, entitled "A bill to secure a better foreign market for grain and the products of grain and other agricultural products of the United States, and for other purposes"—to the Committee on Ways and Means.

By Mr. CONNOLLY: Affidavit of William C. Estill; also affidavits of T. W. McNeely and P. S. Scott, in support of House bill No. 6497, granting a pension to William C. Estill—to the Committee on Invalid Pensions.

By Mr. CURTIS of New York: Petition of citizens of New York and vicinity, asking for a national commission to investigate and report upon the subject of social vice—to the Committee on the Judiciary.

Also, resolution of the Farmer's Institute of Gouverneur, N. Y., favoring the passage of House bill No. 5213, imposing a tax upon and regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. DANFORD: Petition of McCook Lodge, No. 9, Order United American Mechanics, of Steubenville, Ohio, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FLETCHER: Petition of James Bryant Post, No. 119, Grand Army of the Republic, of Minneapolis, Minn., against the proposed change of stars on the United States flag—to the Committee on the Library.

By Mr. GRISWOLD: Petition of citizens of Blystone, Crawford County, Pa., favoring the passage of House bill No. 5213, known as the Wilber bill, regarding the manufacture and sale of filled cheese—to the Committee on Ways and Means.

Also (by request), protest of W. H. Sandborn, of Northeast, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lodge No. 68, Order Sons of St. George, of Erie, Pa., for the passage of the Stone bill, restricting immigration—to the Committee on Immigration and Naturalization.

Also (by request), petition of Cushman Bros., of Northeast, Pa., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Protests of W. J. Mortal, of Somerset, Ohio, and Hugh F. Eagan, of Adelphi, Ohio, against the passage of House bill No. 4566, to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Resolutions of the convention of the Glass Bottle Blowers' Association of the United States, favoring free coinage of silver and gold at the rate of 16 to 1—to the Committee on Coinage, Weights, and Measures.

Also, petitions of John M. Vrooman, of Lewistown, Mont., and R. B. Mitchell, of Neihart, Mont., praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by a union mass meeting of citizens of Helena, Mont., expressing sympathy for the Armenians—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Paper from Department of Kansas, Grand Army of the Republic, favoring the passage of the Vicksburg national military park bill—to the Committee on Military Affairs.

By Mr. HITT: Petition of John E. Hirst, of Galena, Ill., against the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Rockford Central Labor Union, of Rockford, Ill., against the proposed appropriation of $80,000,000 for coast defenses, and the bills for the enlargement of the Army and Navy—to the Committee on Naval Affairs.

By Mr. HOWELL: Petitions of 78 citizens of Glendola, 68 citizens of North Branch, 63 citizens of Perrineville, 47 citizens of Perth Amboy, 102 citizens of Boundbrook, 74 citizens of Monmouth Junction, 85 citizens of Jamesburg, 140 citizens of Eatontown, and Austin Thurston and other citizens of Neshanic Station,

all of the State of New Jersey, urging the adoption of the sixteenth amendment to the Constitution, prohibiting the appropriation of public money to aid sectarian institutions—to the Committee on the Judiciary.

Also, petitions of Austin Thurston and other citizens of Neshanic Station, 102 citizens of Boundbrook, 78 citizens of Glendola, 85 citizens of Jamesburg, and 140 citizens of Eatontown, all of the State of New Jersey, favoring the adoption of a seventeenth amendment to the Constitution, prohibiting the granting of the right of franchise to aliens—to the Committee on the Judiciary.

By Mr. KERR: Petition of P. H. Barrett and other veterans of the late war, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Evening Star Council, No. 18, Daughters of Liberty, of Mount Vernon, Ohio, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. KIEFER: Petition of Robert A. Young and several others, citizens of St. Paul, Minn., asking for the passage of an amendment to the preamble of the Constitution of the United States and a remonstrance against the appropriation of public moneys for sectarian undertakings—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of the Iowa Loyal Legion, of Des Moines, Iowa, favoring the bill for the establishment of the Vicksburg national park—to the Committee on Military Affairs.

By Mr. LAYTON: Memorial of the Cincinnati Chamber of Commerce, asking Congress to give due consideration to the principle of reciprocity between countries having exchangeable products, and so far as the same is embraced in House bill No. 3212—to the Committee on Ways and Means.

By Mr. LEONARD: Petition of the Pride of Williamsport Council, No. 104, Daughters of Liberty, of Williamsport, Pa., unanimously in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Resolution of the Chamber of Commerce of San Francisco, Cal., urging the passage of House bill No. 2563, providing for the enrollment and organization of Naval Reserve forces—to the Committee on Naval Affairs.

Also, petition of the New Orleans Produce Exchange, praying for favorable action on House bills Nos. 838 and 4566, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of I. W. and C. S. Mercer, of the State Press; also of S. W. Mercer, of the Post, Iowa City, Iowa, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Petition of the mayor and other members of the city government of Somerville, Mass., urging the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. McCREARY of Kentucky: Petition of L. W. Bethurum and others, for increase of pension of Samuel McClure—to the Committee on Invalid Pensions.

Also, account of W. H. Bently, to accompany bill for his relief—to the Committee on War Claims.

By Mr. MILLIKEN (by request): Petition of T. W. Rollins, of Ellsworth, Me., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: Petition of Caleb Cushing Lodge, No. 8, Order United American Mechanics, of Salisbury, Mass.; also, petition of Whittier Council, No. 18, Daughters of Liberty, Salisbury, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. NEWLANDS: Petition of E. B. Folsom and others, of Genoa, Nev.; also, petition of M. B. Seaman and others, of Carson Valley, Nevada, praying for the passage of joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany House bill No. 2252, for the relief of J. W. Thomas—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Tioughnioga Lodge, No. 75, Order United American Mechanics, of Homer, N. Y., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. POOLE: Petition of Pomona Grange, Patrons of Husbandry, of Madison County, N. Y., asking for the passage of the Wilber bill, No. 5213, relating to filled cheese—to the Committee on Ways and Means.

Also, memorial of Typographical Union, No. 6, of New York City, protesting against the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Resolutions of L. W. Truesdell Post, No. 646, Grand Army of the Republic, of Owego, N. Y., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of William Robinson for relief, to accompany House bill No. 6167—to the Committee on War Claims.

By Mr. SIMPKINS: Petition of T. Percy Goss, of Hyannis, Mass., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SKINNER: Petition of the Cotton Exchange of Newbern, N. C., for the improvement of Ocracoke Inlet—to the Committee on Rivers and Harbors.

By Mr. STAHLE: Petition of General John Sedgwick Post, No. 37, Grand Army of the Republic, of York, Pa., praying for the passage of the National Tribune's service-pension bill, granting a pension of $8 per month to all soldiers and sailors who served ninety days or more in the rebellion—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Resolutions unanimously adopted by the Milwaukee (Wis.) Chamber of Commerce, protesting against the erection of a bridge across the Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 273, Order Sons of St. George, of Lake Linden, Mich., consisting of 58 members, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. R. Smith and others, of Manistique, Mich., relative to postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STROWD of North Carolina: Paper to accompany House bill for the relief of Thomas H. Atkinson—to the Committee on Pensions.

By Mr. VAN VOORHIS: Petition of E. R. Alderman, favoring the passage of House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of R. C. Coburn, publisher, of Marietta, Ohio, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Clay City Lodge, No. 101, Order United American Mechanics, of Zanesville, Ohio, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WOOMER: Petition of Samuel Nunemaker and 35 old soldiers from Landisburg, Pa., in favor of a pension bill granting $8 a month to all soldiers who served not less than ninety days and $12 a month to the widow of such who have died—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *March 20, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GRAY, and by unanimous consent, the further reading was dispensed with.

Mr. ALLEN. At the conclusion of the morning business I shall ask the privilege of addressing the Senate for a few moments before 2 o'clock on the subject of the admission of Mr. Du Pont to a seat in the Senate from the State of Delaware.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, at the instance of the Attorney-General, an estimate of appropriation to be included in the legislative, executive, and judicial appropriation bill, to pay the salary of the United States district judge for the district of Utah for the fiscal year 1897, authorized by the act of July 16, 1894, $5,000; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions:

A joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River;

A joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay; and

A joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Antlers, Goodland, Rodney, and Kosoma, all in Choctaw Nation, Ind. T., praying for the enactment of legislation providing for changes in the state of affairs in that Territory; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a memorial of the Woman's Christian Temperance Union of Spring Ranche, Nebr., remonstrating against the selling of beer on Ellis Island; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Spring Ranche, Nebr., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Geneva, Nebr., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Sedgwick Post, No. 17, Grand Army of the Republic, Department of California, of Santa Ana, Cal., remonstrating against the granting of special pensions, at high rates, to the widows of deceased officers of the Army and Navy; which was referred to the Committee on Pensions.

Mr. SHERMAN presented the petition of Charles B. Soper and sundry other citizens of Cleveland, Ohio, and a petition of sundry citizens of Delaware, Ohio, praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the appointment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented the memorial of Jacob Bas and 317 other citizens of Grand Rapids, Mich., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. LODGE presented resolutions adopted at a meeting of 2,000 citizens of Boston, Mass., held in the People's Temple, favoring the recognition of Cuban belligerency, and remonstrating against further delay in the passage of the resolutions now before the Senate; which were ordered to lie on the table.

Mr. COCKRELL presented the petition of Thomas Holloway and 37 other citizens of Kingsville, Mo., and the petition of J. B. Fisher and sundry other citizens of Cave Spring, Mo., praying for the adoption of an amendment to the preamble of the Constitution of the United States "acknowledging Almighty God as the source of all power and authority in civil government, our Lord Jesus Christ as the ruler of nations, and His revealed will as the supreme authority in civil affairs"; which were referred to the Committee on the Judiciary.

He also presented the petition of G. M. Foster and sundry other citizens of Deepwater, Mo., and the petition of James A. Potterfield and sundry other citizens of St. Louis, Mo., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Enrolled Missouri Militia of Gallatin, Mo., praying for the enactment of a general pension law granting to all soldiers of the late war, including the Enrolled Missouri Militia and all who were in the six-months service who served ninety days and were honorably discharged, and also to the widows and orphans of such as may be deceased, a pension of $8 per month; which was referred to the Committee on Pensions.

Mr. PETTIGREW presented a petition of the faculty and students of the University of South Dakota, Vermilion, S. Dak., praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Flandreau, S. Dak., and of the Christian Citizenship League of Moody County, S. Dak., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Moses Maky and 24 other citizens of Marshall County, S. Dak., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of A. S. Thorne, of Forest City, S. Dak., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. F. Mayer and sundry other citizens of Clay County, S. Dak., praying for the enactment of legislation to tax and regulate manufacture of filled cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Baptist churches of Montrose, Clear Lake Spring, Elkton, Desmet, Egan, and Pierre, all in the State of South Dakota, remonstrating against the present contract-school system, and also against the appropriation of money in aid of such schools; which were referred to the Committee on Appropriations.

Mr. BLANCHARD presented a memorial of the Board of Trade of New Orleans, La., remonstrating against the proposed discontinuance of the existing special fast-mail service between New Orleans and the East; which was referred to the Committee on Appropriations.

He also presented a memorial of the board of commissioners of the Fifth Louisiana levee district of Delta, La., remonstrating against placing the improvements of the Mississippi River in the hands of private persons, and praying Congress to continue the work under the plans of the Mississippi River Commission; which was referred to the Committee on Commerce.

He also presented the petition of J. E. Thomas and sundry other citizens of Boyce, La., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Lamourie Bridge, La., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Pratt Food Company, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of S. E. Watson, of Watson, Tex., praying for the free and unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. NELSON presented the memorial of W. H. Young and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KYLE presented a memorial of General Winfield Scott Post, No. 48, Department of South Dakota, Grand Army of the Republic, of Ipswich, S. Dak., remonstrating against the proposed change in the arrangement of the stars in the national flag; which was referred to the Committee on Military Affairs.

Mr. VILAS presented a petition of the Methodist Episcopal Church, the Woman's Christian Temperance Union, and the Christian Church, all of Amherst, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a memorial of the Woman's Christian Temperance Union of Chillicothe, Ohio, remonstrating against the introduction of military instruction in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of 15 citizens of Canton, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of 109 members of Association No. 48, National Marine Engineers' Beneficial Association, of Sandusky, Ohio, praying for the passage of Senate bill No. 1242, to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the amendment submitted by Mr. KYLE on the 18th instant, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 964) authorizing the pay of officers of customs performing duty after the expiration of their terms, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1814) to incorporate the Washington Homeopathic Medical College in the District of Columbia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2183) further to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, A. D. 1893, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ROACH, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota, reported it with amendments.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments and to submit a report thereon.

I give notice that early in the week, perhaps on Monday, I shall call up the bill for consideration.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred an amendment submitted by himself on the 17th instant, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by himself on the 16th instant, intended to be proposed to the Indian appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by himself on the 17th instant, intended to be proposed to the Indian appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. MITCHELL of Oregon. I am instructed by the Committee on Privileges and Elections, to whom was referred the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States, to report it favorably with four verbal amendments as to the phraseology and to submit a report thereon.

Mr. GRAY. With reference to the report just made, I wish to state that it is not a unanimous report. There will probably be a minority report made to the Senate.

Mr. MITCHELL of Oregon. Of course a reasonable time will be given to the minority to submit their views, and I hope it will be done as soon as possible. I give notice that at the earliest possible day, consistent with the state of business in the Senate, I shall move to proceed to the consideration of the joint resolution.

Mr. CHANDLER. As one of the minority, I give notice that the motion of the Senator from Oregon, the chairman of the committee, will be vigorously opposed.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. TELLER (by request) introduced a bill (S. 2577) to establish a council of ordnance; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PEFFER introduced a bill (S. 2578) granting a pension to Andrew M. Callaham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2579) granting a pension to Andrew Steed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2580) to increase the pension of Isaiah Weston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2581) granting an increase of pension to Mary B. Houk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 2582) granting a pension to George L. Benner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 2584) for the relief of Mrs. R. M. Bartleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 2585) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAULKNER (by request) introduced a bill (S. 2586) to pay to John D. Langhorne, late of the United States Navy, mileage due him by the United States Government for travel abroad; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 2587) for relief of settlers on the Mille Lacs Indian Reservation; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BRICE introduced a bill (S. 2588) for the relief of George S. Simon; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 2589) granting an increase of pension to Grace T. Arms; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL (for Mr. MURPHY, by request) introduced a bill (S. 2590) granting an honorable discharge to James Connerty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. SQUIRE introduced a joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

PACIFIC RAILWAYS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, 2,000 copies of that portion of Senate Executive Document No. 51, Fiftieth Congress, first session, that embraces the message of the President of the United States and the majority and minority reports of the commission appointed to investigate the Pacific Railways.

CONSTRUCTION OF BATTLE SHIPS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs, now engaged in an inquiry respecting armor plate for vessels of the Navy, be also directed to inquire whether it is wise and expedient in the construction of battle ships to locate turrets and heavy guns above other turrets and guns, and for this purpose to ascertain whether the result has been favorable in the cases of battle ships hitherto so constructed.

RESOLUTIONS PASSED OVER.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], proposing to instruct the Committee on Foreign Relations to submit a report relative to the war in Cuba, which comes over from a previous day.

Mr. HALE. Let the resolution go over and hold its place.

The VICE-PRESIDENT. Without objection, the resolution will go over.

The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. LODGE], proposing to empower the Committee on Civil Service and Retrenchment to investigate and report upon the administration of the civil-service law in the Government Printing Office, which comes over from a previous day.

Mr. SHERMAN. The Senator from Massachusetts not being present, the resolution had better lie over without prejudice.

The VICE-PRESIDENT. Without objection, it will be so ordered.

ORDER OF BUSINESS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the conference report on the Cuban resolutions.

Mr. ALLEN. I hope the Senator will suspend a moment until I can deliver a few remarks on the Du Pont case, which I will do before 2 o'clock. It will not take me to exceed thirty minutes.

Mr. SHERMAN. Let the Cuban matter be taken up and laid aside informally, so that it will come up again without further trouble.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba. What is the request of the Senator from Ohio?

Mr. SHERMAN. I have called up for consideration the conference report on the Cuban resolutions. I suppose they come up in the ordinary way, without any motion.

The VICE-PRESIDENT. The Chair has laid the conference report before the Senate.

Mr. ALLEN. I am unable to hear the Senator from Ohio.

Mr. SHERMAN. What does the Senator from Nebraska desire?

Mr. ALLEN. My desire is now to deliver a few remarks on the Du Pont case, which I can do, I think, within half an hour.

Mr. SHERMAN. I can not refuse that, it being also a privileged question; the Chair so holds it, but let the other question of privilege be pending.

The VICE-PRESIDENT. The conference report will be laid aside temporarily.

Mr. SHERMAN. The consideration of the conference report will be resumed immediately upon the conclusion of the remarks of the Senator from Nebraska.

SENATOR FROM DELAWARE.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. ALLEN] calls up for the purpose of submitting some remarks thereon the resolution reported by the Senator from Oregon [Mr. MITCHELL] from the Committee on Privileges and Elections, that Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, the Hon. Henry A. Du Pont, a citizen of the State of Delaware, claims to be entitled to a seat in the United States Senate, by virtue of a vote of a joint convention of the general assembly of that State had on the 9th day of May, 1895, resulting as follows:

	Votes.
For Henry A. Du Pont	15
For Ed. Ridgley	10
For J. Edward Addicks	4
For Ebe W. Tunnell	1
Making a total of	30

The majority of the Committee on Privileges and Elections say in their report that there were present—

In such joint assembly, and each casting a vote, 30 persons, each claiming to be a member of the legislature of the State of Delaware and entitled to vote for United States Senator.

Also that—

It is conceded by Mr. Du Pont, and by your committee, that if this contention is true—that is, if each of the 30 persons so present in such joint assembly, and each of whom cast a vote for Senator, was a duly qualified member of the legislature of the State of Delaware, and under no disability as such, which would deprive him of his right to a seat in such assembly, and to cast a vote for Senator, then Mr. Du Pont was not elected Senator and is not entitled to a seat in the Senate.

And that—

It is admitted upon the part of Mr. Du Pont, and such is the fact, that of the 30 persons so present and claiming the right to vote, as aforesaid, only 29 of them were so qualified. It is contended, however, that one of the 30, namely, William T. Watson, claiming to be a senator from the county of Kent, and claiming to be the speaker of the senate, and claiming the right as such senator to be present and participate in the proceedings of such joint assembly and to cast his vote for Senator, was not entitled, under the constitution of the State of Delaware and the laws of the land, to be present in such joint assembly, had no right to be counted therein in making up the number present, and had no right to cast his vote in such assembly for any person for Senator. * * *

The whole question involved, then, in this case is as to the right of Watson to be present in such joint assembly and to be counted therein in making up the number present, so as to require the votes of 16 members to make an election.

And further—

It will be seen, therefore, the whole question of the right of Mr. Du Pont to a seat in the Senate, as claimed, turns upon the single question: Had William T. Watson, then holding and exercising the office of governor of the State of Delaware, a right under the constitution of the State and the laws of the land to exercise the office of State senator, and as such to sit in the joint assembly on May 9, 1895, and to be counted therein in making up the number constituting such joint assembly, and vote therein for a United States Senator? The majority of your committee, therefore, are clearly of the opinion that he had not.

No denial is made of the fact that William T. Watson was a legally elected and qualified senator from the county of Kent, and that he had been duly elected to the constitutional office of speaker of the senate. Delaware, unlike most of the States of the Union, does not recognize and never has recognized the office of lieutenant-governor, and devolves the duties usually attaching to that office on the speaker of the senate.

By the constitution of the State it is provided—

That upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the duties of the office until a governor elected by the people shall be duly qualified.

April 8, 1895, the Hon. Joshua H. Marvil, the de jure and de facto governor, died, and on the next day the Hon. William T. Watson, a senator from the county of Kent and speaker of the senate, took the oath and began exercising the duties of governor, and continued to do so thereafter. May 9, 1895, he entered the senate and, as a member of the joint convention of the two houses of the legislature, convened for the election of a United States Senator, cast his vote. I have been unable to find that his vote was challenged until near the close of the session, or that any question was raised as to his right to participate in the deliberations of the joint convention and vote for any eligible citizen he might elect until after the last ballot had been taken.

Mr. Watson states in an affidavit filed by him, which appears in the report of the majority of the Committee on Privileges and Elections, that on his appearance in the joint convention—

William T. Records, speaker pro tempore, vacated the chair, and he, this affiant, took the same and presided over the senate until the hour for the two houses to assemble in joint meeting arrived, and then announced the same and proceeded, at the head of the senators, into the hall of the house of representatives, where he presided over the joint assembly from the beginning to the end thereof, and voted upon all questions which arose during the session, no objection having been made to his so presiding or voting until at or near the time the last ballot was taken, when Senator Alrichs read a written protest against his right to so vote and preside. * * *

Senator Alrichs says:

That after the last ballot had been taken in said convention of the joint assembly, after the houses separated, I, on behalf of myself and the 14 other senators voting for the said Henry A. Du Pont, arose and presented a written protest.

It appears that whatever protest was made was an afterthought and was made for the purpose of paving the way to a contest before the United States Senate.

The chief contention of Mr. Du Pont and the majority of the Committee on Privileges and Elections is that there is an inherent inconsistency or incompatibility between the offices of governor and speaker of the senate, and that when Mr. Watson took the oath and began discharging or "exercising the duties of governor," he thereby ceased to be a senator from the county of Kent and speaker of the senate, and became de jure and de facto the governor of the State, and the offices which he had theretofore filled became ipso facto vacant, and that at the time of the joint convention of the general assembly there were but 29 legal voters present, and Mr. Du Pont having received 15 of that number, he was legally elected United States Senator by 1 majority. This, I believe, is a fair, as it is a concise, statement of the case as presented by Mr. Du Pont, by his counsel, and by the majority of the Committee on Privileges and Elections.

Mr. CHANDLER. If the Senator from Nebraska will allow me to say a word, I will say I am not aware, as one member of the committee, of having presented the case in that form, and I know of no other member of the majority of the committee who has asserted as a dogmatic proposition that Watson not only became de jure and de facto governor of the State, as he did, but that his seat in the senate and his office as president of the senate became absolutely vacant. The Senator knows very well that that is not the presentation of the majority report.

Mr. ALLEN. That is the logical consequence of the argument made by the majority of the committee.

Mr. CHANDLER. Very good; it is entirely open to the Senator, with his great logical powers, to say that that is his conclusion from the report, but he did not so state it. He asserts that that is the report, when it is not the form or the substance of the report.

Mr. ALLEN. Mr. President, my feeble logical powers, and they are very feeble indeed, lead me to the belief that that is the legitimate deduction and conclusion of the majority of the committee.

Mr. CHANDLER. I have no objection to the Senator saying that, but that was not what he said. His presentation, as it will appear, for it is written, is that he asserts that to be a fair statement of the report itself.

Mr. ALLEN. I think it is.

Mr. CHANDLER. That is where the Senator and the majority of the committee differ. I only object because I do not like to acquiesce in so broad a statement as the Senator makes without protesting that it is unfounded.

Mr. ALLEN. The Senator from New Hampshire can always protest; that is to be expected.

I assume that the common-law rule that no man can exercise the duties of two offices which are inconsistent or incompatible with each other is well established; but this rule, like all rules, has its exceptions, and in my judgment one of these exceptions is found in the case here presented for our consideration.

It should be remembered that at the time Delaware adopted her first constitution, August 27, 1776, she was an independent and sovereign State and owed no allegiance to any other government, except that precarious allegiance that all the colonies owed to Great Britain, and which had been severed in fact by the Revolutionary war.

Substantially the only question which confronts us in this case is, in my judgment, this: Did Delaware, as an independent sovereign State, have the power to declare by her fundamental law that notwithstanding there might be an inconsistency or incompatibility in the duties of the offices of speaker of the senate and

governor of the State, one of her citizens chosen for one of these offices should, in case of a vacancy in the other by death or from any cause enumerated in the constitution, discharge the duties thereof until such time as the people themselves, in their primary capacity, should elect a successor to fill the vacancy?

I do not think it requires much argument or an extended discussion to prove that an absolute, supreme, unrestricted, sovereign State, such as Delaware was at the time, possessed that power. There is nothing in the history of English jurisprudence which can by implication be said to enter into the construction of the fundamental law of the State of Delaware that would prohibit her from devolving the duties of speaker of the senate and governor of the State upon the same individual, to be exercised by him at one and the same time, notwithstanding an inconsistency or incompatibility between those offices.

It should be borne in mind also that Delaware was a small State, sparsely settled, having a population not to exceed 40,000, blacks and whites, at the time. Her people were poor and she sought naturally the establishment of a government that could be efficiently administered and at the same time one that would not burden the people by the payment of unnecessary salaries and by a large official retinue.

If it shall be conceded that this power resided in the State of Delaware by virtue of her sovereignty, the next question to be determined, in my judgment, is: Did she, by her fundamental law, devolve the duties of the office of governor, in case of a vacancy by death or from any other cause enumerated in her constitution, on the speaker of the senate, and when the speaker of the senate began the discharge of the duties of governor, did he cease to be a senator and speaker of the senate, and thereby create vacancies in those offices, or did he discharge the duties of the office of governor by virtue of his office of speaker of the senate, and thereby retain the right to return to the senate and participate in its deliberations at such time as he might think proper and until it finally adjourned?

Delaware, by her first constitution, declared that the legislative branch of the Government should be composed of two distinct bodies that should meet once or oftener in every year, and that should be called "the general assembly of Delaware." One branch was known as "the house of assembly" and the other as "the council." The right of suffrage was recognized as residing in the people, and section 7 of the original constitution, in speaking of the president or chief magistrate of the State, as he was then called, provides:

> And on his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president, and in case of his death, inability, or absence from the State, the speaker of the house of assembly shall have the powers of a president until a new nomination is made by the general assembly.

The second constitution was formed in June, 1792. It followed closely on the lines of the first, and provides by section 5, Article II, as follows:

> Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Section 13 of Article V provides that—

> When vacancies happen in either house writs of election shall be issued by the speakers, respectively, or, in cases of necessity, in such other manner as shall be provided for by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done if such vacancies had not happened.

The supreme executive power was vested in the governor, whose office had been changed from chief executive or president, and he was required to be chosen on the first Tuesday in October by the citizens of the State having a right to vote for representatives in the counties where they resided, respectively, at the places where they were to vote for representatives.

Section 14 of Article III provides that—

> On the death or resignation of the governor, or his removal from office on impeachment or for inability, the speaker of the senate at the time shall exercise the office of governor until a new governor shall be duly qualified, and on the death or resignation of the speaker of the senate the speaker of the house of representatives at the time shall exercise the office until it be regularly vested in a new governor.

The schedule attached to this constitution provided—

> That the president—

Referring to the chief magistrate under the first constitution—

> or in case of his death, inability, or absence from the State, the speaker of the legislative council at that time, and in case of his death, inability, or absence from the State, the speaker of the house of assembly at that time, shall respectively, with the privy council, exercise the executive authority of the State until the third Tuesday in January next. If the death, inability, or absence of the president shall happen after the first Tuesday of next October and before the first Tuesday in next January, then the executive authority shall devolve upon the person who was speaker of the council at the next preceding session of the general assembly, and in case of his death, inability, or absence, upon the person who was speaker of the house of assembly at the said next preceding session.

The third constitution was formed by a convention which met November 8, 1831, and by it the legislative branch of the State was continued in a general assembly, consisting of a senate and house of representatives, and it is provided by section 3, Article II, that—

> If the office of representative or the office of senator becomes vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.

Section 5 provides:

> Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Section 12, following the thought expressed in the two previous constitutions, provides that—

> No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created or the emoluments of which shall have been increased during such time.

Section 3, Article V, provides:

> No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor.

Section 14 provides:

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. If the person elected governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office until a governor elected by the people shall be duly qualified.

These are all of the provisions of the constitution of Delaware bearing directly upon this case. The rules for the construction of constitutions are plain, and they are, with few exceptions, those applied in the construction of statutes, treaties, contracts, and wills. The object of construction is to arrive at the true meaning of the author of the instrument, whether that be a sovereign State, a legislative assembly, or an individual, and when the intention is discovered it becomes a bounden duty to follow it, whatever the consequences that flow from it may be.

Of course, in the construction of a constitution we should have a due regard to the result; that is, such a construction should not be placed upon it as will lead to an absurd conclusion where it is capable of one that will lead to a rational and beneficial purpose. It must be so construed as to enforce and not to nullify it. It must be construed with liberality, but not with such liberality as will wrest it from its plain scope and purpose, or as will destroy it. If its language is plain and unequivocal, it must be construed as the language employed was understood at the time it was framed, and we are required to look at the people who framed it, their history and surroundings at the time it was made. If the language is plain and the purpose is clear, it must be carried into execution. If the language is obscure, we must seek not only in the language, but in the atmosphere surrounding its enactment or creation, for the purpose of those who created it. Construction may be technically said to deal with the application of the language used in an instrument, while interpretation takes within its grasp not only the language, but the history of the times when the instrument was formed, the habits and purposes of the people as then understood, and from these sources, by construction and interpretation, their true intention must be ascertained. These are all of the rules for construction necessary to be considered at this time.

Applying these rules, we are to determine what the intention of the people of Delaware was in the formation and adoption of their several constitutions. By whom and how are the duties of the office of governor to be exercised or discharged when a vacancy is created by death, resignation, inability, or by any other unforeseen event?

By the language of the constitution it is plain that the duties of governor are devolved upon the speaker of the senate in case of a vacancy, in the first instance, and in a secondary instance on the speaker of the house of assembly. These duties come to the speaker by virtue of his office of speaker. If he had not been elected to the senate and speaker of the senate he could not have exercised the duties of the office of governor until such time as he might be elected by the people to fill the vacancy. He is required to discharge these duties ex officio, that is, by virtue of his office of speaker of the senate. These duties are, so to speak, by force of the vacancy, superadded to the duties of the office of speaker, and he does not lose the office of senator and speaker by virtue of being required under the constitution to discharge or exercise the duties of the office of governor in the event of a vacancy, notwithstanding the constitution provides for a speaker pro tempore when he is required to absent himself from the senate to discharge the duties of governor.

I think it must be presumed that the people of Delaware were capable of using language in their constitution adequate to express their purpose, and they have distinctly said—

That upon any vacancy happening in the office of governor by death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

If it had been their purpose to create a vacancy in the office of senator and therefore in the office of speaker of the senate by elevating the latter to the office of governor in the event of a vacancy, they would have said in clear and unmistakable language that in the event of a vacancy in the office of governor by death, removal, resignation, or inability, the speaker of the senate shall be governor, and they would not have said—

That he shall exercise the office of governor until a governor elected by the people shall be duly qualified.

The language of the constitution clearly distinguishes between the office of governor filled by a person elected by a popular vote and the speaker of the senate, who, temporarily, in the event of a vacancy in the former, is required to exercise or discharge its duties.

Let us suppose that this constitution, instead of reading as it does—"That the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified"—had read that "The speaker of the senate shall discharge the duties of the office until a governor elected by the people shall be duly qualified." According to our use of language at this time, the latter expression would have been clearer and more distinct, and yet I think the word "discharge" has no greater force or significance than the word "exercise," which is the language of the Delaware constitution and which means, in my judgment, that in case of a vacancy by death, or from any of the causes enumerated therein, in the office of governor, the speaker shall exercise, by virtue of his office of speaker, the duties of the office of governor until the vacancy shall be filled at an election by the people.

Now, if this interpretation of the Delaware constitution is correct, Mr. Watson was always a senator from the county of Kent and was the de jure speaker of the senate, although the duties of the latter office were exercised by a speaker pro tempore at the time he was exercising or discharging the duties of governor, and he had a clear right when a United States Senator was to be chosen by a joint convention of the legislature of the Commonwealth, to occupy a seat in the general assembly and cast his vote for any citizen eligible to that office. This conclusion is strengthened in my mind by the fact that in several instances in the history of Delaware speakers of the senate who were called upon to discharge or exercise the duties of governor by reason of a vacancy did return and resume their duties as legislators, and it must be presumed that they had a right to discharge the duties devolved upon them by virtue of that office.

Mr. CHANDLER. May I ask the Senator a question?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I ask him whether his attention has been called to the fact that in no one of those cases where the governor came back and acted as senator after the expiration of his gubernatorial term did he act as president of the senate?

Mr. ALLEN. Oh, yes; my attention has been called to that, but I attach no significance to it. He was there by virtue of his office and to discharge its duties.

Mr. CHANDLER. The Senator stated that Governor Watson had the right to come in at any time and act as senator and also as president of the senate.

Mr. ALLEN. I do not doubt it at all.

Mr. CHANDLER. He proceeded to cite the cases where after a governor's term had expired he came back and acted as senator, not adverting to the fact that in no case did a governor resume the office of president of the senate.

Mr. ALLEN. I attach no significance to that whatever. If the speaker of the senate returned to the senate and resumed his seat in that body, that is sufficient, in my judgment, to show a self-interpretation of the constitution of Delaware by its own people. That as a matter of fact he may not have participated in the deliberations of the assembly or of the senate, in my judgment, is of no weight whatever.

Mr. MITCHELL of Oregon. Will the Senator from Nebraska allow me?

Mr. ALLEN. Certainly.

Mr. MITCHELL of Oregon. If the fact that he came back after his term as governor expired and resumed his seat in the senate is to be taken as a precedent or as a recognition by the people of Delaware that he had a right to come back, why, by the same reasoning, is not the fact that he never did come back while he exercised the office of governor to be construed into a precedent and usage and recognition upon the part of the people of Delaware that the two functions could not be exercised at the same time?

Mr. ALLEN. No, Mr. President. When the senate of Delaware permitted the speakers to return and resume their seats in the senate as members of that organization that was not an interpretation of the constitution of Delaware, but an official interpretation of the relation that the speaker sustained to the legislative branch of the government, and the fact that he may not have participated in its deliberations after that event can not be said to be an interpretation that he was not ex officio a member of the organization.

Mr. MITCHELL of Oregon. I wish to ask one question right there. Would the Senator from Nebraska hold that the fact that he did come back and resume his seat after he had ceased to exercise the office of governor was a recognition upon the part of the senate of Delaware or the people of Delaware that he had a right to come back while he exercised the office of governor?

Mr. ALLEN. I do not see that it militates against that proposition at all. I can not understand where it does.

Mr. GRAY. I will just say, if the Senator from Nebraska will allow me, that it shows, and shows conclusively, that in the opinion of the senate, acquiesced in by the people of Delaware, there was no vacancy in the office of senator created by the exercise of the office of governor by the speaker.

Mr. MITCHELL of Oregon. But will the Senator from Delaware, if the Senator from Nebraska will allow me, hold that it had any bearing at all upon the other question, as to whether the functions of senator were suspended so long as he exercised the functions of the executive?

Mr. GRAY. In the one case there is a recognition by the senate of Delaware that after the exercise of the office of governor the speaker who has exercised it may exercise the office of senator which he held when he assumed the exercise of the office of governor, and therefore there can be no vacancy; whereas the mere nonuser of his privileges or rights as a senator while he is exercising the office of governor is the individual act of the governor and may be explained by other reasons than that he considered there was any vacancy in the office.

Mr. CHANDLER. After all, if the Senator from Nebraska will allow me, the weakness of the argument seems to me to be evident when the Senator——

Mr. ALLEN. I do not believe I caught the first statement of the Senator. What do I understand him to have said about the argument?

Mr. CHANDLER. The Senator's argument—I am hardly conscious that I ventured to apply the term "weakness" to it.

Mr. ALLEN. I thought I heard the Senator speak of the "strength" of my argument.

Mr. CHANDLER. The weakness of the Senator's argument, I said. I will withdraw the word and say the want of strength in the argument is apparent when the Senator undertakes to show that because there are precedents where he comes back after he ceases to be governor, therefore there are precedents that he may come back before he is governor, which is the whole of the case.

Mr. GRAY. Oh, no.

Mr. ALLEN. I have no doubt of that whatever. I will resume my argument.

I believe that this conclusion is strengthened by the further fact that there was no protest on the part of any person against the right of Mr. Watson to cast his vote until after the last ballot had been taken, and that the contention of the claimant in this case is now made practically for the first time in the history of the case.

The practical interpretation of those charged with the execution of constitutional power in the past history of the State can not be ignored. An interpretation by a department of the Government of its own duties, while not conclusive upon another department, always possesses great weight, and should be given due consideration.

There are subordinate questions that might be considered at this time, but perhaps after all they are not of any particular significance, and one undertaking to discuss them at length might be justly charged with making a vain display of legal knowledge.

The right of a State to be represented in the Congress of the United States can not be denied; but it is a right which must be exercised in conformity with the clear requirements of constitutional and statutory safeguards. A State has power, within certain prescribed limitations, to adopt the manner of choosing its representatives in this Chamber. The General Government has a right to prescribe, within certain limitations, the manner in which the office of United States Senator shall be filled by a State. The right of a State to be represented in the United States Senate, therefore, is not a right that may be exercised arbitrarily and in clear violation of its own fundamental law, but it is a right which must be exercised in conformity to law, and the applicant will have no standing here until he shall show that he has been legally chosen by a majority of the duly elected members of the general assembly of the State in conformity to the requirements of law; and when this is shown his right and the right of the State which he claims to represent become perfect and can not be denied.

If the State of Delaware failed to choose a United States Senator

in conformity to law to represent her at the expiration of the term of the Hon. Anthony Higgins, it was her fault and not the fault of the General Government, and she would have no right to ask us to admit an applicant who has not been chosen by a legal majority of her representatives. To admit him under such circumstances would be to break down one of the main safeguards of our constitutional government, and impair, if not eventually destroy, the rights of the State.

I fully agree with the majority of the Committee on Privileges and Elections that evidence is not competent and can not be properly received to contradict the journal of the joint convention or either branch of the legislature, and that competent evidence may be received to support the journal in such respects as it may be deficient or wherein it may be silent, but this question, in my view, is entirely immaterial. I attach no importance to the fact that Mr. Watson failed during the month he was "exercising the office of governor" to appear in the senate and discharge the duties of a senator and speaker of the senate, nor to the fact that he did appear but a few moments before casting his vote in the joint convention, for the election of a United States Senator.

If, as I contend, the death of Governor Marvil did not make the speaker of the senate governor, and therefore did not affect the offices of senator and speaker of the senate, but simply added exceptional and extraordinary duties to the office of speaker, it would be a matter of no consequence to us that Mr. Watson appeared in the joint convention of the legislative assembly but a few moments before participating in the vote for a United States Senator.

The fact that he failed to discharge the duties of senator and speaker of the senate might be construed in a very doubtful case, by one sadly in search of an argument to support his position, as a self-interpretation of his duties under the constitution; but there seems to have been no doubt in his mind as to the office he actually held, and at best this presumption would be of so inconclusive and uncertain a character that it could have no weight in determining his real rights and duties. While engaged in discharging ex officio the duties of the office of governor the speaker might or not, as he saw fit, discharge the duties of senator and speaker. In any event and under any circumstances he would not be answerable to us for having failed to do so, nor can we properly say that his failure in this respect created a vacancy in the office of senator and speaker of the senate. He would no doubt be answerable to his constituents for a failure to perform his duties, and possibly he might have been required by the senate to attend its sessions when he could do so without detriment to the public service in discharging the superadded duties of governor created by the death of Governor Marvil, or be subjected to the penalty of contumacious conduct for a failure to do so, if his conduct was willful and contumacious; but whatever view we take of this point in the case, it does not appear that Mr. Watson did not exercise or discharge the duties of governor by virtue of his office of speaker of the senate.

It is further claimed by the majority of the committee that section 4, Article III, of the present constitution of Delaware is conclusive against the right of Mr. Watson to discharge or exercise the duties of governor without thereby creating a vacancy in the office of speaker of the senate. The language of the constitution is as follows:

> No member of Congress or person holding office under the United States or this State shall exercise the office of governor.

I do not think there is any conflict between this and the other provisions of the constitution which I have quoted. I think that we must construe these provisions together, and by looking at the context of the constitution determine the purpose of its framers and not seek for this purpose in isolated provisions.

Ex antecedentibus et consequentibus fit optima interpretatio, is the rule. Every part of the constitution must be brought into action in order to collect from the whole one uniform and consistent sense, if that may be done, or, in other words, the construction must be made upon the entire instrument and not merely upon misconnected parts of it. The whole context must be considered to collect the intention of the people, although the immediate object of the inquiry be the meaning of an isolated clause. In short, the law will judge of an instrument, aside from the diverse parts or clauses, by looking at the whole, and will give to each part its proper office, so as to ascertain and carry out the intention of the makers and enforce all of its provisions.

Thus construed there is entire harmony between these constitutional provisions, but construed as the majority of the committee have construed them there would be direct and irreconcilable conflict, and in case of the death of the governor the State would be left without anyone to discharge the duties of the executive office, for it is not contended, nor can it be successfully urged, that the speaker of the senate could be required to "exercise the office of governor" if he should decline to do so. In such an event there would be no one to discharge or exercise the duties of governor, and the executive branch of the State would fail until the vacancy was filled by a popular election.

Suppose that Speaker Watson, on the death of Governor Marvil, had refused to "exercise the office of governor," would it be contended that there is any power in the State to force him to do so? I do not think it can be so contended. I think he is permitted to discharge the duties of this office by virtue of his office of speaker and that we must conclude that this provision of the constitution recognizes the exception I have named, and that it must be held to be an exception to the general rule laid down in section 3, Article V.

Section 4, Article III, and section 3, Article V, of the Constitution properly construed would read thus:

> "No member of Congress nor person holding office under the United States or this State shall exercise the office of governor," except "that upon any vacancy happening in the office of governor by death, removal, resignation, or inability the speaker of the Senate shall exercise the office until a governor elected by the people shall be duly qualified."

It is also well, in this connection, to bear in mind another rule for the construction of constitutions. It is this: General provisions of a constitution, like those of a statute, upon a subject must give way to specific provisions on the same subject where there is a seeming conflict between the language of the two. This rule has no exception in English jurisprudence. The constitution of Delaware is specific in devolving on the speaker of the senate the "exercise of the office of governor until a governor elected by the people shall be duly qualified." This rule is directly and clearly applicable to the construction of these provisions of the constitution, and as thus construed there is no conflict between them.

Mr. President, in the proper determination of this case we must take into consideration the Federal Constitution and statutes. Section 4, Article I, of the Constitution provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It was settled in Ex parte Siebold, 100 United States Supreme Court Reports, 371 et seq., that the United States and the States have concurrent jurisdiction, within certain limitations, to regulate the manner in which the Congressional delegation of the several States shall be chosen. It was argued in that case that the State must possess exclusive right to do so or that a conflict would arise between the two governments. The court, in replying to this argument, said:

> No clashing can possibly arise. There is not the slightest difficulty in a harmonious combination into one system of regulations made by the two sovereignties, any more than there is in the case of prior and subsequent enactments of the same legislature.

Section 15, chapter 1, Title II, Revised Statutes of the United States, provides, in substance:

> * * * Each house shall openly * * * name one person * * * and the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the journal of that house by the clerk or secretary thereof.

And that—

> At 12 o'clock meridian on the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly * * * and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for Senator, and a person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at 12 o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote until a Senator is elected.

It is quite clear that the person who claims to be elected a Senator must receive a majority of all the votes of the general assembly, and that a majority of all the members elected to both houses must be present and vote. If he fails to receive this majority, or if a majority of the members elected to both houses are not present and do not vote, there will not be a legal election.

Section 18 of the Revised Statutes requires the executive of the State—

> To certify his election under the seal of the State to the President of the Senate of the United States.

And section 19 requires—

> That his certificate shall be countersigned by the secretary of state of the State.

I think it can not be denied that Congress has the undoubted power to legislate on this subject. It has undoubted power to say that the person who seeks admission to this Chamber as a Senator shall secure his election by a majority of all the votes of the joint assembly, and that a majority of all the members elected to both houses of the general assembly shall be present and participate in the vote. Congress also has power to prescribe the evidence of title to a seat here, and having done so, I am unable to see how Mr. Du Pont can claim a seat in this Chamber without the evidence being in the form of a certificate issued by the chief executive of the State.

It may be asked, what is to be done in case the governor or acting governor should refuse to sign the certificate of election? The remedy, in my judgment, in such a case is clear. This duty is ministerial, which a court of competent jurisdiction may enforce by mandamus or other proper writ. It is not one of those duties which the court, as a coordinate branch of the government, can not control. It is the discharge of a mere perfunctory ministerial duty imposed by statute, and not by the constitution, and is a duty which can clearly be enforced.

It may be said that a case may arise where the forms of the law have been clearly observed, and the candidate having a majority of the votes of the joint convention of the legislative assembly, the governor will refuse to certify his election as provided by statute, and the court of highest jurisdiction of the State will refuse to compel the governor by mandamus to issue the necessary certificate of election. That such a case could arise there can be no doubt; that it will arise where patriotic citizens are endeavoring to secure honest representation is not to be supposed.

Mr. MITCHELL of Oregon. Will the Senator allow me to interrupt him at that point?

Mr. ALLEN. Certainly.

Mr. MITCHELL of Oregon. I do not know that I correctly understood the Senator from Nebraska. Did I understand him to claim that it was necessary, in order to entitle a person claiming a seat in the Senate of the United States to be admitted, that he should have the certificate from the governor of the State prescribed by the act of Congress?

Mr. ALLEN. Not under all circumstances. There are exceptions, where it would not be required.

Mr. MITCHELL of Oregon. What would be the exceptions?

Mr. ALLEN. Under the statutes, as they exist at this time——

Mr. MITCHELL of Oregon. Does the Senator——

Mr. ALLEN. Allow me to answer the question.

Mr. MITCHELL of Oregon. All right.

Mr. ALLEN. Under the statutes, as they now exist, he must have that certificate.

Mr. MITCHELL of Oregon. Very well.

Mr. ALLEN. Wait a moment. I have no doubt, if the applicant was duly elected and had appealed to a court of competent jurisdiction of his own State to enforce the issuance of a certificate and that had been refused, that Congress, by virtue of its powers to determine the election and qualification of its own membership, would have the power to admit.

Mr. MITCHELL of Oregon. Then does the Senator from Nebraska hold, as the law now stands, if a person claiming to be elected as Senator from any State comes here without a certificate from the governor, and without having applied to the court for a mandamus to compel the issuance of a certificate, that then he is not entitled to a seat, no matter whether it is made to appear that he had a majority of the votes of the legislature or not?

Mr. ALLEN. That is exactly what the Senator from Nebraska holds.

Mr. MITCHELL of Oregon. Will the Senator allow me a moment further?

Mr. ALLEN. Certainly.

Mr. MITCHELL of Oregon. In the first place, I want to state to the Senator from Nebraska that——

Mr. ALLEN. I hope the Senator is not going to make an argument in the midst of my speech.

Mr. MITCHELL of Oregon. The very able Senators who have argued this case against Mr. Du Pont admitted in their printed arguments that a certificate was not necessary.

Mr. ALLEN. I can not help that.

Mr. MITCHELL of Oregon. That it was not necessary in this case. No member of the Senate on the Committee on Privileges and Elections who has opposed the seating of Mr. Du Pont made any such claim. In addition to that, there are Senators now holding seats on this floor—and more than one—who came here without having the certificate of the governor and without having applied to the courts for a mandamus to compel the issuance of a certificate.

Mr. ALLEN. All of which is wrong.

Mr. MITCHELL of Oregon. So that the Senator from Nebraska stands, as I believe, absolutely alone in the Senate on any such proposition.

Mr. ALLEN. I think possibly this is the twentieth time in my experience as a Senator that I have been pointed out as the single individual who had the temerity to entertain an opinion contrary to a long and illustrious array of statesmen, living and dead. [Laughter.] That has no terror for me. I am not discharging my duties upon the opinion of the Senator from Oregon [Mr. MITCHELL], nor of my friend from New Hampshire [Mr. CHANDLER], nor am I discharging my duties upon the opinion of my learned friend from Indiana [Mr. TURPIE], who discussed this question, nor from any bad precedents that the Senate may have heretofore set.

Mr. MITCHELL of Oregon. I think it is quite complimentary to the Senator. It simply shows that he is wiser than all the rest of us put together.

Mr. ALLEN. Oh, yes. That is the conclusion that the Senator reaches. I am to be browbeaten and driven from my position; I am to be driven from the conclusions that I have reached by as carefully analyzing this case as I could by being held up as the wisest man in the Senate. Mr. President, I do not know but privately I should like to accept that conclusion. I should not do it publicly. [Laughter.] But I have read precedent after precedent which has been laid down in this Chamber since I have been here for which I have no more respect than I would have for a highwayman, independent of that respect I am required to have in the orderly conduct of the business of this Chamber. I bow to the acts, but I have no respect whatever for the execution.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. I do not rise to taunt the Senator, as he seems to think the Senator from Oregon was disposed to do. I do not think he was.

Mr. MITCHELL of Oregon. Not at all.

Mr. ALLEN. Permit me just there. Does the Senator doubt that the Senator from Oregon was not sincere when he said I was the wisest man in the Chamber?

Mr. CHANDLER. I have no doubt he thought so. [Laughter.]

Mr. ALLEN. Oh, yes.

Mr. CHANDLER. But he may have been mistaken, as the Senator from Nebraska may be.

This, however, is the point that I think the Senator is not insensible to, and that is the great calamity that would befall this Senate if his doctrine were correct. The Senator from Florida [Mr. CALL], who sits behind the Senator from Nebraska, has never had any gubernatorial certificate.

Mr. ALLEN. He ought to go back to Florida, then.

Mr. CHANDLER. That Senator came here with nothing in the way of a certificate but the record of the Florida legislature. He was admitted on the prima facie right; no one ever suggested that he ought to have the certificate of the governor; and yet, if the Senator from Nebraska be correct, all these eloquent arguments on various subjects which the Senator from Florida has presented to the Senate have been absolutely all these years illegal and unconstitutional.

Mr. ALLEN. No; he is a Senator de facto.

Mr. PASCO. If the Senator from New Hampshire will allow me to make a suggestion——

Mr. CHANDLER. The Senator from Nebraska [Mr. ALLEN] has the floor.

Mr. PASCO. My colleague [Mr. CALL] came here with the journal of the State legislature, which showed that he had received a majority of all the votes cast——

Mr. ALLEN. I must protest against——

Mr. PASCO. While Mr. Du Pont comes here with the journal of the legislature of the State of Delaware, which shows that he received only 15 votes, when that same journal shows that 30 votes were actually cast. This is the difference between the two cases.

Mr. HOAR. But one of the 30 votes which was cast was illegal, and therefore no vote.

Mr. CHANDLER. Certainly. The whole case is whether there was one void vote. Everybody understands that. The issue now is on this new doctrine of the Senator from Nebraska, which I hope may prevail, if it is a sound doctrine. I am open to conviction even by the Senator from Nebraska, that under no circumstances ought a Senator to be admitted here who does not either have a gubernatorial certificate or has applied for a mandamus to get it.

Mr. ALLEN. I certainly do not know what my distinguished and always amiable friend from New Hampshire means when he says he is willing to be convinced "even by the Senator from Nebraska," unless he means that I am the last man in the Chamber who ought to convince him or who could convince him.

Mr. President, these interruptions and these hypothetical cases have no terror for me, nor do I feel particularly humiliated by the charge the honorable Senator from Oregon makes against me, that I set up my judgment contrary to him and contrary to the judgment of other Senators in this Chamber in the interpretation of my duty. It has been a rule of my life to follow my own judgment in business affairs and in the interpretation of political and legal questions. I have been doing that at the bar now for pretty nearly twenty-seven years. I have reached almost the fiftieth milepost in my life, and I am too old now, after having been born and reared in the wild and woolly West, where we have our own way to a great extent, to subordinate my judgment, however humble and feeble it may be, to the extremely scholarly and profound judgment of the Senator from Oregon and the Senator from New Hampshire. I must retain my own judgment, whatever the consequences may be. I now proceed with my argument.